

## 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: State Aid to Classrooms) 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 via an allocation from the State Aid to Classrooms appropriation. The funds appropriated for State Aid to Classrooms shall be allocated as follows: ~~65.59~~ 65.11 percent must be allocated based on the Education Finance Act formula and the differentiated student weightings in this Act; ~~28.72~~ 29.37 percent must be allocated based on the manner of distribution of EFA employer contributions in the prior fiscal year; and ~~5.68~~ 5.52 percent must be allocated to fully implement the State Minimum Teacher Salary Schedule with a minimum starting teacher salary of \$35,000. The department is authorized to adjust the percentage allocation related to EFA employer contributions to accommodate for the disbursement of the state retirement funds and any other related employee allocation sent to districts. For the current fiscal year, the total pupil count is projected to be ~~720,316~~ 764,037. These funds represent an average per pupil of ~~\$3,889~~ \$3,773 in State Aid to Classrooms. The average per pupil funding is projected to be ~~\$6,556~~ \$6,773 state, ~~\$1,315~~ \$1,202 federal, and ~~\$6,406~~ \$7,423 local. This is an average total funding level of ~~\$14,227~~ \$15,398 excluding revenues of local bond issues. It is the intent of the General Assembly that the consolidation of the Education Finance Act and Education Finance Act - Employer Contributions appropriations, and the subsequent allocation of the State Aid to Classrooms appropriation back to these categories, should not significantly alter the application of funding formulas or maintenance of effort requirements referencing the Education Finance Act and Education Finance Act - Employer Contributions.

The funds allocated from State Aid to Classrooms for implementing the revised State Minimum Teacher Salary Schedule shall be distributed to school districts using the EIA Teacher Salary Supplement methodology. The department shall annually publish the state minimum salary schedule. ~~The resulting estimated teacher salary schedule is as follows:~~

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

	CLASS 8	CLASS 7	CLASS 1	CLASS 2	CLASS 3	
	DR	MASTERS	MASTERS	BACHELORS	BACHELORS	
YRS	DEGREE	DEGREE	DEGREE	DEGREE	DEGREE	
EXP		+30 HRS		+18 HRS		
5	0	47,076	43,576	40,076	36,576	35,000
6		8.6%	9.8%	9.4%	9.3%	9.4%
7	1	47,593	43,813	40,377	36,838	35,119
8		9.8%	10.4%	10.2%	10.1%	9.7%
9	2	47,924	43,888	40,525	36,994	35,313
10		10.6%	10.6%	10.6%	10.6%	10.4%
11	3	48,236	43,957	40,664	37,107	35,462
12		8.3%	8.3%	8.3%	8.3%	8.3%
13	4	48,578	44,058	40,831	37,280	35,667
14		6.1%	6.1%	6.1%	6.1%	6.1%
15	5	48,870	44,125	40,961	37,388	35,806
16		4.0%	4.0%	4.0%	4.0%	4.0%
17	6	50,134	45,074	41,911	38,273	36,691
18		4.0%	4.0%	4.0%	4.0%	4.0%
19	7	51,400	46,022	42,859	39,127	37,546
20		4.0%	4.0%	4.0%	4.0%	4.0%
21	8	52,665	46,972	43,808	40,012	38,431
22		4.0%	4.0%	4.0%	4.0%	4.0%
23	9	53,930	47,921	44,757	40,867	39,285
24		4.0%	4.0%	4.0%	4.0%	4.0%
25	10	55,196	48,870	45,707	41,753	40,171
26		4.0%	4.0%	4.0%	4.0%	4.0%
27	11	56,461	49,818	46,655	42,607	41,025
28		4.0%	4.0%	4.0%	4.0%	4.0%
29	12	57,726	50,768	47,604	43,492	41,911
30		4.0%	4.0%	4.0%	4.0%	4.0%
31	13	58,991	51,716	48,553	44,346	42,765
32		4.0%	4.0%	4.0%	4.0%	4.0%
33	14	60,257	52,665	49,502	45,233	43,650
34		4.0%	4.0%	4.0%	4.0%	4.0%

1	15	61,522	53,614	50,450	46,087	44,504
2		4.0%	4.0%	4.0%	4.0%	4.0%
3	16	62,787	54,564	51,400	46,972	45,391
4		4.0%	4.0%	4.0%	4.0%	4.0%
5	17	64,053	55,511	52,348	47,825	46,245
6		4.0%	4.0%	4.0%	4.0%	4.0%
7	18	64,693	56,066	52,873	48,305	46,706
8		4.0%	4.0%	4.0%	4.0%	4.0%
9	19	65,339	56,628	53,401	48,786	47,173
10		4.0%	4.0%	4.0%	4.0%	4.0%
11	20	65,993	57,195	53,934	49,275	47,646
12		4.0%	4.0%	4.0%	4.0%	4.0%
13	21	66,654	57,766	54,474	49,767	48,122
14		4.0%	4.0%	4.0%	4.0%	4.0%
15	22	67,320	58,343	55,019	50,264	48,603
16		4.0%	4.0%	4.0%	4.0%	4.0%
17	23	67,993	58,926	55,569	50,768	49,089
18		4.0%	4.0%	4.0%	4.0%	4.0%

19 As further used in this act, references to the Education Finance Act or EFA funds shall be interpreted to mean the ~~65.59~~ 65.11  
20 percent of funds appropriated for State Aid to Classrooms and allocated for the Education Finance Act and, where appropriate, the  
21 ~~28.72~~ 29.37 percent of State Aid to Classrooms allocated for Education Finance Act Employer Contributions.

22 For the purpose of maintaining consistency when calculating maintenance of effort, references to the base student cost shall be  
23 interpreted as the base student cost resulting from the ~~65.59~~ 65.11 percent of funds appropriated for State Aid to Classrooms and  
24 allocated for the Education Finance Act and, where appropriate, the ~~28.72~~ 29.37 percent of State Aid to Classrooms allocated for  
25 Education Finance Act Employer Contributions, and other any other items normally included in the base student cost calculation.

26 For the current fiscal year the South Carolina Public Charter School District and any institution of higher education sponsoring a  
27 public charter school shall receive and distribute state EFA funds to the charter school as determined by one hundred percent of the  
28 current year's base student cost, as funded by the General Assembly multiplied by the weighted pupils enrolled in the charter school,  
29 which must be subject to adjustment for student attendance.

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

1 prominent place on their internet websites a link to the information posted by the Revenue and Fiscal Affairs Office, including the  
2 projected numbers and the exact numbers.

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

- 4 (1) K-12 pupils or base students including homebound students 1.00
- 5 Students served in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section
- 6 44-7-130 of the 1976 Code shall receive a weighting of 2.10.
- 7 (2) Weights for students with disabilities as prescribed in Section 59-20-40(1)(c) Special Programs
- 8 (3) Precareer and Career Technology 1.29
- 9 (4) Additional weights for personalized instruction:
- 10 (A) Gifted and Talented 0.15
- 11 (B) Academic Assistance 0.15
- 12 (C) Limited English Proficiency 0.20
- 13 (D) Pupils in Poverty 0.20
- 14 (E) Dual Credit Enrollment 0.15

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

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

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

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

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

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

34 Further, the Department of Education may use school district student counts for personalized instruction as collected in the same  
35 manner as the prior fiscal year, PowerSchool or other available existing data sources as determined by the department to calculate  
36 the school district add on weightings for the personalized instruction classifications and the determination of the school districts

1 monetary entitlement. End of year adjustments shall be based on the one hundred thirty-five day student average daily membership  
2 for all classifications. During the current fiscal year, the department will update PowerSchool calculations, reports, screen  
3 development, documentation, and training to incorporate the new pupil classification weightings and to make final district allocation  
4 adjustments by June 30. The department must provide districts with technical assistance with regard to student count changes in  
5 PowerSchool.

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

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

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

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

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

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

35 **1.6.** (SDE: Employer Contributions/Obligations) In order to finalize each school district’s allocations of Employer Contributions  
36 funds for retiree insurance from the prior fiscal year, the Department of Education is authorized to adjust a school district’s allocation

1 in the current fiscal year accordingly to reflect actual payroll and payments to the Retirement System from the prior fiscal year. In  
2 the event the Department of Education is notified that an educational subdivision has failed to remit proper payments to cover  
3 Employee Fringe Benefit obligations, the Department of Education is directed to withhold the educational subdivision's state funds  
4 until such obligations are met.

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

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

1 resided before being placed in an institution shall pay to the school district providing the educational services an amount equivalent  
2 to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40  
3 of the Education Finance Act; the school district providing the educational services shall be able to count the child for all funding  
4 sources, both state and federal. The institution and school district, through contractual agreements, will address the special education  
5 and related services to be provided to students. Should the school district wherein the institution is located determine that the child  
6 cannot be appropriately served in a public school setting, then the institution may request a due process hearing pursuant to the  
7 procedures provided for in the Individuals with Disabilities Education Act.

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

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

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

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

1 instructional materials; sale of fuel; use and repair of transportation equipment; fees for Medicaid reimbursable transportation; the  
2 receipt of insurance and warranty payments on Department of Education equipment and the sale of used school buses and support  
3 equipment. The Department of Education is authorized to collect revenue for deposit into the State General Fund for testing material  
4 purchases and test rescoring fees. The Department of Education is authorized to expend revenue collected for lost and damaged  
5 instructional materials and the sale of unusable instructional materials for the purpose of contracting for the purchase and maintenance  
6 of a statewide textbook inventory management system, provided that schools' newly-adopted instructional materials needs are met  
7 first.

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

13 **1.12.** (SDE: Travel/Outside of Continental U.S.) School District allocations from General Funds, lottery, and EIA funds shall  
14 not be used for travel outside of the continental United States. The International Baccalaureate Program shall be exempt from this  
15 restriction.

16 **1.13.** (SDE: Year End Closeout) The State Department of Education is authorized to expend federal and earmarked funds (not  
17 including state or EIA funds) in the current fiscal year for expenditures incurred in the prior year; however, state funds appropriated  
18 in Part IA, Section 1, X, Aid to School Districts, for the Children's Case Resolution System or private placements for services  
19 provided to children with disabilities may be used for those expenditures in prior fiscal years. The department is also authorized to  
20 use appropriated funds to pay for textbooks shipped in the fourth quarter of the prior fiscal year.

21 **1.14.** (SDE: Transportation Collaboration) The Department of Education School Bus Maintenance Shops shall be permitted, on  
22 a cost reimbursable-plus basis, to deliver transportation maintenance and services to vehicles owned or operated by public agencies  
23 in South Carolina.

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

28 **1.15.** (SDE: School Bus Insurance) The Department of Education shall maintain comprehensive and collision insurance or  
29 self-insure state-owned buses. In no event shall the department charge local school districts for damages to the buses which are  
30 commonly covered by insurance.

31 **1.16.** (SDE: Teacher Data Collection) Of the non-program funds appropriated to the Department of Education, it and the  
32 Commission on Higher Education shall share data about the teaching profession in South Carolina. The data sharing should ensure  
33 (1) a systematic report on teacher supply and demand information and (2) data to determine classes being taught by public school  
34 teachers out of field of their preparation. The data collection should include but not be limited to: classes/subjects taught, number  
35 of students taught, percentage of teacher education graduates from South Carolina colleges/universities who go into teaching,  
36 percentage of teacher education graduates who teach in public schools in South Carolina, percentage of new teachers who leave the



1 South Carolina teaching profession in the first three years of public school teaching due to unsuccessful evaluations, percentage of  
2 new teachers who leave the profession in the first three years of public school teaching in South Carolina who have successful  
3 evaluations, turnover rate of teachers and certification areas with highest vacancies. All database items should be set up so that it  
4 can be disaggregated by ethnicity, gender, geographic location, etc.

5 **1.17.** (SDE: School Bus Driver CDL) From funds provided in Part IA, Section 1, VII.B., local school districts shall request a  
6 criminal record history from the South Carolina Law Enforcement Division for past conviction of any crime before the initial  
7 employment of a school bus driver or school bus aide. The Department of Education and the school districts shall be treated as a  
8 charitable organization for purposes of the fee charged for the criminal records search.

9 **1.18.** (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other  
10 appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State  
11 Superintendent of Education. The School Bus Specifications Committee shall allow for input from all school bus chassis and body  
12 manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus  
13 specifications of another state in the procurement of school buses. If the department uses the specifications of another state, the  
14 department must submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means  
15 Committee detailing the methodology by which the alternative specifications were determined to be safe, more economical, and in  
16 the public interest, when compared to the specifications set forth by the School Bus Specifications Committee.

17 **1.19.** (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program VII.B. - Bus Shops and funds  
18 appropriated in VII.C. - Buses may be used to purchase buses, fuel, parts, or other school bus related items. All funds appropriated  
19 for bus fuel, parts/supplies, maintenance, and bus purchases may be carried forward from the prior fiscal year and expended in the  
20 current fiscal year to support bus transportation services.

21 **1.20.** (SDE: Mitford Transportation Costs) Transportation costs for the transporting of students from the Mitford area of Fairfield  
22 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  
23 School District. These transportation costs shall continue to be the responsibility of the State Department of Education.

24 **1.21.** (SDE: Status Offenders/John de la Howe) ~~The funds appropriated for the Status Offender Program shall be distributed to~~  
25 ~~the Governor's School for Agriculture at John de la Howe to expand residential programs to include court ordered status offenders.~~  
26 ~~Components of such a program shall include collaboration between the home school district and the residential school and treatment~~  
27 ~~or related services to the families of students in placement.~~

28 **1.22.** (SDE: Governor's School Leave Policy) ~~The South Carolina Governor's School for the Arts and Humanities and the South~~  
29 ~~Carolina Governor's School for Science and Mathematics are authorized to promulgate administrative policy governing annual and~~  
30 ~~sick leave relative to faculty and staff with the approval of their respective board of directors. This policy shall address their~~  
31 ~~respective school calendars in order to comply with the instructional needs of students attending both special schools.~~

32 **1.23.** (SDE: School Board Meetings) Of the funds appropriated through the Department of Education for technology related  
33 expenses, school districts that have a website shall place a notice of a regularly scheduled school board meeting twenty-four hours  
34 in advance of such meeting. The notice shall include the date, time, and agenda for the board meeting. The school district shall  
35 place the minutes of the board meeting on their website within ten days of the next regularly scheduled board meeting.

1       **1.24.** (SDE: Proviso Allocations) In the event an official General Fund revenue shortfall is declared by the Board of Economic  
2 Advisors, the Department of Education may reduce any allocation in Section 1 specifically designated by proviso in accordance with  
3 the lower Board of Economic Advisors revenue estimate as directed by the Executive Budget Office, except the additional EFA  
4 allocation to the South Carolina Public Charter School District. The reduction may not be greater than the total percentage of  
5 reduction of the Section 1 appropriation. Should the department hold back funds in excess of the total percentage reduction those  
6 funds must be allocated per the proviso. No allocation for teacher salaries shall be reduced as a result of this proviso.

7       **1.25.** (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer  
8 and expend funds among appropriated state general fund revenues, Education Improvement Act funds, and Education Lottery Act  
9 funds, and funds received from the Children’s Education Endowment Fund for school facilities and fixed equipment assistance, to  
10 ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated  
11 specifically for state level maintenance of effort requirements under IDEA, funds allocated specifically for state level maintenance  
12 of effort requirement for federal program, funds provided for the Education and Economic Development Act, funds provided for  
13 Career and Technology Education, nor funds required for debt service or bonded indebtedness. All school districts must report the  
14 student teacher ratio for every classroom to the Department of Education at the ~~ninety and one hundred and eighty day~~ *forty-fifth and*  
15 *the one hundred and thirty-fifth day* mark. The department shall report this information to the General Assembly *for the 2021-2022*  
16 *school year*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title  
26 30, of the South Carolina Freedom of Information Act. Nothing in this proviso shall be interpreted as prohibiting the State Board of  
27 Education to exercise its authority to grant waivers under Regulation 43-261.

28 **1.26.** (SDE: Medical Examination and Security Reimbursement/Expenditures) From funds authorized in Part IA, Section 1,  
29 VII.B. Other Operating Expenses, the Department of Education may directly pay, or reimburse employees, for the cost of a medical  
30 examination as required in Part 391, Subpart E of the Federal Motor Carrier Safety Regulations, for employees that are required to  
31 operate a state vehicle transporting hazardous materials and that are required to undergo a national security background check because  
32 of the required Hazmat endorsement to their CDL.

33 **1.27.** (SDE: Budget Reduction) In compensating for any reduction in funding or an operating deficit publically recognized by  
34 the School Board of Trustees, local districts must give priority to preserving classroom teachers and operations. Funding reductions  
35 should first be applied to administrative and non-classroom expenses before classroom expenses are affected.

1       **1.28.** (SDE: Governor's School for the Arts and Humanities Carry Forward) ~~Any unexpended balance on June thirtieth of the~~  
2 ~~prior fiscal year of funds appropriated to or generated by the Governor's School for the Arts and Humanities may be carried forward~~  
3 ~~and expended in the current fiscal year pursuant to the discretion of the Board of Trustees of the School.~~

4       **1.29.** (SDE: Governor's Schools' Fees) ~~The South Carolina Governor's School for the Arts and Humanities and the South~~  
5 ~~Carolina Governor's School for Science and Mathematics are authorized to charge, collect, expend, and carry forward student fees~~  
6 ~~as approved by their respective Board of Directors. The purpose and amount of any such fees will be to maintain program quality in~~  
7 ~~both academics and residential support. No student will be denied admittance or participation due to financial inability to pay. The~~  
8 ~~respective Board of Directors shall promulgate administrative policy governing the collection of all student fees. Both schools shall~~  
9 ~~conspicuously publish a fee schedule on their respective websites.~~

10       **1.30.** (SDE: School District Furlough) Should there be a midyear reduction in state funding to the districts, school districts may  
11 institute employee furlough programs for district-level and school-level professional staff. Before any of these employees may be  
12 furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General  
13 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  
14 certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit.  
15 The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded  
16 to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

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

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

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

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

2 **1.31.** (SDE: School Lunch/Attendance Supervisors) For those counties in which an entity other than the school district  
3 administers the school lunch supervisor and/or attendance supervisor programs, the school districts in that county shall transfer to  
4 the entity the amount available in the previous fiscal year for administration of the school lunch supervisor and/or attendance  
5 supervisor programs. Each district shall transfer a pro rata share of the total cost based upon the percentage of state EFA funds  
6 distributed to the districts within the county.

7 **1.32.** (SDE: SCGSAH Certified Teacher Designation) ~~Because of the unique nature of the South Carolina Governor's School  
8 for the Arts and Humanities, the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are authorized  
9 to employ at its discretion noncertified classroom teachers teaching in the literary, visual and performing arts subject areas who are  
10 otherwise considered to be appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.~~

11 **1.33.** (SDE: No Discrimination Requirement) State funds must not be appropriated to a school that discriminates against or  
12 participates with or is a member of an association with policies that discriminate or afford different treatment of students based on  
13 race or national origin.

14 **1.34.** (SDE: Medicaid Cash Match Accounting) The department is granted authority to transfer funds between budget lines and  
15 object codes to identify, reconcile, reimburse, and remit funds required for Medicaid cash match to the Department of Health and  
16 Human Services.

17 **1.35.** (SDE: Student Report Card-GPA) For each high school student, school districts shall be required to print the student's  
18 individual cumulative grade point average for grades nine through twelve on the student's report card.

19 **1.36.** (SDE: Lost & Damaged Instructional Materials Fees) Fees for lost and damaged instructional materials for the prior school  
20 year are due no later than December first of the current school year when invoiced by the Department of Education. The department  
21 may withhold instructional materials funding from schools that have not paid their fees by the payment deadline.

22 **1.37.** (SDE: Education Finance Act Reserve Fund) There is created in the State Treasury a fund separate and distinct from the  
23 General Fund of the State and all other funds entitled the Education Finance Act Reserve Fund. All unexpended general funds  
24 appropriated to the Department of Education for the Education Finance Act in the current fiscal year shall be transferred to the  
25 Education Finance Act Reserve Fund. In the event that the amount appropriated for the Education Finance Act is insufficient to fully  
26 fund the base student cost as established by this act, revenues from the Education Finance Act Reserve Fund may be used to  
27 supplement the funds appropriated. By June 30<sup>th</sup> of the current fiscal year, if the department determines that the funds are not needed  
28 to supplement the Education Finance Act, the department may utilize the funds for bus purchase. The General Assembly may make  
29 direct appropriations to this fund. All unexpended funds in the Education Finance Act Reserve Fund and any interest accrued by the  
30 fund must remain in the fund and may be carried forward into the current fiscal year.

31 **1.38.** (SDE: Prohibit Advertising on School Buses) The Department of Education and local school districts are prohibited from  
32 selling space for or the placement of advertisements on the outside or inside of state-owned school buses.

33 **1.39.** (SDE: Residential Treatment Facilities Student Enrollment and Funding) Each South Carolina resident of lawful school  
34 age residing in licensed residential treatment facilities (RTFs) for children and adolescents identified on the State Qualified Providers  
35 list and meets the requirements of Section 44-7-130 of the 1976 Code, (students) shall be entitled to receive educational services  
36 from the school district in which the RTF is located (facility school district). The responsibility for providing appropriate educational

1 programs and services for these students, both with and without disabilities, who are referred, authorized, or placed by the State is  
2 vested in the facility school districts. For purposes of this proviso, an authorization must be pursuant to a physician's determination  
3 of medical necessity. If clinically appropriate, the facility school district, the RTF, and the parent or guardian of a student referred  
4 or placed in a RTF may consider the appropriateness of providing the student's education program virtually through enrollment in  
5 either the facility district's virtual program, the South Carolina virtual school program provided through the Department of Education  
6 (Virtual SC), or a virtual charter school authorized by the South Carolina Public Charter School District, or a virtual charter school  
7 authorized by an approved institute of higher education. This decision should be made jointly with the best interest of the student  
8 and what is clinically indicated being considered.

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

22 The facility school districts are entitled to receive the base student cost multiplied by the Education Finance Act pupil weighting  
23 for pupils in a Residential Treatment Facility of 2.10, as set forth in Proviso 1.3 of this Act and any eligible categorical and federal  
24 funds. These funds may be retained by the facility school districts for the purpose of providing the educational programs and services  
25 directly to students referred or placed by the State or the facility school districts may use these funds to reimburse RTFs for the  
26 educational programs and services provided directly by the RTFs. A facility school district is entitled to reimbursement from a  
27 resident school district for the difference between (1) the reasonable costs expended for the educational services provided directly  
28 by the facility school district or the amount paid to the RTF and (2) the aggregate amount of federal and state funding received by  
29 the facility school district for that student. However, the reimbursement rate may not exceed \$90 per student per day. Through a  
30 joint agreement with the facility school district and the RTF, the funding received for RTF students must be utilized to deliver an  
31 instructional program that meets the needs of the students, and when applicable, the requirements of the Individuals with Disabilities  
32 Education Act and Section 504 of the Rehabilitation Act of 1973. Facility school districts providing the educational services shall  
33 notify the resident district in writing within forty-five calendar days that a student from the resident district is receiving educational  
34 services pursuant to the provisions of the proviso. Reimbursements shall be paid within sixty days of billing, provided the facility  
35 district has provided a copy of the invoice to both the District Superintendent and the finance office of the resident district being  
36 invoiced. Should the facility school district be unable to reach agreement with the resident school district regarding reasonable costs

1 differences, the facility school district shall notify the Department of Education's Office of General Counsel. The Department of  
2 Education shall facilitate a resolution of the dispute between the facility school district and the resident school district within  
3 forty-five days of the notice of dispute. If the issue of reasonable cost differences should remain unresolved, a facility school district  
4 shall have the right to file a complaint in a Circuit Court. Should a resident school district fail to distribute the entitled funding to  
5 the facility school district by the one hundred thirty-five day count, the Department of Education is authorized to withhold the  
6 equivalent amount of EFA funds and transfer those funds to the facility school district.

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

25 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  
26 for the educational services. The facility school district may choose to provide the educational program to the child and, upon  
27 choosing to do so, shall contract with the appropriate entity for payment of educational services provided to the child. Out-of-state  
28 students provided educational services by a facility school district shall not be eligible for funding through the Education Finance  
29 Act.

30 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  
31 school district may choose to provide the educational program to the child, and upon doing so, must negotiate with the resident  
32 school district for services through medical homebound procedures. A facility school district is responsible for compliance with all  
33 child find requirements under Section 504 of the Rehabilitation Act of 1973 and Individuals with Disabilities Act of 2004 (IDEA).

34 All students enrolled in the facility school districts shall have access to the facility school districts' general education curriculum,  
35 which will be tied to the South Carolina academic standards in the core content areas. All students with disabilities who are eligible  
36 for special education and related services under the Individuals with IDEA, as amended, and the State Board of Education (SBE)

1 regulations, as amended, shall receive special education and related services in the least restrictive environment by appropriately  
2 certified personnel. Students in an RTF will at all times be eligible to receive the educational credits (e.g., Carnegie Units) earned  
3 through their educational efforts.

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

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

18 **1.40.** (SDE: Special Schools Flexibility) For the current fiscal year, the special schools are authorized to transfer funds among  
19 funding categories, including capital funds.

20 **1.41.** (SDE: High School Driver Education) For the current fiscal year, the requirement for high schools to provide a course in  
21 driver education is suspended however, high schools may continue to offer driver education courses if they choose to do so.

22 **1.42.** (SDE: Carry Forward Authorization) For the current fiscal year, the Department of Education is authorized to carry forward  
23 and expend any General Fund balances for school bus transportation.

24 **1.43.** (SDE: Administrative Costs Report Posting) School districts must report the amount of funds spent on administrative  
25 costs, as defined by In\$ight in the prior fiscal year and post the report on the districts website. School districts shall provide an  
26 electronic copy of this report to the Department of Education in conjunction with the financial audit report required by Section  
27 59-17-100, of the 1976 Code. If a district fails to meet these requirements, they must be notified in writing by the department that  
28 the district has sixty days to comply with the reporting requirement. If the district does not report within sixty days, the department  
29 is authorized to reduce the district's base student cost by one percent until such time as the requirement is met. Once in compliance,  
30 any funds withheld will be returned to the district.

31 **1.44.** (SDE: Governor's Schools Residency Requirement) ~~Of the funds appropriated, the Governor's School for the Arts and the~~  
32 ~~Humanities and the Governor's School for Science and Mathematics are to ensure that a parent(s) or guardian(s) of a student attending~~  
33 ~~either the Governor's School for the Arts and the Humanities or the Governor's School for Science and Mathematics must prove that~~  
34 ~~they are a legal resident of the state of South Carolina at the time of application and must remain so throughout time of attendance.~~  
35 ~~The Governor's School for the Arts and the Humanities and Governor's School for Science and Mathematics may not admit students~~  
36 ~~whose parent(s) or guardian(s) are not legal residents of South Carolina.~~



1       **1.45.** (SDE: Holocaust Funds) Funds appropriated to the Department of Education for the SC Council on Holocaust shall not be  
2 used for any other purpose nor transferred to any other program. In addition, in the event the department is required to implement a  
3 budget reduction, SC Council on Holocaust funds may not be reduced.

4       **1.46.** (SDE: Student Health and Fitness) Funds appropriated for Student Health and Fitness shall be allocated to school districts  
5 to increase the number of physical education teachers to the extent possible and to provide licensed nurses for elementary public  
6 schools. ~~Twenty-one~~ Seventeen percent of the funds shall be allocated to the districts based on average daily membership of grades  
7 K-5 from the preceding year for physical education teachers. The remaining funds will be made available for school nurses and shall  
8 be distributed to the school districts on a per school basis. ~~Schools that provide instruction in grades K-5 are eligible to apply for the~~  
9 ~~school nurse funds.~~

10       **1.47.** (SDE: Impute Index Value) For the current fiscal year and for the purposes of calculating the index of taxpaying ability  
11 the Department of Revenue shall impute an index value for owner-occupied residential property qualifying for the special four  
12 percent assessment ratio by adding the second preceding taxable year total school district reimbursements for Tier 1, 2, and Tier 3(A)  
13 and not to include the supplement distribution. The Department of Revenue shall not include sales ratio data in its calculation of the  
14 index of taxpaying ability. The methodology for the calculations for the remaining classes of property shall remain as required  
15 pursuant to the EFA and other applicable provisions of law.

16       **1.48.** (SDE: EFA State Share) A school district that does not recognize a State share of the EFA financial requirement shall be  
17 supplemented with an amount equal to seventy percent of the school district with the least State financial requirement.

18       **1.49.** (SDE: Health Education) (1) Each school district is required to ensure that all comprehensive health education,  
19 reproductive health education, and family life education conducted within the district, whether by school district employees or a  
20 private entity, must utilize curriculum that complies with the provisions contained in Chapter 32, Title 59 and aligns to all standards  
21 and regulations adopted by the South Carolina State Board of Education. Each district shall publish on its website the title and  
22 publisher of all health education materials it has approved, adopted, and used in the classroom. If the department determines that a  
23 district is non-compliant with mandated health education upon review of the district's annual CHE Compliance Survey or if the  
24 district fails to publish the title and publisher of materials on its website, then the Department of Education shall withhold one percent  
25 of the district's funds allocated in Part IA, Section 1, X - Student Health and Fitness Act until the department determines the district  
26 is in compliance.

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

1       **1.50.** (SDE: Bus Lease/Purchase) The Department of Education is permitted to purchase or lease school buses in order to  
2 continue replacement of the state's school bus fleet.

3       **1.51.** (SDE: School Enrollment Policy) For the current fiscal year, any school district with an open enrollment policy for all  
4 schools or certain schools which had previously accepted certain students residing outside of the district to an academic magnet  
5 school in the district must continue to accept these students and their siblings for enrollment at the academic magnet school under  
6 the same terms and conditions these students were previously permitted to attend the school.

7       **1.52.** (SDE: District Funding Flexibility) For the current fiscal year, districts must utilize funding flexibility provided herein to  
8 ensure that district approved safety precautions are in place at every school.

9       **1.53.** (SDE: Transportation Maintenance Facilities) For the current fiscal year, a school district wishing to include school bus  
10 maintenance in a contract with a private vendor may enter into an agreement with the Department of Education whereby the  
11 department releases the school district to include school bus maintenance in the private vendor contract.

12       **1.54.** (SDE: School District Activity Bus Advertisements) School Districts may sell commercial advertising space on the outside  
13 or inside of district owned activity buses. However, as defined and determined by the local school board, a school district may not  
14 sell such commercial advertising if the advertisement promotes a political candidate, ideology, or cause, a product that could be  
15 harmful to children, or a product that appeals to the prurient interest. Revenue generated from the sale of commercial advertising  
16 space shall be retained by the school district.

17       **1.55.** (SDE: School District Property) The requirements of Section 59-19-250 of the 1976 Code, as amended, which requires  
18 the consent of a governing board of a county in order for school trustees to sell or lease school property whenever they deem it  
19 expedient to do so are suspended for the current fiscal year.

20       **1.56.** (SDE: Full-Day 4K) ~~Eligible students residing in a school district that met the poverty level for participation in the prior~~  
21 ~~school year are eligible to participate in the South Carolina Early Reading Development and Education Program in the current school~~  
22 ~~year.~~ Beginning with the current fiscal year, eligible students residing in any school district may participate in the South Carolina  
23 Early Reading Development and Education program (CERDEP) pending the availability of space and funding. Student eligibility  
24 as defined by Section 59-156-130 of the 1976 Code is an annual family income of one hundred eighty-five percent or less of the  
25 federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services or a statement  
26 of Medicaid eligibility.

27       A parent or guardian may choose to enroll their child in a public school participating in the program and approved by the  
28 Department of Education pursuant to Section 59-156-210 or in a private provider participating in the program and approved by the  
29 Office of First Steps pursuant to Section 59-156-200. A private provider includes, but is not limited to, a child care center, a military  
30 child care facility regulated by the United States Department of Defense, or a non-profit independent school. State funds  
31 appropriated for the provision of CERDEP services in military child care facilities may not be used to supplant existing federal child  
32 care funds.

33       Beginning with the current fiscal year, public schools and non-profit independent schools participating in CERDEP are not  
34 required to be approved, registered, or licensed by the Department of Social Services in order to participate in CERDEP. Instead,  
35 the Department of Education and the Office of First Steps are responsible for ensuring that providers deliver high-quality educational  
36 programs pursuant to Section 59-156-160.

1 Public and private providers shall be funded for instructional costs at a rate of ~~\$4,600~~ \$4,800 per student enrolled. Eligible students  
2 enrolling during the school year or withdrawing during the school year shall be funded on a pro rata basis determined by the length  
3 of their enrollment. Private providers transporting eligible children to and from school shall also be eligible for a reimbursement of  
4 ~~\$574~~ \$587 per eligible child transported. All providers who are reimbursed are required to retain records as required by their fiscal  
5 agent. New providers participating for the first time in the current fiscal year and enrolling between one and six eligible children  
6 shall be eligible to receive up to \$1,000 per child in materials and equipment funding, with providers enrolling seven or more such  
7 children eligible for funding not to exceed \$10,000. Providers receiving equipment funding are expected to participate in the program  
8 and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three  
9 years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education  
10 and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the  
11 Department of Education and the Office of First Steps. The Department of Education shall only provide funding for public school  
12 students whose complete records have been entered into PowerSchool based on the one hundred and thirty-five day student average  
13 daily membership. For the current fiscal year, providers may enroll pay-lunch children who score at or below the twenty-fifth  
14 national percentile on two of the three DIAL-3 subscales by July 1 if at least seventy-five percent of the total number of children  
15 eligible or the Child Early Reading Development and Education Program in a district or county are projected to be enrolled in that  
16 program, Head Start, or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, Child  
17 Early Reading Development and Education Program. Providers may receive reimbursement for these children if funds are available.

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

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

1 For each school district that chooses not to participate in CERDEP, the district shall receive the same amount of EIA funds as  
2 allocated in the prior fiscal year for the provision of a half-day 4K program from the funds appropriated to the Department of  
3 Education for CERDEP or from any funds carried forward from the prior fiscal year to CERDEP. For eligible children residing in  
4 school districts that do not participate in CERDEP, the Department of Education is required to develop and implement inter-district  
5 transfer policies that give parents or guardians the option of their eligible child attending an out-of-district school that participates  
6 in CERDEP.

7 For the current fiscal year, the Office of First Steps may expend: (1) up to \$2,000,000 to pilot a program to provide higher  
8 reimbursement rates to high-quality child care centers. The reimbursement rate for students enrolled by child care providers rated  
9 B or higher in the ABC Quality System operated by the Department of Social Services may be increased by up to 10% of the  
10 per-student base following guidelines developed by the Office of First Steps; and (2) up to \$100,000 to provide one-time  
11 supplemental, needs-based incentive grants in an amount not to exceed \$30,000 for newly created and/or newly approved private  
12 providers proposing to expand service to ten or more CERDEP eligible children in communities unable to enroll all eligible students  
13 in a public, private, or Head Start setting during the prior fiscal year. These grants are designed to address building renovations,  
14 documented as necessary to bring proposed classrooms into compliance with licensing regulations, materials and staffing costs,  
15 and/or other obstacles currently preventing their participation in the program. The First Steps Board of Trustees shall develop and  
16 approve an application process that incorporates formal review and fiscal safeguards designed to ensure grant funds are used solely  
17 to address documented barriers to program participation. Providers receiving this one-time supplement shall be expected to  
18 participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure  
19 to participate for three years shall require the provider to return a portion of the supplemental allocation at a level determined by  
20 the Office of First Steps to School Readiness. First Steps shall submit a report detailing its process, expenditures and expanded  
21 enrollment to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee by March  
22 15; and (3) up to \$1,000,000 may be used to provide grants to public-private partnerships to address building renovations and  
23 designs necessary to get the building and classrooms into compliance with licensing regulations and other obstacles that prevent  
24 participation in CERDEP following guidelines developed by the Office of First Steps. Providers participating in this pilot shall be  
25 expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three  
26 years. Failure to participate for three years shall require the provider to return a portion of the supplemental allocation at a level  
27 determined by the Office of First Steps.

28 If by August first, the Department of Education or the Office of First Steps determines that appropriations will exceed expenditures,  
29 available funds may be used to fund an extended program and to increase the length of the program to a maximum of eight and a  
30 half hours per day or two hundred and twenty days per year or to fund summer programs. If a district chooses to fund summer  
31 enrollment the program funding shall conform to the funding in this act for full year programs however it shall be reduced on a pro  
32 rata basis to conform with the length of the program. A summer program shall be no more than eight and a half hours per day and  
33 shall be not more than ten weeks in length. The per pupil allocation and classroom grant must conform with the appropriated amount  
34 contained in this Act and end of year adjustments shall be based on the one hundred and thirty-five-day student average daily  
35 membership or later student average daily membership for districts choosing to extend the program past one hundred and eighty  
36 days. Funds may also be used to provide professional development and quality evaluations of programs. No later than April first,

1 the Department of Education and the Office of First Steps shall report to the Chairman of the Senate Finance Committee and the  
2 Chairman of the House Ways and Means Committee on the expenditure of these funds to include the following information: the  
3 amount of money used and specific steps and measures taken to enhance the quality of the 4K program and the amount of money  
4 used for professional development as well as the types of professional development offered and the number of participants. The  
5 Office of First Steps is directed to determine if the provision of extended programs in private centers improves the ability of parents  
6 to enter the workforce or to pursue postsecondary training or industry credentials.

7 On or before November 15, the Department of Education and the Office of First Steps shall share data that identifies the total  
8 number of children enrolled in CERDEP in both public and private providers. If available appropriations exceed the instructional  
9 costs of serving children enrolled in the program and if a waiting list of eligible children can be documented by the Department of  
10 Education and by the Office of First Steps, then the Executive Budget Office may authorize the transfer of funds between the  
11 Department of Education and the Office of First Steps.

12 The Office of First Steps and the Department of Education shall collaborate with the South Carolina Head Start State  
13 Collaboration Office to inform parents of all publicly funded full-day 4K programs including Head Start.

14 **1.57.** (SDE: Summer Reading Camps) For the current fiscal year, funds appropriated for summer reading camps must be  
15 allocated as follows: (1) up to twenty percent to the Department of Education to provide bus transportation for students attending  
16 the camps; (2) \$700,000 allocated to the department to provide grants to support community partnerships whereby community  
17 organizations shall partner with local school districts to provide enrichment activities as part of after school programs or summer  
18 reading camps that utilize volunteers, mentors or tutors to provide instructional support to struggling readers in elementary schools  
19 that have a poverty index of forty percent or greater. All mentors and tutors that are a part of these after school programs or summer  
20 reading camps must have passed a SLED criminal background check. Participant to volunteer or teacher ratio must conform to that  
21 of the school district in which the program is located; and (3) the remainder on a per pupil allocation to each school district based on  
22 the number of students who substantially failed to demonstrate third-grade reading proficiency as indicated on the prior year's state  
23 assessment as defined by Section 59-155-120 (10) of the 1976 Code. Summer reading camps must be at least six weeks in duration  
24 with a minimum of four days of instruction per week and four hours of instruction per day, or the equivalent minimum hours of  
25 instruction in the summer. School transportation shall be provided. The camps must be taught by compensated teachers who have  
26 at least an add-on literacy endorsement or who have documented and demonstrated substantial success in helping students  
27 comprehend grade-level texts. The Department of Education shall assist districts that cannot find qualified teachers to work in the  
28 summer camps. Districts may also choose to contract for the services of qualified instructors or collaborate with one or more districts  
29 to provide a summer reading camp. Schools and school districts are encouraged to partner with county or school libraries, institutions  
30 of higher learning, community organizations, faith-based institutions, businesses, pediatric and family practice medical personnel,  
31 and other groups to provide volunteers, mentors, tutors, space, or other support to assist with the provision of the summer reading  
32 camps. In the current school year, any student in third grade who substantially fails to demonstrate third-grade reading proficiency  
33 by the end of the school year must be offered the opportunity to attend a summer reading camp at no cost to the parent or guardian.  
34 The purpose of the reading camp is to provide students who are significantly below third-grade reading proficiency with the  
35 opportunity to receive quality, intensive instructional services and support. A district may also include in the summer reading camps  
36 students who are not exhibiting reading proficiency at any grade and may charge fees for these students to attend the summer reading

1 camps based on a sliding scale pursuant to Section 59-19-90, except where a child is found to be reading below grade level in the  
2 first, second or third grade. A parent or guardian of a student who does not substantially demonstrate proficiency in comprehending  
3 texts appropriate for his grade level must make the final decision regarding the student's participation in the summer reading camp.

4 **1.58.** (SDE: Interscholastic Athletic Association Dues) (A) A public school district supported by state funds shall not use any  
5 funds or permit any school within the district to use any funds to join, affiliate with, pay dues or fees to, or in any way financially  
6 support any interscholastic athletic association, body, or entity unless the constitution, rules, or policies of the association, body, or  
7 entity contain the following:

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

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

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

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

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

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

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

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

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

1 (C) Eligibility requirements for new students to participate in interscholastic athletics shall be no more restrictive in language  
2 or application than the rules or policies of the association, body, or entity that were in effect on January 1, 2020.

3 **1.59.** (SDE: Governor's Schools Informational Access to Students) ~~For the current fiscal year, school districts must permit both~~  
4 ~~the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics to collaborate with~~  
5 ~~individual schools and their staff to share information with students and families about the educational opportunities offered at the~~  
6 ~~respective Governor's Schools, through avenues including school visits, informational presentations, and posters. By June thirtieth,~~  
7 ~~of the current fiscal year, the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics~~  
8 ~~must report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee the~~  
9 ~~results of these Informational Access efforts. Further, the two Governor's Schools will work with districts, the Department of~~  
10 ~~Education and School Report Card administrators, to ensure that SAT scores of current Governor's Schools' students are included~~  
11 ~~in the School Report Card of those students' resident schools and districts.~~

12 **1.60.** (SDE: Reading/Literacy Coaches) (A) For the current fiscal year, of the funds appropriated for Reading/Literacy  
13 Coaches, the Department of Education shall retain up to \$14,000,000 to be expended for the Palmetto Literacy Project. The  
14 Department shall identify schools in the Palmetto Literacy Project that have one-third or more of its third grade students scoring at  
15 the lowest achievement level on the statewide summative English language arts assessment. For each school identified and  
16 participating in the Palmetto Literacy Project in the prior school year, the Department of Education shall provide, at a minimum,  
17 the following support: provision of reading specialists, professional learning, and curriculum resources based on the science of  
18 reading. The reading specialist/coaches provided to the Palmetto Literacy Project schools shall be hired and evaluated annually by  
19 the Department of Education.

20 (B) The balance of funds appropriated to the Department for Reading/Literacy Coaches shall be allocated to school districts for  
21 schools not included in the Palmetto Literacy Project to support reading instruction and interventions which may include, but not be  
22 limited to, hiring reading/literacy coaches, interventionists, or professional development based on the science of reading.  
23 Expenditure of funding must be included in the district reading plan approved by the Department of Education.

24 ~~(C) Funds appropriated for Reading/Literacy Coaches~~ These funds must be allocated to school districts by the Department of  
25 Education as follows: for each primary and elementary school, the school district shall be eligible to receive up to \$62,730 or the  
26 actual cost of salary and benefits for a full-time reading/literacy coach.

27 ~~(B)~~(D) By accepting these funds, a school district warrants that they will not be used to supplant existing school district  
28 expenditures, except for districts that either are currently, or in the prior fiscal year, were paying for reading/literacy coaches with  
29 local funds. A district may only utilize these funds to employ reading/literacy coaches that may serve in a primary, elementary, or  
30 middle school or a combination of these schools depending on the area of highest need in the district except in the event that the  
31 district can request and receive a waiver from the Department of Education to expend the funds on interventionists who spend more  
32 than fifty percent of their time providing direct support to struggling readers in grades kindergarten through grade five. The school  
33 district must align the placement of coaches to the district reading plan that is approved by the department.

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

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

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

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

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

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

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

18     ~~(H) For the current school year, the Department of Education shall screen and approve the hiring of any reading/literacy coach~~  
19 ~~serving in a school in which one third or more of its third grade students scoring at the lowest achievement level on the statewide~~  
20 ~~summative English/language arts assessment. No funds shall be disbursed to the district to fund the reading/literacy coach until the~~  
21 ~~department has screened and approved the coach. Schools in which at least sixty percent of students scored at meets or exceeds~~  
22 ~~expectations on the state summative assessment in English/language arts may submit, as part of their reading plan, a request to the~~  
23 ~~department for flexibility to utilize their allocation to provide literacy support to students, which may include, but is not limited to:~~  
24 ~~a reading coach, a literacy interventionist, or other supplemental services directed to students in need of interventions. This plan~~  
25 ~~must be approved by the department annually as part of the district reading plan.~~

26     ~~(I)~~(H) The Department of Education shall require:

- 27         (1) any school district receiving funding ~~under subsection (A)~~ to identify the name and qualifications of the supported  
28 reading/literacy coach; as well as the school in which the coach is assigned; and
- 29         (2) any school district receiving funding ~~under subsection (G)~~ to account for the specific amounts and uses of such funds.

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

33     ~~(K)~~(J) ~~Funds appropriated for reading/literacy coaches shall be retained and~~ Any unspent or unallocated funds may be carried  
34 forward ~~to be used for the same purpose but may not be flexed~~ and expended for Summer Reading Camps.

35     **1.61.** (SDE: Sports Participation) Any school receiving state funds shall be required to allow a military dependent student who  
36 has transferred from their resident school district to another school district to participate in a sport that was not offered in the resident



1 school district. Should a school fail to comply with this provision, the Department of Education shall withhold one percent of their  
2 total state allocation.

3 **1.62.** (SDE: Graduation Rates) For the current fiscal year, if a high school has a graduation rate below sixty percent, using  
4 appropriated funds a local school district board of trustees must provide a report detailing a plan to increase the graduation rate in  
5 accordance with the provisions of the Education Accountability Act to the State Board of Education.

6 **1.63.** (SDE: South Carolina Community Block Grants for Education Pilot Program) ~~There is created the South Carolina~~  
7 ~~Community Block Grants for Education Pilot Program. The purpose of this matching grants program is to encourage and sustain~~  
8 ~~partnerships between a community and its local public school district or school for the implementation of innovative, state of the art~~  
9 ~~education initiatives and models to improve student learning. The initiatives and models funded by the grant must be well designed,~~  
10 ~~based on strong evidence of effectiveness, and have a history of improved student performance.~~

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

15 ~~As used in this proviso:~~

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

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

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

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

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

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

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

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

34 ~~(4) an explanation of the manner in which the initiative supports the district's or school's strategic plan required by Section~~  
35 ~~59-18-1310 of the 1976 Code.~~

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

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

~~4 The match required from a grant recipient is based on the poverty of the district or school. No matching amount will exceed more~~  
~~5 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~~  
~~6 in-kind donations, such as technology, to be further defined by the grants committee. Public school districts and schools that have~~  
~~7 high poverty and low achievement will receive priority for grants when their applications are judged to meet the criteria established~~  
~~8 for the grant program.~~

~~9 However, no grant may exceed \$250,000 annually unless the grants committee finds that exceptional circumstances warrant~~  
~~10 exceeding this amount.~~

~~11 The Education Oversight Committee will review the grantee reports and examine the implementation of the initiatives and models~~  
~~12 to understand the delivery of services and any contextual factors. The Oversight Committee will then highlight the accomplishments~~  
~~13 and common challenges of the initiatives and models funded by the Community Block Grant for Education Pilot Program to share~~  
~~14 the lessons learned with the state's public education community.~~

~~15 For the current fiscal year, funds allocated to the Community Block Grant for Education Pilot Program must be used to provide or~~  
~~16 expand high-quality early childhood programs for a targeted population of at-risk four-year-olds. High-quality is defined as meeting~~  
~~17 the minimum program requirements of the Child Early Reading Development and Education Program and providing measurable~~  
~~18 high-quality child-teacher interactions, curricula and instruction. Priority will be given to applications that involve public-private~~  
~~19 partnerships between school districts, schools, Head Start, and private child-care providers who collaborate to: (1) provide~~  
~~20 high-quality programs to four-year-olds to maximize the return on investment; (2) assist in making the transition to kindergarten; (3)~~  
~~21 improve the early literacy, social and emotional, and numeracy readiness of children; and (4) engage families in improving their~~  
~~22 children's readiness.~~

~~23 **1.64.** (SDE: Proceeds from Sale of Bus Shop & Boat) For the current fiscal year the Department of Education is authorized to~~  
~~24 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~~  
~~25 purposes.~~

~~26 **1.65.** (SDE: First Steps 4K Technology) During the current fiscal year, South Carolina Office of First Steps to School Readiness~~  
~~27 is authorized to expend up to \$75,000 from the four-year-old kindergarten carry forward funds to purchase electronic devices for the~~  
~~28 administration of required school readiness assessments to children enrolled in the full-day 4K program in private centers in the~~  
~~29 current fiscal year. The State Office of First Steps may purchase one device, which would be the property of the Office of First~~  
~~30 Steps, for every ten centers serving children in the program. The regional coordinators who provide support to the centers shall~~  
~~31 coordinate the usage of the devices among the centers. First Steps shall provide a report documenting its technology and materials~~  
~~32 expenditures to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later~~  
~~33 than January 15 of the current fiscal year.~~

~~34 **1.66.** (SDE: Teacher Certification Exemption) For the current fiscal year, a teacher certified at the secondary level may teach~~  
~~35 such courses in grades seven through twelve without having the add-on certification for middle-level education. A teacher certified~~  
~~36 in elementary education may teach first grade without having the add-on certification in early childhood education. Districts must~~

1 report to the Department of Education and the Center for Educator Recruitment Retention and Advancement on the teachers and  
2 courses that utilize this exemption.

3 **1.67.** (SDE: Digital Instructional Materials) The Department of Education shall continue to create an instructional materials list  
4 composed of those items (print and/or digital) that have received State Board of Education approval through the normal adoption  
5 process. The department shall continue to work with the publishers of instructional materials to ensure that districts have options for  
6 print/digital student materials to include class sets of print student editions, if needed. Funds appropriated for the purchase of  
7 instructional materials (print/digital) may be used for reimbursing school districts to offset the costs of refurbishing science kits on  
8 the state-adopted instructional materials inventory, purchasing new kits or those adopted as supplemental from the central textbook  
9 depository, or a combination of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the  
10 state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs,  
11 equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs. Funds provided for Instructional  
12 Materials may be carried forward from the prior fiscal year into the current fiscal year to be expended for the same purposes by the  
13 department, school districts, and special schools. These funds are not subject to flexibility.

14 **1.68.** (SDE: CDEPP Unexpended Funds) ~~For Fiscal Year 2020-21, the Office of First Steps to School Readiness is permitted to~~  
15 ~~retain the first \$1,000,000 of any unexpended CDEPP funds of the prior fiscal year and expend these funds to enhance the quality of~~  
16 ~~the full-day 4K program in private centers and provide professional development opportunities. By August first, the Office of First~~  
17 ~~Steps is directed to allocate any additional unexpended CDEPP funds from the prior fiscal year and any CDEPP funds carried forward~~  
18 ~~from prior fiscal years that were transferred to the restricted account for the following purpose: Education Oversight~~  
19 ~~Committee \$1,000,000 for the South Carolina Community Block Grants for Education Pilot Program.~~

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

22 ~~If by August first, the Department of Education or the Office of First Steps determines there will be funds available, funds shall~~  
23 ~~be allocated on a per pupil basis for districts eligible for participation first, who have a documented waiting list, and funded an~~  
24 ~~extended program per this proviso in the prior school year, then to districts to increase the length of the program to a maximum of~~  
25 ~~eight and a half hours per day or two hundred and twenty days per year or to fund summer programs. The department and the Office~~  
26 ~~of First Steps are authorized to target funds to ensure that the schools in which more than one third of third graders scored “Does Not~~  
27 ~~Meet Expectations” on the state English/language arts assessment are serving all eligible four year olds. By August 1, the Department~~  
28 ~~of Education and the Office of First Steps must collect the documented waiting lists and determine a process to notify parents of~~  
29 ~~eligible students of available slots in all approved providers. If a district chooses to fund summer enrollment the program funding~~  
30 ~~shall conform to the funding in this act for full year programs, however shall be reduced on a pro rata basis to conform with the~~  
31 ~~length of the program. A summer program shall be no more than eight and a half hours per day and shall be not more than ten weeks~~  
32 ~~in length. The per pupil allocation and classroom grant must conform with the appropriated amount contained in this Act and end~~  
33 ~~of year adjustments shall be based on the one hundred and thirty five day student average daily membership or later student average~~  
34 ~~daily membership for districts choosing to extend the program past one hundred and eighty days. Funds may also be used to provide~~  
35 ~~parent engagement, professional development and quality evaluations of programs.~~

1 For Fiscal Year 2020-21, the Office of First Steps may pilot a program to provide higher reimbursement rates to high quality  
2 centers in order to increase the numbers of First Steps participants. Utilizing up to \$1,000,000 of carry forward funding, the  
3 reimbursement rate for students enrolled by private providers rated B or higher in the ABC Quality System operated by the  
4 Department of Social Services may be increased by up to 10% of the per student base following guidelines developed by the Office  
5 of First Steps.

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

11 **1.69.** (SDE: Technology Technical Assistance) Of the funds appropriated *in VIII.D - Technology* for the K-12 Technology  
12 Initiative, the department is authorized to withhold up to \$350,000 in order to develop a statewide technology plan for schools and  
13 districts. The plan must address, at a minimum, infrastructure and connectivity needs, online testing requirements, equipment,  
14 educational technology, digital literacy and a statewide learning management system to connect teachers and students. The plan  
15 must take into account the need for some districts to utilize a regional approach to services that may include, but is not limited to,  
16 purchasing, training and support services. This plan, including cost projections, shall be presented to the Governor, the Chairman of  
17 the House Ways and Means Committee, and the Chairman of the Senate Finance Committee by February 1, 2020. Remaining funds  
18 shall be used to provide technology technical assistance to school districts.

19 **1.70.** (SDE: Technology Technical Assistance) Funds appropriated to the Department of Education for Technology Technical  
20 Assistance must be used to increase the capacity of districts, *first* who are or were the original trial and plaintiff school districts in  
21 the Abbeville law suit, *and then other districts that need such assistance*. Funds shall be used by the department to assist school  
22 districts in procuring appropriate technology to include devices and infrastructure ~~in accordance with the recommendations made by~~  
23 ~~the technology review team to begin~~ *and* to build capacity to offer online testing and increased access. For the current fiscal year,  
24 districts and individual public charter schools may request a waiver from the State Board of Education from the requirement that all  
25 assessments be administered online; *however, any paper administrations must be completed according to the deadlines set by the*  
26 *department*.

27 **1.71.** (SDE: Assistance Funding) For the current fiscal year, any funds appropriated to the Department of Education to assist  
28 districts that are or were Plaintiffs in the Abbeville law suit and funding appropriated to the department to provide technical assistance  
29 to underperforming districts may not be transferred to any other program, are not subject to flexibility, and may be carried forward  
30 and expended for the same purposes.

31 **1.72.** (SDE: Reporting and Procurement) Any state agency or school for which the department acts as the fiscal agent must  
32 comply with any state and federal reporting requirements using agency procedures and shall follow all state procurement laws.

33 **1.73.** (SDE: Military Child Care Centers) ~~During the current fiscal year, South Carolina First Steps to School Readiness may~~  
34 ~~extend four year old kindergarten provider eligibility to military child care settings regulated by the United States Department of~~  
35 ~~Defense. State funds appropriated for use in military child care facilities must be used to expand service to CERDEP eligible children~~

1 residing in school districts approved for participation during the prior fiscal year and may not be used to supplant any existing federal  
2 child care investment.

3 **1.74.** (SDE: First Steps 4K Underserved Communities) ~~Using funds appropriated for the Child Early Reading and Development~~  
4 ~~Education Program, South Carolina First Steps shall develop a pilot program to expand four year old kindergarten enrollment within~~  
5 ~~underserved communities eligible for participation during the most recent fiscal year. Newly created and/or newly approved private~~  
6 ~~providers proposing to expand service to ten or more CERDEP eligible children in communities unable to enroll all of eligible~~  
7 ~~students in a public, private, or Head Start setting during the prior fiscal year, may apply for up to \$30,000 in one time supplemental,~~  
8 ~~needs based incentives designed to address building renovations, documented as necessary to bring proposed classrooms into~~  
9 ~~compliance with licensing regulations, materials and staffing costs, and/or other obstacles currently preventing their participation in~~  
10 ~~the First Steps 4K program. The First Steps Board of Trustees shall develop and approve an application process that incorporates~~  
11 ~~formal review and fiscal safeguards designed to ensure grant funds are used solely to address documented barriers to program~~  
12 ~~participation. Providers receiving this one time supplement are expected to participate in the program and provide high quality,~~  
13 ~~center based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider~~  
14 ~~to return a portion of the supplemental allocation at a level determined by the Office of First Steps to School Readiness. First Steps~~  
15 ~~shall submit a report detailing its process, expenditures and expanded enrollment to the Chairman of the House Ways and Means~~  
16 ~~Committee and the Chairman of the Senate Finance Committee by March 15, 2020.~~

17 For Fiscal Year 2020-21, the Office of First Steps may pilot a program to provide CERDEP services in underserved communities  
18 serving multi counties and multi districts. 4K centers served by this pilot may provide CERDEP funded services to eligible children  
19 from non CERDEP districts but must also offer services to students from at least one school district eligible to participate in the  
20 CERDEP program. Utilizing up to \$1,000,000 of carry forward funding, First Steps may provide grants to participants in this pilot  
21 if they are public private partnerships to address building renovations and designs necessary to get the building and classrooms into  
22 compliance with licensing regulations and other obstacles that prevent participation in the CERDEP program following guidelines  
23 developed by SC First Steps. Providers participating in this pilot are expected to participate in the program and provide high quality,  
24 center based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider  
25 to return a portion of the supplemental allocation at a level determined by the Office of First Steps to School Readiness.

26 **1.75.** (SDE: School Leadership) Of the funds appropriated to and retained by the department for Professional Development,  
27 \$400,000 shall be used to contract with a non-profit statewide K-12 professional association located in South Carolina whose  
28 membership provides for the development and support of current and future school leaders. The provider must specialize in multiple  
29 assessments, executive coaching, and leadership development that provides the skills necessary for a progressive career path in school  
30 leadership.

31 **1.76.** (SDE: School Bus Drivers) For the current fiscal year, a driver candidate must possess a valid driver's license that meets  
32 the requirements in State and Federal law to operate commercial and non-commercial school bus type vehicles with no restrictions  
33 other than vision correction to qualify for issuance. Driver candidates must complete all Department of Education classroom and  
34 behind-the-wheel training requirements, including a medical examination and drug/alcohol testing, for initial certification as well as  
35 all Department of Education required in-service training annually to qualify for continued certification.

1       **1.77.** (SDE: Special Education Minutes Requirement) For the current fiscal year the required two-hundred fifty minutes of  
2 specialized instruction a student is required to receive in order to qualify for the special education weighting in the EFA is waived.  
3 A special education weighting may be applied for any public school child with an Individualized Education Program in effect,  
4 regardless of the number of minutes of instruction.

5       **1.78.** (SDE: Retired Educators Employment) For the current fiscal year school districts may notify retired educators of  
6 employment in writing on or before May 1. School districts employing retired educators pursuant to Section 9-1-1795 of the 1976  
7 Code shall provide documentation of compliance with the earnings limitation exemptions to the department. The department shall  
8 verify the compliance and send the verification to the Public Employee Benefit Authority.

9       **1.79.** (SDE: Education Rate Program) For purposes of the federal Educational Rate Program, a child attending a state-funded  
10 four-year-old kindergarten program must be considered an elementary school student.

11       **1.80.** (SDE: Safe Schools Initiative) (A) For the current fiscal year, the Department of Education and the State Law Enforcement  
12 Division shall continue to support, through the state level Threat Assessment Team, school threat assessment teams and training in  
13 school districts. ~~By August 15, 2019, each school in the state must have identified key staff to serve on a threat assessment team.~~  
14 Each school in the state shall continue to maintain a threat assessment team. The department shall work with stakeholders to provide  
15 professional development to staff ~~who will serve~~ *serv*ing on the team. The state level Threat Assessment Team shall continue to  
16 coordinate, collect and compile Threat Assessment & School Safety Plans from each school district with their input. These plans  
17 shall be exempt from the provisions of Section 30-4-10, et seq. of the 1976 Code. The Department of Education and the State Law  
18 Enforcement Division shall continue to provide the Governor and the General Assembly with recommendations regarding school  
19 safety which shall include any projected costs or necessary statute changes.

20       **1.81.** (SDE: Alternative Certification Programs) For the current fiscal year, the department, through the State Board of  
21 Education, is authorized to award a conditional teaching certificate to a person who is enrolled in an approved alternative certification  
22 program provided the person has earned a bachelor's degree from a regionally accredited college or university with a major, or major  
23 equivalence, as defined by the State Board of Education in guidelines developed by the department in a certification area for which  
24 the board has determined there exists a critical shortage of teachers, and the person has passed the appropriate teaching examination.

25       **1.82.** (SDE: Student Meals) For the current fiscal year, all school districts shall identify students in poverty according to the  
26 provisions in Proviso 1.3 of this Act and increase access to free school meals for these students. School districts shall use the criteria  
27 to directly certify pupils eligible for free and reduced-price school meals to the extent permitted under federal law. The local board  
28 of trustees of a district in which all schools are eligible to receive the free federal reimbursement rate for all reimbursable school  
29 breakfasts and lunches served, pursuant to the Community Eligibility Provision in Section 1759(a) of Title 42 of the United States  
30 Code, shall adopt a resolution indicating participation. If a district is unable to participate, the local board of trustees shall adopt a  
31 resolution stating that it is unable to participate in CEP and demonstrate the reasons why. The resolution shall be published on a  
32 public meeting agenda concurrently with the proposed district budget as an action item and shall be approved by a majority of the  
33 board. School districts shall ensure that the parents or guardians of students eligible for free and reduced lunch receive the necessary  
34 applications and instructions and upon request are provided with assistance in completing the paperwork. Schools shall not publically  
35 identify a student who is unable to pay for a meal for any reason. Communications from the district regarding any meal debt owed  
36 must only be directed to the parent or guardian and may be sent home through the student.

1       **1.83.** (SDE: Consolidate Administrative Functions) For the current fiscal, any school district that has an average daily  
2 membership of less than 1,500 students, has been designated in Fiscal Watch, Caution or Emergency status, has a risk assessment of  
3 medium or high, has a school or is a district with an accreditation status of probation or denied, or has a school or schools that have  
4 been in improvement status for three years may be directed by the State Superintendent of Education to consolidate administrative  
5 and professional services with one or more school districts. Administrative and professional services may include, but are not limited  
6 to: finance, human resources, procurement, administrative functions, transportation and collaboration on increasing instructional  
7 offerings. The Superintendent shall notify a district in writing that they meet one or more of the criteria. The district then has thirty  
8 business days from receipt of the notification to deliver a plan to the Superintendent for her approval. The Superintendent must  
9 either approve or amend the plan within fifteen days. Plans must be implemented within sixty days of approval. If a district fails to  
10 submit a plan, the Superintendent shall direct the consolidation of services with another school district and if the district fails to  
11 comply, the department shall withhold one percent of the district's EFA allocation until the district does comply. At that time, the  
12 EFA payments shall resume and any EFA funds withheld shall be allocated to the district.

13       **1.84.** (SDE: School Safety Program) Funds appropriated for the School Safety Program and School Resource Officers shall be  
14 utilized by the department for the purpose of hiring certified law enforcement officers to serve as a school resource officer for school  
15 districts, including the South Carolina Public Charter School District and schools authorized by an institution of higher learning,  
16 that otherwise would lack the adequate resources to hire their own school resource officers. In making determinations of eligibility,  
17 the department shall use the most recent index of taxpaying ability as the district's indicator of ability to pay, with districts of the  
18 lowest index of taxpaying ability receiving priority consideration. Districts must apply for funding through the department ~~and no~~  
19 ~~districts shall receive an award of more than four certified school resource officer positions.~~ In making awards the department shall  
20 provide funding directly to the local law enforcement agency to pay for the cost of the law enforcement officer that will serve as a  
21 full-time school resource officer. The department is authorized to carry forward funds from the prior fiscal year and utilize these  
22 funds for the same purpose.

23       **1.85.** (SDE: Exceptional Needs Sports Participation) A student who meets the definition of 'Exceptional needs child' in Section  
24 12-6-3790 (A)(2) and the definition of 'Qualifying Student' in Section 12-6-3790 (A)(5) of the 1976 Code shall be eligible to  
25 participate in any sport offered at the public school for which the child is zoned to attend.

26       **1.86.** (SDE: School Districts Capital Improvement) The funds appropriated for school district capital improvements in ~~Proviso~~  
27 ~~412.1~~ Section 112 - Debt Service, shall be prioritized by the Department of Education pursuant to subsections (A) and (B).

28       (A) Twenty-five percent of the funds shall be made available first to a local school district or districts with an average daily  
29 membership that is less than one thousand five hundred, based on the most recent student count received by the department, and that  
30 is located within a county ranked as Tier IV pursuant to Section 12-6-3360(B) for 2018 which chooses to consolidate with another  
31 school district located in the same county. The funds may be used to support costs directly related to the consolidation which shall  
32 include, but are not limited to, salary adjustments, facilities, debt mitigation, millage rate adjustments, transportation, technology and  
33 other factors for which the district demonstrates are necessary to complete consolidation. Furthermore, the department is eligible to  
34 carry forward these funds and use them for the same purpose. On or before August 1, the eligible districts must submit a preliminary  
35 plan and timeline for pursuing consolidation, including the use of the consolidation funds requested, to the Department of Education  
36 for review and approval. When the department has approved the final plan, the districts shall forward the plan to the local legislative

1 delegation outlining the specific request that local legislation be enacted to effect the consolidation. The legislation may include, but  
2 is not limited to, composition of the consolidated board, transition procedures, and disposition and/or assumption of district assets  
3 and liabilities. Upon approval of a consolidation plan, the department shall make an initial allocation to the impacted districts and  
4 shall allocate remaining funds upon enactment of legislation formally consolidating the districts for the benefit of the consolidated  
5 district.

6 (B) Any funds not used for the purposes of assisting districts eligible in (A) shall be distributed by the department to eligible  
7 districts for the purpose of funding shared school facility construction and upgrades in districts with a poverty index of seventy  
8 percent or higher or an index of taxpayer ability less than .009. For the purpose of this provision, "school facility" means only  
9 facilities necessary for instructional and related supporting purposes including, but not limited to, classrooms, libraries, media centers,  
10 laboratories, cafeterias, physical education spaces, related interior and exterior facilities, and the conduit, wiring, and powering of  
11 hardware installations for classroom computers or for area network systems. Eligible school facility projects shall include and be  
12 prioritized as follows: construction of shared high school and career and technology education facilities with priority given to districts  
13 that submit a plan for a facility that serves multiple school districts with average daily membership counts of less than one thousand  
14 five hundred and then for the following purposes: (a) health and safety upgrades; (b) technology upgrades inside school facilities;  
15 (c) upgrades associated with career and technology education programs; and (d) deferred maintenance needs as described in the  
16 district's capital improvement plan. For purposes of this provision, school facilities shall not include unimproved real property,  
17 centralized district administration facilities, or other facilities, including those normally identified with interscholastic sports  
18 activities.

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

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

27 (C) Following the close of the fiscal year, the department shall submit a report on the expenditure of funds pursuant to subsections  
28 (A) and (B) for the preceding year to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House  
29 Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the House Education and  
30 Public Works Committee.

31 **1.87.** (SDE: Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average  
32 teachers' salaries of the southeastern states as projected by the Revenue and Fiscal Affairs Office. For the current school year, the  
33 Southeastern average teacher salary is projected to be ~~\$52,830~~ \$53,426. The General Assembly remains desirous of raising the  
34 average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the  
35 national average teacher salary.



1 Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all  
2 eligible certified teachers employed by the district by no less than one year of experience credit using the district salary schedule  
3 utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all eligible  
4 certified teachers. For Fiscal Year ~~2020-21~~ 2021-22, the requirement that school districts maintain local salary supplements per  
5 teacher no less than their prior fiscal year level is suspended if additional State funds fill the gap.

6 Funds allocated by ~~Proviso 1.3 for implementing a revised state minimum salary schedule~~ for Teacher Salaries must be used to  
7 increase salaries of those teachers eligible pursuant to Section 59-20-50(4)(b), to include classroom teachers, librarians, guidance  
8 counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and  
9 audiologists in the school districts of the state ~~by not less than four percent~~. Districts must use the district salary schedule utilized  
10 the prior fiscal year as the basis for providing the increase.

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

13 **1.88.** (SDE: School District Hold Harmless) If there is not an increase in state support for school districts that is disbursed  
14 through the Education Finance Act formula pursuant to Proviso 1.3 in this Act, any district that must use reserve funds to pay for  
15 teacher pay raises, to include step increases, shall be held harmless from the local school district's reserve fund requirement  
16 provisions in the Fiscal Accountability Act for Fiscal Year ~~2020-21~~ 2021-22 and upon approval by the Department of Education.

17 **1.89.** (SDE: Educational Services for Children with Disabilities) In order to determine whether educational services provided to  
18 children with disabilities are delivered effectively and efficiently and whether services or funding should be reformed, the Department  
19 of Education, in coordination with the Department of Health and Human Services, shall provide data to the Joint Legislative and  
20 Citizens Committee on Children, Chairman of the Senate Finance Committee, Chairman of the Senate Education Committee,  
21 Chairman of the House Ways and Means Committee and Chairman of the House Education and Public Works Committee regarding  
22 services to exceptional needs children served by public schools and BabyNet as follows: (1) summary reports on the identification  
23 of students in need of services through IDEA Parts C and B to include the number of students qualifying for services by district; (2)  
24 information on services provided to students with IEPs in the least restrictive environment; (3) recommendations on updates to  
25 student weightings and funding in the current Education Finance Act; (4) how are these services funded with federal, state and local  
26 funds at the district level; and (5) prior school year outcome data for students with disabilities. The findings shall be submitted by  
27 ~~January 15, 2020~~ June 30th of the current fiscal year.

28 **1.90.** (SDE: Reserve Suspension) In the current fiscal year, the provisions of Section 3 of Act 593 of 1992, as amended, relating  
29 to the limit on cash reserves are suspended for Dorchester County School District 2. The cash reserve may consist of state or federal  
30 funds allocated to the school district pursuant to this act, as well as other funds.

31 **1.91.** (SDE: Standards-Based Assessments Suspended) In Fiscal Year ~~2020-21~~ 2021-22, the provisions of Section  
32 59-18-325(C)(3) requiring science standards-based assessments of students in grade eight and social studies standards-based  
33 assessments of students in grades five and seven are suspended. Of the funds available due to the suspension of these assessments,  
34 \$500,000 must be used by the Department of Education to fund educator professional development regarding the South Carolina  
35 Computer Science and Digital Literacy Standards. The remainder of the funds shall be used to pay for industry  
36 certification/credentials as approved to measure College/Career Readiness for purposes of the state accountability system.

1       **1.92.** (SDE: Schools of Choice) For the current fiscal year, school districts are authorized to create multiple schools of choice  
2 within the district. These schools of choice must meet the requirements of Section 59-19-350 of the 1976 Code.

3       **1.93.** (SDE: Master's Plus Thirty) For school year ~~2020-21~~ 2021-22, the department shall continue to process the master's plus  
4 thirty certificate classification in the same manner as the prior school year. Educators earning a master's degree with sixty or more  
5 semester hours of graduate coursework will remain eligible for the master's plus thirty credential classification.

6       **1.94.** (SDE: COVID-19 Emergency Powers) (A) The Superintendent of Education is authorized to exercise the following  
7 emergency powers if she determines that any, or all, of them are necessary and appropriate measures in response to the COVID-19  
8 public health emergency:

9       (1) waive statutory requirements concerning testing, assessments, and reporting including, but not limited to, those  
10 requirements contained in Chapter 18, Title 59; Article 3, Chapter 18, Title 59; and Section 59-155-160 of the 1976 Code;

11       (2) include all days of distance learning during which instruction was provided in good faith pursuant to a school district's  
12 distance learning plan as an instructional day required to meet the one hundred eighty instructional day requirement contained in  
13 Section 59-1-425; and

14       (3) provide maximum programmatic and financial flexibility including, but not limited to, the authority to carry forward any  
15 cash balances to local school districts adjusting to operations in response to COVID-19.

16       (B) The State Superintendent of Education is authorized to promote and encourage districts to use summer reading camps and all  
17 other available tools to ensure appropriate time is spent by students to keep them on grade level and satisfy their learning needs.

18       (C) The State Superintendent of Education is authorized to carry forward any cash balances maintained by the Department of  
19 Education. The superintendent is further authorized to transfer any appropriations within the department to assist local school districts  
20 adjusting operations in response to COVID-19.

21       ~~(D) The state teacher minimum salary schedule will remain at the Fiscal Year 2019-20 level. Step increases are suspended until~~  
22 ~~the annual general appropriations act for Fiscal Year 2020-21 is enacted.~~

23       ~~(E) On or before August 1, 2020, the State Superintendent of Education shall provide a report to the Senate Finance Committee,~~  
24 ~~the House of Representatives Ways and Means Committee, the Senate Education Committee, and the House of Representatives~~  
25 ~~Education and Public Works Committee concerning the emergency powers exercised in subsection (A). The report shall identify the~~  
26 ~~statutory requirements waived and the reason for which the waiver was granted and identify and describe any actions taken in regards~~  
27 ~~to subsection (A)(3).~~

28       **1.95.** (SDE: Basic Skills for Admission to Teacher Preparation Program/Praxis Core) With funds appropriated to the  
29 department and to meet the requirements established in Sections 59-25-10, et. seq., of the 1976 Code, for final candidate admission  
30 to an undergraduate teacher preparation program, a college or university educator preparation provider may develop and submit  
31 for State Board of Education approval a plan for ensuring teacher candidate proficiency in reading, writing, and mathematics. The  
32 plan may include an option for candidates to demonstrate basic skills proficiency through multiple measures which may include  
33 scores on an approved basic skills assessment, grade point average, grades in benchmark courses, existing college or university  
34 assessments for determining undergraduate course placement, or other factors. The State Board of Education shall be authorized  
35 to establish proposal criteria and must approve a provider's plan prior to its implementation. In the event that an applicant does  
36 not demonstrate the required basic skills proficiency to qualify for full admission to the preparation program, the college or

1 university must offer the applicant appropriate academic assistance and support prior to the individual reapplying for program  
2 assistance at a later date.

3 1.96. (SDE: Formative Assessment Data) School districts shall provide all 2020-2021 and 2021-2022 interim and formative  
4 assessment data scores by grade and school to the Department of Education. The department is directed to compile the information  
5 received and submit a comprehensive report regarding performance on such assessments to the General Assembly by January 31 of  
6 the current fiscal year. Any school district failing to provide this data to the department shall have ten percent of their EFA funding  
7 withheld until the data is provided.

8 1.97. (SDE: School District Employees Data) By October 1, 2021, school districts shall provide a report detailing school,  
9 district administration, and Career Centers employees to the Department of Education. The report shall specify job duties and  
10 indicate the number of individuals whose primary job is to provide classroom instruction. The department is directed to compile the  
11 information received into a comprehensive report and submit such report to the General Assembly.

12 1.98. (SDE: Reserve Fund) For Fiscal Year 2021-22, \$23,000,000 of the funds carried forward in the Education Finance Act  
13 Reserve Fund must be allocated to State Aid to Classrooms.

#### 14 15 SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

16  
17 **1A.1.** (SDE-EIA: Prohibition on Appropriation Transfers) The amounts appropriated herein for aid to subdivisions or allocations  
18 to school districts shall not be transferred or reduced and must be expended in accordance with the intent of the appropriation.  
19 However, transfers are authorized from allocations to school districts or special line items with projected year-end excess  
20 appropriations above requirements, to allocations to school districts or special line items with projected deficits in appropriations.

21 **1A.2.** (SDE-EIA: African-American History) Funds provided for the development of the African-American History curricula  
22 may be carried forward into the current fiscal year. Funds that are currently a salary line item will be reallocated for the development  
23 of instructional materials and programs and the implementation of professional learning opportunities that promote African American  
24 history and culture. For the current fiscal year, not less than seventy percent of the funds carried forwarded must be expended for  
25 the development of additional instructional materials by nonprofit organizations, school districts, or institutions of higher education  
26 selected through a grant process by the Department of Education.

27 **1A.3.** (SDE-EIA: Teacher Evaluations, Implementation/Education Oversight) The Department of Education is directed to  
28 oversee the evaluation of teachers at the School for the Deaf and the Blind, ~~the Governor's School for Agriculture at John de la Howe~~  
29 and the Department of Juvenile Justice under the ADEPT model.

30 **1A.4.** (SDE-EIA: Teacher Salaries/State Agencies) Each state agency which does not contain a school district but has  
31 instructional personnel shall receive an appropriation as recommended by the Department of Education and funded by the General  
32 Assembly for teacher salaries based on the following formula: Each state agency shall receive such funds as are necessary to adjust  
33 the pay of all instructional personnel to the appropriate salary provided by the salary schedules of the school district in which the  
34 agency is located. Instructional personnel may include all positions which would be eligible for EIA supplements in a public school  
35 district, and may at the discretion of the state agency, be defined to cover curriculum development specialists, educational testing  
36 psychologists, psychological and guidance counselors, and principals. The twelve-month agricultural teachers located at Clemson

1 University are to be included in this allocation of funds for base salary increases. The South Carolina Governor's School for the Arts  
2 and Humanities ~~and~~, the South Carolina Governor's School for Science and Mathematics, *and the Governor's School for Agriculture*  
3 *at John de la Howe* are authorized to increase the salaries of instructional personnel by an amount equal to the percentage increase  
4 given by the School District in which they are both located.

5 Teacher salary increases recommended by the Department of Education and funded in this Act shall be incorporated into each  
6 agency's EIA appropriation contained in Section 1, VIII.F.

7 **1A.5.** (SDE-EIA: Work-Based Learning) Of the funds appropriated in Part IA, Section 1, VIII.A.1. for the Work-Based Learning  
8 Program, \$75,000 shall be used by the State Department of Education to provide for regional professional development in contextual  
9 methodology techniques and integration of curriculum, and professional development in career guidance for teachers and guidance  
10 counselors and training mentors. Pilot-site delivery of contextual methodology training in mathematics will be supported by  
11 technology and hands-on lab activities. In addition, \$500,000 shall be allocated for Regional Career Specialists. Each Regional  
12 Career Specialist shall (1) be housed within the regional centers/~~WIA~~ WIOA geographic areas, (2) provide career development  
13 activities throughout all schools within the region, (3) be under the program supervision of the Office of Career and Technology  
14 Education, State Department of Education, and (4) adhere to an accountability and evaluation plan created by the Office of Career  
15 and Technology Education, State Department of Education. The Office of Career and Technology Education, State Department of  
16 Education, shall provide a report, in February of the current fiscal year to the Senate Finance Committee and the House Ways and  
17 Means Committee on accomplishments of the Career Counseling Specialists. Of the funds appropriated in the prior fiscal year,  
18 unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

19 **1A.6.** (SDE-EIA: CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1, VIII.F. for the Teacher  
20 Recruitment Program, the South Carolina Commission on Higher Education shall distribute a total of ninety-two percent to the Center  
21 for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program, of which  
22 at least seventy-eight percent must be used for the Teaching Fellows Program specifically to provide scholarships for future teachers,  
23 and of which twenty-two percent must be used for other aspects of the state teacher recruitment program, including the Teacher  
24 Cadet Program and \$166,302 which must be used for specific programs to recruit minority teachers: and shall distribute eight percent  
25 to South Carolina State University to be used only for the operation of a minority teacher recruitment program and therefore shall  
26 not be used for the operation of their established general education programs. Working with districts with an absolute rating of  
27 At-Risk or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA  
28 will report annually by October first to the Education Oversight Committee and the Department of Education on the success of the  
29 recruitment and retention efforts in these schools. The South Carolina Commission on Higher Education shall ensure that all funds  
30 are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three  
31 teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The South Carolina  
32 State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it  
33 currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment  
34 projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees,  
35 the State Board of Education and the Education Oversight Committee by October first annually, in a format agreed upon by the  
36 Education Oversight Committee and the Department of Education.

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

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

26 **1A.8.** (SDE-EIA: Arts in Education) Funds appropriated in Part IA, Section 1, VIII.A.1. Arts Curricula shall be used to support  
27 innovative practices in arts education curriculum, instruction, and assessment in the visual and performing arts including dance,  
28 music, theatre, and visual arts which incorporates strengths from the Arts in Education sites. They shall also be used to support the  
29 advancement of the implementation of the visual and performing arts academic standards. These funds shall be distributed to schools  
30 and school districts under a competitive grants program; however, up to thirty-three percent of the total amount of the grant fund  
31 shall be made available as "Aid to Other Agencies" to facilitate the funding of professional development arts institutes that have been  
32 approved by the State Department of Education for South Carolina arts teachers, appropriate classroom teachers, and administrators.  
33 Arts Curricular Grants funds may be retained and carried forward into the current fiscal year to be expended in accordance with the  
34 proposed award.

35 **1A.9.** (SDE-EIA: Teacher Supplies) All certified and non-certified public school teachers identified in PCS, certified special  
36 school classroom teachers, certified media specialists, certified guidance counselors, and career specialists who are employed by a

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

23 Any classroom teacher, including a classroom teacher at a South Carolina private school, that is not eligible for the reimbursement  
24 allowed by this provision, may claim a refundable income tax credit on the teacher's ~~2019~~ 2021 tax return, provided that the return  
25 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  
26 dollars, or the amount the teacher expends on teacher supplies and materials, whichever is less. If any expenditures eligible for a  
27 credit are made after December thirty-first, the teacher may include the expenditures on his initial return or may file an amended  
28 ~~2019~~ 2021 return claiming the credit, so long as the return or amended return is filed in this fiscal year. The Department of Revenue  
29 may require whatever proof it deems necessary to implement the credit provided by this part of this provision. Any person receiving  
30 the reimbursement provided by this proviso is ineligible to take the income tax credit allowed by this proviso.

31 **1A.10.** (SDE-EIA: Teacher of the Year Awards) Of the funds provided herein for Teacher of the Year Awards, each district  
32 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,  
33 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  
34 the State Teacher of the Year Program sponsored by the State Department of Education. These awards shall not be subject to South  
35 Carolina income taxes.

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

5       **1A.12.** (SDE-EIA: Technical Assistance) In order to best meet the needs of underperforming schools, funds appropriated for  
6 technical assistance must be used to provide intensive support to schools and districts with an absolute rating of below average or  
7 at-risk on the most recent annual school report card or with the lowest percentages of students meeting state standards on state  
8 assessments on the most recent state assessments or with the lowest high school graduation rates. The department will create a  
9 system of tiers of technical assistance for low-performing schools and districts that will receive technical assistance. The tiers will  
10 be determined by factors that include, but are not limited to, length of time performance of the school or district has been at-risk/below  
11 average, annual achievement ratings, annual growth ratings, school or district accreditation, and/or financial risk status. The tiers of  
12 technical assistance may include a per student allocation, placement of a principal mentor, transformation coach, instructional leader,  
13 replacement of the principal, reconstitution of a school, and declaration of a state of emergency. Low-performing schools and districts  
14 shall be placed within the tiered technical assistance framework not later than December fifteenth.

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

22       With the funds appropriated to the Department of Education, and any experts placed in the school or district for technical assistance  
23 services, the department will assist low-performing schools and districts in designing and implementing the strategies and  
24 measurement identified in the amended plans and in brokering for technical assistance personnel as stipulated in the plan. In addition,  
25 the department must monitor student academic achievement and progress on implementation and report their findings to the  
26 Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate  
27 Education Committee, the Chairman of the House Education and Public Works Committee, the local legislative delegation, and the  
28 Governor in the fall following the school or district designation as low-performing. If the school or school district does not provide  
29 the evaluation information necessary to determine effective use, the principal of the school or the district superintendent may be  
30 subject to receiving a public reprimand by the State Board of Education if it is determined that those individuals are responsible for  
31 the failure to provide the required information.

32       Funds must be used by the department for implementation and delivery of technical assistance services. Using previous report  
33 card data and monitoring reports on the status of implementation of the school renewal plan, the department shall identify priority  
34 schools. Funds appropriated for technical assistance shall be used by the department to work with those schools identified as  
35 low-performing and to support priority schools under the tiered system. These funds shall not be transferred to any other funding

1 category by the school district without prior approval of the State Superintendent of Education and funds are not subject to agency  
2 flexibility provisions.

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

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

19 The State Superintendent of Education may declare a state of emergency in a district if the accreditation status is probation or  
20 denied, if a majority of the schools fail to show improvement, if the district is classified as being in "high risk" status financially, or  
21 for financial mismanagement resulting in a deficit. The State Superintendent of Education may declare a state of emergency in a  
22 school if the accreditation status is probation or denied, or if the school fails to show improvement. Upon declaration of a state of  
23 emergency, the Superintendent may take over management of the school or district. Management of the school or district may  
24 include direct management, consolidation with another district, charter management, public/private management, or contracting with  
25 an educational management organization or another school district.

26 **1A.13.** (SDE-EIA: Proviso Allocations) In the event an official EIA revenue shortfall is declared by the Board of Economic  
27 Advisors, the Department of Education may reduce any allocation in Section 1A specifically designated by proviso in accordance  
28 with the lower Board of Economic Advisors revenue estimate as directed by the Executive Budget Office. No allocation for teacher  
29 salaries shall be reduced as a result of this proviso.

30 **1A.14.** (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may  
31 transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, and Education Lottery  
32 Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance,  
33 to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated  
34 specifically for state level maintenance of effort requirements under IDEA, funds allocated specifically for state level maintenance  
35 of effort requirement for federal program, funds provided for the Education and Economic Development Act, funds provided for  
36 Career and Technology Education, nor funds required for debt service or bonded indebtedness. All school districts must report the



1 student teacher ratio for every classroom to the Department of Education at the ~~ninety and one hundred and eighty day mark.~~ The  
2 forty-fifth and one hundred and thirty-fifth day mark, and the department shall report this information to the General Assembly for  
3 the 2021-2022 school year.

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

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

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

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

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

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

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

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

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

- 34 (i) the transaction amount;
- 35 (ii) the name of the payee; and
- 36 (iii) a statement providing a detailed description of the expenditure.

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

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

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

12 The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title  
13 30, of the South Carolina Freedom of Information Act. Nothing in this proviso shall be interpreted as prohibiting the State Board of  
14 Education to exercise its authority to grant waivers under Regulation 43-261.

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

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

26 **1A.17.** (SDE-EIA: Assessment) The department is authorized to carry forward into the current fiscal year, prior year state  
27 assessment funds for the same purpose. Reimbursements shall resume in the current fiscal year for PSAT, pre-ACT or 10th grade  
28 Aspire.

29 **1A.18.** (SDE-EIA: Report Card Information) The percentage each school district expended on classroom instruction as defined  
30 by the Department of Education's InSite classification for "Instruction" must be printed on the Annual School and District Report  
31 Card.

32 **1A.19.** (SDE-EIA: Core Curriculum Materials) The funds appropriated in Part IA, Section 1, VIII.A.3 for instructional materials  
33 for core curriculum shall be expended consistent with the requirements of Section 59-31-600 of the 1976 Code requiring the  
34 development of higher order thinking skills and critical thinking which should be integrated throughout the core curriculum  
35 instructional materials. Furthermore, the evaluation criteria used to select instructional materials with funds appropriated in Part IA,

1 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  
2 and critical thinking.

3 **1A.20.** (SDE-EIA: Certified Staff Technology Proficiency) To ensure the effective and efficient use of the funding provided by  
4 the General Assembly in Part IA, Section 1 VIII.D. for school technology in the classroom and internet access, the State Department  
5 of Education shall approve district technology plans that specifically address and incorporate certified staff technology competency  
6 standards and local school districts must require certified staff to demonstrate proficiency in these standards as part of each certified  
7 staff's Professional Development plan. District adopted technology proficiency standards and plans should be, at minimum, aligned  
8 to the International Society for Technology in Education (ISTE) teacher standards. Evidence that districts are meeting the  
9 requirement is a prerequisite to expenditure of a district's technology funds.

10 **1A.21.** (SDE-EIA: Accountability Program Implementation) To support implementation of the accountability program, the  
11 Education Oversight Committee may carry forward unexpended Education Accountability Act funds authorized specifically for the  
12 administration of the Education Oversight Committee. For the current fiscal year the Education Oversight Committee may carry forward  
13 prior year EIA South Carolina Community Block Grants for Education Pilot Program funds not awarded by the grant committee. These  
14 funds must be used for an independent common evaluation of each awarded grant to ensure high quality programs that maximize a  
15 return on the state's investment.

16 **1A.22.** (SDE-EIA: 4K Targeting) EIA funds allocated for the provision of four-year-old kindergarten shall be utilized for the  
17 provision of services to age-eligible children in poverty, as defined in Proviso 1.3 of this Act. Children with developmental delays  
18 documented through state approved screening assessments or children with medically documented disabilities who do not already  
19 qualify for special need services should also be considered for enrollment. In the event that more students seek to enroll than available  
20 space permits, districts shall prioritize students (at the time of acceptance) on the basis of family income expressed as a percentage  
21 of the federal poverty guidelines, with the lowest family incomes given the highest enrollment priority.

22 **1A.23.** (SDE-EIA: Reading) The funds allocated to the Department of Education for reading shall be used to provide districts  
23 with research-based strategies and professional development and to work directly with schools and districts to assist with  
24 implementation of research-based strategies. When providing professional development the department and school districts must  
25 use the most cost effective method and when able utilize ETV to provide such services throughout the state. The department shall  
26 establish measurements for monitoring impact on student achievement.

27 **1A.24.** (SDE-EIA: Students at Risk of School Failure) For the current fiscal year, EIA funds appropriated for students at academic  
28 risk of school failure, must be allocated to school districts based upon two factors: (1) poverty as determined for the poverty add on  
29 weight in Proviso 1.3; and (2) the number of weighted pupil units identified in the prior fiscal year as in need of academic assistance.  
30 At least eighty-five percent of the funds must be spent on instruction and instructional support for students at academic risk.  
31 Instructional support may include family literacy and parenting programs to students at-risk for school failure and their families.  
32 Students at academic risk are defined as students who are not meeting grade level standards in English language arts/reading and  
33 mathematics as evidenced by summative state assessments in grades three through eight or students who are not on track to meeting  
34 or exceeding English language arts/reading or mathematics standards by the end of third grade. Public charter schools, the Palmetto  
35 Unified School District, and the Department of Juvenile Justice must also receive a proportionate per pupil allocation based on the  
36 number of students at academic risk of school failure served.

1       **1A.25.** (SDE-EIA: Professional Development) Of the funds appropriated for professional development, up to \$500,000 may be  
2 expended for gifted and talented teacher endorsement and certification activities. The Department of Education must provide  
3 professional development on assessing student mastery of the content standards through classroom, formative and end-of-year  
4 assessments. The Department of Education also must post on the agency's website the South Carolina Professional Development  
5 Standards and provide training through telecommunication methods to school leadership on the professional development standards.  
6 The department is authorized to carry forward and expend professional development funds for the same purpose.

7       **1A.26.** (SDE-EIA: Assessments-Gifted & Talented, Advanced Placement, & International Baccalaureate Exams) Funds  
8 appropriated and/or authorized for assessment shall be used for assessments to determine eligibility of students for gifted and talented  
9 programs and for the cost of Advanced Placement, International Baccalaureate, and Cambridge International exams.

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

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

28       **1A.29.** (SDE-EIA: Full-Day 4K) ~~Eligible students residing in a school district that met the poverty level for participation in the~~  
29 ~~prior school year are eligible to participate in the South Carolina Early Reading Development and Education Program in the current~~  
30 ~~school year.~~ Beginning with the current fiscal year, eligible students residing in any school district may participate in the South  
31 Carolina Early Reading Development and Education program (CERDEP) pending the availability of space and funding. Student  
32 eligibility as defined by Section 59-156-130 of the 1976 Code is an annual family income of one hundred eighty-five percent or less  
33 of the federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services or a  
34 statement of Medicaid eligibility.

35       A parent or guardian may choose to enroll their child in a public school participating in the program and approved by the  
36 Department of Education pursuant to Section 59-156-210 or in a private provider participating in the program and approved by the

1 Office of First Steps pursuant to Section 59-156-200. A private provider includes, but is not limited to, a child care center, a military  
2 child care facility regulated by the United States Department of Defense, or a non-profit independent school. State funds  
3 appropriated for the provision of CERDEP services in military child care facilities may not be used to supplant existing federal child  
4 care funds.

5 Beginning with the current fiscal year, public schools and non-profit independent schools participating in CERDEP are not  
6 required to be approved, registered, or licensed by the Department of Social Services in order to participate in CERDEP. Instead,  
7 the Department of Education and the Office of First Steps are responsible for ensuring that providers deliver high-quality educational  
8 programs pursuant to Section 59-156-160.

9 Public and private providers shall be funded for instructional costs at a rate of ~~\$4,600~~ \$4,800 per student enrolled. Eligible students  
10 enrolling during the school year or withdrawing during the school year shall be funded on a pro rata basis determined by the length  
11 of their enrollment. Private providers transporting eligible children to and from school shall also be eligible for a reimbursement of  
12 ~~\$574~~ \$587 per eligible child transported. All providers who are reimbursed are required to retain records as required by their fiscal  
13 agent. New providers participating for the first time in the current fiscal year and enrolling between one and six eligible children  
14 shall be eligible to receive up to \$1,000 per child in materials and equipment funding, with providers enrolling seven or more such  
15 children eligible for funding not to exceed \$10,000. Providers receiving equipment funding are expected to participate in the program  
16 and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three  
17 years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education  
18 and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the  
19 Department of Education and the Office of First Steps. The Department of Education shall only provide funding for public school  
20 students whose complete records have been entered into PowerSchool based on the one hundred and thirty-five day student average  
21 daily membership. For the current fiscal year, providers may enroll pay-lunch children who score at or below the twenty-fifth  
22 national percentile on two of the three DIAL-3 subscales by July 1 if at least seventy-five percent of the total number of children  
23 eligible or the Child Early Reading Development and Education Program in a district or county are projected to be enrolled in that  
24 program, Head Start, or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, Child  
25 Early Reading Development and Education Program. Providers may receive reimbursement for these children if funds are available.

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

33 Of the funds appropriated, \$300,000 shall be allocated to the Education Oversight Committee to conduct an annual evaluation of  
34 the South Carolina Child Development Education Pilot Program and to issue findings in a report to the General Assembly by January  
35 fifteenth of each year. To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both  
36 public and private providers are required to submit the necessary data as a condition of continued participation in and funding of the

1 program. This data shall include developmentally appropriate measures of student progress. Additionally, the Department of  
2 Education shall issue a unique student identifier for each child receiving services from a private provider. The Department of  
3 Education shall be responsible for the collection and maintenance of data on the public state funded full day and half-day  
4 four-year-old kindergarten programs. The Office of First Steps to School Readiness shall be responsible for the collection and  
5 maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee shall  
6 use this data and all other collected and maintained data necessary to conduct a research based review of the program's  
7 implementation and assessment of student success in the early elementary grades along with information, recommendations, and a  
8 timeline for how the state can increase the number of students served in high-quality programs.

9 For each school district that chooses not to participate in CERDEP, the district shall receive the same amount of EIA funds as  
10 allocated in the prior fiscal year for the provision of a half-day 4K program from the funds appropriated to the Department of  
11 Education for CERDEP or from any funds carried forward from the prior fiscal year to CERDEP. For eligible children residing in  
12 school districts that do not participate in CERDEP, the Department of Education is required to develop and implement inter-district  
13 transfer policies that give parents or guardians the option of their eligible child attending an out-of-district school that participates  
14 in CERDEP.

15 For the current fiscal year, the Office of First Steps may expend: (1) up to \$2,000,000 to pilot a program to provide higher  
16 reimbursement rates to high-quality child care centers. The reimbursement rate for students enrolled by child care providers rated  
17 B or higher in the ABC Quality System operated by the Department of Social Services may be increased by up to 10% of the  
18 per-student base following guidelines developed by the Office of First Steps; and (2) up to \$100,000 to provide one-time  
19 supplemental, needs-based incentive grants in an amount not to exceed \$30,000 for newly created and/or newly approved private  
20 providers proposing to expand service to ten or more CERDEP eligible children in communities unable to enroll all eligible students  
21 in a public, private, or Head Start setting during the prior fiscal year. These grants are designed to address building renovations,  
22 documented as necessary to bring proposed classrooms into compliance with licensing regulations, materials and staffing costs,  
23 and/or other obstacles currently preventing their participation in the program. The First Steps Board of Trustees shall develop and  
24 approve an application process that incorporates formal review and fiscal safeguards designed to ensure grant funds are used solely  
25 to address documented barriers to program participation. Providers receiving this one-time supplement shall be expected to  
26 participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure  
27 to participate for three years shall require the provider to return a portion of the supplemental allocation at a level determined by  
28 the Office of First Steps to School Readiness. First Steps shall submit a report detailing its process, expenditures and expanded  
29 enrollment to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee by March  
30 15; and (3) up to \$1,000,000 may be used to provide grants to public-private partnerships to address building renovations and  
31 designs necessary to get the building and classrooms into compliance with licensing regulations and other obstacles that prevent  
32 participation in CERDEP following guidelines developed by the Office of First Steps. Providers participating in this pilot shall be  
33 expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three  
34 years. Failure to participate for three years shall require the provider to return a portion of the supplemental allocation at a level  
35 determined by the Office of First Steps.

1 If by August first, the Department of Education or the Office of First Steps determines that appropriations will exceed expenditures,  
2 available funds may be used to fund an extended program and to increase the length of the program to a maximum of eight and a  
3 half hours per day or two hundred and twenty days per year or to fund summer programs. If a district chooses to fund summer  
4 enrollment the program funding shall conform to the funding in this act for full year programs however it shall be reduced on a pro  
5 rata basis to conform with the length of the program. A summer program shall be no more than eight and a half hours per day and  
6 shall be not more than ten weeks in length. The per pupil allocation and classroom grant must conform with the appropriated amount  
7 contained in this Act and end of year adjustments shall be based on the one hundred and thirty-five-day student average daily  
8 membership or later student average daily membership for districts choosing to extend the program past one hundred and eighty  
9 days. Funds may also be used to provide professional development and quality evaluations of programs. No later than April first,  
10 the Department of Education and the Office of First Steps shall report to the Chairman of the Senate Finance Committee and the  
11 Chairman of the House Ways and Means Committee on the expenditure of these funds to include the following information: the  
12 amount of money used and specific steps and measures taken to enhance the quality of the 4K program and the amount of money  
13 used for professional development as well as the types of professional development offered and the number of participants. The  
14 Office of First Steps is directed to determine if the provision of extended programs in private centers improves the ability of parents  
15 to enter the workforce or to pursue postsecondary training or industry credentials.

16 On or before November 15, the Department of Education and the Office of First Steps shall share data that identifies the total  
17 number of children enrolled in CERDEP in both public and private providers. If available appropriations exceed the instructional  
18 costs of serving children enrolled in the program and if a waiting list of eligible children can be documented by the Department of  
19 Education and by the Office of First Steps, then the Executive Budget Office may authorize the transfer of funds between the  
20 Department of Education and the Office of First Steps.

21 The Office of First Steps and the Department of Education shall collaborate with the South Carolina Head Start State  
22 Collaboration Office to inform parents of all publicly funded full-day 4K programs including Head Start.

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

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

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

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

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

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



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

4       **1A.36.** (SDE-EIA: Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the  
5 average teachers' salaries of the southeastern states as projected by the Revenue and Fiscal Affairs Office. For the current school  
6 year the Southeastern average teacher salary is projected to be ~~\$52,830~~ \$53,426. The General Assembly remains desirous of raising  
7 the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to  
8 the national average teacher salary.

9       Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all  
10 eligible certified teachers employed by the district by no less than one year of experience credit using the district salary schedule  
11 utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all eligible  
12 certified teachers. For Fiscal Year ~~2020-21~~ 2021-22, the requirement that school districts maintain local salary supplements per  
13 teacher no less than their prior fiscal year level is suspended if additional State funds fill the gap.

14       Funds allocated by ~~Proviso 1.3 for implementing a revised state minimum salary schedule~~ for Teacher Salaries must be used to  
15 increase salaries of those teachers eligible pursuant to Section 59-20-50(4)(b), to include classroom teachers, librarians, guidance  
16 counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and  
17 audiologists in the school districts of the state ~~by not less than four percent~~. Districts must use the district salary schedule utilized  
18 the prior fiscal year as the basis for providing the increase.

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

21       **1A.37.** (SDE-EIA: PowerSchool Dropout Recovery Data) With the funds appropriated to the Department of Education for  
22 PowerSchool and data collection, the department will begin in the current fiscal year to collect data from schools and school districts  
23 on the number of students who had previously dropped out of school and who reenrolled in a public school or adult education to  
24 pursue a high school diploma. The Education Oversight Committee working with the Department of Education will determine how  
25 to calculate a dropout recovery rate that will be reflected on the annual school and district report cards. The department may carry  
26 forward and expend the funds for the same purpose.

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

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

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

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

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

19 **1A.42.** (SDE-EIA: Aid to Districts Draw Down) For the current fiscal year, in order to draw down funds appropriated in Part IA,  
20 Section 1, VIII.A.1, Aid to Districts, school districts, Palmetto Unified District and the Department of Juvenile Justice must work  
21 with local law enforcement agencies *and fire marshals*, and when necessary, state law enforcement agencies *and the Office of the*  
22 *State Fire Marshal* in order to ensure that the district has an updated school safety ~~plan~~ *and fire plans* in place. The safety ~~plan~~ *and*  
23 *fire plans* must include safety directives in the classroom, a safe student and staff exit strategy and necessary safety staff. Notice of  
24 completion of the updated ~~plan~~ *plans* must be submitted to the Department of Education no later than September first, of the current  
25 fiscal year. In the current fiscal year, school districts may continue to negotiate with local law enforcement for the provision of  
26 School Resource Officers. The department must report to the Chairman of the House Ways and Means Committee, the Chairman of  
27 the House Education and Public Works Committee, the Chairman of the Senate Finance Committee and the Chairman of the Senate  
28 Education Committee by September thirtieth, of the current fiscal year, on any districts that failed to submit an updated plan.

29 **1A.43.** (SDE-EIA: Education and Economic Development Act Carry Forward) Funds provided for the Education and Economic  
30 Development Act may be carried forward into the current fiscal year to be expended for the same purposes by the department, school  
31 districts, and special schools.

32 **1A.44.** (SDE-EIA: EEDA Regional Education Centers) Funds appropriated from the EEDA for Regional Education Centers must  
33 not be less than \$108,500.

34 **1A.45.** (SDE-EIA: Teach for America SC) Because Teach For America SC receives EIA funds in the current fiscal year, school  
35 districts that partner with Teach For America SC are required to provide to Teach For America SC by September first annually,  
36 information on the prior year's academic achievement of students who were directly taught by Teach For America corps members.

1 The information must be in a format that protects the identity of individual students and must include state assessment data as  
2 appropriate.

3 **1A.46.** (SDE-EIA: EOC-South Carolina Autism Society) Of the funds appropriated in Section 1A, VIII.F. Partnerships, Education  
4 Oversight Committee (A85), \$500,000 must be transferred in quarterly installments from the Education Oversight Committee to the  
5 South Carolina Autism Society for the Autism Parent-School Partnership Program. Beginning October 10, 2015, the South Carolina  
6 Autism Society shall provide a quarterly accounting report to the Chairman of the Senate Finance Committee, the Chairman of the  
7 House Ways and Means Committee and the Education Oversight Committee.

8 **1A.47.** (SDE-EIA: CHE/CERRA) The Center for Educator Recruitment, Retention and Advancement (CERRA) must complete  
9 periodic evaluations of the institutions currently hosting a Teaching Fellows (TF) program and ensure that the TF programs at the  
10 current host institutions continue to meet the requirements for a TF program as set forth by the CERRA Board of Directors. Further,  
11 CERRA will continue implementing a long-range plan for approving additional TF programs at other public, four-year institutions  
12 who wish to be considered to host a TF program, provided the proposed programs meet the requirements set forth by the CERRA  
13 Board of Directors. CERRA will publish TF program criteria and requirements prominently on its website. Any institution who  
14 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  
15 technical support if the institution elects to reapply. Any institution that applies but is not selected to host a TF program may appeal  
16 to the Commission on Higher Education.

17 **1A.48.** (SDE-EIA: Public Charter Pupil Counts) With funds appropriated to charter schools sponsored by either the South Carolina  
18 Public Charter School District or a registered Institution of Higher Education, the sponsor must require each charter school to submit  
19 a student attendance report for the 5<sup>th</sup>, 45<sup>th</sup>, 90<sup>th</sup> and 135<sup>th</sup> days. Reporting requirements shall include both Average Daily Membership  
20 and Weighted Pupil Unit membership. The South Carolina Public Charter School District or a registered Institution of Higher  
21 Education shall then provide the data for each charter school to the Department of Education. ~~Quarterly, the department will submit~~  
22 ~~the information, quarterly,~~ to the House Ways and Means Committee, the House Education and Public Works Committee, the Senate  
23 Finance Committee and the Senate Education Committee.

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

32 **1A.49.** (SDE-EIA: South Carolina Public Charter School Funding) The funds appropriated in Part IA, Section VIII.H.- South  
33 Carolina Public Charter School Statewide Sponsor must be allocated in the following manner to students at charter schools within  
34 the South Carolina Public Charter School District or within a registered Institution of Higher Education: Pupils enrolled in virtual  
35 charter schools sponsored by the South Carolina Public Charter School District or a registered Institution of Higher Education shall  
36 receive \$1,900 per weighted pupil and pupils enrolled in brick and mortar charter schools sponsored by the South Carolina Public

1 Charter School District or a registered Institution of Higher Education shall receive \$3,600 per weighted pupil. Three and four year  
2 old students with a disability, who are eligible for services under IDEA and enrolled in brick and mortar charter schools sponsored  
3 by the South Carolina Public Charter School District or registered IHE, shall receive \$3,600 per student for brick and mortar charter  
4 schools. Three and four year old students with a disability, who are eligible for serves under IDEA and enrolled in charter schools  
5 sponsored by the South Carolina Public Charter School District or a registered IHE, shall be included in student counts for the South  
6 Carolina Public Charter School District and registered IHE's solely for purposes of funding under this proviso. Any unexpended  
7 funds, not to exceed ten percent of the prior year appropriation, must be carried forward from the prior fiscal year and expended for  
8 the same purpose. Any unexpended funds exceeding ten percent of the prior year appropriation must be transferred to the Charter  
9 School Facility Revolving Loan Program established in Section 59-40-175. For Fiscal Year ~~2020-21~~ 2021-22, the timelines set forth  
10 for ruling on charter school applications are extended for sixty calendar days for all applications submitted to the South Carolina  
11 Public Charter School District if the district determines that an applicant should be permitted to amend its application to meet the  
12 requirements of Section 59-40-60 and Section 59-40-70, of the 1976 Code, based on an applicant's proposal to address an existing  
13 achievement gap utilizing an evidence-based educational program in an underserved geographical area of the state including, but not  
14 limited to, charter schools proposed to be located in any school district that is a plaintiff in the Abbeville law suit. The South Carolina  
15 Public Charter School District shall report to the Senate Finance Committee and the House Ways and Means Committee on the  
16 outcomes of this extended time for a hearing at the end of the application cycle.

17 ~~In addition, from the EIA funds appropriated in and carried forward from Act 97 of 2017, the Department of Education shall~~  
18 ~~distribute to the South Carolina Public Charter School District, an amount equal to \$3,600 per pupil for three and four year old~~  
19 ~~students with a disability, who were eligible for services under IDEA and who were enrolled in brick and mortar charter schools~~  
20 ~~sponsored by the district or registered institution of higher education during the 2017-2018 School Year and for whom EIA funding~~  
21 ~~previously was not provided. The district shall distribute the funds on a per pupil basis to the charter schools which provided the~~  
22 ~~IDEA services and shall not retain any portion thereof. The schools shall submit documentation of the student count to both the~~  
23 ~~district and the department before the funds are dispersed.~~

24 ~~The Education Oversight Committee shall issue a report to the General Assembly recommending one or more funding systems for~~  
25 ~~charter schools using such indicators as graduation rate and academic achievement data. At a minimum the report will break out~~  
26 ~~graduation and achievement data by school. Any charter school receiving funding pursuant to this proviso must send the required~~  
27 ~~information to the Education Oversight Committee by October 1 and the Education Oversight Committee shall issue its report to the~~  
28 ~~General Assembly by June 1. Any school failing to report this information to the Education Oversight Committee shall have one~~  
29 ~~percent of the funds received pursuant to this proviso withheld until they become compliant with the data submission requirements.~~

30 **1A.50.** (SDE-EIA: CDEPP Student Information and Reporting) For the current fiscal year, the Department of Education and the  
31 Office of First Steps to School Readiness must acquire unique student identifiers or SUNS numbers for each student enrolled in the  
32 CDEPP program no later than the 45<sup>th</sup> day and must provide a report of such to the House Ways and Means Committee, the House  
33 Education Committee, the Senate Finance Committee, the Senate Education Committee and the Education Oversight Committee by  
34 November thirtieth. The Department of Education and the Office of First Steps to School Readiness must provide any information  
35 required by the Education Oversight Committee for the annual CDEPP report no later than November thirtieth.

1       **1A.51.** (SDE-EIA: Rural Teacher Recruiting Incentive) (A) There is created a program within the South Carolina Center for  
2 Educator Recruitment, Retention, and Advancement (CERRA) to recruit and retain classroom educators in rural and underserved  
3 districts experiencing excessive turnover of classroom teachers on an annual basis.

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

6           (1) Eligible districts identified by CERRA as experiencing greater than eleven percent average annual teacher turnover, as  
7 reported on the districts' five most recent district report cards issued by the South Carolina Department of Education and are not one  
8 of the fifteen wealthiest districts based on the index of taxpaying ability, may make application to participate in the program.

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

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

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

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

21       At a minimum, the incentives shall include:

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

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

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

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

33       (D) In addition to eligibility and application requirements, CERRA shall develop a process for recovering an amount equal to the  
34 incentives given to individual participants who fail to comply with the obligations associated with a relevant incentive in which they  
35 participate including, but not limited to, failure to complete a prescribed course of study, failure to obtain a relevant certification or

1 licensure upon completion of a course of study, or failure to provide instructional services in an eligible district for a prescribed  
2 period of time.

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

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

10 **1A.52.** (SDE-EIA: Project Read) Of the funds appropriated in Section 1A. VIII.A.3. for Reading, \$500,000 must be used for  
11 teacher in-service training and professional development related to Project Read. The department may set accountability guidelines  
12 to ensure that funds are spent in accordance with the proviso.

13 **1A.53.** (SDE-EIA: Reading/Literacy Coaches) (A) For the current fiscal year, of the funds appropriated for Reading/Literacy  
14 Coaches, the Department of Education shall retain up to \$14,000,000 to be expended for the Palmetto Literacy Project. The  
15 Department shall identify schools in the Palmetto Literacy Project that have one-third or more of its third grade students scoring at  
16 the lowest achievement level on the statewide summative English language arts assessment. For each school identified and  
17 participating in the Palmetto Literacy Project in the prior school year, the Department of Education shall provide, at a minimum,  
18 the following support: provision of reading specialists, professional learning, and curriculum resources based on the science of  
19 reading. The reading specialist/coaches provided to the Palmetto Literacy Project schools shall be hired and evaluated annually by  
20 the Department of Education.

21 (B) The balance of funds appropriated to the Department for Reading/Literacy Coaches shall be allocated to school districts for  
22 schools not included in the Palmetto Literacy Project to support reading instruction and interventions which may include, but not be  
23 limited to, hiring reading/literacy coaches, interventionists, or professional development based on the science of reading.  
24 Expenditure of funding must be included in the district reading plan approved by the Department of Education.

25 (C) Funds appropriated for Reading/Literacy Coaches These funds must be allocated to school districts by the Department of  
26 Education as follows: for each primary and elementary school, the school district shall be eligible to receive up to \$62,730 or the  
27 actual cost of salary and benefits for a full-time reading/literacy coach.

28 ~~(B)~~(D) By accepting these funds, a school district warrants that they will not be used to supplant existing school district  
29 expenditures, except for districts that either are currently, or in the prior fiscal year, were paying for reading/literacy coaches with  
30 local funds. A district may only utilize these funds to employ reading/literacy coaches that may serve in a primary, elementary, or  
31 middle school or a combination of these schools depending on the area of highest need in the district except in the event that the  
32 district can request and receive a waiver from the Department of Education to expend the funds on interventionists who spend more  
33 than fifty percent of their time providing direct support to struggling readers in grades kindergarten through grade five. The school  
34 district must align the placement of coaches to the district reading plan that is approved by the department.

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

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

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

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

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

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

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

18 ~~(H) For the current school year, the Department of Education shall screen and approve the hiring of any reading/literacy coach~~  
19 ~~serving in a school in which one third or more of its third grade students scoring at the lowest achievement level on the statewide~~  
20 ~~summative English/language arts assessment. No funds shall be disbursed to the district to fund the reading/literacy coach until the~~  
21 ~~department has screened and approved the coach. Schools in which at least sixty percent of students scored at meets or exceeds~~  
22 ~~expectations on the state summative assessment in English/language arts may submit, as part of their reading plan, a request to the~~  
23 ~~department for flexibility to utilize their allocation to provide literacy support to students, which may include, but is not limited to:~~  
24 ~~a reading coach, a literacy interventionist, or other supplemental services directed to students in need of interventions. This plan~~  
25 ~~must be approved by the department annually as part of the district reading plan.~~

26 ~~(I)~~(H) The Department of Education shall require:

- 27 (1) any school district receiving funding ~~under subsection (A)~~ to identify the name and qualifications of the supported  
28 reading/literacy coach; as well as the school in which the coach is assigned; and
- 29 (2) any school district receiving funding ~~under subsection (G)~~ to account for the specific amounts and uses of such funds.

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

33 ~~(K)~~(J) ~~Funds appropriated for reading/literacy coaches shall be retained and~~ Any unspent or unallocated funds may be carried  
34 forward to be used for the same purpose but may not be flexed and expended for Summer Reading Camps.

35 **1A.54.** (SDE-EIA: Digital Instructional Materials) The Department of Education shall continue to create an instructional materials  
36 list composed of those items (print and/or digital) that have received State Board of Education approval through the normal adoption

1 process. The department shall continue to work with the publishers of instructional materials to ensure that districts have options for  
2 print/digital student materials to include class sets of print student editions, if needed. Funds appropriated for the purchase of  
3 instructional materials (print/digital) may be used for reimbursing school districts to offset the costs of refurbishing science kits on  
4 the state-adopted instructional materials inventory, purchasing new kits or those adopted as supplemental from the central textbook  
5 depository, or a combination of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the  
6 state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs,  
7 equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs. Funds provided for Instructional  
8 Materials may be carried forward from the prior fiscal year into the current fiscal year to be expended for the same purposes by the  
9 department, school districts, and special schools. These funds are not subject to flexibility.

10 **1A.55.** (SDE-EIA: 4K Early Literacy Competencies Assessments) Of the funds carried forward from the full-day 4K program  
11 from the previous fiscal year, the Department of Education is authorized to expend up to \$800,000 on assessments and professional  
12 development to analyze the early literacy competencies of children in publicly funded prekindergarten. If these funds are not  
13 available, funds appropriated and/or authorized for assessment shall be used to administer the prekindergarten assessments. The  
14 department shall manage the administration of assessments that analyze the early literacy and language development of children in  
15 publicly funded prekindergarten as done in the prior fiscal year. Each school district and private provider participating in a publicly  
16 funded prekindergarten program will administer one of the formative assessments selected by the department to each child eligible  
17 for and enrolled in a publicly funded prekindergarten program during the first forty-five days of the school year and during the last  
18 forty-five days of the school year. Accommodations that do not invalidate the results of these assessments must be provided in the  
19 manner set forth by the student's Individualized Education Program or 504 Accommodations Plan and for students who are Limited  
20 English Proficient according to their LEP Plan. The department will provide the assessment data to the Education Oversight  
21 Committee. The results of the assessment and the developmental intervention strategies recommended or services needed to address  
22 the child's identified needs must also be provided, in writing, to the parent or guardian. The assessment may not be used to deny a  
23 student to admission to prekindergarten.

24 Furthermore, up to \$2,000,000 of the funds appropriated for half-day programs for four-year-olds and funds carried forward from  
25 assessment must be expended by the Department of Education to administer the Kindergarten Readiness Assessment (KRA) to each  
26 child entering kindergarten in the public schools. The assessment of kindergarten students must be administered at a minimum of  
27 once during the first forty-five days of the school year with the results collected by the department. The results of the assessments  
28 and the developmental intervention strategies recommended or services needed to address each child's identified needs must also be  
29 provided, in writing, to the parent or guardian. The assessment may not be used to deny a student admission to kindergarten.  
30 Accommodations that do not invalidate the results of these assessments must be provided in the manner set forth by the student's  
31 Individualized Education Program, 504 Accommodations Plan, or LEP Plan. Districts are given the option of designating up to two  
32 days of the one hundred eighty day school calendar to administer the assessment to kindergarten students. The department will also  
33 provide the results of the assessment of kindergarten students to the Education Oversight Committee. With available funds, the  
34 department will also provide or secure training for appropriate educators in how to administer the assessment.

35 For all students assessed with the Kindergarten Readiness Assessment (KRA), the Department of Education is required to collect  
36 data from schools and school districts on the prior early learning experience of each student. The data would include whether the



1 kindergartener had attended in the prior school year a Head Start program, a South Carolina Early Reading Development and  
2 Education Program in a public school or a private center, a half-day 4K program in a public school, a full-day 4K program in a public  
3 school, a child care center (registered faith-based, registered family home, group home, or exempt provider) or informal child care.

4 ~~1A.56. (SDE-EIA: CDEPP Unexpended Funds) For Fiscal Year 2018-19, the Office of First Steps to School Readiness is~~  
5 ~~permitted to retain the first \$1,000,000 of any unexpended CDEPP funds of the prior fiscal year and expend these funds to enhance~~  
6 ~~the quality of the full-day 4K program in private centers and provide professional development opportunities.~~

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

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

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

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

29 ~~1A.57. (SDE-EIA: Industry Certifications/Credentials) Of the funds appropriated for Industry Certifications/Credentials,~~  
30 ~~\$3,000,000 must be allocated to school districts based upon the number of national industry exams administered in the prior school~~  
31 ~~year with each district receiving a base amount of \$10,000. The department will identify the national industry exams that will be~~  
32 ~~funded based upon the job availability in the state. School districts may carry forward funds from the prior fiscal year into the current~~  
33 ~~fiscal year and expend the funds for the cost of national industry exams. The department shall work with the Department of~~  
34 ~~Commerce, the Department of Employment and Workforce, state and local chambers of commerce and economic development~~  
35 ~~offices and the Tech Board to ensure that students are aware of the industry required credentials for current job availability in the~~  
36 ~~state organized by region. Any additional funds appropriated must be allocated to school districts based upon the number of national~~

1 industry exams/credentials earned in the prior school year, and districts must expend these funds to pay for the cost of industry exams  
2 or to support students in preparing for the exams in the current fiscal year.

3 **1A.58.** (SDE-EIA: Career and Technology Education) Funds appropriated for Career and Technology Education will be  
4 distributed to school districts and multi-district career centers based on the prior year actual student enrollment for career and  
5 technology education courses, with no district or multi-district career center receiving less than \$50,000. Funds may be expended  
6 for the purchase of career and technical equipment, the up fitting of facilities and the purchase of consumables, regional career  
7 specialists, and such evidence-based initiatives like High Schools that Work and Project Lead the Way. Each district must include  
8 in the district plan submitted to the Office of Career and Technology Education information on other career and technical equipment  
9 available. The district must include, at a minimum, equipment located at the career center and at the technical college, information  
10 on the alignment of equipment to current industry jobs and needs in the state as recommended by career and technical program  
11 advisory committees. District plans must include charter schools within the school district offering at least one career and technical  
12 education completer program. School districts and career centers may carry forward unexpended funds to be used for the same  
13 intended purposes to up fit career and technical facilities and replace career and technical program consumables. In addition,  
14 \$125,000 of the funds appropriated shall be allocated to the ~~Palmetto Partners for Science and Technology~~ South Carolina FIRST  
15 LEGO League and Robotics Education for robotics competition, curriculum, and support.

16 **1A.59.** (SDE-EIA: Family Connection South Carolina) Funds appropriated in Part IA, Section 1, VIII.F, Partnerships, for Family  
17 Connection South Carolina (H63), shall be transferred in quarterly installments from the Department of Education to Family  
18 Connection South Carolina. Funds shall be used to provide support to families of children with disabilities. Support shall include,  
19 home visits, transition assistance, education assistance, parent support and parent training. The department shall establish guidelines  
20 through which Family Connection South Carolina shall provide planning documents to the department not later than July fifteenth  
21 of the current fiscal year, and quarterly reporting of expenditures thereafter; and a performance report submitted annually.

22 **1A.60.** (SDE-EIA: Low Achieving Schools) Of the funds appropriated to the Education Oversight Committee for Partnerships  
23 for Innovation, \$500,000 shall be allocated to parent support initiatives and afterschool programs in historically underachieving  
24 communities.

25 **1A.61.** (SDE-EIA: Assistance Funding) For the current fiscal year, any funds appropriated to the Department of Education to  
26 assist districts that are or were Plaintiffs in the Abbeville law suit and funding appropriated to the department to provide technical  
27 assistance to underperforming districts may not be transferred to any other program, are not subject to flexibility, and may be carried  
28 forward and expended for the same purposes.

29 **1A.62.** (SDE-EIA: National Board Certification Incentive) Public school classroom teachers, to include teachers employed at the  
30 special schools or classroom teachers who work with classroom teachers, to include teachers employed at the special schools who  
31 are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards  
32 or completed the application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first in the year  
33 following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governors School for  
34 Science and Math, Governors School for the Arts and Humanities, Wil Lou Gray Opportunity School, Governor's School for  
35 Agriculture at John de la Howe, School for the Deaf and the Blind, Department of Juvenile Justice and Palmetto Unified School  
36 District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate.

1 However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teachers FTE and paid to the teacher in accordance with  
2 the districts payroll procedure. In addition, teachers who have applied prior to July 1, 2010 and are certified by the National Board  
3 for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the  
4 recertification cycle for national board certification. National board certified teachers who have been certified by the National Board  
5 for Professional Teaching Standards or completed the application process prior to July 1, 2010 moving to this State who hold a valid  
6 standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional  
7 teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

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

17 Teachers eligible to receive the state supplement upon achieving certification must have submitted the initial application and fee  
18 for NBPTS in Fiscal Year 2017-18. The department is authorized to carry forward funds and only expend them for the same purpose.  
19 Appropriations in excess of applicable expenditures shall be distributed to school districts based on the EFA formula.

20 ~~1A.63. (SDE-EIA: Value-Added Accountability) With the funds appropriated for School Value Added Instrument in the current~~  
21 ~~fiscal year the Department of Education shall use the education value added assessment system that was procured and administered~~  
22 ~~in the prior fiscal year to calculate the magnitude of student progress or growth at the school level for purposes of state and federal~~  
23 ~~accountability. At the discretion of the local school district, a district may use the education value added assessment system to~~  
24 ~~evaluate classroom teachers using student progress or growth. The estimates of specific teacher effects on the educational progress~~  
25 ~~of students will not be a public record and shall be made available only to the specific teacher, principal and superintendent. In the~~  
26 ~~current fiscal year, the Department of Education is directed to procure a value added assessment system, which calculates student~~  
27 ~~growth and includes the measurement of magnitude of growth, to be used in future school years that meets the requirements of the~~  
28 ~~state and federal accountability system as defined in Chapter 18 of Title 59 of the 1976 Code.~~

29 **1A.64.** (SDE-EIA: Educator Preparation Provider) Of the funds carried forward from the prior fiscal year, the department is  
30 authorized to use up to \$300,000 to develop a data system to house post-certification data and employment for Education Preparation  
31 Provider (EPP) completers in accordance with S.C. Code Reg. 43-90. The system must provide the department with the ability to  
32 collect, store, and disseminate data elements needed for national accreditation of providers. Such data shall be exempted from  
33 disclosure under Section 30-4-40 of the 1976 Code, the South Carolina Freedom of Information Act.

34 **1A.65.** (SDE-EIA: Alternative Commitment to Truancy) As part of its plan for an alternative school, a school district receiving  
35 funds from the Department of Education for an alternative school shall identify available alternatives to commitment for children  
36 whose truancy is approaching the level of being referred to family court. When proceeding under Section 59-65-50 of the 1976 Code

1 to bring an individual case before the family court, the school district must present this plan as well as the district's efforts with  
2 respect to the individual child to the court. Each school district's plan under this proviso shall include possible assignment to  
3 alternative school for a non-attending child before petitioning the court.

4 ~~1A.66. (SDE-EIA: McCormick County Schools) The Department of Revenue must directly allocate the funds appropriated under  
5 VIII. F. Partnerships for the Governor's School for Agriculture at John de la Howe for teacher salaries to McCormick County School  
6 District to create a school within a school program to educate at-risk students, including students at the Governor's School for  
7 Agriculture at John de la Howe who attend McCormick County schools. The program must use an accelerated curriculum which  
8 utilizes multimedia/ multimodal learning activities to ensure academic success and development of leadership and communication  
9 skills.~~

10 ~~1A.67. (SDE-EIA: Grants Committee) Of the funds appropriated to the Department of Education for Innovation Grants, the grants  
11 committee, in Fiscal Year 2020-21, shall give priority to funding projects funded by the Education Oversight Committee Partnerships  
12 of Innovation in the prior fiscal year while keeping with its established criteria. Additionally, the committee shall accept applications  
13 per the established process for new grantees not to exceed the amount appropriated by the General Assembly.~~

14 ~~The Superintendent of Education is directed to appoint an independent grants committee to develop the process for awarding the  
15 grants or directly purchasing services. The committee members shall serve four year terms. The process shall include the application  
16 procedure, selection process, and matching grant formula if applicable. The grants committee must be comprised of seven members,  
17 three members selected from the education community and four members selected from the business community. The chairman of  
18 the committee shall be selected by the committee members at the first meeting of the committee. The suggested criteria for awarding  
19 the grants to schools or school districts or directly purchasing services must include, but are not limited to:~~

- 20 (1) a demonstrated ability to meet the match throughout the granting period;
- 21 (2) a demonstrated ability to implement the initiative or model as set forth in the application;
- 22 (3) identification of key measurable benchmarks in the education continuum that must be improved to raise student  
23 achievement and ensure all students graduate college, career and civic ready;
- 24 (4) a demonstrated ability to be both replicable and scalable with priority given to those projects that focus on applied learning  
25 opportunities and experiences, especially in the STEM or STEAM fields;
- 26 (5) blended and personalized learning focused on content mastery and experiential learning; and
- 27 (6) innovative strategies to close student achievement gaps, with a focus on below average and unsatisfactory schools.

28 ~~No matching amount will exceed more than seventy percent of the grant request or be less than ten percent of the request. The  
29 required match may be met by funds or by in-kind donations, such as technology, to be further defined by the grants committee.  
30 Public school districts and schools that have high poverty and low achievement will receive priority for grants when their applications  
31 are judged to meet the criteria established for the grant program. The committee shall submit an annual report to the Governor, the  
32 Chairman of House Ways and Means and the Chairman of Senate Finance by June 30, 2020.~~

33 ~~Grantees and service providers will be required to participate in an external evaluation as prescribed by the committee and agreed  
34 upon in the application and award process.~~

1       **1A.68.** (SDE-EIA: Teacher Loan Program) With the funds appropriated for the Teacher Loan Program and with funds in the  
2 revolving fund, in the current fiscal year the annual maximum award for eligible juniors, seniors and graduate students is \$7,500 per  
3 year and the aggregate maximum loan amount is \$27,500.

4       **1A.69.** (SDE-EIA: Digital Learning Plan) ~~The Education Oversight Committee is responsible for implementing the second year~~  
5 ~~of a pilot program for alternative methods of instruction for make up days. The five school districts that participated in the initial~~  
6 ~~pilot program in the prior fiscal year shall have the option of continuing to participate during the current fiscal year. As a condition~~  
7 ~~of their continued participation, these five school districts shall assist the committee in reviewing and approving additional school~~  
8 ~~districts to participate in the second year of the pilot program and shall provide technical assistance and support to new districts~~  
9 ~~participating in the pilot. From funds available to the committee, the committee is authorized to allocate funds to the five districts~~  
10 ~~for providing technical support to the new districts participating in the pilot program.~~

11       All districts participating in the pilot in the current fiscal year shall utilize alternative methods of instruction which may include,  
12 but are not limited to, online or virtual instruction for scheduled make up time. All make up time must reflect the number of hours  
13 of the make up days the instruction will cover. All make up time must meet state requirements for elementary and secondary school  
14 days. All districts shall continue to report to the Department of Education all days missed, reasons for the absences, days made up,  
15 and now the alternative method of instruction used. The Education Oversight Committee shall work with the Educational Television  
16 Commission (ETV) and the State Library to utilize and coordinate available ETV and State Library resources and explore alternative  
17 means of delivery to districts that may lack proper access to online instruction. All school districts shall report the following  
18 information to the Education Oversight Committee by April 1, 2021: ~~method(s) of implementation utilized, advantages and~~  
19 ~~disadvantages of the method(s) used, any feedback received from administrators, teachers, parents or guardians, and~~  
20 ~~recommendations for how the program can be implemented statewide.~~

21       By June 1, 2021 the Education Oversight Committee shall report to the Governor, the General Assembly, the Department of  
22 Education, and the State Board of Education a plan for implementing the eLearning program for make up days statewide.

23       *With funds appropriated, the Education Oversight Committee is responsible for evaluating the impact of alternative methods of*  
24 *instruction on student learning and working with other agencies to expand access to quality remote instruction which can be*  
25 *dispatched if necessary. Alternative methods of instruction may include, but are not limited to, online or virtual instruction, remote*  
26 *learning, and hybrid models. The Department of Education and school districts providing alternative methods of instruction must*  
27 *provide data as requested by the committee to evaluate the effectiveness of the instruction. The Education Oversight Committee*  
28 *shall report annually to the Governor, the General Assembly, the Department of Education, and the State Board of Education.*

29       **1A.70.** (SDE-EIA: School Safety Program) Funds appropriated for the School Safety Program and School Resource Officers shall  
30 be utilized by the department for the purpose of hiring certified law enforcement officers to serve as a school resource officer for  
31 school districts, *including the South Carolina Public Charter School District and schools authorized by an institution of higher*  
32 *learning,* that otherwise would lack the adequate resources to hire their own school resource officers. In making determinations of  
33 eligibility the department shall use the most recent index of taxpaying ability as the district's indicator of ability to pay, with districts  
34 of the lowest index of taxpaying ability receiving priority consideration. Districts must apply for funding through the department  
35 and no districts shall receive an award of more than four certified school resource officer positions. In making awards the department  
36 shall provide funding directly to the local law enforcement agency to pay for the cost of the law enforcement officer that will serve

1 as a full-time school resource officer. The department is authorized to carry forward funds and utilize these funds for the same  
2 purpose.

3 **1A.71.** (SDE-EIA: Teacher Recruitment Program) On or before September 30th of Fiscal Year 2020-21, following the  
4 development of accountability metrics, \$750,000 of the funds appropriated in this Act to the Department of Education for "Rural  
5 Teacher Recruitment" shall be allocated to the University of South Carolina's College of Education (COE) for the development and  
6 implementation of a new teacher recruitment pilot program to be administered by the COE in partnership with the Center for Teaching  
7 Quality (CTQ). The purpose of the pilot program shall be the employment of innovative and cost-effective teacher recruitment  
8 strategies, customized training for new teachers, and dedicated, ongoing mentoring support. The pilot program shall compliment  
9 and/or enhance the state's ongoing rural teacher recruitment initiatives such as those supported pursuant to Part 1A.54 of this Act.  
10 At minimum, the pilot program must assist no fewer than ten school districts to include at least four districts along the I-95 corridor  
11 and serve no fewer than 250 teacher candidates. The pilot program shall stipulate reasonable fees for participating candidates and  
12 districts and districts shall agree to release time for required on site mentors who shall be experienced, practicing teachers within the  
13 district for the purposes of co-teaching with and supporting candidates' development. Within participating districts, the pilot program  
14 shall emphasize high-need schools and within selected schools, the emphasis shall be on developing teacher candidates teaching in  
15 high-need subject areas to include, but not be limited to, STEM and special education with all candidates receiving training in literacy  
16 skills. The pilot program design shall be based on emerging empirical evidence of effective teacher education as well as best practices  
17 from recent innovations in university-based and alternative certification and residency programs for the dual purpose of recruiting  
18 needed candidates with equal focus on retaining accomplished, experienced teachers utilizing, in part, a model which contains  
19 intensive mentoring and support for candidate teachers. Before any funds are disbursed to the COE, the COE and CTQ shall develop  
20 accountability metrics for the pilot program that must include, at minimum, employment outcome indicators such as job placement  
21 and retention statistics as well as survey instrumentation in order to measure candidate, mentor, and principal satisfaction with the  
22 pilot program. No later than June 30th, program data and evidence collected as a result of this accountability requirement must be  
23 shared in report form with the Department of Education, the Education Oversight Committee, the South Carolina Center for Educator  
24 Recruitment, Retention, and Advancement, the Commission on Higher Education, the Chairman of the Senate Education Committee,  
25 the Chairman of the House Education and Public Works Committee, the Chairman of the House Ways and Means Committee and  
26 the Chairman of the Senate Finance Committee.

27 **1A.72.** (SDE: Bridge Program) Of the funds appropriated for "Rural Teacher Recruitment" in Fiscal Year ~~2020-21~~ 2021-22,  
28 \$1,400,000 shall be transferred to South Carolina State University for the implementation and enhancement of a BRIDGE program  
29 to recruit minority high school students along the I-95 corridor into the teaching profession by offering them, while still in high  
30 school, access to counseling, mentoring, on campus summer enrichment programs, and opportunities for dual enrollment credits at  
31 South Carolina State University for the purpose of preparing these students to major in education and to become future teachers along  
32 the I-95 corridor. South Carolina State University must utilize \$400,000 of these funds to partner with one or more institutions of  
33 higher education to establish a similar bridge program.

34 **1A.73.** *(SDE-EIA: Return to Covered Employment) For compensation earned during the current fiscal year, the earnings*  
35 *limitation imposed pursuant to Sections 9-1-1790(A)(1) and 9-11-90(4)(a)(i) of the 1976 Code does not apply if the retired member*  
36 *is hired by the Department of Education to primarily provide services to the department for its tiered system of support for*

1 underperforming schools and districts. The department may only use this provision for a maximum of twenty employees during the  
2 fiscal year. The department shall report the number of employees hired under this provision to the Chairman of the House Ways  
3 and Means Committee and the Chairman of the Senate Finance Committee by June 30.

4 IA.74. (SDE-EIA: Kindergarten Start Dates) A district superintendent or charter school authorizer may submit a request to the  
5 department to waive the minimum one hundred eighty day school attendance requirement for kindergarten students for the purpose  
6 of scheduling a readiness assessment. Upon approval of the waiver request, the approved school may stagger administering the  
7 readiness assessment to kindergarten students during the first five days of the academic year.

8 IA.75. (SDE-EIA: Report Card Date) For the current fiscal year, the department is directed to produce the school report cards  
9 by November 1.

10 IA.76. (SDE-EIA: Surplus) For Fiscal Year 2021-22, EIA cash funds from the prior fiscal year and EIA funds not otherwise  
11 appropriated or authorized must be carried forward and expended on the following items in the order listed:

12 1. SDE-Grant Committee - \$7,788,000;

13 2. Charter Schools- \$9,500,000.

14 Any additional funds carried forward and not otherwise appropriated or authorized may be used for instructional materials.

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

16  
17  
18 **3.1.** (LEA: Audit) Each state agency receiving lottery funds shall develop and implement procedures to monitor the expenditures  
19 of lottery funds in order to ensure that lottery funds are expended in accordance with applicable state laws, rules, and regulations.

20 For institutions of higher learning, adopted procedures to monitor expenditures of lottery funds shall be reported to the Commission  
21 on Higher Education and the Executive Budget Office by October 1, ~~2019~~ 2021, and these expenditures are subject to annual  
22 verification and audit by the Commission on Higher Education on a rotational schedule not to exceed three years. The annual  
23 verification and audit shall be funded from the funds appropriated to or authorized for the Commission on Higher Education and the  
24 commission shall not assess a fee or charge institutions of higher learning for performing this function. In addition, the Commission  
25 on Higher Education shall provide a report to the Executive Budget Office, the Chairman of the Senate Finance Committee, and the  
26 Chairman of the House Ways and Means Committee by October first each year summarizing, by institution, how lottery funds were  
27 expended in the prior fiscal year, issues and concerns as well as institution responses to those issues and concerns discovered as a  
28 result of the commission's verification and/or audit activity during the prior fiscal year, if any.

29 For the Department of Education, adopted procedures to monitor expenditures of lottery funds that are allocated to the South  
30 Carolina school districts and other recipient institutions according to law and Department of Education guidelines shall be reported  
31 to the Executive Budget Office by October 1, ~~2019~~ 2021. In addition, the Department of Education shall provide a report to the  
32 Executive Budget Office, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means  
33 Committee on the amount of lottery funds the department distributed to each entity in the prior fiscal year.

34 All other state agencies must submit their adopted procedures to monitor expenditures of lottery funds to the Executive Budget  
35 Office by October 1, ~~2019~~ 2021.

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

3 **3.2.** (LEA: Election Day Sales) For the current fiscal year, Section 59-150-210(E) is suspended.

4 **3.3.** (LEA: Student Unique Identifiers) For the current fiscal year, in order to provide longitudinal data, institutions of higher  
 5 education and technical colleges accepting lottery funds must retain the student unique identifier or SUNS number assigned to  
 6 students who attended public high schools in South Carolina. This shall not prohibit institutions of higher education or technical  
 7 colleges from using additional student identifiers.

8 **3.4.** (LEA: FY 2020-21 Lottery Funding) ~~There is appropriated from the Education Lottery Account for the following education~~  
 9 ~~purposes and programs and funds for these programs and purposes shall be transferred by the Executive Budget Office as directed~~  
 10 ~~below. These appropriations must be used to supplement and not supplant existing funds for education. For cash flow purposes, the~~  
 11 ~~Executive Budget Office may facilitate limited transfers from the general deposits of the state for the exclusive purpose of ensuring~~  
 12 ~~the timely distribution of scholarships and tuition assistance payments as provided below. Any use of this transfer allowance must~~  
 13 ~~include full reimbursement from the Education Lottery Account to the general deposit accounts of the state prior to the close of the~~  
 14 ~~fiscal year.~~

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

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

19 ~~For Fiscal Year 2020-21, certified net lottery proceeds and investment earnings for the current fiscal year, Fiscal Year 2019-20~~  
 20 ~~certified surplus, and Fiscal Year 2018-19 surplus are appropriated as follows:~~

21	<del>(1) Commission on Higher Education LIFE Scholarships as provided in Chapter 149, Title 59 .....</del>	<del>\$240,102,429;</del>
22	<del>(2) Commission on Higher Education HOPE Scholarships as provided in Section 59-150-370 .....</del>	<del>\$ 14,557,008;</del>
23	<del>(3) Commission on Higher Education Palmetto Fellows Scholarships as provided</del>	
24	<del>in Section 59-104-20 .....</del>	<del>\$ 61,809,959;</del>
25	<del>(4) Commission on Higher Education and State Board for Technical and Comprehensive</del>	
26	<del>Education Tuition Assistance .....</del>	<del>\$ 51,100,000;</del>
27	<del>(5) Commission on Higher Education Need Based Grants .....</del>	<del>\$ 20,000,000;</del>
28	<del>(6) Higher Education Tuition Grants Commission Tuition Grants .....</del>	<del>\$ 10,000,000;</del>
29	<del>(7) Commission on Higher Education National Guard Tuition Repayment Program as</del>	
30	<del>provided in Section 59-111-75 .....</del>	<del>\$ 2,631,129;</del>
31	<del>(8) State Board for Technical and Comprehensive Education South Carolina Workforce</del>	
32	<del>Industry Needs Scholarship .....</del>	<del>\$ 17,000,000;</del>
33	<del>(9) South Carolina State University .....</del>	<del>\$ 2,500,000;</del>
34	<del>(10) State Board for Technical and Comprehensive Education ReadySC Direct Training .....</del>	<del>\$ 10,000,000;</del>
35	<del>(11) State Board for Technical and Comprehensive Education High Demand Job Skill</del>	
36	<del>Training Equipment .....</del>	<del>\$ 12,500,000;</del>



1	<del>(12) Commission on Higher Education—Technology Public Four Year Institutions, Two-Year</del>	
2	<del>Institutions, and State Technical Colleges as provided in Section 59-150-356 .....</del>	<del>\$ 8,000,000;</del>
3	<del>(13) Commission on Higher Education—SREB Program and Assessments.....</del>	<del>\$ 236,195;</del>
4	<del>(14) Department of Education—Instructional Materials .....</del>	<del>\$ 20,000,000;</del>
5	<del>(15) Department of Alcohol and Other Drug Abuse Services—Gambling Addiction Services.....</del>	<del>\$ 50,000;</del>
6	<del>(16) Department of Education—School Bus Lease/Purchase.....</del>	<del>\$ 19,363,280; and</del>
7	<del>(17) Department of Education—Reading Partners .....</del>	<del>\$ 250,000.</del>
8	<del>For Fiscal Year 2020-21, funds certified from unclaimed prizes are appropriated as follows:</del>	
9	<del>(1) State Board for Technical and Comprehensive Education—Workforce Scholarships and Grants.....</del>	<del>\$ 11,000,000;</del>
10	<del>(2) Commission on Higher Education—Higher Education Excellence Enhancement Program .....</del>	<del>\$ 6,072,473;</del>
11	<del>(3) Department of Alcohol and Other Drug Abuse Services—Gambling Addiction Services.....</del>	<del>\$ 50,000;</del>
12	<del>(4) Commission on Higher Education—SREB Program and Assessments.....</del>	<del>\$ 377,526;</del>
13	<del>(5) Commission on Higher Education—PASCAL .....</del>	<del>\$ 1,500,000;</del>
14	<del>(6) Commission on Higher Education—Need Based Grants .....</del>	<del>\$ 1; and</del>
15	<del>(7) Department of Education—School Bus Lease/Purchase.....</del>	<del>\$ All Remaining.</del>

16 ~~If the lottery revenue received from certified unclaimed prizes for Fiscal Year 2020-21 is less than the amounts appropriated, the~~  
 17 ~~projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis.~~

18 ~~Fiscal Year 2020-21 funds appropriated to the Commission on Higher Education and the State Board for Technical and~~  
 19 ~~Comprehensive Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided~~  
 20 ~~in Section 59-150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher~~  
 21 ~~Education shall develop the Tuition Assistance distribution of funds.~~

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

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

28 ~~Fiscal Year 2020-21 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment~~  
 29 ~~earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for~~  
 30 ~~Fiscal Year 2020-21 are fully funded.~~

31 ~~If the lottery revenue received for Fiscal Year 2020-21 certified net lottery proceeds and investment earnings for the current fiscal~~  
 32 ~~year, Fiscal Year 2019-20 certified surplus, and Fiscal Year 2018-19 surplus are less than the amounts appropriated, the projects and~~  
 33 ~~programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction~~  
 34 ~~must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.~~

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

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

6 The funds appropriated to the State Board for Technical and Comprehensive Education (SBTCE) for Workforce Scholarships and  
7 Grants shall be used to provide grants for tuition, fees, transportation, or textbook expenses to South Carolina residents enrolled in a  
8 career education program that meets all eligibility guidelines promulgated by the SBTCE in consultation with the Department of  
9 Education. Funds shall not be used for continuing education courses that do not lead to a degree, professional certificate, or  
10 industry recognized credential (IRC).

11 (A) Prior to disbursement of funds and no later than July 30, SBTCE must provide the colleges with a Board approved list,  
12 compiled based on regional and statewide industry needs of the programs and credentials for which the colleges are allowed to award  
13 grants for the current fiscal year.

14 (B) Grants shall be awarded from the fund in an amount not exceeding five thousand dollars or the total cost of attendance,  
15 whichever is less, for students to attend the program of their choice, including a professional certification program, at a South Carolina  
16 public technical college. Priority for grant awards shall be given to students seeking a degree, professional certificate, or  
17 industry recognized credential (IRC) in an industry sector with critical workforce needs as identified and recommended by the  
18 SBTCE and ratified by the Coordinating Council for Workforce Development.

19 (C) By April fifteenth, the SBTCE shall provide a report to the Chairman of House Ways and Means Committee and the Chairman  
20 of the Senate Finance Committee detailing use of funds received in the prior fiscal year. The report must include at minimum for  
21 each technical college: a list of programs that received funding, amount spent per program, number of students that received grants,  
22 grant amount per student, names of credentials completed by students receiving grants, amount of each type of credential completed,  
23 and job placement rates for students who completed programs and/or credentials.

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

- 27 (1) The Citadel.....\$ 267,228;
- 28 (2) University of Charleston.....\$ 607,631;
- 29 (3) Coastal Carolina University.....\$ 591,366;
- 30 (4) Francis Marion University.....\$ 260,984;
- 31 (5) Lander University.....\$ 224,174;
- 32 (6) South Carolina State University.....\$ 224,476;
- 33 (7) USC Aiken Campus.....\$ 243,662;
- 34 (8) USC Upstate.....\$ 330,928;
- 35 (9) USC Beaufort Campus.....\$ 183,437;
- 36 (10) USC Lancaster Campus.....\$ 145,010;

1	(11) USC – Salkehatchie Campus .....	\$ 145,010;
2	(12) USC – Sumter Campus .....	\$ 145,010;
3	(13) USC – Union Campus .....	\$ 145,010;
4	(14) Winthrop University .....	\$ 362,400; and
5	(15) State Technical Colleges and State Board for	
6	Technical and Comprehensive Education .....	\$4,123,674.

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

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

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

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

16 Of the funds appropriated to the State Board for Technical and Comprehensive Education for the South Carolina Workforce  
17 Industry Needs Scholarship, the board shall administer the South Carolina Workforce Industry Needs Scholarship as outlined below:

18 (A) (1) In the current fiscal year, a student attending a two year public technical college and majoring in a critical workforce  
19 area program, as defined and recommended by the State Board for Technical and Comprehensive Education (SBTCE) and ratified  
20 by the South Carolina Coordinating Council for Workforce Development, and who is receiving a Lottery Tuition Assistance Program  
21 Scholarship (LTAP) for the current fiscal year, shall receive an additional South Carolina Workforce Industry Needs Scholarship  
22 (SC WINS). A student who is attending a two year public technical college, who meets the income eligibility guidelines for free and  
23 reduced priced meals as established by the United States Department of Agriculture (USDA) and who is receiving a LTAP  
24 scholarship for the current fiscal year, shall receive a SC WINS scholarship regardless of the student's major. The SC WINS  
25 scholarship is equal to the cost of tuition and mandatory fees after applying all other scholarships or grants, not to exceed two thousand  
26 five hundred dollars.

27 (2) If the student is a freshman, the student must be enrolled in at least six credit hours of instruction each semester,  
28 including at least three credit hours of instruction in one of the critical workforce areas defined by the SBTCE. A student who meets  
29 the income guidelines for free and reduced priced meals as established by the USDA, must be enrolled in at least six credit hours of  
30 instruction each semester for the purpose of meeting the required minimum level of instruction in the student's major courses. To  
31 receive the additional SC WINS scholarship, the student must receive the underlying LTAP scholarship for that fiscal year and must  
32 be making acceptable progress towards receiving a degree in one of the majors pursuant to this proviso. For purposes of meeting this  
33 required minimum level of instruction in the freshman's major courses, dual enrollment courses taken in high school in these critical  
34 workforce area programs count toward the fulfillment of the minimum requirement.

35 (B) The SBTCE shall adopt rules to define what constitutes a critical workforce program area. Nothing herein prevents a student  
36 from changing majors within the acceptable disciplines. Additionally, the SBTCE shall communicate with high school guidance

1 counselors regarding the list of qualifying majors. Critical workforce program additions or deletions must be ratified by the South  
2 Carolina Coordinating Council for Workforce Development.

3 (C) If the additional SC WINS scholarship is lost, it may be regained in the same manner the underlying LTAP scholarship is  
4 regained.

5 (D) In order for a student to be eligible after attempting twenty four academic credit hours, the student must have earned a  
6 grade point average of 2.0 or better on a 4.0 grading scale.

7 (E) A student may not be eligible to receive the SC WINS scholarship for more than one certificate, diploma, or degree unless  
8 the additional certificate, diploma, or degree constitutes progress in the same field of study.

9 (F) A dual enrollment student in high school who is majoring in one of the critical workforce areas at a technical college  
10 qualifies for the SC WINS scholarship. A dual enrollment student in high school who receives a LTAP scholarship at a technical  
11 college and qualifies for free and reduced priced meals, also qualifies for the SC WINS scholarship regardless of the student's major.

12 (G) Additionally, an up to three hundred dollar book allowance is applied to a SC WINS recipient's account, who is majoring  
13 in one of the critical workforce areas, for expenses towards the cost of textbooks.

14 (H) If a critical workforce area program is placed on suspension during the SBTCE's program evaluation process, that program  
15 no longer qualifies for SC WINS funds at that specific college. Students must be advised on how to complete their program by  
16 transferring to another technical college or serving as a transient student at another technical college to complete specified courses.

17 Funds appropriated to the Department of Education for Reading Partners shall be allocated to Reading Partners and must be used  
18 to increase the number of reading interventions for students in low performing schools in grades K-5. The Office of Early Learning  
19 and Literacy shall specify planning criteria to be submitted by Reading Partners no later than July 15 of the current fiscal year.  
20 Planning criteria shall include, but is not limited to, pre and post assessment data, parental and family literacy engagement, summer  
21 learning support and building school level capacity for intervention. The department shall report to the Governor, the Chairman of  
22 the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means  
23 Committee and the Chairman of the House Education Committee by June 15, 2020 on the impact of the program.

24 3.5. (LEA: FY 2021-22 Lottery Funding) There is appropriated from the Education Lottery Account for the following education  
25 purposes and programs and funds for these programs and purposes shall be transferred by the Executive Budget Office as directed  
26 below. These appropriations must be used to supplement and not supplant existing funds for education. For cash flow purposes, the  
27 Executive Budget Office may facilitate limited transfers from the general deposits of the state for the exclusive purpose of ensuring  
28 the timely distribution of scholarships and tuition assistance payments as provided below. Any use of this transfer allowance must  
29 include full reimbursement from the Education Lottery Account to the general deposit accounts of the state prior to the close of the  
30 fiscal year.

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

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

35 For Fiscal Year 2021-22, certified net lottery proceeds and investment earnings for the current fiscal year, and Fiscal Year 2020-  
36 21 certified surplus are appropriated as follows:

1	<u>(1) Commission on Higher Education--LIFE Scholarships as provided in Chapter 149, Title 59 .....</u>	<u>\$236,771,166;</u>
2	<u>(2) Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370 .....</u>	<u>\$ 10,371,104;</u>
3	<u>(3) Commission on Higher Education--Palmetto Fellows Scholarships as provided in</u>	
4	<u>Section 59-104-20 .....</u>	<u>\$ 71,173,280;</u>
5	<u>(4) Commission on Higher Education and State Board for Technical and Comprehensive</u>	
6	<u>Education--Tuition Assistance .....</u>	<u>\$ 51,100,000;</u>
7	<u>(5) Commission on Higher Education--Need-Based Grants .....</u>	<u>\$ 60,000,000;</u>
8	<u>(6) Higher Education Tuition Grants Commission--Tuition Grants .....</u>	<u>\$ 20,000,000;</u>
9	<u>(7) Commission on Higher Education--SC National Guard College Assistance Program as</u>	
10	<u>provided in Section 59-111-75 .....</u>	<u>\$ 2,631,129;</u>
11	<u>(8) State Board for Technical and Comprehensive Education--South Carolina Workforce</u>	
12	<u>Industry Needs Scholarship.....</u>	<u>\$ 17,000,000;</u>
13	<u>(9) South Carolina State University .....</u>	<u>\$ 2,500,000;</u>
14	<u>(10) State Board for Technical and Comprehensive Education--Workforce Scholarships and Grants .....</u>	<u>\$ 5,000,000;</u>
15	<u>(11) State Board for Technical and Comprehensive Education--High Demand Job Skill</u>	
16	<u>Training Equipment .....</u>	<u>\$ 18,000,000;</u>
17	<u>(12) Department of Education--Instructional Materials .....</u>	<u>\$ 30,000,000;</u>
18	<u>(13) Department of Alcohol and Other Drug Abuse Services--Gambling Addiction Services .....</u>	<u>\$ 50,000;</u>
19	<u>(14) Commission on Higher Education--Transition Program Scholarships .....</u>	<u>\$ 750,000;</u>
20	<u>(15) State Library--Aid to County Libraries.....</u>	<u>\$ 1,015,382; and</u>
21	<u>(16) Office of State Treasurer--Scholarship Trust Fund .....</u>	<u>\$ 29,287,939.</u>
22	<u>For Fiscal Year 2021-22, funds certified from unclaimed prizes are appropriated as follows:</u>	
23	<u>(1) State Board for Technical and Comprehensive Education--Workforce Scholarships and Grants .....</u>	<u>\$ 11,000,000;</u>
24	<u>(2) Commission on Higher Education--Higher Education Excellence Enhancement Program .....</u>	<u>\$ 6,072,474;</u>
25	<u>(3) Department of Alcohol and Other Drug Abuse Services--Gambling Addiction Services .....</u>	<u>\$ 50,000;</u>
26	<u>(4) Commission on Higher Education--PASCAL .....</u>	<u>\$ 1,500,000;</u>
27	<u>(5) Department of Education--School Bus Lease/Purchase .....</u>	<u>\$ 1; and</u>
28	<u>(6) Office of State Treasurer--Scholarship Trust Fund .....</u>	<u>\$ 1,377,525.</u>
29	<u>If the lottery revenue received from certified unclaimed prizes for Fiscal Year 2021-22 is less than the amounts appropriated, the</u>	
30	<u>projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis.</u>	
31	<u>Fiscal Year 2021-22 funds appropriated to the Commission on Higher Education and the State Board for Technical and</u>	
32	<u>Comprehensive Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided</u>	
33	<u>in Section 59-150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher</u>	
34	<u>Education shall develop the Tuition Assistance distribution of funds.</u>	
35	<u>The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of</u>	
36	<u>Excellence Matching Endowment are suspended for the current fiscal year.</u>	

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

4 Fiscal Year 2021-22 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment  
5 earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for  
6 Fiscal Year 2021-22 are fully funded.

7 If the lottery revenue received for Fiscal Year 2021-22 certified net lottery proceeds and investment earnings for the current fiscal  
8 year, Fiscal Year 2019-20 certified surplus, are less than the amounts appropriated, the projects and programs receiving  
9 appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be  
10 applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

11 The Commission on Higher Education is authorized to use up to \$400,000 of the funds appropriated in this provision for LIFE,  
12 HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process and  
13 to provide for a Scholarship Compliance Auditor.

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

16 The funds appropriated to the State Board for Technical and Comprehensive Education (SBTCE) for Workforce Scholarships and  
17 Grants shall be used to provide grants for tuition, fees, transportation, or textbook expenses to South Carolina residents enrolled in  
18 a career education program that meets all eligibility guidelines promulgated by the SBTCE in consultation with the Department of  
19 Education. Funds shall not be used for continuing education courses that do not lead to a degree, professional certificate, or  
20 industry-recognized credential (IRC).

21 (A) Prior to disbursement of funds and no later than July 30, SBTCE must provide the colleges with a Board approved list,  
22 compiled based on regional and statewide industry needs of the programs and credentials for which the colleges are allowed to  
23 award grants for the current fiscal year.

24 (B) Grants shall be awarded from the fund in an amount not exceeding five thousand dollars or the total cost of attendance,  
25 whichever is less, for students to attend the program of their choice, including a professional certification program, at a South  
26 Carolina public technical college. Priority for grant awards shall be given to students seeking a degree, professional certificate, or  
27 industry-recognized credential (IRC) in an industry sector with critical workforce needs as identified and recommended by the  
28 SBTCE and ratified by the Coordinating Council for Workforce Development.

29 (C) By April fifteenth, the SBTCE shall provide a report to the Chairman of House Ways and Means Committee and the Chairman  
30 of the Senate Finance Committee detailing use of funds received in the prior fiscal year. The report must include at minimum for  
31 each technical college: a list of programs that received funding, amount spent per program, number of students that received grants,  
32 grant amount per student, names of credentials completed by students receiving grants, amount of each type of credential completed,  
33 and job placement rates for students who completed programs and/or credentials.

34 Of the funds appropriated to the State Board for Technical and Comprehensive Education for the South Carolina Workforce  
35 Industry Needs Scholarship, the board shall administer the South Carolina Workforce Industry Needs Scholarship as outlined below:

- 1        (A) (1) In the current fiscal year, a student attending a two year public technical college and majoring in a critical workforce  
2 area program, as defined and recommended by the State Board for Technical and Comprehensive Education (SBTCE) and ratified  
3 by the South Carolina Coordinating Council for Workforce Development, and who is receiving a Lottery Tuition Assistance Program  
4 Scholarship (LTAP) for the current fiscal year, shall receive an additional South Carolina Workforce Industry Needs Scholarship  
5 (SC WINS). A student who is attending a two-year public technical college, who meets the income eligibility guidelines for free and  
6 reduced-priced meals as established by the United States Department of Agriculture (USDA) and who is receiving a LTAP  
7 scholarship for the current fiscal year, shall receive a SC WINS scholarship regardless of the student's major. The SC WINS  
8 scholarship is equal to the cost of tuition and mandatory fees after applying all other scholarships or grants, not to exceed two  
9 thousand five hundred dollars.
- 10        (2) If the student is a freshman, the student must be enrolled in at least six credit hours of instruction each semester,  
11 including at least three credit hours of instruction in one of the critical workforce areas defined by the SBTCE. A student who meets  
12 the income guidelines for free and reduced-priced meals as established by the USDA, must be enrolled in at least six credit hours of  
13 instruction each semester for the purpose of meeting the required minimum level of instruction in the student's major courses. To  
14 receive the additional SC WINS scholarship, the student must receive the underlying LTAP scholarship for that fiscal year and must  
15 be making acceptable progress towards receiving a degree in one of the majors pursuant to this proviso. For purposes of meeting  
16 this required minimum level of instruction in the freshman's major courses, dual enrollment courses taken in high school in these  
17 critical workforce area programs count toward the fulfillment of the minimum requirement.
- 18        (B) The SBTCE shall adopt rules to define what constitutes a critical workforce program area. Nothing herein prevents a  
19 student from changing majors within the acceptable disciplines. Additionally, the SBTCE shall communicate with high school  
20 guidance counselors regarding the list of qualifying majors. Critical workforce program additions or deletions must be ratified by  
21 the South Carolina Coordinating Council for Workforce Development.
- 22        (C) If the additional SC WINS scholarship is lost, it may be regained in the same manner the underlying LTAP scholarship is  
23 regained.
- 24        (D) In order for a student to be eligible after attempting twenty-four academic credit hours, the student must have earned a  
25 grade point average of 2.0 or better on a 4.0 grading scale.
- 26        (E) A student may not be eligible to receive the SC WINS scholarship for more than one certificate, diploma, or degree unless  
27 the additional certificate, diploma, or degree constitutes progress in the same field of study.
- 28        (F) A dual-enrollment student in high school who is majoring in one of the critical workforce areas at a technical college  
29 qualifies for the SC WINS scholarship. A dual enrollment student in high school who receives a LTAP scholarship at a technical  
30 college and qualifies for free and reduced-priced meals, also qualifies for the SC WINS scholarship regardless of the student's major.
- 31        (G) Additionally, an up to three-hundred-dollar book allowance is applied to a SC WINS recipient's account, who is majoring  
32 in one of the critical workforce areas, for expenses towards the cost of textbooks.
- 33        (H) If a critical workforce area program is placed on suspension during the SBTCE's program evaluation process, that  
34 program no longer qualifies for SC WINS funds at that specific college. Students must be advised on how to complete their program  
35 by transferring to another technical college or serving as a transient student at another technical college to complete specified  
36 courses.

1 Of the funds appropriated to the Commission on Higher Education for College Transition Scholarships, the commission shall  
2 provide scholarships to South Carolina resident students enrolled at a public institution of higher education in an established College  
3 Transition Program (CTP) that serves students with intellectual disabilities. The commission, in consultation with the CTPs, shall  
4 develop guidelines establishing scholarship eligibility, retention, and/or renewal requirements in accordance with this paragraph.  
5 Scholarships shall be awarded to each South Carolina resident student enrolled in an established public CTP in an amount of \$2,500  
6 per semester, not to exceed \$5,000 per academic year (including summer semester), and no student may receive a scholarship for  
7 more than eight semesters in total. The commission, in cooperation with the CTPs, shall collect and report the number of scholarship  
8 recipients and other information determined necessary to evaluate the effectiveness of these scholarships in assisting students with  
9 intellectual disabilities in college transition programs. The commission shall provide this report to the Governor, the Chairman of  
10 the House Education and Public Works Committee, the Chairman of the Senate Education Committee, the Chairman of the House  
11 Ways and Means Committee, and the Chairman of the Senate Finance Committee no later than September 30.  
12

### 13 SECTION 5 - H710 - WIL LOU GRAY OPPORTUNITY SCHOOL

14

- 15 **5.1.** (WLG: Truants) The Opportunity School will incorporate into its program services for students, ages fifteen and over, who  
16 are deemed truant; and will cooperate with the Department of Juvenile Justice, the Family Courts, and School districts to encourage  
17 the removal of truant students to the Opportunity School when such students can be served appropriately by the Opportunity School's  
18 program.
- 19 **5.2.** (WLG: GED Test) Students attending school at the Wil Lou Gray Opportunity School that are sixteen years of age and are  
20 unable to remain enrolled due to the necessity of immediate employment or enrollment in post-secondary education may be eligible  
21 to take the General Education Development (GED) Test.
- 22 **5.3.** (WLG: Deferred Salaries Carry Forward) Wil Lou Gray is authorized to carry forward into the current fiscal year the amount  
23 of the deferred salaries and employer contributions earned in the prior fiscal year for non-twelve month employees. These deferred  
24 funds are not to be included or part of any other authorized carry forward amount.
- 25 **5.4.** (WLG: Educational Program Initiatives) Wil Lou Gray Opportunity School is authorized to utilize funds received from the  
26 Department of Education for vocational equipment on educational program initiatives.
- 27 **5.5.** (WLG: Lease Revenue) Wil Lou Gray Opportunity School is authorized to retain revenues derived from the lease of school  
28 properties titled to or utilized by the school and may use revenues retained for general school operations, including, but not limited  
29 to, maintenance of such properties. Unexpended funds may be carried forward into the current fiscal year and used for the same  
30 purposes.
- 31 **5.6.** (WLG: USDA Federal Grants) All revenues generated from USDA federal grants may be retained and expended by the  
32 school in accordance with Federal regulations for the purpose of covering actual expenses in the cafeteria/food service operations of  
33 the school.
- 34 **5.7.** (WLG: By-Products Revenue Carry Forward) The Wil Lou Gray Opportunity School is authorized to sell goods that are  
35 by-products of the school's programs and operations, charge user fees and fees for services to the general public, individuals,



1 organizations, agencies and school districts, and such revenue may be retained and carried forward into the current fiscal year and  
2 expended for the purpose of covering expenses of the school's programs and operations.

3  
4 **SECTION 6 - H750 - SCHOOL FOR THE DEAF AND THE BLIND**

5  
6 **6.1.** (SDB: Weighted Student Cost) The School for the Deaf and the Blind shall receive through the Education Finance Act the  
7 average State share of the required weighted cost for each student enrolled in the School.

8 **6.2.** (SDB: Cafeteria Revenues) All revenues generated from cafeteria operations may be retained and expended by the institution  
9 for the purpose of covering actual expenses in cafeteria operations.

10 **6.3.** (SDB: School Buses) The school buses of the South Carolina School for the Deaf and the Blind are authorized to travel at  
11 the posted speed limit.

12 **6.4.** (SDB: By-Products Revenue Carry Forward) The School for the Deaf and the Blind is authorized to sell goods that are  
13 by-products of the school's programs and operations, charge user fees and fees for services to the general public: individuals,  
14 organizations, agencies and school districts, and such revenue may be retained and carried forward into the current fiscal year and  
15 expended for the purpose of covering expenses of the school's programs and operations.

16 **6.5.** (SDB: Deferred Salaries Carry Forward) South Carolina School for the Deaf and the Blind is authorized to carry forward in  
17 the current fiscal year the amount of the deferred salaries and employer contributions earned in the prior fiscal year for non-twelve  
18 month employees. These deferred funds are not to be included or part of any other authorized carry forward amount.

19 **6.6.** (SDB: Sale of Property) After receiving approval from the Department of Administration or State Fiscal Accountability  
20 Authority for the sale of property, the school may retain revenues associated with the sale of property titled to or utilized by the  
21 school. These funds shall be expended on capital improvements approved by the Joint Bond Review Committee and the State Fiscal  
22 Accountability Authority. For the current fiscal year, the school is authorized to use the retained revenue from the sale of donated  
23 property for educational and other operating purposes.

24 **6.7.** (SDB: USC-Upstate Visual Impairment Master of Education Program) Of the funds appropriated to the South Carolina  
25 School for the Deaf and the Blind, \$50,000 shall be used to fund the Master of Education Program In Visual Impairment at the  
26 University of South Carolina - Upstate.

27 **6.8.** (SDB: Educational Program Initiatives) The School for the Deaf and Blind is authorized to utilize funds received from the  
28 Department of Education for vocational equipment on educational program initiatives.

29 **6.9.** (SDB: School Leave Policy) The School for the Deaf and Blind is authorized to promulgate administrative policy governing  
30 annual and sick leave relative to faculty and staff with the approval of the School's board of directors. This policy shall address the  
31 school calendar in order to comply with the instructional needs of students attending the school.

32 **6.10.** (SDB: Early Childhood Center) The School for the Deaf and the Blind shall be authorized to redirect and transfer the  
33 \$500,000 appropriated for the Thackston Hall Roof Replacement in Act 91 of 2015 by Proviso 118.14(B)(5)(a) to the Early  
34 Childhood Center Construction project.

35 **6.11.** *(SDB: Deferred Maintenance) The School for the Deaf and the Blind is authorized to establish a Deferred Maintenance*  
36 *Project for the upkeep and maintenance of campus facilities and to transfer remaining balances from The Early Childhood Center*

1 Construction (Part 1A Sec. 4 2012-13), Robertson Hall Wing Construction (Part 1B Sec. 90 90.20 B17 2012-13), and Deferred  
2 Maintenance (Part 1A Sec. 4 2012-13).  
3

4 **SECTION 7 - L120 - GOVERNOR'S SCHOOL FOR AGRICULTURE AT JOHN DE LA HOWE**  
5

6 **7.1.** (JDLHS: Status Offender Carry Forward) Unexpended status offender funds distributed to the Governor's School for  
7 Agriculture at John de la Howe from the Department of Education may be carried forward and used for the same purpose.

8 **7.2.** (JDLHS: Campus Private Residence Leases) The Governor's School for Agriculture at John de la Howe is authorized to  
9 lease, to its employees, private residences on the agency's campus. Funds generated may be retained and used for general operating  
10 purposes including, but not limited to, maintenance of the residences.

11 **7.3.** (JDLHS: Deferred Salaries Carried Forward) The Governor's School for Agriculture at John de la Howe is authorized to  
12 carry forward into the current fiscal year the amount of deferred salaries and employer contributions earned in the prior fiscal year  
13 for non-twelve month employees. These deferred funds are not to be included or part of any other authorized carry forward amount.

14 **7.4.** (JDLHS: Reduction in Force Carry Forward) ~~The Governor's School for Agriculture at John de la Howe is authorized to~~  
15 ~~carry forward into the current fiscal year unexpended personal service funds resulting from the reduction in force implemented in~~  
16 ~~August 2018. These funds shall be used for deferred maintenance and renovation of agency assets.~~  
17

18 **SECTION 8 - H670 - EDUCATIONAL TELEVISION COMMISSION**  
19

20 **8.1.** (ETV: Grants/Contributions Carry Forward) The Educational Television Commission shall be permitted to carry forward  
21 any funds derived from grant awards or designated contributions and any state funds necessary to match such funds, provided that  
22 these funds be expended for the programs which they were originally designated.

23 **8.2.** (ETV: Spectrum Auction) The Educational Television Commission shall be authorized to receive and retain up to  
24 \$35,000,000 of the proceeds from the Federal Communication Commission TV Auction and place them in a segregated, restricted  
25 account. These proceeds shall be used to fund capital needs, including broadcast industry standards changes, existing equipment  
26 repair, maintenance and replacement needs, and operational costs. Unexpended funds shall be carried forward from the prior fiscal  
27 year into the current fiscal year and used for the same purpose. No later than June thirtieth of the current fiscal year, ETV must  
28 report to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee the amount of  
29 money expended from the fund and the balance of the fund.

30 **8.3.** (ETV: Antenna and Tower Placement) All leases for antenna and tower operations within institutions of higher learning  
31 campuses must conform to master plans for such property, as determined solely by the institution of higher learning.

32 **8.4.** (ETV: Wireless Communications Tower) The Educational Television Commission is directed to coordinate tower and  
33 antenna operations within South Carolina state government. The commission shall (1) approve all leases regarding antenna placement  
34 on state-owned towers and buildings, (2) coordinate all new tower construction on state-owned property, (3) promote and market  
35 excess capacity on the State's wireless communications infrastructure, (4) generate revenue by leasing, licensing, or selling excess  
36 capacity on the State's wireless communications infrastructure, and (5) construct new communications assets on appropriate

1 state-owned property for the purpose of generating revenue pursuant to this proviso. The commission shall retain and expend such  
2 funds for agency operations. The commission shall be authorized to carry forward unexpended funds from the prior fiscal year into  
3 the current fiscal year. The commission shall annually report to the Chairmen of the Senate Finance and House Ways and Means  
4 Committees by October first of each year all revenue collected and disbursed.

## 6 SECTION 9 - H640 - GOVERNOR'S SCHOOL FOR THE ARTS AND HUMANITIES

7  
8 9.1. (GSAH: Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year of funds appropriated to or  
9 generated by the Governor's School for the Arts and Humanities may be carried forward and expended in the current fiscal year  
10 pursuant to the discretion of the board of trustees of the school.

11 9.2. (GSAH: Leave Policy) The Governor's School for the Arts and Humanities shall be authorized to promulgate administrative  
12 policy governing annual and sick leave relative to faculty and staff with the approval of their board of directors. This policy shall  
13 address their school calendar in order to comply with the instructional needs of students attending the special school.

14 9.3. (GSAH: School Fees) The Governor's School for the Arts and Humanities shall be authorized to charge, collect, expend,  
15 and carry forward student fees as approved by their Board of Directors. The purpose and amount of any such fees shall be to  
16 maintain program quality in both academics and residential support. No student shall be denied admittance or participation due to  
17 financial inability to pay. The Board of Directors shall promulgate administrative policy governing the collection of all student fees.  
18 The school shall conspicuously publish a fee schedule on their website.

19 9.4. (GSAH: Certified Teacher Designation) Because of the unique nature of the Governor's School for the Arts and Humanities,  
20 the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are authorized to employ, at its discretion,  
21 noncertified classroom teachers teaching in the literary, visual, and performing arts subject areas who are otherwise considered to  
22 be appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.

23 9.5. (GSAH: Residency Requirement) Of the funds appropriated, the Governor's School for the Arts and the Humanities shall  
24 ensure that a parent(s) or guardian(s) of a student attending the Governor's School must prove that they are a legal resident of the  
25 state of South Carolina at the time of application and must remain so throughout time of attendance. The Governor's School for the  
26 Arts and the Humanities may not admit students whose parent(s) or guardian(s) are not legal residents of South Carolina.

27 9.6. (GSAH: Informational Access to Students) For the current fiscal year, school districts must permit the Governor's School  
28 for the Arts and Humanities to collaborate with individual schools and their staff to share information with students and families  
29 about the educational opportunities offered at the Governor's School through avenues including school visits, informational  
30 presentations, and posters. By June thirtieth of the current fiscal year, the Governor's School for the Arts and Humanities must  
31 report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee the results of  
32 these informational access efforts. Further, the Governor's School shall work with districts, the Department of Education, and  
33 School Report Card administrators to ensure that SAT scores of current Governor's School students are included in the School  
34 Report Card of those students' resident schools and districts.

1     **SECTION 10 - H650 - GOVERNOR'S SCHOOL FOR SCIENCE AND MATHEMATICS**

2  
3     10.1. (GSSM: Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year of funds appropriated to or  
4 generated by the Governor's School for Science and Mathematics may be carried forward and expended in the current fiscal year  
5 pursuant to the direction of the board of trustees of the school.

6     10.2. (GSSM: Leave Policy) The Governor's School for Science and Mathematics shall be authorized to promulgate  
7 administrative policy governing annual and sick leave relative to faculty and staff with the approval of their board of directors. This  
8 policy shall address their school calendar in order to comply with the instructional needs of students attending the special school.

9     10.3. (GSSM: School Fees) The Governor's School for Science and Mathematics shall be authorized to charge, collect, expend,  
10 and carry forward student fees as approved by their Board of Directors. The purpose and amount of any such fees shall be to  
11 maintain program quality in both academics and residential support. No student shall be denied admittance or participation due to  
12 financial inability to pay. The Board of Directors shall promulgate administrative policy governing the collection of all student fees.  
13 The school shall conspicuously publish a fee schedule on their website.

14     10.4. (GSSM: Residency Requirement) Of the funds appropriated, the Governor's School for Science and Mathematics shall  
15 ensure that a parent(s) or guardian(s) of a student attending the Governor's School for Science and Mathematics must prove that  
16 they are a legal resident of the state of South Carolina at the time of application and must remain so throughout time of attendance.  
17 The Governor's School for Science and Mathematics may not admit students whose parent(s) or guardian(s) are not legal residents  
18 of South Carolina.

19     10.5. (GSSM: Informational Access to Students) For the current fiscal year, school districts must permit the Governor's School  
20 for Science and Mathematics to collaborate with individual schools and their staff to share information with students and families  
21 about the educational opportunities offered at the Governor's School through avenues including school visits, informational  
22 presentations, and posters. By June thirtieth of the current fiscal year, the Governor's School for Science and Mathematics must  
23 report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee the results of  
24 these informational access efforts. Further, the Governor's School shall work with districts, the Department of Education, and  
25 School Report Card administrators to ensure that SAT scores of current Governor's School students are included in the School  
26 Report Card of those students' resident schools and districts.

27  
28     **SECTION 11 - H030 - COMMISSION ON HIGHER EDUCATION**

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

1       **11.2.** (CHE: African-American Loan Program) Of the funds appropriated to the Commission on Higher Education for the  
2 African-American Loan Program, 73.7 percent shall be distributed to South Carolina State University and 26.3 percent shall be  
3 distributed to Benedict College, and must be used for a loan program with the major focus of attracting African-American males to  
4 the teaching profession. The Commission of Higher Education shall act as the monitoring and reporting agency for the  
5 African-American Loan Program. Of the funds allocated according to this proviso, no more than ten percent shall be used for  
6 administrative purposes.

7       **11.3.** (CHE: GEAR-UP) Funds appropriated for GEAR-UP shall be used for state grants programs to reach disadvantaged  
8 middle school students to improve their preparation for college. Eligible South Carolina public schools and public institutions of  
9 higher education shall cooperate with the Commission on Higher Education in the provision of services under the Gaining Early  
10 Awareness and Readiness for Undergraduate Programs (GEAR-UP) grant.

11       **11.4.** (CHE: EPSCoR Committee Representation) With the intent that the four-year teaching institutions receive a portion of  
12 EPSCoR funding, the State EPSCoR Committee shall have an executive committee consisting of one representative from each of the  
13 research institutions and one representative from the four-year teaching university sector.

14       **11.5.** (CHE: SREB Funds Exempt From Budget Cut) In the calculation of any across the board cut mandated by the Executive  
15 Budget Office or General Assembly, the amount which the Commission on Higher Education is appropriated for Southern Regional  
16 Education Board (SREB) Professional Scholarship Programs and Fees, Dues and Assessments shall be excluded from the  
17 Commission on Higher Education's base budget. Funds appropriated for SREB programs may be carried forward into the current  
18 fiscal year and expended for the same purpose by the Commission on Higher Education.

19       **11.6.** (CHE: Performance Improvement Pool Allocation) Of the funds appropriated to the Commission on Higher Education  
20 under Section II. Other Agencies & Entities: Special Items: Performance Funding, eighty percent will be allocated to the EPSCoR  
21 program under the Commission on Higher Education to improve South Carolina's research capabilities and twenty percent will be  
22 allocated to support the management education programs of the School of Business at South Carolina State University.

23       **11.7.** (CHE: Troop-to-Teachers) Members of the Armed Forces either active-duty, retired, or separated who are admitted to and  
24 enrolled in the South Carolina Troop-to-Teachers Alternative Route to Certification program are entitled to pay in-state rates at  
25 participating state institutions for requisite program work.

26       **11.8.** (CHE: Need-Based Grants for Foster Youth) For the current academic year, youth in the custody of the Department of  
27 Social Services and attending a higher education institution in South Carolina are eligible for additional need-based grants funding  
28 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.  
29 All other grants, both state and federal, for which these foster youth are eligible must be applied first to the cost of attendance prior  
30 to using the additional need-based grant funding. If the cost of attendance for a foster youth is met with other grants and scholarships,  
31 then no additional need-based grant may be used. The Department of Social Services, in cooperation with the Commission on Higher  
32 Education will track the numbers of recipients of this additional need-based grant to determine its effectiveness in encouraging more  
33 foster youth to pursue a secondary education. No more than \$100,000 may be expended from currently appropriated need-based  
34 grants funding for this additional assistance.

35       **11.9.** (CHE: Tuition Age) For the current fiscal year, the age limitation for those children of certain war veterans who may be  
36 admitted to any state-supported college, university, or post high school technical education institution free of tuition is suspended for

1 eligible children that successfully appeal the Department of Veterans' Affairs on the grounds of a serious extenuating health  
2 condition.

3 **11.10.** (CHE: LIFE and Palmetto Fellows Enhancement Stipends) In the current fiscal year before fall awards are made, to  
4 continue eligibility for LIFE and Palmetto Fellows Enhancement Stipends, students shall certify and the institutions shall verify that  
5 the student is meeting all requirements as stipulated by the policies established by the institution and the academic department to be  
6 enrolled as a declared major in an eligible program and is making academic progress toward completion of the student's declared  
7 eligible major. These determinations are subject to the verification and audit of the Commission on Higher Education. Institutions  
8 shall return funds determined to have been awarded to ineligible students.

9 **11.11.** (CHE: SmartState) The Commission on Higher Education is prohibited from expending any source of funds on the  
10 marketing of the SmartState Program.

11 **11.12.** (CHE: College Transition Need-Based Grants) Of the currently appropriated need-based grants funding, no more than  
12 \$350,000 shall be used to provide need-based grants to South Carolina resident students enrolled at a public institution of higher  
13 education in an established college transition program that serves students with intellectual disabilities. The Commission on Higher  
14 Education shall allocate the available funds to eligible institutions on the basis of student need and enrollment in the established  
15 college transition programs. All other grants and gift aid for which these students are eligible must be applied first to the cost of  
16 attendance prior to using the need-based grant funding. If the cost of attendance for an eligible student is met with all other grants  
17 and gift aid, the need-based grant shall not be used. The participating institutions, in cooperation with the Commission on Higher  
18 Education, shall track the number of grant recipients and other information determined necessary to evaluate the effectiveness of  
19 these grants in assisting students with intellectual disabilities in college transition programs.

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

29 **11.14.** (CHE: Other Funded FTE Revenue) When institutions of higher learning request additional other funded full-time  
30 equivalent positions, the Executive Budget Office shall inform the Commission on Higher Education of its decision regarding the  
31 request and whether or not sufficient revenues exist to fund the salary and fringe benefits for the positions.

32 **11.15.** (CHE: Abatements) By November first of each year, state supported institutions of higher learning must submit to the  
33 Commission on Higher Education the total number of out-of-state undergraduate students during the prior fiscal year that received  
34 abatement of rates pursuant to Section 59-112-70 of the 1976 Code as well as the total dollar amount of the abatements received.  
35 The report must include the geo-origin of the student, class of the student, comprehensive listing of all financial awards received by  
36 the student, number of semesters the student has received the abated rate, as well as the athletic status of the student. The report

1 must also include the calculation method used to determine the abatement amount awarded to students as well as the number of  
2 students that received educational fee waivers pursuant to Section 59-101-620. The Commission on Higher Education is directed to  
3 compile the information received from the state-supported institutions of higher learning into a comprehensive report and submit  
4 such report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by  
5 January fifth each year.

6 **11.16.** (CHE: Outstanding Institutional Debt) By November first, institutions of higher learning must submit to the Chairman of  
7 the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Commission on Higher Education,  
8 or its successor entity, data on all outstanding institutional debt for their respective institution. Data shall include, but not be limited  
9 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  
10 schedule, and the purpose for which the debt was incurred.

11 **11.17.** (CHE: Longitudinal Data Reports) By December first each year, the Commission on Higher Education is directed to  
12 provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on  
13 tuition and required fee trends submitted to the commission by the state's public colleges and universities. The baseline of the report  
14 must be the most recent fall semester compared to the previous five fall semesters. The commission shall also provide comparable  
15 data and trends for and among SREB states for the same period of time. For the same time periods noted above, the commission  
16 shall also calculate in the report the level of recurring base state operating funding received by each college and university as  
17 measured on an in-state student basis as well as the average of such funding provided in each SREB state. In addition, for the same  
18 time periods noted above, the commission shall also provide in the report a calculation of the level of recurring and/or non-recurring  
19 funding provided by the state to each college and university for capital related needs, including facilities and/or equipment related  
20 capital funding, as measured on an in-state student basis as well as the average of such funding provided in each SREB state.

21 **11.18.** (CHE: Suspend Governor's Professor of the Year Award) The requirements of Section 59-104-220 of the 1976 Code  
22 pertaining to the Governor's Professor of the Year Award shall be suspended for Fiscal Year ~~2020-21~~ 2021-22.

23 **11.19.** (CHE: Prohibition of Discriminatory Practices) (A) In the current fiscal year and from the funds appropriated to the  
24 Commission on Higher Education, the commission shall print and distribute to all South Carolina public colleges and universities  
25 the definition of anti-Semitism.

26 (B) For purposes of this proviso, the term "definition of anti-Semitism" includes:

27 (1) a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of  
28 anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and  
29 religious facilities;

30 (2) calling for, aiding, or justifying the killing or harming of Jews;

31 (3) making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews  
32 as a collective;

33 (4) accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or  
34 group, the state of Israel, or even for acts committed by non-Jews;

35 (5) accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust;

1 (6) accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interest  
2 of their own nations;

3 (7) using the symbols and images associated with classic anti-Semitism to characterize Israel or Israelis;

4 (8) drawing comparisons of contemporary Israeli policy to that of the Nazis;

5 (9) blaming Israel for all inter-religious or political tensions;

6 (10) applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation;

7 (11) multilateral organizations focusing on Israel only for peace or human rights investigations; and

8 (12) denying the Jewish people their right to self-determination, and denying Israel the right to exist, provided, however, that  
9 criticism of Israel similar to that leveled against any other country cannot be regarded as anti-Semitic.

10 (C) South Carolina public colleges and universities shall take into consideration the definition of anti-Semitism for purposes of  
11 determining whether the alleged practice was motivated by anti-Semitic intent when reviewing, investigating, or deciding whether  
12 there has been a violation of a college or university policy prohibiting discriminatory practices on the basis of religion.

13 (D) Nothing in this proviso may be construed to diminish or infringe upon any right protected under the First Amendment to the  
14 Constitution of the United States or Section 2, Article I of the South Carolina Constitution, 1895.

15 11.20. (CHE: Doctoral/Professional University Classification) In the current fiscal year, the Commission on Higher Education  
16 is directed to study and implement a classification system for South Carolina public institutions of higher education that includes a  
17 classification of a Doctoral/Professional University. Institutions in this classification shall have a mission or focus to advance the  
18 post-secondary educational opportunities for South Carolina citizens. These institutions shall be permitted to offer college-level  
19 baccalaureate, master's, and no more than a combined five terminal professional or Ph.D. degrees that lead to continued education  
20 or employment.

## 21 SECTION 15 - H150 - UNIVERSITY OF CHARLESTON

22  
23  
24 15.1. (UOC: Institutional Capital Resources) In the current fiscal year, the University of Charleston may use any institutional  
25 capital resources necessary to make repairs to McAlister Hall. Any recovery from ongoing litigation must first be used to repay  
26 allocations made from the institution's capital improvement fee for this renovation.

## 27 SECTION 18 - H210 - LANDER UNIVERSITY

28  
29  
30 18.1. (LU: Lander Fund Repurpose) Funds remaining of the \$3,313,400 appropriated in Act No. 92 of 2019, Section 2, Item (9)  
31 to Lander University - Roof Replacements shall be redirected to be used for campus renovations and improvements. Unexpended  
32 funds may be carried forward to be expended for the same purpose.



1     **SECTION 19 - H240 - SOUTH CAROLINA STATE UNIVERSITY**

2

3     **19.1.** (SCSU: Enrollment Loan Forgiveness) ~~Any reference to full-time student enrollment at South Carolina State University~~  
4 ~~that is related to a loan forgiveness to the state, shall mean total headcount enrollment, as determined by the Commission on Higher~~  
5 ~~Education.~~

6

7     **SECTION 20 - H450 - UNIVERSITY OF SOUTH CAROLINA**

8

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

11     **20.2.** (USC: School Improvement Council) Of the funds appropriated to the University of South Carolina Columbia Campus,  
12 \$100,000 shall be used for the School Improvement Council.

13     **20.3.** (USC: South Carolina Children's Advocacy Medical Response System) Of the funds appropriated to the University of  
14 South Carolina School of Medicine, not less than \$3,200,000 shall be expended for the South Carolina Children's Advocacy Medical  
15 Response System. In addition, when instructed by the Executive Budget Office or the General Assembly to reduce funds by a certain  
16 percentage, the university may not reduce the funds for the South Carolina Children's Advocacy Medical Response System greater  
17 than such stipulated percentage.

18

19     **SECTION 23 - H510 - MEDICAL UNIVERSITY OF SOUTH CAROLINA**

20

21     **23.1.** (MUSC: Rural Dentist Program) The Rural Dentist Program, in coordination with the Department of Health and  
22 Environmental Control's Public Health Dentistry Program, is established at the Medical University of South Carolina. The funds  
23 appropriated to the Medical University of South Carolina for the Rural Dentist Program shall be administered by the South Carolina  
24 Area Health Education Consortium physician recruitment office. The costs associated with administering this program are to be paid  
25 from the funds appropriated to the Rural Dentist Program and shall not exceed four percent of the appropriation. The Medical  
26 University of South Carolina is responsible for the fiscal management of funds to ensure that state policies and guidelines are adhered  
27 to. MUSC shall be permitted to carry forward unspent general funds appropriated to the Rural Dentist program provided that these  
28 funds be expended for the program for which they were originally designated. A board is created to manage and allocate these funds  
29 to insure the location of licensed dentists in rural areas of South Carolina and on the faculty of the College of Dental Medicine at  
30 MUSC. The board will be composed of the following: the Dean, or his designee, of the MUSC College of Dental Medicine; three  
31 members from the South Carolina Dental Education Foundation Board who represent rural areas; and the President, or his designee,  
32 of the South Carolina Dental Association. The Director of DHEC's Office of Primary Care; the Director or his designee of the  
33 Department of Health and Human Services; and the Executive Director of the South Carolina Dental Association shall serve as ex  
34 officio members without vote. This board shall serve without compensation.

35     **23.2.** (MUSC: Rural Access Plan) The MUSC Hospital Authority, in conjunction with the Department of Health and Human  
36 Services, shall study how to partner with existing rural hospitals and other entities to ensure that these regions maintain access to

1 medical care. The MUSC Hospital Authority shall submit a report to the Chairman of the Senate Finance Committee and the  
2 Chairman of the House Ways and Means Committee detailing efforts to maintain medical care at rural hospitals no later than the end  
3 of the fiscal year.  
4

5 **SECTION 25 - H590 - STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION**  
6

7 **25.1.** (TEC: Training of New & Expanding Industry) (A) Notwithstanding the amounts appropriated in this section for readySC  
8 it is the intent of the General Assembly that the State Board for Technical and Comprehensive Education expend the funds necessary  
9 to provide direct training for new and expanding business or industry.

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

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

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

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

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

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

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

29 **25.2.** (TEC: Training of New & Expanding Industry Carry Forward) In addition to the funds appropriated in this section, any of  
30 the funds appropriated under this section for the prior fiscal year which are not expended during that fiscal year may be carried  
31 forward and expended for direct training of new and expanding industry in the current fiscal year.

32 **25.3.** (TEC: Training of New & Expanding Industry - Payments of Prior Year Expenditures) The State Board for Technical and  
33 Comprehensive Education may reimburse business and industry for prior year training costs billed to the agency after fiscal year  
34 closing with the concurrence of the Comptroller General.

35 **25.4.** (TEC: Critical Statewide Workforce Needs) Of the funds appropriated in this act to the State Board for Technical and  
36 Comprehensive Education for E&G STEM Programs: Critical Needs Workforce Development Initiative, the State Board must

1 allocate the funds between the colleges based on a methodology designed to best meet the state's workforce needs and demands.  
2 This methodology should be created by the State Board in consultation with the Department of Commerce and the Department  
3 of Employment and Workforce and should identify the areas with the most critical need. For this purpose, critical need shall be  
4 defined as unmet employment demand in areas or fields of Science, Technology, Engineering, Mathematics, and Manufacturing.  
5 Funds must be used by the college for STEM programs.

6 ~~25.5. (TEC: Aeronautics Training Center) Funds appropriated for the S.C. Aeronautics Training Center may be carried forward  
7 from the prior fiscal year into the current fiscal year and utilized for the same purpose.~~

8 ~~25.6. (TEC: Florence Darlington Fund Repurpose) Funds remaining of the \$1,000,000 appropriated in Act No. 91 of 2015, by  
9 proviso 118.14, Item (B)(19)(f) to the State Board for Technical and Comprehensive Education for the Florence Darlington Technical  
10 College—Academic and Workforce Development Building, the \$3,500,000 appropriated in Act No. 284 of 2016, by proviso 118.16,  
11 Item (B)(23)(j) to the State Board for Technical and Comprehensive Education for the Florence Darlington Technical College—  
12 Academic Building, and the \$2,000,000 appropriated in Act No. 285 of 2016, Section 1, Item (24) to the State Board for Technical  
13 and Comprehensive Education for the Florence Darlington Technical College Academic Building shall be redirected to be used for  
14 campus renovations and improvements. Unexpended funds may be carried forward to be expended for the same purpose.~~

15 ~~25.7. (TEC: Health Science Capital Project) Funds remaining of the \$3,500,000 appropriated in Act No. 285 of 2016, Section  
16 1, Item (31) to the State Board for Technical and Comprehensive Education for the Technical College of the Lowcountry—New  
17 River Workforce Development Center shall be redirected to be used for the Health Science capital project at the Technical College  
18 of the Lowcountry—Beaufort campus. Unexpended funds may be carried forward to be expended for the Health Science capital  
19 project.~~

20 ~~25.8. (TEC: Tech Awareness and Education) Of the funds appropriated to the State Board for Technical and Comprehensive  
21 Education, \$500,000 shall be used to enhance the perception of technical education and the opportunities it can afford South  
22 Carolinians across the state. Prior to utilizing these funds for this purpose, the State Board for Technical and Comprehensive  
23 Education shall be required to obtain a 2:1 private entity match. The funds shall be used to develop and implement a comprehensive  
24 awareness and education campaign. The State Board for Technical and Comprehensive Education shall submit a report by June 30th  
25 of the current fiscal year to the House Ways and Means Committee and the Senate Finance Committee. This report shall include  
26 information on the proposed expenditure of funds and outcome measures.~~

27 ~~25.9. (TEC: Northeastern Tech Repurpose) The \$3,500,000 appropriated in Act No. 284 of 2016, by Proviso 118.16, Item  
28 (B)(23)(n) to the State Board for Technical and Comprehensive Education for the Northeastern Technical College—Instructional  
29 Building shall be redirected to be used to construct and renovate space for critical industry training. Unexpended funds may be carried  
30 forward and expended for the same purpose.~~

31 25.10. (TEC: Aiken Fund Repurpose) Funds remaining of the \$640,000 appropriated in Act No. 104 of 2013, Section 1, Item  
32 (29) to the State Board for Technical and Comprehensive Education for the Aiken Technical College Academic Building in Support  
33 of STEM and Engineering shall be redirected to be used for campus renovations and improvements. Unexpended funds may be  
34 carried forward to be expended for the same purpose.

1     **SECTION 26 - H790 - DEPARTMENT OF ARCHIVES AND HISTORY**

2

3     **26.1.** (AH: Use of Proceeds) ~~The proceeds of facilities rentals, gift shop operations, training sessions, sales of publications,~~  
4 ~~reproductions of documents, repair of documents, research fees, handling charges, and the proceeds of sales of National Register of~~  
5 ~~Historic Places certificates and plaques by the Archives Department shall be deposited in a special account in the State Treasury, and~~  
6 ~~may be used by this department to cover the cost of facility operations and maintenance, gift shop inventory, additional training~~  
7 ~~sessions, publication, reproduction expenses, repair expenses, and National Register of Historic Places certificates and plaques, and~~  
8 ~~selected Historic Preservation Grants.~~

9     **26.2.** (AH: Disposal of Materials) ~~For the current fiscal year, the Department of Archives and History, upon prior approval of~~  
10 ~~the commission, may sell from its collections certain record and non-record materials, which are not eligible for public auction, in a~~  
11 ~~manner most advantageous to the department.~~

12

13     **SECTION 27 - H870 - STATE LIBRARY**

14

15     **27.1.** (LIB: Aid to Counties Libraries Allotment) The amount appropriated in this section for “Aid to County Libraries” shall be  
16 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  
17 county shall be allocated less than \$100,000 under this provision. To receive this aid, local library support shall not be less than the  
18 amount actually expended for library operations from local sources in the second preceding year.

19     **27.2.** (LIB: Information Service Fees) The State Library may charge a fee for costs associated with information delivery and  
20 retain such funds to offset the costs of maintaining, promoting and improving information delivery services.

21     **27.3.** (LIB: Continuing Education Fees) The State Library may charge a fee for costs associated with continuing education and  
22 retain such funds to offset the costs of providing continuing education opportunities.

23     **27.4.** (LIB: Books and Materials Disposal) The State Library may sell or otherwise dispose of books and other library materials  
24 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  
25 received from the sale of books and materials shall be retained and expended to purchase new materials for the collection.  
26 Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year and be used for the same purpose.

27     **27.5.** (LIB: SCLENDS) The State Library may accept money for the South Carolina Library Evergreen Network Delivery  
28 System (SCLENDS), a consortium providing patrons access to more library materials. The consortium shall allow South Carolina  
29 libraries the ability to share resources and provide a forum for sharing expertise in technical areas such as systems administration  
30 and cataloging. Funds received by the State Library for SCLENDS shall be placed in a special account and shall only be utilized to  
31 pay for items related to SCLENDS. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year  
32 and be used for the same purpose.

33     **27.6.** (LIB: Donations) The State Library may accept donation funds to be used for administration, operation, and programs  
34 from any donor source. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year.

1     **27.7.** (LIB: Sale of Promotional Items) The State Library shall be allowed to sell promotional items with the South Carolina  
2 State Library brand and logo for the purpose of generating funds for the State Library. Unexpended funds shall be carried forward  
3 from the prior fiscal year into the current fiscal year.

4     **27.8.** (LIB: Consortium Purchasing) The State Library shall be authorized to accept funds to be used for consortium purchasing  
5 between libraries (public, academic, special) that serve South Carolina residents. Funds received by the State Library for consortium  
6 purchasing agreements shall be placed in a designated account and shall only be used to pay for items related to specific consortium  
7 purchasing agreements. These funds may be retained, expended, and carried forward from the prior fiscal year into the current fiscal  
8 year and used for the same purpose.  
9

10 **SECTION 28 - H910 - ARTS COMMISSION**  
11

12     **28.1.** (ARTS: Professional Artists Contract) Where practicable, all professional artists employed by the Arts Commission in the  
13 fields of music, theater, dance, literature, musical arts, craft, media arts and environmental arts shall be hired on a contractual basis  
14 as independent contractors. Where such a contractual arrangement is not feasible employees in these fields may be unclassified,  
15 however, the approval of their salaries shall be in accord with the provisions of Section 8-11-35 of the 1976 Code.

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

21     **28.3.** (ARTS: Partial Indirect Cost Waiver) The commission is allowed to apply a fifteen percent indirect cost rate for continuing  
22 federal grants for which they must compete. The commission shall apply the full approved negotiated rate to the Basic State Grant  
23 and any new grants received by the commission.

24     **28.4.** (ARTS: Grants) The Arts Commission must expend seventy percent of appropriated state funds on grants to support the  
25 statewide improvement of learning and enrichment opportunities for children and communities through educational and cultural  
26 programs with proven research based strategies.

27     **28.5.** (ARTS: Distribution to Subdivisions) No later than December first of the current fiscal year, the Arts Commission must  
28 report to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee the amount of  
29 aid/allocations distributed to subdivisions during the most recently completed fiscal year, detailed by specific subdivisions.  
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.

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: Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) The Department of Vocational  
16 Rehabilitation is authorized to establish an interest bearing fund with the State Treasurer to deposit funds appropriated for deferred  
17 maintenance and other one-time funds from any source. After receiving any required approvals, the department is authorized to  
18 expend these funds for the purpose of deferred maintenance, capital projects, and ordinary repair and maintenance. These funds may  
19 be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.  
20

21     **SECTION 33 - J020 - DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
22

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

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

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

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

9 **33.4.** (DHHS: Third Party Liability Collection) The Department of Health and Human Services is allowed to fund the net costs  
10 of any Third Party Liability and Drug Rebate collection efforts from the monies collected in that effort.

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

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

21 **33.7.** (DHHS: Registration Fees) The department is authorized to receive and expend registration fees for educational, training,  
22 and certification programs.

23 **33.8.** (DHHS: Fraud and Abuse Collections) The Department of Health and Human Services may offset the administrative costs  
24 associated with controlling fraud and abuse.

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

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

35 **33.10.** (DHHS: Franchise Fees Suspension) Franchise fees imposed on nursing home beds and enacted by the General Assembly  
36 during the 2002 session are suspended.



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

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

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

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

19       **33.15.** (DHHS: CHIP Enrollment and Recertification) The Department of Health and Human Services shall enroll and recertify  
20 eligible children and households to the Children's Health Insurance Program (CHIP) and/or Medicaid and must use available state  
21 agency program data including, but not limited to, that housed in the Revenue and Fiscal Affairs Office, the Department of Social  
22 Services' Supplemental Nutritional Assistance Program (SNAP) and poverty-related information from the Department of Education.  
23 Use of this data and cooperative efforts between state agencies reduces the cost of outreach and eligibility activities. In the current  
24 fiscal year and with funds available to it, the department shall submit to the Centers for Medicare and Medicaid Services such waivers  
25 and/or plan amendments necessary to ensure that the CHIP upper income limit is at least that of the average of the states within CMS  
26 Region IV and shall enroll children into the program accordingly.

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

1       **33.17.** (DHHS: Medicaid Provider Fraud) The department shall expand and increase its effort to identify, report, and combat  
2 Medicaid provider fraud. The department shall publish on its' agency homepage by April first, of the current fiscal year, the results  
3 of these efforts, the funds recovered, and information pertaining to prosecutions of such cases, including pleas agreements entered  
4 into.

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

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

12       **33.20.** (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. To be eligible, rural hospitals must participate in reporting and quality guidelines published by the department and  
24 outlined in the Healthy Outcomes Initiative. In addition to the requirements placed upon them by the department, rural hospitals  
25 must actively participate with the department and any other stakeholder identified by the department, in efforts to design an alternative  
26 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), Rural Health Clinics (RHCs), local alcohol and drug abuse authorities established by Act 301 of 1973, Free  
32 Clinics, other clinics serving the uninsured, and Welvista. The department shall formulate a methodology and allocate \$3,600,000  
33 for innovative care strategies for qualifying safety net providers. The department shall formulate a separate methodology and allocate  
34 \$5,000,000 of funding to FQHCs, at least \$1,500,000 of funding for Free Clinics, and \$1,500,000 of funding for local alcohol and  
35 drug abuse authorities created under Act 301 of 1973 and up to \$4,000,000 for capital improvements to the Act 301 facilities through  
36 consultation with the Department of Alcohol and Other Drug Abuse Services, to ensure funds are provided on a needs based approach.

1 The department may continue to develop and implement a process for obtaining encounter-level data that may be used to assess the  
2 cost and impact of services provided through this proviso. Any newly established Community Health Center/FQHC shall receive an  
3 amount equivalent to the average disbursement made to all centers/FQHCs.

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

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

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

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

17 **33.21.** (DHHS: Medicaid Healthcare Initiatives Outcomes) Prior to February fifteenth of the current fiscal year, the Director of  
18 the Department of Health and Human Services shall make a presentation to the House Ways and Means Healthcare Budget  
19 Subcommittee on the outcomes of Medicaid healthcare initiatives enacted during the current fiscal year to improve the well-being of  
20 persons enrolled in the Medicaid program and receiving services from Medicaid providers.

21 **33.22.** (DHHS: Rural Health Initiative) From the funds appropriated to the Department of Health and Human Services for the  
22 Rural Health Initiative in the current fiscal year, the department shall partner with the following state agencies, institutions, and other  
23 key stakeholders to implement these components of a Rural Health Initiative to better meet the needs of medically underserved  
24 communities throughout the state. The department may leverage any and all available federal funds to implement this initiative.  
25 Recurring and non-recurring funding for the Rural Health Initiative may be carried forward by the department and expended for the  
26 same purpose.

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

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

1 education plan developed cooperatively by the Presidents or their designees of the following institutions: the Medical University of  
2 South Carolina, the University of South Carolina, and Francis Marion University.

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

14 (3) Rural Medicine Workforce Development - The department, in consultation with the Medical Education Advisory  
15 Committee (MEAC), shall support the development of additional residency and/or fellowship slots or programs in rural medicine,  
16 family medicine, and any other appropriate primary care specialties that have been identified by the department as not being  
17 adequately served by existing Graduate Medical Education programs. The department shall ensure that each in-state member of the  
18 Association of American Medical Colleges is afforded the opportunity to participate in MEAC. New training sites and/or residency  
19 positions are subject to approval as specified by the Accreditation Council for Graduate Medical Education (ACGME). The  
20 department may also accept proposals and award grants for programs designed to expose resident physicians to rural practice and  
21 enhance the opportunity to recruit these residents for long-term practice in these rural and/or underserved communities. Up to  
22 \$500,000 of the recurring funds appropriated to the department for the Rural Health Initiative may be used for this purpose.  
23 Additionally, the department shall use up to \$200,000 of the recurring funds appropriated for the Department of Aging's Geriatric  
24 Physicians Loan Forgiveness program.

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

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

33 (1) In the current fiscal year, the department is authorized to establish a DSH pool, or carry forward DSH capacity from  
34 a previous period as federally permissible, for this purpose and/or if deemed necessary to implement transformation plans for which  
35 conforming applications were filed with the department pursuant to this or a previous hospital transformation or rural health initiative  
36 proviso, but for which additional negotiations or development were required. An emergency department that is established within

1 35 miles of its sponsoring hospital pursuant to this or a previous hospital transformation or rural health initiative proviso and which  
2 receives dedicated funding pursuant to this proviso shall be exempt from any Department of Health and Environmental Control  
3 Certificate of Need requirements or regulations. Any such facility shall participate in the South Carolina Telemedicine Network.

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

12 (C) The Revenue and Fiscal Affairs Office and the Area Health Education Consortium's Office of Healthcare Workforce  
13 Analysis and Planning shall provide the department with any information required by the department in order to implement this  
14 proviso in accordance with state law and regulations. Not later than January 1, 2019, the department shall submit to the President of  
15 the Senate and Speaker of the House of Representatives an evaluation of the state's safety-net providers that includes, at a minimum,  
16 Federally Qualified Health Centers, Rural Health Clinics, and to the extent applicable to funding received by the state, free clinics.

17 **33.23.** (DHHS: ~~BabyNet~~ IDEA Part C Compliance) With the funds available to the department, the Department of Health and  
18 Human Services shall report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways  
19 and Means Committee no later than December 31, ~~2019~~ 2021 on the status of the department's efforts to bring the ~~BabyNet~~  
20 Individuals With Disabilities Education Act (IDEA) Part C program into compliance with federal requirements. This report must  
21 specifically address areas in which the ~~BabyNet~~ IDEA Part C program has received low performance scores and include any relevant  
22 correspondence from the U.S. Department of Education. The report must explain the department's plan for bringing ~~BabyNet~~ the  
23 program into compliance, including specific steps and the associated timeline.

24 **33.24.** (DHHS: Personal Emergency Response System) With funds appropriated and authorized to the Department of Health and  
25 Human Services for Fiscal Year ~~2020-21~~ 2021-22, the department shall develop one or more Requests for Proposals, to provide for Personal  
26 Emergency Response Systems (PERS) to be issued to Medicaid recipients pursuant to the department's Medicaid Home and  
27 Community-based waiver. The PERS devices must include in addition to emergency response services, unlimited twenty-four hour,  
28 seven-day a week live phone contact with experienced registered nurses for triage services. A PERS nurse triage call center must be  
29 accredited and must be separate from the PERS emergency response call center. The PERS device must have a wireless radio transmitter  
30 and a console that is cellular and does not require a traditional land line. A PERS device that includes nurse triage services also must  
31 comply with the requirements of Federal Communications Commission rules, 47 C.F.R. Part 68; and be approved by the Underwriters  
32 Laboratory or Equipment Testing Laboratories as a health care signaling product. The Department of Health and Human Services shall  
33 apply for any waiver necessary under the department's Medicaid Home and Community-based waiver to implement these provisions.

34 **33.25.** (DHHS: Family Planning Funds) The State has enacted Section 43-5-1185 of the 1976 Code that prohibits state funds,  
35 directly or indirectly, from being utilized by Planned Parenthood for abortions, abortion services or procedures, or administrative  
36 functions related to abortions. Having prevented Planned Parenthood from performing abortions with state funds, once the federal

1 injunction is lifted, the Department of Health and Human Services may not direct any federal funds to Planned Parenthood. An  
2 otherwise qualified organization may not be disqualified from receipt of these funds because of its affiliation with an organization  
3 that provides abortion services, provided that the affiliated organization that provides abortion services is independent of the qualified  
4 organization. An independent affiliate that provides abortion services must be separately incorporated from any organization that  
5 receives these funds. An organization that provides abortion services in compliance with Part 1.B., Proviso 33.12 of this act is  
6 excepted from the above restriction on state family planning funds and may receive state family planning funds.

7 33.26. (DHHS: Meals in Emergency Operations) The cost of meals may be provided to state employees who are not permitted to  
8 leave their stations and are required to work during actual emergencies, emergency situation exercises, and when the Governor  
9 declares a state of emergency.

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

11 **34.1.** (DHEC: County Health Departments Funding) Out of the appropriation provided in this section for “Access to Care,” the  
12 sum of \$25,000 shall be distributed to the county health departments by the commissioner, with the approval of the Board of  
13 Department of Health and Environmental Control, for the following purposes:

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

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

22 **34.2.** (DHEC: County Health Units) General funds made available to the Department of Health and Environmental Control for  
23 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  
24 Department of Health and Environmental Control. The amount of general funds appropriated herein for Access to Care shall be  
25 allocated on a basis such that no county budget shall receive less than the amount received in the prior fiscal year, except when  
26 instructed by the Executive Budget Office or the General Assembly to reduce funds within the department by a certain percentage,  
27 the department may unilaterally reduce the county health units up to the stipulated percentage.

28 **34.3.** (DHEC: Camp Burnt Gin) Private donations or contributions for the operation of Camp Burnt Gin shall be deposited in a  
29 restricted account. These funds may be carried forward and shall be made available as needed to fund the operation of the camp.  
30 Withdrawals from this restricted account must be in accordance with approved procedures.

31 **34.4.** (DHEC: Children’s Rehabilitative Services) The Children’s Rehabilitative Services shall be required to utilize any  
32 available financial resources including insurance benefits and/or governmental assistance programs, to which the child may otherwise  
33 be entitled in providing and/or arranging for medical care and related services to physically handicapped children eligible for such  
34 services, as a prerequisite to the child receiving such services.  
35  
36

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

7     **34.6.** (DHEC: Local Health Departments) Counties of the state will be relieved of contribution requirements for salary, fringe  
8 benefits and travel reimbursement to local health departments. The amount of \$5,430,697 is appropriated for county health  
9 department salaries, fringe benefits and travel. These funds and other state funds appropriated for county health units may, based  
10 upon need, be utilized in either salary or travel categories. Each county shall provide all other operating expenses of the local health  
11 department in an amount at least equal to that appropriated for operations for each county in Fiscal Year 1981. In the event any  
12 county makes uniform reductions in appropriations to all agencies or departments for maintenance and operations, exclusive of  
13 salaries and fringe benefits, a like reduction shall be made in funds appropriated for the operating expenses of the local health  
14 department.

15     **34.7.** (DHEC: Insurance Refunds) The Department of Health and Environmental Control is authorized to budget and expend  
16 monies resulting from insurance refunds for prior year operations for case services in family health.

17     **34.8.** (DHEC: Emergency Medical Services) Funds appropriated herein for Emergency Medical Services, shall be allocated for  
18 the purpose of improving and upgrading the EMS system throughout the state. The monies allocated to the Counties are for the  
19 purpose of improving or upgrading the local EMS system through the licensed ambulance services, the monies allocated to the EMS  
20 Regional Councils are for the administration of training programs and technical assistance to local EMS organizations and county  
21 systems. All additional funds are to be allocated as follows: to the counties at the ratio of eighty-one percent of the additional funds  
22 appropriated herein, to the EMS Regions at a ratio of twelve percent of the additional funds appropriated herein and to the state EMS  
23 Office at the ratio of seven percent of the additional funds appropriated herein. The Department of Health and Environmental Control  
24 shall develop criteria and guidelines and administer the system to make allocations to each region and county within the state, based  
25 on demonstrated need and local match. Funds appropriated to Emergency Medical Services shall not be transferred to other programs  
26 within the department's budget. Unexpended funds appropriated to the program may be carried forward to succeeding fiscal years,  
27 and ~~fifty percent~~ may be expended for administrative and operational support and for temporary and contract employees to assist  
28 with duties related to improving and upgrading the EMS system throughout the state, including training of EMS personnel and  
29 administration of grants to local EMS providers. After January 1<sup>st</sup> of the current fiscal year, ~~the remaining~~ fifty percent of ~~unexpended~~  
30 unclaimed funds ~~carried forward~~ utilized for aid to counties from the prior fiscal year shall be transferred to the South Carolina EMS  
31 Association to promote and encourage education of emergency medical technicians and directors of emergency medical services; to  
32 collect, analyze, and distribute information about emergency medical services; to promote the improvement of patient care; to  
33 cooperate with other organizations; and to effect more efficient administration of emergency medical services in the State of South  
34 Carolina. In addition, when instructed by the Executive Budget Office or the General Assembly to reduce funds by a certain  
35 percentage, the department may not reduce the funds appropriated for EMS Regional Councils or Aid to Counties greater than such  
36 stipulated percentage.

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

5       **34.10.** (DHEC: Sickle Cell Blood Sample Analysis) \$16,000 is appropriated in Independent Living for the Sickle Cell Program  
6 for Blood Sample Analysis and shall be used by the department to analyze blood samples submitted by the four existing regional  
7 programs - Region I, Barksdale Sickle Cell Anemia Foundation in Spartanburg; Region II, Clark Sickle Cell Anemia Foundation in  
8 Columbia; Region III, Committee on Better Racial Assurance Hemoglobinopathy Program in Charleston; and the Orangeburg Area  
9 Sickle Cell Anemia Foundation.

10       **34.11.** (DHEC: Sickle Cell Programs) \$761,233 is appropriated for Sickle Cell program services and shall be apportioned as  
11 follows:

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

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

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

26       **34.12.** (DHEC: Genetic Services) The sum of \$104,086 appearing under the Independent Living program of this act shall be  
27 appropriated to and administered by the Department of Health and Environmental Control for the purpose of providing appropriate  
28 genetic services to medically needy and underserved persons. Such funds shall be used by the department to administer the program  
29 and to contract with appropriate providers of genetic services. Such services will include genetic screening, laboratory testing,  
30 counseling, and other services as may be deemed beneficial by the department, and these funds shall be divided equally among the  
31 three Regional Genetic Centers of South Carolina, composed of units from the Medical University of South Carolina, the University  
32 of South Carolina School of Medicine, and the Greenwood Genetic Center.

33       **34.13.** (DHEC: Revenue Carry Forward Authorization) The Department of Health and Environmental Control is hereby  
34 authorized to collect, expend, and carry forward revenues in the following programs: Sale of Goods (confiscated goods, arm patches,  
35 etc.), sale of meals at Camp Burnt Gin, sale of publications, brochures, Spoil Easement Areas revenue, performance bond forfeiture  
36 revenue for restoring damaged critical areas, beach renourishment appropriations, photo copies and certificate forms, including but



1 not limited to, pet rabies vaccination certificate books, sale of listings and labels, sale of State Code and Supplements, sale of films  
2 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  
3 of software products developed and owned by the Department, and collection of registration fees for non-DHEC employees. Any  
4 unexpended balance carried forward must be used for the same purpose.

5 **34.14.** (DHEC: Medicaid Nursing Home Bed Days) Pursuant to Section 44-7-84(A) of the 1976 Code, the maximum number of  
6 Medicaid patient days for which the Department of Health and Environmental Control is authorized to issue Medicaid nursing home  
7 permits is 4,452,015.

8 **34.15.** (DHEC: Health Licensing Fee) Funds resulting from an increase in the Health Licensing Fee Schedule shall be retained  
9 by the department to fund increased responsibilities of the health licensing programs. Failure to submit a license renewal application  
10 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  
11 amount, whichever is greater, in addition to the licensing fee. Continual failure to submit completed and accurate renewal  
12 applications and/or fees by the time period specified by the department shall result in enforcement actions. The department may  
13 waive any or all of the assessed late fees in extenuating circumstances, as long as it is with public knowledge.

14 **34.16.** (DHEC: Infectious Waste Contingency Fund) The Department of Health and Environmental Control is authorized to use  
15 not more than \$75,000 from the Infectious Waste Contingency Fund per year for personnel and operating expenses to implement the  
16 Infectious Waste Act.

17 **34.17.** (DHEC: Nursing Home Medicaid Bed Day Permit) When a Medicaid patient is transferred from a nursing home to a  
18 receiving nursing home due to violations of state or federal law or Medicaid certification requirements, the Medicaid patient day  
19 permit shall be transferred with the patient to the receiving nursing home, provided that the receiving nursing home is an enrolled  
20 Medicaid provider that already holds Medicaid patient day permits, in which case the receiving facility shall apply to permanently  
21 retain the Medicaid patient day permit within sixty days of receipt of the patient.

22 **34.18.** (DHEC: Spoil Easement Areas Revenue) The department is authorized to collect, retain and expend funds received from  
23 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  
24 providing adequate spoil easement areas for the Atlantic Intracoastal Waterway in South Carolina.

25 **34.19.** (DHEC: Per Visit Rate) The SC DHEC is authorized to compensate nonpermanent, part-time employees on a fixed rate  
26 per visit basis. Compensation on a fixed rate per visit may be paid to employees for whom the department receives per visit  
27 reimbursement from other sources. These individuals will provide direct patient care in a home environment. The per visit rate may  
28 vary based on the discipline providing the care and the geographical location of services rendered. Management may pay exempt or  
29 nonexempt employees as defined by the Fair Labor Standards Act only when they are needed to work. Individuals employed in this  
30 category may exceed twelve months, but are not eligible for State benefits except for the option of contributing to the State Retirement  
31 System.

32 **34.20.** (DHEC: Allocation of Indirect Cost and Recoveries) The department shall continue to deposit in the general fund all  
33 indirect cost recoveries derived from state general funds participating in the calculation of the approved indirect cost rate. Further  
34 administration cost funded with other funds used in the indirect cost calculation may, based on their percentage, be retained by the  
35 agency to support the remaining administrative costs of the agency.

- 1       **34.21.** (DHEC: Permitted Site Fund) The South Carolina Department of Health and Environmental Control may expend funds as  
2 necessary from the permitted site fund established pursuant to Section 44-56-160(B)(1), for legal services related to environmental  
3 response, regulatory, and enforcement matters, including administrative proceedings and actions in state and all federal courts.
- 4       **34.22.** (DHEC: Shift Increased Funds) The director is authorized to shift increased appropriated funds in this act to offset  
5 shortfalls in other critical program areas.
- 6       **34.23.** (DHEC: Health Licensing Monetary Penalties) In the course of regulating health care facilities/services, the Bureau of  
7 Health Facilities Licensing (BHFL) assesses civil monetary penalties against nonconforming providers. BHFL shall retain up to the  
8 first \$50,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce  
9 the provisions of regulations applicable to that division. These funds shall be separately accounted for in the department's fiscal  
10 records.
- 11       **34.24.** (DHEC: Health Facilities Licensing Monetary Penalties) In the course of regulating health care facilities and services, the  
12 Bureau of Health Facilities Licensing (BHFL) assesses civil monetary penalties against nonconforming providers. BHFL shall retain  
13 up to the first \$100,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and  
14 enforce the provisions of regulations applicable to that division. These funds shall be separately accounted for in the department's  
15 fiscal records. Regulations for nursing home staffing for the current fiscal year must (1) provide a minimum of one and sixty-three  
16 hundredths (1.63) hours of direct care per resident per day from the non-licensed nursing staff; and (2) maintain at least one licensed  
17 nurse per shift for each staff work area. All other staffing standards and non-staffing standards established in Standards for Licensing  
18 Nursing Homes: R61-17, Code of State Regulations, must be enforced.
- 19       **34.25.** (DHEC: Radiological Health Monetary Penalties) In the course of regulating health care facilities/services, the Bureau of  
20 Radiological Health (BRH) assesses civil monetary penalties against nonconforming providers. BRH shall retain up to the first  
21 \$30,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce the  
22 provisions of regulations applicable to that Bureau. These funds shall be separately accounted for in the department's fiscal records.
- 23       **34.26.** (DHEC: Prohibit Use of Funds) The Department of Health and Environmental Control must not use any state appropriated  
24 funds to terminate a pregnancy or induce a miscarriage by chemical means.
- 25       **34.27.** (DHEC: Meals in Emergency Operations) The cost of meals may be provided to state employees who are required to work  
26 during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.
- 27       **34.28.** (DHEC: Compensatory Payment) In the event the President of the United States has declared a state of emergency or the  
28 Governor has declared a state of emergency in a county in the State, Fair Labor Standards Act exempt employees of the department  
29 may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency Director, and providing  
30 funds are available.
- 31       **34.29.** (DHEC: Beach Renourishment and Monitoring and Coastal Access Improvement) If state funds are made available or  
32 carried forward from any general revenue, capital, surplus or bond funding appropriated to the department for beach renourishment  
33 and maintenance, the department shall be able to expend not more than \$100,000 of these funds annually to support annual beach  
34 profile monitoring. Additional funds made available or carried forward for beach renourishment projects that are certified by the  
35 department as excess may be spent for beach renourishment and departmental activities that advance the policy goals contained in  
36 the State Beachfront Management Plan, R.30-21.

1       **34.30.** (DHEC: South Carolina State Trauma Care Fund) Of the funds appropriated to the South Carolina State Trauma Care  
2 Fund, \$2,268,885 shall be utilized for increasing the reimbursement rates for trauma hospitals, for trauma specialists' professional  
3 fees, for increasing the capability of EMS trauma care providers from counties with a high rate of traumatic injury deaths to care for  
4 injury patients, and for support of the trauma system, based on a methodology as determined by the department with guidance and  
5 input from the Trauma Council as established in Section 44-61-530 of the South Carolina Code of Laws. The methodology to be  
6 developed will include a breakdown of disbursement of funds by percentage, with a proposed seventy-six and one half percent  
7 disbursed to hospitals and trauma physician fees, sixteen percent of the twenty-one percent must be disbursed to EMS providers for  
8 training EMTs, Advanced EMTs and paramedics by the four regional councils of this state and the remaining five percent must be  
9 disbursed to EMS providers in counties with high trauma mortality rates, and two and one half percent allocated to the department  
10 for administration of the fund and support of the trauma system. The Department of Health and Environmental Control shall  
11 promulgate regulations as required in Section 44-61-540 of the 1976 Code for the administration and oversight of the Trauma Care  
12 Fund.

13       **34.31.** (DHEC: Pandemic Influenza) The Department of Health and Environmental Control shall assess South Carolina's ability  
14 to cope with a major influenza outbreak or pandemic influenza and maintain an emergency plan and stockpile of medicines and  
15 supplies to improve the state's readiness condition. The department shall report on preparedness measures to the Speaker of the  
16 House of Representatives, the President of the Senate, and the Governor by November first, each year. The department, in  
17 conjunction with the Department of Health and Human Services, is authorized to establish a fund for the purpose of developing an  
18 emergency supply, stockpile, and distribution system of appropriate antiviral, antibiotic, and vaccine medicines and medical supplies.  
19 In the event the United States Department of Health and Human Services makes available medicines or vaccines for purchase by  
20 states via federal contract or federally subsidized contract or other mechanism, the department, with Executive Budget Office  
21 approval, may access appropriated or earmarked funds as necessary to purchase an emergency supply of these medicines for the  
22 State of South Carolina.

23       **34.32.** (DHEC: Pharmacist Services) For the current fiscal year, provisions requiring that all department facilities distributing or  
24 dispensing prescription drugs be permitted by the Board of Pharmacy and that each pharmacy have a pharmacist-in-charge are  
25 suspended. Each Department of Health and Environmental Control Public Health Region shall be required to have a permit to  
26 distribute or dispense prescription drugs. A department pharmacist may serve as the pharmacist-in-charge without being physically  
27 present in the pharmacy. The department is authorized to designate one pharmacist-in-charge to serve more than one department  
28 facility. Only pharmacists, nurses, or physicians are allowed to dispense and provide prescription drugs/products/vaccines for  
29 conditions or diseases that the department treats, monitors, or investigates. In the event of a public health emergency or upon  
30 activation of the strategic national stockpile, other medications may be dispensed as necessary.

31       **34.33.** (DHEC: Rural Hospital Grants) Rural Hospital Grants funds shall be allocated to public hospitals in very rural or rural  
32 areas whose largest town is less than 25,000 and whose licensed bed capacity does not exceed two hundred beds. Hospitals qualifying  
33 for the grants shall utilize such funds for any of the following purposes: (a) the development of preventive health programs, medical  
34 homes, and primary care diversion from emergency departments; (b) expanded health services, including physician recruitment and  
35 retention; (c) to improve hospital facilities; (d) activities involving electronic medical records or claims processing systems; (e) to

1 enhance disease prevention activities in diabetes, heart disease, etc; and (f) activities to ensure compliance with State or Federal  
2 regulations.

3 **34.34.** (DHEC: Camp Burnt Gin) Notwithstanding any other provision of law, the funds appropriated to the department pursuant  
4 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  
5 a budget reduction.

6 **34.35.** (DHEC: Metabolic Screening) The department may suspend any activity related to blood sample storage as outlined in  
7 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,  
8 the samples may be destroyed in a scientifically appropriate manner after testing. The department shall notify providers of the  
9 suspension within thirty days of its effective date.

10 **34.36.** (DHEC: Fetal Pain Awareness) (A) The department must utilize at least one hundred dollars to prepare printed materials  
11 concerning information that unborn children at twenty weeks gestation and beyond are fully capable of feeling pain and the right of  
12 a woman seeking an abortion to ask for and receive anesthesia to alleviate or eliminate pain to the fetus during an abortion procedure.  
13 The materials must be provided to each abortion provider in the State and must be placed in a conspicuous place in each examination  
14 room at the doctor's office. The materials must contain only the following information:

15 "Fetal Pain Awareness

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

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

20 **34.37.** (DHEC: SCHIDS) From funds appropriated for Chronic Disease Prevention, the department shall establish a South  
21 Carolina Health Integrated Data Services (SCHIDS) program to disseminate data about prevalence, treatment and cost of disease  
22 from the South Carolina Health and Human Services Data Warehouse and in particular the Medicaid System. The purpose of the  
23 program is to educate communities statewide about improving health and wellness through lifestyle changes.

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

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

30 **34.38.** (DHEC: Abstinence Education Contract) For the current fiscal year, funds made available to the State of South Carolina  
31 under the provisions of Title V, Section 510, may only be awarded to other entities through a competitive bidding process.

32 **34.39.** (DHEC: Immunizations) The department is authorized to utilize the funds appropriated for immunizations to hire  
33 temporary personnel to address periods of high demand for immunizations at local health departments.

34 **34.40.** (DHEC: Residential Treatment Facilities Swing Beds) For Fiscal Year 2017-18 in coordination with the South Carolina  
35 Health Plan and to improve access for acute psychiatric beds as patient populations demand, Residential Treatment Facilities (RTF)  
36 may swing up to eighteen beds per qualifying facility to accommodate patients with a diagnosis of an acute psychiatric disorder. In

1 order to qualify to utilize swing beds a facility must meet the following criteria: the facility must currently have both licensed acute  
2 psychiatric and residential treatment facility beds, the RTF beds must meet the same licensure requirements as the existing licensed  
3 acute psychiatric beds, and any facility utilizing swing beds must keep the acute and RTF patient populations separate and distinct.  
4 The utilization of swing beds must also comply with all federal Centers for Medicare and Medicaid Services rules and regulations.

5 **34.41.** (DHEC: Tuberculosis Outbreak) (A) Upon discovery of a tuberculosis outbreak, the Department of Health and  
6 Environmental Control may expend any funds available to the agency, for the purpose of surveillance, investigation, containment,  
7 and treatment activities related thereto.

8 (B) Upon identification of a tuberculosis outbreak, the department will conduct a comprehensive contact investigation and  
9 implement control measures consistent with guidance from the Centers for Disease Control and Prevention. As part of the  
10 investigation and control of the outbreak, the department will alert the appropriate healthcare providers and community members  
11 using the most effective means available.

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

15 (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

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

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

19 (1) an update addressing the:

20 (a) status of the investigation, including the steps the department is taking to identify the source and extent of the  
21 exposure and the risks of additional exposure; and

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

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

26 **34.42.** (DHEC: Abstinence-Until-Marriage Emerging Programs) (A) From the funds appropriated to DHEC in this act as a  
27 Special Item and titled "Abstinence-Until Marriage Emerging Programs" the department shall award a twelve month grant for  
28 abstinence-until-marriage emerging programs. This funding shall be awarded by the department only to nonprofit 501(c)(3) agencies  
29 meeting all the A-H Title V, Section 510 definitions of Abstinence Education, as defined in the 2017 Social Security Act.

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

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

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

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

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

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

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

7 **34.43.** (DHEC: Abstinence Until Marriage Evidence-Based Programs Funding) From the monies appropriated for the  
8 Continuation of Teen Pregnancy Prevention, contracts must be awarded to separate private, nonprofit 501(c)(3) entities to provide  
9 Abstinence Until Marriage teen pregnancy prevention programs and services within the State that meet all of the A-H Title V, Section  
10 510 definitions of Abstinence Education, as defined in the 2017 Social Security Act. Contracts must be awarded utilizing a  
11 competitive approach in accordance with the South Carolina Procurement Code. Proposed programs/curricula must be certified by  
12 the National Abstinence Education Association (NAEA) as meeting and being in compliance with all of the Title V, Section 510  
13 A-H requirement for abstinence-until-marriage education programs. Applicants must provide a budget for the proposed project for  
14 which the application is being made. Monies will be paid over a twelve month basis for services rendered. Unexpended funds shall  
15 be carried forward for the purpose of fulfilling the department's contractual agreement. The programs implemented by the entity  
16 awarded a contract pursuant to this proviso may not violate any portion of the South Carolina Comprehensive Health Education Act  
17 when implemented in a school setting. An entity that violates any portion of the South Carolina Comprehensive Health Education  
18 Act must reimburse the State for all funds disbursed.

19 **34.44.** (DHEC: Wave Dissipation Device) From funds appropriated to the department for the Coastal Resource Improvement  
20 program, the department shall permit a Wave Dissipation Device pilot program to be initiated.

21 The deployment of a qualified wave dissipation device seaward of the setback line or baseline pursuant to a study conducted by  
22 the Citadel or a research university is not construction and meets the permitting exception contained in Section 48-39-130(D)(2).  
23 Prior to deploying or expanding a qualified wave dissipation device, a person proposing to deploy or expand the device must pay the  
24 department a fee of ten cents per linear foot of the proposed deployment or expansion. The department may order the removal of all  
25 or any portion of a qualified wave dissipation device that the department determines causes material harm to the flora, fauna, physical  
26 or aesthetic resources of the area under Section 48-39-130(D)(2) of the 1976 Code.

27 A 'qualified wave dissipation device' is a device that:

- 28 (1) is placed mostly parallel to the shoreline;
- 29 (2) is designed to dissipate wave energy;
- 30 (3) is designed to minimize scouring seaward of and adjacent to the device by permitting sand to move landward and seaward  
31 through the device;
- 32 (4) the horizontal panels designed to dissipate wave energy can be deployed within one-hundred twenty hours or less and can  
33 be removed within one-hundred twenty hours or less;
- 34 (5) does not negatively impact or inhibit sea turtle nesting or other fauna;
- 35 (6) can be adjusted after initial deployment in response to fluctuations in beach elevations; and

1 (7) otherwise prevents down-coast erosion, protects property, and limits negative impacts to public safety and welfare, beach  
2 access, and the health of the beach dune system.

3 **34.45.** (DHEC: Birth Center Inspections) With the funds appropriated and authorized to the Department of Health and  
4 Environmental Control for this fiscal year, the department shall ensure that all licensed birth centers must register an on-call  
5 agreement and any transfer policies with the Department of Health and Environmental Control. The on-call agreement shall contain  
6 provisions which provide that the on-call physician, or another physician designated by the on-call physician, is readily available to  
7 provide medical assistance either in person or by telecommunications or other electronic means, which means the physician must be  
8 within a thirty minute drive of the birth center or hospital, must be licensed in the State of South Carolina, and have hospital admitting  
9 or consulting privileges, and shall provide consultation and advice to the birth center at all times it is serving the public. Furthermore,  
10 a birth center shall document in its practice guidelines and policies the ability to transfer care to an acute care hospital with obstetrical  
11 and newborn services and must demonstrate this by: (A) coordinated transfer care plans, protocols, procedures, arrangements, or  
12 through collaboration with one or more acute care hospitals with appropriate obstetrical and newborn services; and (B) admitting or  
13 consulting privileges at one or more hospitals with appropriate obstetrical and newborn services by a birth center's consulting  
14 physician. The department shall require a \$25.00 registration fee upon receipt and review of the agreements containing these  
15 provisions. Acute care hospitals licensed by the department must negotiate in good faith and fair dealing effort with any birth center  
16 licensed by the department within a 50 mile radius to establish a written transfer agreement pursuant to this proviso. Birth centers  
17 registering on-call and transfer policies in accordance with this proviso shall be deemed by the department to be in compliance with  
18 Section 44-89-60(3) of the South Carolina Code and any implementing regulations for this fiscal year.

19 **34.46.** (DHEC: Abortion Clinic Certification) Prior to January 31, 2017, a facility other than a hospital that is licensed and  
20 certified by the department to perform abortions must file a report with the department that provides the number of physicians that  
21 performed an abortion at the facility between July 1, 2016 and December 31, 2016, who did not have admitting privileges at a local  
22 certified hospital and staff privileges to replace on-staff physicians at the certified hospital and the percentage of these physician in  
23 relation to the overall number of physicians who performed abortions at the facility. The report must include a summation of any  
24 abortion that resulted in an outcome which required a level of aftercare that exceeds what is customarily provided by physicians in  
25 such cases in accordance with accepted medical practice and indicate whether or not the abortion was performed by a physician with  
26 admitting privileges at a local certified hospital and staff privileges to replace on-staff physicians at the certified hospital. Any  
27 summation of any abortion must not divulge any information that is privileged or required to be maintained as confidential by any  
28 provision of law. An applicable facility must remit a twenty-five dollar filing fee to the department for the report required by this  
29 provision.

30 **34.47.** (DHEC: Data Center Migration) Of the funds appropriated to the Department of Health and Environmental Control for  
31 Data Center Migration, the department must utilize the Department of Administration, Division of Technology Operations for shared  
32 services, including but not limited to, mainframe services, application hosting, servers, managed servers, storage, network services  
33 and disaster recovery services. Unexpended funds appropriated for the data center migration may be carried forward from the prior  
34 fiscal year and used for the same purpose.

35 **34.48.** (DHEC: AIDS Service Provision Program) For the current fiscal year, funds appropriated and authorized to the Department  
36 of Health and Environmental Control for clinical services and medical case management shall be used to direct the department to

1 establish through contract a pilot program for the expansion of direct services to clients who are HIV positive. As part of the pilot  
2 program, the department shall facilitate 340b pricing for the AIDS Healthcare Foundation by utilizing Ryan White Part B federal  
3 funding to support this pilot in order to maximize the state's resources and service provision beyond its current levels. The department  
4 shall require that the AIDS Healthcare Foundation provide any reports or information required by the 340b pricing program, and  
5 shall provide proof of the contractual relationship between the department and the AIDS Healthcare Foundation to the Office of  
6 Pharmacy Affairs at HRSA.

7 **34.49.** (DHEC: EMS Monetary Penalties) In the course of regulating Emergency Medical Services (EMS) agencies and personnel,  
8 the Bureau of EMS assesses civil monetary penalties against nonconforming providers. The Bureau of EMS shall retain up to the  
9 first \$40,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce  
10 the provisions of regulations applicable to that bureau. These funds shall be separately accounted for in the department's fiscal  
11 records. The agency shall provide a report on how these funds are expended to the Governor, the Chairman of the Senate Finance  
12 Committee and the Chairman of the House Ways and Means Committee.

13 **34.50.** (DHEC: Ocean Water Quality Outfall Initiative) ~~In the current fiscal year, funds appropriated and authorized to the~~  
14 ~~Department of Health and Environmental Control in the department's Beach Renourishment Fund shall be made available as state~~  
15 ~~matching funds for Horry County Ocean Water Quality Outfall Initiatives. The department is authorized to retain and carry forward~~  
16 ~~these funds into the current fiscal year to be used for the same purpose. Any interest generated by the account must be credited and~~  
17 ~~deposited into this account, to be used as state matching funds for either local or federal funding, and utilized for Ocean Water~~  
18 ~~Quality Outfall Initiatives in Horry County.~~

19 **34.51.** (DHEC: Best Chance Network/Colon Cancer Prevention) Of the funds appropriated to the department for Best Chance  
20 Network and Colon Cancer Prevention, the department shall utilize \$1,000,000 for the Best Chance Network and \$1,000,000 as  
21 matching funds for the Colon Cancer Prevention Network.

22 **34.52.** (DHEC: Hazardous Waste Fund County Account) Funds in each county's Hazardous Waste Fund County Account must  
23 be released by the State Treasurer, upon the written request of a majority of the county's legislative delegation representing the  
24 economically depressed area of the county, and shall be used for infrastructure within the economically depressed area of that county.  
25 For purposes of this provision the definition of "infrastructure" includes, but is not limited to, improvements for water, sewer, gas,  
26 steam, electric energy, communication and other ancillary services that may be made to a building or land which are considered  
27 necessary, suitable, or useful to an eligible project that has a documented impact on economic development.

28 **34.53.** (DHEC: HIV/AIDS Treatment and Prevention) From the funds appropriated to the Department of Health and  
29 Environmental Control in the current fiscal year for HIV and AIDS prevention and treatment, the department shall develop  
30 ~~partnerships~~ a partnership with the Joseph H. Neal Health Collaborative and ~~CAN Community Health, Inc.~~ expend \$500,000 to  
31 provide comprehensive medical, dental, psychological, and educational services to all patients, regardless of their financial situation,  
32 insurance status, or ability to pay. In addition, ~~CAN Community Health, Inc.~~ the Joseph H. Neal Health Collaborative shall develop  
33 a deploy its plan for the treatment and prevention of Hepatitis C. The department shall ensure the funds are expended solely for  
34 testing, treatment, and follow-up services of HIV/AIDS and Hepatitis C, and providing primary care and dental care. Funds may  
35 be used to enhance the services provided through a combination of Ryan White Part B Grant funds and other federal funds or the  
36 state's AIDS Drug Assistance Program rebate funds.



1       **34.54.** (DHEC: State Trauma Registry) From the funds appropriated or authorized in the current fiscal year, the Department of  
2 Health and Environmental Control, through the State Trauma Registry, shall direct that all state verified trauma centers are required  
3 to submit relevant patient care data. The department shall develop appropriate policies or regulations no later than January 1, 2021,  
4 to ensure data is collected by all trauma centers.

5       **34.55.** (DHEC: Storm Water and Ocean Outfalls) In the current fiscal year, funds appropriated to the department for Ocean  
6 Outfalls shall be distributed equally to the City of Myrtle Beach and the City of North Myrtle Beach for the purpose of storm water  
7 drainage and ocean outfall construction and repair as state matching funds for Horry County Ocean Water Quality Outfall Initiatives.  
8 The department shall be authorized to retain and carry forward these funds into the current fiscal year to be used for the same purpose.  
9 Any interest generated by the account must be retained and deposited into this account, to be used as state matching funds for either  
10 local or federal funding, and utilized for Ocean Water Quality Outfall Initiatives in Horry County.

11       **34.56.** *(DHEC: Reimbursement of Expenditures) The Department of Health and Environmental Control is authorized to collect,*  
12 *expend, retain, and carry forward for general operating purposes all funds received in the current fiscal year as reimbursement of*  
13 *expenditures incurred in the current or prior fiscal year.*

14       **34.57.** *(DHEC: Organizations Receiving State Appropriations) Notwithstanding any other provisions of this act, the funds*  
15 *appropriated to the Department of Health and Environmental Control for the allocation/contribution of specific amounts of state aid*  
16 *to organizations, programs, special items, or activities shall be distributed as appropriated except 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 reduce*  
18 *these items up to the stipulated percentage.*

19       **34.58.** *(DHEC: E-Waste Extension) The Department of Health and Environmental Control shall administer the provisions of*  
20 *Chapter 60, Title 48 of the 1976 Code until the end of the current fiscal year.*

## 22 SECTION 35 - J120 - DEPARTMENT OF MENTAL HEALTH

23  
24       **35.1.** (DMH: Patient Fee Account) The Department of Mental Health is hereby authorized to retain and expend its Patient Fee  
25 Account funds. In addition to funds collected for the maintenance and medical care for patients, Medicare funds collected by the  
26 department from patients' Medicare benefits and funds collected by the department from its veteran facilities shall be considered as  
27 patient fees. The department is authorized to expend these funds for departmental operations, for capital improvements and debt  
28 service under the provisions of Act 1276 of 1970, and for the cost of patients' Medicare Part B premiums. The department shall  
29 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  
30 to S.C. Share Self Help Association Regarding Emotions.

31       **35.2.** (DMH: Institution Generated Funds) The Department of Mental Health is authorized to retain and expend institution  
32 generated funds which are budgeted.

33       **35.3.** (DMH: Alzheimer's Funding) Of the funds appropriated to the Department of Mental Health for Community Mental  
34 Health Centers, \$900,000 must be used for contractual services to provide respite care and diagnostic services to those who qualify  
35 as determined by the Alzheimer's Disease and Related Disorders Association. The department must maximize, to the extent feasible,  
36 federal matching dollars. On or before September thirtieth of each year, the Alzheimer's Disease and Related Disorders Association

1 must submit to the department, Governor, Senate Finance Committee, and House Ways and Means Committee an annual financial  
2 statement and outcomes measures attained for the fiscal year just ended. These funds may not be expended or transferred during the  
3 current fiscal year until the required reports have been received by the department, Governor, Chairman of the Senate Finance  
4 Committee, and the Chairman of the House Ways and Means Committee. In addition, when instructed by the Executive Budget  
5 Office or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds transferred to the  
6 Alzheimer's Disease and Related Disorders Association greater than such stipulated percentage.

7 **35.4.** (DMH: Crisis Intervention Training) Of the funds appropriated to the department, \$275,000 shall be utilized for the  
8 National Alliance on Mental Illness (NAMI) SC for Crisis Intervention Training (CIT).

9 **35.5.** (DMH: Uncompensated Patient Medical Care) There is created an Uncompensated Patient Care Fund to be used by the  
10 department for medical costs incurred for patients. These funds may be carried forward from the prior fiscal year into the current  
11 fiscal year to be used for the same purpose.

12 **35.6.** (DMH: Meals in Emergency Operations) The cost of meals may be provided to state employees who are required to work  
13 during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

14 **35.7.** (DMH: Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) The Department of Mental Health is  
15 authorized to establish an interest bearing fund with the State Treasurer to deposit funds for deferred maintenance and other one-time  
16 funds from any source. The department is also authorized to retain and deposit into the fund proceeds from the sale of excess real  
17 property owned by, under the control of, or assigned to the department. After receiving any required approvals, the department is  
18 authorized to expend these funds for the purpose of deferred maintenance, capital projects, and ordinary repair and maintenance.  
19 These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.

20 **35.8.** (DMH: Lease Payments to SFAA for SVP Program) In the current fiscal year, funds appropriated and authorized to the  
21 Department of Mental Health for Lease Payments to the State Fiscal Accountability Authority for the Sexually Violent Predator  
22 Program are exempt from any across-the-board base reductions.

23 **35.9.** (DMH: Commitments to Treatment Facilities) The authorization for continued implementation of Article 7, Chapter 17,  
24 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,  
25 admissions and discharges to mental health facilities, or treatment facility for the purpose of alcohol and drug abuse treatment, shall  
26 be expended for the compensation of court appointed private examiners, guardians ad litem, and attorneys for proposed patients, and  
27 related costs arising from the filing, service and copying of legal papers and the transcription of hearings or testimony. Court  
28 appointed private examiners, guardians ad litem and attorneys shall be paid at such rates or schedules as are jointly determined to be  
29 reasonable by the South Carolina Association of Probate Judges, the Office of Court Administration, and the Department of Mental  
30 Health with the approval of the Attorney General. The Department of Mental Health shall notify the Senate Finance Committee and  
31 the House Ways and Means Committee of any fee adjustment or change in schedule before implementation and may enter into an  
32 agreement with the Commission on Indigent Defense solely for the purpose of processing vouchers for the payment of above fees  
33 and costs.

34 **35.10.** (DMH: Judicial Commitment) Except as otherwise provided in Proviso 117.5, no money authorized to be expended for  
35 the purposes set forth in Proviso 35.9 shall be used to compensate any state employees appointed by the court as examiners, guardians  
36 ad litem, or attorneys nor shall such funds be used in payment to any state agency for providing such services by their employees.

1        35.11. (DMH: Fitness to Stand Trial) The Department of Mental Health shall initiate a pilot program to determine the efficacy  
2 and cost effectiveness of providing treatment services in a detention center to adult criminal defendants who have been determined  
3 unfit to stand trial but who are likely to become fit in the foreseeable future. Upon completion of a court hearing, consideration of  
4 evidence that a defendant is unfit to stand trial but is likely to become fit to stand trial in the foreseeable future, and when the court  
5 orders the defendant hospitalized for up to an additional sixty days, the department shall have discretion to provide restoration  
6 treatment to a defendant in a hospital or in a detention facility. The department shall submit a report detailing the findings of the  
7 pilot program to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the  
8 Governor no later than September 1, 2021.  
9

## 10 SECTION 36 - J160 - DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS

11  
12        **36.1.** (DDSN: Work Activity Programs) All revenues derived from production contracts earned by individuals served by the  
13 department in Work Activity Programs be retained by the South Carolina Department of Disabilities and Special Needs and carried  
14 forward as necessary into the following fiscal year to be used for other operating expenses and/or permanent improvements of these  
15 Work Activity Programs.

16        **36.2.** (DDSN: Sale of Excess Real Property) The department is authorized to retain revenues associated with the sale of excess  
17 real property owned by, under the control of, or assigned to the department and may expend these funds as grants to purchase or  
18 build community residences and day program facilities for the individuals DDSN serves. The department shall follow all the policies  
19 and procedures of the Department of Administration or State Fiscal Accountability Authority and the Joint Bond Review Committee.

20        **36.3.** (DDSN: Prenatal Diagnosis) Revenues not to exceed \$126,000 from client fees, credited to the debt service fund and not  
21 required to meet the department's debt service requirement, may be expended only in the current fiscal year to promote expanded  
22 prenatal diagnosis of intellectual and/or other related disabilities by the Greenwood Genetic Center.

23        **36.4.** (DDSN: Medicaid-Funded Contract Settlements) The department is authorized to carry forward and retain settlements  
24 under Medicaid-funded contracts.

25        **36.5.** (DDSN: Departmental Generated Revenue) The department is authorized to continue to expend departmental generated  
26 revenues that are authorized in the budget.

27        **36.6.** (DDSN: Transfer of Capital/Property) The department ~~may~~ shall only transfer capital to include property and buildings to  
28 local DSN providers with written consent of the providers by memorandum of understanding and upon State Fiscal Accountability  
29 Authority approval, otherwise, the department shall be responsible for maintenance and improvements.

30        **36.7.** (DDSN: Unlicensed Medication Providers) The provision of selected prescribed medications may be performed by  
31 designated unlicensed persons in community-based programs sponsored, licensed or certified by the South Carolina Department of  
32 Disabilities and Special Needs, provided the unlicensed persons have documented successful completion of medication training and  
33 competency evaluation. Licensed nurses, licensed pharmacists and licensed medical doctors may train and supervise designated  
34 unlicensed persons to provide medications and, after reviewing competency evaluations, may approve designated unlicensed persons  
35 for the provision of medications. The provision of medications by designated unlicensed persons is limited to oral, sublingual,  
36 buccal, topical, inhalation and transdermal medications; ear drops, eye drops, nasal sprays, injections of regularly scheduled insulin

1 and injections of prescribed anaphylactic treatments. The provision of medications by designated unlicensed persons does not include  
2 rectal and vaginal medications, sliding scale insulin or other injectable medications. A written or electronic record regarding each  
3 medication provided, including time and amount administered, is required as part of the provision of medication. Provision of  
4 medication does not include judgment, evaluation or assessment by the designated unlicensed persons. The designated unlicensed  
5 persons and the nurses, pharmacists and medical doctors that train, approve, and supervise these staff shall be protected against tort  
6 liability provided their actions are within the scope of their job duties and the established medical protocol.

7 The Department of Disabilities and Special Needs shall establish curriculum and standards for training and oversight.

8 This provision shall not apply to a facility licensed as an intermediate care facility for individuals with intellectual and/or related  
9 disability.

10 **36.8.** (DDSN: Child Daycare Centers) Of the funds appropriated to the department, the department shall provide reimbursement  
11 for services provided to department eligible children at daycare centers previously under contract prior to December 31, 2008. The  
12 reimbursement shall not be less than eighty percent of the amount reimbursed in the previous fiscal year. By September fifteenth,  
13 the department must transfer \$100,000 to the Anderson County Disabilities Board for the provision of these services.

14 **36.9.** (DDSN: Debt Service Account) The department shall utilize the uncommitted dollars in their debt service account, account  
15 E164660, for operations and services that are not funded in the appropriations bill. By August first, the department must report to  
16 the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on the  
17 remaining balance in this account and on the amounts and purposes for which the account was used in the prior fiscal year.

18 **36.10.** (DDSN: Traumatic Brain Injury) Funds appropriated to the agency for Traumatic Brain Injury/Spinal Cord Injury  
19 Post-Acute Rehabilitation shall be used for that purpose only. In the event the department receives a general fund reduction in the  
20 current fiscal year, any reductions to the post-acute rehabilitation funding shall not exceed reductions in proportion to the agency as  
21 a whole.

22 **36.11.** (DDSN: Medicaid Direct Billing) The department shall facilitate Medicaid direct billing for all providers, including local  
23 disabilities and special needs boards, who choose to initiate the direct billing process regardless of the receipt of capital grant funds  
24 from the department for the specific facility involved. All entities receiving capital grant funds must use the funds as originally  
25 specified in the award. If the purpose or use of a facility constructed or purchased with departmental grant funds is altered without  
26 the department's approval, the entity must repay the department the amount of the funds awarded. The use of direct billing shall not  
27 be construed as a change in the purpose or use of a facility.

28 **36.12.** (DDSN: Carry Forward Authorization) For the current fiscal year, the department is authorized to carry forward any  
29 balance of General Funds appropriated for the reduction of the department's waiting lists in the prior fiscal year and must utilize  
30 these funds for the same purpose in the current fiscal year. Within thirty days after the close of the fiscal year, the department shall  
31 report the balance carried forward to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and  
32 Means Committee.

33 **36.13.** (DDSN: Service Providers Expenditure Requirement) For the current fiscal year, in order to accommodate service provider  
34 infrastructure needs resulting from the reductions in the department's waiting lists, service providers including local disabilities and  
35 special needs boards are authorized to carry forward from the prior fiscal year unexpended funds based on a ninety percent  
36 expenditure requirement for capitated services. Service providers shall not withhold services in order to generate funds to be carried

1 forward. The expenditure requirement shall not affect the department's three month reserve limitation policy. If the department's  
2 Medicaid allowable costs, in the aggregate, do not meet the level of certified public expenditures (CPEs) reported to the Department  
3 of Health and Human Services, the department is allowed to recoup funds necessary to remain in compliance with federal Medicaid  
4 CPE rules.

5 **36.14.** (DDSN: Beaufort DSN Facility) For Fiscal Year ~~2020-21~~ 2021-22, the Department of Disabilities and Special Needs is  
6 authorized to retain the full amount of proceeds from the sale of the local Disabilities and Special Needs Board of Beaufort County  
7 property. The funds retained from this sale must be used by the department to purchase a new property for the local Disabilities and  
8 Special Needs Board in Beaufort County that more appropriately meets the needs of the individuals served. Unexpended funds may  
9 be carried forward into the current fiscal year and used for the same purpose. The department must provide a status report to the  
10 Beaufort County Legislative Delegation by June 30, ~~2019~~ 2021, detailing the retention of any sale proceeds and/or the expenditures  
11 of those funds.  
12

### 13 SECTION 37 - J200 - DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES

14

15 **37.1.** (DAODAS: Training & Conference Revenue) The department may charge fees for training events and conferences. The  
16 revenues from such events shall be retained by the department to increase education and professional development initiatives.

17 **37.2.** (DAODAS: Gambling Addiction Services) In that gambling is a serious problem in South Carolina, the department through  
18 its local county commissions may provide, from funds appropriated to the department, information, education, and referral services  
19 to persons experiencing gambling addictions.

20 **37.3.** (DAODAS: Medicaid Match Transfer) At the beginning of the fiscal year, the Department of Alcohol and Other Drug  
21 Abuse Services will transfer \$1,915,902 to the Department of Health and Human Services to meet federal Medicaid Match  
22 participation requirements for the delivery of alcohol and other drug abuse services to the Medicaid beneficiary population.

23 **37.4.** (DAODAS: Carry Forward Unexpended Funds) The Department of Alcohol and Other Drug Abuse Services is authorized  
24 to carry forward from the prior fiscal year into the current fiscal year unexpended funds in excess of ten percent of the agency's  
25 general fund appropriations to continue to fund prevention, treatment and recovery services for opioid addiction services and  
26 addiction programs as prioritized by the department.  
27

### 28 SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

29

30 **38.1.** (DSS: Fee Retention) The Department of Social Services shall recoup all refunds and identified program overpayments  
31 and all such overpayments shall be recouped in accordance with established collection policy. ~~Funds of \$800,000 collected under~~  
32 ~~the Child Support Enforcement Program (Title IV-D) which are state funds shall be remitted to the State Treasurer and credited to~~  
33 ~~the General Fund of the State.~~ All state funds above \$800,000 shall be retained by the department *and may be used* to fund  
34 Self-Sufficiency and Family Preservation and Support initiatives, *to make improvements to the security for FTI and PII data, and*  
35 *for child support operations.*

1       **38.2.** (DSS: Recovered State Funds) The department shall withhold a portion of the State Funds recovered, under the Title IV-D  
 2 Program, for credit to the general fund in order to allow full participation in the federal “set off” program offered through the Internal  
 3 Revenue Service, the withholding of unemployment insurance benefits through the Department of Employment and Workforce and  
 4 reimbursement for expenditures related to blood testing. Such funds may not be expended for any other purpose. The Department  
 5 of Social Services shall be allowed to utilize the State share of Federally required fees, collected from non-TANF clients, in the  
 6 administration of the Child Support Enforcement Program. Such funds may not be expended for any other purpose. However, this  
 7 shall not include Child Support Enforcement Program incentives paid to the program from federal funds to encourage and reward  
 8 cost effective performance. Such incentives are to be reinvested in the program to increase collections of support at the state and  
 9 county levels in a manner consistent with federal laws and regulations governing such incentive payments. The department shall not  
 10 use clerk of court incentive funds to replace agency operating funds. Such funds shall be remitted to the appropriate state  
 11 governmental entity to further child support collection efforts.

12       **38.3.** (DSS: Burial Expenses) The expenditure of funds allocated for burials of foster children and adults in the custody of the  
 13 Department of Social Services shall not exceed one thousand five hundred dollars per burial.

14       **38.4.** (DSS: Battered Spouse Funds) Appropriations included in Subprogram II.J. entitled Battered Spouse shall be allocated  
 15 through contractual agreement to providers of this service. These appropriations may also be used for public awareness and  
 16 contracted services for victims of this social problem including the abused and children accompanying the abused. Such funds  
 17 may not be expended for any other purpose nor be reduced by any amount greater than that stipulated by the Executive Budget  
 18 Office or the General Assembly for the agency as a whole.

19       **38.5.** (DSS: Court Examiner Service Exemption) In order to prevent the loss of federal funds to the State, employees of the  
 20 Department of Social Services whose salaries are paid in full or in part from federal funds will be exempt from serving as court  
 21 examiners.

22       **38.6.** (DSS: TANF Advance Funds) The Department of Social Services is authorized to advance sufficient funds during each  
 23 fiscal year from the Temporary Assistance for Needy Families Assistance Payments general fund appropriations to the Temporary  
 24 Assistance for Needy Families Assistance Payments federal account only for the purpose of allowing a sufficient cash flow in the  
 25 federal account. The advance must be refunded no later than April of the same fiscal year. Upon the advance of funds as provided  
 26 herein, the Comptroller General is authorized to process the July voucher for the funding of benefit checks.

27       **38.7.** (DSS: Fee Schedule) The Department of Social Services shall be allowed to charge fees and accept donations, grants, and  
 28 bequests for social services provided under their direct responsibility on the basis of a fee schedule. The fees collected shall be  
 29 utilized by the Department of Social Services to further develop and administer these program efforts. The below fee schedule is  
 30 established for the current fiscal year.

31	Day Care	
32	Family Child Care Homes (up to six children)	\$15
33	Group Child Care Homes (7-12 children)	\$30
34	Registered Church Child Care (13+)	\$50
35	Licensed Child Care Centers (13-49)	\$50
36	Licensed Child Care Centers (50-99)	\$75

1	Licensed Child Care Centers (100-199)	\$100
2	Licensed Child Care Centers (200+)	\$125
3	Central Registry Checks	
4	Nonprofit Entities	\$8
5	For-profit Agencies	\$25
6	State Agencies	\$8
7	Schools	\$8
8	Day Care	\$8
9	Other – Volunteer Organizations	\$8
10	Other Children’s Services	
11	Services Related to Adoption of Children from	
12	Other Countries	\$225
13	Court-ordered Home Studies in non-DSS Custody Cases	\$850
14	Licensing Residential Group Homes Fee for an	
15	Initial License	\$250
16	For Renewal	\$75
17	Licensing Child Caring Institutions Fee for an	
18	Initial License	\$500
19	For Renewal	\$100
20	Licensing Child Placing Agencies Fee for an	
21	Initial License	\$500
22	For Renewal	\$60
23	For Each Private Foster Home Under the Supervision	
24	of a Child Placing Agency	\$15
25	Responsible Father Registry	
26	Registry Search	\$50

27 **38.8.** (DSS: Food Stamp Fraud) The state portion of funds recouped from the collection of recipient claims in the TANF and  
 28 Food Stamp programs shall be retained by the department. A portion of these funds shall be distributed to local county offices for  
 29 emergency and program operations.

30 **38.9.** (DSS: TANF - Immunizations Certificates) The department shall require all TANF applicants and/or recipients to provide  
 31 proof of age appropriate immunizations for children. If such immunizations have not been administered, the department shall assist  
 32 in referring applicants to appropriate county health departments to obtain the immunizations.

33 **38.10.** (DSS: County Directors’ Pay) With respect to the amounts allocated to the Department of Social Services for Employee  
 34 Pay Increase in this act, the Department of Social Services is authorized to allot funds for pay increases to individual county directors  
 35 and regional directors in classified positions without uniformity. Pay increases for DSS county directors and regional directors shall  
 36 be administered in accordance with the guidelines established by the Department of Administration for Executive Compensation

1 System and other nonacademic unclassified employees. Any employees subject to the provisions of this paragraph shall not be  
2 eligible for any other compensation increases provided in this act.

3 **38.11.** (DSS: Use of Funds Authorization) Department investigative units shall be authorized to receive and expend funds  
4 awarded to these units as a result of a donation, contribution, prize, grant, and/or court order. These funds shall be retained by the  
5 department on behalf of the investigative units and deposited in a separate, special account and shall be carried forward from year to  
6 year and withdrawn and expended as needed to fulfill the purposes and conditions of the donation, contribution, prize, grant, and/or  
7 court order, if specified, and if not specified, as may be directed by the Director of the Department of Social Services. These accounts  
8 shall not be used to supplant operating funds in the current or future budgets. The agency shall report to the Senate Finance  
9 Committee and Ways and Means Committee by January thirtieth of the current fiscal year on the amount of funds received and how  
10 expended.

11 **38.12.** (DSS: Use of Funds Authorization) Unless specifically directed by the General Assembly, when DSS is directed to provide  
12 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  
13 in one or more DSS programs.

14 **38.13.** (DSS: Grant Authority) The Department of Social Services is authorized to make grants to community-based not-for-profit  
15 organizations for local projects that further the objectives of DSS programs. The department shall develop policies and procedures  
16 and may promulgate regulations to assure compliance with state and federal requirements associated with the funds used for the  
17 grants and to assure fairness and accountability in the award and administration of these grants. The department shall require a match  
18 from all grant recipients.

19 **38.14.** (DSS: Family Foster Care Payments) The Department of Social Services shall furnish as Family Foster Care payments for  
20 individual foster children under their sponsorship and under kinship care:

21 ages 0 - 5 ~~\$500~~ \$605 per month

22 ages 6 - 12 ~~\$523~~ \$708 per month

23 ages 13 + ~~\$589~~ \$747 per month

24 These specified amounts are for the basic needs of the foster children to include kinship care assistance. Basic needs within this  
25 proviso are identified as food (at home and away), clothing, housing, transportation, education and other costs as defined in the U.S.  
26 Department of Agriculture study of "Annual Cost of Raising a Child to Age Eighteen". Further, each agency shall identify and  
27 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  
28 professional agency evaluation of clientele need. Legitimate medical care in excess of Medicaid reimbursement or such care not  
29 recognized by Medicaid may be considered as special needs if approved by the sponsoring/responsible agency and shall be  
30 reimbursed by the sponsoring agency in the same manner of reimbursing other special needs of foster children.

31 **38.15.** (DSS: Penalty Assessment) The Department of Social Services may impose monetary penalties against a person, facility,  
32 or other entity for violation of statutes or regulations pertaining to programs, other than foster home licensing, that the department  
33 regulates. Penalties collected must be remitted to the State Treasurer for deposit into the State General Fund. The department shall  
34 promulgate regulations for each program in which penalties may be imposed. The regulations must include guidance on the decision  
35 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  
36 severity and frequency of violations. These regulations must provide for notice of the penalty and the right to a contested case



1 hearing before a designee of or panel appointed by the director of the department. Judicial review of the final agency decision  
2 concerning a penalty must be in accordance with statutes or regulations that apply to judicial review of final revocation and denial  
3 decisions in that particular program. The department, in accordance with regulations promulgated pursuant to this provision, shall  
4 have discretion in determining the appropriateness of assessing a monetary penalty against a person or facility and the amount of the  
5 penalty. The authority to assess monetary penalties shall be in addition to other statutory provisions authorizing the department to  
6 seek injunctive relief or to deny, revoke, suspend, or otherwise restrict or limit a license or other types of operating or practice  
7 registrations, approvals, or certificates.

8 **38.16.** (DSS: Child Support Enforcement Automated System Carry Forward) The department shall be authorized to retain and  
9 carry forward any unexpended funds appropriated for the Child Support Enforcement automated system and related penalties.

10 **38.17.** (DSS: Child Support Enforcement System) ~~From the funds appropriated in Part IA, Section 38 (H.F.), the Department of~~  
11 ~~Social Services shall prepare a detailed report on the status of the Child Support Enforcement System. The report shall include, but~~  
12 ~~not be limited to, actions currently being undertaken to become compliant with federal government requirements; the cost required~~  
13 ~~to meet minimum federal guidelines; total funds spent so far on the system; the amount of fines assessed by the federal government~~  
14 ~~associated with noncompliance; how much has been spent to satisfy actions taken by the state judicial system; and how much has~~  
15 ~~been spent related to actions taken by any other entity which may have altered the amount required for meeting minimum federal~~  
16 ~~guidelines. The report shall be submitted to the General Assembly by August thirty first of the current fiscal year.~~

17 **38.18.** (DSS: Child Care Voucher) State funds allocated to the Department of Social Services and used for child care vouchers  
18 must be used to enroll eligible recipients within provider settings exceeding the state's minimum child care licensing standards. The  
19 department may waive this requirement on a case by case basis.

20 **38.19.** (DSS: Meals in Emergency Operations) The cost of meals may be provided to state employees who are not permitted to  
21 leave their stations and are required to work during actual emergencies, emergency situation exercises, and when the Governor  
22 declares a state of emergency.

23 **38.20.** (DSS: Day Care Facilities Supervision Ratios) For the current fiscal year, staff-child ratios contained in Regulations  
24 114-504(B), 114-504(C), 114-524(B), and 114-524(C) shall remain at the June 24, 2008 levels.

25 **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  
26 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  
27 for more than twenty-four months will not exceed a total of 2,617 during the fiscal year. The Department of Social Services shall  
28 develop appropriate plans for timely permanency and use appropriate data benchmarks and targets that will achieve this goal.

29 **38.22.** (DSS: Comprehensive Teen Pregnancy Prevention Funding) (A) From the monies appropriated for the Continuation of  
30 Teen Pregnancy Prevention, the department must award the dollars allocated to a nonprofit 501(c)(3) entity to provide abstinence  
31 first, age appropriate comprehensive approach to health and sexuality education with a goal of preventing adolescent pregnancy  
32 throughout South Carolina.

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

34 (C) The monies appropriated must be paid over a twelve month basis for services rendered. Unexpended funds shall be carried  
35 forward for the purpose of fulfilling the department's contractual agreement.

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

4 **38.23.** (DSS: SNAP Coupons) The Department of Social Services shall continue the “Healthy Bucks” program established to  
5 provide coupons that allow Supplemental Nutrition Assistance Program (SNAP) recipients to obtain additional fresh fruits and  
6 vegetables when purchasing fresh produce at grocery stores or farmers markets with SNAP benefits through their EBT cards. Each  
7 coupon shall allow the beneficiary to double the amount of produce purchased, up to ten dollars per month. The agency shall utilize  
8 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  
9 in processing SNAP applications to fund the program. The agency shall work to identify and utilize funds as matching dollars for  
10 the continued success of the “Healthy Bucks” program and shall report semi-annually to the General Assembly on the status of the  
11 program. The report shall include, at a minimum, the number of recipients, counties served, and cumulative expenditure data for the  
12 program.

13 **38.24.** (DSS: Internal Child Fatality Review Committees) For Fiscal Year ~~2020-21~~ 2021-22, the Director of the Department of  
14 Social Services shall create and fund Internal Child Fatality Review Committees (internal committees) pursuant to the authority  
15 granted in Sections 43-1-60(3), 43-1-80, and 63-7-910(E) of the 1976 Code to allow for the rapid and expeditious review of reported  
16 child fatalities that are reported to the Department of Social Services on suspicion of abandonment, child abuse, neglect or harm as  
17 defined in Section 63-7-20. This review process will enable the department to respond to the safety needs of any surviving siblings  
18 and will lead to improvement in the department’s efforts to prevent child fatalities caused by abandonment, child abuse, neglect or  
19 harm. Each internal committee shall be composed of a board-certified child abuse pediatrician, an agent from the State Law  
20 Enforcement Division, a local law enforcement officer, a representative from the local coroner’s office, and representatives from the  
21 Department of Social Services. The internal committee may invite other service provider organizations as deemed necessary. The  
22 department is authorized to provide reasonable compensation for board-certified child abuse pediatricians serving on an internal  
23 committee. Internal committees shall have access to information and records maintained by a provider of medical care regarding a  
24 child whose death is being reviewed by the internal committee, including information on prenatal care; all information and records  
25 maintained by any state, county, or local government agency, including, but not limited to, birth certificates, law enforcement  
26 investigation data, county coroner or medical examiner investigation data, parole and probation information and records, and  
27 information and records of health agencies that provided services to the child or family. The meetings, information obtained by,  
28 reports prepared by, and statements made before the internal committees are confidential and protected from disclosure pursuant to  
29 the Freedom of Information Act, criminal and civil proceedings, and subpoenas as set forth in Sections 63-7-940 and 63-7-1990.

30 **38.25.** (DSS: Tuition Reimbursement/Student Loan Repayment) The Department of Social Services is allowed to spend state,  
31 federal, and other sources of revenue to provide tuition reimbursement and/or student loan repayment to aid in retaining caseworkers  
32 and critical needs department jobs based on objective guidelines established by the State Director of the Department of Social  
33 Services.

34 The department may also provide paid educational leave for any employees in an FTE position to attend class while enrolled in  
35 programs that are related to the agency’s mission. All such leave is at the agency head’s discretion.

1 The department may enter into an agreement with staff employed in critical need departments to repay them for their outstanding  
2 student loans and/or reimburse tuition expenses. The employee must be employed in a critical needs area, which would be identified  
3 at the agency head's discretion, be in a covered FTE, and not have any disciplinary actions. Participants in this program must agree  
4 to remain at the department for a period of five years. The department may pay these employees up to \$7,500 each year over a  
5 five-year period in accordance with a program developed by the department. Payments will be made directly to the employee at the  
6 end of each year of employment. Payments cannot exceed the balance of the student loan or the cost of tuition.

7 **38.26.** (DSS: Federally Certified Child Support Enforcement System Project) In order to expedite the completion and certification  
8 of the Automated Child Support Enforcement System required by the Social Security Act (42 U.S.C. Section 654a), the Department  
9 of Social Services is authorized to adopt, to the fullest extent possible, the system and operating procedures of the Delaware Transfer  
10 System. To the extent the Transfer System operating processes deviate from, or are incompatible with, current South Carolina  
11 practice, the department is authorized to determine the most effective and efficient practice to comply with federal requirements.  
12 The department shall work with Clerks of Court to identify and prepare for the changes involved in the implementation of the Transfer  
13 System which may impact their current operating practices with regards to performance of required child support functions. Pursuant  
14 to the Social Security Act and S.C. Code Section 63-17-610, Clerks of Court shall utilize the federally certifiable child support system  
15 and the state disbursement unit developed by the department to perform required child support functions.

16 **38.27.** (DSS: Wilderness Therapeutic Camps) The Department of Social Services shall make and promulgate such rules and  
17 regulations relating to licensing standards and other matters as may be necessary to carry out the purposes of Title 63, Chapter 11,  
18 Article 1 of the 1976 Code as applied to Wilderness Therapeutic Camps. For this purpose, a "Wilderness Therapeutic Camp" is a  
19 therapeutic camp organization or facility with an outdoor or wilderness focus that is engaged in receiving children for care and  
20 maintenance, either part or full time, but shall not include any summer camp, day camp, or after school program, and shall also not  
21 include any other outdoor education or youth development program or facility where participants usually attend for less than 15 days,  
22 and does not include any licensed residential group care organization, child caring institution or group home or facility that meets  
23 the facility requirements of S.C. Code of Regulations Section 114-590.

24 **38.28.** (DSS: Group Home Transition) For the current fiscal year, the Department of Social Services shall provide financial and  
25 administrative support and flexibility to Group Homes in order to best enable any necessary transition of services or the development  
26 of new service models for children and young adults. Group Homes with young adults between the ages of 18 to 23 years residing  
27 in approved and supervised independent living programs shall not be required to provide 24 hours per day face to face supervision  
28 for the resident. Regulatory and contractual requirements must not be different for supervision and staff ratios when a young adult  
29 aged 18 to 23 is a resident in an approved and supervised independent living program.

30 **38.29.** (DSS: Foster Care Child Placements) With funds appropriated and authorized to the Department of Social Services for  
31 Fiscal Year 2018-19, the department shall ensure that the following provisions are implemented related to child placements. The  
32 department shall promulgate any necessary rules or regulations to implement these provisions:

33 (A) If a child in foster care has been placed within the same foster home for at least 9 consecutive months and if the foster  
34 parents are willing to provide permanency through adoption for the child, the department must obtain an attachment assessment, as  
35 defined through rules or regulations promulgated by the agency, of the child and current foster parents before selecting a different  
36 adoptive placement or other alternative setting. The attachment assessment must be conducted by a qualified attachment expert.

1 Qualified attachment experts may include individuals who can demonstrate training and or education in attachment theory,  
2 developmental psychology, and other qualifications defined through rules or regulations promulgated by the agency.

3 (B) If a child's permanency plan includes reunification with a parent or caregiver, the department shall develop a transition  
4 plan for the child, with input from the Guardian ad Litem and a child-focused or other appropriate mental health professional. The  
5 department's proposed transition plan must include sufficient visitation with the permanent guardian to promote a successful and  
6 emotionally healthy transition for the child, facilitate a positive relationship between caregiver and child, and lessen trauma that may  
7 result from the move. If the department pursues placement with a natural parent, relative, or other adult with whom the child has  
8 never lived, as determined to be in the child's best interest, the department's proposed transition plan must be progressive and include  
9 increased overnight visitation with ongoing assessment of the plan and the child's adjustment by the Guardian ad Litem and child  
10 focused or other appropriate mental health professional. Modifications to the plan must be driven by the child's adjustment to the  
11 transition.

12 (C) The department must file a Termination of Parental Rights petition if a child has been in foster care for 15 of the last 22  
13 months unless there are extenuating circumstances as defined in Section 63-7-1710 as follows:

14 (1) When the child is over the age of 16 and the department has identified another planned permanent living arrangement.

15 (2) The department asserts to the court that the child may be safely returned to the parent because the parent has remedied  
16 the conditions that caused the removal, with or without supervision by the department for up to 12 months.

17 (3) The department's proposed treatment plan can be extended up to 18 months but only if: (a) the department presents  
18 compelling and persuasive evidence of how the parent has demonstrated due diligence in completing the plan; (b) the department  
19 can articulate for the court specific reasons to believe the parent will timely remedy the conditions which led to the removal; (c) the  
20 department affirms that the return of child to the parent would not cause unreasonable risk of harm; (d) the department has compelling  
21 reasons to assert that a Termination of Parental Rights is not in the best interests of the child; (e) the department has compelling  
22 reasons to assert the best interests of the child will be served by the extension.

23 (4) If the department assesses the viability of adoption and determines that adoption is not a viable option and has  
24 compelling reasons to assert that Termination of Parental Rights is not in the best interests of the child, then the department may  
25 pursue a permanent plan of custody or legal guardianship to relative or other person.

26 (D) In accordance with Sections 63-7-1640(G) and 1700(E), the department must file the petition for a Termination of Parental  
27 Rights within sixty days of the family court order designating the child's permanent plan or concurrent plan as Termination of  
28 Parental Rights and adoption.

29 ~~38.30. (DSS: Comprehensive Child Welfare Information System) A portion of the recurring funds appropriated to the department  
30 shall be used to issue a request for proposal, no later than September 30, 2018, for a vendor to implement a comprehensive case  
31 management data and analysis system.~~

32 **38.31.** (DSS: SNAP Eligibility) The Department of Social Services shall not seek, apply for, accept, or renew any waiver of the  
33 requirements established pursuant to 7 U.S.C. Section 2015(o), relating to the mandatory work requirements of the Supplemental  
34 Nutrition Assistance Program.

35 **38.32.** (DSS: Pro Bono Program) From the funds appropriated to the Department of Social Services the director shall be  
36 authorized to utilize the funds appropriated to the department to establish a pro bono program for private attorneys to represent the

1 department in hearings. Attorneys that volunteer for the program must meet the same qualifications as the attorney's hired by the  
2 department. The department shall provide training for the pro bono attorneys.

3  
4 **SECTION 39 - L240 - COMMISSION FOR THE BLIND**

5  
6 **39.1.** (BLIND: Matching Federal Funds) For the current fiscal year the amount appropriated in this section under Program II for  
7 Rehabilitative Services is conditioned upon matching by federal funds to the maximum amount available under the Federal  
8 Vocational Rehabilitation Program.

9  
10 **SECTION 40 - L060 - DEPARTMENT ON AGING**

11  
12 **40.1.** (AGING: State Matching Funds Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year of the  
13 required state matching funds appropriated in Part IA, Section 40, ~~Distribution to Subdivisions~~ Aging Assistance, shall be carried  
14 forward into the current fiscal year to be used as required state match for federal funds awarded to subdivisions on or before  
15 September thirtieth of the current fiscal year.

16 **40.2.** (AGING: State Match Funding Formula) Of the state funds appropriated under "~~Distribution to Subdivisions,~~" "Aging  
17 Assistance," the first allocation by the Department on Aging shall be for the provision of required State matching funds according  
18 to the Department on Aging formula for distributing Older Americans Act funds. The balance of this item shall be distributed to the  
19 planning and service areas of the State. In the event state appropriations are reduced, reductions to the planning and service areas  
20 shall be based on amounts distributed in accordance with the previous requirements.

21 **40.3.** (AGING: Registration Fees) The Department on Aging is authorized to receive and expend registration fees for  
22 educational, training and certification programs.

23 **40.4.** (AGING: Council Meeting Requirements) The duties and responsibilities, including the statutory requirement to hold  
24 meetings of the Coordinating Council established pursuant to Section 43-21-120 and of the Long Term Care Council established  
25 pursuant to Section 43-21-130, both under the Department on Aging, are suspended for the current fiscal year.

26 **40.5.** (AGING: Home and Community-Based Services) State funds appropriated for Home and Community-Based Services  
27 shall be used to fund those services that most directly meet the goal of allowing seniors to live safely and independently at home.  
28 Allowable services as defined in the Department on Aging's State Plan include: group dining, home delivered meals, transportation  
29 to group dining sites, transportation for essential trips, personal care (~~formerly Home Care Level I~~), homemaker (~~formerly Home~~  
30 ~~Care Level II~~), Home Chore, Home Modification, Legal Assistance, and Assessments. Area Agencies on Aging (AAAs) may expend  
31 no more than ten percent for administrative services and one-quarter of one percent shall be retained by the Department on Aging to  
32 provide monitoring and oversight of the program. However, up to three percent of the annual state appropriation for Home and  
33 Community-Based Services may be retained at the Department on Aging to be allocated by the department to the affected regions in  
34 cases of an emergency and/or natural disaster recognized by the Governor. If these funds are not utilized in the fiscal year allocated,  
35 they are to be treated as carry forward funds and reallocated to the AAAs. The ~~Interstate~~ Intrastate Funding Formula shall be used  
36 as a guideline for the allocation of state funds appropriated for Home and Community-Based Services. The Department on Aging

1 shall develop and implement a structured methodology to allocate the state Home and Community-Based Services funding. The  
2 methodology shall include flexibility to reallocate funds amongst the AAAs, and be composed of, at a minimum, the following  
3 factors: a minimum base amount, the fiscal year's federally allocated funds, federal and state carry forwards funds, and an appropriate  
4 weighted proportion that will achieve the mission of the Department on Aging to provide as many services as possible to the citizens  
5 of South Carolina. Each AAA shall submit a budget for approval by the Department on Aging indicating the services to be provided.  
6 Any unexpended Home and Community-Base Services funds in this program shall be carried forward by the Department on Aging  
7 and used for the same purposes. Funds may not be transferred from the Home and Community-Based special line item for any other  
8 purpose.

9 **40.6.** (AGING: Geriatric Loan Forgiveness Program) In lieu of quarterly payments to a recipient of the Geriatric Physician Loan  
10 Program, the Department on Aging is authorized to make a single lump sum payment to the lending institution of up to \$35,000 or  
11 the loan balance, whichever is less.

12 Any unexpended balance on June thirtieth of the prior fiscal year of funds appropriated in Part IA, Section 40, Geriatric Physician  
13 Loan Program, shall be carried forward and used for the same purpose as originally appropriated.

14 **40.7.** (AGING: Caregivers Carry Forward) Unexpended funds from appropriations to the Department on Aging for caregivers  
15 shall be carried forward from the prior fiscal year and used for the same purpose.

16 **40.8.** (AGING: Vulnerable Adult Guardian ad Litem Carry Forward) Any unexpended funds from appropriation to the  
17 Department on Aging for the Vulnerable Adult Guardian ad Litem Program shall be carried forward from the prior fiscal year and  
18 used for the same purpose.

19  
20 **SECTION 41 - L080 - DEPARTMENT OF CHILDREN'S ADVOCACY**

21  
22 **41.1.** (DCA: Foster Care-Private Foster Care Reviews) The Department of Children's Advocacy, Foster Care Program is  
23 authorized to restructure its programs, including but not limited to, suspending reviews of children privately placed in private foster  
24 care and/or changing the location of reviews of children in public foster care, to maintain continuous operations within existing  
25 resources as dictated by recent budget reductions. These decisions must be based upon the availability of existing funds. This  
26 provision supersedes any previous statutory or regulatory mandate.

27 **41.2.** (DCA: Guardian Ad Litem Program) ~~Both the program and the funds appropriated to the Department of Children's~~  
28 ~~Advocacy, Guardian ad Litem Program must be administered separately from other programs within the Department of Children's~~  
29 ~~Advocacy and must be expended for the exclusive use of the Guardian ad Litem Program.~~

30 For the current fiscal year, the Department of Revenue is directed to reduce the rate of interest paid on eligible refunds by two  
31 percentage points. The revenue resulting from this reduction must be used exclusively for operations of the Guardian ad Litem  
32 program and be deposited in the State Treasury in a separate and distinct fund known as the "South Carolina Guardian ad Litem  
33 Trust Fund." Unexpended revenues in this fund carry forward to succeeding fiscal years, and earnings in this fund must be credited  
34 to it. The Guardian ad Litem program may carry forward the other funds authorized herein for its operations from the prior fiscal  
35 year into the current fiscal year.

1     **41.3.** (DCA: Continuum of Care Carry Forward) The Department of Children's Advocacy, Continuum of Care Program may  
2 carry forward funds appropriated herein to continue services.  
3

4     **SECTION 42 - L320 - HOUSING FINANCE AND DEVELOPMENT AUTHORITY**  
5

6     **42.1.** (HFDA: Federal Rental Assistance Administrative Fee Carry Forward) All federal rental assistance administrative fees  
7 shall be carried forward to the current fiscal year for use by the authority in the administration of the federal programs under contract  
8 with the authority.

9     **42.2.** (HFDA: Program Expenses Carry Forward) For the prior fiscal year monies withdrawn from the authority's various  
10 bond-financed trust indentures and resolutions, which monies are deposited with the State Treasurer to pay program expenses, may  
11 be carried forward by the authority into the current fiscal year.

12     **42.3.** (HFDA: Advisory Committee Mileage Reimbursement) Members of the nine member South Carolina Housing Trust Fund  
13 Advisory Committee are eligible for mileage reimbursement at the rate allowed for state employees as established in Proviso  
14 117.20(J) (Travel-Subsistence Expenses & Mileage) in this act.

15     **42.4.** (HFDA: Allocation of Indirect Cost Recoveries) The authority shall deposit in the state general fund indirect cost  
16 recoveries for the authority's portion of the Statewide Central Services Cost Allocation Plan (SWCAP). The authority shall retain  
17 recoveries in excess of the SWCAP amount to be deposited in the state general fund.

18     **42.5.** (HFDA: Housing Trust Fund Disaster Initiative) Funds allocated, granted, or awarded under the Housing Trust Fund's  
19 Disaster Initiative shall not be included when calculating the percentage of trust fund expenditures per county.  
20

21     **SECTION 43 - P120 - FORESTRY COMMISSION**  
22

23     **43.1.** (FC: Grant Funds Carry Forward) The Forestry Commission is authorized to use unexpended federal grant funds in the  
24 current year to pay for expenditures incurred in the prior year.

25     **43.2.** (FC: Retention of Emergency Expenditure Refunds) The Forestry Commission is authorized to retain all funds received  
26 as reimbursement of expenditures from other state or federal agencies when personnel and equipment are mobilized due to  
27 an emergency.

28     **43.3.** (FC: Commissioned Officers' Physicals) The Forestry Commission is authorized to pay the cost of physical examinations  
29 for agency personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

30     **43.4.** (FC: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the  
31 Forestry Commission may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency  
32 director, and providing funds are available.

33     **43.5.** *(FC: Sale of Promotional Items) The Forestry Commission may sell promotional items that advocate for the forestry and*  
34 *forest culture, including items featuring the South Carolina Forestry Commission Forest Life brand logo, for the purposes of*  
35 *generating funds for the agency operations. Unexpended funds may be carried forward from the prior fiscal year into the current*  
36 *fiscal year and used for the same purposes.*

1     **SECTION 44 - P160 - DEPARTMENT OF AGRICULTURE**  
2

3     **44.1.** (AGRI: Market Bulletin) The Market Bulletin shall be mailed only to those persons who request it in writing and a record  
4 of each request shall be maintained by the department. Provided further, that the Department of Agriculture is authorized to charge  
5 a yearly subscription fee to each person requesting the bulletin and may charge for classified advertisements printed in the bulletin.  
6 The funds collected pursuant to this provision shall be retained by the department to defray the costs of publication and related  
7 incidental expenses.

8     **44.2.** (AGRI: Fruit/Vegetable Inspectors Subsistence) A daily subsistence allowance of up to \$30.00 may be allowed for  
9 temporarily employed fruits and vegetables inspectors from funds generated by fruits and vegetables inspection fees and budgeted  
10 under other funds in Program III. Marketing Services, D. Inspection Services, in lieu of reimbursements for meals and lodging  
11 expense.

12     **44.3.** (AGRI: Warehouse Receipts Guaranty Fund) The Department of Agriculture may retain and expend fifty thousand dollars  
13 from the Warehouse Receipts Guaranty Fund established by Section 39-22-150 of the 1976 Code as is necessary for the department  
14 to administer the funding of the program.

15     **44.4.** (AGRI: Weights & Measures Registration) All servicepersons required to be registered with the Department of Agriculture  
16 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  
17 generated by this provision shall be for use by the Department of Agriculture to offset expenses incurred in administering this  
18 registration program.

19     **44.5.** (AGRI: Sale of Property Revenue) The department may retain revenues associated with the sale of the property titled to  
20 or utilized by the department, except for the State Farmers Market property, and must expend these funds on capital improvements  
21 approved by the Joint Bond Review Committee and the State Fiscal Accountability Authority. The department must continue to  
22 occupy any property until replacement capital improvements are completed.

23     **44.6.** (AGRI: Export Certification) The Department of Agriculture is allowed to charge up to \$250 for each export certification  
24 of agricultural products and to retain revenues to offset expenses incurred in performing certifications.

25     **44.7.** (AGRI: Feed Label Registration) The Department of Agriculture is authorized to require the annual registration of feed  
26 labels by manufacturers and to charge a fee of \$15.00 for such registrations. Revenues generated by these fees shall be retained and  
27 used by the department to offset expenses incurred in operating the Feed Inspection Program.

28     **44.8.** (AGRI: Commodity Boards) In the current fiscal year, the provisions of the Consolidated Procurement Code related to a  
29 commodity board's expenditure of assessments collected from producers, as those terms are defined in Section 46-17-40 of the 1976  
30 Code, are suspended.

31     **44.9.** (AGRI: Agribusiness Infrastructure Carry Forward) The Department of Agriculture is authorized to carry forward any  
32 revenues, accrued interest, and unexpended Agribusiness Infrastructure funds from the prior fiscal year into the current fiscal year to  
33 be expended for the same purpose.



1 SECTION 45 - P200 - CLEMSON UNIVERSITY - PSA  
2

3 45.1. (CU-PSA: Phytosanitary Certificates) Revenues collected from the issuance of phytosanitary certificates shall be retained  
4 by the Division of Regulatory and Public Service for the purpose of carrying out phytosanitary inspections.

5 45.2. (CU-PSA: Witness Fee) The Public Service Activities of Clemson University are hereby authorized to charge a witness  
6 fee of \$100.00 per hour up to \$400.00 per day for each PSA employee testifying as a fact witness regarding matters related  
7 to his or her professional expertise, or the exercise of his or her employment duties, in civil matters which do not involve the State  
8 as a party in interest. This fee shall be charged in addition to any court prescribed payment due as compensation or reimbursement  
9 for judicial appearances and deposited into a designated revenue account.

10 45.3. (CU-PSA: Nursery/Nursery Dealer Registration Fee) The Division of Regulatory and Public Service Programs is  
11 authorized to retain up to \$92,000 of revenue collected from the issuance of Nursery/Nursery Dealer Fees for the purpose of carrying  
12 out nursery/nursery dealer inspections. Revenue collected from this fee above \$92,000 shall be deposited into the general fund.

13 45.4. (CU-PSA: Retention of Fees) All revenues collected from the regulatory programs of agrichemical, plant industry and  
14 crop protection including: fertilizer, lime, and soil amendments registration fees; pesticide licensing fees; seed certification fees; and  
15 fertilizer tax/inspection fees must be retained by Clemson University PSA regulatory programs.

16 45.5. (CU-PSA: Pesticide Registration) All revenues collected from pesticide registration fees and revenue collected from  
17 structural pest control businesses for business licensing must be retained by Clemson University PSA Regulatory and Public Service  
18 Programs to support general regulatory, enforcement, and education programs and to carry out provisions of the South Carolina  
19 Pesticide Control Act and regulations related to it.

20 45.6. (CU-PSA: Lime Inspection Fee) The Public Service Activities of Clemson University are hereby authorized to charge an  
21 inspection fee of \$0.50 per ton on Agricultural Liming Materials sold or distributed in this state. Clemson University-PSA may  
22 retain, expend, and carry forward these funds to maintain its programs.

23 45.7. (CU-PSA: Livestock-Poultry Health Programs) For the current fiscal year Clemson University Public Service Activities  
24 shall maintain operation of the state Meat Inspection Program. All revenues and recoveries from USDA Food Safety Inspection  
25 Services and from USDA Animal and Plant Health Inspection Services for Clemson University PSA's Livestock-Poultry Health  
26 Programs and its departments shall be retained by Clemson University-PSA's Livestock-Poultry Health Program for purposes of  
27 carrying out the operation of its programs.

28 45.8. (CU-PSA: Boll Weevil Eradication) For the current fiscal year Clemson University Public Services Activities shall  
29 maintain operation of the Boll Weevil Eradication Program. In the calculation of any across-the-board budget reduction mandated  
30 by the Executive Budget Office or the General Assembly, the amount appropriated for the Boll Weevil Eradication Program shall be  
31 excluded from Clemson PSA's base budget. In the event of such a reduction Clemson PSA may reduce the amount of funds  
32 appropriated for this program by an amount not to exceed the percentage associated with the mandated reduction.

33 45.9. (CU-PSA: Landplaster Inspection Fee) For the purpose of regulating its use as applied to land for crop production,  
34 landplaster (gypsum), shall be defined as a product consisting chiefly of calcium sulfate with two combined water ( $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$ )  
35 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  
36 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

1 University Regulatory Services an inspection fee of fifty cents for each ton sold. Clemson University-PSA may retain, expend, and  
2 carry forward these funds from the prior fiscal year into the current fiscal year to maintain its programs.

3 45.10. (CU-PSA: Regulatory Services Programs) For the current fiscal year, Clemson University Public Service Activities shall  
4 lead state and federal eradication efforts of the Asian Longhorned Beetle (*Anoplophora glabripennis*). All revenues and recoveries  
5 from USDA Animal and Plant Health Inspection Service (USDA-APHIS) for Clemson University PSA's Regulatory Services  
6 Programs and its departments shall be retained by Clemson University-PSA's Regulatory Services Program for purposes of carrying  
7 out the operation of its programs.

8  
9 **SECTION 47 - P240 - DEPARTMENT OF NATURAL RESOURCES**

10  
11 **47.1.** (DNR: Publications Revenue) For the current fiscal year all revenue generated from the sale of the “South Carolina  
12 Wildlife” magazine, its by-products and other publications, shall be retained by the department and used to support the production  
13 of same in order for the magazine to be self-sustaining. In addition, the department is authorized to sell advertising in the magazine  
14 and to increase the magazine’s subscription rate, if necessary, to be self-sustaining. No general funds may be used for the operation  
15 and support of the “South Carolina Wildlife” magazine.

16 **47.2.** (DNR: Casual Sales Tax Collection) The Department of Natural Resources shall continue to collect the casual sales tax as  
17 contained in the contractual agreement between the Department of Revenue and the Department of Natural Resources and the State  
18 Treasurer is authorized to reimburse the department on a quarterly basis for the actual cost of collecting the casual sales tax and such  
19 reimbursement shall be paid from revenues generated by the casual sales tax.

20 **47.3.** (DNR: Proportionate Funding) Each of South Carolina’s forty-six soil and water conservation districts shall receive a  
21 proportionate share of funding set aside for Aid to Conservation Districts at \$15,000 per district for general assistance to the district’s  
22 program. Available funding above \$15,000 for each district will be apportioned by the Department of Natural Resources based upon  
23 local needs and priorities as determined by the board. During the fiscal year, the districts’ funding may only be reduced in an amount  
24 not to exceed the percentage of each agency budget reduction. No district shall receive any funds under this provision unless the  
25 county or counties wherein the district is located shall have appropriated no less than three hundred dollars to the district from county  
26 funds for the same purposes.

27 **47.4.** (DNR: Carry Forward - Contract for Goods & Services) If any funds accumulated by the Department of Natural Resources  
28 Geology Program, under contract for the provision of goods and services not covered by the department’s appropriated funds, are  
29 not expended during the preceding fiscal years, such funds may be carried forward and expended for the costs associated with the  
30 provision of such goods and services.

31 **47.5.** (DNR: Revenue Carry Forward) The department may collect, expend, and carry forward revenues derived from the sale  
32 of goods and services in order to support aerial photography, map services, climatology data, and geological services. The department  
33 shall annually report to the Senate Finance Committee and the House Ways and Means Committee the amount of revenue generated  
34 from the sale of these goods and services.

1     **47.6.** (DNR: Clothing Allowance) The Department of Natural Resources is hereby authorized to provide Natural Resource  
2 Enforcement Officers on special assignment with an annual clothing allowance (on a prorata basis) not to exceed \$600 per officer  
3 for required clothing used in the line of duty.

4     **47.7.** (DNR: Commissioned Officers' Physicals) The department is authorized to pay for the cost of physical examinations for  
5 department personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

6     **47.8.** (DNR: Web Services and Technology Development) The department may carry forward any unexpended general fund  
7 balance remaining on the Other Operating Expenses line, identified in the "Web Services and Technology Development" program  
8 of the department appropriations from Part IA in this Act. Balances carried forward from the prior fiscal year are only authorized to  
9 be expended to support technology operating expenses within the department.

10    **47.9.** (DNR: Predator Control Program) Of the funds authorized and appropriated in this Act, the Department of Natural  
11 Resources is directed to develop and implement a coyote tagging and reward program within this state. They must tag and release  
12 four coyotes in each of the four game zones and apply a reward of a complimentary lifetime hunting license per tagged coyote to the  
13 hunter/trapper, or his designee.

14    **47.10.** (DNR: Triploid Grass Carp) For the current fiscal year, no water recreation funds or any other funding source may be used  
15 to fund the stocking of triploid grass carp on Lake Marion and Lake Moultrie.

16    **47.11.** (DNR: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the  
17 Department of Natural Resources may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of  
18 the agency director, and providing funds are available.

19    **47.12.** (DNR: Exempted Fishing Permits) The Department of Natural Resources shall explore the feasibility of employing  
20 exempted fishing permits (EFPs) within the South Atlantic region as a mechanism to allow limited state-level management of the  
21 federally managed snapper-grouper complex. The department shall work cooperatively with natural resources management agencies  
22 from the states of North Carolina, Georgia and Florida, the South Atlantic Fishery Management Council (SAFMC) and NOAA  
23 Fisheries to determine interest in and the possibility of jointly pursuing individual state EFPs as well as an overarching EFP that  
24 might allow for a new management approach for the South Atlantic snapper-grouper complex.

25    **47.13.** (DNR: Funds Transfer to Forestry Commission) For the current fiscal year, the Department of Natural Resources shall  
26 transfer \$100,000 of the funds appropriated for operating expenses of Wildlife and Freshwater Fisheries (Wildlife Management  
27 Areas) to the Forestry Commission.

28    **47.14.** (DNR: Waterfowl Impoundments Projects) The Department of Natural Resources, when procuring goods and services for  
29 the planning, development, construction, improvement, and/or maintenance of waterfowl impoundments on land owned by the  
30 department or owned by the state and managed by the department, may enter into agreements with a qualified, not-for-profit entity  
31 that has received North American Wetlands Conservation Act (NAWCA) funds for a project and specializes in waterfowl  
32 impoundment development, and that entity is considered a sole source provider under the provisions of Section 11-35-1560 of the  
33 1976 Code. The department shall be required to have a representative of the agency present to view the opening of bids with this  
34 provision.

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. In  
13 addition, \$50,000 shall be distributed to the Lake Wylie Chamber of Commerce. The Myrtle Beach Chamber of Commerce and the  
14 Georgetown Chamber of Commerce shall submit a report to the Senate Finance Committee and the House Ways and Means  
15 Committee by December first each year describing how these funds were expended in 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 Carry Forward) The Department of Parks, Recreation and Tourism may carry forward any  
2 unexpended funds appropriated on the Advertising line within Program II. A. Tourism Sales and Marketing from the prior fiscal year  
3 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.

5       **49.4.** (PRT: Film Marketing) From the funds authorized to the Department of Parks, Recreation and Tourism in Section 49, Part  
6 IA of this Act for the South Carolina Film Commission, the department may use the film marketing funds for the following purposes:  
7 (1) to allow for assistance with recruitment and infrastructure development of the film industry; (2) to develop a film crew base; (3)  
8 to develop ally support in the film industry; (4) marketing and special events; and (5) to allow for assistance with the auditing and  
9 legal service expenses associated with the Motion Picture Incentive Act.

10       **49.5.** (PRT: Motion Picture Administration Application Fee) The Department of Parks, Recreation and Tourism may charge an  
11 application fee for the Motion Picture Incentive programs and may retain and expend these funds for the purposes of meeting  
12 administrative, data collection, credit analysis, cost-benefit analysis, reporting and auditing, and other statutory obligations. A fee  
13 schedule must be established and approved by the Director of the Department of Parks, Recreation and Tourism.

14       **49.6.** (PRT: Gift Shops) At the discretion of the Department of Parks, Recreation and Tourism, the State House Gift Shop may  
15 close on weekends.

16       **49.7.** (PRT: PARD Interest) The department is hereby prohibited from utilizing the interest generated in the PARD program for  
17 anything other than the uses authorized by the law creating PARD. Should the PARD account not reach the required amount of  
18 \$920,000 to activate the minimum \$20,000 per county distribution, the department shall carry forward the funding until such time as  
19 the funds are sufficient to distribute as originally intended.

20       **49.8.** (PRT: Wage and Supplier Rebate Funds) From the funds set aside pursuant to the Motion Picture Incentive Act, any funds  
21 committed to film projects shall be carried forward from the prior fiscal year and used for the same purpose. Any uncommitted funds  
22 shall be carried forward from the prior fiscal year and must be used solely for wage and supplier rebate funds pursuant to the Motion  
23 Picture Incentive Act and may not be used for any other purpose.

24       **49.9.** (PRT: Funds Exempt from Budget Cut) In the calculation of any across the board cut mandated by the Executive Budget  
25 Office or the General Assembly, any amounts appropriated for pass through, special items, or other items specified in any general  
26 proviso, which are exempt from reduction, shall be excluded from the Department of Parks, Recreation and Tourism's base budget.

27       **49.10.** (PRT: PARD) The Department of Parks, Recreation, and Tourism shall be authorized to expend restricted funds for the  
28 Parks and Recreation Development Fund (PARD) in accordance with the Section 51-23-20 of the 1976 Code, Regulations, and  
29 generally accepted accounting standards. The department is allowed to reimburse PARD grantees from current year funds for prior  
30 year expenditures as allowed in Section 51-23-30 of the 1976 Code.

31       For the current fiscal year, funds placed in a County Area account as allowed in Section 51-23-30 of the 1976 Code may remain  
32 unexpended in the account indefinitely, any regulation or provision to the contrary notwithstanding. However, once an application  
33 is approved by a county delegation, the project must be completed and funds expended within three years of the approved application.

34       **49.11.** (PRT: Admission Fees and Charges) The department may impose reasonable fees and charges for admission to and/or use  
35 of park and recreational facilities and the revenues from such fees and charges must be used for park and recreational uses.

1       **49.12.** (PRT: Vending Services) The State Park Service, an office within the Department of Parks, Recreation, and Tourism shall  
2 be granted an exemption requiring the State Park Service to use the Commission for the Blind for vending services. All revenues  
3 earned by vending and retail operations at the State Parks shall be retained by the department to support the operational costs of the  
4 South Carolina State Parks. These funds may be carried forward from the prior fiscal year and must be used for the same purpose.  
5 This exemption does not apply to vending services at the State Welcome Centers.

6       **49.13.** (PRT: State Funded Grant Programs) Any unexpended general funds appropriated for the PARD Grants, Undiscovered  
7 SC, and Sports Marketing Grants Programs shall be carried forward from the prior fiscal year into the current fiscal year and used  
8 for the same purpose.

9       **49.14.** (PRT: Beach Access) ~~Of the funds appropriated for state parks, the department shall utilize such funds to open pedestrian,~~  
10 ~~non-motorized vehicular and golf cart ingress and egress to Myrtle Beach State Park at the intersection of US Highway 17 and Center~~  
11 ~~South Road in Myrtle Beach, and/or at other location(s) which legally and safely affords such ingress and egress. Said access shall~~  
12 ~~be subject to the rules and regulations of the department governing uniform closure of park ingress during periods of peak usage.~~

13       **49.15.** (PRT: SC Film Office Rebate Funds) From the funds authorized pursuant to the Motion Picture Incentive Act, any rebates  
14 awarded by the SC Film Office may be paid without distinction of the source of funds.

15       **49.16.** (PRT: Compensatory Payment) In the event the Governor declares a State of Emergency, employees of the Department of  
16 Parks, Recreation and Tourism may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the  
17 agency director, and providing funds are available.

18       **49.17.** (PRT: State Parks Maintenance) The Department of Parks, Recreation and Tourism shall utilize the \$1,000,000  
19 appropriated in Act No. 91 of 2015, by proviso 118.14, Item (41)(h) and the \$3,000,000 appropriated in Act No. 284 of 2016, by  
20 proviso 118.16, Item (39)(g) for the Medal of Honor Museum for state parks maintenance needs.

21       **49.18.** (PRT: *Destination Specific Tourism*) The agency director shall be allowed to reduce the grant match requirement for the  
22 recurring funds appropriated to the Destination Specific Tourism Marketing grant program for Fiscal Year 2021-22. The adjustment  
23 to the match requirement shall be based on the financial statements and cash balance on hand at the end of the prior fiscal year  
24 submitted with the application, along with the forecast data provided by each destination. There shall not be a match requirement  
25 on non-recurring funds appropriated to this program.

26       **49.19.** (PRT: *State Park Employee Housing*) The Comptroller General shall, upon request of an employee of the South Carolina  
27 Department of Parks, Recreation & Tourism's State Park Service, and with the authorization of the department, make deductions  
28 from the employee's compensation for rental payments of an employee's residential housing that is located within a South Carolina  
29 State Park. The Comptroller General shall pay over to the Department of Parks, Recreation and Tourism all amounts collected by  
30 payroll deduction for this purpose for the exclusive use by the department for state park operations.

31  
32 **SECTION 50 - P320 - DEPARTMENT OF COMMERCE**

33  
34       **50.1.** (CMRC: Development - Publications Revenue) The proceeds from the sale of publications may be retained in the agency's  
35 printing, binding, and advertising account to offset increased costs.

1       **50.2.** (CMRC: Economic Dev. Coordinating Council - Set Aside Fund) From the amount set aside in Section 12-28-2910, the  
2 council is authorized to use up to ten percent of such amount for actual operating expenses in support of administrative program costs  
3 and business recruitment and retention and up to \$60,000 to support the Geographic Information Systems (GIS) program, as approved  
4 by council. Any balance on June thirtieth of the prior fiscal year may be carried forward and expended for the same purposes in the  
5 current fiscal year.

6       **50.3.** (CMRC: Coordinating Council Funds) In order to provide maximum flexibility to encourage the creation of new jobs and  
7 capital investment, the Coordinating Council for Economic Development has the authority to transfer economic development funds  
8 at its disposal to the Closing Fund, provided the transfer is approved by a majority vote of the Coordinating Council members in a  
9 public meeting. Any unexpended balance on June thirtieth, of the prior fiscal year may be carried forward and expended in the  
10 current fiscal year by the Department of Commerce for the same purpose.

11       **50.4.** (CMRC: Export Trade Show Funds) Funds collected from South Carolina companies for offsetting costs associated with  
12 participation in future trade shows may be carried forward from the prior fiscal year to the current fiscal year and used for that  
13 purpose.

14       **50.5.** (CMRC: Special Events Advisory Committee) The Department of Commerce is required to establish a Special Events  
15 Advisory Committee to provide oversight to the department as it relates to the department's Special Events Fund. The Advisory  
16 Committee shall be made up of contributors to the Fund appointed by the Secretary of Commerce and shall consist of no fewer than  
17 eight members, including a chairman. The Advisory Committee shall establish guidelines for the use of these funds. The Department  
18 of Commerce shall prepare a detailed report and have an independent audit of all expenditures of the fund during the previous  
19 calendar year. None of these funds shall be used for operating expenses. The report shall be submitted to the Governor, the Speaker  
20 of the House, the President of the Senate, the Chairman of the House Ways and Means Committee, and Chairman of the Senate  
21 Finance Committee.

22       **50.6.** (CMRC: Development-Rental Revenue) Revenue received from the sublease on non-state-owned office space may be  
23 retained and expended to offset the cost of the department's leased office space.

24       **50.7.** (CMRC: Development-Ad Sales Revenue) The department may charge a fee for ad sales in department authorized  
25 publications and may use these fees to offset the cost of printing and production of the publications. Any revenue generated above  
26 the actual cost shall be remitted to the General Fund.

27       **50.8.** (CMRC: Foreign Offices) The Secretary of Commerce shall be authorized to appoint the staff of the department's foreign  
28 offices on a contractual basis on such terms as the Secretary deems appropriate, subject to review by the Department of  
29 Administration.

30       **50.9.** (CMRC: Funding For I-73) Of the funds authorized for the Coordinating Council Economic Development, \$500,000 shall  
31 be made available for the routing, planning and construction of I-73.

32       **50.10.** (CMRC: Closing Fund) In order to encourage and facilitate economic development, funds appropriated for the Closing  
33 Fund for competitive recruitment purposes shall be used as approved by the Coordinating Council for Economic Development. Any  
34 unexpended at the end of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of  
35 Commerce for the same purposes.

1     **50.11.** (CMRC: Coordinating Council - Application Fee Deposits) Application fees received by the department must be deposited  
2 within five business days from the Coordinating Council application approval date.

3     **50.12.** (CMRC: Recycling Advisory Council Reporting) The Recycling Market Development Advisory Council must submit an  
4 annual report outlining recycling activities to the Governor and members of the General Assembly by March fifteenth each year.

5     **50.13.** (CMRC: Regional Economic Development Organizations) The Department of Commerce shall utilize \$5,000,000  
6 appropriated in the current fiscal year for Regional Economic Development Organizations to provide funds to the following economic  
7 development organizations and must be disbursed as follows:

- |    |  |                |
|----|--|----------------|
| 8  | (1) Upstate Alliance                         | \$750,000;     |
| 9  | (2) Central SC Economic Development Alliance | \$750,000;     |
| 10 | (3) North Eastern Strategic Alliance (NESA)  | \$745,000;     |
| 11 | (4) Charleston Regional Development Alliance | \$660,000;     |
| 12 | (5) I-77 Alliance                            | \$660,000;     |
| 13 | (6) Economic Development Partnership         | \$450,000;     |
| 14 | (7) Southern Carolina Alliance               | \$600,000; and |
| 15 | (8) The LINK Economic Alliance               | \$385,000.     |

16     Each dollar of state funds must be matched with one dollar of private funds. The organization receiving state funds must certify  
17 that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously  
18 allocated or designated for economic development. No funds appropriated in this proviso may be used for routine operating costs of  
19 the organization as defined by the Department of Commerce.

20     Upon receipt of the request for the funds and certification of the matching funds, the Department of Commerce shall disburse the  
21 funds to the requesting organization.

22     Funds recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the  
23 House Ways and Means Committee and the Secretary of Commerce on the expenditure of the funds and on the outcome measures.  
24 Fund recipients shall also provide electronic copies of the annual report to the General Assembly by November first. The Department  
25 of Commerce shall post these reports on their website.

26     Any unexpended, unallocated, or undistributed funds appropriated in prior fiscal years for Regional Economic Development  
27 Organizations shall first be made available to Regional Economic Development Organizations and any remainder shall be transferred  
28 to the Rural Infrastructure Fund at the Department of Commerce. If more than one alliance applies for the same funds, the funds  
29 will be distributed pro-rata.

30     **50.14.** (CMRC: SC Mfg Extension Partnership) No funds appropriated to the department that are designated for the SC  
31 Manufacturing Extension Partnership may be utilized to compensate employees or individuals who engage in lobbying services on  
32 behalf of the department or the partnership. In addition, the department shall prepare an annual report on the SC Manufacturing  
33 Extension Partnership's expenditures for the prior fiscal year and shall submit the report to the Chairman of the Senate Finance  
34 Committee and the Chairman of the House Ways and Means Committee by November first.

35     **50.15.** (CMRC: Business Incubator/Innovation Program) Any funds appropriated to the department for the Business  
36 Incubator/Innovation Program shall be used for eligible projects that address one or more of the goals in the South Carolina



- 1 Innovation Plan and any investments must be accompanied by a dollar-for-dollar match from non-state appropriated funds. Up to  
2 \$300,000 may be used by the department for administrative costs associated with this program.
- 3 **50.16.** (CMRC: Council on Competitiveness) The Department of Commerce shall utilize the funds appropriated in the current  
4 fiscal year for the South Carolina Council on Competitiveness to provide funds for existing business economic development  
5 activities. Each dollar of state funds disbursed must be matched equally with non-state appropriated funds and prior to the  
6 disbursement of funds, the Council on Competitiveness must certify that these funds are new dollars specifically designated for the  
7 purpose of matching state funds and have not been previously allocated or designated for economic development. The Council on  
8 Competitiveness shall provide a report on the expenditure of the funds and on the outcome measures by January first, to the Chairman  
9 of the Senate Finance Committee, the Chairman of the House Ways and Means Committee and the Secretary of Commerce.
- 10 **50.17.** (CMRC: Grant Funds Carry Forward) The Department of Commerce may carry forward any unexpended balance on June  
11 thirtieth of the prior fiscal year of grant funds appropriated and/or authorized for Innovation, Research/Applied Research Centers,  
12 SCOPE, and LocateSC and expend such funds in the current fiscal year for the same purpose.
- 13 **50.18.** (CMRC: Road Closures Related to Navy Base Intermodal Facility) The Division of Public Railways is authorized to close  
14 any street or road on or in the vicinity of the former Charleston Navy Base to the extent necessary to implement the Navy Base  
15 Intermodal Facility. Such closure shall not deny access to any property owners abutting the closed section of the street or road, or  
16 in the event access is denied, alternate access shall be provided.
- 17 **50.19.** (CMRC: Funding for Rail Infrastructure) Of the funds authorized for the Coordinating Council for Economic Development  
18 under Section 12-10-85 (B) of the 1976 Code, the Secretary of Commerce may utilize these funds toward state-owned rail  
19 infrastructure projects.
- 20 **50.20.** (CMRC: Distribution Facility) The Navy Base Intermodal Facility owned by Palmetto Railways, a division of the  
21 Department of Commerce, shall be considered a distribution facility for the purpose of sales tax exemptions associated with the  
22 purchase of equipment and construction materials.
- 23 **50.21.** (CMRC: Development - Funding for Rural Infrastructure) There is established within the Department of Commerce the  
24 Rural School District and Economic Development Closing Fund. (A) The Secretary of Commerce shall use the fund to facilitate  
25 economic development and infrastructure improvements in counties that contain a school district that has been defined by the  
26 Department of Education as having a poverty rate greater than or equal to 86%. (B) The Secretary of Commerce shall use the fund  
27 to facilitate economic development and infrastructure improvements in counties that meet each of the following criteria: (1) one of  
28 the top twelve counties in South Carolina with the highest population decline (by percentage) since 2010; (2) one of the top twelve  
29 counties with the highest average unemployment rate for 2018; and (3) according to the US Census 2017 - a county with a poverty  
30 rate in excess of twenty percent. Funds are to be used on, but not limited to, economic development projects, water and sewer  
31 infrastructure, and school building infrastructure. Once a project is committed, the funds may be utilized to finish that specified  
32 project, even if the county does not remain an eligible county in subsequent years. This plan must be reviewed by the Joint Bond  
33 Review Committee before these funds may be expended. Of the funds transferred to the fund, up to \$15,000,000 may be used in any  
34 county that is contiguous to an eligible county as long as that contiguous county has one county-wide consolidated public school  
35 district. Any unexpended funds at the end of the fiscal year shall be carried forward and expended in the current fiscal year by the  
36 Department of Commerce for the same purposes.

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     **52.2.** (PPDA: Clamagore Reef) The Patriots Point Development Authority shall utilize the \$1,000,000 appropriated in Act No.  
8 286 of 2014 by Proviso 118.16, Item (9) for the Medal of Honor Museum for the USS Clamagore Veteran Memorial Reef.

9     **52.3.** (PPDA: USS Laffey Loan Principal Payment Exemption) Patriots Point Development Authority shall be exempt from  
10 paying the principal amount due for Fiscal Year 2021-22 on the outstanding USS Laffey loan.

11

12     **SECTION 53 - P400 - S.C. CONSERVATION BANK**

13

14     **53.1.** (CB: Trust Program Carry Forward) The Conservation Bank may carry forward any unexpended funds allocated to the  
15 Conservation Bank Trust Program from the prior fiscal year into the current fiscal year to be used for the same purpose.

16

17     **SECTION 54 - P450 - RURAL INFRASTRUCTURE AUTHORITY**

18

19     **54.1.** (RIA: Rural Infrastructure Fund Carry Forward) The Rural Infrastructure Authority may carry forward from the prior  
20 fiscal year into the current fiscal year, funds appropriated to the Rural Infrastructure Fund. The authority shall retain any unexpended  
21 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.

22     **54.2.** (RIA: Carry Forward - Local Government Assistance) The Rural Infrastructure Authority may carry forward from prior  
23 fiscal years to the current fiscal year funds appropriated for the purpose of providing financial assistance and for matching federal  
24 funds for financial assistance to local governments with water, wastewater, and sewer projects.

25     **54.3.** (RIA: Carry Forward Calculation) For purposes of calculating the amount of funds which may be carried forward by the  
26 Rural Infrastructure Authority, grant and loan program funds carried forward by the Office of Local Government shall be excluded  
27 from the calculation of the carry forward authorized by provision elsewhere in this act.

28     **54.4.** (RIA: State Water Pollution Control Revolving Fund) In the event that any state funds remain after fully matching federal  
29 grants for the State Revolving Funds under the Clean Water Act or Safe Drinking Water Act, such funds may be deposited into the  
30 South Carolina Infrastructure Revolving Loan Fund established pursuant to Section 11-40-50.

31     **54.5.** (RIA: Statewide Water and Sewer Fund) The Rural Infrastructure Authority shall use the funds allocated for the Statewide  
32 Water and Sewer Fund to assist qualified infrastructure projects not eligible for the Rural Infrastructure Fund. The authority shall  
33 utilize the same procedures and guidelines established for the Rural Infrastructure Fund to select qualified projects for the Statewide  
34 Water and Sewer Fund. The authority may carry forward from the prior fiscal year into the current fiscal year, funds appropriated  
35 to the Statewide Water and Sewer Fund.

1    **SECTION 57 - B040 - JUDICIAL DEPARTMENT**

2  
3    **57.1.** (JUD: Prohibit County Salary Supplements) County salary supplements of Judicial Department personnel shall be  
4 prohibited.

5    **57.2.** (JUD: County Offices For Judges) Every county shall provide for each circuit and family judge residing therein an office  
6 with all utilities including a private telephone, and shall provide the same for Supreme Court Justices and Judges of the Court of  
7 Appeals upon their request.

8    **57.3.** (JUD: Judicial Expense Allowance) Each Supreme Court Justice, Court of Appeals Judge, Family Court Judge and Circuit  
9 Court Judge and any retired judge who receives payment for performing full-time judicial duties pursuant to Section 9-8-120 of the  
10 South Carolina Code of Laws, shall receive one thousand dollars per month as expense allowance.

11   **57.4.** (JUD: Special Judge Compensation) In the payment of funds from “Contractual Services,” and “Administrative Fund,”  
12 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  
13 case of an ongoing trial.

14   **57.5.** (JUD: BPI/Merit) Judicial employees shall receive base and average merit pay in the same percentages as such pay are  
15 granted to classified state employees.

16   **57.6.** (JUD: Supreme Court Bar Admissions) Any funds collected from the Supreme Court Bar Admissions Office may be  
17 deposited into an escrow account with the State Treasurer’s Office. The department is authorized to receive, expend, retain, and  
18 carry forward these funds.

19   **57.7.** (JUD: Travel Reimbursement) State employees of the Judicial Department traveling on official state business must be  
20 reimbursed in accordance with Proviso 117.20(J) of this act.

21   **57.8.** (JUD: Interpreters) The funds appropriated in this section for “Interpreters” shall be used to offset costs associated with  
22 interpreters appointed in judicial proceedings under Sections 17-1-50, 15-27-155, and 15-27-15. The selection, use, and  
23 reimbursement of interpreters shall be determined under such guidelines as may be established by the Chief Justice of the Supreme  
24 Court.

25   **57.9.** (JUD: Reimbursement Receipt Deposit) Amounts received as payment for reproducing, printing, and distributing copies  
26 of court rules and other department documents shall be retained for use by the department.

27   **57.10.** (JUD: Surplus Property Disposal) Technology equipment that has been declared surplus may be donated directly to  
28 counties for use in court-related activities.

29   **57.11.** (JUD: Judicial Carry Forward) In addition to the funds appropriated in this section, the funds appropriated for the Judicial  
30 Department in the prior fiscal year which are not expended during that fiscal year may be carried forward to be expended in the  
31 current fiscal year.

32   **57.12.** (JUD: Case Management Services) The Judicial Department shall retain revenue generated by charging a fee for  
33 technology support services provided to users of the State case management system. These funds may be expended and carried  
34 forward to offset the costs of supporting and maintaining the case management system.

35   **57.13.** (JUD: Magistrates’ Training) From the funds appropriated to the Judicial Department, the department shall provide  
36 magistrates annual continuing education on domestic violence, which may include, but is not limited to:

- 1 (1) the nature, extent, and causes of domestic and family violence;
- 2 (2) issues of domestic and family violence concerning children;
- 3 (3) prevention of the use of violence by children;
- 4 (4) sensitivity to gender bias and cultural, racial, and sexual issues;
- 5 (5) the lethality of domestic and family violence;
- 6 (6) legal issues relating to domestic violence and child custody;
- 7 (7) procedures, penalties, programs, and other issues relating to criminal domestic violence, including social and psychological
- 8 issues relating to such violence, the vulnerability of victims and volatility of perpetrators, and the court's role in ensuring that the
- 9 parties have appropriate and adequate representation;
- 10 (8) procedures and other matters relating to issuing orders of protection from domestic violence.

11 **57.14.** (JUD: Judges Salary Exemption) For the current fiscal year, judges' salaries and related employer contributions in Part

12 IA, Section 57, are exempt from mid-year across-the-board reductions.

13 **57.15.** (JUD: Judicial Department Applicability) For purposes of this act and any other provision of law that would have any

14 effect on the expenditure of state revenue through the applicability of the particular provision or through compliance with a mandate

15 or requirement of the provision, the terms "state agency" or "agency" do not include any component of the Judicial Department

16 unless the provision of law specifically includes these entities and the inclusion only applies for purposes of the particular provision.

17 **57.16.** (JUD: Court Costs Carry Forward) The Judicial Department shall retain the funds collected from costs related to court

18 proceedings (including the cost of hearings, investigations, prosecution, service of process and court reporter services) under Rules

19 413 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

20 under Rule 413, that are assessed against a party. The department is authorized to receive, expend, retain, and carry forward these

21 funds which shall be used for the same purpose.

22 **57.17.** (JUD: Appellate Court Fee) The Judicial Department shall retain the funds collected as required by the SC Appellate Court

23 Rules. The department is authorized to receive, expend, retain, and carry forward these funds which shall be used by the department.

24 **57.18.** (JUD: Interpreter Training and Certification) The Judicial Department shall collect and retain funds received from

25 applicants for interpreter training and certification tests. These funds shall be used to offset expenses incurred for the SC Court

26 Interpreter Certification Program. The department is authorized to receive, expend, retain, and carry forward these funds.

27

28 **SECTION 58 - C050 - ADMINISTRATIVE LAW COURT**

29

30 **58.1.** (ALC: Copying Costs Revenue Deposit) The Administrative Law Court shall retain and expend, for the same purpose for

31 which it is generated, all revenue received during the current fiscal year as payment for printing and distributing copies of court rules

32 and other agency documents.

33 **58.2.** (ALC: County Office Space for Judges) Every county shall provide for each Administrative Law Judge residing therein,

34 upon their request, an office within the existing physical facilities if space is available, to include all utilities and a private telephone.

35 The request shall only be made provided that the judge's residence is not within fifty miles of the official headquarters of the agency

36 by which the Administrative Law Judge is employed.

1       **58.3.** (ALC: ALJ Travel) While holding court or on other official business outside the county in which he resides, within fifty  
2 miles of his residence, an Administrative Law Judge is entitled to a subsistence allowance in the amount of \$35 per day plus such  
3 mileage allowance for travel as is provided for other employees of the State. While holding court or on other official business at a  
4 location fifty miles or more from his residence, an Administrative Law Judge is entitled to a subsistence allowance in the amount as  
5 provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other employees  
6 of the State. However, notwithstanding any other provision of law, the allowance as provided shall not exceed \$8,000 per judge in  
7 a fiscal year.  
8

9       **SECTION 59 - E200 - OFFICE OF ATTORNEY GENERAL**

10  
11       **59.1.** (AG: Prior Year Expenditures) The Office of Attorney General is authorized to use unexpended federal funds in the current  
12 fiscal year to pay for expenditures incurred in the prior fiscal year.

13       **59.2.** (AG: Other Funds Carry Forward) Any balance of unexpended funds, not including general fund appropriations, may be  
14 carried forward for the operation of the Office of Attorney General.

15       **59.3.** (AG: Reimbursement for Expenditures) The Office of Attorney General may retain for general operating purposes, any  
16 reimbursement of funds for expenses incurred in a prior fiscal year.

17       **59.4.** (AG: Donation Carry Forward) All revenue derived from donations received at the Office of the Attorney General shall  
18 be retained, carried forward, and expended according to agreement reached between the donor, or donors, and the Attorney General.

19       **59.5.** (AG: Securities Fee Revenue) After the provisions of Section 35-1-702(b) of the 1976 Code have been satisfied, and upon  
20 notification to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee that such  
21 provisions have been satisfied, the next \$20,500,000 of Securities Fee revenues collected during the current fiscal year by the Office  
22 of the Attorney General shall be remitted to the General Fund of the State. The Office of the Attorney General may retain the next  
23 \$400,000 collected and may utilize these funds for operations to include expert witness expenses, investigative costs, trial preparation,  
24 and other related expenses associated with the increase in licensed securities agents. These funds may be carried forward from the  
25 prior fiscal year into the current fiscal year and utilized for the same purpose. Remaining Securities Fee revenues collected during  
26 the current fiscal year shall be remitted to the General Fund of the State.

27       **59.6.** (AG: Savannah River Maritime Commission Funds) The Office of the Attorney General is authorized to use funds  
28 appropriated for litigation expenses related to the Savannah River Maritime Commission to reimburse litigation expenditures incurred  
29 by the Office of the Attorney General on behalf of the Savannah River Maritime Commission, the State, or other state agency during  
30 the current fiscal year for any proposed or existing federal project on the Savannah River related to construction in navigable waters  
31 or water quality. Following the conclusion of these litigation matters any remaining funds shall be deposited in the General Fund.

32       **59.7.** (AG: Gang Violence Prevention/Youth Mentor) The Office of the Attorney General may expend other funds to implement  
33 and maintain gang prevention and youth mentoring programs in conjunction with Section 63-19-1430 of the 1976 Code, the Youth  
34 Mentor Act.

35       **59.8.** (AG: Litigation Recovery Account) During the current fiscal year, when there is a recovery or an award in any litigation  
36 managed by the Attorney General, any funds received that would have otherwise been credited to the General Fund shall be deposited

1 to the credit of a special account created in the Office of State Treasurer entitled "Litigation Recovery Account." The funds deposited  
2 in this account must be expended only as prescribed by law.

3 **59.9.** (AG: Public Official Attorney Fees) The Executive Director of the State Fiscal Accountability Authority shall pay from  
4 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  
5 the Attorney General defends one or more public officers in their official capacities.

6 The Attorney General must certify to the Executive Director the amount the court has ordered the Attorney General to pay for  
7 opposing attorney's fees and court costs and upon receipt of the certification, the Executive Director shall pay up to \$50,000 of the  
8 amount certified to the appropriate individual or entity. The Attorney General must report any court ordered payment of attorney's  
9 fees and court costs that exceed \$50,000 to the President of the Senate, the Speaker of the House of Representatives, the Chairman  
10 of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee for consideration by the General  
11 Assembly.

12 **59.10.** (AG: Victim/Witness Program Formula Distribution) If funds in the South Carolina Victims' Compensation Fund exceed  
13 the amount required to operate the State Crime Victim Compensation Department and pay claims of crime victims, the first \$650,000  
14 of such excess must be used for Victim/Witness programs by distribution to Judicial Circuits based on a formula and criteria  
15 developed by the policy committee, and otherwise subject to requirements of Proviso 60.8.

16 **59.11.** (AG: Physical Abuse Examinations) Of the funds appropriated in this section for Victims' Rights, up to \$120,000 may be  
17 expended for physical abuse examinations.

18 **59.12.** (AG: Procuring Services) In order to maximize services for victims of crime, if the fulfilling of requirements pursuant to  
19 Section 16-3-1410 of the 1976 Code, necessitates hiring any outside entities, the State Crime Victim Compensation Department must  
20 follow procedures established by the SC Consolidated Procurement Code. Any entity contracting with the agency will submit an  
21 annual report by August first to the Governor's Office and to the Chairmen of the Senate Finance Committee and House Ways and  
22 Means Committee detailing expenditures from the prior fiscal year in accordance with the State Office of Victims' Assistance. The  
23 Attorney General's Office is directed to transfer \$122,032 of the funds carried forward from the prior fiscal year in the Victims'  
24 Compensation Fund, and up to \$41,892 from general funds from Victim's Assistance to pay for any contracts or services procured.

25 **59.13.** (AG: Crime Victims Ombudsman) For the current fiscal year, the State Crime Victim Compensation Department shall  
26 transfer \$116,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.

27 **59.14.** (AG: State Crime Victim Compensation Department) For the current fiscal year, The State Crime Victim Compensation  
28 Department may enter into memoranda of agreement with third-party victim service providers to secure emergency medical,  
29 transportation, or other crisis stabilization services on a reimbursable basis. Such agreements shall not allow for more than eight  
30 percent of the total reimbursement to cover a provider's administrative, marketing, and advocacy costs. Annually, and no later than  
31 October first of each year, the State Crime Victim Compensation Department shall report to the Governor, the Chairman of the  
32 Senate Finance Committee, and the Chairman of House Ways and Means Committee on the performance of third-party providers  
33 and the use of funds authorized pursuant to this provision in the prior fiscal year.

34 **59.15.** (AG: State Crime Victim Compensation) A county or municipality may retain carry forward funds that were collected  
35 pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208 (B) and (D), and 14-1-211 (B) of the 1976 Code, but no  
36 more than \$25,000 or ten percent of funds collected in the prior fiscal year, whichever is higher. If a county or municipality does

1 not spend at least ninety percent of the funds collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208  
2 (B) and (D), and 14-1-211 (B) on Article 16, Chapter 3, Title 16 first priority and/or second priority programs during the fiscal year  
3 that the funds are received then the county or municipality shall remit any unspent funds that are greater than the allowed carried  
4 forward funds, regardless of the year collected, to the State Victim Assistance Program (SVAP) with the Office of the Attorney  
5 General within 120 days after the end of the fiscal year. All funds must be accounted for in the annual audit for each county or  
6 municipality.

7 The State Crime Victim Compensation Department shall offer training and technical assistance to each municipality and county  
8 annually on acceptable use of both priority one and priority two funds and funds available for competitive bid.

9 The State Crime Victim Compensation Department is authorized to transfer to the State Victim Assistance Program any state funds  
10 deemed available under Crime Victims Compensation authority to the State Victim Assistance Programs be placed in the competitive  
11 bid process.

12 The State Victim Assistance Program shall offer any funds remitted to it to non-profit organizations that provide direct victim  
13 services on a competitive bid process. These funds may be used by the non-profit for administrative costs and victim services.

14 A county or municipality may be exempt from the remittance requirements of this proviso upon submission of a plan to the State  
15 Crime Victim Compensation Department that meets the statutory requirements for the use of funds. A county or municipality must  
16 submit the report within 60 days after the end of the fiscal year. The State Crime Victim Compensation Department shall review the  
17 submitted plan and advise the county or municipality of plan compliance with statutory requirements.

18 **59.16.** (AG: Crime Victim Training Certification and Statistical Analysis) Of the funds appropriated and/or authorized for the  
19 State Crime Victim Compensation Fund, \$75,000 may be used to support the State Crime Victim Training, Certification and  
20 Statistical Analysis Division.

21 **59.17.** (AG: Crime Victim Services Funeral and Burial Compensation) The Department of Crime Victim Compensation shall set  
22 a funeral and burial compensation maximum of \$6,500.  
23

## 24 SECTION 60 - E210 - PROSECUTION COORDINATION COMMISSION

25  
26 **60.1.** (PCC: Solicitor Salary) The amount appropriated in this section for salaries of solicitors shall be paid to each full-time  
27 solicitor. Each full-time circuit solicitor shall earn a salary not less than each full-time circuit court judge.

28 **60.2.** (PCC: Solicitor Expense Allowance) Each solicitor shall receive one thousand dollars (\$1,000.00) per month as expense  
29 allowance.

30 **60.3.** (PCC: Judicial Circuits State Support) The amount appropriated and authorized in this section for Judicial Circuits (16)  
31 State Support shall be apportioned among the circuits. The first \$4,692,961 shall be distributed on a per capita basis based upon the  
32 current official census. The next \$1,179,041 shall be distributed on a pro-rata basis. Payment shall be made as soon after the  
33 beginning of each quarter as practical.

34 **60.4.** (PCC: ~~Solicitor~~ Carry Forward) Any unexpended balance on June thirtieth, of the prior fiscal year, may be carried forward  
35 into the current fiscal year and expended for the operation of the ~~solicitor's office~~ Commission on Prosecution Coordination or the  
36 Offices of the Solicitor relating to operational expenses.

1       **60.5.** (PCC: Solicitor's Office - County Funding Level) It is the intent of the General Assembly that the amounts appropriated  
2 for solicitors' offices shall be in addition to any amounts presently being provided by the county for these services and may not be  
3 used to supplant funding already allocated for such services without any additional charges. If the county reduces the amount of  
4 support provided to solicitors' offices below the level provided in the prior fiscal year, the Solicitor shall notify the Chairman of the  
5 Senate Finance Committee and the Chairman of the House Ways and Means Committee of the amount of such reduced support.

6       **60.6.** (PCC: Solicitors Victim/Witness Assistance Programs) When funds are available, the amount appropriated and authorized  
7 in Part IA, Section 60 for Solicitors Victim/Witness Assistance Programs shall be apportioned among the circuits on a per capita  
8 basis and based upon the current official census. Payment shall be made as soon after the beginning of each quarter as practical.

9       **60.7.** (PCC: CDV Prosecution) The amount appropriated and authorized in this section for Criminal Domestic Violence  
10 Prosecution shall be apportioned among the circuits on a pro-rata basis. If not privileged information, the Prosecution Coordination  
11 Commission shall collect and retain information and data regarding Criminal Domestic Violence Prosecution and shall include:  
12 the number of dispositions, types of dispositions and county in which the disposition took place and shall provide the General  
13 Assembly with an annual report no later than sixty days after the conclusion of the fiscal year.

14       **60.8.** (PCC: Establish Victim/Witness Program) The funds appropriated in this section for Victim/Witness Program must be  
15 equally divided among the judicial circuits, less any adjustments made for budget reductions. The funds for each circuit must be  
16 distributed to the solicitor's office of that circuit and only used by the solicitor for the purpose of establishing a Victim/Witness  
17 Program in the circuit which shall provide, but not be limited to, the following services:

18       (1) Make available to victims/witnesses information concerning their cases from filing in general sessions court through  
19 disposition.

20       (2) Keep the victim/witness informed of his rights and support his right to protection from intimidation.

21       (3) Inform victims/witnesses of and make appropriate referrals to available services such as medical, social, counseling, and  
22 victims' compensation services.

23       (4) Assist in the preparation of victims/witnesses for court.

24       (5) Provide assistance and support to the families or survivors of victims where appropriate.

25       (6) Provide any other necessary support services to victims/witnesses such as contact with employers or creditors.

26       (7) Promote public awareness of the program and services available for crime victims.

27       The funds may not be used for other victim-related services until the above functions are provided in an adequate manner.

28       It is the intent of the General Assembly that the amounts appropriated in this section for victim assistance programs in solicitors'  
29 offices shall be in addition to any amounts presently being provided by the county for these services and may not be used to supplant  
30 funding already allocated for such services. Any reduction by any county in funding for victim assistance programs in solicitors'  
31 offices shall result in a corresponding decrease of state funds provided to the solicitors' office in that county for victim assistance  
32 services. Each solicitor's office shall submit an annual financial and programmatic report which describes the use of these funds.  
33 The report shall be submitted to the Governor, the Attorney General, the Chairman of the Senate Finance Committee, and the  
34 Chairman of the House Ways and Means Committee on October first, for the preceding fiscal year.

35       **60.9.** (PCC: DUI Prosecution) The amount appropriated and authorized in this section for Driving Under the Influence  
36 Prosecution shall be apportioned among the circuits on a pro-rata basis. If not privileged information, the Prosecution Coordination



1 Commission shall collect and retain information and data regarding Driving Under the Influence Prosecution and shall include: the  
2 number of dispositions, types of dispositions and county in which the disposition took place and shall provide the General Assembly  
3 with an annual report no later than sixty days after the conclusion of the fiscal year.

4 **60.10.** (PCC: Violent Crime Prosecution) The amount appropriated and authorized in this section for Violent Crime Prosecution  
5 shall be apportioned pro rata among the circuits. Payment shall be made as soon after the beginning of each quarter as practical.

6 **60.11.** (PCC: Caseload Equalization Funding) The amount appropriated in this Act and authorized for Caseload Equalization will  
7 have the first \$3,450,000 distributed at an amount of \$75,000 per county. The remaining \$4,376,872 shall be distributed based upon  
8 the average incoming caseload for each county as reported by the Judicial Department for the prior three fiscal years.

9 **60.12.** (PCC: Summary Court Domestic Violence Fund Distribution) The Summary Court Domestic Violence Prosecution  
10 funding shall be distributed based upon ~~ten percent of~~ on the average incoming caseload for each county as reported by the South  
11 Carolina Judicial Department for the prior 3 fiscal years.

12 **60.13.** (PCC: Exemption for Pass Through Funding to Outside Entities) The funds distributed by the Commission on Prosecution  
13 Coordination that are appropriated for the South Carolina Center for Fathers and Families or other community programs, and not  
14 for the Offices of Solicitor, shall not be considered part of the commission's budget for purposes of calculating budget reductions.

## 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~~ 2020. 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 for use of  
24 the defense in capital cases pursuant to Section 16-3-26 of the 1976 Code, for juveniles facing the possibility of a sentence of life  
25 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  
31 17-3-330. At the end of each fiscal year any leftover funds shall carryover to the next fiscal year. All applications for the payment  
32 of 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 Proviso 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.; Sections 63-7-1620 et seq., 63-7-2560 et seq., 63-9-320(A)(2) et seq.,~~  
2 ~~63-19-810 et seq., and 63-19-2210 et seq.;~~ for “Probate Court Commitment” cases to reimburse private attorneys who are appointed  
3 by the Probate Court to represent indigent persons; and for “Sexually Violent Predator” cases to reimburse private attorneys who are  
4 appointed by the Circuit Court pursuant to Sections 44-48-10, et seq., to represent indigent persons. When private counsel is  
5 appointed pursuant to these provisions, counsel shall be reimbursed a reasonable fee to be determined on the basis of fifty dollars per  
6 hour or reimbursement may also be made on the basis of a set (flat) fee. The method of payment and the amount of the set fee will  
7 be determined by the Commission on Indigent Defense. Attorney fees shall not exceed two thousand dollars for any case under  
8 which such private attorney is appointed.

9 A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for noncapital Post  
10 Conviction Relief Cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended  
11 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  
12 amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed one thousand  
13 dollars in any single case.

14 A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for noncapital criminal  
15 cases pursuant to Section 17-3-50 (Conflict Fund). Any attorney appointed shall be compensated at a rate not to exceed forty dollars  
16 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  
17 method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not  
18 exceed three thousand five hundred dollars in any single felony case or one thousand dollars in any single misdemeanor case.

19 Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order  
20 with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide  
21 reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because  
22 the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained, no additional  
23 fees shall be paid under any circumstances.

24 Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the  
25 representation of the defendant, the court shall authorize the defendant’s attorney to obtain such services on behalf of the defendant  
26 and shall authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed  
27 five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the  
28 court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the  
29 limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall  
30 be made from funds appropriated for this purpose from the Commission of Indigent Defense. If prior approval by written order of  
31 the court is not obtained, no additional expenses shall be paid under any circumstances.

32 Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established  
33 by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the  
34 Senate Finance Committee and the House Ways and Means Committee.

35 A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” may be used by the Commission on  
36 Indigent Defense to retain, on a contractual basis, the services of attorneys ~~qualified to handle civil and criminal court appointments,~~

1 ~~to be reimbursed in accordance with applicable provisos and statutes~~ *and other professionals to assist court appointed attorneys to*  
2 *provide quality and effective representation. The commission shall establish all policies, procedures, and contract provisions as it*  
3 *deems appropriate for the implementation of the system including, but not limited to, the selection and compensation of contract*  
4 *awardees.*

5 **61.5.** (INDEF: Carry Forward) To offset budget reductions, the Commission on Indigent Defense may carry forward and utilize  
6 any unencumbered balances available in the Appellate Conflict Fund and the SC Appellate Court Rule 608 Appointment Fund at the  
7 end of the prior fiscal year.

8 **61.6.** (INDEF: Public Defender Fee) Every person placed on probation on or after July 1, 2003, who was represented by a public  
9 defender or appointed counsel, shall be assessed a fee of five hundred dollars. The revenue generated from this fee must be collected  
10 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  
11 fee, this failure alone is not sufficient basis for incarceration for a probation violation. This assessment shall be collected and paid  
12 over before any other fees.

13 **61.7.** (INDEF: Defense of Indigents Civil Action Application Fee) (A) A person requesting appointment of counsel in any  
14 termination of parental rights (TPR), abuse and neglect, or any other civil court action in this state shall execute an affidavit that the  
15 person is financially unable to employ counsel and that affidavit shall set forth all of the person's assets. This affidavit must be  
16 completed before counsel may be appointed. If it appears that the person has some assets but they are insufficient to employ private  
17 counsel, the court, in its discretion, may order the person to pay these assets or a portion thereof to the Commission on Indigent  
18 Defense.

19 (B) A forty dollar application fee for appointed counsel services must be collected from every person who executes an affidavit  
20 that they are financially unable to employ counsel. The person may apply to the court, the clerk of court, or other appropriate official  
21 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  
22 be waived or reduced, provided that if the fee is waived or reduced, the clerk or appropriate official shall report the amount waived  
23 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  
24 as the trial judge deems appropriate. The clerk of court or other appropriate official shall collect the application fee imposed by this  
25 section and remit the proceeds to the Commission on Indigent Defense on a monthly basis. The monies must be deposited in an  
26 interest-bearing account separate from the general fund and used only to provide for indigent defense services. The monies shall be  
27 administered by the Commission on Indigent Defense. The clerk of court or other appropriate official shall maintain a record of all  
28 persons applying for representation and the disposition of the application and shall provide this information to the Commission on  
29 Indigent Defense on a monthly basis as well as reporting the amount of funds collected or waived.

30 (C) In matters in which a juvenile is brought before a court, the parents or legal guardian of such juvenile shall execute the above  
31 affidavit based upon their financial status and shall be responsible for paying any fee. In matters concerning juveniles, the parents  
32 or legal guardians of said juvenile, shall be advised in writing of this requirement at the earliest stage of the proceedings against said  
33 juvenile.

34 (D) Nothing contained above shall restrict or hinder a court from appointing counsel in any emergency proceedings or where  
35 existing statutes do not provide sufficient time for an individual to complete the application process.

1 (E) The appointment of counsel, as herein before provided, creates a claim against the assets and estate of the person who is  
2 provided counsel or the parents or legal guardians of a juvenile in an amount equal to the costs of representation as determined by a  
3 voucher submitted by the appointed counsel and approved by the court, less that amount that the person pays to the appointed counsel.

4 (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  
5 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  
6 such claim is reduced to judgment by appropriate order of the court, after serving the person with at least thirty days' notice that  
7 judgment will be entered. When a claim is reduced to judgment, it shall have the same effect as judgments, except as modified by  
8 this provision.

9 **61.8.** (INDEF: Exemption for Pass Through Funding) The funds distributed by the Commission on Indigent Defense to the  
10 Legal Services Corporation in accordance with Section 14-1-204 of the 1976 Code shall not be considered part of the commission's  
11 budget for purposes of calculating budget reductions.

12 **61.9.** (INDEF: Reporting Requirement) Circuit Public Defenders shall provide, in a manner and form as the agency head  
13 requires, information and data concerning caseloads, dispositions, and other information as required by the agency head or General  
14 Assembly. The agency shall withhold payments and transfers to Circuit Public Defenders who are not in compliance with the agency  
15 reporting requirements.

16 **61.10.** (INDEF: Donation Carry Forward) ~~The Commission on Indigent Defense may accept donations for the publication of~~  
17 ~~"The South Carolina Juvenile Collateral Consequences Checklist." All revenue derived from donations received at the Commission~~  
18 ~~on Indigent Defense shall be retained, carried forward and expended according to agreement reached between the donor, or donors,~~  
19 ~~and the Commission on Indigent Defense.~~

20 **61.11.** (INDEF: Capital Case Contract Attorneys) Funds appropriated from the Death Penalty Trial Fund may be used by the  
21 commission to retain, on a contractual basis, the service of attorneys qualified to provide representation in capital proceedings to  
22 include: capital trials, post-conviction relief actions, re-sentencing, appeals or any other capital litigation proceeding.

23 The commission shall establish all policies, procedures and contract provisions as it deems appropriate for the implementation of  
24 the system, including but not limited to the selection and compensation of contract awardees. *The commission may use these funds*  
25 *to retain, on a contractual basis, the services of other professionals to assist court appointed attorneys to provide quality and effective*  
26 *representation in the above capital proceedings.*

27 **61.12.** (INDEF: Optional Courts and Indigent Representation) If a municipality has or elects to have an optional municipal court  
28 system, it must provide adequate funds for representation of indigents. No public defender shall be appointed in any such court  
29 unless the municipality and the office of the circuit public defender have reached an agreement for indigent representation and no  
30 funds allocated to the commission shall be used to provide compensation for appointed counsel in municipal courts.

## 31 32 SECTION 62 - D100 - STATE LAW ENFORCEMENT DIVISION

33  
34 **62.1.** (SLED: Special Account Carry Forward) Funds awarded to the State Law Enforcement Division by either court order or  
35 from donations or contributions shall be deposited in a special account with the State Treasurer, and shall be carried forward from  
36 year to year, and withdrawn from the Treasurer as needed to fulfill the purposes and conditions of the said order, donations or

1 contributions, if specified, and if not specified, as may be directed by the Chief of the State Law Enforcement Division. Funds  
2 expended from the special account must be annually reported by October first to the Senate Finance Committee and the Ways and  
3 Means Committee.

4 **62.2.** (SLED: Computer/Communications Center Carry Forward) Revenue generated from the operation of the division's  
5 criminal justice computer/communications center and not expended during the prior fiscal year may be carried forward and expended  
6 for the same purpose during the current fiscal year.

7 **62.3.** (SLED: Agents Operations Carry Forward) Any unexpended balance on June thirtieth, of the prior fiscal year, in Part IA,  
8 Section 62 of the section "Agents Operations" may be carried forward and expended for the same purpose in the current fiscal 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 agency law enforcement operations in the current fiscal  
36 year.

1       **62.20.** (SLED: CWP Renewal and Replacement) A concealed weapons permit may not be suspended by a state official, agent, or  
2 employee supported by state funds if the permit holder has initiated a renewal or replacement application and the processing and  
3 issuance of a renewal or replacement permit is delayed for administrative reasons. A concealed weapons permit remains valid during  
4 the pendency of the renewal or replacement process so long as the application for replacement renewal is submitted prior to the  
5 expiration of the permit.

6       **62.21.** (SLED: Drug Lab Electronic Mandatory Reporting System) Of the funds appropriated for Meth Lab Clean Up, the State  
7 Law Enforcement Division is authorized to expend such funds for the development and implementation of a statewide electronic  
8 mandatory reporting system for municipal, county and state governmental entities to report information, as directed by the State Law  
9 Enforcement Division, pertaining to the discovery or seizure of methamphetamine laboratories and dumpsites.

10       **62.22.** (SLED: Mandatory Meth Lab Reporting) If a municipal, county, or state governmental entity locates, finds, or seizes a  
11 methamphetamine laboratory or dumpsite within the State, the governmental entity shall report the incident within three business  
12 days to the State Law Enforcement Division.

13       The State Law Enforcement Division shall determine the reporting mechanism and is authorized to request, receive, catalogue,  
14 classify, and maintain all information it determines necessary pertaining to the laboratory or dumpsite including, but not limited to,  
15 the location, the type of manufacturing method used, and suspect information. The State Law Enforcement Division shall maintain  
16 information related to these governmental reports on its website, which must be made available to the public, and is authorized to  
17 use funds appropriated for Meth Lab Clean Up towards the prudent maintenance of information reported.

18       A governmental entity that fails to report information to the State Law Enforcement Division pursuant to this proviso is ineligible  
19 to receive public safety grants that are funded through the South Carolina Public Safety Coordinating Council pursuant to Section  
20 23-6-520(2) of the 1976 Code.

## 21       **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: CMV Driver Rest Areas) A joint working group is to be established between the Department of Transportation,  
2 Department of Public Safety, State Transport Police and the South Carolina Trucking Association to review and evaluate where  
3 critical rest areas may be made available for commercial motor vehicle drivers to park and obtain their federally mandated required  
4 rest.

5     **63.5.** (DPS: SC Law Enforcement Officers Hall of Fame Scholarships/*Donations*) The Department of Public Safety is hereby  
6 authorized to accept donations from the public in order to provide scholarships to the children of law enforcement officers killed in  
7 the line of duty. The South Carolina Law Enforcement Officers Hall of Fame Advisory Committee is authorized to set the criteria  
8 for awarding such scholarships. All revenue received for this purpose shall be used to provide scholarships and shall be retained,  
9 carried forward, and expended for the same purpose. Funds received and designated for scholarships shall not be used for any other  
10 purpose.

11     The department shall also be authorized to accept and disburse funds and grants, including any donations, contributions, funds,  
12 or gifts from private individuals, foundations, agencies, corporations, or the state or federal government, for the purpose of carrying  
13 out the programs and objectives of the South Carolina Law Enforcement Officers Hall of Fame. The department shall be authorized  
14 to retain, expend, and carry forward unexpended donations received for the South Carolina Law Enforcement Officers Hall of Fame  
15 and utilize those funds for the same purposes in the current fiscal year.

16     **63.6.** (DPS: Body Cameras) The Department of Public Safety is authorized to retain and carry forward unexpended funds  
17 associated with body cameras from the prior fiscal year into the current fiscal year and expend those funds for the same purpose.

18     **63.7.** (DPS: Overtime Pay) For ~~Fiscal Year 2020-21~~ the current fiscal year, the department is authorized and required to pay  
19 current non-exempt law enforcement officers by October 1st for any compensatory time earned and not used in the prior fiscal year.  
20 The funds for this compensation must be provided from available personal services, appropriated overtime funding, and/or employer  
21 contributions funds carried forward from the prior fiscal year. If the amount of carried forward funds is not sufficient to pay all the  
22 non-exempt law enforcement officers accrued compensatory time, the department shall pay the officers on a percentage distribution  
23 based on the hours owed per officer up to the total amount that the department has carried forward.  
24

## 25 SECTION 64 -N200 - LAW ENFORCEMENT TRAINING COUNCIL

26  
27     **64.1.** (LETC: CJA-Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Law  
28 Enforcement Training Council, Criminal Justice Academy is authorized to expend federal and earmarked funds in the current fiscal  
29 year for expenditures incurred in the prior fiscal year.

30     **64.2.** (LETC: CJA-Retention of Emergency Expenditure Refunds) The Law Enforcement Training Council, Criminal Justice  
31 Academy is authorized to collect, expend, retain, and carry forward all funds received from other state or federal agencies in the  
32 current fiscal year as reimbursement of expenditures incurred in the current or prior fiscal year when personnel and equipment are  
33 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  
8 24-13-150(A) of the 1976 Code applies, on the first day of the month in which their sentences expire, and if the first day of the month  
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 and is as determined by the Director of the Department of  
33 Corrections at Level II and Level III institutions:

- 34       (1) Cadets;
- 35       (2) Correctional Officers, including Class Code JD-30 (Officer I and II positions);
- 36       (3) Corporals I and II;

- 1 (4) Sergeants and Lieutenants;
- 2 (5) Captains and Majors;
- 3 (6) Nursing Staff;
- 4 (7) Food Services Staff; and
- 5 (8) Warden.

6 **65.19.** (CORR: Quota Elimination) Pursuant to Section 24-3-60 of the 1976 Code, upon notification by the county, the  
7 Department of Corrections shall accept newly sentenced inmates from each local jail and detention center.

8 For sentenced inmates who the county is willing to transport, the department may limit the acceptance at the Kirkland Correctional  
9 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  
10 Institutions to the hours of 8:00 a.m. to 10:30 a.m., Monday through Friday, excluding holidays.

11 By mutual agreement between the Department of Corrections and a local jail or detention center, the department may establish an  
12 alternate admissions schedule for receiving inmates at the Reception and Evaluation Center.

13 At the time of transfer of the inmate to the department, the county shall provide the sentencing order, and if available copies of  
14 medical screening records, booking reports, and other documents to assist the department in its intake processing. Counties that have  
15 not completed medical screenings at the time of transfer shall not be required to do so.

16 In the event there are inadequate beds within the Reception and Evaluation Center, the Department of Corrections may create a  
17 "jail" within the Kirkland Correctional Institution using one or more of the available 192-bed housing units to accept newly sentenced  
18 state inmates who are awaiting R & E processing. The department may operate such "jail," to the extent feasible, in accordance with  
19 standards applicable to the local jails.

20 The department shall use the funds appropriated in this act for "Quota Elimination" to accomplish this initiative and to open a  
21 96-bed unit at the MacDougall Correctional Institution and the 192-bed housing units at Kirkland Correctional Institution. The funds  
22 may not be transferred to any other program or used for any other purpose.

23 **65.20.** (CORR: Public/Private Partnerships for Construction) Funds appropriated in Act 407 of 2006, item 23, shall be used to  
24 construct as many multi-purpose buildings at Department of Corrections institutions as possible. For such facilities at Lieber,  
25 McCormick, Leath, Perry, or Allendale Correctional Institution, at least \$150,000 in matching funds and/or construction materials  
26 or services must be donated before construction of the facility may begin. At other Department of Corrections locations, the Director  
27 may require that donated funds and/or materials or services equal one-half of the cost of construction, including design and  
28 engineering costs.

29 **65.21.** (CORR: Inmate Barbering Program) Inmate barbers in the Inmate Barbering Program at the Department of Corrections,  
30 shall not be subject to the licensing requirement of Section 40-7-30 of the 1976 Code.

31 **65.22.** (CORR: Executed Inmate Autopsy) For the current fiscal year, the autopsy requirements of Section 17-7-10 of the 1976  
32 Code are suspended when an inmate is executed by the Department of Corrections pursuant to a valid order of the Supreme Court of  
33 South Carolina.

34 **65.23.** (CORR: Recoupment of Expenses Associated with Inmate Cremation) If the Department of Corrections incurs expenses  
35 for cremating and disposing of an unclaimed deceased inmate, the department may recoup all associated costs of cremation, including  
36 transportation, through the deceased inmate's E.H. Cooper account, providing funds are available.

1       **65.24.** (CORR: Credited Jail Time; DNA Sample Collection) Inmates committed to the Department of Corrections for sentences  
2 greater than ninety days, but who have credit for jail time in excess of their sentence to incarceration are not required to be transported  
3 to the Reception and Evaluation Center of the Department of Corrections. Cities and counties housing inmates who have credit for  
4 jail time in excess of their sentence may, through written agreement with the Department of Corrections, transfer required  
5 commitment records to the department electronically or by other means. The Department of Corrections must establish reasonable  
6 documentation requirements to facilitate the implementation of this cost savings measure. Employees of the Department of  
7 Probation, Parole and Pardon Services assigned to the court or employees of the Department of Corrections, as applicable, shall  
8 obtain DNA samples from the offenders who are required to submit DNA samples. This provision does not exempt the above  
9 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  
10 the same manner as other fines and fees and submitted to the State Treasurer for remittance to SLED.

11       **65.25.** (CORR: Cell Phone Interdiction) The Director of the Department of Corrections is granted the right to add a surcharge to  
12 all inmate pay phone calls to offset the cost of equipment and operations of cell phone interdiction measures. The surcharge will be  
13 added to the cost per call, collected by chosen telephone vendor and paid to the department on a monthly basis. The department is  
14 authorized to retain the funds to pay, either directly or through the State lease program, for equipment required to enact cell phone  
15 interdiction or retrieval or for critical security needs. When the equipment has been paid in full, the surcharge amount will be  
16 reviewed and adjusted to cover the cost of ongoing operational expenses of the interdiction equipment. Any unexpended balance  
17 may be carried forward from the prior fiscal year into the current fiscal year and be used for the same purpose or for critical security  
18 needs.

19       **65.26.** (CORR: Correctional Institution Maintenance and Construction) For maintenance and construction activities funded in the  
20 current fiscal year, the Department of Corrections may utilize inmate labor to perform any portion of the work on its own grounds  
21 and facilities. The provisions of Section 40-11-360(A)(9) of the 1976 Code shall apply to any such project, including new  
22 construction.

23       **65.27.** (CORR: Meals in Emergency Operations) The Department of Corrections may provide meals to public employees who  
24 are not permitted to leave their stations and are required to work during actual emergencies, emergency simulation exercises, or when  
25 the Governor declares a state of emergency.

26       **65.28.** (CORR: Prohibition on Funding Certain Surgery) (A) The Department of Corrections is prohibited from using state funds  
27 or state resources to provide a prisoner in the state prison system sexual reassignment surgery; however, if a person is taking hormonal  
28 therapy at the time the person is committed to the Department of Corrections, the department shall continue to provide this therapy  
29 to the person as long as medically necessary for the health of the person.

30       (B) As used in this provision:

31           (1) ‘Hormonal therapy’ means the use of hormones to stimulate the development or alteration of a person’s sexual  
32 characteristics in order to alter the person’s physical appearance so that the person appears more like the opposite gender;

33           (2) ‘Sexual reassignment surgery’ means a surgical procedure to alter a person’s physical appearance so that the person  
34 appears more like the opposite gender.

35       **65.29.** (CORR: Video Bond Conferencing) In the current fiscal year, and from the funds appropriated to the Department of  
36 Corrections, the video conferencing bond system shall be used for all bond hearings for inmates incarcerated at facilities with video

1 conferencing capabilities that are compatible with county video conferencing equipment, network, firewalls, etc. and charged with  
2 criminal offenses that require a bond hearing. The Department of Corrections shall not be responsible for recording any of these  
3 proceedings or for providing the counties with any equipment.

4 65.30. (CORR: Safety & Security) The Department of Corrections shall be authorized to carry forward into the current fiscal  
5 year the funds reimbursed to the agency pursuant to Section 3 of Act 154 of 2020. The amount shall not be included or part of any  
6 other authorized carry forward amount. Funds carried forward pursuant to this provision shall be deposited into a separate and  
7 distinct fund known as the "Department of Corrections Security and Maintenance Reserve Fund." The department may expend  
8 these funds to meet the maintenance and security needs of the agency for critical repairs, deferred maintenance, renovations, security  
9 upgrades, and equipment which are directly related to the safety and security of the public, officers, employees, and inmates. Prior  
10 to the expenditure of these funds, the department shall develop a comprehensive security and maintenance plan which shall itemize  
11 the permanent improvement projects and equipment purchases needed to maintain the safety and security of the state's prison system.  
12 This plan shall be presented by September 30, 2021, to the Governor and the Joint Bond Review Committee for its review and  
13 comment. Subsequent to the committee's review, the department shall be authorized to initiate the permanent improvement projects  
14 and equipment purchases included in the plan upon submitting the necessary documentation to the Executive Budget Office without  
15 further review by the committee. Any deviations from the plan shall be subject to further review and comment by the committee. The  
16 department shall provide a report to the Governor and Joint Bond Review Committee on its implementation of the comprehensive  
17 security and maintenance plan and its expenditures from the fund by September 30 of each fiscal year.

18  
19 **SECTION 66 - N080 - DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES**

20  
21 **66.1.** (DPPP: Sale of Equipment) All revenue generated by the Department of Probation, Parole and Pardon Services from the  
22 sale of various equipment in excess of \$575, less the cost of disposition incurred by the Department of Administration, may be  
23 retained and carried forward into the current fiscal year and expended for the purpose of purchasing like items.

24 **66.2.** (DPPP: Interstate Compact Application Fee) The department may charge offenders an application fee set by the  
25 department, not to exceed the department's actual costs, to offenders applying for transfers out of or into the state under the Interstate  
26 Compact Act. The application fee shall be retained by the department to offset the cost of the Interstate Compact Act. All unexpended  
27 funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

28 **66.3.** (DPPP: GED Learn and Earn Program) From the funds appropriated in Part IA, the department may enter into agreements  
29 with statewide colleges, technical colleges, and school districts for the purpose of providing GED and GED Prep education to  
30 offenders. Offenders of the department enrolled in the program must repay the department the cost of the course and materials within  
31 six months of obtaining their GED.

32 **66.4.** (DPPP: Sex Offender Monitoring Carry Forward) The Department of Probation, Parole and Pardon Services is authorized  
33 to carry forward any unexpended funds in the Sex Offender Monitoring program. These funds must be used for the sex offender  
34 monitoring program. For the purpose of calculating the amount of funds which may be carried forward by the department, Sex  
35 Offender Monitoring program funds carried forward by this provision shall be excluded from the calculation of the carry forward  
36 authorized by provision elsewhere in this act.

1       **66.5.** (DPPP: Offender Drug Testing Fee) The department may charge offenders a fee set by the department, not to exceed \$50,  
2 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  
3 the department to offset the cost of drug testing. All unexpended funds at year-end may be retained and carried forward by the  
4 department to be expended for the same purpose.

5       **66.6.** (DPPP: Public Service Employment Set-Up Fee) In addition to any other fee, the department may charge an adult offender  
6 placed under the jurisdiction of the department, who is ordered to public service employment by the court, a twenty-five dollar Public  
7 Service Employment set-up fee. The fee must be retained by the department and applied to the department's supervision process.  
8

## 9       **SECTION 67 - N120 - DEPARTMENT OF JUVENILE JUSTICE**

10  
11       **67.1.** (DJJ: Meal Ticket Revenue) The revenue generated from sale of meal tickets by the Department of Juvenile Justice shall  
12 be retained and carried forward into the current fiscal year by the agency and expended for the operation of the agency's cafeterias  
13 and food service programs.

14       **67.2.** (DJJ: Interstate Compact Revenue) The revenue returned to the Interstate Compact Program shall be retained and carried  
15 forward into the current fiscal year by the agency and expended for the operation of the program.

16       **67.3.** (DJJ: Children's Projects Revenue) Funds generated from the projects undertaken by children under the supervision of the  
17 Department of Juvenile Justice may be retained by the department and utilized for the benefit of those children. Such funds may be  
18 carried forward into the following fiscal year.

19       **67.4.** (DJJ: Instructional Salaries) The certified instructional personnel of the Department of Juvenile Justice shall receive a  
20 percentage increase in their annual salary for the current fiscal year equal to the percentage allocated to the instructional personnel  
21 throughout the State.

22       **67.5.** (DJJ: Reimbursements for Expenditures) The Department of Juvenile Justice may retain for general operating purposes  
23 any reimbursement of funds for expenses incurred in a prior fiscal year.

24       **67.6.** (DJJ: Juvenile Arbitration/Community Advocacy Program) The amount appropriated and authorized in this section for the  
25 Juvenile Arbitration Program shall be retained and expended by the Department of Juvenile Justice for the purpose of providing  
26 juvenile arbitration services through the sixteen Judicial Circuit Solicitors' offices in the state and used to fund necessary  
27 administrative and personnel costs for the programs.

28       The Department of Juvenile Justice shall contract with Solicitors to administer the Juvenile Arbitration Program and disburse up  
29 to \$60,000 per Judicial Circuit based on services rendered. The amount payable to Solicitors may vary based on consistent adherence  
30 to established statewide program guidelines to assess program performance.

31       The \$250,000 appropriated for the Community Advocacy Program in the first Judicial Circuit, will be used to fund necessary  
32 administrative and personnel costs for this status offender diversion program. The Department of Juvenile Justice shall monitor and  
33 provide support to this program.

34       All unexpended funds may be retained and carried forward from the prior fiscal year to be used for the same purposes.

35       **67.7.** (DJJ: Sale of Real Property) After receiving approval from the Department of Administration or State Fiscal Accountability  
36 Authority, for the sale of property, the department is authorized to retain revenues associated with the sale of department-owned real

1 property and may expend these funds on capital improvements reviewed by the Joint Bond Review Committee and approved by the  
2 State Fiscal Accountability Authority.

3 **67.8.** (DJJ: Sale of Timber) The Department of Juvenile Justice is hereby authorized to sell mature trees and other timber suitable  
4 for commercial purposes from lands owned by the department. Prior to such sales, the director shall consult with the State Forester  
5 to determine economic and environmental feasibility and to obtain approval for such sales. Funds derived from timber sales shall be  
6 retained and utilized for family support services after setting aside a reasonable amount, as determined by the State Forester, for  
7 reforestation of the lands from which the trees and timber are sold.

8 **67.9.** (DJJ: Drug Free Workplace) The critical mission of the Department of Juvenile Justice requires a safe and drug free work  
9 environment. In order to accomplish this, the department may conduct and pay for the cost of pre-employment drug testing and  
10 random employee drug testing. The department is authorized to expend funds in order to provide or procure these services.

11 **67.10.** (DJJ: Definition of Juveniles) The Department of Juvenile Justice is authorized to place juveniles in marine and wilderness  
12 programs or other community residence programs operated by nongovernmental entities. Juveniles receiving services in these  
13 community residence programs must either be referred to such a program by the Family Court as a condition of probation, released  
14 to such a program by the Board of Juvenile Parole, or voluntarily agree to be assigned and released to such a program by the  
15 Department of Juvenile Justice.

16 **67.11.** (DJJ: Adult Education - GED) Juveniles committed to the Department of Juvenile Justice who have been enrolled in, but  
17 not yet completed, a GED educational program while at the department, at the discretion of the local school district, upon release  
18 from the department shall be allowed to enroll in either the juvenile's local school district's regular education program, in their  
19 appropriate grade placement, or allowed to enroll in that district's or county's adult education program. If enrolled in an adult  
20 education program, the juvenile's eligibility for taking the GED shall be based upon the regulations promulgated by the Department  
21 of Education for youth who are confined in, or under the custody of, the Department of Juvenile Justice.

22 **67.12.** (DJJ: Local District Effort) Upon commitment or confinement to a Department of Juvenile Justice facility, the school  
23 district in which that child resides shall pay an amount equivalent to the statewide average of the local base student cost (thirty  
24 percent), multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to  
25 out-of-district students to the Department of Juvenile Justice for the time period in which the child is committed or confined to a  
26 department facility. EFA funding for school districts is provided for a one hundred eighty day school year. The billing provided by  
27 the department shall be calculated by dividing the local base student cost by two hundred twenty-five days to determine the daily  
28 rate. The department shall notify the school district in writing within forty-five calendar days that a student from the nonresident  
29 district is receiving education services pursuant to this provision. The notice shall also contain the student's name, date of birth,  
30 disabling condition if available, and dates of service.

31 The invoice shall be paid within sixty days of billing, provided the department has provided a copy of the invoice to both the  
32 superintendent and the finance office of the school district being invoiced. Should the school district fail to pay the invoice within  
33 sixty days, the department can seek relief from the Department of Education. The Department of Education shall withhold EFA  
34 funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the department. If  
35 adequate funding is not received, the department shall have the flexibility to use funds from other programmatic areas to maintain  
36 an appropriate level of service.



1       **67.13.** (DJJ: Early Release Authorization) In order to avoid unconstitutional levels of overcrowding and other unconstitutional  
2 conditions from occurring in facilities operated by the department and in residential programs operated for the department, the  
3 number of children housed in residential placements (either committed to the custody of the Department of Juvenile Justice or who  
4 are under the department’s supervision) shall not exceed the number of beds available to the department to house them. Should  
5 appropriation reductions necessitate that the department close any additional facility, program, or housing unit it operates, or to be  
6 unable to fund any additional residential program operated for its benefit, the department is authorized and empowered to release  
7 from its residential placements sufficient numbers of children committed to its custody or supervision for a status offense, a  
8 misdemeanor offense, other than Assault and Battery of a High and Aggravated Nature and Assault with Intent to Kill, or for violation  
9 of probation/contempt of a status offense or a misdemeanor offense, other than Assault and Battery of a High and Aggravated Nature  
10 and Assault with Intent to Kill, so that the number of children in its custody or under its supervision and placed in these residential  
11 placements does not exceed the number of housing units/beds available to properly house those children. No child adjudicated  
12 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  
13 1976 Code, or a sexual offense shall be released pursuant to this proviso.

14       **67.14.** (DJJ: Raise the Age) The department must use carry forward funds to implement Act 268 of 2016 by contracting in the  
15 current fiscal year with local child-serving non-profit organizations and Judicial Circuit Solicitor’s offices for community-based  
16 diversion and intervention services. The department shall give preference to multi-agency and organizational collaborations that  
17 include stakeholders from the Family Court, Department of Education, Public Defenders’ Offices, the Department of Mental Health,  
18 the Department of Social Services, and community based non-profits that utilize best practices.

19  
20 **SECTION 70 - L360 - HUMAN AFFAIRS COMMISSION**

21  
22       **70.1.** (HAC: Human Affairs Forum Carry Forward) All revenue derived from donations and registration fees received for  
23 attendance at Human Affairs Forums shall be retained and carried forward and expended for the purpose of general operations of the  
24 Human Affairs Commission.

25       **70.2.** (HAC: Training Revenue) All revenue derived from fees received from training and technical assistance provided by the  
26 Human Affairs Commission to entities other than state agencies shall be retained, carried forward, and expended for the purpose of  
27 general operations of the Human Affairs Commission.

28       **70.3.** (HAC: Revenue from Copying Fees) All revenue derived from providing requested copies of commission files, final  
29 opinions, orders, and determinations shall be retained, carried forward, and expended for the purpose of general operations of the  
30 Human Affairs Commission.

31  
32 **SECTION 71 - L460 - COMMISSION FOR MINORITY AFFAIRS**

33  
34       **71.1.** (CMA: Private Contributions and Sponsorship) Monies derived from private sources for agency research, forums, training,  
35 and institutes may be retained and expended by the commission for the said purpose. Any remaining balance may be carried forward  
36 and expended for the same purpose.

1       **71.2.** (CMA: Carry Forward Registration Fees) Revenue derived from registration fees received from training and institutes may  
2 be retained and carried forward for the purpose of conducting future training and institutes.

3       **71.3.** (CMA: Carry Forward Grant Awards) Revenues pooled from public and private sources for the purpose of awarding grants  
4 to address problems in the minority community may be retained and carried forward by the commission.

5       **71.4.** (CMA: Carry Forward Bingo Revenues) Bingo revenues received by the commission in the prior fiscal year pursuant to  
6 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  
7 the current fiscal year.

8       **71.5.** (CMA: Retention of Photocopy Fees) Revenue derived from photocopy fees and other fees related to Freedom of  
9 Information Act requests from the general public may be retained and carried forward by the Commission.

10       **71.6.** (CMA: Division of Small and Minority Business Contracting and Certification Transfer) For the current fiscal year, the  
11 Division of Small and Minority Business Contracting and Certification and the funds appropriated to the division pursuant to Part  
12 IA of this Act are transferred to the Commission for Minority Affairs. The division shall continue to perform its duties and  
13 responsibilities as required in Article 21, Chapter 35, Title 11 including, but not limited to, assisting the Department of Revenue in  
14 providing income tax credits for firms with state contracts that subcontract with minority firms pursuant to Section 11-35-5230(B)  
15 of the 1976 Code. In addition, for the current fiscal year the employees, assets, and liabilities of the division are also transferred to  
16 and become part of the Commission for Minority Affairs. All personnel transferred by this provision are to become employees of the  
17 Commission for Minority Affairs with the same compensation, classification, and grade level, as applicable for the duration that this  
18 provision remains in effect. Applicable regulations promulgated by or related to the division are continued and are considered to  
19 be promulgated by the Commission for Minority Affairs. Applicable contracts entered into by or on behalf of the division are  
20 continued and are considered to be devolved upon the Commission for Minority Affairs at the time of the transfer.  
21

## 22       **SECTION 72 - R040 - PUBLIC SERVICE COMMISSION**

23  
24       **72.1.** (PSC: Law Enforcement Officers) The Public Service Commission shall be authorized to hire law enforcement officers  
25 commissioned by the Governor. The commission may remove a law enforcement officer if it finds that the law enforcement officer  
26 is unfit for the position. Each law enforcement officer shall execute a bond with a licensed surety company in the amount of not less  
27 than ten thousand dollars. The bond may be individual, schedule, or blanket, and shall be approved by the Attorney General. The  
28 premiums on the bonds shall be paid by the commission from authorized funds.  
29

## 30       **SECTION 73 - R060 - OFFICE OF REGULATORY STAFF**

31  
32       **73.1.** (ORS: Transportation Fee Refund) The Transportation Department of the Office of Regulatory Staff is hereby authorized  
33 to make refunds of fees which were erroneously collected.

34       **73.2.** (ORS: Assessment Certification) Office of Regulatory Staff shall certify to the Department of Revenue the amounts to be  
35 assessed to cover appropriations in this section as follows: (1) the amount applicable to the assessment on public utility, telephone  
36 utility, radio common carrier and electric utility companies as provided for by Section 58-4-60, Code of Laws of 1976, (2) the amount

1 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  
2 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  
3 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  
4 Section 58-4-60, Code of Laws of 1976. The amount to be assessed against railroad companies shall consist of all expenses related  
5 to the operations of the Railway subprogram of the Agency's Transportation Division, to include the related distribution of salary  
6 increments and employer contributions not reflected in the related subprogram of this act as set forth in Section 58-4-60, Code of  
7 Laws of 1976.

8 **73.3.** (ORS: Assessment Adjustments) If the Office of Regulatory Staff determines that a person or entity subject to Title 58 of  
9 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  
10 Regulatory Staff shall, at its discretion:

- 11 (a) refund the person or entity the amount of over collection using funds from the current fiscal year;
- 12 (b) refund the person or entity the amount of over collection using any unexpended funds from the prior fiscal year;
- 13 (c) credit the amount the person or entity will be assessed in the next fiscal year for the amount of over collection; or
- 14 (d) any combination of these.

15 The Office of Regulatory Staff, when determining the amount to be assessed in the next fiscal year, may take into consideration  
16 any underpayment or overpayment by a person or entity during a given year. Any unexpended funds from revenue generated pursuant  
17 to this section may be retained and carried forward and expended for the same purposes.

18 **73.4.** (ORS: SSEB Annual Dues) The annual dues of the Southern States Energy Board shall be paid from the Radioactive Waste  
19 Operating Fund.

20 **73.5.** (ORS: Energy Efficient Manufactured Homes) The Energy Efficient Manufactured Homes Incentive Program shall be  
21 extended into the current fiscal year and the Office of Regulatory Staff Energy Office shall administer the program, including  
22 incentives for qualifying taxpayers, in the same manner as it was administered in the prior fiscal year.

23 **73.6.** (ORS: Office of Broadband Coordinator) (A) From funds appropriated for this purpose, there is established the Office of  
24 Broadband Coordinator within the Office of Regulatory Staff to serve as the central broadband planning body for the State and to  
25 coordinate with federal, state, regional, local, and private entities, to the extent practicable, to encourage the continued development  
26 of access to broadband in the State.

27 (B) The Office of Broadband Coordinator shall convene a collaborative stakeholder process to identify challenges to expediting  
28 broadband access and shall provide a report to the General Assembly with recommendations for which legislative, regulatory, or  
29 other governmental actions are appropriate to promote broadband access throughout the State.

30 (C) Funds appropriated to the Office of Broadband Coordinator for broadband infrastructure shall be used to continue to fund  
31 the Broadband Infrastructure Program, including the completion of those broadband infrastructure projects that were approved for  
32 funding pursuant to Act 142 of 2020 but not constructed by December of 2020. Expansion of broadband infrastructure shall  
33 emphasize services to rural communities and communities with a lack of access to broadband. The Office of Broadband Coordinator  
34 shall prioritize infrastructure expansion that will make high-speed broadband available to homes, businesses, schools, health care  
35 facilities, and other institutions in unserved areas across South Carolina.

1 (D) The Office of Broadband Coordinator shall serve as a central resource to collect and publish information regarding federal  
2 and state programs to fund broadband expansion, and to the extent practicable, coordinate resources such that both state and federal  
3 resources are efficiently maximized.

4 (E) The Office of Broadband Coordinator may use assistance from state and federal agencies or from private organizations  
5 and industry to accomplish the purposes of this provision. Unexpended funds at the end of the prior fiscal year shall be carried  
6 forward and expended in the current fiscal year by the Office of Regulatory Staff for the same purposes.

7 73.7. (ORS: SC Broadband Map) (A)(1) From funds appropriated, the Office of Broadband Coordinator shall contact the  
8 appropriate entities to provide information necessary to compile the county-by-county broadband mapping plan required by Section  
9 10 of Act 142 of 2020 showing the location and capability of broadband facilities throughout the State. In order to facilitate the  
10 provision of information necessary to this task, all information provided by a broadband service provider or other entity providing  
11 information for the purpose of creating a South Carolina broadband map shall be maintained by the Office of Broadband  
12 Coordinator and any other agency as confidential, proprietary, and a trade secret as defined in Section 30-4-40 of the 1976 Code,  
13 and subject to exemption from disclosure under state and federal law. The information shall not be subject to disclosure under  
14 Chapter 4, Title 30 of the 1976 Code, except in the form of a map where information that could be used to determine provider-specific  
15 information about the network of the broadband service provider or other providing entity is not disclosed.

16 (2) Except as otherwise provided in this provision, such broadband provider-specific information shall not be released to  
17 any person other than to the broadband service provider or other entity providing information, employees of the Office of Broadband  
18 Coordinator, agents designated to assist in developing the South Carolina broadband map, entities contracting with the Office of  
19 Broadband Coordinator, and other state agencies administering funds for broadband deployment without express permission of the  
20 submitting broadband service provider or other entity providing information. Such information shall be used solely for the purposes  
21 stated under this provision. The Office of Broadband Coordinator shall ensure that any such agents, entities, or agencies with whom  
22 the information is shared are aware of the confidential nature and restricted purposes for which the information may be used and  
23 that any such agents or entities that are not state agencies execute an appropriate nondisclosure agreement protecting the  
24 information from public disclosure before receiving the information.

25 (B) Entities providing broadband service or middle-mile infrastructure in South Carolina shall, on an annual basis, provide to  
26 the Office of Broadband Coordinator deployment data in a format specified by the office to provide the most accurate and granular  
27 representation of currently available broadband infrastructure. These same entities, when they serve residential or business  
28 customers, shall also provide the type of technology deployed together with the sustainable download and upload speeds available  
29 at each serviceable location. Entities failing to provide such data on an annual basis may be disqualified from state funding  
30 opportunities for the current fiscal year. Annually, the office shall compile this information, analyze, and update statewide  
31 broadband deployment information.

32 (C) Any unexpended funds at the end of the prior fiscal year shall be carried forward and expended in the current fiscal year by  
33 the Office of Regulatory Staff for the same purposes.

34 73.8. (ORS: Agency Head Salary Commission Purview) The Executive Director of the Office of Regulatory Staff shall be under  
35 the purview of the Agency Head Salary Commission and subject to all provisions related to the agency heads covered by commission.

1     **SECTION 74 - R080 - WORKERS' COMPENSATION COMMISSION**

2

3     **74.1.** (WCC: Educational Seminar Revenue) All revenue earned from educational seminars shall be retained by the agency to  
4 be used for the printing of educational materials and other expenses related to conducting the seminar.

5     **74.2.** (WCC: Retention of Filing Fees) The Workers' Compensation Commission is authorized to retain and expend all revenues  
6 received as a result of a \$50.00 filing fee for each requested hearing, settlement, or motion. If it is determined that the individual is  
7 indigent, this filing fee must be waived.

8

9     **SECTION 75 - R120 - STATE ACCIDENT FUND**

10

11     **75.1.** (SAF: Educational Seminar Revenue) The State Accident Fund is authorized to set and collect fees for educational  
12 seminars. All revenue earned from educational seminars shall be retained by the agency and used for supplies, materials, and other  
13 expenses relating to the seminars.

14     **75.2.** (SAF: Military Disability) (A) From the funds credited to the State Accident Fund in the current fiscal year, there is  
15 established within the State Accident Fund a military disability program that provides a settlement for any such member of the  
16 National Guard that became permanently disabled while serving during the catastrophic weather event in October 2015. The  
17 settlement must be based upon that which persons under similar circumstances in the military service of the United States receive  
18 from the United States. The director may seek assistance in establishing the program from the Adjutant General or any other agency  
19 or entity with such expertise.

20     (B) A National Guard member may only participate in this program if the member permanently waives any right to claim benefits  
21 pursuant to Section 25-1-100 and releases the State from any potential liability pursuant to Section 25-1-100, and further agrees that  
22 any amounts due under this proviso are subject to appropriate offsets to avoid compensation in excess of what the member would  
23 have received from the federal government if permanently disabled while performing federally paid duty. Offsets include benefits  
24 received, or to be received, under Title 42 of the 1976 Code as a result of these injuries (State Workers' Compensation), benefits  
25 received, or to be received, pursuant to Chapter 10 of Title 9 of the 1976 Code (SC National Guard Retirement System), as well as  
26 any benefits received, or to be received, from the federal government such as severance pay, military retirement pay, or VA benefits  
27 relating to the same disabilities at issue in the State military disability claim.

28     (C) From the funds credited and authorized to the State Accident Fund in the current fiscal year, the director of the State Accident  
29 Fund is authorized to offer a onetime lump sum settlement to members of the military disability program, subject to eligibility and  
30 the other requirements set forth in the proviso.

31

32     **SECTION 78 - R200 - DEPARTMENT OF INSURANCE**

33

34     **78.1.** (INS: Examiners Travel/Subsistence Reimbursement) Notwithstanding the limitations in this act as to amounts payable or  
35 reimbursable for lodging, meals, and travel, the Department of Insurance is authorized to reimburse department examiners in  
36 accordance with guidelines established by the National Association of Insurance Commissioners only when the State is reimbursed

1 by an insurance company for the travel and subsistence expenses of Insurance Department examiners pursuant to Section 38-13-10  
2 of the 1976 Code.

3 **78.2.** (INS: Reimbursement Carry Forward) Reimbursements received for Data Processing Services, Revenue, Miscellaneous  
4 Revenue and Sale of Listings and Labels shall be retained for use by the department. These funds may be carried forward in the  
5 current fiscal year.

6 **78.3.** (INS: Fees for Licenses) The Department of Insurance shall be authorized to charge a twenty-five dollar initial producer  
7 license fee; a twenty-five dollar biennial producer license renewal fee; and a two hundred-fifty dollar penalty fee for late appointment  
8 renewals. The director shall specify the time and manner of payment of these fees. These fees shall be retained by the department  
9 for the administration of Title 38.

10  
11 **SECTION 79 - R230 - BOARD OF FINANCIAL INSTITUTIONS**

12  
13 **79.1.** (FI: Supervisory Fees) The Board of Financial Institutions shall fix supervisory fees of banks, savings and loan associations  
14 and credit unions on a scale which, together with fees collected by the Consumer Finance Division will fully cover the total funds  
15 expended under this section.

16  
17 **SECTION 80 - R280 - DEPARTMENT OF CONSUMER AFFAIRS**

18  
19 **80.1.** (CA: Consumer Protection Code Violations Revenue) Funds, paid to the department in resolution of cases involving  
20 violations of the South Carolina Consumer Protection Code and other statutes enforced by the department be retained and expended  
21 within the agency's budget to help offset the costs of investigating, prosecuting, and the administrative costs associated with these  
22 violations, may be carried forward and expended for the same purposes in the current fiscal year.

23 **80.2.** (CA: Expert Witness/Assistance Carry Forward) Unexpended ~~encumbered~~ appropriated funds for the Consumer Advocacy  
24 expert witness/assistance program (under Section 37-6-603) may be carried forward into the ~~next~~ current fiscal year ~~to meet~~  
25 ~~contractual obligations existing at June thirtieth and not paid by July thirty first~~ and expended for the same purpose.

26 **80.3.** (CA: Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention) The Department of Consumer  
27 Affairs may retain all filing fees collected under Chapters 2, 3 and 6, Title 37 of the 1976 Code. These fees shall be used to offset  
28 the cost of administering and enforcing Title 37 and may be applied to the cost of operations. Unexpended balances may be carried  
29 forward for the prior fiscal year into the current fiscal year and be utilized for the same purposes.

30 **80.4.** (CA: Retention of Fees) For the current fiscal year, the department may retain all fees collected pursuant to Sections  
31 39-61-80, 39-61-120, 40-39-120, and 44-79-80 of the 1976 Code. The funds retained shall be utilized to implement the requirements  
32 of the programs mandated by those sections of the code.

1     **SECTION 81 - R360 - DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
2

3     **81.1.** (LLR: Fire Marshal - Authorization to Charge Fees for Training) The Fire Academy may charge participants a fee to cover  
4 the cost of education, training programs, and operations. The revenue generated may be applied to the cost of operations, and any  
5 unexpended balance may be carried forward to the current fiscal year and utilized for the same purposes.

6     **81.2.** (LLR: Real Estate - Special Account) Revenue in the Real Estate Appraisal Registry account shall not be subject to fiscal  
7 year limitations and shall carry forward each fiscal year for the designated purpose.

8     **81.3.** (LLR: POLA - Ten Percent, Other Funds) The Professional and Occupational Offices in Program II.F. Professional and  
9 Occupational Licensing must remit annually an amount equal to ten percent of the expenditures to the general fund. The Contractor's  
10 Licensing Board must remit all revenues above their expenditures to the general fund. The revenue remitted by the Contractor's  
11 Licensing Board to the general fund includes the ten percent.

12     **81.4.** (LLR: Fire Marshal Fallen Firefighters Memorial) The Department of Labor, Licensing and Regulation - Division of the  
13 State Fire Marshal is authorized to accept gifts or grants of services, properties, or monies from individuals or public and private  
14 organizations to honor South Carolina firefighters who have died in the line of duty. All excess monies collected to erect a memorial  
15 are to be placed in a fund for upkeep and maintenance. Any later contributions are to be used for upkeep and maintenance.

16     **81.5.** (LLR: Firefighter Mobilization Project) The department is directed to utilize \$165,000 of the funds derived under Section  
17 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  
18 gross premium receipts less premiums returned on canceled policy contracts and less dividends and returns of unabsorbed premium  
19 deposits of all fire insurance companies doing business in the State to fund the Firefighter Mobilization Project.

20     **81.6.** (LLR: Match for Federal Funds) State appropriations to the Department of Labor, Licensing, and Regulation that are  
21 required to provide match for federal grant programs in the prior fiscal year may be carried forward into the current fiscal year and  
22 expended for the same purpose as originally appropriated.

23     **81.7.** (LLR: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions to the OSHA and  
24 OSHA Voluntary Programs, the Department of Labor, Licensing, and Regulation shall be authorized to spend agency earmarked and  
25 restricted accounts to maintain these critical programs previously funded with general fund appropriations. Any increase in spending  
26 authorization for these purposes must receive the prior approval of the Executive Budget Office.

27     **81.8.** (LLR: Immigration Bill Funding Report) Prior to any funds carried forward from the prior fiscal year in Subfund 3135  
28 being transferred to fund any other purpose, \$250,000 must be retained by the Department of Labor, Licensing, and Regulation to  
29 fund the department's responsibilities under the South Carolina Illegal Immigration Reform Act. The department shall compile an  
30 accountability report outlining expenditures of the Immigration Bill funding to be issued to the President of the Senate, the Chairman  
31 of the Senate Finance Committee, the Chairman of the Senate Finance Natural Resources and Economic Development Subcommittee,  
32 the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, and the Chairman of the  
33 House Ways and Means Transportation and Regulatory Subcommittee. Said report must be issued on the first Tuesday of February  
34 in the current fiscal year.

35     **81.9.** (LLR: Authorized Reimbursement) The Director of the Department of Labor, Licensing, and Regulation cannot authorize  
36 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

1 at any location other than the offices of the department unless there has been a determination that the department is unable to provide  
2 space for the meeting in a state-owned or leased facility in Richland or Lexington County.

3 **81.10.** (LLR: Illegal Immigration Hotline Assistance) Upon the request of the Commission on Minority Affairs, the Department  
4 of Labor, Licensing, and Regulation shall provide assistance to establish and maintain a twenty-four hour toll free telephone number  
5 and electronic website to receive, record, collect, and report allegations of violations of federal immigration laws or related provisions  
6 of South Carolina law by any non-United States citizen or immigrant, and allegations of violations of any federal immigration  
7 laws or related provisions in South Carolina law against any non-United States citizen or immigrant.

8 Such violations shall include, but are not limited to, E-Verify or other federal work authorization program violations, violations of  
9 Chapter 83, Title 40 of the 1976 Code relating to immigration assistance services, or any regulations enacted governing the operation  
10 of immigration assistance services, false or fraudulent statements made or documents filed in relation to an immigration matter, as  
11 defined by Section 40-83-20, violation of human trafficking laws, as defined in Section 16-3-930, landlord tenant law violations, or  
12 violations of any law pertaining to the provision or receipt of public assistance benefits or public services.

13 **81.11.** (LLR: Board of Pharmacy) The Board of Pharmacy must accept affidavits of practical experience from interns whose  
14 practical experience internships occurred in this State. The affidavit must provide that the supervising pharmacist and the site of  
15 experience is licensed and in good standing with the board and that the internship falls within the criteria for internships set by the  
16 board. The affidavit must be accompanied by a ten dollar fee to cover administrative costs associated with compliance with this  
17 proviso.

18 **81.12.** (LLR: Office of State Fire Marshal - Clothing) The Department of Labor, Licensing, and Regulation is authorized to  
19 purchase and issue clothing to the non-administrative staff of the Office of the State Fire Marshal that are field personnel working in  
20 a regulatory aspect and/or certified to be a resident state fire marshal.

21 **81.13.** (LLR: First Responder PTSD Treatment) Of the funds appropriated to the Department of Labor, Licensing and Regulation  
22 - State Fire Marshal's Office for first responder PTSD treatment, the department shall distribute funds to the South Carolina  
23 Firefighter Assistance Support Team (FAST) to reimburse firefighters and emergency medical technicians who incur mental injury  
24 as a result of a critical incident during the scope of employment for actual out-of-pocket expenses not covered through workers  
25 compensation claims and/or other insurance. These funds may also be utilized to provide services through the South Carolina  
26 Firefighter Assistance Support Team. The department shall promulgate any administrative regulations necessary to carry out these  
27 provisions.

28 **81.14.** (LLR: Compensatory Payment) In the event a State of Emergency is declared by the Governor or in the event of a situation  
29 requiring the use of mutual assistance under Section 25-1-450 of the 1976 Code, exempt employees of the Department of Labor,  
30 Licensing and Regulation's Office of State Fire Marshal may be paid for actual hours worked, in lieu of accruing compensatory time,  
31 at the discretion of the agency director, and providing funds are available.



## 1 SECTION 82 - R400 - DEPARTMENT OF MOTOR VEHICLES

2  
3 82.1. (DMV: Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Department of  
4 Motor Vehicles is authorized to expend federal and earmarked funds in the current fiscal year for expenditures incurred in the prior  
5 fiscal year.

6 82.2. (DMV: Cost Recovery Fee/Sale of Photos or Digitized Images) The Department of Motor Vehicles may collect processing  
7 fees and fees to recover the costs of the production, purchase, handling and mailing of documents, publications, records and data  
8 sets. The department may collect and retain fees to defray the cost associated with fulfilling a Freedom of Information Act (FOIA)  
9 request. The amount charged by the Department of Motor Vehicles for any fees collected pursuant to this proviso may not exceed  
10 the rates that the department charged as of February 1, 2001. The Department of Motor Vehicles may not sell, provide or otherwise  
11 furnish to private parties, copies of photographs, whether digitized or not, taken for the purpose of a driver's license or personal  
12 identification card. Photographs and digitized images from a driver's license or personal identification card are not considered public  
13 records. Funds derived from these sources shall be retained by the department.

14 82.3. (DMV: DPPA Compliance Audit) The Department of Motor Vehicles may charge fees to defray the costs associated with  
15 auditing and enforcing compliance of all Federal or State statutes and regulations pertaining to personal information for customers  
16 receiving information disseminated by the department as allowed by law. This provision does not pertain to state agencies. ~~The~~  
17 ~~Comptroller General shall place the funds into a special restricted account to be used by the department.~~

18 82.4. (DMV: Underutilized Offices) The Director of the Department of Motor Vehicles is authorized to develop and implement  
19 a plan to reduce the hours of operation in underutilized DMV field offices; however the legislative delegation of the county in which  
20 the affected field office is located must be notified prior to implementation of the plan. In addition, the director shall review field  
21 offices which have a high volume of traffic to determine whether it would be beneficial to expand the hours of operation.

22 82.5. (DMV: Activities Allowed on Special Restricted Driver's License) In the current fiscal year, employing funds authorized  
23 or appropriated to the Department of Motor Vehicles pursuant to Section 82, Part IA of this act, the department must include  
24 employment, school, church-related or sponsored activities, and parentally approved sports activities in the categories for which it  
25 may waive or modify restrictions in the special restricted driver's license for certain minors. The licensee must provide the  
26 department a statement of the purpose of the waiver or modification of restrictions executed by the parents or legal guardian of the  
27 licensee and documents executed by church representatives and/or representatives of the sports entity for which the waiver is being  
28 requested.

29 82.6. (DMV: Fund Balance Carry Forward) The Department of Motor Vehicles may carry forward any unexpended general  
30 fund balance or other funds not designated for REAL ID and/or Phoenix III from the prior fiscal year and expend those funds in the  
31 current fiscal year for expenditures as needed.

32 82.7. (DMV: Phoenix III Migration Pilot) ~~In Fiscal Year 2020-21, the department shall be authorized to expend the remainder~~  
33 ~~of the \$1,000,000 authorized in the prior fiscal year from any available other earmarked cash balances to conduct a proof of concept~~  
34 ~~pilot for Phoenix III development and data migration. Funds may be expended only upon review and approval of the Department of~~  
35 ~~Administration through the IT project governance process established by Proviso 117.117.~~

1       **82.8.** (DMV: Real ID) For Fiscal Year ~~2020-21~~ 2021-22, the Department of Motor Vehicles may expend any available earmarked  
2 cash reserves, ~~with the exception of the funds designated for the Phoenix III pilot~~, on the implementation of Real ID.

3       **82.9.** (DMV: Electronic Verification Processing Fees) In the current fiscal year, the Department of Motor Vehicles is exempt  
4 from paying fees to the Department of Health and Environmental Control associated with the use of the Electronic Verification of  
5 Vital Events (EVVE) system to verify or certify birth certificates during the driver's license or identification card issuance process.

6       **82.10.** (DMV: ~~Minor~~ Identification Card Fees) In the current fiscal year, the Department of Motor Vehicles may waive the ~~five~~  
7 ~~dollar~~ fee associated with issuing an identification card ~~to someone less than 17 years old~~ if the card issuance is through an  
8 established partnership with a state or federal agency.

9       **82.11.** (DMV: Retention of Traceable Temporary License Plates Revenue) For the current fiscal year, the department shall be  
10 authorized to retain five dollars from the sale of traceable temporary license plates as found in Section 56-3-210 of the 1976 Code.  
11 The funds shall be placed in the department's Plate Replacement Fund and used solely for the purposes of plate production and  
12 reissuance costs.

13       **82.12.** (DMV: Provide Data to DOT) The Department of Motor Vehicles shall provide access, in compliance with all state and  
14 federal privacy protection statues, to the following data and reports without charge to the Department of Transportation: (1) all  
15 collision data and collision reports; (2) registration information used for toll enforcement; and (3) driver records of employees or  
16 prospective employees.

## 17 18 SECTION 83 - R600 - DEPARTMENT OF EMPLOYMENT AND WORKFORCE

19  
20       **83.1.** (DEW: Business Intelligence Division Program Contracts) All earmarked funds collected for the Business Intelligence  
21 Division Program Contracts through the Department of Employment and Workforce may be retained by the agency to be used for  
22 the exclusive purpose of operating these programs. All funds not expended in the prior fiscal year may be carried forward for use in  
23 the current fiscal year.

24       **83.2.** (DEW: Federal and Earmarked Prior Year Payments) The Department of Employment and Workforce shall be allowed to  
25 pay federal and earmarked prior year obligations with current year funds.

26       **83.3.** (DEW: Transparency of Funding Appropriation) In order to promote accountability and transparency, the Department of  
27 Employment and Workforce must provide and release to the public via the agency's website, a report of all aggregate amounts of  
28 taxes, fees and payments that were charged, collected and paid by that state agency in the prior fiscal year. For the purpose of  
29 efficiency and conservation of resources, this report shall be incorporated into the Trust Fund Report due by October first as required  
30 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  
31 not be limited to: (1) SUTA taxes collected per Tier; (2) unemployment benefit claims paid; (3) how many unemployment claims  
32 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  
33 the end of the fiscal year. The report must be posted online by October first of the current fiscal year. Additionally, the report must  
34 be delivered to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by  
35 October first. Funds appropriated to and/or authorized for use by the department shall be used to accomplish this directive.

1       **83.4.** (DEW: Negotiation of Interest) For the current fiscal year and upon final repayment of all Title XII advances from the  
2 Federal Unemployment Account received by the state beginning in December of 2008, any interest assessment funds received by the  
3 Department of Employment and Workforce Interest Assessment Fund pursuant to Section 41-33-810 of the 1976 Code shall be  
4 transferred to the Unemployment Compensation Fund.

5       **83.5.** (DEW: UI Tax System Modernization) The Department of Employment and Workforce is authorized to expend up to  
6 ~~\$2,749,690~~ \$1,158,150 of funds made available to the State under Section 903 of the United States Social Security Act, as amended.  
7 The funds must be used under the direction of the Department of Employment and Workforce, for the purpose of acquiring software,  
8 equipment, and necessary services to replace the agency's unemployment tax information system with a modern technology solution.  
9 No part of the funds herein authorized may be obligated after a two-year period beginning on July 1, ~~2020~~ 2021. The amount  
10 obligated pursuant to this provision shall not at any time exceed the amount by which (a) the aggregate of amounts transferred to the  
11 accounts of the State pursuant to Section 903 of the Social Security Act exceeds (b) the aggregate of the amounts obligated for  
12 administration and paid out for administration and paid out for benefits and required by law to be charged against the amounts  
13 transferred to the account of this State.

14       **83.6.** (DEW: Employment Training Outcomes Data Sharing) The Workforce Innovation and Opportunity Act (WIOA) (P.L.  
15 113-128), requires integration of training and employment data for the purposes of improving assessment of employment outcomes  
16 for the various training providers eligible to receive funding appropriated or authorized by this Act.

17       (A) The department must enter into a data-sharing agreement with eligible training providers (ETPs) prior to the ETP entering  
18 student data into the Palmetto Academic Training Hub (PATH). ETPs will submit data related to the types of training programs  
19 offered, individual student coursework, including personal identifying information (PII) to match training, employment data and  
20 performance outcomes, program completion and time to complete, and program costs, as outlined in federal guidance.

21       (B) State agencies needing data from the Department of Employment and Workforce must meet an exception permitting  
22 disclosure, pursuant to 20 C.F.R. Part 603. Prior to providing data to a state agency, the department must enter into a data sharing  
23 agreement with the requesting agency, as described in 20 C.F.R. Part 603. Requesting state agencies must identify a need in the  
24 administration of the official duties for department data, as required by 20 C.F.R. Part 603. The department shall charge state  
25 agencies, excluding the Department of Commerce, for costs, as described in federal and state law, for the data sharing requests. The  
26 Department of Commerce shall not be charged for costs associated with this provision.

27       **83.7.** (DEW: GED Incentive Program) For Fiscal Year 2021-22, of the funds allocated to the Department of Employment and  
28 Workforce from the Department of Education GED Incentive Program, \$1,500,000 shall be utilized as an incentive for individuals  
29 currently drawing unemployment benefits to obtain their GED or high school diploma. In order to be eligible, the individual must  
30 have an active claim from any of the state or federal unemployment insurance programs and be a South Carolina resident who is at  
31 least nineteen years of age. The individual must certify to the department that they do not currently hold a GED or high school  
32 diploma from any state. They must also enroll in and complete the GED or high school diploma course work prior to June 1, 2022.  
33 The Department of Employment and Workforce shall enter into a data-sharing agreement with the Department of Education to cross  
34 match eligibility to ensure that participants do not currently hold a GED or high school diploma and to confirm that the individual  
35 enrolled in and completed the diploma process to obtain the GED or high school diploma. The Department of Employment and  
36 Workforce shall issue a one-time payment in the amount of \$500 to the individual upon confirmation from the Department of

1 Education that the individual has successfully received the GED or diploma. These incentive payments shall be issued on a first  
2 come first served basis based on completion date, until the funds from this program have been exhausted. Funds allocated for this  
3 incentive program shall not be transferred or utilized for any other purpose. Unexpended funds shall be remitted to the General  
4 Fund at the end of the current fiscal year.  
5

## 6 SECTION 84 - U120 - DEPARTMENT OF TRANSPORTATION

7

8 **84.1.** (DOT: Expenditure Authority Limitation) The Department of Transportation is hereby authorized to expend all cash  
9 balances brought forward from the previous year and all income including all federal funds, unexpended general funds and proceeds  
10 from bond sales accruing to the Department of Transportation, but in no case shall the expenditures of the Department of  
11 Transportation exceed the amount of cash balances brought forward from the preceding year plus the amount of all income including  
12 federal funds, general funds and proceeds from bond sales.

13 **84.2.** (DOT: Special Fund Authorization) The Department of Transportation with the approval of the State Treasurer, is hereby  
14 authorized to set up with the State Treasurer such special funds out of the Department of Transportation funds as may be deemed  
15 advisable for proper accounting purposes.

16 **84.3.** (DOT: Secure Bonds & Insurance) The Department of Transportation is hereby authorized to secure bonds and insurance  
17 covering such activities of the department as may be deemed proper and advisable, due consideration being given to the security  
18 offered and the service of claims.

19 **84.4.** (DOT: Benefits) Employees of the Department of Transportation shall receive equal compensation increases, health  
20 insurance benefits and employee bonuses provided in this act for employees of the State generally. The amount will be funded from  
21 Department of Transportation funding sources.

22 **84.5.** (DOT: Document Fees) The Department of Transportation is hereby authorized to establish an appropriate schedule of  
23 fees to be charged for copies of records, lists, bidder's proposals, plans, maps, etc. based upon approximate actual costs and handling  
24 costs of producing such copies, lists, bidder's proposals, plans, maps, etc.

25 **84.6.** (DOT: Meals in Emergency Operations) The Department of Transportation may provide meals to employees of the  
26 department who are not permitted to leave assigned duty stations and are required to work during deployment, emergency simulation  
27 exercises, and when the Governor declares a state of emergency.

28 **84.7.** (DOT: Rest Area Water Rates) For the current fiscal year, rest areas of the Department of Transportation shall be charged  
29 in-district water rates by providers of water and sewer services, unless the rate currently charged by the provider is less than in-district  
30 rates.

31 **84.8.** (DOT: Shop Road Farmers Market Bypass Carry Forward) Unexpended funds appropriated for the Shop Road Farmers  
32 Market Bypass may be carried forward into the current fiscal year and expended for the matching requirement for the widening and  
33 expansion of Leesburg Road from Fairmont to Wildcat Road (Lower Richland roads-Phase I).

34 **84.9.** (DOT: Project Priority List) From the funds appropriated to the department, the Department of Transportation Commission  
35 project priority lists, as required under Act 114 of 2007, shall be published in a conspicuous place on the department's website in a

1 manner easily accessible to the public. The priority lists shall be accompanied by the associated engineering directives explaining  
2 the ranking process and methodology for applying the commission approved criteria.

3 **84.10.** (DOT: General Fund Balance Carry Forward) The Department of Transportation may carry forward any unexpended  
4 general fund balance from the prior fiscal year and expend those funds in the current fiscal year.

5 **84.11.** (DOT: Reimbursement for Vehicle Damage) Of the funds appropriated to the Department of Transportation, the  
6 department must develop direct internet access from the department's home page to any document or claim form that may be used  
7 by the public to seek reimbursement for vehicle damages caused by poor road conditions. The department must post a link to the  
8 documents or claim forms on the department's home page in a prominent, easily viewed location.

9 **84.12.** (DOT: Preventative Maintenance Credit) The Department of Transportation is authorized to transfer a portion of proceeds  
10 of the motor fuel user fee received from Section 12-28-310(D) to the Department of Revenue in order to satisfy the requirements of  
11 the preventive maintenance credit in Section 12-6-3780(B)(2).

12 **84.13.** (DOT: Emergency Meetings) The Department of Transportation Commission is authorized to use funds under this Act in  
13 order to convene a meeting in cases of emergency as determined by the Secretary of Transportation when a natural disaster or other  
14 dire situation requires immediate action. Notice shall be given to the press and the public as soon as a decision is made to convene  
15 an emergency meeting. Only emergency matters may be considered in such a meeting. The meeting shall be open to the public, and  
16 may be conducted over a conference call if necessary.

17 **84.14.** (DOT: CTC Donor Bonus) The Department of Transportation is authorized, in order to meet the requirements of Act 40  
18 of 2017, to transfer a portion of the proceeds of the motor fuel user fee received from Section 12-28-310(D) of the 1976 Code to  
19 satisfy the donor bonus for County Transportation Committees in Section 12-28-2740(H).

20 **84.15.** *(DOT: Compensatory Payment) In the event a State of Emergency is declared by the Governor or in the event of a situation*  
21 *requiring the use of the Secretary of Transportation's authorities under Section 57-5-1620 of the 1976 Code, exempt employees of*  
22 *the Department of Transportation may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of*  
23 *the Secretary of Transportation, and providing funds are available.*

24 **84.16.** *(DOT: Non-Federal Aid Highway Fund) Funds deposited in the Non-Federal Aid Highway Fund established in Act 176*  
25 *of 2005 may be used for repairs, maintenance, and improvements to the existing transportation system.*

## 26 SECTION 85 - U150 - INFRASTRUCTURE BANK BOARD

27  
28  
29 **85.1.** (IBB: Board Meeting Coverage) Of the funds authorized for the State Transportation Infrastructure Bank Board, the Bank  
30 must provide live-streamed coverage of all Board meetings to ensure transparency and access for the public. The board meetings  
31 shall be recorded and archived and made available on the South Carolina Transportation Infrastructure Bank's website.  
32

1     **SECTION 86 - U200 - COUNTY TRANSPORTATION FUNDS**  
2

3     **86.1.** (CTC: Increased Funding) The requirement of Section 13 of Act 40 of 2017 for increased funding to the County  
4 Transportation Committees shall come from the proceeds of Section 12-28-310(D), and shall be used exclusively for repairs,  
5 maintenance, and improvements to the state highway system.  
6

7     **SECTION 87 - U300 - DIVISION OF AERONAUTICS**  
8

9     **87.1.** (AERO: Reimbursement for Services Carry Forward) The Division of Aeronautics may retain and expend reimbursements  
10 derived from charges to other government agencies for service and supplies for operating purposes and that a reserve not to exceed  
11 \$300,000 may be carried forward to the current fiscal year for the replacement of time limit aircraft components.

12     **87.2.** (AERO: Office Space Rental) Revenue received from rental of Division of Aeronautics office space may be retained and  
13 expended to cover the cost of building operations.

14     **87.3.** (AERO: Funding Sequence) All General Aviation Airports will receive funding prior to the ~~four~~ *six* air carrier airports  
15 (i.e. Columbia, Charleston, *Florence, Hilton Head Island*, Greenville-Spartanburg, *and* Myrtle Beach ~~Jetport~~ *International*) as these  
16 qualify for special funding under the DOT/FAA appropriations based on enplanements in South Carolina.

17     **87.4.** (AERO: Hangar/Parking Facilities) The Division of Aeronautics will provide hangar/parking facilities for government  
18 owned and/or operated aircraft on a first come basis. Funds shall be retained by the division for the purpose of hangar and parking  
19 facility maintenance. The Hangar Fee Schedule shall be determined by the division and shall not exceed local average market rates.  
20 Personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.

21     **87.5.** (AERO: Aviation Grants) The funds appropriated for Aviation Grants, in this bill or any bill supplemental thereto, shall  
22 be credited to the State Aviation Fund within the Division of Aeronautics for the following purposes:

23         (1) to allow the maximization of grant funds available through the Federal Aviation Administration for capital improvement  
24 projects;

25         (2) for maintenance projects of general aviation airports; and or

26         (3) for aviation education related programs including, but not limited to, educating young people about careers in the aviation  
27 industry and/or the promotion of aviation in general.

28     Sponsors of publicly owned airports for public use are eligible to receive grants pursuant to this provision, but the airport must  
29 have a current development plan that meets the planning requirements of the National Plan of Integrated Airports Systems.

30     The Aeronautics Commission shall promulgate regulations establishing the grants program that, at a minimum, address: (1)  
31 priorities among improvements qualifying for grants; (2) an airport selection process to ensure an equitable distribution of funds  
32 among eligible airports; and (3) the criteria for distribution of funds among eligible airports.

33     Enabling airport sponsors to meet basic Federal Aviation Administration safety guidelines for obstruction clearance must be a  
34 major factor in the priority guidelines established by the Aeronautics Commission pursuant to this provision. The Commission also  
35 shall have discretion consistent with Section 55-5-170 of the 1976 Code to establish a program to grant Aviation Fund dollars for

1 these purposes at the ratio of eighty percent from the fund to twenty percent from the local airport sponsor, or any ratio with a smaller  
2 relative contribution from the fund.

3 A report on the expenditure of these funds shall be submitted to the Senate Finance Committee and the House Ways and Means  
4 Committee.

5 Unspent funds from the prior fiscal year may be carried forward to the current fiscal year and spent for like purposes.  
6

## 7 SECTION 88 - Y140 - STATE PORTS AUTHORITY

8

9 **88.1.** (SPA: Charleston Cooper River Bridge Project) The State Ports Authority shall, from other general fund or operating fund  
10 surplus available and any funds appropriated to the authority in prior fiscal years and left unexpended as of July 1, ~~2019~~ 2021, pay  
11 to the State Transportation Infrastructure Bank one million dollars before June 30, ~~2021~~ 2022, to continue the Charleston Cooper  
12 River Bridge Project.

13 **88.2.** (SPA: Georgetown Port Marketing) The State Ports Authority will continue its cargo diversification strategy which  
14 enhances the marketing of all terminal capabilities in Charleston and Georgetown highlighting cruise, breakbulk, bulk, and roll  
15 on/roll-off.

16 **88.3.** (SPA: Harbor Deepening Reserve Fund) The State Ports Authority shall maintain the Harbor Deepening Reserve Fund.  
17 This fund shall be separate and distinct from the General Fund and interest accrued by the fund must remain in the fund. This fund  
18 must be used exclusively by the South Carolina Ports Authority for the activities associated with deepening the state's harbors. Prior  
19 to expending any amount from the fund, the State Ports Authority must present a comprehensive plan for the use of the fund for  
20 harbor deepening to the Joint Bond Review Committee for review and comment. These funds shall be carried forward from the prior  
21 fiscal year into the current fiscal year and must be used for the same purpose.

22 **88.4.** (SPA: Georgetown Port Maintenance Dredging Fund) The State Ports Authority shall maintain the Georgetown Port  
23 Maintenance Dredging Fund and any funds appropriated in this act for this purpose shall be deposited into this account. This fund  
24 shall be separate and distinct from the General Fund and the Harbor Deepening Reserve Fund and interest accrued by the fund must  
25 remain in the fund. This fund must be used exclusively by the South Carolina Ports Authority for the activities associated with the  
26 maintenance dredging of the Port of Georgetown. Prior to expending any amount from the fund, the State Ports Authority must  
27 present a comprehensive plan for the use of the fund for maintenance dredging to the Joint Bond Review Committee for review and  
28 comment. These funds shall be carried forward from the prior fiscal year into the current fiscal year and must be used for the same  
29 purpose.

30 **88.5.** (SPA: Jasper Ocean Terminal Permitting) ~~From funds specifically appropriated to the State Ports Authority (SPA) for the~~  
31 ~~Jasper Ocean Terminal, not more than \$5,000,000 shall be spent on the purchase of real property as may be available for purchase~~  
32 ~~through that certain Option Agreement by and between Sherwood Plantation, Inc., and Southern Carolina Regional Development~~  
33 ~~Alliance (SCRDA) dated September 20, 2017, as may be amended, so long as SCRDA secures the right to and assigns said Option~~  
34 ~~Agreement to the SPA no later than September 30, 2019. In no event and under no circumstance shall the cost, expense, purchase~~  
35 ~~price, payments, fees, or any associated charges for the acquisition of such property cause the SPA to expend more than the~~

1 \$5,000,000 appropriated for this purpose. It is understood that this limitation shall result in less than the full acreage currently under  
2 option being purchased by the SPA.

3 Should the Option Agreement be exercised by the SPA, then SPA shall take title and include in the deed language providing that  
4 such property purchased pursuant to the Option Agreement shall be transferred to Jasper County by operation of law in the event that  
5 upon the fifth anniversary of the closing on such property the property has not been sold, leased, or otherwise utilized for an economic  
6 development project that will utilize port facilities. The intent of such condition is to develop the property in a manner that highlights  
7 the necessity of the Jasper Ocean Terminal.

8 Any funds appropriated to the (SPA) for the Jasper Ocean Terminal remaining after the exercise of and purchase of real property  
9 pursuant to the Option Agreement or in the event the SCRDA does not assign the Option Agreement by September 30, 2019, shall  
10 be utilized by the SPA to pay for activities approved and directed by the joint venture governing board and associated with advancing  
11 the Project during FY 2019-20. In connection with activities that are approved and directed by the joint venture, SPA shall comply  
12 with the directive of Section 54-3-115 of the South Carolina Code in regard to taking "all action necessary to expeditiously develop  
13 a port in Jasper County." Activities undertaken during FY 2019-20 may include, but are not limited to, the following:

- 14 1. working on a corporate governance model for the joint venture as an operating port;
- 15 2. working on terminal simulation for design and operation;
- 16 3. working on plans, studies, and modeling in conjunction with the respective South Carolina and Georgia Departments of  
17 Transportation and the metropolitan planning organization to identify and assess supporting road and rail infrastructure for the  
18 terminal footprint including, but not limited to, supporting infrastructure that may have independent utility;
- 19 4. working on sedimentation modeling for impacts on construction and dredging;
- 20 5. taking actions in furtherance of obtaining: (a) a Department of the Army permit pursuant to Section 10 of the Rivers and  
21 Harbors Act; (b) a permit pursuant to Section 404 of the Clean Water Act, to prepare a Channel Modification Feasibility Study; and  
22 (c) studies necessary in connection with developing an Environmental Impact Statement for the Project; and
- 23 6. discharging its obligations pursuant to its Joint Venture Agreement with the Georgia Ports Authority.

24 The funds appropriated to SPA for the Jasper Ocean Terminal Permitting may not be used for reimbursement of SPA expenditures  
25 made in a prior fiscal year and must be used only for one or more of the purposes set forth above.

26 SPA shall provide a detailed report in writing to the members of the South Carolina General Assembly on or before the first day  
27 of the 2020 legislative session and another such report on or before June 30, 2020, describing the progress made as of the dates of  
28 those reports in regard to the Jasper Ocean Terminal, such to include a description of the ongoing and planned work.

29 **88.6.** (SPA: Jasper Ocean Terminal Port Facility Infrastructure Fund) There is created within the State Ports Authority the Jasper  
30 Ocean Terminal Port Facility Infrastructure Fund. The State Ports Authority shall maintain the Jasper Ocean Terminal Port Facility  
31 Infrastructure Fund and any funds appropriated in this act for this purpose shall be deposited into this account. This fund shall be  
32 separate and distinct from the General Fund and interest accrued by the fund must remain in the fund. This fund must be used  
33 exclusively by the State Ports Authority for activities associated with the development of the Jasper Ocean Terminal Port facility and  
34 infrastructure necessary to support the facility. These funds shall be carried forward from the prior fiscal year into the current fiscal  
35 year and must be used for the same purpose.



1       **88.7.** *(SPA: Jasper Ocean Terminal) There is created within the State Ports Authority the Jasper Ocean Terminal Port Facility*  
2 *Infrastructure Fund. The State Ports Authority shall maintain the Jasper Ocean Terminal Port Facility Infrastructure Fund and any*  
3 *funds appropriated in this act for this purpose shall be deposited into this account. This fund shall be separate and distinct from the*  
4 *General Fund and interest accrued by the fund must remain in the fund. This fund must be used exclusively by the State Ports*  
5 *Authority for capital infrastructure expenditures supporting the development of the Jasper Ocean Terminal Port facility, including,*  
6 *but not limited to, roads, utilities, dredge disposal areas, and acquisition of property and property rights (such as easements, rights-*  
7 *of-way, and licenses). Absent written consent from the Governor, the Chairman of the Senate Finance Committee, and the Chairman*  
8 *of the House Ways and Means Committee, the State Ports Authority may not expend or commit an amount from this Infrastructure*  
9 *Fund that exceeds the amount of appropriated or designated funds by the State of Georgia, Georgia Ports Authority, or similarly*  
10 *situated governmental obligation from the State of Georgia committed to the infrastructure development of the Jasper Ocean*  
11 *Terminal Port facility and supporting infrastructure. These funds shall be carried forward from the prior fiscal year into the current*  
12 *fiscal year and must be used for the same purpose.*

#### 13 14 SECTION 91 - A990 - LEGISLATIVE DEPARTMENT

15  
16       **91.1.** (LEG: Legislative Employee Designations) The positions included in this section designated (P) shall denote a permanent  
17 employee and the salary is an annual rate. The positions designated (T) shall denote a temporary employee and the salary is for a  
18 period of six months to be paid at that rate only while the General Assembly is in session. The positions designated as (Interim) shall  
19 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  
20 session. The positions designated (PTT) shall denote part-time temporary employees on a twelve-months basis. The positions  
21 designated (PPT) shall denote permanent part-time employees retained for full-time work for a period of months or the duration of  
22 the legislative session.

23       **91.2.** (LEG: Legislative Employee BPI/Merit) Legislative employees designated (P) or (PPT) shall receive base pay and average  
24 merit pay in the same manner as such pay is granted to classified state employees, but for purposes of this paragraph, the term  
25 “legislative employees” does not include employees of the House of Representatives. From the funds appropriated for Employee  
26 Pay Increases, the Speaker of the House and the President of the Senate shall determine the amount necessary for compensation of  
27 the employees of the House and Senate.

28       **91.3.** (LEG: Interim Expenses Allowance) The Chairman of the Standing House and Senate Committees shall each be allowed  
29 the sum of six hundred and fifty dollars for expenses during the interim, between sessions of the General Assembly, to be paid from  
30 the House or Senate approved accounts, with each body paying the expense allowance of the chairman in its membership. The  
31 Speaker of the House is authorized to approve not more than six hundred and fifty dollars for expenses during the interim for  
32 Chairmen of the Standing Committees of the House.

33       **91.4.** (LEG: Subsistence/Travel Regulations) (A) Members of the General Assembly shall receive subsistence for each  
34 legislative day that the respective body is in session and in any other instance in which a member is allowed subsistence expense.  
35 No member of the General Assembly except those present are eligible for subsistence on that day. Legislative day is defined as those

1 days commencing on the regular annual convening day of the General Assembly and continuing through the day of adjournment sine  
2 die, excluding Friday, Saturday, Sunday, and Monday.

3 (B) Standing Committees of the Senate and House of Representatives are authorized to continue work during the interim;  
4 however, House members must receive advanced approval by the Speaker of the House and Senate members must receive advanced  
5 approval by the President of the Senate or Standing Committee Chairman to meet. If such advanced approval is not received, the  
6 members of the General Assembly shall not be paid the per diem authorized in this provision. When certified by the Speaker of the  
7 House, President of the Senate, or Standing Committee Chairman, the members serving on such committees shall receive a  
8 subsistence and mileage at the rate provided for by law, and the regular per diem established in this act for members of boards,  
9 commissions, and committees while attending scheduled meetings. Members may elect to receive actual expenses incurred for  
10 lodging and meals in lieu of the allowable subsistence expense. The funds for allowances specified in this proviso shall be paid to  
11 the members of the Senate or House of Representatives from the Approved Accounts of the respective body except as otherwise may  
12 be provided.

13 (C) Joint Study Committees created pursuant to Acts and Resolutions of the General Assembly are authorized to continue work  
14 during the interim to secure such information and complete such investigations as may be assigned to the respective committees;  
15 however, House members must receive advanced approval by the Speaker of the House and Senate members must receive advanced  
16 approval by the President of the Senate or Standing Committee Chairman to meet. If such advanced approval is not received, the  
17 House and Senate members of the Joint Study Committee shall not be paid the per diem authorized in this provision. When certified  
18 by the appropriate authority, the members appointed to such committees shall receive a subsistence and mileage at the rate provided  
19 for by law, and the regular per diem established in this act for members of boards, commissions, and committees while attending  
20 scheduled meetings. Members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable  
21 subsistence expense. The allowances specified in this proviso shall be paid from funds appropriated to the respective committees  
22 for such purposes, or from Approved Accounts of the respective body of the General Assembly if no funds have been appropriated  
23 to such a committee for these purposes.

24 (D) Members of the Senate and the House of Representatives when traveling on official State business shall be allowed a  
25 subsistence and transportation expenses as provided for by law, and the regular per diem established in this act for members of  
26 boards, commissions, and committees upon approval of the appropriate chairman. When traveling on official business of the Senate  
27 or the House of Representatives not directly associated with a committee of the General Assembly, members shall be paid the same  
28 allowance upon approval of the President of the Senate or the Speaker of the House of Representatives. In either instance, the  
29 members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The funds  
30 for the allowances specified in this proviso shall be paid from the Approved Accounts of the Senate or the House of Representatives  
31 or from the appropriate account of the agency, board, commission, task force or committee upon which the member serves.

32 (E) Members of the House of Representatives shall not be reimbursed for per diem, subsistence, or travel in connection with any  
33 function held outside of the regular session of the General Assembly unless prior approval has been received from the Speaker of the  
34 House.

35 (F) Notwithstanding any other provision of law, subsistence and mileage reimbursement for members of the General Assembly  
36 shall be the level authorized by the Internal Revenue Service for the Columbia area. Provided, in calculating the subsistence

1 reimbursement for members of the General Assembly the reimbursement rate for the lodging component shall be the average daily  
2 rate for hotels in the Columbia Downtown area as defined by the Columbia Metro Convention and Visitor's Bureau for the preceding  
3 fiscal year.

4 **91.5.** (LEG: Senate Voucher Approval) All payroll vouchers, disbursement vouchers, and interdepartmental transfers of the  
5 Senate shall only require the approval of the Clerk of the Senate.

6 **91.6.** (LEG: Supplies Approval) All supplies for the Senate shall be purchased only upon the authority of the Clerk of the Senate  
7 and all supplies for the House of Representatives shall be purchased only upon the authority of the Clerk of the House.

8 **91.7.** (LEG: House Pages) Up to one hundred forty-four Pages may be appointed pursuant to House policies and procedures and  
9 they shall be available for any necessary service to the House of Representatives.

10 **91.8.** (LEG: Senate Research Personnel Compensation) Senate Research personnel other than Directors of Research and the  
11 committee research staff shall be paid from funds appropriated for Senate Research at the direction of the Clerk of the Senate.

12 **91.9.** (LEG: Contract for Services) The Standing Committees of the Senate may, upon approval of the President of the Senate,  
13 contract with state agencies and other entities for such projects, programs, and services as may be necessary to the work of the  
14 respective committees. Any such projects, programs, or services shall be paid from funds appropriated for contractual services.

15 **91.10.** (LEG: Jt. Leg. Committee Operational Authorization) Only the Joint Legislative Committees for which funding is provided  
16 herein are authorized to continue operating during the current fiscal year under the same laws, resolutions, rules or regulations which  
17 provided for their operations during the prior fiscal year.

18 **91.11.** (LEG: Legislative Carry Forward) In addition to the funds appropriated in this section, the funds appropriated under Part  
19 IA, Sections 91A, 91B, 91C, 91D, and 91E for the prior fiscal year which are not expended during that fiscal year may be carried  
20 forward to be expended for the same purposes in the current fiscal year.

21 **91.12.** (LEG: Senate Expenditures/O&M Committee) Notwithstanding any limitation or other provisions of law to the contrary,  
22 funds expended by the Senate for salary adjustments, professional fees and dues, and necessary expenses, supplies, and equipment  
23 for Senate employees, must be paid from funds appropriated to the Senate Operations and Management Committee and funds  
24 available in approved accounts of the Senate, and shall be authorized and allocated in such manner as determined by the Senate  
25 Operations and Management Committee. From the funds annually allocated to each Senator and Representative for postage and  
26 telephone, \$250 may be used to purchase American and State flags.

27 **91.13.** (LEG: In-District Compensation) All members of the General Assembly shall receive an in-district compensation of \$1,000  
28 per month.

29 **91.14.** (LEG: Additional House Support Personnel) The House Operations and Management Committee shall determine  
30 procedures and policies for the administration and operation of the Legislative Aide program and the House Operations and  
31 Management Committee shall manage the program. Appropriations to the House of Representatives in Part IA shall fund the  
32 program.

33 **91.15.** (LEG: House Postage) The Speaker of the House is authorized to approve no more than \$1,200 per member per fiscal year  
34 for postage.

35 **91.16.** (LEG: Legislative Dual Employment) Each committee and joint legislative committee provide a list to the members of the  
36 General Assembly of all employees who hold dual positions of state employment.

1       **91.17.** (LEG: Code of Law Reimbursement) The Legislative Council may require reimbursement from public sector recipients  
2 except for the General Assembly of its cost of acquiring codes of law, supplements, or replacement volumes distributed to them.

3       **91.18.** (LEG: Statewide Acts Availability) From the funds appropriated in Part IA, Section 91D of this act, for the current fiscal  
4 year the clerks of the House of Representatives and the Senate are to make all statewide Acts available to the public electronically.  
5 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  
6 in Sections 2-13-190, 2-13-210, and 11-25-640 through 11-25-680 of the 1976 Code.

7       **91.19.** (LEG: LAC Matching Federal Funds) The Legislative Audit Council is authorized to use funds appropriated in this act as  
8 state matching funds for federal funds available for audits and reviews. The council is also authorized to charge state agencies for  
9 federal funds, if available, for the costs associated with audits and reviews. Agencies shall remit the federal funds to the Legislative  
10 Audit Council as reimbursement for the costs of audits and reviews.

11       **91.20.** (LEG: Other Funds Oversight Committee) ~~There is created a joint committee of the Senate and of the House of~~  
12 ~~Representatives entitled the Other Funds Oversight Committee. The committee shall consist of eight members as follows: the~~  
13 ~~Chairman of the Senate Finance Committee, or his designee; one member of the Senate Finance Committee appointed by the~~  
14 ~~Chairman of the Senate Finance Committee; the Chairman of the House of Representatives Ways and Means Committee, or his~~  
15 ~~designee; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means~~  
16 ~~Committee; the Senate Majority Leader, or his designee; the Senate Minority Leader, or his designee; the House Majority Leader, or~~  
17 ~~his designee; and the House Minority Leader, or his designee.~~

18       ~~The committee shall review and examine the source of other funds in this State and recommend to the General Assembly the~~  
19 ~~appropriate policy for the receipt, appropriation, expenditure, and reporting of other funds. In making its determination, the~~  
20 ~~committee shall solicit and receive testimony from state agencies, departments, boards or commissions regarding the status of the~~  
21 ~~receipt of other funds, the conditions of receipt, the expenditure of other funds, and any relevant statistic or measurement. The~~  
22 ~~committee shall make recommendations to the General Assembly regarding any necessary action.~~

23       ~~The Executive Budget Office must notify the committee of any request for an increase in interim budget authorization resulting~~  
24 ~~from other funds collections that is made by any state agency, department, board, or commission. The committee shall review each~~  
25 ~~request and recommend appropriate action.~~

26       ~~Members of the committee shall serve without compensation, but are allowed the usual per diem and mileage as provided by law~~  
27 ~~for members of boards, commissions, and committees while on official business.~~

28       ~~For purposes of the proviso, 'other funds' means any revenues received by an agency which are not federal funds and are not~~  
29 ~~general funds appropriated by the General Assembly in the appropriations act.~~

30       **91.21.** (LEG: DMV Audit Review) For the current fiscal year, the provisions of Section 56-1-5(F) are suspended. Any savings  
31 generated by not conducting the review shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.

32       **91.22.** (LEG: Electronic Correspondence) For the current fiscal year, the House of Representatives may not expend any funds for  
33 the printing or mailing of bills, summaries, committee agendas, etc. to committee members. The House of Representatives shall  
34 send all relevant information concerning committee meetings to committee members via electronic means.

35       **91.23.** (LEG: Technology Panel) Of the funds appropriated in the Department of Education's program VIII.D. for Technology  
36 the K-12 Technology Initiative partnership shall provide a report to the House Education and Public Works Committee, the House

1 Ways and Means Committee, the Senate Education Committee and the Senate Finance Committee, describing the state's efforts to  
2 facilitate the cost effective provision of connectivity and internet bandwidth to schools and libraries on a statewide basis, regardless  
3 of location, activities to assist schools and libraries in minimizing and detecting internet security threats, the development and  
4 utilization of technological and online resources to support student development and achievement, the development and utilization  
5 of curriculum and professional training to support the use of instructional technology in schools and libraries, and other educational  
6 technology related activities engaged in by the partnership. Further, the report must detail information on the expenditure of the  
7 K-12 Technology funds by each district as well as a list of the districts requesting flexibility in the use of those funds. The report  
8 shall be submitted no later than June 1, ~~2021~~ first of the current fiscal year.

9 **91.24.** (LEG: Legislative Department Applicability) For purposes of this act and any other provision of law that would have any  
10 effect on the expenditure of state revenue through the applicability of the particular provision or through compliance with a mandate  
11 or requirement of the provision, the terms "state agency" or "agency" do not include any component of the Legislative Department  
12 unless the provision of law specifically includes these entities and the inclusion only applies for purposes of the particular provision.

13 **91.25.** (LEG: Requested Information) The departments, bureaus, officers, commissions, institutions, and other agencies or  
14 undertakings of the State, upon request, shall immediately furnish to President of the Senate or the Speaker of the House of  
15 Representatives in such form as he may require, any information requested in relation to their respective affairs or activities.

16 **91.26.** (LEG: Lawsuit Intervention by Legislature) The President of the Senate, on behalf of the Senate, and the Speaker of the  
17 House of Representatives, on behalf of the House of Representatives have an unconditional right to intervene on behalf of their  
18 respective bodies in a state court action and may provide evidence or argument, written or oral, if a party to that court action  
19 challenges:

- 20 (a) the constitutionality of a state statute;  
21 (b) the validity of legislation; or  
22 (c) any action of the Legislature.

23 In a federal court action that challenges the constitutionality of a state statute, the validity of legislation, or any action of the  
24 Legislature, the Legislature may seek to intervene, to file an amicus brief, or to present argument in accordance with federal rules of  
25 procedure.

26 Intervention by the Legislature pursuant to this provision does not limit the duty of the Attorney General to appear and prosecute  
27 legal actions or defend state agencies, officers or employees as otherwise provided.

28 In any action in which the Legislature intervenes or participates, the Senate and the House of Representatives shall function  
29 independently from each other in the representation of their respective clients.

30 The Attorney General shall notify the President of the Senate and the Speaker of the House of Representatives of a claim that  
31 challenges the constitutionality of a state statute, the validity of legislation, or any action of the Legislature.

32  
33 **SECTION 92 - D210 - OFFICE OF GOVERNOR**  
34

35 **92.1.** (GOV: Governor's Office Budget) All other provisions of law notwithstanding, the Executive Control of State section and  
36 Mansion and Grounds section shall be treated as a single budget section for the purpose of transfers and budget reconciliation.

1       **92.2.** (GOV: Mansion and Grounds Budget) The Governor's Office of Mansion and Grounds shall not exceed ten percent of its  
2 quarterly allocation of funds so as to provide for agency operations on a uniform basis throughout the fiscal year.

3       **92.3.** (GOV: Mansion and Grounds Maintenance and Complex Facilities) Revenue collected from rental of Mansion Complex  
4 facilities and grounds must be retained and expended by the Governor's Office, Mansion and Grounds to support its operations.  
5 Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.

6       **92.4.** (GOV: Use of Funds Report) In order to ensure transparency and accountability, the Governor's Office of Executive  
7 Control of State shall report quarterly to the Senate Finance Committee and House Ways and Means Committee on financial  
8 transactions that have taken place between Executive Control of State and Mansion and Grounds. These transactions shall include,  
9 but are not limited to, any transfer of funds or payments or reimbursements for services rendered. For each transfer, payment, or  
10 reimbursement the report must specify the amount, the reason for, or circumstance that necessitated the transaction, and the source  
11 of funds used. In the event federal or other funds were utilized, the source from which the revenue was generated must also be  
12 included. The report must be submitted as soon after the end of each quarter as practicable.

13  
14 **SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION**

15  
16       **93.1.** (DOA: Developmental Disabilities Council) Of the funds appropriated to the Department of Administration, Office of  
17 Executive Policy and Programs, \$50,000 must be used as state match for the Developmental Disabilities Council federal grant. These  
18 funds shall be excluded from the Department of Administration's base budget calculation of any across-the-board agency base  
19 reductions mandated by the Executive Budget Office or General Assembly.

20       **93.2.** (DOA: ~~State House Operation & Maintenance Account~~ *Capital Complex & Mansion*) Funds appropriated to the  
21 Department of Administration - for ~~State House Maintenance & Operations & Renovations~~ *Capital Complex & Mansion* must be set  
22 aside in a separate account for the operation and maintenance of the ~~State House~~ *Capital Complex & Mansion*. The department shall  
23 report annually to the State House Committee on the amount expended from this fund for the operation and maintenance of the State  
24 House.

25       **93.3.** (DOA: Compensation - Reporting of Supplemental Salaries) No supplement shall be paid to an agency's employee unless  
26 the agency head or designated official of the employing agency, or in the case of supplements paid to college and university  
27 presidents, their board of trustees, has approved the conditions and amount of salary supplement. Any compensation, excluding  
28 travel reimbursement, from an affiliated public charity, foundation, clinical faculty practice plan, or other public source or any  
29 supplement from a private source to the salary appropriated for a state employee and fixed by the State must be reported by the  
30 employing agency to the Department of Administration. The report must include the employee's base salary, amount of the  
31 supplement, source of the supplement, and any condition of the supplement. The employing agency must report this information on  
32 or before August thirty-first of each year and must include the total amount and source of the salary supplement received by the  
33 employee during the preceding fiscal year (July first through June thirtieth). The Department of Administration shall formulate  
34 policies and procedures to ensure compliance with the reporting provisions of this proviso. Copies of the reports shall be made  
35 available to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, upon  
36 request.

1       **93.4.** (DOA: Compensation Increase - Appropriated Funds Ratio) Appropriated funds may be used for compensation increases  
2 for classified and unclassified employees and agency heads only in the same ratio that the employee's base salary is paid from  
3 appropriated sources.

4       **93.5.** (DOA: Local Provider Health Insurance) The local health care providers of the Department of Disabilities and Special  
5 Needs shall be awarded funding increases as prescribed for state agencies to cover the employer's share for the cost of providing  
6 health and dental insurance to their employees.

7       **93.6.** (DOA: Military Service) Notwithstanding the provisions of Section 8-11-610 of the 1976 Code, a permanent full-time  
8 state employee who serves on active duty as a result of an emergency or conflict declared by the President of the United States, and  
9 performs such duty, may use up to forty-five days of accumulated annual leave and may use up to ninety days of accumulated sick  
10 leave in a calendar year as if it were annual leave.

11       **93.7.** (DOA: First Responder Interoperability) The Department of Administration is directed to administer and coordinate First  
12 Responder Interoperability operations for the statewide Palmetto 800 radio system to better coordinate public safety disaster  
13 responses and communications. First Responder Interoperability administration and coordination shall be funded as provided in this  
14 act. The cost-proportional funds shall be utilized for radio user fees of state agencies and public safety first responders (Fire, EMS  
15 and Law Enforcement) that participate in the statewide Palmetto 800 radio system (Palmetto 800 participants). The Department of  
16 Administration, in consultation with the State Law Enforcement Division, the Department of Public Safety, and the State Emergency  
17 Management Division, and a representative of the South Carolina Sheriff's Association, shall set a baseline number of radios used  
18 by each Palmetto 800 participant based on the technical aspects of the Palmetto 800 radio system and the jurisdictional requirements  
19 of the participant. If a Palmetto 800 participant reduces the baseline number of radios in use, the amount of funds allocated for the  
20 participant's radio user fees shall be reduced in a proportional amount. The funds shall also be utilized to provide private county and  
21 city radio systems with grant funds to be used for purchases of equipment that support interoperability with the statewide Palmetto  
22 800 radio system and its users. Grant funds shall be allocated to private county and city radio systems based on the criteria used for  
23 Palmetto 800 Participants and in amounts proportional to the amounts allocated to support the per-site radio user fees of Palmetto  
24 800 participants. A matching share is required by a Palmetto 800 participant or by a private county or city radio system in order to  
25 qualify for receipt of funds pursuant to this proviso. Each fiscal year the Department of Administration shall establish the level of  
26 match required based upon funding provided by this act. These entities shall be required to furnish such documentation as may be  
27 required by the department to verify that the matching funds requirement is met. Upon funding state agency and public safety first  
28 responder user fees and private county and city equipment purchases, any remaining funds may be used to enhance and expand the  
29 statewide Palmetto 800 radio system. All funds shall be held in a separate account established by the department for the purposes  
30 set forth herein. Any unexpended portion of these funds may be carried forward and used for the same purpose. In the calculation  
31 of any across-the-board budget reduction mandated by the Executive Budget Office or General Assembly, the amount appropriated  
32 to the Department of Administration for First Responder Interoperability must be excluded from the department's base budget.

33       The Department of Administration shall provide a report on the status of the integration of the statewide Palmetto 800 radio system  
34 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  
35 preceding fiscal year and the reason why they are not integrated. The report shall be submitted by October first, of the current fiscal  
36 year to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

1       **93.8.** (DOA: Sale of Surplus Real Property) Up to fifty percent of the proceeds, net of selling expenses, from the sale of surplus  
2 real properties shall be retained by the Department of Administration and used for the deferred maintenance of state-owned buildings.  
3 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  
4 assigned to and shall be used by that agency for nonrecurring purposes. This provision applies to all state agencies and departments  
5 except: institutions of higher learning; the Public Service Authority; the Ports Authority; the MUSC Hospital Authority; the Myrtle  
6 Beach Air Force Redevelopment Authority; the Department of Transportation; the Columbia State Farmers Market; the Department  
7 of Agriculture's Columbia Metrology Lab building and property; the Charleston Naval Complex Redevelopment Authority; the  
8 Department of Commerce's Division of Public Railways; the Midlands Technical College Enterprise Campus Authority; the Trident  
9 Technical College Enterprise Campus Authority; the Commissioners residence at the Department of Corrections and the Educational  
10 Television Commission's Key Road property.

11       The Educational Television Commission shall be authorized to retain the net proceeds from the sale of its property on Key Road,  
12 and such proceeds may be used for the renovation of the ETV Telecommunications Center and other maintenance and operating  
13 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  
14 cost of all renovations of the Telecommunications Center, the property on Key Road shall not be sold. Any proposed sale hereunder  
15 shall, prior to said sale, be submitted to the Department of Administration for approval as being in compliance with the requirements  
16 of this subsection.

17       The Department of Corrections shall be authorized to retain the net proceeds from the sale of the residence provided for the  
18 Commissioner of the Department of Corrections and use such proceeds for deferred maintenance needs at the Department of  
19 Corrections.

20       The Forestry Commission shall be authorized to retain the net proceeds from the sale of surplus land for use in firefighting  
21 operations and replacement of firefighting equipment.

22       The Department of Natural Resources shall be authorized to retain the net proceeds from the sale of existing offices originally  
23 purchased with a federal grant or with restricted revenue from hunting and fishing license sales for the improvement, consolidation,  
24 and/or establishment of regional offices and related facilities.

25       The Department of Agriculture, the Educational Television Commission, the Department of Corrections, the Department of  
26 Natural Resources, and the Forestry Commission shall annually submit a report, within sixty days after the close of the fiscal year,  
27 to the Senate Finance Committee and the House Ways and Means Committee on the status of the sale of the identified property and  
28 a detailed accounting on the expenditure of funds resulting from such sale.

29       This provision is comprehensive and supersedes any conflicting provisions concerning disposition of state-owned real property  
30 whether in permanent law, temporary law or by provision elsewhere in this act.

31       Any unused portion of these funds may be carried forward into succeeding fiscal years and used for the same purposes.

32       **93.9.** (DOA: Cyber Security) All state agencies must adopt and implement cyber security policies, guidelines and standards  
33 developed by the Department of Administration. The department may conduct audits on state agencies except public institutions of  
34 higher learning, technical colleges, political subdivisions, and quasi-governmental bodies as necessary to monitor compliance with  
35 established cyber security policies, guidelines and standards. Upon request, public institutions of higher learning, technical colleges,  
36 political subdivisions, and quasi-governmental bodies shall submit sufficient evidence that their cyber security policies, guidelines



1 and standards meet or exceed those adopted and implemented by the department. In addition, while agencies retain the primary  
2 responsibility and accountability for ensuring responses to breach incidents comply with federal and state laws, the department shall  
3 be informed of all agency cyber security breaches, and is authorized to oversee incident responses in a manner determined by the  
4 department to be the most prudent. Upon request of the Department of Administration for information or data, all agencies must  
5 fully cooperate with and furnish the department with all documents, reports, assessments, and any other data and documentary  
6 information needed by the department to perform its mission and to exercise its functions, powers and duties. The Judicial and  
7 Legislative Branches are specifically exempt from the requirements set forth herein.

8 **93.10.** (DOA: Holidays) When a legal holiday specified in Section 53-5-10 of the 1976 Code falls on Sunday, the following  
9 Monday and when a holiday specified in that section falls on Saturday, the preceding Friday next preceding is deemed a public  
10 holiday for all of the purposes. If either the following Monday or the preceding Friday is also a legal holiday, then the State Human  
11 Resources Director will designate the day upon which the legal holiday will be observed by state employees. To insure that no more  
12 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  
13 be observed on the following Monday. All bills of exchange, checks, and promissory notes which would otherwise be presentable  
14 for acceptance or payment on a Monday or Friday observed as a holiday pursuant to this section are deemed presentable for  
15 acceptance or payment on the secular or business day succeeding the holiday.

16 **93.11.** (DOA: Nuclear Advisory Council) The Office of Regulatory Staff shall reimburse the Department of Administration for  
17 travel expenses associated with the Governor's Nuclear Advisory Council from the SC Energy Office's radioactive waste funds.

18 **93.12.** (DOA: QECB Allocation) From the funds appropriated to the department, the director of the Department of Administration  
19 shall develop and implement a plan to utilize the state's remaining Qualified Energy Conservation Bond allocation to fund energy  
20 conservation projects on state-owned buildings and other eligible capital expenditures that benefit state agencies.

21 **93.13.** (DOA: Federal/Other Fund Authorization Adjustments) The Executive Budget Office is authorized to approve agency  
22 requests for federal and other fund authorization adjustments. Requests will be approved and reported by the Executive Budget  
23 Office pursuant to Chapter 65, Title 2, the "South Carolina Federal and Other Funds Oversight Act".  
24

25 **SECTION 94 - D250 - OFFICE OF INSPECTOR GENERAL**

26  
27 **94.1.** (OIG: Coordination with State Auditor) The State Inspector General will prepare an annual report to the Chairmen of the  
28 House Ways and Means Committee and the Senate Finance Committee and the Governor detailing all written referrals of fraud,  
29 waste, and abuse from the State Auditor and all corresponding actions taken by the State Inspector General.  
30

31 **SECTION 96 - E080 - OFFICE OF SECRETARY OF STATE**

32  
33 **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  
34 retained by the Secretary of State for purposes of UCC administration.

1       **96.2.** (SS: Charitable Funds Act Disclosure 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 mandatory disclosure requirements of Section 33-56-90 of the Act, and who has been fined \$10,000 or more for those violations.

4       **96.3.** (SS: Charitable Funds Act Misrepresentation Violations) The Secretary of State shall refer to the Attorney General for  
5 investigation under Section 33-56-145 of the Solicitation of Charitable Funds Act any person who is alleged to have violated the  
6 misrepresentation provisions of Section 33-56-120 of the Act, and who has been fined \$10,000 or more for those violations.  
7

## 8       **SECTION 97 - E120 - OFFICE OF COMPTROLLER GENERAL**

9

10       **97.1.** (CG: Signature Authorization) The Comptroller General is hereby authorized to designate certain employees to approve,  
11 in his stead, disbursement documents authorizing payment, and the State Treasurer is hereby authorized to accept such approved  
12 disbursement documents when notified by the Comptroller General. This provision shall in no way relieve the Comptroller General  
13 of responsibility.

14       **97.2.** (CG: GAAP Implementation & Refinement) It is the intent of the General Assembly that the State of South Carolina issue  
15 financial statements in conformance with Generally Accepted Accounting Principles (GAAP). To this end, the Comptroller General  
16 is directed, as the State Accounting Officer, to maintain an Enterprise Information System for State Government (SCEIS) that will  
17 result in proper authorization and control of agency expenditures, including payroll transactions, and in the preparation and issuance  
18 of the official financial reports for the State of South Carolina. Under the oversight of the General Assembly, the Comptroller  
19 General is given full power and authority to issue accounting policy directives to state agencies in order to comply with GAAP. The  
20 Comptroller General is also given full authority to conduct surveys, acquire consulting services, and implement new procedures  
21 required to implement fully changes required by GAAP.

22       **97.3.** (CG: Payroll Deduction Processing Fee) There shall be a fee for processing payroll deductions, not to exceed twenty-five  
23 cents, for insurance plans, credit unions, deferred compensation plans, benefit providers, and professional associations per deduction  
24 per pay day. This fee shall not be applied to charitable deductions. Vendors and other third parties receiving payroll deductions  
25 shall bear the entire cost of this fee, at no cost to state employees. The revenues generated from these fees and those provided for  
26 child support deductions in accordance with Section 63-17-1460(C), South Carolina Code of Laws, 1976, as amended, may be used  
27 to support the operations of the Office of Comptroller General and any unexpended balance may be carried forward from the  
28 prior fiscal year to the current fiscal year and utilized for the same purposes.

29       **97.4.** (CG: Unemployment Compensation Fund Administration) ~~The lesser of two percent or \$200,000~~ of the fund balance of  
30 the Unemployment Compensation Fund shall be paid out annually to the Office of Comptroller General to be used by that agency to  
31 recover the costs of administering the fund. The Unemployment Compensation Fund is provided for in Section 41-31-820, South  
32 Carolina Code of Laws, 1976, as amended. Any unexpended balance may be carried forward from the prior fiscal year to the current  
33 fiscal year and used for the same purposes.

34       **97.5.** (CG: Purchasing Card Rebate Program) The Office of Comptroller General is authorized to retain the first \$100,000 of  
35 rebate associated with the Purchasing Card Program and \$200,000 of agency incentive rebates.

1 The funds retained may be used to support the operations of the Office of Comptroller General and any unexpended balance may  
2 be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.  
3

4 **SECTION 98 - E160 - OFFICE OF STATE TREASURER**  
5

6 **98.1.** (TREAS: Nat'l. Forest Fund - Local Govt. Compliance) In order to conform to federal requirements local governments  
7 receiving distributions of National Forest Fund revenues are required to report annually to the State Treasurer indicating compliance  
8 with authorized purposes.

9 **98.2.** (TREAS: STARS Approval) Decisions relating to the Statewide Accounting and Reporting System (STARS) and the  
10 South Carolina Enterprise Information System (SCEIS) which involve the State Treasurer's Banking Operations and other functions  
11 of the State Treasurer's Office shall require the approval of the State Treasurer.

12 **98.3.** (TREAS: Investments) The State Treasurer may pool funds from accounts for investment purposes and may invest all  
13 monies in the same types of investments as set forth in Section 11-9-660.

14 **98.4.** (TREAS: Management Fees) The State Treasurer is authorized to charge a fee for the operating and management costs  
15 associated with the Local Government Investment Pool, the Deferred Compensation Program, the Tuition Prepayment Program, and  
16 the College Investment Program and is further authorized to retain and expend the fees to provide these services. The fees assessed  
17 may not exceed the cost of the provision of such services.

18 **98.5.** (TREAS: Investment Management Fees) Unless otherwise prohibited by law, the State Treasurer may charge a fee for the  
19 operating and management costs associated with the investment management and support operations of various state funds and  
20 programs, and further, may retain and expend the fees to provide these services. The fees assessed may not exceed the actual cost  
21 of the provision of these services or the earnings on these investments.

22 **98.6.** (TREAS: Debt Management Cost Allocation) Unless otherwise prohibited by law, the State Treasurer may charge actual  
23 costs associated with the administration and management of the indebtedness of the State, its agencies and institutions, and further,  
24 may retain and expend any amounts so allocated to provide these services. Costs associated with the original issuance of bonds and  
25 other indebtedness must be assessed on an hourly basis, must be taken from the costs of issuance of any bond issue or other  
26 indebtedness, and must not exceed the actual cost of providing these services. Ongoing costs of administration and maintenance  
27 must be assessed against expenses of debt service, and must not exceed the actual costs of providing these services.

28 **98.7.** (TREAS: Withheld Accommodations Tax Revenues) Before noncompliant expenditures and penalties withheld pursuant  
29 to Sections 6-4-35(B)(1)(a) and (b) are reallocated, the Tourism Expenditure Review Committee must certify to the Office of State  
30 Treasurer that the time period for an appeal of the committee's action to the Administrative Law Court has expired or that the action  
31 of the committee has been upheld or overturned by the Administrative Law Court. Noncompliant expenditures and penalties withheld  
32 must be reallocated annually after August first. Allocations withheld must be reallocated proportionately based on the most recent  
33 completed fiscal year's total statewide collections of the accommodations tax revenue according to the Office of State Treasurer  
34 records. Each annual reallocation of withheld funds to non-offending counties and municipalities must be calculated separately  
35 then combined if necessary. Each reallocation to a county or municipality calculated less than a dollar must be transferred to the  
36 General Fund of the State.

1       **98.8.** (TREAS: Tuition Prepayment Program) The South Carolina Tuition Prepayment Program shall not accept any new  
2 enrollment in the current fiscal year. The annual increase in tuition for the purposes of the Tuition Prepayment Program, for an  
3 institution cannot exceed seven percent per year from the 2006-07 level. To the extent that actual tuition for an institution exceeds  
4 an annual growth of seven percent per year since Fiscal Year 2006-07, colleges and universities must grant a waiver of the difference  
5 to the designated beneficiary and shall not pass along this difference to any student.

6       **98.9.** (TREAS: Penalties for Non-reporting) If a municipality fails to submit the audited financial statements required under  
7 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  
8 must withhold all state payments to that municipality until the required audited financial statement is received.

9       If the State Treasurer receives an audit report from either a county or municipality that contains a significant finding related to  
10 court fine reports or remittances to the Office of State Treasurer, the requirements of Proviso 117.49 shall be followed if an amount  
11 due is specified, otherwise the State Treasurer shall withhold twenty-five percent of all state payments to the county or municipality  
12 until the estimated deficiency has been satisfied.

13       If a county or municipality is more than ninety days delinquent in remitting a monthly court fines report, the State Treasurer shall  
14 withhold twenty-five percent of state funding for that county or municipality until all monthly reports are current.

15       After ninety days, any funds held by the Office of State Treasurer will be made available to the State Auditor to conduct an audit  
16 of the entity for the purpose of determining an amount due to the Office of State Treasurer, if any.

17       **98.10.** (TREAS: Signature Authorization) The State Treasurer is hereby authorized to designate certain employees to sign  
18 payments for the current fiscal year in accordance with Section 11-5-140 of the 1976 Code to meet the ordinary expenses of the  
19 State. This provision shall in no way relieve the State Treasurer of responsibility.

20       **98.11.** (TREAS: Unclaimed Property) The State Treasurer may not expend funds to retain a third party, private sector auditor, or  
21 auditing firms to fulfill his duties pursuant to the South Carolina Uniform Unclaimed Property Act on a contingency basis or any  
22 basis other than an hourly basis, with the exception that the State Treasurer may join other state(s) in multi-state contingent fee  
23 auditors' examinations, not to include companies whose parent company is headquartered or incorporated in South Carolina, when  
24 there is a reason to believe that those companies being audited are holding funds belonging to South Carolina citizens. The Office  
25 of State Treasurer shall retain \$200,000 from the Unclaimed Property Program for the sole purpose of employing internal compliance  
26 auditors to enforce the Unclaimed Property Act.

27       **98.12.** (TREAS: Municipality Accommodations Tax Withholdings) If the State Treasurer is withholding accommodations tax  
28 revenue distributions to a municipality due to an expenditure the Tourism Expenditure Review Committee determined to be in  
29 noncompliance, then the municipality may refund an amount equivalent to the amount determined to be in noncompliance to the  
30 municipality's accommodations tax fund from the municipality's general fund. If the municipality certifies to the Tourism  
31 Expenditure Review Committee that the amount has been refunded, the State Treasurer shall refund the withheld funds to the  
32 municipality's general fund. The expenditure of funds refunded to the municipality's accommodations tax fund and any subsequent  
33 expenditures are subject to review by the Tourism Expenditure Review Committee. Prior to notification to the State Treasurer of  
34 noncompliance by a municipality, the Tourism Expenditure Review Committee must notify the municipality if an expenditure is  
35 found to be in noncompliance. If the committee informs the municipality of an expenditure determined to be in noncompliance and  
36 the municipality does not refund the noncompliant amount, the committee shall certify the noncompliance to the State Treasurer. If

1 the committee determines an expenditure of any refunded amount to be in noncompliance, the municipality may not refund an  
2 equivalent amount in order to avoid future withholdings.

3 **98.13.** (TREAS: Investment Earnings and Interest) In accordance with the requirements of Section 11-13-125 of the 1976 Code,  
4 the State Treasurer shall remit earnings and interest from investments of general deposit funds into the General Fund of the State.  
5 Nothing in this provision shall be construed to limit the State Treasurer from incurring and paying fees, expenses, losses, statutory  
6 commitments, salaries, and other costs associated with the routine investment of funds pursuant to Section 11-9-660 of the 1976  
7 Code.

8  
9 **SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL**

10  
11 **100.1.** (ADJ: Unit Maintenance Funds) The funds appropriated as unit maintenance funds shall be distributed to the various  
12 National Guard units at the direction of the Adjutant General.

13 **100.2.** (ADJ: Use of Agency Property and Revenue Collections) The Adjutant General is authorized to rent, lease, or sub-lease  
14 any area under his ownership or control including facilities, unimproved real-estate, and parking areas. The Adjutant General is  
15 authorized to collect funds received from any sources including, but not limited to, county and city appropriations, short or long-term  
16 lease or rental payments, revenues from vending machines, military justice fines or other monetary penalties, federal reimbursements  
17 under cooperative agreements, and gifts to the agency. These revenues shall be retained and expended as authorized by the Adjutant  
18 General.

19 **100.3.** (ADJ: Rental Fee for Election Purposes) The maximum fee that an armory may charge for the use of its premises for  
20 election purposes shall be the cost of providing custodial services, utilities and maintenance.

21 **100.4.** (ADJ: Event Parking Contracts) Notwithstanding other provisions of this act, the Adjutant General may execute  
22 agreements addressing event-parking related services, sub-leases or licenses, or other appropriate subject in order to generate revenue  
23 from parking areas under his ownership or control near the University of South Carolina's Williams-Brice Stadium. The Adjutant  
24 General's authority to enter such agreements applies to the headquarters building parking facilities currently owned by the  
25 Department of Administration, whether or not those are subject of a current lease to the Adjutant General. The agreements may  
26 relate to parking for specific events, a series of events (USC home football games), or for all events. The Adjutant General may  
27 enter agreements with a state chartered and federally recognized tax exempt 501(c)(4) agency employees' association which may  
28 then sub-lease or sub-license individual parking spaces for use during an event, or a series of events (USC home football games).  
29 The agreements must require the employees association to obtain either event coverage, general liability coverage against wrongful  
30 death or injury, or similar coverage that is suitable to the Adjutant General. All agreements must obligate the employees association  
31 to hold harmless, indemnify, and defend the Office of the Adjutant General, the Department of Administration, the State of South  
32 Carolina, and their respective officers and employees from any liability resulting from parking patrons or their guests activities or  
33 presence during these events. The agreements must specify that the Office of the Adjutant General shall receive no less than  
34 thirty-three percent of the gross profits from sub-leasing, licensing, or other grants of use for parking. The agreements must also  
35 allow the State to audit the employees association's funds.

1       **100.5.** (ADJ: Meals in Emergency Operations Centers) The cost of meals, or the advanced purchase of food products to be stored  
2 and prepared for meals, may be provided to state employees who are required to work at the State Emergency Operations Centers  
3 during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

4       **100.6.** (ADJ: Educational Seminar Revenue) All revenue earned from educational seminars shall be retained by the agency to be  
5 used for the printing of materials and other expenses related to conducting the seminars. The balance of funds shall be reported  
6 annually to the General Assembly.

7       **100.7.** (ADJ: Billeting Operations) All revenues collected by the Billeting operations at the R.L. McCrady Training Center shall  
8 be retained and expended in its budgeted operations. Expenditures from these funds shall be determined by the Billeting Committee  
9 for Billeting operations.

10       **100.8.** (ADJ: EMD Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees  
11 of the Emergency Management Division may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion  
12 of the Agency Director, and providing funds are available.

13       **100.9.** (ADJ: Civil Air Patrol) The funds appropriated in this section for the Civil Air Patrol shall be expended by the Civil Air  
14 Patrol so as to discharge the state's obligations in conjunction with the Civil Air Patrol as outlined in the SARDA Plan, the South  
15 Carolina Operational Radiological Emergency Response Plan, and to assist county and local authorities and other state agencies as  
16 permitted by the regulations governing the Civil Air Patrol. All expenditures for equipment and services shall be in accordance with  
17 state fiscal policies.

18       **100.10.** (ADJ: Emergency Commodities) The Emergency Management Division shall be allowed to rotate and replace water,  
19 Meals Ready to Eat (MREs), and other essential emergency commodities housed in the state's Logistic Center through the provision  
20 of said commodities to neighboring states, counties, municipalities and other state agencies, and shall be allowed to accept  
21 compensation for said commodities not to exceed replacement costs. Revenues from this exchange shall be utilized solely for the  
22 replacement of state emergency commodities.

23       **100.11.** (ADJ: Funeral Caisson) ~~In the event of a mandated general fund budget reduction, the Adjutant General's Office is~~  
24 ~~prohibited from reducing the funds appropriated for the Funeral Caisson. In addition, these funds shall not be transferred to any~~  
25 ~~other program or be used for any other purpose by the Office of Adjutant General.~~

26       **100.12.** (ADJ: Behavioral Health Care Facilitator/Coordinator) The funds appropriated and or authorized to the Office of the  
27 Adjutant General may be utilized to hire a Behavioral Health Care Facilitator/Coordinator who shall act as a liaison to provide mental  
28 health care coordination for mental health services to all members of the South Carolina National Guard. The responsibilities of the  
29 position shall include, but are not limited to, focusing on individuals without health insurance or without adequate health insurance;  
30 facilitating Memorandum of Understanding with mental health facilities across the state to provide assistance to National Guard  
31 Service Members; assisting in coordinating Yellow Ribbon and Beyond and other post deployment and mental health events;  
32 coordinating treatment for Service Members for conditions that may or may not result in their being medically non deployable; and  
33 participating in staff meetings to discuss care of Service Members. The individual hired must be knowledgeable of state and federal  
34 privacy laws, including the HIPAA privacy regulations. In addition, it is preferred that the individual have a previous background  
35 in Social Work. A national security background check must be performed on the individual prior to a job offer being tendered.

1       **100.13.** (ADJ: National or State Guard State Active Duty) In the event of the activation of the South Carolina National Guard  
2 or State Guard to State Active Duty in response to a declared emergency or in response to an imminent or anticipated emergency,  
3 including support provided under Section 25-9-420 of the 1976 Code, the Emergency Management Assistance Compact, the State  
4 Treasurer and the Comptroller General are hereby authorized and directed to pay from the general fund of the State such funds as  
5 necessary, not to exceed ~~\$500,000~~ \$1,000,000, to cover the actual costs incurred. Any funds reimbursed to the state shall be deposited  
6 in the state general fund, up to the amount of funds advanced to the Office of Adjutant General for these activities.

7       **100.14.** (ADJ: National Guard Association and Foundation Support) From the funds authorized or appropriated for State Military  
8 Department operations, the Adjutant General may authorize National Guard personnel to support and assist the National Guard  
9 Association of South Carolina and the South Carolina National Guard Foundation in their missions to promote the health, safety,  
10 education, and welfare of South Carolina National Guard personnel and their families.

11       **100.15.** (ADJ: State Guard Activation) In the event of activation of the State Guard of the South Carolina National Guard to  
12 State Active Duty, the Office of the Adjutant General is authorized to compensate State Guard personnel at a rate of \$150 per day  
13 and to also compensate such personnel for meal per diem as authorized by National Guard and State policy.

14       **100.16.** (ADJ: Disasters Expenditure Status Report) The Emergency Management Division of the Office of the Adjutant General  
15 shall prepare a quarterly report on the status of the expenditure of the funds appropriated in the current fiscal year or in a previous  
16 fiscal year for FEMA Match for the 2015 Flooding, for Hurricane Matthew, and for the Pinnacle Mountain Fire. The quarterly report  
17 must include, but is not limited to, expenditure by category of work by state/local and by county and shall be submitted to the  
18 Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee beginning September 30,  
19 2018.

20       **100.17.** (ADJ: Armory Revitalizations Carry Forward) The funds appropriated for Armory Revitalizations may be carried  
21 forward from the prior fiscal year and expended for the same purpose in the current fiscal year.

22       **100.18.** (ADJ: Natural Disaster FEMA Match) The Office of Adjutant General, Emergency Management Division shall be  
23 authorized to utilize existing fund balances to provide the non-federal cost share to state and local government entities for work that  
24 is eligible under the Federal Emergency Management Agency Public Assistance Program for Hurricane Irma and Hurricane Florence.  
25 Existing fund balances may not be used to provide the non-federal cost share to private non-profit entities.

26       The Office of Adjutant General, Emergency Management Division is directed to use existing fund balances for the 2015 Flood  
27 disaster (Presidential Disaster Declaration DR-4241) to reimburse counties and municipalities with unreimbursed non-federal cost  
28 share from the 2014 Ice Storm disaster for storm cleanup expenses incurred during and after states of emergency declared by  
29 Executive Orders 2014-06 and 2014-11 and Presidential Disaster Declaration DR-4166. Counties and municipalities must submit  
30 an application for such funds by July 31, 2018.

31       The \$500,000 authorized by Proviso 100.21 in Act 264 of 2018 for grants for non-profit entities may be carried forward and used  
32 for the same purpose in Fiscal Year ~~2020-21~~ 2021-22. The Emergency Management Division shall prepare a report listing the name  
33 of the grant recipient and the amount received and submit the report to the Chairman of the Senate Finance Committee and the  
34 Chairman of the House Ways and Means Committee by January 15, ~~2021~~ 2022.

1       **100.19.** (ADJ: Salary Adjustment) The Adjutant General is subject to all provisions related to agency heads covered by the  
2 Agency Head Salary Commission. The Adjutant General's salary shall be immediately adjusted to match the recommendation from  
3 the commission upon its receipt.  
4

## 5       **SECTION 101 - E260 - DEPARTMENT OF VETERANS' AFFAIRS**

6

7       **101.1.** (VET: M.J. "Dolly" Cooper Veterans Cemetery Carry Forward) The Department of Veterans' Affairs may carry forward  
8 unexpended funds appropriated and/or authorized for the M.J. "Dolly" Cooper Veterans Cemetery from the prior fiscal year and shall  
9 use such funds for the same purpose. In addition, any unexpended funds in the Department of Veterans' Affairs, including Special  
10 Line Items, shall be carried forward from the prior fiscal year into the current fiscal year and used for operation of the M.J. "Dolly"  
11 Cooper Veterans Cemetery. Funds carried forward in excess of the amount needed for the operation of the Cemetery may be used  
12 for other expenses of the Department of Veterans' Affairs.

13       **101.2.** (VET: Budget Reduction Exemption) Funds appropriated for the Department of Veterans' Affairs shall be excluded from  
14 any across-the-board agency base reductions mandated by the Executive Budget Office or General Assembly.

15       **101.3.** (VET: Additional Claims Representative) ~~Of the funds appropriated for the Department of Veterans' Affairs, the director~~  
16 ~~shall appoint an additional claims representative who, in addition to being charged with the duty of assisting all ex-servicemen,~~  
17 ~~regardless of the wars in which their service may have been rendered, in filing, presenting, and prosecuting to final determination all~~  
18 ~~claims which they have for money compensation, hospitalization, training, and insurance benefits under the terms of federal~~  
19 ~~legislation, shall also specialize in the specific needs and diseases associated with veterans of the Vietnam era. The person appointed~~  
20 ~~as a claims representative under this section must be versed in federal legislation relating to these matters and the rules, regulations,~~  
21 ~~and practice of the Veterans Administration as created by Congress and his appointment must be approved by the Governor.~~

22       ~~Subject to the direction of the director, and in addition to other duties prescribed in this section, the claims representative appointed~~  
23 ~~pursuant to this provision may represent the Department of Veterans' Affairs on the South Carolina Agent Orange Advisory Council~~  
24 ~~and on the Hepatitis C Coalition established by the South Carolina Department of Health and Environmental Control, assist the~~  
25 ~~Department of Veterans' Affairs in carrying out its duties in connection with the Agent Orange Information and Assistance program,~~  
26 ~~represent the director in connection with functions relating to Vietnam veterans, and perform other duties as may be assigned by the~~  
27 ~~director.~~  
28

## 29       **SECTION 102 - E280 - ELECTION COMMISSION**

30

31       **102.1.** (ELECT: County Boards of Voter Registration and Elections Compensation) The amounts appropriated in this section for  
32 "County Boards of Voter Registration and Elections Board Members," shall be disbursed annually to the County Treasurer at the  
33 rate of \$1,500 for each member, not to exceed \$13,500 per county. The County Treasurer shall use these funds only for the  
34 compensation of County Boards of Voter Registration and Elections Board Members. Any funds not used for this purpose shall be  
35 returned to the State Treasurer. These funds are exempted from mandated budget reductions. In addition, in the calculation of any  
36 across the board agency base reductions mandated by the Executive Budget Office or the General Assembly, the amount of funds



1 appropriated for compensation of County Boards of Voter Registration and Elections Board Members shall be excluded from the  
2 agency's base budget. Unexpended funds shall be carried forward from the prior fiscal year and shall be utilized for special primaries,  
3 runoffs, and elections.

4 **102.2.** (ELECT: Elections Managers & Clerks Per Diem) Managers and clerks of state and county elections shall receive a per  
5 diem of \$75.00 for the day of work and \$60.00 for training and paperwork. Managers shall not be paid for more than two days for  
6 any election and clerks for not more than three days for any election. The commission may adjust the per diem of \$75.00 for the  
7 managers and clerks of the statewide election to a higher level only to the extent that the appropriation for the statewide election is  
8 sufficient to bear the added cost of increasing the per diem and the cost of the statewide election. Up to three additional managers  
9 per county may be appointed to assist county boards of voter registration and elections with the absentee/fail safe voting process  
10 prior to, on Election Day, and immediately following statewide elections. Managers assisting the county boards of voter registration  
11 and elections in the absentee/fail safe process may receive a per diem of \$75.00 per day for not more than a total of fifteen days  
12 regardless of whether one, two, or three additional managers are used.

13 **102.3.** (ELECT: Board of State Canvassers Compensation) \$100.00 additional compensation per day may be paid to each member  
14 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  
15 State Canvassers.

16 **102.4.** (ELECT: Sale of Lists Revenue Carry Forward) Any revenue generated from the sale of election lists may be retained and  
17 expended by the South Carolina Election Commission to reimburse the Department of Administration, for the printing of such lists  
18 and to pay expenses of postage and shipment of these lists to electors who purchase them. After such reimbursement has been made  
19 an amount, not to exceed \$400,000, shall be used for nonrecurring expenses in conjunction with extraordinary special election and  
20 legal costs and costs for upgrading the Statewide Voter Registration System. Any balance in the Sale of Lists Account on June  
21 thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year.

22 **102.5.** (ELECT: Budget Reduction Exemption) Funds appropriated for recurring and nonrecurring general and primary election  
23 expenses are exempted from mandated across the board reductions. In addition, in the calculation of any across the board agency  
24 base reductions mandated by the Executive Budget Office or the General Assembly, the amount of funds appropriated for recurring  
25 and nonrecurring primary and general election expenses shall be excluded from the agency's base budget.

26 **102.6.** (ELECT: Primary and General Election Carry Forward) Filing fees received from candidates filing to run in statewide or  
27 special primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary elections.  
28 Any balance in the filing fee accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same  
29 purposes during the current fiscal year. In addition, any balance in the Primary and General Election Accounts on June thirtieth, of  
30 the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In addition, the  
31 aforementioned funds may also be utilized to conduct the Presidential Preference Primary elections.

32 **102.7.** (ELECT: Training & Certification Program) All members and staff of County Boards of Voter Registration and Elections  
33 will receive a common curriculum to include core courses on the duties and responsibilities of county boards of voter registration  
34 and elections and electives to promote quality service and professional development. The State Election Commission shall make  
35 these courses available in various locations, including but not be limited to, the upstate, coastal, and midlands areas of the state. Up  
36 to \$35,000 of revenue generated by charging a fee to attend these courses may be retained and expended by the South Carolina

1 Election Commission to help cover the cost of providing the training. Any balance in the training and certification account on June  
2 thirtieth, of the prior fiscal year may be carried forward and expended for the same purpose during the current fiscal year.

3 The State Election Commission is required to withhold the stipend of members who do not complete the training and certification  
4 program as required in Section 7-5-10 of the 1976 Code. Additionally, funds will also be withheld if a board member completes the  
5 training and certification program, but fails to complete at least one training course per year. The board member and members of  
6 that county's legislative delegation will be notified of the withholding of the stipend and the requirements needed to bring the member  
7 into compliance with the law. If a board member cannot complete the program or complete the required continuing education due  
8 to extenuating circumstances, the board member must submit a written request to the county legislative delegation for approval or  
9 funds will continue to be withheld as described in this proviso. If a board member does not become compliant with the law within  
10 eighteen months of initial notification of stipend withholding, the county's legislative delegation must replace that person on the  
11 board.

12 **102.8.** (ELECT: Penalty for Late Submission of Reimbursable Expenses) In the event that a county submits reimbursable election  
13 expenses to the Commission for payment more than thirty days after the election is held, the Commission may deduct a penalty of  
14 ten percent of the late-submitted amount. The county is responsible for payment of this amount. If the Commission finds good  
15 reason for such late submission, the penalty may be waived. The Election Commission shall be authorized to expend funds  
16 appropriated/authorized in the current fiscal year to pay election expenses incurred by a county in the prior fiscal year. If a county  
17 submits a request for reimbursement of election expenses through any means other than the Voter Registration and Election  
18 Management System (VREMS), the Commission may deduct a penalty of ten percent of the amount submitted.

19 **102.9.** (ELECT: HAVA Carry Forward) The Election Commission shall be authorized to carry forward unexpended Help  
20 America Vote Act funds into the current fiscal year and to use these funds for the same purpose.

21 **102.10.** (ELECT: HAVA Match Funds) Funds appropriated through the General Fund for the purpose of providing a match for  
22 federal funds received through the Help America Vote Act (HAVA) shall be moved to a restricted account in order that the funds  
23 may accrue interest as per Section 254 (b) (1) of the Help America Vote Act. Unexpended funds shall be carried forward from the  
24 prior fiscal year and shall be utilized for special primaries, runoffs, and elections. These funds may also be used to reimburse local  
25 governmental entities for expenses incurred in the prior fiscal year associated with special primaries, runoffs, and general elections.

26 **102.11.** (ELECT: Use of Election Funds) Funds appropriated to the Election Commission for the purpose of conducting elections  
27 shall not be used for any other purpose unless specifically authorized in this act. However, up to \$200,000 may be transferred to  
28 other operating accounts from General Election accounts upon approval from the Executive Budget Office, which shall then notify  
29 the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor of such  
30 transfer of funds.

31 **102.12.** (ELECT: Match for Additional HAVA Funds) In the event that additional Help America Vote Act federal funds become  
32 available, the commission shall be authorized to utilize funds appropriated for primary and general elections and for voting system  
33 refurbishment to provide a match for the federal funds.

34 **102.13.** (ELECT: Third-Party Consultant) ~~In the current fiscal year and from the funds appropriated, the Election Commission~~  
35 ~~must expend funds to contract for a third-party consultant to advise the Richland County Election Commission on the conduct of~~  
36 ~~elections.~~

1     **SECTION 103 - E500 - REVENUE AND FISCAL AFFAIRS OFFICE**  
2

3     **103.1.** (RFAO: Geodetic Mapping Program) Funds appropriated or authorized to the Revenue and Fiscal Affairs Office for  
4 Mapping, shall be used to clarify county boundary determinations as directed by Section 27-2-105, of the 1976 Code and resolution  
5 of the boundary between the states of South Carolina and North Carolina.

6     An affected party disagreeing with a county boundary certified by the Revenue and Fiscal Affairs Office may appeal the  
7 certification to the South Carolina Administrative Law Court, which is vested with jurisdiction to hear and decide the case subject to  
8 the provisions of Section 1-23-380 of the 1976 Code, except that the case must be heard ‘de novo.’ Additionally, for purposes of  
9 determining the timelines of an appeal, notice is deemed to have been provided on the date of the written notice to affected parties.  
10 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  
11 Administrative Law Court.

12     **103.2.** (RFAO: Election File Merge) In order to assist the County Registration and Election Commissions to ensure that registered  
13 voters are assigned to proper election districts, the Revenue and Fiscal Affairs Office, in conjunction with the South Carolina Election  
14 Commission, shall merge the voter registration file with the office’s Geocoded Address List and the district boundaries of the  
15 Congress, South Carolina Senate, South Carolina House of Representatives, county councils, and such other districts as the office  
16 possesses official district boundary records in electronic format. The merged systems will allow the Revenue and Fiscal Affairs  
17 Office to provide the respective county officials with a list of potential voters who are possibly assigned to the wrong election district.  
18 File merger is required only for those districts in which elections are scheduled. Counties and municipalities shall release GIS to the  
19 Revenue and Fiscal Affairs Office upon the office’s written request. Written request must be sent to the chief administrative officer  
20 of the county or municipality and advise the county or municipality that failure to comply within thirty days of request may result in  
21 the withholding of ten percent of the county’s or municipality’s state aid. The Executive Director of the Revenue and Fiscal  
22 Affairs Office may grant additional time for good cause and must waive release if the county or municipality does not possess GIS  
23 data. For counties and municipalities that possess GIS data but do not release it, the Executive Director of the Revenue and Fiscal  
24 Affairs Office shall notify the State Treasurer of the failure to comply with this provision after the required notice. Notification shall  
25 result in the withholding of ten percent of subsequent payments of state aid to the entity until the GIS data is provided. Municipal  
26 and county data acquired by the Revenue and Fiscal Affairs Office in the course of performing its responsibilities may be used for  
27 other functions of the office as well as shared with other state agencies. For this provision GIS data includes, but is not limited to,  
28 road centerlines; orthophotography; parcel boundaries; address points; political boundaries; and administrative boundaries.

29     **103.3.** (RFAO: SC Health & Human Services Data Warehouse) There is hereby established within the Revenue and Fiscal Affairs  
30 Office, the South Carolina Health and Human Services Data Warehouse. The purpose of the Warehouse is to ensure that the operation  
31 of health and human services agencies may be enhanced by coordination and integration of client information. Client data is defined  
32 as person-level data that is created, received, and/or maintained by state agencies and other entities required to report client  
33 information to the Revenue and Fiscal Affairs Office under this provision. To integrate client information, client data from health  
34 and human services state agencies will be linked to improve client outcome measures, enabling state agencies to analyze coordination  
35 and continuity of care issues. The addition of these data will enhance existing agency systems by providing client data from other  
36 state agency programs to assist in the provision of client services. Certain client information shall be delivered to the Revenue and

1 Fiscal Affairs Office in order to assist in the development and maintenance of this Warehouse. The following agencies shall report  
2 client information:

- 3 • Departments of:
- 4 (1) Health and Human Services;
  - 5 (2) Health and Environmental Control;
  - 6 (3) Mental Health;
  - 7 (4) Alcohol and Other Drug Abuse Services;
  - 8 (5) Disabilities and Special Needs;
  - 9 (6) Social Services;
  - 10 (7) Vocational Rehabilitation;
  - 11 (8) Education;
  - 12 (9) Juvenile Justice;
  - 13 (10) Corrections;
  - 14 (11) Probation, Parole and Pardon Services;
- 15 • Department of Children's Advocacy:
- 16 (1) Children's Foster Care Review Board;
  - 17 (2) Continuum of Care;
- 18 • Department on Aging;
- 19 • South Carolina School for the Deaf and the Blind;
- 20 • Commission for the Blind; and
- 21 • Other entities as deemed necessary by the Revenue and Fiscal Affairs Office.

22 These agencies and departments shall collect and provide client data in formats and schedules to be specified by the Revenue and  
23 Fiscal Affairs Office (Office). The Office shall establish a Memorandum of Agreement with each agency, department or division.  
24 These Memorandums of Agreement shall specify, but are not limited to, the confidentiality of client information, the conditions for  
25 the release of data that may identify agencies, departments, divisions, programs and services, or clients, any restrictions on the release  
26 of data so as to be compliant with state and federal statutes and regulations on confidentiality of data, conditions under which the  
27 data may be used for research purposes, and any security measures to be taken to insure the confidentiality of client information.

28 To ensure accountability and the coordinated, efficient delivery of health and human services, the Office shall implement, in  
29 consultation with state health and human services agencies and other entities as deemed necessary by the Office, an integrated data  
30 system that includes client data from all participating agencies.

31 In order to provide for inclusion of other entities into the South Carolina Health and Human Services Data Warehouse and other  
32 research and analytic-oriented applications that will assist the state in the efficient and effective provision of services, the Office shall  
33 have the authority to enter into agreements or transactions with any federal, state or municipal agency or other public institution or  
34 with any private individual, partnership, firm, corporation, association or other entity to provide statistical, research and information  
35 dissemination services including, but not limited to, program and outcomes evaluation, program monitoring/surveillance, projects to  
36 determine the feasibility of data collection and/or analyses, information dissemination and research. The confidentiality of data

1 collected under these initiatives shall comply with applicable state and federal laws governing the privacy of data. The Office shall  
2 have the power to promulgate regulations, policies and procedures, in consultation with the participating agencies, for the  
3 development, protection and operation of the Data Warehouse, other research and analytic-oriented applications, and their underlying  
4 processes.

5 The Office shall develop internet-accessible secure analytic query tools (such as analytic cubes) using integrated client data from  
6 the Warehouse. All agencies shall cooperate with the Office in the development of these analytic tools. It is the intent of this provision  
7 that the analytic tools developed under this provision shall be made available to members of the South Carolina General Assembly  
8 and their research staff members, state agencies, and researchers. To that end, the Office shall, in consultation with the participating  
9 agencies, promulgate regulations addressing access to and use and release of information generated through use of the query tools.

10 All state agencies participating in the Warehouse shall utilize it and its associated software applications in the day-to-day operation  
11 of their programs and for coordination, collaboration, program evaluation and outcomes analysis. The Department of Health and  
12 Environmental Control shall be exempt from usage of the integrated client management system and the analytic query tools in the  
13 day-to-day operation of their Client Automated Record and Encounter System *or other electronic health record system* and their  
14 South Carolina Community Assessment Network, but shall provide the Warehouse with client data from the system and network.

15 No state agency shall duplicate any of the responsibilities of this provision.

16 For purposes of this subsection, all state laws, regulations, or any rule of any state agency, department, board, or commission  
17 having the effect or force of law that prohibits or is inconsistent with any provision of this subsection is hereby declared inapplicable  
18 to this subsection.

19 **103.4.** (RFAO: E911 PSAPs) The Revenue and Fiscal Affairs Office, utilizing the funds appropriated and or authorized herein  
20 for the E911 program, must ensure that any new plans or proposed amendments to existing plans maintain comprehensive coverage  
21 for the full Public Safety Answering Points area as well as improve cost effectiveness. No new plans or amendments may be  
22 considered by Revenue and Fiscal Affairs that do not include the written agreement of all jurisdictions affected by the new plan or  
23 proposed change as well as provide cost savings on the state and local level. Local Public Safety Answering Points are encouraged  
24 to cooperate to find ways to continue to improve cost effectiveness and efficiencies for all affected entities.

25 **103.5.** (RFAO: Revenue for Goods and Services) The respective sections of the Revenue and Fiscal Affairs Office are authorized  
26 to provide and receive from other governmental entities, including other divisions, state and local agencies and departments, and the  
27 private sector, goods and services, as will in its opinion promote efficient and economical operations. The sections may charge and  
28 pay the entities for the goods and services, the revenue from which shall be deposited in the state treasury in a special account and  
29 expended only for the costs of providing the goods and services, and such funds may be retained and be expended for the same  
30 purposes.

31 **103.6.** (RFAO: NG9-1-1 Strategic Plan) ~~The Revenue and Fiscal Affairs Office shall be authorized to use up to \$150,000 of the~~  
32 ~~funds from the 58.2 percent compliance cost portion of the wireless 9-1-1 fund for costs associated with the further planning,~~  
33 ~~development, and implementation of the comprehensive statewide NG9-1-1 system as outlined in the South Carolina NG9-1-1~~  
34 ~~strategic plan. Associated costs include, but are not limited to, the hiring of consultants, technical experts, or other professionals for~~  
35 ~~assistance in defining, developing, or implementing the operating model and standards, system or technical requirements, or other~~  
36 ~~elements of the system as outlined in the strategic plan.~~

1     **SECTION 104 - E550 - STATE FISCAL ACCOUNTABILITY AUTHORITY**  
2

3     **104.1.** (SFAA: Procurement of Art Objects) Before any governmental body, with the exception of the South Carolina Museum  
4 Commission, the Confederate Relic Room and Military Museum Commission, and the South Carolina Hunley Commission as  
5 defined under the South Carolina Consolidated Procurement Code, procures any art objects such as paintings, antiques, sculptures,  
6 or similar objects above \$1,000, the head of the Purchasing Agency shall prepare a written determination specifying the need for  
7 such objects and benefits to the State. The South Carolina Arts Commission shall review such determination for approval prior to  
8 any acquisition.

9     **104.2.** (SFAA: Lawsuit Funding) The Executive Director shall pay from the Insurance Reserve Fund the defense costs of the  
10 State, which are incurred in the current fiscal year, in the Abbeville school funding litigation and the prisoner mental health care  
11 litigation. The appropriate official from the House of Representatives and the Senate must certify to the Executive Director on a  
12 monthly basis the costs incurred in defense of this litigation. Upon receipt of the certification, the Executive Director shall pay the  
13 provider of these services the amount certified.

14     **104.3.** (SFAA: Public Procurement Unit) For purposes of participation in the Minnesota Multi State Contracting Alliance for  
15 Pharmacy (MMCAP), a private, nonprofit corporation that provides only free medical care may be allowed to participate as a local  
16 public procurement unit in the MMCAP cooperative purchase. The participation of nonprofit corporations in the program is  
17 contingent upon approval of the Minnesota Multi-State Contracting Alliance for Pharmacy. Participating nonprofit corporations  
18 must comply with all applicable federal laws or regulations for participation in the MMCAP cooperative purchase. The state shall  
19 not be liable for any action or inaction of such a nonprofit corporation.

20     **104.4.** (SFAA: Insurance Coverage for Aging Entity Authorized) The State Fiscal Accountability Authority, through the  
21 Insurance Reserve Fund, for the current fiscal year, is also authorized to offer insurance coverage to an aging entity and its employees  
22 serving clients countywide which previously obtained its tort liability insurance coverage through the board. The Insurance Reserve  
23 Fund and the State of South Carolina shall not be liable to any person or entity, including an insured, for any insufficiencies of  
24 coverage provided hereunder.

25     **104.5.** (SFAA: IRF Report) The State Fiscal Accountability Authority shall prepare a report on prior fiscal year utilization of the  
26 Insurance Reserve Fund to include for each transaction the amount, the recipient of the funds, the date of the transfer or payment,  
27 and the action or reason that necessitated the transfer. The report shall be submitted to the President of the Senate, the Chairman of  
28 the Senate Finance Committee, the Speaker of the House of Representatives, and the Chairman of the House Ways and Means  
29 Committee by October fifteenth, of the current fiscal year.

30     **104.6.** (SFAA: Second Injury Fund Closure Plan) The State Fiscal Accountability Authority is authorized and empowered to take  
31 all necessary actions to administer the closure plan for the Second Injury Fund, as adopted pursuant to Section 42-7-320(A) of the  
32 1976 Code, as amended, and to use the separate and distinct trust and administrative accounts established for this purpose.

33     **104.7.** (SFAA: IT Planning Transfer) The State Fiscal Accountability Authority shall transfer \$400,000 from revenue generated  
34 from contract administration fees on information technology contracts to the Department of Administration to support the state's  
35 information technology planning program.

1       **104.8.** (SFAA: Attorneys) For the current fiscal year, during the transition of the Insurance Reserve Fund from the Budget and  
2 Control Board to the State Fiscal Accountability Authority, the Insurance Reserve Fund shall continue to approve the attorneys-at-law  
3 retained to defend those it insures. In addition, the authority of the former Budget and Control Board under Section 1-7-170(A) is  
4 devolved upon the State Fiscal Accountability Authority.

5       **104.9.** (SFAA: Compensation - Agency Head Salary) In the event of an agency head or technical college president vacancy, the  
6 governing board of the agency or the Governor, or the appointing authority of a technical college president, must have the prior  
7 favorable recommendation of the Agency Head Salary Commission to set, discuss, offer, or pay a salary for the agency head or  
8 technical college president at a rate that exceeds the minimum of the range established by the Agency Head Salary Commission. No  
9 agency head or technical college president shall be paid a salary higher than that recommended by the commission. Boards and  
10 commissions, or the Governor if he is the appointing authority, of newly created agencies or technical colleges shall not offer or pay  
11 a salary to a prospective agency head until a salary range has been established and the salary approved by the Agency Head Salary  
12 Commission. The funding of the salaries of any agency head or technical college president should come from resources within the  
13 agency. The State Fiscal Accountability Authority shall contract every four years for a study of agency head and technical college  
14 president compensation. The cost of the study must be shared by the participating agencies. The staff of the State Fiscal  
15 Accountability Authority shall serve as the support staff to the Agency Head Salary Commission. Limited only by the maximum of  
16 the respective salary range, the General Assembly authorizes the respective appointing authority for an agency head or technical  
17 college president to provide salary increases for an agency head or technical college president not to exceed that recommended by  
18 the Agency Head Salary Commission. No agency head or technical college president shall be paid less than the minimum of the pay  
19 range nor receive an increase that would have the effect of raising the salary above the maximum of the pay range.

20       **104.10.** (SFAA: Continuation of Authority) The respective divisions of the State Fiscal Accountability Authority are authorized  
21 to provide to and receive from other governmental entities, including other divisions and state and local agencies and departments,  
22 goods and services, as will in its opinion promote efficient and economical operations. The divisions may charge and pay the entities  
23 for the goods and services, the revenue from which shall be deposited in the state treasury in a special account and expended only  
24 for the costs of providing the goods and services, and such funds may be retained and expended for the same purposes.  
25

## 26       **SECTION 105 - F270 - SFAA, OFFICE OF STATE AUDITOR**

27  
28       **105.1.** (SFAA-AUD: Annual Audit of Federal Programs) Each state agency receiving federal funds subject to the audit  
29 requirements of the Single Audit Act Amendments of 1996 and Title 2 U.S. Code of Federal Regulations (C.F.R) Part 200, Uniform  
30 Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) shall remit to the  
31 State Auditor an amount representing an equitable portion of the expense of contracting with a nationally recognized CPA firm to  
32 conduct a portion of the audit of the State's federal financial assistance.

33       Each state agency's equitable portion of the expense will be determined by a schedule developed by the State Auditor. Such  
34 remittance will be based upon invoices provided by the State Auditor. The audit shall be re-bid every five years. The State Auditor  
35 shall retain and expend the funds received and shall carry forward any unexpended funds from the prior fiscal year into the current  
36 fiscal year for the same purpose.

1       **105.2.** (SFAA-AUD: Medical Assistance Audit Carry Forward) The State Auditor's Office shall retain and expend the funds  
2 received from the Department of Health and Human Services for the Medical Assistance Audit Program pursuant to Proviso 33.3 of  
3 this act and shall carry forward any unexpended funds from the prior fiscal year into the current fiscal year for the same purpose.

4       **105.3.** (SFAA-AUD: Coordination with Inspector General) In the event the State Auditor's Office identifies instances of fraud,  
5 waste, and abuse during any state agency audit, the State Auditor shall refer such instances to the State Inspector General for  
6 examination. The State Auditor shall prepare and submit an annual report to the Chairmen of the House Ways and Means Committee  
7 and the Senate Finance Committee and the Governor detailing all written referrals of fraud, waste, and abuse submitted to the State  
8 Inspector General.

9       **105.4.** (SFAA-AUD: Annual Audit of Court Fees and Fines Reports) The State Auditor shall conduct a minimum of fifteen audits  
10 annually of county treasurers, municipal treasurers, county clerks of court, magistrates and/or municipal courts as required by Section  
11 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  
12 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  
13 Code. The State Auditor may contract with one or more CPA/accounting firms to conduct the required audits. The State Auditor  
14 shall consult with the State Treasurer to determine the jurisdictions to be audited in the current fiscal year. Jurisdictions may be  
15 selected randomly or based on an instance in the current or previous fiscal year of failing to report, incorrectly reporting or under  
16 remitting amounts owed. The funds transferred to the State Auditor by the State Treasurer shall not be used for any purpose other  
17 than to conduct the described audits and report whether or not the assessments, surcharges, fees, fines, forfeitures, escheatments, or  
18 other monetary penalties imposed and/or mandated are properly collected and remitted to the State. Any unexpended balance on  
19 June thirtieth of the prior fiscal year shall be carried forward and must be expended for the same purpose during the current fiscal  
20 year. The State Auditor shall annually report by October first, its findings of the jurisdictions audited to the Senate Finance  
21 Committee and the House Ways and Means Committee.

22       **105.5.** (SFAA-AUD: Special Study of Long-Term Obligations) *(A) The State Auditor shall identify certain long-term obligations*  
23 *by state institutions of higher learning, as defined by Section 59-107-10 of the 1976 Code, and report his findings to the General*  
24 *Assembly. The intent is to identify those obligations which are long-term debt or tantamount to long-term debt, or those which, if*  
25 *not honored, might result in a negative rating action on the institution's or the State's credit rating. Such obligations would not*  
26 *include either general obligation debt or bonded indebtedness issued directly by an institution.*

27       *(B) "Long-term obligation" means:*

28       *(1) an arrangement to acquire an interest in or a right to use, or have others use, any type of property if all or a portion of*  
29 *the money required to pay for the acquisition is secured through fare, toll, or user charges;*

30       *(2) an arrangement to acquire an interest in or a right to use, or have others use, any type of property if (a) the arrangement*  
31 *is financed, directly or indirectly, with indebtedness undertaken by another for that purpose; (b) the state institution knows or should*  
32 *know the acquisition is financed by indebtedness; and, (c) the state institution is obligated to make, or undertakes to have others*  
33 *make, recurring payments on, or that another will use to make payments on, the indebtedness; or,*

34       *(3) any of the following arrangements: (a) lease-purchase agreement; (b) leaseback agreement; (c) installment purchase*  
35 *agreement; (d) lease with an option to purchase for other than the then-current fair market value; (e) lease with option to renew for*  
36 *nominal or no additional consideration; (f) an agreement involving collateral, such as a mortgage or security interest; (g) a public*



1 private partnership; (h) an agreement structured as either design-build-operate-maintain or design-build-finance-operate-maintain,  
2 as defined in Section 11-35-2910; (i) a finance lease, as defined in Section 36-2A-103(1)(g); (j) a transaction in the form of a lease  
3 that creates a security interest, as addressed in Section 36-1-203(b); or (k) a guaranteed energy, water, or wastewater savings  
4 contract, as authorized by Section 48-52-670(A).

5 (C) The report should include long-term obligations irrespective of the source of funds involved, if any, and whether or not the  
6 obligation is subject to the availability or appropriation of funds. The report should exclude the following: (1) general obligation  
7 debt authorized under Section 13, Article X of the Constitution of South Carolina, 1895, and debt issued by the state institution under  
8 Section 13, Article X of the Constitution of South Carolina, 1895, but not debt issued under Section 13 or 14 of Article X on its behalf  
9 or for its benefit; and (2) an institution's obligation to make payments when the total amount of money needed for the obligation is  
10 committed for that purpose, authorized for expenditure, and in hand.

11 (D) The report should be adequate to catalog the type, extent, and prevalence of long-term obligations by state institutions.  
12 Without limitation, the report should include the following information for each obligation identified, if applicable: (1) the interest  
13 or right acquired; (2) the initial, maximum, and then outstanding amount of indebtedness involved; (3) whether a credit rating was  
14 obtained for such indebtedness; (4) the amount and frequency of payments involved, and who makes the payments; (5) the total  
15 amount of payments remaining to be made; (6) the initial and remaining duration of the obligation; (7) the source of funds used to  
16 make payments; (8) the parties to the arrangement and any associated borrowing, including without limitation, the entity lending  
17 the funds or assets associated with the financed acquisition; and (9) any counterparty or intermediary involved.

18 (E) The State Auditor shall conduct the study and issue a final report no later than one hundred and twenty days after the  
19 beginning of the current fiscal year. State institutions must fully respond within forty-five days to any formal request for information  
20 from the State Auditor. If, in the State Auditor's judgment, a state institution does not timely submit a complete and accurate report,  
21 he may obtain the service of independent professionals to audit the institution's records and charge the institution for the associated  
22 cost. Sections 11-7-30, 11-7-35, and 11-7-45 of the 1976 Code shall apply to this special study as though it were an audit.

## 23 24 SECTION 106 - F300 - STATEWIDE EMPLOYEE BENEFITS

25  
26 **106.1.** (SEB: SCRS & PORS Allocation) The funds appropriated in the current fiscal year for SCRS Employer Contributions and  
27 PORS Employer Contributions shall be allocated to state agencies and school districts by the Department of Administration,  
28 Executive Budget Office for SCRS and PORS rate increases.

29 **106.2.** (SEB: Suspend SCRS & PORS Employer Contribution Rate Increase) The increase in the employer contribution rate  
30 imposed by Section 9-1-1085 and Section 9-11-225 for Fiscal Year ~~2020-21~~ 2021-22, respectively, are suspended. The employer  
31 contribution rate for the South Carolina Retirement Systems and the Police Officers Retirement Systems during Fiscal Year ~~2020-21~~  
32 2021-22, expressed as a percentage of earnable compensation, shall ~~remain at the same rate imposed for Fiscal Year 2019-20~~ increase  
33 by 1% from Fiscal Year 2020-21 rates as set in Act 135 of 2020.

1     **SECTION 108 - F500 - PUBLIC EMPLOYEE BENEFIT AUTHORITY**

2

3     **108.1.** (PEBA: Lottery, Infrastructure Bank, and Magistrates Health Insurance) South Carolina Lottery Commissioners and South  
4 Carolina Transportation Infrastructure Bank Board members and their eligible dependents are eligible to participate in the State  
5 Health and Dental Insurance Plan, upon paying the full premium costs as determined by the Public Employee Benefit Authority. If  
6 a county is participating in the State Health and Dental Insurance Plan, magistrates and their eligible dependents are eligible to  
7 participate in the State Health and Dental Insurance Plan, upon the magistrate paying the full premium costs as determined by the  
8 Public Employee Benefit Authority.

9     **108.2.** (PEBA: Adoption Assistance Program) The Employee Adoption Assistance Program is established to provide grants to  
10 eligible employees to assist them with the direct costs of adoption. The program shall be an employee benefit through the Public  
11 Employee Benefit Authority (PEBA) and shall be funded from the appropriation for the State Health Plan as provided in this act.  
12 Total funding for the Adoption Program shall not exceed the amount authorized by the General Assembly in the annual appropriations  
13 act. Employees are eligible for the Adoption Program if they participate in PEBA insurance benefits, have adopted a child during  
14 the prior fiscal year, apply for the grant during the annual application period, and meet any other Adoption Program criteria. The  
15 application period shall be July first through September thirtieth of the current fiscal year for an adoption in the prior fiscal year.  
16 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  
17 adoptions. Should the total amount needed to fund grants at the maximum level exceed the amount authorized, the amount of a grant  
18 to an eligible employee shall be determined by dividing the authorized amount evenly among qualified program applicants, with the  
19 adoption of a special needs child qualifying for two times the benefit of a non-special needs child.

20     **108.3.** (PEBA: Health Plan Tobacco User Differential) For health plans adopted under the authority of Section 1-11-710 of the  
21 1976 Code by the Public Employee Benefit Authority during the current fiscal year, the board is authorized to differentiate between  
22 tobacco *or e-cigarette* users and nonusers regarding rates charged to enrollees in its health plans by imposing a surcharge on enrollee  
23 rates based upon tobacco *or e-cigarette* use. The surcharge for tobacco *or e-cigarette* use may not exceed \$40 per month per  
24 subscriber or \$60 per month per subscriber and dependent(s).

25     **108.4.** (PEBA: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance  
26 Plan may be expended to reimburse the expenses of an abortion, except in cases of rape, incest or where the mother's medical  
27 condition is one which, on the basis of the physician's good faith judgment, so complicates the pregnancy as to necessitate an  
28 immediate abortion to avert the risk of her death or for which a delay will create serious risk of substantial and irreversible impairment  
29 of major bodily function, and the State Health Plan may not offer coverage for abortion services, including ancillary services provided  
30 contemporaneously with abortion services. The Public Employee Benefit Authority must determine the amount of the total premium  
31 paid for health coverage necessary to cover the risks associated with reimbursing participants in the plan for obtaining an abortion in  
32 the circumstances covered by this provision. The determination must be based on actuarial data and empirical study in the same  
33 manner and by the same method that other risks are adjusted for in similar circumstances. The plan must report this determination  
34 annually to the respective Chairmen of the Senate Finance Committee and the House Ways and Means Committee.

35     **108.5.** (PEBA: TRICARE Supplement Policy) The Public Employee Benefit Authority (PEBA) shall offer a group TRICARE  
36 Supplement policy or policies to its TRICARE-eligible subscribers through its flexible benefits program to provide that subscribers

1 may pay premiums for such policies on a pretax basis, in accordance with federal law and regulations. PEBA may charge TRICARE  
2 Supplement subscribers an amount not to exceed \$2 per subscriber per month for any associated administrative costs.

3 **108.6.** (PEBA: State Health Plan) Of the funds authorized for the State Health Plan pursuant to Section 1-11-710(A)(2) of the  
4 1976 Code, an employer premium increase of 0.8 percent and a subscriber premiums for Plan Year 2021 shall remain the same as  
5 in Plan Year 2020 premium increase of zero percent will result for the standard State Health Plan for Plan Year 2022. Copayments  
6 for participants of the State Health Plan shall remain the same in Plan Year ~~2021~~ 2022 as in Plan Year ~~2020~~ 2021. Notwithstanding  
7 the foregoing, pursuant to Section 1-11-710(A)(3), the Public Employee Benefit Authority may adjust the plan, benefits, or  
8 contributions of the State Health Plan during Plan Year ~~2021~~2022 to ensure the fiscal stability of the Plan.

9 **108.7.** (PEBA: Exempt National Guard Pension Fund) In the calculation of any across-the-board cut mandated by the Executive  
10 Budget Office or General Assembly, the amount of the appropriation for the National Guard Pension Fund shall be excluded.

11 **108.8.** (PEBA: Inactive SCRS Account Transfer) A current employee or teacher who is an active participant in the State Optional  
12 Retirement Program but who has an inactive account in the South Carolina Retirement Program due to previous service in that  
13 system, shall be allowed to transfer previous contributions to the employee's or teacher's active State Optional Retirement Program  
14 account.

15 **108.9.** (PEBA: Network Pharmacy Publications) All pharmacy publications or lists must include independent retail pharmacies.  
16 Abridged pharmacy lists are prohibited.

17 **108.10.** (PEBA: Covered Contraceptives) For the Plan year beginning in January of the current fiscal year, the State Health Plan  
18 shall not apply patient cost sharing provisions to covered contraceptives. This provision does not alter the current approved list of  
19 contraceptives and complies with the requirements of Proviso 108.4.

20 **108.11.** (PEBA: Former Spouses on the State Health Plan) For the Plan Year beginning in January of the current fiscal year, the  
21 State Health Plan shall cover a subscriber's former spouse, who is eligible to be covered pursuant to a court order, on the former  
22 spouse's own individual policy and at the full amount of the premium for the coverage elected, with such rates, billing, and other  
23 administrative policies to be determined by the Public Employee Benefit Authority. The former spouses may only elect such health,  
24 dental, and vision coverage as required by the court order. The former spouse's individual coverage may continue under the State  
25 Health Plan as long as authorized under the court order and the subscriber remains a participant in the State Health Plan. This proviso  
26 does not affect a subscriber's ability to cover a current spouse on an employee/retiree and spouse or full family policy when the  
27 subscriber's former spouse is covered on a separate policy.

28 **108.12.** (PEBA: COVID-19 Return to Work Extension) For Fiscal Year 2021-22, the earnings limitation imposed pursuant to  
29 Section 9-1-1790 and Section 9-11-90 of the 1976 Code does not apply to retired members of the South Carolina Retirement System  
30 or the Police Officers Retirement System who return to covered employment to participate in the state's public health preparedness  
31 and response to the COVID-19 virus.

32 **108.13.** (PEBA: Optional Payment of Employee Contributions by Employer) No later than July 1, 2021, an employer in the  
33 South Carolina Retirement System or the Police Officers Retirement System may elect to pay all or a portion of the employee  
34 contribution set out in Sections 9-1-1085 and 9-11-225, respectively, of the 1976 Code with respect to its employees during the fiscal  
35 year. In lieu of the deductions from compensation required by Sections 9-1-1020, 9-1-1160, and 9-11-210, as applicable, an  
36 employer electing to pay employee contributions under this provision hereby elects to pick up all or a portion of the employee

1 contributions required by Sections 9-1-1085 and 9-11-225, as applicable, for the fiscal year without a reduction or offset from its  
2 employees' compensation. Employee contributions picked up without such reduction or offset from the employee's compensation  
3 shall be treated as employer contributions in determining federal tax treatment under Section 414(h)(2) of the United States Internal  
4 Revenue Code, but shall be credited as employee contributions for the purposes of the South Carolina Retirement System or the  
5 Police Officers Retirement System. An employer making the election provided by this provision shall be deemed to have taken formal  
6 action to provide that the contributions on behalf of its employees, although designated as employee contributions, shall be paid by  
7 the employer in lieu of employee contributions. The employer shall pay these employee contributions from the same source of funds  
8 which is used in paying earnings to the employee. The employee, however, must not be given any option of choosing to receive the  
9 contributed amount of the pick ups directly instead of having them paid by the employer to the South Carolina Retirement System or  
10 the Police Officers Retirement System. An employer's election to pick up contributions without a reduction or offset from its  
11 employees' compensation pursuant to this proviso may not be changed during the fiscal year. Employee contributions picked up by  
12 an employer pursuant to this provision without a reduction or offset from the member's compensation are: 1) not earnable  
13 compensation for the purposes of the South Carolina Retirement System or the Police Officers Retirement System; and 2) shall be  
14 deposited in the employee's South Carolina Retirement System or Police Officers Retirement System individual accumulated  
15 contribution account described in Sections 9-1-10(1), 9-11-10(2) and (6), and 9-11-260(2), as applicable, of the 1976 Code.

16 **108.14.** (PEBA: Non-State Agency Furloughs) For the current fiscal year, a participating employer in the South Carolina  
17 Retirement System or Police Officers Retirement System that is not a state agency or institution of higher learning may make  
18 employee and employer contributions for a period of not more than ninety working days during a furlough program that was  
19 implemented as a result of and took place during the COVID-19 Public Health Emergency and if the terms of the furlough program  
20 are consistent with the requirements for an approved mandatory furlough program established by a state agency or institution of  
21 higher learning under state law. The participating employer shall make such contributions in order to ensure that a furloughed  
22 employee's retirement benefits are not interrupted as a result of the furlough, and the period for which such contributions are made  
23 will not be considered a break in consecutive employment.  
24

## 25 SECTION 109 - R440 - DEPARTMENT OF REVENUE

26  
27 **109.1.** (DOR: Subpoenaed Employee Expense Reimbursement) If any employee of the Department of Revenue is subpoenaed to  
28 testify during litigation not involving the Department of Revenue, the party subpoenaing the employee(s) to testify shall reimburse  
29 the State for expenses incurred by the employee(s) requested to testify. Expenses shall include but are not limited to the cost of  
30 materials and the average daily salary of the employee or employees.

31 **109.2.** (DOR: Court Order Funds Carry Forward) Funds awarded to the Department of Revenue by court order shall be retained  
32 in a special account and shall be carried forward from year to year, and expended as needed to accomplish the purposes and conditions  
33 of said order if specified, and if not specified, as may be directed by the Director of the Department of Revenue.

34 **109.3.** (DOR: Rural Infrastructure Fund Transfer) Notwithstanding Section 12-10-85, the Department of Revenue is authorized  
35 to deposit revenues from the Rural Infrastructure Fund in excess of \$12 million dollars to the Rural Infrastructure Fund under the

1 Rural Infrastructure Authority. Any revenues in excess of \$17 million shall be deposited in the Rural Infrastructure Fund under the  
2 Department of Commerce, Coordinating Council.

3 **109.4.** (DOR: SCBOS Funds) The Department of Revenue shall share equally the collection assistance fees imposed on overdue  
4 tax debt with the South Carolina Business One Stop program. The funds received by the department from this fee shall be used for  
5 continued administration of the revenue laws in a fair and impartial manner. Any unexpended funds generated by the fee shall be  
6 carried forward from the prior fiscal year into the current fiscal year and shall also be shared equally between the Department of  
7 Revenue and the South Carolina Business One Stop program.

8 **109.5.** (DOR: Across the Board Cut Exemption) Whenever the Executive Budget Office or General Assembly implements an  
9 across the board budget reduction, the funds appropriated to the Department of Revenue shall be exempt from any such mandated  
10 budget reduction.

11 **109.6.** (DOR: Candidate Tax Return Programs) (A) From the funds appropriated in this act, the department must develop a  
12 program to process inquiries from a candidate for an office of this State or its political subdivisions or any gubernatorial appointee  
13 concerning whether that candidate or appointee has filed annual state income tax returns that he was required to file during the past  
14 ten years, regardless of the source of income, has paid all income taxes due during that time period, and has satisfied all judgments,  
15 liens, or other penalties for failure to pay income taxes when due. The department may only respond to an inquiry if the inquiry is  
16 made by a candidate or appointee concerning that candidate's or appointee's own income tax returns.

17 (B) Unless a candidate or appointee requests otherwise, the department must post the results of all inquiries from candidates or  
18 appointees in a prominent place on its internet website. The information must be organized in the following manner: (1) the  
19 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  
20 that the candidate or appointee was required to file income tax returns and identify the years, if any, that the candidate or appointee  
21 was not required to file income tax returns; (3) state whether the candidate or appointee filed income tax returns in each year that the  
22 candidate or appointee was required to file income tax returns; (4) state whether the candidate or appointee paid income taxes due  
23 each year that the candidate or appointee was required to file income tax returns; and (5) state whether the candidate or appointee  
24 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  
25 that judgment, lien, or other penalty has been satisfied. The department may not post a candidate's complete income tax return when  
26 fulfilling its obligations under this proviso.

27 (C) (1) Participation in this program by a candidate or appointee is voluntary.

28 (2) A candidate's or appointee's inquiry constitutes a waiver of confidentiality with the department concerning the  
29 information posted.

30 **109.7.** (DOR: Fraudulent Tax Return Program) The Department of Revenue may establish a Fraudulent Tax Return Detection  
31 Program to prevent payment of fraudulent tax refunds. To implement the program the department may contract with information  
32 and technology entities to provide the necessary detection capabilities. The department shall pay for the program from the savings  
33 realized by implementation.

34 **109.8.** (DOR: Treasury Offset Program) The Department of Revenue is authorized to retain up to \$140,000 of mailing and  
35 associated administrative costs incurred as a result of the State's participation in and the notice requirements of the Federal Treasury

1 Offset Program. Retained expenses shall be from tax offset revenue received from the federal government. Remaining revenue shall  
2 be deposited in the General Fund.

3 **109.9.** (DOR: May Events) Of the accommodation tax returned to Horry County or the municipalities therein, excluding  
4 municipalities that have enacted a Tourism Development Fee up to one third of the total allocation may be set aside and used for  
5 direct policing activities during events held in May within Horry County. By October thirty-first, the local government must inform  
6 the Department of Revenue the percentage of accommodation tax to withhold, not to exceed one third of the estimated yearly return,  
7 which will be dedicated to direct policing activities. These funds shall be sent by the Department of Revenue to the local governing  
8 entity upon request of the local entity. A report on the expenditure of these funds, which must include the amount and purpose for  
9 which the funds were expended shall be submitted by the county or municipalities to the Governor, the Chairman of Senate Finance  
10 Committee and the Chairman of House Ways and Means Committee no later than ninety days after the end of any event in which  
11 these funds are expended.

12 **109.10.** (DOR: Tourist Safety) Of the accommodation tax returned to any municipality in Horry County that has a Tourism  
13 Development Fee, up to fifty percent of the allocation designated under Section 6-4-10(3) of the 1976 Code may be set aside and  
14 used for direct policing purposes related to tourism. Direct policing purposes include temporary personnel, equipment, and the  
15 installation and maintenance of infrastructure related thereto. These funds may not exceed sixty-five percent of the total new funds  
16 dedicated to the additional policing purposes implemented. Each municipality utilizing this provision shall include expenditures and  
17 revenue sources in its annual report to the Tourism Expenditure Review Committee and shall submit copies of the report to the  
18 Governor, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

19 **109.11.** (DOR: Notification of Protest) In the current fiscal year and from the funds appropriated, if a taxpayer, other than an  
20 individual, files a written protest pursuant to Section 12-60-2120 of the 1976 Code, the department shall notify any affected county  
21 and school district of the written protest.

22 **109.12.** (DOR: Food Manufacturing Equipment) Clothing required by Current Good Manufacturing Practices pursuant to  
23 C.F.R. Section 111.10, as it may be amended, at perishable prepared food manufacturing facilities defined by the North American  
24 Industry Classification System 311991 to prevent health hazards, including outer garments, gloves of an impermeable material,  
25 hairnets, headbands, beard covers, caps, hair covers or other effective hair restraints, and other attire required pursuant to 21 C.F.R.  
26 Section 110.10 for persons working in direct contact with food, food contact services, and food packaging materials to protect against  
27 contamination of food in perishable prepared food manufacturing facilities shall be exempt from all sales and use taxes.

28 **109.13.** (DOR: Collection of Business License Taxes) Except for business license taxes collected pursuant to Article 20, Chapter  
29 9, of Title 58, and Chapters 7 and 45 of Title 38, of the 1976 Code, a private, third party entity is prohibited from assessing or  
30 collecting business license taxes or requiring a business entity to remit confidential business license tax data to that private third party  
31 on behalf of counties or municipalities. This proviso shall not prohibit a county or municipality from contracting with a third party  
32 entity in assisting in the collection of business license taxes. For purposes of this proviso, assisting in the collection of business  
33 license taxes is defined as identification of businesses that do not have a business license, providing that identification to a county or  
34 municipality and/or providing by United States mail official municipality or county business license forms, along with a  
35 self-addressed envelope containing the county or municipality address, to identified businesses on behalf of the county or  
36 municipality; but does not include collecting personal or proprietary information from the identified business. A third party assisting

1 in the collection of business license taxes as defined is this proviso is prohibited from any further contact with the business. This  
2 proviso shall not prohibit a county or municipality from contracting with a third party entity solely for the purpose of providing  
3 payment processing services for the acceptance of business license tax payments.

4 A study committee shall be established to study reform and implementation of a third party collection system. The study committee  
5 shall be composed of the following:

- 6 (1) One member appointed by the Chairman of the Senate Finance Committee;
- 7 (2) One member appointed by the Chairman of the House Ways and Means Committee;
- 8 (3) One member appointed by the Chairman of the Senate Labor, Commerce and Industry Committee;
- 9 (4) One member appointed by the Chairman of the House Labor, Commerce and Industry Committee;
- 10 (5) One member of the Municipal Association of South Carolina;
- 11 (6) One member of the South Carolina Chamber of Commerce;
- 12 (7) One member of the South Carolina Manufacturers Alliance;
- 13 (8) One member of the South Carolina Association of Realtors; and
- 14 (9) One member of the South Carolina Association of Counties.

15 Staff support for the study committee shall be provided by the relevant standing committees of the Senate and the House of  
16 Representatives, as appropriate.

17 ~~109.14. (DOR: Cigarette Stamps) The Department of Revenue must extend the date by which a person must file a report with~~  
18 ~~the department stating the quantity of such unstamped packages of cigarettes that were in the person's possession as of January 1,~~  
19 ~~2020, to until October 1, 2020. If a person files the report by October 1, 2020, then the person is deemed to have filed the report by~~  
20 ~~March 31, 2020. Upon application, in the current fiscal year, the department must refund any fine collected in contravention of this~~  
21 ~~proviso.~~

22 109.15. (DOR: Renewable Fuel Credit) The date the taxpayer must place property or facility into service that is used for  
23 distribution or dispensing renewable fuel shall be extended to January 1, 2022.

24 109.16. (DOR: Broadcasters Apportionment) Broadcasters, as defined by the North American Industry Classification System  
25 512110 and 515120, shall source gross revenues from broadcasting to South Carolina if received from customers whose commercial  
26 domicile is in South Carolina including, but not limited to, gross receipts from advertising, licensing, and distribution, but excluding  
27 gross receipts from the sale of real property or tangible personal property. Gross receipts received from a television station wholly  
28 located in South Carolina shall be sourced to South Carolina notwithstanding that the commercial domicile of the Broadcaster's  
29 customer is outside of South Carolina. The amount sourced to South Carolina shall be the actual receipts attributable to the local  
30 television stations.

## 31 32 SECTION 110 - R520 - STATE ETHICS COMMISSION

33  
34 **110.1.** (ETHICS: Ethics Commission Website Changes) In the current fiscal year, prior to approving or adopting any changes to  
35 the State Ethics Commission Public Disclosure and Accountability Reporting System, the State Ethics Commission shall submit  
36 the proposed changes to the Senate Ethics Committee and House of Representatives Ethics Committee for their review and approval.

1 As third party beneficiaries to any agreement between the State Ethics Commission and a vendor relating to the State Ethics  
2 Commission Public Disclosure and Accountability Reporting System, the General Assembly through its respective Ethics  
3 Committees can submit suggested changes to any proposed agreement or contract relating to the State Ethics Commission Public  
4 Disclosure and Accountability Reporting System and the State Ethics Commission shall be required to incorporate those suggestions  
5 into any contractual negotiation.

6 **110.2.** (ETHICS: Commission Meeting) The Ethics Commission must meet at least one time each month and post notice of  
7 meeting at least twenty-four hours in advance on the agency website.

#### 9 SECTION 111 - S600 - PROCUREMENT REVIEW PANEL

10  
11 **111.1.** (PRP: Filing Fee) Requests for administrative review before the South Carolina Procurement Review Panel shall be  
12 accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is  
13 authorized to charge the party requesting an administrative review under the S.C. Code Sections 11-35-4210(6), 11-35-4220(5),  
14 11-35-4230(6), 11-35-4330, and/or 11-35-4410. The funds generated by the filing fee shall be retained by the panel and carried  
15 forward to be used for the operation of the panel. Withdrawal of an appeal will result in the filing fee being forfeited to the panel.  
16 If a party desiring to file an appeal is unable to pay the filing fee because of financial hardship, the party shall submit a completed  
17 Request for Filing Fee Waiver form at the same time the request for review is filed. The panel shall make the Request for Filing Fee  
18 Waiver forms available to the chief procurement officers to provide to parties along with notice of right to appeal to the panel. If the  
19 filing fee is not waived, the party must pay the filing fee within fifteen days of the date of receipt of the order denying waiver of the  
20 filing fee. Requests for administrative review will not be accepted unless accompanied by the filing fee or a completed Request for  
21 Filing Fee Waiver form at the time of filing.

#### 23 SECTION 112 - V040 - DEBT SERVICE

24  
25 **112.1.** (DS: Ports Authority Loan) ~~Upon receipt of the federal government's share of the Charleston Harbor Deepening Project,~~  
26 ~~the State Ports Authority shall reimburse the General Fund the amount of the loan received pursuant to Proviso 112.2 of Act 264 of~~  
27 ~~2018 for cash flow needs related to the Charleston Harbor Deepening Project, together with interest accrued to the date of~~  
28 ~~reimbursement, calculated at the rate earned on the General Fund for the period during which the loan remains outstanding.~~

29 **112.2.** (DS: Excess Debt Service) Excess debt service funds available in Fiscal Year 2021-22 may be expended in the fiscal year  
30 to pay down general obligation bond debt for which the State (1) is paying the highest rate of interest; (2) will achieve relief in  
31 constrained debt capacity; or (3) reduce the amount of debt issued.

#### 33 SECTION 113 - X220 - AID TO SUBDIVISIONS, STATE TREASURER

34  
35 **113.1.** (AS-TREAS: Veterans' Affairs-Aid to Counties) In the allocation of the appropriation in Part IA, Section 113, as adjusted  
36 for "Aid to County Veteran Offices," each county shall receive an effective annual amount equal to one hundred percent of the



1 amount allocated to it for the prior fiscal year plus an amount equivalent to base pay increases for state employees, less any  
2 adjustments made for budget reductions. This allocation shall be distributed on a quarterly basis to the County Treasurer who will  
3 handle and distribute these monies for the sole benefit and use of the County Veterans' Affairs Offices.

4 **113.2.** (AS-TREAS: Quarterly Distributions) For Fiscal Year ~~2020-21~~ 2021-22, one quarter of the amount appropriated in Part  
5 IA for Aid to Subdivisions-Local Government Fund shall be distributed as soon after the beginning of each quarter as practical with  
6 the four distributions together totaling the Fiscal Year ~~2020-21~~ 2021-22 Part IA appropriation for the Local Government Fund.

7 **113.3.** (AS-TREAS: Salary Supplements) The amounts appropriated in Part IA, Section 113, for Aid Cnty-Clerks of Court, Aid  
8 Cnty-Probate Judges, Aid Cnty-Coroners, and Aid Cnty-Sheriffs shall be distributed by the State Treasurer to each county treasurer  
9 equally on a quarterly basis, and shall be used as a salary supplement for each clerk of court, probate judge, county coroner, and  
10 county sheriff. The amounts appropriated in Part IA, Section 113 for Aid Cnty-Register of Deeds, shall be equally distributed by the  
11 State Treasurer to the appropriate county treasurer on a quarterly basis, and shall be used as a salary supplement for registers of  
12 deeds.

13 The amount appropriated in Part IA, Section 113, for Aid Cnty-Auditors and Aid Cnty-Treasurers, shall be equally distributed to  
14 each county auditor and county treasurer as a salary supplement in addition to any amounts presently being provided by the county  
15 for these positions. It is the intent of the General Assembly that the amount appropriated by the county as salaries for these positions  
16 shall not be reduced as a result of the appropriation and that such appropriation shall not disqualify each county auditor and each  
17 county treasurer for salary increases that they might otherwise receive from county funds in the future. The salary supplement  
18 for each county auditor and county treasurer shall be paid in accordance with the schedule and method of payment established for  
19 state employees.

20 The amounts appropriated in Part IA, Section 113 for Clerks of Court, Probate Judges, Sheriffs, Register of Deeds, Coroners,  
21 Auditors, and Treasurers shall be exempt from any across the board cut mandated by the Executive Budget Office or General  
22 Assembly. However, the governing body of a county may reduce the expenditures in the operation of the offices of these officials  
23 without any required corresponding reduction in the county's state aid to subdivisions distribution. However, any reduction in these  
24 officials' budgets must be made in consultation with the affected official.

25 **113.4.** (AS-TREAS: Legislative Delegations) In the current fiscal year, a county government must fund its legislative delegation  
26 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  
27 must be deducted from the responsible county's Aid to Subdivisions allocation and forwarded to the legislative delegation of the  
28 county. Additionally, the responsible county's remaining Aid to Subdivisions allotment must be reduced by twenty-five percent of  
29 the shortfall amount, which sum must be forwarded to the legislative delegation to be used for its administrative costs.

30 **113.5.** (AS-TREAS: LGF) ~~For Fiscal Year 2020-21, the provisions of Section 6-27-30 and Section 6-27-50 of the 1976 Code are~~  
31 ~~suspended.~~

32 **113.6.** (AS-TREAS: Transparency-Political Subdivision Appropriation of Funds) (A) A political subdivision receiving aid from  
33 the Local Government Fund may not:

34 (1) appropriate money to any entity unless that appropriation appears as a separate and distinct line item in the political  
35 subdivision's budget or in an amendment to the political subdivision's budget;

1 (2) except in cases of emergency or unforeseen circumstances, donate funds to a nonprofit organization unless the amounts  
2 donated are appropriated on a separate and distinct line item in the political subdivision's budget or an amendment to the political  
3 subdivision's budget that includes the names of the entities to which the donations are being made. In the case of an emergency or  
4 unforeseen circumstances, a political subdivision may donate funds to a nonprofit organization if the amount and purpose of the  
5 proposed donation and the nature of the emergency or unforeseen circumstances necessitating the donation are announced in open  
6 session at a public meeting held by the governing body of the political subdivision and the funds are not delivered to the organization  
7 for five days following the announced intent to make the donation; or

8 (3) accept any funds from nongovernmental and inter-governmental organizations as defined in Agenda 21, adopted by the  
9 United Nations in 1992 at its Conference on Environment and Development, accredited and enlisted by the United Nations to assist  
10 in the implementation of its policies relative to Agenda 21 around the world without posting the following on the political  
11 subdivision's website for ten days:

12 (a) a full and detailed list of the funding program, including a designation that the funding program is associated with  
13 Agenda 21,

14 (b) the amount of funds involved,

15 (c) every mandate or requirement or action that will result from the grant or funding program's implementation,

16 (d) any and all projected costs to the political subdivision, business, or individual associated with the grant or funding  
17 program, and

18 (e) the stated goals and expected results of the grant or funding program.

19 (B) A political subdivision receiving aid from the Local Government Fund may not appropriate money to any entity without the  
20 requirement that the entity provides at the end of the fiscal year a detailed description of the purposes for which the money was used.

21 **113.7.** (AS-TREAS: Political Subdivision Flexibility) For Fiscal Year ~~2020-21~~ 2021-22, a political subdivision receiving aid  
22 from the Local Government Fund may reduce its support to any state mandated program or requirement, by up to a percentage equal  
23 to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the amount required to  
24 be appropriated pursuant to Section 6-27-30. Excluded from said reductions are Administrative Law Judges and their offices, Court  
25 of Appeals and their offices, Circuit and Family Courts and their offices, Magistrates and their offices, Masters-in-Equity and their  
26 offices, Probate Courts and their offices, Public Defenders and their offices, Solicitors and their offices, and the Supreme Court and  
27 their offices, and assessment for indigent medical care pursuant to Section 44-6-146 of the 1976 Code.

28 **113.8.** (AS-TREAS: Agricultural Use Exemption) A county shall have its portion of the Aid to Subdivisions, Local Government  
29 Fund withheld if the county imposes any additional requirements for an agricultural use exemption for a landowner's timberland  
30 beyond what is required by Section 12-43-230(a) and Section 12-43-232 of the 1976 Code.

31 **113.9.** (AS-TREAS: Excess Sales Tax Collections) In the current fiscal year, if a county has capital projects sales tax collections  
32 in excess of the amount necessary to complete all projects for which the tax was imposed and the tax has not yet expired, the county  
33 may pledge and use the excess collections to fund road improvements, intersection improvements, and pedestrian transportation.  
34 However, prior to the expiration of the tax, an eligible county must adopt an ordinance specifying the purposes for which the excess  
35 funds will be used. A county may expend distributions received pursuant to the Aid to Subdivisions, State Treasurer section to meet  
36 the requirements of this provision.

## 1 SECTION 117 - X900 - GENERAL PROVISIONS

2

3 117.1. (GP: Revenues, Deposits Credited to General Fund) For the current fiscal year, except as hereinafter specifically provided,  
4 all general state revenues derived from taxation, licenses, fees, or from any other source whatsoever, and all institutional and  
5 departmental revenues or collections, including income from taxes, licenses, fees, the sale of commodities and services, and income  
6 derived from any other departmental or institutional source of activity, must be remitted to the State Treasurer at least once each  
7 week, when practical, and must be credited, unless otherwise directed by law, to the General Fund of the State. Each institution,  
8 department or agency, in remitting such income to the State Treasurer, shall attach with each such remittance a report or statement,  
9 showing in detail the sources itemized according to standard budget classification from which such income was derived, and shall,  
10 at the same time, forward a copy of such report or statement to the Comptroller General and the Executive Budget Office. In order  
11 to facilitate the immediate deposit of collections, refunds of such collections by state institutions where properly approved by the  
12 authorities of same, may be made in accordance with directions from the State Comptroller General and State Treasurer. General  
13 fund appropriations herein made for the support of the public school system of the State must be greater than or equal to the revenues  
14 derived from the General Retail Sales Tax, the Soft Drinks Tax, and the state's portion of the Alcoholic Liquors Tax and Cable  
15 Television Fees as forecasted in the general fund revenue estimate of the Board of Economic Advisors as accounted for in the  
16 Statement of Revenues of this act. Appropriations in this act for the support of the public school system shall include the following:

17 Department of Education;  
18 State Board for Technical and Comprehensive Education;  
19 Educational Television Commission;  
20 Wil Lou Gray Opportunity School;  
21 School for the Deaf and the Blind;  
22 Governor's School for Agriculture at John de la Howe;  
23 Debt Service on Capital Improvement Bonds Applicable to Above Agencies;  
24 Debt Service on School Bonds;  
25 Other School Purposes.

26 Nothing contained herein shall be construed as diminishing the educational funding requirements of this section.

27 117.2. (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part,  
28 if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways  
29 and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year  
30 ~~2020-21~~ 2021-22, and for other purposes specifically designated.

31 117.3. (GP: Fiscal Year Definitions) For purposes of the appropriations made by this part, "current fiscal year" means the fiscal  
32 year beginning July 1, ~~2020~~ 2021, and ending June 30, ~~2021~~ 2022, and "prior fiscal year" means the fiscal year beginning July 1,  
33 ~~2019~~ 2020, and ending June 30, ~~2020~~ 2021.

34 117.4. (GP: Descriptive Proviso Titles) Descriptive proviso titles listed in this act are for purposes of identification only and are  
35 not to be considered part of the official text.

1       **117.5.** (GP: Judicial & Involuntary Commitment, Defense of Indigents) It is the responsibility of all agencies, departments and  
2 institutions of state government, to provide at no cost and as a part of the regular services of the agency, department or institutions  
3 such services as are necessary to carry out the provisions of Chapter 52, Title 44 (Involuntary Commitment), Article 7, Chapter 17,  
4 Title 44 of the 1976 Code (Judicial Commitment), Chapter 3, Title 17 of the 1976 Code (Defense of Indigents), and Article 1, Chapter  
5 3, Title 16 of the 1976 Code (Death Penalty), as amended, upon request of the Judicial Department and/or the appropriate court. To  
6 this end, state agencies are directed to furnish to the Judicial Department a list of their employees who are competent to serve as  
7 court examiners. The Judicial Department shall forward a copy of this list to the appropriate courts, and the courts shall utilize the  
8 services of such state employees whenever feasible. State employees shall receive no additional compensation for performing such  
9 services. For the purpose of interpreting this section, employees of the Medical University of South Carolina and individuals serving  
10 an internship or residency as an academic requirement or employees who are not full-time state employees and who are not  
11 performing duties as state employees are not considered state employees.

12       **117.6.** (GP: Case Service Billing Payments Prior Year) Agencies appropriated case services funds who routinely receive prior  
13 year case service billings after the old fiscal year has been officially closed are authorized to pay these case service obligations with  
14 current funds. This authorization does not apply to billings on hand that have been through a timely agency payment approval  
15 process when the old fiscal year closes.

16       **117.7.** (GP: Fee Increases) (A) No state agency, department, board, committee, commission, or authority, may increase an  
17 existing fee for performing any duty, responsibility, or function unless the fee for performing the particular duty, responsibility, or  
18 function is authorized by statutory law and set by regulation except as provided in this paragraph.

19       (B) This paragraph does not apply to:

- 20           (1) state-supported governmental health care facilities;  
21           (2) state-supported schools, colleges, and universities;  
22           (3) educational, entertainment, recreational, cultural, and training programs;  
23           (4) the State Board of Financial Institutions;  
24           (5) sales by state agencies of goods or tangible products produced for or by these agencies;  
25           (6) charges by state agencies for room and board provided on state-owned property;  
26           (7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;  
27           (8) court fees or fines levied in a judicial or adjudicatory proceeding;  
28           (9) the South Carolina Public Service Authority or the South Carolina Ports Authority.

29       (C) This paragraph does not prohibit a state agency, department, board, committee, or commission from increasing fees for  
30 services provided to other state agencies, departments, boards, committees, commissions, political subdivisions, or fees for health  
31 care and laboratory services regardless of whether the fee is set by statute.

32       (D) Statutory law for purposes of this paragraph does not include regulations promulgated pursuant to the State Administrative  
33 Procedures Act.

34       **117.8.** (GP: State Institutions - Revenues & Income) The University of South Carolina, Clemson University, the Medical  
35 University of South Carolina (including the Medical University Hospital), The Citadel, Winthrop University, South Carolina State  
36 University, Francis Marion University, University of Charleston, Lander University, Coastal Carolina University, and the Wil Lou

1 Gray Opportunity School shall remit all revenues and income, collected at the respective institutions, to the State Treasurer according  
2 to the terms of Proviso 117.1 of this act, but all such revenues or income so collected, except fees received as regular term tuition,  
3 matriculation, and registration, shall be carried in a special continuing account by the State Treasurer, to the credit of the respective  
4 institutions, and may be requisitioned by said institutions, in the manner prescribed in Section 11-3-185 of the 1976 Code, and  
5 expended to fulfill the purpose for which such fees or income were levied, but no part of such income shall be used for permanent  
6 improvements without the express written approval of the State Fiscal Accountability Authority and the Joint Legislative Capital  
7 Bond Review Committee; and it is further required that no such fee or income shall be charged in excess of the amount that is  
8 necessary to supply the service, or fulfill the purpose for which such fee or income was charged. Notwithstanding other provisions  
9 of this act, funds at state institutions of higher learning derived wholly from athletic or other student contests, from the activities of  
10 student organizations, and from the operations of canteens and bookstores, and from approved Private Practice plans at institutions  
11 and affiliated agencies may be retained at the institution and expended by the respective institutions only in accord with policies  
12 established by the institution's Board of Trustees. Such funds shall be audited annually by the State but the provisions of this act  
13 concerning unclassified personnel compensation, travel, equipment purchases and other purchasing regulations shall not apply to the  
14 use of these funds.

15 **117.9.** (GP: Transfers of Appropriations) Agencies and institutions shall be authorized to transfer appropriations within programs  
16 and within the agency with notification to the Executive Budget Office and Comptroller General. No such transfer may exceed  
17 twenty percent of the program budget. Upon request, details of such transfers may be provided to members of the General Assembly  
18 on an agency by agency basis. Transfers of appropriations from personal service accounts to other operating accounts or from other  
19 operating accounts to personal service accounts may be restricted to any established standard level set by the State Fiscal  
20 Accountability Authority upon formal approval by a majority of the members of the State Fiscal Accountability Authority.

21 **117.10.** (GP: Federal Funds - DHEC, DSS, DHHS - Disallowances) Amounts appropriated to the Department of Health and  
22 Environmental Control, Department of Social Services and Department of Health and Human Services may be expended to cover  
23 program operations of prior fiscal years where adjustment of such prior years are necessary under federal regulations or audit  
24 exceptions. All disallowances or notices of disallowances by any federal agency of any costs claimed by these agencies shall be  
25 submitted to the State Auditor, the Senate Finance Committee and the House Ways and Means Committee, within five days of receipt  
26 of such actions.

27 **117.11.** (GP: Fixed Student Fees) During the current fiscal year, student fees at the state institutions of higher learning shall be  
28 fixed by the respective Boards of Trustees as follows:

29 (1) Fees applicable to student housing, dining halls, student health service, parking facility, laundries and all other personal  
30 subsistence expenses shall be sufficient to fully cover the total direct operating and capital expenses of providing such facilities and  
31 services over their expected useful life except those operating or capital expenses related to the removal of asbestos.

32 (2) Student activity fees may be fixed at such rates as the respective Boards shall deem reasonable and necessary.

33 **117.12.** (GP: Tech Educ. Colleges Student Activity Fees) Notwithstanding any other provisions of this act, funds at technical  
34 education colleges derived wholly from the activities of student organizations and from the operations of canteens and bookstores  
35 may be retained by the college and expended only in accord with policies established by the respective college's area commission  
36 and approved by the State Board for Technical and Comprehensive Education.

1       **117.13.** (GP: Discrimination Policy) It is the policy of the State of South Carolina to recruit, hire, train, and promote employees  
2 without discrimination because of race, color, sex, national origin, age, religion or physical disability. This policy is to apply to all  
3 levels and phases of personnel within state government, including but not limited to recruiting, hiring, compensation, benefits,  
4 promotions, transfers, layoffs, recalls from layoffs, and educational, social, or recreational programs. It is the policy of the State to  
5 take affirmative action to remove the disparate effects of past discrimination, if any, because of race, color, sex, national origin, age,  
6 religion or physical disability.

7       Each state agency shall submit to the State Human Affairs Commission employment and filled vacancy data by race and sex by  
8 October thirty-first, of each year.

9       In accordance with Section 1-13-110 of the 1976 Code, as amended, the Human Affairs Commission shall submit a report on the  
10 status of state agencies' Affirmative Action Plans and Programs to the General Assembly by February first each year. This report  
11 shall contain the total number of persons employed in each job group, by race and sex, at the end of the preceding reporting period,  
12 a breakdown by race and sex of those hired or promoted from within the agency during the reporting period, and an indication of  
13 whether affirmative action goals were achieved. For each job group referenced in the Human Affairs report, where the hiring of  
14 personnel does not reflect the percentage goals established in the agency's affirmative action plan for the year in question, the state  
15 agency shall submit a detailed explanation to the Human Affairs Commission by February fifteenth, explaining why goals were not  
16 achieved.

17       The Human Affairs Commission shall review the explanations and notify the Department of Administration of any agency not in  
18 satisfactory compliance with meeting its stated goals.

19       The Department of Administration shall notify any agency not in compliance that their request for additional appropriations for  
20 the current appropriation cycle, may not be processed until such time as the Department of Administration, after consultation with  
21 the Human Affairs Commission, is satisfied that the agency is making a good faith effort to comply with its affirmative action plan,  
22 and that the compliance must be accomplished within a reasonable length of time to be determined by the mission and circumstances  
23 of the agency. This requirement shall not affect additional appropriation requests for public assistance payments or aid to entities.  
24 This section does not apply to those agencies that have been exempted from the reporting requirements of the Human Affairs  
25 Commission.

26       **117.14.** (GP: FTE Management) In order to provide the necessary control over the number of employees, the Executive Budget  
27 Office is hereby directed to maintain close supervision over the number of state employees, and to require specifically the following:

28       (1) That no state agency exceed the total authorized number of full-time equivalent positions and those funded from state  
29 sources as provided in each section of this act except by majority vote of the State Fiscal Accountability Authority.

30       (2) That the Executive Budget Office shall maintain and make, as necessary, periodic adjustments thereto, an official record  
31 of the total number of authorized full-time equivalent positions by agency for state and total funding sources.

32       (a) That within thirty days of the passage of the Appropriation Act or by August first, whichever comes later, each agency  
33 of the State must have established on the Executive Budget Office records all positions authorized in the Act. Each agency may,  
34 upon notification to the Executive Budget Office, change the funding source of state FTE positions established on the Executive  
35 Budget Office records as necessary to expend federal and other sources of personal service funds to conserve or stay within the state  
36 appropriated personal service funds. No agency shall change funding sources that will cause the agency to exceed the authorized

1 number of state or total full-time equivalent positions. Each agency may transfer FTEs between programs as needed to accomplish  
2 the agency mission.

3 (b) That by September thirtieth, the office shall prepare a FTE analysis, by agency, which shows the number of authorized,  
4 filled, and vacant positions by source of funds for the current and two previously completed fiscal years. The office shall provide a  
5 copy of each agency's FTE analysis to the Senate Finance and House Ways and Means Committees.

6 (3) That full-time equivalent (FTE) positions shall be determined under the following guidelines:

7 (a) The annual work hours for each FTE shall be the agency's full-time standard annual work hours.

8 (b) The state FTE shall be derived by multiplying the state percentage of budgeted funds for each position by the FTE for  
9 that position.

10 (c) All institutions of higher education shall use a value of 0.75 FTE for each position determined to be full-time faculty  
11 with a duration of nine months.

12 The FTE method of accounting shall be utilized for all authorized positions.

13 (4) That the number of positions authorized in this act shall be reduced in the following circumstances:

14 (a) Upon request by an agency.

15 (b) When anticipated federal funds are not made available.

16 (c) When the Executive Budget Office, through study or analysis, becomes aware of any unjustifiable excess of positions  
17 in any state agency.

18 (5) That no new permanent positions in state government shall be funded by appropriations in acts supplemental to this act but  
19 temporary positions may be so funded.

20 (6) That the provisions of this section shall not apply to personnel exempt from the State Classification and Compensation  
21 Plan under item I of Section 8-11-260 of the 1976 Code.

22 The Governor, in making his appropriation recommendations to the Ways and Means Committee, must provide that the level of  
23 personal service appropriation recommended for each agency is at least ninety-seven percent of the funds required to meet one  
24 hundred percent of the funds needed for the full-time equivalents positions recommended by the Governor (exclusive of new  
25 positions).

26 **117.15.** (GP: Allowance for Residences & Compensation Restrictions) That salaries paid to officers and employees of the State,  
27 including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of office or of  
28 employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for  
29 at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or employee. The charge  
30 for these items may be payroll deducted at the discretion of the Comptroller General or the chief financial officer at each agency  
31 maintaining its own payroll system. This shall not apply to the Governor's Mansion, nor to guards at any of the state's penal  
32 institutions and nurses and attendants at the Department of Disabilities and Special Needs, and registered nurses providing clinical  
33 care at the MUSC Medical Center, nor to the Superintendent and staff of the Governor's School for Agriculture at John de la Howe,  
34 nor to the cottage parents and staff of Wil Lou Gray Opportunity School, nor to full-time or part-time staff who work after regular  
35 working hours in the SLED Communications Center or Maintenance Area, nor to adult staff at the Governor's School for Science  
36 and Mathematics and the Governor's School for Arts and Humanities who are required to stay on campus by the institution because

1 of job requirements or program participation. Any state institution of higher learning may provide complimentary membership  
2 privileges to employees who work at their wellness centers. The presidents of those state institutions of higher learning authorized  
3 to provide on-campus residential facilities for students may be permitted to occupy residences on the grounds of such institutions  
4 without charge.

5 Any state institution of higher learning may provide a housing allowance to the president in lieu of a residential facility, the amount  
6 to be approved by the State Fiscal Accountability Authority.

7 That the following may be permitted to occupy residences owned by the respective departments without charge: the Farm Director,  
8 Farm Managers, and Specialists employed at the Wateree River Correctional Institution; the South Carolina State Commission of  
9 Forestry fire tower operators, forestry aides, and caretaker at central headquarters; the Department of Natural Resources' Wildlife  
10 Management Area Personnel, Fish Hatchery Personnel, and Heritage Trust Personnel; ~~the Department of Parks, Recreation and~~  
11 ~~Tourism field personnel in the State Parks Division;~~ Director of Wil Lou Gray Opportunity School; President of the School for the  
12 Deaf and the Blind; houseparents for the Commission for the Blind; South Carolina Department of Health and Environmental Control  
13 personnel at the State Park Health Facility and Camp Burnt Gin; Residence Life Coordinators at Lander University; Residence Life  
14 Directors, temporary and transition employees, student interns, and emergency personnel at Winthrop University; Farm  
15 Superintendent at Winthrop University; Residence Hall Directors at the College of Charleston; the Department of Disabilities and  
16 Special Needs' physicians and other professionals at Whitten Center, Clemson University Off-Campus Agricultural Staff and  
17 Housing Area Coordinators; and TriCounty Technical College's Bridge to Clemson Resident and Area Directors; and housing  
18 maintenance night supervisors, residence life directors, temporary and transition employees, and emergency medical personnel  
19 occupying residences owned by the University of South Carolina. Except in the case of elected officials, the fair market rental value  
20 of any residence furnished to a state employee shall be reported by the state agency furnishing the residence to the Agency Head  
21 Salary Commission, and the Department of Administration by October first of each fiscal year.

22 All salaries paid by departments and institutions shall be in accord with a uniform classification and compensation plan, approved  
23 by the Department of Administration, applicable to all personnel of the State Government whose compensation is not specifically  
24 fixed in this act. Such plan shall include all employees regardless of the source of funds from which payment for personal service is  
25 drawn. The Department of Administration is authorized to approve temporary salary adjustments for classified and unclassified  
26 employees who perform temporary duties which are limited by time and/or funds. When approved, a temporary salary adjustment  
27 shall not be added to an employee's base salary and shall end when the duties are completed and/or the funds expire. Academic  
28 personnel of the institutions of higher learning and other individual or group of positions that cannot practically be covered by the  
29 plan may be excluded therefrom but their compensations as approved by the Department of Administration shall, nevertheless, be  
30 subject to review by the State Fiscal Accountability Authority. Salary appropriations for employees fixed in this act shall be in full  
31 for all services rendered, and no supplements from other sources shall be permitted or approved by the State Fiscal Accountability  
32 Authority. With the exception of travel and subsistence, legislative study committees shall not compensate any person who is  
33 otherwise employed as a full-time state employee. Salaries of the heads of all agencies of the State Government shall be specifically  
34 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  
35 funds, state agencies and institutions shall be allowed to spend public funds and/or other funds for designated employee award  
36 programs which shall have written criteria approved by the agency governing board or commission. For purposes of this section,



1 monetary awards, if any, shall not be considered a part of an employee's base salary, a salary supplement, or a perquisite of  
2 employment. The names of all employees receiving monetary awards and the amounts received shall be reported annually to the  
3 Department of Administration.

4 In the case of lodging furnished by certain higher education institutions to employees, the prevailing local rate does not apply if  
5 the institution meets the exceptions for inadequate rent described in the current Internal Revenue Code Section 119(d)(2). To meet  
6 the exception, rental rates must equal the lesser of five percent of the appraised value of the qualified campus lodging, or the average  
7 of the rentals paid by individuals (other than employees or students of the educational institution) during the calendar year for lodging  
8 provided by the educational institution which is comparable to the qualified campus lodging provided to the employee, over the rent  
9 paid by the employee for the qualified campus lodging during the calendar year. The appraised value shall be determined as of the  
10 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  
11 during the calendar year in which the period begins.

12 **117.16.** (GP: Universities & Colleges - Allowance for Presidents) Presidents of the University of South Carolina, Clemson  
13 University, the Medical University of South Carolina, The Citadel, Winthrop University, South Carolina State University, Francis  
14 Marion University, University of Charleston, Coastal Carolina University and Lander University must not be paid a fixed allowance  
15 for personal expenses incurred in connection with the performance of their official duties. Reimbursements may be made to the  
16 presidents from funds available to their respective institutions for any personal expenses incurred provided that all requests for  
17 reimbursement are supported by properly documented vouchers processed through the normal accounting procedures of the  
18 institutions.

19 **117.17.** (GP: Replacement of Personal Property) The Department of Juvenile Justice, Department of Corrections, Department  
20 of Probation, Parole and Pardon Services, Department of Mental Health, Department of Disabilities and Special Needs, Continuum  
21 of Care, Department of Social Services and School for the Deaf and the Blind may replace the personal property of an employee  
22 which has been damaged or destroyed by a client while in custody of the agency. The replacement of personal property may be  
23 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  
24 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  
25 out the functions and duties of his employment. Replacement of damaged or destroyed items shall not exceed \$250 per item, per  
26 incident. Each agency must have guidelines to insure the reasonableness of the replacement payments.

27 **117.18.** (GP: Business Expense Reimbursement) Agency heads and deputy commissioners or deputy directors designated by  
28 agency heads may receive reimbursements for business expenses incurred while performing their official duties, provided that  
29 receipts are presented when seeking reimbursement and justification is submitted to document the time, place, and purpose of the  
30 expense as well as the names of the individuals involved. The Department of Administration shall promulgate regulations governing  
31 these expenses.

32 **117.19.** (GP: Per Diem) The per diem allowance of all boards, commissions and committees shall be at the rate of \$35 per day.  
33 No full-time officer or employee of the State shall draw any per diem allowance for service on such boards, commissions or  
34 committees.

35 **117.20.** (GP: Travel - Subsistence Expenses & Mileage) Travel and subsistence expenses, whether paid from state appropriated,  
36 federal, local or other funds, shall be allowed in accordance with the following provisions:

1 (A) Unless otherwise provided in paragraphs B through H of this section, all employees of the State of South Carolina or any  
2 agency thereof including employees and members of the governing bodies of each technical college while traveling on the business  
3 of the State shall, upon presentation of a paid receipt, be allowed reimbursement for actual expenses incurred for lodging, not to  
4 exceed the current maximum lodging rates, excluding taxes, established by the U.S. General Services Administration. The lodging  
5 reimbursement for employees of a school district must also conform to these rates when that employee's travel reimbursement is  
6 paid by state funds that are transferred to the school district. Agencies may contract with lodging facilities to pay on behalf of an  
7 employee. Failure to maintain proper control of direct payments for lodging may result in the revocation of the agency's authority  
8 by the Comptroller General or the State Auditor. The employee shall also be reimbursed for the actual expenses incurred in the  
9 obtaining of meals except that such costs shall not exceed \$35 per day within the State of South Carolina. For travel outside of South  
10 Carolina the maximum daily reimbursement for meals shall not exceed \$50. Agencies may contract with food or dining facilities to  
11 pay for meals on behalf of employees in accordance with rules and regulations established by the Office of Comptroller General. It  
12 shall be the responsibility of the agency head to monitor the charges for lodging which might be claimed by his employees in order  
13 to determine that such charges are following maximum lodging rates as established by the U.S. General Services Administration.  
14 Any exceptions must have the written approval of the agency head, taking into consideration location, purpose of travel or other  
15 extenuating circumstances. The provisions of this item shall not apply to Section 42-3-40 of the 1976 Code, and when pertaining to  
16 institutions of higher learning, for travel paid with funds other than General Funds.

17 (B) That employees of the State, when traveling outside the United States, Canada, and Puerto Rico upon promotional business  
18 for the State of South Carolina shall be entitled to actual expenses for both food and lodging.

19 (C) The Governor, Lieutenant Governor, Secretary of State, Comptroller General, Attorney General, State Treasurer, Adjutant  
20 General, Superintendent of Education and the Commissioner of Agriculture shall be reimbursed actual expenses for subsistence.

21 (D) Non-legislative members of committees appointed pursuant to Acts and Resolutions of the General Assembly whose  
22 membership consists solely of members of the General Assembly or members of the General Assembly and other personnel who are  
23 not employees of the State of South Carolina shall be allowed subsistence expenses of \$42 per day while traveling on official business,  
24 unless otherwise designated by law. Members of such committees may opt to receive actual expenses incurred for lodging and actual  
25 expenses incurred in the obtaining of meals in lieu of the allowable subsistence expense.

26 (E) Members of the state boards, commissions, or committees whose duties are not full-time and who are paid on a per diem  
27 basis, shall be allowed reimbursement for actual expenses incurred at the rates provided in paragraph A and I of this section while  
28 away from their places of residence on official business of the State. One person accompanying a handicapped member of a state  
29 board, commission, or committee on official business of the State shall be allowed the same reimbursement for actual expenses  
30 incurred at the rates provided in paragraph A through I of this section.

31 (F) No subsistence reimbursement shall be allowed to a Justice of the Supreme Court or Judge of the Court of Appeals while  
32 traveling in the county of his official residence. When traveling on official business of said court within fifty miles outside the county  
33 of his official residence, a Supreme Court Justice and a Judge of the Court of Appeals shall be allowed subsistence expenses in the  
34 amount of \$42 per day plus such mileage allowance for travel as is provided for other employees of the State. When traveling on  
35 official business of said court fifty or more miles outside the county of his official residence, each Justice and Judge of the Court of  
36 Appeals shall be allowed subsistence expenses in the amount as provided in this act for members of the General Assembly plus such

1 mileage allowance for travel as is provided for other employees of the State. The Chief Justice, or such other person as the Chief  
2 Justice designates, while attending the Conference of Chief Justices and one member of the Supreme Court while attending the  
3 National Convention of Appellate Court Judges, and three Circuit Judges while attending the National Convention of State Trial  
4 Judges shall be allowed actual subsistence and travel expenses.

5 Upon approval of the Chief Justice, Supreme Court Justices, Judges of the Court of Appeals, Circuit Judges, and Family Court  
6 Judges shall be reimbursed for actual expenses incurred for all other official business requiring out-of-state expenses at the rate  
7 provided in paragraph A of this section.

8 (G) No subsistence reimbursements are allowed to a Circuit Judge, a Family Court Judge, or an Administrative Law Judge while  
9 holding court within the county in which he resides. While holding court or on other official business outside the county, within  
10 fifty miles of his residence, a Circuit Court Judge, Family Court Judge, or an Administrative Law Judge is entitled to a subsistence  
11 allowance in the amount of \$42 per day plus such mileage allowance for travel as is provided for other employees of the State. While  
12 holding court or on other official business at a location fifty miles or more from his residence, a Circuit Court, Family Court or  
13 Administrative Law Judge is entitled to a subsistence allowance in the amount as provided in this act for members of the General  
14 Assembly plus such mileage allowance for travel as is provided for other employees of the State.

15 (H) Any retired Justice, Circuit Court Judge or Family Court Judge or Master-in-Equity appointed by the Supreme Court to serve  
16 as a Special Circuit Judge, Family Court Judge, Appeals Court Judge, or Acting Associate Justice shall serve without pay but shall  
17 receive the same allowance for subsistence, expenses, and mileage as provided in Part I for Circuit Court Judges.

18 (I) No expense shall be allowed an employee either at his place of residence or at the official headquarters of the agency by  
19 which he is employed except as provided in paragraph E, of this section. When an employee is assigned to work a particular territory  
20 or district, and such territory or district and his official headquarters are in different localities or sections of the State, expenses may  
21 be allowed for the necessary travel to his official headquarters. The members of the Workers' Compensation Commission may be  
22 reimbursed at the regular mileage rate of one round trip each week from their respective homes to Columbia. No subsistence  
23 reimbursement shall be allowed to a member of the Workers' Compensation Commission while traveling in the county of his official  
24 residence. When traveling on official business of the commission outside the county of his official residence, a member of the  
25 Workers' Compensation Commission shall be allowed subsistence expenses in the amount of \$42 per day. When traveling on official  
26 business of the commission fifty or more miles outside the county of his official residence, each member shall be allowed a  
27 subsistence allowance in the amount as provided in this act for members of the General Assembly. When out-of-state, members of  
28 the Workers' Compensation Commission and the members of the Appellate Panel of the Department of Employment and Workforce  
29 may claim the established amount of per diem, as stated in the General Appropriation Act, or actual expenses as deemed reasonable  
30 by the Comptroller General. The members of the Appellate Panel of the Department of Employment and Workforce may be  
31 reimbursed at the regular mileage rate when the member is on official business fifty miles or more outside of Columbia. The members  
32 of the Appellate Panel of the Department of Employment and Workforce shall be allowed subsistence allowance in the amount as  
33 provided in this act for members of the General Assembly when the member is on official business fifty miles or more outside of  
34 Columbia.

35 (J) When an employee of the State shall use his or her personal automobile in traveling on necessary official business, a charge  
36 to equal the standard business mileage rate as established by the Internal Revenue Service will be allowed for the use of such

1 automobile and the employee shall bear the expense of supplies and upkeep thereof. The standard business mileage rate used in this  
2 calculation shall be the current rate established by the Internal Revenue Service. Whenever state provided motor pool vehicles are  
3 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  
4 vehicle in traveling on necessary official business, a charge of four cents per mile less than the standard business mileage rate as  
5 established by the Internal Revenue Service will be allocated for the use of such vehicle and the employee shall bear the expense of  
6 supplies and upkeep thereof. The standard business mileage rate used in this calculation shall be the current rate established by the  
7 Internal Revenue Service. When such travel is by a state-owned automobile, the State shall bear the expense of supplies and upkeep  
8 thereof but no mileage will be allowed. Agencies and employees are directed to use state fueling facilities to the maximum extent  
9 possible, when such use is cost beneficial to the State. When using commercial fueling facilities, operators of State-owned vehicles  
10 are directed to use self-service pumps. In traveling on the business of the State, employees are required to use the most economical  
11 mode of transportation, due consideration being given to urgency, schedules and like factors.

12 Mileage between an employee's home and his/her place of employment is not subject to reimbursement. However, when an  
13 employee leaves on a business trip directly from his/her home, and does not go by the employee's headquarters, the employee shall  
14 be eligible for reimbursement for actual mileage beginning at his/her residence.

15 (K) That a state agency may advance travel and subsistence expense monies to employees of that agency for the financing of  
16 ordinary and necessary travel required in the conducting of the business of the agency. The Office of Comptroller General is directed  
17 to develop and publish rules and regulations pertaining to the advancing of travel expenses and no state agency shall make such  
18 advances except under the rules and regulations as published. All advances for travel and subsistence monies shall be repaid to the  
19 agency within thirty days after the end of the trip or by July fifteenth, whichever comes first.

20 (L) That the state institutions of higher learning are authorized to reimburse reasonable relocation expenses for new employees  
21 when such reimbursements are considered by the agency head to be essential to successful recruitment of professionally competent  
22 staff members.

23 (M) The Office of Comptroller General is authorized to promulgate and publish rules and regulations governing travel and  
24 subsistence payments.

25 (N) No state funds may be used to purchase first class airline tickets.

26 **117.21.** (GP: Organizations Receiving State Appropriations Report) Each organization receiving a contribution in this act shall  
27 render to the state agency making the contribution by November first of the fiscal year in which funds are received, an accounting  
28 of how the state funds will be spent, goals to be accomplished, proposed measures to evaluate success in implementing and meeting  
29 the goals, a copy of the adopted budget for the current year, and also a copy of the organization's most recent operating financial  
30 statement. The funds appropriated in this act for contributions shall not be expended until the required financial statements are filed  
31 with the appropriate state agency. No funds in this act shall be disbursed to organizations or purposes which practice discrimination  
32 against persons by virtue of race, creed, color or national origin. The State Auditor shall review and audit, if necessary, the financial  
33 structure and activities of each organization receiving contributions in this act and make a report to the General Assembly of such  
34 review and/or audit, when requested to do so by the State Fiscal Accountability Authority. From the funds an organization receives  
35 from a state agency, for accountability purposes, by June thirtieth organizations receiving contributions in this act shall submit a  
36 report to the state agency making the contribution that includes an accounting of how the funds were spent and the outcome measures

1 used to determine the success of the stated goals. State agencies receiving such data from organizations shall forward the information  
2 to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

3 **117.22.** (GP: State-Owned Aircraft - Flight Logs) Each agency having in its custody one or more aircraft shall maintain a  
4 continuing log on all flights, which in order to promote accountability and transparency shall be open for public inspection and shall  
5 also be posted online. Any and all aircraft owned or operated by agencies of the State Government shall be used only for official  
6 business. The Division of Aeronautics and other agencies owning and operating aircraft may furnish transportation to the Governor,  
7 Constitutional Officers, members of the General Assembly, members of state boards, commissions, and agencies and their invitees  
8 for official business only; no member of the General Assembly, no member of a state board, commission, or committee, and no state  
9 official shall use any state-owned or operated aircraft unless the member or official files within twenty-four hours after the completion  
10 of the flight with the agency that provided the flight a sworn statement certifying and describing the official nature of his trip; and  
11 no member of the General Assembly, no member of a state board, commission or committee, and no state official shall be furnished  
12 air transportation by a state agency unless such agency prepares and maintains in its files a sworn statement from the highest ranking  
13 official of the agency or its designee certifying that the member's or state official's trip was in conjunction with the official business  
14 of the agency. Official business shall not include routine transportation to and from meetings of the General Assembly or committee  
15 meetings for which mileage is authorized. Official business also does not include attending a press conference, bill signing, or  
16 political function.

17 All logs shall be signed by the parties using the flight and the signatures shall be maintained as part of the permanent record of  
18 any agency. All passengers shall be listed on the flight log by their legal name; passengers flying with an appropriate official of  
19 SLED or the Department of Commerce whose confidentiality must, in the opinion of SLED or the department, be protected shall be  
20 listed in writing on the flight log as "Confidential Passenger SLED or the Department of Commerce (strike one)" and the appropriate  
21 official of SLED or the department shall certify to the agency operating the aircraft the necessity for such confidentiality. The  
22 Division of Aeronautics shall post its flight logs on its website within one working day of completion of trips.

23 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  
24 and shall subject a violating member of the General Assembly to the ethics procedure of his appropriate house and shall subject a  
25 violating member of a state board, commission or committee, or a state official to the applicable ethics procedure relating to them as  
26 provided by law. The above provisions do not apply to state-owned or operated aircraft when used by the Medical University of  
27 South Carolina, nor to aircraft of the athletic department or the educational foundations of any state-supported institution of higher  
28 education, nor to law enforcement officers when flying on state-owned aircraft in pursuit of fugitives, missing persons, or felons or  
29 for investigation of gang, drug, or other violent crimes.

30 Aircraft owned by agencies of state government shall not be leased to individuals for their personal use.

31 **117.23.** (GP: Carry Forward) Each agency is authorized to carry forward unspent general fund appropriations from the prior  
32 fiscal year into the current fiscal year, up to a maximum of ten percent of its original general fund appropriations less any  
33 appropriation reductions for the current fiscal year. Agencies shall not withhold services in order to carry forward general funds.

34 This provision shall be suspended if necessary to avoid a fiscal year-end general fund deficit. For purposes of this proviso, the  
35 amount of the general fund deficit shall be determined after first applying the Capital Reserve Fund provisions in Section

1 11-11-320(D) of the 1976 Code, and before any transfers from the General Reserve. The amount of general funds needed to avoid  
2 a year-end deficit shall be reduced proportionately from each agency's carry forward amount.

3 Agencies which have separate general fund carry forward authority must exclude the amount carried forward by such separate  
4 authority from their base for purposes of calculating the ten percent carry forward authorized herein. Any funds that are carried  
5 forward as a result of this provision are not considered part of the base of appropriations for any succeeding years.

6 **117.24.** (GP: TEFRA-Tax Equity and Fiscal Responsibility Act) It is the intent of the General Assembly that the State Medicaid  
7 Plan be amended to provide benefits for disabled children as allowed by the Tax Equity and Fiscal Responsibility Act (TEFRA)  
8 option. State agencies, including but not limited to, the Department of Social Services - the Continuum of Care, the Department of  
9 Health and Environmental Control, the Department of Mental Health, the Department of Disabilities and Special Needs, and the  
10 Department of Health and Human Services shall collectively review and identify existing state appropriations within their respective  
11 budgets that can be used as state match to serve these children. Such funds shall be used effective January 1, 1995 to implement  
12 TEFRA option benefits. Agencies providing services under the provisions of this paragraph must not spend less in the current fiscal  
13 year than expended in the previous fiscal year.

14 **117.25.** (GP: Prison Industries) All agencies funded in this act, when procuring goods and services, shall first consider  
15 contracting for services or purchasing goods and services through the Department of Corrections' Prison Industries Program. The  
16 Department of Corrections shall furnish, upon request, to all agencies a catalogue of goods and services provided by Prison Industries.  
17 The department is hereby directed to develop and market a catalogue of Prison Industries products for nationwide circulation.

18 **117.26.** (GP: Travel Report) Annually on November first, the Comptroller General shall issue a report on travel expenditures  
19 for the prior fiscal year which shall be distributed to the Senate Finance Committee, the House Ways and Means Committee, and the  
20 Statehouse Press Room. The Comptroller General may use up to \$500 of general fund appropriations for the purpose of providing  
21 copies to the media or the public upon request. The report must contain a listing for every agency receiving an appropriation in the  
22 annual General Appropriations Act. The listing must show at a minimum the top ten percent of employees for whom travel expenses  
23 and registration fees were paid within each agency, not to exceed twenty-five employees per agency. Agencies should include  
24 position titles for each of the top twenty-five travelers for each agency. Expenditures must include state, federal and other sources  
25 of funds. Expenditures for in-state and out-of-state registration fees (fees to attend conferences, teleconferences, workshops, or  
26 seminars for training on a per person basis) must be shown as a separate subtotal within the grand total for the individual employees  
27 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  
28 employee must be shown with each amount. Agencies should include a brief summary of the type of travel the agency incurs. The  
29 Comptroller General may provide additional information as deemed appropriate. The Comptroller General shall provide no  
30 exceptions to this report in that the information contained is not considered confidential or restricted for economic development  
31 purposes. However, further disclosure of detailed information shall be restricted as provided for by law.

32 **117.27.** (GP: School Technology Initiative) From the funds appropriated/authorized for the K-12 technology initiative, the  
33 Department of Education, in consultation with the Department of Administration, the State Library, the Educational Television  
34 Commission, and a representative from the Education Oversight Committee, shall administer the K-12 technology initiative funds.  
35 These funds are intended to provide technology, encourage effective use of technology in K-12 public schools throughout the state,  
36 conduct cost/benefit analyses of the various technologies, and should, to the maximum extent possible, involve public-private sector

1 collaborative efforts. Funds may also be used to establish pilot projects for new technologies with selected school districts as part of  
2 the evaluation process. K-12 technology initiative funds shall be retained and carried forward to be used for the same purpose.

3 **117.28.** (GP: State-Operated Day Care Facilities Fees) Any state agency receiving funding in this act and any higher education  
4 institution, including four-year institutions, two-year institutions, and technical colleges, that operates an early childhood  
5 development center or day care facility shall charge, at a minimum, fees that are comparable to those charged by private day care  
6 facilities in the local community. The institution or agency shall not restrict enrollment in the center solely to the children of faculty,  
7 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.

8 **117.29.** (GP: Base Budget Analysis) Agencies' annual accountability reports for the prior fiscal year, as required in Section  
9 1-1-810, must be accessible to the Governor, Senate Finance Committee, House Ways and Means Committee, and to the public on  
10 or before September fifteenth, for the purpose of a zero-base budget analysis and in order to ensure that the Agency Head Salary  
11 Commission has the accountability reports for use in a timely manner. Accountability Report guidelines shall require agencies to  
12 identify key program area descriptions and expenditures and link these to key financial and performance results measures. The  
13 Executive Budget Office is directed to develop a process for training agency leaders on the annual agency accountability report and  
14 its use in financial, organizational, and accountability improvement. Until performance-based funding is fully implemented and  
15 reported annually, the state supported colleges, universities and technical schools shall report in accordance with Section 59-101-350.

16 **117.30.** (GP: Collection on Dishonored Payments) In lieu of any other provision of law, any state agency may collect a service  
17 charge as provided in Section 34-11-70 to cover the costs associated with the processing and collection of dishonored instruments or  
18 electronic payments where any amount is not paid by the drawee due to insufficient funds on deposit with the bank or the person  
19 upon which it was drawn when presented, or the instrument has an incorrect or insufficient signature on it. Such funds shall be  
20 retained and expended by the agency in accordance with this purpose and any unused amount shall carry forward to the following  
21 fiscal year.

22 **117.31.** (GP: State DNA Database) Funds collected by the South Carolina Department of Corrections, the Department of  
23 Probation, Parole and Pardon, and Department of Juvenile Justice to process DNA samples must be remitted to the State Law  
24 Enforcement Division to offset the expenses incurred to operate the State DNA Database program. SLED may retain, expend, and  
25 carry forward these funds. Any carry forward funds resulting from the DNA Database program must be used solely to operate the  
26 DNA Database program.

27 **117.32.** (GP: Voluntary Separation Incentive Program) State agencies may implement, in consultation with the Department of  
28 Administration, a program to realign resources to include provisions for a separation incentive payment for employees which may  
29 include the employer portion of health and dental benefits not to exceed one year. Employees participating in such program shall be  
30 considered to have voluntarily quit their employment without good cause and be subject to the provisions of Section 41-35-120(1)  
31 of the South Carolina Employment Security Law. Any program developed under this provision will involve voluntary participation  
32 from employees and will be funded within existing appropriations. The program must be approved by the agency head and the  
33 Director of the Human Resources Division based on ability to demonstrate recurring cost savings for realignment and/or permanent  
34 downsizing. State agencies shall report the prior year's results to the Department of Administration by August fifteenth, of the  
35 current fiscal year. The Department of Administration, upon request, shall report to the Senate Finance Committee and the House  
36 Ways and Means Committee on these results.

1       **117.33.** (GP: Debt Collection Reports) Each state agency shall provide to the Chairmen of the Senate Finance and House of  
2 Representatives Ways and Means Committees and the Inspector General a report detailing the amount of its outstanding debt and all  
3 methods it has used to collect that debt. This report is due by the last day of February for the previous calendar year. For purposes  
4 of this provision, outstanding debt means a sum remaining due and owed to a state agency by a nongovernmental entity for more  
5 than sixty calendar days.

6       **117.34.** (GP: State-Funded Libraries - Web Filters) (A) A library receiving state funds, directly, indirectly, by grant, or  
7 otherwise, other than a library at an institution of higher learning, that has computers available for use by the public or students, or  
8 both, must equip these computers with software incorporating web-filtering technology designed to eliminate or reduce the ability  
9 of the computer to access sites displaying pornographic pictures or text. However, up to ten percent, and at least one, of the library's  
10 computers must be unfiltered. Each library's governing officials shall determine the physical location of any unfiltered computer(s).  
11 The library also must have a written policy providing sanctions against a person who instructs or demonstrates to another person  
12 how to bypass this web-filtering technology.

13       (B) State funds intended for a library not in compliance with subsection (A) must be reduced by fifty percent. Funds resulting  
14 from this reduction must be distributed among other libraries that are in compliance with subsection (A).

15       **117.35.** (GP: Tobacco Settlement Funds Carry Forward) State agencies are hereby authorized to retain and carry forward any  
16 unexpended Tobacco Settlement Agreement funds from the prior fiscal year into the current fiscal year and to expend such funds for  
17 the same purpose.

18       **117.36.** (GP: Use Tax Exemption) For the current fiscal year there is exempt from the use tax imposed pursuant to Chapter 36,  
19 Title 12 of the 1976 Code the sales price of tangible personal property purchased for use in private primary and secondary schools,  
20 including kindergartens and early childhood education programs, which are exempt from income taxes pursuant to Section 501(c)(3)  
21 of the Internal Revenue Code. For the purposes of this item, the Internal Revenue Code means Internal Revenue Code as described  
22 in Section 12-6-40 of the 1976 Code. This exemption applies for sales occurring after 1995. No refund is due any taxpayer of use  
23 tax paid on sales exempted by this paragraph.

24       **117.37.** (GP: Personal Property Tax Relief Fund) If the Personal Property Tax Exemption Sales Tax is imposed in a county and  
25 a sales tax rate of two percent of gross proceeds of sales is insufficient to offset the property tax not collected, sufficient amounts  
26 must be credited to the Trust Fund for Tax Relief established pursuant to Section 11-11-150 of the 1976 Code to provide the  
27 reimbursement to offset such a shortfall in the manner provided in Section 4-10-540(A) of the 1976 Code.

28       **117.38.** (GP: COG Annual Report) Each Council of Government shall submit a report to the Senate Finance Committee and the  
29 House Ways and Means Committee by December first each year describing how the funds which they received from the State in the  
30 prior fiscal year were expended.

31       **117.39.** (GP: South Carolina Recycling Initiative) To protect the public health and safety, protect and preserve the environment  
32 of this State, and to recover resources which have the potential for usefulness in the most environmentally safe, economically feasible  
33 and cost effective manner, state agencies shall purchase recycled steel unless the item cannot be acquired competitively at a  
34 reasonable price.



1       **117.40.** (GP: Life and Palmetto Fellows Scholarships Waiver Exemption) Any provision in permanent law or in Part IB,  
2 Section 117 of this act, except that which is specified for LIFE and Palmetto Fellows Scholarships, that would require general fund  
3 appropriations other than what is specified in Part IA of this act is waived for the current fiscal year.

4       **117.41.** (GP: Sole Source Procurements) The State Fiscal Accountability Authority shall evaluate and determine whether the  
5 written determinations, explanations, and basis for sole source procurements, pursuant to South Carolina Code Section 11-35-1560,  
6 and emergency procurements, pursuant to South Carolina Code Section 11-35-1570, are legitimate and valid reasons for awarding  
7 noncompetitive contracts.

8       **117.42.** (GP: DMV Data) ~~The Department of Motor Vehicles shall provide access, in compliance with all state and federal~~  
9 ~~privacy protection statutes, to the following data and reports without charge to the South Carolina Department of Transportation:~~

- 10       ~~(1) all collision data and collision reports;~~  
11       ~~(2) registration information used for toll enforcement; and~~  
12       ~~(3) driver records of employees or prospective employees.~~

13       **117.43.** (GP: Parking Fees) State agencies shall not impose additional parking fees or increases in current fees for state  
14 employees during the current fiscal year. This provision does not apply to any college or university.

15       **117.44.** (GP: Facility Rental Fee) The Governor's School for the Arts and Humanities, Governor's School for Science and  
16 Mathematics, Wil Lou Gray Opportunity School, and the Governor's School for Agriculture at John de la Howe are authorized to  
17 charge, collect, expend and carry forward fees charged for facility and equipment rental and registration.

18       **117.45.** (GP: Insurance Claims) Any insurance reimbursement to an agency may be used to offset expenses related to the claim.  
19 These funds may be retained, expended, and carried forward.

20       **117.46.** (GP: Organizational Charts) All agencies, departments and institutions of state government shall furnish to the Human  
21 Resources Division (1) a current personnel organizational chart annually no later than September first of the current fiscal year, or  
22 upon the request of the division and (2) notification of any change to the agency's organizational structure which impacts an  
23 employee's grievance rights within thirty days of such change. The organizational chart shall be in a form prescribed by the Human  
24 Resources Division showing all authorized positions, class title, class code, position number and indications as to whether such  
25 positions are filled or vacant. In addition, the organizational chart shall clearly identify those employees who are exempt from the  
26 State Employee Grievance Procedure Act.

27       **117.47.** (GP: Agencies Affected by Restructuring) Upon restructuring of state agencies by the General Assembly the Department  
28 of Administration is directed to work with affected State agencies in order to phase-in operations of restructured organizations during  
29 the current fiscal year. Restructured organizations should be operating entirely under the revised structure no later than December  
30 thirty-first, of the current fiscal year, unless otherwise directed by law. The department is further directed to work with the affected  
31 agencies in order to identify and facilitate the transfer of any portion of their operations, including transfer of funds during the current  
32 fiscal year, which is affected by the restructured organization adopted by the General Assembly, but which has not already been  
33 accomplished herein. Until sufficient changes can be made to the State's accounting system and the appointment of appropriate  
34 agency heads, the Comptroller General and the State Treasurer shall allow those agencies affected by restructuring to continue  
35 processing documents within the account structure existing on June thirtieth, of the prior fiscal year. Restructured agencies shall  
36 make all the necessary accounting adjustments to complete the transition to the new account structure as soon as possible, but no

1 later than December thirty-first, of the current fiscal year, unless otherwise directed by law. The Executive Budget Office is directed  
2 to prepare the subsequent detail budget to conform Part IA and corresponding provisos in this act to any restructuring changes that  
3 are ratified.

4 **117.48.** (GP: Agency Administrative Support Collaboration) It is the intent of the General Assembly that state agencies continue  
5 to actively pursue cost savings measures through collaborative efforts and where feasible may combine administrative support  
6 functions with other agencies in order to maximize efficiency and effectiveness.

7 **117.49.** (GP: Assessment Audit / Crime Victim Funds) If the State Auditor finds that any county treasurer, municipal treasurer,  
8 county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and  
9 assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B) and (D),  
10 14-1-207(B) and (D), 14-1-208(B) and (D), and 14-1-211(B) of the 1976 Code, the State Auditor shall notify the State Department  
11 of Crime Victim Compensation. The State Department of Crime Victim Compensation is authorized to conduct an audit which shall  
12 include both a programmatic review and financial audit of any entity or nonprofit organization receiving victim assistance funding  
13 based on the referrals from the State Auditor or complaints of a specific nature received by the State Department of Crime Victim  
14 Compensation to ensure that crime victim funds are expended in accordance with the law. Guidelines for the expenditure of these  
15 funds shall be developed by the Victim Services Coordinating Council. The Victim Services Coordinating Council shall develop  
16 these guidelines to ensure any expenditure which meets the parameters of Article 15, Chapter 3, Title 16 is an allowable expenditure.  
17 Any local entity or nonprofit organization that receives funding from revenue generated from crime victim funds is required to submit  
18 their budget for the expenditure of these funds to the State Department of Crime Victim Compensation within thirty days of the  
19 budget's approval by the governing body of the entity or nonprofit organization. Failure to comply with this provision shall cause  
20 the State Department of Crime Victim Compensation to initiate a programmatic review and a financial audit of the entity's or  
21 nonprofit organization's expenditures of victim assistance funds. Additionally, the Department of Crime Victim Compensation will  
22 place the name of the noncompliant entity or nonprofit organization on their website where it shall remain until such time as they are  
23 in compliance with the terms of this proviso. Any entity or nonprofit organization receiving victim assistance funding must cooperate  
24 and provide expenditure/program data requested by the State Department of Crime Victim Compensation. If the State Department  
25 of Crime Victim Compensation finds an error, the entity or nonprofit organization has ninety days to rectify the error. An error  
26 constitutes an entity or nonprofit organization spending victim assistance funding on unauthorized items as determined by the State  
27 Department of Crime Victim Compensation. If the entity or nonprofit organization fails to cooperate with the programmatic review  
28 and financial audit or to rectify the error within ninety days, the State Department of Crime Victim Compensation shall assess and  
29 collect a penalty in the amount of the unauthorized expenditure plus \$1,500 against the entity or nonprofit organization for improper  
30 expenditures. This penalty plus \$1,500 must be paid within thirty days of the notification by the State Department of Crime  
31 Victim Compensation to the entity or nonprofit organization that they are in noncompliance with the provisions of this proviso.  
32 All penalties received by the State Department of Crime Victim Compensation shall be credited to the General Fund of the State. If  
33 the penalty is not received by the State Department of Crime Victim Compensation within thirty days of the notification, the political  
34 subdivision will deduct the amount of the penalty from the entity or nonprofit organization's subsequent fiscal year appropriation.

35 **117.50.** (GP: H.L. Hunley Museum Location) The General Assembly approves the Patriots Point Development Authority as the  
36 permanent site of the H.L. Hunley Museum. This approval is contingent upon the negotiation and execution of necessary contracts

1 between the State of South Carolina and the Patriots Point Development Authority. The Hunley Commission is directed to expend  
2 funds from its account to negotiate and execute contracts on behalf of the State of South Carolina.

3 **117.51.** (GP: Secure Juvenile Confinement) The Attorney General shall review the interpretation of the current policies of the  
4 Department of Public Safety and the Department of Corrections regarding secure juvenile confinement that the departments indicate  
5 may jeopardize federal grant funds. The departments may not implement any changes to the current policies regarding secure juvenile  
6 confinement until the Attorney General considers the departments' interpretation of the federal Juvenile Justice and Delinquency  
7 Prevention Act in regard to the secure holding of juveniles for more than six hours in adult detention facilities that also serve as  
8 forty-eight-hour juvenile holdover facilities. The Attorney General will determine if the departments' interpretation is fair and  
9 equitable and how the local governments and the Department of Juvenile Justice would be impacted, to include any financial  
10 considerations.

11 **117.52.** (GP: ISCEDC Funding Transfer) The departments of Mental Health, Disabilities and Special Needs, and Juvenile Justice  
12 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  
13 for Caring for Emotionally Disturbed Children. Funding transfers shall be in the following amounts: Department of Mental Health  
14 - \$595,000, Department of Disabilities and Special Needs - \$379,456, and Department of Juvenile Justice - \$225,000. The transfer  
15 of funds shall be accomplished by September thirtieth of the current fiscal year.

16 **117.53.** (GP: Employee Bonuses) State agencies and institutions are allowed to spend state, federal, and other sources of revenue  
17 to provide selected employees lump sum bonuses, not to exceed three thousand dollars per year, based on objective guidelines  
18 established by the Department of Administration. Payment of these bonuses is not a part of the employee's base salary and is not  
19 earnable compensation for purposes of employee and employer contributions to respective retirement systems. Employees earning  
20 \$100,000 or more shall not be eligible to receive bonuses under this provision. The employing agency must report this information  
21 on or before August thirty-first of each year and must include the total amount and source of the bonus received by the employee  
22 during the preceding fiscal year (July first through June thirtieth). The Human Resources Division of the Department of  
23 Administration shall formulate policies and procedures to ensure compliance with the reporting provisions of this proviso. Copies  
24 of the reports shall be made available to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and  
25 Means Committee, upon request.

26 **117.54.** (GP: FEMA Flexibility) Any appropriation designated as the state share for a federally declared disaster may be carried  
27 forward and used for the same purpose by the Emergency Management Division of the Adjutant General's Office in the event of  
28 additional federally declared disasters. Unallocated funds from established state accounts may be used as the state share in any  
29 federally declared disaster. These funds may also be used during a Governor's state of emergency to augment existing state  
30 appropriations of the South Carolina Emergency Management Division (SCEMD). When these funds are used during a Governor's  
31 state of emergency, the allocation of those funds following the event will be determined by the Governor based on the  
32 recommendation of the Adjutant General and the Director of the South Carolina Emergency Management Division.

33 In the event there is a federally declared disaster and state match funds are unavailable, the State Fiscal Accountability Authority  
34 may borrow from any internal account or accounts necessary to maximize federal matching funds through the Emergency  
35 Management Division. Any such borrowing must be reported to the General Assembly within five days. Funds borrowed from  
36 accounts shall be replenished by the General Assembly as soon as practicable.

1       **117.55.** (GP: Respiratory Syncytial Virus Prescription Sales and Use Tax Exemption) The effective date of the exemption from  
2 sales and use tax of prescription medicines used to prevent respiratory syncytial virus shall be January 1, 1999. No refund of sales  
3 and use taxes may be claimed as a result of this provision.

4       **117.56.** (GP: Year-End Financial Statements - Penalties) Agencies, institutions, and other reporting entities required to submit  
5 annual audited financial statements for inclusion in the State's Comprehensive Annual Financial Report must submit final audited  
6 financial statements to the Comptroller General not later than October first for those with fiscal year-end June thirtieth. The South  
7 Carolina Retirement Systems, Insurance Benefits, and Other Post-Employment Benefits Trust Funds administered by the South  
8 Carolina Public Employee Benefit Authority must submit their final audited financial statements no later than October fifteenth. For  
9 institutions and reporting entities with fiscal year-ends other than June thirtieth, final audited financial statements must be submitted  
10 to the Comptroller General within 120 days of that fiscal year-end. The Comptroller General shall provide a written report of each  
11 agency, institution, or other reporting entity not in compliance with this provision to the State Fiscal Accountability Authority by  
12 November thirtieth.

13       **117.57.** (GP: Purchase Card Incentive Rebates) In addition to the Purchase Card Rebate deposited in the general fund, any  
14 incentive rebate premium received by an agency from the Purchase Card Program may be retained and used by the agency to support  
15 its operations.

16       **117.58.** (GP: Sex Offender Monitoring and Supervision) The funds appropriated to the Department of Probation, Parole and  
17 Pardon Services in Part IA, Section 66, Program II.A.2. for the Sex Offender Monitoring Program and to the Department of Juvenile  
18 Justice in Part IA, Section 67, Program III.A. Special Item: Sex Offender Monitoring are to be used and expended only for GPS  
19 monitoring programs of the departments. In cases of limited funds, monitoring of "Jessie's Law" offenders shall take precedence  
20 over all other GPS programs of the departments. Funds appropriated for this program may not be used for any other purpose or  
21 transferred to any other program. Unexpended funds appropriated for Sex Offender Monitoring may be carried forward and used  
22 for the same purpose. The departments are directed to submit a report to the General Assembly by January fifteenth each year  
23 accounting for the expenditure of the funds including any carry-forward funding; the total costs and per-day costs for equipment,  
24 supervision, and monitoring; the total number of staff assigned to the activity and the average agent caseloads; the amount of funds  
25 collected from sex offenders for both intensive supervision and electronic monitoring; and the anticipated fiscal needs for the  
26 upcoming fiscal year. The report shall also include, but not be limited to, data regarding the number of offenders sentenced to  
27 electronic monitoring, including the number sentenced for life; the number of alert notifications received, investigated, and  
28 prosecuted; and the number of offenders returned to prison as a result of electronic monitoring violations.

29       **117.59.** (GP: Viscosupplementation Therapies Sales and Use Tax Exemption) For the current fiscal year only, sales and use  
30 taxes on viscosupplementation therapies shall be suspended. No refund or forgiveness of tax may be claimed as a result of this  
31 provision.

32       **117.60.** (GP: CID & PCC Agency Head Salaries) All hiring salaries and salary increases for the agency heads of the Commission  
33 on Indigent Defense and the Prosecution Coordination Commission shall be subject to all provisions related to agency heads covered  
34 by the Agency Head Salary Commission.

35       **117.61.** (GP: Prosecutors and Defenders Public Service Incentive Program) The Office of Attorney General, the Commission  
36 on Prosecution Coordination, and the Commission on Indigent Defense shall develop and implement a Prosecutors and Defenders

1 Public Service Incentive Program for attorneys employed by the Office of Attorney General, the Commission on Prosecution  
2 Coordination, the Commission on Indigent Defense, a Circuit Solicitor's Office or a Circuit Public Defender's Office.

3 After more than three years of continuous service as a full-time attorney with any of these entities, qualifying attorneys may be  
4 reimbursed up to \$1,000 for payments made in the prior calendar year on outstanding law school loans. Reimbursements for law  
5 school loan payments may be increased by up to \$1,000 for each additional year of continuous service; however, such reimbursements  
6 shall not exceed \$5,000 in any year. The amount of law school loan payment reimbursement in any calendar year shall not exceed  
7 the amount of principal and interest paid on the loan in the prior calendar year. Reimbursements under the program may continue  
8 until all outstanding law school loans are satisfied; however, such reimbursements shall not exceed \$40,000 per qualifying attorney.  
9 Reimbursements shall be adjusted if necessary so as not to exceed appropriations for the program.

10 The Prosecutors and Defenders Public Service Incentive Program must be administered by the Commission on Prosecution  
11 Coordination, which shall pay for the cost of administration within the funds appropriated.

12 The Office of Attorney General, the Commission on Prosecution Coordination, and the Commission on Indigent Defense shall  
13 each compile a report that includes, but is not limited to, the number of applicants and the impact of the program on attracting and  
14 retaining attorneys. The Commission on Prosecution Coordination shall also compile a report that includes, but is not limited to, the  
15 cost of administering the program as well as the amount of reimbursements per agency or entity. Such reports shall be submitted to  
16 the Senate Finance Committee and the House Ways and Means Committee by April first.

17 Unexpended program funds from the prior fiscal year may be carried forward into the current fiscal year to be used for the same  
18 purpose.

19 **117.62.** (GP: Attorney Dues) Agencies and offices of the State of South Carolina that employ attorneys are authorized, if they  
20 so decide, to use other appropriated funds, including General Fund carry forward funds, to pay the costs of mandatory dues owed to  
21 the South Carolina Bar Association.

22 **117.63.** (GP: Critical Employee Recruitment and Retention) State agencies are allowed to spend state, federal, and other sources  
23 of revenue to provide lump sum bonuses to aid in recruiting and retaining workers in critical needs jobs which provide services that  
24 directly impact the health, safety, and welfare of the public. The employee bonus amount shall be approved by the State Human  
25 Resources Director based on State Human Resources guidelines, and shall not exceed \$10,000 per year. Payment of these bonuses  
26 is not a part of the employee's base salary and is not earnable compensation for purposes of employee and employer contributions  
27 to respective retirement systems. These bonuses shall, however, be considered earnings for determining if an employee who has  
28 returned to work after retirement is subject to the earning limitation imposed in either Section 9-1-1790(A)(1) or Section 9-11-  
29 (4)(a)(i).

30 These agencies may also provide paid educational leave for any employee in a FTE position deemed critical by the Department of  
31 Administration to attend class while enrolled in degree programs that are related to the agency's mission. All such leave is at the  
32 agency head's discretion.

33 These agencies may enter into an agreement with individuals employed in critical needs positions to repay them for their  
34 outstanding student loans associated with completion of a relevant degree. Agencies may pay these employees up to twenty percent  
35 or \$7,500, whichever is less, of their outstanding student loan each year over a five-year period. Payments will be made directly to

1 the employee at the end of each year of employment. The agency will be responsible for verifying the principal balance of the  
2 employee's student loan prior to issuing payments.

3 Agencies are also authorized to allow tuition reimbursement from a maximum of ten credit hours per semester; allow probationary  
4 employees to participate in tuition programs; and provide tuition prepayment instead of tuition reimbursement for employees willing  
5 to pursue a degree in a healthcare program. An agency may pay up to fifty percent of an employee's tuition through tuition  
6 prepayment. The remaining tuition could be reimbursed to the employee after successful completion of the class.

7 The Department of Administration shall approve of the designation of critical needs positions applicable to this provision using  
8 guidelines that include, but are not limited to: 1) the difficulty recruiting for the positions as reflected by data such as the vacancy  
9 rate maintained, the average time to fill, the lack of sufficient qualified applicants, and other objective factors; 2) the difficulty  
10 retaining employees in the positions as shown by turnover data; 3) justification by the state agency that the position is critical to the  
11 core mission of the agency and directly impacts the health, safety and welfare of the public; and 4) assurances from the state agency  
12 that there are sufficient existing funds available to pay for items under this provision.

13 Healthcare employees in approved critical needs positions working on a practicum or required clinical experience towards  
14 completion of a healthcare degree may be allowed to complete these requirements at their state agency or another state agency at the  
15 discretion of the agency head. This field placement at another state agency may be considered work time for participating employees.

16 State agencies must report to the Department of Administration by August 31st of each year any expenditure under this provision.  
17 The Department of Administration shall compile a report of the responses and submit them to the Chairman of the Senate Finance  
18 Committee and the Chairman of the House Ways and Means Committee by October 1<sup>st</sup> of each year.

19 **117.64.** (GP: Governor's Budget Certification) The annual Executive Budget proposed by the Governor must be certified by the  
20 Director of the Revenue and Fiscal Affairs Office or his designee in the same manner as the House Ways and Means and Senate  
21 Finance Committee versions of the budget bill are certified.

22 **117.65.** (GP: Voluntary Furlough) Agency heads may institute a voluntary employee furlough program of not more than ninety  
23 days per fiscal year. During this voluntary furlough, the state employees shall be entitled to participate in the same state benefits as  
24 otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee  
25 contributions, the state agencies, institutions and departments will be responsible for making both employer and employee  
26 contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the  
27 employee remains solely responsible for making those contributions. In the event an agency's reduction is due solely to the General  
28 Assembly transferring or deleting a program, this provision does not apply.

29 **117.66.** (GP: Governor's Security Detail) The State Law Enforcement Division, the Department of Public Safety, and the  
30 Department of Natural Resources shall provide a security detail to the Governor in a manner agreed to by the State Law Enforcement  
31 Division, the Department of Public Safety, the Department of Natural Resources, and the Office of Governor. Reimbursement to the  
32 State Law Enforcement Division, the Department of Public Safety, and the Department of Natural Resources to offset the cost of the  
33 security detail for the Governor shall be made in an amount agreed to by the State Law Enforcement Division, the Department of  
34 Public Safety, the Department of Natural Resources, and the Office of Governor from funds appropriated to the Office of Governor  
35 for this purpose. Law enforcement officers assigned to security detail for the Governor shall only perform services related to security  
36 and shall not provide any unrelated service during the assignment.

1       **117.67.** (GP: Reduction in Force Antidiscrimination) In the event of a reduction in force implemented by a state agency or  
2 institution, the state agency or institution must comply with Title VII of the Civil Rights Act of 1964 or any other applicable federal  
3 or state antidiscrimination laws.

4       **117.68.** (GP: Reduction in Force/Agency Head Furlough) In the event a reduction in force is implemented by a state agency or  
5 institution of higher learning, the agency head shall be required to take five days furlough in the current fiscal year. If more than one  
6 reduction in force plan is implemented in a fiscal year, the mandatory agency head furlough is only required for the initial plan. The  
7 agency head will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be retained  
8 by that agency and expended at the discretion of the agency head. During this furlough, the agency head shall be entitled to participate  
9 in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require  
10 employer and employee contributions, the state agency will be responsible for making both employer and employee contributions if  
11 coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the agency head  
12 remains solely responsible for making those contributions.

13       Placement of an agency head on furlough under this provision does not constitute a grievance or appeal under the State Employee  
14 Grievance Procedure Act. In the event the reduction for the state agency or institution of higher learning is due solely to the General  
15 Assembly transferring or deleting a program, this provision does not apply. Agencies may allocate the agency head's reduction in  
16 pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. The  
17 Department of Administration shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso.  
18 State agencies shall report information regarding furloughs to the Department of Administration.

19       For purposes of this provision, agency head includes the president of a technical college as defined by Section 59-103-5 of the  
20 1976 Code.

21       The agency head of the State Board for Technical and Comprehensive Education shall not be required to take this mandatory  
22 furlough based solely on the implementation of a reduction in force plan by a technical college.

23       An agency head shall not be required to take this mandatory furlough based solely on reductions in force implemented as a result  
24 of federal budget cuts or reorganization to accomplish organizational efficiencies.

25       **117.69.** (GP: Printed Report Requirements) (A) For Fiscal Year ~~2020-21~~ 2021-22, state supported institutions of higher learning  
26 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  
27 instead only submit the documents electronically.

28       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  
29 for the current fiscal year, except institutions of higher learning must continue to report student pass rates on professional  
30 examinations, and data elements otherwise required for the Commission on Higher Education Management Information System.  
31 The commission, in consultation with institutions, shall take further action to reduce data reporting burdens as possible.

32       (B) For Fiscal Year ~~2020-21~~ 2021-22, the Department of Agriculture shall not be required to submit printed reports mandated by  
33 Section 46-49-10 of the 1976 Code. The department shall provide these reports electronically and shall use any monetary savings  
34 for K5-12 agricultural education programs.

1 (C) For Fiscal Year ~~2020-21~~ 2021-22, the Department of Health and Human Services shall not be required to provide printed  
2 copies of the Medicaid Annual Report required pursuant to Section 44-6-80 of the 1976 Code and shall instead only submit the  
3 documents electronically.

4 (D) For Fiscal Year ~~2020-21~~ 2021-22, the Department of Transportation shall not be required to submit printed reports or  
5 publications mandated by Sections 1-11-58, 2-47-55, and 58-17-1450 of the 1976 Code.

6 The Department of Transportation may combine their Annual Report and Mass Transit Report into their Annual Accountability  
7 Report.

8 **117.70.** (GP: IMD Operations) The Department of Health and Human Services shall produce an annual report on  
9 Medicaid-funded out-of-home placements and associated expenditures which shall be provided to the Chairman of the Senate  
10 Finance Committee, Chairman of the House Ways and Means Committee, and the Governor no later than November first each year.

11 **117.71.** (GP: Fines and Fees Report) In order to promote accountability and transparency, each state agency must provide and  
12 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  
13 that state agency in the prior fiscal year. The report shall include, but not be limited to: (1) the code section, regulation, or proviso  
14 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  
15 source; (4) the purpose for which the funds were expended by the agency; (5) the amount of funds transferred to the general fund, if  
16 applicable, and the authority by which the transfer took place; and (6) the amount of funds transferred to another entity, if applicable,  
17 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  
18 must be posted online by September first. Additionally, the report must be delivered to the Chairman of the Senate Finance  
19 Committee and the Chairman of the House Ways and Means Committee by September first. Funds appropriated to and/or authorized  
20 for use by each state agency shall be used to accomplish this directive.

21 **117.72.** (GP: Mandatory Furlough) In a fiscal year in which the general funds appropriated for a state agency are less than the  
22 general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Executive Budget Office  
23 implements a midyear across-the-board budget reduction, and agency heads institute a mandatory employee furlough program, in  
24 determining which employees must participate in the program, agency heads should give consideration to furloughs for contract  
25 employees, post-TERI employees, and TERI employees before other employees. During this mandatory furlough, the state  
26 employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries.  
27 As to those benefits which require employer and employee contributions, the state agencies, institutions, and departments will be  
28 responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those  
29 benefits which require only employee contributions, the employee remains solely responsible for making those contributions. In the  
30 event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

31 **117.73.** (GP: Reduction In Force) In a fiscal year in which the general funds appropriated for a state agency are less than the  
32 general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Executive Budget Office  
33 implements a midyear across-the-board budget reduction, and agency heads must make reductions in force, agency heads should  
34 give consideration to reductions of contract employees, post-TERI employees, and TERI employees before other employees. In the  
35 event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.



1       **117.74.** (GP: Cost Savings When Filling Vacancies Created by Retirements) During the current fiscal year, whenever classified  
2 FTEs become vacant because of employee retirements, it is the intent of the General Assembly that state agencies should realize  
3 personnel costs savings of at least twenty-five percent in the aggregate when managing these vacant positions. Prior to filling a  
4 classified FTE which has become vacant because of a retirement, an agency must review and determine the appropriate salary for  
5 the position as well as determine whether the agency can manage without filling the position or by delay in filling the position. Prior  
6 to filling the vacant FTE, agencies must follow all laws and regulations concerning posting and competitive solicitation and  
7 consideration of applicants. No agency shall enter into any agreement with any employee that violates the terms of this proviso.

8       **117.75.** (GP: Information Technology for Health Care) From the funds appropriated and awarded authorized to the South  
9 Carolina Department of Health and Human Services for the ~~Health Information Technology for Economic and Clinical Health Act~~  
10 ~~of 2009~~, the department shall advance the use of health information technology and health information exchange to improve quality  
11 and efficiency of health care and to decrease the costs of health care- as follows:

12       (A) In order to facilitate the qualification of Medicare and/or Medicaid eligible providers and hospitals for incentive payments  
13 for meaningful health information technology (HIT) use, a health care organization participating in the South Carolina Health  
14 Information Exchange (SCHIE) or a Regional Health Information Organization (RHIO) or a hospital system health information  
15 exchange (HIE) that participates in SCHIE may release patient records and medical information, including the results of any  
16 laboratory or other tests ordered or requested by an authorized health care provider within the scope of his or her license or practice  
17 act, to another health information organization that requests the information via a HIE for treatment purposes with or without express  
18 written consent or authorization from the patient. A health information organization that receives or views this information from a  
19 patient's electronic health record or incorporates this information into the health information organization's electronic medical record  
20 for the patient in providing treatment is considered an authorized person for purposes of 42 C.F.R. 493.2 and the Clinical Laboratory  
21 Improvement Amendments.

22       (B) There is established the Health Information Exchange Strategy Development Committee to make recommendations on the  
23 development of a statewide HIE strategy that is intended to promote interoperability for purposes of improving patient safety,  
24 eliminating redundant or unnecessary testing, and increasing the efficiency of the healthcare system. The committee shall assess  
25 other states' approaches to governing, financing, and implementing their statewide HIE efforts, including enhanced funding made  
26 available through the Centers for Medicare and Medicaid Services or other relevant agencies, and shall report its findings and  
27 recommendations to the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance  
28 Committee no later than November 15, 2021. The committee shall consider and leverage the capabilities of existing exchanges and  
29 organizations already present in South Carolina and shall solicit and evaluate the input of appropriate stakeholders, including but  
30 not limited to, those represented on the committee. Upon the request of the committee, the department shall furnish staff and other  
31 necessary resources to support the work of the committee, which shall be comprised of the following:

32       (1) the director of the Revenue and Fiscal Affairs Office or his designee, who shall serve as chair;

33       (2) the director of the Department of Health and Human Services or his designee;

34       (3) the director of the Department of Health and Environmental Control or his designee;

35       (4) the president of the Medical University of South Carolina or his designee;

36       (5) the CEO of the South Carolina Hospital Association or his designee;

1       (6) the CEO of the South Carolina Medical Association or his designee;

2       (7) the CEO of the South Carolina Primary Health Care Association or his designee, and

3       (8) an individual with substantial HIE experience, who shall be appointed by the Governor.

4       (C) The department shall be authorized to use any of its available and uncommitted funds to develop, submit, or implement any  
5 advance planning documents or other similar plans in furtherance of a statewide HIE strategy, and to secure any available federal  
6 funding. The department shall expeditiously prepare and submit any such documents or plans, particularly if necessary to meet any  
7 federal deadlines.

8       **117.76.** (GP: Broadband Spectrum Lease) The General Assembly must approve any exercise of the Middle Band Segment  
9 Channel recapture provisions contained in the Educational Broadband Service Spectrum Lease Agreements if the exercise of the  
10 recapture provisions would result in a decrease in payments received by the State. The Educational Television Commission assumes  
11 management and administration of the lease and receives lease payments directly. The Educational Television Commission shall  
12 retain and expend funds received pursuant to the lease for agency operations. The commission shall be authorized to carry forward  
13 unexpended funds from the prior fiscal year into the current fiscal year. In the event of a default by the current lease holder, the  
14 Educational Television Commission is authorized to use contingent funds up until such time as a new lease can be negotiated by the  
15 State and the Educational Television Commission.

16       **117.77.** (GP: Reduction in Compensation) For the current fiscal year, no state agency or political subdivision of this state may  
17 decrease the compensation of an employee, including dismissal, suspension, or demotion, solely because the employee gave sworn  
18 testimony regarding alleged wrongdoing to a standing committee, subcommittee of a standing committee, or study committee of the  
19 Senate or the House of Representatives. This proviso shall apply regardless of when the alleged wrongdoing occurred.

20       **117.78.** (GP: Deficit Monitoring) It is the responsibility of each state agency, department, and institution to operate within the  
21 limits of its authorized appropriations. All agencies, departments, and institutions are to budget, allocate and manage its authorized  
22 appropriations in a way to avoid an operating deficit for the fiscal year.

23       If at the end of each quarterly deficit monitoring review by the Executive Budget Office, it is determined by either the Executive  
24 Budget Office or a state agency, department, or institution that the likelihood of a deficit for the current fiscal year exists, the state  
25 agency shall notify the General Assembly within fifteen days of this determination and shall further request the Executive Budget  
26 Office to work with it to develop a plan to avoid the deficit. Within fifteen days of the deficit avoidance plan being completed, the  
27 Executive Budget Office shall either request the General Assembly to recognize the deficit if it determines the deficit avoidance plan  
28 will not be sufficient to avoid a deficit or notify the General Assembly of how the deficit will be avoided based on the deficit  
29 avoidance plan if the Executive Budget Office determines the plan will be sufficient to avoid a deficit.

30       Upon notification from the Executive Budget Office that an agency will run a deficit and requesting that it be recognized, the  
31 General Assembly, by joint resolution, may make a finding that the cause of, or likelihood of, a deficit is unavoidable due to factors  
32 which are outside the control of the state agency, department, or institution, and recognize the deficit. Any legislation to recognize  
33 a deficit must be in a separate joint resolution enacted for the sole purpose of recognizing the deficit of a particular state agency,  
34 department, or institution. A deficit may only be recognized by an affirmative vote of each branch of the General Assembly.

1 If the General Assembly recognizes the deficit, then the actual deficit at the close of the fiscal year must be reduced as necessary  
2 from surplus revenues or surplus funds available at the close of the fiscal year in which the deficit occurs and from funds available  
3 in the General Reserve Fund and the Capital Reserve Fund, as required by the Constitution of this State.

4 Once a deficit has been recognized by the General Assembly, the state agency, department, or institution shall limit travel and  
5 conference attendance to that which is deemed essential by the director of the agency, department, or institution. In addition, the  
6 General Assembly, when recognizing a deficit may direct that any pay increases and purchases of equipment and vehicles must be  
7 approved by the Executive Budget Office.

8 **117.79.** (GP: Commuting Costs) State government employees who use a permanently assigned agency or state-owned vehicle  
9 to commute from their permanently assigned work location to and from the employee's home must reimburse the agency in which  
10 they are employed for commuting use in accordance with IRS regulations based on guidance from the Office of Comptroller General  
11 which must use the Cents per mile Rule, unless they are exempted from such reimbursement by applicable IRS regulations. These  
12 permanently assigned vehicles must be clearly marked as a state or agency vehicle through the use of permanent state-government  
13 license plates and either state or agency seal decals unless the vehicle is used primarily in undercover operations. This requirement  
14 does not apply to a vehicle used by an employee for the purpose of a special travel assignment, for active certified law enforcement  
15 officers authorized to carry firearms, execute warrants, and make arrests, for Constitutional Officers, or for Department of  
16 Transportation employees on call for emergency maintenance.

17 **117.80.** (GP: Bank Account Transparency and Accountability) Each state agency, except state institutions of higher learning,  
18 which has composite reservoir bank accounts or any other accounts containing public funds which are not included in the Comptroller  
19 General's South Carolina Enterprise Information System shall prepare a report for each account disclosing every transaction of the  
20 account in the prior fiscal year. The report shall be submitted to the State Fiscal Accountability Authority by October first of each  
21 fiscal year. The report shall include the name(s) and title(s) of each person authorized to sign checks or make withdrawals from each  
22 account, the name and title of each person responsible for reconciling each account, the beginning and year-end balance of funds in  
23 each account, and data related to both deposits and expenditures of each account. The report shall include, but not be limited to, the  
24 date, amount, and source of each deposit transaction and the date, name of the payee, the transaction amount, and a description of  
25 the goods or services purchased for each expenditure transaction. To facilitate review, the State Fiscal Accountability Authority  
26 shall prescribe a common format for the report which agencies must use. In order to promote accountability and transparency, a link  
27 to the report shall be posted on the Comptroller General's website as well as the agency's homepage.

28 When the State Auditor conducts or contracts for an audit of a state agency, accounts of the agency subject to this proviso must be  
29 included as part of the review.

30 If an agency determines that the release of the information required in this provision would be detrimental to the state or the  
31 agency, the agency may petition the State Fiscal Accountability Authority to grant the agency an exemption from the reporting  
32 requirements for the detrimental portion. The meeting to determine whether an exemption should be granted shall be closed.  
33 However, the exemption may only be granted upon a majority vote of the State Fiscal Accountability Authority in a public meeting.

34 **117.81.** (GP: Websites) All agencies, departments, and institutions of state government shall be responsible for providing on its  
35 Internet website a link to the Internet website of any agency, other than the individual agency, department, or institution, that posts  
36 on its Internet website that agency, department, or institution's monthly state procurement card statements or monthly reports

1 containing all or substantially all the same information contained in the monthly state procurement card statements. The link must  
2 be to the specific webpage or section on the website of the agency where the state procurement card information for the state agency,  
3 department, or institution can be found. The information posted may not contain the state procurement card number. Any  
4 information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any posting  
5 required by this section.

6 **117.82.** (GP: Regulations) For the current fiscal year, if a state agency proposes a regulation that levies or increases a fee, fine,  
7 or that otherwise generates revenues, the title to the Joint Resolution which proposes the regulation must indicate that a fee, fine, or  
8 revenue source is being proposed.

9 **117.83.** (GP: Joint Children's Committee) For the current fiscal year, the Department of Revenue is directed to reduce the rate  
10 of interest paid on eligible refunds by one percentage point. Of the revenue resulting from this reduction, \$300,000 shall be  
11 transferred to the Senate for the Joint Citizens and Legislative Committee on Children to provide the report, research, and other  
12 operating expenses as directed in Section 63-1-50 of the 1976 Code. Funds transferred to the University of South Carolina for the  
13 Joint Citizens and Legislative Committee on Children shall be maintained in a separate and distinct account. A detailed report of all  
14 expenditures shall be made to the Executive Budget Office within thirty days of the close each fiscal quarter, and the Executive  
15 Budget Office shall distribute this information to the Chairman of the Senate Finance Committee and the Chairman of the House  
16 Ways and Means Committee. The remaining revenue resulting from this reduction shall be transferred to the Department of Juvenile  
17 Justice to be used for mentoring or alternatives to incarceration programs. Unexpended funds authorized by this provision may be  
18 retained and carried forward by the Senate or the Department of Juvenile Justice, respectively, and used for the same purposes. The  
19 rate of reduction authorized in this provision shall be in addition to the reduction authorized in Proviso 41.2.

20 **117.84.** (GP: Civil Conspiracy Defense Costs) For the current fiscal year, for any claim that has not reached a judgment, if a  
21 state or local government employee or former state or local government employee ("government employee") is personally sued for  
22 civil conspiracy based in part upon a personnel or employment action or decision regarding an employee, the court must, prior to  
23 trial, make a final determination whether the action or decision giving rise to the suit was made by the government employee within  
24 the scope of their official duty. If the court finds that the government employee was acting outside the scope of the employee's  
25 official duties, the government shall not thereafter expend any funds to pay or defend the claim. If the court finds the government  
26 employee was acting within the scope of their official duties, the employee is immune from suit, liability, and damages with respect  
27 to the civil conspiracy claim. The government may only expend funds to defend the claim if the determination is that the employee  
28 was acting within the scope of their official duties. Nothing in this proviso prevents an insurance provider from defending and  
29 paying, respectively, any claims that the provider has contractually agreed to defend and pay.

30 **117.85.** (GP: Recovery Audits) The State Fiscal Accountability Authority shall contract with one or more firms to conduct  
31 recovery audits of payments made by all state agencies to vendors for goods and services. The audits must be designed to detect,  
32 document, and recover overpayments and erroneous payments to the vendors and to recommend improved financial and operational  
33 practices and procedures. A state agency shall pay, from recovered monies received, the recovery audit firm responsible for obtaining  
34 for the agency a reimbursement or payment from a vendor a negotiated fee not to exceed twenty percent of the funds recovered by  
35 that firm.

1 Unless otherwise restricted by law, funds recovered, less the cost of recovery, shall be remitted to a special fund subject to  
2 appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation  
3 of this provision.

4 Recovery audits apply only to payments made more than one hundred eighty days prior to the date the audit is initiated and shall  
5 cover at least three complete fiscal years.

6 All information provided under a contract must be treated as confidential by the recovery audit firm. A violation of this provision  
7 shall result in the forfeiture by the firm of all compensation under the contract and to the same sanctions and penalties that would  
8 apply to that disclosure.

9 Each state agency shall participate in this recovery audit program and shall cooperate and provide the recovery audit firm with all  
10 information necessary for the audit in a timely manner. All vendors that provide goods or services to a state agency shall cooperate  
11 with the recovery audit firm in its audit.

12 A state agency shall expend or return to the federal government any federal money that is recovered through a recovery audit  
13 conducted under this provision. Payments to the recovery audit firm from the federal share of recovered funds shall be solely from  
14 the federal portion as allowed by the federal agency.

15 In addition to performing the recovery audits, the recovery audit firm may conduct an analysis of contracts and pricing structures,  
16 as determined and directed by the Executive Director of the State Fiscal Accountability Authority or her or his designee, to identify  
17 and recommend future cost-savings and improved state agency financial operations going forward. A state agency shall pay the  
18 recovery audit firm responsible for obtaining the agency actual cost-savings a fee as authorized by the contract with the recovery  
19 audit firm.

20 The recovery audit firm shall provide reports to the State Fiscal Accountability Authority detailing its findings, the causes for the  
21 overpayments and erroneous payments, future cost-savings opportunities and its recommendations for strengthening state operations  
22 and/or state contracts to prevent improper payments in the future.

23 For purposes of this proviso, the term “vendor” or “vendors” includes, but is not limited to, sellers, suppliers, service providers,  
24 other providers, contractors and third party administrators; the term “overpayments and erroneous payments” includes, but is not  
25 limited to, overpayments, duplicate payments, erroneous payments, and rebates, discounts and credits not received; and the term  
26 “state agency” or “state agencies” includes all state agencies, boards, commissions, institutions and institutions of higher education.

27 The State Fiscal Accountability Authority shall provide copies, including electronic form copies, of final reports received from a  
28 firm under contract to: the Governor; the Chairman of the Senate Finance Committee; the Chairman of the House Ways and Means  
29 Committee; and the state auditor’s office. Not later than January first of each year, the board shall issue a report to the General  
30 Assembly summarizing the contents of all reports received under this provision during the prior fiscal year.

31 **117.86.** (GP: Means Test) All agencies providing Healthcare Services are directed to identify standards and criteria for means  
32 testing on all programs provided, where allowed by Federal guidelines. Once a consistent criteria has been established within an  
33 agency, they shall implement their respective plans. Each agency shall report all criteria and fiscal data to the Chairman of the Senate  
34 Finance Committee and to the Chairman of the House Ways and Means Committee no later than January first.

35 **117.87.** (GP: Agency Reduction Management) The General Assembly encourages state agencies, in the event agencies are  
36 assessed a base reduction, to endeavor to realize savings through: (1) payroll management, including, but not limited to, furloughs,

1 reductions in employee compensation, and instituting a hiring freeze; (2) eliminate administrative overhead cost that does not directly  
2 impact the agency's mission; and as a final option (3) reductions to programmatic funding.

3 **117.88.** (GP: ~~WIA~~ WIOA Service Advertising) For the current fiscal year, the Workforce ~~Investment~~ Development Boards may  
4 promote outreach for their services via billboard, bus placard, newspapers, or radio in all workforce ~~investment~~ development areas.  
5 This outreach may not be limited to e-mail, online, or other internet-based outreach, publicity, or other promotions. Workforce  
6 ~~investment~~ development boards must adhere to all state procurement policies and procedures when utilizing outreach for the services  
7 provided by the Workforce ~~Investment~~ Innovation and Opportunity Act.

8 **117.89.** (GP: ~~WIA~~ WIOA Training Marketability Evaluation) (A) For the current fiscal year, the Department of Employment  
9 and Workforce shall submit a report that demonstrates how funds were expended in the prior fiscal year to provide marketable work  
10 skills training. The report shall include, but not be limited to the total number of local training recipients, a description of the training  
11 area in which each recipient participated, and the number and percentage of participants in each training area that, upon completion  
12 of training, have become employed in the field in which they were trained. The report shall be submitted to the Chairman of the  
13 Senate Finance Committee, the Chairman of the Senate Labor, Commerce and Industry Committee, the Chairman of the House Ways  
14 and Means Committee, and the Chairman of the House Labor, Commerce and Industry Committee on or before ~~November~~ December  
15 sixteenth.

16 (B) Also, the report must specifically describe any restructuring or realignment of agency functions, and any changes in staffing  
17 levels or service. The report must detail information on employees terminated, hired, re-hired, reassigned, or reclassified by program  
18 area and location. Further, the report must describe efforts made by the agency to reassign or retrain employees who were terminated  
19 for positions for which the department hired new employees.

20 **117.90.** (GP: Victims Assistance Transfer) The Department of Corrections shall transfer \$20,500 each month to the Office of  
21 Attorney General for distribution through the State Victims Assistance Program.

22 **117.91.** (GP: DOC & PPP Potential Consolidation Plan) From the funds appropriated to the Department of Corrections and the  
23 Department of Probation, Parole and Pardon Services, the directors of the departments may collaborate and develop a plan to  
24 consolidate the functions of the departments.

25 **117.92.** (GP: USC Greenville Medical School) It is the intent of the General Assembly that during the current fiscal year, no  
26 general funds shall be appropriated for the new medical school at the University of South Carolina in Greenville. In addition, no  
27 state funds may be transferred from state earmarked or restricted funds held by the University of South Carolina to the medical school  
28 except for grants, contributions, contractual payments, and tuition and required fees for students attending the new medical school at  
29 the University of South Carolina in Greenville that are specifically designated for the medical school at the University of South  
30 Carolina in Greenville.

31 **117.93.** (GP: BabyNet Quarterly Reports) The School for the Deaf and Blind, the Department of Disabilities and Special Needs,  
32 the Department of Health and Human Services, the Department of Mental Health and the Department of Social Services shall each  
33 provide on a common template, a quarterly report to the Chairman of the House Ways and Means Committee and the Chairman of  
34 Senate Finance outlining all programs provided by them for BabyNet; all federal funds received and expended on BabyNet and all  
35 state funds expended on BabyNet. Each entity and agency shall report on its share of the state's ongoing maintenance of effort as  
36 defined by the US Department of Education under IDEA Part C.

1       **117.94.** (GP: Single Audit Schedule of Federal Expenditures) To ensure timely completion of the of the Statewide Single Audit,  
2 state agencies which do not receive a separate audit of federal expenditures, must submit to the Office of the State Auditor a schedule  
3 of federal program expenditures in a format prescribed by the Office of the State Auditor, no later than August fifteenth of each year.

4       **117.95.** (GP: Prohibits Local Government Fund Public Funded Lobbyists) All local governmental entities including, but not  
5 limited to, counties, municipalities, and associations are prohibited from using taxpayer funds received from the Local Government  
6 Fund to compensate employees for lobbying activities engaged in on behalf of such governmental entity.

7       **117.96.** (GP: School Construction Development Impact Fee Assessment Prohibition) Governmental entities are prohibited from  
8 assessing South Carolina Development Impact Fees on the construction of new elementary, middle, or secondary schools. If a  
9 governmental entity violates this prohibition it shall have its Aid to Subdivisions Allocation reduced by the amount of the impact  
10 fee.

11       **117.97.** (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       **117.98.** (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       **117.99.** (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       **117.100.** (GP: Data Breach Notification) (A) An agency of this State owning or licensing computerized data or other data that  
27 includes personal identifying information shall disclose any breach of the security of the system following discovery or notification  
28 of the breach in the security of the data to any resident of this State whose personal identifying information was, or is reasonably  
29 believed to have been, acquired by an unauthorized person. In determining whether information has been acquired, or is reasonably  
30 believed to have been acquired, by an unauthorized person or a person without valid authorization, the agency may consider the  
31 following factors, among others:

32           (1) indications that the information is in the physical possession and control of an unauthorized person, such as a lost or  
33 stolen computer or other device containing information;

34           (2) indications that the information has been viewed, downloaded, or copied; or

35           (3) indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of  
36 reported identity theft.

1 (B) An agency maintaining computerized data or other data that includes personal identifying information that the agency does  
2 not own shall notify the owner or licensee of the information of a breach of the security of the data immediately following discovery,  
3 if the personal identifying information was, or is reasonably believed to have been, acquired by an unauthorized person.

4 (C) The disclosure requirements of subsections (A) and (B) must be made in the most expedient time possible and without  
5 unreasonable delay; however, the notification required by this section may be delayed if a law enforcement agency determines that  
6 the notification impedes a criminal investigation and must be made after the law enforcement agency determines that it no longer  
7 compromises the investigation. A delay in notification shall not exceed seventy-two hours after discovery, unless the agency requests  
8 and the attorney general grants, in writing, additional delays of up to seventy-two hours each upon a determination that such  
9 notification impedes a criminal investigation.

10 (D) For purposes of this section:

11 (1) "Agency" means any agency, department, board, commission, committee, or institution of higher learning of the State  
12 or a political subdivision of it.

13 (2) "Breach of the security of the system" means unauthorized access to and acquisition of computerized data that was not  
14 rendered unusable through encryption, redaction, or other methods that compromise the security, confidentiality, or integrity of  
15 personal identifying information maintained by the agency, when illegal use of the information has occurred or is reasonably likely  
16 to occur or use of the information creates a material risk of harm to the consumer. Good faith acquisition of personal identifying  
17 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  
18 personal identifying information is not used or subject to further unauthorized disclosure.

19 (3) "Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis,  
20 regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information  
21 on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate  
22 commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies shall be compiled by  
23 the Department of Consumer Affairs and furnished upon request to the agency required to make a notification under this section.

24 (4) "Personal identifying information" means the first name or first initial and last name in combination with and linked to  
25 any one or more of the following data elements that relate to a resident of this State, when the data elements are neither encrypted  
26 nor redacted or when the data elements are encrypted with an encryption key and the encryption key that has also been acquired:

27 (a) social security number;

28 (b) driver's license number or state identification card number issued instead of a driver's license;

29 (c) financial account number, or credit card or debit card number in combination with any required security code, access  
30 code, or password that would permit access to a resident's financial account; or

31 (d) other numbers or information which may be used to access a person's financial accounts or numbers or information  
32 issued by a governmental or regulatory entity that uniquely will identify an individual.

33 The term does not include information that is lawfully obtained from publicly available information, or from federal, state, or local  
34 government records lawfully made available to the general public.



1 (E) The notice required by this section may be provided by:

2 (1) written notice;

3 (2) electronic notice, if the agency's primary method of communication with the individual is by electronic means, the  
4 person to whom notice is required has expressly consented to receiving said notice in electronic form, or is consistent with the  
5 provisions regarding electronic records and signatures set forth in Section 7001 of Title 15 USC and Chapter 6, Title 26 of the 1976  
6 Code;

7 (3) telephonic notice; or

8 (4) substitute notice, if the agency demonstrates that the cost of providing notice exceeds two hundred fifty thousand dollars  
9 or that the affected class of subject persons to be notified exceeds five hundred thousand or the agency has insufficient contact  
10 information. Substitute notice consists of:

11 (a) e-mail notice when the agency has an e-mail address for the subject persons;

12 (b) conspicuous posting of the notice on the agency's website page, if the agency maintains one; or

13 (c) notification to major statewide media.

14 Regardless of the method by which notice is provided, such notice shall include contact information for the agency making the  
15 notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person  
16 without valid authorization, including specification of which of the elements of personal information and private information were,  
17 or are reasonably believed to have been, so acquired.

18 (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  
19 remedies available at law, may:

20 (1) institute a civil action to recover damages;

21 (2) seek an injunction to enforce compliance; and

22 (3) recover attorney's fees and court costs, if successful.

23 (G) An agency that knowingly and willfully violates this section is subject to an administrative fine up to one thousand dollars  
24 for each resident whose information was accessible by reason of the breach, the amount to be decided by the Department of Consumer  
25 Affairs.

26 (H) If the agency provides notice to more than one thousand persons at one time pursuant to this section, the agency shall notify,  
27 without unreasonable delay, the Consumer Protection Division of the Department of Consumer Affairs and all consumer reporting  
28 agencies that compile and maintain files on a nationwide basis, as defined in 15 USC Section 1681a(p), of the timing, distribution,  
29 and content of the notice.

30 **117.101.** (GP: State Ports Authority Property) If the State Ports Authority has not completed the sale of its real property on Daniel  
31 Island, except for the dredge disposal cells that are needed in connection with the construction of the North Charleston terminal on  
32 the Charleston Naval Complex and for harbor deepening and for channel and berth maintenance, by June 30, ~~2020~~ 2022, the authority  
33 must transfer the property to the Department of Administration. The authority shall sell the real property under terms and conditions  
34 it considers most advantageous to the authority and the State of South Carolina.

1       **117.102** (GP: Remittance of Court Fee and Fine Money) County and city treasurers are required to remit to the State Treasurer  
2 set percentages of revenues generated by assessments imposed by 14-1-206(A), 14-1-207(A), 14-1-208(A). This remittance is  
3 required on a monthly basis by the 15th day of each month.

4       Should a county and/or city treasurer fail to make the required remittance, the SC Criminal Justice Academy shall cease providing  
5 services to all law enforcement officers of all law enforcement agencies encompassed within the political subdivision if they have  
6 failed to make remittance for two consecutive months in a fiscal year. The finance director shall certify by July first, under oath, that  
7 the county and/or city has remitted all funds or the SC Criminal Justice Academy shall withhold services until such time as remittance  
8 is made.

9       **117.103.** (GP: Detailed Expenditure/Revenue Reports PCC/CID) The Prosecution Coordination Commission and the Commission  
10 on Indigent Defense shall provide detailed expenditure reports and associated revenue streams for each individual circuit, revenue  
11 streams shall include, but not be limited to, state funds, local funds, Federal funds, and also nongovernmental sources of funds, by  
12 no later than September first, on the prior fiscal year, to the appropriate commission. The commissions shall then provide the  
13 Chairman of the House Ways and Means Committee and Chairman of the Senate Finance Committee with a combined report by  
14 September fifteenth of the current fiscal year.

15       **117.104.** (GP: South Carolina Welcome Centers) The Department of Parks, Recreation and Tourism and the Department of  
16 Transportation shall maintain a Memorandum of Understanding (MOU) that provides that the Department of Parks, Recreation and  
17 Tourism shall control operations of all South Carolina Welcome Centers. The MOU shall include replacement, renovation and  
18 maintenance of the facilities, daily operations, and grounds maintenance and upkeep and shall clearly define responsibility for  
19 additional portions of Welcome Centers to include paving and sidewalks. The Department of Transportation shall transfer to the  
20 Department of Parks, Recreation and Tourism the amount of \$3,563,560 less any state funds appropriated by the General Assembly  
21 for the same purpose. The Department of Parks, Recreation and Tourism assumes responsibility for this amount and the timing of  
22 the transfer of these funds shall be defined as part of the MOU. The funds transferred to the Department of Parks, Recreation and  
23 Tourism shall be placed in a separate and distinct fund and these funds shall be carried forward from the prior fiscal year into the  
24 current fiscal year and be expended for the same purposes.

25       **117.105.** (GP: Continuation of Teen Pregnancy Prevention Project Accountability) Qualifying organizations applying for General  
26 Funds provided as a special item in this act and titled Continuation of Teen Pregnancy Prevention must include in its application a  
27 proposed annual budget and agreement to provide quarterly reports to the grantor state agency detailing the expenditure of funds and  
28 the project's accomplishments which shall include:

29       (1) Financial:

30           (a) Personnel costs, including employer contributions, by position for each of the following areas: administration,  
31 training, and education, as well as for other positions as identified;

32           (b) Operational costs identified in the application;

33           (c) One-time costs over \$500 for such items as supplies;

34       Administration costs may not exceed ten percent of the total project budget. For purposes of this provision, "Administration"  
35 is defined as expenses other than educational.

- 1 (2) Description of program and curriculum to be used;
- 2 (3) Description of training;
- 3 (4) Schedule and brief description of project activities for each quarter;
- 4 (5) Participation reports on the following:
  - 5 (a) Number of persons who participated;
  - 6 (b) Total number of hours provided;
  - 7 (c) Number of train the trainer events;
  - 8 (d) Other data regarding the activities of the project;
- 9 (6) Description of the project evaluation to be used;
- 10 (7) Copy of latest completed independent financial audit and agency's response to any audit exceptions;
- 11 (8) Qualifications of project personnel;
- 12 (9) Best Practices to be used; and
- 13 (10) Evidence Based Curriculum.

14 An organization awarded a grant must provide these quarterly reports to the grantor state agency within fifteen days of the end of  
15 each quarter. Grantees failing to submit reports with thirty days of the end of each quarter shall have their grant terminated.

16 Unexpended funds for Continuation of Teen Pregnancy Prevention projects under the Department of Social Services or under the  
17 Department of Health and Environmental Control shall be carried forward for the purpose of fulfilling the department's contractual  
18 agreement.

19 **117.106.** (GP: Charleston & Dorchester County Sound Barriers) From the funds authorized to the Department of Transportation,  
20 the department shall take the appropriate measures to allow the counties of Charleston and Dorchester to construct sound barriers in  
21 the department's easements along Interstate 26 within the borders of Charleston County and along Dorchester Road within Dorchester  
22 County, provided, no funds appropriated or authorized in Part IA to the Department of Transportation, any other section of this act,  
23 any Federal Funds, unless otherwise agreed to by the local Metropolitan Planning Organization or Council or Governments for use  
24 of a portion of their annual federal allocation, or any Other Funds, shall be used in the construction of the sound barriers, and only  
25 local dollars shall be used in the construction of sound barriers. The sound barriers must meet the state and federal noise abatement  
26 guidelines and must be constructed to meet any and all state and federal regulations. Consistent with the requirements of Section  
27 57-25-190 (E) of the 1976 Code, or regulations adopted pursuant thereto, including construction by a local government in a state  
28 right of way, the owner of a legally erected and maintained billboard shall have the option to relocate such billboard sign to another  
29 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  
30 restores the visibility of the billboard sign to the same or comparable visibility as before construction of a sound barrier. Costs for  
31 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  
32 the local government. The provisions of Section 39-14-10 et seq. of the 1976 Code will apply regarding any compensation to be  
33 paid by local governments for billboard signs which cannot be relocated or altered.

34 **117.107.** (GP: Information Technology and Information Security Plans) (A) By August first of the current fiscal year, all state  
35 agencies must submit an information technology plan and an information security plan to the Department of Administration. State  
36 agencies must submit updates to their plans if there are changes following initial submission. Changes that would necessitate an

1 updated plan include, but are not limited to, changes in response to technological advancements, changes in legislation, regulation  
2 or compliance requirements, newly identified funding sources, or new issues relating to information technology management or  
3 business requirements.

4 The information technology plans required by this section shall be in the form and level of detail required by the department  
5 and shall include at least: (1) the information technology objectives of the state agency; (2) an inventory of the state agency's  
6 information technology; (3) any performance measures used by the state agency for implementing its information technology  
7 objectives; (4) how the state agency's development of information technology coordinates with other governmental entities; (5) the  
8 state agency's budget plans for information technology for the coming fiscal year which must include: (a) all fixed, recurring  
9 information technology costs, regardless of funding sources; (b) new information technology expenditures for services, hardware  
10 upgrades/replacements and software purchases, regardless of funding sources; (c) new information technology projects, regardless  
11 of funding sources; and (d) FTE counts, temporary personnel counts, and salary information and position descriptions for all  
12 information technology personnel, regardless of funding sources; and (6) the state agency's need for appropriations for information  
13 technology.

14 The information security plans required by this section shall be in the form and level of detail required by the division and shall  
15 include at least: (1) the information security objectives of the state agency; (2) an inventory of the state agency's information security  
16 technology; (3) a profile of the state agency's compliance with security policies established by the division; (4) a profile of the state  
17 agency's sensitive data and a description of applicable state and federal privacy requirements; (5) a profile of risk management and  
18 other measures taken by the state agency to protect its data from unauthorized access and disclosure; (6) the state agency's budget  
19 plans for information security for the coming fiscal year which must include: (a) all fixed, recurring information security technology  
20 costs, regardless of funding sources; (b) new information security expenditures for services hardware upgrades/replacements and  
21 software purchases, regardless of funding sources; (c) new information security projects, regardless of funding sources; and (d) FTE  
22 counts, temporary personnel counts, and salary information and position descriptions for all information security personnel,  
23 regardless of funding sources; and (7) the state agency's need for appropriations for information security.

24 (B) The director of the Department of Administration should seek advice from private and public sector resources on the efficient  
25 use of information technology and best practices.

26 (C) The Judicial Department, Legislative Department, public institutions of higher learning, technical colleges, political  
27 subdivisions and quasi-governmental bodies are specifically exempt from the requirements as provided in this proviso.

28 **117.108.** (GP: SCOIS Transfer) For the current fiscal year, the South Carolina Occupational Information System, its authority  
29 and responsibilities, to include the collections of user fees that must be used to operate the program, shall continue to be transferred  
30 from the Department of Employment and Workforce to the Department of Education.

31 **117.109.** (GP: Child Fatality Review) The agencies specified shall implement the following recommendations contained in the  
32 Legislative Audit Council's October 2014 report "A Review of Child Welfare Services at the Department of Social Services":

33 (1) Annually, the Department of Social Services and the State Child Fatality Advisory Committee shall jointly report statistics  
34 on child deaths from maltreatment and the number of those with prior Department of Social Services involvement;

35 (2) The Department of Social Services and the State Child Fatality Advisory Committee shall use their child fatality review  
36 findings to make recommendations to revise Department of Social Services policy or practice where appropriate;

1 (3) The Department of Social Services shall ensure that it includes child fatality statistics from all relevant sources when  
2 reporting to the National Child Abuse and Neglect Data System. These sources shall include, but not be limited to, law enforcement  
3 agencies and the Department of Health and Environmental Control;

4 (4) The State Law Enforcement Division and the Department of Health and Environmental Control shall establish a system  
5 for cross checking child fatalities in the state to ensure that all fatalities are being properly reported to the State Law Enforcement  
6 Division;

7 (5) The State Law Enforcement Division and the State Child Fatality Advisory Committee shall review the training provided  
8 to coroners on the reporting of child fatalities to ensure that information is provided on which fatalities are to be reported and what  
9 procedure is to be followed for reporting the fatalities;

10 (6) The Department of Public Safety shall report statistics on all child fatalities to the State Child Fatality Advisory Committee;  
11 and

12 (7) The State Child Fatality Advisory Committee shall evaluate the feasibility of adopting the Child Death Review Case  
13 Reporting System developed by the National Center for the Review and Prevention of Child Deaths and shall submit a report on their  
14 findings to the General Assembly by December 1, 2016.

15 Pursuant to Section 63-11-1930 (E) of the 1976 Code, the director of each agency specified in this provision shall ensure that  
16 sufficient staff and administrative support is provided to the State Child Fatality Advisory Committee to accomplish the requirements  
17 of this provision.

18 **117.110.** (GP: Refugee Resettlement Program) No state funds shall be expended to assist in the United States Refugee  
19 Resettlement Program unless the county council of the county where the resettlement is to occur approves the relocation.

20 **117.111.** (GP: Family Planning Funds) (A) Notwithstanding any other law, federal family planning funds and state family  
21 planning funds shall be awarded to eligible individuals, organizations, or entities applying to be family planning contractors in the  
22 following order of descending priority:

23 (1) public entities that provide family planning services, including state, county, and local community health clinics and  
24 federally qualified health centers;

25 (2) nonpublic entities that provide comprehensive primary and preventive health services, as described in 42 U.S.C.  
26 254b(b)(1)(A), in addition to family planning services; and

27 (3) nonpublic entities that provide family planning services but do not provide comprehensive primary and preventive health  
28 services.

29 (B) Family planning funds must be distributed in compliance with federal law to ensure distribution in a manner that does not  
30 severely limit or eliminate access to family planning services in any region of the State.

31 (C) Any department, agency, board, commission, office, or other instrumentality of the State that distributes family planning  
32 funds shall submit an annual report to the General Assembly listing any family planning contractors that fall under item (A)(3), and  
33 the amount of federal or state family planning funds they received. The report shall provide a detailed explanation of how it was  
34 determined that there were an insufficient number of eligible individuals, organizations, or entities in items (A)(1) and (A)(2) to  
35 prevent a significant reduction in family planning services in each region of the State where (A)(3) contractors are located.

1       **117.112.** (GP: Statewide Strategic Information Technology Plan Implementation) To ensure the uniform implementation of the  
2 Statewide Strategic Information Technology Plan developed pursuant to the Restructuring Act of 2014 and designed to improve the  
3 State's ability to provide reliable, secure, cost-efficient, and innovative information technology services and infrastructure, state  
4 agencies are directed as follows:

5       (1) Agencies shall use the shared services from the Department of Administration, Division of Technology Operations as those  
6 services become available and in a sequence to be determined by the division. Agencies shall coordinate with the division to  
7 accomplish a strategic transition to the shared services environment. Shared services include, but are not limited to, mainframe  
8 services, application hosting, servers, storage, network services, desktop services, and disaster recovery services. The State Chief  
9 Information Officer may grant an exception, to be revisited on a periodic basis, if the division determines that it cannot immediately  
10 satisfy the technical or security capabilities required to support the agency in question;

11       (2) With regard to information technology governance, standards, and enterprise architecture, agencies shall comply with the  
12 rules, standards, plans, policies, and directives of the Division of Technology Operations;

13       (3) With regard to information technology governance, standards, and enterprise architecture, agencies shall participate and  
14 comply with decisions determined by the information technology governance advisory groups.

15       (4) With regard to the annual Appropriations Act budget submission, agencies shall submit all information technology budget  
16 requests to the Executive Budget Office and the Division of Technology Operations. The Executive Budget Office and the Division  
17 of Technology Operations shall jointly review the budget requests and recommend for funding consideration only those proposals  
18 that fit into the overall Statewide Strategic Information Technology Plan.

19       (5) With the consultation and approval of the Division of Technology Operations, agencies must create an information  
20 technology plan for purchases that exceed \$50,000 to ensure compliance with the Statewide Strategic Information Technology Plan  
21 and the standards defined by the division.

22       (6) Agencies shall develop a three-year strategic plan for information technology, updated annually, for the Division of  
23 Technology Operations, that shall be approved by the Chief Information Officer, that sets forth: (a) operational and project priorities;  
24 (b) budget summaries; (c) planned projects and procurements; (d) staffing plans; (e) security initiatives; and (f) risks, issues, and  
25 concerns with the agency's information technology.

26       (7) Agencies shall enter information technology costs into the South Carolina Enterprise Information System (SCEIS) as  
27 directed by the Division of Technology Operations and SCEIS.

28       The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of  
29 the House Ways and Means Committee regarding agency compliance no later than December thirty-first of each calendar year.

30       The Legislative Branch, the Judicial Branch, public institutions of higher learning, technical colleges, political subdivisions and  
31 quasi-governmental bodies are specifically exempt from the requirements as provided in this provision.

32       **117.113.** (GP: Sentencing Reform Oversight Committee Reauthorization) There is established for the current fiscal year the South  
33 Carolina Sentencing Reform Oversight Committee. The oversight committee shall be composed of eleven members, two of whom  
34 shall be members of the Senate, both appointed by the Chair of the Senate Judiciary Committee and one being the Chair of the Senate  
35 Judiciary Committee or his designee; two of whom shall be members of the Senate, one appointed by the President of the Senate and  
36 one appointed by the Chairman of the Senate Finance Committee; two of whom shall be members of the House of Representatives,

1 both appointed by the Chair of the House Judiciary Committee and one being the Chair of the House Judiciary Committee or his  
2 designee; two of whom shall be members of the House of Representatives, one appointed by the Speaker of the House and one  
3 appointed by the Chairman of the House Ways and Means Committee; one of whom shall be appointed by the Chair of the Senate  
4 Judiciary Committee from the general public at large; one of whom shall be appointed by the Chair of the House Judiciary Committee  
5 from the general public at large; and one of whom shall be appointed by the Governor. Provided, however, that in making  
6 appointments to the oversight committee, race, gender, and other demographic factors should be considered to assure  
7 nondiscrimination, inclusion, and representation to the greatest extent of all segments of the population of the State. The members  
8 of the general public appointed by the chairs of the House and Senate Judiciary Committees must be representative of all citizens of  
9 this State and must not be members of the General Assembly.

10 The oversight committee must meet as soon as practicable after appointment and organize itself by electing one of its members as  
11 chair and such other officers as the oversight committee may consider necessary. Thereafter, the oversight committee must meet at  
12 the call of the chair or by a majority of the members. A quorum consists of seven members.

13 The oversight committee shall have the following powers and duties:

14 (1) to review the implementation of the recommendations made in the Sentencing Reform Commission report of February  
15 2010, including, but not limited to:

16 (a) the plan required from the Department of Probation, Parole and Pardon Services on the parole board training and other  
17 goals identified in Section 24-21-10;

18 (b) the report from the Department of Probation, Parole and Pardon Services on its goals and the development of  
19 assessment tools consistent with evidence-based practices;

20 (c) the report from the Office of Pretrial Intervention Coordinator in the Commission on Prosecution Coordination on  
21 diversion programs required by the provisions of Article 11, Chapter 22, Title 17; and

22 (d) the report from the Department of Probation, Parole and Pardon Services on:

23 (i) the number and percentage of individuals placed on administrative sanctions and the number and percentage of  
24 individuals who have earned compliance credits; and

25 (ii) the number and percentage of probationers and parolees whose supervision has been revoked for violations of  
26 conditions or for convictions of new offenses;

27 (2) to request data similar to the information contained in the report required by Section 17-22-1120 from private organizations  
28 for which programs are operated through a court and that divert individuals from prosecution, incarceration, or confinement, such as  
29 diversion from incarceration for failure to pay child support, and for which programs are sanctioned by, coordinated with, or funded  
30 by federal, state, or local governmental agencies;

31 (3) (a) to calculate:

32 (i) any state expenditures that have been avoided by reductions in the revocation rate as calculated by the Department  
33 of Probation, Parole and Pardon Services and reported under Sections 24-21-450 and 24-21-680; and

34 (ii) any state expenditures that have been avoided by reductions in the new felony offense conviction rate as  
35 calculated by the Department of Probation, Parole and Pardon Services and reported under Sections 24-21-450 and 24-21-680;

1 (b) to develop rules and regulations for calculating the savings in item (3)(a), which shall account at a minimum for the  
2 variable costs averted, such as food and medical expenses, and also to consider fixed expenditures that are avoided if larger numbers  
3 of potential inmates are avoided;

4 (c) on or before December first, to report the calculations made pursuant to item (3)(a) to the President of the Senate, the  
5 Speaker of the House of Representatives, the Chief Justice of the South Carolina Supreme Court, and the Governor. The report also  
6 shall recommend whether or not to appropriate up to thirty-five percent of any state expenditures that are avoided as calculated in  
7 item (3)(a) to the Department of Probation, Parole and Pardon Services. With respect to the recommended appropriations in this item  
8 (c), none of the calculated savings shall be recommended for appropriation for that fiscal year if there is an increase in the percentage  
9 of individuals supervised by the Department of Probation, Parole and Pardon Services who are convicted of a new felony offense as  
10 calculated in subitem (3)(a)(ii);

11 (d) any funds appropriated during this fiscal year pursuant to the recommendations in item (c) shall be used to supplement,  
12 not replace, any other state appropriations to the Department of Probation, Parole and Pardon Services;

13 (e) funds received through appropriations pursuant to this item shall be used by the Department of Probation, Parole and  
14 Pardon Services for the following purposes:

15 (i) implementation of evidence-based practices;

16 (ii) increasing the availability of risk reduction programs and interventions, including substance abuse treatment  
17 programs, for supervised individuals; or

18 (iii) grants to nonprofit victim services organizations to partner with the Department of Probation, Parole and Pardon  
19 Services and courts to assist victims and increase the amount of restitution collected from offenders;

20 (4) to submit to the General Assembly, on an annual basis, the oversight committee's evaluation of the implementation of the  
21 recommendations of the Sentencing Reform Commission report of February 2010;

22 (5) to make reports and recommendations to the General Assembly on matters relating to the powers and duties set forth in  
23 this section, including recommendations on transfers of funding based on the success or failure of implementation of the  
24 recommendations; and

25 (6) to undertake such additional studies or evaluations as the oversight committee considers necessary to provide sentencing  
26 reform information and analysis.

27 The oversight committee members are entitled to such mileage, subsistence, and per diem as authorized by law for members of  
28 boards, committees, and commissions while in the performance of the duties for which appointed. These expenses shall be paid  
29 from the general fund of the State on warrants duly signed by the chair of the oversight committee and payable by the authorities  
30 from which a member is appointed.

31 The oversight committee is encouraged to apply for and may expend grants, gifts, or federal funds it receives from other sources  
32 to carry out its duties and responsibilities.

33 The oversight committee must use clerical and professional employees of the General Assembly for its staff, who must be made  
34 available to the oversight committee.

35 The oversight committee may employ or retain other professional staff, upon the determination of the necessity for other staff by  
36 the oversight committee.



1 The oversight committee may employ consultants to assist in the evaluations and, when necessary, the implementation of the  
2 recommendations of the Sentencing Reform Commission report of February 2010.

3 **117.114.** (GP: State Employee Leave Donation) In the event of a medical emergency, a state employee may make a written  
4 request to the employing agency that a specified number of hours of his accrued annual and/or sick leave be transferred from his  
5 annual and/or sick leave account to a specific leave recipient rather than to a leave pool account, subject to the approval of the agency  
6 director. An employee with less than fifteen days in his sick leave account may not transfer any sick leave to the recipient, and an  
7 employee with more than fifteen days in his sick leave account may transfer sick leave to the recipient if he retains a minimum of  
8 fifteen days in his own sick leave account. Once leave of an employee has been transferred to the recipient, it may not be restored  
9 or returned to the leave donor. For purposes of this provision, a medical emergency is defined under IRS Revenue Ruling 90-29 as  
10 a medical condition of the employee or a family member that will require the prolonged absence of the employee from duty and will  
11 result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from  
12 the leave-sharing plan.

13 **117.115.** (GP: State Engineer) The State Engineer is an office located within the State Fiscal Accountability Authority, all  
14 references to the contrary notwithstanding.

15 **117.116.** (GP: Retail Facilities Revitalization Act Repeal Suspension) The repeal of Chapter 34 of Title 6 of the 1976 Code as  
16 specified in Act 285 of 2006 as to sites for which written notification of election of mode of credit has been provided to the  
17 Department of Revenue prior to July 1, 2016 and for which a building permit has been issued prior to July 1, 2016, is suspended for  
18 Fiscal Year 2020-21.

19 **117.117.** (GP: Funds Exempt from Budget Reduction Calculations) The funds designated in F310, Section 107, Capital Reserve  
20 Fund, funds designated in V040, Section 112, Debt service, funds designated in X220, Section 113, Aid to Subdivisions - State  
21 Treasurer for the Local Government Fund, and funds designated in X500, Section 115, Tax Relief Trust Fund shall be excluded from  
22 the calculation of any across-the-board base reduction mandated by the Department of Administration, Executive Budget Office or  
23 the General Assembly and shall not be subject to any such reduction.

24 ~~**117.118.** (GP: BabyNet) From funds available in the current fiscal year for budgetary analysis and oversight, the Executive  
25 Budget Office shall conduct an inventory of all BabyNet related spending, which shall be submitted to the Governor, the Chairman  
26 of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee no later than July 15, 2019. All  
27 affected agencies shall support the Executive Budget Office in this effort by providing information upon request, so that the first  
28 recommendation of the Legislative Audit Council's 2011 report on BabyNet may be implemented.~~

29 **117.119.** (GP: South Carolina Telemedicine Network) From the funds appropriated to the Medical University of South Carolina  
30 for the MUSC Hospital Authority for Telemedicine and the funds appropriated and authorized for the Department of Health and  
31 Human Services, the agencies must continue the development of the South Carolina Statewide Telemedicine Network. The South  
32 Carolina Telehealth Alliance shall submit a proposal to the MUSC Hospital Authority and the Department of Health and Human  
33 Services to determine which hospitals, clinics, schools or other entities are best suited for Telemedicine partnerships.

34 (A) The Department of Health and Human Services shall develop or continue a program to leverage the use of teaching hospitals  
35 to provide rural physician coverage by expanding the use of Telemedicine, to include new applications such as School Based

1 Telehealth, and Tele-ICU. The department shall also amend its policy related to reimbursement for telemedicine to add Act 301  
2 Behavioral Health Centers as a referring site for covered telemedicine services.

3 (B) During the current fiscal year the Department of Health and Human Services shall contract with the MUSC Hospital Authority  
4 in the amount of \$5,000,000 to lead the development and operation of a statewide, open access South Carolina Telemedicine  
5 Network. *At the request of the department, MUSC shall provide the department with all information and materials necessary to seek*  
6 *federal medical assistance for this contract.* The MUSC Hospital Authority shall contract with each Regional Support Hub to ensure  
7 funding and support of strategic plans submitted by the Regional Support Hubs and approved by both the MUSC Hospital Authority  
8 and the Department of Health and Human Services. Institutions and other entities participating in the network must be afforded the  
9 opportunity to meaningfully participate in the development of any annual refining to the initiative's strategic plan. Working with  
10 the department, the MUSC Hospital Authority shall collaborate with Palmetto Care Connections to pursue this goal. No less than  
11 \$1,000,000 of these funds shall be allocated toward support of Palmetto Care Connections and other hospitals in South Carolina.  
12 The MUSC Hospital Authority must provide the department with quarterly reports regarding the funds allocation and progress of  
13 telemedicine transformation efforts and networks. These reports must include an itemization of the ultimate recipients of these funds,  
14 whether vendors, grantees, specific participating institutions, or the Medical University of South Carolina, and must distinguish  
15 between funds allocation to the university as a participating institution as opposed to those retained and used by the university in its  
16 capacity as the administering entity for the network.

17 (C) The Department of Health and Human Services ~~and the Public Employee Benefit Authority shall each review federal additions~~  
18 ~~to telehealth coverage established under the Bipartisan Budget Act of 2018, the SUPPORT for Patients and Communities Act, and~~  
19 ~~other recent federal legislation and/or regulation~~ *shall continue to identify and implement telehealth benefits and policies that are*  
20 *evidence-based, cost efficient, and aligned with the needs of the Medicaid population.* *The department must also continue to review*  
21 *the temporary telephonic and telehealth flexibilities it has adopted to address the COVID-19 public health emergency and make*  
22 *permanent those that are suitable for inclusion in the Medicaid benefit.* No later than October 1, 2019, ~~both of these agencies the~~  
23 ~~department~~ shall submit a report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House  
24 Ways and Means Committee on ~~how they intend to broaden their service-based coverage to align with these federal changes and to~~  
25 ~~improve policy and benefit changes it has introduced in the furtherance of this goal and as part of its ongoing effort to improve the~~  
26 sustainability of telehealth services.

27 **117.120.** (GP: Distribution Facility) ~~The State Ports Authority shall be considered a distribution facility for the purpose of sales~~  
28 ~~tax exemptions associated with the purchase of equipment and construction materials.~~

29 **117.121.** (GP: Catastrophic Weather Event) ~~(A)~~ Any improvements made to real property or personal property used as a  
30 residence, such as a mobile home or manufactured housing unit, damaged during the catastrophic weather event in October 2015,  
31 Hurricane Matthew of 2016, or Hurricane Florence of 2018, after the event and before June 30, 2021 ~~thirtieth of the current fiscal~~  
32 ~~year,~~ is not considered an improvement and does not require a re-appraisal. This provision only applies if as a result of the  
33 catastrophic weather event, the improvements made to the property were funded by the United States Department of Housing and  
34 Urban Development Block Grant - Disaster Recovery program. This provision also applies if, at the discretion of the county and  
35 using qualifications determined by the county, the improvements were made with the assistance of a volunteer organization active  
36 in disaster, or a similar volunteer organization.

1 ~~(B) During the current fiscal year, the property tax value of an eligible property shall remain the same unless an assessable transfer~~  
2 ~~of interest occurs. No refund is allowed on account of values adjusted as provided in this provision.~~

3 **117.122.** (GP: Prohibited Funding for Aborted Fetus Research) Notwithstanding any other provision of this act, general funds  
4 appropriated in this act may not be used to purchase fetal tissue obtained from an abortion to perform scientific or laboratory research  
5 or other kinds of investigation conducted on fetal tissue.

6 **117.123.** (GP: SCRS & PORS Trust Fund) Unless otherwise provided in Paragraphs A through D of this provision, the funds  
7 appropriated to the Public Employee Benefit Authority (PEBA) for the South Carolina Retirement System Trust Fund and the Police  
8 Officers' Retirement System Trust Fund in Part IA, Section 108 of this act shall be credited toward the contributions due from  
9 participating employers in SCRS and PORS for Fiscal Year ~~2020-21~~ 2021-22. Each employer's credit shall be determined at the  
10 same rate as calculated by PEBA for the pension funding allocation credit for Fiscal Year 2017-18. A participating employer shall  
11 not receive a credit that exceeds the employer contributions due from the employer.

12 (A) From the funds available for allocation pursuant to this provision, no credits shall be issued for covered employees of special  
13 purpose districts, joint authorities, or non-profit corporations; however, this provision does not apply to the South Carolina State  
14 Ports Authority and the South Carolina Public Service Authority.

15 (B) From the funds available for allocation pursuant to this provision, no credits shall be issued for covered employees of  
16 hospitals; however this provision does not apply to the Medical University Hospital Authority.

17 (C) From the funds available for allocation pursuant to this provision, no credits shall be issued for covered employees of  
18 participating associations or service organizations as defined in Section 9-1-10(11)(e) of the 1976 Code.

19 (D) From the funds available for allocation pursuant to this provision, no credits shall be issued for state employees who are  
20 funded with federal funds. The Public Employee Benefits Authority shall collaborate with the Department of Administration,  
21 Executive Budget Office and the Revenue and Fiscal Affairs Office to determine the amount of credit exclusion for federally-funded  
22 employees of state agencies.

23 **117.124.** (GP: Retirement System Assets and Custodial Banking Relationship Transfer) In order to facilitate the transfer of  
24 custodianship of the assets of the Retirement System to the Public Employee Benefit Authority and governance of the custodial  
25 banking relationship to the Retirement System Investment Commission, all portions of contracts, agreements, and exemptions from  
26 the Consolidated Procurement Code providing for and relating to custodial banking, general banking, accounting, or any other  
27 ancillary services are transferred to, and devolved upon, the Public Employee Benefit Authority and the Retirement System  
28 Investment Commission in accordance with the authority transferred to the respective agency.

29 **117.125.** (GP: Opioid Abuse Prevention and Treatment Plan) From the funds appropriated and authorized to the Department of  
30 Alcohol and Other Drug Abuse Services and the Department of Health and Human Services in the current fiscal year, the agencies  
31 shall establish a coalition of state agencies, providers and other related entities to combat the opioid epidemic in a collaborative  
32 manner and ensure that appropriate services and treatments are made available statewide. This initiative should include efforts to  
33 coordinate funding for the provision of treatment with an assessment of current programs and funding levels, to enhance available  
34 prevention, treatment and recovery services; expand provider capacity; and enable workforce development for substance use disorder  
35 services. General Funds appropriated to any state agency for Opioid Abuse Prevention and Treatment may be carried forward and  
36 expended for the same purpose.

1 (A) The Department of Alcohol and Other Drug Abuse Services, the State Law Enforcement Division, and the Department of  
2 Health and Human Services shall establish an advisory board with representation from both agencies, to provide both oversight and  
3 administrative direction to the coalition. The advisory board may also include representation from the Department of Health and  
4 Environmental Control, the Department of Mental Health, the Medical University of South Carolina, the University of South  
5 Carolina's School of Medicine, the Department of Labor Licensing and Regulation, the Department of Corrections, state and local  
6 law enforcement agencies, the judicial branch, the South Carolina Hospital Association, the South Carolina Medical Association, the  
7 South Carolina Primary Health Care Association, Behavioral Health Centers and other related entities. The advisory board must  
8 consider recommendations made in the 2018 report by the South Carolina House of Representatives Opioid Abuse Prevention Study  
9 Committee, as well as any recommendations made by the South Carolina Behavioral Health Coalition related to substance use  
10 disorders and create a plan to ensure implementation of appropriate recommendations.

11 (B) The Department of Health and Human Services may leverage any and all available federal funds to implement enhanced  
12 treatment services and resources for this coalition.

13 (C) In consultation with the Department of Alcohol and Other Drug Abuse Services and the Medical University of South Carolina  
14 Hospital Authority, the Department of Health and Human Services shall review and evaluate outcomes data from the program for  
15 MAT services for prescription opioid dependency and addiction established by Act 97 of 2017 and expanded by Act 264 of 2018.  
16 Based on the success rate and ability to continue expansion of this model, the department may provide funding not to exceed  
17 \$2,500,000 to continue and expand the program to additional providers that are necessary to ensure greater impact in geographical  
18 areas of critical need. All medications proven to be effective in treating opioid addiction shall be considered as viable options on a  
19 case by case basis to ensure the greatest level of success for individuals in the program.

20 ~~(D) In consultation with the Department of Alcohol and Other Drug Abuse Services, the Department of Health and Human~~  
21 ~~Services shall identify at least one county with a disproportionately high number and incidence of opioid related overdoses and~~  
22 ~~deaths to provide up to \$500,000 to develop a local continuum of substance and behavioral health service coordination within the~~  
23 ~~target county and across the region.~~

24 ~~(E)~~(D) The Department of Alcohol and Other Drug Abuse Services and the Department of Health and Human Services shall assist  
25 the Department of Health and Environmental Control with any funding required to implement necessary programmatic enhancements  
26 to the Prescription Monitoring Program. The departments must consider changes to strengthen risk assessments and patient support  
27 tools, as well as the potential integration of Electronic Health Record systems. To the extent possible, the program must be expanded  
28 to include the administration of naloxone and other opioid overdose antidotes.

29 ~~(F)~~(E) In order to provide comprehensive treatment, from the point of incarceration, to individuals charged with criminal offenses  
30 who suffer from any substance use disorder that is treatable with medication, the Department of Alcohol and Other Drug Abuse  
31 Services must solicit potential cooperation from law enforcement, the state's solicitors, Magistrate Courts and Circuit Courts, to  
32 establish a diversion program in at least one judicial circuit. This program shall provide both behavioral and medical treatment,  
33 consultations with peer support specialists, and continued supervision of participants who are released, which may include electronic  
34 monitoring.

35 ~~(G)~~(F) The Department of Alcohol and Other Drug Abuse Services and the Department of Health and Human Services shall also  
36 coordinate with at least one four-year college or university and one two-year technical college with on-campus dormitories to

1 establish pilot programs for Collegiate Recovery Programs to target intervention and the retention of students. These programs must  
2 offer academic support in designated spaces that provide for group meetings, clinical support, technology access, and academic  
3 advising, to assist students in recovery.

4 ~~(H) The advisory board shall provide a report on the success of the development of the plan and the implementation of~~  
5 ~~recommendations to the Chairman of the Senate Finance Committee, the Chairman of the House Ways & Means Committee, and~~  
6 ~~the Governor no later than January 31, 2020. The report may also include proposals for amending existing recommendations or the~~  
7 ~~establishment of new policies to combat the opioid epidemic.~~

8 **117.126.** (GP: SCEIS Data Entry Compliance) The Department of Administration shall develop and issue written SCEIS data  
9 entry standards and guidelines for agency compliance. To ensure uniform compliance with these standards and guidelines, state  
10 agencies shall comply with all SCEIS data entry rules, standards, plans, policies, directives, and guidelines established by the  
11 Department of Administration.

12 The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of  
13 the House Ways and Means Committee regarding agency compliance no later than December thirty-first of each calendar year.

14 **117.127.** (GP: Statewide Real Estate Plan Implementation) Pursuant to legislative intent expressed in Proviso 118.2 (Titling of  
15 Real Property) of this Act to establish a comprehensive central real property and office facility management process to plan for the  
16 needs of state government agencies; and to achieve maximum efficiency and economy in the use of state-owned, state-leased, and  
17 commercial leased facilities, all state agencies are directed as follows:

18 (1) In the current occupation of state-owned and commercial facilities or prior to incurring an obligation to expend funds  
19 through entering or renewing a lease for state-owned or commercial facilities, state agencies shall work in conjunction with the  
20 Department of Administration to achieve uniform space standards in state-owned, state-leased, and commercial leased facilities  
21 resulting over time in an overall target density of 210 square feet per person unless otherwise approved by the department.

22 (2) Prior to entering or renewing any contract for leasing real property, state agencies shall comply with the Department of  
23 Administration's site selection criteria for state-owned, state-leased, or commercial leased space,

24 (3) State agencies shall record into the South Carolina Enterprise Information System (SCEIS) all maintenance and operations  
25 expenditures for state-owned and state-leased facilities in the manner prescribed by the Department of Administration.

26 (4) State agencies shall provide to the Department of Administration a list of all contracts related to facilities management,  
27 maintenance, and support, and shall not renew or enter into any new contracts related to facilities management, maintenance or  
28 support without prior approval from the Department of Administration.

29 (5) Under guidance and direction of the Department of Administration, state agencies shall annually report on and submit plans  
30 to address ongoing and deferred maintenance for all state-owned real property.

31 (6) State agencies shall annually update and submit an inventory of state-owned facilities and land to the Department of  
32 Administration by June 30 of each fiscal year in the manner prescribed by the department. Each submission shall include a portfolio  
33 assessment with recommendations for any dispositions.

34 The Legislative Branch, the Judicial Branch, public institutions of higher learning, technical colleges, political subdivisions and  
35 quasi-governmental bodies are generally exempt from the requirements of this proviso; provided, however, that public institutions

1 of higher learning and technical colleges shall be subject to the provisions of paragraph (6) in its entirety, and the provisions of  
2 paragraph (1) with respect to any facility or portion thereof used for administrative and office space.

3 The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of  
4 the House Ways and Means Committee regarding compliance with this proviso no later than December 31 of each calendar year,  
5 beginning December 31, 2018.

6 **117.128.** (GP: Statewide Administrative Services) The Department of Administration may provide consolidated administrative  
7 services to all agencies to promote cost savings, process integrity and other efficiencies, and to reduce duplication, overlap and  
8 redundancies, or any combination thereof and to provide for consistency in transactions and processes and to advance a statewide  
9 approach to agency administration. Consolidated administrative services may include, but are not limited to: 1) financial and  
10 accounting support, such as accounts payable and receivable processing, procurement processing, journal entry processing and  
11 financial reporting assistance; 2) human resources administrative support, such as transaction processing and reporting, payroll  
12 processing, and human resources training; and 3) budget support, such as budget transaction processing and budget reporting  
13 assistance.

14 Agencies that receive twenty million dollars or less in total appropriations in the current fiscal year shall consult with the  
15 Department of Administration to determine whether the use of consolidated administrative services offered by the department would  
16 be beneficial to the agency. The Legislative Branch, the Judicial Branch, public institutions of higher learning and technical colleges  
17 shall be exempt from the requirements of this provision.

18 The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of  
19 the House Ways and Means Committee regarding agency utilization of administrative services offered by the department no later  
20 than December 31, ~~2020~~ 2021.

21 **117.129.** (GP: Mobile Device Protection Plan) With funds appropriated and authorized in the current fiscal year, the Department  
22 of Administration in the current fiscal year, shall implement updated policies for protecting mobile devices including, but not limited  
23 to, cellular phones, tablets and laptops. The department must also consider the potential consolidation of existing protection plans  
24 as established by other state agencies, to ensure an effective and efficient statewide approach to a protection plan that covers all state  
25 owned devices.

26 (A) The following factors shall be considered by the department as it reviews options for providing this protection, and to the  
27 extent possible, the following components must be included in the updated plan:

- 28 (1) Protective cases and screens for all devices;
- 29 (2) Multi-year insurance coverage for both the device and the protective case;
- 30 (3) Zero deductible if possible to ensure cost savings to the department;
- 31 (4) Multiple claims per device should be allowable;
- 32 (5) Replacement policy if devices cannot be repaired; and
- 33 (6) Local pickup and delivery service for efficient repair and replacement where possible.

34 (B) Upon development of these policies and to follow the new mobile device purchasing policy for state agencies, the State Fiscal  
35 Accountability Authority must establish a statewide contract for protecting all state owned, mobile devices that can be included in  
36 one combined contract.

1 (C) The State Fiscal Accountability Authority must ensure that any contract developed for this purpose is awarded utilizing a  
2 competitive approach in accordance with the South Carolina Procurement Code.

3 ~~117.130. (GP: State Flag Study Committee) There is created the South Carolina State Flag Study Committee charged with~~  
4 ~~proposing an official, uniform design for the state flag based on historically accurate details and legislative adoptions. Membership~~  
5 ~~of the study committee shall be comprised of five members as follows:~~

6 ~~(1) the Director of the Department of Archives and History, or his designee, who shall serve as chairman;~~

7 ~~(2) the Director of the Department of Administration, or his designee;~~

8 ~~(3) one member appointed by the President Pro Tempore of the Senate;~~

9 ~~(4) one member appointed by the Speaker of the House of Representatives; and~~

10 ~~(5) one member appointed by the Governor.~~

11 ~~The study committee shall provide a report including a proposed design to the General Assembly by June 30, 2021, at which time~~  
12 ~~the study committee shall dissolve. Members of the study committee shall receive mileage, per diem, and subsistence as provided~~  
13 ~~by law.~~

14 **117.131. (PSA: Board Meeting Coverage)** The South Carolina Public Service Authority must provide live-streamed coverage  
15 whenever practicable of all meetings of the Board of Directors to ensure transparency and access for the public. The board meetings  
16 shall be recorded and archived and made available on the South Carolina Public Service Authority's website. If a meeting cannot be  
17 live-streamed, then the authority must make transcripts available on the authority's website within three business days.

18 **117.132. (GP: Criminal History Investigations)** (A) State agencies, state institutions and political subdivisions of the state are  
19 authorized, as necessary to comply with internal revenue service Publication 1075, including amendments thereto and publications  
20 replacing Publication 1075, to obtain state and national criminal history background checks and investigations performed by the  
21 State Law Enforcement Division and the Federal Bureau of Investigation on all employees and contractors with access to federal tax  
22 information. The State Law Enforcement Division is authorized to conduct fingerprint-based state and national background checks  
23 for state agencies, state institutions and political subdivisions of the state which have access to federal tax information in order to  
24 comply with Publication 1075.

25 (B) An employee or contractor of a state agency, state institution and political subdivision of the state with access to or that uses  
26 federal tax information must:

27 (1) agree to a national background check and the release of all investigative records to the state agency, state institution or  
28 political subdivision of the state for the purpose of verifying criminal history information for non-criminal justice purposes; and

29 (2) supply a fingerprint sample and submit to a state criminal history background check and investigation to be conducted  
30 by the State Law Enforcement Division, and then submit to a national criminal history background check to be conducted by the  
31 Federal Bureau of Investigation.

32 (C) Except as otherwise provided in this section, a state agency, state institution or political subdivision of the state shall pay any  
33 costs incurred to conduct background checks and investigations requested by the state agency. The state agency, state institution or  
34 political subdivision of the state may require a person or entity contracting with the agency to pay the costs associated with the  
35 background investigations for all employees of the contractor. The requirement may be a condition of the contract with the agency,  
36 state institution or political subdivision of the state.

1 (D) Each state agency, state institution or political subdivision of the state required to conduct background checks and  
2 investigations pursuant to this provision shall establish written policies concerning the implementation and use of the background  
3 checks and investigations conducted pursuant to this provision.

4 **117.133.** (GP: Medical Marijuana Research) With funds provided in this fiscal year, the University of South Carolina College of  
5 Pharmacy and the Medical University of South Carolina are authorized, to the extent permitted by and in accordance with federal  
6 laws and regulations, to undertake the following actions: acquire pharmaceutical grade marijuana, marijuana extracts, semi-pure  
7 isolates, and purified compounds, including, but not limited to, THC, CBD, CBO, cannabitol, and cannabigerol for use in research  
8 and clinical trials to develop potential therapeutic agents for epilepsy, Dravet's Syndrome, chronic pain, cancer, reduction of nausea,  
9 and vomiting induced by chemotherapy, glaucoma, obesity, multiple sclerosis, drug abuse, inflammation, and autoimmune disorders,  
10 including encephalomyelitis.

11 The University of South Carolina and the Medical University of the South Carolina are further authorized to form collaborations,  
12 agreements, and partnerships with other public and private entities in order to conduct this research and clinical trials, to the extent  
13 permitted by and in accordance with federal laws and regulations, as well as to pursue both public and private funding. Further, the  
14 University of South Carolina and the Medical University of South Carolina are directed to provide to the members of the South  
15 Carolina General Assembly, on or before the first day of the 2021 legislative session, with a written summary of the actions they  
16 have undertaken pursuant to this proviso and the material findings, if any, resulting from such activities.

17 **117.134.** (GP: Immigration Compliance Report) From the funds appropriated to the South Carolina Law Enforcement Division  
18 (SLED), the agency shall publish the Immigration Compliance Report (ICR). SLED may conduct investigations necessary to ensure  
19 the accuracy of information provided by counties and municipal governments within the ICR. Every agency of this State, and  
20 political subdivisions thereof, shall provide documentation that SLED considers necessary for the publication of the ICR. The ICR  
21 shall contain a list of county and municipal governments that SLED has certified to be compliant with Sections 17-13-170(E) and  
22 23-3-1100 of the 1976 Code as well as compliance with any federal laws related to the presence of an unlawful person in the United  
23 States in the previous fiscal year. The ICR must be provided to the General Assembly, the Governor, and the State Treasurer by  
24 December thirty-first of the current fiscal year.

25 The State Treasurer shall withhold any remaining disbursement from the Local Government Fund to any county or municipality  
26 that is not certified as "compliant" in the ICR; however, this requirement may not be imposed until the first publication of the ICR.

27 **117.135.** (GP: School Resource Officer Critical Needs) Any Class I law enforcement officer who retired under the Police Officers  
28 Retirement System on or before December 31, 2017, may return to employment with a public school district as a critical needs  
29 School Resource Officer without affecting the monthly retirement allowance that they are receiving from the Police Officers  
30 Retirement System. The Law Enforcement Training Council must develop guidelines and curriculum for these officers to be  
31 recertified and must not require recertification through basic training for those that have been inactive for a year or more.

32 **117.136.** (GP: Georgetown County Boat Ramps) ~~The Department of Transportation shall transfer the remaining funds~~  
33 ~~appropriated for the Sandy Island Boat Ramp in Proviso 118.17 (B), item 43(f), Act 101 of 2013 to the Department of Natural~~  
34 ~~Resources. The Department of Natural Resources shall credit the transfer to the Water Recreation Resource fund for use in~~  
35 ~~Georgetown County and the transfer amount is not to be considered part of the annual allocation formula for Water Recreation~~  
36 ~~Resource funds.~~



1       **117.137.** (GP: CDBG-DR Flexibility) ~~The Department of Commerce is directed to transfer any funds remaining from the~~  
2 ~~appropriation it received through Act 97 of 2017 for 2015 Non-CDBG Disaster Recovery to the Department of Administration~~  
3 ~~which shall utilize these funds for any disaster recovery program.~~

4       **117.138.** (GP: Secure Area Duty Officers Program) The Office of Adjutant General, the State Law Enforcement Division, and  
5 other law enforcement authorities are authorized to conduct security-related activities as prescribed by the Governor in Executive  
6 Order 2015-18. Activities carried out under this program shall be considered state or federal training for purposes of Section  
7 15-78-60(19) of the 1976 Code and the agency and its personnel shall be exempt from liability as described therein. State agencies  
8 involved in the Secure Area Duty Officers Program (SADOP) may expend state and federal funds in support of the program.

9       **117.139.** (GP: Magistrates Compensation) Notwithstanding Proviso 117.109 (Employee Compensation), in the current fiscal  
10 year, the salary for each magistrate must be calculated using the same schedule and same circuit judge salary, at a minimum, as was  
11 in effect in Fiscal Year 2018-19.

12       **117.140.** (GP: Voting System Funds Transfer) ~~The State Election Commission is directed to transfer any funds which have been~~  
13 ~~appropriated to the commission for the purchase of a new statewide voting system or for the refurbishment of the current statewide~~  
14 ~~voting system to the Department of Administration. The Department of Administration shall hold these funds and any other funds~~  
15 ~~appropriated to the department for the same purpose in a separate account. This transfer requirement shall not apply to any federal~~  
16 ~~funds granted to the State Election Commission. Any funds available to the State Election Commission or the Department of~~  
17 ~~Administration shall be used in Fiscal Year 2020-21 to purchase a new statewide voting system.~~

18       **117.141.** (GP: New Savannah Bluff Lock and Dam) The Department of Health and Environmental Control is prohibited from  
19 using any appropriated funds to process and approve any license, permit, authorization, or certification related to the New Savannah  
20 Bluff Lock and Dam inconsistent with the State's policy and the General Assembly's intent of maintaining the existing water quality  
21 and navigability conditions of that portion of the Savannah River in and around the New Savannah Bluff Lock and Dam. Consistency  
22 may occur by including conditions on any proposed project for the maintenance of the New Savannah Bluff Lock and Dam pool at  
23 elevation 114.5 NAVD88 for the preservation of adequate and sufficient water quality, navigation, water supply, and recreational  
24 activities.

25       **117.142.** (GP: Diverse Student Recruitment and Retention) Institutions of higher learning shall utilize a portion of the funds  
26 appropriated to or authorized for the institution to develop enrollment and retention programs to promote diversity in their student  
27 population, to include African Americans, Hispanics and other underrepresented minorities. Institutions are directed to report the  
28 effectiveness of these enrollment and retention programs to the Commission on Higher Education for inclusion in their annual report.

29       **117.143.** (GP: Bridge Stabilization and Repair) ~~The Department of Transportation and Santee Cooper are jointly directed to~~  
30 ~~develop a detailed plan and cost estimate for stabilizing and repairing the US 15/US 301 bridge over Lake Marion for public~~  
31 ~~pedestrian and bicycle traffic based on a study conducted by the Palmetto Conservation Foundation using the bridge as a connector~~  
32 ~~route for the Palmetto Trail. In developing this plan and cost estimate, the Department of Transportation and Santee Cooper shall~~  
33 ~~include input from the Santee Cooper Counties Promotion Commission, the Department of Parks, Recreation and Tourism, Clarendon~~  
34 ~~and Orangeburg Counties, the Cities of Summerton and Santee and the Palmetto Conservation Foundation.~~

35       **117.144.** (GP: Intrastate Motor Carrier Fee Collections) ~~In the current fiscal year, the Department of Motor Vehicles shall consult~~  
36 ~~with the Department of Revenue and any association representing taxpayers subject to, or entities imposing, the road use fee pursuant~~

1 to Article 23, Chapter 37, Title 12 of the 1976 Code, to determine the most efficient manner to implement a standardized system  
2 whereby the Department of Motor Vehicles collects all fees owed by commercial motor vehicles operating solely intrastate, including  
3 fees imposed by local government. The system must allow a payment plan option to allow these commercial motor vehicles to pay  
4 the infrastructure maintenance fee in multiple installments. The plan must include a fiscal impact statement, prepared by the Revenue  
5 and Fiscal Affairs Office, detailing the costs associated with the plan. The Department of Motor Vehicles shall submit the plan for  
6 the standardized system by December 1, 2019, to the Chairman of the Senate Finance Committee, the Chairman of the Senate  
7 Transportation Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and  
8 Public Works Committee.

9 **117.145.** (GP: Offshore Oil) For the current fiscal year, no funds appropriated or authorized to the Department of Health and  
10 Environmental Control, or to local governmental entities, including but not limited to counties, municipalities and special purpose  
11 districts, may be expended to approve a plan, permit, license application or other authorization for:

12 (1) the construction or use of infrastructure for which the principal purpose is to facilitate the transportation of unrefined or  
13 unprocessed oil or gas into the territorial waters of South Carolina, or onto the lands of South Carolina, from offshore oil and gas  
14 production platforms and related infrastructure in the Atlantic Ocean;

15 (2) activities for which the principle purpose is the exploration, development, or production of unrefined or unprocessed oil or  
16 gas from within the territorial waters of South Carolina; or

17 (3) activities for which the principle purpose is the exploration, development, or production of unrefined or unprocessed oil or  
18 gas in the Atlantic Ocean.

19 For purposes of this proviso:

20 (1) 'Development' means the design, planning, permitting, licensing, authorization or construction of infrastructure for which  
21 the principal purpose is the production of oil or gas.

22 (2) 'Exploration' means any activity for which the principal purpose is to define, characterize, test for or evaluate oil or gas  
23 resources for possible commercial development or production.

24 (3) 'Production' means any activity for which the principal purpose is to engage in, monitor, or conduct operations or  
25 maintenance related to the active extraction of unrefined or unprocessed oil or gas.

26 (4) 'Territorial waters of South Carolina' means waters located within the state of South Carolina and waters of the Atlantic  
27 Ocean extending out to three nautical miles from the mean low-water mark of South Carolina's naturally occurring coastline.

28 **117.146.** (GP: PSA Contracts for Contributions) In the current fiscal year, the South Carolina Public Service Authority may not  
29 enter into any new contracts for contributions to the Executive Defined Benefit Plan or the Executive Retention Defined Contribution  
30 Plan.

31 **117.147.** (GP: Early Childhood Education Study Committee) There is established the Early Childhood Education Study  
32 Committee to make recommendations to the General Assembly regarding the best structure for coordinated early childhood services  
33 provided to children from birth to age 5 currently operating across multiple systems and funding streams for the purpose of improving  
34 the delivery of services, maximizing the number of children served, ensuring that all children are ready to enter school, and delivering  
35 cohesive high quality early childhood education, care and parental support to all children in South Carolina. The committee must

1 solicit input from and consider the recommendations of affected constituencies, such as the report of the Office of First Steps Study  
2 Committee established pursuant to Act 287 of 2014, in the development of its report.

3 Programs to be included in the study must include, but are not limited to: Head Start Collaboration Office, Office of Early  
4 Learning, ABC Childcare Program, Childcare Licensing Office, Childcare Resource and Referral Network, Child Early Reading  
5 Development & Education Program, BabyNet, Women, Infants and Children Supplemental Food Program (WIC), and the  
6 Postpartum Newborn Home Visitation Program.

7 The study committee shall be comprised of the following:

8 1) Chairman of the Senate Family & Veterans' Services Committee, or their designee, who shall serve as Co-Chair;

9 2) Chairman of the House of Representatives Education & Public Works Committee, or their designee, who shall serve as  
10 Co-Chair;

11 3) Two members of the Senate, appointed by the Chairman of the Family & Veterans' Services Committee;

12 4) Two members of the House of Representatives, appointed by the Education & Public Works Committee;

13 5) Four members appointed by the Governor who must be representative of the population of the State and have skills,  
14 knowledge and interest in early childhood care, education and improving the school readiness of young children for success; and

15 6) Chairman of the Joint Citizens and Legislative Committee on Children, or their designee.

16 Staff support shall be provided by the Senate Family & Veterans' Services Committee and the House of Representatives Education  
17 & Public Works Committee. Findings and recommendations shall be submitted to the General Assembly and the Governor by  
18 December 1, 2019.

19 **117.148.** (GP: Authorization for Expenditure of COVID-19 Federal Funds) (A)(1) The State of South Carolina desires to procure  
20 professional grant management services for oversight and compliance of funds received through the 'Coronavirus Aid, Relief, and  
21 Economic Security Act' (CARES Act) and any other available source of federal COVID-19 relief funds. It is intended that the  
22 procurement will result in a contract for professional grant management services that can assist the State with grant management to  
23 include, but not be limited to: understanding the requirements and funding streams related to the CARES Act and federal relief  
24 funds; creating a framework for grant management from application for funds to disbursement of funds to include the development  
25 of processes and controls, data collection, evaluation of requests, and reporting; and creating a system of monitoring for compliance  
26 and detecting possible fraud, waste, and abuse.

27 (2) It is vital to the State's interest that a contract be awarded for such professional grant management services in the most  
28 expeditious manner possible and time is of the essence. Accordingly, this procurement should be done pursuant to the provisions of  
29 Section 11-35-1570 of the 1976 Code. The Executive Director of the South Carolina Department of Administration shall coordinate  
30 the process used to procure the professional grant management services needed and shall be responsible for the development of  
31 specifications to be included in any contract awarded. The State Fiscal Accountability Authority shall serve as the procuring officer  
32 for the procurement process and is responsible for administrative duties related to the process and the contract awarded pursuant to  
33 it. The State Fiscal Accountability Authority shall assign such personnel as requested by the Executive Director of the Department  
34 of Administration to assist the Department of Administration in carrying out its duties under this act.

35 (B) State boards, commissions, agencies, departments, and institutions of higher learning are authorized to receive funds directly  
36 from the federal government in response to the 2019 Novel Coronavirus (COVID-19). Funds so received shall be expended for

1 COVID-19 preparedness and response and in accordance with applicable federal laws and regulations. Any state board, commission,  
2 agency, department, or institution of higher learning that receives funds must submit an expenditure plan to the Governor, the  
3 Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. Beginning on June 1,  
4 2020, and on the first day of each month thereafter, the recipient shall provide a detailed accounting of the expenditure of all federal  
5 relief funds to the Governor and the General Assembly. The detailed accounting must be made available on the Governor's website.  
6 Unexpended funds, without limitation, may be carried forward into the succeeding fiscal year and expended for the same purpose.

7 (C) The Governor is authorized to receive on behalf of the State of South Carolina federal funds designated for the Coronavirus  
8 Relief Fund.

9 (D) The Executive Budget Office shall establish the Coronavirus Relief Fund as a federal fund account separate and distinct from  
10 all other accounts. All federal appropriations received by the Governor pursuant to subsection (C), must be credited to the  
11 Coronavirus Relief Fund account. No other funds may be credited to this account and funds in the account may be expended only  
12 by appropriation or authorization by the General Assembly.

13 (E) Nothing herein limits any state board, commission, agency, department, or institution receiving funds from the Coronavirus  
14 Relief Fund from continuing to expend funds from other sources, including state appropriated funds, that are necessary to address  
15 the state's response to COVID-19. Any unexpended funds from the Coronavirus Relief Fund, without limitation, may be carried  
16 forward into the succeeding fiscal year and expended for the same purpose.

17 **117.149.** (GP: Mandatory Furlough Flexibility - COVID-19) (A) In order to provide maximum flexibility to a state agency or  
18 institution of higher learning during the state's COVID-19 response, an agency or institution experiencing significant decreases in  
19 revenue sources or significant unanticipated expenditures as a result of the COVID-19 response may implement a mandatory furlough  
20 subject to the review and approval of the Department of Administration Division of State Human Resources. Approved furloughs  
21 must comply with all federal laws. Implementation of furloughs should be in a manner similar to furloughs authorized in Chapter  
22 11, Title 8, exceptions may be approved by the Division of State Human Resources.

23 (B) During a furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to  
24 them except for receiving their salaries. As to those benefits that require employer and employee contributions including, but not  
25 limited to, contributions to the South Carolina Retirement System or the optional retirement program, the state agencies, institutions,  
26 and departments are responsible for making both employer and employee contributions if coverage would otherwise be interrupted;  
27 and as to those benefits which require only employee contributions, the employee remains solely responsible for making those  
28 contributions.

29 (C) The division shall report to the President of the Senate, Speaker of the House of Representatives, the Chairman of Senate  
30 Finance Committee, and the Chairman of House Ways and Means Committee when any furloughs are implemented. This  
31 information also shall be published on the division's website.

32 **117.150.** (GP: Other Fund Flexibility to Maintain Critical Programs Impacted by COVID-19) In order to provide maximum  
33 flexibility to a state agency or institution of higher learning during the state's COVID-19 response, agencies and institutions are  
34 authorized to spend earmarked and restricted revenue sources to maintain critical programs impacted by the state's COVID-19  
35 response. Any spending authorization for these purposes must receive the prior approval of the Executive Budget Office and must  
36 be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is

1 authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any  
2 other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program  
3 budget upon approval of the Executive Budget Office in consultation with the Chairman of the Senate Finance Committee and the  
4 Chairman of the House Ways and Means Committee.

5 **117.151.** (GP: Voluntary Support Payments to Employees Furloughed - COVID-19) ~~All voluntary support payments made by an~~  
6 ~~employer to a furloughed employee as a result of the COVID-19 crisis shall be classified as a form of severance pay, are not wages,~~  
7 ~~and are not subject to repayment by the furloughed employee. Any provision of law that conflicts with this section is suspended until~~  
8 ~~July 31, 2020.~~

9 **117.152.** (GP: Transfer Student Credits) *The Commission on Higher Education shall work in consultation with the State Board*  
10 *for Technical and Comprehensive Education and the public institutions of higher learning to develop policies by March 1, 2022, to*  
11 *guarantee students who have earned an Associate of Arts or Associate of Science degree from a public two-year institution of higher*  
12 *learning shall receive a minimum of sixty transfer credit hours at a public four-year college or university and shall be given a junior*  
13 *status at the college or university. Course prerequisites and minimum credit requirements for awarding degrees shall still apply.*  
14 *Implementation of the provisions shall be effective beginning June 1, 2022.*

15 **117.153.** (GP: Permanent Improvement Projects) *For the current fiscal year, permanent improvement projects, as defined in*  
16 *Title 2, Chapter 47 of the 1976 Code, where the cost is at least one million dollars but not greater than five million dollars for public*  
17 *research universities and not greater than two million dollars for all other public institutions of higher learning shall be exempt from*  
18 *the requirements of Section 2-47-50, except that a project shall not be considered approved without an institution's governing board*  
19 *having first voted to approve the project in a public session. Institutions shall provide a report of projects approved by their*  
20 *governing boards pursuant to this provision to the Chairman of the Commission on Higher Education, the Joint Bond Review*  
21 *Committee, and the State Fiscal Accountability Authority by September 30th of the current fiscal year.*

22 **117.154.** (GP: Fixed Rate Compensation) *The South Carolina public higher education institutions are authorized to compensate*  
23 *nonpermanent, non-FTE adjunct, temporary, or part-time instructors/faculty on a fixed rate basis. These individuals shall provide*  
24 *classroom and related instructional activities on an as needed basis depending on student enrollment per semester or academic term.*  
25 *Institutions may pay exempt or non-exempt employees as defined by the Fair Labor Standards Act only when they are needed to*  
26 *work. Adjunct, temporary, or part-time instructors/faculty employed in this category are non-covered employees who may exceed*  
27 *twelve months, but are not eligible for State benefits except for the option of contributing to the State Retirement System or Health*  
28 *Care Plan if eligible under the Affordable Care Act guidelines.*

29 **117.155.** (GP: Public Mobile Health Units Statewide Coordination Project) *For the current fiscal year, the South Carolina*  
30 *Center for Rural and Primary Healthcare shall oversee public mobile health units in South Carolina which shall partner with South*  
31 *Carolina public institutions of higher education to coordinate statewide delivery of services to increase access to preventative and*  
32 *diagnostic health care, and reduce health inequities for rural, vulnerable, underserved, and displaced populations in South Carolina.*  
33 *The public mobile health units, in consultation with appropriate health care organizations, under the direction of the South Carolina*  
34 *Center for Rural and Primary Healthcare, shall collaborate with South Carolina public institutions of higher education and relevant*  
35 *stakeholders identified by the center to develop a coordinating system to provide organization and collaboration among those units*  
36 *and any units that may begin operating in the future. The University of South Carolina Salkehatchie and Denmark Technical College*

1 shall provide training and health education awareness to assist and support implementation strategies driven by local, regional, and  
2 state data and research and aligned efforts.

3 **117.156.** (GP: CARES Act Federal Employment Tax Credits) Colleges, universities, and entities that provide medical and hospital  
4 care, whose employees are employees of the State of South Carolina or any political subdivision thereof, shall be authorized to  
5 contract directly with private parties to provide services related to federal employment tax credits under the Federal CARES Act of  
6 2020 as extended to such state employees under Section 207 of the Taxpayer Certainty and Disaster Tax Relief Act of 2020.

7 **117.157.** (GP: Sickle Cell Disease) From the funds appropriated to the Department of Health and Human Services, the  
8 department shall transfer \$1,000,000 to the Medical University of South Carolina Hospital Authority to develop a comprehensive  
9 approach to advancing the awareness, detection, treatment, and scientific knowledge of sickle cell disease and trait within South  
10 Carolina. The Medical University of South Carolina Hospital Authority shall be authorized to partner with independent research  
11 entities to advance curative therapies for sickle cell disease and trait and shall be authorized to endow one or more nationally leading  
12 academic research centers with a research chair named the “Rena N. Grant Endowed Chair for Hematology” in furtherance of this  
13 goal. Additionally, to improve the quality of care provided to sickle cell patients, the authority shall perform statewide cultural  
14 competency training in all hospitals, including urgent care centers, in this State using its preexisting training model in order to  
15 educate and increase the awareness of health care professionals that are most likely to treat sickle cell patients on the symptoms and  
16 stigma associated with sickle cell disease and trait, especially pain relief.

17 For purposes of this proviso:

18 (1) ‘Health care professional’ has the meaning as in Section 44-66-20 of the 1976 Code.

19 (2) ‘Hospital’ means a facility organized and administered to provide overnight medical or surgical care or nursing care of  
20 illness, injury, or infirmity and may provide obstetrical care, and in which all diagnoses, treatment, or care is administered by or  
21 under the direction of persons currently licensed to practice medicine, surgery, or osteopathy.

22 In developing and implementing the South Carolina Statewide Telemedicine Network, the department and the authority shall  
23 include the goals set forth in this provision to bring better care to individuals with sickle cell disease or trait.

24 The Department of Health and Human Services shall be authorized to pursue a Health Services Initiative through the Children’s  
25 Health Insurance Program for the purposes of improving child and maternal health when either or both exhibit the sickle cell disease  
26 or trait, and improve outreach, access to crisis stabilization, and coping resources for children with sickle cell disease.

27 By January fifteenth of the current fiscal year, the department and the authority shall each submit a report to the Chairman of the  
28 Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor outlining their progress on  
29 these initiatives.

30 **117.158.** (GP: Statewide Strategic Personnel Budgeting) (A) To encourage consistency in human resources compensation  
31 decisions, support data driven decisions regarding expenditure of funds for personnel in state government, and improve the state’s  
32 ability to recruit and retain top talent, all state agencies are directed as follows:

33 With regard to the annual Appropriations Act budget plan submission, agencies shall submit all human resources and personnel  
34 related budget requests to the Department of Administration’s Executive Budget Office and Division of State Human Resources on  
35 or before September 1 of the current fiscal year. The Executive Budget Office and the Division of State Human Resources shall  
36 jointly review the budget requests and make recommendations for funding consideration. These funding recommendations shall be

1 submitted to the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance  
2 Committee.

3 Agencies shall comply with all human resources rules, regulations, standards, plans, policies, and directives of the Division of  
4 State Human Resources.

5 (B) The Judicial Department, Legislative Department, political subdivisions, and quasi-governmental bodies are exempt from  
6 the requirements of this provision.

7 117.159. (GP: Job Order Contracting Pilot Program) For the current fiscal year, Procurement Services of the State Fiscal  
8 Accountability Authority may pilot test a job order contracting method on behalf of one or more governmental bodies or public  
9 procurement units by entering into job order contracts to acquire construction services when the exact time or exact quantities of  
10 future jobs are not known at the time of contract award. Procurement Services shall determine, in its sole discretion, which  
11 governmental bodies and public procurement units may participate in the pilot project. Procurement Services may enter into job  
12 order contracts with up to four businesses for each geographic area for each licensing classification and sub-classification for  
13 construction.

14 For purposes of this proviso, the term 'job order contract' means a contract that provides for the issuance of job orders for the  
15 performance of construction, renovation, and repair work, where contractors propose an adjustment factor or factors to be applied  
16 to a catalog of preset unit prices calculated using local prevailing wage rates, local equipment, and local material costs, and where  
17 individual job orders are issued to the awarded contractors on an as-needed basis and the price paid for the work is a lump sum of  
18 the preset unit prices needed to complete the job order multiplied by the quantity required multiplied by the adjustment factor.

19 For purposes of the pilot project, an individual project using job orders may not exceed five hundred thousand dollars and the  
20 sum of all individual job orders may not exceed four million dollars per contract. Work may not be divided artificially in order to  
21 avoid these limits. A single project must not be performed using job order contracts in combination with contracts awarded pursuant  
22 to Section 11-35-1550 of the 1976 Code.

23 For purposes of the pilot project, a job order must clearly specify all tasks to be performed or property to be delivered under the  
24 order so the full price for the performance of the work can be established when the order is placed. All job orders must be issued  
25 on a fixed-price basis. All job orders must be issued within the period of the contract and must be within the scope and maximum  
26 value of the contract. Each job order shall provide an itemized list of each construction tasks required to complete the work with  
27 the task's associated unit price and applied adjustment factor. Each job order proposal shall be certified as contract compliant by  
28 a reviewer independent of the contractor.

29 Any solicitation for a job order contract must include the following: (1) the period of the contract; (2) the maximum dollar value  
30 of the services to be procured under the contract; (3) the maximum dollar value of the services to be procured under a single job  
31 order; (4) a description that reasonably describes the licensing classification and the general scope, nature, complexity, and  
32 purposes of the services to be procured under the contract in a manner that will enable a prospective bidder to decide whether to  
33 submit a bid; (5) the procedures that the governmental body will use for issuing job orders for the pilot program; (6) if applicable,  
34 the geographic area to which the job order contract applies; ordinarily, a geographically contiguous area should not be subdivided;  
35 and (7) the number of job order contracts to be awarded.

1 SECTION 118 - X910 - STATEWIDE REVENUE  
2

3 **118.1.** (SR: Year End Cutoff) Unless specifically authorized herein, the appropriations provided in Part IA of this act as ordinary  
4 expenses of the State Government shall lapse on July 31, ~~2021~~ 2022. State agencies are required to submit all current fiscal year  
5 input documents and all electronic workflow for accounts payable transactions to the Office of Comptroller General by July 14, ~~2021~~  
6 2022. Appropriations for Permanent Improvements, now outstanding or hereafter provided, shall lapse at the end of the second fiscal  
7 year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the State  
8 Fiscal Accountability Authority and Joint Bond Review Committee, toward the accomplishment of the purposes for which the  
9 appropriations were provided. Appropriations for other specific purposes aside from ordinary operating expenses, now outstanding  
10 or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite  
11 commitments shall have been made, with the approval of the State Fiscal Accountability Authority, toward the accomplishment of  
12 the purposes for which the appropriations were provided.

13 **118.2.** (SR: Titling of Real Property) It is the intent of the General Assembly to establish a comprehensive central property and  
14 office facility management process to plan for the needs of state government agencies and to achieve maximum efficiency and  
15 economy in the use of state owned or state leased real properties. The Department of Administration is directed to identify all state  
16 owned properties whether titled in the name of the state or an agency or department, and all agencies and departments of state  
17 government are upon request to provide the department all documents related to the title and acquisition of the real properties that  
18 are occupied or used by the agency or titled in the name of the agency. Except for any properties where the department determines  
19 title should not be in the name of the State because the properties are subject to reverter clauses or other restraints on the property,  
20 or where the department determines the state would be best served by not receiving title, and with the exception of properties,  
21 highways and roadways owned by the Department of Transportation, title of any property held by or acquired by a state agency or  
22 department shall be titled in the name of the state under the control of the Department of Administration. Titling in the name of the  
23 state shall not affect the operation or use of real property by an agency.

24 This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority;  
25 the Ports Authority; the South Carolina Division of Public Railways; the MUSC Hospital Authority; the Myrtle Beach Air Force  
26 Redevelopment Authority; the Department of Transportation; the Midlands Technical College Enterprise Campus Authority, the  
27 Trident Technical College Enterprise Campus Authority; the Area Commission of Tri-County Technical College; and the Charleston  
28 Naval Complex Redevelopment Authority.

29 With respect to any past or future acquisition of real property, the application of this provision and prior comparable titling  
30 provisions to the South Carolina Department of Natural Resources and real property under its ownership or control is subject to the  
31 exemption adopted by the South Carolina Budget and Control Board on March 21, 2006.

32 This provision is comprehensive and supersedes any conflicting provisions concerning title and acquisition and disposition of state  
33 owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

34 The Department of Administration is directed to provide to the Department of Education, funds equal to the amount realized from  
35 the sale of the Greenville Halton Road Bus Shop property for school bus maintenance shop relocations, construction, and shop  
36 equipment.



1       **118.3.** (SR: Contingency Reserve Fund) (A) There is created in the State Treasury a fund separate and distinct from the general  
2 fund of the State, the Capital Reserve Fund, and all other funds entitled the Contingency Reserve Fund. All general fund revenues  
3 accumulated in a fiscal year in excess of general appropriations and supplemental appropriations must be credited to this fund.  
4 Revenues credited to this fund in a fiscal year may be appropriated by the General Assembly. Upon determination by the Comptroller  
5 General as to the amount to be deposited in the Contingency Reserve Fund, the Comptroller General shall notify the Board of  
6 Economic Advisors and the board shall recognize that amount as surplus funds. Revenues in this fund may be appropriated only for  
7 the purposes provided in subsection (B).

8       (B) (1) If the balance in the general reserve fund established pursuant to Section 36, Article III of the Constitution of this State  
9 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  
10 Contingency Reserve Fund up to the total necessary to replenish the general reserve fund. This amount does not replace or supplant  
11 the minimum replenishment amount otherwise required to be made to the general reserve fund.

12       (2) After the appropriation of amounts required pursuant to item (1) of this subsection, any remaining balance may be  
13 appropriated by the General Assembly as it deems appropriate.

14       **118.4.** (SR: Increased Enforced Collections Carry Forward) Unexpended funds appropriated pursuant to Proviso 90.16 in Part IB  
15 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  
16 purposes.

17       **118.5.** (SR: Health Care Maintenance of Effort Funding) The revenue collected from the fifty cent cigarette surcharge and  
18 deposited into the South Carolina Medicaid Reserve Fund established by Act 170 of 2010 and any other funds deposited into the  
19 fund shall be deemed appropriated for use by the Department of Health and Human Services for the Medicaid program. Unexpended  
20 funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

21       **118.6.** (SR: Prohibits Public Funded Lobbyists) All state agencies and institutions are prohibited from using general fund  
22 appropriations to compensate employees who engage in lobbying on behalf of the state agency or institution. The State Ethics  
23 Commission shall require state agencies and institutions that report lobbying activities to the commission to certify that the lobbying  
24 activities were not funded by general fund appropriations.

25       All state agencies and institutions are prohibited from entering into contracts using general fund appropriations to provide lobbying  
26 services to the agency or institution.

27       **118.7.** (SR: Admissions Tax) For the current fiscal year, up to one hundred fourteen thousand dollars in admissions tax revenue  
28 collected annually from all events held at a NASCAR sanctioned motor speedway or racetrack that hosts at least one race each year  
29 featuring the preeminent NASCAR cup series must be rebated to the motorsports entertainment complex facility in the current fiscal  
30 year to keep a NASCAR race at the motorsports entertainment complex facility. In addition, any sports facility that hosts at least  
31 one preeminent Women's Tennis Association-sanctioned tournament or any sports facility that operates as the home venue for a  
32 professional soccer team that participates in the United Soccer Leagues, second division or higher, must be rebated to the facility  
33 half of its admissions tax revenue for the fiscal year and used by that facility for marketing the events held at the facility.

34       **118.8.** (SR: Agency Deficit Notice) The Comptroller General or the Executive Budget Office shall (1) provide written notice to  
35 each member of the General Assembly when it makes a report concerning an agency, department, or institution that is expending

1 authorized appropriations at a rate which predicts or projects a general fund deficit for the agency, department, or institution, and (2)  
2 make monthly progress reports concerning an agency's, department's, or institution's plan to reduce or eliminate the deficit.

3 **118.9.** (SR: Tax Relief Reserve Fund) There is created the Tax Relief Reserve Fund, which shall be separate and distinct from  
4 the General Fund. Interest accrued by the fund must remain in the fund. Notwithstanding any other provision of law, on December  
5 31, ~~2019~~ 2021, the State Treasurer shall transfer funds identified in this act from the General Fund to the Tax Relief Reserve Fund.  
6 These funds may only be used to provide tax relief to businesses and individuals as provided by law. Funds within the Tax Relief  
7 Reserve Fund shall be retained and carried forward to be used for the same purpose.

8 **118.10.** (SR: Tax Deduction for Consumer Protection Services) (A) In addition to the deductions allowed in Section 12-6-1140  
9 of the 1976 Code, there is allowed a deduction in computing South Carolina taxable income of an individual the actual costs, but not  
10 exceeding three hundred dollars for an individual taxpayer, and not exceeding one thousand dollars for a joint return or a return  
11 claiming dependents, incurred by a taxpayer in the taxable year to purchase a monthly or annual contract or subscription for identity  
12 theft protection and identity theft resolution services. The deduction allowed by this item may not be claimed by an individual if the  
13 individual deducted the same actual costs as a business expense or if the taxpayer is enrolled in the identity theft protection and  
14 identity theft resolution services offered free of charge by the State of South Carolina. For purposes of this item, 'identity theft  
15 protection' means products and services designed to prevent an incident of identify fraud or identity theft or other protect the private  
16 of a person' personal identifying information, as defined in Section 16-13-510(D), by precluding a third party from gaining  
17 unauthorized acquisition of another's personal identifying information to obtain financial resources or other products, benefits or  
18 services; and identity theft resolution services means products and services designed to assist persons whose personal identifying  
19 information, as defined by Section 16-13-510(D), was obtained by a third party, whereby minimizing the effects of the identity fraud  
20 or identity theft incident and restoring the person's identity to pre-theft status.

21 (B) The deduction provided in (A) is only allowed for taxpayers that filed a return with the Department of Revenue for any taxable  
22 year after 1997 and before 2013, whether by paper or electronic transmission, or any person whose personally identifiable information  
23 was contained on the return of another eligible person, including minor dependents.

24 (C) By March fifteenth of each year, the department shall issue a report to the Governor and the General Assembly detailing the  
25 number of taxpayers claiming the deduction allowed by this item in the most recent tax year for which there is an accurate figure,  
26 and the total monetary value of the deductions claimed pursuant to this item in that same year.

27 (D) The department shall prescribe the necessary forms to claim the deduction allowed by this section. The department may  
28 require the taxpayer to provide proof of the actual costs and the taxpayer's eligibility.

29 **118.11.** (SR: Tobacco Settlement) (A) To the extent funds are available from payments received on behalf of the State by the  
30 Tobacco Settlement Revenue Management Authority from the Tobacco Master Settlement Agreement ("MSA") in the current fiscal  
31 year, the State Treasurer is authorized and directed, after transferring funds sufficient to cover the operating expenses of the Authority,  
32 to transfer the remaining funds as follows:

33 (1) \$1,253,000 to the Attorney General's Office for Diligent Enforcement and Arbitration Litigation; \$450,000 to the State  
34 Law Enforcement Division for Diligent Enforcement; and \$325,000 to the Department of Revenue for Diligent Enforcement, all to  
35 enforce Chapter 47 of Title 11, the Tobacco Escrow Fund Act;

1 (2) The Attorney General's Office shall maintain a balance of \$1,253,000 in a fund for future tobacco arbitration. Attorney  
2 General funds in excess of \$1,253,000 may be utilized for information technology expenses and building infrastructure upgrades.  
3 These funds may be carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose; and

4 (3) The remaining balance shall be transferred to a restricted account authorized solely for use by the Department of Health  
5 and Human Services for the Medicaid program. Earnings on this fund must be credited to the fund and balances may be carried  
6 forward from the prior fiscal year for the same purpose.

7 (B) The requirements of Section 11-11-170 of the 1976 Code shall be suspended for the current fiscal year.

8 **118.12.** (SR: One Dollar Appropriations) Funds appropriated in the amount of one dollar by this act shall not be disbursed. The  
9 Comptroller General shall adjust the affected agency's chart of accounts accordingly, if necessary.

10 **118.13.** (SR: Non-recurring Litigation Recovery Revenue) During the current fiscal year, if there is a recovery or an award in  
11 any litigation managed by the State through a party other than the Attorney General, or if a state tax audit results in a collection, any  
12 funds received in excess of twenty-five million dollars that are not likely to continue as recurring revenue and would have otherwise  
13 been credited to the General Fund shall be credited to the Litigation Recovery Account. The amount credited to this Litigation  
14 Recovery Account pursuant to this provision is deemed non-recurring revenue and must be expended only in the manner prescribed  
15 by law.

16 **118.14.** (SR: Taxpayer Rebate) ~~In the event that amounts in excess of the Fiscal Year 2018-19 unobligated general fund revenue  
17 as certified by the Board of Economic Advisors become available due to increased income tax collections resulting from the lottery  
18 ticket redemption associated with the October 24, 2018 Mega Millions contest, the Comptroller General shall transfer such amounts  
19 in excess of the total certified unobligated general fund revenue up to \$61,400,000 to a Taxpayer Rebate Fund after the close of  
20 Fiscal Year 2018-19. To the extent sufficient funds are available, the Department of Revenue shall provide a fifty dollar refund to  
21 each individual income tax return filed for tax year 2018 that has at least a state individual income tax liability of fifty dollars, after  
22 credits, for returns filed on or before October 15, 2019. The Department of Revenue may prorate this amount based upon actual  
23 funds and eligible returns and is directed to issue these checks on December 2, 2019.~~

24 **118.15.** (SR: Farm Aid) There is created the 'South Carolina Farm Aid Fund'. This fund is separate and distinct from the general  
25 fund of the State and all other funds. Earnings on this fund must be credited to it. Revenues credited to this fund in a fiscal year  
26 must be used in that fiscal year to operate a grant program that provides financial assistance to farmers.

27 To be eligible for a grant, the person must have:

28 (1) experienced a verifiable loss of agricultural commodities of at least thirty percent as a result of the flooding occurring in  
29 the aftermath of Hurricanes Michael and Florence for which:

30 (a) the Governor declared a state of emergency in the State for the county in which the farm is located; and

31 (b) the United States Secretary of Agriculture issued a Secretarial Disaster Declaration for the county in which the farm  
32 is located;

33 (2) a farm number issued by the Farm Service Agency;

34 (3) signed an affidavit, under penalty of perjury, certifying that each fact of the loss presented by the person is accurate; and

35 (4) a signed affidavit, under penalty of perjury, certifying that no federal funds have been received for these specific disasters,  
36 and in the event that federal funds are received, the person will return all state monies received under this program.

1 The Department of Agriculture (department) shall administer the grant program authorized by this proviso. The Department of  
2 Revenue shall assist the Department of Agriculture in the administration of the grant program by providing auditing services,  
3 accounting services, and review and oversight of all financial aspects of the grant program. There is created the Farm Aid Advisory  
4 Board to make recommendations to the department regarding the duties of the department in administering the grant program. The  
5 Commissioner of Agriculture, or his designee, shall serve ex officio, as chairman of the board. Also, the Director of the Department  
6 of Revenue, or his designee, the Vice President for Public Service and Agriculture of Clemson Public Service Activities, or his  
7 designee, and the Vice President for Land Grant Services of South Carolina State Public Service Activities, or his designee, shall  
8 serve on the board. The following additional members shall be appointed to the board:

- 9 (1) the Commissioner of Agriculture shall appoint one member representing the South Carolina Farm Bureau;
- 10 (2) the Commissioner of Agriculture shall appoint one member representing a farm credit association;
- 11 (3) the Director of the Department of Revenue shall appoint one member representing the crop insurance industry; and
- 12 (4) the Director of the Department of Revenue shall appoint one member who is an agricultural commodities producer.

13 By July twentieth of the current fiscal year, the board shall hold its initial meeting to recommend an application process by which  
14 a person with a loss resulting from the flooding occurring in the aftermath of Hurricanes Michael and Florence may apply for a grant.  
15 Upon adoption of an application process, the Department of Agriculture shall provide the Chairman of the House Ways and Means  
16 Committee and the Chairman of the Senate Finance Committee with a written copy of its application process within ten days after  
17 its adoption. A person shall apply not later than forty-five days after the adoption of the application process. The department must  
18 ensure every person interested in applying for a grant has access to adequate resources to submit his application in a timely manner,  
19 and upon request, the department must assist a person with the preparation of his application.

20 Each grant awarded by the department may not exceed twenty percent of the person's verifiable loss of agricultural commodities.  
21 However, a person, including any grant made to a related person, may not receive grants aggregating more than one hundred thousand  
22 dollars. Also, a person, including any grant made to a related person, may not receive grants that when combined with losses covered  
23 by insurance, exceed one hundred percent of the actual loss. If a grant is made to a related person, the amount to be included in the  
24 limits set by this proviso must be the amount of the grant multiplied by the person's ownership interest in the related person.  
25 However, a person who shares an ownership interest with another person or entity may not be refused a grant solely because the  
26 other person or related person has otherwise received the maximum grant amount, but in this case, the person's grant amount is  
27 limited by the person's ownership interest.

28 If the total amount of grants allowed pursuant to this proviso exceeds the monies in the fund, then each person's grant must be  
29 reduced proportionately.

30 To determine loss, the department:

- 31 (1) must measure the person's cumulative total loss of all affected agricultural commodities for the year in which the flooding  
32 occurred against the person's expected production of all agricultural commodities affected by the flooding occurring in the aftermath  
33 of Hurricanes Michael and Florence;
- 34 (2) shall use the person's applicable actual production history yield, as determined by the Federal Crop Insurance Corporation,  
35 to determine loss for insured agricultural commodities. In determining loss for uninsured agricultural commodities, the department

1 shall use the most recent year's county price and county yield, as applicable, as determined by the National Agriculture Statistics  
2 Service, United States Department of Agriculture; and

3 (3) may require any documentation or proof it considers necessary to efficiently administer the grant program, including the  
4 ownership structure of each entity and the social security numbers of each owner. Minimally, in order to verify loss, the department  
5 shall require the submission of dated, signed, and continuous records. These records may include, but are not limited to, commercial  
6 receipts, settlement sheets, warehouse ledger sheets, pick records, load summaries, contemporaneous measurements, truck scale  
7 tickets, contemporaneous diaries, appraisals, ledgers of income, income statements of deposit slips, cash register tape, invoices for  
8 custom harvesting, u-pick records, and insurance documents.

9 Grant awards must be used for agricultural production expenses and losses due to the flooding which demonstrate an intent to  
10 continue the agricultural operation; however, awards may not be used to purchase new equipment. The department shall develop  
11 guidelines and procedures to ensure that funds are expended in the manner outlined in grant applications, and may require any  
12 documentation it determines necessary to verify the appropriate use of grant awards including receipts.

13 If the department determines that a person who received a grant provided inaccurate information, then the person shall refund the  
14 entire amount of the grant. If the department determines that a person who received a grant used the funds for ineligible expenses,  
15 then the person must refund the amount of the ineligible expenses. If the person does not refund the appropriate amount, the  
16 Department of Revenue shall utilize the provisions of the Setoff Debt Collection Act to collect the money from the person.

17 The department shall coordinate the exchange of information between the USDA and the Department of Revenue to identify any  
18 person that received a Farm Aid grant for the flooding occurring in the aftermath of Hurricanes Michael and Florence and also  
19 received federal aid relief for the same disaster. Any person that is determined to have received grant funds from both the state and  
20 federal government, must immediately repay the state grant they received.

21 If the department determines that a person knowingly provided false information to obtain a grant pursuant to this proviso or  
22 knowingly used funds for ineligible expenses, the person shall be subject to prosecution pursuant to Section 16-13-240.

23 Within forty-five days of the completion of the awarding of grants, but no later than the end of the fiscal year, the Farm Aid  
24 Advisory Board is dissolved. Any funds remaining in the fund upon dissolution shall lapse to the general fund.

25 The department may accept private funds, grants, and property to be used to make financial awards from the grant program.

26 The Department of Agriculture must administer the grant program authorized by this proviso using existing resources and funds.

27 If federal funds are allocated for persons that are otherwise eligible for a grant pursuant to this proviso before the current fiscal  
28 year begins, then the provisions of this proviso are not effective and no funds may be credited to the South Carolina Farm Aid Fund.

29 For purposes of this proviso:

30 (1) 'Agricultural commodities' means wheat, cotton, flax, corn, dry beans, oats, barley, rye, tobacco, rice, peanuts, soybeans,  
31 sugar beets, sugar cane, tomatoes, grain sorghum, sunflowers, raisins, oranges, sweet corn, dry peas, freezing and canning peas,  
32 forage, apples, grapes, potatoes, industrial hemp, timber and forests, nursery crops, citrus, and other fruits and vegetables, nuts, tame  
33 hay, native grass, aquacultural species including, but not limited to, any species of finfish, mollusk, crustacean, or other aquatic  
34 invertebrate, amphibian, reptile, or aquatic plant propagated or reared in a controlled or selected environment, excluding stored grain;

35 (2) 'Person' means any individual, trust, estate, partnership, receiver, association, company, limited liability company,  
36 corporation, or other entity or group;

1 (3) 'Related person' means any person, joint venture, or entity that has a direct or indirect ownership interest of a person or  
2 legal entity; and

3 (4) 'Department' means the Department of Agriculture.

4 **118.16.** (SR: Accrual of Tax Payments) ~~The Comptroller General is directed to accrue into Fiscal Year 2019-20 General Fund~~  
5 ~~revenues previously due for remittance to the Department of Revenue by April fifteenth or June fifteenth but allowed to be remitted~~  
6 ~~as late as July fifteenth pursuant to federal directive or the Governor's Executive Order 2020-12 including, but not limited to,~~  
7 ~~individual and corporate income tax returns and quarterly estimated declarations.~~

8 118.17. (SR: Scholarship Trust Fund) Effective July 1, 2021, there is created within the Office of the State Treasurer, the  
9 Scholarship Trust Fund that shall be separate and distinct from the General Fund and any other lottery account. All net lottery  
10 proceeds, investment earnings, and unclaimed prize funds received in the current fiscal year above the amounts certified by the  
11 Board of Economic Advisors or any amount appropriated by the General Assembly shall be deposited into the Scholarship Trust  
12 Fund. All interest or income earned by the fund must be retained in the account unless appropriated by the General Assembly for  
13 the purpose of increased scholarship obligations or other liabilities.

14 118.18. (SR: Nonrecurring Revenue) (A) The source of revenue appropriated in subsection (B) is nonrecurring revenue  
15 generated from the following sources:

16 (1) \$103,451,091 from Fiscal Year 2018-19 Contingency Reserve Fund;

17 (2) \$463,514,950 from Fiscal Year 2019-20 Undesignated/Unreserved Funds;

18 (3) \$125,239,577 from Fiscal Year 2020-21 Debt Service Lapse;

19 (4) \$36,311,463 from projected Fiscal Year 2020-21 unobligated general fund revenue as certified by the Board of  
20 Economic Advisors; and

21 (5) \$51,395,684 from CARES Act Reimbursements.

22 Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers  
23 shall occur no later than thirty days after the close of the books on Fiscal Year 2020-21 and shall be available for use in Fiscal Year  
24 2021-22.

25 This revenue is deemed to have occurred and is available for use in Fiscal Year 2021-22 after September 1, 2021, following the  
26 Comptroller General's close of the state's books on Fiscal Year 2020-21.

27 (B) The appropriations in this provision are listed in priority order. Item (1) must be funded first and each remaining item must  
28 be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially funded  
29 in the order in which it appears to the extent that revenues are available.

30 The State Treasurer shall disburse the following appropriations by September 30, 2021, for the purposes stated:

31 (1) E240 - Office of Adjutant General

32 Hurricane Dorian State Cost Share.....\$ 12,700,000;

33 (2) E160 - Office of State Treasurer

34 Pandemic Stabilization Reserve Fund.....\$ 500,000,000;

35 (2.1) There is created within the Office of State Treasurer the Pandemic Stabilization Reserve Fund.

1	<u>(3) H630 - Department of Education</u>	
2	<u>Instructional Materials.....</u>	<u>\$ 10,000,000;</u>
3	<u>(4) J020 - Department of Health and Human Services</u>	
4	<u>Medicaid Management Information System.....</u>	<u>\$ 16,678,434;</u>
5	<u>(5) J040 - Department of Health and Environmental Control</u>	
6	<u>Nursing Program Expansion.....</u>	<u>\$ 1,000,000;</u>
7	<u>(6) J120 - Department of Mental Health</u>	
8	<u>State Veterans Nursing Homes Match .....</u>	<u>\$ 27,000,000;</u>
9	<u>(7) J160 - Department of Disabilities and Special Needs</u>	
10	<u>South Carolina Genomic Medicine Initiative at Greenwood Genetic Center.....</u>	<u>\$ 2,000,000;</u>
11	<u>(8) L040 - Department of Social Services</u>	
12	<u>Caring for South Carolina's Children - Child Welfare Programs .....</u>	<u>\$ 5,000,000;</u>
13	<u>(9) H910 - Arts Commission</u>	
14	<u>Statewide Community Arts Grants .....</u>	<u>\$ 1,500,000;</u>
15	<u>(10) P120 - Forestry Commission</u>	
16	<u>Firefighting Equipment .....</u>	<u>\$ 1,000,000;</u>
17	<u>(11) P200 - Clemson University - PSA</u>	
18	<u>Sandhill Recreation Research &amp; Extension Building Repair.....</u>	<u>\$ 990,000;</u>
19	<u>(12) P210 - South Carolina State University - PSA</u>	
20	<u>Small Business Recovery Assistance and Training .....</u>	<u>\$ 350,000;</u>
21	<u>(13) P280 - Department of Parks, Recreation and Tourism</u>	
22	<u>(a) Destination Specific.....</u>	<u>\$ 15,000,000;</u>
23	<u>(b) Tourism Advertising.....</u>	<u>\$ 5,000,000;</u>
24	<u>(c) South Carolina Association of Tourism Regions.....</u>	<u>\$ 1,100,000;</u>
25	<u>(14) P320 - Department of Commerce</u>	
26	<u>Deal Closing Fund.....</u>	<u>\$ 3,700,000;</u>
27	<u>(15) D100 - State Law Enforcement Division</u>	
28	<u>State Investigation Reimbursement .....</u>	<u>\$ 549,676;</u>
29	<u>(16) E200 - Office of Attorney General</u>	
30	<u>Medicaid Provider Fraud Grant Match.....</u>	<u>\$ 400,000;</u>
31	<u>(17) K050 - Department of Public Safety</u>	
32	<u>(a) Agency Vehicle Rotation .....</u>	<u>\$ 750,000;</u>
33	<u>(b) Communication Equipment Replacement.....</u>	<u>\$ 600,000;</u>
34	<u>(18) N040 - Department of Corrections</u>	
35	<u>Contract Nursing.....</u>	<u>\$ 4,550,984;</u>

1	<u>(19) N080 - Department of Probation, Parole and Pardon Services</u>	
2	<u>(a) Alston Wilkes Society.....</u>	<u>\$ 600,000;</u>
3	<u>(b) Agency Fleet Replacement.....</u>	<u>\$ 625,672;</u>
4	<u>(20) N12 - Department of Juvenile Justice</u>	
5	<u>(a) Security Upgrades Phase 1 of 2.....</u>	<u>\$ 1,500,000;</u>
6	<u>(b) Marine and Wilderness Program.....</u>	<u>\$ 1,500,000;</u>
7	<u>(c) Midlands Evaluation Center Booking and Intake Area.....</u>	<u>\$ 1,089,000;</u>
8	<u>(21) N200 - Law Enforcement Training Council</u>	
9	<u>Criminal Justice Academy</u>	
10	<u>(a) HVAC Replacement Buildings 10 &amp; 11.....</u>	<u>\$ 383,135;</u>
11	<u>(b) Target System Upgrades.....</u>	<u>\$ 302,500;</u>
12	<u>(22) P240 - Department of Natural Resources</u>	
13	<u>(a) Lab Shoreline Stabilization.....</u>	<u>\$ 585,500;</u>
14	<u>(b) Waterfowl Areas - Category 1.....</u>	<u>\$ 1,500,000;</u>
15	<u>(23) P400 - Conservation Bank</u>	
16	<u>Conservation Grants.....</u>	<u>\$ 2,000,000;</u>
17	<u>(24) R060 - Office of Regulatory Staff</u>	
18	<u>(a) Statewide Broadband Expansion.....</u>	<u>\$ 30,000,000;</u>
19	<u>(b) Statewide Broadband Office.....</u>	<u>\$ 11,870;</u>
20	<u>(25) R360 - Department of Labor, Licensing and Regulation</u>	
21	<u>Urban Search &amp; Rescue Task Force and Helicopter Aquatic Rescue Team.....</u>	<u>\$ 850,000;</u>
22	<u>(26) R600 - Department of Employment and Workforce</u>	
23	<u>Be Pro Be Proud.....</u>	<u>\$ 642,500;</u>
24	<u>(27) B040 - Judicial Department</u>	
25	<u>(a) Virtual Courtroom Expansion.....</u>	<u>\$ 7,600,000;</u>
26	<u>(b) Case Management System Modernization.....</u>	<u>\$ 10,000,000;</u>
27	<u>(28) D300 - Office of Resilience</u>	
28	<u>Resiliency Reserve Fund - Act 163 of 2020.....</u>	<u>\$ 50,000,000;</u>
29	<u>(29) D500 - Department of Administration</u>	
30	<u>Division of State Human Resources</u>	
31	<u>Class &amp; Compensation Reform.....</u>	<u>\$ 500,000;</u>
32	<u>(30) E280 - Election Commission</u>	
33	<u>State Matching Funds for 2020 HAVA Grant.....</u>	<u>\$ 1,353,494.</u>
34	<u>(C) Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended</u>	
35	<u>for the same purposes.</u>	



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**END OF PART IB**

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 2021-22.

If any part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other parts, sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Except as otherwise specifically provided, this act takes effect July 1, 2021.