

## 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: 63.60 percent must be allocated based on the Education Finance Act formula and the differentiated student weightings in this act; 28.62 percent must be allocated based on the manner of distribution of EFA employer contributions in the prior fiscal year; and 7.79 percent must be allocated to fully implement the State Minimum Teacher Salary Schedule with a minimum starting teacher salary of \$36,000. 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 764,037 761,855, which includes traditional school districts, charter school authorizers, and the special school districts. For the current fiscal year, the total pupil count for traditional school districts is projected to be 714,073, the total pupil count for the charter authorizers is projected to be 47,061, and the total pupil count for the special districts is projected to be 721.~~ These funds represent an average per pupil of \$3,887 \$4,834 in State Aid to Classrooms. The average per pupil funding is projected to be \$6,902 \$7,629 state, \$1,202 \$1,274 federal, and \$7,423 \$7,859 local. This is an average total funding level of \$15,527 \$16,762 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 resulting estimated teacher salary schedule is as follows:~~

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	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	48,076	44,576	41,076	37,576	36,000
6		2.12%	2.29%	2.50%	2.73%	2.86%
7	1	48,593	44,813	41,377	37,838	36,119
8		2.10%	2.28%	2.48%	2.71%	2.85%
9	2	48,924	44,888	41,525	37,994	36,313
10		2.09%	2.28%	2.47%	2.70%	2.83%
11	3	49,236	44,957	41,664	38,107	36,462
12		2.07%	2.27%	2.46%	2.69%	2.82%
13	4	49,578	45,058	41,831	38,280	36,667
14		2.06%	2.27%	2.45%	2.68%	2.80%
15	5	49,870	45,125	41,962	38,388	36,806
16		2.05%	2.27%	2.44%	2.67%	2.79%
17	6	51,134	46,074	42,911	39,273	37,691
18		1.99%	2.22%	2.39%	2.61%	2.73%
19	7	52,400	47,022	43,859	40,127	38,546
20		1.95%	2.17%	2.33%	2.56%	2.66%
21	8	53,665	47,972	44,808	41,012	39,431
22		1.90%	2.13%	2.28%	2.50%	2.60%
23	9	54,930	48,921	45,757	41,867	40,285
24		1.85%	2.09%	2.23%	2.45%	2.55%
25	10	56,196	49,870	46,707	42,753	41,171
26		1.81%	2.05%	2.19%	2.40%	2.49%
27	11	57,461	50,818	47,655	43,607	42,025
28		1.77%	2.01%	2.14%	2.35%	2.44%
29	12	58,726	51,768	48,604	44,492	42,911
30		1.73%	1.97%	2.10%	2.30%	2.39%
31	13	59,991	52,716	49,553	45,346	43,765
32		1.70%	1.93%	2.06%	2.25%	2.34%
33	14	61,256	53,665	50,502	46,233	44,650
34		1.66%	1.90%	2.02%	2.21%	2.29%
35	15	62,522	54,614	51,450	47,087	45,504

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1		1.63%	1.87%	1.98%	2.17%	2.25%
2	16	63,787	55,563	52,400	47,972	46,390
3		1.59%	1.83%	1.95%	2.13%	2.20%
4	17	65,052	56,511	53,348	48,825	47,244
5		1.56%	1.80%	1.91%	2.09%	2.16%
6	18	65,693	57,066	53,873	49,305	47,706
7		1.55%	1.78%	1.89%	2.07%	2.14%
8	19	66,339	57,628	54,401	49,787	48,173
9		1.53%	1.77%	1.87%	2.05%	2.12%
10	20	66,993	58,194	54,935	50,275	48,646
11		1.52%	1.75%	4.0%	4.0%	4.0%
12	21	67,654	58,766	55,474	50,767	49,122
13		1.50%	1.73%	1.84%	2.01%	2.08%
14	22	68,320	59,343	56,019	51,264	49,603
15		1.49%	1.71%	1.82%	1.99%	2.06%
16	23	68,993	59,927	56,570	51,768	50,089
17		1.47%	1.70%	1.80%	1.97%	2.04%

The State Minimum Teacher Salary Schedule for the current fiscal year is as follows:

	<u>CLASS 8</u>	<u>CLASS 7</u>	<u>CLASS 1</u>	<u>CLASS 2</u>	<u>CLASS 3</u>	
	<u>DR</u>	<u>MASTERS</u>	<u>MASTERS</u>	<u>BACHELORS</u>	<u>BACHELORS</u>	
	<u>YRS</u>	<u>DEGREE</u>	<u>DEGREE</u>	<u>DEGREE</u>	<u>DEGREE</u>	
	<u>EXP</u>	<u>+30 HRS</u>		<u>+18 HRS</u>		
23	0	52,076	48,576	45,076	41,576	40,000
24		8.32%	8.97%	9.74%	10.65%	11.11%
25	1	52,593	48,813	45,377	41,838	40,119
26		8.23%	8.93%	9.67%	10.57%	11.08%
27	2	52,924	48,888	45,525	41,994	40,313
28		8.18%	8.91%	9.63%	10.53%	11.01%
29	3	53,236	48,957	45,664	42,107	40,462
30		8.12%	8.90%	9.60%	10.50%	10.97%
31	4	53,578	49,058	45,831	42,280	40,667
32		8.07%	8.88%	9.56%	10.45%	10.91%
33	5	53,870	49,125	45,962	42,388	40,806
34		8.02%	8.86%	9.53%	10.42%	10.87%
35	6	55,134	50,074	46,911	43,273	41,691

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1		7.82%	8.68%	9.32%	10.19%	10.61%
2	7	56,400	51,022	47,859	44,127	42,546
3		7.63%	8.51%	9.12%	9.97%	10.38%
4	8	57,665	51,971	48,808	45,012	43,431
5		7.45%	8.34%	8.93%	9.75%	10.15%
6	9	58,930	52,921	49,757	45,866	44,285
7		7.28%	8.18%	8.74%	9.55%	9.93%
8	10	60,196	53,870	50,707	46,753	45,171
9		7.12%	8.02%	8.56%	9.36%	9.71%
10	11	61,460	54,818	51,655	47,606	46,024
11		6.96%	7.87%	8.39%	9.17%	9.52%
12	12	62,726	55,767	52,604	48,492	46,911
13		6.81%	7.73%	8.23%	8.99%	9.32%
14	13	63,991	56,716	53,553	49,346	47,765
15		6.67%	7.59%	8.07%	8.82%	9.14%
16	14	65,256	57,665	54,501	50,232	48,650
17		6.53%	7.45%	7.92%	8.65%	8.96%
18	15	66,522	58,614	55,451	51,086	49,504
19		6.40%	7.32%	7.77%	8.50%	8.79%
20	16	67,787	59,563	56,400	51,971	50,390
21		6.27%	7.20%	7.63%	8.34%	8.62%
22	17	69,052	60,511	57,348	52,825	51,244
23		6.15%	7.08%	7.50%	8.19%	8.47%
24	18	69,693	61,067	57,872	53,304	51,706
25		6.09%	7.01%	7.43%	8.11%	8.39%
26	19	70,339	61,628	58,401	53,787	52,173
27		6.03%	6.94%	7.35%	8.03%	8.30%
28	20	70,993	62,194	58,935	54,275	52,646
29		5.97%	6.87%	7.28%	7.96%	8.22%
30	21	71,653	62,765	59,474	54,767	53,121
31		5.91%	6.81%	7.21%	7.88%	8.14%
32	22	72,320	63,343	60,019	55,264	53,603
33		5.85%	6.74%	7.14%	7.80%	8.06%
34	23	72,993	63,927	60,570	55,767	54,089
35		5.80%	6.67%	7.07%	7.73%	7.98%

1 As further used in this act, references to the Education Finance Act or EFA funds shall be interpreted to mean the 63.60 percent  
2 of funds appropriated for State Aid to Classrooms and allocated for the Education Finance Act and, where appropriate, the 28.62  
3 percent of State Aid to Classrooms allocated for Education Finance Act Employer Contributions.

4 For the purpose of maintaining consistency when calculating maintenance of effort, references to the base student cost shall be  
5 interpreted as the base student cost resulting from the 63.60 percent of funds appropriated for State Aid to Classrooms and allocated  
6 for the Education Finance Act and, where appropriate, the 28.62 percent of State Aid to Classrooms allocated for Education Finance  
7 Act Employer Contributions, and other any other items normally included in the base student cost calculation.

8 For the purpose of maintaining consistency when calculating the Base Student Cost, the base student cost calculation shall include  
9 funds from State Aid to Classrooms consisting of the 63.60% of funds appropriated for State Aid to Classrooms allocated based on  
10 the Education Finance Act formula and the 7.79% that are allocated to fully implement the State Minimum Teacher Salary Schedule.

11 For the current fiscal year, the funds appropriated for State Aid to Classrooms represent the State's contribution to the Aid to  
12 Classrooms program for direct instruction of students in kindergarten through grade twelve in our state, which is seventy-five percent  
13 of the total cost of having a statewide student-teacher ratio of 11.2 students per teacher. The salary cost is based on a teacher having  
14 a master's degree and twelve years of experience, which equates to \$52,604 on the statewide minimum salary schedule for the current  
15 fiscal year. The total teacher cost is \$69,153 including fringe benefits. The state minimum salary schedule for Teacher Salaries  
16 includes those teachers eligible pursuant to Section 59-20-50(4)(b), to include classroom teachers, librarians, guidance counselors,  
17 psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists  
18 in the school districts of the State.

19 To allocate the funds, the department will calculate the total number of weighted pupil units (WPU) in each school district and  
20 in the State. The funds appropriated for State Aid to Classrooms are seventy-five percent of the total Aid to Classrooms program,  
21 and the local share is twenty-five percent of the total program. The total Aid to Classrooms for each district is the district's  
22 percentage of the total statewide weighted pupils multiplied by the total Aid to Classrooms program. The district's local share is the  
23 total local share multiplied by the district's imputed index of taxpaying ability, which is the district's relative fiscal capacity  
24 compared to that of all other districts in the State. The State Aid to Classrooms amount allocated to each district will be determined  
25 by subtracting the district's local share from the district's total Aid to Classrooms. Each district will receive either the amount  
26 determined by this new methodology or the actual state funding received in Fiscal Year 2021-22 from State Aid to Classrooms,  
27 EIA - Aid to Districts, EIA - Students at Risk of School Failure, Allocations EIA – Teacher Salaries, Allocations EIA – Employer  
28 Contributions, and EIA - South Carolina Public Charter Schools.

29 To provide flexibility, each district may expend the funds as determined by the local school board of trustees to meet the  
30 educational needs of students as defined in Section 59-1-50, Chapter 18, Title 59, and as delineated in a child's Individualized  
31 Education Program (IEP). Pursuant to Section 59-20-80, each school board of trustees must make available by September first of  
32 each fiscal year its annual budget that includes state, local, and federal investments in education. The budget must be available on  
33 the district's website. The department, in collaboration with local school districts, will provide a template that each district must use  
34 in reporting its budget.

35 To provide transparency, the Department of Education will document annually, through an online financial dashboard, the  
36 expenditure of all state, local, and federal funds by each district in compliance with federal and state laws. To ensure that the public

1 reporting meets the needs of educators, parents, citizens, and policymakers, the department will convene a group of educators,  
 2 parents, citizens, and policymakers to approve the design of the dashboard. District expenditures for the prior fiscal year must be  
 3 published on the department's website for public disclosure by January 1.

4 To ensure accountability, each district's annual audit that is submitted to the Department of Education pursuant to Section  
 5 59-17-100 must be conducted using a vendor from an approved list provided by the State Auditor. The State Auditor will develop  
 6 standards and criteria for determining qualifying vendors. Each district's annual audit must be available on the district's website.

7 For the current fiscal year the South Carolina Public Charter School District and any institution of higher education sponsoring a  
 8 public charter school shall receive and distribute state EFA funds to the charter school as determined by one hundred percent of the  
 9 current year's base student cost, as funded by the General Assembly multiplied by the weighted pupils enrolled in the charter school,  
 10 which must be subject to adjustment for student attendance. Students enrolled in charter schools authorized by the South Carolina  
 11 Public Charter School District or an institution of higher education will receive in addition to the base weight of 1.00 or in addition  
 12 to the disability weight of 2.60 an additional weight based upon the type of charter school that they attend. These additional funds  
 13 must support the provision of educational services for children served by a charter school that does not receive local revenues. These  
 14 students are also eligible to receive additional weights for personalized instruction. The department will make any necessary  
 15 adjustments to account for the state share for Charter and Special Districts.

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

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

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

26 Students served in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section  
 27 44-7-130 of the 1976 Code shall receive a weighting of 2.10.

28 (2) Weights for students with disabilities ~~as prescribed in Section 59-20-40(1)(c) Special Programs~~ as documented by their  
 29 Individualized Education Plan (IEP) 2.60

30 (3) ~~Precareer and Career Technology~~ 1.29

31 Charter school students

32 (a) Enrolled in brick and mortar school 1.25

33 (b) Enrolled in virtual charter school 0.65

34 (4) Additional weights for personalized instruction:

35 (a) Gifted and Talented 0.15

36 (b) Academic Assistance 0.15

- |   |   |                             |
|---|---|-----------------------------|
| 1 | (c) Limited English Proficiency                             | <del>0.20</del> <u>0.15</u> |
| 2 | (d) Pupils in Poverty                                       | <del>0.20</del> <u>0.50</u> |
| 3 | (e) <del>Dual Credit Enrollment</del> <u>Speech Therapy</u> | 0.15                        |

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

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

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

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

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

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

23 Further, the Department of Education may use school district student counts for personalized instruction as collected in the same  
 24 manner as the prior fiscal year, PowerSchool or other available existing data sources as determined by the department to calculate  
 25 the school district add on weightings for the personalized instruction classifications and the determination of the school districts  
 26 monetary entitlement. End of year adjustments shall be based on the one hundred thirty-five day student average daily membership  
 27 for all classifications. During the current fiscal year, the department will update PowerSchool calculations, reports, screen  
 28 development, documentation, and training to incorporate the new pupil classification weightings and to make final district allocation  
 29 adjustments by June 30. The department must provide districts with technical assistance with regard to student count changes in  
 30 PowerSchool.

31 Up to ten percent of any funds appropriated for State Aid to Classrooms at the end of the fiscal year may be carried forward into  
 32 the subsequent fiscal year and allocated to school districts, the South Carolina Public Charter School District, and an institution of  
 33 higher education that authorizes charter schools pursuant to this provision. The additional funds must first support increases in  
 34 student enrollment and any balance may be allocated proportionately to districts. Any additional unexpended funds shall revert to  
 35 the general fund or to the EIA Fund.

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

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

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

21       **1.5.** (SDE: Employer Contributions/Allocations) It is the intent of the General Assembly that the appropriation contained herein  
22 for “Public School Employee Benefits” shall not be utilized to provide employer contributions for any portion of a school district  
23 employee’s salary that is federally funded.

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

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

30       **1.6.** (SDE: Employer Contributions/Obligations) In order to finalize each school district’s allocations of Employer Contributions  
31 funds for retiree insurance from the prior fiscal year, the Department of Education is authorized to adjust a school district’s allocation  
32 in the current fiscal year accordingly to reflect actual payroll and payments to the Retirement System from the prior fiscal year. In  
33 the event the Department of Education is notified that an educational subdivision has failed to remit proper payments to cover  
34 Employee Fringe Benefit obligations, the Department of Education is directed to withhold the educational subdivision’s state funds  
35 until such obligations are met.



1       1.7. (SDE: Governor's School for Science & Math) ~~Any unexpended balance on June thirtieth of the prior fiscal year of funds~~  
2 ~~appropriated to or generated by the Governor's School for Science and Mathematics may be carried forward and expended in the~~  
3 ~~current fiscal year pursuant to the direction of the board of trustees of the school.~~

4       1.8. (SDE: Educational Responsibility/Foster Care) The responsibility for providing a free and appropriate public education  
5 program for all children including disabled students is vested in the public school district wherein a child of lawful school age resides  
6 in a foster home, group home, orphanage, or a state operated health care facility including a facility for treatment of mental illness  
7 or chemical dependence and habilitation centers for persons with intellectual disabilities or persons with related conditions located  
8 within the jurisdiction of the school district or alternative residences. The districts concerned may agree upon acceptable local cost  
9 reimbursement. If no agreement is reached, districts providing education shall receive from the district where the child last resided  
10 before placement in a facility an additional amount equivalent to the statewide average of the local base student cost multiplied by  
11 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  
12 in a facility owned and/or operated by a for profit entity, the district providing educational services shall be reimbursed by the for  
13 profit entity the local district's local support per weighted pupil above the statewide average base student cost multiplied by the  
14 appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. Participation will be evidenced by a  
15 written agreement from the IEP team or 504 team, written referral, or the school district initiating the placement process. School  
16 districts providing the education shall notify the nonresident district in writing within forty-five calendar days that a student from the  
17 nonresident district is receiving education services pursuant to the provisions of the proviso. The notice shall also contain the  
18 student's name, date of birth, and disabling condition if available. If appropriate financial arrangements cannot be effected between  
19 institutions of the state, including independent school districts under the authority of the Department of Disabilities and Special  
20 Needs, and school districts, institutions receiving educational appropriations shall pay the local base student cost multiplied by the  
21 appropriate pupil weighting. Children residing in institutions of state agencies shall be educated with nondisabled children in the  
22 public school districts if appropriate to their educational needs. Such institutions shall determine, on an individual basis, which  
23 children residing in the institution might be eligible to receive appropriate educational services in a public school setting. Once these  
24 children are identified, the institution shall convene an IEP meeting with officials of the public school district in which the institution  
25 is located. If it is determined by the committee that the least restrictive environment in which to implement the child's IEP is a public  
26 school setting, then the school district in which the institution is located must provide the educational services. However, that school  
27 district may enter into contractual agreements with any other school district having schools located within a forty-five mile radius of  
28 the institution. The cost for educating such children shall be allocated in the following manner: the school district where the child  
29 last resided before being placed in an institution shall pay to the school district providing the educational services an amount  
30 equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section  
31 59-20-40 of the Education Finance Act; the school district providing the educational services shall be able to count the child for all  
32 funding sources, both state and federal. The institution and school district, through contractual agreements, will address the special  
33 education and related services to be provided to students. Should the school district wherein the institution is located determine that  
34 the child cannot be appropriately served in a public school setting, then the institution may request a due process hearing pursuant to  
35 the procedures provided for in the Individuals with Disabilities Education Act.

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

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

17 **1.9.** (SDE: Instruction in Juvenile Detention Centers) It shall be the responsibility of the school district where a local juvenile  
18 detention center is located to provide adequate teaching staff and to ensure compliance with the educational requirements of this  
19 State. Students housed in local juvenile detention centers are to be included in the average daily membership count of students for  
20 that district and reimbursement by the Department of Education made accordingly.

21 **1.10.** (SDE: Revenue Authorization) The State Department of Education is hereby authorized to collect, expend, and carry  
22 forward revenues in the following areas to offset the cost of providing such services: the sale of publications, manuals and forms,  
23 the sale of Apple Tags, royalties, contributions, donations, foundation funds, special grants and contracts, brochures, photo copies,  
24 listings and labels, Directory of South Carolina Schools, student health record cards, items to be recycled, and high school diplomas  
25 and certificates; the collection of out-of-state and in-state investigation fees, registration fees for non-SDE employees, recurring  
26 facility inspection fees, teacher certification fees; the handling of audio-visual film; the provision of contract computer services to  
27 school districts and other state agencies, joint broadcast service to school districts, and education-related statistics through agreement  
28 with the National Center for Education Statistics; the lease or sale of programs of television, audio or microcomputer software; the  
29 lease or sale of virtual courses to other states; the collection of damage fees for instructional materials and the sale of unusable  
30 instructional materials; sale of fuel; use and repair of transportation equipment; fees for Medicaid reimbursable transportation; the  
31 receipt of insurance and warranty payments on Department of Education equipment and the sale of used school buses and support  
32 equipment. The Department of Education is authorized to collect revenue for deposit into the State General Fund for testing material  
33 purchases and test rescoring fees. The Department of Education is authorized to expend revenue collected for lost and damaged  
34 instructional materials and the sale of unusable instructional materials for the purpose of contracting for the purchase and maintenance  
35 of a statewide textbook inventory management system, provided that schools' newly-adopted instructional materials needs are met  
36 first.

1       **1.11.** (SDE: School District Bank Accounts) Each school district in this State, upon the approval of the district's governing  
2 body, may maintain its own bank account for the purpose of making disbursement of school district funds as necessary to conduct  
3 school district business and each county treasurer is hereby authorized to transfer such amount as needed, upon receipt of a written  
4 order certified by the district governing body or their designee. Such order shall contain a statement that such amount is for immediate  
5 disbursement for the payment of correct and legal obligation of the school district.

6       **1.12.** (SDE: Travel/Outside of Continental U.S.) School District allocations from General Funds, lottery, and EIA funds shall  
7 not be used for travel outside of the continental United States. The International Baccalaureate Program shall be exempt from this  
8 restriction.

9       **1.13.** (SDE: Year End Closeout) The State Department of Education is authorized to expend federal and earmarked funds (not  
10 including state or EIA funds) in the current fiscal year for expenditures incurred in the prior year; however, state funds appropriated  
11 in Part IA, Section 1, X, Aid to School Districts, for the Children's Case Resolution System or private placements for services  
12 provided to children with disabilities may be used for those expenditures in prior fiscal years. The department is also authorized to  
13 use appropriated funds to pay for textbooks shipped in the fourth quarter of the prior fiscal year.

14       **1.14.** (SDE: Transportation Collaboration) The Department of Education School Bus Maintenance Shops shall be permitted, on  
15 a cost reimbursable-plus basis, to deliver transportation maintenance and services to vehicles owned or operated by public agencies  
16 in South Carolina.

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

21       **1.15.** (SDE: School Bus Insurance) The Department of Education shall maintain comprehensive and collision insurance or  
22 self-insure state-owned buses. In no event shall the department charge local school districts for damages to the buses which are  
23 commonly covered by insurance.

24       **1.16.** (SDE: Teacher Data Collection) Of the non-program funds appropriated to the Department of Education, it and the  
25 Commission on Higher Education shall share data about the teaching profession in South Carolina. The data sharing should ensure  
26 (1) a systematic report on teacher supply and demand information and (2) data to determine classes being taught by public school  
27 teachers out of field of their preparation. The data collection should include but not be limited to: classes/subjects taught, number  
28 of students taught, percentage of teacher education graduates from South Carolina colleges/universities who go into teaching,  
29 percentage of teacher education graduates who teach in public schools in South Carolina, percentage of new teachers who leave the  
30 South Carolina teaching profession in the first three years of public school teaching due to unsuccessful evaluations, percentage of  
31 new teachers who leave the profession in the first three years of public school teaching in South Carolina who have successful  
32 evaluations, turnover rate of teachers and certification areas with highest vacancies. All database items should be set up so that it  
33 can be disaggregated by ethnicity, gender, geographic location, etc.

34       **1.17.** (SDE: School Bus Driver CDL) From funds provided in Part IA, Section 1, VII.B., local school districts shall request a  
35 criminal record history from the South Carolina Law Enforcement Division for past conviction of any crime before the initial

1 employment of a school bus driver or school bus aide. The Department of Education and the school districts shall be treated as a  
2 charitable organization for purposes of the fee charged for the criminal records search.

3 **1.18.** (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other  
4 appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State  
5 Superintendent of Education. The School Bus Specifications Committee shall allow for input from all school bus chassis and body  
6 manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus  
7 specifications of another state in the procurement of school buses. If the department uses the specifications of another state, the  
8 department must submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means  
9 Committee detailing the methodology by which the alternative specifications were determined to be safe, more economical, and in  
10 the public interest, when compared to the specifications set forth by the School Bus Specifications Committee.

11 **1.19.** (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program VII.B. - Bus Shops and funds  
12 appropriated in VII.C. - Buses may be used to purchase buses, fuel, parts, or other school bus related items. All funds appropriated  
13 for bus fuel, parts/supplies, maintenance, and bus purchases may be carried forward from the prior fiscal year and expended in the  
14 current fiscal year to support bus transportation services.

15 **1.20.** (SDE: Mitford Transportation Costs) Transportation costs for the transporting of students from the Mitford area of Fairfield  
16 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  
17 School District. These transportation costs shall continue to be the responsibility of the State Department of Education.

18 **1.21.** (SDE: Governor's School Leave Policy) ~~The South Carolina Governor's School for the Arts and Humanities and the South~~  
19 ~~Carolina Governor's School for Science and Mathematics are authorized to promulgate administrative policy governing annual and~~  
20 ~~sick leave relative to faculty and staff with the approval of their respective board of directors. This policy shall address their~~  
21 ~~respective school calendars in order to comply with the instructional needs of students attending both special schools.~~

22 **1.22.** (SDE: School Board Meetings) Of the funds appropriated through the Department of Education for technology related  
23 expenses, school districts that have a website shall place a notice of a regularly scheduled school board meeting twenty-four hours  
24 in advance of such meeting. The notice shall include the date, time, and agenda for the board meeting. The school district shall  
25 place the minutes of the board meeting on their website within ten days of the next regularly scheduled board meeting.

26 **1.23.** (SDE: Proviso Allocations) In the event an official General Fund revenue shortfall is declared by the Board of Economic  
27 Advisors, the Department of Education may reduce any allocation in Section 1 specifically designated by proviso in accordance with  
28 the lower Board of Economic Advisors revenue estimate as directed by the Executive Budget Office, except the additional EFA  
29 allocation to the South Carolina Public Charter School District. The reduction may not be greater than the total percentage of  
30 reduction of the Section 1 appropriation. Should the department hold back funds in excess of the total percentage reduction those  
31 funds must be allocated per the proviso. No allocation for teacher salaries shall be reduced as a result of this proviso.

32 **1.24.** (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer  
33 and expend funds among appropriated state general fund revenues, Education Improvement Act funds, and Education Lottery Act  
34 funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to  
35 ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated  
36 specifically for state level maintenance of effort requirements under IDEA, funds allocated specifically for state level maintenance

1 of effort requirement for federal program, funds provided for the Education and Economic Development Act, funds provided for  
2 Career and Technology Education, nor funds required for debt service or bonded indebtedness. All school districts must report the  
3 student teacher ratio for every classroom to the Department of Education at the forty-fifth and the one hundred and thirty-fifth day  
4 mark. The department shall report this information to the General Assembly for the ~~2021-2022~~ 2022-2023 school year.

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

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

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

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

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

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

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

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

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

- 35 (i) the transaction amount;  
36 (ii) the name of the payee; and

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

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

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

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

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

16 **1.25.** (SDE: Medical Examination and Security Reimbursement/Expenditures) From funds authorized in Part IA, Section 1,  
17 VII.B. Other Operating Expenses, the Department of Education may directly pay, or reimburse employees, for the cost of a medical  
18 examination as required in Part 391, Subpart E of the Federal Motor Carrier Safety Regulations, for employees that are required to  
19 operate a state vehicle transporting hazardous materials and that are required to undergo a national security background check because  
20 of the required Hazmat endorsement to their CDL.

21 **1.26.** (SDE: Budget Reduction) In compensating for any reduction in funding or an operating deficit publicly recognized by the  
22 School Board of Trustees, local districts must give priority to preserving classroom teachers and operations. Funding reductions  
23 should first be applied to administrative and non-classroom expenses before classroom expenses are affected.

24 **1.27.** (SDE: Governor's School for the Arts and Humanities Carry Forward) ~~Any unexpended balance on June thirtieth of the~~  
25 ~~prior fiscal year of funds appropriated to or generated by the Governor's School for the Arts and Humanities may be carried forward~~  
26 ~~and expended in the current fiscal year pursuant to the discretion of the Board of Trustees of the School.~~

27 **1.28.** (SDE: Governor's Schools' Fees) ~~The South Carolina Governor's School for the Arts and Humanities and the South~~  
28 ~~Carolina Governor's School for Science and Mathematics are authorized to charge, collect, expend, and carry forward student fees~~  
29 ~~as approved by their respective Board of Directors. The purpose and amount of any such fees will be to maintain program quality in~~  
30 ~~both academics and residential support. No student will be denied admittance or participation due to financial inability to pay. The~~  
31 ~~respective Board of Directors shall promulgate administrative policy governing the collection of all student fees. Both schools shall~~  
32 ~~conspicuously publish a fee schedule on their respective websites.~~

33 **1.29.** (SDE: School District Furlough) Should there be a midyear reduction in state funding to the districts, school districts may  
34 institute employee furlough programs for district-level and school-level professional staff. Before any of these employees may be  
35 furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General  
36 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

1 certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit.  
2 The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded  
3 to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

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

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

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

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

25 **1.30.** (SDE: School Lunch/Attendance Supervisors) For those counties in which an entity other than the school district  
26 administers the school lunch supervisor and/or attendance supervisor programs, the school districts in that county shall transfer to  
27 the entity the amount available in the previous fiscal year for administration of the school lunch supervisor and/or attendance  
28 supervisor programs. Each district shall transfer a pro rata share of the total cost based upon the percentage of state EFA funds  
29 distributed to the districts within the county.

30 **1.31.** (SDE: SCGSAH Certified Teacher Designation) ~~Because of the unique nature of the South Carolina Governor's School  
31 for the Arts and Humanities, the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are authorized  
32 to employ at its discretion noncertified classroom teachers teaching in the literary, visual and performing arts subject areas who are  
33 otherwise considered to be appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.~~

34 **1.32.** (SDE: No Discrimination Requirement) State funds must not be appropriated to a school that discriminates against or  
35 participates with or is a member of an association with policies that discriminate or afford different treatment of students based on  
36 race or national origin.

1       **1.33.** (SDE: Medicaid Cash Match Accounting) The department is granted authority to transfer funds between budget lines and  
2 object codes to identify, reconcile, reimburse, and remit funds required for Medicaid cash match to the Department of Health and  
3 Human Services.

4       **1.34.** (SDE: Student Report Card-GPA) For each high school student, school districts shall be required to print the student's  
5 individual cumulative grade point average for grades nine through twelve on the student's report card.

6       **1.35.** (SDE: Lost & Damaged Instructional Materials Fees) Fees for lost and damaged instructional materials for the prior school  
7 year are due no later than December first of the current school year when invoiced by the Department of Education. The department  
8 may withhold instructional materials funding from schools that have not paid their fees by the payment deadline.

9       **1.36.** (SDE: Education Finance Act Reserve Fund) There is created in the State Treasury a fund separate and distinct from the  
10 General Fund of the State and all other funds entitled the Education Finance Act Reserve Fund. All unexpended general funds  
11 appropriated to the Department of Education for the Education Finance Act in the current fiscal year shall be transferred to the  
12 Education Finance Act Reserve Fund. In the event that the amount appropriated for the Education Finance Act is insufficient to fully  
13 fund the base student cost as established by this act, revenues from the Education Finance Act Reserve Fund may be used to  
14 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  
15 to supplement the Education Finance Act, the department may utilize the funds for bus purchase. The General Assembly may make  
16 direct appropriations to this fund. All unexpended funds in the Education Finance Act Reserve Fund and any interest accrued by the  
17 fund must remain in the fund and may be carried forward into the current fiscal year.

18       **1.37.** (SDE: Prohibit Advertising on School Buses) The Department of Education and local school districts are prohibited from  
19 selling space for or the placement of advertisements on the outside or inside of state-owned school buses.

20       **1.38.** (SDE: Residential Treatment Facilities Student Enrollment and Funding) Each South Carolina resident of lawful school  
21 age residing in licensed residential treatment facilities (RTFs) for children and adolescents identified on the State Qualified Providers  
22 list and meets the requirements of Section 44-7-130 of the 1976 Code, (students) shall be entitled to receive educational services  
23 from the school district in which the RTF is located (facility school district). The responsibility for providing appropriate educational  
24 programs and services for these students, both with and without disabilities, who are referred, authorized, or placed by the State is  
25 vested in the facility school districts. For purposes of this proviso, an authorization must be pursuant to a physician's determination  
26 of medical necessity. If clinically appropriate, the facility school district, the RTF, and the parent or guardian of a student referred  
27 or placed in a RTF may consider the appropriateness of providing the student's education program virtually through enrollment in  
28 either the facility district's virtual program, the South Carolina virtual school program provided through the Department of Education  
29 (Virtual SC), or a virtual charter school authorized by the South Carolina Public Charter School District, or a virtual charter school  
30 authorized by an approved institute of higher education. This decision should be made jointly with the best interest of the student  
31 and what is clinically indicated being considered.

32       A facility school district must provide the necessary educational programs and services directly to the student at the RTF's facility,  
33 provided that the RTF facility provides and maintains comparable adequate space for the educational programs and services  
34 consistent with all federal and state least restrictive environment requirements. Adequate space shall include appropriate electrical  
35 support and Internet accessibility. Unless the parent or legal guardian of the student seeks to continue the student's enrollment in  
36 the resident school district under a medical homebound instruction program and the district approves, if appropriate, then, under



1 these circumstances, the facility school district shall enroll the student and assume full legal and financial responsibility for the  
2 educational services including enrolling the student, approving the student's entry into a medical homebound instructional program,  
3 if appropriate, and receiving and expending funds, unless the resident school district undertakes to carry out its educational  
4 responsibilities for the student directly. Alternatively, a facility school district may choose to provide the necessary educational  
5 programs and services by contracting with the RTF provided that the RTF agrees to provide educational services to the student at the  
6 RTF's facility. Under these circumstances, the facility school district must enroll the student and pay the RTF for the educational  
7 services provided. If the facility school district determines the educational program being offered by the RTF does not meet the  
8 educational standards outlines in the contract, the facility district shall be justified in terminating the contract.

9 The facility school districts are entitled to receive the base student cost multiplied by the Education Finance Act pupil weighting  
10 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  
11 funds. These funds may be retained by the facility school districts for the purpose of providing the educational programs and services  
12 directly to students referred or placed by the State or the facility school districts may use these funds to reimburse RTFs for the  
13 educational programs and services provided directly by the RTFs. A facility school district is entitled to reimbursement from a  
14 resident school district for the difference between (1) the reasonable costs expended for the educational services provided directly  
15 by the facility school district or the amount paid to the RTF and (2) the aggregate amount of federal and state funding received by  
16 the facility school district for that student. However, the reimbursement rate may not exceed \$90 per student per day. Through a  
17 joint agreement with the facility school district and the RTF, the funding received for RTF students must be utilized to deliver an  
18 instructional program that meets the needs of the students, and when applicable, the requirements of the Individuals with Disabilities  
19 Education Act and Section 504 of the Rehabilitation Act of 1973. Facility school districts providing the educational services shall  
20 notify the resident district in writing within forty-five calendar days that a student from the resident district is receiving educational  
21 services pursuant to the provisions of the proviso. Reimbursements shall be paid within sixty days of billing, provided the facility  
22 district has provided a copy of the invoice to both the District Superintendent and the finance office of the resident district being  
23 invoiced. Should the facility school district be unable to reach agreement with the resident school district regarding reasonable costs  
24 differences, the facility school district shall notify the Department of Education's Office of General Counsel. The Department of  
25 Education shall facilitate a resolution of the dispute between the facility school district and the resident school district within  
26 forty-five days of the notice of dispute. If the issue of reasonable cost differences should remain unresolved, a facility school district  
27 shall have the right to file a complaint in a Circuit Court. Should a resident school district fail to distribute the entitled funding to  
28 the facility school district by the one hundred thirty-five day count, the Department of Education is authorized to withhold the  
29 equivalent amount of EFA funds and transfer those funds to the facility school district.

30 RTF facilities on the State Qualified Provider List not located within the boundaries of the state shall be reimbursed at a rate that  
31 may not exceed \$45 per student per day for education services and school districts shall be eligible to receive a base student cost  
32 weighted funding of 2.10 provided that the student remains enrolled in the school district. Facilities providing the educational  
33 services shall notify the resident district in writing within forty-five calendar days that a student from the resident district is receiving  
34 educational services pursuant to the provisions of the proviso. Reimbursements shall be paid within sixty days of billing, provided  
35 the qualified facility has provided a copy of the invoice to both the District Superintendent and the finance office of the resident  
36 district being invoiced. Should the facility be unable to reach agreement with the resident school district regarding reasonable costs

1 differences, the provider shall notify the Department of Education's Office of General Counsel. The Department of Education shall  
2 facilitate a resolution of the dispute between the facility and the resident school district within forty-five days of the notice of dispute.  
3 If the issue of reasonable cost differences should remain unresolved, a facility shall have the right to file a complaint in a Circuit  
4 Court. Additionally, qualified RTF providers' general education curriculum must be aligned to the South Carolina academic  
5 standards in the core content areas. All students with disabilities who are eligible for special education and related services under  
6 the Individuals with Disabilities Education Act (IDEA), as amended, and the State Board of Education (SBE) regulations, as  
7 amended, shall receive special education and related services in the least restrictive environment by appropriately certified personnel.  
8 Students in a qualified RTF will at all times be eligible to receive the educational credits (e.g., Carnegie Units) earned through their  
9 educational efforts. The resident school district and the RTF should develop a memorandum of understanding to outline the  
10 responsibilities of the RTF in providing the educational services and responsibilities, if any, of the resident school district while the  
11 student is housed in the RTF.

12 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  
13 for the educational services. The facility school district may choose to provide the educational program to the child and, upon  
14 choosing to do so, shall contract with the appropriate entity for payment of educational services provided to the child. Out-of-state  
15 students provided educational services by a facility school district shall not be eligible for funding through the Education Finance  
16 Act.

17 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  
18 school district may choose to provide the educational program to the child, and upon doing so, must negotiate with the resident  
19 school district for services through medical homebound procedures. A facility school district is responsible for compliance with all  
20 child find requirements under Section 504 of the Rehabilitation Act of 1973 and Individuals with Disabilities Act of 2004 (IDEA).

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

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

34 RTFs shall notify the facility school district as soon as practical, and before admission to the RTF if practical, of a student's  
35 admission to the RTF. RTFs, the facility school districts and the Department of Education shall use their best efforts to secure and/or  
36 exchange information, including documents and records necessary to provide appropriate educational services and/or related services

1 as necessary to assist the facility school district in determining the resident school district. The Department of Education, in  
2 collaboration with state placing agencies, RTFs, facility school districts, and resident school districts, shall implement a system to  
3 follow the release of students from a RTF and re-enrollment in public, private, or special schools to ensure these students, when  
4 appropriate, are not recorded as dropouts.

5 **1.39.** (SDE: Special Schools Flexibility) For the current fiscal year, the special schools are authorized to transfer funds among  
6 funding categories, including capital funds.

7 **1.40.** (SDE: High School Driver Education) For the current fiscal year, the requirement for high schools to provide a course in  
8 driver education is suspended however, high schools may continue to offer driver education courses if they choose to do so.

9 **1.41.** (SDE: Carry Forward Authorization) For the current fiscal year, the Department of Education is authorized to carry forward  
10 and expend any General Fund balances for school bus transportation.

11 **1.42.** (SDE: Administrative Costs Report Posting) School districts must report the amount of funds spent on administrative  
12 costs, as defined by In\$ight in the prior fiscal year and post the report on the districts website. School districts shall provide an  
13 electronic copy of this report to the Department of Education in conjunction with the financial audit report required by Section  
14 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  
15 the district has sixty days to comply with the reporting requirement. If the district does not report within sixty days, the department  
16 is authorized to reduce the district's base student cost by one percent until such time as the requirement is met. Once in compliance,  
17 any funds withheld will be returned to the district.

18 **1.43.** (SDE: Governor's Schools Residency Requirement) ~~Of the funds appropriated, the Governor's School for the Arts and the~~  
19 ~~Humanities and the Governor's School for Science and Mathematics are to ensure that a parent(s) or guardian(s) of a student attending~~  
20 ~~either the Governor's School for the Arts and the Humanities or the Governor's School for Science and Mathematics must prove that~~  
21 ~~they are a legal resident of the state of South Carolina at the time of application and must remain so throughout time of attendance.~~  
22 ~~The Governor's School for the Arts and the Humanities and Governor's School for Science and Mathematics may not admit students~~  
23 ~~whose parent(s) or guardian(s) are not legal residents of South Carolina.~~

24 **1.44.** (SDE: Holocaust Funds) Funds appropriated to the Department of Education for the SC Council on Holocaust shall not be  
25 used for any other purpose nor transferred to any other program. In addition, in the event the department is required to implement a  
26 budget reduction, SC Council on Holocaust funds may not be reduced.

27 **1.45.** (SDE: Student Health and Fitness) Funds appropriated for Student Health and Fitness shall be allocated to school districts  
28 to increase the number of physical education teachers to the extent possible and to provide licensed nurses for elementary public  
29 schools. Seventeen percent of the funds shall be allocated to the districts based on average daily membership of grades K-5 from the  
30 preceding year for physical education teachers. The remaining funds will be made available for school nurses and shall be distributed  
31 to the school districts on a per school basis.

32 **1.46.** (SDE: Impute Index Value) For the current fiscal year and for the purposes of calculating the index of taxpaying ability  
33 the Department of Revenue shall impute an index value for owner-occupied residential property qualifying for the special four  
34 percent assessment ratio by adding the second preceding taxable year total school district reimbursements for Tier 1, 2, and Tier 3(A)  
35 and not to include the supplement distribution. The Department of Revenue shall not include sales ratio data in its calculation of the

1 index of taxpaying ability. The methodology for the calculations for the remaining classes of property shall remain as required  
2 pursuant to the EFA and other applicable provisions of law.

3 **1.47.** (SDE: EFA State Share) A school district that does not recognize a State share of the EFA financial requirement shall be  
4 supplemented with an amount equal to seventy percent of the school district with the least State financial requirement.

5 **1.48.** (SDE: Health Education) (1) Each school district is required to ensure that all comprehensive health education,  
6 reproductive health education, and family life education conducted within the district, whether by school district employees or a  
7 private entity, must utilize curriculum that complies with the provisions contained in Chapter 32, Title 59 and aligns to all standards  
8 and regulations adopted by the South Carolina State Board of Education. Each district shall publish on its website the title and  
9 publisher of all health education materials it has approved, adopted, and used in the classroom. If the department determines that a  
10 district is non-compliant with mandated health education upon review of the district's annual CHE Compliance Survey or if the  
11 district fails to publish the title and publisher of materials on its website, then the Department of Education shall withhold one percent  
12 of the district's funds allocated in Part IA, Section 1, X - Student Health and Fitness Act until the department determines the district  
13 is in compliance.

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

23 **1.49.** (SDE: Bus Lease/Purchase) The Department of Education is permitted to purchase or lease school buses in order to  
24 continue replacement of the state's school bus fleet.

25 **1.50.** (SDE: School Enrollment Policy) For the current fiscal year, any school district with an open enrollment policy for all  
26 schools or certain schools which had previously accepted certain students residing outside of the district to an academic magnet  
27 school in the district must continue to accept these students and their siblings for enrollment at the academic magnet school under  
28 the same terms and conditions these students were previously permitted to attend the school.

29 **1.51.** (SDE: District Funding Flexibility) For the current fiscal year, districts must utilize funding flexibility provided herein to  
30 ensure that district approved safety precautions are in place at every school.

31 **1.52.** (SDE: Transportation Maintenance Facilities) For the current fiscal year, a school district wishing to include school bus  
32 maintenance in a contract with a private vendor may enter into an agreement with the Department of Education whereby the  
33 department releases the school district to include school bus maintenance in the private vendor contract.

34 **1.53.** (SDE: School District Activity Bus Advertisements) School Districts may sell commercial advertising space on the outside  
35 or inside of district owned activity buses. However, as defined and determined by the local school board, a school district may not  
36 sell such commercial advertising if the advertisement promotes a political candidate, ideology, or cause, a product that could be

1 harmful to children, or a product that appeals to the prurient interest. Revenue generated from the sale of commercial advertising  
2 space shall be retained by the school district.

3 **1.54.** (SDE: School District Property) The requirements of Section 59-19-250 of the 1976 Code, as amended, which requires  
4 the consent of a governing board of a county in order for school trustees to sell or lease school property whenever they deem it  
5 expedient to do so are suspended for the current fiscal year.

6 **1.55.** (SDE: Full-Day 4K) Beginning with the current fiscal year, eligible students residing in any school district may participate  
7 in the South Carolina Early Reading Development and Education program (CERDEP) pending the availability of space and funding.  
8 Student eligibility as defined by Section 59-156-130 of the 1976 Code is an annual family income of one hundred eighty-five percent  
9 or less of the federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services or  
10 a statement of Medicaid eligibility.

11 A parent or guardian may choose to enroll their child in a public school participating in the program and approved by the  
12 Department of Education pursuant to Section 59-156-210 or in a private provider participating in the program and approved by the  
13 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  
14 child care facility regulated by the United States Department of Defense, or a non-profit independent school. State funds appropriated  
15 for the provision of CERDEP services in military child care facilities may not be used to supplant existing federal child care funds.

16 Beginning with the current fiscal year, 4K programs in public schools and non-profit independent schools participating in CERDEP  
17 are not required to be approved, registered, or licensed by the Department of Social Services in order to participate in CERDEP.  
18 Instead, the Department of Education and the Office of First Steps are responsible for ensuring that providers deliver high-quality  
19 educational programs pursuant to Section 59-156-160.

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

1 Care Program as determined by the Department of Education and the Office of First Steps, Child Early Reading Development and  
2 Education Program. Providers may receive reimbursement for these children if funds are available. Funding appropriated for  
3 CERDEP may be carried forward and expended for the same purpose.

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

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

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

29 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  
30 reimbursement rates to high-quality child care centers. The reimbursement rate for students enrolled by child care providers rated B  
31 or higher in the ABC Quality System operated by the Department of Social Services may be increased by up to 10% of the per-student  
32 base following guidelines developed by the Office of First Steps; and (2) up to \$100,000 to provide one-time supplemental,  
33 needs-based incentive grants in an amount not to exceed \$30,000 for newly created and/or newly approved private providers  
34 proposing to expand service to ten or more CERDEP eligible children in communities unable to enroll all eligible students in a public,  
35 private, or Head Start setting during the prior fiscal year. These grants are designed to address building renovations, documented as  
36 necessary to bring proposed classrooms into compliance with licensing regulations, materials and staffing costs, and/or other

1 obstacles currently preventing their participation in the program. The First Steps Board of Trustees shall develop and approve an  
2 application process that incorporates formal review and fiscal safeguards designed to ensure grant funds are used solely to address  
3 documented barriers to program participation. Providers receiving this one-time supplement shall be expected to participate in the  
4 program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for  
5 three years shall require the provider to return a portion of the supplemental allocation at a level determined by the Office of First  
6 Steps to School Readiness. First Steps shall submit a report detailing its process, expenditures and expanded enrollment to the  
7 Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee by March 15; and (3) up  
8 to \$1,000,000 may be used to provide grants to public-private partnerships to address building renovations and designs necessary to  
9 get the building and classrooms into compliance with licensing regulations and other obstacles that prevent participation in CERDEP  
10 following guidelines developed by the Office of First Steps. Providers participating in this pilot shall be expected to participate in  
11 the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate  
12 for three years shall require the provider to return a portion of the supplemental allocation at a level determined by the Office of First  
13 Steps.

14 If by August first, the Department of Education or the Office of First Steps determines that appropriations will exceed expenditures,  
15 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  
16 half hours per day or two hundred and twenty days per year or to fund summer programs. If a district chooses to fund summer  
17 enrollment, the program funding shall conform to the funding in this act for full year programs; however, it shall be reduced on a pro  
18 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  
19 shall be not more than ten weeks in length. The per pupil allocation and classroom grant must conform with the appropriated amount  
20 contained in this act and end of year adjustments shall be based on the one hundred and thirty-five-day student average daily  
21 membership or later student average daily membership for districts choosing to extend the program past one hundred and eighty  
22 days. Funds may also be used to provide parent engagement, professional development and quality evaluations of programs. No  
23 later than April first, the Department of Education and the Office of First Steps shall report to the Chairman of the Senate Finance  
24 Committee and the Chairman of the House Ways and Means Committee on the expenditure of these funds to include the following  
25 information: the amount of money used and specific steps and measures taken to enhance the quality of the 4K program and the  
26 amount of money used for professional development as well as the types of professional development offered and the number of  
27 participants. The Office of First Steps is directed to determine if the provision of extended programs in private centers improves the  
28 ability of parents to enter the workforce or to pursue postsecondary training or industry credentials.

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

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

1 For Fiscal Year ~~2021-22~~ 2022-23, in response to the COVID-19 crisis, children who were eligible to participate in the Child Early  
2 Reading Development and Education Program in the prior fiscal year but did not participate, shall be eligible to participate in the  
3 program during Fiscal Year ~~2021-22~~ 2022-23, subject to classroom availability and funding. Funding appropriated for CERDEP  
4 may be carried forward and expended for the same purpose.

5 **1.56.** (SDE: Summer Reading Camps) For the current fiscal year, funds appropriated for summer reading camps must be  
6 allocated as follows: (1) up to twenty percent to the Department of Education to provide bus transportation for students attending  
7 the camps; (2) \$700,000 allocated to the department to provide grants to support community partnerships whereby community  
8 organizations shall partner with local school districts to provide enrichment activities as part of after school programs or summer  
9 reading camps that utilize volunteers, mentors or tutors to provide instructional support to struggling readers in elementary schools  
10 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  
11 reading camps must have passed a SLED criminal background check. Participant to volunteer or teacher ratio must conform to that  
12 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  
13 the number of students who substantially failed to demonstrate third-grade reading proficiency as indicated on the prior year's state  
14 assessment as defined by Section 59-155-120 (10) of the 1976 Code. Summer reading camps must be at least six weeks in duration  
15 with a minimum of four days of instruction per week and four hours of instruction per day, or the equivalent minimum hours of  
16 instruction in the summer. School transportation shall be provided. The camps must be taught by compensated teachers who have  
17 at least an add-on literacy endorsement or who have documented and demonstrated substantial success in helping students  
18 comprehend grade-level texts. The Department of Education shall assist districts that cannot find qualified teachers to work in the  
19 summer camps. Districts may also choose to contract for the services of qualified instructors or collaborate with one or more districts  
20 to provide a summer reading camp. Schools and school districts are encouraged to partner with county or school libraries, institutions  
21 of higher learning, community organizations, faith-based institutions, businesses, pediatric and family practice medical personnel,  
22 and other groups to provide volunteers, mentors, tutors, space, or other support to assist with the provision of the summer reading  
23 camps. In the current school year, any student in third grade who substantially fails to demonstrate third-grade reading proficiency  
24 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.  
25 The purpose of the reading camp is to provide students who are significantly below third-grade reading proficiency with the  
26 opportunity to receive quality, intensive instructional services and support. A district may also include in the summer reading camps  
27 students who are not exhibiting reading proficiency at any grade and may charge fees for these students to attend the summer reading  
28 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  
29 first, second or third grade. A parent or guardian of a student who does not substantially demonstrate proficiency in comprehending  
30 texts appropriate for his grade level must make the final decision regarding the student's participation in the summer reading camp.

31 **1.57.** (SDE: Interscholastic Athletic Association Dues) (A) A public school district supported by state funds shall not use any  
32 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  
33 support any interscholastic athletic association, body, or entity unless the constitution, rules, or policies of the association, body, or  
34 entity contain the following:



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

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

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

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

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

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

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

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

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

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

32 **1.58.** (SDE: Governor's Schools Informational Access to Students) ~~For the current fiscal year, school districts must permit both~~  
33 ~~the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics to collaborate with~~  
34 ~~individual schools and their staff to share information with students and families about the educational opportunities offered at the~~  
35 ~~respective Governor's Schools, through avenues including school visits, informational presentations, and posters. By June thirtieth,~~  
36 ~~of the current fiscal year, the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics~~

1 ~~must report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee the~~  
2 ~~results of these Informational Access efforts. Further, the two Governor's Schools will work with districts, the Department of~~  
3 ~~Education and School Report Card administrators, to ensure that SAT scores of current Governor's Schools' students are included~~  
4 ~~in the School Report Card of those students' resident schools and districts.~~

5 **1.59.** (SDE: Reading/Literacy Coaches) (A) For the current fiscal year, of the funds appropriated for Reading/Literacy  
6 Coaches, the Department of Education shall retain up to \$14,000,000 to be expended for the Palmetto Literacy Project. The  
7 Department shall identify schools in the Palmetto Literacy Project that have one-third or more of its third grade students scoring at  
8 the lowest achievement level on the statewide summative English language arts assessment. For each school identified and  
9 participating in the Palmetto Literacy Project in the prior school year, the Department of Education shall provide, at a minimum, the  
10 following support: provision of reading specialists, professional learning, and curriculum resources based on the science of reading.  
11 The reading specialist/coaches provided to the Palmetto Literacy Project schools shall be hired and evaluated annually by the  
12 Department of Education.

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

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

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

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

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

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

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

1 Within these guidelines, the Department of Education must assist districts in identifying a reading/literacy coach in the event that  
2 the school is not successful in identifying and directly employing a qualified candidate.

3 (H) The Department of Education shall require:

4 (1) any school district receiving funding to identify the name and qualifications of the supported reading/literacy coach; as  
5 well as the school in which the coach is assigned; and

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

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

10 (J) Any unspent or unallocated funds may be carried forward and expended for Summer Reading Camps.

11 **1.60.** (SDE: Sports Participation) Any school receiving state funds shall be required to allow a military dependent student who  
12 has transferred from their resident school district to another school district to participate in a sport that was not offered in the resident  
13 school district. Should a school fail to comply with this provision, the Department of Education shall withhold one percent of their  
14 total state allocation.

15 **1.61.** (SDE: Graduation Rates) For the current fiscal year, if a high school has a graduation rate below sixty percent, using  
16 appropriated funds a local school district board of trustees must provide a report detailing a plan to increase the graduation rate in  
17 accordance with the provisions of the Education Accountability Act to the State Board of Education.

18 **1.62.** (SDE: Proceeds from Sale of Bus Shop & Boat) For the current fiscal year the Department of Education is authorized to  
19 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  
20 purposes.

21 **1.63.** (SDE: Teacher Certification Exemption) For the current fiscal year, a teacher certified at the secondary level may teach  
22 such courses in grades seven through twelve without having the add on certification for middle-level education. A teacher certified  
23 in elementary education may teach first grade without having the add on certification in early childhood education. Districts must  
24 report to the Department of Education and the Center for Educator Recruitment Retention and Advancement on the teachers and  
25 courses that utilize this exemption.

26 **1.64.** (SDE: Digital Instructional Materials) The Department of Education shall continue to create an instructional materials list  
27 composed of those items (print and/or digital) that have received State Board of Education approval through the normal adoption  
28 process. The department shall continue to work with the publishers of instructional materials to ensure that districts have options for  
29 print/digital student materials to include class sets of print student editions, if needed. Funds appropriated for the purchase of  
30 instructional materials (print/digital) may be used for reimbursing school districts to offset the costs of refurbishing science kits on  
31 the state-adopted instructional materials inventory, purchasing new kits or those adopted as supplemental from the central textbook  
32 depository, or a combination of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the  
33 state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs,  
34 equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs. Funds provided for Instructional  
35 Materials may be carried forward from the prior fiscal year into the current fiscal year to be expended for the same purposes by the  
36 department, school districts, and special schools. These funds are not subject to flexibility.

1       **1.65.** (SDE: Technology Technical Assistance) Of the funds appropriated in VIII.D - Technology for the K-12 Technology  
2 Initiative, the department is authorized to withhold up to \$350,000 in order to provide technology technical assistance to school  
3 districts.

4       **1.66.** (SDE: Technology Technical Assistance) Funds appropriated to the Department of Education for Technology Technical  
5 Assistance must be used to increase the capacity of districts, first who are or were the original trial and plaintiff school districts in  
6 the Abbeville law suit, and then other districts that need such assistance. Funds shall be used by the department to assist school  
7 districts in procuring appropriate technology to include devices and infrastructure and to build capacity to offer online testing and  
8 increased access. For the current fiscal year, districts and individual public charter schools may request a waiver from the State  
9 Board of Education from the requirement that all assessments be administered online; however, any paper administrations must be  
10 completed according to the deadlines set by the department.

11       **1.67.** (SDE: Assistance Funding) For the current fiscal year, any funds appropriated to the Department of Education to assist  
12 districts that are or were Plaintiffs in the Abbeville law suit and funding appropriated to the department to provide technical assistance  
13 to underperforming districts may not be transferred to any other program, are not subject to flexibility, and may be carried forward  
14 and expended for the same purposes.

15       **1.68.** (SDE: Reporting and Procurement) Any state agency or school for which the department acts as the fiscal agent must  
16 comply with any state and federal reporting requirements using agency procedures and shall follow all state procurement laws.

17       **1.69.** (SDE: School Leadership) Of the funds appropriated to and retained by the department for Professional Development,  
18 \$400,000 shall be used to contract with a non-profit statewide K-12 professional association located in South Carolina whose  
19 membership provides for the development and support of current and future school leaders. The provider must specialize in multiple  
20 assessments, executive coaching, and leadership development that provides the skills necessary for a progressive career path in school  
21 leadership.

22       **1.70.** (SDE: School Bus Drivers) For the current fiscal year, a driver candidate must possess a valid driver's license that meets  
23 the requirements in State and Federal law to operate commercial and non-commercial school bus type vehicles with no restrictions  
24 other than vision correction to qualify for issuance. Driver candidates must complete all Department of Education classroom and  
25 behind-the-wheel training requirements, including a medical examination and drug/alcohol testing, for initial certification as well as  
26 all Department of Education required in-service training annually to qualify for continued certification.

27       **1.71.** (SDE: Special Education Minutes Requirement) For the current fiscal year the required two-hundred fifty minutes of  
28 specialized instruction a student is required to receive in order to qualify for the special education weighting in the EFA is waived.  
29 A special education weighting may be applied for any public school child with an Individualized Education Program in effect,  
30 regardless of the number of minutes of instruction.

31       **1.72.** (SDE: Retired Educators Employment) For the current fiscal year school districts may notify retired educators of  
32 employment in writing on or before May 1. School districts employing retired educators pursuant to Section 9-1-1795 of the 1976  
33 Code shall provide documentation of compliance with the earnings limitation exemptions to the department. The department shall  
34 verify the compliance and send the verification to the Public Employee Benefit Authority.

35       **1.73.** (SDE: Education Rate Program) For purposes of the federal Educational Rate Program, a child attending a state-funded  
36 four-year-old kindergarten program must be considered an elementary school student.

1       **1.74.** (SDE: Safe Schools Initiative) (A) For the current fiscal year, the Department of Education and the State Law Enforcement  
2 Division shall continue to support, through the state level Threat Assessment Team, school threat assessment teams and training in  
3 school districts. Each school in the state shall continue to identify key staff and maintain a threat assessment team. The department  
4 shall work with stakeholders to provide professional development to staff serving on the team. The state level Threat Assessment  
5 Team shall continue to coordinate, collect and compile Threat Assessment & School Safety Plans from each school district with their  
6 input. These plans shall be exempt from the provisions of Section 30-4-10, et seq. of the 1976 Code. The Department of Education  
7 and the State Law Enforcement Division shall continue to provide the Governor and the General Assembly with recommendations  
8 regarding school safety which shall include any projected costs or necessary statute changes.

9       **1.75.** (SDE: Alternative Certification Programs) For the current fiscal year, the department, through the State Board of  
10 Education, is authorized to award a conditional teaching certificate to a person who is enrolled in an approved alternative certification  
11 program provided the person has earned a bachelor's degree from a regionally accredited college or university with a major, or major  
12 equivalence, as defined by the State Board of Education in guidelines developed by the department in a certification area for which  
13 the board has determined there exists a critical shortage of teachers, and the person has passed the appropriate teaching examination.

14       **1.76.** (SDE: Student Meals) For the current fiscal year, all school districts shall identify students in poverty according to the  
15 provisions in Proviso 1.3 of this act and increase access to free school meals for these students. School districts shall use the criteria  
16 to directly certify pupils eligible for free and reduced-price school meals to the extent permitted under federal law. The local board  
17 of trustees of a district in which all schools are eligible to receive the free federal reimbursement rate for all reimbursable school  
18 breakfasts and lunches served, pursuant to the Community Eligibility Provision in Section 1759(a) of Title 42 of the United States  
19 Code, shall adopt a resolution indicating participation. If a district is unable to participate, the local board of trustees shall adopt a  
20 resolution stating that it is unable to participate in CEP and demonstrate the reasons why. The resolution shall be published on a  
21 public meeting agenda concurrently with the proposed district budget as an action item and shall be approved by a majority of the  
22 board. School districts shall ensure that the parents or guardians of students eligible for free and reduced lunch receive the necessary  
23 applications and instructions and upon request are provided with assistance in completing the paperwork. Schools shall not publicly  
24 identify a student who is unable to pay for a meal for any reason. Communications from the district regarding any meal debt owed  
25 must only be directed to the parent or guardian and may be sent home through the student.

26       **1.77.** (SDE: Consolidate Administrative Functions) For the current fiscal, any school district that has an average daily  
27 membership of less than 1,500 students, has been designated in Fiscal Watch, Caution or Emergency status, has a risk assessment of  
28 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  
29 been in improvement status for three years may be directed by the State Superintendent of Education to consolidate administrative  
30 and professional services with one or more school districts. Administrative and professional services may include, but are not limited  
31 to: finance, human resources, procurement, administrative functions, transportation and collaboration on increasing instructional  
32 offerings. The Superintendent shall notify a district in writing that they meet one or more of the criteria. The district then has thirty  
33 business days from receipt of the notification to deliver a plan to the Superintendent for her approval. The Superintendent must  
34 either approve or amend the plan within fifteen days. Plans must be implemented within sixty days of approval. If a district fails to  
35 submit a plan, the Superintendent shall direct the consolidation of services with another school district and if the district fails to

1 comply, the department shall withhold one percent of the district's EFA allocation until the district does comply. At that time, the  
2 EFA payments shall resume and any EFA funds withheld shall be allocated to the district.

3 **1.78.** (SDE: Exceptional Needs Sports Participation) A student who meets the definition of 'Exceptional needs child' in Section  
4 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  
5 participate in any sport offered at the public school for which the child is zoned to attend.

6 **1.79.** (SDE: Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average  
7 teachers' salaries of the southeastern states as projected by the Revenue and Fiscal Affairs Office. For the current school year, the  
8 Southeastern average teacher salary is projected to be ~~\$53,426~~ \$55,898. The General Assembly remains desirous of raising the  
9 average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the  
10 national average teacher salary.

11 Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all  
12 eligible certified teachers employed by the district by no less than one year of experience credit using at a minimum the district salary  
13 schedule utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for  
14 all eligible certified teachers. For Fiscal Year ~~2021-22~~ 2022-23, the requirement that school districts must maintain local salary  
15 supplements per teacher no less than their prior fiscal year level ~~is suspended if additional State funds fill the gap.~~

16 Furthermore, pursuant to Proviso 1.3 and funds appropriated for State Aid to Classrooms, each cell in the State Minimum Teacher  
17 Salary Schedule that is used to increase salaries of those teachers eligible pursuant to Section 59-20-50(4)(b), to include classroom  
18 teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses,  
19 orientation/mobility instructors, and audiologists in the districts of the state, is increased by four thousand dollars.

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

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

27 **1.80.** (SDE: School District Hold Harmless) If there is not an increase in state support for school districts that is disbursed  
28 ~~through the Education Finance Act formula~~ pursuant to Proviso 1.3 in this act, any district that must use reserve funds to pay for  
29 teacher pay raises, to include step increases, shall be held harmless from the local school district's reserve fund requirement  
30 provisions in the Fiscal Accountability Act for Fiscal Year ~~2021-22~~ 2022-23 and upon approval by the Department of Education.

31 **1.81.** (SDE: Educational Services for Children with Disabilities Report) In order to determine whether educational services  
32 provided to students with disabilities are delivered effectively and efficiently and whether services or funding should be reformed,  
33 the Department of Education shall provide a report to the Joint Citizens and Legislative Committee on Children and to the Revenue  
34 and Fiscal Affairs Office on targets identified from the Annual Performance Report on the most recent State Performance Plan  
35 submitted as required by the Individuals with Disabilities Education Act (IDEA) of 2004, Section 616 and Section 619 to include all  
36 Indicators 1-16 and Tables 1-6 required under these sections that have not been met by a school district.

1 Further, the department shall report the number of special education personnel employed or contracted as of November 1, 2020,  
2 to provide special education and related services to students eligible under IDEA Part B, disaggregated by position and by school  
3 district, and to indicate the number of FTEs considered fully certified for their position and the number of FTEs not fully certified  
4 who are employed on an emergency, provisional, or other basis, including long-term substitute teachers.

5 The Joint Citizens and Legislative Committee on Children, in conjunction with the department, shall establish the reporting format,  
6 and the department shall submit the required reports to the joint committee on or before September 1, 2021. The Joint Citizens and  
7 Legislative Committee on Children is directed to report its finding and a work plan to assess and develop recommendations  
8 concerning service delivery to students with disabilities to the Governor, the General Assembly, the Department of Education, and  
9 the State Board of Education by February 1, 2022.

10 **1.82.** (SDE: Reserve Suspension) In the current fiscal year, the provisions of Section 3 of Act 593 of 1992, as amended, relating  
11 to the limit on cash reserves are suspended for Dorchester County School District 2. The cash reserve may consist of state or federal  
12 funds allocated to the school district pursuant to this act, as well as other funds.

13 **1.83.** (SDE: Standards-Based Assessments Suspended) In Fiscal Year ~~2021-22~~ 2022-23, the provisions of Section  
14 59-18-325(C)(3) of the 1976 Code requiring science standards-based assessments of students in grade eight and social studies  
15 standards-based assessments of students in grades five and seven are suspended. Of the funds available due to the suspension of  
16 these assessments, \$500,000 must be used by the Department of Education to fund educator professional development regarding the  
17 South Carolina Computer Science and Digital Literacy Standards. The remainder of the funds shall be used to pay for industry  
18 certification/credentials as approved to measure College/Career Readiness for purposes of the state accountability system.

19 **1.84.** (SDE: Master's Plus Thirty) ~~For school year 2021-22, the department shall continue to process the master's plus thirty~~  
20 ~~certificate classification in the same manner as the prior school year. Educators earning a master's degree with sixty or more semester~~  
21 ~~hours of graduate coursework will remain eligible for the master's plus thirty credential classification.~~

22 **1.85.** (SDE: COVID-19 Emergency Powers) (A) The Superintendent of Education is authorized to provide maximum financial  
23 flexibility including, but not limited to, the authority to carry forward any cash balances to local school districts adjusting to  
24 operations in response to COVID-19.

25 (B) The State Superintendent of Education is authorized to carry forward any cash balances maintained by the Department of  
26 Education. The superintendent is further authorized to transfer any appropriations within the department to assist local school districts  
27 to use summer reading camps and all other available tools to ensure appropriate time is spent by students to keep them on grade level  
28 and satisfy their learning needs adjusting operations in response to COVID-19.

29 (C) On or before August 1, ~~2021~~ 2022, the State Superintendent of Education shall provide a report to the Senate Finance  
30 Committee, the House of Representatives Ways and Means Committee, the Senate Education Committee, and the House of  
31 Representatives Education and Public Works Committee concerning the emergency powers exercised in this provision.

32 **1.86.** (SDE: Formative Assessment Data) For the ~~2021-2022~~ 2022-2023 school year, districts must ensure all students in first  
33 through ~~ninth~~ eighth grades are assessed using a state approved interim assessment tool during the fall, winter, and spring. School  
34 districts shall provide all ~~2020-2021~~ 2021-2022 and ~~2021-2022~~ 2022-2023 interim and formative assessment data scores by grade  
35 and school to the Department of Education. The department is directed to compile the information received and submit a  
36 comprehensive report regarding performance on such assessments to the General Assembly by January 31 of the current fiscal year.

1 Any school district failing to provide this data to the department shall have ten percent of their EFA funding withheld until the data  
2 is provided.

3 **1.87.** (SDE: School District Employees Data) By October 1, 2021, school districts shall provide a report detailing school, district  
4 administration, and Career Centers employees to the Department of Education. The report shall specify job duties and indicate the  
5 number of individuals whose primary job is to provide classroom instruction. The department is directed to compile the information  
6 received into a comprehensive report and submit such report to the General Assembly.

7 **1.88.** (SDE: Governor's Schools Transfer Plan) ~~The Governor's School for the Arts and Humanities and the Governor's School  
8 for Science and Mathematics shall each work with the Department of Administration, Executive Budget Office, in consultation with  
9 the Department of Education, to develop a plan to operate their school independently from the Department of Education. The plans  
10 should include, but are not limited to, proposed program structure, the amount of personal services, operating expenses, and employer  
11 contributions funding which will be transferred from the Department of Education, and personnel required to perform human resource  
12 and accounting functions. A report shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the House  
13 Ways and Means Committee and the Governor by December 1, 2021.~~

14 **1.89.** (SDE: ESSER Funds) Of the funds appropriated to the Department of Education, the department shall ensure that school  
15 districts are made aware of all the permissible uses of ESSER funds that are at their disposal. The department shall provide training  
16 and technical support to district personnel throughout the process.

17 **1.90.** (SDE: ESSER Monthly Funding Report) The Department of Education is required to submit a monthly report to the  
18 Department of Administration, Executive Budget Office documenting the expenditure of federal funds allocated to South Carolina  
19 through the Elementary and Secondary Emergency Education Relief Fund and the Emergency Assistance to Non-Public Schools  
20 Program. The Executive Budget Office, in collaboration with the Senate Finance Committee and the House Ways and Means  
21 Committee, shall determine how the data will be reported. The data shall document how federal funds are expended at the state and  
22 district level in accordance with federal guidelines on allowable expenditures and shall include information on how the funds have  
23 been used to offset the learning loss students are facing and mitigations taken due to the COVID-19 pandemic. The Department of  
24 Education and the Executive Budget Office shall post the monthly reports on their websites.

25 **1.91.** (SDE: Public School Virtual Program Funding) For Fiscal Year ~~2021-22~~ 2022-23, school districts shall be permitted to  
26 offer a virtual education program for up to five percent of its student population based on the most recent 135 day ADM count  
27 without impacting any state funding. The Department of Education shall establish guidelines for the virtual program and parameters  
28 students must meet in order to participate in the virtual program. School districts must submit their plans for the virtual program to  
29 the State Board of Education for approval.

30 School districts offering a virtual program must report their ADM counts for students participating in their virtual program and  
31 the number of students participating face to face for the 5th, 45th, 90th, and 135th day to the Department of Education.

32 For every student participating in the virtual program above the five percent threshold, the school district will not receive 47.22%  
33 of the State per pupil funding provided to that district as reported in the latest Revenue and Fiscal Affairs revenue per pupil report  
34 pursuant to Proviso 1.3. This amount shall be withheld from the EFA portion of the State Aid to Classroom's district allocation and,  
35 if necessary, the state minimum teacher salary schedule portion of State Aid to Classrooms.



1 The five percent threshold shall not apply to students whose IEP or 504 status requires their participation in a program administered  
2 in a virtual format.

3 **1.92.** (SDE: Capital Funding for Disadvantaged Schools) The funds appropriated for Capital Funding for Disadvantaged Schools  
4 shall be prioritized by the Department of Education pursuant to subsections (A) and (B).

5 (A) Up to ~~\$15,000,000~~ \$25,000,000 of the funds shall be made available first to a local school district or districts ~~with an average~~  
6 ~~daily membership that is less than 5000, based on the most recent student count received by the department, and that is located within~~  
7 ~~a county ranked as Tier IV pursuant to Section 12-6-3360(B) for 2018 which chooses to consolidate with another school district~~  
8 ~~located in the same county, or to a school district that is under state takeover and is consolidating school buildings as directed by the~~  
9 ~~State Superintendent of Education~~ that is consolidating with another school district. The funds may be used to support costs directly  
10 related to the consolidation which shall include, but are not limited to, salary adjustments, facilities, debt mitigation, millage rate  
11 adjustments, transportation, technology and other factors for which the district or districts demonstrates are necessary to complete  
12 consolidation. On or before August 1, the eligible districts must submit a preliminary plan and timeline for pursuing consolidation,  
13 including the use of the consolidation funds requested, to the Department of Education for review and approval. When the department  
14 has approved the final plan, the districts shall forward the plan to the local legislative delegation outlining the specific request that  
15 local legislation be enacted to effect the consolidation. The legislation may include, but is not limited to, composition of the  
16 consolidated board, transition procedures, and disposition and/or assumption of district assets and liabilities. Upon approval of a  
17 consolidation plan, the department shall make an initial allocation to the impacted districts and shall allocate remaining funds upon  
18 enactment of legislation formally consolidating the districts for the benefit of the consolidated district.

19 (B) The remaining funds shall be set aside by the department to create a source of state funding for local school district  
20 infrastructure based on need. Additional funds may be appropriated by the General Assembly with either recurring or non-recurring  
21 funds from the General Fund, EIA or lottery. Federal funds authorized by a federal agency or authorized by the General Assembly  
22 may also be included in this fund. The fund may also accept gifts from private sources.

23 The department shall submit recommendations to the Senate Finance Committee and the House Ways and Means Committee to  
24 establish guidelines for the program consisting of award criteria, conditions for the awards and any match requirements by December  
25 31. Criteria shall include, but not be limited to, consideration of a district's index of taxpaying ability, consideration of a district's  
26 or county's per capita income and the age and condition of the district's existing academic buildings as well as the ability to  
27 commence construction in a timely matter and the quality of the application.

28 For purposes of this provision, school infrastructure shall not include unimproved real property, centralized district administration  
29 facilities, or other facilities, including those normally identified with interscholastic sports activities.

30 (C) The Department of Education must submit to the General Assembly by June 30 of each year a report documenting, at a  
31 minimum, the number of applications received and approved, information on the types of infrastructure supported by these funds,  
32 and the projected and final costs of each project.

33 Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year to be expended for the same  
34 purposes by the department and school districts.

35 **1.93.** (SDE: Partisanship Curriculum) For the current fiscal year, of the funds allocated by the Department of Education to  
36 school districts, no monies shall be used by any school district or school to provide instruction in, to teach, instruct, or train any

1 administrator, teacher, staff member, or employee to adopt or believe, or to approve for use, make use of, or carry out standards,  
2 curricula, lesson plans, textbooks, instructional materials, or instructional practices that serve to inculcate any of the following  
3 concepts: (1) one race or sex is inherently superior to another race or sex; (2) an individual, by virtue of his race or sex, is inherently  
4 racist, sexist, or oppressive, whether consciously or unconsciously; (3) an individual should be discriminated against or receive  
5 adverse treatment solely or partly because of his race or sex; (4) an individual's moral standing or worth is necessarily determined  
6 by his race or sex; (5) an individual, by virtue of his race or sex, bears responsibility for actions committed in the past by other  
7 members of the same race or sex; (6) an individual should feel discomfort, guilt, anguish, or any other form of psychological distress  
8 on account of his race or sex; (7) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by members of  
9 a particular race to oppress members of another race; and (8) fault, blame, or bias should be assigned to a race or sex, or to members  
10 of a race or sex because of their race or sex. Nothing contained herein shall be construed as prohibiting any professional development  
11 training for teachers related to issues of addressing unconscious bias within the context of teaching certain literary or historical  
12 concepts or issues related to the impacts of historical or past discriminatory policies.

13 **1.94.** (SDE: Retired Teacher Salary Negotiation) With funds appropriated for State Aid to Classrooms, when hiring retired  
14 teachers for the ~~2021-22~~ 2022-23 school year, school districts uniformly may negotiate salaries below the school district salary  
15 schedule.

16 **1.95.** (SDE: Mask Mandate Prohibition) No school district, or any of its schools, may use any funds appropriated or authorized  
17 pursuant to this act to require that its students and/or employees wear a facemask at any of its education facilities. This prohibition  
18 extends to the announcement or enforcement of any such policy.

19 **1.96.** (SDE: Capital Improvement Payments) In the current fiscal year, any school district that is allocated state funds pursuant  
20 to this act may utilize any fees derived from developmental impact fees to pay debt service on projects included in the capital  
21 improvements plan for which the fees were imposed.

22 **1.97.** (SDE: Magnet School Athletics) From funds authorized or appropriated, a public magnet school that shares a physical  
23 campus with another public magnet school must allow any student enrolled at a school on that physical campus to participate in an  
24 athletic sport not offered at the school in which the student is enrolled, provided the student meets all age and academic requirements  
25 for participation. For the purposes of athletic competition classification, schools with students participating pursuant to this  
26 provision must not have their school enrollments joined or modified due to compliance with this provision, nor shall any school be  
27 subjected to a change in athletic competition classification as a result of compliance. All public schools and all public school districts  
28 receiving funds authorized or appropriated are prohibited from expending any funds to pay membership dues or other funds to any  
29 organization that prevents a student from playing sub-varsity or varsity athletics or changes or alters a school's athletic competition  
30 classification or competition status as a result of any school or school district's compliance with this provision. This provision shall  
31 not limit the ability of any magnet school student, provided the student meets all age and eligibility requirements, to otherwise elect  
32 to participate in sub-varsity or varsity athletics at the student's zoned or resident school.

33 **1.98.** (SDE: Basic Skills for Admission to Teacher Preparation Program/Praxis Core) With funds appropriated to the  
34 department and to meet the requirements established in Sections 59-26-10, et. seq., of the 1976 Code, for final candidate admission  
35 to an undergraduate teacher preparation program, a college or university educator preparation provider may develop and submit  
36 for State Board of Education approval a plan for ensuring teacher candidate proficiency in reading, writing, and mathematics. The

1 plan may include an option for candidates to demonstrate basic skills proficiency through multiple measures which may include  
2 scores on an approved basic skills assessment, grade point average, grades in benchmark courses, existing college or university  
3 assessments for determining undergraduate course placement, or other factors. The State Board of Education, working with the  
4 Commission on Higher Education, shall be authorized to establish proposal criteria and must approve a provider's plan prior to its  
5 implementation. In the event that an applicant does not demonstrate the required basic skills proficiency to qualify for full admission  
6 to the preparation program, the college or university must offer the applicant appropriate academic assistance and support prior to  
7 the individual reapplying for program assistance at a later date. The department is directed to study methods used in other states  
8 for teacher candidates to demonstrate subject area knowledge for certification purposes and provide recommendations to the State  
9 Board of Education no later than June 30, 2023.

10 **1.99.** (SDE: Noncertified Teacher Hiring) For the 2022-23 school year, a school district may hire noncertified teachers in  
11 critical needs geographic areas and subject areas if a certified teacher is not available. All noncertified teachers must possess  
12 baccalaureate degrees or graduate degrees from a regionally accredited college or university in the subject they are hired to teach.  
13 Districts must require that all noncertified teachers must undergo a background check pursuant to Sections 59-19-117 and  
14 59-25-115. For purposes of this provision, "noncertified teacher" does not include applicants who meet eligibility requirements for  
15 the Career and Technology work-based certification in the respective fields. On a form prescribed by the department, districts must  
16 provide the Department of Education with the name of the noncertified teacher, school where the teacher is employed, and subject  
17 area in which the teacher was hired to teach. A district that terminates a registered noncertified teacher from employment shall  
18 notify the department of the termination and the reason for termination within ten days after the termination.

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

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

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

32 **1A.3.** (SDE-EIA: Teacher Evaluations, Implementation/Education Oversight) The Department of Education is directed to  
33 oversee the evaluation of teachers at the School for the Deaf and the Blind and the Department of Juvenile Justice under the ADEPT  
34 model.

35 **1A.4.** (SDE-EIA: Teacher Salaries/State Agencies) Each state agency which does not contain a school district but has  
36 instructional personnel shall receive an appropriation as recommended by the Department of Education and funded by the General

1 Assembly for teacher salaries based on the following formula: Each state agency shall receive such funds as are necessary to adjust  
2 the pay of all instructional personnel to the appropriate salary provided by the salary schedules of the school district in which the  
3 agency is located. Instructional personnel may include all positions which would be eligible for EIA supplements in a public school  
4 district, and may at the discretion of the state agency, be defined to cover curriculum development specialists, educational testing  
5 psychologists, psychological and guidance counselors, and principals. The twelve-month agricultural teachers located at Clemson  
6 University are to be included in this allocation of funds for base salary increases. The South Carolina Governor's School for the Arts  
7 and Humanities, the South Carolina Governor's School for Science and Mathematics, and the Governor's School for Agriculture at  
8 John de la Howe are authorized to increase the salaries of instructional personnel by an amount equal to the percentage increase  
9 given by the School District in which they are both located.

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

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

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

1 State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it  
2 currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment  
3 projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees,  
4 the State Board of Education and the Education Oversight Committee by October first annually, in a format agreed upon by the  
5 Education Oversight Committee and the Department of Education.

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

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

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

1 Arts Curricular Grants funds may be retained and carried forward into the current fiscal year to be expended in accordance with the  
2 proposed award.

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

27 Any classroom teacher, including a classroom teacher at a South Carolina private school, that is not eligible for the reimbursement  
28 allowed by this provision, may claim a refundable income tax credit on the teacher's ~~2021~~ 2022 tax return, provided that the return  
29 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~~  
30 *three hundred* dollars, or the amount the teacher expends on teacher supplies and materials, whichever is less. If any expenditures  
31 eligible for a credit are made after December thirty-first, the teacher may include the expenditures on his initial return or may file an  
32 amended ~~2021~~ 2022 return claiming the credit, so long as the return or amended return is filed in this fiscal year. The Department  
33 of Revenue may require whatever proof it deems necessary to implement the credit provided by this part of this provision. Any  
34 person receiving the reimbursement provided by this proviso is ineligible to take the income tax credit allowed by this proviso.

35 **1A.10.** (SDE-EIA: Teacher of the Year Awards) Of the funds provided herein for Teacher of the Year Awards, each district  
36 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,

1 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  
2 the State Teacher of the Year Program sponsored by the State Department of Education. These awards shall not be subject to South  
3 Carolina income taxes.

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

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

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

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

35 Funds must be used by the department for implementation and delivery of technical assistance services. Using previous report  
36 card data and monitoring reports on the status of implementation of the school renewal plan, the department shall identify priority

1 schools. Funds appropriated for technical assistance shall be used by the department to work with those schools identified as  
2 low-performing and to support priority schools under the tiered system. These funds shall not be transferred to any other funding  
3 category by the school district without prior approval of the State Superintendent of Education and funds are not subject to agency  
4 flexibility provisions.

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

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

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

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

32 **1A.14.** (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may  
33 transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, and Education Lottery  
34 Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance,  
35 to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated  
36 specifically for state level maintenance of effort requirements under IDEA, funds allocated specifically for state level maintenance



1 of effort requirement for federal program, funds provided for the Education and Economic Development Act, funds provided for  
2 Career and Technology Education, nor funds required for debt service or bonded indebtedness. All school districts must report the  
3 student teacher ratio for every classroom to the Department of Education at the forty-fifth and the one hundred and thirty-fifth day  
4 mark. The department shall report this information to the General Assembly for the ~~2021-2022~~ 2022-2023 school year.

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

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

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

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

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

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

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

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

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

- 35 (i) the transaction amount;  
36 (ii) the name of the payee; and

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

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

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

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

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

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

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

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

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

33 **1A.19.** (SDE-EIA: Core Curriculum Materials) The funds appropriated in Part IA, Section 1, VIII.A.3 for instructional materials  
34 for core curriculum shall be expended consistent with the requirements of Section 59-31-600 of the 1976 Code requiring the  
35 development of higher order thinking skills and critical thinking which should be integrated throughout the core curriculum  
36 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) Beginning with the current fiscal year, eligible students residing in any school district may  
29 participate in the South Carolina Early Reading Development and Education program (CERDEP) pending the availability of space  
30 and funding. Student eligibility as defined by Section 59-156-130 of the 1976 Code is an annual family income of one hundred  
31 eighty-five percent or less of the federal poverty guidelines as promulgated annually by the United States Department of Health and  
32 Human Services or a statement of Medicaid eligibility.

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

1 child care facility regulated by the United States Department of Defense, or a non-profit independent school. State funds appropriated  
2 for the provision of CERDEP services in military child care facilities may not be used to supplant existing federal child care funds.

3 Beginning with the current fiscal year, 4K programs in public schools and non-profit independent schools participating in CERDEP  
4 are not required to be approved, registered, or licensed by the Department of Social Services in order to participate in CERDEP.  
5 Instead, the Department of Education and the Office of First Steps are responsible for ensuring that providers deliver high-quality  
6 educational programs pursuant to Section 59-156-160.

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

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

34 Of the funds appropriated, \$300,000 shall be allocated to the Education Oversight Committee to conduct an annual evaluation of  
35 the South Carolina Child Development Education Pilot Program and to issue findings in a report to the General Assembly by ~~January~~  
36 ~~fifteenth~~ *March first* of each year. To aid in this evaluation, the Education Oversight Committee shall determine the data necessary

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

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

16 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  
17 reimbursement rates to high-quality child care centers. The reimbursement rate for students enrolled by child care providers rated B  
18 or higher in the ABC Quality System operated by the Department of Social Services may be increased by up to 10% of the per-student  
19 base following guidelines developed by the Office of First Steps; and (2) up to \$100,000 to provide one-time supplemental,  
20 needs-based incentive grants in an amount not to exceed \$30,000 for newly created and/or newly approved private providers  
21 proposing to expand service to ten or more CERDEP eligible children in communities unable to enroll all eligible students in a public,  
22 private, or Head Start setting during the prior fiscal year. These grants are designed to address building renovations, documented as  
23 necessary to bring proposed classrooms into compliance with licensing regulations, materials and staffing costs, and/or other  
24 obstacles currently preventing their participation in the program. The First Steps Board of Trustees shall develop and approve an  
25 application process that incorporates formal review and fiscal safeguards designed to ensure grant funds are used solely to address  
26 documented barriers to program participation. Providers receiving this one-time supplement shall be expected to participate in the  
27 program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for  
28 three years shall require the provider to return a portion of the supplemental allocation at a level determined by the Office of First  
29 Steps to School Readiness. First Steps shall submit a report detailing its process, expenditures and expanded enrollment to the  
30 Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee by March 15; and (3) up  
31 to \$1,000,000 may be used to provide grants to public-private partnerships to address building renovations and designs necessary to  
32 get the building and classrooms into compliance with licensing regulations and other obstacles that prevent participation in CERDEP  
33 following guidelines developed by the Office of First Steps. Providers participating in this pilot shall be expected to participate in  
34 the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate  
35 for three years shall require the provider to return a portion of the supplemental allocation at a level determined by the Office of First  
36 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 parent engagement, professional development and quality evaluations of programs. No  
10 later than April first, the Department of Education and the Office of First Steps shall report to the Chairman of the Senate Finance  
11 Committee and the Chairman of the House Ways and Means Committee on the expenditure of these funds to include the following  
12 information: the amount of money used and specific steps and measures taken to enhance the quality of the 4K program and the  
13 amount of money used for professional development as well as the types of professional development offered and the number of  
14 participants. The Office of First Steps is directed to determine if the provision of extended programs in private centers improves the  
15 ability of parents 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 Collaboration  
22 Office to inform parents of all publicly funded full-day 4K programs including Head Start.

23 For Fiscal Year ~~2021-22~~ 2022-23, in response to the COVID-19 crisis, children who were eligible to participate in the Child Early  
24 Reading Development and Education Program in the prior fiscal year but did not participate, shall be eligible to participate in the  
25 program during Fiscal Year ~~2021-22~~ 2022-23, subject to classroom availability and funding. *Funding appropriated for CERDEP*  
26 *may be carried forward and expended for the same purpose.*

27 ~~1A.30. (SDE-EIA: Aid to Districts) Funds appropriated in Part IA, Section 1, VIII.A.1. Aid to Districts shall be disbursed monthly~~  
28 ~~to school districts. For the current fiscal year, the remaining funds shall be allocated to districts based on the number of weighted~~  
29 ~~pupil units.~~

30 ~~1A.31. (SDE-EIA: Centers of Excellence) Of the funds appropriated for Centers of Excellence, \$350,000 must be allocated to the~~  
31 ~~Francis Marion University Center of Excellence to Prepare Teachers of Children of Poverty to expand statewide training for~~  
32 ~~individuals who teach children of poverty through weekend college, nontraditional or alternative learning opportunities.~~

33 ~~1A.32. (SDE-EIA: IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section VIII.A.1. Aid to Districts~~  
34 ~~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~~  
35 ~~Education Finance Act/Base Student Cost formula that would reduce support for children with disabilities, the Department of~~  
36 ~~Education is authorized to utilize funds appropriated in Section VIII.A.1. Aid to Districts to ensure maintenance of state financial~~

1 support for the IDEA. The department shall distribute these funds using the current fiscal year one hundred thirty-five day Average  
2 Daily Membership or as directed by the United States Department of Education. Funds provided for these purposes may not be  
3 transferred to any other purpose and therefore are not subject to flexibility. For continued compliance with the federal maintenance  
4 of state financial support requirements of the IDEA, funding for children with disabilities must, to the extent practicable, be held  
5 harmless to budget cuts or reductions to the extent those funds are required to meet federal maintenance of state financial support  
6 requirements under the IDEA. In the event cuts to funds that are needed to maintain fiscal effort are necessary, when administering  
7 such cuts, the department must not reduce funding to support children with disabilities who qualify for services under the IDEA in a  
8 manner that is disproportionate to the level of overall reduction to state programs in general. By December first, the department  
9 must submit an estimate of the IDEA maintenance of state financial support requirement to the General Assembly and the Governor.  
10 For the current fiscal year, the department may carry forward IDEA Maintenance of Effort funds from the prior fiscal year and  
11 expend them in the same manner.

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



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

6       **1A.35.** (SDE-EIA: ETV Teacher Training/Support) Of the funds appropriated in Part IA, Section 1, VIII.F. South Carolina  
7 Educational Television must provide training and technical support on the educational resources available to teachers and school  
8 districts.

9       **1A.36.** (SDE-EIA: Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the  
10 average teachers' salaries of the southeastern states as projected by the Revenue and Fiscal Affairs Office. For the current school  
11 year, the Southeastern average teacher salary is projected to be ~~\$53,426~~ \$55,898. The General Assembly remains desirous of raising  
12 the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to  
13 the national average teacher salary.

14       Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all  
15 eligible certified teachers employed by the district by no less than one year of experience credit using *at a minimum* the district salary  
16 schedule utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for  
17 all eligible certified teachers. For Fiscal Year ~~2021-22~~ 2022-23, ~~the requirement that~~ school districts *must* maintain local salary  
18 supplements per teacher no less than their prior fiscal year level ~~is suspended if additional State funds fill the gap.~~

19       ~~Furthermore, pursuant to Proviso 1.3 and funds appropriated for State Aid to Classrooms, each cell in the State Minimum Teacher~~  
20 ~~Salary Schedule that is used to increase salaries of those teachers eligible pursuant to Section 59-20-50(4)(b), to include classroom~~  
21 ~~teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses,~~  
22 ~~orientation/mobility instructors, and audiologists in the districts of the state, is increased by four thousand dollars.~~

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

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

30       **1A.37.** (SDE-EIA: PowerSchool Dropout Recovery Data) With the funds appropriated to the Department of Education for  
31 PowerSchool and data collection, the department will begin in the current fiscal year to collect data from schools and school districts  
32 on the number of students who had previously dropped out of school and who reenrolled in a public school or adult education to  
33 pursue a high school diploma. The Education Oversight Committee working with the Department of Education will determine how  
34 to calculate a dropout recovery rate that will be reflected on the annual school and district report cards. The department may carry  
35 forward and expend the funds for the same purpose.

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

7       **1A.39.** (SDE-EIA: Educational Partnerships) The funds provided to the Center for Educational Partnerships at the College of  
8 Education at the University of South Carolina will be used to create a consortium of educational initiatives and services to schools  
9 and communities. These initiatives will include, but are not limited to, professional development in writing, geography and other  
10 content areas; training; research; advocacy; and practical consultancy. The Center will establish collaborative educational enterprises  
11 with schools, school districts, parents, communities, and businesses while fulfilling the responsibilities of the School Improvement  
12 Council Assistance. The Center will focus on connecting the educational needs and goals of communities to improve efficiency and  
13 effectiveness.

14       **1A.40.** (SDE-EIA: STEM Centers SC) All EIA-funded entities that provide professional development and science programming  
15 to teachers and students should be included in the state's science, technology, engineering and mathematics education strategic plan.

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

29       **1A.42.** (SDE-EIA: Aid to Districts Draw Down) For the current fiscal year, in order to draw down funds appropriated in Part IA,  
30 Section 1, VIII.A.1, Aid to Districts, school districts, Palmetto Unified District and the Department of Juvenile Justice must work  
31 with local law enforcement agencies and fire marshals, and when necessary, state law enforcement agencies and the Office of the  
32 State Fire Marshal in order to ensure that the district has updated school safety and fire plans in place. The safety and fire plans must  
33 include safety directives in the classroom, a safe student and staff exit strategy and necessary safety staff. Notice of completion of  
34 the updated plans must be submitted to the Department of Education no later than September first, of the current fiscal year. In the  
35 current fiscal year, school districts may continue to negotiate with local law enforcement for the provision of School Resource  
36 Officers. The department must report to the Chairman of the House Ways and Means Committee, the Chairman of the House

1 Education and Public Works Committee, the Chairman of the Senate Finance Committee and the Chairman of the Senate Education  
2 Committee by September thirtieth, of the current fiscal year, on any districts that failed to submit an updated plan.

3 **1A.43.** (SDE-EIA: Education and Economic Development Act Carry Forward) Funds provided for the Education and Economic  
4 Development Act may be carried forward into the current fiscal year to be expended for the same purposes by the department, school  
5 districts, and special schools.

6 **1A.44.** (SDE-EIA: EEDA Regional Education Centers) Funds appropriated from the EEDA for Regional Education Centers must  
7 not be less than \$108,500.

8 **1A.45.** (SDE-EIA: Teach for America SC) Because Teach For America SC receives EIA funds in the current fiscal year, school  
9 districts that partner with Teach For America SC are required to provide to Teach For America SC by September first annually,  
10 information on the prior year's academic achievement of students who were directly taught by Teach For America corps members.  
11 The information must be in a format that protects the identity of individual students and must include state assessment data as  
12 appropriate.

13 **1A.46.** (SDE-EIA: EOC-South Carolina Autism Society) Of the funds appropriated in Section 1A, VIII.F. Partnerships, Education  
14 Oversight Committee (A85), \$500,000 must be transferred in quarterly installments from the Education Oversight Committee to the  
15 South Carolina Autism Society for the Autism Parent-School Partnership Program. Beginning October 10, 2015, the South Carolina  
16 Autism Society shall provide a quarterly accounting report to the Chairman of the Senate Finance Committee, the Chairman of the  
17 House Ways and Means Committee and the Education Oversight Committee.

18 **1A.47.** (SDE-EIA: CHE/CERRA) The Center for Educator Recruitment, Retention and Advancement (CERRA) must complete  
19 periodic evaluations of the institutions currently hosting a Teaching Fellows (TF) program and ensure that the TF programs at the  
20 current host institutions continue to meet the requirements for a TF program as set forth by the CERRA Board of Directors. Further,  
21 CERRA will continue implementing a long-range plan for approving additional TF programs at other public, four-year institutions  
22 who wish to be considered to host a TF program, provided the proposed programs meet the requirements set forth by the CERRA  
23 Board of Directors. CERRA will publish TF program criteria and requirements prominently on its website. Any institution who  
24 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  
25 technical support if the institution elects to reapply. Any institution that applies but is not selected to host a TF program may appeal  
26 to the Commission on Higher Education.

27 **1A.48.** (SDE-EIA: Public Charter Pupil Counts) With funds appropriated to charter schools sponsored by either the South Carolina  
28 Public Charter School District or a registered Institution of Higher Education, the sponsor must require each charter school to submit  
29 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  
30 and Weighted Pupil Unit membership. The South Carolina Public Charter School District or a registered Institution of Higher  
31 Education shall then provide the data for each charter school to the Department of Education. Quarterly, the department will submit  
32 the information to the House Ways and Means Committee, the House Education and Public Works Committee, the Senate Finance  
33 Committee and the Senate Education Committee.

34 The South Carolina Public Charter School District or a registered Institution of Higher Education must also require each virtual  
35 charter school to collect the following information: (1) the reason or reasons why each student enrolled in the virtual charter school  
36 district from both the parent(s) and the referring school district; and (2) the reason or reasons why a student withdrew from the virtual

1 charter school district. This data must be provided to the Department of Education quarterly and must include the unique student  
2 identifier. The department, in turn, will provide summary information to the House Ways and Means Committee, the House  
3 Education and Public Works Committee, the Senate Finance Committee and the Senate Education Committee on the enrollment and  
4 withdrawal information on June 30<sup>th</sup> of the current fiscal year.

5 ~~1A.49. (SDE-EIA: South Carolina Public Charter School Funding) The funds appropriated in Part IA, Section VIII.H. South  
6 Carolina Public Charter School Statewide Sponsor must be allocated in the following manner to students at charter schools within  
7 the South Carolina Public Charter School District or within a registered Institution of Higher Education: Pupils enrolled in virtual  
8 charter schools sponsored by the South Carolina Public Charter School District or a registered Institution of Higher Education shall  
9 receive \$1,900 per weighted pupil and pupils enrolled in brick and mortar charter schools sponsored by the South Carolina Public  
10 Charter School District or a registered Institution of Higher Education shall receive \$3,600 per weighted pupil. Three and four year  
11 old students with a disability, who are eligible for services under IDEA and enrolled in brick and mortar charter schools sponsored  
12 by the South Carolina Public Charter School District or registered IHE, shall receive \$3,600 per student for brick and mortar charter  
13 schools. Three and four year old students with a disability, who are eligible for serves under IDEA and enrolled in charter schools  
14 sponsored by the South Carolina Public Charter School District or a registered IHE, shall be included in student counts for the South  
15 Carolina Public Charter School District and registered IHE's solely for purposes of funding under this proviso. Any unexpended  
16 funds, not to exceed ten percent of the prior year appropriation, must be carried forward from the prior fiscal year and expended for  
17 the same purpose. Any unexpended funds exceeding ten percent of the prior year appropriation must be transferred to the Charter  
18 School Facility Revolving Loan Program established in Section 59-40-175. For Fiscal Year 2021-22, the timelines set forth for  
19 ruling on charter school applications are extended for sixty calendar days for all applications submitted to the South Carolina Public  
20 Charter School District if the district determines that an applicant should be permitted to amend its application to meet the  
21 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  
22 achievement gap utilizing an evidence-based educational program in an underserved geographical area of the state including, but not  
23 limited to, charter schools proposed to be located in any school district that is a plaintiff in the Abbeville law suit. The South Carolina  
24 Public Charter School District shall report to the Senate Finance Committee and the House Ways and Means Committee on the  
25 outcomes of this extended time for a hearing at the end of the application cycle.~~

26 ~~1A.50. (SDE-EIA: CDEPP Student Information and Reporting) For the current fiscal year, the Department of Education and the  
27 Office of First Steps to School Readiness must acquire unique student identifiers or SUNS numbers for each student enrolled in the  
28 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  
29 Education Committee, the Senate Finance Committee, the Senate Education Committee and the Education Oversight Committee by  
30 November thirtieth. The Department of Education and the Office of First Steps to School Readiness must provide any information  
31 required by the Education Oversight Committee for the annual CDEPP report no later than November thirtieth.~~

32 ~~1A.51. (SDE-EIA: Rural Teacher Recruiting Incentive) (A) There is created a program within the South Carolina Center for  
33 Educator Recruitment, Retention, and Advancement (CERRA) to recruit and retain classroom educators in rural and underserved  
34 districts experiencing excessive turnover of classroom teachers on an annual basis.~~

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

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

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

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

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

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

16 At a minimum, the incentives shall include:

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

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

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

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

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

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

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

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

6 **1A.53.** (SDE-EIA: Reading/Literacy Coaches) (A) For the current fiscal year, of the funds appropriated for Reading/Literacy  
7 Coaches, the Department of Education shall retain up to \$14,000,000 to be expended for the Palmetto Literacy Project. The  
8 Department shall identify schools in the Palmetto Literacy Project that have one-third or more of its third grade students scoring at  
9 the lowest achievement level on the statewide summative English language arts assessment. For each school identified and  
10 participating in the Palmetto Literacy Project in the prior school year, the Department of Education shall provide, at a minimum, the  
11 following support: provision of reading specialists, professional learning, and curriculum resources based on the science of reading.  
12 The reading specialist/coaches provided to the Palmetto Literacy Project schools shall be hired and evaluated annually by the  
13 Department of Education.

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

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

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

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

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

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

- 35 (1) holds a bachelor's degree or higher and an add-on endorsement for literacy coach or literacy specialist; or  
36 (2) holds a bachelor's degree or higher and is actively pursuing the literacy coach or literacy specialist endorsement; or

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

2 Within these guidelines, the Department of Education must assist districts in identifying a reading/literacy coach in the event that  
3 the school is not successful in identifying and directly employing a qualified candidate.

4 (H) The Department of Education shall require:

5 (1) any school district receiving funding to identify the name and qualifications of the supported reading/literacy coach; as  
6 well as the school in which the coach is assigned; and

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

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

11 (J) Any unspent or unallocated funds may be carried forward and expended for Summer Reading Camps.

12 **1A.54.** (SDE-EIA: Digital Instructional Materials) The Department of Education shall continue to create an instructional materials  
13 list composed of those items (print and/or digital) that have received State Board of Education approval through the normal adoption  
14 process. The department shall continue to work with the publishers of instructional materials to ensure that districts have options for  
15 print/digital student materials to include class sets of print student editions, if needed. Funds appropriated for the purchase of  
16 instructional materials (print/digital) may be used for reimbursing school districts to offset the costs of refurbishing science kits on  
17 the state-adopted instructional materials inventory, purchasing new kits or those adopted as supplemental from the central textbook  
18 depository, or a combination of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the  
19 state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs,  
20 equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs. Funds provided for Instructional  
21 Materials may be carried forward from the prior fiscal year into the current fiscal year to be expended for the same purposes by the  
22 department, school districts, and special schools. These funds are not subject to flexibility.

23 **1A.55.** (SDE-EIA: 4K Early Literacy Competencies Assessments) Of the funds carried forward from the full-day 4K program  
24 from the previous fiscal year, the Department of Education is authorized to expend up to \$800,000 on assessments and professional  
25 development to analyze the early literacy competencies of children in publicly funded prekindergarten. If these funds are not  
26 available, funds appropriated and/or authorized for assessment shall be used to administer the prekindergarten assessments. The  
27 department shall manage the administration of assessments that analyze the early literacy and language development of children in  
28 publicly funded prekindergarten as done in the prior fiscal year. Each school district and private provider participating in a publicly  
29 funded prekindergarten program will administer one of the formative assessments selected by the department to each child eligible  
30 for and enrolled in a publicly funded prekindergarten program during the first forty-five days of the school year and during the last  
31 forty-five days of the school year. Accommodations that do not invalidate the results of these assessments must be provided in the  
32 manner set forth by the student's Individualized Education Program or 504 Accommodations Plan and for students who are Limited  
33 English Proficient according to their LEP Plan. The department will provide the assessment data to the Education Oversight  
34 Committee. The results of the assessment and the developmental intervention strategies recommended or services needed to address  
35 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  
36 student to admission to prekindergarten.

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

12 For all students assessed with the Kindergarten Readiness Assessment (KRA), the Department of Education is required to collect  
13 data from schools and school districts on the prior early learning experience of each student. The data would include whether the  
14 kindergartener had attended in the prior school year a Head Start program, a South Carolina Early Reading Development and  
15 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  
16 school, a child care center (registered faith-based, registered family home, group home, or exempt provider) or informal child care.

17 **1A.56.** (SDE-EIA: Industry Certifications/Credentials) Of the funds appropriated for Industry Certifications/Credentials,  
18 \$3,000,000 must be allocated to school districts based upon the number of national industry exams administered in the prior school  
19 year with each district receiving a base amount of \$10,000. The department will identify the national industry exams that will be  
20 funded based upon the job availability in the state. School districts may carry forward funds from the prior fiscal year into the current  
21 fiscal year and expend the funds for the cost of national industry exams. The department shall work with the Department of  
22 Commerce, the Department of Employment and Workforce, state and local chambers of commerce and economic development  
23 offices and the Tech Board to ensure that students are aware of the industry required credentials for current job availability in the  
24 state organized by region. Any additional funds appropriated must be allocated to school districts based upon the number of national  
25 industry exams/credentials earned in the prior school year, and districts must expend these funds to pay for the cost of industry exams  
26 or to support students in preparing for the exams in the current fiscal year.

27 **1A.57.** (SDE-EIA: Career and Technology Education) Funds appropriated for Career and Technology Education will be  
28 distributed to school districts and multi-district career centers based on the prior year actual student enrollment for career and  
29 technology education courses, with no district or multi-district career center receiving less than \$50,000. Funds may be expended  
30 for the purchase of career and technical equipment, the up fitting of facilities and the purchase of consumables, regional career  
31 specialists, and such evidence-based initiatives like High Schools that Work and Project Lead the Way. Each district must include  
32 in the district plan submitted to the Office of Career and Technology Education information on other career and technical equipment  
33 available. The district must include, at a minimum, equipment located at the career center and at the technical college, information  
34 on the alignment of equipment to current industry jobs and needs in the state as recommended by career and technical program  
35 advisory committees. District plans must include charter schools within the school district offering at least one career and technical  
36 education completer program. School districts and career centers may carry forward unexpended funds to be used for the same



1 intended purposes to up fit career and technical facilities and replace career and technical program consumables. In addition,  
2 \$125,000 of the funds appropriated shall be allocated to the Palmetto Partners for Science and Technology for robotics competition,  
3 curriculum, and support.

4 **1A.58.** (SDE-EIA: Family Connection South Carolina) Funds appropriated in Part IA, Section 1, VIII.F, Partnerships, for Family  
5 Connection South Carolina (H63), shall be transferred in quarterly installments from the Department of Education to Family  
6 Connection South Carolina. Funds shall be used to provide support to families of children with disabilities. Support shall include,  
7 home visits, transition assistance, education assistance, parent support and parent training. The department shall establish guidelines  
8 through which Family Connection South Carolina shall provide planning documents to the department not later than July fifteenth  
9 of the current fiscal year, and quarterly reporting of expenditures thereafter; and a performance report submitted annually.

10 **1A.59.** (SDE-EIA: Assistance Funding) For the current fiscal year, any funds appropriated to the Department of Education to  
11 assist districts that are or were Plaintiffs in the Abbeville law suit and funding appropriated to the department to provide technical  
12 assistance to underperforming districts may not be transferred to any other program, are not subject to flexibility, and may be carried  
13 forward and expended for the same purposes.

14 **1A.60.** (SDE-EIA: National Board Certification Incentive) ~~Public school classroom teachers, to include teachers employed at the~~  
15 ~~special schools or classroom teachers who work with classroom teachers, to include teachers employed at the special schools who~~  
16 ~~are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards~~  
17 ~~or completed the application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first in the year~~  
18 ~~following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governors School for~~  
19 ~~Science and Math, Governors School for the Arts and Humanities, Wil Lou Gray Opportunity School, Governor's School for~~  
20 ~~Agriculture at John de la Howe, School for the Deaf and the Blind, Department of Juvenile Justice and Palmetto Unified School~~  
21 ~~District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate.~~  
22 ~~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~~  
23 ~~the districts payroll procedure. In addition, teachers who have applied prior to July 1, 2010 and are certified by the National Board~~  
24 ~~for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the~~  
25 ~~recertification cycle for national board certification. National board certified teachers who have been certified by the National Board~~  
26 ~~for Professional Teaching Standards or completed the application process prior to July 1, 2010 moving to this State who hold a valid~~  
27 ~~standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional~~  
28 ~~teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.~~

29 For the current fiscal year the salary supplement will be \$5,000 for public school classroom teachers, to include teachers employed  
30 at the special schools or classroom teachers who work with classroom teachers, to include teachers employed at the special schools  
31 who are certified by the State Board of Education and who complete the application process on or after July 1, 2010, beginning in  
32 the year of achieving certification and applies uniformly to all teachers covered under Section 59-26-85(A)(2) of the 1976 Code.  
33 The special schools include the Governors School for Science and Math, Governors School for the Arts and Humanities, Wil Lou  
34 Gray Opportunity School, Governor's School for Agriculture at John de la Howe, School for the Deaf and the Blind, Department of  
35 Juvenile Justice and Palmetto Unified School District 1. The \$5,000 salary supplement shall be added to the annual pay of the

1 teacher, not to exceed the lesser of, the length of one national certificate cycle. However, the \$5,000 supplement shall be adjusted  
2 on a pro rata basis for the teachers FTE and paid to the teacher in accordance with the districts payroll procedure.

3 ~~The department is authorized to carry forward funds and only expend them for the same purpose. Appropriations in excess of~~  
4 ~~applicable expenditures shall be distributed to school districts based on the EFA formula.~~

5 **1A.61.** (SDE-EIA: Educator Preparation Provider) Of the funds carried forward from the prior fiscal year, the department is  
6 authorized to use up to \$300,000 to develop a data system to house post-certification data and employment for Education Preparation  
7 Provider (EPP) completers in accordance with S.C. Code Reg. 43-90. The system must provide the department with the ability to  
8 collect, store, and disseminate data elements needed for national accreditation of providers. Such data shall be exempted from  
9 disclosure under Section 30-4-40 of the 1976 Code, the South Carolina Freedom of Information Act.

10 **1A.62.** (SDE-EIA: Alternative Commitment to Truancy) As part of its plan for an alternative school, a school district receiving  
11 funds from the Department of Education for an alternative school shall identify available alternatives to commitment for children  
12 whose truancy is approaching the level of being referred to family court. When proceeding under Section 59-65-50 of the 1976 Code  
13 to bring an individual case before the family court, the school district must present this plan as well as the district's efforts with  
14 respect to the individual child to the court. Each school district's plan under this proviso shall include possible assignment to  
15 alternative school for a non-attending child before petitioning the court.

16 **1A.63.** (SDE-EIA: Grants Committee) Of the funds appropriated to the Department of Education for Innovation Grants, the grants  
17 committee shall accept applications per the established process for new grantees not to exceed the amount appropriated by the General  
18 Assembly.

19 The process shall include the application procedure, selection process, and matching grant formula if applicable. The grants  
20 committee must be comprised of seven members, three members selected from the education community and four members selected  
21 from the business community. The suggested criteria for awarding the grants to schools or school districts or directly purchasing  
22 services must include, but are not limited to:

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

31 The required match may be met by funds or by in-kind donations, such as technology, to be further defined by the grants committee.  
32 Public school districts and schools that have high poverty and low achievement will receive priority for grants when their applications  
33 are judged to meet the criteria established for the grant program. The committee shall submit an annual report to the Governor, the  
34 Chairman of House Ways and Means and the Chairman of Senate Finance by June 30.

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

1       **1A.64.** (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.65.** (SDE-EIA: Digital Learning Plan) The implementation of the ~~pilot~~ *e-Learning* program ~~shall become~~ *is* the responsibility  
5 of the Department of Education. Those e-Learning school districts who meet the criteria for an e-Learning district as determined by  
6 the Department of Education may use up to five e-Learning days to allow for the make-up of short-term disruptions to in-person  
7 teaching and learning.

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

14       **1A.66.** (SDE-EIA: Teacher Recruitment Program) On or before September 30th of Fiscal Year ~~2021-22~~ *2022-23*, following the  
15 development of accountability metrics, \$750,000 of the funds appropriated in this act to the Department of Education for “Rural  
16 Teacher Recruitment” shall be allocated to the University of South Carolina’s College of Education (COE) for the development and  
17 implementation of a new teacher recruitment pilot program to be administered by the COE in partnership with the Center for Teaching  
18 Quality (CTQ). The purpose of the pilot program shall be the employment of innovative and cost-effective teacher recruitment  
19 strategies, customized training for new teachers, and dedicated, ongoing mentoring support. The pilot program shall compliment  
20 and/or enhance the state’s ongoing rural teacher recruitment initiatives such as those supported pursuant to Proviso 1A.51 of this act.  
21 At minimum, the pilot program must assist no fewer than ten school districts to include at least four districts along the 1-95 corridor  
22 and serve no fewer than 250 teacher candidates. The pilot program shall stipulate reasonable fees for participating candidates and  
23 districts and districts shall agree to release time for required on site mentors who shall be experienced, practicing teachers within the  
24 district for the purposes of co-teaching with and supporting candidates’ development. Within participating districts, the pilot program  
25 shall emphasize high-need schools and within selected schools, the emphasis shall be on developing teacher candidates teaching in  
26 high-need subject areas to include, but not be limited to, STEM and special education with all candidates receiving training in literacy  
27 skills. The pilot program design shall be based on emerging empirical evidence of effective teacher education as well as best practices  
28 from recent innovations in university-based and alternative certification and residency programs for the dual purpose of recruiting  
29 needed candidates with equal focus on retaining accomplished, experienced teachers utilizing, in part, a model which contains  
30 intensive mentoring and support for candidate teachers. Before any funds are disbursed to the COE, the COE and CTQ shall develop  
31 accountability metrics for the pilot program that must include, at minimum, employment outcome indicators such as job placement  
32 and retention statistics as well as survey instrumentation in order to measure candidate, mentor, and principal satisfaction with the  
33 pilot program. No later than June 30th, program data and evidence collected as a result of this accountability requirement must be  
34 shared in report form with the Department of Education, the Education Oversight Committee, the South Carolina Center for Educator  
35 Recruitment, Retention, and Advancement, the Commission on Higher Education, the Chairman of the Senate Education Committee,

1 the Chairman of the House Education and Public Works Committee, the Chairman of the House Ways and Means Committee and  
2 the Chairman of the Senate Finance Committee.

3 **1A.67.** (SDE: Bridge Program) Of the funds appropriated for “Rural Teacher Recruitment” in Fiscal Year ~~2021-22~~ 2022-23,  
4 \$1,400,000 shall be transferred to South Carolina State University for the implementation and enhancement of a BRIDGE program  
5 to recruit minority high school students along the I-95 corridor into the teaching profession by offering them, while still in high  
6 school, access to counseling, mentoring, on campus summer enrichment programs, and opportunities for dual enrollment credits at  
7 South Carolina State University for the purpose of preparing these students to major in education and to become future teachers along  
8 the I-95 corridor. South Carolina State University must utilize \$400,000 of these funds to partner with one or more institutions of  
9 higher education to establish a similar bridge program.

10 **1A.68.** (SDE-EIA: Return to Covered Employment) For compensation earned during the current fiscal year, the earnings  
11 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  
12 is hired by the Department of Education to primarily provide services to the department for its tiered system of support for  
13 underperforming schools and districts. The department may not pay a retiree who qualifies for the earnings limitation exception  
14 under this provision more than \$125,000 per year. The department may only use this provision for a maximum of twenty employees  
15 during the fiscal year. The department shall report the number of employees hired under this provision to the Chairman of the House  
16 Ways and Means Committee and the Chairman of the Senate Finance Committee by June 30.

17 **1A.69.** (SDE-EIA: Kindergarten Start Dates) A district superintendent or charter school authorizer may submit a request to the  
18 department to waive the minimum one hundred eighty day school attendance requirement for kindergarten students for the purpose  
19 of scheduling a readiness assessment. Upon approval of the waiver request, the approved school may stagger administering the  
20 readiness assessment to kindergarten students during the first five days of the academic year.

21 **1A.70.** (SDE-EIA: Surplus) For Fiscal Year ~~2021-22~~ 2022-23, EIA cash funds from the prior fiscal year and EIA funds not  
22 otherwise appropriated or authorized must be carried forward and expended on the following items in the order listed:

23	<del>1. SDE Grant Committee</del> .....	<del>\$ 3,000,000;</del>
24	<del>2. Charter School</del> .....	<del>\$ 33,216,180;</del>
25	<del>3. Computer Science Teacher</del>	
26	<del>    Certification and Learning Opportunities</del> .....	<del>\$ 700,000;</del>
27	<del>4. Computer Science Certification and</del>	
28	<del>    Professional Learning</del> .....	<del>\$ 1;</del>
29	<del>5. Instructional Materials</del> .....	<del>\$ 25,680,251;</del>
30	<del>6. Full Day 4K (OFS)</del> .....	<del>\$ 5,219,976;</del>
31	<del>7. Full Day 4K (SDE)</del> .....	<del>\$ 6,758,978;</del>
32	<del>8. Aid to Districts</del> \$ .....	<del>10,821,877;</del>
33	<del>9. Pattison’s Academy (H630)</del> .....	<del>\$ 1,014,094;</del>
34	<del>10. Meyer Center (H630)</del> .....	<del>\$ 173,667;</del>
35	<del>11. The Continuum (H630)</del> .....	<del>\$ 1,500,000;</del>
36	<del>12. Carolina Collaborative for</del>	

1	Alternative Preparation (H270).....	\$ 450,000;
2	13. HYPE.....	\$ 500,000;
3	14. GED Incentive Program (DEW).....	\$ 1,500,000;
4	15. Save the Children.....	\$ 1,000,000;
5	16. Greenville Children's Museum.....	\$ 200,000;
6	17. Brookland Baptist Church Fifth Quarter.....	\$ 350,000;
7	18. Town of Kershaw First Steps	
8	Building Upgrades.....	\$ 300,000;
9	19. Roper Mountain Science Center.....	\$ 250,000; and
10	20. Reading Partners.....	\$ 250,000.
11	<u>1. SDE-Grant Committee.....</u>	<u>\$ 12,150,000;</u>
12	<u>2. Instructional Materials.....</u>	<u>\$100,000,000;</u>
13	<u>3. Pattison's Academy (H630).....</u>	<u>\$ 1,214,094;</u>
14	<u>4. Reading Partners.....</u>	<u>\$ 400,000;</u>
15	<u>5. Center for Educational Partnerships (H270).....</u>	<u>\$ 1,500,000;</u>
16	<u>6. Working Conditions Survey (H470).....</u>	<u>\$ 500,000;</u>
17	<u>7. Meyer Center.....</u>	<u>\$ 173,667;and</u>
18	<u>8. Capital Funding for Disadvantaged Schools.....</u>	<u>\$ 40,000,000.</u>

19 Any additional funds carried forward and not otherwise appropriated or authorized may be used for instructional materials and  
20 school bus purchase.

21 1A.71. (SDE EIA: National Board Certification Incentive) Public school classroom teachers, to include teachers employed at  
22 the special schools or classroom teachers who work with classroom teachers, to include teachers employed at the special schools  
23 who are certified by both the State Board of Education and the National Board for Professional Teaching Standards (NBPTS), shall  
24 be paid an annual salary supplement of either \$7500 or \$5000. When all other criteria included in this provision are met, the amount  
25 of the supplement shall be determined by the teacher's date of application to NBPTS and the length of the national certificate as  
26 described below.

27 (A) A salary supplement of \$7500 shall be paid to National Board Certified Teachers (NBCTs) who made an initial application  
28 before July 1, 2010, and who hold a ten-year national certificate.

29 (B) A salary supplement of \$5000 shall be paid to NBCTs who made an initial application before July 1, 2010, and who hold a  
30 five-year national certificate.

31 (C) A salary supplement of \$5000 shall be paid to NBCTs who made an initial application after July 1, 2010, and who hold either  
32 a five-year or a ten-year national certificate.

33 The salary supplement shall begin in the year the teacher achieves national certification, be added to the teacher's annual pay,  
34 and continue as long as the teacher is certified by both the State Board of Education and NBPTS and employed as a public school  
35 classroom teacher as described above. However, the supplement shall be adjusted on a pro rata basis for the teacher's FTE and  
36 paid to the teacher in accordance with the districts payroll procedure.

1 The special schools include the Governors School for Science and Math, Governors School for the Arts and Humanities, Wil Lou  
2 Gray Opportunity School, Governor's School for Agriculture at John de la Howe, School for the Deaf and the Blind, Department of  
3 Juvenile Justice, and Palmetto Unified School District 1.

4 Public school classroom teachers who are certified by NBPTS shall enter a recertification cycle for their South Carolina certificate  
5 consistent with the length of the recertification cycle for National Board Certification. Teachers who are certified by NBPTS moving  
6 to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and  
7 are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with  
8 the length of the recertification cycle for National Board Certification. The department is authorized to carry forward funds and only  
9 expend them for the same purpose. Appropriations in excess of applicable expenditures shall be distributed to school districts based  
10 on the EFA formula.

11 1A.72. (SDE-EIA: ARP Maintenance of Equity): The Department of Education is authorized to utilize funds appropriated in  
12 Section VIII.A.1. Aid to Districts to ensure Maintenance of Equity is met under the American Rescue Plan.

13 1A.73. (SDE-EIA: Evaluation of Alternative Instruction Methods:) With funds appropriated, the Education Oversight Committee  
14 is responsible for evaluating the impact of alternative methods of instruction on student learning and working with other agencies  
15 to expand access to quality remote instruction which can be dispatched if necessary. Alternative methods of instruction may include,  
16 but are not limited to, online or virtual instruction, remote learning, and hybrid models. The Department of Education and school  
17 districts providing alternative methods of instruction must provide data as requested by the committee to evaluate the effectiveness  
18 of the instruction. The Education Oversight Committee shall report annually to the Governor, the General Assembly, the Department  
19 of Education, and the State Board of Education.

20 1A.74. (SDE-EIA: Report Card) For the current fiscal year, the department is directed to produce the school report cards by  
21 October 15.

22 1A.75. (SDE-EIA: Return of Local Control) After management of a school district formerly under a state of emergency declared  
23 by the State Superintendent of Education has been relinquished and returned to the local board of education, the school district must  
24 provide the State Board of Education with monthly updates on the economic and academic conditions within the district.

### 25 26 SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

27  
28 **3.1.** (LEA: Audit) Each state agency receiving lottery funds shall develop and implement procedures to monitor the expenditures  
29 of lottery funds in order to ensure that lottery funds are expended in accordance with applicable state laws, rules, and regulations.

30 For institutions of higher learning, adopted procedures to monitor expenditures of lottery funds shall be reported to the Commission  
31 on Higher Education and the Executive Budget Office by October, 1, ~~2021~~ of the current fiscal year, and these expenditures are  
32 subject to annual verification and audit by the Commission on Higher Education on a rotational schedule not to exceed three years.  
33 The annual verification and audit shall be funded from the funds appropriated to or authorized for the Commission on Higher  
34 Education and the commission shall not assess a fee or charge institutions of higher learning for performing this function. In addition,  
35 the Commission on Higher Education shall provide a report to the Executive Budget Office, the Chairman of the Senate Finance  
36 Committee, and the Chairman of the House Ways and Means Committee by October first each year summarizing, by institution,

1 how lottery funds were expended in the prior fiscal year, issues and concerns as well as institution responses to those issues and  
2 concerns discovered as a result of the commission's verification and/or audit activity during the prior fiscal year, if any.

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

8 All other state agencies must submit their adopted procedures to monitor expenditures of lottery funds to the Executive Budget  
9 Office by October 1, ~~2021~~ *of the current fiscal year*.

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

12 **3.2.** (LEA: Election Day Sales) For the current fiscal year, Section 59-150-210(E) is suspended.

13 **3.3.** (LEA: Student Unique Identifiers) For the current fiscal year, in order to provide longitudinal data, institutions of higher  
14 education and technical colleges accepting lottery funds must retain the student unique identifier or SUNS number assigned to  
15 students who attended public high schools in South Carolina. This shall not prohibit institutions of higher education or technical  
16 colleges from using additional student identifiers.

17 **3.4.** (LEA: FY 2021-22 Lottery Funding) ~~There is appropriated from the Education Lottery Account for the following education~~  
18 ~~purposes and programs and funds for these programs and purposes shall be transferred by the Executive Budget Office as directed~~  
19 ~~below. These appropriations must be used to supplement and not supplant existing funds for education. For cash flow purposes, the~~  
20 ~~Executive Budget Office may facilitate limited transfers from the general deposits of the state for the exclusive purpose of ensuring~~  
21 ~~the timely distribution of scholarships and tuition assistance payments as provided below. Any use of this transfer allowance must~~  
22 ~~include full reimbursement from the Education Lottery Account to the general deposit accounts of the state prior to the close of the~~  
23 ~~fiscal year.~~

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

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

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

- |    |  |                           |
|----|--|---------------------------|
| 30 | <del>(1) Commission on Higher Education—LIFE Scholarships as provided in Chapter 149, Title 59 .....</del> | <del>\$236,771,166;</del> |
| 31 | <del>(2) Commission on Higher Education—HOPE Scholarships as provided in Section 59-150-370 .....</del>    | <del>\$ 10,371,104;</del> |
| 32 | <del>(3) Commission on Higher Education—Palmetto Fellows Scholarships</del>                                |                           |
| 33 | <del>as provided in Section 59-104-20 .....</del>  | <del>\$ 71,173,280;</del> |
| 34 | <del>(4) Commission on Higher Education and State Board for Technical and Comprehensive Education—</del>   |                           |
| 35 | <del>Tuition Assistance .....</del>  | <del>\$ 51,100,000;</del> |
| 36 | <del>(5) Commission on Higher Education—</del>   |                           |

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

1	Need-Based Grants.....	\$ 60,000,000;
2	(6) Higher Education Tuition Grants Commission—Tuition Grants.....	\$ 20,000,000;
3	(7) Commission on Higher Education—SC National Guard College Assistance Program	
4	as provided in Section 59-111-75 .....	\$ 2,631,129;
5	(8) State Board for Technical and Comprehensive Education—South Carolina Workforce Industry	
6	Needs Scholarship.....	\$ 17,000,000;
7	(9) South Carolina State University.....	\$ 2,500,000;
8	(10) State Board for Technical and Comprehensive Education—Workforce Scholarships and Grants.....	\$ 5,000,000;
9	(11) State Board for Technical and Comprehensive Education—	
10	High Demand Job Skill Training Equipment.....	\$ 18,000,000;
11	(12) Department of Education—Instructional Materials .....	\$ 66,730,412;
12	(13) Department of Alcohol and Other Drug Abuse Services—Gambling Addiction Services.....	\$ 50,000;
13	(14) Commission on Higher Education—Transition Program Scholarships .....	\$ 750,000;
14	(15) State Library—Aid to County Libraries.....	\$ 1,015,382;
15	(16) Commission on Higher Education—Higher Education Excellence Enhancement Program .....	\$ 11,927,526;
16	(17) Commission on Higher Education—South Carolina State University Institutes of Innovation.....	\$ 750,000;
17	(18) State Board for Technical and Comprehensive Education—Trident Technical College Diesel	
18	Mechanic and Driver Training Program .....	\$ 500,000;
19	(19) Office of State Treasurer—Scholarship Trust Fund.....	\$ 1;
20	(20) Commission on Higher Education—Newberry College Dyslexia Program .....	\$ 250,000;
21	(21) Commission on Higher Education—American College of the Building Arts Campus Upgrades .....	\$ 300,000; and
22	(22) Commission on Higher Education—University Center of Greenville .....	\$ 380,000.
23	For Fiscal Year 2021-22, funds certified from unclaimed prizes are appropriated as follows:	
24	(1) State Board for Technical and Comprehensive Education—Workforce Scholarships and Grants.....	\$ 11,000,000;
25	(2) Commission on Higher Education—Higher Education Excellence Enhancement Program .....	\$ 6,072,474;
26	(3) Department of Alcohol and Other Drug Abuse Services—Gambling Addiction Services.....	\$ 50,000;
27	(4) Commission on Higher Education—PASCAL .....	\$ 1,500,000;
28	(5) Department of Education—School Bus Lease/Purchase.....	\$ 1;
29	(6) Department of Education—Instructional Materials .....	\$ 827,524;
30	(7) Commission on Higher Education—Carolina Career Clusters Grant .....	\$ 550,000; and
31	(8) Office of State Treasurer—Scholarship Trust Fund.....	\$ 1.

32 Any unclaimed prize funds available in excess of the Board of Economic Advisors estimate of \$20,000,000 shall be appropriated  
 33 as follows:

34 Department of Education—School Bus Lease/Purchase .....

35 \$ All remaining.

36 If the lottery revenue received from certified unclaimed prizes for Fiscal Year 2021-22 is less than the amounts appropriated, the  
 projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis.



1 ~~Fiscal Year 2021-22 funds appropriated to the Commission on Higher Education and the State Board for Technical and~~  
2 ~~Comprehensive Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided~~  
3 ~~in Section 59-150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher~~  
4 ~~Education shall develop the Tuition Assistance distribution of funds.~~

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

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

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

13 ~~If the lottery revenue received for Fiscal Year 2021-22 certified net lottery proceeds and investment earnings for the current fiscal~~  
14 ~~year, Fiscal Year 2020-21 certified surplus, and Fiscal Year 2019-20 certified surplus are less than the amounts appropriated, the~~  
15 ~~projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except~~  
16 ~~that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.~~

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

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

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

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

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

35 ~~(C) By April fifteenth, the SBTCE shall provide a report to the Chairman of House Ways and Means Committee and the Chairman~~  
36 ~~of the Senate Finance Committee detailing use of funds received in the prior fiscal year. The report must include at minimum for~~

1 each technical college: a list of programs that received funding, amount spent per program, number of students that received grants,  
2 grant amount per student, names of credentials completed by students receiving grants, amount of each type of credential completed,  
3 and job placement rates for students who completed programs and/or credentials.

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

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

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

23 (B) The SBTCE shall adopt rules to define what constitutes a critical workforce program area. Nothing herein prevents a student  
24 from changing majors within the acceptable disciplines. Additionally, the SBTCE shall communicate with high school guidance  
25 eounselors regarding the list of qualifying majors. Critical workforce program additions or deletions must be ratified by the South  
26 Carolina Coordinating Council for Workforce Development.

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

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

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

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

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

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

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

17       Of the funds appropriated to the Commission on Higher Education for South Carolina State University Institutes of Innovation,  
18 the university shall provide the following information to the Commission on Higher Education by August first: (a) an operating  
19 budget demonstrating how the state funds will be spent in the fiscal year in which funds are received; (b) goals to be accomplished  
20 and a proposed timeline for reaching the goals; and (c) proposed measures to evaluate success in implementing and meeting the  
21 goals. For accountability purposes, by March first, the university shall submit a final report to the Commission on Higher Education  
22 that details: (a) final expenditures and any remaining funds in the operating budget; (b) achieved goals and the timeline detailing  
23 when the goals were achieved; and (c) specific measures demonstrating success in implementing and meeting the stated goals. By  
24 April fifteenth, the Commission on Higher Education shall report this information to the Chairman of the Senate Finance Committee  
25 and the Chairman of the House Ways and Means Committee.

26       Of the funds appropriated to the Commission on Higher Education for Carolina Career Clusters Grant, upon application by an  
27 eligible institution as defined in this paragraph, the commission shall disburse \$300,000 to Allen University and \$50,000 each to  
28 Benedict College, Claflin University, and Voorhees College provided that each were recipients of a single competitive grant from a  
29 private sector endowment of not less than \$1,000,000 within the immediately two prior fiscal years. The proceeds of \$300,000 to  
30 Allen University must be expended on the statewide expansion of the Institute for Civility and supportive services directly related to  
31 the private sector donor's initiatives. The proceeds of \$50,000 each to Benedict College, Claflin University, and Voorhees College  
32 must be expended on students and/or student support services directly related to the private sector grantor's initiative to better prepare  
33 students for employment in high paying job clusters across the state and for no other purpose. Prior to disbursement, the commission  
34 shall verify that an eligible institution shall provide no less than a 1 to 1 match of the funds to be disbursed. Notwithstanding other  
35 requirements of this paragraph, the commission shall also disburse \$100,000 to a non profit, four year comprehensive institution of

1 higher learning in South Carolina, first established as a college in 1908, is SACS accredited, and offers baccalaureate degrees and at  
2 least one master's or graduate degree.

3 3.5. (LEA: FY 2022-23 Lottery Funding) There is appropriated from the Education Lottery Account for the following education  
4 purposes and programs and funds for these programs and purposes shall be transferred by the Executive Budget Office as directed  
5 below. These appropriations must be used to supplement and not supplant existing funds for education. For cash flow purposes, the  
6 Executive Budget Office may facilitate limited transfers from the general deposits of the state for the exclusive purpose of ensuring  
7 the timely distribution of scholarships and tuition assistance payments as provided below. Any use of this transfer allowance must  
8 include full reimbursement from the Education Lottery Account to the general deposit accounts of the state prior to the close of the  
9 fiscal year.

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

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

14 For Fiscal Year 2022-23, certified net lottery proceeds and investment earnings for the current fiscal year, Fiscal Year 2020-21  
15 certified surplus, and Fiscal Year 2021-22 certified surplus are appropriated as follows:

- 16 (1) Commission on Higher Education--LIFE Scholarships as provided in Chapter 149, Title 59 .....\$232,953,938;
- 17 (2) Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370 .....\$ 10,694,895;
- 18 (3) Commission on Higher Education--Palmetto Fellows Scholarships  
19 as provided in Section 59-104-20 .....\$ 71,474,067;
- 20 (4) Commission on Higher Education and State Board for Technical and Comprehensive Education--  
21 Tuition Assistance .....\$ 51,100,000;
- 22 (5) Commission on Higher Education--  
23 Need-Based Grants .....\$ 60,000,000;
- 24 (6) Higher Education Tuition Grants Commission--Tuition Grants .....\$ 20,000,000;
- 25 (7) Commission on Higher Education--SC National Guard College Assistance Program  
26 as provided in Section 59-111-75 .....\$ 6,200,000;
- 27 (8) State Board for Technical and Comprehensive Education--South Carolina Workforce Industry  
28 Needs Scholarship.....\$ 17,000,000;
- 29 (9) South Carolina State University .....\$ 2,500,000;
- 30 (10) State Board for Technical and Comprehensive Education--Workforce Scholarships and Grants .....\$ 78,000,000;
- 31 (11) State Board for Technical and Comprehensive Education--  
32 High Demand Job Skill Training Equipment .....\$ 7,000,000;
- 33 (12) Commission on Higher Education--College Transition Program Scholarships.....\$ 4,105,597; and
- 34 (13) Commission on Higher Education--PASCAL .....\$ 1,500,000.

35 For Fiscal Year 2022-23, funds certified from unclaimed prizes are appropriated as follows:

- 36 (1) Commission on Higher Education--Higher Education Excellence Enhancement Program .....\$ 6,072,474;

1       (2) Department of Alcohol and Other Drug Abuse Services--Gambling Addiction Services.....\$ 100,000;

2       (3) State Board for Technical and Comprehensive Education--

3           High Demand Job Skill Training Equipment.....\$ 13,827,525; and

4       (4) Department of Education--School Bus Lease/Purchase.....\$ 1.

5       Any unclaimed prize funds available in excess of the Board of Economic Advisors estimate of \$20,000,000 shall be appropriated  
6 as follows:

7       Department of Education--School Bus Lease/Purchase.....\$ All remaining.

8       If the lottery revenue received from certified unclaimed prizes for Fiscal Year 2022-23 is less than the amounts appropriated, the  
9 projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis.

10       Fiscal Year 2022-23 funds appropriated to the Commission on Higher Education and the State Board for Technical and  
11 Comprehensive Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided  
12 in Section 59-150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher  
13 Education shall develop the Tuition Assistance distribution of funds.

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

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

19       Fiscal Year 2022-23 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment  
20 earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for  
21 Fiscal Year 2022-23 are fully funded.

22       If the lottery revenue received for Fiscal Year 2022-23 certified net lottery proceeds and investment earnings for the current fiscal  
23 year, Fiscal Year 2021-22 certified surplus, and Fiscal Year 2020-21 certified surplus are less than the amounts appropriated, the  
24 projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis,  
25 except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

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

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

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

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

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

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

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

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

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

33 (B) The SBTCE shall adopt rules to define what constitutes a critical workforce program area. Nothing herein prevents a student  
34 from changing majors within the acceptable disciplines. Additionally, the SBTCE shall communicate with high school guidance  
35 counselors regarding the list of qualifying majors. Critical workforce program additions or deletions must be ratified by the South  
36 Carolina Coordinating Council for Workforce Development.

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

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

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

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

10 (G) Additionally, an up to three-hundred-dollar book allowance is applied to a SC WINS recipient's account, who is majoring in  
11 one of the critical workforce areas, for expenses towards the cost of required course related materials.

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

15 Of the funds appropriated to the Commission on Higher Education for College Transition Scholarships, the commission shall  
16 provide scholarships to South Carolina resident students enrolled at a public institution of higher education in an established College  
17 Transition Program (CTP) that serves students with intellectual disabilities. The commission, in consultation with the CTPs, shall  
18 develop guidelines establishing scholarship eligibility, retention, and/or renewal requirements in accordance with this paragraph.  
19 Scholarships shall be awarded to each South Carolina resident student enrolled in an established public CTP in an amount of at  
20 least \$2,500 per semester, not to exceed \$10,000 per academic year (including summer semester), and no student may receive a  
21 scholarship for more than eight semesters in total. In addition, the limitations of Proviso 11.12 notwithstanding, individual CTPs  
22 shall have the discretion to allocate a portion of their aggregate funding provided pursuant to this provision for need-based grants  
23 to eligible students. This discretion is allowable only to the extent that the funding for need-based grants for eligible CTP students  
24 provided pursuant to Proviso 11.12 has first been fully exhausted. The commission, in cooperation with the CTPs, shall collect and  
25 report the number of scholarship recipients and other information determined necessary to evaluate the effectiveness of these  
26 scholarships in assisting students with intellectual disabilities in college transition programs. The commission shall provide this  
27 report to the Governor, the Chairman of the House Education and Public Works Committee, the Chairman of the Senate Education  
28 Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee no later  
29 than September 30. Unexpended funds may be carryforward and used for the same purpose.

### 30 31 SECTION 5 - H710 - WIL LOU GRAY OPPORTUNITY SCHOOL

32  
33 **5.1.** (WLG: Truants) The Opportunity School will incorporate into its program services for students, ages fifteen and over, who  
34 are deemed truant; and will cooperate with the Department of Juvenile Justice, the Family Courts, and School districts to encourage  
35 the removal of truant students to the Opportunity School when such students can be served appropriately by the Opportunity School's  
36 program.

1       **5.2.** (WLG: GED Test) Students attending school at the Wil Lou Gray Opportunity School that are sixteen years of age and are  
2 unable to remain enrolled due to the necessity of immediate employment or enrollment in post-secondary education may be eligible  
3 to take the General Education Development (GED) Test.

4       **5.3.** (WLG: Deferred Salaries Carry Forward) Wil Lou Gray is authorized to carry forward into the current fiscal year the amount  
5 of the deferred salaries and employer contributions earned in the prior fiscal year for non-twelve month employees. These deferred  
6 funds are not to be included or part of any other authorized carry forward amount.

7       **5.4.** (WLG: Educational Program Initiatives) Wil Lou Gray Opportunity School is authorized to utilize funds received from the  
8 Department of Education for vocational equipment on educational program initiatives.

9       **5.5.** (WLG: Lease Revenue) Wil Lou Gray Opportunity School is authorized to retain revenues derived from the lease of school  
10 properties titled to or utilized by the school and may use revenues retained for general school operations, including, but not limited  
11 to, maintenance of such properties. Unexpended funds may be carried forward into the current fiscal year and used for the same  
12 purposes.

13       **5.6.** (WLG: USDA Federal Grants) All revenues generated from USDA federal grants may be retained and expended by the  
14 school in accordance with Federal regulations for the purpose of covering actual expenses in the cafeteria/food service operations of  
15 the school.

16       **5.7.** (WLG: By-Products Revenue Carry Forward) The Wil Lou Gray Opportunity School is authorized to sell goods that are  
17 by-products of the school's programs and operations, charge user fees and fees for services to the general public, individuals,  
18 organizations, agencies and school districts, and such revenue may be retained and carried forward into the current fiscal year and  
19 expended for the purpose of covering expenses of the school's programs and operations.  
20

21 **SECTION 6 - H750 - SCHOOL FOR THE DEAF AND THE BLIND**

22  
23       **6.1.** (SDB: Weighted Student Cost) The School for the Deaf and the Blind shall receive through the Education Finance Act the  
24 average State share of the required weighted cost for each student enrolled in the School.

25       **6.2.** (SDB: Cafeteria Revenues) All revenues generated from cafeteria operations may be retained and expended by the institution  
26 for the purpose of covering actual expenses in cafeteria operations.

27       **6.3.** (SDB: School Buses) The school buses of the South Carolina School for the Deaf and the Blind are authorized to travel at  
28 the posted speed limit.

29       **6.4.** (SDB: By-Products Revenue Carry Forward) The School for the Deaf and the Blind is authorized to sell goods that are  
30 by-products of the school's programs and operations, charge user fees and fees for services to the general public: individuals,  
31 organizations, agencies and school districts, and such revenue may be retained and carried forward into the  
32 current fiscal year and expended for the purpose of covering expenses of the school's programs and operations.

33       **6.5.** (SDB: Deferred Salaries Carry Forward) South Carolina School for the Deaf and the Blind is authorized to carry forward in  
34 the current fiscal year the amount of the deferred salaries and employer contributions earned in the prior fiscal year for non-twelve  
35 month employees. These deferred funds are not to be included or part of any other authorized carry forward amount.



1       **6.6.** (SDB: Sale of Property) After receiving approval from the Department of Administration or State Fiscal Accountability  
2 Authority for the sale of property, the school may retain revenues associated with the sale of property titled to or utilized by the  
3 school. These funds shall be expended on capital improvements approved by the Joint Bond Review Committee and the State Fiscal  
4 Accountability Authority. For the current fiscal year, the school is authorized to use the retained revenue from the sale of donated  
5 property for educational and other operating purposes.

6       **6.7.** (SDB: USC-Upstate Visual Impairment Master of Education Program) Of the funds appropriated to the South Carolina  
7 School for the Deaf and the Blind, \$50,000 shall be used to fund the Master of Education Program In Visual Impairment at the  
8 University of South Carolina - Upstate.

9       **6.8.** (SDB: Educational Program Initiatives) The School for the Deaf and Blind is authorized to utilize funds received from the  
10 Department of Education for vocational equipment on educational program initiatives.

11       **6.9.** (SDB: School Leave Policy) The School for the Deaf and Blind is authorized to promulgate administrative policy governing  
12 annual and sick leave relative to faculty and staff with the approval of the School's board of directors. This policy shall address the  
13 school calendar in order to comply with the instructional needs of students attending the school.

14       **6.10.** (SDB: Early Childhood Center) ~~The School for the Deaf and the Blind shall be authorized to redirect and transfer the~~  
15 ~~\$500,000 appropriated for the Thackston Hall Roof Replacement in Act 91 of 2015 by Proviso 118.14(B)(5)(a) to the Early~~  
16 ~~Childhood Center Construction project.~~

17       **6.11.** (SDB: Deferred Maintenance) The School for the Deaf and the Blind is authorized to establish a Deferred Maintenance  
18 Project for the upkeep and maintenance of campus facilities and to transfer remaining balances from The Early Childhood Center  
19 Construction (Part 1A Sec. 4 2012-13), Robertson Hall Wing Construction (Part 1B Sec. 90 90.20 B17 2012-13), and Deferred  
20 Maintenance (Part 1A Sec. 4 2012-13).

21       **6.12.** *(SDB: Recruitment and Workforce) The School for Deaf and Blind is authorized to offer competitive wages equivalent to*  
22 *or 10% above the school district in which it resides for support services personnel. Offers resulting in the starting pay exceeding the*  
23 *midpoint, but less than the maximum of pay bands 3 and 4 are not subject to State Office of Human Resources approval.*

## 24 25 SECTION 7 - L120 - GOVERNOR'S SCHOOL FOR AGRICULTURE AT JOHN DE LA HOWE

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27       **7.1.** (JDLHS: Status Offender Carry Forward) Unexpended status offender funds distributed to the Governor's School for  
28 Agriculture at John de la Howe from the Department of Education may be carried forward and used for the same purpose.

29       **7.2.** (JDLHS: Campus Private Residence Leases) The Governor's School for Agriculture at John de la Howe is authorized to  
30 lease, to its employees, private residences on the agency's campus. Funds generated may be retained and used for general operating  
31 purposes including, but not limited to, maintenance of the residences.

32       **7.3.** (JDLHS: Deferred Salaries Carried Forward) The Governor's School for Agriculture at John de la Howe is authorized to  
33 carry forward into the current fiscal year the amount of deferred salaries and employer contributions earned in the prior fiscal year  
34 for non-twelve month employees. These deferred funds are not to be included or part of any other authorized carry forward amount.

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

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2  
3 **8.1.** (ETV: Grants/Contributions Carry Forward) The Educational Television Commission shall be permitted to carry forward  
4 any funds derived from grant awards or designated contributions and any state funds necessary to match such funds, provided that  
5 these funds be expended for the programs which they were originally designated.

6 **8.2.** (ETV: Spectrum Auction) The Educational Television Commission shall be authorized to receive and retain up to  
7 \$35,000,000 of the proceeds from the Federal Communication Commission TV Auction and place them in a segregated, restricted  
8 account. These proceeds shall be used to fund capital needs, including broadcast industry standards changes, existing equipment  
9 repair, maintenance and replacement needs, and operational costs. Unexpended funds shall be carried forward from the prior fiscal  
10 year into the current fiscal year and used for the same purpose. No later than June thirtieth of the current fiscal year, ETV must  
11 report to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee the amount of  
12 money expended from the fund and the balance of the fund.

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

15 **8.4.** (ETV: Wireless Communications Tower) The Educational Television Commission is directed to coordinate tower and  
16 antenna operations within South Carolina state government. The commission shall: (1) approve all leases regarding antenna  
17 placement on state-owned towers and buildings; (2) coordinate all new tower construction on state-owned property; (3) promote and  
18 market excess capacity on the State's wireless communications infrastructure; (4) generate revenue by leasing, licensing, or selling  
19 excess capacity on the State's wireless communications infrastructure; and (5) construct new communications assets on appropriate  
20 state-owned property for the purpose of generating revenue pursuant to this proviso. The commission shall retain and expend such  
21 funds for agency operations. The commission shall be authorized to carry forward unexpended funds from the prior fiscal year into  
22 the current fiscal year. The commission shall annually report to the Chairmen of the Senate Finance and House Ways and Means  
23 Committees by October first of each year all revenue collected and disbursed.  
24

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

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26  
27 **9.1.** (GSAH: Leave Policy) The Governor's School for the Arts and Humanities shall be authorized to promulgate administrative  
28 policy governing annual and sick leave relative to faculty and staff with the approval of their board of directors. This policy shall  
29 address their school calendar in order to comply with the instructional needs of students attending the special school.

30 **9.2.** (GSAH: Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year of funds appropriated to or  
31 generated by the Governor's School for the Arts and Humanities may be carried forward and expended in the current fiscal year  
32 pursuant to the discretion of the board of trustees of the school.

33 **9.3.** (GSAH: Schools' Fees) The Governor's School for the Arts and Humanities shall be authorized to charge, collect, expend,  
34 and carry forward student fees as approved by their Board of Directors. The purpose and amount of any such fees shall be to  
35 maintain program quality in both academics and residential support. No student shall be denied admittance or participation due to

1 financial inability to pay. The Board of Directors shall promulgate administrative policy governing the collection of all student fees.  
2 The school shall conspicuously publish a fee schedule on their website.

3 9.4. (GSAH: Certified Teacher Designation) Because of the unique nature of the Governor's School for the Arts and Humanities,  
4 the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are authorized to employ, at its discretion,  
5 noncertified classroom teachers teaching in the literary, visual, and performing arts subject areas who are otherwise considered to  
6 be appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.

7 9.5. (GSAH: Residency Requirement) Of the funds appropriated, the Governor's School for the Arts and the Humanities shall  
8 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  
9 state of South Carolina at the time of application and must remain so throughout time of attendance. The Governor's School for the  
10 Arts and the Humanities may not admit students whose parent(s) or guardian(s) are not legal residents of South Carolina.

11 9.6. (GSAH: Informational Access to Students) For the current fiscal year, school districts must permit the Governor's School  
12 for the Arts and Humanities to collaborate with individual schools and their staff to share information with students and families  
13 about the educational opportunities offered at the Governor's School through avenues including school visits, informational  
14 presentations, and posters. By June thirtieth of the current fiscal year, the Governor's School for the Arts and Humanities must  
15 report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee the results of  
16 these informational access efforts. Further, the Governor's School shall work with districts, the Department of Education, and  
17 School Report Card administrators to ensure that SAT scores of current Governor's School students are included in the School  
18 Report Card of those students' resident schools and districts.

19  
20 **SECTION 10 - H650 - GOVERNOR'S SCHOOL FOR SCIENCE AND MATHEMATICS**

21  
22 10.1. (GSSM: Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year of funds appropriated to or  
23 generated by the Governor's School for Science and Mathematics may be carried forward and expended in the current fiscal year  
24 pursuant to the direction of the board of trustees of the school.

25 10.2. (GSSM: Leave Policy) The Governor's School for Science and Mathematics shall be authorized to promulgate  
26 administrative policy governing annual and sick leave relative to faculty and staff with the approval of their board of directors. This  
27 policy shall address their school calendar in order to comply with the instructional needs of students attending the special school.

28 10.3. (GSSM: Schools' Fees) The Governor's School for Science and Mathematics shall be authorized to charge, collect, expend,  
29 and carry forward student fees as approved by their Board of Directors. The purpose and amount of any such fees shall be to  
30 maintain program quality in both academics and residential support. No student shall be denied admittance or participation due to  
31 financial inability to pay. The Board of Directors shall promulgate administrative policy governing the collection of all student fees.  
32 The school shall conspicuously publish a fee schedule on their website.

33 10.4. (GSSM: Residency Requirement) Of the funds appropriated, the Governor's School for Science and Mathematics shall  
34 ensure that a parent(s) or guardian(s) of a student attending the Governor's School for Science and Mathematics must prove that  
35 they are a legal resident of the state of South Carolina at the time of application and must remain so throughout time of attendance.

1 The Governor's School for Science and Mathematics may not admit students whose parent(s) or guardian(s) are not legal residents  
2 of South Carolina.

3 10.5. (GSSM: Informational Access to Students) For the current fiscal year, school districts must permit the Governor's School  
4 for Science and Mathematics to collaborate with individual schools and their staff to share information with students and families  
5 about the educational opportunities offered at the Governor's School through avenues including school visits, informational  
6 presentations, and posters. By June thirtieth of the current fiscal year, the Governor's School for Science and Mathematics must  
7 report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee the results of  
8 these informational access efforts. Further, the Governor's School shall work with districts, the Department of Education, and  
9 School Report Card administrators to ensure that SAT scores of current Governor's School students are included in the School  
10 Report Card of those students' resident schools and districts.

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

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13  
14 **11.1.** (CHE: Contract for Services Program Fees) The amounts appropriated in this section for "Southern Regional Education  
15 Board Contract Programs" and "Southern Regional Education Board Dues" are to be used by the commission to pay to the Southern  
16 Regional Education Board the required contract fees for South Carolina students enrolled under the Contract for Services program  
17 of the Southern Regional Education Board, in specific degree programs in specified institutions and the Southern Regional Education  
18 Board membership dues. The funds appropriated may not be reduced to cover any budget reductions or be transferred for other  
19 purposes.

20 **11.2.** (CHE: African-American Loan Program) Of the funds appropriated to the Commission on Higher Education for the  
21 African-American Loan Program, 73.7 percent shall be distributed to South Carolina State University and 26.3 percent shall be  
22 distributed to Benedict College, and must be used for a loan program with the major focus of attracting African-American males to  
23 the teaching profession. The Commission of Higher Education shall act as the monitoring and reporting agency for the  
24 African-American Loan Program. Of the funds allocated according to this proviso, no more than ten percent shall be used for  
25 administrative purposes.

26 **11.3.** (CHE: GEAR-UP) Funds appropriated for GEAR-UP shall be used for state grants programs to reach disadvantaged  
27 middle school students to improve their preparation for college. Eligible South Carolina public schools and public institutions of  
28 higher education shall cooperate with the Commission on Higher Education in the provision of services under the Gaining Early  
29 Awareness and Readiness for Undergraduate Programs (GEAR-UP) grant.

30 **11.4.** (CHE: EPSCoR Committee Representation) With the intent that the four-year teaching institutions receive a portion of  
31 EPSCoR funding, the State EPSCoR Committee shall have an executive committee consisting of one representative from each of the  
32 research institutions and one representative from the four-year teaching university sector.

33 **11.5.** (CHE: SREB Funds Exempt From Budget Cut) In the calculation of any across the board cut mandated by the Executive  
34 Budget Office or General Assembly, the amount which the Commission on Higher Education is appropriated for Southern Regional  
35 Education Board (SREB) Professional Scholarship Programs and Fees, Dues and Assessments shall be excluded from the

1 Commission on Higher Education's base budget. Funds appropriated for SREB programs may be carried forward into the current  
2 fiscal year and expended for the same purpose by the Commission on Higher Education.

3 **11.6.** (CHE: Performance Improvement Pool Allocation) Of the funds appropriated to the Commission on Higher Education  
4 under Section II. Other Agencies & Entities: Special Items: Performance Funding, eighty percent will be allocated to the EPSCoR  
5 program under the Commission on Higher Education to improve South Carolina's research capabilities and twenty percent will be  
6 allocated to support the management education programs of the School of Business at South Carolina State University.

7 **11.7.** (CHE: Troop-to-Teachers) Members of the Armed Forces either active-duty, retired, or separated who are admitted to and  
8 enrolled in the South Carolina Troop-to-Teachers Alternative Route to Certification program are entitled to pay in-state rates at  
9 participating state institutions for requisite program work.

10 **11.8.** (CHE: Need-Based Grants for Foster Youth) For the current academic year, youth in the custody of the Department of  
11 Social Services and attending a higher education institution in South Carolina are eligible for additional need-based grants funding  
12 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.  
13 All other grants, both state and federal, for which these foster youth are eligible must be applied first to the cost of attendance prior  
14 to using the additional need-based grant funding. If the cost of attendance for a foster youth is met with other grants and scholarships,  
15 then no additional need-based grant may be used. The Department of Social Services, in cooperation with the Commission on Higher  
16 Education will track the numbers of recipients of this additional need-based grant to determine its effectiveness in encouraging more  
17 foster youth to pursue a secondary education. No more than \$100,000 may be expended from currently appropriated need-based  
18 grants funding for this additional assistance.

19 **11.9.** (CHE: Tuition Age) For the current fiscal year, the age limitation for those children of certain war veterans who may be  
20 admitted to any state-supported college, university, or post high school technical education institution free of tuition is suspended for  
21 eligible children that successfully appeal the Department of Veterans' Affairs on the grounds of a serious extenuating health  
22 condition.

23 **11.10.** (CHE: LIFE and Palmetto Fellows Enhancement Stipends) In the current fiscal year before fall awards are made, to  
24 continue eligibility for LIFE and Palmetto Fellows Enhancement Stipends, students shall certify and the institutions shall verify that  
25 the student is meeting all requirements as stipulated by the policies established by the institution and the academic department to be  
26 enrolled as a declared major in an eligible program and is making academic progress toward completion of the student's declared  
27 eligible major. These determinations are subject to the verification and audit of the Commission on Higher Education. Institutions  
28 shall return funds determined to have been awarded to ineligible students.

29 **11.11.** (CHE: SmartState) The Commission on Higher Education is prohibited from expending any source of funds on the  
30 marketing of the SmartState Program.

31 **11.12.** (CHE: College Transition Need-Based Grants) Of the currently appropriated need-based grants funding, no more than  
32 \$350,000 shall be used to provide need-based grants to South Carolina resident students enrolled at a public institution of higher  
33 education in an established college transition program that serves students with intellectual disabilities. The Commission on Higher  
34 Education shall allocate the available funds to eligible institutions on the basis of student need and enrollment in the established  
35 college transition programs. All other grants and gift aid for which these students are eligible must be applied first to the cost of  
36 attendance prior to using the need-based grant funding. If the cost of attendance for an eligible student is met with all other grants

1 and gift aid, the need-based grant shall not be used. The participating institutions, in cooperation with the Commission on Higher  
2 Education, shall track the number of grant recipients and other information determined necessary to evaluate the effectiveness of  
3 these grants in assisting students with intellectual disabilities in college transition programs.

4 **11.13.** (CHE: Scholarship Awards) A student may receive a Palmetto Fellows or LIFE scholarship award during the summer, in  
5 addition to fall and spring semesters of an academic year, provided continued eligibility requirements are met as of the end of the  
6 spring semester. Students must enroll full-time, which for purposes of the summer award will require enrollment in at least twelve  
7 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  
8 opening of the fall term. The total summer award per student may not exceed half of the allowable academic year award up to the  
9 cost of attendance and must be reimbursed if less than twelve hours for academic credit are not attempted by the student during  
10 summer sessions. If awarded in the summer, a student's total award during his or her enrollment may not exceed the amount that  
11 would otherwise be provided under current semester limits applied for the scholarship awards. The Commission on Higher Education  
12 may provide additional guidelines necessary to ensure uniform implementation.

13 **11.14.** (CHE: Other Funded FTE Revenue) When institutions of higher learning request additional other funded full-time  
14 equivalent positions, the Executive Budget Office shall inform the Commission on Higher Education of its decision regarding the  
15 request and whether or not sufficient revenues exist to fund the salary and fringe benefits for the positions.

16 **11.15.** (CHE: Abatements) By November first of each year, state supported institutions of higher learning must submit to the  
17 Commission on Higher Education the total number of out-of-state undergraduate students during the prior fiscal year that received  
18 abatement of rates pursuant to Section 59-112-70 of the 1976 Code as well as the total dollar amount of the abatements received.  
19 The report must include the geo-origin of the student, class of the student, comprehensive listing of all financial awards received by  
20 the student, number of semesters the student has received the abated rate, as well as the athletic status of the student. The report  
21 must also include the calculation method used to determine the abatement amount awarded to students as well as the number of  
22 students that received educational fee waivers pursuant to Section 59-101-620. The Commission on Higher Education is directed to  
23 compile the information received from the state-supported institutions of higher learning into a comprehensive report and submit  
24 such report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by  
25 January fifth each year.

26 **11.16.** (CHE: Outstanding Institutional Debt) By November first, institutions of higher learning must submit to the Chairman of  
27 the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Commission on Higher Education,  
28 or its successor entity, data on all outstanding institutional debt for their respective institution. Data shall include, but not be limited  
29 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  
30 schedule, and the purpose for which the debt was incurred.

31 **11.17.** (CHE: Longitudinal Data Reports) By December first each year, the Commission on Higher Education is directed to  
32 provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on  
33 tuition and required fee trends submitted to the commission by the state's public colleges and universities. The baseline of the report  
34 must be the most recent fall semester compared to the previous five fall semesters. The commission shall also provide comparable  
35 data and trends for and among SREB states for the same period of time. For the same time periods noted above, the commission  
36 shall also calculate in the report the level of recurring base state operating funding received by each college and university as

1 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  
2 time periods noted above, the commission shall also provide in the report a calculation of the level of recurring and/or non-recurring  
3 funding provided by the state to each college and university for capital related needs, including facilities and/or equipment related  
4 capital funding, as measured on an in-state student basis as well as the average of such funding provided in each SREB state.

5 **11.18.** (CHE: Suspend Governor's Professor of the Year Award) The requirements of Section 59-104-220 of the 1976 Code  
6 pertaining to the Governor's Professor of the Year Award shall be suspended for Fiscal Year ~~2021-22~~ 2022-23.

7 **11.19.** (CHE: Prohibition of Discriminatory Practices) (A) In the current fiscal year and from the funds appropriated to the  
8 Commission on Higher Education, the commission shall print and distribute to all South Carolina public colleges and universities  
9 the definition of anti-Semitism.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 **11.20.** (CHE: Doctoral/Professional University Classification) In the current fiscal year, the Commission on Higher Education is  
35 directed to study and implement a classification system for South Carolina public institutions of higher education that includes a  
36 classification of a Doctoral/Professional University. Institutions in this classification shall have a mission or focus to advance the

1 post-secondary educational opportunities for South Carolina citizens. These institutions shall be permitted to offer college-level  
2 baccalaureate, master’s, and no more than a combined five terminal professional or Ph.D. degrees that lead to continued education  
3 or employment.  
4

5 **SECTION 15 - H150 - UNIVERSITY OF CHARLESTON**  
6

7 **15.1.** (UOC: Institutional Capital Resources) In the current fiscal year, the University of Charleston may use any institutional  
8 capital resources necessary to make repairs to McAlister Hall. Any recovery from ongoing litigation must first be used to repay  
9 allocations made from the institution’s capital improvement fee for this renovation.  
10

11 **SECTION 18 - H210 - LANDER UNIVERSITY**  
12

13 **18.1.** (LU: Lander Fund Repurpose) ~~Funds remaining of the \$3,313,400 appropriated in Act No. 92 of 2019, Section 2, Item (9)~~  
14 ~~to Lander University Roof Replacements shall be redirected to be used for campus renovations and improvements. Unexpended~~  
15 ~~funds may be carried forward to be expended for the same purpose.~~  
16

17 **SECTION 20 - H450 - UNIVERSITY OF SOUTH CAROLINA**  
18

19 **20.1.** (USC: Palmetto Poison Center) Of the funds appropriated or authorized herein, the University of South Carolina shall  
20 expend at least \$150,000 on the Palmetto Poison Center.

21 **20.2.** (USC: School Improvement Council) Of the funds appropriated to the University of South Carolina Columbia Campus,  
22 \$100,000 shall be used for the School Improvement Council.

23 **20.3.** (USC: South Carolina Children’s Advocacy Medical Response System) Of the funds appropriated to the University of  
24 South Carolina School of Medicine, not less than \$3,200,000 shall be expended for the South Carolina Children’s Advocacy Medical  
25 Response System. In addition, when instructed by the Executive Budget Office or the General Assembly to reduce funds by a certain  
26 percentage, the university may not reduce the funds for the South Carolina Children’s Advocacy Medical Response System greater  
27 than such stipulated percentage.

28 **20.4.** (USC: Beaufort Fund Repurpose) ~~Funds remaining of the \$1,750,000 appropriated in Act 268 of 2018, Section 1, Item~~  
29 ~~(21) and \$4,500,000 appropriated in Act No. 92 of 2019, Section 2, Item (16) to the University of South Carolina Beaufort for the~~  
30 ~~Library/Classroom Building Expansion shall be redirected to be used for a new commencement/convocation center. Unexpended~~  
31 ~~funds may be carried forward to be expended for the same purpose.~~  
32

33 **SECTION 23 - H510 - MEDICAL UNIVERSITY OF SOUTH CAROLINA**  
34

35 **23.1.** (MUSC: Rural Dentist Program) The Rural Dentist Program, in coordination with the Department of Health and  
36 Environmental Control’s Public Health Dentistry Program, is established at the Medical University of South Carolina. The funds



1 appropriated to the Medical University of South Carolina for the Rural Dentist Program shall be administered by the South Carolina  
2 Area Health Education Consortium physician recruitment office. The costs associated with administering this program are to be paid  
3 from the funds appropriated to the Rural Dentist Program and shall not exceed four percent of the appropriation. The Medical  
4 University of South Carolina is responsible for the fiscal management of funds to ensure that state policies and guidelines are adhered  
5 to. MUSC shall be permitted to carry forward unspent general funds appropriated to the Rural Dentist program provided that these  
6 funds be expended for the program for which they were originally designated. A board is created to manage and allocate these funds  
7 to insure the location of licensed dentists in rural areas of South Carolina and on the faculty of the College of Dental Medicine at  
8 MUSC. The board will be composed of the following: the Dean, or his designee, of the MUSC College of Dental Medicine; three  
9 members from the South Carolina Dental Education Foundation Board who represent rural areas; and the President, or his designee,  
10 of the South Carolina Dental Association. The Director of DHEC's Office of Primary Care; the Director or his designee of the  
11 Department of Health and Human Services; and the Executive Director of the South Carolina Dental Association shall serve as ex  
12 officio members without vote. This board shall serve without compensation.

13 **23.2.** (MUSC: Rural Access Plan) The MUSC Hospital Authority, in conjunction with the Department of Health and Human  
14 Services, shall study how to partner with existing rural hospitals and other entities to ensure that these regions maintain access to  
15 medical care. The MUSC Hospital Authority shall submit a report to the Chairman of the Senate Finance Committee and the  
16 Chairman of the House Ways and Means Committee detailing efforts to maintain medical care at rural hospitals no later than the end  
17 of the fiscal year.

18 **23.3.** (MUSC: Children's Hospital Infrastructure) Of the funds appropriated for South Carolina Children's Hospitals  
19 infrastructure, the Medical University of South Carolina shall establish the South Carolina Children's Hospital Innovation Center  
20 to ensure that all children in South Carolina have access to high-quality medical services in a coordinated, cost-effective manner.  
21 Under the direction of the South Carolina Children's Hospital Collaborative, the center annually shall establish children's healthcare  
22 infrastructure priorities, determining allocations for those priorities, and then contracting with qualifying children's hospitals to fund  
23 established priorities. Qualifying South Carolina children's hospitals must be not-for-profit systems providing comprehensive  
24 pediatric inpatient and outpatient services, serve as the regional perinatal center for their region, serve as training sites for the Medical  
25 University of South Carolina and the University of South Carolina medical schools, and participate in the South Carolina Telehealth  
26 Alliance pediatric telehealth workgroup. The center shall submit an annual report to the Governor, the Chairman of the House Ways  
27 and Means Committee, and the Chairman of the Senate Finance Committee within 120 days of the close of the fiscal year detailing  
28 established children's healthcare infrastructure priorities and expenditures made to fund these priorities, specifying both innovation  
29 center funds and matching institutional funds.

30

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

32

33 **25.1.** (TEC: Training of New & Expanding Industry) (A) Notwithstanding the amounts appropriated in this section for readySC  
34 it is the intent of the General Assembly that the State Board for Technical and Comprehensive Education expend the funds necessary  
35 to provide direct training for new and expanding business or industry.

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

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

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

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

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

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

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

20 **25.2.** (TEC: Training of New & Expanding Industry Carry Forward) In addition to the funds appropriated in this section, any of  
21 the funds appropriated under this section for the prior fiscal year which are not expended during that fiscal year may be carried  
22 forward and expended for direct training of new and expanding industry in the current fiscal year.

23 **25.3.** (TEC: Training of New & Expanding Industry - Payments of Prior Year Expenditures) The State Board for Technical and  
24 Comprehensive Education may reimburse business and industry for prior year training costs billed to the agency after fiscal year  
25 closing with the concurrence of the Comptroller General.

26 **25.4.** (TEC: Critical Statewide Workforce Needs) Of the funds appropriated in this act to the State Board for Technical and  
27 Comprehensive Education for E&G STEM Programs: Critical Needs Workforce Development Initiative, the State Board must  
28 allocate the funds between the colleges based on a methodology designed to best meet the state's workforce needs and demands.  
29 This methodology should be created by the State Board in consultation with the Department of Commerce and the Department  
30 of Employment and Workforce and should identify the areas with the most critical need. For this purpose, critical need shall be  
31 defined as unmet employment demand in areas or fields of Science, Technology, Engineering, Mathematics, and Manufacturing.  
32 Funds must be used by the college for STEM programs.

33 **25.5.** (TEC: Aiken Fund Repurpose) ~~Funds remaining of the \$640,000 appropriated in Act No. 104 of 2013, Section 1, Item~~  
34 ~~(29) to the State Board for Technical and Comprehensive Education for the Aiken Technical College Academic Building in Support~~  
35 ~~of STEM and Engineering shall be redirected to be used for campus renovations and improvements. Unexpended funds may be~~  
36 ~~carried forward to be expended for the same purpose.~~

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

3     **27.1.** (LIB: Aid to Counties Libraries Allotment) The amount appropriated in this section for “Aid to County Libraries” shall be  
4 allotted to each county on a per capita basis according to the official United States Census For ~~2010~~ 2020, as aid to the County Library.  
5 No county shall be allocated less than ~~\$100,000~~ \$150,000 under this provision. To receive this aid, local library support shall not be  
6 less than the amount actually expended for library operations from local sources in the second preceding year.

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

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

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

15     **27.5.** (LIB: SCLENDS) The State Library may accept money for the South Carolina Library Evergreen Network Delivery  
16 System (SCLENDS), a consortium providing patrons access to more library materials. The consortium shall allow South Carolina  
17 libraries the ability to share resources and provide a forum for sharing expertise in technical areas such as systems administration  
18 and cataloging. Funds received by the State Library for SCLENDS shall be placed in a special account and shall only be utilized to  
19 pay for items related to SCLENDS. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year  
20 and be used for the same purpose.

21     **27.6.** (LIB: Donations) The State Library may accept donation funds to be used for administration, operation, and programs  
22 from any donor source. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year.

23     **27.7.** (LIB: Sale of Promotional Items) The State Library shall be allowed to sell promotional items with the South Carolina  
24 State Library brand and logo for the purpose of generating funds for the State Library. Unexpended funds shall be carried forward  
25 from the prior fiscal year into the current fiscal year.

26     **27.8.** (LIB: Consortium Purchasing) The State Library shall be authorized to accept funds to be used for consortium purchasing  
27 between libraries (public, academic, special) that serve South Carolina residents. Funds received by the State Library for consortium  
28 purchasing agreements shall be placed in a designated account and shall only be used to pay for items related to specific consortium  
29 purchasing agreements. These funds may be retained, expended, and carried forward from the prior fiscal year into the current fiscal  
30 year and used for the same purpose.  
31

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

34     **28.1.** (ARTS: Professional Artists Contract) Where practicable, all professional artists employed by the Arts Commission in the  
35 fields of music, theater, dance, literature, musical arts, craft, media arts and environmental arts shall be hired on a contractual basis

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

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

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

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

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

## 18 SECTION 29 - H950 - STATE MUSEUM COMMISSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1       **32.5.** (VR: Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) The Department of Vocational  
2 Rehabilitation is authorized to establish an interest bearing fund with the State Treasurer to deposit funds appropriated for deferred  
3 maintenance and other one-time funds from any source. After receiving any required approvals, the department is authorized to  
4 expend these funds for the purpose of deferred maintenance, capital projects, and ordinary repair and maintenance. These funds may  
5 be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.  
6

7       **SECTION 33 - J020 - DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
8

9       **33.1.** (DHHS: Recoupment/Restricted Fund) The Department of Health and Human Services shall recoup all refunds and  
10 identified program overpayments and all such overpayments shall be recouped in accordance with established collection policy.  
11 Further, the Department of Health and Human Services is authorized to maintain a restricted fund, on deposit with the State Treasurer,  
12 to be used to pay for liabilities and improvements related to enhancing accountability for future audits. The restricted fund will  
13 derive from prior year program refunds. The restricted fund shall not exceed one percent of the total appropriation authorization for  
14 the current year. Amounts in excess of one percent will be remitted to the general fund.

15       **33.2.** (DHHS: Long Term Care Facility Reimbursement Rate) The department, in calculating a reimbursement rate for long term  
16 care facility providers, shall obtain for each contract period an inflation factor, developed by the Revenue and Fiscal Affairs Office.  
17 Data obtained from Medicaid cost reporting records applicable to long term care providers will be supplied to the Revenue and Fiscal  
18 Affairs Office. A composite index, developed by the Revenue and Fiscal Affairs Office will be used to reflect the respective costs  
19 of the components of the Medicaid program expenditures in computing the maximum inflation factor to be used in long term care  
20 contractual arrangements involving reimbursement of providers. The Revenue and Fiscal Affairs Office shall update the composite  
21 index so as to have the index available for each contract renewal.

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

24       **33.3.** (DHHS: Medical Assistance Audit Program Remittance) The Department of Health and Human Services shall remit to  
25 the State Auditor's Office an amount representing fifty percent (allowable Federal Financial Participation) of the cost of the Medical  
26 Assistance Audit Program as established in the State Auditor's Office of the State Fiscal Accountability Authority, Section 105.  
27 Such amount shall also include appropriated salary adjustments and employer contributions allocable to the Medical Assistance  
28 Audit Program. Such remittance to the State Auditor's Office shall be made monthly and based on invoices as provided by the State  
29 Auditor's Office of the State Fiscal Accountability Authority.

30       **33.4.** (DHHS: Third Party Liability Collection) The Department of Health and Human Services is allowed to fund the net costs  
31 of any Third Party Liability and Drug Rebate collection efforts from the monies collected in that effort.

32       **33.5.** (DHHS: Medicaid State Plan) Where the Medicaid State Plan has been altered to cover services that previously were  
33 provided by one hundred percent state funds, or that have been requested to be added by other state agencies, the department can bill  
34 other agencies for the state share of services provided through Medicaid. In order to comply with Federal regulations regarding  
35 allowable sources of matching funds, state agencies are authorized to make appropriation transfers to the Department of Health and  
36 Human Services to be used as the state share when certified public expenditures are not allowed for those state agency Medicaid

1 services. The department will keep a record of all services affected and submit periodic reports to the Senate Finance and House  
2 Ways and Means Committees.

3 **33.6.** (DHHS: Medically Indigent Assistance Fund) The department is authorized to expend disproportionate share funds to all  
4 eligible hospitals with the condition that all audit exceptions through the receipt and expenditures of these funds are the liability of  
5 the hospital receiving the funds.

6 **33.7.** (DHHS: Registration Fees) The department is authorized to receive and expend registration fees for educational, training,  
7 and certification programs.

8 **33.8.** (DHHS: Fraud and Abuse Collections) The Department of Health and Human Services may offset the administrative costs  
9 associated with controlling fraud and abuse.

10 **33.9.** (DHHS: Medicaid Eligibility Transfer) The South Carolina Department of Health and Human Services (DHHS) is hereby  
11 authorized to determine the eligibility of applicants for the South Carolina Medicaid Program in accordance with the State Plan  
12 Under Title XIX of The Social Security Act Medical Assistance Program. The governing authority of each county shall provide  
13 office space and facility service for this function as they do for DSS functions under Section 43-3-65.

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

20 **33.10.** (DHHS: Franchise Fees Suspension) Franchise fees imposed on nursing home beds and enacted by the General Assembly  
21 during the 2002 session are suspended.

22 **33.11.** (DHHS: Program Integrity Efforts) The Department of Health and Human Services is instructed to expand its program  
23 integrity efforts by utilizing resources both within and external to the agency including, but not limited to, the ability to contract with  
24 other entities for the purpose of maximizing the department's ability to detect and eliminate provider fraud.

25 **33.12.** (DHHS: Post Payment Review) The department is directed to perform post payment reviews as permitted under Medicaid  
26 regulations to ensure compliance with the Hyde Amendment provisions as it relates to the performance of medically necessary  
27 services under the Medicaid program. The results of such reviews shall be available to the General Assembly upon request in a  
28 format that meets the requirements of the Health Insurance Accountability and Portability Act (HIPAA) and Medicaid confidentiality  
29 regulations.

30 **33.13.** (DHHS: Long Term Care Facility Reimbursement Rates) The department shall direct staff to complete and submit its  
31 Medicaid State Plan Amendment for long term care facility reimbursement rates to the Director of the Department of Health and  
32 Human Services by August first of each year. The director shall review the plan and submit to the Federal Government on or before  
33 August fifteenth of each year provided the State Appropriations Act has been enacted by that date. All additional requests for  
34 information from CMS concerning the plan shall be promptly submitted to CMS by the Department of Health and Human Services.

35 **33.14.** (DHHS: Nursing Services to High Risk/High Tech Children) The Department of Health and Human Services shall continue  
36 a separate classification and compensation plan for Registered Nurses (RN) and Licensed Practical Nurses (LPN) who provide

1 services to Medically Fragile Children, who are Ventilator dependent, Respirator dependent, Intubated, and Parenteral feeding or  
2 any combination of the above. The classification plan shall recognize the skill level that these nurses caring for these Medically  
3 Fragile Children must have over and above normal home-care or school-based nurses.

4 **33.15.** (DHHS: CHIP Enrollment and Recertification) The Department of Health and Human Services shall enroll and recertify  
5 eligible children and households to the Children's Health Insurance Program (CHIP) and/or Medicaid and must use available state  
6 agency program data including, but not limited to, that housed in the Revenue and Fiscal Affairs Office, the Department of Social  
7 Services' Supplemental Nutritional Assistance Program (SNAP) and poverty-related information from the Department of Education.  
8 Use of this data and cooperative efforts between state agencies reduces the cost of outreach and eligibility activities. In the current  
9 fiscal year and with funds available to it, the department shall submit to the Centers for Medicare and Medicaid Services such waivers  
10 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  
11 Region IV and shall enroll children into the program accordingly.

12 **33.16.** (DHHS: Carry Forward) The Department of Health and Human Services is authorized to carry forward and expend any  
13 General Fund balance and any cash balances from the prior fiscal year into the current fiscal year for any earmarked or restricted  
14 trust and agency, or special revenue account or subfund. The department shall submit a comprehensive reporting of all cash balances  
15 brought forward from the prior fiscal year. The report shall, at a minimum, for each account or subfund include the following: the  
16 statutory authority that allows the funds to be carried forward, the maximum authorized amount that can be carried forward, the  
17 general purpose or need for the carry forward, the specific source(s) of funding or revenue that generated the carry forward, and a  
18 detailed description of any pending obligations against the carry forward. The report must be submitted to the President of the  
19 Senate, Chairman of the Senate Finance Committee, Speaker of the House of Representatives, and Chairman of the House Ways and  
20 Means Committee, within fifteen days after the Comptroller General closes the fiscal year.

21 **33.17.** (DHHS: Medicaid Provider Fraud) The department shall expand and increase its effort to identify, report, and combat  
22 Medicaid provider fraud. The department shall publish on its' agency homepage by April first, of the current fiscal year, the results  
23 of these efforts, the funds recovered, and information pertaining to prosecutions of such cases, including pleas agreements entered  
24 into.

25 **33.18.** (DHHS: GAPS) The requirements of Article 5, Chapter 6, Title 44 shall be suspended for the current state fiscal year.

26 **33.19.** (DHHS: Contract Authority) The Department of Health and Human Services is authorized to contract with  
27 community-based not-for-profit organizations for local projects that further the objectives of department programs. The department  
28 shall develop policies and procedures and may promulgate regulations to assure compliance with state and federal requirements  
29 associated with the funds used for the contracts and to assure fairness and accountability in the award and administration of these  
30 contracts. The department may require a match from contract recipients. The department shall report to the Chairman of the Senate  
31 Finance Committee and the Chairman of the House Ways and Means Committees on the contracts administered.

32 **33.20.** (DHHS: Medicaid Accountability and Quality Improvement Initiative) From the funds appropriated and authorized to the  
33 Department of Health and Human Services, the department is authorized to implement the following accountability and quality  
34 improvement initiatives:

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



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

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

11 (D) Primary Care Safety Net - The department shall implement a methodology to reimburse safety net providers participating in  
12 a hospital Healthy Outcomes Initiative program to provide primary care, behavioral health services, and pharmacy services for  
13 chronically ill individuals that do not have access to affordable insurance. Qualifying safety net providers are approved, licensed,  
14 and duly organized Federally Qualified Health Centers (FQHCs and other entities receiving funding under Section 330 of the Public  
15 Health Services Act), Rural Health Clinics (RHCs), local alcohol and drug abuse authorities established by Act 301 of 1973, Free  
16 Clinics, other clinics serving the uninsured, and Welvista. The department shall formulate a methodology and allocate \$3,600,000  
17 for innovative care strategies for qualifying safety net providers. The department shall formulate a separate methodology and allocate  
18 \$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  
19 drug abuse authorities created under Act 301 of 1973 and up to \$4,000,000 for capital improvements to the Act 301 facilities ~~through~~  
20 ~~consultation with the Department of Alcohol and Other Drug Abuse Services~~, to ensure funds are provided on a needs based approach.  
21 The department may continue to develop and implement a process for obtaining encounter-level data that may be used to assess the  
22 cost and impact of services provided through this proviso. Any newly established Community Health Center/FQHC shall receive an  
23 amount equivalent to the average disbursement made to all centers/FQHCs.

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

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

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

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

1       **33.21.** (DHHS: Medicaid Healthcare Initiatives Outcomes) Prior to February fifteenth of the current fiscal year, the Director of  
2 the Department of Health and Human Services shall make a presentation to the House Ways and Means Healthcare Budget  
3 Subcommittee on the outcomes of Medicaid healthcare initiatives enacted during the current fiscal year to improve the well-being of  
4 persons enrolled in the Medicaid program and receiving services from Medicaid providers.

5       **33.22.** (DHHS: Rural Health Initiative) From the funds appropriated to the Department of Health and Human Services for the  
6 Rural Health Initiative in the current fiscal year, the department shall partner with the following state agencies, institutions, and other  
7 key stakeholders to implement these components of a Rural Health Initiative to better meet the needs of medically underserved  
8 communities throughout the state. The department may leverage any and all available federal funds to implement this initiative.  
9 Recurring and non-recurring funding for the Rural Health Initiative may be carried forward by the department and expended for the  
10 same purpose.

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

16       (1) Rural and Underserved Area Provider Capacity - the department shall partner with the University of South Carolina School  
17 of Medicine to develop a statewide Rural Health Initiative to identify strategies for significantly improving health care access,  
18 supporting physicians, and reducing health inequities in rural communities. In addition, the department shall also contract with the  
19 MUSC Hospital Authority in the amount of \$1,500,000, and the USC School of Medicine in the amount of \$2,000,000 to further  
20 develop statewide teaching partnerships. The department shall also expend \$5,000,000 in accordance with a graduate medical  
21 education plan developed cooperatively by the Presidents or their designees of the following institutions: the Medical University of  
22 South Carolina, the University of South Carolina, and Francis Marion University.

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

34       (3) Rural Medicine Workforce Development - The department, in consultation with the Medical Education Advisory  
35 Committee (MEAC), shall support the development of additional residency and/or fellowship slots or programs in rural medicine,  
36 family medicine, and any other appropriate primary care specialties that have been identified by the department as not being

1 adequately served by existing Graduate Medical Education programs. The department shall ensure that each in-state member of the  
2 Association of American Medical Colleges is afforded the opportunity to participate in MEAC. New training sites and/or residency  
3 positions are subject to approval as specified by the Accreditation Council for Graduate Medical Education (ACGME). The  
4 department may also accept proposals and award grants for programs designed to expose resident physicians to rural practice and  
5 enhance the opportunity to recruit these residents for long-term practice in these rural and/or underserved communities. Up to  
6 \$500,000 of the recurring funds appropriated to the department for the Rural Health Initiative may be used for this purpose.  
7 Additionally, the department shall use up to \$200,000 of the recurring funds appropriated for the Department of Aging's Geriatric  
8 Physicians Loan Forgiveness program.

9 (4) Statewide Health Innovations - At least \$2,500,000 must be expended by the department to contract with the USC School  
10 of Medicine and at least \$1,000,000 to Clemson University to develop and continue innovative healthcare delivery and training  
11 opportunities through collaborative community engagement via ICARED, Clemson Rural Health Programming, and other innovative  
12 programs that provide clinical services, mental and behavioral health services, children's health, OB/GYN services, and/or chronic  
13 disease coverage gaps. In consultation with statewide rural health stakeholders and partners, the department must ensure  
14 collaborative efforts with the greatest potential for impact are prioritized.

15 (5) Maternal Mortality Reduction - Prior to the expiration of the COVID-19 public health emergency, the department shall  
16 ensure that 12-month postpartum coverage is preserved by making the election offered pursuant to Section 1902(e)(16) of the Social  
17 Security Act. The Department of Health and Human Services shall collaborate with the South Carolina Maternal Mortality and  
18 Morbidity Review Committee to develop a method of evaluating the effectiveness of this provision.

19 (6) Rural Health Network Revitalization Project – For the purpose of establishing self-sustaining rural health networks that  
20 will improve care delivery in rural communities, funds appropriated for Rural Health Network Revitalization shall be expended by  
21 the South Carolina Center for Rural and Primary Healthcare within the University of South Carolina School of Medicine to provide  
22 material support, facilitation, technical assistance, and other resources to rural communities seeking to create or renew their rural  
23 health networks. The Center shall:

24 (a) be authorized to provide funding to such communities for a time to establish and support the work;

25 (b) work with partners across the state to implement evidence-based models of community development and healthcare  
26 delivery;

27 (c) evaluate the implementation and impact of the network development work undertaken; and

28 (d) facilitate the development, implementation, and evaluation of alternative payment models with payors within the State.

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

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

1 receives dedicated funding pursuant to this proviso shall be exempt from any Department of Health and Environmental Control  
2 Certificate of Need requirements or regulations. Any such facility shall participate in the South Carolina Telemedicine Network.

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

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

17 **33.23.** (DHHS: IDEA Part C Compliance) With the funds available to the department, the Department of Health and Human  
18 Services shall report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and  
19 Means Committee no later than December 31, ~~2024~~ 2022 on the status of the department's efforts to bring the Individuals With  
20 Disabilities Education Act (IDEA) Part C program into compliance with federal requirements. This report must specifically address  
21 areas in which the IDEA Part C program has received low performance scores and include any relevant correspondence from the  
22 U.S. Department of Education. The report must explain the department's plan for bringing the program into compliance, including  
23 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 ~~2021-22~~ 2022-23, 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 **33.27.** (DHHS: Optional State Supplement Adjustments) Cost-of-living adjustments in benefit payments made by the federal  
11 government will result in adjustments in the Optional State Supplementation (OSS) Program as determined necessary by the  
12 Department of Health and Human Services to ensure that payment amounts are not reduced. The department shall adjust the OSS  
13 net income limitation, the OSS facility rate, and the personal needs allowance to ensure that payment amounts are not reduced. OSS  
14 benefit payment amounts shall be adjusted to reflect the changes in recipients' countable income. ~~The department shall make a~~  
15 ~~one-time payment in Fiscal Year 2021-22 to account for the cost of living adjustments which occurred in the prior two fiscal years.~~

16 **33.28.** *(DHHS: Medication Technician Certification) Of the funds appropriated to the Department of Health and Human*  
17 *Services, the department shall develop a Medication Technician Certification program for selected non-nursing, unlicensed*  
18 *healthcare personnel who provide medications to those receiving services in a licensed nursing home or hospital as defined in*  
19 *Section 44-7-130, Code of Laws of 1976 . The department shall develop program standards to include, but not be limited to,*  
20 *curriculum, training and competency, and testing and certification requirements. Additionally, the department shall create and*  
21 *maintain a Medication Technician registry.*

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

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

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

33 The provisions of this proviso shall not supersede or suspend the provisions of Section 13-7-30 of the 1976 Code.  
34  
35

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

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

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

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

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

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

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

1 shall develop criteria and guidelines and administer the system to make allocations to each region and county within the state, based  
2 on demonstrated need and local match. Funds appropriated to Emergency Medical Services shall not be transferred to other programs  
3 within the department's budget. Unexpended funds appropriated to the program may be carried forward to succeeding fiscal years,  
4 and may be expended for administrative and operational support and for temporary and contract employees to assist with duties  
5 related to improving and upgrading the EMS system throughout the state, including training of EMS personnel and administration  
6 of grants to local EMS providers. After January 1<sup>st</sup> of the current fiscal year, fifty percent of unclaimed funds utilized for aid to  
7 counties from the prior fiscal year shall be transferred to the South Carolina EMS Association to promote and encourage education  
8 of emergency medical technicians and directors of emergency medical services; to collect, analyze, and distribute information about  
9 emergency medical services; to promote the improvement of patient care; to cooperate with other organizations; and to effect more  
10 efficient administration of emergency medical services in the State of South Carolina. In addition, when instructed by the Executive  
11 Budget Office or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds  
12 appropriated for EMS Regional Councils or Aid to Counties greater than such stipulated percentage.

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

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

22 **34.11.** (DHEC: Sickle Cell Programs) \$761,233 is appropriated for Sickle Cell program services and shall be apportioned as  
23 follows:

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

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

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

1 established sickle cell services may be diverted to other budget categories within the DHEC budget. For the current fiscal year, the  
2 department shall not reduce these funds below the current funding level.

3 **34.12.** (DHEC: Genetic Services) The sum of \$104,086 appearing under the Independent Living program of this act shall be  
4 appropriated to and administered by the Department of Health and Environmental Control for the purpose of providing appropriate  
5 genetic services to medically needy and underserved persons. Such funds shall be used by the department to administer the program  
6 and to contract with appropriate providers of genetic services. Such services will include genetic screening, laboratory testing,  
7 counseling, and other services as may be deemed beneficial by the department, and these funds shall be divided equally among the  
8 three Regional Genetic Centers of South Carolina, composed of units from the Medical University of South Carolina, the University  
9 of South Carolina School of Medicine, and the Greenwood Genetic Center.

10 **34.13.** (DHEC: Revenue Carry Forward Authorization) The Department of Health and Environmental Control is hereby  
11 authorized to collect, expend, and carry forward revenues in the following programs: Sale of Goods (confiscated goods, arm patches,  
12 etc.), sale of meals at Camp Burnt Gin, sale of publications, brochures, Spoil Easement Areas revenue, performance bond forfeiture  
13 revenue for restoring damaged critical areas, beach renourishment appropriations, photo copies and certificate forms, including but  
14 not limited to, pet rabies vaccination certificate books, sale of listings and labels, sale of State Code and Supplements, sale of films  
15 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  
16 of software products developed and owned by the Department, and collection of registration fees for non-DHEC employees. Any  
17 unexpended balance carried forward must be used for the same purpose.

18 **34.14.** (DHEC: Medicaid Nursing Home Bed Days) Pursuant to Section 44-7-84(A) of the 1976 Code, the maximum number of  
19 Medicaid patient days for which the Department of Health and Environmental Control is authorized to issue Medicaid nursing home  
20 permits is 4,452,015.

21 **34.15.** (DHEC: Health Licensing Fee) Funds resulting from an increase in the Health Licensing Fee Schedule shall be retained  
22 by the department to fund increased responsibilities of the health licensing programs. Failure to submit a license renewal application  
23 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  
24 amount, whichever is greater, in addition to the licensing fee. Continual failure to submit completed and accurate renewal  
25 applications and/or fees by the time period specified by the department shall result in enforcement actions. The department may  
26 waive any or all of the assessed late fees in extenuating circumstances, as long as it is with public knowledge.

27 **34.16.** (DHEC: Infectious Waste Contingency Fund) The Department of Health and Environmental Control is authorized to use  
28 not more than \$75,000 from the Infectious Waste Contingency Fund per year for personnel and operating expenses to implement the  
29 Infectious Waste Act.

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



1       **34.18.** (DHEC: Spoil Easement Areas Revenue) The department is authorized to collect, retain and expend funds received from  
2 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  
3 providing adequate spoil easement areas for the Atlantic Intracoastal Waterway in South Carolina.

4       **34.19.** (DHEC: Per Visit Rate) The SC DHEC is authorized to compensate nonpermanent, part-time employees on a fixed rate  
5 per visit basis. Compensation on a fixed rate per visit may be paid to employees for whom the department receives per visit  
6 reimbursement from other sources. These individuals will provide direct patient care in a home environment. The per visit rate may  
7 vary based on the discipline providing the care and the geographical location of services rendered. Management may pay exempt or  
8 nonexempt employees as defined by the Fair Labor Standards Act only when they are needed to work. Individuals employed in this  
9 category may exceed twelve months, but are not eligible for State benefits except for the option of contributing to the State Retirement  
10 System.

11       **34.20.** (DHEC: Allocation of Indirect Cost and Recoveries) The department shall continue to deposit in the general fund all  
12 indirect cost recoveries derived from state general funds participating in the calculation of the approved indirect cost rate. Further  
13 administration cost funded with other funds used in the indirect cost calculation may, based on their percentage, be retained by the  
14 agency to support the remaining administrative costs of the agency.

15       **34.21.** (DHEC: Permitted Site Fund) The South Carolina Department of Health and Environmental Control may expend funds as  
16 necessary from the permitted site fund established pursuant to Section 44-56-160(B)(1), for legal services related to environmental  
17 response, regulatory, and enforcement matters, including administrative proceedings and actions in state and all federal courts.

18       **34.22.** (DHEC: Shift Increased Funds) The director is authorized to shift increased appropriated funds in this act to offset  
19 shortfalls in other critical program areas.

20       **34.23.** (DHEC: Health Licensing Monetary Penalties) In the course of regulating health care facilities/services, the Bureau of  
21 Health Facilities Licensing (BHFL) assesses civil monetary penalties against nonconforming providers. BHFL shall retain up to the  
22 first \$50,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce  
23 the provisions of regulations applicable to that division. These funds shall be separately accounted for in the department's fiscal  
24 records.

25       **34.24.** (DHEC: Health Facilities Licensing Monetary Penalties) In the course of regulating health care facilities and services, the  
26 Bureau of Health Facilities Licensing (BHFL) assesses civil monetary penalties against nonconforming providers. BHFL shall retain  
27 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  
28 enforce the provisions of regulations applicable to that division. These funds shall be separately accounted for in the department's  
29 fiscal records. Regulations for nursing home staffing for the current fiscal year must (1) provide a minimum of one and sixty-three  
30 hundredths (1.63) hours of direct care per resident per day from the non-licensed nursing staff; and (2) maintain at least one licensed  
31 nurse per shift for each staff work area. All other staffing standards and non-staffing standards established in Standards for Licensing  
32 Nursing Homes: R61-17, Code of State Regulations, must be enforced.

33       **34.25.** (DHEC: Radiological Health Monetary Penalties) In the course of regulating health care facilities/services, the Bureau of  
34 Radiological Health (BRH) assesses civil monetary penalties against nonconforming providers. BRH shall retain up to the first  
35 \$30,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce the  
36 provisions of regulations applicable to that Bureau. These funds shall be separately accounted for in the department's fiscal records.

1       **34.26.** (DHEC: Prohibit Use of Funds) The Department of Health and Environmental Control must not use any state appropriated  
2 funds to terminate a pregnancy or induce a miscarriage by chemical means.

3       **34.27.** (DHEC: Meals in Emergency Operations) The cost of meals may be provided to state employees who are required to work  
4 during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

5       **34.28.** (DHEC: Compensatory Payment) In the event the President of the United States has declared a state of emergency or the  
6 Governor has declared a state of emergency in a county in the State, Fair Labor Standards Act exempt employees of the department  
7 may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency Director, and providing  
8 funds are available.

9       **34.29.** (DHEC: Beach Renourishment and Monitoring and Coastal Access Improvement) If state funds are made available or  
10 carried forward from any general revenue, capital, surplus or bond funding appropriated to the department for beach renourishment  
11 and maintenance, the department shall be able to expend not more than \$100,000 of these funds annually to support annual beach  
12 profile monitoring. Additional funds made available or carried forward for beach renourishment projects that are certified by the  
13 department as excess may be spent for beach renourishment and departmental activities that advance the policy goals contained in  
14 the State Beachfront Management Plan, R.30-21.

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

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



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

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

7 **34.38.** (DHEC: Abstinence Education Contract) For the current fiscal year, funds made available to the State of South Carolina  
8 under the provisions of Title V, Section 510, may only be awarded to other entities through a competitive bidding process.

9 **34.39.** (DHEC: Immunizations) The department is authorized to utilize the funds appropriated for immunizations to hire  
10 temporary personnel to address periods of high demand for immunizations at local health departments.

11 **34.40.** (DHEC: Residential Treatment Facilities Swing Beds) For Fiscal Year 2017-18 in coordination with the South Carolina  
12 Health Plan and to improve access for acute psychiatric beds as patient populations demand, Residential Treatment Facilities (RTF)  
13 may swing up to eighteen beds per qualifying facility to accommodate patients with a diagnosis of an acute psychiatric disorder. In  
14 order to qualify to utilize swing beds a facility must meet the following criteria: the facility must currently have both licensed acute  
15 psychiatric and residential treatment facility beds, the RTF beds must meet the same licensure requirements as the existing licensed  
16 acute psychiatric beds, and any facility utilizing swing beds must keep the acute and RTF patient populations separate and distinct.  
17 The utilization of swing beds must also comply with all federal Centers for Medicare and Medicaid Services rules and regulations.

18 **34.41.** (DHEC: Tuberculosis Outbreak) (A) Upon discovery of a tuberculosis outbreak, the Department of Health and  
19 Environmental Control may expend any funds available to the agency, for the purpose of surveillance, investigation, containment,  
20 and treatment activities related thereto.

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

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

28 (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

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

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

32 (1) an update addressing the:

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

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

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

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

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

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

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

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

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

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

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

19 **34.43.** (DHEC: Abstinence Until Marriage Evidence-Based Programs Funding) From the monies appropriated for the  
20 Continuation of Teen Pregnancy Prevention, contracts must be awarded to separate private, nonprofit 501(c)(3) entities to provide  
21 Abstinence Until Marriage teen pregnancy prevention programs and services within the State that meet all of the A-H Title V, Section  
22 510 definitions of Abstinence Education, as defined in the 2017 Social Security Act. Contracts must be awarded utilizing a  
23 competitive approach in accordance with the South Carolina Procurement Code. Proposed programs/curricula must be certified by  
24 the National Abstinence Education Association (NAEA) as meeting and being in compliance with all of the Title V, Section 510  
25 A-H requirement for abstinence-until-marriage education programs. Applicants must provide a budget for the proposed project for  
26 which the application is being made. Monies will be paid over a twelve month basis for services rendered. Unexpended funds shall  
27 be carried forward for the purpose of fulfilling the department’s contractual agreement. The programs implemented by the entity  
28 awarded a contract pursuant to this proviso may not violate any portion of the South Carolina Comprehensive Health Education Act  
29 when implemented in a school setting. An entity that violates any portion of the South Carolina Comprehensive Health Education  
30 Act must reimburse the State for all funds disbursed.

31 **34.44.** (DHEC: Wave Dissipation Device) ~~From funds appropriated to the department for the Coastal Resource Improvement~~  
32 ~~program, the department shall permit a Wave Dissipation Device pilot program to be initiated.~~

33 ~~The deployment of a qualified wave dissipation device seaward of the setback line or baseline pursuant to a study conducted by~~  
34 ~~the Citadel or a research university is not construction and meets the permitting exception contained in Section 48-39-130(D)(2).~~  
35 ~~Prior to deploying or expanding a qualified wave dissipation device, a person proposing to deploy or expand the device must pay the~~  
36 ~~department a fee of ten cents per linear foot of the proposed deployment or expansion. The department may order the removal of all~~

1 or any portion of a qualified wave dissipation device that the department determines causes material harm to the flora, fauna, physical  
2 or aesthetic resources of the area under Section 48-39-130(D)(2) of the 1976 Code.

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

- 4 (1) is placed mostly parallel to the shoreline;  
5 (2) is designed to dissipate wave energy;  
6 (3) is designed to minimize scouring seaward of and adjacent to the device by permitting sand to move landward and seaward  
7 through the device;  
8 (4) the horizontal panels designed to dissipate wave energy can be deployed within one hundred twenty hours or less and can  
9 be removed within one hundred twenty hours or less;  
10 (5) does not negatively impact or inhibit sea turtle nesting or other fauna;  
11 (6) can be adjusted after initial deployment in response to fluctuations in beach elevations; and  
12 (7) otherwise prevents down coast erosion, protects property, and limits negative impacts to public safety and welfare, beach  
13 access, and the health of the beach dune system.

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

30 **34.46.** (DHEC: Abortion Clinic Certification) Prior to January 31, 2017, a facility other than a hospital that is licensed and  
31 certified by the department to perform abortions must file a report with the department that provides the number of physicians that  
32 performed an abortion at the facility between July 1, 2016 and December 31, 2016, who did not have admitting privileges at a local  
33 certified hospital and staff privileges to replace on-staff physicians at the certified hospital and the percentage of these physician in  
34 relation to the overall number of physicians who performed abortions at the facility. The report must include a summation of any  
35 abortion that resulted in an outcome which required a level of aftercare that exceeds what is customarily provided by physicians in  
36 such cases in accordance with accepted medical practice and indicate whether or not the abortion was performed by a physician with

1 admitting privileges at a local certified hospital and staff privileges to replace on-staff physicians at the certified hospital. Any  
2 summation of any abortion must not divulge any information that is privileged or required to be maintained as confidential by any  
3 provision of law. An applicable facility must remit a twenty-five dollar filing fee to the department for the report required by this  
4 provision.

5 **34.47.** (DHEC: Data Center Migration) Of the funds appropriated to the Department of Health and Environmental Control for  
6 Data Center Migration, the department must utilize the Department of Administration, Division of Technology Operations for shared  
7 services, including but not limited to, mainframe services, application hosting, servers, managed servers, storage, network services  
8 and disaster recovery services. Unexpended funds appropriated for the data center migration may be carried forward from the prior  
9 fiscal year and used for the same purpose.

10 **34.48.** (DHEC: AIDS Service Provision Program) For the current fiscal year, funds appropriated and authorized to the Department  
11 of Health and Environmental Control for clinical services and medical case management shall be used to direct the department to  
12 establish through contract a pilot program for the expansion of direct services to clients who are HIV positive. As part of the pilot  
13 program, the department shall facilitate 340b pricing for the AIDS Healthcare Foundation by utilizing Ryan White Part B federal  
14 funding to support this pilot in order to maximize the state's resources and service provision beyond its current levels. The department  
15 shall require that the AIDS Healthcare Foundation provide any reports or information required by the 340b pricing program, and  
16 shall provide proof of the contractual relationship between the department and the AIDS Healthcare Foundation to the Office of  
17 Pharmacy Affairs at HRSA.

18 **34.49.** (DHEC: EMS Monetary Penalties) In the course of regulating Emergency Medical Services (EMS) agencies and personnel,  
19 the Bureau of EMS assesses civil monetary penalties against nonconforming providers. The Bureau of EMS shall retain up to the  
20 first \$40,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce  
21 the provisions of regulations applicable to that bureau. These funds shall be separately accounted for in the department's fiscal  
22 records. The agency shall provide a report on how these funds are expended to the Governor, the Chairman of the Senate Finance  
23 Committee and the Chairman of the House Ways and Means Committee.

24 **34.50.** (DHEC: Best Chance Network/Colon Cancer Prevention) Of the funds appropriated to the department for Best Chance  
25 Network and Colon Cancer Prevention, the department shall utilize \$1,000,000 for the Best Chance Network and \$1,000,000 as  
26 matching funds for the Colon Cancer Prevention Network.

27 **34.51.** (DHEC: Hazardous Waste Fund County Account) Funds in each county's Hazardous Waste Fund County Account must  
28 be released by the State Treasurer, upon the written request of a majority of the county's legislative delegation representing the  
29 economically depressed area of the county, and shall be used for infrastructure within the economically depressed area of that county.  
30 For purposes of this provision the definition of "infrastructure" includes, but is not limited to, improvements for water, sewer, gas,  
31 steam, electric energy, communication and other ancillary services that may be made to a building or land which are considered  
32 necessary, suitable, or useful to an eligible project that has a documented impact on economic development.

33 **34.52.** (DHEC: HIV/AIDS Treatment and Prevention) From the funds appropriated to the Department of Health and  
34 Environmental Control in the current fiscal year for HIV and AIDS prevention and treatment, the department shall develop a  
35 partnership with the Joseph H. Neal Health Collaborative and expend \$500,000 to provide comprehensive medical, dental,  
36 psychological, and educational services to all patients, regardless of their financial situation, insurance status, or ability to pay. In

1 addition, the Joseph H. Neal Health Collaborative shall deploy its plan for the treatment and prevention of Hepatitis C. The  
2 department shall ensure the funds are expended solely for testing, treatment, and follow-up services of HIV/AIDS and Hepatitis C,  
3 and providing primary care and dental care. Funds may be used to enhance the services provided through a combination of Ryan  
4 White Part B Grant funds and other federal funds or the state's AIDS Drug Assistance Program rebate funds.

5 **34.53.** (DHEC: State Trauma Registry) From the funds appropriated or authorized in the current fiscal year, the Department of  
6 Health and Environmental Control, through the State Trauma Registry, shall direct that all state verified trauma centers are required  
7 to submit relevant patient care data. The department shall develop appropriate policies or regulations no later than January 1, ~~2021~~  
8 2022, to ensure data is collected by all trauma centers.

9 **34.54.** (DHEC: Storm Water and Ocean Outfalls) In the current fiscal year, funds appropriated to the department for Ocean  
10 Outfalls shall be distributed equally to the City of Myrtle Beach and the City of North Myrtle Beach for the purpose of storm water  
11 drainage and ocean outfall construction and repair as state matching funds for Horry County Ocean Water Quality Outfall Initiatives.  
12 The department shall be authorized to retain and carry forward these funds into the current fiscal year to be used for the same purpose.  
13 Any interest generated by the account must be retained and deposited into this account, to be used as state matching funds for either  
14 local or federal funding, and utilized for Ocean Water Quality Outfall Initiatives in Horry County.

15 **34.55.** (DHEC: Reimbursement of Expenditures) The Department of Health and Environmental Control is authorized to collect,  
16 expend, retain, and carry forward for general operating purposes all funds received in the current fiscal year as reimbursement of  
17 expenditures incurred in the current or prior fiscal year.

18 **34.56.** (DHEC: Organizations Receiving State Appropriations) Notwithstanding any other provisions of this act, the funds  
19 appropriated to the Department of Health and Environmental Control for the allocation/contribution of specific amounts of state aid  
20 to organizations, programs, special items, or activities shall be distributed as appropriated except when instructed by the Executive  
21 Budget Office or the General Assembly to reduce funds within the department by a certain percentage, the department may reduce  
22 these items up to the stipulated percentage.

23 **34.57.** (DHEC: Drainage Facilities) In the current fiscal year, the Department of Health and Environmental Control (DHEC) may  
24 not enforce the prohibition against maintenance, repair, or reestablishment activities performed by an approved organization on storm  
25 water conveyance systems including, but not limited to, previously established storm water conveyance systems constructed in  
26 accordance with state and federal law that are located within critical areas, as defined in Section 48-39-10(J) of the 1976 Code.  
27 Maintenance, repair, and reestablishment activities performed pursuant to this provision must be compliant with all state, federal,  
28 and local laws, regulations, and guidelines. For previously approved storm water conveyance systems, reestablishment activities  
29 performed pursuant to this provision may not exceed the footprint of the previously approved storm water conveyance system.  
30 Approved organizations performing maintenance, repair, or reestablishment activities pursuant to this provision must notify DHEC  
31 of the location of each storm water conveyance system, repaired, maintained, or reestablished and identify the type of maintenance,  
32 repair, or reestablishment activity conducted. Expenditures incurred pursuant to this proviso are to originate from funds provided by  
33 the approved organization performing the maintenance, repair, or reestablishment activities unless otherwise agreed upon by the  
34 approved organization and DHEC. For the purposes of this proviso, an approved organization includes local jurisdictions, public  
35 service, and special purpose districts, agencies, and political subdivisions of this State.



1       **34.58.** (DHEC: Solar Projects) (DHEC: Solar Projects) From the funds appropriated to the Department of Health and  
2 Environmental Control, and within one hundred and twenty days after the effective date of this act, the department shall ~~submit~~  
3 ~~regulations to guide all South Carolinians invested in, selling, installing, and using~~ *provide recommendations for the regulation of*  
4 photovoltaic modules and energy storage system batteries in the management of end-of-life photovoltaic modules and energy storage  
5 system batteries on solar projects and the decommissioning of solar projects in excess of thirteen acres. Management of end-of-life  
6 photovoltaic modules and energy storage system batteries shall include both partial refurbishing of a solar project and complete  
7 decommissioning. In the development of these rules, the department shall collaborate with stakeholders and shall consider all of the  
8 following matters:

9       (1) Whether photovoltaic modules, energy storage system batteries, their materials, or other equipment used in utility-scale solar  
10 projects exhibit any of the characteristics of hazardous waste, as identified in 40 C.F.R. Part 261, or under rules adopted pursuant to  
11 the S.C. Hazardous Waste Management Act, Section 44-56-10 of the 1976 Code, or if any such equipment is properly characterized  
12 as solid waste under State and Federal law.

13       (2) Preferred methods to responsibly manage end-of-life photovoltaic modules, energy storage system batteries, or the constituent  
14 materials thereof, or other equipment used in utility-scale solar projects, including the extent to which such equipment may be:

15       (a) reused, if not damaged or in need of repair, for a similar purpose;

16       (b) refurbished, if not substantially damaged, and reused for a similar purpose;

17       (c) recycled with recovery of materials for similar or other purposes;

18       (d) safely disposed of in construction and demolition or municipal solid waste landfills for material that does not exhibit any  
19 of the characteristics of hazardous waste under state or federal law; or

20       (e) safely disposed of in accordance with state and federal requirements governing hazardous waste for materials that exhibit  
21 any of the characteristics of hazardous waste under state or federal law.

22       (3) The volume of photovoltaic modules and energy storage system batteries currently in use in the State, and projections, based  
23 upon the data on life cycle identified currently on impacts that may be expected to the State's landfill capacity if landfill disposal is  
24 permitted for such equipment at end-of-life.

25       (4) Whether or not adequate financial assurance requirements are necessary to ensure proper decommissioning of solar projects  
26 in excess of thirteen acres upon cessation of operations.

27       (5) Infrastructure that may be needed to develop a practical, effective, and cost-effective means to collect and transport end-of-life  
28 photovoltaic modules, energy storage system batteries, and other equipment used in utility-scale solar projects for reuse,  
29 refurbishment, recycling, or disposal.

30       (6) Whether or not manufacturer or installer stewardship programs for the recycling of end-of-life photovoltaic modules and  
31 energy storage system batteries should be established for applications other than utility-scale solar project installations, and if so,  
32 fees that should be established for these manufacturers and installers to support the implementation of such requirements.

33       The department shall submit interim reports to the Chairman of the Senate Judiciary Committee and the Chairman of the House  
34 Labor, Commerce and Industry Committee on all activities pursuant to this provision on a quarterly basis beginning July 1, ~~2021~~  
35 2022, and shall submit a final report with findings, including stakeholder input, to the to the Chairman of the Senate Judiciary  
36 Committee and the Chairman of the House Labor, Commerce and Industry Committee no later than June 30, ~~2022~~ 2023.

1       **34.59.** (DHEC: Permit Extension) The expiration and any associated vested right of a critical area permit or navigable water  
2 permit issued by Department of Health and Environmental Control for the construction of a dock is extended until June 30, 2022  
3 2023, provided the permit is valid on July 1, 2021 or at any time during the previous eighteen months. This provision may not be  
4 construed or implemented to:

- 5       (1) extend a permit or approval issued by the United States or its agencies or instrumentalities;
- 6       (2) extend a permit or approval for which the term or duration of the permit or approval is specified or determined pursuant to  
7 federal law;
- 8       (3) shorten the duration that a permit would have had in the absence of this provision;
- 9       (4) prohibit the granting of additional extensions provided by law;
- 10       (5) affect an administrative consent order issued by the department which is in effect on, or issued at any time from the effective  
11 date of this provision to June 30, 2022 2023;
- 12       (6) affect the ability of a governmental entity to revoke or modify a permit pursuant to law;
- 13       (7) modify a requirement of law that is necessary to retain federal delegation by the State of South Carolina of the authority to  
14 implement a federal law or program; or
- 15       (8) affect department's Office of Ocean and Coastal Resource Management permits issued pursuant to R.30 12(N) Access to  
16 Coastal Lands

17       Within thirty days after the effective date of this act, the department shall place a notice in the State Register noting the extension  
18 of expiration dates provided for in this provision.

19       **34.60.** (DHEC: Onsite Wastewater Systems) ~~In the current fiscal year, the Department of Health and Environmental Control may~~  
20 ~~expend funds appropriated and authorized in this act to regulate onsite wastewater systems, including septic tanks and other sewage~~  
21 ~~treatment and disposal systems, but the department only may regulate such onsite systems in the same manner as such systems were~~  
22 ~~regulated on January 12, 2021.~~

23       **34.61.** (DHEC: Acute Hospital at Home Waiver) In the current fiscal year, a hospital approved by the Centers for Medicare and  
24 Medicaid Services to participate in an Acute Hospital Care at Home waiver program may not be deemed to be in violation of its  
25 hospital license solely on the basis of its participation in the program. Additionally, the department shall not subject such a hospital  
26 to any form of adverse enforcement action relating to its participation in the program.

27       **34.62.** (DHEC: EMS Association) For the current fiscal year, the Department of Health and Environmental Control shall remit  
28 one hundred percent of the funding for EMS Association Recruitment and Retention to the South Carolina EMS Association for the  
29 purpose of recruiting and retaining personnel statewide, especially in rural areas. Additionally, there is established a Governor's  
30 Advisory Board of Emergency Care consisting of representatives from the association, related state agencies, healthcare providers,  
31 and other stakeholders. The association will be responsible for staffing the board's activities, as well as implementing and executing  
32 strategies to recruit and fill the unprecedented EMS position vacancies across all systems in the State. The association shall provide  
33 a report detailing the progress of this effort to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the  
34 House Ways & Means Committee, and DHEC annually.

35       **34.63.** (DHEC: Pollutants Remediation Fund) (A) Of the funds appropriated for PFAS Remediation, there is established within  
36 the Department of Health and Environmental Control Environmental Affairs Division the PFOS, PFOA, and Emerging Pollutants

1 Remediation Fund which shall be held and administered by the department for the purpose of remediating drinking water  
2 perfluorooctanesulfonic acid (PFOS) pollution, perfluorooctanoic acid (PFOA) pollution, cyanobacteria (blue-green algae), and  
3 pollution from other emerging contaminants of concern to the department, currently identified or later identified. Earnings on  
4 balances in the fund shall be credited to the fund. Amounts remaining in the fund at the end of the fiscal year accrue only to the credit  
5 of the fund, and the fund shall be available in perpetuity for the purpose of remediating PFOS, PFOA, and other emerging  
6 contaminants.

7 (B) Sixty percent of the funds shall be made available to private well owners and municipal, county, joint, or otherwise public  
8 drinking water systems serving thirty thousand customers, or fewer, in the form of forgivable loans or grants. Forty percent of the  
9 funds shall be made available to municipal, county, joint, or otherwise public drinking water systems serving more than thirty  
10 thousand customers, in the form of forgivable loans or grants.

11 (C) Forgivable loans or grants may be disbursed from the fund for the purposes of:

12 (1) facilitating drinking water improvements that prevent exposure to PFOA and PFOS through drinking water if the combined  
13 concentrations of PFOA and PFOS are at or above the EPA Health Advisory Limit of 70 parts per trillion or an updated health  
14 advisory or Maximum Contaminant Level issued by EPA;

15 (2) facilitating drinking water improvements that prevent exposure to PFOA and PFOS through drinking water if a regulated  
16 water utility believes that the presence of PFOA or PFOS has the potential to adversely affect public health in the future, regardless  
17 of if the current combined concentrations are at or above the EPA Health Advisory Limit of 70 parts per trillion;

18 (3) facilitating drinking water improvements that prevent exposure to Cyanobacteria to include, but not be limited to,  
19 Microcystis, Lyngbya, Dolichospermum, and Planktothrix;

20 (4) facilitating drinking water improvements that prevent exposure to other emerging contaminants of concern to the  
21 department through drinking water if these concentrations of these contaminants exceed an EPA Health Advisory Limit or an EPA  
22 Maximum Contaminant Level; or

23 (5) facilitating drinking water improvements that prevent exposure to other emerging contaminants of concern to the  
24 department through drinking water if a regulated water utility believes that the presence of the contaminants has the potential to  
25 adversely affect public health in the future, regardless of if the current concentrations are at or above the EPA Health Advisory Limit  
26 or EPA Maximum Contaminant Level.

27 (D) For purposes of this provision, “facilitate drinking water improvements” means providing for the construction or  
28 improvements to drinking water supply, storage, treatment, and distribution facilities and associated costs, as determined in  
29 consultation between the department, water provider, and the well owner as the most reasonable, that are necessary to:

30 (1) change water sources including, but not limited to, connecting a private well to public water system or regionalization  
31 efforts that facilitate the merger of one or more drinking water systems to a source with no PFOS and PFOA or with lower combined  
32 concentrations of PFOS and PFOA; or

33 (2) treat drinking water to reduce combined concentrations of PFOA, PFOS, and other emerging contaminants of concern  
34 below levels that may adversely affect public health.

35 (E) Additional funds may be deposited into the fund, which may include:

36 (1) funds appropriated by the General Assembly;

1 (2) federal funds;

2 (3) private grants, gifts, and bequests;

3 (4) contributions to the fund in satisfaction of any public or private obligation for environmental mitigation or remediation,  
4 whether such obligation arises out of law, equity, contract, regulation, administrative proceeding, or judicial proceeding;

5 (5) net proceeds of bonds issued by the department; and

6 (6) interest or other income earned on the monies in the fund.

7  
8 **SECTION 35 - J120 - DEPARTMENT OF MENTAL HEALTH**

9  
10 **35.1.** (DMH: Patient Fee Account) The Department of Mental Health is hereby authorized to retain and expend its Patient Fee  
11 Account funds. In addition to funds collected for the maintenance and medical care for patients, Medicare funds collected by the  
12 department from patients' Medicare benefits and funds collected by the department from its veteran facilities shall be considered as  
13 patient fees. The department is authorized to expend these funds for departmental operations, for capital improvements and debt  
14 service under the provisions of Act 1276 of 1970, and for the cost of patients' Medicare Part B premiums. The department shall  
15 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  
16 to S.C. Share Self Help Association Regarding Emotions.

17 **35.2.** (DMH: Institution Generated Funds) The Department of Mental Health is authorized to retain and expend institution  
18 generated funds which are budgeted.

19 **35.3.** (DMH: Alzheimer's Funding) ~~Of the funds appropriated to the Department of Mental Health for Community Mental~~  
20 ~~Health Centers, \$900,000 must be used for contractual services to provide respite care and diagnostic services to those who qualify~~  
21 ~~as determined by the Alzheimer's Disease and Related Disorders Association. The department must maximize, to the extent feasible,~~  
22 ~~federal matching dollars. On or before September thirtieth of each year, the Alzheimer's Disease and Related Disorders Association~~  
23 ~~must submit to the department, Governor, Senate Finance Committee, and House Ways and Means Committee an annual financial~~  
24 ~~statement and outcomes measures attained for the fiscal year just ended. These funds may not be expended or transferred during the~~  
25 ~~current fiscal year until the required reports have been received by the department, Governor, Chairman of the Senate Finance~~  
26 ~~Committee, and the Chairman of the House Ways and Means Committee. In addition, when instructed by the Executive Budget~~  
27 ~~Office or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds transferred to the~~  
28 ~~Alzheimer's Disease and Related Disorders Association greater than such stipulated percentage.~~

29 **35.4.** (DMH: Crisis Intervention Training) Of the funds appropriated to the department, \$275,000 shall be utilized for the  
30 National Alliance on Mental Illness (NAMI) SC for Crisis Intervention Training (CIT).

31 **35.5.** (DMH: Uncompensated Patient Medical Care) There is created an Uncompensated Patient Care Fund to be used by the  
32 department for medical costs incurred for patients. These funds may be carried forward from the prior fiscal year into the current  
33 fiscal year to be used for the same purpose.

34 **35.6.** (DMH: Meals in Emergency Operations) The cost of meals may be provided to state employees who are required to work  
35 during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

1       **35.7.** (DMH: Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) The Department of Mental Health is  
2 authorized to establish an interest bearing fund with the State Treasurer to deposit funds for deferred maintenance and other one-time  
3 funds from any source. The department is also authorized to retain and deposit into the fund proceeds from the sale of excess real  
4 property owned by, under the control of, or assigned to the department. After receiving any required approvals, the department is  
5 authorized to expend these funds for the purpose of deferred maintenance, capital projects, and ordinary repair and maintenance.  
6 These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.

7       **35.8.** (DMH: Lease Payments to SFAA for SVP Program) In the current fiscal year, funds appropriated and authorized to the  
8 Department of Mental Health for Lease Payments to the State Fiscal Accountability Authority for the Sexually Violent Predator  
9 Program are exempt from any across-the-board base reductions.

10       **35.9.** (DMH: Commitments to Treatment Facilities) The authorization for continued implementation of Article 7, Chapter 17,  
11 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,  
12 admissions and discharges to mental health facilities, or treatment facility for the purpose of alcohol and drug abuse treatment, shall  
13 be expended for the compensation of court appointed private examiners, guardians ad litem, and attorneys for proposed patients, and  
14 related costs arising from the filing, service and copying of legal papers and the transcription of hearings or testimony. Court  
15 appointed private examiners, guardians ad litem and attorneys shall be paid at such rates or schedules as are jointly determined to be  
16 reasonable by the South Carolina Association of Probate Judges, the Office of Court Administration, and the Department of Mental  
17 Health with the approval of the Attorney General. The Department of Mental Health shall notify the Senate Finance Committee and  
18 the House Ways and Means Committee of any fee adjustment or change in schedule before implementation and may enter into an  
19 agreement with the Commission on Indigent Defense solely for the purpose of processing vouchers for the payment of above fees  
20 and costs.

21       **35.10.** (DMH: Judicial Commitment) Except as otherwise provided in Proviso 117.5, no money authorized to be expended for  
22 the purposes set forth in Proviso 35.9 shall be used to compensate any state employees appointed by the court as examiners, guardians  
23 ad litem, or attorneys nor shall such funds be used in payment to any state agency for providing such services by their employees.

24       **35.11.** (DMH: Fitness to Stand Trial) The Department of Mental Health shall initiate a pilot program to determine the efficacy  
25 and cost effectiveness of providing treatment services in a detention center to adult criminal defendants who have been determined  
26 unfit to stand trial but who are likely to become fit in the foreseeable future. Upon completion of a court hearing, consideration of  
27 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  
28 orders the defendant hospitalized for up to an additional sixty days, the department shall have discretion to provide restoration  
29 treatment to a defendant in a hospital or in a detention facility. The department shall submit a report detailing the findings of the  
30 pilot program to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and  
31 the Governor no later than June 30, ~~2022~~ 2023.

## 32 33 SECTION 36 - J160 - DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS

34  
35       **36.1.** (DDSN: Work Activity Programs) All revenues derived from production contracts earned by individuals served by the  
36 department in Work Activity Programs be retained by the South Carolina Department of Disabilities and Special Needs and carried

1 forward as necessary into the following fiscal year to be used for other operating expenses and/or permanent improvements of these  
2 Work Activity Programs.

3 **36.2.** (DDSN: Sale of Excess Real Property) The department is authorized to retain revenues associated with the sale of excess  
4 real property owned by, under the control of, or assigned to the department and may expend these funds as grants to purchase or  
5 build community residences and day program facilities for the individuals DDSN serves. The department shall follow all the policies  
6 and procedures of the Department of Administration or State Fiscal Accountability Authority and the Joint Bond Review Committee.

7 **36.3.** (DDSN: Prenatal Diagnosis) Revenues not to exceed \$126,000 from client fees, credited to the debt service fund and not  
8 required to meet the department's debt service requirement, may be expended only in the current fiscal year to promote expanded  
9 prenatal diagnosis of intellectual and/or other related disabilities by the Greenwood Genetic Center.

10 **36.4.** (DDSN: Medicaid-Funded Contract Settlements) The department is authorized to carry forward and retain settlements  
11 under Medicaid-funded contracts.

12 **36.5.** (DDSN: Departmental Generated Revenue) The department is authorized to continue to expend departmental generated  
13 revenues that are authorized in the budget.

14 **36.6.** (DDSN: Transfer of Capital/Property) The department shall only transfer capital to include property and buildings to local  
15 DSN providers with written consent of the providers by memorandum of understanding and upon State Fiscal Accountability  
16 Authority approval, otherwise, the department shall be responsible for maintenance and improvements.

17 **36.7.** (DDSN: Unlicensed Medication Providers) The provision of selected prescribed medications may be performed by  
18 designated unlicensed persons in community-based programs sponsored, licensed or certified by the South Carolina Department of  
19 Disabilities and Special Needs, provided the unlicensed persons have documented successful completion of medication training and  
20 competency evaluation. Licensed nurses, licensed pharmacists and licensed medical doctors may train and supervise designated  
21 unlicensed persons to provide medications and, after reviewing competency evaluations, may approve designated unlicensed persons  
22 for the provision of medications. The provision of medications by designated unlicensed persons is limited to oral, sublingual,  
23 buccal, topical, inhalation and transdermal medications; ear drops, eye drops, nasal sprays, injections of regularly scheduled insulin  
24 and injections of prescribed anaphylactic treatments. The provision of medications by designated unlicensed persons does not include  
25 rectal and vaginal medications, sliding scale insulin or other injectable medications. A written or electronic record regarding each  
26 medication provided, including time and amount administered, is required as part of the provision of medication. Provision of  
27 medication does not include judgment, evaluation or assessment by the designated unlicensed persons. The designated unlicensed  
28 persons and the nurses, pharmacists and medical doctors that train, approve, and supervise these staff shall be protected against tort  
29 liability provided their actions are within the scope of their job duties and the established medical protocol.

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

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

33 **36.8.** (DDSN: Child Daycare Centers) Of the funds appropriated to the department, the department shall provide reimbursement  
34 for services provided to department eligible children at daycare centers previously under contract prior to December 31, 2008. The  
35 reimbursement shall not be less than eighty percent of the amount reimbursed in the previous fiscal year. By September fifteenth,  
36 the department must transfer \$100,000 to the Anderson County Disabilities Board for the provision of these services.

1       **36.9.** (DDSN: Debt Service Account) The department shall utilize the uncommitted dollars in their debt service account, account  
2 E164660, for operations and services that are not funded in the appropriations bill. By August first, the department must report to  
3 the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on the  
4 remaining balance in this account and on the amounts and purposes for which the account was used in the prior fiscal year.

5       **36.10.** (DDSN: Traumatic Brain Injury) Funds appropriated to the agency for Traumatic Brain Injury/Spinal Cord Injury  
6 Post-Acute Rehabilitation shall be used for that purpose only. In the event the department receives a general fund reduction in the  
7 current fiscal year, any reductions to the post-acute rehabilitation funding shall not exceed reductions in proportion to the agency as  
8 a whole.

9       **36.11.** (DDSN: Medicaid Direct Billing) The department shall facilitate Medicaid direct billing for all providers, including local  
10 disabilities and special needs boards, who choose to initiate the direct billing process regardless of the receipt of capital grant funds  
11 from the department for the specific facility involved. All entities receiving capital grant funds must use the funds as originally  
12 specified in the award. If the purpose or use of a facility constructed or purchased with departmental grant funds is altered without  
13 the department's approval, the entity must repay the department the amount of the funds awarded. The use of direct billing shall not  
14 be construed as a change in the purpose or use of a facility.

15       **36.12.** (DDSN: Carry Forward Authorization) For the current fiscal year, the department is authorized to carry forward any  
16 balance of General Funds appropriated for the reduction of the department's waiting lists in the prior fiscal year and must utilize  
17 these funds for the same purpose in the current fiscal year. Within thirty days after the close of the fiscal year, the department shall  
18 report the balance carried forward to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and  
19 Means Committee.

20       **36.13.** (DDSN: Service Providers Expenditure Requirement) For the current fiscal year, in order to accommodate service provider  
21 infrastructure needs resulting from the reductions in the department's waiting lists, service providers including local disabilities and  
22 special needs boards are authorized to carry forward from the prior fiscal year unexpended funds based on a ninety percent  
23 expenditure requirement for capitated services. Service providers shall not withhold services in order to generate funds to be carried  
24 forward. The expenditure requirement shall not affect the department's three month reserve limitation policy. If the department's  
25 Medicaid allowable costs, in the aggregate, do not meet the level of certified public expenditures (CPEs) reported to the  
26 Department of Health and Human Services, the department is allowed to recoup funds necessary to remain in compliance with federal  
27 Medicaid CPE rules.

28       **36.14.** (DDSN: Beaufort DSN Facility) ~~For Fiscal Year 2021-22, the Department of Disabilities and Special Needs is authorized~~  
29 ~~to retain the full amount of proceeds from the sale of the local Disabilities and Special Needs Board of Beaufort County property.~~  
30 ~~The funds retained from this sale must be used by the department to purchase a new property for the local Disabilities and Special~~  
31 ~~Needs Board in Beaufort County that more appropriately meets the needs of the individuals served. Unexpended funds may be~~  
32 ~~carried forward into the current fiscal year and used for the same purpose. The department must provide a status report to the~~  
33 ~~Beaufort County Legislative Delegation by June 30, 2022, detailing the retention of any sale proceeds and/or the expenditures of~~  
34 ~~these funds.~~

1     **SECTION 37 - J200 - DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES**  
2

3     **37.1.** (DAODAS: Training & Conference Revenue) The department may charge fees for training events and conferences. The  
4 revenues from such events shall be retained by the department to increase education and professional development initiatives.

5     **37.2.** (DAODAS: Gambling Addiction Services) In that gambling is a serious problem in South Carolina, the department through  
6 its local county commissions may provide, from funds appropriated to the department, information, education, and referral services  
7 to persons experiencing gambling addictions.

8     **37.3.** (DAODAS: Medicaid Match Transfer) At the beginning of the fiscal year, the Department of Alcohol and Other Drug  
9 Abuse Services will transfer \$1,915,902 to the Department of Health and Human Services to meet federal Medicaid Match  
10 participation requirements for the delivery of alcohol and other drug abuse services to the Medicaid beneficiary population.

11     **37.4.** (DAODAS: Carry Forward Unexpended Funds) The Department of Alcohol and Other Drug Abuse Services is authorized  
12 to carry forward from the prior fiscal year into the current fiscal year unexpended funds in excess of ten percent of the agency's  
13 general fund appropriations to continue to fund prevention, treatment and recovery services for opioid addiction services and  
14 addiction programs as prioritized by the department.  
15

16     **SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES**  
17

18     **38.1.** (DSS: Fee Retention) The Department of Social Services shall recoup all refunds and identified program overpayments  
19 and all such overpayments shall be recouped in accordance with established collection policy. All funds shall be retained by the  
20 department and may be used to fund Self-Sufficiency and Family Preservation and Support initiatives, to make improvements to the  
21 security for FTI and PII data, and for child support operations.

22     **38.2.** (DSS: Recovered State Funds) The department shall withhold a portion of the State Funds recovered, under the Title IV-D  
23 Program, for credit to the general fund in order to allow full participation in the federal "set off" program offered through the Internal  
24 Revenue Service, the withholding of unemployment insurance benefits through the Department of Employment and Workforce and  
25 reimbursement for expenditures related to blood testing. Such funds may not be expended for any other purpose. The Department  
26 of Social Services shall be allowed to utilize the State share of Federally required fees, collected from non-TANF clients, in the  
27 administration of the Child Support Enforcement Program. Such funds may not be expended for any other purpose. However, this  
28 shall not include Child Support Enforcement Program incentives paid to the program from federal funds to encourage and reward  
29 cost effective performance. Such incentives are to be reinvested in the program to increase collections of support at the state and  
30 county levels in a manner consistent with federal laws and regulations governing such incentive payments. The department shall not  
31 use clerk of court incentive funds to replace agency operating funds. Such funds shall be remitted to the appropriate state  
32 governmental entity to further child support collection efforts.

33     **38.3.** (DSS: Burial Expenses) The expenditure of funds allocated for burials of foster children and adults in the custody of the  
34 Department of Social Services shall not exceed one thousand five hundred dollars per burial.

35     **38.4.** (DSS: Battered Spouse Funds) Appropriations included in Subprogram II.J. entitled Battered Spouse shall be allocated  
36 through contractual agreement to providers of this service. These appropriations may also be used for public awareness and



1 contracted services for victims of this social problem including the abused and children accompanying the abused. Such funds  
 2 may not be expended for any other purpose nor be reduced by any amount greater than that stipulated by the Executive Budget  
 3 Office or the General Assembly for the agency as a whole.

4 **38.5.** (DSS: Court Examiner Service Exemption) In order to prevent the loss of federal funds to the State, employees of the  
 5 Department of Social Services whose salaries are paid in full or in part from federal funds will be exempt from serving as court  
 6 examiners.

7 **38.6.** (DSS: TANF Advance Funds) The Department of Social Services is authorized to advance sufficient funds during each  
 8 fiscal year from the Temporary Assistance for Needy Families Assistance Payments general fund appropriations to the Temporary  
 9 Assistance for Needy Families Assistance Payments federal account only for the purpose of allowing a sufficient cash flow in the  
 10 federal account. The advance must be refunded no later than April of the same fiscal year. Upon the advance of funds as provided  
 11 herein, the Comptroller General is authorized to process the July voucher for the funding of benefit checks.

12 **38.7.** (DSS: Fee Schedule) The Department of Social Services shall be allowed to charge fees and accept donations, grants, and  
 13 bequests for social services provided under their direct responsibility on the basis of a fee schedule. The fees collected shall be  
 14 utilized by the Department of Social Services to further develop and administer these program efforts. The below fee schedule is  
 15 established for the current fiscal year.

16 Day Care

17 Family Child Care Homes (up to six children)	\$15
18 Group Child Care Homes (7-12 children)	\$30
19 Registered Church Child Care (13+)	\$50
20 Licensed Child Care Centers (13-49)	\$50
21 Licensed Child Care Centers (50-99)	\$75
22 Licensed Child Care Centers (100-199)	\$100
23 Licensed Child Care Centers (200+)	\$125

24 Central Registry Checks

25 Nonprofit Entities	\$8
26 For-profit Agencies	\$25
27 State Agencies	\$8
28 Schools	\$8
29 Day Care	\$8
30 Other – Volunteer Organizations	\$8

31 Other Children’s Services

32 Services Related to Adoption of Children from	
33 Other Countries	\$225
34 Court-ordered Home Studies in non-DSS Custody Cases	\$850
35 Licensing Residential Group Homes Fee for an	
36 Initial License	\$250

1	For Renewal	\$75
2	Licensing Child Caring Institutions Fee for an	
3	Initial License	\$500
4	For Renewal	\$100
5	Licensing Child Placing Agencies Fee for an	
6	Initial License	\$500
7	For Renewal	\$60
8	For Each Private Foster Home Under the Supervision	
9	of a Child Placing Agency	\$15
10	Responsible Father Registry	
11	Registry Search	\$50

12 **38.8.** (DSS: Food Stamp Fraud) The state portion of funds recouped from the collection of recipient claims in the TANF and  
 13 Food Stamp programs shall be retained by the department. A portion of these funds shall be distributed to local county offices for  
 14 emergency and program operations.

15 **38.9.** (DSS: TANF - Immunizations Certificates) The department shall require all TANF applicants and/or recipients to provide  
 16 proof of age appropriate immunizations for children. If such immunizations have not been administered, the department shall assist  
 17 in referring applicants to appropriate county health departments to obtain the immunizations.

18 **38.10.** (DSS: County Directors' Pay) With respect to the amounts allocated to the Department of Social Services for Employee  
 19 Pay Increase in this act, the Department of Social Services is authorized to allot funds for pay increases to individual county directors  
 20 and regional directors in classified positions without uniformity. Pay increases for DSS county directors and regional directors shall  
 21 be administered in accordance with the guidelines established by the Department of Administration for Executive Compensation  
 22 System and other nonacademic unclassified employees. Any employees subject to the provisions of this paragraph shall not be  
 23 eligible for any other compensation increases provided in this act.

24 **38.11.** (DSS: Use of Funds Authorization) Department investigative units shall be authorized to receive and expend funds  
 25 awarded to these units as a result of a donation, contribution, prize, grant, and/or court order. These funds shall be retained by the  
 26 department on behalf of the investigative units and deposited in a separate, special account and shall be carried forward from year to  
 27 year and withdrawn and expended as needed to fulfill the purposes and conditions of the donation, contribution, prize, grant, and/or  
 28 court order, if specified, and if not specified, as may be directed by the Director of the Department of Social Services. These accounts  
 29 shall not be used to supplant operating funds in the current or future budgets. The agency shall report to the Senate Finance  
 30 Committee and Ways and Means Committee by January thirtieth of the current fiscal year on the amount of funds received and how  
 31 expended.

32 **38.12.** (DSS: Use of Funds Authorization) Unless specifically directed by the General Assembly, when DSS is directed to provide  
 33 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  
 34 in one or more DSS programs.

35 **38.13.** (DSS: Grant Authority) The Department of Social Services is authorized to make grants to community-based not-for-profit  
 36 organizations for local projects that further the objectives of DSS programs. The department shall develop policies and procedures

1 and may promulgate regulations to assure compliance with state and federal requirements associated with the funds used for the  
2 grants and to assure fairness and accountability in the award and administration of these grants. The department shall require a match  
3 from all grant recipients.

4 **38.14.** (DSS: Family Foster Care Payments) The Department of Social Services shall furnish as Family Foster Care payments for  
5 individual foster children under their sponsorship and under kinship care:

6 ages 0 - 5 \$605 per month

7 ages 6 - 12 \$708 per month

8 ages 13 + \$747 per month

9 These specified amounts are for the basic needs of the foster children to include kinship care assistance. Basic needs within this  
10 proviso are identified as food (at home and away), clothing, housing, transportation, education and other costs as defined in the U.S.  
11 Department of Agriculture study of "Annual Cost of Raising a Child to Age Eighteen". Further, each agency shall identify and  
12 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  
13 professional agency evaluation of clientele need. Legitimate medical care in excess of Medicaid reimbursement or such care not  
14 recognized by Medicaid may be considered as special needs if approved by the sponsoring/responsible agency and shall be  
15 reimbursed by the sponsoring agency in the same manner of reimbursing other special needs of foster children.

16 **38.15.** (DSS: Penalty Assessment) The Department of Social Services may impose monetary penalties against a person, facility,  
17 or other entity for violation of statutes or regulations pertaining to programs, other than foster home licensing, that the department  
18 regulates. Penalties collected must be remitted to the State Treasurer for deposit into the State General Fund. The department shall  
19 promulgate regulations for each program in which penalties may be imposed. The regulations must include guidance on the decision  
20 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  
21 severity and frequency of violations. These regulations must provide for notice of the penalty and the right to a contested case  
22 hearing before a designee of or panel appointed by the director of the department. Judicial review of the final agency decision  
23 concerning a penalty must be in accordance with statutes or regulations that apply to judicial review of final revocation and denial  
24 decisions in that particular program. The department, in accordance with regulations promulgated pursuant to this provision, shall  
25 have discretion in determining the appropriateness of assessing a monetary penalty against a person or facility and the amount of the  
26 penalty. The authority to assess monetary penalties shall be in addition to other statutory provisions authorizing the department to  
27 seek injunctive relief or to deny, revoke, suspend, or otherwise restrict or limit a license or other types of operating or practice  
28 registrations, approvals, or certificates.

29 **38.16.** (DSS: Child Support Enforcement Automated System Carry Forward) The department shall be authorized to retain and  
30 carry forward any unexpended funds appropriated for the Child Support Enforcement automated system and related penalties.

31 **38.17.** (DSS: Child Care Voucher) State funds allocated to the Department of Social Services and used for child care vouchers  
32 must be used to enroll eligible recipients within provider settings exceeding the state's minimum child care licensing standards. The  
33 department may waive this requirement on a case by case basis.

34 **38.18.** (DSS: Meals in Emergency Operations) The cost of meals may be provided to state employees who are not permitted to  
35 leave their stations and are required to work during actual emergencies, emergency situation exercises, and when the Governor  
36 declares a state of emergency.

1       **38.19.** (DSS: Day Care Facilities Supervision Ratios) For the current fiscal year, staff-child ratios contained in Regulations  
2 114-504(B), 114-504(C), 114-524(B), and 114-524(C) shall remain at the June 24, 2008 levels.

3       **38.20.** (DSS: Foster Care Goals) To comply with the requirements of 42 U.S.C. Section 671(a)(14) and 45 C.F.R. Section  
4 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  
5 for more than twenty-four months will not exceed a total of 2,617 during the fiscal year. The Department of Social Services shall  
6 develop appropriate plans for timely permanency and use appropriate data benchmarks and targets that will achieve this goal.

7       **38.21.** (DSS: Comprehensive Teen Pregnancy Prevention Funding) (A) From the monies appropriated for the Continuation of  
8 Teen Pregnancy Prevention, the department must award the dollars allocated to a nonprofit 501(c)(3) entity to provide abstinence  
9 first, age appropriate comprehensive approach to health and sexuality education with a goal of preventing adolescent pregnancy  
10 throughout South Carolina.

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

12       (C) The monies appropriated must be paid over a twelve month basis for services rendered. Unexpended funds shall be carried  
13 forward for the purpose of fulfilling the department's contractual agreement.

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

17       **38.22.** (DSS: SNAP Coupons) The Department of Social Services shall continue the "Healthy Bucks" program established to  
18 provide coupons that allow Supplemental Nutrition Assistance Program (SNAP) recipients to obtain additional fresh fruits and  
19 vegetables when purchasing fresh produce at grocery stores or farmers markets with SNAP benefits through their EBT cards. Each  
20 coupon shall allow the beneficiary to double the amount of produce purchased, up to ten dollars per month. The agency shall utilize  
21 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  
22 in processing SNAP applications to fund the program. The agency shall work to identify and utilize funds as matching dollars for  
23 the continued success of the "Healthy Bucks" program and shall report semi-annually to the General Assembly on the status of the  
24 program. The report shall include, at a minimum, the number of recipients, counties served, and cumulative expenditure data for the  
25 program.

26       **38.23.** (DSS: Internal Child Fatality Review Committees) For Fiscal Year ~~2021-22~~ 2022-23, the Director of the Department of  
27 Social Services shall create and fund Internal Child Fatality Review Committees (internal committees) pursuant to the authority  
28 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  
29 child fatalities that are reported to the Department of Social Services on suspicion of abandonment, child abuse, neglect or harm as  
30 defined in Section 63-7-20. This review process will enable the department to respond to the safety needs of any surviving siblings  
31 and will lead to improvement in the department's efforts to prevent child fatalities caused by abandonment, child abuse, neglect or  
32 harm. Each internal committee shall be composed of a board-certified child abuse pediatrician, an agent from the State Law  
33 Enforcement Division, a local law enforcement officer, a representative from the local coroner's office, and representatives from the  
34 Department of Social Services. The internal committee may invite other service provider organizations as deemed necessary. The  
35 department is authorized to provide reasonable compensation for board-certified child abuse pediatricians serving on an internal  
36 committee. Internal committees shall have access to information and records maintained by a provider of medical care regarding a

1 child whose death is being reviewed by the internal committee, including information on prenatal care; all information and records  
2 maintained by any state, county, or local government agency, including, but not limited to, birth certificates, law enforcement  
3 investigation data, county coroner or medical examiner investigation data, parole and probation information and records, and  
4 information and records of health agencies that provided services to the child or family. The meetings, information obtained by,  
5 reports prepared by, and statements made before the internal committees are confidential and protected from disclosure pursuant to  
6 the Freedom of Information Act, criminal and civil proceedings, and subpoenas as set forth in Sections 63-7-940 and 63-7-1990.

7 **38.24.** (DSS: Tuition Reimbursement/Student Loan Repayment) The Department of Social Services is allowed to spend state,  
8 federal, and other sources of revenue to provide tuition reimbursement and/or student loan repayment to aid in retaining caseworkers  
9 and critical needs department jobs based on objective guidelines established by the State Director of the Department of Social  
10 Services.

11 The department may also provide paid educational leave for any employees in an FTE position to attend class while enrolled in  
12 programs that are related to the agency's mission. All such leave is at the agency head's discretion.

13 The department may enter into an agreement with staff employed in critical need departments to repay them for their outstanding  
14 student loans and/or reimburse tuition expenses. The employee must be employed in a critical needs area, which would be identified  
15 at the agency head's discretion, be in a covered FTE, and not have any disciplinary actions. Participants in this program must agree  
16 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  
17 five-year period in accordance with a program developed by the department. Payments will be made directly to the employee at the  
18 end of each year of employment. Payments cannot exceed the balance of the student loan or the cost of tuition.

19 **38.25.** (DSS: Federally Certified Child Support Enforcement System Project) In order to expedite the completion and certification  
20 of the Automated Child Support Enforcement System required by the Social Security Act (42 U.S.C. Section 654a), the Department  
21 of Social Services is authorized to adopt, to the fullest extent possible, the system and operating procedures of the Delaware Transfer  
22 System. To the extent the Transfer System operating processes deviate from, or are incompatible with, current South Carolina  
23 practice, the department is authorized to determine the most effective and efficient practice to comply with federal requirements.  
24 The department shall work with Clerks of Court to identify and prepare for the changes involved in the implementation of the Transfer  
25 System which may impact their current operating practices with regards to performance of required child support functions. Pursuant  
26 to the Social Security Act and S.C. Code Section 63-17-610, Clerks of Court shall utilize the federally certifiable child support system  
27 and the state disbursement unit developed by the department to perform required child support functions.

28 **38.26.** (DSS: Wilderness Therapeutic Camps) The Department of Social Services shall make and promulgate such rules and  
29 regulations relating to licensing standards and other matters as may be necessary to carry out the purposes of Title 63, Chapter 11,  
30 Article 1 of the 1976 Code as applied to Wilderness Therapeutic Camps. For this purpose, a "Wilderness Therapeutic Camp" is a  
31 therapeutic camp organization or facility with an outdoor or wilderness focus that is engaged in receiving children for care and  
32 maintenance, either part or full time, but shall not include any summer camp, day camp, or after school program, and shall also not  
33 include any other outdoor education or youth development program or facility where participants usually attend for less than 15 days,  
34 and does not include any licensed residential group care organization, child caring institution or group home or facility that meets  
35 the facility requirements of S.C. Code of Regulations Section 114-590.

1       **38.27.** (DSS: Group Home Transition) For the current fiscal year, the Department of Social Services shall provide financial and  
2 administrative support and flexibility to Group Homes in order to best enable any necessary transition of services or the development  
3 of new service models for children and young adults. Group Homes with young adults between the ages of 18 to 23 years residing  
4 in approved and supervised independent living programs shall not be required to provide 24 hours per day face to face supervision  
5 for the resident. Regulatory and contractual requirements must not be different for supervision and staff ratios when a young adult  
6 aged 18 to 23 is a resident in an approved and supervised independent living program.

7       **38.28.** (DSS: SNAP Eligibility) The Department of Social Services shall not seek, apply for, accept, or renew any waiver of the  
8 requirements established pursuant to 7 U.S.C. Section 2015(o), relating to the mandatory work requirements of the Supplemental  
9 Nutrition Assistance Program.

10       **38.29.** (DSS: Pro Bono Program) From the funds appropriated to the Department of Social Services the director shall be  
11 authorized to utilize the funds appropriated to the department to establish a pro bono program for private attorneys to represent the  
12 department in hearings. Attorneys that volunteer for the program must meet the same qualifications as the attorney’s hired by the  
13 department. The department shall provide training for the pro bono attorneys.  
14

15       **SECTION 39 - L240 - COMMISSION FOR THE BLIND**

16  
17       **39.1.** (BLIND: Matching Federal Funds) For the current fiscal year the amount appropriated in this section under Program II for  
18 Rehabilitative Services is conditioned upon matching by federal funds to the maximum amount available under the Federal  
19 Vocational Rehabilitation Program.  
20

21       **SECTION 40 - L060 - DEPARTMENT ON AGING**

22  
23       **40.1.** (AGING: State Matching Funds Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year of the  
24 required state matching funds appropriated in Part IA, Section 40, Aging Assistance, shall be carried forward into the current fiscal  
25 year to be used as required state match for federal funds awarded to subdivisions on or before September thirtieth of the current fiscal  
26 year.

27       **40.2.** (AGING: State Match Funding Formula) Of the state funds appropriated under “Aging Assistance,” the first allocation by  
28 the Department on Aging shall be for the provision of required State matching funds according to the Department on Aging formula  
29 for distributing Older Americans Act funds. The balance of this item shall be distributed to the planning and service areas of the  
30 State. In the event state appropriations are reduced, reductions to the planning and service areas shall be based on amounts distributed  
31 in accordance with the previous requirements.

32       **40.3.** (AGING: Registration Fees) The Department on Aging is authorized to receive and expend registration fees for  
33 educational, training and certification programs.

34       **40.4.** (AGING: Council Meeting Requirements) The duties and responsibilities, including the statutory requirement to hold  
35 meetings of the Coordinating Council established pursuant to Section 43-21-120 and of the Long Term Care Council established  
36 pursuant to Section 43-21-130, both under the Department on Aging, are suspended for the current fiscal year.

1       **40.5.** (AGING: Home and Community-Based Services) State funds appropriated for Home and Community-Based Services  
2 shall be used to fund those services that most directly meet the goal of allowing seniors to live safely and independently at home.  
3 Allowable services as defined in the Department on Aging's State Plan include: group dining, home delivered meals, transportation  
4 to group dining sites, transportation for essential trips, personal care, homemaker, Home Chore, Home Modification, Legal  
5 Assistance, and Assessments. Area Agencies on Aging (AAAs) may expend no more than ten percent for administrative services  
6 and one-quarter of one percent shall be retained by the Department on Aging to provide monitoring and oversight of the program.  
7 However, up to three percent of the annual state appropriation for Home and Community-Based Services may be retained at the  
8 Department on Aging to be allocated by the department to the affected regions in cases of an emergency and/or natural disaster  
9 recognized by the Governor. If these funds are not utilized in the fiscal year allocated, they are to be treated as carry forward funds  
10 and reallocated to the AAAs. The Intrastate Funding Formula shall be used as a guideline for the allocation of state funds  
11 appropriated for Home and Community-Based Services. The Department on Aging shall develop and implement a structured  
12 methodology to allocate the state Home and Community-Based Services funding. The methodology shall include flexibility to  
13 reallocate funds amongst the AAAs, and be composed of, at a minimum, the following factors: a minimum base amount, the fiscal  
14 year's federally allocated funds, federal and state carry forwards funds, and an appropriate weighted proportion that will achieve the  
15 mission of the Department on Aging to provide as many services as possible to the citizens of South Carolina. Each AAA shall  
16 submit a budget for approval by the Department on Aging indicating the services to be provided. Any unexpended Home and  
17 Community-Base Services funds in this program shall be carried forward by the Department on Aging and used for the same  
18 purposes. Funds may not be transferred from the Home and Community-Based special line item for any other purpose.

19       **40.6.** (AGING: Geriatric Loan Forgiveness Program) In lieu of quarterly payments to a recipient of the Geriatric Physician Loan  
20 Program, the Department on Aging is authorized to make a single lump sum payment to the lending institution of up to \$35,000 or  
21 the loan balance, whichever is less.

22       Any unexpended balance on June thirtieth of the prior fiscal year of funds appropriated in Part IA, Section 40, Geriatric Physician  
23 Loan Program, shall be carried forward and used for the same purpose as originally appropriated.

24       **40.7.** (AGING: Caregivers Carry Forward) Unexpended funds from appropriations to the Department on Aging for caregivers  
25 shall be carried forward from the prior fiscal year and used for the same purpose.

26       **40.8.** (AGING: Vulnerable Adult Guardian ad Litem Carry Forward) Any unexpended funds from appropriation to the  
27 Department on Aging for the Vulnerable Adult Guardian ad Litem Program shall be carried forward from the prior fiscal year and  
28 used for the same purpose.

29       **40.9.** (AGING: Alzheimer's Respite Program) Funds appropriated to the Department on Aging for Alzheimer's Respite  
30 Program must be used to provide respite care and diagnostic services and must be maximized, to the extent feasible, to attain federal  
31 matching dollars. On or before September thirtieth of each year, the department must submit to the Governor, Senate Finance  
32 Committee, and House Ways and Means Committee an annual financial statement and outcomes measures attained for the fiscal  
33 year just ended. In addition, when instructed by the Executive Budget Office or the General Assembly to reduce funds by a certain  
34 percentage, the department may not reduce the program funds greater than such stipulated percentage.

1     **SECTION 41 - L080 - DEPARTMENT OF CHILDREN’S ADVOCACY**

2

3     **41.1.** (DCA: Foster Care-Private Foster Care Reviews) The Department of Children’s Advocacy, Foster Care Program is  
4 authorized to restructure its programs, including but not limited to, suspending reviews of children privately placed in private foster  
5 care and/or changing the location of reviews of children in public foster care, to maintain continuous operations within existing  
6 resources as dictated by recent budget reductions. These decisions must be based upon the availability of existing funds. This  
7 provision supersedes any previous statutory or regulatory mandate.

8     **41.2.** (DCA: Guardian Ad Litem Program) For the current fiscal year, the Department of Revenue is directed to reduce the rate  
9 of interest paid on eligible refunds by two percentage points. The revenue resulting from this reduction must be used exclusively for  
10 operations of the Guardian ad Litem program and be deposited in the State Treasury in a separate and distinct fund known as the  
11 “South Carolina Guardian ad Litem Trust Fund.” Unexpended revenues in this fund carry forward to succeeding fiscal years, and  
12 earnings in this fund must be credited to it. The Guardian ad Litem program may carry forward the other funds authorized herein  
13 for its operations from the prior fiscal year into the current fiscal year.

14     **41.3.** (DCA: Continuum of Care Carry Forward) The Department of Children’s Advocacy, Continuum of Care Program may  
15 carry forward funds appropriated herein to continue services.

16

17     **SECTION 42 - L320 - HOUSING FINANCE AND DEVELOPMENT AUTHORITY**

18

19     **42.1.** (HFDA: Federal Rental Assistance Administrative Fee Carry Forward) All federal rental assistance administrative fees  
20 shall be carried forward to the current fiscal year for use by the authority in the administration of the federal programs under contract  
21 with the authority.

22     **42.2.** (HFDA: Program Expenses Carry Forward) For the prior fiscal year monies withdrawn from the authority’s various  
23 bond-financed trust indentures and resolutions, which monies are deposited with the State Treasurer to pay program expenses, may  
24 be carried forward by the authority into the current fiscal year.

25     **42.3.** (HFDA: Advisory Committee Mileage Reimbursement) Members of the nine member South Carolina Housing Trust Fund  
26 Advisory Committee are eligible for mileage reimbursement at the rate allowed for state employees as established in Proviso  
27 117.20(J) (Travel-Subsistence Expenses & Mileage) in this act.

28     **42.4.** (HFDA: Allocation of Indirect Cost Recoveries) The authority shall deposit in the state general fund indirect cost  
29 recoveries for the authority’s portion of the Statewide Central Services Cost Allocation Plan (SWCAP). The authority shall retain  
30 recoveries in excess of the SWCAP amount to be deposited in the state general fund.

31     **42.5.** (HFDA: Housing Trust Fund Disaster Initiative) Funds allocated, granted, or awarded under the Housing Trust Fund’s  
32 Disaster Initiative shall not be included when calculating the percentage of trust fund expenditures per county.



1     **SECTION 43 - P120 - FORESTRY COMMISSION**  
2

3     **43.1.** (FC: Grant Funds Carry Forward) The Forestry Commission is authorized to use unexpended federal grant funds in the  
4 current year to pay for expenditures incurred in the prior year.

5     **43.2.** (FC: Retention of Emergency Expenditure Refunds) The Forestry Commission is authorized to retain all funds received  
6 as reimbursement of expenditures from other state or federal agencies when personnel and equipment are mobilized due to  
7 an emergency.

8     **43.3.** (FC: Commissioned Officers' Physicals) The Forestry Commission is authorized to pay the cost of physical examinations  
9 for agency personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

10    **43.4.** (FC: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the  
11 Forestry Commission may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency  
12 director, and providing funds are available.

13    **43.5.** (FC: Sale of Promotional Items) The Forestry Commission may sell promotional items that advocate for the forestry and  
14 forest culture, including items featuring the South Carolina Forestry Commission Forest Life brand logo, for the purposes of  
15 generating funds for the agency operations. Unexpended funds may be carried forward from the prior fiscal year into the current  
16 fiscal year and used for the same purposes.  
17

18     **SECTION 44 - P160 - DEPARTMENT OF AGRICULTURE**  
19

20    **44.1.** (AGRI: Market Bulletin) The Market Bulletin shall be mailed only to those persons who request it in writing and a record  
21 of each request shall be maintained by the department. Provided further, that the Department of Agriculture is authorized to charge  
22 a yearly subscription fee to each person requesting the bulletin and may charge for classified advertisements printed in the bulletin.  
23 The funds collected pursuant to this provision shall be retained by the department to defray the costs of publication and related  
24 incidental expenses.

25    **44.2.** (AGRI: Fruit/Vegetable Inspectors Subsistence) A daily subsistence allowance of up to \$30.00 may be allowed for  
26 temporarily employed fruits and vegetables inspectors from funds generated by fruits and vegetables inspection fees and budgeted  
27 under other funds in Program III. Marketing Services, D. Inspection Services, in lieu of reimbursements for meals and lodging  
28 expense.

29    **44.3.** (AGRI: Warehouse Receipts Guaranty Fund) The Department of Agriculture may retain and expend fifty thousand dollars  
30 from the Warehouse Receipts Guaranty Fund established by Section 39-22-150 of the 1976 Code as is necessary for the department  
31 to administer the funding of the program.

32    **44.4.** (AGRI: Weights & Measures Registration) All servicepersons required to be registered with the Department of Agriculture  
33 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  
34 generated by this provision shall be for use by the Department of Agriculture to offset expenses incurred in administering this  
35 registration program.

1     **44.5.** (AGRI: Sale of Property Revenue) The department may retain revenues associated with the sale of the property titled to  
2 or utilized by the department, except for the State Farmers Market property, and must expend these funds on capital improvements  
3 approved by the Joint Bond Review Committee and the State Fiscal Accountability Authority. The department must continue to  
4 occupy any property until replacement capital improvements are completed.

5     **44.6.** (AGRI: Export Certification) The Department of Agriculture is allowed to charge up to \$250 for each export certification  
6 of agricultural products and to retain revenues to offset expenses incurred in performing certifications.

7     **44.7.** (AGRI: Feed Label Registration) The Department of Agriculture is authorized to require the annual registration of feed  
8 labels by manufacturers and to charge a fee of \$15.00 for such registrations. Revenues generated by these fees shall be retained and  
9 used by the department to offset expenses incurred in operating the Feed Inspection Program.

10    **44.8.** (AGRI: Commodity Boards) In the current fiscal year, the provisions of the Consolidated Procurement Code related to a  
11 commodity board's expenditure of assessments collected from producers, as those terms are defined in Section 46-17-40 of the 1976  
12 Code, are suspended.

13    **44.9.** (AGRI: Agribusiness Infrastructure Carry Forward) The Department of Agriculture is authorized to carry forward any  
14 revenues, accrued interest, and unexpended Agribusiness Infrastructure funds from the prior fiscal year into the current fiscal year to  
15 be expended for the same purpose.

16    **44.10.** *(AGRI: South Carolina Tax Exemption Program) The Department of Agriculture is authorized to charge up to \$24 for a*  
17 *three-year registration card for agricultural producers to claim a sales tax exemption on certain qualified purchases. The*  
18 *Department of Agriculture is also authorized to charge \$5 for any replacement cards. The funds collected pursuant to this provision*  
19 *shall be retained by the department to defray any costs associated with the South Carolina Agricultural Tax Exemption Program.*  
20

## 21 SECTION 45 - P200 - CLEMSON UNIVERSITY - PSA

22  
23    **45.1.** (CU-PSA: Phytosanitary Certificates) Revenues collected from the issuance of phytosanitary certificates shall be retained  
24 by the Division of Regulatory and Public Service for the purpose of carrying out phytosanitary inspections.

25    **45.2.** (CU-PSA: Witness Fee) The Public Service Activities of Clemson University are hereby authorized to charge a witness  
26 fee of \$100.00 per hour up to \$400.00 per day for each PSA employee testifying as a fact witness regarding matters related  
27 to his or her professional expertise, or the exercise of his or her employment duties, in civil matters which do not involve the State  
28 as a party in interest. This fee shall be charged in addition to any court prescribed payment due as compensation or reimbursement  
29 for judicial appearances and deposited into a designated revenue account.

30    **45.3.** (CU-PSA: Nursery/Nursery Dealer Registration Fee) The Division of Regulatory and Public Service Programs is  
31 authorized to retain up to \$92,000 of revenue collected from the issuance of Nursery/Nursery Dealer Fees for the purpose of carrying  
32 out nursery/nursery dealer inspections. Revenue collected from this fee above \$92,000 shall be deposited into the general fund.

33    **45.4.** (CU-PSA: Retention of Fees) All revenues collected from the regulatory programs of agrichemical, plant industry and  
34 crop protection including: fertilizer, lime, and soil amendments registration fees; pesticide licensing fees; seed certification fees; and  
35 fertilizer tax/inspection fees must be retained by Clemson University PSA regulatory programs.

1     **45.5.** (CU-PSA: Pesticide Registration) All revenues collected from pesticide registration fees and revenue collected from  
2 structural pest control businesses for business licensing must be retained by Clemson University PSA Regulatory and Public Service  
3 Programs to support general regulatory, enforcement, and education programs and to carry out provisions of the South Carolina  
4 Pesticide Control Act and regulations related to it.

5     **45.6.** (CU-PSA: Lime Inspection Fee) The Public Service Activities of Clemson University are hereby authorized to charge an  
6 inspection fee of \$0.50 per ton on Agricultural Liming Materials sold or distributed in this state. Clemson University-PSA may  
7 retain, expend, and carry forward these funds to maintain its programs.

8     **45.7.** (CU-PSA: Livestock-Poultry Health Programs) For the current fiscal year Clemson University Public Service Activities  
9 shall maintain operation of the state Meat Inspection Program. All revenues and recoveries from USDA Food Safety Inspection  
10 Services and from USDA Animal and Plant Health Inspection Services for Clemson University PSA's Livestock-Poultry Health  
11 Programs and its departments shall be retained by Clemson University-PSA's Livestock-Poultry Health Program for purposes of  
12 carrying out the operation of its programs.

13     **45.8.** (CU-PSA: Boll Weevil Eradication) For the current fiscal year, Clemson University Public Services Activities shall  
14 maintain operation of the Boll Weevil Eradication Program. In the calculation of any across-the-board budget reduction mandated  
15 by the Executive Budget Office or the General Assembly, the amount appropriated for the Boll Weevil Eradication Program shall be  
16 excluded from Clemson PSA's base budget. In the event of such a reduction Clemson PSA may reduce the amount of funds  
17 appropriated for this program by an amount not to exceed the percentage associated with the mandated reduction.

18     **45.9.** (CU-PSA: Landplaster Inspection Fee) For the purpose of regulating its use as applied to land for crop production,  
19 landplaster (gypsum), shall be defined as a product consisting chiefly of calcium sulfate with two combined water ( $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$ )  
20 and is incapable of neutralizing soil acidity. It shall contain not less than seventy percent  $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$ . All registrants of landplaster  
21 who sell or distribute in this state that previously were required to pay an inspection fee of \$1.50 per ton shall now pay to Clemson  
22 University Regulatory Services an inspection fee of fifty cents for each ton sold. Clemson University-PSA may retain, expend, and  
23 carry forward these funds from the prior fiscal year into the current fiscal year to maintain its programs.

24     **45.10.** (CU-PSA: Regulatory Services Programs) For the current fiscal year, Clemson University Public Service Activities shall  
25 lead state and federal eradication efforts of the Asian Longhorned Beetle (*Anoplophora glabripennis*). All revenues and recoveries  
26 from USDA Animal and Plant Health Inspection Service (USDA-APHIS) for Clemson University PSA's Regulatory Services  
27 Programs and its departments shall be retained by Clemson University-PSA's Regulatory Services Program for purposes of carrying  
28 out the operation of its programs.

## 30 SECTION 47 - P240 - DEPARTMENT OF NATURAL RESOURCES

31  
32     **47.1.** (DNR: Publications Revenue) For the current fiscal year all revenue generated from the sale of the "South Carolina  
33 Wildlife" magazine, its by-products and other publications, shall be retained by the department and used to support the production  
34 of same in order for the magazine to be self-sustaining. In addition, the department is authorized to sell advertising in the magazine  
35 and to increase the magazine's subscription rate, if necessary, to be self-sustaining. No general funds may be used for the operation  
36 and support of the "South Carolina Wildlife" magazine.

1       **47.2.** (DNR: Casual Sales Tax Collection) The Department of Natural Resources shall continue to collect the casual sales tax as  
2 contained in the contractual agreement between the Department of Revenue and the Department of Natural Resources and the State  
3 Treasurer is authorized to reimburse the department on a quarterly basis for the actual cost of collecting the casual sales tax and such  
4 reimbursement shall be paid from revenues generated by the casual sales tax.

5       **47.3.** (DNR: Proportionate Funding) Each of South Carolina's forty-six soil and water conservation districts shall receive a  
6 proportionate share of funding set aside for Aid to Conservation Districts at \$15,000 per district for general assistance to the district's  
7 program. Available funding above \$15,000 for each district will be apportioned by the Department of Natural Resources based upon  
8 local needs and priorities as determined by the board. During the fiscal year, the districts' funding may only be reduced in an amount  
9 not to exceed the percentage of each agency budget reduction. No district shall receive any funds under this provision unless the  
10 county or counties wherein the district is located shall have appropriated no less than three hundred dollars to the district from county  
11 funds for the same purposes.

12       **47.4.** (DNR: Carry Forward - Contract for Goods & Services) If any funds accumulated by the Department of Natural Resources  
13 Geology Program, under contract for the provision of goods and services not covered by the department's appropriated funds, are  
14 not expended during the preceding fiscal years, such funds may be carried forward and expended for the costs associated with the  
15 provision of such goods and services.

16       **47.5.** (DNR: Revenue Carry Forward) The department may collect, expend, and carry forward revenues derived from the sale  
17 of goods and services in order to support aerial photography, map services, climatology data, and geological services. The department  
18 shall annually report to the Senate Finance Committee and the House Ways and Means Committee the amount of revenue generated  
19 from the sale of these goods and services.

20       **47.6.** (DNR: Clothing Allowance) The Department of Natural Resources is hereby authorized to provide Natural Resource  
21 Enforcement Officers on special assignment with an annual clothing allowance (on a prorata basis) not to exceed \$600 per officer  
22 for required clothing used in the line of duty.

23       **47.7.** (DNR: Commissioned Officers' Physicals) The department is authorized to pay for the cost of physical examinations for  
24 department personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

25       **47.8.** (DNR: Web Services and Technology Development) The department may carry forward any unexpended general fund  
26 balance remaining on the Other Operating Expenses line, identified in the "Web Services and Technology Development" program  
27 of the department appropriations from Part IA in this act. Balances carried forward from the prior fiscal year are only authorized to  
28 be expended to support technology operating expenses within the department.

29       **47.9.** (DNR: Predator Control Program) Of the funds authorized and appropriated in this act, the Department of Natural  
30 Resources is directed to develop and implement a coyote tagging and reward program within this state. They must tag and release  
31 four coyotes in each of the four game zones and apply a reward of a complimentary lifetime hunting license per tagged coyote to the  
32 hunter/trapper, or his designee.

33       **47.10.** (DNR: Triploid Grass Carp) For the current fiscal year, no water recreation funds or any other funding source may be used  
34 to fund the stocking of triploid grass carp on Lake Marion and Lake Moultrie.

1       **47.11.** (DNR: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the  
2 Department of Natural Resources may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of  
3 the agency director, and providing funds are available.

4       **47.12.** (DNR: Exempted Fishing Permits) The Department of Natural Resources shall explore the feasibility of employing  
5 exempted fishing permits (EFPs) within the South Atlantic region as a mechanism to allow limited state-level management of the  
6 federally managed snapper-grouper complex. The department shall work cooperatively with natural resources management agencies  
7 from the states of North Carolina, Georgia and Florida, the South Atlantic Fishery Management Council (SAFMC) and NOAA  
8 Fisheries to determine interest in and the possibility of jointly pursuing individual state EFPs as well as an overarching EFP that  
9 might allow for a new management approach for the South Atlantic snapper-grouper complex.

10       **47.13.** (DNR: Funds Transfer to Forestry Commission) For the current fiscal year, the Department of Natural Resources shall  
11 transfer \$100,000 of the funds appropriated for operating expenses of Wildlife and Freshwater Fisheries (Wildlife Management  
12 Areas) to the Forestry Commission.

13       **47.14.** (DNR: Waterfowl Impoundments Projects) The Department of Natural Resources, when procuring goods and services for  
14 the planning, development, construction, improvement, and/or maintenance of waterfowl impoundments on land owned by the  
15 department or owned by the state and managed by the department, may enter into agreements with a qualified, not-for-profit entity  
16 that has received North American Wetlands Conservation Act (NAWCA) funds for a project and specializes in waterfowl  
17 impoundment development, and that entity is considered a sole source provider under the provisions of Section 11-35-1560 of the  
18 1976 Code. The department shall be required to have a representative of the agency present to view the opening of bids with this  
19 provision.

20       **47.15.** (DNR: Non-Native Wildlife) ~~From the funds appropriated to the Department of Natural Resources, the department shall~~  
21 ~~expend up to \$100,000 to develop and implement a program to encourage the voluntary surrender of Black and White Tegus (*Salvator*~~  
22 ~~*merianae*, and its hybrids). South Carolina residents shall be eligible to receive a payment of \$100 for each live Black and White~~  
23 ~~Tegu surrendered to the department and payment must be remitted in an expedited manner. The department shall provide for a time~~  
24 ~~period to accept Black and White Tegus that shall not exceed one hundred twenty days.~~

25       **47.16.** (DNR: *Water Recreational Resources Fund*) *Funds collected during the current fiscal year by the department from the*  
26 *Water Recreational Resources Fund must be retained by the department and used for the stated purposes of the fund. In addition to*  
27 *all other uses allowed by statute, the department may use the Water Recreational Resources Fund of a county for the purchase of*  
28 *boats, boat trailers, outboard motors, and boating safety and rescue equipment used for law enforcement and water rescue. An*  
29 *application for funding must follow the established departmental approval process for awarding grants from this fund including the*  
30 *recommendation of the county delegation.*

31       **47.17.** (DNR: *Building Maintenance Carry Forward*) *At the end of each fiscal year, the department may transfer any unexpended*  
32 *general fund balance remaining on the “Other Operating Expenses” line identified in the “Administration” program to an*  
33 *earmarked account to be carried forward by the department. Balances carried forward in this account must only be expended for*  
34 *rent, maintenance, and capital improvement needs in the headquarters building. The department must report to the Chairmen of the*  
35 *Senate Finance Committee and House Ways and Means Committee any amount transferred and expenditures made from the fund by*  
36 *October first.*

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: SC Film Office Rebate Funds) From the funds authorized pursuant to the Motion Picture Incentive Act, any rebates  
10 awarded by the SC Film Office may be paid without distinction of the source of funds.

11       **49.15.** (PRT: Compensatory Payment) In the event the Governor declares a State of Emergency, employees of the Department of  
12 Parks, Recreation and Tourism may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the  
13 agency director, and providing funds are available.

14       **49.16.** (PRT: State Parks Maintenance) ~~The Department of Parks, Recreation and Tourism shall utilize the \$1,000,000~~  
15 ~~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~~  
16 ~~proviso 118.16, Item (39)(g) for the Medal of Honor Museum for state parks maintenance needs.~~

17       **49.17.** (PRT: Destination Specific Tourism) The agency director shall be allowed to reduce the grant match requirement for the  
18 recurring funds appropriated to the Destination Specific Tourism Marketing grant program for Fiscal Year ~~2021-22~~ 2022-23. The  
19 adjustment to the match requirement shall be based on the financial statements and cash balance on hand at the end of the prior fiscal  
20 year submitted with the application, along with the forecast data provided by each destination. There shall not be a match requirement  
21 on non-recurring funds appropriated to this program.

22       **49.18.** (PRT: State Park Employee Housing) The Comptroller General shall, upon request of an employee of the South Carolina  
23 Department of Parks, Recreation & Tourism's State Park Service, and with the authorization of the department, make deductions  
24 from the employee's compensation for rental payments of an employee's residential housing that is located within a South Carolina  
25 State Park. The Comptroller General shall pay over to the Department of Parks, Recreation and Tourism all amounts collected by  
26 payroll deduction for this purpose for the exclusive use by the department for state park operations.

27       **49.19.** (PRT: PARD Fund Expiration) ~~PARD funds which were scheduled to expire in Fiscal Year 2020-21 shall be extended to~~  
28 ~~Fiscal Year 2021-22.~~

## 30 SECTION 50 - P320 - DEPARTMENT OF COMMERCE

31  
32       **50.1.** (CMRC: Development - Publications Revenue) The proceeds from the sale of publications may be retained in the agency's  
33 printing, binding, and advertising account to offset increased costs.

34       **50.2.** (CMRC: Economic Dev. Coordinating Council - Set Aside Fund) From the amount set aside in Section 12-28-2910, the  
35 council is authorized to use up to ten percent of such amount for actual operating expenses in support of administrative program costs  
36 and business recruitment and retention and up to \$60,000 to support the Geographic Information Systems (GIS) program, as approved



1 by council. Any balance on June thirtieth of the prior fiscal year may be carried forward and expended for the same purposes in the  
2 current fiscal year.

3 **50.3.** (CMRC: Coordinating Council Funds) In order to provide maximum flexibility to encourage the creation of new jobs and  
4 capital investment, the Coordinating Council for Economic Development has the authority to transfer economic development funds  
5 at its disposal to the Closing Fund, provided the transfer is approved by a majority vote of the Coordinating Council members in a  
6 public meeting. Any unexpended balance on June thirtieth, of the prior fiscal year may be carried forward and expended in the  
7 current fiscal year by the Department of Commerce for the same purpose.

8 **50.4.** (CMRC: Export Trade Show Funds) Funds collected from South Carolina companies for offsetting costs associated with  
9 participation in future trade shows may be carried forward from the prior fiscal year to the current fiscal year and used for that  
10 purpose.

11 **50.5.** (CMRC: Special Events Advisory Committee) The Department of Commerce is required to establish a Special Events  
12 Advisory Committee to provide oversight to the department as it relates to the department's Special Events Fund. The Advisory  
13 Committee shall be made up of contributors to the Fund appointed by the Secretary of Commerce and shall consist of no fewer than  
14 eight members, including a chairman. The Advisory Committee shall establish guidelines for the use of these funds. The Department  
15 of Commerce shall prepare a detailed report and have an independent audit of all expenditures of the fund during the previous  
16 calendar year. None of these funds shall be used for operating expenses. The report shall be submitted to the Governor, the Speaker  
17 of the House, the President of the Senate, the Chairman of the House Ways and Means Committee, and Chairman of the Senate  
18 Finance Committee.

19 **50.6.** (CMRC: Development-Rental Revenue) Revenue received from the sublease on non-state-owned office space may be  
20 retained and expended to offset the cost of the department's leased office space.

21 **50.7.** (CMRC: Development-Ad Sales Revenue) The department may charge a fee for ad sales in department authorized  
22 publications and may use these fees to offset the cost of printing and production of the publications. Any revenue generated above  
23 the actual cost shall be remitted to the General Fund.

24 **50.8.** (CMRC: Foreign Offices) The Secretary of Commerce shall be authorized to appoint the staff of the department's foreign  
25 offices on a contractual basis on such terms as the Secretary deems appropriate, subject to review by the Department of  
26 Administration.

27 **50.9.** (CMRC: Funding For I-73) Of the funds authorized for the Coordinating Council Economic Development, \$500,000 shall  
28 be made available for the routing, planning and construction of I-73.

29 **50.10.** (CMRC: Closing Fund) In order to encourage and facilitate economic development, funds appropriated for the Closing  
30 Fund for competitive recruitment purposes shall be used as approved by the Coordinating Council for Economic Development. Any  
31 unexpended at the end of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of  
32 Commerce for the same purposes.

33 **50.11.** (CMRC: Coordinating Council - Application Fee Deposits) Application fees received by the department must be deposited  
34 within five business days from the Coordinating Council application approval date.

35 **50.12.** (CMRC: Recycling Advisory Council Reporting) The Recycling Market Development Advisory Council must submit an  
36 annual report outlining recycling activities to the Governor and members of the General Assembly by March fifteenth each year.

1     **50.13.** (CMRC: Regional Economic Development Organizations) The Department of Commerce shall utilize \$5,000,000  
2 appropriated in the current fiscal year for Regional Economic Development Organizations to provide funds to the following economic  
3 development organizations and must be disbursed as follows:

- |    |  |                |
|----|--|----------------|
| 4  | (1) Upstate Alliance                         | \$750,000;     |
| 5  | (2) Central SC Economic Development Alliance | \$750,000;     |
| 6  | (3) North Eastern Strategic Alliance (NESAs) | \$745,000;     |
| 7  | (4) Charleston Regional Development Alliance | \$660,000;     |
| 8  | (5) I-77 Alliance                            | \$660,000;     |
| 9  | (6) Economic Development Partnership         | \$450,000;     |
| 10 | (7) Southern Carolina Alliance               | \$600,000; and |
| 11 | (8) The LINK Economic Alliance               | \$385,000.     |

12 Each dollar of state funds must be matched with one dollar of private funds. The organization receiving state funds must certify  
13 that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously  
14 allocated or designated for economic development. No funds appropriated in this proviso may be used for routine operating costs of  
15 the organization as defined by the Department of Commerce.

16 Upon receipt of the request for the funds and certification of the matching funds, the Department of Commerce shall disburse the  
17 funds to the requesting organization.

18 Funds recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the  
19 House Ways and Means Committee and the Secretary of Commerce on the expenditure of the funds and on the outcome measures.  
20 Fund recipients shall also provide electronic copies of the annual report to the General Assembly by November first. The Department  
21 of Commerce shall post these reports on their website.

22 Any unexpended, unallocated, or undistributed funds appropriated in prior fiscal years for Regional Economic Development  
23 Organizations shall first be made available to Regional Economic Development Organizations and any remainder shall be transferred  
24 to the Rural Infrastructure Fund at the Department of Commerce. If more than one alliance applies for the same funds, the funds  
25 will be distributed pro-rata.

26     **50.14.** (CMRC: SC Mfg Extension Partnership) No funds appropriated to the department that are designated for the SC  
27 Manufacturing Extension Partnership may be utilized to compensate employees or individuals who engage in lobbying services on  
28 behalf of the department or the partnership. In addition, the department shall prepare an annual report on the SC Manufacturing  
29 Extension Partnership's expenditures for the prior fiscal year and shall submit the report to the Chairman of the Senate Finance  
30 Committee and the Chairman of the House Ways and Means Committee by November first.

31     **50.15.** (CMRC: Business Incubator/Innovation Program) Any funds appropriated to the department for the Business  
32 Incubator/Innovation Program shall be used for eligible projects that address one or more of the goals in the South Carolina  
33 Innovation Plan and any investments must be accompanied by a dollar-for-dollar match from non-state appropriated funds. Up to  
34 \$300,000 may be used by the department for administrative costs associated with this program.

35     **50.16.** (CMRC: Council on Competitiveness) The Department of Commerce shall utilize the funds appropriated in the current  
36 fiscal year for the South Carolina Council on Competitiveness to provide funds for existing business economic development

1 activities. Each dollar of state funds disbursed must be matched equally with non-state appropriated funds and prior to the  
2 disbursement of funds, the Council on Competitiveness must certify that these funds are new dollars specifically designated for the  
3 purpose of matching state funds and have not been previously allocated or designated for economic development. The Council on  
4 Competitiveness shall provide a report on the expenditure of the funds and on the outcome measures by January first, to the Chairman  
5 of the Senate Finance Committee, the Chairman of the House Ways and Means Committee and the Secretary of Commerce.

6 **50.17.** (CMRC: Grant Funds Carry Forward) The Department of Commerce may carry forward any unexpended balance on June  
7 thirtieth of the prior fiscal year of grant funds appropriated and/or authorized for Innovation, Research/Applied Research Centers,  
8 SCOPE, and LocateSC and expend such funds in the current fiscal year for the same purpose.

9 **50.18.** (CMRC: Road Closures Related to Navy Base Intermodal Facility) The Division of Public Railways is authorized to close  
10 any street or road on or in the vicinity of the former Charleston Navy Base to the extent necessary to implement the Navy Base  
11 Intermodal Facility. Such closure shall not deny access to any property owners abutting the closed section of the street or road, or  
12 in the event access is denied, alternate access shall be provided.

13 **50.19.** (CMRC: Funding for Rail Infrastructure) Of the funds authorized for the Coordinating Council for Economic Development  
14 under Section 12-10-85 (B) of the 1976 Code, the Secretary of Commerce may utilize these funds toward state-owned rail  
15 infrastructure projects.

16 **50.20.** (CMRC: Distribution Facility) The Navy Base Intermodal Facility owned by Palmetto Railways, a division of the  
17 Department of Commerce, shall be considered a distribution facility for the purpose of sales tax exemptions associated with the  
18 purchase of equipment and construction materials.

19 **50.21.** (CMRC: Development - Funding for Rural Infrastructure) There is established within the Department of Commerce the  
20 Rural School District and Economic Development Closing Fund.

21 (A) The Secretary of Commerce shall use the fund to facilitate economic development and infrastructure improvements in  
22 counties that contain a school district that has been defined by the Department of Education as having a poverty rate greater than or  
23 equal to 86%.

24 (B) The Secretary of Commerce shall use the fund to facilitate economic development and infrastructure improvements in  
25 counties that meet each of the following criteria: (1) one of the top twelve counties in South Carolina with the highest population  
26 decline (by percentage) since 2010; (2) one of the top twelve counties with the highest average unemployment rate for 2018; and (3)  
27 according to the US Census 2017 - a county with a poverty rate in excess of twenty percent. Funds are to be used on, but not limited  
28 to, economic development projects, water and sewer infrastructure, and school building infrastructure. Once a project is committed,  
29 the funds may be utilized to finish that specified project, even if the county does not remain an eligible county in subsequent years.  
30 This plan must be reviewed by the Joint Bond Review Committee before these funds may be expended. Of the funds transferred to  
31 the fund, up to \$15,000,000 may be used in any county that is contiguous to an eligible county as long as that contiguous county has  
32 one county-wide consolidated public school district. Any unexpended funds at the end of the fiscal year shall be carried forward and  
33 expended in the current fiscal year by the Department of Commerce for the same purposes.

34 **50.22.** (CMRC: Coordinating Council Membership) For the current fiscal year, the Chairman of the Senate Finance Committee,  
35 or his designee, and the Chairman of the House Ways and Means Committee, or his designee, shall be included in the membership

1 of the SC Coordinating Council for Economic Development and shall have the same rights and guidelines as pertains to the existing  
2 members of the council.

3 **50.23.** (CMRC: Strategic Economic Development Fund) In the current fiscal year, there is established, within the Department of  
4 Commerce, the Strategic Economic Development Fund for the purpose of funding projects that are essential to the State's ongoing  
5 and future economic development success. The Secretary of Commerce shall identify and recommend potential projects for review  
6 and comment by the Joint Bond Review Committee before any funds may be awarded or expended. Any unexpended funds at the end  
7 of the fiscal year shall be carried forward and expended in the current fiscal year by the Department of Commerce for the same  
8 purposes.  
9

10 **SECTION 52 - P360 - PATRIOTS POINT DEVELOPMENT AUTHORITY**

11  
12 **52.1.** (PPDA: USS Laffey Overnight Stays) From the funds authorized or appropriated to Patriots Point Development Authority  
13 as “other operating expenses” members of the USS Laffey Association who are temporarily present at Patriots Point to perform  
14 voluntary maintenance on the USS Laffey may remain onboard the vessel overnight if the Executive Director approves and has  
15 deemed it safe to do so.

16 **52.2.** (PPDA: USS Laffey Loan Principal Payment Exemption) Patriots Point Development Authority shall be exempt from  
17 paying the principal amount due for Fiscal Year ~~2021-22~~ 2022-23 on the outstanding USS Laffey loan.  
18

19 **SECTION 53 - P400 - S.C. CONSERVATION BANK**

20  
21 **53.1.** (CB: Trust Program Carry Forward) The Conservation Bank may carry forward any unexpended funds allocated to the  
22 Conservation Bank Trust Program from the prior fiscal year into the current fiscal year to be used for the same purpose.  
23

24 **SECTION 54 - P450 - RURAL INFRASTRUCTURE AUTHORITY**

25  
26 **54.1.** (RIA: Rural Infrastructure Fund Carry Forward) The Rural Infrastructure Authority may carry forward from the prior  
27 fiscal year into the current fiscal year, funds appropriated to the Rural Infrastructure Fund. The authority shall retain any unexpended  
28 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.

29 **54.2.** (RIA: Carry Forward - Local Government Assistance) The Rural Infrastructure Authority may carry forward from prior  
30 fiscal years to the current fiscal year funds appropriated for the purpose of providing financial assistance and for matching federal  
31 funds for financial assistance to local governments with water, wastewater, and sewer projects.

32 **54.3.** (RIA: Carry Forward Calculation) For purposes of calculating the amount of funds which may be carried forward by the  
33 Rural Infrastructure Authority, grant and loan program funds carried forward by the Office of Local Government shall be excluded  
34 from the calculation of the carry forward authorized by provision elsewhere in this act.

1       **54.4.** (RIA: State Water Pollution Control Revolving Fund) In the event that any state funds remain after fully matching federal  
2 grants for the State Revolving Funds under the Clean Water Act or Safe Drinking Water Act, such funds may be deposited into the  
3 South Carolina Infrastructure Revolving Loan Fund established pursuant to Section 11-40-50.

4       **54.5.** (RIA: Statewide Water and Sewer Fund) The Rural Infrastructure Authority shall use the funds allocated for the Statewide  
5 Water and Sewer Fund to assist qualified infrastructure projects not eligible for the Rural Infrastructure Fund. The authority shall  
6 utilize the same procedures and guidelines established for the Rural Infrastructure Fund to select qualified projects for the Statewide  
7 Water and Sewer Fund. The authority may carry forward from the prior fiscal year into the current fiscal year, funds appropriated  
8 to the Statewide Water and Sewer Fund.  
9

10 **SECTION 57 - B040 - JUDICIAL DEPARTMENT**

11  
12       **57.1.** (JUD: Prohibit County Salary Supplements) County salary supplements of Judicial Department personnel shall be  
13 prohibited.

14       **57.2.** (JUD: County Offices For Judges) Every county shall provide for each circuit and family judge residing therein an office  
15 with all utilities including a private telephone, and shall provide the same for Supreme Court Justices and Judges of the Court of  
16 Appeals upon their request.

17       **57.3.** (JUD: Judicial Expense Allowance) Each Supreme Court Justice, Court of Appeals Judge, Family Court Judge and Circuit  
18 Court Judge and any retired judge who receives payment for performing full-time judicial duties pursuant to Section 9-8-120 of the  
19 South Carolina Code of Laws, shall receive one thousand dollars per month as expense allowance.

20       **57.4.** (JUD: Special Judge Compensation) In the payment of funds from “Contractual Services,” and “Administrative Fund,”  
21 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  
22 case of an ongoing trial.

23       **57.5.** (JUD: BPI/Merit) Judicial employees shall receive base and average merit pay in the same percentages as such pay are  
24 granted to classified state employees.

25       **57.6.** (JUD: Supreme Court Bar Admissions) Any funds collected from the Supreme Court Bar Admissions Office may be  
26 deposited into an escrow account with the State Treasurer’s Office. The department is authorized to receive, expend, retain, and  
27 carry forward these funds.

28       **57.7.** (JUD: Travel Reimbursement) State employees of the Judicial Department traveling on official state business must be  
29 reimbursed in accordance with Proviso 117.20(J) of this act.

30       **57.8.** (JUD: Interpreters) The funds appropriated in this section for “Interpreters” shall be used to offset costs associated with  
31 interpreters appointed in judicial proceedings under Sections 17-1-50, 15-27-155, and 15-27-15. The selection, use, and  
32 reimbursement of interpreters shall be determined under such guidelines as may be established by the Chief Justice of the Supreme  
33 Court.

34       **57.9.** (JUD: Reimbursement Receipt Deposit) Amounts received as payment for reproducing, printing, and distributing copies  
35 of court rules and other department documents shall be retained for use by the department.

1     **57.10.** (JUD: Surplus Property Disposal) Technology equipment that has been declared surplus may be donated directly to  
2 counties for use in court-related activities.

3     **57.11.** (JUD: Judicial Carry Forward) In addition to the funds appropriated in this section, the funds appropriated for the Judicial  
4 Department in the prior fiscal year which are not expended during that fiscal year may be carried forward to be expended in the  
5 current fiscal year.

6     **57.12.** (JUD: Case Management Services) The Judicial Department shall retain revenue generated by charging a fee for  
7 technology support services provided to users of the State case management system. These funds may be expended and carried  
8 forward to offset the costs of supporting and maintaining the case management system.

9     **57.13.** (JUD: Magistrates' Training) From the funds appropriated to the Judicial Department, the department shall provide  
10 magistrates annual continuing education on domestic violence, which may include, but is not limited to:

11     (1) the nature, extent, and causes of domestic and family violence;

12     (2) issues of domestic and family violence concerning children;

13     (3) prevention of the use of violence by children;

14     (4) sensitivity to gender bias and cultural, racial, and sexual issues;

15     (5) the lethality of domestic and family violence;

16     (6) legal issues relating to domestic violence and child custody;

17     (7) procedures, penalties, programs, and other issues relating to criminal domestic violence, including social and psychological  
18 issues relating to such violence, the vulnerability of victims and volatility of perpetrators, and the court's role in ensuring that the  
19 parties have appropriate and adequate representation;

20     (8) procedures and other matters relating to issuing orders of protection from domestic violence.

21     **57.14.** (JUD: Judges Salary Exemption) For the current fiscal year, judges' salaries and related employer contributions in Part  
22 IA, Section 57, are exempt from mid-year across-the-board reductions.

23     **57.15.** (JUD: Judicial Department Applicability) For purposes of this act and any other provision of law that would have any  
24 effect on the expenditure of state revenue through the applicability of the particular provision or through compliance with a mandate  
25 or requirement of the provision, the terms "state agency" or "agency" do not include any component of the Judicial Department  
26 unless the provision of law specifically includes these entities and the inclusion only applies for purposes of the particular provision.

27     **57.16.** (JUD: Court Costs Carry Forward) The Judicial Department shall retain the funds collected from costs related to court  
28 proceedings (including the cost of hearings, investigations, prosecution, service of process and court reporter services) under Rules  
29 413 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  
30 under Rule 413, that are assessed against a party. The department is authorized to receive, expend, retain, and carry forward these  
31 funds which shall be used for the same purpose.

32     **57.17.** (JUD: Appellate Court Fee) The Judicial Department shall retain the funds collected as required by the SC Appellate Court  
33 Rules. The department is authorized to receive, expend, retain, and carry forward these funds which shall be used by the department.

34     **57.18.** (JUD: Interpreter Training and Certification) The Judicial Department shall collect and retain funds received from  
35 applicants for interpreter training and certification tests. These funds shall be used to offset expenses incurred for the SC Court  
36 Interpreter Certification Program. The department is authorized to receive, expend, retain, and carry forward these funds.

1     **SECTION 58 - C050 - ADMINISTRATIVE LAW COURT**  
2

3     **58.1.** (ALC: Copying Costs Revenue Deposit) The Administrative Law Court shall retain and expend, for the same purpose for  
4 which it is generated, all revenue received during the current fiscal year as payment for printing and distributing copies of court rules  
5 and other agency documents.

6     **58.2.** (ALC: County Office Space for Judges) Every county shall provide for each Administrative Law Judge residing therein,  
7 upon their request, an office within the existing physical facilities if space is available, to include all utilities and a private telephone.  
8 The request shall only be made provided that the judge's residence is not within fifty miles of the official headquarters of the agency  
9 by which the Administrative Law Judge is employed.

10    **58.3.** (ALC: ALJ Travel) While holding court or on other official business outside the county in which he resides, within fifty  
11 miles of his residence, an Administrative Law Judge is entitled to a subsistence allowance in the amount of \$35 per day plus such  
12 mileage allowance for travel as is provided for other employees of the State. While holding court or on other official business at a  
13 location fifty miles or more from his residence, an Administrative Law Judge is entitled to a subsistence allowance in the amount as  
14 provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other employees  
15 of the State. However, notwithstanding any other provision of law, the allowance as provided shall not exceed \$8,000 per judge in  
16 a fiscal year.

17

18     **SECTION 59 - E200 - OFFICE OF ATTORNEY GENERAL**  
19

20    **59.1.** (AG: Prior Year Expenditures) The Office of Attorney General is authorized to use unexpended federal funds in the current  
21 fiscal year to pay for expenditures incurred in the prior fiscal year.

22    **59.2.** (AG: Other Funds Carry Forward) Any balance of unexpended funds, not including general fund appropriations, may be  
23 carried forward for the operation of the Office of Attorney General.

24    **59.3.** (AG: Reimbursement for Expenditures) The Office of Attorney General may retain for general operating purposes, any  
25 reimbursement of funds for expenses incurred in a prior fiscal year.

26    **59.4.** (AG: Donation Carry Forward) All revenue derived from donations received at the Office of the Attorney General shall  
27 be retained, carried forward, and expended according to agreement reached between the donor, or donors, and the Attorney General.

28    **59.5.** (AG: Securities Fee Revenue) After the provisions of Section 35-1-702(b) of the 1976 Code have been satisfied, and upon  
29 notification to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee that such  
30 provisions have been satisfied, the next \$20,500,000 of Securities Fee revenues collected during the current fiscal year by the Office  
31 of the Attorney General shall be remitted to the General Fund of the State. The Office of the Attorney General may retain the next  
32 \$400,000 collected and may utilize these funds for operations to include expert witness expenses, investigative costs, trial preparation,  
33 and other related expenses associated with the increase in licensed securities agents. These funds may be carried forward from the  
34 prior fiscal year into the current fiscal year and utilized for the same purpose. Remaining Securities Fee revenues collected during  
35 the current fiscal year shall be remitted to the General Fund of the State.

1     **59.6.** (AG: Savannah River Maritime Commission Funds) The Office of the Attorney General is authorized to use funds  
2 appropriated for litigation expenses related to the Savannah River Maritime Commission to reimburse litigation expenditures incurred  
3 by the Office of the Attorney General on behalf of the Savannah River Maritime Commission, the State, or other state agency during  
4 the current fiscal year for any proposed or existing federal project on the Savannah River related to construction in navigable waters  
5 or water quality. Following the conclusion of these litigation matters any remaining funds shall be deposited in the General Fund.

6     **59.7.** (AG: Gang Violence Prevention/Youth Mentor) The Office of the Attorney General may expend other funds to implement  
7 and maintain gang prevention and youth mentoring programs in conjunction with Section 63-19-1430 of the 1976 Code, the Youth  
8 Mentor Act.

9     **59.8.** (AG: Litigation Recovery Account) During the current fiscal year, when there is a recovery or an award in any litigation  
10 managed by the Attorney General, any funds received that would have otherwise been credited to the General Fund shall be deposited  
11 to the credit of a special account created in the Office of State Treasurer entitled "Litigation Recovery Account." The funds deposited  
12 in this account must be expended only as prescribed by law.

13     **59.9.** (AG: Public Official Attorney Fees) The Executive Director of the State Fiscal Accountability Authority shall pay from  
14 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  
15 the Attorney General defends one or more public officers in their official capacities.

16     The Attorney General must certify to the Executive Director the amount the court has ordered the Attorney General to pay for  
17 opposing attorney's fees and court costs and upon receipt of the certification, the Executive Director shall pay up to \$50,000 of the  
18 amount certified to the appropriate individual or entity. The Attorney General must report any court ordered payment of attorney's  
19 fees and court costs that exceed \$50,000 to the President of the Senate, the Speaker of the House of Representatives, the Chairman  
20 of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee for consideration by the General  
21 Assembly.

22     **59.10.** (AG: Victim/Witness Program Formula Distribution) If funds in the South Carolina Victims' Compensation Fund exceed  
23 the amount required to operate the State Crime Victim Compensation Department and pay claims of crime victims, the first \$650,000  
24 of such excess must be used for Victim/Witness programs by distribution to Judicial Circuits based on a formula and criteria  
25 developed by the policy committee, and otherwise subject to requirements of Proviso 60.8.

26     **59.11.** (AG: Physical Abuse Examinations) Of the funds appropriated in this section for Victims' Rights, up to \$120,000 may be  
27 expended for physical abuse examinations.

28     **59.12.** (AG: Procuring Services) In order to maximize services for victims of crime, if the fulfilling of requirements pursuant to  
29 Section 16-3-1410 of the 1976 Code, necessitates hiring any outside entities, the State Crime Victim Compensation Department must  
30 follow procedures established by the SC Consolidated Procurement Code. Any entity contracting with the agency will submit an  
31 annual report by August first to the Governor's Office and to the Chairmen of the Senate Finance Committee and House Ways and  
32 Means Committee detailing expenditures from the prior fiscal year in accordance with the State Office of Victims' Assistance. The  
33 Attorney General's Office is directed to transfer \$122,032 of the funds carried forward from the prior fiscal year in the Victims'  
34 Compensation Fund, and up to \$41,892 from general funds from Victim's Assistance to pay for any contracts or services procured.

35     **59.13.** (AG: Crime Victims Ombudsman) For the current fiscal year, the State Crime Victim Compensation Department shall  
36 transfer \$116,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.



1       **59.14.** (AG: State Crime Victim Compensation Department) For the current fiscal year, The State Crime Victim Compensation  
2 Department may enter into memoranda of agreement with third-party victim service providers to secure emergency medical,  
3 transportation, or other crisis stabilization services on a reimbursable basis. Such agreements shall not allow for more than eight  
4 percent of the total reimbursement to cover a provider's administrative, marketing, and advocacy costs. Annually, and no later than  
5 October first of each year, the State Crime Victim Compensation Department shall report to the Governor, the Chairman of the  
6 Senate Finance Committee, and the Chairman of House Ways and Means Committee on the performance of third-party providers  
7 and the use of funds authorized pursuant to this provision in the prior fiscal year.

8       **59.15.** (AG: State Crime Victim Compensation) A county or municipality may retain carry forward funds that were collected  
9 pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208 (B) and (D), and 14-1-211 (B) of the 1976 Code, but no  
10 more than \$25,000 or ten percent of funds collected in the prior fiscal year, whichever is higher. If a county or municipality does  
11 not spend at least ninety percent of the funds collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208  
12 (B) and (D), and 14-1-211 (B) on Article 16, Chapter 3, Title 16 first priority and/or second priority programs during the fiscal year  
13 that the funds are received then the county or municipality shall remit any unspent funds that are greater than the allowed carried  
14 forward funds, regardless of the year collected, to the State Victim Assistance Program (SVAP) with the Office of the Attorney  
15 General within 120 days after the end of the fiscal year. All funds must be accounted for in the annual audit for each county or  
16 municipality.

17       The State Crime Victim Compensation Department shall offer training and technical assistance to each municipality and county  
18 annually on acceptable use of both priority one and priority two funds and funds available for competitive bid.

19       The State Crime Victim Compensation Department is authorized to transfer to the State Victim Assistance Program any state funds  
20 deemed available under Crime Victims Compensation authority to the State Victim Assistance Programs be placed in the competitive  
21 bid process.

22       The State Victim Assistance Program shall offer any funds remitted to it to non-profit organizations that provide direct victim  
23 services on a competitive bid process. These funds may be used by the non-profit for administrative costs and victim services.

24       A county or municipality may be exempt from the remittance requirements of this proviso upon submission of a plan to the State  
25 Crime Victim Compensation Department that meets the statutory requirements for the use of funds. A county or municipality must  
26 submit the report within 60 days after the end of the fiscal year. The State Crime Victim Compensation Department shall review the  
27 submitted plan and advise the county or municipality of plan compliance with statutory requirements.

28       **59.16.** (AG: Crime Victim Training Certification and Statistical Analysis) Of the funds appropriated and/or authorized for the  
29 State Crime Victim Compensation Fund, \$75,000 may be used to support the State Crime Victim Training, Certification and  
30 Statistical Analysis Division.

31       **59.17.** (AG: Crime Victim Services Funeral and Burial Compensation) The Department of Crime Victim Compensation shall set  
32 a funeral and burial compensation maximum of \$6,500.

1    **SECTION 60 - E210 - PROSECUTION COORDINATION COMMISSION**

2  
3    **60.1.** (PCC: Solicitor Salary) The amount appropriated in this section for salaries of solicitors shall be paid to each full-time  
4 solicitor. Each full-time circuit solicitor shall earn a salary not less than each full-time circuit court judge.

5    **60.2.** (PCC: Solicitor Expense Allowance) Each solicitor shall receive one thousand dollars (\$1,000.00) per month as expense  
6 allowance.

7    **60.3.** (PCC: Judicial Circuits State Support) The amount appropriated and authorized in this section for Judicial Circuits (16)  
8 State Support shall be apportioned among the circuits. The first \$4,692,961 shall be distributed on a per capita basis based upon the  
9 current official census. The next \$1,659,041 shall be distributed on a pro-rata basis. Payment shall be made as soon after the  
10 beginning of each quarter as practical.

11    **60.4.** (PCC: Carry Forward) Any unexpended balance on June thirtieth of ~~Fiscal Year 2020-21~~ the prior fiscal year may be  
12 carried forward into the current fiscal year and expended for the operation of the Commission on Prosecution Coordination or the  
13 Offices of the Solicitor relating to operational expenses.

14    **60.5.** (PCC: Solicitor's Office - County Funding Level) It is the intent of the General Assembly that the amounts appropriated  
15 for solicitors' offices shall be in addition to any amounts presently being provided by the county for these services and may not be  
16 used to supplant funding already allocated for such services without any additional charges. If the county reduces the amount of  
17 support provided to solicitors' offices below the level provided in the prior fiscal year, the Solicitor shall notify the Chairman of the  
18 Senate Finance Committee and the Chairman of the House Ways and Means Committee of the amount of such reduced support.

19    **60.6.** (PCC: Solicitors Victim/Witness Assistance Programs) When funds are available, the amount appropriated and authorized  
20 in Part IA, Section 60 for Solicitors Victim/Witness Assistance Programs shall be apportioned among the circuits on a per capita  
21 basis and based upon the current official census. Payment shall be made as soon after the beginning of each quarter as practical.

22    **60.7.** (PCC: CDV Prosecution) The amount appropriated and authorized in this section for Criminal Domestic Violence  
23 Prosecution shall be apportioned among the circuits on a pro-rata basis. If not privileged information, the Prosecution Coordination  
24 Commission shall collect and retain information and data regarding Criminal Domestic Violence Prosecution and shall include:  
25 the number of dispositions, types of dispositions and county in which the disposition took place and shall provide the General  
26 Assembly with an annual report no later than sixty days after the conclusion of the fiscal year.

27    **60.8.** (PCC: Establish Victim/Witness Program) The funds appropriated in this section for Victim/Witness Program must be  
28 equally divided among the judicial circuits, less any adjustments made for budget reductions. The funds for each circuit must be  
29 distributed to the solicitor's office of that circuit and only used by the solicitor for the purpose of establishing a Victim/Witness  
30 Program in the circuit which shall provide, but not be limited to, the following services:

31    (1) Make available to victims/witnesses information concerning their cases from filing in general sessions court through  
32 disposition.

33    (2) Keep the victim/witness informed of his rights and support his right to protection from intimidation.

34    (3) Inform victims/witnesses of and make appropriate referrals to available services such as medical, social, counseling, and  
35 victims' compensation services.

36    (4) Assist in the preparation of victims/witnesses for court.

- 1 (5) Provide assistance and support to the families or survivors of victims where appropriate.
- 2 (6) Provide any other necessary support services to victims/witnesses such as contact with employers or creditors.
- 3 (7) Promote public awareness of the program and services available for crime victims.

4 The funds may not be used for other victim-related services until the above functions are provided in an adequate manner.

5 It is the intent of the General Assembly that the amounts appropriated in this section for victim assistance programs in solicitors' offices shall be in addition to any amounts presently being provided by the county for these services and may not be used to supplant funding already allocated for such services. Any reduction by any county in funding for victim assistance programs in solicitors' offices shall result in a corresponding decrease of state funds provided to the solicitors' office in that county for victim assistance services. Each solicitor's office shall submit an annual financial and programmatic report which describes the use of these funds. The report shall be submitted to the Governor, the Attorney General, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on October first, for the preceding fiscal year.

12 **60.9.** (PCC: DUI Prosecution) The amount appropriated and authorized in this section for Driving Under the Influence Prosecution shall be apportioned among the circuits on a pro-rata basis. If not privileged information, the Prosecution Coordination Commission shall collect and retain information and data regarding Driving Under the Influence Prosecution and shall include: the number of dispositions, types of dispositions and county in which the disposition took place and shall provide the General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year.

17 **60.10.** (PCC: Violent Crime Prosecution) The amount appropriated and authorized in this section for Violent Crime Prosecution shall be apportioned pro rata among the circuits. Payment shall be made as soon after the beginning of each quarter as practical.

19 **60.11.** (PCC: Caseload Equalization Funding) The amount appropriated in this act and authorized for Caseload Equalization will have the first \$3,450,000 distributed at an amount of \$75,000 per county. The remaining \$4,376,872 shall be distributed based upon the average incoming caseload for each county as reported by the Judicial Department for the prior three fiscal years.

22 **60.12.** (PCC: Summary Court Domestic Violence Fund Distribution) The Summary Court Domestic Violence Prosecution funding shall be distributed based on the average incoming caseload for each county as reported by the South Carolina Judicial Department for the prior 3 fiscal years.

25 **60.13.** (PCC: Intake and Analysis Funding) Funds appropriated and/or authorized for Intake and Analysis Programs shall be distributed at an amount of \$135,000 to each circuit that establishes, maintains, and annually reports information and data regarding its Intake and Analysis Program. Funds not expended by the end of the current fiscal year shall be remitted to the General Fund.

28 **60.14.** (PCC: Drug Court Funding) The funds appropriated to the Prosecution Coordination Commission for drug court funding and distributed to the Offices of Solicitor shall be used for the purpose of operating drug courts and other diversion programs.

30 **60.15.** (PCC: Solicitor Technology Funding Distribution) The amount appropriated in this act and authorized for Circuit Solicitor Intelligence Led Prosecution Programs shall be apportioned in equal amounts among the sixteen circuits. Funding allocated for each circuit must be distributed for the development and implementation of a CJIS compliant prosecution case management system capable of integration with the South Carolina Commission on Prosecution Coordination, the South Carolina Judicial Branch, all State and Local Law Enforcement Departments, and other Offices of Circuit Solicitor. Each Circuit Solicitor shall submit, to the Prosecution Coordination Commission, a comprehensive report detailing the capabilities and all associated expenditures for the

1 Prosecution Case Management System. The Prosecution Coordination Commission shall compile and submit these reports to the  
2 Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December 31<sup>st</sup>, 2022.

3  
4 **SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE**  
5

6 **61.1.** (INDEF: Defense of Indigents Formula) The amount appropriated in this act for “Defense of Indigents” shall have the first  
7 \$3,600,000 distributed as follows: \$1,200,000 shall be distributed in the amount of \$75,000 per circuit for 1.00 Public Defender and  
8 \$2,400,000 shall be distributed in the amount of \$150,000 per circuit for 2.00 investigators; the remaining amount appropriated shall  
9 be 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  
10 current official decennial census of the United States; provided that no county shall receive funding in an amount less than the amount  
11 apportioned to it as of July 1, 2020. The level of contribution of each county as of July 1, 2001, must be maintained. No county  
12 shall be permitted to contribute less money than the amount the county contributed in the prior fiscal year. Within the amount of  
13 money established for indigent defense services, the State shall authorize the Commission on Indigent Defense to receive up to or  
14 spend no more than \$3,000,000 for the Death Penalty Trial Fund annually for use of the defense in capital cases pursuant to Section  
15 16-3-26 of the 1976 Code, for juveniles facing the possibility of a sentence of life without parole, and for the expenses of the operation  
16 of the Commission on Indigent Defense to include salaries and operations expenses of the Death Penalty Trial Division. The State  
17 also shall authorize the Commission on Indigent Defense to receive up to or spend no more than \$2,500,000 annually to pay fees and  
18 expenses of private counsel appointed in noncapital cases pursuant to Section 17-3-50 (Conflict Fund). Of the funds generated from  
19 the fees imposed 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  
20 17-3-30(B), on a monthly basis, fifty percent must be deposited into the Death Penalty Trial Fund, fifteen percent must be deposited  
21 into the Conflict Fund, and thirty-five percent each month must be apportioned among the counties’ public defender offices pursuant  
22 to Section 17-3-330. At the end of each fiscal year any leftover funds shall carryover to the next fiscal year for the same purposes.  
23 All applications for the payment of fees and expenses in capital cases shall be applied for from the Death Penalty Trial Fund which  
24 shall be administered by the Commission on Indigent Defense. All applications for the payment of fees and expenses of private  
25 counsel or expenses of public defenders pursuant to Section 17-3-50 shall be applied for from the Conflict Fund administered by the  
26 Commission on Indigent Defense. Reimbursement in excess of the hourly rate and limit set forth in Section 17-3-50 is authorized  
27 only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in  
28 excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and  
29 reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary. If prior approval  
30 by written order of the court is not obtained, no additional fees shall be paid under any circumstances.

31 Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the  
32 representation of the defendant, the court shall authorize the defendant’s attorney to obtain such services on behalf of the defendant  
33 and shall authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed  
34 five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the  
35 court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the  
36 limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall

1 be made from funds appropriated for this purpose from the Commission of Indigent Defense. If prior approval by written order of  
2 the court is not obtained, no additional expenses shall be paid under any circumstances.

3 Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established  
4 by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the  
5 Senate Finance Committee and the House Ways and Means Committee.

6 **61.2.** (INDEF: State Employee Compensation Prohibited) Except as otherwise provided in Proviso 117.5, no money  
7 appropriated pursuant to Defense of Indigents shall be used to compensate any state employees appointed by the court as examiners,  
8 guardians ad litem or attorneys nor shall such funds be used in payment to any state agency for providing such services by their  
9 employees.

10 **61.3.** (INDEF: Appellate Conflict Fund) The purpose of the Appellate Conflict Fund is to provide money to pay attorneys for  
11 representing indigent defendants on appellate review when the Office of Appellate Defense is unable to do so. Funds designated for  
12 appellate use in conflict cases shall be administered by the Commission on Indigent Defense. The Office of Appellate Defense  
13 must 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  
14 work, 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  
15 for in court work in capital appeals with a maximum of \$10,000 per capital appeal. The appropriate appellate court shall review and  
16 approve vouchers for payment for appellate conflict cases. The Office of Appellate Defense shall continue to provide printing and  
17 other support functions currently provided from their resources. On June thirtieth of each year, the Commission on Indigent Defense  
18 shall review all outstanding obligations in this fund. Any unspent and unobligated money shall be used to pay outstanding vouchers  
19 in the Death Penalty Trial Fund or the Conflict Fund, provided the designated fund has become exhausted during the year.

20 **61.4.** (INDEF: SC Appellate Court Rule 608 Appointments) The funds appropriated under “SC Appellate Court Rule 608  
21 Appointments” shall be used for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate  
22 Court Commitments, Sexually Violent Predator Act, and Post-Conviction Relief (PCR) and Criminal Conflict appointments to  
23 reimburse court appointed private attorneys and for other expenditures as specified in this provision. SC Appellate Court Rule 608  
24 Appointments funds may not be transferred or used for any other purpose.

25 A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for “Termination of Parental  
26 Rights” cases and “Abuse and Neglect” cases to reimburse private attorneys who are appointed by the Family Court to represent  
27 guardians ad litem, children, or parents under the provisions of Sections 63-7-1620 et seq., 63-7-2560 et seq., 63-9-320(A)(2) et seq.,  
28 63-19-810 et seq., and 63-19-2210 et seq.; for “Probate Court Commitment” cases to reimburse private attorneys who are appointed  
29 by the Probate Court to represent indigent persons; and for “Sexually Violent Predator” cases to reimburse private attorneys who are  
30 appointed by the Circuit Court pursuant to Sections 44-48-10, et seq., to represent indigent persons. When private counsel is  
31 appointed pursuant to these provisions, counsel shall be reimbursed a reasonable fee to be determined on the basis of fifty dollars per  
32 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  
33 be determined by the Commission on Indigent Defense. Attorney fees shall not exceed two thousand dollars for any case under  
34 which such private attorney is appointed.

35 A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for noncapital Post  
36 Conviction Relief Cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended

1 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  
2 amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed one thousand  
3 dollars in any single case.

4 A portion of the funds appropriated under "SC Appellate Court Rule 608 Appointments" shall be used for noncapital criminal  
5 cases pursuant to Section 17-3-50 (Conflict Fund). Any attorney appointed shall be compensated at a rate not to exceed forty dollars  
6 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  
7 method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not  
8 exceed three thousand five hundred dollars in any single felony case or one thousand dollars in any single misdemeanor case.

9 Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order  
10 with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide  
11 reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because  
12 the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained, no additional  
13 fees shall be paid under any circumstances.

14 Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the  
15 representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant  
16 and shall authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed  
17 five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the  
18 court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the  
19 limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall  
20 be made from funds appropriated for this purpose from the Commission of Indigent Defense. If prior approval by written order of  
21 the court is not obtained, no additional expenses shall be paid under any circumstances.

22 Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established  
23 by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the  
24 Senate Finance Committee and the House Ways and Means Committee.

25 A portion of the funds appropriated under "SC Appellate Court Rule 608 Appointments" may be used by the Commission on  
26 Indigent Defense to retain, on a contractual basis, the services of attorneys and other professionals to assist court appointed attorneys  
27 to provide quality and effective representation. The commission shall establish all policies, procedures, and contract provisions as it  
28 deems appropriate for the implementation of the system including, but not limited to, the selection and compensation of contract  
29 awardees.

30 **61.5.** (INDEF: Carry Forward) To offset budget reductions, the Commission on Indigent Defense may carry forward and utilize  
31 any unencumbered balances available in the Appellate Conflict Fund and the SC Appellate Court Rule 608 Appointment Fund at the  
32 end of the prior fiscal year.

33 **61.6.** (INDEF: Public Defender Fee) Every person placed on probation on or after July 1, 2003, who was represented by a public  
34 defender or appointed counsel, shall be assessed a fee of five hundred dollars. The revenue generated from this fee must be collected  
35 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

1 fee, this failure alone is not sufficient basis for incarceration for a probation violation. This assessment shall be collected and paid  
2 over before any other fees.

3 **61.7.** (INDEF: Defense of Indigents Civil Action Application Fee) (A) A person requesting appointment of counsel in any  
4 termination of parental rights (TPR), abuse and neglect, or any other civil court action in this state shall execute an affidavit that the  
5 person is financially unable to employ counsel and that affidavit shall set forth all of the person's assets. This affidavit must be  
6 completed before counsel may be appointed. If it appears that the person has some assets but they are insufficient to employ private  
7 counsel, the court, in its discretion, may order the person to pay these assets or a portion thereof to the Commission on Indigent  
8 Defense.

9 (B) A forty dollar application fee for appointed counsel services must be collected from every person who executes an affidavit  
10 that they are financially unable to employ counsel. The person may apply to the court, the clerk of court, or other appropriate official  
11 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  
12 be waived or reduced, provided that if the fee is waived or reduced, the clerk or appropriate official shall report the amount waived  
13 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  
14 as the trial judge deems appropriate. The clerk of court or other appropriate official shall collect the application fee imposed by this  
15 section and remit the proceeds to the Commission on Indigent Defense on a monthly basis. The monies must be deposited in an  
16 interest-bearing account separate from the general fund and used only to provide for indigent defense services. The monies shall be  
17 administered by the Commission on Indigent Defense. The clerk of court or other appropriate official shall maintain a record of all  
18 persons applying for representation and the disposition of the application and shall provide this information to the Commission on  
19 Indigent Defense on a monthly basis as well as reporting the amount of funds collected or waived.

20 (C) In matters in which a juvenile is brought before a court, the parents or legal guardian of such juvenile shall execute the above  
21 affidavit based upon their financial status and shall be responsible for paying any fee. In matters concerning juveniles, the parents  
22 or legal guardians of said juvenile, shall be advised in writing of this requirement at the earliest stage of the proceedings against said  
23 juvenile.

24 (D) Nothing contained above shall restrict or hinder a court from appointing counsel in any emergency proceedings or where  
25 existing statutes do not provide sufficient time for an individual to complete the application process.

26 (E) The appointment of counsel, as herein before provided, creates a claim against the assets and estate of the person who is  
27 provided counsel or the parents or legal guardians of a juvenile in an amount equal to the costs of representation as determined by a  
28 voucher submitted by the appointed counsel and approved by the court, less that amount that the person pays to the appointed counsel.

29 (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  
30 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  
31 such claim is reduced to judgment by appropriate order of the court, after serving the person with at least thirty days' notice that  
32 judgment will be entered. When a claim is reduced to judgment, it shall have the same effect as judgments, except as modified by  
33 this provision.

34 **61.8.** (INDEF: Exemption for Pass Through Funding) The funds distributed by the Commission on Indigent Defense to the  
35 Legal Services Corporation in accordance with Section 14-1-204 of the 1976 Code shall not be considered part of the commission's  
36 budget for purposes of calculating budget reductions.

1       **61.9.** (INDEF: Reporting Requirement) Circuit Public Defenders shall provide, in a manner and form as the agency head  
2 requires, information and data concerning caseloads, dispositions, and other information as required by the agency head or General  
3 Assembly. The agency shall withhold payments and transfers to Circuit Public Defenders who are not in compliance with the agency  
4 reporting requirements.

5       **61.10.** (INDEF: Capital Case Contract Attorneys) Funds appropriated from the Death Penalty Trial Fund may be used by the  
6 commission to retain, on a contractual basis, the service of attorneys qualified to provide representation in capital proceedings to  
7 include: capital trials, post-conviction relief actions, re-sentencing, appeals or any other capital litigation proceeding.

8       The commission shall establish all policies, procedures and contract provisions as it deems appropriate for the implementation of  
9 the system, including but not limited to the selection and compensation of contract awardees. The commission may use these funds  
10 to retain, on a contractual basis, the services of other professionals to assist court appointed attorneys to provide quality and effective  
11 representation in the above capital proceedings.

12       **61.11.** (INDEF: Optional Courts and Indigent Representation) If a municipality has or elects to have an optional municipal court  
13 system, it must provide adequate funds for representation of indigents. No public defender shall be appointed in any such court  
14 unless the municipality and the office of the circuit public defender have reached an agreement for indigent representation and no  
15 funds allocated to the commission shall be used to provide compensation for appointed counsel in municipal courts.

16       **61.12.** (INDEF: Court Case Contract Attorneys) Of the funds appropriated to the Commission on Indigent Defense for court  
17 case backlogs, the commission shall distribute fifty percent to each circuit based upon the proportional statewide share of the number  
18 of pending cases for each circuit aged 545 days or more, thirty percent to each circuit based upon the proportional statewide share of  
19 the number of pending cases for each circuit aged 366 days and less than 545 days, and twenty percent to each circuit based upon  
20 the proportional statewide share of the number of pending cases for each circuit aged 365 days or less as reported by the Judicial  
21 Department for the fiscal year ending June 30, 2021. These funds shall be used by each circuit for the purpose of hiring contract  
22 attorneys to address pending active cases.

23       By June 30, the commission, in coordination with the Judicial Department and the solicitors' offices, shall provide a report to the  
24 Senate Finance Committee and the House Ways and Means Committee on the amount of funds received by each circuit and on the  
25 effectiveness of how these funds have reduced pending cases. The commission shall track any other information deemed necessary  
26 to evaluate the effectiveness of this program.

27  
28       **SECTION 62 - D100 - STATE LAW ENFORCEMENT DIVISION**

29  
30       **62.1.** (SLED: Special Account Carry Forward) Funds awarded to the State Law Enforcement Division by either court order or  
31 from donations or contributions shall be deposited in a special account with the State Treasurer, and shall be carried forward from  
32 year to year, and withdrawn from the Treasurer as needed to fulfill the purposes and conditions of the said order, donations or  
33 contributions, if specified, and if not specified, as may be directed by the Chief of the State Law Enforcement Division. Funds  
34 expended from the special account must be annually reported by October first to the Senate Finance Committee and the Ways and  
35 Means Committee.



1       **62.2.** (SLED: Computer/Communications Center Carry Forward) Revenue generated from the operation of the division's  
2 criminal justice computer/communications center and not expended during the prior fiscal year may be carried forward and expended  
3 for the same purpose during the current fiscal year.

4       **62.3.** (SLED: Agents Operations Carry Forward) Any unexpended balance on June thirtieth, of the prior fiscal year, in Part IA,  
5 Section 62 of the section "Agents Operations" may be carried forward and expended for the same purpose in the current fiscal year.

6       **62.4.** (SLED: Match for Federal Grants Carry Forward) State appropriations to SLED that are required to provide match for  
7 federal grant programs in the prior fiscal year may be carried forward into the current fiscal year and expended for the same purpose  
8 as originally appropriated.

9       **62.5.** (SLED: Clothing Allowance) The State Law Enforcement Division is hereby authorized to provide agents and criminalists  
10 with an annual clothing allowance (on a pro rata basis) not to exceed \$600 per agent/criminalist for required clothing used in the line  
11 of duty.

12       **62.6.** (SLED: Witness Fee) The State Law Enforcement Division is hereby authorized to charge a witness fee of \$130.00 per  
13 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  
14 shall be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances and  
15 deposited into a designated revenue account.

16       **62.7.** (SLED: Commissioned Officers' Physicals) The department is authorized to pay for the cost of physical examinations for  
17 department personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

18       **62.8.** (SLED: Meals in Emergency Operations) The State Law Enforcement Division may provide meals to employees of SLED  
19 who are not permitted to leave assigned duty stations and are required to work during deployment, emergency simulation exercises  
20 and when the Governor declares a state of emergency.

21       **62.9.** (SLED: Hazardous Materials Security Detail) The State Law Enforcement Division (SLED) is authorized to be reimbursed  
22 for security related law enforcement services provided to entities authorized to transport sensitive materials within the borders of  
23 South Carolina. SLED shall determine all costs associated with security details and is authorized to coordinate the collection,  
24 retention, and distribution to any assisting agency. SLED and each assisting agency shall expend any funds associated with  
25 minimizing risks related to the transportation of these hazardous materials for the implementation of homeland security initiatives.

26       **62.10.** (SLED: Sex Offender Registry Fee) Each Sheriff is authorized to charge and collect an annual amount of one hundred  
27 fifty dollars from each sex offender required to register by law. If such sex offender has been declared indigent by the Sheriff of the  
28 county in which the offender must register and provides proof of the declaration at the time of registration, the fee will automatically  
29 be waived. If an offender is not declared indigent and fails to pay the fee, he is officially declared unregistered. This fee shall be  
30 divided between the Sheriffs and the State Law Enforcement Division with one hundred dollars of the fee retained by the Sheriffs  
31 and the remaining fifty dollars remitted by the Sheriffs to SLED on a quarterly basis. These funds must be used to support the  
32 Statewide Sex Offender Registry.

33       **62.11.** (SLED: Private Detective Fees Criminal History Checks) The State Law Enforcement Division is authorized to charge  
34 private detective companies, individual private detectives, private security companies, armed security guards, and proprietary  
35 security companies a fee of twenty-five dollars to process state criminal history checks and fifty dollars for federal fingerprint based

- 1 criminal history checks. These funds shall be collected, retained, expended and carried forward by the State Law Enforcement  
2 Division.
- 3 **62.12.** (SLED: CWP Instructors Certification) The State Law Enforcement Division is authorized to charge one hundred dollars  
4 for the issuance of a Certified Concealable Weapons Permit Instructor certificate, and one hundred dollars every three years for each  
5 renewal. These funds shall be collected, retained, expended and carried forward by the State Law Enforcement Division.
- 6 **62.13.** (SLED: Expungement Requests) The State Law Enforcement Division is authorized to collect a twenty-five dollar  
7 expungement fee for each request to expunge criminal records. These funds shall be used to offset the operational and research  
8 expenses associated with processing these expungement requests. SLED is authorized to collect, retain, expend, and carry forward  
9 these funds. Persons found not guilty by a court of competent jurisdiction or where charges have been dismissed or nolle prossed  
10 shall be excluded from the fee requirement.
- 11 **62.14.** (SLED: Retention of Funds Reimbursed by State or Federal Agencies) The State Law Enforcement Division is authorized to  
12 collect, expend, retain, and carry forward all funds received from other state or federal agencies in the current fiscal year as  
13 reimbursement of expenditures incurred in the current or prior fiscal year.
- 14 **62.15.** (SLED: Monies Associated with Illegal Gaming Devices) The State Law Enforcement Division is authorized to retain,  
15 expend, and carry forward all monies associated with illegal gaming devices seized by the division, once orders of destruction and  
16 awarding of these monies have been received from a court of competent jurisdiction.
- 17 **62.16.** (SLED: Private Detective/Security Fee) The license and registration fees set by the State Law Enforcement Division for  
18 private detective businesses, private security businesses, including employees of these businesses, and companies which provide  
19 private security on their own premises must not exceed those fees set by regulation as of January 1, 2011, unless otherwise approved  
20 by the General Assembly. From the funds collected from these fees, the State Law Enforcement Division must transfer \$480,000 to  
21 the Department of Public Safety which shall be used for the purpose of providing security in the Capitol Complex area.
- 22 **62.17.** (SLED: Criminal Record Search Fees) The State Law Enforcement Division is authorized to charge and collect a fee of  
23 eight dollars for a criminal record search for local park and recreation volunteers through a commission, municipality, county, or the  
24 South Carolina Department of Parks, Recreation and Tourism. Any organization that is authorized to receive the reduced fee must  
25 not charge the volunteer, mentor, member, or employee more than the eight dollars or any additional fee that is not required by the  
26 State Law Enforcement Division. All criminal record searches conducted under this provision must be for a volunteer, mentor,  
27 member or employee performing in an official capacity of the organization and must not be resold.
- 28 **62.18.** (SLED: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the  
29 State Law Enforcement Division may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the  
30 Chief, and providing funds are available.
- 31 **62.19.** (SLED: Meth Lab Clean Up Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year, in the  
32 special line "Meth Lab Clean Up" may be carried forward and expended for agency law enforcement operations in the current fiscal  
33 year.
- 34 **62.20.** (SLED: CWP Renewal and Replacement) A concealed weapons permit may not be suspended by a state official, agent, or  
35 employee supported by state funds if the permit holder has initiated a renewal or replacement application and the processing and  
36 issuance of a renewal or replacement permit is delayed for administrative reasons. A concealed weapons permit remains valid during

1 the pendency of the renewal or replacement process so long as the application for replacement renewal is submitted prior to the  
2 expiration of the permit.

3 **62.21.** (SLED: Drug Lab Electronic Mandatory Reporting System) Of the funds appropriated for Meth Lab Clean Up, the State  
4 Law Enforcement Division is authorized to expend such funds for the development and implementation of a statewide electronic  
5 mandatory reporting system for municipal, county and state governmental entities to report information, as directed by the State Law  
6 Enforcement Division, pertaining to the discovery or seizure of methamphetamine laboratories and dumpsites.

7 **62.22.** (SLED: Mandatory Meth Lab Reporting) If a municipal, county, or state governmental entity locates, finds, or seizes a  
8 methamphetamine laboratory or dumpsite within the State, the governmental entity shall report the incident within three business  
9 days to the State Law Enforcement Division.

10 The State Law Enforcement Division shall determine the reporting mechanism and is authorized to request, receive, catalogue,  
11 classify, and maintain all information it determines necessary pertaining to the laboratory or dumpsite including, but not limited to,  
12 the location, the type of manufacturing method used, and suspect information. The State Law Enforcement Division shall maintain  
13 information related to these governmental reports on its website, which must be made available to the public, and is authorized to  
14 use funds appropriated for Meth Lab Clean Up towards the prudent maintenance of information reported.

15 A governmental entity that fails to report information to the State Law Enforcement Division pursuant to this proviso is ineligible  
16 to receive public safety grants that are funded through the South Carolina Public Safety Coordinating Council pursuant to Section  
17 23-6-520(2) of the 1976 Code.

## 18 SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY

19  
20  
21 **63.1.** (DPS: Special Events Traffic Control) The highway patrol must not charge any fee associated with special events for  
22 maintaining traffic control and ensuring safety on South Carolina public roads and highways unless approved by the General  
23 Assembly. Nothing shall prohibit the Treasury of the State from accepting voluntary payment of fees from private or public entities  
24 to defray the actual expenses incurred for services provided by the Department of Public Safety.

25 **63.2.** (DPS: Retention of Private Detective Fees) The Department of Public Safety is hereby authorized to receive, expend,  
26 retain, and carry forward all funds transmitted from SLED related to fees charged and collected by SLED from license and registration  
27 fees for private detective businesses, private security businesses, including employees of these businesses, and companies which  
28 provide private security on their own premises. The funds transferred are to be used in the Bureau of Protective Services Program  
29 to provide security for state agencies and the Capitol Complex.

30 **63.3.** (DPS: Motor Carrier Advisory Committee) From the funds appropriated and/or authorized to the Department of Public  
31 Safety and the Department of Motor Vehicles, the departments are directed to jointly establish a Motor Carrier Advisory Committee  
32 to solicit input from the Trucking Industry and other interested parties in developing policies and procedures for the regulation of  
33 this industry. The members of the advisory committee shall serve without compensation.

34 **63.4.** (DPS: CMV Driver Rest Areas) A joint working group is to be established between the Department of Transportation,  
35 Department of Public Safety, State Transport Police and the South Carolina Trucking Association to review and evaluate where

1 critical rest areas may be made available for commercial motor vehicle drivers to park and obtain their federally mandated required  
2 rest.

3 **63.5.** (DPS: SC Law Enforcement Officers Hall of Fame Scholarships/Donations) The Department of Public Safety is hereby  
4 authorized to accept donations from the public in order to provide scholarships to the children of law enforcement officers killed in  
5 the line of duty. The South Carolina Law Enforcement Officers Hall of Fame Advisory Committee is authorized to set the criteria  
6 for awarding such scholarships. All revenue received for this purpose shall be used to provide scholarships and shall be retained,  
7 carried forward, and expended for the same purpose. Funds received and designated for scholarships shall not be used for any other  
8 purpose.

9 The department shall also be authorized to receive and expend funds including any donations, contributions, grants, or gifts from  
10 private individuals, foundations, agencies, corporations, or the state or federal government, for the purpose of carrying out the  
11 programs and objectives of the South Carolina Law Enforcement Officers Hall of Fame. The department shall be authorized to  
12 retain, expend, and carry forward unexpended funds received for the South Carolina Law Enforcement Officers Hall of Fame and  
13 utilize those funds for the same purposes in the current fiscal year.

14 **63.6.** (DPS: Body Cameras) The Department of Public Safety is authorized to retain and carry forward unexpended funds  
15 associated with body cameras from the prior fiscal year into the current fiscal year and expend those funds for the same purpose.

16 **63.7.** (DPS: Overtime Pay) For the current fiscal year, the department is authorized and required to pay current non-exempt law  
17 enforcement officers by October 1st for any compensatory time earned and not used in the prior fiscal year. The funds for this  
18 compensation must be provided from available personal services, appropriated overtime funding, and/or employer contributions  
19 funds carried forward from the prior fiscal year. If the amount of carried forward funds is not sufficient to pay all the non-exempt  
20 law enforcement officers accrued compensatory time, the department shall pay the officers on a percentage distribution based on the  
21 hours owed per officer up to the total amount that the department has carried forward.

22 **63.8.** (DPS: In-Car Camera Funding) For ~~Fiscal Year 2021-22~~ the current fiscal year, from funds appropriated to and/or  
23 authorized for the Department of Public Safety, there is established within the department an "In-Car Video Camera Fund" for the  
24 purpose of assisting law enforcement agencies in purchasing and maintaining in-car video cameras and ongoing costs related to the  
25 maintenance and storage of data recorded by in-car video cameras.

26 The Public Safety Coordinating Council shall oversee the fund and establish a process for the application for and disbursement of  
27 monies to law enforcement agencies. The council shall disburse the funds in a fair and equitable manner, taking into consideration  
28 the DUI enforcement activity of the law enforcement agencies, with priority given to those law enforcement agencies who prioritize  
29 DUI enforcement activity.

30 **63.9.** (DPS: School Safety Program) Funds appropriated for the School Safety Program and School Resource Officers in this  
31 act shall be utilized by the department for the purpose of hiring certified law enforcement officers to serve as a school resource  
32 officer for school districts, including the South Carolina Public Charter School District and schools authorized by an institution of  
33 higher learning, that otherwise would lack the adequate resources to hire their own school resource officers. In making  
34 determinations of eligibility, the department shall use the most recent index of taxpaying ability as the district's indicator of ability  
35 to pay with districts of the lowest index of taxpaying ability receiving priority consideration. Districts, in collaboration with a local  
36 law enforcement agency of its choosing, must apply for funding through the department. In making awards the department shall

1 provide funding directly to the local law enforcement agency to pay for the cost of the law enforcement officer that shall serve as a  
2 full time school resource officer. Unexpended funds may be carried forward and expended for salaries, equipment, and training ~~in~~  
3 ~~an amount not to exceed \$70,000 per school resource officer.~~ Quarterly, ~~local law enforcement agencies~~ school district  
4 superintendents shall provide to the department the number of full and part-time school resource officers ~~hired by school districts~~  
5 ~~and by schools, regardless of the funding source, that currently serve schools in their respective districts.~~

6 The Department of Education shall transfer any fund balance, along with any FTE'S in the program, to the Department of Public  
7 Safety by August 15. This balance must include any unexpended funds in the program from prior fiscal years.

#### 9 SECTION 64 -N200 - LAW ENFORCEMENT TRAINING COUNCIL

10  
11 **64.1.** (LETC: CJA-Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Law  
12 Enforcement Training Council, Criminal Justice Academy is authorized to expend federal and earmarked funds in the current fiscal  
13 year for expenditures incurred in the prior fiscal year.

14 **64.2.** (LETC: CJA-Retention of Emergency Expenditure Refunds) The Law Enforcement Training Council, Criminal Justice  
15 Academy is authorized to collect, expend, retain, and carry forward all funds received from other state or federal agencies in the  
16 current fiscal year as reimbursement of expenditures incurred in the current or prior fiscal year when personnel and equipment are  
17 mobilized and expenses incurred due to an emergency.

18 **64.3.** (LETC: Center for Excellence in Policing and Public Safety) There is established at the Law Enforcement Training Council  
19 a Center for Excellence in Policing and Public Safety. The Council, in partnership with the University of South Carolina School of  
20 Law, shall create a professional development training program for South Carolina law enforcement personnel. The Center will be a  
21 resource for programming, technical assistance, support, research, and education. The Center will also provide professional  
22 development for command staff and mid-level supervisors for the benefit of the citizens of South Carolina, leading to certifications  
23 and providing advancement opportunities and promoting recruitment and retention for the state's law enforcement community.

#### 24 SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

25  
26  
27 **65.1.** (CORR: Canteen Operations) Revenue derived wholly from the canteen operations within the Department of Corrections  
28 on behalf of the inmate population, may be retained and expended by the department for the continuation of the operation of said  
29 canteens and the welfare of the inmate population or, at the discretion of the Director, used to supplement costs of operations. The  
30 canteen operation is to be treated as an enterprise fund within the Department of Corrections and is not to be subsidized by state  
31 appropriated funds.

32 **65.2.** (CORR: E.H. Cooper Trust Fund) Any unclaimed funds remaining in any inmate account, after appropriate and necessary  
33 steps are taken to determine and contact a rightful owner of such funds, shall be deposited into the Inmate Welfare Fund.

34 **65.3.** (CORR: Instructional Salaries) The certified instructional personnel of the Department of Corrections shall receive a  
35 percentage increase in their annual salary for the current fiscal year equal to the percentage allocated to the instructional personnel  
36 throughout the State.

1       **65.4.** (CORR: Funding Through State Criminal Assistance Program) All funds received by the State from the United States  
2 Department of Justice, State Criminal Alien Assistance Program, for care and custody of illegal aliens housed in the state correctional  
3 facilities shall be retained by the South Carolina Department of Corrections to offset incurred expenses.

4       **65.5.** (CORR: Remedial Education Funding) A criminal offender committed to the custody of the Department of Corrections,  
5 who has been evaluated to function at less than an eighth grade educational level, or less than the equivalent of an eighth grade  
6 educational level, may be required by department officials to enroll and actively participate in academic education programs. Funds  
7 appropriated to the Department of Corrections for educational programs shall be prioritized to assure such remedial services are  
8 provided.

9       **65.6.** (CORR: Tire Retreading Program Restriction) The tire retreading program at the Lieber Correctional Institution shall be  
10 limited to the marketing and sale of retreads to state governmental entities.

11       **65.7.** (CORR: Social Security Administration Funding) All funds received by the South Carolina Department of Corrections  
12 from the Social Security Administration under Section 1611 (e)(1)(I) of the Social Security Act, which provides payment for  
13 information regarding incarcerated Social Security Insurance recipients, shall be retained by the South Carolina Department of  
14 Corrections and credited to a fund entitled "Special Social Security" for the care and custody of inmates housed in the state  
15 correctional facilities.

16       **65.8.** (CORR: Medical Expenses) The Department of Corrections shall be authorized to charge inmates a nominal fee for any  
17 medical treatment or consultation provided at the request of or initiated by the inmate. A nominal co-pay shall be charged for  
18 prescribed medications. Inmates shall not be charged for psychological or mental health visits.

19       **65.9.** (CORR: Prison Industry Funds) The Director of the Department of Corrections, at his discretion, is hereby authorized to  
20 utilize prison industry funds for projects or services benefiting the general welfare of the inmate population or to supplement costs  
21 of operations. These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same  
22 purpose.

23       **65.10.** (CORR: Reimbursement for Expenditures) The Department of Corrections may retain for general operating purposes any  
24 reimbursement of funds for expenses incurred in a prior fiscal year.

25       **65.11.** (CORR: Sale of Real Property) Funds generated from the sale of real property owned by the Department of Corrections  
26 shall be retained by the department to offset renovation and maintenance capital expenditures.

27       **65.12.** (CORR: Funds From Vehicle Cleaning) Monies generated by inmates engaged in the cleaning and waxing of private  
28 vehicles, or any other adult work activity center, shall be placed in a special account and utilized for the welfare of the inmate  
29 population.

30       **65.13.** (CORR: Release of Inmates) The Director of the Department of Corrections and other persons having charge of prisoners  
31 who are required to serve a period of six months or more, may release all such prisoners, including prisoners to whom Section  
32 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  
33 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  
34 which is not a holiday.

35       **65.14.** (CORR: Western Union Funding) All funds received by the South Carolina Department of Corrections from the Western  
36 Union Quick Collect Revenue Sharing Program or similar private sector entities, which provides payment for processing electronic

1 transfers into the E.H. Cooper Trust Fund, shall be retained by the South Carolina Department of Corrections and credited to a fund  
2 entitled "Inmate Welfare Fund" to be expended for the benefit of the inmate population.

3 **65.15.** (CORR: Monitoring Fees) The Department of Corrections is authorized to charge an inmate who participates in community  
4 programs a reasonable fee for the cost of supplying electronic and telephonic monitoring. The fees charged may not exceed the  
5 actual cost of the monitoring.

6 **65.16.** (CORR: Inmate Insurance Policies) The Department of Corrections may collect and record private health insurance  
7 information from incarcerated individuals. The department may file against any private insurance policy covering an inmate to  
8 recoup any health care expenditures covered by the policy. Health care will be provided in accordance with law and standards  
9 regardless of whether or not an inmate is covered by insurance.

10 **65.17.** (CORR: Work Release Transportation Fee) The South Carolina Department of Corrections is authorized to charge a \$4.00  
11 per day transportation fee to participants in the work release program only when such transportation is provided by the department.  
12 Monies collected shall be credited to the South Carolina Department of Corrections, and utilized solely to fund transportation of  
13 work release participants and vehicle replacement for the work release program.

14 **65.18.** (CORR: Special Assignment Pay Level 2 & 3 Facilities) Funds appropriated for special assignment pay at the Department  
15 of Corrections are for the purpose of addressing vacancies and turnover of staff by providing a pay differential for certain employees  
16 assigned to institutions with a Level II or Level III security designation. The funds are to be used for special assignment pay only  
17 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  
18 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  
19 employees in full-time equivalent positions are eligible for this special assignment pay.

20 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  
21 Corrections at Level II and Level III institutions:

- 22 (1) Cadets;
- 23 (2) Correctional Officers, including Class Code JD-30 (Officer I and II positions);
- 24 (3) Corporals I and II;
- 25 (4) Sergeants and Lieutenants;
- 26 (5) Captains and Majors;
- 27 (6) Nursing Staff;
- 28 (7) Food Services Staff; and
- 29 (8) Warden.

30 **65.19.** (CORR: Quota Elimination) Pursuant to Section 24-3-60 of the 1976 Code, upon notification by the county, the  
31 Department of Corrections shall accept newly sentenced inmates from each local jail and detention center.

32 For sentenced inmates who the county is willing to transport, the department may limit the acceptance at the Kirkland Correctional  
33 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  
34 Institutions to the hours of 8:00 a.m. to 10:30 a.m., Monday through Friday, excluding holidays.

35 By mutual agreement between the Department of Corrections and a local jail or detention center, the department may establish an  
36 alternate admissions schedule for receiving inmates at the Reception and Evaluation Center.

1 At the time of transfer of the inmate to the department, the county shall provide the sentencing order, and if available copies of  
2 medical screening records, booking reports, and other documents to assist the department in its intake processing. Counties that have  
3 not completed medical screenings at the time of transfer shall not be required to do so.

4 In the event there are inadequate beds within the Reception and Evaluation Center, the Department of Corrections may create a  
5 "jail" within the Kirkland Correctional Institution using one or more of the available 192-bed housing units to accept newly sentenced  
6 state inmates who are awaiting R & E processing. The department may operate such "jail," to the extent feasible, in accordance with  
7 standards applicable to the local jails.

8 The department shall use the funds appropriated in this act for "Quota Elimination" to accomplish this initiative and to open a  
9 96-bed unit at the MacDougall Correctional Institution and the 192-bed housing units at Kirkland Correctional Institution. The funds  
10 may not be transferred to any other program or used for any other purpose.

11 **65.20.** (CORR: Public/Private Partnerships for Construction) Funds appropriated in Act 407 of 2006, item 23, shall be used to  
12 construct as many multi-purpose buildings at Department of Corrections institutions as possible. For such facilities at Lieber,  
13 McCormick, Leath, Perry, or Allendale Correctional Institution, at least \$150,000 in matching funds and/or construction materials  
14 or services must be donated before construction of the facility may begin. At other Department of Corrections locations, the Director  
15 may require that donated funds and/or materials or services equal one-half of the cost of construction, including design and  
16 engineering costs.

17 **65.21.** (CORR: Inmate Barbering Program) Inmate barbers in the Inmate Barbering Program at the Department of Corrections,  
18 shall not be subject to the licensing requirement of Section 40-7-30 of the 1976 Code.

19 **65.22.** (CORR: Executed Inmate Autopsy) For the current fiscal year, the autopsy requirements of Section 17-7-10 of the 1976  
20 Code are suspended when an inmate is executed by the Department of Corrections pursuant to a valid order of the Supreme Court of  
21 South Carolina.

22 **65.23.** (CORR: Recoupment of Expenses Associated with Inmate Cremation) If the Department of Corrections incurs expenses  
23 for cremating and disposing of an unclaimed deceased inmate, the department may recoup all associated costs of cremation, including  
24 transportation, through the deceased inmate's E.H. Cooper account, providing funds are available.

25 **65.24.** (CORR: Credited Jail Time; DNA Sample Collection) Inmates committed to the Department of Corrections for sentences  
26 greater than ninety days, but who have credit for jail time in excess of their sentence to incarceration are not required to be transported  
27 to the Reception and Evaluation Center of the Department of Corrections. Cities and counties housing inmates who have credit for  
28 jail time in excess of their sentence may, through written agreement with the Department of Corrections, transfer required  
29 commitment records to the department electronically or by other means. The Department of Corrections must establish reasonable  
30 documentation requirements to facilitate the implementation of this cost savings measure. Employees of the Department of  
31 Probation, Parole and Pardon Services assigned to the court or employees of the Department of Corrections, as applicable, shall  
32 obtain DNA samples from the offenders who are required to submit DNA samples. This provision does not exempt the above  
33 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  
34 the same manner as other fines and fees and submitted to the State Treasurer for remittance to SLED.

35 **65.25.** (CORR: Cell Phone Interdiction) The Director of the Department of Corrections is granted the right to add a surcharge to  
36 all inmate pay phone calls to offset the cost of equipment and operations of cell phone interdiction measures. The surcharge will be



1 added to the cost per call, collected by chosen telephone vendor and paid to the department on a monthly basis. The department is  
2 authorized to retain the funds to pay, either directly or through the State lease program, for equipment required to enact cell phone  
3 interdiction or retrieval or for critical security needs. When the equipment has been paid in full, the surcharge amount will be  
4 reviewed and adjusted to cover the cost of ongoing operational expenses of the interdiction equipment. Any unexpended balance  
5 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  
6 needs.

7 **65.26.** (CORR: Correctional Institution Maintenance and Construction) For maintenance and construction activities funded in the  
8 current fiscal year, the Department of Corrections may utilize inmate labor to perform any portion of the work on its own grounds  
9 and facilities. The provisions of Section 40-11-360(A)(9) of the 1976 Code shall apply to any such project, including new  
10 construction.

11 **65.27.** (CORR: Meals in Emergency Operations) The Department of Corrections may provide meals to public employees who  
12 are not permitted to leave their stations and are required to work during actual emergencies, emergency simulation exercises, or when  
13 the Governor declares a state of emergency.

14 **65.28.** (CORR: Prohibition on Funding Certain Surgery) (A) The Department of Corrections is prohibited from using state funds  
15 or state resources to provide a prisoner in the state prison system sexual reassignment surgery; however, if a person is taking hormonal  
16 therapy at the time the person is committed to the Department of Corrections, the department shall continue to provide this therapy  
17 to the person as long as medically necessary for the health of the person.

18 (B) As used in this provision:

19 (1) 'Hormonal therapy' means the use of hormones to stimulate the development or alteration of a person's sexual  
20 characteristics in order to alter the person's physical appearance so that the person appears more like the opposite gender;

21 (2) 'Sexual reassignment surgery' means a surgical procedure to alter a person's physical appearance so that the person appears  
22 more like the opposite gender.

23 **65.29.** (CORR: Video Bond Conferencing) In the current fiscal year, and from the funds appropriated to the Department of  
24 Corrections, the video conferencing bond system shall be used for all bond hearings for inmates incarcerated at facilities with video  
25 conferencing capabilities that are compatible with county video conferencing equipment, network, firewalls, etc. and charged with  
26 criminal offenses that require a bond hearing. The Department of Corrections shall not be responsible for recording any of these  
27 proceedings or for providing the counties with any equipment.

28 **65.30.** (CORR: Safety & Security) The Department of Corrections shall be authorized to carry forward into the current fiscal year  
29 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 other  
30 authorized carry forward amount. Funds carried forward pursuant to this provision shall be deposited into a separate and distinct  
31 fund known as the "Department of Corrections Security and Maintenance Reserve Fund." The department may expend these funds  
32 to meet the maintenance and security needs of the agency for critical repairs, deferred maintenance, renovations, security upgrades,  
33 and equipment which are directly related to the safety and security of the public, officers, employees, and inmates. Prior to the  
34 expenditure of these funds, the department shall develop a comprehensive security and maintenance plan which shall itemize the  
35 permanent improvement projects and equipment purchases needed to maintain the safety and security of the state's prison system.  
36 This plan shall be presented by September 30, 2021, to the Governor and the Joint Bond Review Committee for its review and

1 comment. Subsequent to the committee's review, the department shall be authorized to initiate the permanent improvement projects  
2 and equipment purchases included in the plan upon submitting the necessary documentation to the Executive Budget Office without  
3 further review by the committee. Any deviations from the plan shall be subject to further review and comment by the committee.  
4 The department shall provide a report to the Governor and Joint Bond Review Committee on its implementation of the comprehensive  
5 security and maintenance plan and its expenditures from the fund by September 30 of each fiscal year.  
6

## 7 SECTION 66 - N080 - DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES

8

9 **66.1.** (DPPP: Sale of Equipment) All revenue generated by the Department of Probation, Parole and Pardon Services from the  
10 sale of various equipment in excess of \$575, less the cost of disposition incurred by the Department of Administration, may be  
11 retained and carried forward into the current fiscal year and expended for the purpose of purchasing like items.

12 **66.2.** (DPPP: Interstate Compact Application Fee) The department may charge offenders an application fee set by the  
13 department, not to exceed the department's actual costs, to offenders applying for transfers out of or into the state under the Interstate  
14 Compact Act. The application fee shall be retained by the department to offset the cost of the Interstate Compact Act. All unexpended  
15 funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

16 **66.3.** (DPPP: GED Learn and Earn Program) ~~From the funds appropriated in Part IA, the department may enter into agreements~~  
17 ~~with statewide colleges, technical colleges, and school districts for the purpose of providing GED and GED Prep education to~~  
18 ~~offenders. Offenders of the department enrolled in the program must repay the department the cost of the course and materials within~~  
19 ~~six months of obtaining their GED.~~

20 **66.4.** (DPPP: Sex Offender Monitoring Carry Forward) The Department of Probation, Parole and Pardon Services is authorized  
21 to carry forward any unexpended funds in the Sex Offender Monitoring program. These funds must be used for the sex offender  
22 monitoring program. For the purpose of calculating the amount of funds which may be carried forward by the department, Sex  
23 Offender Monitoring program funds carried forward by this provision shall be excluded from the calculation of the carry forward  
24 authorized by provision elsewhere in this act.

25 **66.5.** (DPPP: Offender Drug Testing Fee) The department may charge offenders a fee set by the department, not to exceed \$50,  
26 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  
27 the department to offset the cost of drug testing. All unexpended funds at year-end may be retained and carried forward by the  
28 department to be expended for the same purpose.

29 **66.6.** (DPPP: Public Service Employment Set-Up Fee) In addition to any other fee, the department may charge an adult offender  
30 placed under the jurisdiction of the department, who is ordered to public service employment by the court, a twenty-five dollar Public  
31 Service Employment set-up fee. The fee must be retained by the department and applied to the department's supervision process.

1    **SECTION 67 - N120 - DEPARTMENT OF JUVENILE JUSTICE**  
2

3       **67.1.** (DJJ: Meal Ticket Revenue) The revenue generated from sale of meal tickets by the Department of Juvenile Justice shall  
4 be retained and carried forward into the current fiscal year by the agency and expended for the operation of the agency's cafeterias  
5 and food service programs.

6       **67.2.** (DJJ: Interstate Compact Revenue) The revenue returned to the Interstate Compact Program shall be retained and carried  
7 forward into the current fiscal year by the agency and expended for the operation of the program.

8       **67.3.** (DJJ: Children's Projects Revenue) Funds generated from the projects undertaken by children under the supervision of the  
9 Department of Juvenile Justice may be retained by the department and utilized for the benefit of those children. Such funds may be  
10 carried forward into the following fiscal year.

11       **67.4.** (DJJ: Instructional Salaries) The certified instructional personnel of the Department of Juvenile Justice shall receive a  
12 percentage increase in their annual salary for the current fiscal year equal to the percentage allocated to the instructional personnel  
13 throughout the State.

14       **67.5.** (DJJ: Reimbursements for Expenditures) The Department of Juvenile Justice may retain for general operating purposes  
15 any reimbursement of funds for expenses incurred in a prior fiscal year.

16       **67.6.** (DJJ: Juvenile Arbitration/Community Advocacy Program) The amount appropriated and authorized in this section for the  
17 Juvenile Arbitration Program shall be retained and expended by the Department of Juvenile Justice for the purpose of providing  
18 juvenile arbitration services through the sixteen Judicial Circuit Solicitors' offices in the state and used to fund necessary  
19 administrative and personnel costs for the programs.

20       The Department of Juvenile Justice shall contract with Solicitors to administer the Juvenile Arbitration Program and disburse up  
21 to \$60,000 per Judicial Circuit based on services rendered. The amount payable to Solicitors may vary based on consistent adherence  
22 to established statewide program guidelines to assess program performance.

23       The ~~\$250,000~~ \$350,000 appropriated for the Community Advocacy Program in the first Judicial Circuit, will be used to fund  
24 necessary administrative and personnel costs for this status offender diversion program. The Department of Juvenile Justice  
25 shall monitor and provide support to this program.

26       All unexpended funds may be retained and carried forward from the prior fiscal year to be used for the same purposes.

27       **67.7.** (DJJ: Sale of Real Property) After receiving approval from the Department of Administration or State Fiscal Accountability  
28 Authority, for the sale of property, the department is authorized to retain revenues associated with the sale of department-owned real  
29 property and may expend these funds on capital improvements reviewed by the Joint Bond Review Committee and approved by the  
30 State Fiscal Accountability Authority.

31       **67.8.** (DJJ: Sale of Timber) The Department of Juvenile Justice is hereby authorized to sell mature trees and other timber suitable  
32 for commercial purposes from lands owned by the department. Prior to such sales, the director shall consult with the State Forester  
33 to determine economic and environmental feasibility and to obtain approval for such sales. Funds derived from timber sales shall be  
34 retained and utilized for family support services after setting aside a reasonable amount, as determined by the State Forester, for  
35 reforestation of the lands from which the trees and timber are sold.

1       **67.9.** (DJJ: Drug Free Workplace) The critical mission of the Department of Juvenile Justice requires a safe and drug free work  
2 environment. In order to accomplish this, the department may conduct and pay for the cost of pre-employment drug testing and  
3 random employee drug testing. The department is authorized to expend funds in order to provide or procure these services.

4       **67.10.** (DJJ: Definition of Juveniles) The Department of Juvenile Justice is authorized to place juveniles in marine and wilderness  
5 programs or other community residence programs operated by nongovernmental entities. Juveniles receiving services in these  
6 community residence programs must either be referred to such a program by the Family Court as a condition of probation, released  
7 to such a program by the Board of Juvenile Parole, or voluntarily agree to be assigned and released to such a program by the  
8 Department of Juvenile Justice.

9       **67.11.** (DJJ: Adult Education - GED) Juveniles committed to the Department of Juvenile Justice who have been enrolled in, but  
10 not yet completed, a GED educational program while at the department, at the discretion of the local school district, upon release  
11 from the department shall be allowed to enroll in either the juvenile's local school district's regular education program, in their  
12 appropriate grade placement, or allowed to enroll in that district's or county's adult education program. If enrolled in an adult  
13 education program, the juvenile's eligibility for taking the GED shall be based upon the regulations promulgated by the Department  
14 of Education for youth who are confined in, or under the custody of, the Department of Juvenile Justice.

15       **67.12.** (DJJ: Local District Effort) Upon commitment or confinement to a Department of Juvenile Justice facility, the school  
16 district in which that child resides shall pay an amount equivalent to the statewide average of the local base student cost (thirty  
17 percent), multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to  
18 out-of-district students to the Department of Juvenile Justice for the time period in which the child is committed or confined to a  
19 department facility. EFA funding for school districts is provided for a one hundred eighty day school year. The billing provided by  
20 the department shall be calculated by dividing the local base student cost by two hundred twenty-five days to determine the daily  
21 rate. The department shall notify the school district in writing within forty-five calendar days that a student from the nonresident  
22 district is receiving education services pursuant to this provision. The notice shall also contain the student's name, date of birth,  
23 disabling condition if available, and dates of service.

24       The invoice shall be paid within sixty days of billing, provided the department has provided a copy of the invoice to both the  
25 superintendent and the finance office of the school district being invoiced. Should the school district fail to pay the invoice within  
26 sixty days, the department can seek relief from the Department of Education. The Department of Education shall withhold EFA  
27 funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the department. If  
28 adequate funding is not received, the department shall have the flexibility to use funds from other programmatic areas to maintain  
29 an appropriate level of service.

30       **67.13.** (DJJ: Early Release Authorization) In order to avoid unconstitutional levels of overcrowding and other unconstitutional  
31 conditions from occurring in facilities operated by the department and in residential programs operated for the department, the  
32 number of children housed in residential placements (either committed to the custody of the Department of Juvenile Justice or who  
33 are under the department's supervision) shall not exceed the number of beds available to the department to house them. Should  
34 appropriation reductions necessitate that the department close any additional facility, program, or housing unit it operates, or to be  
35 unable to fund any additional residential program operated for its benefit, the department is authorized and empowered to release  
36 from its residential placements sufficient numbers of children committed to its custody or supervision for a status offense, a

1 misdemeanor offense, other than Assault and Battery of a High and Aggravated Nature and Assault with Intent to Kill, or for violation  
2 of probation/contempt of a status offense or a misdemeanor offense, other than Assault and Battery of a High and Aggravated Nature  
3 and Assault with Intent to Kill, so that the number of children in its custody or under its supervision and placed in these residential  
4 placements does not exceed the number of housing units/beds available to properly house those children. No child adjudicated  
5 delinquent for a violent crime as defined in Section 16-1-60 of the 1976 Code, a felony offense as defined in Section 16-1-90 of the  
6 1976 Code, or a sexual offense shall be released pursuant to this proviso.

7 **67.14.** (DJJ: Raise the Age) The department must use carry forward funds to implement Act 268 of 2016 by contracting in the  
8 current fiscal year with local child-serving non-profit organizations and Judicial Circuit Solicitor's offices for community-based  
9 diversion and intervention services. The department shall give preference to multi-agency and organizational collaborations that  
10 include stakeholders from the Family Court, Department of Education, Public Defenders' Offices, the Department of Mental Health,  
11 the Department of Social Services, and community based non-profits that utilize best practices.

12 **67.15.** (DJJ: Carryforward Funds) Notwithstanding any provision of state law, for Fiscal Year 2022-23, the Department of  
13 Juvenile Justice is authorized to carry forward and expend for agency operating and/or capital needs any General Fund balances  
14 and any cash or fund balances from the following sources: Law Enforcement Funding; Traffic Education Program App; Juvenile  
15 Detention Services; Joint Children's Committee; Court Fines-Detention Services; Dedicated Court Fines; and funds provided to the  
16 department in Fiscal Year 2021-22 for security fencing for Maple, Cypress, and Poplar and the fire alarm upgrade for the Birchwood  
17 Campus. For purposes of this provision, agency operating and/or capital needs includes the following items: (1) Staffing / Personnel  
18 Funding Needs; (2) Youth Services Training and Community Programs; (3) Technology Server Management and Application  
19 Modernization; (4) Physical Plant Maintenance and Upgrades; and (5) Projects on Fiscal Year 2021-22 Comprehensive Permanent  
20 Improvement Plan.

## 21 SECTION 70 - L360 - HUMAN AFFAIRS COMMISSION

22  
23  
24 **70.1.** (HAC: Human Affairs Forum Carry Forward) All revenue derived from donations and registration fees received for  
25 attendance at Human Affairs Forums shall be retained and carried forward and expended for the purpose of general operations of the  
26 Human Affairs Commission.

27 **70.2.** (HAC: Training Revenue) All revenue derived from fees received from training and technical assistance provided by the  
28 Human Affairs Commission to entities other than state agencies shall be retained, carried forward, and expended for the purpose of  
29 general operations of the Human Affairs Commission.

30 **70.3.** (HAC: Revenue from Copying Fees) All revenue derived from providing requested copies of commission files, final  
31 opinions, orders, and determinations shall be retained, carried forward, and expended for the purpose of general operations of the  
32 Human Affairs Commission.

1     **SECTION 71 - L460 - COMMISSION FOR MINORITY AFFAIRS**

2

3     **71.1.** (CMA: Private Contributions and Sponsorship) Monies derived from private sources for agency research, forums, training,  
4 and institutes may be retained and expended by the commission for the said purpose. Any remaining balance may be carried forward  
5 and expended for the same purpose.

6     **71.2.** (CMA: Carry Forward Registration Fees) Revenue derived from registration fees received from training and institutes may  
7 be retained and carried forward for the purpose of conducting future training and institutes.

8     **71.3.** (CMA: Carry Forward Grant Awards) Revenues pooled from public and private sources for the purpose of awarding grants  
9 to address problems in the minority community may be retained and carried forward by the commission.

10    **71.4.** (CMA: Carry Forward Bingo Revenues) Bingo revenues received by the commission in the prior fiscal year pursuant to  
11 Section 12-21-4200(3) of the 1976 Code which are not expended during that fiscal year may be carried forward to be expended in  
12 the current fiscal year.

13    **71.5.** (CMA: Retention of Photocopy Fees) Revenue derived from photocopy fees and other fees related to Freedom of  
14 Information Act requests from the general public may be retained and carried forward by the Commission.

15

16     **SECTION 72 - R040 - PUBLIC SERVICE COMMISSION**

17

18    **72.1.** (PSC: Law Enforcement Officers) The Public Service Commission shall be authorized to hire law enforcement officers  
19 commissioned by the Governor. The commission may remove a law enforcement officer if it finds that the law enforcement officer  
20 is unfit for the position. Each law enforcement officer shall execute a bond with a licensed surety company in the amount of not less  
21 than ten thousand dollars. The bond may be individual, schedule, or blanket, and shall be approved by the Attorney General. The  
22 premiums on the bonds shall be paid by the commission from authorized funds.

23    **72.2.** (PSC: Santee Cooper Funds Held by Public Service Commission) The balance of the funds transferred to the Public  
24 Service Commission by the Department of Administration, for the purpose of reforming Santee Cooper, shall remain available to the  
25 Public Service Commission for its continued reformation of Santee Cooper. The Public Service Commission is authorized to employ,  
26 through contract or otherwise, third-party consultants and experts in carrying out its duties for purposes of reforming Santee Cooper.  
27 The Public Service Commission is exempt from complying with the State Procurement Code in the selection and hiring of third-party  
28 consultants or experts authorized by this provision.

29    **72.3.** (PSC: South Carolina Integration Study) The Public Service Commission is authorized to initiate an independent study to  
30 evaluate the integration of renewable energy and emerging energy technology into the electric grid for the public interest pursuant  
31 to Section 58-37-60 of the 1976 Code. Prior to expending funds related to consultant engagement, the Public Service Commission  
32 will provide the Public Utilities Review Committee with justification for approval of expenditure. The results of the independent  
33 study shall be reported to Governor and the General Assembly.

1     **SECTION 73 - R060 - OFFICE OF REGULATORY STAFF**  
2

3     **73.1.** (ORS: Transportation Fee Refund) The Transportation Department of the Office of Regulatory Staff is hereby authorized  
4 to make refunds of fees which were erroneously collected.

5     **73.2.** (ORS: Assessment Certification) Office of Regulatory Staff shall certify to the Department of Revenue the amounts to be  
6 assessed to cover appropriations in this section as follows: (1) the amount applicable to the assessment on public utility, telephone  
7 utility, radio common carrier and electric utility companies as provided for by Section 58-4-60, Code of Laws of 1976; (2) the amount  
8 to be assessed against gas utility companies as provided for in Section 58-5-940, Code of Laws of 1976; (3) the amount to be assessed  
9 against electric light and power companies as provided for in Sections 58-4-60 and 58-27-50, Code of Laws of 1976; and (4) the  
10 amount to be covered by revenue from motor transport fees as provided for by Section 58-23-630, and other fees as set forth in  
11 Section 58-4-60, Code of Laws of 1976. The amount to be assessed against railroad companies shall consist of all expenses related  
12 to the operations of the Railway subprogram of the Agency's Transportation Division, to include the related distribution of salary  
13 increments and employer contributions not reflected in the related subprogram of this act as set forth in Section 58-4-60, Code of  
14 Laws of 1976.

15     **73.3.** (ORS: Assessment Adjustments) If the Office of Regulatory Staff determines that a person or entity subject to Title 58 of  
16 the 1976 Code has been assessed an amount greater than that authorized by Sections 58-4-60, 58-3-100 and 58-3-540, the Office of  
17 Regulatory Staff shall, at its discretion:

- 18     (a) refund the person or entity the amount of over collection using funds from the current fiscal year;  
19     (b) refund the person or entity the amount of over collection using any unexpended funds from the prior fiscal year;  
20     (c) credit the amount the person or entity will be assessed in the next fiscal year for the amount of over collection; or  
21     (d) any combination of these.

22     The Office of Regulatory Staff, when determining the amount to be assessed in the next fiscal year, may take into consideration  
23 any underpayment or overpayment by a person or entity during a given year. Any unexpended funds from revenue generated pursuant  
24 to this section may be retained and carried forward and expended for the same purposes.

25     **73.4.** (ORS: SSEB Annual Dues) The annual dues of the Southern States Energy Board shall be paid from the Radioactive Waste  
26 Operating Fund.

27     **73.5.** (ORS: Energy Efficient Manufactured Homes) ~~The Energy Efficient Manufactured Homes Incentive Program shall be~~  
28 ~~extended into the current fiscal year and the Office of Regulatory Staff Energy Office shall administer the program, including~~  
29 ~~incentives for qualifying taxpayers, in the same manner as it was administered in the prior fiscal year.~~

30     **73.6.** (ORS: Office of Broadband Coordinator) (A) From funds appropriated for this purpose, there is established the Office of  
31 Broadband Coordinator within the Office of Regulatory Staff to serve as the central broadband planning body for the State and to  
32 coordinate with federal, state, regional, local, and private entities, to the extent practicable, to encourage the continued development  
33 of access to broadband in the State.

34     (B) The Office of Broadband Coordinator shall convene a collaborative stakeholder process to identify challenges to expediting  
35 broadband access and shall provide a report to the General Assembly with recommendations for which legislative, regulatory, or  
36 other governmental actions are appropriate to promote broadband access throughout the State.

1 (C) Funds appropriated to the Office of Broadband Coordinator for broadband infrastructure shall be used to continue to fund the  
2 Broadband Infrastructure Program, including the completion of those broadband infrastructure projects that were approved for  
3 funding pursuant to Act 142 of 2020 but not constructed by December of 2020. Expansion of broadband infrastructure shall  
4 emphasize services to rural communities and communities with a lack of access to broadband. The Office of Broadband Coordinator  
5 shall prioritize infrastructure expansion that will make high-speed broadband available to homes, businesses, schools, health care  
6 facilities, and other institutions in unserved areas across South Carolina.

7 (D) The Office of Broadband Coordinator shall serve as a central resource to collect and publish information regarding federal  
8 and state programs to fund broadband expansion, and to the extent practicable, coordinate resources such that both state and federal  
9 resources are efficiently maximized.

10 (E) The Office of Broadband Coordinator may use assistance from state and federal agencies or from private organizations and  
11 industry to accomplish the purposes of this provision. Unexpended funds at the end of the prior fiscal year shall be carried forward  
12 and expended in the current fiscal year by the Office of Regulatory Staff for the same purposes.

13 **73.7.** (ORS: SC Broadband Map) (A)(1) From funds appropriated, the Office of Broadband Coordinator shall contact the  
14 appropriate entities to provide information necessary to compile the county-by-county broadband mapping plan required by Section  
15 10 of Act 142 of 2020 showing the location and capability of broadband facilities throughout the State. In order to facilitate the  
16 provision of information necessary to this task, all information provided by a broadband service provider or other entity providing  
17 information for the purpose of creating a South Carolina broadband map shall be maintained by the Office of Broadband Coordinator  
18 and any other agency as confidential, proprietary, and a trade secret as defined in Section 30-4-40 of the 1976 Code, and subject to  
19 exemption from disclosure under state and federal law. The information shall not be subject to disclosure under Chapter 4, Title 30  
20 of the 1976 Code, except in the form of a map where information that could be used to determine provider-specific information about  
21 the network of the broadband service provider or other providing entity is not disclosed.

22 (2) Except as otherwise provided in this provision, such broadband provider-specific information shall not be released to  
23 any person other than to the broadband service provider or other entity providing information, employees of the Office of Broadband  
24 Coordinator, agents designated to assist in developing the South Carolina broadband map, entities contracting with the Office of  
25 Broadband Coordinator, and other state agencies administering funds for broadband deployment without express permission of the  
26 submitting broadband service provider or other entity providing information. Such information shall be used solely for the purposes  
27 stated under this provision. The Office of Broadband Coordinator shall ensure that any such agents, entities, or agencies with whom  
28 the information is shared are aware of the confidential nature and restricted purposes for which the information may be used and that  
29 any such agents or entities that are not state agencies execute an appropriate nondisclosure agreement protecting the information  
30 from public disclosure before receiving the information.

31 (B) Entities providing broadband service or middle-mile infrastructure in South Carolina shall, on an annual basis, provide to the  
32 Office of Broadband Coordinator deployment data in a format specified by the office to provide the most accurate and granular  
33 representation of currently available broadband infrastructure. These same entities, when they serve residential or business  
34 customers, shall also provide the type of technology deployed together with the sustainable download and upload speeds available  
35 at each serviceable location. Entities failing to provide such data on an annual basis may be disqualified from state funding



1 opportunities for the current fiscal year. Annually, the office shall compile this information, analyze, and update statewide broadband  
2 deployment information.

3 (C) Any unexpended funds at the end of the prior fiscal year shall be carried forward and expended in the current fiscal year by  
4 the Office of Regulatory Staff for the same purposes.

5 **73.8.** (ORS: Agency Head Salary Commission Purview) The Executive Director of the Office of Regulatory Staff shall be under  
6 the purview of the Agency Head Salary Commission and subject to all provisions related to the agency heads covered by commission.

7 **73.9.** (ORS: Natural Gas Rate Stabilization Act Study) ~~From the funds appropriated and/or authorized to the Office of Regulatory~~  
8 ~~Staff in the current fiscal year, the office shall study the Natural Gas Rate Stabilization Act of 2005 and make recommendations to~~  
9 ~~the General Assembly by December 31, 2021. The study shall include, but is not limited to, examining and recommending any~~  
10 ~~changes to the Natural Gas Rate Stabilization Act of 2005 and determining if the provisions of the Act are in the best interests of the~~  
11 ~~ratepayers and support the provision of safe, reliable, high quality utility service.~~

12 **73.10.** (ORS: Santee Cooper Billing) The Office of Regulatory Staff is authorized, subject to the Public Utilities Review  
13 Committee's approval of the Office of Regulatory Staff's annual budget, to bill Santee Cooper for costs associated with its oversight  
14 of Santee Cooper performed pursuant to Act 90 of 2021 and any other relevant legislation, statute, or provision, provided such costs  
15 do not exceed the amounts authorized for the oversight of Santee Cooper in this act.

## 16 SECTION 74 - R080 - WORKERS' COMPENSATION COMMISSION

17 **74.1.** (WCC: Educational Seminar Revenue) All revenue earned from educational seminars shall be retained by the agency to  
18 be used for the printing of educational materials and other expenses related to conducting the seminar.

19 **74.2.** (WCC: Retention of Filing Fees) The Workers' Compensation Commission is authorized to retain and expend all revenues  
20 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  
21 indigent, this filing fee must be waived.

22 **74.3.** (WCC: Tax on Self-Insurers) Notwithstanding another provision of law, the sunset provision provided for in Act 68 of  
23 2017 is suspended for the current fiscal year to allow the commission to continue to collect tax on self-insurers.

## 24 SECTION 75 - R120 - STATE ACCIDENT FUND

25 **75.1.** (SAF: Educational Seminar Revenue) The State Accident Fund is authorized to set and collect fees for educational  
26 seminars. All revenue earned from educational seminars shall be retained by the agency and used for supplies, materials, and other  
27 expenses relating to the seminars.

28 **75.2.** (SAF: Military Disability) ~~(A) From the funds credited to the State Accident Fund in the current fiscal year, there is~~  
29 ~~established within the State Accident Fund a military disability program that provides a settlement for any such member of the~~  
30 ~~National Guard that became permanently disabled while serving during the catastrophic weather event in October 2015. The~~  
31 ~~settlement must be based upon that which persons under similar circumstances in the military service of the United States receive~~  
32

1 from the United States. The director may seek assistance in establishing the program from the Adjutant General or any other agency  
2 or entity with such expertise.

3 ~~(B) A National Guard member may only participate in this program if the member permanently waives any right to claim benefits  
4 pursuant to Section 25-1-100 and releases the State from any potential liability pursuant to Section 25-1-100, and further agrees that  
5 any amounts due under this proviso are subject to appropriate offsets to avoid compensation in excess of what the member would  
6 have received from the federal government if permanently disabled while performing federally paid duty. Offsets include benefits  
7 received, or to be received, under Title 42 of the 1976 Code as a result of these injuries (State Workers' Compensation), benefits  
8 received, or to be received, pursuant to Chapter 10 of Title 9 of the 1976 Code (SC National Guard Retirement System), as well as  
9 any benefits received, or to be received, from the federal government such as severance pay, military retirement pay, or VA benefits  
10 relating to the same disabilities at issue in the State military disability claim.~~

11 ~~(C) From the funds credited and authorized to the State Accident Fund in the current fiscal year, the director of the State Accident  
12 Fund is authorized to offer a onetime lump sum settlement to members of the military disability program, subject to eligibility and  
13 the other requirements set forth in the proviso.~~

## 14 SECTION 78 - R200 - DEPARTMENT OF INSURANCE

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17 **78.1.** (INS: Examiners Travel/Subsistence Reimbursement) Notwithstanding the limitations in this act as to amounts payable or  
18 reimbursable for lodging, meals, and travel, the Department of Insurance is authorized to reimburse department examiners in  
19 accordance with guidelines established by the National Association of Insurance Commissioners only when the State is reimbursed  
20 by an insurance company for the travel and subsistence expenses of Insurance Department examiners pursuant to Section 38-13-10  
21 of the 1976 Code.

22 **78.2.** (INS: Reimbursement Carry Forward) Reimbursements received for Data Processing Services, Revenue, Miscellaneous  
23 Revenue and Sale of Listings and Labels shall be retained for use by the department. These funds may be carried forward in the  
24 current fiscal year.

25 **78.3.** (INS: Fees for Licenses) The Department of Insurance shall be authorized to charge a twenty-five dollar initial producer  
26 license fee; a twenty-five dollar biennial producer license renewal fee; and a two hundred-fifty dollar penalty fee for late appointment  
27 renewals. The director shall specify the time and manner of payment of these fees. These fees shall be retained by the department  
28 for the administration of Title 38.

## 29 SECTION 79 - R230 - BOARD OF FINANCIAL INSTITUTIONS

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32 **79.1.** (FI: Supervisory Fees) The Board of Financial Institutions shall fix supervisory fees of banks, savings and loan associations  
33 and credit unions on a scale which, together with fees collected by the Consumer Finance Division will fully cover the total funds  
34 expended under this section.

1     **SECTION 80 - R280 - DEPARTMENT OF CONSUMER AFFAIRS**

2

3     **80.1.** (CA: Consumer Protection Code Violations Revenue) Funds, paid to the department in resolution of cases involving  
4 violations of the South Carolina Consumer Protection Code and other statutes enforced by the department be retained and expended  
5 within the agency's budget to help offset the costs of investigating, prosecuting, and the administrative costs associated with these  
6 violations, may be carried forward and expended for the same purposes in the current fiscal year.

7     **80.2.** (CA: Expert Witness/Assistance Carry Forward) Unexpended appropriated funds for the Consumer Advocacy expert  
8 witness/assistance program (under Section 37-6-603) may be carried forward into the current fiscal year and expended for the same  
9 purpose.

10     **80.3.** (CA: Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention) The Department of Consumer  
11 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  
12 the cost of administering and enforcing Title 37 and may be applied to the cost of operations. Unexpended balances may be carried  
13 forward for the prior fiscal year into the current fiscal year and be utilized for the same purposes.

14     **80.4.** (CA: Retention of Fees) For the current fiscal year, the department may retain all fees collected pursuant to Sections  
15 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  
16 of the programs mandated by those sections of the code.

17

18     **SECTION 81 - R360 - DEPARTMENT OF LABOR, LICENSING AND REGULATION**

19

20     **81.1.** (LLR: Fire Marshal - Authorization to Charge Fees for Training) The Fire Academy may charge participants a fee to cover  
21 the cost of education, training programs, and operations. The revenue generated may be applied to the cost of operations, and any  
22 unexpended balance may be carried forward to the current fiscal year and utilized for the same purposes.

23     **81.2.** (LLR: Real Estate - Special Account) Revenue in the Real Estate Appraisal Registry account shall not be subject to fiscal  
24 year limitations and shall carry forward each fiscal year for the designated purpose.

25     **81.3.** (LLR: POLA - Ten Percent, Other Funds) The Professional and Occupational Offices in Program II.F. Professional and  
26 Occupational Licensing must remit annually an amount equal to ten percent of the expenditures to the general fund. The Contractor's  
27 Licensing Board must remit all revenues above their expenditures to the general fund. The revenue remitted by the Contractor's  
28 Licensing Board to the general fund includes the ten percent. Professional and Occupational Offices with an overall negative ending  
29 cash balance for the current and prior completed fiscal years will be exempt from these requirements.

30     **81.4.** (LLR: Fire Marshal Fallen Firefighters Memorial) The Department of Labor, Licensing and Regulation - Division of the  
31 State Fire Marshal is authorized to accept gifts or grants of services, properties, or monies from individuals or public and private  
32 organizations to honor South Carolina firefighters who have died in the line of duty. All excess monies collected to erect a memorial  
33 are to be placed in a fund for upkeep and maintenance. Any later contributions are to be used for upkeep and maintenance.

34     **81.5.** (LLR: Firefighter Mobilization Project) The department is directed to utilize \$165,000 of the funds derived under Section  
35 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

1 gross premium receipts less premiums returned on canceled policy contracts and less dividends and returns of unabsorbed premium  
2 deposits of all fire insurance companies doing business in the State to fund the Firefighter Mobilization Project.

3 **81.6.** (LLR: Match for Federal Funds) State appropriations to the Department of Labor, Licensing and Regulation that are  
4 required to provide match for federal grant programs in the prior fiscal year may be carried forward into the current fiscal year and  
5 expended for the same purpose as originally appropriated.

6 **81.7.** (LLR: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions to the OSHA and  
7 OSHA Voluntary Programs, the Department of Labor, Licensing and Regulation shall be authorized to spend agency earmarked and  
8 restricted accounts to maintain these critical programs previously funded with general fund appropriations. Any increase in spending  
9 authorization for these purposes must receive the prior approval of the Executive Budget Office.

10 **81.8.** (LLR: Immigration Bill Funding Report) Prior to any funds carried forward from the prior fiscal year in Subfund 3135  
11 being transferred to fund any other purpose, \$250,000 must be retained by the Department of Labor, Licensing and Regulation to  
12 fund the department's responsibilities under the South Carolina Illegal Immigration Reform Act. The department shall compile an  
13 accountability report outlining expenditures of the Immigration Bill funding to be issued to the President of the Senate, the Chairman  
14 of the Senate Finance Committee, the Chairman of the Senate Finance Natural Resources and Economic Development Subcommittee,  
15 the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, and the Chairman of the  
16 House Ways and Means Transportation and Regulatory Subcommittee. Said report must be issued on the first Tuesday of February  
17 in the current fiscal year.

18 **81.9.** (LLR: Authorized Reimbursement) The Director of the Department of Labor, Licensing and Regulation cannot authorize  
19 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  
20 at any location other than the offices of the department unless there has been a determination that the department is unable to provide  
21 space for the meeting in a state-owned or leased facility in Richland or Lexington County.

22 **81.10.** (LLR: Illegal Immigration Hotline Assistance) Upon the request of the Commission on Minority Affairs, the Department  
23 of Labor, Licensing and Regulation shall provide assistance to establish and maintain a twenty-four hour toll free telephone number  
24 and electronic website to receive, record, collect, and report allegations of violations of federal immigration laws or related provisions  
25 of South Carolina law by any non-United States citizen or immigrant, and allegations of violations of any federal immigration  
26 laws or related provisions in South Carolina law against any non-United States citizen or immigrant.

27 Such violations shall include, but are not limited to, E-Verify or other federal work authorization program violations, violations of  
28 Chapter 83, Title 40 of the 1976 Code relating to immigration assistance services, or any regulations enacted governing the operation  
29 of immigration assistance services, false or fraudulent statements made or documents filed in relation to an immigration matter, as  
30 defined by Section 40-83-20, violation of human trafficking laws, as defined in Section 16-3-930, landlord tenant law violations, or  
31 violations of any law pertaining to the provision or receipt of public assistance benefits or public services.

32 **81.11.** (LLR: Board of Pharmacy) The Board of Pharmacy must accept affidavits of practical experience from interns whose  
33 practical experience internships occurred in this State. The affidavit must provide that the supervising pharmacist and the site of  
34 experience is licensed and in good standing with the board and that the internship falls within the criteria for internships set by the  
35 board. The affidavit must be accompanied by a ten dollar fee to cover administrative costs associated with compliance with this  
36 proviso.

1       **81.12.** (LLR: Office of State Fire Marshal - Clothing) The Department of Labor, Licensing and Regulation is authorized to  
2 purchase and issue clothing to the non-administrative staff of the Office of the State Fire Marshal that are field personnel working in  
3 a regulatory aspect and/or certified to be a resident state fire marshal.

4       **81.13.** (LLR: First Responder PTSD Treatment) Of the funds appropriated to the Department of Labor, Licensing and  
5 Regulation - State Fire Marshal's Office for first responder PTSD treatment, the department shall distribute funds to the South  
6 Carolina Firefighter Assistance Support Team (FAST) to reimburse firefighters and emergency medical technicians who incur mental  
7 injury as a result of a critical incident during the scope of employment for actual out-of-pocket expenses not covered through workers  
8 compensation claims and/or other insurance. These funds may also be utilized to provide services through the South Carolina  
9 Firefighter Assistance Support Team. The department shall promulgate any administrative regulations necessary to carry out these  
10 provisions.

11       **81.14.** (LLR: Compensatory Payment) In the event a State of Emergency is declared by the Governor or in the event of a situation  
12 requiring the use of mutual assistance under Section 25-1-450 of the 1976 Code, exempt employees of the Department of Labor,  
13 Licensing and Regulation's Office of State Fire Marshal may be paid for actual hours worked, in lieu of accruing compensatory time,  
14 at the discretion of the agency director, and providing funds are available.

15       **81.15.** (LLR: Mobile Optometry Units) ~~In furtherance of expanding access to health care in unserved and underserved~~  
16 ~~populations, the location and site restriction on services provided by mobile units for optometry in Section 40-37-320(B) of the 1976~~  
17 ~~Code shall be suspended for Fiscal Year 2021-22. The Department of Labor, Licensing and Regulation and the Board of Examiners~~  
18 ~~in Optometry are directed to process and issue registrations for mobile units that apply to provide optometry services on the site of a~~  
19 ~~Title I public school to students attending the school, provided that the services are rendered as part of a not for profit program and~~  
20 ~~are provided by an optometrist licensed to practice in South Carolina. The registration shall be administratively issued by the Board~~  
21 ~~of Examiners in Optometry within ten days after receipt of a registration request and following payment of a ten dollar registration~~  
22 ~~fee to cover administrative costs.~~

23       **81.16.** (LLR: *Indirect Cost Waiver OSHA*) The Department of Labor, Licensing and Regulation shall retain indirect cost  
24 recoveries relating to federal OSHA grants in this act. Recoveries retained by the agency will be used for operations of the agency.  
25 All other federal grants within the agency will remit indirect cost recoveries pursuant to Section 2-65-70 of the 1976 Code.

## 26 SECTION 82 - R400 - DEPARTMENT OF MOTOR VEHICLES

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28  
29       **82.1.** (DMV: Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Department of  
30 Motor Vehicles is authorized to expend federal and earmarked funds in the current fiscal year for expenditures incurred in the prior  
31 fiscal year.

32       **82.2.** (DMV: Cost Recovery Fee/Sale of Photos or Digitized Images) The Department of Motor Vehicles may collect processing  
33 fees and fees to recover the costs of the production, purchase, handling and mailing of documents, publications, records and data  
34 sets. The department may collect and retain fees to defray the cost associated with fulfilling a Freedom of Information Act (FOIA)  
35 request. The amount charged by the Department of Motor Vehicles for any fees collected pursuant to this proviso may not exceed  
36 the rates that the department charged as of February 1, 2001. The Department of Motor Vehicles may not sell, provide or otherwise

1 furnish to private parties, copies of photographs, whether digitized or not, taken for the purpose of a driver's license or personal  
2 identification card. Photographs and digitized images from a driver's license or personal identification card are not considered public  
3 records. ~~Funds derived from these sources shall be retained by the department.~~ With the exception of the cost associated with  
4 fulfilling a FOIA request, revenue generated by the fees imposed by this provision must be placed into the State Highway Fund as  
5 established by Section 57-11-20 of the 1976 Code and be distributed as provided in Section 11-43-167.

6 **82.3.** (DMV: DPPA Compliance Audit) The Department of Motor Vehicles may charge fees to defray the costs associated with  
7 auditing and enforcing compliance of all Federal or State statutes and regulations pertaining to personal information for customers  
8 receiving information disseminated by the department as allowed by law. This provision does not pertain to state agencies.

9 **82.4.** (DMV: Underutilized Offices) The Director of the Department of Motor Vehicles is authorized to develop and implement  
10 a plan to reduce the hours of operation in underutilized DMV field offices; however the legislative delegation of the county in  
11 which the affected field office is located must be notified prior to implementation of the plan. In addition, the director shall review  
12 field offices which have a high volume of traffic to determine whether it would be beneficial to expand the hours of operation.

13 **82.5.** (DMV: Activities Allowed on Special Restricted Driver's License) In the current fiscal year, employing funds authorized  
14 or appropriated to the Department of Motor Vehicles pursuant to Section 82, Part IA of this act, the department must include  
15 employment, school, church-related or sponsored activities, and parentally approved sports activities in the categories for which it  
16 may waive or modify restrictions in the special restricted driver's license for certain minors. The licensee must provide the  
17 department a statement of the purpose of the waiver or modification of restrictions executed by the parents or legal guardian of the  
18 licensee and documents executed by church representatives and/or representatives of the sports entity for which the waiver is being  
19 requested.

20 **82.6.** (DMV: Fund Balance Carry Forward) The Department of Motor Vehicles may carry forward any unexpended general  
21 fund balance or other funds not designated for REAL ID and/or ~~Phoenix III~~ non-recurring expense in Act 37 of 2021 from the prior  
22 fiscal year and expend those funds in the current fiscal year for expenditures as needed. ~~The first \$3,567,925 of carry forward funds~~  
23 ~~shall go towards Act 37 of 2021.~~

24 **82.7.** (DMV: Real ID) For Fiscal Year ~~2021-22~~ 2022-23, the Department of Motor Vehicles may expend any available  
25 earmarked cash reserves on the implementation of Real ID.

26 **82.8.** (DMV: Electronic Verification Processing Fees) In the current fiscal year, the Department of Motor Vehicles is exempt  
27 from paying fees to the Department of Health and Environmental Control associated with the use of the Electronic Verification of  
28 Vital Events (EVVE) system to verify or certify birth certificates during the driver's license or identification card issuance process.

29 **82.9.** (DMV: Identification Card Fees) In the current fiscal year, the Department of Motor Vehicles may waive the fee associated  
30 with issuing an identification card if the card issuance is through an established partnership with a state or federal agency.

31 **82.10.** (DMV: Retention of Traceable Temporary License Plates Revenue) For the current fiscal year, the department shall be  
32 authorized to retain five dollars from the sale of traceable temporary license plates as found in Section 56-3-210 of the 1976 Code.  
33 The funds shall be placed in the department's Plate Replacement Fund and used solely for the purposes of plate production and  
34 reissuance costs.

35 **82.11.** (DMV: Provide Data to DOT) The Department of Motor Vehicles shall provide access, in compliance with all state and  
36 federal privacy protection statutes, to the following data and reports without charge to the Department of Transportation: (1) all

1 collision data and collision reports; (2) registration information used for toll enforcement; and (3) driver records of employees or  
2 prospective employees.

3 82.12. (DMV: Commercial Driver's License Skills Test Fee) In the current fiscal year, the Department of Motor Vehicles shall  
4 charge twenty-five dollars for all commercial driver's license (CDL) applicants who schedule a skills test with the agency. Applicants  
5 who schedule a CDL skills test with the department, but cancel at least two business days before the appointment, shall be refunded  
6 this fee from the department. Monies from first-time skills test attempts where the applicant does not appear for the skills test shall  
7 be retained by the department and used for advancement of the CDL and commercial motor vehicle programs of the State. All other  
8 monies for CDL skills test shall be distributed in accordance with Section 56-1-2080(A)(1) of the 1976 Code. In instances where the  
9 applicant appears for the scheduled appointment and passes the skills test, the department shall credit this fee towards the applicant's  
10 CDL and CDL application. In instances where the applicant appears for the scheduled appointment but does not pass the skills test  
11 on the first attempt, the department shall credit this fee towards the applicant's subsequent skills test attempts in accordance with  
12 Section 56-1-2080(A)(1).

13 82.13. (DMV: Mobile Driver's License Study Committee) In the current fiscal year, the Department of Motor Vehicles shall lead  
14 a study committee with the purpose of making recommendations on the implementation and acceptance of mobile identities in South  
15 Carolina. The committee shall meet at least quarterly throughout the fiscal year, and the DMV shall author recommendations on  
16 adopting mobile identities by the end of the fiscal year. The recommendations shall be addressed to the Chairmen of Senate Finance,  
17 Senate Transportation, House Ways and Means, and House Education and Public Works. In addition to the Department of Motor  
18 Vehicles, the committee shall consist of at least one member from the following entities:

19 (1) the Department of Public Safety;

20 (2) the Department of Revenue;

21 (3) the Department of Administration;

22 (4) the Department of Employment and Workforce;

23 (5) the State Election Commission;

24 (6) the South Carolina Retail Association;

25 (7) the South Carolina Bankers Association;

26 (8) the South Carolina Sheriffs' Association;

27 (9) the South Carolina Police Chiefs Association;

28 (10) the South Carolina Medical Association;

29 (11) the South Carolina Pharmacy Association; and

30 (12) the South Carolina Appleseed Legal Justice Center or a similar organization that represents indigent persons.

31 The Department of Motor Vehicles, in its discretion, and other committee members may recommend additional participants that  
32 support the mission of the committee, to include a staff member from the Senate Transportation and House Education and Public  
33 Works Committees.

34 Entities listed above must submit the name and contact information of their committee member to the DMV no later than August  
35 1, 2022.

1 82.14. (DMV: Fees for Qualified Service Members) In the current fiscal year, the Department of Motor Vehicles must waive the  
2 application, learner's permit, and driver's license fee, and, when applicable, the knowledge test fee for any applicant who qualifies  
3 for commercial learner's permits or commercial driver's licenses under the provisions of 49 CFR Section 383.77.

4 82.15. (DMV: Biennial Plates Commercial Motor Vehicles) The department may issue biennial plates to large commercial motor  
5 vehicles until all provisions of Act 37 of 2021 are enacted.

6  
7 **SECTION 83 - R600 - DEPARTMENT OF EMPLOYMENT AND WORKFORCE**  
8

9 **83.1.** (DEW: Business Intelligence Division Program Contracts) All earmarked funds collected for the Business Intelligence  
10 Division Program Contracts through the Department of Employment and Workforce may be retained by the agency to be used for  
11 the exclusive purpose of operating these programs. All funds not expended in the prior fiscal year may be carried forward for use in  
12 the current fiscal year.

13 **83.2.** (DEW: Federal and Earmarked Prior Year Payments) The Department of Employment and Workforce shall be allowed to  
14 pay federal and earmarked prior year obligations with current year funds.

15 **83.3.** (DEW: Transparency of Funding Appropriation) In order to promote accountability and transparency, the Department of  
16 Employment and Workforce must provide and release to the public via the agency's website, a report of all aggregate amounts of  
17 taxes, fees and payments that were charged, collected and paid by that state agency in the prior fiscal year. For the purpose of  
18 efficiency and conservation of resources, this report shall be incorporated into the Trust Fund Report due by October first as required  
19 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  
20 not be limited to: (1) SUTA taxes collected per Tier; (2) unemployment benefit claims paid; (3) how many unemployment claims  
21 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  
22 the end of the fiscal year. The report must be posted online by October first of the current fiscal year. Additionally, the report must  
23 be delivered to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by  
24 October first. Funds appropriated to and/or authorized for use by the department shall be used to accomplish this directive.

25 **83.4.** (DEW: Negotiation of Interest) For the current fiscal year and upon final repayment of all Title XII advances from the  
26 Federal Unemployment Account received by the state beginning in December of 2008, any interest assessment funds received by the  
27 Department of Employment and Workforce Interest Assessment Fund pursuant to Section 41-33-810 of the 1976 Code shall be  
28 transferred to the Unemployment Compensation Fund.

29 **83.5.** (DEW: UI Tax System Modernization) The Department of Employment and Workforce is authorized to expend up to  
30 ~~\$1,158,150~~ \$2,230,756 of funds made available to the State under Section 903 of the United States Social Security Act, as amended.  
31 The funds must be used under the direction of the Department of Employment and Workforce, for the purpose of acquiring software,  
32 equipment, and necessary services to replace the agency's unemployment tax information system with a modern technology solution.  
33 No part of the funds herein authorized may be obligated after a two-year period beginning on July 1, ~~2021~~ 2022. The amount  
34 obligated pursuant to this provision shall not at any time exceed the amount by which (a) the aggregate of amounts transferred to the  
35 accounts of the State pursuant to Section 903 of the Social Security Act exceeds (b) the aggregate of the amounts obligated for



1 administration and paid out for administration and paid out for benefits and required by law to be charged against the amounts  
2 transferred to the account of this State.

3 **83.6.** (DEW: Employment Training Outcomes Data Sharing) The Workforce Innovation and Opportunity Act (WIOA) (P.L.  
4 113-128), requires integration of training and employment data for the purposes of improving assessment of employment outcomes  
5 for the various training providers eligible to receive funding appropriated or authorized by this act.

6 (A) The department must enter into a data-sharing agreement with eligible training providers (ETPs) prior to the ETP entering  
7 student data into the Palmetto Academic Training Hub (PATH). ETPs will submit data related to the types of training programs  
8 offered, individual student coursework, including personal identifying information (PII) to match training, employment data and  
9 performance outcomes, program completion and time to complete, and program costs, as outlined in federal guidance.

10 (B) State agencies needing data from the Department of Employment and Workforce must meet an exception permitting  
11 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  
12 agreement with the requesting agency, as described in 20 C.F.R. Part 603. Requesting state agencies must identify a need in the  
13 administration of the official duties for department data, as required by 20 C.F.R. Part 603. The department shall charge state  
14 agencies, excluding the Department of Commerce, for costs, as described in federal and state law, for the data sharing requests. The  
15 Department of Commerce shall not be charged for costs associated with this provision.

16 **83.7.** (DEW: GED Incentive Program) The Department of Employment and Workforce may carry forward unexpended funds  
17 allocated for the GED Incentive Program from the prior fiscal year to the current fiscal year. For ~~Fiscal Year 2021-22~~, of the funds  
18 allocated and carried forward to the Department of Employment and Workforce from the Department of Education GED Incentive  
19 Program, \$1,500,000 shall be utilized as an incentive for individuals currently drawing unemployment benefits to obtain their GED  
20 or high school diploma. In order to be eligible, the individual must have an active claim from any of the state or federal  
21 unemployment insurance programs and be a South Carolina resident who is at least nineteen years of age. The individual must  
22 certify to the department that they do not currently hold a GED or high school diploma from any state. They must also enroll in and  
23 complete the GED or high school diploma course work prior to June 1, ~~2022~~ 2023. The Department of Employment and Workforce  
24 shall enter into a data-sharing agreement with the Department of Education to cross match eligibility to ensure that participants do  
25 not currently hold a GED or high school diploma and to confirm that the individual enrolled in and completed the diploma process  
26 to obtain the GED or high school diploma. The Department of Employment and Workforce shall issue a one-time payment in the  
27 amount of \$500 to the individual upon confirmation from the Department of Education that the individual has successfully received  
28 the GED or diploma. These incentive payments shall be issued on a first come first served basis based on completion date, until the  
29 funds from this program have been exhausted. Funds allocated for this incentive program shall not be transferred or utilized for any  
30 other purpose. ~~Unexpended funds shall be remitted to the General Fund at the end of the current fiscal year.~~

## 31 32 SECTION 84 - U120 - DEPARTMENT OF TRANSPORTATION

33  
34 **84.1.** (DOT: Expenditure Authority Limitation) The Department of Transportation is hereby authorized to expend all cash  
35 balances, unexpended general funds, and unexpended proceeds from bond sales or loans accruing to the department brought forward

1 from the previous year ~~and all income including all.~~ *The department is also authorized to expend for activities and projects to be*  
2 *reimbursed in part or whole from* federal funds, ~~unexpended general funds and proceeds from bond sales accruing to the Department~~  
3 ~~of Transportation, but in no case shall the expenditures of the Department of Transportation exceed the amount of cash balances~~  
4 ~~brought forward from the preceding year plus the amount of all income including federal funds, general funds and proceeds from~~  
5 ~~bond sales from the United States Department of Transportation or other agencies that were obligated, but not expended in a prior~~  
6 ~~fiscal year; and all income for funding for contracted activities and projects funded by another entity not expended in a previous~~  
7 ~~fiscal year. The Department of Transportation shall provide the Executive Budget Office a listing of cash balances; unexpended~~  
8 ~~general funds; unexpended proceeds from bond sales or loans accruing to the department; activities and projects funded from~~  
9 ~~previously obligated federal funds not expended in the previous fiscal year; and income from contracted activities and projects not~~  
10 ~~expended in the prior fiscal year. The Executive Budget Office shall establish the expenditure authorization upon review of the listing~~  
11 ~~provided by the department. The Department of Transportation is authorized to expend from federal funds or for funding for~~  
12 ~~contracted activities and projects funded by another entity approved during the current fiscal year. The Department of~~  
13 ~~Transportation shall provide a listing of federal funds or other sources approved during the current fiscal year. The Executive Budget~~  
14 ~~Office shall establish the expenditure authorization upon review of the listing provided by the department.~~

15 **84.2.** (DOT: Special Fund Authorization) The Department of Transportation with the approval of the State Treasurer, is hereby  
16 authorized to set up with the State Treasurer such special funds out of the Department of Transportation funds as may be deemed  
17 advisable for proper accounting purposes.

18 **84.3.** (DOT: Secure Bonds & Insurance) The Department of Transportation is hereby authorized to secure bonds and insurance  
19 covering such activities of the department as may be deemed proper and advisable, due consideration being given to the security  
20 offered and the service of claims.

21 **84.4.** (DOT: Benefits) Employees of the Department of Transportation shall receive equal compensation increases, health  
22 insurance benefits and employee bonuses provided in this act for employees of the State generally. The amount will be funded from  
23 Department of Transportation funding sources.

24 **84.5.** (DOT: Document Fees) The Department of Transportation is hereby authorized to establish an appropriate schedule of  
25 fees to be charged for copies of records, lists, bidder's proposals, plans, maps, etc. based upon approximate actual costs and handling  
26 costs of producing such copies, lists, bidder's proposals, plans, maps, etc.

27 **84.6.** (DOT: Meals in Emergency Operations) *In the event a State of Emergency is declared by the Governor or in the event of*  
28 *a situation requiring the use of the Secretary of Transportation's authorities under Section 57-5-1620 of the 1976 Code,* the  
29 Department of Transportation may provide meals to employees ~~of the department~~ who are not permitted to leave assigned duty  
30 stations ~~and are required to work during~~ *to include* deployment; *and* emergency simulation exercises; ~~and when the Governor declares~~  
31 ~~a state of emergency.~~

32 **84.7.** (DOT: Rest Area Water Rates) For the current fiscal year, rest areas of the Department of Transportation shall be charged  
33 in-district water rates by providers of water and sewer services, unless the rate currently charged by the provider is less than in-district  
34 rates.

1     **84.8.** (DOT: Shop Road Farmers Market Bypass Carry Forward) Unexpended funds appropriated for the Shop Road Farmers  
2 Market Bypass may be carried forward into the current fiscal year and expended for the matching requirement for the widening and  
3 expansion of Leesburg Road from Fairmont to Wildcat Road (Lower Richland roads-Phase I).

4     **84.9.** (DOT: Project Priority List) From the funds appropriated to the department, the Department of Transportation Commission  
5 project priority lists, as required under Act 114 of 2007, shall be published in a conspicuous place on the department's website in a  
6 manner easily accessible to the public. The priority lists shall be accompanied by the associated engineering directives explaining  
7 the ranking process and methodology for applying the commission approved criteria.

8     **84.10.** (DOT: General Fund Balance Carry Forward) The Department of Transportation may carry forward any unexpended  
9 general fund balance from the prior fiscal year and expend those funds in the current fiscal year.

10    **84.11.** (DOT: Reimbursement for Vehicle Damage) Of the funds appropriated to the Department of Transportation, the  
11 department must develop direct internet access from the department's home page to any document or claim form that may be used  
12 by the public to seek reimbursement for vehicle damages caused by poor road conditions. The department must post a link to the  
13 documents or claim forms on the department's home page in a prominent, easily viewed location.

14    **84.12.** (DOT: Preventative Maintenance Credit) The Department of Transportation is authorized to transfer a portion of proceeds  
15 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  
16 the preventive maintenance credit in Section 12-6-3780(B)(2).

17    **84.13.** (DOT: Emergency Meetings) The Department of Transportation Commission is authorized to use funds under this act in  
18 order to convene a meeting in cases of emergency as determined by the Secretary of Transportation when a natural disaster or other  
19 dire situation requires immediate action. Notice shall be given to the press and the public as soon as a decision is made to convene  
20 an emergency meeting. Only emergency matters may be considered in such a meeting. The meeting shall be open to the public, and  
21 may be conducted over a conference call if necessary.

22    **84.14.** (DOT: CTC Donor Bonus) The Department of Transportation is authorized, in order to meet the requirements of Act 40  
23 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  
24 satisfy the donor bonus for County Transportation Committees in Section 12-28-2740(H).

25    **84.15.** (DOT: Compensatory Payment) In the event a State of Emergency is declared by the Governor or in the event of a situation  
26 requiring the use of the Secretary of Transportation's authorities under Section 57-5-1620 of the 1976 Code, exempt employees of  
27 the Department of Transportation may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of  
28 the Secretary of Transportation, and providing funds are available.

29    **84.16.** (DOT: Non-Federal Aid Highway Fund) Funds deposited in the Non-Federal Aid Highway Fund established in Act 176  
30 of 2005 may be used for repairs, maintenance, and improvements to the existing transportation system.

31    **84.17.** *(DOT: PalmettoPride) In the current fiscal year, receipt of funds allocated to PalmettoPride shall flow through the*  
32 *Department of Transportation. PalmettoPride shall be governed by a board of directors composed of twelve members to be appointed*  
33 *as follows:*

34    *(1) five members of the public must be appointed by the Governor;*

35    *(2) three members must be appointed by the President of the Senate, to include one Senator and two members of the public;*

1 (3) three members must be appointed by the Speaker of the House of Representatives, to include one member of the House of  
2 Representatives and two members of the public; and

3 (4) the Secretary of the Department of Transportation or his/her designee.  
4

#### 5 SECTION 85 - U150 - INFRASTRUCTURE BANK BOARD 6

7 **85.1.** (IBB: Board Meeting Coverage) Of the funds authorized for the State Transportation Infrastructure Bank Board, the bank  
8 must provide live-streamed coverage of all board meetings to ensure transparency and access for the public. The board meetings  
9 shall be recorded and archived and made available on the South Carolina Transportation Infrastructure Bank's website.  
10

#### 11 SECTION 86 - U200 - COUNTY TRANSPORTATION FUNDS 12

13 **86.1.** (CTC: Increased Funding) The requirement of Section 13 of Act 40 of 2017 for increased funding to the County  
14 Transportation Committees shall come from the proceeds of Section 12-28-310(D), and shall be used exclusively for repairs,  
15 maintenance, and improvements to the state highway system.

16 **86.2.** (CTC: Expenditure Authority Limitation) County Transportation Funds are authorized to expend all cash balances  
17 brought forward from the previous fiscal year. A listing of cash balances shall be provided to the Executive Budget Office which  
18 shall establish the expenditure authorization upon review of the listing provided.  
19

#### 20 SECTION 87 - U300 - DIVISION OF AERONAUTICS 21

22 **87.1.** (AERO: Reimbursement for Services Carry Forward) The Division of Aeronautics may retain and expend reimbursements  
23 derived from charges to other government agencies for service and supplies for operating purposes and that a reserve not to exceed  
24 \$300,000 may be carried forward to the current fiscal year for the replacement of time limit aircraft components.

25 **87.2.** (AERO: Office Space Rental) Revenue received from rental of Division of Aeronautics office space may be retained and  
26 expended to cover the cost of building operations.

27 **87.3.** (AERO: Funding Sequence) All General Aviation Airports will receive funding prior to the six air carrier airports (i.e.  
28 Columbia, Charleston, Florence, Hilton Head Island, Greenville-Spartanburg, and Myrtle Beach International) as these qualify for  
29 special funding under the DOT/FAA appropriations based on enplanements in South Carolina.

30 **87.4.** (AERO: Hangar/Parking Facilities) The Division of Aeronautics will provide hangar/parking facilities for government  
31 owned and/or operated aircraft on a first come basis. Funds shall be retained by the division for the purpose of hangar and parking  
32 facility maintenance. The Hangar Fee Schedule shall be determined by the division and shall not exceed local average market rates.

33 Personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.

34 **87.5.** (AERO: Aviation Grants) The funds appropriated for Aviation Grants, in this bill or any bill supplemental thereto, shall  
35 be credited to the State Aviation Fund within the Division of Aeronautics for the following purposes:

1 (1) to allow the maximization of grant funds available through the Federal Aviation Administration for capital improvement  
2 projects;

3 (2) for maintenance projects of general aviation airports; and or

4 (3) for aviation education related programs including, but not limited to, educating young people about careers in the aviation  
5 industry and/or the promotion of aviation in general.

6 Sponsors of publicly owned airports for public use are eligible to receive grants pursuant to this provision, but the airport must  
7 have a current development plan that meets the planning requirements of the National Plan of Integrated Airports Systems.

8 The Aeronautics Commission shall promulgate regulations establishing the grants program that, at a minimum, address: (1)  
9 priorities among improvements qualifying for grants; (2) an airport selection process to ensure an equitable distribution of funds  
10 among eligible airports; and (3) the criteria for distribution of funds among eligible airports.

11 Enabling airport sponsors to meet basic Federal Aviation Administration safety guidelines for obstruction clearance must be a  
12 major factor in the priority guidelines established by the Aeronautics Commission pursuant to this provision. The Commission also  
13 shall have discretion consistent with Section 55-5-170 of the 1976 Code to establish a program to grant Aviation Fund dollars for  
14 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  
15 relative contribution from the fund.

16 A report on the expenditure of these funds shall be submitted to the Senate Finance Committee and the House Ways and Means  
17 Committee.

18 Unspent funds from the prior fiscal year may be carried forward to the current fiscal year and spent for like purposes.

19 87.6. (AERO: Asset Procurement Flexibility) The Division of Aeronautics is authorized, upon approval by the Aeronautics  
20 Commission, to acquire aircraft and assets for state service through purchase projects including, but not limited to, the Department  
21 of Defense Surplus Equipment Programs and the Federal Asset Transfer Program as long as the assets can be used to meet the  
22 typical mission requirements of the Division's operations.  
23

## 24 SECTION 88 - Y140 - STATE PORTS AUTHORITY

25  
26 **88.1.** (SPA: Charleston Cooper River Bridge Project) The State Ports Authority shall, from other general fund or operating fund  
27 surplus available and any funds appropriated to the authority in prior fiscal years and left unexpended as of July 1, ~~2021~~ 2022, pay  
28 to the State Transportation Infrastructure Bank one million dollars before June 30, ~~2022~~ 2023, to continue the Charleston Cooper  
29 River Bridge Project.

30 **88.2.** (SPA: Georgetown Port Marketing) ~~The State Ports Authority will continue its cargo diversification strategy which~~  
31 ~~enhances the marketing of all terminal capabilities in Charleston and Georgetown highlighting cruise, breakbulk, bulk, and roll~~  
32 ~~on/roll off.~~

33 **88.3.** (SPA: Harbor Deepening Reserve Fund) The State Ports Authority shall maintain the Harbor Deepening Reserve Fund.  
34 This fund shall be separate and distinct from the General Fund and interest accrued by the fund must remain in the fund. This fund  
35 must be used exclusively by the South Carolina Ports Authority for the activities associated with deepening the state's harbors. Prior  
36 to expending any amount from the fund, the State Ports Authority must present a comprehensive plan for the use of the fund for

1 harbor deepening to the Joint Bond Review Committee for review and comment. These funds shall be carried forward from the prior  
2 fiscal year into the current fiscal year and must be used for the same purpose.

3 ~~88.4. (SPA: Georgetown Port Maintenance Dredging Fund) The State Ports Authority shall maintain the Georgetown Port  
4 Maintenance Dredging Fund and any funds appropriated in this act for this purpose shall be deposited into this account. This fund  
5 shall be separate and distinct from the General Fund and the Harbor Deepening Reserve Fund and interest accrued by the fund must  
6 remain in the fund. This fund must be used exclusively by the South Carolina Ports Authority for the activities associated with the  
7 maintenance dredging of the Port of Georgetown. Prior to expending any amount from the fund, the State Ports Authority must  
8 present a comprehensive plan for the use of the fund for maintenance dredging to the Joint Bond Review Committee for review and  
9 comment. These funds shall be carried forward from the prior fiscal year into the current fiscal year and must be used for the same  
10 purpose.~~

11 **88.5.** (SPA: Jasper Ocean Terminal) There is created within the State Ports Authority the Jasper Ocean Terminal Port Facility  
12 Permitting and Infrastructure Fund. The State Ports Authority shall maintain the Jasper Ocean Terminal Port Facility Permitting and  
13 Infrastructure Fund and any funds appropriated in this act for this purpose shall be deposited into this account. This fund shall be  
14 separate and distinct from the General Fund and interest accrued by the fund must remain in the fund. This fund must be used  
15 exclusively by the State Ports Authority for permitting and capital infrastructure expenditures supporting the development of the  
16 Jasper Ocean Terminal Port facility, including, but not limited to, any and all permits and matters associated therewith that are  
17 required by the United States Army Corps of Engineers in order to develop the Jasper Ocean Terminal Port, roads, utilities, dredge  
18 disposal areas, and acquisition of property and property rights (such as easements, rights-of-way, and licenses) and any other matter  
19 reasonably related to the authorization and development of the Jasper Ocean Terminal Port. In regard to the permits and other  
20 activities associated with the Corps of Engineers, the State Ports Authority must ensure that the legal posture of the permitting is at  
21 all times such that the Jasper Ocean Terminal Port is qualified to be considered an alternative by the Corps of Engineers in connection  
22 with its consideration of any other permits for ports-related activity in the Savannah River, including, without limitation, any attempt  
23 to permit the development of port-related facilities on Hutchinson Island. These funds must be expended by the State Ports Authority  
24 for the stated purpose within the current fiscal year. The State Ports Authority is directed to take action against the Georgia Ports  
25 Authority in accordance with the Joint Venture Agreement between the parties dated December 2015, in the event the Georgia Ports  
26 Authority fails to expend funds in furtherance of that joint venture that are equal to the funds expended by the State Ports Authority,  
27 such action to include, without limitation, invocation of the mediation provisions of the Joint Venture Agreement. In the event the  
28 assignment by the State Ports Authority of its interest in the Jasper Ocean Terminal Project to Jasper County is consented to by the  
29 Georgia Ports Authority, the funds appropriated pursuant to this provision shall be transferred by the State Ports Authority to the  
30 Department of Administration, for subsequent disbursement by the department for the purposes set forth herein, upon applications  
31 for such made by Jasper County, and Jasper County shall assume all of the State Ports Authority's obligations hereunder.

32 **88.6.** (SPA: Transfer of Port of Georgetown) The South Carolina State Ports Authority will transfer the Port of Georgetown real  
33 property, including buildings, fixtures, and certain equipment, to the County of Georgetown in "as-is" condition including, but not  
34 limited to, any appurtenances and the assumption of any existing leases through a quit-claim deed no later than June 30, 2023. Any  
35 and all funds in the Georgetown Port Maintenance Dredging Fund shall be transferred to the South Carolina State Ports Authority  
36 in full consideration for such transfer, which is deemed to be just and fair compensation. Only the approval of the Georgetown

1 County Council and the South Carolina State Ports Authority Board of Directors is required for this transaction, and such approval  
2 shall satisfy the fiduciary duties of each approving body related to this transfer.  
3

4 **SECTION 91 - A990 - LEGISLATIVE DEPARTMENT**  
5

6 **91.1.** (LEG: Legislative Employee Designations) The positions included in this section designated (P) shall denote a permanent  
7 employee and the salary is an annual rate. The positions designated (T) shall denote a temporary employee and the salary is for a  
8 period of six months to be paid at that rate only while the General Assembly is in session. The positions designated as (Interim) shall  
9 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  
10 session. The positions designated (PTT) shall denote part-time temporary employees on a twelve-months basis. The positions  
11 designated (PPT) shall denote permanent part-time employees retained for full-time work for a period of months or the duration of  
12 the legislative session.

13 **91.2.** (LEG: Legislative Employee BPI/Merit) Legislative employees designated (P) or (PPT) shall receive base pay and average  
14 merit pay in the same manner as such pay is granted to classified state employees, but for purposes of this paragraph, the term  
15 “legislative employees” does not include employees of the House of Representatives. From the funds appropriated for Employee  
16 Pay Increases, the Speaker of the House and the President of the Senate shall determine the amount necessary for compensation of  
17 the employees of the House and Senate.

18 **91.3.** (LEG: Interim Expenses Allowance) The Chairman of the Standing House and Senate Committees shall each be allowed  
19 the sum of six hundred and fifty dollars for expenses during the interim, between sessions of the General Assembly, to be paid from  
20 the House or Senate approved accounts, with each body paying the expense allowance of the chairman in its membership. The  
21 Speaker of the House is authorized to approve not more than six hundred and fifty dollars for expenses during the interim for  
22 Chairmen of the Standing Committees of the House.

23 **91.4.** (LEG: Subsistence/Travel Regulations) (A) Members of the General Assembly shall receive subsistence for each  
24 legislative day that the respective body is in session and in any other instance in which a member is allowed subsistence expense.  
25 No member of the General Assembly except those present are eligible for subsistence on that day. Legislative day is defined as those  
26 days commencing on the regular annual convening day of the General Assembly and continuing through the day of adjournment sine  
27 die, excluding Friday, Saturday, Sunday, and Monday.

28 (B) Standing Committees of the Senate and House of Representatives are authorized to continue work during the interim;  
29 however, House members must receive advanced approval by the Speaker of the House and Senate members must receive advanced  
30 approval by the President of the Senate or Standing Committee Chairman to meet. If such advanced approval is not received, the  
31 members of the General Assembly shall not be paid the per diem authorized in this provision. When certified by the Speaker of the  
32 House, President of the Senate, or Standing Committee Chairman, the members serving on such committees shall receive a  
33 subsistence and mileage at the rate provided for by law, and the regular per diem established in this act for members of boards,  
34 commissions, and committees while attending scheduled meetings. Members may elect to receive actual expenses incurred for  
35 lodging and meals in lieu of the allowable subsistence expense. The funds for allowances specified in this proviso shall be paid to

1 the members of the Senate or House of Representatives from the Approved Accounts of the respective body except as otherwise may  
2 be provided.

3 (C) Joint Study Committees created pursuant to Acts and Resolutions of the General Assembly are authorized to continue work  
4 during the interim to secure such information and complete such investigations as may be assigned to the respective committees;  
5 however, House members must receive advanced approval by the Speaker of the House and Senate members must receive advanced  
6 approval by the President of the Senate or Standing Committee Chairman to meet. If such advanced approval is not received, the  
7 House and Senate members of the Joint Study Committee shall not be paid the per diem authorized in this provision. When certified  
8 by the appropriate authority, the members appointed to such committees shall receive a subsistence and mileage at the rate provided  
9 for by law, and the regular per diem established in this act for members of boards, commissions, and committees while attending  
10 scheduled meetings. Members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable  
11 subsistence expense. The allowances specified in this proviso shall be paid from funds appropriated to the respective committees  
12 for such purposes, or from Approved Accounts of the respective body of the General Assembly if no funds have been appropriated  
13 to such a committee for these purposes.

14 (D) Members of the Senate and the House of Representatives when traveling on official State business shall be allowed a  
15 subsistence and transportation expenses as provided for by law, and the regular per diem established in this act for members of  
16 boards, commissions, and committees upon approval of the appropriate chairman. When traveling on official business of the Senate  
17 or the House of Representatives not directly associated with a committee of the General Assembly, members shall be paid the same  
18 allowance upon approval of the President of the Senate or the Speaker of the House of Representatives. In either instance, the  
19 members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The funds  
20 for the allowances specified in this proviso shall be paid from the Approved Accounts of the Senate or the House of Representatives  
21 or from the appropriate account of the agency, board, commission, task force or committee upon which the member serves.

22 (E) Members of the House of Representatives shall not be reimbursed for per diem, subsistence, or travel in connection with any  
23 function held outside of the regular session of the General Assembly unless prior approval has been received from the Speaker of the  
24 House.

25 (F) Notwithstanding any other provision of law, subsistence and mileage reimbursement for members of the General Assembly  
26 shall be the level authorized by the Internal Revenue Service for the Columbia area. Provided, in calculating the subsistence  
27 reimbursement for members of the General Assembly the reimbursement rate for the lodging component shall be the average daily  
28 rate for hotels in the Columbia Downtown area as defined by the Columbia Metro Convention and Visitor's Bureau for the preceding  
29 fiscal year.

30 **91.5.** (LEG: Senate Voucher Approval) All payroll vouchers, disbursement vouchers, and interdepartmental transfers of the  
31 Senate shall only require the approval of the Clerk of the Senate.

32 **91.6.** (LEG: Supplies Approval) All supplies for the Senate shall be purchased only upon the authority of the Clerk of the Senate  
33 and all supplies for the House of Representatives shall be purchased only upon the authority of the Clerk of the House.

34 **91.7.** (LEG: House Pages) Up to one hundred forty-four Pages may be appointed pursuant to House policies and procedures and  
35 they shall be available for any necessary service to the House of Representatives.



1     **91.8.** (LEG: Senate Research Personnel Compensation) Senate Research personnel other than Directors of Research and the  
2 committee research staff shall be paid from funds appropriated for Senate Research at the direction of the Clerk of the Senate.

3     **91.9.** (LEG: Contract for Services) The Standing Committees of the Senate may, upon approval of the President of the Senate,  
4 contract with state agencies and other entities for such projects, programs, and services as may be necessary to the work of the  
5 respective committees. Any such projects, programs, or services shall be paid from funds appropriated for contractual services.

6     **91.10.** (LEG: Jt. Leg. Committee Operational Authorization) Only the Joint Legislative Committees for which funding is provided  
7 herein are authorized to continue operating during the current fiscal year under the same laws, resolutions, rules or regulations which  
8 provided for their operations during the prior fiscal year.

9     **91.11.** (LEG: Legislative Carry Forward) In addition to the funds appropriated in this section, the funds appropriated under Part  
10 IA, Sections 91A, 91B, 91C, 91D, and 91E for the prior fiscal year which are not expended during that fiscal year may be carried  
11 forward to be expended for the same purposes in the current fiscal year.

12     **91.12.** (LEG: Senate Expenditures/O&M Committee) Notwithstanding any limitation or other provisions of law to the contrary,  
13 funds expended by the Senate for salary adjustments, professional fees and dues, and necessary expenses, supplies, and equipment  
14 for Senate employees, must be paid from funds appropriated to the Senate Operations and Management Committee and funds  
15 available in approved accounts of the Senate, and shall be authorized and allocated in such manner as determined by the Senate  
16 Operations and Management Committee. From the funds annually allocated to each Senator and Representative for postage and  
17 telephone, \$250 may be used to purchase American and State flags.

18     **91.13.** (LEG: In-District Compensation) All members of the General Assembly shall receive an in-district compensation of \$1,000  
19 per month.

20     **91.14.** (LEG: Additional House Support Personnel) The House Operations and Management Committee shall determine  
21 procedures and policies for the administration and operation of the Legislative Aide program and the House Operations and  
22 Management Committee shall manage the program. Appropriations to the House of Representatives in Part IA shall fund the  
23 program.

24     **91.15.** (LEG: House Postage) The Speaker of the House is authorized to approve no more than \$1,200 per member per fiscal year  
25 for postage.

26     **91.16.** (LEG: Legislative Dual Employment) Each committee and joint legislative committee provide a list to the members of the  
27 General Assembly of all employees who hold dual positions of state employment.

28     **91.17.** (LEG: Code of Law Reimbursement) The Legislative Council may require reimbursement from public sector recipients  
29 except for the General Assembly of its cost of acquiring codes of law, supplements, or replacement volumes distributed to them.

30     **91.18.** (LEG: Statewide Acts Availability) From the funds appropriated in Part IA, Section 91D of this act, for the current fiscal  
31 year the clerks of the House of Representatives and the Senate are to make all statewide Acts available to the public electronically.  
32 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  
33 in Sections 2-13-190, 2-13-210, and 11-25-640 through 11-25-680 of the 1976 Code.

34     **91.19.** (LEG: LAC Matching Federal Funds) The Legislative Audit Council is authorized to use funds appropriated in this act as  
35 state matching funds for federal funds available for audits and reviews. The council is also authorized to charge state agencies for

1 federal funds, if available, for the costs associated with audits and reviews. Agencies shall remit the federal funds to the Legislative  
2 Audit Council as reimbursement for the costs of audits and reviews.

3 **91.20.** (LEG: DMV Audit Review) For the current fiscal year, the provisions of Section 56-1-5(F) are suspended. Any savings  
4 generated by not conducting the review shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.

5 **91.21.** (LEG: Electronic Correspondence) For the current fiscal year, the House of Representatives may not expend any funds for  
6 the printing or mailing of bills, summaries, committee agendas, etc. to committee members. The House of Representatives shall  
7 send all relevant information concerning committee meetings to committee members via electronic means.

8 **91.22.** (LEG: Technology Panel) Of the funds appropriated in the Department of Education's program VIII.D. for Technology  
9 the K-12 Technology Initiative partnership shall provide a report to the House Education and Public Works Committee, the House  
10 Ways and Means Committee, the Senate Education Committee and the Senate Finance Committee, describing the state's efforts to  
11 facilitate the cost effective provision of connectivity and internet bandwidth to schools and libraries on a statewide basis, regardless  
12 of location, activities to assist schools and libraries in minimizing and detecting internet security threats, the development and  
13 utilization of technological and online resources to support student development and achievement, the development and utilization  
14 of curriculum and professional training to support the use of instructional technology in schools and libraries, and other educational  
15 technology related activities engaged in by the partnership. Further, the report must detail information on the expenditure of the  
16 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  
17 shall be submitted no later than June first of the current fiscal year.

18 **91.23.** (LEG: Legislative Department Applicability) For purposes of this act and any other provision of law that would have any  
19 effect on the expenditure of state revenue through the applicability of the particular provision or through compliance with a mandate  
20 or requirement of the provision, the terms "state agency" or "agency" do not include any component of the Legislative Department  
21 unless the provision of law specifically includes these entities and the inclusion only applies for purposes of the particular provision.

22 **91.24.** (LEG: Requested Information) The departments, bureaus, officers, commissions, institutions, and other agencies or  
23 undertakings of the State, upon request, shall immediately furnish to President of the Senate or the Speaker of the House of  
24 Representatives in such form as he may require, any information requested in relation to their respective affairs or activities.

25 **91.25.** (LEG: Lawsuit Intervention by Legislature) The President of the Senate, on behalf of the Senate, and the Speaker of the  
26 House of Representatives, on behalf of the House of Representatives have an unconditional right to intervene on behalf of their  
27 respective bodies in a state court action and may provide evidence or argument, written or oral, if a party to that court action  
28 challenges:

- 29 (a) the constitutionality of a state statute;  
30 (b) the validity of legislation; or  
31 (c) any action of the Legislature.

32 In a federal court action that challenges the constitutionality of a state statute, the validity of legislation, or any action of the  
33 Legislature, the Legislature may seek to intervene, to file an amicus brief, or to present argument in accordance with federal rules of  
34 procedure.

35 Intervention by the Legislature pursuant to this provision does not limit the duty of the Attorney General to appear and prosecute  
36 legal actions or defend state agencies, officers or employees as otherwise provided.

1 In any action in which the Legislature intervenes or participates, the Senate and the House of Representatives shall function  
2 independently from each other in the representation of their respective clients.

3 The Attorney General shall notify the President of the Senate and the Speaker of the House of Representatives of a claim that  
4 challenges the constitutionality of a state statute, the validity of legislation, or any action of the Legislature.  
5

## 6 SECTION 92 - D210 - OFFICE OF GOVERNOR 7

8 **92.1.** (GOV: Governor's Office Budget) All other provisions of law notwithstanding, the Executive Control of State section and  
9 Mansion and Grounds section shall be treated as a single budget section for the purpose of transfers and budget reconciliation.

10 **92.2.** (GOV: Mansion and Grounds Budget) The Governor's Office of Mansion and Grounds shall not exceed ten percent of its  
11 quarterly allocation of funds so as to provide for agency operations on a uniform basis throughout the fiscal year.

12 **92.3.** (GOV: Mansion and Grounds Maintenance and Complex Facilities) Revenue collected from rental of Mansion Complex  
13 facilities and grounds must be retained and expended by the Governor's Office, Mansion and Grounds to support its operations.  
14 Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.

15 **92.4.** (GOV: Use of Funds Report) In order to ensure transparency and accountability, the Governor's Office of Executive  
16 Control of State shall report quarterly to the Senate Finance Committee and House Ways and Means Committee on financial  
17 transactions that have taken place between Executive Control of State and Mansion and Grounds. These transactions shall include,  
18 but are not limited to, any transfer of funds or payments or reimbursements for services rendered. For each transfer, payment, or  
19 reimbursement the report must specify the amount, the reason for, or circumstance that necessitated the transaction, and the source  
20 of funds used. In the event federal or other funds were utilized, the source from which the revenue was generated must also be  
21 included. The report must be submitted as soon after the end of each quarter as practicable.  
22

## 23 SECTION 92D - D300 - OFFICE OF RESILIENCE 24

25 **92D.1.** (SCOR: Catastrophic Weather Event) Any improvements made to real property or personal property used as a residence,  
26 such as a mobile home or manufactured housing unit, damaged during the catastrophic weather event in October 2015, Hurricane  
27 Matthew of 2016, or Hurricane Florence of 2018, after the event and before June 30, ~~2022~~ 2023, is not considered an improvement  
28 and may not be reassessed at a higher rate as a result of the assistance provided. This provision only applies if as a result of the  
29 catastrophic weather event, the improvements made to the property were funded by the United States Department of Housing and  
30 Urban Development Block Grant - Disaster Recovery program implemented by the Office of Resilience, Disaster Recovery Office.  
31 This provision also applies if, at the discretion of the county and using qualifications determined by the county, the improvements  
32 were made with the assistance of a volunteer organization active in disaster, or a similar volunteer organization.

33 During the current fiscal year, the property tax value of an eligible property shall remain the same unless an assessable transfer of  
34 interest occurs. No refund is allowed on account of values adjusted as provided in this provision.

35 **92D.2.** (SCOR: Leave Balances) Any temporary grant employees transferred from the Department of Administration's Disaster  
36 Recovery Office to the Office of Resilience who become full time employees shall retain any leave accrued prior to the transfer.

1       **92D.3.** (SCOR: Carry Forward) The Office of Resilience shall be authorized to carry forward unexpended funds from the prior  
2 fiscal year into the current fiscal year and expend the funds for the same purposes.

3       **92D.4.** *(SCOR: Risk Reduction Plan Extension) The completion date for the Office of Resilience's Strategic Statewide Resilience*  
4 *and Risk Reduction Plan, as set forth in Section 48-62-30(1) of the 1976 Code, shall be extended from July 1, 2022 to July 1, 2023.*  
5

## 6       **SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION**

7

8       **93.1.** (DOA: Developmental Disabilities Council) Of the funds appropriated to the Department of Administration, Office of  
9 Executive Policy and Programs, \$50,000 must be used as state match for the Developmental Disabilities Council federal grant. These  
10 funds shall be excluded from the Department of Administration's base budget calculation of any across-the-board agency base  
11 reductions mandated by the Executive Budget Office or General Assembly.

12       **93.2.** (DOA: Capital Complex & Mansion) Funds appropriated to the Department of Administration - for Capital Complex &  
13 Mansion must be set aside in a separate account for the operation and maintenance of the Capital Complex & Mansion. The  
14 department shall report annually to the State House Committee on the amount expended from this fund for the operation and  
15 maintenance of the State House.

16       **93.3.** (DOA: Compensation - Reporting of Supplemental Salaries) No supplement shall be paid to an agency's employee unless  
17 the agency head or designated official of the employing agency, or in the case of supplements paid to college and university  
18 presidents, their board of trustees, has approved the conditions and amount of salary supplement. Any compensation, excluding  
19 travel reimbursement, from an affiliated public charity, foundation, clinical faculty practice plan, or other public source or any  
20 supplement from a private source to the salary appropriated for a state employee and fixed by the State must be reported by the  
21 employing agency to the Department of Administration. The report must include the employee's base salary, amount of the  
22 supplement, source of the supplement, and any condition of the supplement. The employing agency must report this information on  
23 or before August thirty-first of each year and must include the total amount and source of the salary supplement received by the  
24 employee during the preceding fiscal year (July first through June thirtieth). The Department of Administration shall formulate  
25 policies and procedures to ensure compliance with the reporting provisions of this proviso. Copies of the reports shall be made  
26 available to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, upon  
27 request.

28       **93.4.** (DOA: Compensation Increase - Appropriated Funds Ratio) Appropriated funds may be used for compensation increases  
29 for classified and unclassified employees and agency heads only in the same ratio that the employee's base salary is paid from  
30 appropriated sources.

31       **93.5.** (DOA: Local Provider Health Insurance) The local health care providers of the Department of Disabilities and Special  
32 Needs shall be awarded funding increases as prescribed for state agencies to cover the employer's share for the cost of providing  
33 health and dental insurance to their employees.

34       **93.6.** (DOA: Military Service) Notwithstanding the provisions of Section 8-11-610 of the 1976 Code, a permanent full-time  
35 state employee who serves on active duty as a result of an emergency or conflict declared by the President of the United States, and

1 performs such duty, may use up to forty-five days of accumulated annual leave and may use up to ninety days of accumulated sick  
2 leave in a calendar year as if it were annual leave.

3 **93.7.** (DOA: First Responder Interoperability) The Department of Administration is directed to administer and coordinate First  
4 Responder Interoperability operations for the statewide Palmetto 800 radio system to better coordinate public safety disaster  
5 responses and communications. First Responder Interoperability administration and coordination shall be funded as provided in this  
6 act. The cost-proportional funds shall be utilized for radio user fees of state agencies and public safety first responders (Fire, EMS  
7 and Law Enforcement) that participate in the statewide Palmetto 800 radio system (Palmetto 800 participants). The Department of  
8 Administration, in consultation with the State Law Enforcement Division, the Department of Public Safety, and the State Emergency  
9 Management Division, and a representative of the South Carolina Sheriff's Association, shall set a baseline number of radios used  
10 by each Palmetto 800 participant based on the technical aspects of the Palmetto 800 radio system and the jurisdictional requirements  
11 of the participant. If a Palmetto 800 participant reduces the baseline number of radios in use, the amount of funds allocated for the  
12 participant's radio user fees shall be reduced in a proportional amount. The funds shall also be utilized to provide private county and  
13 city radio systems with grant funds to be used for purchases of equipment that support interoperability with the statewide Palmetto  
14 800 radio system and its users. Grant funds shall be allocated to private county and city radio systems based on the criteria used for  
15 Palmetto 800 Participants and in amounts proportional to the amounts allocated to support the per-site radio user fees of Palmetto  
16 800 participants. A matching share is required by a Palmetto 800 participant or by a private county or city radio system in order to  
17 qualify for receipt of funds pursuant to this proviso. Each fiscal year the Department of Administration shall establish the level of  
18 match required based upon funding provided by this act. These entities shall be required to furnish such documentation as may be  
19 required by the department to verify that the matching funds requirement is met. Upon funding state agency and public safety first  
20 responder user fees and private county and city equipment purchases, any remaining funds may be used to enhance and expand the  
21 statewide Palmetto 800 radio system. All funds shall be held in a separate account established by the department for the purposes  
22 set forth herein. Any unexpended portion of these funds may be carried forward and used for the same purpose. In the calculation  
23 of any across-the-board budget reduction mandated by the Executive Budget Office or General Assembly, the amount appropriated  
24 to the Department of Administration for First Responder Interoperability must be excluded from the department's base budget.

25 The Department of Administration shall provide a report on the status of the integration of the statewide Palmetto 800 radio system  
26 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  
27 preceding fiscal year and the reason why they are not integrated. The report shall be submitted by October first, of the current fiscal  
28 year to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

29 **93.8.** (DOA: Sale of Surplus Real Property) Up to fifty percent of the proceeds, net of selling expenses, from the sale of surplus  
30 real properties shall be retained by the Department of Administration and used for the deferred maintenance of state-owned buildings.  
31 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  
32 assigned to and shall be used by that agency for nonrecurring purposes. This provision applies to all state agencies and departments  
33 except: institutions of higher learning; the Public Service Authority; the Ports Authority; the MUSC Hospital Authority; the Myrtle  
34 Beach Air Force Redevelopment Authority; the Department of Transportation; the Columbia State Farmers Market; the Department  
35 of Agriculture's Columbia Metrology Lab building and property; the Charleston Naval Complex Redevelopment Authority; the  
36 Department of Commerce's Division of Public Railways; the Midlands Technical College Enterprise Campus Authority; the Trident

1 Technical College Enterprise Campus Authority; the Commissioners residence at the Department of Corrections and the Educational  
2 Television Commission's Key Road property.

3 The Educational Television Commission shall be authorized to retain the net proceeds from the sale of its property on Key Road,  
4 and such proceeds may be used for the renovation of the ETV Telecommunications Center and other maintenance and operating  
5 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  
6 cost of all renovations of the Telecommunications Center, the property on Key Road shall not be sold. Any proposed sale hereunder  
7 shall, prior to said sale, be submitted to the Department of Administration for approval as being in compliance with the requirements  
8 of this subsection.

9 The Department of Corrections shall be authorized to retain the net proceeds from the sale of the residence provided for the  
10 Commissioner of the Department of Corrections and use such proceeds for deferred maintenance needs at the Department of  
11 Corrections.

12 The Forestry Commission shall be authorized to retain the net proceeds from the sale of surplus land for use in firefighting  
13 operations and replacement of firefighting equipment.

14 The Department of Natural Resources shall be authorized to retain the net proceeds from the sale of existing offices originally  
15 purchased with a federal grant or with restricted revenue from hunting and fishing license sales for the improvement, consolidation,  
16 and/or establishment of regional offices and related facilities.

17 The Department of Agriculture, the Educational Television Commission, the Department of Corrections, the Department of  
18 Natural Resources, and the Forestry Commission shall annually submit a report, within sixty days after the close of the fiscal year,  
19 to the Senate Finance Committee and the House Ways and Means Committee on the status of the sale of the identified property and  
20 a detailed accounting on the expenditure of funds resulting from such sale.

21 This provision is comprehensive and supersedes any conflicting provisions concerning disposition of state-owned real property  
22 whether in permanent law, temporary law or by provision elsewhere in this act.

23 Any unused portion of these funds may be carried forward into succeeding fiscal years and used for the same purposes.

24 **93.9.** (DOA: Cyber Security) All state agencies must adopt and implement cyber security policies, guidelines and standards  
25 developed by the Department of Administration. The department may conduct audits on state agencies except public institutions of  
26 higher learning, technical colleges, political subdivisions, and quasi-governmental bodies as necessary to monitor compliance with  
27 established cyber security policies, guidelines and standards. Upon request, public institutions of higher learning, technical colleges,  
28 political subdivisions, and quasi-governmental bodies shall submit sufficient evidence that their cyber security policies, guidelines  
29 and standards meet or exceed those adopted and implemented by the department. In addition, while agencies retain the primary  
30 responsibility and accountability for ensuring responses to breach incidents comply with federal and state laws, the department shall  
31 be informed of all agency cyber security breaches, and is authorized to oversee incident responses in a manner determined by the  
32 department to be the most prudent. Upon request of the Department of Administration for information or data, all agencies must  
33 fully cooperate with and furnish the department with all documents, reports, assessments, and any other data and documentary  
34 information needed by the department to perform its mission and to exercise its functions, powers and duties. The Judicial and  
35 Legislative Branches are specifically exempt from the requirements set forth herein.

1     **93.10.** (DOA: Holidays) When a legal holiday specified in Section 53-5-10 of the 1976 Code falls on Sunday, the following  
2 Monday and when a holiday specified in that section falls on Saturday, the preceding Friday next preceding is deemed a public  
3 holiday for all of the purposes. If either the following Monday or the preceding Friday is also a legal holiday, then the State Human  
4 Resources Director will designate the day upon which the legal holiday will be observed by state employees. To insure that no more  
5 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  
6 be observed on the following Monday. All bills of exchange, checks, and promissory notes which would otherwise be presentable  
7 for acceptance or payment on a Monday or Friday observed as a holiday pursuant to this section are deemed presentable for  
8 acceptance or payment on the secular or business day succeeding the holiday.

9     **93.11.** (DOA: Nuclear Advisory Council) The Office of Regulatory Staff shall reimburse the Department of Administration for  
10 travel expenses associated with the Governor’s Nuclear Advisory Council from the SC Energy Office’s radioactive waste funds.

11     **93.12.** (DOA: QECB Allocation) From the funds appropriated to the department, the director of the Department of Administration  
12 shall develop and implement a plan to utilize the state’s remaining Qualified Energy Conservation Bond allocation to fund energy  
13 conservation projects on state-owned buildings and other eligible capital expenditures that benefit state agencies.

14     **93.13.** (DOA: Federal/Other Fund Authorization Adjustments) The Executive Budget Office is authorized to approve agency  
15 requests for federal and other fund authorization adjustments. Requests will be approved and reported by the Executive Budget  
16 Office pursuant to Chapter 65, Title 2, the “South Carolina Federal and Other Funds Oversight Act”.

17  
18 **SECTION 94 - D250 - OFFICE OF INSPECTOR GENERAL**

19  
20     **94.1.** (OIG: Coordination with State Auditor) The State Inspector General will prepare an annual report to the Chairmen of the  
21 House Ways and Means Committee and the Senate Finance Committee and the Governor detailing all written referrals of fraud,  
22 waste, and abuse from the State Auditor and all corresponding actions taken by the State Inspector General.

23  
24 **SECTION 96 - E080 - OFFICE OF SECRETARY OF STATE**

25  
26     **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  
27 retained by the Secretary of State for purposes of UCC administration.

28     **96.2.** (SS: Charitable Funds Act Disclosure Violations) The Secretary of State shall refer to the Attorney General for  
29 investigation under Section 33-56-145 of the Solicitation of Charitable Funds Act any person who is alleged to have violated the  
30 mandatory disclosure requirements of Section 33-56-90 of the Act, and who has been fined \$10,000 or more for those violations.

31     **96.3.** (SS: Charitable Funds Act Misrepresentation Violations) The Secretary of State shall refer to the Attorney General for  
32 investigation under Section 33-56-145 of the Solicitation of Charitable Funds Act any person who is alleged to have violated the  
33 misrepresentation provisions of Section 33-56-120 of the Act, and who has been fined \$10,000 or more for those violations.

1     **SECTION 97 - E120 - OFFICE OF COMPTROLLER GENERAL**  
2

3     **97.1.** (CG: Signature Authorization) The Comptroller General is hereby authorized to designate certain employees to approve,  
4 in his stead, disbursement documents authorizing payment, and the State Treasurer is hereby authorized to accept such approved  
5 disbursement documents when notified by the Comptroller General. This provision shall in no way relieve the Comptroller General  
6 of responsibility.

7     **97.2.** (CG: GAAP Implementation & Refinement) It is the intent of the General Assembly that the State of South Carolina issue  
8 financial statements in conformance with Generally Accepted Accounting Principles (GAAP). To this end, the Comptroller General  
9 is directed, as the State Accounting Officer, to maintain an Enterprise Information System for State Government (SCEIS) that will  
10 result in proper authorization and control of agency expenditures, including payroll transactions, and in the preparation and issuance  
11 of the official financial reports for the State of South Carolina. Under the oversight of the General Assembly, the Comptroller  
12 General is given full power and authority to issue accounting policy directives to state agencies in order to comply with GAAP. The  
13 Comptroller General is also given full authority to conduct surveys, acquire consulting services, and implement new procedures  
14 required to implement fully changes required by GAAP.

15     **97.3.** (CG: Payroll Deduction Processing Fee) There shall be a fee for processing payroll deductions, not to exceed twenty-five  
16 cents, for insurance plans, credit unions, deferred compensation plans, benefit providers, and professional associations per deduction  
17 per pay day. This fee shall not be applied to charitable deductions. Vendors and other third parties receiving payroll deductions  
18 shall bear the entire cost of this fee, at no cost to state employees. The revenues generated from these fees and those provided for  
19 child support deductions in accordance with Section 63-17-1460(C), South Carolina Code of Laws, 1976, as amended, may be used  
20 to support the operations of the Office of Comptroller General and any unexpended balance may be carried forward from the  
21 prior fiscal year to the current fiscal year and utilized for the same purposes.

22     **97.4.** (CG: Unemployment Compensation Fund Administration) \$200,000 of the fund balance of the Unemployment  
23 Compensation Fund shall be paid out annually to the Office of Comptroller General to be used by that agency to recover the costs of  
24 administering the fund. The Unemployment Compensation Fund is provided for in Section 41-31-820, South Carolina Code of  
25 Laws, 1976, as amended. Any unexpended balance may be carried forward from the prior fiscal year to the current fiscal year and  
26 used for the same purposes.

27     **97.5.** (CG: Purchasing Card Rebate Program) The Office of Comptroller General is authorized to retain the first \$100,000 of  
28 rebate associated with the Purchasing Card Program and \$200,000 of agency incentive rebates.

29     The funds retained may be used to support the operations of the Office of Comptroller General and any unexpended balance may  
30 be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.  
31

32     **SECTION 98 - E160 - OFFICE OF STATE TREASURER**  
33

34     **98.1.** (TREAS: Nat'l. Forest Fund - Local Govt. Compliance) In order to conform to federal requirements local governments  
35 receiving distributions of National Forest Fund revenues are required to report annually to the State Treasurer indicating compliance  
36 with authorized purposes.



1       **98.2.** (TREAS: STARS Approval) Decisions relating to the Statewide Accounting and Reporting System (STARS) and the  
2 South Carolina Enterprise Information System (SCEIS) which involve the State Treasurer's Banking Operations and other functions  
3 of the State Treasurer's Office shall require the approval of the State Treasurer.

4       **98.3.** (TREAS: Investments) The State Treasurer may pool funds from accounts for investment purposes and may invest all  
5 monies in the same types of investments as set forth in Section 11-9-660.

6       **98.4.** (TREAS: Management Fees) The State Treasurer is authorized to charge a fee for the operating and management costs  
7 associated with the Local Government Investment Pool, the Deferred Compensation Program, the Tuition Prepayment Program, and  
8 the College Investment Program and is further authorized to retain and expend the fees to provide these services. The fees assessed  
9 may not exceed the cost of the provision of such services.

10       **98.5.** (TREAS: Investment Management Fees) Unless otherwise prohibited by law, the State Treasurer may charge a fee for the  
11 operating and management costs associated with the investment management and support operations of various state funds and  
12 programs, and further, may retain and expend the fees to provide these services. The fees assessed may not exceed the actual cost  
13 of the provision of these services or the earnings on these investments.

14       **98.6.** (TREAS: Debt Management Cost Allocation) Unless otherwise prohibited by law, the State Treasurer may charge actual  
15 costs associated with the administration and management of the indebtedness of the State, its agencies and institutions, and further,  
16 may retain and expend any amounts so allocated to provide these services. Costs associated with the original issuance of bonds and  
17 other indebtedness must be assessed on an hourly basis, must be taken from the costs of issuance of any bond issue or other  
18 indebtedness, and must not exceed the actual cost of providing these services. Ongoing costs of administration and maintenance  
19 must be assessed against expenses of debt service, and must not exceed the actual costs of providing these services.

20       **98.7.** (TREAS: Withheld Accommodations Tax Revenues) Before noncompliant expenditures and penalties withheld pursuant  
21 to Sections 6-4-35(B)(1)(a) and (b) are reallocated, the Tourism Expenditure Review Committee must certify to the Office of State  
22 Treasurer that the time period for an appeal of the committee's action to the Administrative Law Court has expired or that the action  
23 of the committee has been upheld or overturned by the Administrative Law Court. Noncompliant expenditures and penalties withheld  
24 must be reallocated annually after August first. Allocations withheld must be reallocated proportionately based on the most recent  
25 completed fiscal year's total statewide collections of the accommodations tax revenue according to the Office of State Treasurer  
26 records. Each annual reallocation of withheld funds to non-offending counties and municipalities must be calculated separately  
27 then combined if necessary. Each reallocation to a county or municipality calculated less than a dollar must be transferred to the  
28 General Fund of the State.

29       **98.8.** (TREAS: Tuition Prepayment Program) The South Carolina Tuition Prepayment Program shall not accept any new  
30 enrollment in the current fiscal year. The annual increase in tuition for the purposes of the Tuition Prepayment Program, for an  
31 institution cannot exceed seven percent per year from the 2006-07 level. To the extent that actual tuition for an institution exceeds  
32 an annual growth of seven percent per year since Fiscal Year 2006-07, colleges and universities must grant a waiver of the difference  
33 to the designated beneficiary and shall not pass along this difference to any student.

34       **98.9.** (TREAS: Penalties for Non-reporting) If a municipality fails to submit the audited financial statements required under  
35 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  
36 must withhold all state payments to that municipality until the required audited financial statement is received.

1 If the State Treasurer receives an audit report from either a county or municipality that contains a significant finding related to  
2 court fine reports or remittances to the Office of State Treasurer, the requirements of Proviso 117.48 shall be followed if an amount  
3 due is specified, otherwise the State Treasurer shall withhold twenty-five percent of all state payments to the county or municipality  
4 until the estimated deficiency has been satisfied.

5 If a county or municipality is more than ninety days delinquent in remitting a monthly court fines report, the State Treasurer shall  
6 withhold twenty-five percent of state funding for that county or municipality until all monthly reports are current.

7 After ninety days, any funds held by the Office of State Treasurer will be made available to the State Auditor to conduct an audit  
8 of the entity for the purpose of determining an amount due to the Office of State Treasurer, if any.

9 The penalty provisions in this proviso are suspended during Fiscal Year ~~2021-22~~ 2022-23 for municipalities. The State Treasurer  
10 is authorized and directed to release all funds withheld from municipalities in the prior two fiscal years due to a municipality not  
11 submitting the required audited financial statements or submitting financial information to the Revenue and Fiscal Affairs Office as  
12 required by Section 6-1-50 of the 1976 Code.

13 **98.10.** (TREAS: Signature Authorization) The State Treasurer is hereby authorized to designate certain employees to sign  
14 payments for the current fiscal year in accordance with Section 11-5-140 of the 1976 Code to meet the ordinary expenses of the  
15 State. This provision shall in no way relieve the State Treasurer of responsibility.

16 **98.11.** (TREAS: Unclaimed Property) The State Treasurer may not expend funds to retain a third party, private sector auditor, or  
17 auditing firms to fulfill his duties pursuant to the South Carolina Uniform Unclaimed Property Act on a contingency basis or any  
18 basis other than an hourly basis, with the exception that the State Treasurer may join other state(s) in multi-state contingent fee  
19 auditors' examinations, not to include companies whose parent company is headquartered or incorporated in South Carolina, when  
20 there is a reason to believe that those companies being audited are holding funds belonging to South Carolina citizens. The Office  
21 of State Treasurer shall retain \$200,000 from the Unclaimed Property Program for the sole purpose of employing internal compliance  
22 auditors to enforce the Unclaimed Property Act.

23 **98.12.** (TREAS: Municipality Accommodations Tax Withholdings) If the State Treasurer is withholding accommodations tax  
24 revenue distributions to a municipality due to an expenditure the Tourism Expenditure Review Committee determined to be in  
25 noncompliance, then the municipality may refund an amount equivalent to the amount determined to be in noncompliance to the  
26 municipality's accommodations tax fund from the municipality's general fund. If the municipality certifies to the Tourism  
27 Expenditure Review Committee that the amount has been refunded, the State Treasurer shall refund the withheld funds to the  
28 municipality's general fund. The expenditure of funds refunded to the municipality's accommodations tax fund and any subsequent  
29 expenditures are subject to review by the Tourism Expenditure Review Committee. Prior to notification to the State Treasurer of  
30 noncompliance by a municipality, the Tourism Expenditure Review Committee must notify the municipality if an expenditure is  
31 found to be in noncompliance. If the committee informs the municipality of an expenditure determined to be in noncompliance and  
32 the municipality does not refund the noncompliant amount, the committee shall certify the noncompliance to the State Treasurer. If  
33 the committee determines an expenditure of any refunded amount to be in noncompliance, the municipality may not refund an  
34 equivalent amount in order to avoid future withholdings.

35 **98.13.** (TREAS: Investment Earnings and Interest) In accordance with the requirements of Section 11-13-125 of the 1976 Code,  
36 the State Treasurer shall remit earnings and interest from investments of general deposit funds into the General Fund of the State.

1 Nothing in this provision shall be construed to limit the State Treasurer from incurring and paying fees, expenses, losses, statutory  
2 commitments, salaries, and other costs associated with the routine investment of funds pursuant to Section 11-9-660 of the 1976  
3 Code.  
4

5 **SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL**  
6

7 **100.1.** (ADJ: Unit Maintenance Funds) ~~The funds appropriated as unit maintenance funds shall be distributed to the various~~  
8 ~~National Guard units at the direction of the Adjutant General.~~

9 **100.2.** (ADJ: Use of Agency Property and Revenue Collections) The Adjutant General is authorized to rent, lease, or sub-lease  
10 any area under his ownership or control including facilities, unimproved real-estate, and parking areas. The Adjutant General is  
11 authorized to collect funds received from any sources including, but not limited to, county and city appropriations, short or long-term  
12 lease or rental payments, revenues from vending machines, military justice fines or other monetary penalties, federal reimbursements  
13 under cooperative agreements, and gifts to the agency. These revenues shall be retained and expended as authorized by the Adjutant  
14 General.

15 **100.3.** (ADJ: Rental Fee for Election Purposes) The maximum fee that an armory may charge for the use of its premises for  
16 election purposes shall be the cost of providing custodial services, utilities and maintenance.

17 **100.4.** (ADJ: Event Parking Contracts) Notwithstanding other provisions of this act, the Adjutant General may execute  
18 agreements addressing event-parking related services, sub-leases or licenses, or other appropriate subject in order to generate revenue  
19 from parking areas under his ownership or control near the University of South Carolina's Williams-Brice Stadium. The Adjutant  
20 General's authority to enter such agreements applies to the headquarters building parking facilities currently owned by the  
21 Department of Administration, whether or not those are subject of a current lease to the Adjutant General. The agreements may  
22 relate to parking for specific events, a series of events (USC home football games), or for all events. The Adjutant General may  
23 enter agreements with a state chartered and federally recognized tax exempt 501(c)(4) agency employees' association which may  
24 then sub-lease or sub-license individual parking spaces for use during an event, or a series of events (USC home football games).  
25 The agreements must require the employees association to obtain either event coverage, general liability coverage against wrongful  
26 death or injury, or similar coverage that is suitable to the Adjutant General. All agreements must obligate the employees association  
27 to hold harmless, indemnify, and defend the Office of the Adjutant General, the Department of Administration, the State of South  
28 Carolina, and their respective officers and employees from any liability resulting from parking patrons or their guests activities or  
29 presence during these events. The agreements must specify that the Office of the Adjutant General shall receive no less than  
30 thirty-three percent of the gross profits from sub-leasing, licensing, or other grants of use for parking. The agreements must also  
31 allow the State to audit the employees association's funds.

32 **100.5.** (ADJ: Meals in Emergency Operations Centers) The cost of meals, or the advanced purchase of food products to be stored  
33 and prepared for meals, may be provided to state employees who are required to work at the State Emergency Operations Centers  
34 during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

1       **100.6.** (ADJ: Educational Seminar Revenue) All revenue earned from educational seminars shall be retained by the agency to be  
2 used for the printing of materials and other expenses related to conducting the seminars. The balance of funds shall be reported  
3 annually to the General Assembly.

4       **100.7.** (ADJ: Billeting Operations) All revenues collected by the Billeting operations at the R.L. McCrady Training Center shall  
5 be retained and expended in its budgeted operations. Expenditures from these funds shall be determined by the Billeting Committee  
6 for Billeting operations.

7       **100.8.** (ADJ: EMD Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees  
8 of the Emergency Management Division may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion  
9 of the Agency Director, and providing funds are available.

10       **100.9.** (ADJ: Civil Air Patrol) The funds appropriated in this section for the Civil Air Patrol shall be expended by the Civil Air  
11 Patrol so as to discharge the state's obligations in conjunction with the Civil Air Patrol as outlined in the SARDA Plan, the South  
12 Carolina Operational Radiological Emergency Response Plan, and to assist county and local authorities and other state agencies as  
13 permitted by the regulations governing the Civil Air Patrol. All expenditures for equipment and services shall be in accordance with  
14 state fiscal policies.

15       **100.10.** (ADJ: Emergency Commodities) The Emergency Management Division shall be allowed to rotate and replace water,  
16 Meals Ready to Eat (MREs), and other essential emergency commodities housed in the state's Logistic Center through the provision  
17 of said commodities to neighboring states, counties, municipalities and other state agencies, and shall be allowed to accept  
18 compensation for said commodities not to exceed replacement costs. Revenues from this exchange shall be utilized solely for the  
19 replacement of state emergency commodities.

20       **100.11.** (ADJ: Behavioral Health Care Facilitator/Coordinator) The funds appropriated and or authorized to the Office of the  
21 Adjutant General may be utilized to hire a Behavioral Health Care Facilitator/Coordinator who shall act as a liaison to provide mental  
22 health care coordination for mental health services to all members of the South Carolina National Guard. The responsibilities of the  
23 position shall include, but are not limited to, focusing on individuals without health insurance or without adequate health insurance;  
24 facilitating Memorandum of Understanding with mental health facilities across the state to provide assistance to National Guard  
25 Service Members; assisting in coordinating Yellow Ribbon and Beyond and other post deployment and mental health events;  
26 coordinating treatment for Service Members for conditions that may or may not result in their being medically non deployable; and  
27 participating in staff meetings to discuss care of Service Members. The individual hired must be knowledgeable of state and federal  
28 privacy laws, including the HIPAA privacy regulations. In addition, it is preferred that the individual have a previous background  
29 in Social Work. A national security background check must be performed on the individual prior to a job offer being tendered.

30       **100.12.** (ADJ: National or State Guard State Active Duty) In the event of the activation of the South Carolina National Guard  
31 or State Guard to State Active Duty in response to a declared emergency or in response to an imminent or anticipated emergency,  
32 including support provided under Section 25-9-420 of the 1976 Code, the Emergency Management Assistance Compact, the State  
33 Treasurer and the Comptroller General are hereby authorized and directed to pay from the general fund of the State such funds as  
34 necessary, not to exceed \$1,500,000, to cover the actual costs incurred. Any funds reimbursed to the state shall be deposited in the  
35 state general fund, up to the amount of funds advanced to the Office of Adjutant General for these activities.

1       **100.13.** (ADJ: National Guard Association and Foundation Support) From the funds authorized or appropriated for State Military  
2 Department operations, the Adjutant General may authorize National Guard personnel to support and assist the National Guard  
3 Association of South Carolina and the South Carolina National Guard Foundation in their missions to promote the health, safety,  
4 education, and welfare of South Carolina National Guard personnel and their families.

5       **100.14.** (ADJ: State Guard Activation) In the event of activation of the State Guard of the South Carolina National Guard to  
6 State Active Duty, the Office of the Adjutant General is authorized to compensate State Guard personnel at a rate of \$150 per day  
7 and to also compensate such personnel for meal per diem as authorized by National Guard and State policy.

8       **100.15.** (ADJ: Disasters Expenditure Status Report) The Emergency Management Division of the Office of the Adjutant General  
9 shall prepare a quarterly report on the status of the expenditure of the funds appropriated in the current fiscal year or in a previous  
10 fiscal year for FEMA Match for the 2015 Flooding, for Hurricane Matthew, and for the Pinnacle Mountain Fire. The quarterly report  
11 must include, but is not limited to, expenditure by category of work by state/local and by county and shall be submitted to the  
12 Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee beginning September 30,  
13 2018.

14       **100.16.** (ADJ: Armory Revitalizations Carry Forward) The funds appropriated for Armory Revitalizations may be carried  
15 forward from the prior fiscal year and expended for the same purpose in the current fiscal year.

16       **100.17.** (ADJ: Natural Disaster FEMA Match) The Office of Adjutant General, Emergency Management Division shall be  
17 authorized to utilize existing fund balances to provide the non-federal cost share to state and local government entities for work that  
18 is eligible under the Federal Emergency Management Agency Public Assistance Program for Hurricane Irma and Hurricane Florence.  
19 Existing fund balances may not be used to provide the non-federal cost share to private non-profit entities.

20       The Office of Adjutant General, Emergency Management Division is directed to use existing fund balances for the 2015 Flood  
21 disaster (Presidential Disaster Declaration DR-4241) to reimburse counties and municipalities with unreimbursed non-federal cost  
22 share from the 2014 Ice Storm disaster for storm cleanup expenses incurred during and after states of emergency declared by  
23 Executive Orders 2014-06 and 2014-11 and Presidential Disaster Declaration DR-4166. Counties and municipalities must submit  
24 an application for such funds by July 31, 2018.

25       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  
26 for the same purpose in Fiscal Year ~~2021-22~~ 2022-23. The Emergency Management Division shall prepare a report listing the name  
27 of the grant recipient and the amount received and submit the report to the Chairman of the Senate Finance Committee and the  
28 Chairman of the House Ways and Means Committee by January 15, ~~2022~~ 2023.

29       **100.18.** (ADJ: Salary Adjustment) ~~The Adjutant General is subject to all provisions related to agency heads covered by the~~  
30 ~~Agency Head Salary Commission. The Adjutant General's salary shall be immediately adjusted to match the recommendation from~~  
31 ~~the commission upon its receipt.~~

32       **100.19.** (ADJ: Use of Capital Funds-McEntire) For the current fiscal year, the Adjutant General may exercise the condemnation  
33 authority provided by Chapter 9, Title 55 of the 1976 Code to acquire property or air rights over private property near McEntire Joint  
34 National Guard Base and utilize funding for the "McEntire Joint National Guard Base - Land" received in Act 91 of 2019 for this  
35 and related purposes.

1       **100.20.** (ADJ: Use of Capital Funds-Joint Base Charleston) For the current fiscal year, the Adjutant General may accept a license  
2 on behalf of the State for the real estate to be utilized in construction of a National Guard facility at Joint Base Charleston and use  
3 the funds received for “Armory Construction and Revitalizations” in Act 91 of 2019 for the state’s share for construction and related  
4 costs.

5       **100.21.** *(ADJ: PPE Stockpile) The Emergency Management Division shall be permitted to rotate and replace the State’s*  
6 *personal protection equipment stockpile, housed pursuant to a state contract. This may include the rotation of like-kind stock owned*  
7 *by participating entities, both public and private, in order to minimize the cost of maintaining a personal protective equipment*  
8 *stockpile for the State and to ensure the useful life of the State’s personal protective equipment stockpile.*  
9

## 10 SECTION 101 - E260 - DEPARTMENT OF VETERANS’ AFFAIRS

11  
12       **101.1.** (VET: M.J. “Dolly” Cooper Veterans Cemetery Carry Forward) The Department of Veterans’ Affairs may carry forward  
13 unexpended funds appropriated and/or authorized for the M.J. “Dolly” Cooper Veterans Cemetery from the prior fiscal year and shall  
14 use such funds for the same purpose. In addition, any unexpended funds in the Department of Veterans’ Affairs, including Special  
15 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”  
16 Cooper Veterans Cemetery. Funds carried forward in excess of the amount needed for the operation of the Cemetery may be used  
17 for other expenses of the Department of Veterans’ Affairs.

18       **101.2.** (VET: Budget Reduction Exemption) Funds appropriated for the Department of Veterans’ Affairs shall be excluded from  
19 any across-the-board agency base reductions mandated by the Executive Budget Office or General Assembly.

20       **101.3.** (VET: Base Protection Plan Allocation) Funds appropriated to the department for the Base Protection Plan may be  
21 allocated to items including, but not limited to, land acquisition, recreational purposes, educational purposes, and facilities for  
22 military personnel. Eligible recipients are counties and municipalities with federal military installations.  
23

## 24 SECTION 102 - E280 - ELECTION COMMISSION

25  
26       **102.1.** (ELECT: County Boards of Voter Registration and Elections Compensation) The amounts appropriated in this section for  
27 “County Boards of Voter Registration and Elections Board Members,” shall be disbursed annually to the County Treasurer at the  
28 rate of \$1,500 for each member, not to exceed \$13,500 per county. The County Treasurer shall use these funds only for the  
29 compensation of County Boards of Voter Registration and Elections Board Members. Any funds not used for this purpose shall be  
30 returned to the State Treasurer. These funds are exempted from mandated budget reductions. In addition, in the calculation of any  
31 across the board agency base reductions mandated by the Executive Budget Office or the General Assembly, the amount of funds  
32 appropriated for compensation of County Boards of Voter Registration and Elections Board Members shall be excluded from the  
33 agency’s base budget. Unexpended funds shall be carried forward from the prior fiscal year and shall be utilized for special primaries,  
34 runoffs, and elections.

35       **102.2.** (ELECT: Elections Managers & Clerks Per Diem) Managers and clerks of state and county elections shall receive a per  
36 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

1 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  
2 managers and clerks of the statewide election to a higher level only to the extent that the appropriation for the statewide election is  
3 sufficient to bear the added cost of increasing the per diem and the cost of the statewide election. Up to three additional managers  
4 per county may be appointed to assist county boards of voter registration and elections with the absentee/fail safe voting process  
5 prior to, on Election Day, and immediately following statewide elections. Managers assisting the county boards of voter registration  
6 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  
7 regardless of whether one, two, or three additional managers are used.

8 **102.3.** (ELECT: Board of State Canvassers Compensation) \$100.00 additional compensation per day may be paid to each member  
9 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  
10 State Canvassers.

11 **102.4.** (ELECT: Sale of Lists Revenue Carry Forward) Any revenue generated from the sale of election lists may be retained and  
12 expended by the South Carolina Election Commission to reimburse the Department of Administration, for the printing of such lists  
13 and to pay expenses of postage and shipment of these lists to electors who purchase them. After such reimbursement has been made  
14 an amount, not to exceed \$400,000, shall be used for nonrecurring expenses in conjunction with extraordinary special election and  
15 legal costs and costs for upgrading the Statewide Voter Registration System. Any balance in the Sale of Lists Account on June  
16 thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year.

17 **102.5.** (ELECT: Budget Reduction Exemption) Funds appropriated for recurring and nonrecurring general and primary election  
18 expenses are exempted from mandated across the board reductions. In addition, in the calculation of any across the board agency  
19 base reductions mandated by the Executive Budget Office or the General Assembly, the amount of funds appropriated for recurring  
20 and nonrecurring primary and general election expenses shall be excluded from the agency's base budget.

21 **102.6.** (ELECT: Primary and General Election Carry Forward) Filing fees received from candidates filing to run in statewide or  
22 special primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary elections.  
23 Any balance in the filing fee accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same  
24 purposes during the current fiscal year. In addition, any balance in the Primary and General Election Accounts on June thirtieth, of  
25 the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In addition, the  
26 aforementioned funds may also be utilized to conduct the Presidential Preference Primary elections.

27 **102.7.** (ELECT: Training & Certification Program) All members and staff of County Boards of Voter Registration and Elections  
28 will receive a common curriculum to include core courses on the duties and responsibilities of county boards of voter registration  
29 and elections and electives to promote quality service and professional development. The State Election Commission shall make  
30 these courses available in various locations, including but not be limited to, the upstate, coastal, and midlands areas of the state. Up  
31 to \$35,000 of revenue generated by charging a fee to attend these courses may be retained and expended by the South Carolina  
32 Election Commission to help cover the cost of providing the training. Any balance in the training and certification account on June  
33 thirtieth, of the prior fiscal year may be carried forward and expended for the same purpose during the current fiscal year.

34 The State Election Commission is required to withhold the stipend of members who do not complete the training and certification  
35 program as required in Section 7-5-10 of the 1976 Code. Additionally, funds will also be withheld if a board member completes the  
36 training and certification program, but fails to complete at least one training course per year. The board member and members of

1 that county's legislative delegation will be notified of the withholding of the stipend and the requirements needed to bring the member  
2 into compliance with the law. If a board member cannot complete the program or complete the required continuing education due  
3 to extenuating circumstances, the board member must submit a written request to the county legislative delegation for approval or  
4 funds will continue to be withheld as described in this proviso. If a board member does not become compliant with the law within  
5 eighteen months of initial notification of stipend withholding, the county's legislative delegation must replace that person on the  
6 board.

7 **102.8.** (ELECT: Penalty for Late Submission of Reimbursable Expenses) In the event that a county submits reimbursable election  
8 expenses to the Commission for payment more than thirty days after the election is held, the Commission may deduct a penalty of  
9 ten percent of the late-submitted amount. The county is responsible for payment of this amount. If the Commission finds good  
10 reason for such late submission, the penalty may be waived. The Election Commission shall be authorized to expend funds  
11 appropriated/authorized in the current fiscal year to pay election expenses incurred by a county in the prior fiscal year. If a county  
12 submits a request for reimbursement of election expenses through any means other than the Voter Registration and Election  
13 Management System (VREMS), the Commission may deduct a penalty of ten percent of the amount submitted.

14 **102.9.** (ELECT: HAVA Carry Forward) The Election Commission shall be authorized to carry forward unexpended Help  
15 America Vote Act funds into the current fiscal year and to use these funds for the same purpose.

16 **102.10.** (ELECT: HAVA Match Funds) Funds appropriated through the General Fund for the purpose of providing a match for  
17 federal funds received through the Help America Vote Act (HAVA) shall be moved to a restricted account in order that the funds  
18 may accrue interest as per Section 254 (b) (1) of the Help America Vote Act. Unexpended funds shall be carried forward from the  
19 prior fiscal year and shall be utilized for special primaries, runoffs, and elections. These funds may also be used to reimburse local  
20 governmental entities for expenses incurred in the prior fiscal year associated with special primaries, runoffs, and general elections.

21 **102.11.** (ELECT: Use of Election Funds) Funds appropriated to the Election Commission for the purpose of conducting elections  
22 shall not be used for any other purpose unless specifically authorized in this act. However, up to \$200,000 may be transferred to  
23 other operating accounts from General Election accounts upon approval from the Executive Budget Office, which shall then notify  
24 the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor of such  
25 transfer of funds.

26 **102.12.** (ELECT: Match for Additional HAVA Funds) In the event that additional Help America Vote Act federal funds become  
27 available, the commission shall be authorized to utilize funds appropriated for primary and general elections and for voting system  
28 refurbishment to provide a match for the federal funds.

29 **102.13.** (ELECT: November 2020 Election Investigation Report) ~~From the funds appropriated to the Election Commission for~~  
30 ~~statewide elections, the commission shall submit a report to the General Assembly by August 1, 2021, on the number of election~~  
31 ~~fraud investigations conducted regarding the November 2020 election. Such report shall also be posted on the commission's website.~~



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  
23 GIS data. For counties and municipalities that possess GIS data but do not release it, the Executive Director of the Revenue and  
24 Fiscal Affairs Office shall notify the State Treasurer of the failure to comply with this provision after the required notice. Notification  
25 shall 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: Revenue Forecast) For Fiscal Year ~~2021-22~~ 2022-23, Section 11-9-1130(A) of the 1976 Code shall be suspended.  
32

### 33 SECTION 104 - E550 - STATE FISCAL ACCOUNTABILITY AUTHORITY

34

35 **104.1.** (SFAA: Procurement of Art Objects) Before any governmental body, with the exception of the South Carolina Museum  
36 Commission, the Confederate Relic Room and Military Museum Commission, and the South Carolina Hunley Commission as

1 defined under the South Carolina Consolidated Procurement Code, procures any art objects such as paintings, antiques, sculptures,  
2 or similar objects above \$1,000, the head of the Purchasing Agency shall prepare a written determination specifying the need for  
3 such objects and benefits to the State. The South Carolina Arts Commission shall review such determination for approval prior to  
4 any acquisition.

5 **104.2.** (SFAA: Lawsuit Funding) ~~The Executive Director shall pay from the Insurance Reserve Fund the defense costs of the~~  
6 ~~State, which are incurred in the current fiscal year, in the Abbeville school funding litigation and the prisoner mental health care~~  
7 ~~litigation. The appropriate official from the House of Representatives and the Senate must certify to the Executive Director on a~~  
8 ~~monthly basis the costs incurred in defense of this litigation. Upon receipt of the certification, the Executive Director shall pay the~~  
9 ~~provider of these services the amount certified.~~

10 **104.3.** (SFAA: Public Procurement Unit) For purposes of participation in the Minnesota Multi State Contracting Alliance for  
11 Pharmacy (MMCAP), a private, nonprofit corporation that provides only free medical care may be allowed to participate as a local  
12 public procurement unit in the MMCAP cooperative purchase. The participation of nonprofit corporations in the program is  
13 contingent upon approval of the Minnesota Multi-State Contracting Alliance for Pharmacy. Participating nonprofit corporations  
14 must comply with all applicable federal laws or regulations for participation in the MMCAP cooperative purchase. The state shall  
15 not be liable for any action or inaction of such a nonprofit corporation.

16 **104.4.** (SFAA: Insurance Coverage for Aging Entity Authorized) The State Fiscal Accountability Authority, through the  
17 Insurance Reserve Fund, for the current fiscal year, is also authorized to offer insurance coverage to an aging entity and its employees  
18 serving clients countywide which previously obtained its tort liability insurance coverage through the board. The Insurance Reserve  
19 Fund and the State of South Carolina shall not be liable to any person or entity, including an insured, for any insufficiencies of  
20 coverage provided hereunder.

21 **104.5.** (SFAA: IRF Report) The State Fiscal Accountability Authority shall prepare a report on prior fiscal year utilization of the  
22 Insurance Reserve Fund to include for each transaction the amount, the recipient of the funds, the date of the transfer or payment,  
23 and the action or reason that necessitated the transfer. The report shall be submitted to the President of the Senate, the Chairman of  
24 the Senate Finance Committee, the Speaker of the House of Representatives, and the Chairman of the House Ways and Means  
25 Committee by October fifteenth, of the current fiscal year.

26 **104.6.** (SFAA: Second Injury Fund Closure Plan) The State Fiscal Accountability Authority is authorized and empowered to take  
27 all necessary actions to administer the closure plan for the Second Injury Fund, as adopted pursuant to Section 42-7-320(A) of the  
28 1976 Code, as amended, and to use the separate and distinct trust and administrative accounts established for this purpose.

29 **104.7.** (SFAA: IT Planning Transfer) The State Fiscal Accountability Authority shall transfer \$400,000 from revenue generated  
30 from contract administration fees on information technology contracts to the Department of Administration to support the state's  
31 information technology planning program.

32 **104.8.** (SFAA: Attorneys) For the current fiscal year, during the transition of the Insurance Reserve Fund from the Budget and  
33 Control Board to the State Fiscal Accountability Authority, the Insurance Reserve Fund shall continue to approve the attorneys-at-law  
34 retained to defend those it insures. In addition, the authority of the former Budget and Control Board under Section 1-7-170(A) is  
35 devolved upon the State Fiscal Accountability Authority.

1       **104.9.** (SFAA: Compensation - Agency Head Salary) In the event of an agency head or technical college president vacancy, the  
2 governing board of the agency or the Governor, or the appointing authority of a technical college president, must have the prior  
3 favorable recommendation of the Agency Head Salary Commission to set, discuss, offer, or pay a salary for the agency head or  
4 technical college president at a rate that exceeds the minimum of the range established by the Agency Head Salary Commission. No  
5 agency head or technical college president shall be paid a salary higher than that recommended by the commission. Boards and  
6 commissions, or the Governor if he is the appointing authority, of newly created agencies or technical colleges shall not offer or pay  
7 a salary to a prospective agency head until a salary range has been established and the salary approved by the Agency Head Salary  
8 Commission. The funding of the salaries of any agency head or technical college president should come from resources within the  
9 agency. The State Fiscal Accountability Authority shall contract every four years for a study of agency head, ~~and~~ technical college  
10 president, and constitutional officer compensation, as required under Sections 8-11-160 and 8-11-165. The cost of the study must  
11 be shared by the participating agencies, technical colleges, and constitutional offices. The staff of the State Fiscal Accountability  
12 Authority shall serve as the support staff to the Agency Head Salary Commission. Limited only by the maximum of the respective  
13 salary range, the General Assembly authorizes the respective appointing authority for an agency head or technical college president  
14 to provide salary increases for an agency head or technical college president not to exceed that recommended by the Agency Head  
15 Salary Commission. No agency head or technical college president shall be paid less than the minimum of the pay range nor receive  
16 an increase that would have the effect of raising the salary above the maximum of the pay range.

17       **104.10.** (SFAA: Continuation of Authority) The respective divisions of the State Fiscal Accountability Authority are authorized  
18 to provide to and receive from other governmental entities, including other divisions and state and local agencies and departments,  
19 goods and services, as will in its opinion promote efficient and economical operations. The divisions may charge and pay the entities  
20 for the goods and services, the revenue from which shall be deposited in the state treasury in a special account and expended only  
21 for the costs of providing the goods and services, and such funds may be retained and expended for the same purposes.

22       **104.11.** (SFAA: Revenue Bonding Authority Study) The Executive Director of the State Fiscal Accountability Authority shall  
23 undertake a one-time study of revenue bonding authority by quasi-state agencies. The study must result in a report that (a) identifies  
24 every source of authority for such entities to undertake revenue bonds, and (b) summarizes all outstanding revenue bonds. The report  
25 shall be submitted to the Joint Bond Review Committee, the State Fiscal Accountability Authority, and any relevant legislative  
26 committee. Quasi-state agencies shall provide any assistance requested by the authority's executive director.

27

## 28 SECTION 105 - F270 - SFAA, OFFICE OF STATE AUDITOR

29

30       **105.1.** (SFAA-AUD: Annual Audit of Federal Programs) Each state agency receiving federal funds subject to the audit  
31 requirements of the Single Audit Act Amendments of 1996 and Title 2 U.S. Code of Federal Regulations (C.F.R) Part 200, Uniform  
32 Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) shall remit to the  
33 State Auditor an amount representing an equitable portion of the expense of ~~contracting with a nationally recognized CPA firm to~~  
34 ~~conduct a portion of~~ conducting the audit of the State's federal financial assistance.

35       Each state agency's equitable portion of the expense will be determined by a schedule developed by the State Auditor. Such  
36 remittance will be based upon invoices provided by the State Auditor. The audit shall be re-bid every five years. The State Auditor

1 shall retain and expend the funds received and shall carry forward any unexpended funds from the prior fiscal year into the current  
2 fiscal year for the same purpose.

3 **105.2.** (SFAA-AUD: Medical Assistance Audit Carry Forward) The State Auditor's Office shall retain and expend the funds  
4 received from the Department of Health and Human Services for the Medical Assistance Audit Program pursuant to Proviso 33.3 of  
5 this act and shall carry forward any unexpended funds from the prior fiscal year into the current fiscal year for the same purpose.

6 **105.3.** (SFAA-AUD: Coordination with Inspector General) In the event the State Auditor's Office identifies instances of fraud,  
7 waste, and abuse during any state agency audit, the State Auditor shall refer such instances to the State Inspector General for  
8 examination. The State Auditor shall prepare and submit an annual report to the Chairmen of the House Ways and Means Committee  
9 and the Senate Finance Committee and the Governor detailing all written referrals of fraud, waste, and abuse submitted to the State  
10 Inspector General.

11 **105.4.** (SFAA-AUD: Annual Audit of Court Fees and Fines Reports) The State Auditor shall conduct a minimum of fifteen audits  
12 annually of county treasurers, municipal treasurers, county clerks of court, magistrates and/or municipal courts as required by Section  
13 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  
14 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  
15 Code. The State Auditor may contract with one or more CPA/accounting firms to conduct the required audits. The State Auditor  
16 shall consult with the State Treasurer to determine the jurisdictions to be audited in the current fiscal year. Jurisdictions may be  
17 selected randomly or based on an instance in the current or previous fiscal year of failing to report, incorrectly reporting or under  
18 remitting amounts owed. The funds transferred to the State Auditor by the State Treasurer shall not be used for any purpose other  
19 than to conduct the described audits and report whether or not the assessments, surcharges, fees, fines, forfeitures, escheatments, or  
20 other monetary penalties imposed and/or mandated are properly collected and remitted to the State. Any unexpended balance on  
21 June thirtieth of the prior fiscal year shall be carried forward and must be expended for the same purpose during the current fiscal  
22 year. The State Auditor shall annually report by October first, its findings of the jurisdictions audited to the Senate Finance  
23 Committee and the House Ways and Means Committee.

24 **105.5.** (SFAA-AUD: Special Study of Long-Term Obligations) (A) The State Auditor shall identify certain long-term obligations  
25 by state institutions of higher learning, as defined by Section 59-107-10 of the 1976 Code, and report his findings to the General  
26 Assembly. The intent is to identify those obligations which are long-term debt or tantamount to long-term debt, or those which, if  
27 not honored, might result in a negative rating action on the institution's or the State's credit rating. Such obligations would not  
28 include either general obligation debt or bonded indebtedness issued directly by an institution.

29 (B) "Long-term obligation" means:

30 (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 the  
31 money required to pay for the acquisition is secured through fare, toll, or user charges;

32 (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 is  
33 financed, directly or indirectly, with indebtedness undertaken by another for that purpose; (b) the state institution knows or should  
34 know the acquisition is financed by indebtedness; and, (c) the state institution is obligated to make, or undertakes to have others  
35 make, recurring payments on, or that another will use to make payments on, the indebtedness; or,

1 (3) any of the following arrangements: (a) lease-purchase agreement; (b) leaseback agreement; (c) installment purchase  
2 agreement; (d) lease with an option to purchase for other than the then-current fair market value; (e) lease with option to renew for  
3 nominal or no additional consideration; (f) an agreement involving collateral, such as a mortgage or security interest; (g) a public  
4 private partnership; (h) an agreement structured as either design-build-operate-maintain or design-build-finance-operate-maintain,  
5 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  
6 that creates a security interest, as addressed in Section 36-1-203(b); or (k) a guaranteed energy, water, or wastewater savings contract,  
7 as authorized by Section 48-52-670(A).

8 (C) The report should include long-term obligations irrespective of the source of funds involved, if any, and whether or not the  
9 obligation is subject to the availability or appropriation of funds. The report should exclude the following: (1) general obligation  
10 debt authorized under Section 13, Article X of the Constitution of South Carolina, 1895, and debt issued by the state institution under  
11 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  
12 behalf or for its benefit; and (2) an institution's obligation to make payments when the total amount of money needed for the  
13 obligation is committed for that purpose, authorized for expenditure, and in hand.

14 (D) The report should be adequate to catalog the type, extent, and prevalence of long-term obligations by state institutions.  
15 Without limitation, the report should include the following information for each obligation identified, if applicable: (1) the interest  
16 or right acquired; (2) the initial, maximum, and then outstanding amount of indebtedness involved; (3) whether a credit rating was  
17 obtained for such indebtedness; (4) the amount and frequency of payments involved, and who makes the payments; (5) the total  
18 amount of payments remaining to be made; (6) the initial and remaining duration of the obligation; (7) the source of funds used to  
19 make payments; (8) the parties to the arrangement and any associated borrowing, including without limitation, the entity lending the  
20 funds or assets associated with the financed acquisition; and (9) any counterparty or intermediary involved.

21 (E) The State Auditor shall conduct the study and issue a final report no later than one hundred and twenty days after the beginning  
22 of the current fiscal year. State institutions must fully respond within forty-five days to any formal request for information from the  
23 State Auditor. If, in the State Auditor's judgment, a state institution does not timely submit a complete and accurate report, he may  
24 obtain the service of independent professionals to audit the institution's records and charge the institution for the associated cost.  
25 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.

26 ~~105.6. (SFAA-AUD: Audited Financial Statements) The Office of the State Auditor is directed to work with the State Fiscal~~  
27 ~~Accountability Authority to issue a statewide contract for Fiscal Year 2021-22 for the performance of audited financial statements~~  
28 ~~which municipalities could use for audits required by Section 5-7-240 of the 1976 Code.~~

29 ~~The State Auditor is directed to convene a working group of stakeholders to develop appropriate auditing requirements for~~  
30 ~~municipalities and to make recommendations for the General Assembly's consideration.~~

31 105.7. (SFAA - AUD: Internal Audit Services) The State Auditor's Office is authorized to offer internal audit services to state  
32 agencies under a cost reimbursement, shared services model. Any state agency that does not have an internal audit function may opt  
33 to use the services to conduct such audit. The audit plan will be agreed upon between the State Auditor's Office and the state agency,  
34 and cost will be determined by nature, timing, and extent of the audit work.

1     **SECTION 106 - F300 - STATEWIDE EMPLOYEE BENEFITS**  
 2

3     **106.1.** (SEB: SCRS & PORS Allocation) The funds appropriated in the current fiscal year for SCRS Employer Contributions and  
 4 PORS Employer Contributions shall be allocated to state agencies and school districts by the Department of Administration,  
 5 Executive Budget Office for SCRS and PORS rate increases.

6     **106.2.** (SEB: Suspend SCRS & PORS Employer Contribution Rate Increase) The increase in the employer contribution rate  
 7 imposed by Section 9-1-1085 and Section 9-11-225 for Fiscal Year ~~2021-22~~ 2022-23, respectively, are suspended. The employer  
 8 contribution rate for the South Carolina Retirement Systems and the Police Officers Retirement Systems during Fiscal Year ~~2021-22~~  
 9 2022-23, expressed as a percentage of earnable compensation, shall increase by 1% from Fiscal Year ~~2020-21~~ 2021-22 rates as set  
 10 in Act 135 of 2020.  
 11

12     **SECTION 108 - F500 - PUBLIC EMPLOYEE BENEFIT AUTHORITY**  
 13

14     **108.1.** (PEBA: Lottery, Infrastructure Bank, and Magistrates Health Insurance) South Carolina Lottery Commissioners and South  
 15 Carolina Transportation Infrastructure Bank Board members and their eligible dependents are eligible to participate in the State  
 16 Health and Dental Insurance Plan, upon paying the full premium costs as determined by the Public Employee Benefit Authority. If  
 17 a county is participating in the State Health and Dental Insurance Plan, magistrates and their eligible dependents are eligible to  
 18 participate in the State Health and Dental Insurance Plan, upon the magistrate paying the full premium costs as determined by the  
 19 Public Employee Benefit Authority.

20     **108.2.** (PEBA: Adoption Assistance Program) The Employee Adoption Assistance Program is established to provide grants to  
 21 eligible employees to assist them with the direct costs of adoption. The program shall be an employee benefit through the Public  
 22 Employee Benefit Authority (PEBA) and shall be funded from the appropriation for the State Health Plan as provided in this act.  
 23 Total funding for the Adoption Program shall not exceed the amount authorized by the General Assembly in the annual appropriations  
 24 act. Employees are eligible for the Adoption Program if they participate in PEBA insurance benefits, have adopted a child during  
 25 the prior fiscal year, apply for the grant during the annual application period, and meet any other Adoption Program criteria. The  
 26 application period shall be July first through September thirtieth of the current fiscal year for an adoption in the prior fiscal year.  
 27 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  
 28 adoptions. Should the total amount needed to fund grants at the maximum level exceed the amount authorized, the amount of a grant  
 29 to an eligible employee shall be determined by dividing the authorized amount evenly among qualified program applicants, with the  
 30 adoption of a special needs child qualifying for two times the benefit of a non-special needs child.

31     **108.3.** (PEBA: Health Plan Tobacco User Differential) For health plans adopted under the authority of Section 1-11-710 of the  
 32 1976 Code by the Public Employee Benefit Authority during the current fiscal year, the board is authorized to differentiate between  
 33 tobacco or e-cigarette users and nonusers regarding rates charged to enrollees in its health plans by imposing a surcharge on enrollee  
 34 rates based upon tobacco or e-cigarette use. The surcharge for tobacco or e-cigarette use may not exceed \$40 per month per subscriber  
 35 or \$60 per month per subscriber and dependent(s).



1       **108.4.** (PEBA: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance  
2 Plan may be expended to reimburse the expenses of an abortion, except in cases of rape, incest or where the mother's medical  
3 condition is one which, on the basis of the physician's good faith judgment, so complicates the pregnancy as to necessitate an  
4 immediate abortion to avert the risk of her death or for which a delay will create serious risk of substantial and irreversible impairment  
5 of major bodily function, and the State Health Plan may not offer coverage for abortion services, including ancillary services provided  
6 contemporaneously with abortion services. The Public Employee Benefit Authority must determine the amount of the total premium  
7 paid for health coverage necessary to cover the risks associated with reimbursing participants in the plan for obtaining an abortion in  
8 the circumstances covered by this provision. The determination must be based on actuarial data and empirical study in the same  
9 manner and by the same method that other risks are adjusted for in similar circumstances. The plan must report this determination  
10 annually to the respective Chairmen of the Senate Finance Committee and the House Ways and Means Committee.

11       **108.5.** (PEBA: TRICARE Supplement Policy) The Public Employee Benefit Authority (PEBA) shall offer a group TRICARE  
12 Supplement policy or policies to its TRICARE-eligible subscribers through its flexible benefits program to provide that subscribers  
13 may pay premiums for such policies on a pretax basis, in accordance with federal law and regulations. PEBA may charge TRICARE  
14 Supplement subscribers an amount not to exceed \$2 per subscriber per month for any associated administrative costs.

15       **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  
16 1976 Code, an employer premium increase of ~~0.8~~ 18.1 percent and a subscriber premium increase of zero percent will result for the  
17 standard State Health Plan for Plan Year ~~2022~~ 2023. Patient cost sharing for participants of the State Health Plan for Plan Year  
18 2023 may be adjusted within the parameters allowed to remain in an ACA-grandfathered status. ~~Copayments for participants of the~~  
19 ~~State Health Plan shall remain the same in Plan Year 2022 as in Plan Year 2021.~~ Notwithstanding the foregoing, pursuant to Section  
20 1-11-710(A)(3), the Public Employee Benefit Authority may adjust the plan, benefits, or contributions of the State Health Plan during  
21 Plan Year ~~2022~~ 2023 to ensure the fiscal stability of the Plan.

22       **108.7.** (PEBA: Exempt National Guard Pension Fund) In the calculation of any across-the-board cut mandated by the Executive  
23 Budget Office or General Assembly, the amount of the appropriation for the National Guard Pension Fund shall be excluded.

24       **108.8.** (PEBA: Inactive SCRS Account Transfer) A current employee or teacher who is an active participant in the State Optional  
25 Retirement Program but who has an inactive account in the South Carolina Retirement Program due to previous service in that  
26 system, shall be allowed to transfer previous contributions to the employee's or teacher's active State Optional Retirement Program  
27 account.

28       **108.9.** (PEBA: Network Pharmacy Publications) All pharmacy publications or lists must include independent retail pharmacies.  
29 Abridged pharmacy lists are prohibited.

30       **108.10.** (PEBA: Covered Contraceptives) For the Plan year beginning in January of the current fiscal year, the State Health Plan  
31 shall not apply patient cost sharing provisions to covered contraceptives. This provision does not alter the current approved list of  
32 contraceptives and complies with the requirements of Proviso 108.4.

33       **108.11.** (PEBA: Former Spouses on the State Health Plan) For the Plan Year beginning in January of the current fiscal year, the  
34 State Health Plan shall cover a subscriber's former spouse, who is eligible to be covered pursuant to a court order, on the former  
35 spouse's own individual policy and at the full amount of the premium for the coverage elected, with such rates, billing, and other  
36 administrative policies to be determined by the Public Employee Benefit Authority. The former spouses may only elect such health,

1 dental, and vision coverage as required by the court order. The former spouse's individual coverage may continue under the State  
2 Health Plan as long as authorized under the court order and the subscriber remains a participant in the State Health Plan. This proviso  
3 does not affect a subscriber's ability to cover a current spouse on an employee/retiree and spouse or full family policy when the  
4 subscriber's former spouse is covered on a separate policy.

5 **108.12.** (PEBA: COVID-19 Return to Work Extension) For Fiscal Year ~~2021-22~~ 2022-23, the earnings limitation imposed  
6 pursuant to Section 9-1-1790 and Section 9-11-90 of the 1976 Code does not apply to retired members of the South Carolina  
7 Retirement System or the Police Officers Retirement System who return to covered employment to participate in the state's public  
8 health preparedness and response to the COVID-19 virus. This section is not intended to supersede or conflict with Act 102 of 2021,  
9 S. 704 of 2021. In the event of a conflict, the provisions of the Act control.

10 **108.13.** (PEBA: Non-State Agency Furloughs) For the current fiscal year, a participating employer in the South Carolina  
11 Retirement System or Police Officers Retirement System that is not a state agency or institution of higher learning may make  
12 employee and employer contributions for a period of not more than ninety working days during a furlough program that was  
13 implemented as a result of and took place during the COVID-19 Public Health Emergency and if the terms of the furlough program  
14 are consistent with the requirements for an approved mandatory furlough program established by a state agency or institution of  
15 higher learning under state law. The participating employer shall make such contributions in order to ensure that a furloughed  
16 employee's retirement benefits are not interrupted as a result of the furlough, and the period for which such contributions are made  
17 will not be considered a break in consecutive employment.

18 **108.14.** *(PEBA: South Carolina Retiree Health Insurance Trust Fund) The provisions of Section 1-11-705(I)(2) of the 1976*  
19 *Code are suspended for Fiscal Year 2022-23, and, notwithstanding any other provision of law, during Fiscal Year 2022-23, funds*  
20 *that would otherwise have been transferred to the South Carolina Retiree Health Insurance Trust Fund from the operating account*  
21 *for the State's employee health insurance program pursuant to Section 1-11-705(I)(2) may remain in the operating account for the*  
22 *State's employee health insurance program.*

23 **108.15.** *(PEBA: PORS and SCRS Return to Work) For compensation earnings during the current fiscal year, the earnings*  
24 *limitation does not apply if a member of the Police Officer Retirement System has not been engaged to perform services for a*  
25 *participating employer in the system or any other system provided in this title for compensation in any capacity, whether as an*  
26 *employee, independent contractor, leased employee, joint employee, or other classification of worker, for a period of at least twelve*  
27 *consecutive months subsequent to retirement. The exemption provided under this subitem does not apply unless the member first*  
28 *certifies to the system that he satisfies the requirements for the exemption. If a member inaccurately certifies that he satisfies the*  
29 *requirements for the exemption provided in this subitem, the member is responsible for reimbursing the system for any benefits*  
30 *wrongly paid to the member.*

31 *For compensation earnings during the current fiscal year, the earnings limitation does not apply if a member of the South Carolina*  
32 *Retirement System has not been engaged to perform services for a participating employer in the system or any other system provided*  
33 *in this title for compensation in any capacity, whether as an employee, independent contractor, leased employee, joint employee, or*  
34 *other classification of worker, for a period of at least twelve consecutive months subsequent to retirement. The exemption provided*  
35 *under this subitem does not apply unless the member first certifies to the system that he satisfies the requirements for the exemption.*

1 If a member inaccurately certifies that he satisfies the requirements for the exemption provided in this subitem, the member is  
2 responsible for reimbursing the system for any benefits wrongly paid to the member.

3 **108.16.** (PEBA: Retiree benefits) (A)(1) There is created the Retirement System Study Committee. The committee consists of:

4 (a) the executive director of PEBA, or his designee;

5 (b) two members of the Senate Finance Committee appointed by its chairman;

6 (c) two members of the Ways and Means Committee appointed by its chairman; and

7 (d) two members of the State Employees Association, one of which must be a retiree.

8 (2) The committee shall elect a chairman from its membership.

9 (B) From the funds appropriated to the Public Employee Benefit Authority, the Retirement System Study Committee shall study  
10 the effects of Act 13 of 2017 on the unfunded liabilities of the system and the overall effects on the sustainability of the retirement  
11 systems. Further, the study committee shall study the potential effects of legislation that would allow emergency medical technicians  
12 to become members of the Police Officers Retirement System, and the effects of legislation that would increase the earnings limitation  
13 for a retired member of the Police Officers Retirement System. By June 30, 2023, the study committee shall deliver the findings of  
14 the studies to the General Assembly.

## 15 SECTION 109 - R440 - DEPARTMENT OF REVENUE

16  
17  
18 **109.1.** (DOR: Subpoenaed Employee Expense Reimbursement) If any employee of the Department of Revenue is subpoenaed to  
19 testify during litigation not involving the Department of Revenue, the party subpoenaing the employee(s) to testify shall reimburse  
20 the State for expenses incurred by the employee(s) requested to testify. Expenses shall include but are not limited to the cost of  
21 materials and the average daily salary of the employee or employees.

22 **109.2.** (DOR: Court Order Funds Carry Forward) Funds awarded to the Department of Revenue by court order shall be retained  
23 in a special account and shall be carried forward from year to year, and expended as needed to accomplish the purposes and conditions  
24 of said order if specified, and if not specified, as may be directed by the Director of the Department of Revenue.

25 **109.3.** (DOR: Rural Infrastructure Fund Transfer) Notwithstanding Section 12-10-85, the Department of Revenue is authorized  
26 to deposit revenues from the Rural Infrastructure Fund in excess of \$12 million dollars to the Rural Infrastructure Fund under the  
27 Rural Infrastructure Authority. Any revenues in excess of \$17 million shall be deposited in the Rural Infrastructure Fund under the  
28 Department of Commerce, Coordinating Council.

29 **109.4.** (DOR: SCBOS Funds) The Department of Revenue shall share equally the collection assistance fees imposed on overdue  
30 tax debt with the South Carolina Business One Stop program. The funds received by the department from this fee shall be used for  
31 continued administration of the revenue laws in a fair and impartial manner. Any unexpended funds generated by the fee shall be  
32 carried forward from the prior fiscal year into the current fiscal year and shall also be shared equally between the Department of  
33 Revenue and the South Carolina Business One Stop program.

34 **109.5.** (DOR: Across the Board Cut Exemption) Whenever the Executive Budget Office or General Assembly implements an  
35 across the board budget reduction, the funds appropriated to the Department of Revenue shall be exempt from any such mandated  
36 budget reduction.

1       **109.6.** (DOR: Candidate Tax Return Programs) (A) From the funds appropriated in this act, the department must develop a  
2 program to process inquiries from a candidate for an office of this State or its political subdivisions or any gubernatorial appointee  
3 concerning whether that candidate or appointee has filed annual state income tax returns that he was required to file during the past  
4 ten years, regardless of the source of income, has paid all income taxes due during that time period, and has satisfied all judgments,  
5 liens, or other penalties for failure to pay income taxes when due. The department may only respond to an inquiry if the inquiry is  
6 made by a candidate or appointee concerning that candidate's or appointee's own income tax returns.

7       (B) Unless a candidate or appointee requests otherwise, the department must post the results of all inquiries from candidates or  
8 appointees in a prominent place on its internet website. The information must be organized in the following manner: (1) the  
9 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  
10 that the candidate or appointee was required to file income tax returns and identify the years, if any, that the candidate or appointee  
11 was not required to file income tax returns; (3) state whether the candidate or appointee filed income tax returns in each year that the  
12 candidate or appointee was required to file income tax returns; (4) state whether the candidate or appointee paid income taxes due  
13 each year that the candidate or appointee was required to file income tax returns; and (5) state whether the candidate or appointee  
14 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  
15 that judgment, lien, or other penalty has been satisfied. The department may not post a candidate's complete income tax return when  
16 fulfilling its obligations under this proviso.

17       (C)(1) Participation in this program by a candidate or appointee is voluntary.

18       (2) A candidate's or appointee's inquiry constitutes a waiver of confidentiality with the department concerning the information  
19 posted.

20       **109.7.** (DOR: Fraudulent Tax Return Program) The Department of Revenue may establish a Fraudulent Tax Return Detection  
21 Program to prevent payment of fraudulent tax refunds. To implement the program the department may contract with information  
22 and technology entities to provide the necessary detection capabilities. The department shall pay for the program from the savings  
23 realized by implementation.

24       **109.8.** (DOR: Treasury Offset Program) The Department of Revenue is authorized to retain up to \$140,000 of mailing and  
25 associated administrative costs incurred as a result of the State's participation in and the notice requirements of the Federal Treasury  
26 Offset Program. Retained expenses shall be from tax offset revenue received from the federal government. Remaining revenue shall  
27 be deposited in the General Fund.

28       **109.9.** (DOR: Public Safety Events) Of the accommodation tax returned to Horry County or the municipalities therein, excluding  
29 municipalities that have enacted a Tourism Development Fee up to one third of the total allocation may be set aside and used for  
30 direct policing activities, fire safety, and emergency medical services during events held in May and December, or other dates if  
31 rescheduled due to emergency conditions within Horry County that significantly increase the burden of law enforcement and other  
32 first responders and require additional resources to ensure public safety during those events. By October thirty-first, the local  
33 government must inform the Department of Revenue the percentage of accommodation tax to withhold, not to exceed one third of  
34 the estimated yearly return, which will be dedicated to direct policing activities, fire safety, and emergency medical services. These  
35 funds shall be sent by the Department of Revenue to the local governing entity upon request of the local entity. A report on the  
36 expenditure of these funds, which must include the amount and purpose for which the funds were expended shall be submitted by

1 the county or municipalities to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways  
2 and Means Committee no later than ninety days after the end of the fiscal year in which these funds are expended.

3 **109.10.** (DOR: Tourist Safety) Of the accommodation tax returned to any municipality in Horry County that has a Tourism  
4 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  
5 used for direct policing purposes related to tourism. Direct policing purposes include temporary personnel, equipment, and the  
6 installation and maintenance of infrastructure related thereto. These funds may not exceed sixty-five percent of the total new funds  
7 dedicated to the additional policing purposes implemented. Each municipality utilizing this provision shall include expenditures and  
8 revenue sources in its annual report to the Tourism Expenditure Review Committee and shall submit copies of the report to the  
9 Governor, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

10 **109.11.** (DOR: Notification of Protest) In the current fiscal year and from the funds appropriated, if a taxpayer, other than an  
11 individual, files a written protest pursuant to Section 12-60-2120 of the 1976 Code, the department shall notify any affected county  
12 and school district of the written protest.

13 **109.12.** (DOR: Food Manufacturing Equipment) Clothing required by Current Good Manufacturing Practices pursuant to 21  
14 C.F.R. Section 111.10, as it may be amended, at perishable prepared food manufacturing facilities defined by the North American  
15 Industry Classification System 311991 to prevent health hazards, including outer garments, gloves of an impermeable material,  
16 hairnets, headbands, beard covers, caps, hair covers or other effective hair restraints, and other attire required pursuant to 21 C.F.R.  
17 Section 110.10 for persons working in direct contact with food, food contact services, and food packaging materials to protect against  
18 contamination of food in perishable prepared food manufacturing facilities shall be exempt from all sales and use taxes.

19 **109.13.** (DOR: Renewable Fuel Credit) The date the taxpayer must place property or facility into service that is used for  
20 distribution or dispensing renewable fuel shall be extended to January 1, ~~2022~~ 2023.

21 **109.14.** (DOR: Electronic Filing) In the current fiscal year, in order to allow certain applications for licenses or permits to be  
22 filed electronically, the Department of Revenue may require a statement subject to penalties of perjury instead of a statement under  
23 oath.

24 **109.15.** (DOR: Referendum Notification) A county or municipal election commission must notify the Department of Revenue  
25 sixty days prior to a referendum on the imposition of a local sales tax or local option permit.

## 26 SECTION 110 - R520 - STATE ETHICS COMMISSION

27  
28  
29 **110.1.** (ETHICS: Ethics Commission Website Changes) In the current fiscal year, prior to approving or adopting any changes to  
30 the State Ethics Commission Public Disclosure and Accountability Reporting System, the State Ethics Commission shall submit  
31 the proposed changes to the Senate Ethics Committee and House of Representatives Ethics Committee for their review and approval.  
32 As third party beneficiaries to any agreement between the State Ethics Commission and a vendor relating to the State Ethics  
33 Commission Public Disclosure and Accountability Reporting System, the General Assembly through its respective Ethics  
34 Committees can submit suggested changes to any proposed agreement or contract relating to the State Ethics Commission Public  
35 Disclosure and Accountability Reporting System and the State Ethics Commission shall be required to incorporate those suggestions  
36 into any contractual negotiation.

1       **110.2.** (ETHICS: Commission Meeting) The Ethics Commission must meet at least one time each month and post notice of  
2 meeting at least twenty-four hours in advance on the agency website.  
3

4       **SECTION 111 - S600 - PROCUREMENT REVIEW PANEL**  
5

6       **111.1.** (PRP: Filing Fee) Requests for administrative review before the South Carolina Procurement Review Panel shall be  
7 accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is  
8 authorized to charge the party requesting an administrative review under the S.C. Code Sections 11-35-4210(6), 11-35-4220(5),  
9 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  
10 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.  
11 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  
12 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  
13 Waiver forms available to the chief procurement officers to provide to parties along with notice of right to appeal to the panel. If the  
14 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  
15 filing fee. Requests for administrative review will not be accepted unless accompanied by the filing fee or a completed Request for  
16 Filing Fee Waiver form at the time of filing.  
17

18       **SECTION 112 - V040 - DEBT SERVICE**  
19

20       **112.1.** (DS: Ports Authority Loan) Upon receipt of the federal government’s share of the Charleston Harbor Deepening Project,  
21 the State Ports Authority shall reimburse the General Fund the amount of the loan received pursuant to Proviso 112.2 of Act 264 of  
22 2018 for cash flow needs related to the Charleston Harbor Deepening Project, together with interest accrued to the date of  
23 reimbursement, calculated at the rate earned on the General Fund for the period during which the loan remains outstanding.

24       **112.2.** (DS: Excess Debt Service) Excess debt service funds available in Fiscal Year ~~2021-22~~ 2022-23 may be expended in the  
25 fiscal year to pay down general obligation bond debt for which the State (1) is paying the highest rate of interest; (2) will achieve  
26 relief in constrained debt capacity; or (3) reduce the amount of debt issued.  
27

28       **SECTION 113 - X220 - AID TO SUBDIVISIONS, STATE TREASURER**  
29

30       **113.1.** (AS-TREAS: Veterans’ Affairs-Aid to Counties) In the allocation of the appropriation in Part IA, Section 113, as adjusted  
31 for “Aid to County Veteran Offices,” each county shall receive an effective annual amount equal to one hundred percent of the  
32 amount allocated to it for the prior fiscal year plus an amount equivalent to base pay increases for state employees, less any  
33 adjustments made for budget reductions. This allocation shall be distributed on a quarterly basis to the County Treasurer who will  
34 handle and distribute these monies for the sole benefit and use of the County Veterans’ Affairs Offices.

1       **113.2.** (AS-TREAS: Quarterly Distributions) For Fiscal Year ~~2021-22~~ 2022-23, one quarter of the amount appropriated in Part  
2 IA for Aid to Subdivisions-Local Government Fund shall be distributed as soon after the beginning of each quarter as practical with  
3 the four distributions together totaling the Fiscal Year ~~2021-22~~ 2022-23 Part IA appropriation for the Local Government Fund.

4       **113.3.** (AS-TREAS: Salary Supplements) The amounts appropriated in Part IA, Section 113, for Aid Cnty-Clerks of Court, Aid  
5 Cnty-Probate Judges, Aid Cnty-Coroners, and Aid Cnty-Sheriffs shall be distributed by the State Treasurer to each county treasurer  
6 equally on a quarterly basis, and shall be used as a salary supplement for each clerk of court, probate judge, county coroner, and  
7 county sheriff. The amounts appropriated in Part IA, Section 113 for Aid Cnty-Register of Deeds, shall be equally distributed by  
8 the State Treasurer to the appropriate county treasurer on a quarterly basis, and shall be used as a salary supplement for registers of  
9 deeds.

10       The amount appropriated in Part IA, Section 113, for Aid Cnty-Auditors and Aid Cnty-Treasurers, shall be equally distributed to  
11 each county auditor and county treasurer as a salary supplement in addition to any amounts presently being provided by the county  
12 for these positions. It is the intent of the General Assembly that the amount appropriated by the county as salaries for these positions  
13 shall not be reduced as a result of the appropriation and that such appropriation shall not disqualify each county auditor and each  
14 county treasurer for salary increases that they might otherwise receive from county funds in the future. The salary supplement  
15 for each county auditor and county treasurer shall be paid in accordance with the schedule and method of payment established for  
16 state employees.

17       The amounts appropriated in Part IA, Section 113 for Clerks of Court, Probate Judges, Sheriffs, Register of Deeds, Coroners,  
18 Auditors, and Treasurers shall be exempt from any across the board cut mandated by the Executive Budget Office or General  
19 Assembly. However, the governing body of a county may reduce the expenditures in the operation of the offices of these officials  
20 without any required corresponding reduction in the county's state aid to subdivisions distribution. However, any reduction in these  
21 officials' budgets must be made in consultation with the affected official.

22       **113.4.** (AS-TREAS: Legislative Delegations) In the current fiscal year, a county government must fund its legislative delegation  
23 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  
24 must be deducted from the responsible county's Aid to Subdivisions allocation and forwarded to the legislative delegation of the  
25 county. Additionally, the responsible county's remaining Aid to Subdivisions allotment must be reduced by twenty-five percent of  
26 the shortfall amount, which sum must be forwarded to the legislative delegation to be used for its administrative costs.

27       **113.5.** (AS-TREAS: Transparency - Political Subdivision Appropriation of Funds) (A) A political subdivision receiving aid from  
28 the Local Government Fund may not:

29       (1) appropriate money to any entity unless that appropriation appears as a separate and distinct line item in the political  
30 subdivision's budget or in an amendment to the political subdivision's budget;

31       (2) except in cases of emergency or unforeseen circumstances, donate funds to a nonprofit organization unless the amounts  
32 donated are appropriated on a separate and distinct line item in the political subdivision's budget or an amendment to the political  
33 subdivision's budget that includes the names of the entities to which the donations are being made. In the case of an emergency or  
34 unforeseen circumstances, a political subdivision may donate funds to a nonprofit organization if the amount and purpose of the  
35 proposed donation and the nature of the emergency or unforeseen circumstances necessitating the donation are announced in open

1 session at a public meeting held by the governing body of the political subdivision and the funds are not delivered to the organization  
2 for five days following the announced intent to make the donation; or

3 (3) accept any funds from nongovernmental and inter-governmental organizations as defined in Agenda 21, adopted by the  
4 United Nations in 1992 at its Conference on Environment and Development, accredited and enlisted by the United Nations to assist  
5 in the implementation of its policies relative to Agenda 21 around the world without posting the following on the political  
6 subdivision's website for ten days:

7 (a) a full and detailed list of the funding program, including a designation that the funding program is associated with Agenda  
8 21,

9 (b) the amount of funds involved,

10 (c) every mandate or requirement or action that will result from the grant or funding program's implementation,

11 (d) any and all projected costs to the political subdivision, business, or individual associated with the grant or funding  
12 program, and

13 (e) the stated goals and expected results of the grant or funding program.

14 (B) A political subdivision receiving aid from the Local Government Fund may not appropriate money to any entity without the  
15 requirement that the entity provides at the end of the fiscal year a detailed description of the purposes for which the money was used.

16 **113.6.** (AS-TREAS: Political Subdivision Flexibility) For Fiscal Year ~~2021-22~~ 2022-23, a political subdivision receiving aid  
17 from the Local Government Fund may reduce its support to any state mandated program or requirement, by up to a percentage equal  
18 to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the amount required to  
19 be appropriated pursuant to Section 6-27-30. Excluded from said reductions are Administrative Law Judges and their offices, Court  
20 of Appeals and their offices, Circuit and Family Courts and their offices, Magistrates and their offices, Masters-in-Equity and their  
21 offices, Probate Courts and their offices, Public Defenders and their offices, Solicitors and their offices, and the Supreme Court and  
22 their offices, and assessment for indigent medical care pursuant to Section 44-6-146 of the 1976 Code.

23 **113.7.** (AS-TREAS: Agricultural Use Exemption) A county shall have its portion of the Aid to Subdivisions, Local Government  
24 Fund withheld if the county imposes any additional requirements for an agricultural use exemption for a landowner's timberland  
25 beyond what is required by Section 12-43-230(a) and Section 12-43-232 of the 1976 Code.

26 **113.8.** (AS-TREAS: Excess Sales Tax Collections) In the current fiscal year, if a county has capital projects sales tax collections  
27 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  
28 may pledge and use the excess collections to fund road improvements, intersection improvements, and pedestrian transportation.  
29 However, prior to the expiration of the tax, an eligible county must adopt an ordinance specifying the purposes for which the excess  
30 funds will be used. A county may expend distributions received pursuant to the Aid to Subdivisions, State Treasurer section to meet  
31 the requirements of this provision.

32 **113.9.** (AS-TREAS: Rural County Stabilization Fund) There is created in Aid to Subdivisions-State Treasurer the Rural County  
33 Stabilization Fund. Any county that has population growth, as determined by the 2020 Census, of less than 5.35% since the 2010  
34 census shall be eligible to receive monies from the fund as follows:

35 (1) a baseline of \$300,000 to each eligible county;

36 (2) an additional \$100,000 to eligible counties with a population between 50,000 and 99,999; and



1 (3) an additional \$200,000 to eligible counties with a population of more than 100,000. After disbursement of funds, any monies  
2 remaining shall be distributed to each eligible county on a pro rata basis.

3 In the event the amount of funds in the Rural County Stabilization Fund is not sufficient to provide monies to counties according  
4 to the above formula, the amounts distributed to counties shall be reduced on a pro rata basis.

5 **113.10. (AS-TREAS: E-Filing System) The governing body of any county that has at least three municipalities within the county,**  
6 **in whole or in part, with a population of fifty thousand or more shall utilize sufficient funds received from the local government fund**  
7 **to implement an electronic or e-filing system in the county's Register of Deeds Office to be utilized for the recording of documents**  
8 **and for payment of associated fees. The Register of Deeds shall assist with the implementation and shall monitor, utilize, and maintain**  
9 **the system.**

### 10 SECTION 117 - X900 - GENERAL PROVISIONS

11  
12  
13 **117.1. (GP: Revenues, Deposits Credited to General Fund)** For the current fiscal year, except as hereinafter specifically provided,  
14 all general state revenues derived from taxation, licenses, fees, or from any other source whatsoever, and all institutional and  
15 departmental revenues or collections, including income from taxes, licenses, fees, the sale of commodities and services, and income  
16 derived from any other departmental or institutional source of activity, must be remitted to the State Treasurer at least once each  
17 week, when practical, and must be credited, unless otherwise directed by law, to the General Fund of the State. Each institution,  
18 department or agency, in remitting such income to the State Treasurer, shall attach with each such remittance a report or statement,  
19 showing in detail the sources itemized according to standard budget classification from which such income was derived, and shall,  
20 at the same time, forward a copy of such report or statement to the Comptroller General and the Executive Budget Office. In order  
21 to facilitate the immediate deposit of collections, refunds of such collections by state institutions where properly approved by the  
22 authorities of same, may be made in accordance with directions from the State Comptroller General and State Treasurer. General  
23 fund appropriations herein made for the support of the public school system of the State must be greater than or equal to the revenues  
24 derived from the General Retail Sales Tax, the Soft Drinks Tax, and the state's portion of the Alcoholic Liquors Tax and Cable  
25 Television Fees as forecasted in the general fund revenue estimate of the Board of Economic Advisors as accounted for in the  
26 Statement of Revenues of this act. Appropriations in this act for the support of the public school system shall include the following:

27 Department of Education;

28 State Board for Technical and Comprehensive Education;

29 Educational Television Commission;

30 Wil Lou Gray Opportunity School;

31 School for the Deaf and the Blind;

32 Governor's School for Agriculture at John de la Howe;

33 Debt Service on Capital Improvement Bonds Applicable to Above Agencies;

34 Debt Service on School Bonds;

35 Other School Purposes.

36 Nothing contained herein shall be construed as diminishing the educational funding requirements of this section.

1       **117.2.** (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part,  
2 if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways  
3 and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year  
4 ~~2021-22~~ 2022-23, and for other purposes specifically designated.

5       **117.3.** (GP: Fiscal Year Definitions) For purposes of the appropriations made by this part, “current fiscal year” means the fiscal  
6 year beginning July 1, ~~2021~~ 2022, and ending June 30, ~~2022~~ 2023, and “prior fiscal year” means the fiscal year beginning July 1,  
7 ~~2020~~ 2021, and ending June 30, ~~2021~~ 2022.

8       **117.4.** (GP: Descriptive Proviso Titles) Descriptive proviso titles listed in this act are for purposes of identification only and are  
9 not to be considered part of the official text.

10       **117.5.** (GP: Judicial & Involuntary Commitment, Defense of Indigents) It is the responsibility of all agencies, departments and  
11 institutions of state government, to provide at no cost and as a part of the regular services of the agency, department or institutions  
12 such services as are necessary to carry out the provisions of Chapter 52, Title 44 (Involuntary Commitment), Article 7, Chapter 17,  
13 Title 44 of the 1976 Code (Judicial Commitment), Chapter 3, Title 17 of the 1976 Code (Defense of Indigents), and Article 1, Chapter  
14 3, Title 16 of the 1976 Code (Death Penalty), as amended, upon request of the Judicial Department and/or the appropriate court. To  
15 this end, state agencies are directed to furnish to the Judicial Department a list of their employees who are competent to serve as  
16 court examiners. The Judicial Department shall forward a copy of this list to the appropriate courts, and the courts shall utilize the  
17 services of such state employees whenever feasible. State employees shall receive no additional compensation for performing such  
18 services. For the purpose of interpreting this section, employees of the Medical University of South Carolina and individuals  
19 serving an internship or residency as an academic requirement or employees who are not full-time state employees and who are not  
20 performing duties as state employees are not considered state employees.

21       **117.6.** (GP: Case Service Billing Payments Prior Year) Agencies appropriated case services funds who routinely receive prior  
22 year case service billings after the old fiscal year has been officially closed are authorized to pay these case service obligations with  
23 current funds. This authorization does not apply to billings on hand that have been through a timely agency payment approval  
24 process when the old fiscal year closes.

25       **117.7.** (GP: Fee Increases) (A) No state agency, department, board, committee, commission, or authority, may increase an  
26 existing fee for performing any duty, responsibility, or function unless the fee for performing the particular duty, responsibility, or  
27 function is authorized by statutory law and set by regulation except as provided in this paragraph.

28       (B) This paragraph does not apply to:

- 29       (1) state-supported governmental health care facilities;
- 30       (2) state-supported schools, colleges, and universities;
- 31       (3) educational, entertainment, recreational, cultural, and training programs;
- 32       (4) the State Board of Financial Institutions;
- 33       (5) sales by state agencies of goods or tangible products produced for or by these agencies;
- 34       (6) charges by state agencies for room and board provided on state-owned property;
- 35       (7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;
- 36       (8) court fees or fines levied in a judicial or adjudicatory proceeding;

1 (9) the South Carolina Public Service Authority or the South Carolina Ports Authority.

2 (C) This paragraph does not prohibit a state agency, department, board, committee, or commission from increasing fees for  
3 services provided to other state agencies, departments, boards, committees, commissions, political subdivisions, or fees for health  
4 care and laboratory services regardless of whether the fee is set by statute.

5 (D) Statutory law for purposes of this paragraph does not include regulations promulgated pursuant to the State Administrative  
6 Procedures Act.

7 **117.8.** (GP: State Institutions - Revenues & Income) The University of South Carolina, Clemson University, the Medical  
8 University of South Carolina (including the Medical University Hospital), The Citadel, Winthrop University, South Carolina State  
9 University, Francis Marion University, University of Charleston, Lander University, Coastal Carolina University, and the Wil Lou  
10 Gray Opportunity School shall remit all revenues and income, collected at the respective institutions, to the State Treasurer according  
11 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,  
12 matriculation, and registration, shall be carried in a special continuing account by the State Treasurer, to the credit of the respective  
13 institutions, and may be requisitioned by said institutions, in the manner prescribed in Section 11-3-185 of the 1976 Code, and  
14 expended to fulfill the purpose for which such fees or income were levied, but no part of such income shall be used for permanent  
15 improvements without the express written approval of the State Fiscal Accountability Authority and the Joint Legislative Capital  
16 Bond Review Committee; and it is further required that no such fee or income shall be charged in excess of the amount that is  
17 necessary to supply the service, or fulfill the purpose for which such fee or income was charged. Notwithstanding other provisions  
18 of this act, funds at state institutions of higher learning derived wholly from athletic or other student contests, from the activities of  
19 student organizations, and from the operations of canteens and bookstores, and from approved Private Practice plans at institutions  
20 and affiliated agencies may be retained at the institution and expended by the respective institutions only in accord with policies  
21 established by the institution's Board of Trustees. Such funds shall be audited annually by the State but the provisions of this act  
22 concerning unclassified personnel compensation, travel, equipment purchases and other purchasing regulations shall not apply to the  
23 use of these funds.

24 **117.9.** (GP: Transfers of Appropriations) Agencies and institutions shall be authorized to transfer appropriations within programs  
25 and within the agency with notification to the Executive Budget Office and Comptroller General. No such transfer may exceed  
26 twenty percent of the program budget. Upon request, details of such transfers may be provided to members of the General Assembly  
27 on an agency by agency basis. Transfers of appropriations from personal service accounts to other operating accounts or from other  
28 operating accounts to personal service accounts may be restricted to any established standard level set by the State Fiscal  
29 Accountability Authority upon formal approval by a majority of the members of the State Fiscal Accountability Authority.

30 **117.10.** (GP: Federal Funds - DHEC, DSS, DHHS - Disallowances) Amounts appropriated to the Department of Health and  
31 Environmental Control, Department of Social Services and Department of Health and Human Services may be expended to cover  
32 program operations of prior fiscal years where adjustment of such prior years are necessary under federal regulations or audit  
33 exceptions. All disallowances or notices of disallowances by any federal agency of any costs claimed by these agencies shall be  
34 submitted to the State Auditor, the Senate Finance Committee and the House Ways and Means Committee, within five days of receipt  
35 of such actions.

1       **117.11.** (GP: Fixed Student Fees) During the current fiscal year, student fees at the state institutions of higher learning shall be  
2 fixed by the respective Boards of Trustees as follows:

3       (1) Fees applicable to student housing, dining halls, student health service, parking facility, laundries and all other personal  
4 subsistence expenses shall be sufficient to fully cover the total direct operating and capital expenses of providing such facilities and  
5 services over their expected useful life except those operating or capital expenses related to the removal of asbestos.

6       (2) Student activity fees may be fixed at such rates as the respective Boards shall deem reasonable and necessary.

7       **117.12.** (GP: Tech Educ. Colleges Student Activity Fees) Notwithstanding any other provisions of this act, funds at technical  
8 education colleges derived wholly from the activities of student organizations and from the operations of canteens and bookstores  
9 may be retained by the college and expended only in accord with policies established by the respective college's area commission  
10 and approved by the State Board for Technical and Comprehensive Education.

11       **117.13.** (GP: Discrimination Policy) It is the policy of the State of South Carolina to recruit, hire, train, and promote employees  
12 without discrimination because of race, color, sex, national origin, age, religion or physical disability. This policy is to apply to all  
13 levels and phases of personnel within state government, including but not limited to recruiting, hiring, compensation, benefits,  
14 promotions, transfers, layoffs, recalls from layoffs, and educational, social, or recreational programs. It is the policy of the State to  
15 take affirmative action to remove the disparate effects of past discrimination, if any, because of race, color, sex, national origin, age,  
16 religion or physical disability.

17       Each state agency shall submit to the State Human Affairs Commission employment and filled vacancy data by race and sex by  
18 October thirty-first, of each year.

19       In accordance with Section 1-13-110 of the 1976 Code, as amended, the Human Affairs Commission shall submit a report on the  
20 status of state agencies' Affirmative Action Plans and Programs to the General Assembly by February first each year. This report  
21 shall contain the total number of persons employed in each job group, by race and sex, at the end of the preceding reporting period,  
22 a breakdown by race and sex of those hired or promoted from within the agency during the reporting period, and an indication of  
23 whether affirmative action goals were achieved. For each job group referenced in the Human Affairs report, where the hiring of  
24 personnel does not reflect the percentage goals established in the agency's affirmative action plan for the year in question, the state  
25 agency shall submit a detailed explanation to the Human Affairs Commission by February fifteenth, explaining why goals were not  
26 achieved.

27       The Human Affairs Commission shall review the explanations and notify the Department of Administration of any agency not in  
28 satisfactory compliance with meeting its stated goals.

29       The Department of Administration shall notify any agency not in compliance that their request for additional appropriations for  
30 the current appropriation cycle, may not be processed until such time as the Department of Administration, after consultation with  
31 the Human Affairs Commission, is satisfied that the agency is making a good faith effort to comply with its affirmative action plan,  
32 and that the compliance must be accomplished within a reasonable length of time to be determined by the mission and circumstances  
33 of the agency. This requirement shall not affect additional appropriation requests for public assistance payments or aid to entities.  
34 This section does not apply to those agencies that have been exempted from the reporting requirements of the Human Affairs  
35 Commission.

1       **117.14.** (GP: FTE Management) In order to provide the necessary control over the number of employees, the Executive Budget  
2 Office is hereby directed to maintain close supervision over the number of state employees, and to require specifically the following:

3       (1) That no state agency exceed the total authorized number of full-time equivalent positions and those funded from state sources  
4 as provided in each section of this act except by majority vote of the State Fiscal Accountability Authority.

5       (2) That the Executive Budget Office shall maintain and make, as necessary, periodic adjustments thereto, an official record of  
6 the total number of authorized full-time equivalent positions by agency for state and total funding sources.

7       (a) That within thirty days of the passage of the Appropriation Act or by August first, whichever comes later, each agency of  
8 the State must have established on the Executive Budget Office records all positions authorized in the Act. Each agency may, upon  
9 notification to the Executive Budget Office, change the funding source of state FTE positions established on the Executive Budget  
10 Office records as necessary to expend federal and other sources of personal service funds to conserve or stay within the state  
11 appropriated personal service funds. No agency shall change funding sources that will cause the agency to exceed the authorized  
12 number of state or total full-time equivalent positions. Each agency may transfer FTEs between programs as needed to accomplish  
13 the agency mission.

14       (b) That by September thirtieth, the office shall prepare a FTE analysis, by agency, which shows the number of authorized,  
15 filled, and vacant positions by source of funds for the current and two previously completed fiscal years. The office shall provide a  
16 copy of each agency's FTE analysis to the Senate Finance and House Ways and Means Committees.

17       (3) That full-time equivalent (FTE) positions shall be determined under the following guidelines:

18       (a) The annual work hours for each FTE shall be the agency's full-time standard annual work hours.

19       (b) The state FTE shall be derived by multiplying the state percentage of budgeted funds for each position by the FTE for that  
20 position.

21       (c) All institutions of higher education shall use a value of 0.75 FTE for each position determined to be full-time faculty with  
22 a duration of nine months.

23       The FTE method of accounting shall be utilized for all authorized positions.

24       (4) That the number of positions authorized in this act shall be reduced in the following circumstances:

25       (a) Upon request by an agency.

26       (b) When anticipated federal funds are not made available.

27       (c) When the Executive Budget Office, through study or analysis, becomes aware of any unjustifiable excess of positions in  
28 any state agency.

29       (5) That no new permanent positions in state government shall be funded by appropriations in acts supplemental to this act but  
30 temporary positions may be so funded.

31       (6) That the provisions of this section shall not apply to personnel exempt from the State Classification and Compensation Plan  
32 under item I of Section 8-11-260 of the 1976 Code.

33       The Governor, in making his appropriation recommendations to the Ways and Means Committee, must provide that the level of  
34 personal service appropriation recommended for each agency is at least ninety-seven percent of the funds required to meet one  
35 hundred percent of the funds needed for the full-time equivalents positions recommended by the Governor (exclusive of new  
36 positions).

1       **117.15.** (GP: Allowance for Residences & Compensation Restrictions) That salaries paid to officers and employees of the State,  
2 including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of office or of  
3 employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for  
4 at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or employee. The charge  
5 for these items may be payroll deducted at the discretion of the Comptroller General or the chief financial officer at each agency  
6 maintaining its own payroll system. This shall not apply to the Governor's Mansion, nor to guards at any of the state's penal  
7 institutions and nurses and attendants at the Department of Disabilities and Special Needs, and registered nurses providing clinical  
8 care at the MUSC Medical Center, nor to the Superintendent and staff of the Governor's School for Agriculture at John de la Howe,  
9 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  
10 working hours in the SLED Communications Center or Maintenance Area, nor to adult staff at the Governor's School for Science  
11 and Mathematics and the Governor's School for Arts and Humanities who are required to stay on campus by the institution because  
12 of job requirements or program participation. Any state institution of higher learning may provide complimentary membership  
13 privileges to employees who work at their wellness centers. The presidents of those state institutions of higher learning authorized  
14 to provide on-campus residential facilities for students may be permitted to occupy residences on the grounds of such institutions  
15 without charge.

16       Any state institution of higher learning may provide a housing allowance to the president in lieu of a residential facility, the amount  
17 to be approved by the State Fiscal Accountability Authority.

18       That the following may be permitted to occupy residences owned by the respective departments without charge: the Farm Director,  
19 Farm Managers, and Specialists employed at the Wateree River Correctional Institution; the South Carolina State Commission of  
20 Forestry fire tower operators, forestry aides, and caretaker at central headquarters; the Department of Natural Resources' Wildlife  
21 Management Area Personnel, Fish Hatchery Personnel, and Heritage Trust Personnel; Director of Wil Lou Gray Opportunity School;  
22 President of the School for the Deaf and the Blind; houseparents for the Commission for the Blind; South Carolina Department of  
23 Health and Environmental Control personnel at the State Park Health Facility and Camp Burnt Gin; Residence Life Coordinators at  
24 Lander University; Residence Life Directors, temporary and transition employees, student interns, and emergency personnel at  
25 Winthrop University; Farm Superintendent at Winthrop University; Residence Hall Directors at the College of Charleston; the  
26 Department of Disabilities and Special Needs' physicians and other professionals at Whitten Center, Clemson University  
27 Off-Campus Agricultural Staff and Housing Area Coordinators; and TriCounty Technical College's Bridge to Clemson Resident and  
28 Area Directors; and housing maintenance night supervisors, residence life directors, temporary and transition employees, and  
29 emergency medical personnel occupying residences owned by the University of South Carolina. Except in the case of elected  
30 officials, the fair market rental value of any residence furnished to a state employee shall be reported by the state agency furnishing  
31 the residence to the Agency Head Salary Commission, and the Department of Administration by October first of each fiscal year.

32       All salaries paid by departments and institutions shall be in accord with a uniform classification and compensation plan, approved  
33 by the Department of Administration, applicable to all personnel of the State Government whose compensation is not specifically  
34 fixed in this act. Such plan shall include all employees regardless of the source of funds from which payment for personal service is  
35 drawn. The Department of Administration is authorized to approve temporary salary adjustments for classified and unclassified  
36 employees who perform temporary duties which are limited by time and/or funds. When approved, a temporary salary adjustment

1 shall not be added to an employee's base salary and shall end when the duties are completed and/or the funds expire. Academic  
2 personnel of the institutions of higher learning and other individual or group of positions that cannot practically be covered by the  
3 plan may be excluded therefrom but their compensations as approved by the Department of Administration shall, nevertheless, be  
4 subject to review by the State Fiscal Accountability Authority. Salary appropriations for employees fixed in this act shall be in full  
5 for all services rendered, and no supplements from other sources shall be permitted or approved by the State Fiscal Accountability  
6 Authority. With the exception of travel and subsistence, legislative study committees shall not compensate any person who is  
7 otherwise employed as a full-time state employee. Salaries of the heads of all agencies of the State Government shall be specifically  
8 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  
9 funds, state agencies and institutions shall be allowed to spend public funds and/or other funds for designated employee award  
10 programs which shall have written criteria approved by the agency governing board or commission. For purposes of this section,  
11 monetary awards, if any, shall not be considered a part of an employee's base salary, a salary supplement, or a perquisite of  
12 employment. The names of all employees receiving monetary awards and the amounts received shall be reported annually to the  
13 Department of Administration.

14 In the case of lodging furnished by certain higher education institutions to employees, the prevailing local rate does not apply if  
15 the institution meets the exceptions for inadequate rent described in the current Internal Revenue Code Section 119(d)(2). To meet  
16 the exception, rental rates must equal the lesser of five percent of the appraised value of the qualified campus lodging, or the average  
17 of the rentals paid by individuals (other than employees or students of the educational institution) during the calendar year for lodging  
18 provided by the educational institution which is comparable to the qualified campus lodging provided to the employee, over the rent  
19 paid by the employee for the qualified campus lodging during the calendar year. The appraised value shall be determined as of the  
20 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  
21 during the calendar year in which the period begins.

22 **117.16.** (GP: Universities & Colleges - Allowance for Presidents) Presidents of the University of South Carolina, Clemson  
23 University, the Medical University of South Carolina, The Citadel, Winthrop University, South Carolina State University, Francis  
24 Marion University, University of Charleston, Coastal Carolina University and Lander University must not be paid a fixed allowance  
25 for personal expenses incurred in connection with the performance of their official duties. Reimbursements may be made to the  
26 presidents from funds available to their respective institutions for any personal expenses incurred provided that all requests for  
27 reimbursement are supported by properly documented vouchers processed through the normal accounting procedures of the  
28 institutions.

29 **117.17.** (GP: Replacement of Personal Property) The Department of Juvenile Justice, Department of Corrections, Department  
30 of Probation, Parole and Pardon Services, Department of Mental Health, Department of Disabilities and Special Needs, Continuum  
31 of Care, Department of Social Services and School for the Deaf and the Blind may replace the personal property of an employee  
32 which has been damaged or destroyed by a client while in custody of the agency. The replacement of personal property may be  
33 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  
34 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  
35 out the functions and duties of his employment. Replacement of damaged or destroyed items shall not exceed \$250 per item, per  
36 incident. Each agency must have guidelines to insure the reasonableness of the replacement payments.

1     **117.18.** (GP: Business Expense Reimbursement) Agency heads and deputy commissioners or deputy directors designated by  
2 agency heads may receive reimbursements for business expenses incurred while performing their official duties, provided that  
3 receipts are presented when seeking reimbursement and justification is submitted to document the time, place, and purpose of the  
4 expense as well as the names of the individuals involved. The Department of Administration shall promulgate regulations governing  
5 these expenses.

6     **117.19.** (GP: Per Diem) The per diem allowance of all boards, commissions and committees shall be at the rate of \$35 per day.  
7 No full-time officer or employee of the State shall draw any per diem allowance for service on such boards, commissions or  
8 committees.

9     **117.20.** (GP: Travel - Subsistence Expenses & Mileage) Travel and subsistence expenses, whether paid from state appropriated,  
10 federal, local or other funds, shall be allowed in accordance with the following provisions:

11     (A) Unless otherwise provided in paragraphs B through H of this section, all employees of the State of South Carolina or any  
12 agency thereof including employees and members of the governing bodies of each technical college while traveling on the business  
13 of the State shall, upon presentation of a paid receipt, be allowed reimbursement for actual expenses incurred for lodging, not to  
14 exceed the current maximum lodging rates, excluding taxes, established by the U.S. General Services Administration. The lodging  
15 reimbursement for employees of a school district must also conform to these rates when that employee's travel reimbursement is  
16 paid by state funds that are transferred to the school district. Agencies may contract with lodging facilities to pay on behalf of an  
17 employee. Failure to maintain proper control of direct payments for lodging may result in the revocation of the agency's authority  
18 by the Comptroller General or the State Auditor. The employee shall also be reimbursed for the actual expenses incurred in the  
19 obtaining of meals except that such costs shall not exceed \$35 per day within the State of South Carolina. For travel outside of South  
20 Carolina the maximum daily reimbursement for meals shall not exceed \$50. Agencies may contract with food or dining facilities to  
21 pay for meals on behalf of employees in accordance with rules and regulations established by the Office of Comptroller General. It  
22 shall be the responsibility of the agency head to monitor the charges for lodging which might be claimed by his employees in order  
23 to determine that such charges are following maximum lodging rates as established by the U.S. General Services Administration.  
24 Any exceptions must have the written approval of the agency head, taking into consideration location, purpose of travel or other  
25 extenuating circumstances. The provisions of this item shall not apply to Section 42-3-40 of the 1976 Code, and when pertaining to  
26 institutions of higher learning, for travel paid with funds other than General Funds.

27     (B) That employees of the State, when traveling outside the United States, Canada, and Puerto Rico upon promotional business  
28 for the State of South Carolina shall be entitled to actual expenses for both food and lodging.

29     (C) The Governor, Lieutenant Governor, Secretary of State, Comptroller General, Attorney General, State Treasurer, Adjutant  
30 General, Superintendent of Education and the Commissioner of Agriculture shall be reimbursed actual expenses for subsistence.

31     (D) Non-legislative members of committees appointed pursuant to Acts and Resolutions of the General Assembly whose  
32 membership consists solely of members of the General Assembly or members of the General Assembly and other personnel who are  
33 not employees of the State of South Carolina shall be allowed subsistence expenses of \$42 per day while traveling on official business,  
34 unless otherwise designated by law. Members of such committees may opt to receive actual expenses incurred for lodging and actual  
35 expenses incurred in the obtaining of meals in lieu of the allowable subsistence expense.



1 (E) Members of the state boards, commissions, or committees whose duties are not full-time and who are paid on a per diem  
2 basis, shall be allowed reimbursement for actual expenses incurred at the rates provided in paragraph A and I of this section while  
3 away from their places of residence on official business of the State. One person accompanying a handicapped member of a state  
4 board, commission, or committee on official business of the State shall be allowed the same reimbursement for actual expenses  
5 incurred at the rates provided in paragraph A through I of this section.

6 (F) No subsistence reimbursement shall be allowed to a Justice of the Supreme Court or Judge of the Court of Appeals while  
7 traveling in the county of his official residence. When traveling on official business of said court within fifty miles outside the county  
8 of his official residence, a Supreme Court Justice and a Judge of the Court of Appeals shall be allowed subsistence expenses in the  
9 amount of \$42 per day plus such mileage allowance for travel as is provided for other employees of the State. When traveling on  
10 official business of said court fifty or more miles outside the county of his official residence, each Justice and Judge of the Court of  
11 Appeals shall be allowed subsistence expenses in the amount as provided in this act for members of the General Assembly plus such  
12 mileage allowance for travel as is provided for other employees of the State. The Chief Justice, or such other person as the Chief  
13 Justice designates, while attending the Conference of Chief Justices and one member of the Supreme Court while attending the  
14 National Convention of Appellate Court Judges, and three Circuit Judges while attending the National Convention of State Trial  
15 Judges shall be allowed actual subsistence and travel expenses.

16 Upon approval of the Chief Justice, Supreme Court Justices, Judges of the Court of Appeals, Circuit Judges, and Family Court  
17 Judges shall be reimbursed for actual expenses incurred for all other official business requiring out-of-state expenses at the rate  
18 provided in paragraph A of this section.

19 (G) No subsistence reimbursements are allowed to a Circuit Judge, a Family Court Judge, or an Administrative Law Judge while  
20 holding court within the county in which he resides. While holding court or on other official business outside the county, within  
21 fifty miles of his residence, a Circuit Court Judge, Family Court Judge, or an Administrative Law Judge is entitled to a subsistence  
22 allowance in the amount of \$42 per day plus such mileage allowance for travel as is provided for other employees of the State. While  
23 holding court or on other official business at a location fifty miles or more from his residence, a Circuit Court, Family Court or  
24 Administrative Law Judge is entitled to a subsistence allowance in the amount as provided in this act for members of the General  
25 Assembly plus such mileage allowance for travel as is provided for other employees of the State.

26 (H) Any retired Justice, Circuit Court Judge or Family Court Judge or Master-in-Equity appointed by the Supreme Court to serve  
27 as a Special Circuit Judge, Family Court Judge, Appeals Court Judge, or Acting Associate Justice shall serve without pay but shall  
28 receive the same allowance for subsistence, expenses, and mileage as provided in Part I for Circuit Court Judges.

29 (I) No expense shall be allowed an employee either at his place of residence or at the official headquarters of the agency by  
30 which he is employed except as provided in paragraph E, of this section. When an employee is assigned to work a particular territory  
31 or district, and such territory or district and his official headquarters are in different localities or sections of the State, expenses may  
32 be allowed for the necessary travel to his official headquarters. The members of the Workers' Compensation Commission may be  
33 reimbursed at the regular mileage rate of one round trip each week from their respective homes to Columbia. No subsistence  
34 reimbursement shall be allowed to a member of the Workers' Compensation Commission while traveling in the county of his official  
35 residence. When traveling on official business of the commission outside the county of his official residence, a member of the  
36 Workers' Compensation Commission shall be allowed subsistence expenses in the amount of \$42 per day. When traveling on official

1 business of the commission fifty or more miles outside the county of his official residence, each member shall be allowed a  
2 subsistence allowance in the amount as provided in this act for members of the General Assembly. When out-of-state, members of  
3 the Workers' Compensation Commission and the members of the Appellate Panel of the Department of Employment and Workforce  
4 may claim the established amount of per diem, as stated in the General Appropriation Act, or actual expenses as deemed reasonable  
5 by the Comptroller General. The members of the Appellate Panel of the Department of Employment and Workforce may be  
6 reimbursed at the regular mileage rate when the member is on official business fifty miles or more outside of Columbia. The members  
7 of the Appellate Panel of the Department of Employment and Workforce shall be allowed subsistence allowance in the amount as  
8 provided in this act for members of the General Assembly when the member is on official business fifty miles or more outside of  
9 Columbia.

10 (J) When an employee of the State shall use his or her personal automobile in traveling on necessary official business, a charge  
11 to equal the standard business mileage rate as established by the Internal Revenue Service will be allowed for the use of such  
12 automobile and the employee shall bear the expense of supplies and upkeep thereof. The standard business mileage rate used in this  
13 calculation shall be the current rate established by the Internal Revenue Service. Whenever state provided motor pool vehicles are  
14 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  
15 vehicle in traveling on necessary official business, a charge of four cents per mile less than the standard business mileage rate as  
16 established by the Internal Revenue Service will be allocated for the use of such vehicle and the employee shall bear the expense of  
17 supplies and upkeep thereof. The standard business mileage rate used in this calculation shall be the current rate established by the  
18 Internal Revenue Service. When such travel is by a state-owned automobile, the State shall bear the expense of supplies and upkeep  
19 thereof but no mileage will be allowed. Agencies and employees are directed to use state fueling facilities to the maximum extent  
20 possible, when such use is cost beneficial to the State. When using commercial fueling facilities, operators of State-owned vehicles  
21 are directed to use self-service pumps. In traveling on the business of the State, employees are required to use the most economical  
22 mode of transportation, due consideration being given to urgency, schedules and like factors.

23 Mileage between an employee's home and his/her place of employment is not subject to reimbursement. However, when an  
24 employee leaves on a business trip directly from his/her home, and does not go by the employee's headquarters, the employee shall  
25 be eligible for reimbursement for actual mileage beginning at his/her residence.

26 (K) That a state agency may advance travel and subsistence expense monies to employees of that agency for the financing of  
27 ordinary and necessary travel required in the conducting of the business of the agency. The Office of Comptroller General is directed  
28 to develop and publish rules and regulations pertaining to the advancing of travel expenses and no state agency shall make such  
29 advances except under the rules and regulations as published. All advances for travel and subsistence monies shall be repaid to the  
30 agency within thirty days after the end of the trip or by July fifteenth, whichever comes first.

31 (L) That the state institutions of higher learning are authorized to reimburse reasonable relocation expenses for new employees  
32 when such reimbursements are considered by the agency head to be essential to successful recruitment of professionally competent  
33 staff members.

34 (M) The Office of Comptroller General is authorized to promulgate and publish rules and regulations governing travel and  
35 subsistence payments.

36 (N) No state funds may be used to purchase first class airline tickets.

1       **117.21.** (GP: Organizations Receiving State Appropriations Report) ~~Each organization receiving a contribution in this act shall~~  
2 ~~render to the state agency making the contribution by November first of the fiscal year in which funds are received, an accounting~~  
3 ~~of how the state funds will be spent, goals to be accomplished, proposed measures to evaluate success in implementing and meeting~~  
4 ~~the goals, a copy of the adopted budget for the current year, and also a copy of the organization's most recent operating financial~~  
5 ~~statement. The funds appropriated in this act for contributions shall not be expended until the required financial statements are filed~~  
6 ~~with the appropriate state agency. No funds in this act shall be disbursed to organizations or purposes which practice discrimination~~  
7 ~~against persons by virtue of race, creed, color or national origin. The State Auditor shall review and audit, if necessary, the financial~~  
8 ~~structure and activities of each organization receiving contributions in this act and make a report to the General Assembly of such~~  
9 ~~review and/or audit, when requested to do so by the State Fiscal Accountability Authority. From the funds an organization receives~~  
10 ~~from a state agency, for accountability purposes, by June thirtieth organizations receiving contributions in this act shall submit a~~  
11 ~~report to the state agency making the contribution that includes an accounting of how the funds were spent and the outcome measures~~  
12 ~~used to determine the success of the stated goals. State agencies receiving such data from organizations shall forward the information~~  
13 ~~to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. *Each state agency*~~  
14 ~~*receiving funds that are a direct appropriation to a non-profit organization, prior to disbursing the funds, shall require from each*~~  
15 ~~*recipient organization a plan of how the state funds will be spent and how the expenditures will provide a public benefit. The State*~~  
16 ~~*Auditor shall provide each state agency with a standard form for collecting the information required. After receiving the funds,*~~  
17 ~~*non-profit organizations shall provide quarterly spending updates to the respective state agency. After all state funds have been*~~  
18 ~~*expended, each organization shall provide an accounting of how the funds were spent. State agencies receiving funds pursuant to*~~  
19 ~~*this provision shall report the information collected to the State Auditor, the Chairman of the Senate Finance Committee, and the*~~  
20 ~~*Chairman of the House Ways and Means Committee by June 30th. No funds in this act shall be disbursed to organizations or purposes*~~  
21 ~~*which practice discrimination against persons by virtue of race, creed, color or national origin.*~~

22       **117.22.** (GP: State-Owned Aircraft - Flight Logs) Each agency having in its custody one or more aircraft shall maintain a  
23 continuing log on all flights, which in order to promote accountability and transparency shall be open for public inspection and shall  
24 also be posted online. Any and all aircraft owned or operated by agencies of the State Government shall be used only for official  
25 business. The Division of Aeronautics and other agencies owning and operating aircraft may furnish transportation to the Governor,  
26 Constitutional Officers, members of the General Assembly, members of state boards, commissions, and agencies and their invitees  
27 for official business only; no member of the General Assembly, no member of a state board, commission, or committee, and no state  
28 official shall use any state-owned or operated aircraft unless the member or official files within twenty-four hours after the completion  
29 of the flight with the agency that provided the flight a sworn statement certifying and describing the official nature of his trip; and  
30 no member of the General Assembly, no member of a state board, commission or committee, and no state official shall be furnished  
31 air transportation by a state agency unless such agency prepares and maintains in its files a sworn statement from the highest ranking  
32 official of the agency or its designee certifying that the member's or state official's trip was in conjunction with the official business  
33 of the agency. Official business shall not include routine transportation to and from meetings of the General Assembly or committee  
34 meetings for which mileage is authorized. Official business also does not include attending a press conference, bill signing, or  
35 political function.

1 All logs shall be signed by the parties using the flight and the signatures shall be maintained as part of the permanent record of  
2 any agency. All passengers shall be listed on the flight log by their legal name; passengers flying with an appropriate official of  
3 SLED or the Department of Commerce whose confidentiality must, in the opinion of SLED or the department, be protected shall be  
4 listed in writing on the flight log as “Confidential Passenger SLED or the Department of Commerce (strike one)” and the appropriate  
5 official of SLED or the department shall certify to the agency operating the aircraft the necessity for such confidentiality. The  
6 Division of Aeronautics shall post its flight logs on its website within one working day of completion of trips.

7 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  
8 and shall subject a violating member of the General Assembly to the ethics procedure of his appropriate house and shall subject a  
9 violating member of a state board, commission or committee, or a state official to the applicable ethics procedure relating to them as  
10 provided by law. The above provisions do not apply to state-owned or operated aircraft when used by the Medical University of  
11 South Carolina, nor to aircraft of the athletic department or the educational foundations of any state-supported institution of higher  
12 education, nor to law enforcement officers when flying on state-owned aircraft in pursuit of fugitives, missing persons, or felons or  
13 for investigation of gang, drug, or other violent crimes.

14 Aircraft owned by agencies of state government shall not be leased to individuals for their personal use.

15 **117.23.** (GP: Carry Forward) Each agency is authorized to carry forward unspent general fund appropriations from the prior  
16 fiscal year into the current fiscal year, up to a maximum of ten percent of its original general fund appropriations less any  
17 appropriation reductions for the current fiscal year. Agencies shall not withhold services in order to carry forward general funds.

18 This provision shall be suspended if necessary to avoid a fiscal year-end general fund deficit. For purposes of this proviso, the  
19 amount of the general fund deficit shall be determined after first applying the Capital Reserve Fund provisions in Section  
20 11-11-320(D) of the 1976 Code, and before any transfers from the General Reserve. The amount of general funds needed to avoid  
21 a year-end deficit shall be reduced proportionately from each agency’s carry forward amount.

22 Agencies which have separate general fund carry forward authority must exclude the amount carried forward by such separate  
23 authority from their base for purposes of calculating the ten percent carry forward authorized herein. Any funds that are carried  
24 forward as a result of this provision are not considered part of the base of appropriations for any succeeding years.

25 **117.24.** (GP: TEFRA-Tax Equity and Fiscal Responsibility Act) It is the intent of the General Assembly that the State Medicaid  
26 Plan be amended to provide benefits for disabled children as allowed by the Tax Equity and Fiscal Responsibility Act (TEFRA)  
27 option. State agencies, including but not limited to, the Department of Social Services - the Continuum of Care, the Department of  
28 Health and Environmental Control, the Department of Mental Health, the Department of Disabilities and Special Needs, and the  
29 Department of Health and Human Services shall collectively review and identify existing state appropriations within their respective  
30 budgets that can be used as state match to serve these children. Such funds shall be used effective January 1, 1995 to implement  
31 TEFRA option benefits. Agencies providing services under the provisions of this paragraph must not spend less in the current fiscal  
32 year than expended in the previous fiscal year.

33 **117.25.** (GP: Prison Industries) All agencies funded in this act, when procuring goods and services, shall first consider  
34 contracting for services or purchasing goods and services through the Department of Corrections’ Prison Industries Program. The  
35 Department of Corrections shall furnish, upon request, to all agencies a catalogue of goods and services provided by Prison Industries.  
36 The department is hereby directed to develop and market a catalogue of Prison Industries products for nationwide circulation.

1       **117.26.** (GP: Travel Report) Annually on November first, the Comptroller General shall issue a report on travel expenditures  
2 for the prior fiscal year which shall be distributed to the Senate Finance Committee, the House Ways and Means Committee, and the  
3 Statehouse Press Room. The Comptroller General may use up to \$500 of general fund appropriations for the purpose of providing  
4 copies to the media or the public upon request. The report must contain a listing for every agency receiving an appropriation in the  
5 annual General Appropriations Act. The listing must show at a minimum the top ten percent of employees for whom travel expenses  
6 and registration fees were paid within each agency, not to exceed twenty-five employees per agency. Agencies should include  
7 position titles for each of the top twenty-five travelers for each agency. Expenditures must include state, federal and other sources  
8 of funds. Expenditures for in-state and out-of-state registration fees (fees to attend conferences, teleconferences, workshops, or  
9 seminars for training on a per person basis) must be shown as a separate subtotal within the grand total for the individual employees  
10 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  
11 employee must be shown with each amount. Agencies should include a brief summary of the type of travel the agency incurs. The  
12 Comptroller General may provide additional information as deemed appropriate. The Comptroller General shall provide no  
13 exceptions to this report in that the information contained is not considered confidential or restricted for economic development  
14 purposes. However, further disclosure of detailed information shall be restricted as provided for by law.

15       **117.27.** (GP: School Technology Initiative) From the funds appropriated/authorized for the K-12 technology initiative, the  
16 Department of Education, in consultation with the Department of Administration, the State Library, the Educational Television  
17 Commission, and a representative from the Education Oversight Committee, shall administer the K-12 technology initiative funds.  
18 These funds are intended to provide technology, encourage effective use of technology in K-12 public schools throughout the state,  
19 conduct cost/benefit analyses of the various technologies, and should, to the maximum extent possible, involve public-private sector  
20 collaborative efforts. Funds may also be used to establish pilot projects for new technologies with selected school districts as part of  
21 the evaluation process. K-12 technology initiative funds shall be retained and carried forward to be used for the same purpose.

22       **117.28.** (GP: State-Operated Day Care Facilities Fees) Any state agency receiving funding in this act and any higher education  
23 institution, including four-year institutions, two-year institutions, and technical colleges, that operates an early childhood  
24 development center or day care facility shall charge, at a minimum, fees that are comparable to those charged by private day care  
25 facilities in the local community. The institution or agency shall not restrict enrollment in the center solely to the children of faculty,  
26 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.

27       **117.29.** (GP: Base Budget Analysis) Agencies' annual accountability reports for the prior fiscal year, as required in Section  
28 1-1-810, must be accessible to the Governor, Senate Finance Committee, House Ways and Means Committee, and to the public on  
29 or before September fifteenth, for the purpose of a zero-base budget analysis and in order to ensure that the Agency Head Salary  
30 Commission has the accountability reports for use in a timely manner. Accountability Report guidelines shall require agencies to  
31 identify key program area descriptions and expenditures and link these to key financial and performance results measures. The  
32 Executive Budget Office is directed to develop a process for training agency leaders on the annual agency accountability report and  
33 its use in financial, organizational, and accountability improvement. Until performance-based funding is fully implemented and  
34 reported annually, the state supported colleges, universities and technical schools shall report in accordance with Section 59-101-350.

35       **117.30.** (GP: Collection on Dishonored Payments) In lieu of any other provision of law, any state agency may collect a service  
36 charge as provided in Section 34-11-70 to cover the costs associated with the processing and collection of dishonored instruments or

1 electronic payments where any amount is not paid by the drawee due to insufficient funds on deposit with the bank or the person  
2 upon which it was drawn when presented, or the instrument has an incorrect or insufficient signature on it. Such funds shall be  
3 retained and expended by the agency in accordance with this purpose and any unused amount shall carry forward to the following  
4 fiscal year.

5 **117.31.** (GP: State DNA Database) Funds collected by the South Carolina Department of Corrections, the Department of  
6 Probation, Parole and Pardon, and Department of Juvenile Justice to process DNA samples must be remitted to the State Law  
7 Enforcement Division to offset the expenses incurred to operate the State DNA Database program. SLED may retain, expend, and  
8 carry forward these funds. Any carry forward funds resulting from the DNA Database program must be used solely to operate the  
9 DNA Database program.

10 **117.32.** (GP: Voluntary Separation Incentive Program) State agencies may implement, in consultation with the Department of  
11 Administration, a program to realign resources to include provisions for a separation incentive payment for employees which may  
12 include the employer portion of health and dental benefits not to exceed one year. Employees participating in such program shall be  
13 considered to have voluntarily quit their employment without good cause and be subject to the provisions of Section 41-35-120(1)  
14 of the South Carolina Employment Security Law. Any program developed under this provision will involve voluntary participation  
15 from employees and will be funded within existing appropriations. The program must be approved by the agency head and the  
16 Director of the Human Resources Division based on ability to demonstrate recurring cost savings for realignment and/or permanent  
17 downsizing. State agencies shall report the prior year's results to the Department of Administration by August fifteenth, of the  
18 current fiscal year. The Department of Administration, upon request, shall report to the Senate Finance Committee and the House  
19 Ways and Means Committee on these results.

20 **117.33.** (GP: Debt Collection Reports) Each state agency shall provide to the Chairmen of the Senate Finance and House of  
21 Representatives Ways and Means Committees and the Inspector General a report detailing the amount of its outstanding debt and all  
22 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  
23 of this provision, outstanding debt means a sum remaining due and owed to a state agency by a nongovernmental entity for more  
24 than sixty calendar days.

25 **117.34.** (GP: State-Funded Libraries - Web Filters) (A) A library receiving state funds, directly, indirectly, by grant, or  
26 otherwise, other than a library at an institution of higher learning, that has computers available for use by the public or students, or  
27 both, must equip these computers with software incorporating web-filtering technology designed to eliminate or reduce the ability  
28 of the computer to access sites displaying pornographic pictures or text. However, up to ten percent, and at least one, of the library's  
29 computers must be unfiltered. Each library's governing officials shall determine the physical location of any unfiltered computer(s).  
30 The library also must have a written policy providing sanctions against a person who instructs or demonstrates to another person  
31 how to bypass this web-filtering technology.

32 (B) State funds intended for a library not in compliance with subsection (A) must be reduced by fifty percent. Funds resulting  
33 from this reduction must be distributed among other libraries that are in compliance with subsection (A).

34 **117.35.** (GP: Tobacco Settlement Funds Carry Forward) State agencies are hereby authorized to retain and carry forward any  
35 unexpended Tobacco Settlement Agreement funds from the prior fiscal year into the current fiscal year and to expend such funds for  
36 the same purpose.

1       **117.36.** (GP: Use Tax Exemption) For the current fiscal year there is exempt from the use tax imposed pursuant to Chapter 36,  
2 Title 12 of the 1976 Code the sales price of tangible personal property purchased for use in private primary and secondary schools,  
3 including kindergartens and early childhood education programs, which are exempt from income taxes pursuant to Section 501(c)(3)  
4 of the Internal Revenue Code. For the purposes of this item, the Internal Revenue Code means Internal Revenue Code as described  
5 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  
6 tax paid on sales exempted by this paragraph.

7       **117.37.** (GP: Personal Property Tax Relief Fund) If the Personal Property Tax Exemption Sales Tax is imposed in a county and  
8 a sales tax rate of two percent of gross proceeds of sales is insufficient to offset the property tax not collected, sufficient amounts  
9 must be credited to the Trust Fund for Tax Relief established pursuant to Section 11-11-150 of the 1976 Code to provide the  
10 reimbursement to offset such a shortfall in the manner provided in Section 4-10-540(A) of the 1976 Code.

11       **117.38.** (GP: COG Annual Report) Each Council of Government shall submit a report to the Senate Finance Committee and the  
12 House Ways and Means Committee by December first each year describing how the funds which they received from the State in the  
13 prior fiscal year were expended.

14       **117.39.** (GP: South Carolina Recycling Initiative) To protect the public health and safety, protect and preserve the environment  
15 of this State, and to recover resources which have the potential for usefulness in the most environmentally safe, economically feasible  
16 and cost effective manner, state agencies shall purchase recycled steel unless the item cannot be acquired competitively at a  
17 reasonable price.

18       **117.40.** (GP: Life and Palmetto Fellows Scholarships Waiver Exemption) Any provision in permanent law or in Part IB,  
19 Section 117 of this act, except that which is specified for LIFE and Palmetto Fellows Scholarships, that would require general fund  
20 appropriations other than what is specified in Part IA of this act is waived for the current fiscal year.

21       **117.41.** (GP: Sole Source Procurements) The State Fiscal Accountability Authority shall evaluate and determine whether the  
22 written determinations, explanations, and basis for sole source procurements, pursuant to South Carolina Code Section 11-35-1560,  
23 and emergency procurements, pursuant to South Carolina Code Section 11-35-1570, are legitimate and valid reasons for awarding  
24 noncompetitive contracts.

25       **117.42.** (GP: Parking Fees) State agencies shall not impose additional parking fees or increases in current fees for state  
26 employees during the current fiscal year. This provision does not apply to any college or university.

27       **117.43.** (GP: Facility Rental Fee) The Governor's School for the Arts and Humanities, Governor's School for Science and  
28 Mathematics, Wil Lou Gray Opportunity School, and the Governor's School for Agriculture at John de la Howe are authorized to  
29 charge, collect, expend and carry forward fees charged for facility and equipment rental and registration.

30       **117.44.** (GP: Insurance Claims) Any insurance reimbursement to an agency may be used to offset expenses related to the claim.  
31 These funds may be retained, expended, and carried forward.

32       **117.45.** (GP: Organizational Charts) All agencies, departments and institutions of state government shall furnish to the Human  
33 Resources Division (1) a current personnel organizational chart annually no later than September first of the current fiscal year, or  
34 upon the request of the division and (2) notification of any change to the agency's organizational structure which impacts an  
35 employee's grievance rights within thirty days of such change. The organizational chart shall be in a form prescribed by the Human  
36 Resources Division showing all authorized positions, class title, class code, position number and indications as to whether such

1 positions are filled or vacant. In addition, the organizational chart shall clearly identify those employees who are exempt from the  
2 State Employee Grievance Procedure Act.

3 **117.46.** (GP: Agencies Affected by Restructuring) Upon restructuring of state agencies by the General Assembly the Department  
4 of Administration is directed to work with affected State agencies in order to phase-in operations of restructured organizations during  
5 the current fiscal year. Restructured organizations should be operating entirely under the revised structure no later than December  
6 thirty-first, of the current fiscal year, unless otherwise directed by law. The department is further directed to work with the affected  
7 agencies in order to identify and facilitate the transfer of any portion of their operations, including transfer of funds during the current  
8 fiscal year, which is affected by the restructured organization adopted by the General Assembly, but which has not already been  
9 accomplished herein. Until sufficient changes can be made to the State's accounting system and the appointment of appropriate  
10 agency heads, the Comptroller General and the State Treasurer shall allow those agencies affected by restructuring to continue  
11 processing documents within the account structure existing on June thirtieth, of the prior fiscal year. Restructured agencies shall  
12 make all the necessary accounting adjustments to complete the transition to the new account structure as soon as possible, but no  
13 later than December thirty-first, of the current fiscal year, unless otherwise directed by law. The Executive Budget Office is directed  
14 to prepare the subsequent detail budget to conform Part IA and corresponding provisos in this act to any restructuring changes that  
15 are ratified.

16 **117.47.** (GP: Agency Administrative Support Collaboration) It is the intent of the General Assembly that state agencies continue  
17 to actively pursue cost savings measures through collaborative efforts and where feasible may combine administrative support  
18 functions with other agencies in order to maximize efficiency and effectiveness.

19 **117.48.** (GP: Assessment Audit / Crime Victim Funds) If the State Auditor finds that any county treasurer, municipal treasurer,  
20 county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and  
21 assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B) and (D),  
22 14-1-207(B) and (D), 14-1-208(B) and (D), and 14-1-211(B) of the 1976 Code, the State Auditor shall notify the State Department  
23 of Crime Victim Compensation. The State Department of Crime Victim Compensation is authorized to conduct an audit which shall  
24 include both a programmatic review and financial audit of any entity or nonprofit organization receiving victim assistance funding  
25 based on the referrals from the State Auditor or complaints of a specific nature received by the State Department of Crime Victim  
26 Compensation to ensure that crime victim funds are expended in accordance with the law. Guidelines for the expenditure of these  
27 funds shall be developed by the Victim Services Coordinating Council. The Victim Services Coordinating Council shall develop  
28 these guidelines to ensure any expenditure which meets the parameters of Article 15, Chapter 3, Title 16 is an allowable expenditure.  
29 Any local entity or nonprofit organization that receives funding from revenue generated from crime victim funds is required to submit  
30 their budget for the expenditure of these funds to the State Department of Crime Victim Compensation within thirty days of the  
31 budget's approval by the governing body of the entity or nonprofit organization. Failure to comply with this provision shall cause  
32 the State Department of Crime Victim Compensation to initiate a programmatic review and a financial audit of the entity's or  
33 nonprofit organization's expenditures of victim assistance funds. Additionally, the Department of Crime Victim Compensation will  
34 place the name of the noncompliant entity or nonprofit organization on their website where it shall remain until such time as they are  
35 in compliance with the terms of this proviso. Any entity or nonprofit organization receiving victim assistance funding must cooperate  
36 and provide expenditure/program data requested by the State Department of Crime Victim Compensation. If the State Department



1 of Crime Victim Compensation finds an error, the entity or nonprofit organization has ninety days to rectify the error. An error  
2 constitutes an entity or nonprofit organization spending victim assistance funding on unauthorized items as determined by the State  
3 Department of Crime Victim Compensation. If the entity or nonprofit organization fails to cooperate with the programmatic review  
4 and financial audit or to rectify the error within ninety days, the State Department of Crime Victim Compensation shall assess and  
5 collect a penalty in the amount of the unauthorized expenditure plus \$1,500 against the entity or nonprofit organization for improper  
6 expenditures. This penalty plus \$1,500 must be paid within thirty days of the notification by the State Department of Crime  
7 Victim Compensation to the entity or nonprofit organization that they are in noncompliance with the provisions of this proviso.  
8 All penalties received by the State Department of Crime Victim Compensation shall be credited to the General Fund of the State. If  
9 the penalty is not received by the State Department of Crime Victim Compensation within thirty days of the notification, the political  
10 subdivision will deduct the amount of the penalty from the entity or nonprofit organization's subsequent fiscal year appropriation.

11 **117.49.** (GP: H.L. Hunley Museum Location) The General Assembly approves the Patriots Point Development Authority as the  
12 permanent site of the H.L. Hunley Museum. This approval is contingent upon the negotiation and execution of necessary contracts  
13 between the State of South Carolina and the Patriots Point Development Authority. The Hunley Commission is directed to expend  
14 funds from its account to negotiate and execute contracts on behalf of the State of South Carolina.

15 **117.50.** (GP: Secure Juvenile Confinement) The Attorney General shall review the interpretation of the current policies of the  
16 Department of Public Safety and the Department of Corrections regarding secure juvenile confinement that the departments indicate  
17 may jeopardize federal grant funds. The departments may not implement any changes to the current policies regarding secure juvenile  
18 confinement until the Attorney General considers the departments' interpretation of the federal Juvenile Justice and Delinquency  
19 Prevention Act in regard to the secure holding of juveniles for more than six hours in adult detention facilities that also serve as  
20 forty-eight-hour juvenile holdover facilities. The Attorney General will determine if the departments' interpretation is fair and  
21 equitable and how the local governments and the Department of Juvenile Justice would be impacted, to include any financial  
22 considerations.

23 **117.51.** (GP: ISCEDC Funding Transfer) The departments of Mental Health, Disabilities and Special Needs, and Juvenile Justice  
24 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  
25 for Caring for Emotionally Disturbed Children. Funding transfers shall be in the following amounts: Department of Mental  
26 Health - \$595,000, Department of Disabilities and Special Needs - \$379,456, and Department of Juvenile Justice - \$225,000. The  
27 transfer of funds shall be accomplished by September thirtieth of the current fiscal year.

28 **117.52.** (GP: Employee Bonuses) State agencies and institutions are allowed to spend state, federal, and other sources of revenue  
29 to provide selected employees lump sum bonuses, not to exceed three thousand dollars per year, based on objective guidelines  
30 established by the Department of Administration. Payment of these bonuses is not a part of the employee's base salary and is not  
31 earnable compensation for purposes of employee and employer contributions to respective retirement systems. Employees earning  
32 \$100,000 or more shall not be eligible to receive bonuses under this provision. The employing agency must report this information  
33 on or before August thirty-first of each year and must include the total amount and source of the bonus received by the employee  
34 during the preceding fiscal year (July first through June thirtieth). The Human Resources Division of the Department of  
35 Administration shall formulate policies and procedures to ensure compliance with the reporting provisions of this proviso. Copies

1 of the reports shall be made available to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and  
2 Means Committee, upon request.

3 **117.53.** (GP: FEMA Flexibility) Any appropriation designated as the state share for a federally declared disaster may be carried  
4 forward and used for the same purpose by the Emergency Management Division of the Adjutant General's Office in the event of  
5 additional federally declared disasters. Unallocated funds from established state accounts may be used as the state share in any  
6 federally declared disaster. These funds may also be used during a Governor's state of emergency to augment existing state  
7 appropriations of the South Carolina Emergency Management Division (SCEMD). When these funds are used during a Governor's  
8 state of emergency, the allocation of those funds following the event will be determined by the Governor based on the  
9 recommendation of the Adjutant General and the Director of the South Carolina Emergency Management Division.

10 In the event there is a federally declared disaster and state match funds are unavailable, the State Fiscal Accountability Authority  
11 may borrow from any internal account or accounts necessary to maximize federal matching funds through the Emergency  
12 Management Division. Any such borrowing must be reported to the General Assembly within five days. Funds borrowed from  
13 accounts shall be replenished by the General Assembly as soon as practicable.

14 **117.54.** (GP: Respiratory Syncytial Virus Prescription Sales and Use Tax Exemption) The effective date of the exemption from  
15 sales and use tax of prescription medicines used to prevent respiratory syncytial virus shall be January 1, 1999. No refund of sales  
16 and use taxes may be claimed as a result of this provision.

17 **117.55.** (GP: Year-End Financial Statements - Penalties) Agencies, institutions, and other reporting entities required to submit  
18 annual audited financial statements for inclusion in the State's ~~Comprehensive~~ Annual Comprehensive Financial Report must submit  
19 final audited financial statements to the Comptroller General not later than October first for those with fiscal year-end June thirtieth.  
20 The South Carolina Retirement Systems, Insurance Benefits, and Other Post-Employment Benefits Trust Funds administered by the  
21 South Carolina Public Employee Benefit Authority must submit their final audited financial statements no later than October  
22 fifteenth. For institutions and reporting entities with fiscal year-ends other than June thirtieth, final audited financial statements must  
23 be submitted to the Comptroller General within 120 days of that fiscal year-end. The Comptroller General shall provide a written  
24 report of each agency, institution, or other reporting entity not in compliance with this provision to the State Fiscal Accountability  
25 Authority by November thirtieth.

26 **117.56.** (GP: Purchase Card Incentive Rebates) In addition to the Purchase Card Rebate deposited in the general fund, any  
27 incentive rebate premium received by an agency from the Purchase Card Program may be retained and used by the agency to support  
28 its operations.

29 **117.57.** (GP: Sex Offender Monitoring and Supervision) The funds appropriated to the Department of Probation, Parole and  
30 Pardon Services in Part IA, Section 66, Program II.A.2. for the Sex Offender Monitoring Program and to the Department of Juvenile  
31 Justice in Part IA, Section 67, Program III.A. Special Item: Sex Offender Monitoring are to be used and expended only for GPS  
32 monitoring programs of the departments. In cases of limited funds, monitoring of "Jessie's Law" offenders shall take precedence  
33 over all other GPS programs of the departments. Funds appropriated for this program may not be used for any other purpose or  
34 transferred to any other program. Unexpended funds appropriated for Sex Offender Monitoring may be carried forward and used  
35 for the same purpose. The departments are directed to submit a report to the General Assembly by January fifteenth each year  
36 accounting for the expenditure of the funds including any carry-forward funding; the total costs and per-day costs for equipment,

1 supervision, and monitoring; the total number of staff assigned to the activity and the average agent caseloads; the amount of funds  
2 collected from sex offenders for both intensive supervision and electronic monitoring; and the anticipated fiscal needs for the  
3 upcoming fiscal year. The report shall also include, but not be limited to, data regarding the number of offenders sentenced to  
4 electronic monitoring, including the number sentenced for life; the number of alert notifications received, investigated, and  
5 prosecuted; and the number of offenders returned to prison as a result of electronic monitoring violations.

6 **117.58.** (GP: Viscosupplementation Therapies Sales and Use Tax Exemption) For the current fiscal year only, sales and use  
7 taxes on viscosupplementation therapies shall be suspended. No refund or forgiveness of tax may be claimed as a result of this  
8 provision.

9 **117.59.** (GP: CID & PCC Agency Head Salaries) All hiring salaries and salary increases for the agency heads of the Commission  
10 on Indigent Defense and the Prosecution Coordination Commission shall be subject to all provisions related to agency heads covered  
11 by the Agency Head Salary Commission.

12 **117.60.** (GP: Prosecutors and Defenders Public Service Incentive Program) The Office of Attorney General, the Commission  
13 on Prosecution Coordination, and the Commission on Indigent Defense shall develop and implement a Prosecutors and Defenders  
14 Public Service Incentive Program for attorneys employed by the Office of Attorney General, the Commission on Prosecution  
15 Coordination, the Commission on Indigent Defense, a Circuit Solicitor's Office or a Circuit Public Defender's Office.

16 After more than three years of continuous service as a full-time attorney with any of these entities, qualifying attorneys may be  
17 reimbursed up to \$1,000 for payments made in the prior calendar year on outstanding law school loans. Reimbursements for law  
18 school loan payments may be increased by up to \$1,000 for each additional year of continuous service; however, such reimbursements  
19 shall not exceed \$5,000 in any year. The amount of law school loan payment reimbursement in any calendar year shall not exceed  
20 the amount of principal and interest paid on the loan in the prior calendar year. Reimbursements under the program may continue  
21 until all outstanding law school loans are satisfied; however, such reimbursements shall not exceed \$40,000 per qualifying attorney.  
22 Reimbursements shall be adjusted if necessary so as not to exceed appropriations for the program.

23 The Prosecutors and Defenders Public Service Incentive Program must be administered by the Commission on Prosecution  
24 Coordination, which shall pay for the cost of administration within the funds appropriated.

25 The Office of Attorney General, the Commission on Prosecution Coordination, and the Commission on Indigent Defense shall  
26 each compile a report that includes, but is not limited to, the number of applicants and the impact of the program on attracting and  
27 retaining attorneys. The Commission on Prosecution Coordination shall also compile a report that includes, but is not limited to, the  
28 cost of administering the program as well as the amount of reimbursements per agency or entity. Such reports shall be submitted to  
29 the Senate Finance Committee and the House Ways and Means Committee by April first.

30 Unexpended program funds from the prior fiscal year may be carried forward into the current fiscal year to be used for the same  
31 purpose.

32 **117.61.** (GP: Attorney Dues) Agencies and offices of the State of South Carolina that employ attorneys are authorized, if they  
33 so decide, to use other appropriated funds, including General Fund carry forward funds, to pay the costs of mandatory dues owed to  
34 the South Carolina Bar Association.

35 **117.62.** (GP: Critical Employee Recruitment and Retention) State agencies are allowed to spend state, federal, and other sources  
36 of revenue to provide lump sum bonuses to aid in recruiting and retaining workers in critical needs jobs which provide services that

1 directly impact the health, safety, and welfare of the public. The employee bonus amount shall be approved by the State Human  
2 Resources Director based on State Human Resources guidelines, and shall not exceed \$10,000 per year. Payment of these bonuses  
3 is not a part of the employee's base salary and is not earnable compensation for purposes of employee and employer contributions  
4 to respective retirement systems. These bonuses shall, however, be considered earnings for determining if an employee who has  
5 returned to work after retirement is subject to the earning limitation imposed in either Section 9-1-1790(A)(1) or Section  
6 9-11-(4)(a)(i).

7 These agencies may also provide paid educational leave for any employee in a FTE position deemed critical by the Department of  
8 Administration to attend class while enrolled in degree programs that are related to the agency's mission. All such leave is at the  
9 agency head's discretion.

10 These agencies may enter into an agreement with individuals employed in critical needs positions to repay them for their  
11 outstanding student loans associated with completion of a relevant degree. Agencies may pay these employees up to twenty percent  
12 or \$7,500, whichever is less, of their outstanding student loan each year over a five-year period. Payments will be made directly to  
13 the employee at the end of each year of employment. The agency will be responsible for verifying the principal balance of the  
14 employee's student loan prior to issuing payments.

15 Agencies are also authorized to allow tuition reimbursement from a maximum of ten credit hours per semester; allow probationary  
16 employees to participate in tuition programs; and provide tuition prepayment instead of tuition reimbursement for employees willing  
17 to pursue a degree in a healthcare program. An agency may pay up to fifty percent of an employee's tuition through tuition  
18 prepayment. The remaining tuition could be reimbursed to the employee after successful completion of the class.

19 The Department of Administration shall approve of the designation of critical needs positions applicable to this provision using  
20 guidelines that include, but are not limited to: 1) the difficulty recruiting for the positions as reflected by data such as the vacancy  
21 rate maintained, the average time to fill, the lack of sufficient qualified applicants, and other objective factors; 2) the difficulty  
22 retaining employees in the positions as shown by turnover data; 3) justification by the state agency that the position is critical to the  
23 core mission of the agency and directly impacts the health, safety and welfare of the public; and 4) assurances from the state agency  
24 that there are sufficient existing funds available to pay for items under this provision.

25 Healthcare employees in approved critical needs positions working on a practicum or required clinical experience towards  
26 completion of a healthcare degree may be allowed to complete these requirements at their state agency or another state agency at the  
27 discretion of the agency head. This field placement at another state agency may be considered work time for participating employees.

28 State agencies must report to the Department of Administration by August 31st of each year any expenditure under this provision.  
29 The Department of Administration shall compile a report of the responses and submit them to the Chairman of the Senate Finance  
30 Committee and the Chairman of the House Ways and Means Committee by October 1<sup>st</sup> of each year.

31 **117.63.** (GP: Governor's Budget Certification) The annual Executive Budget proposed by the Governor must be certified by the  
32 Director of the Revenue and Fiscal Affairs Office or his designee in the same manner as the House Ways and Means and Senate  
33 Finance Committee versions of the budget bill are certified.

34 **117.64.** (GP: Voluntary Furlough) Agency heads may institute a voluntary employee furlough program of not more than ninety  
35 days per fiscal year. During this voluntary furlough, the state employees shall be entitled to participate in the same state benefits as  
36 otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee

1 contributions, the state agencies, institutions and departments will be responsible for making both employer and employee  
2 contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the  
3 employee remains solely responsible for making those contributions. In the event an agency's reduction is due solely to the General  
4 Assembly transferring or deleting a program, this provision does not apply.

5 **117.65.** (GP: Governor's Security Detail) The State Law Enforcement Division, the Department of Public Safety, and the  
6 Department of Natural Resources shall provide a security detail to the Governor in a manner agreed to by the State Law Enforcement  
7 Division, the Department of Public Safety, the Department of Natural Resources, and the Office of Governor. Reimbursement to the  
8 State Law Enforcement Division, the Department of Public Safety, and the Department of Natural Resources to offset the cost of the  
9 security detail for the Governor shall be made in an amount agreed to by the State Law Enforcement Division, the Department of  
10 Public Safety, the Department of Natural Resources, and the Office of Governor from funds appropriated to the Office of Governor  
11 for this purpose. Law enforcement officers assigned to security detail for the Governor shall only perform services related to security  
12 and shall not provide any unrelated service during the assignment.

13 **117.66.** (GP: Reduction in Force Antidiscrimination) In the event of a reduction in force implemented by a state agency or  
14 institution, the state agency or institution must comply with Title VII of the Civil Rights Act of 1964 or any other applicable federal  
15 or state antidiscrimination laws.

16 **117.67.** (GP: Reduction in Force/Agency Head Furlough) In the event a reduction in force is implemented by a state agency or  
17 institution of higher learning, the agency head shall be required to take five days furlough in the current fiscal year. If more than one  
18 reduction in force plan is implemented in a fiscal year, the mandatory agency head furlough is only required for the initial plan. The  
19 agency head will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be retained  
20 by that agency and expended at the discretion of the agency head. During this furlough, the agency head shall be entitled to participate  
21 in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require  
22 employer and employee contributions, the state agency will be responsible for making both employer and employee contributions if  
23 coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the agency head  
24 remains solely responsible for making those contributions.

25 Placement of an agency head on furlough under this provision does not constitute a grievance or appeal under the State Employee  
26 Grievance Procedure Act. In the event the reduction for the state agency or institution of higher learning is due solely to the General  
27 Assembly transferring or deleting a program, this provision does not apply. Agencies may allocate the agency head's reduction in  
28 pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. The  
29 Department of Administration shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso.  
30 State agencies shall report information regarding furloughs to the Department of Administration.

31 For purposes of this provision, agency head includes the president of a technical college as defined by Section 59-103-5 of the  
32 1976 Code.

33 The agency head of the State Board for Technical and Comprehensive Education shall not be required to take this mandatory  
34 furlough based solely on the implementation of a reduction in force plan by a technical college.

35 An agency head shall not be required to take this mandatory furlough based solely on reductions in force implemented as a result  
36 of federal budget cuts or reorganization to accomplish organizational efficiencies.

1       **117.68.** (GP: Printed Report Requirements) (A) For the current fiscal year, state supported institutions of higher learning shall  
2 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 instead  
3 only submit the documents electronically.

4       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  
5 for the current fiscal year, except institutions of higher learning must continue to report student pass rates on professional  
6 examinations, and data elements otherwise required for the Commission on Higher Education Management Information System.  
7 The commission, in consultation with institutions, shall take further action to reduce data reporting burdens as possible.

8       (B) For the current fiscal year, the Department of Agriculture shall not be required to submit printed reports mandated by Section  
9 46-49-10 of the 1976 Code. The department shall provide these reports electronically and shall use any monetary savings for K5-12  
10 agricultural education programs.

11       (C) For the current fiscal year, the Department of Health and Human Services shall not be required to provide printed copies of  
12 the Medicaid Annual Report required pursuant to Section 44-6-80 of the 1976 Code and shall instead only submit the documents  
13 electronically.

14       (D) For the current fiscal year, the Department of Transportation shall not be required to submit printed reports or publications  
15 mandated by Sections 1-11-58, 2-47-55, and 58-17-1450 of the 1976 Code.

16       The Department of Transportation may combine their Annual Report and Mass Transit Report into their Annual Accountability  
17 Report.

18       **117.69.** (GP: IMD Operations) The Department of Health and Human Services shall produce an annual report on  
19 Medicaid-funded out-of-home placements and associated expenditures which shall be provided to the Chairman of the Senate  
20 Finance Committee, Chairman of the House Ways and Means Committee, and the Governor no later than November first each year.

21       **117.70.** (GP: Fines and Fees Report) In order to promote accountability and transparency, each state agency must provide and  
22 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  
23 that state agency in the prior fiscal year. The report shall include, but not be limited to: (1) the code section, regulation, or proviso  
24 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  
25 source; (4) the purpose for which the funds were expended by the agency; (5) the amount of funds transferred to the general fund, if  
26 applicable, and the authority by which the transfer took place; and (6) the amount of funds transferred to another entity, if applicable,  
27 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  
28 must be posted online by September first. Additionally, the report must be delivered to the Chairman of the Senate Finance  
29 Committee and the Chairman of the House Ways and Means Committee by September first. Funds appropriated to and/or authorized  
30 for use by each state agency shall be used to accomplish this directive.

31       **117.71.** (GP: Mandatory Furlough) 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 institute a mandatory employee furlough program, in  
34 determining which employees must participate in the program, agency heads should give consideration to furloughs for contract  
35 employees, post-TERI employees, and TERI employees before other employees. During this mandatory furlough, the state  
36 employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries.

1 As to those benefits which require employer and employee contributions, the state agencies, institutions, and departments will be  
2 responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those  
3 benefits which require only employee contributions, the employee remains solely responsible for making those contributions. In the  
4 event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

5 **117.72.** (GP: Reduction In Force) In a fiscal year in which the general funds appropriated for a state agency are less than the  
6 general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Executive Budget Office  
7 implements a midyear across-the-board budget reduction, and agency heads must make reductions in force, agency heads should  
8 give consideration to reductions of contract employees, post-TERI employees, and TERI employees before other employees. In the  
9 event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

10 **117.73.** (GP: Cost Savings When Filling Vacancies Created by Retirements) During the current fiscal year, whenever classified  
11 FTEs become vacant because of employee retirements, it is the intent of the General Assembly that state agencies should realize  
12 personnel costs savings of at least twenty-five percent in the aggregate when managing these vacant positions. Prior to filling a  
13 classified FTE which has become vacant because of a retirement, an agency must review and determine the appropriate salary for  
14 the position as well as determine whether the agency can manage without filling the position or by delay in filling the position. Prior  
15 to filling the vacant FTE, agencies must follow all laws and regulations concerning posting and competitive solicitation and  
16 consideration of applicants. No agency shall enter into any agreement with any employee that violates the terms of this proviso.

17 **117.74.** (GP: Information Technology for Health Care) From the funds appropriated and authorized to the Department of Health  
18 and Human Services, the department shall advance the use of health information technology and health information exchange to  
19 improve quality and efficiency of health care and to decrease the costs of health care as follows:

20 (A) In order to facilitate the qualification of Medicare and/or Medicaid eligible providers and hospitals for incentive payments  
21 for meaningful health information technology (HIT) use, a health care organization participating in the South Carolina Health  
22 Information Exchange (SCHIEEx) or a Regional Health Information Organization (RHIO) or a hospital system health information  
23 exchange (HIE) that participates in SCHIEEx may release patient records and medical information, including the results of any  
24 laboratory or other tests ordered or requested by an authorized health care provider within the scope of his or her license or practice  
25 act, to another health information organization that requests the information via a HIE for treatment purposes with or without express  
26 written consent or authorization from the patient. A health information organization that receives or views this information from a  
27 patient's electronic health record or incorporates this information into the health information organization's electronic medical record  
28 for the patient in providing treatment is considered an authorized person for purposes of 42 C.F.R. 493.2 and the Clinical Laboratory  
29 Improvement Amendments.

30 ~~(B) There is established the Health Information Exchange Strategy Development Committee to make recommendations on the~~  
31 ~~development of a statewide HIE strategy that is intended to promote interoperability for purposes of improving patient safety,~~  
32 ~~eliminating redundant or unnecessary testing, and increasing the efficiency of the healthcare system. The committee shall assess~~  
33 ~~other states' approaches to governing, financing, and implementing their statewide HIE efforts, including enhanced funding made~~  
34 ~~available through the Centers for Medicare and Medicaid Services or other relevant agencies, and shall report its findings and~~  
35 ~~recommendations to the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance~~  
36 ~~Committee no later than November 15, 2021. The committee shall consider and leverage the capabilities of existing exchanges and~~

1 organizations already present in South Carolina and shall solicit and evaluate the input of appropriate stakeholders, including but not  
2 limited to, those represented on the committee. Upon the request of the committee, the department shall furnish staff and other  
3 necessary resources to support the work of the committee, which shall be comprised of the following:

- 4 (1) ~~the director of the Revenue and Fiscal Affairs Office or his designee, who shall serve as chair;~~
- 5 (2) ~~the director of the Department of Health and Human Services or his designee;~~
- 6 (3) ~~the director of the Department of Health and Environmental Control or his designee;~~
- 7 (4) ~~the president of the Medical University of South Carolina or his designee;~~
- 8 (5) ~~the CEO of the South Carolina Hospital Association or his designee;~~
- 9 (6) ~~the CEO of the South Carolina Medical Association or his designee;~~
- 10 (7) ~~the CEO of the South Carolina Primary Health Care Association or his designee; and~~
- 11 (8) ~~an individual with substantial HIE experience, who shall be appointed by the Governor.~~

12 (C) ~~The department shall be authorized to use any of its available and uncommitted funds to develop, submit, or implement any~~  
13 ~~advance planning documents or other similar plans in furtherance of a statewide HIE strategy, and to secure any available federal~~  
14 ~~funding. The department shall expeditiously prepare and submit any such documents or plans, particularly if necessary to meet any~~  
15 ~~federal deadlines.~~

16 *(B) The department is authorized to award any grants, contracts, and/or other agreements that it deems to be in furtherance of*  
17 *the recommendations of the Health Information Exchange Strategy Development Committee established pursuant to Act 94 of 2021.*

18 **117.75.** (GP: Broadband Spectrum Lease) The General Assembly must approve any exercise of the Middle Band Segment  
19 Channel recapture provisions contained in the Educational Broadband Service Spectrum Lease Agreements if the exercise of the  
20 recapture provisions would result in a decrease in payments received by the State. The Educational Television Commission assumes  
21 management and administration of the lease and receives lease payments directly. The Educational Television Commission shall  
22 retain and expend funds received pursuant to the lease for agency operations. The commission shall be authorized to carry forward  
23 unexpended funds from the prior fiscal year into the current fiscal year. In the event of a default by the current lease holder, the  
24 Educational Television Commission is authorized to use contingent funds up until such time as a new lease can be negotiated by the  
25 State and the Educational Television Commission.

26 **117.76.** (GP: Reduction in Compensation) For the current fiscal year, no state agency or political subdivision of this state may  
27 decrease the compensation of an employee, including dismissal, suspension, or demotion, solely because the employee gave sworn  
28 testimony regarding alleged wrongdoing to a standing committee, subcommittee of a standing committee, or study committee of the  
29 Senate or the House of Representatives. This proviso shall apply regardless of when the alleged wrongdoing occurred.

30 **117.77.** (GP: Deficit Monitoring) It is the responsibility of each state agency, department, and institution to operate within the  
31 limits of its authorized appropriations. All agencies, departments, and institutions are to budget, allocate and manage its authorized  
32 appropriations in a way to avoid an operating deficit for the fiscal year.

33 If at the end of each quarterly deficit monitoring review by the Executive Budget Office, it is determined by either the Executive  
34 Budget Office or a state agency, department, or institution that the likelihood of a deficit for the current fiscal year exists, the state  
35 agency shall notify the General Assembly within fifteen days of this determination and shall further request the Executive Budget  
36 Office to work with it to develop a plan to avoid the deficit. Within fifteen days of the deficit avoidance plan being completed, the



1 Executive Budget Office shall either request the General Assembly to recognize the deficit if it determines the deficit avoidance plan  
2 will not be sufficient to avoid a deficit or notify the General Assembly of how the deficit will be avoided based on the deficit  
3 avoidance plan if the Executive Budget Office determines the plan will be sufficient to avoid a deficit.

4 Upon notification from the Executive Budget Office that an agency will run a deficit and requesting that it be recognized, the  
5 General Assembly, by joint resolution, may make a finding that the cause of, or likelihood of, a deficit is unavoidable due to factors  
6 which are outside the control of the state agency, department, or institution, and recognize the deficit. Any legislation to recognize  
7 a deficit must be in a separate joint resolution enacted for the sole purpose of recognizing the deficit of a particular state agency,  
8 department, or institution. A deficit may only be recognized by an affirmative vote of each branch of the General Assembly.

9 If the General Assembly recognizes the deficit, then the actual deficit at the close of the fiscal year must be reduced as necessary  
10 from surplus revenues or surplus funds available at the close of the fiscal year in which the deficit occurs and from funds available  
11 in the General Reserve Fund and the Capital Reserve Fund, as required by the Constitution of this State.

12 Once a deficit has been recognized by the General Assembly, the state agency, department, or institution shall limit travel and  
13 conference attendance to that which is deemed essential by the director of the agency, department, or institution. In addition, the  
14 General Assembly, when recognizing a deficit may direct that any pay increases and purchases of equipment and vehicles must be  
15 approved by the Executive Budget Office.

16 **117.78.** (GP: Commuting Costs) State government employees who use a permanently assigned agency or state-owned vehicle  
17 to commute from their permanently assigned work location to and from the employee's home must reimburse the agency in which  
18 they are employed for commuting use in accordance with IRS regulations based on guidance from the Office of Comptroller General  
19 which must use the Cents per mile Rule, unless they are exempted from such reimbursement by applicable IRS regulations. These  
20 permanently assigned vehicles must be clearly marked as a state or agency vehicle through the use of permanent state-government  
21 license plates and either state or agency seal decals unless the vehicle is used primarily in undercover operations. This requirement  
22 does not apply to a vehicle used by an employee for the purpose of a special travel assignment, for active certified law enforcement  
23 officers authorized to carry firearms, execute warrants, and make arrests, for Constitutional Officers, or for Department of  
24 Transportation employees on call for emergency maintenance.

25 **117.79.** (GP: Bank Account Transparency and Accountability) Each state agency, except state institutions of higher learning,  
26 which has composite reservoir bank accounts or any other accounts containing public funds which are not included in the Comptroller  
27 General's South Carolina Enterprise Information System shall prepare a report for each account disclosing every transaction of the  
28 account in the prior fiscal year. The report shall be submitted to the State Fiscal Accountability Authority by October first of each  
29 fiscal year. The report shall include the name(s) and title(s) of each person authorized to sign checks or make withdrawals from each  
30 account, the name and title of each person responsible for reconciling each account, the beginning and year-end balance of funds in  
31 each account, and data related to both deposits and expenditures of each account. The report shall include, but not be limited to, the  
32 date, amount, and source of each deposit transaction and the date, name of the payee, the transaction amount, and a description of  
33 the goods or services purchased for each expenditure transaction. To facilitate review, the State Fiscal Accountability Authority  
34 shall prescribe a common format for the report which agencies must use. In order to promote accountability and transparency, a link  
35 to the report shall be posted on the Comptroller General's website as well as the agency's homepage.

1 When the State Auditor conducts or contracts for an audit of a state agency, accounts of the agency subject to this proviso must be  
2 included as part of the review.

3 If an agency determines that the release of the information required in this provision would be detrimental to the state or the  
4 agency, the agency may petition the State Fiscal Accountability Authority to grant the agency an exemption from the reporting  
5 requirements for the detrimental portion. The meeting to determine whether an exemption should be granted shall be closed.  
6 However, the exemption may only be granted upon a majority vote of the State Fiscal Accountability Authority in a public meeting.

7 **117.80.** (GP: Websites) All agencies, departments, and institutions of state government shall be responsible for providing on its  
8 Internet website a link to the Internet website of any agency, other than the individual agency, department, or institution, that posts  
9 on its Internet website that agency, department, or institution's monthly state procurement card statements or monthly reports  
10 containing all or substantially all the same information contained in the monthly state procurement card statements. The link must  
11 be to the specific webpage or section on the website of the agency where the state procurement card information for the state agency,  
12 department, or institution can be found. The information posted may not contain the state procurement card number. Any  
13 information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any posting  
14 required by this section.

15 **117.81.** (GP: Regulations) For the current fiscal year, if a state agency proposes a regulation that levies or increases a fee, fine,  
16 or that otherwise generates revenues, the title to the Joint Resolution which proposes the regulation must indicate that a fee, fine, or  
17 revenue source is being proposed.

18 **117.82.** (GP: Joint Children's Committee) For the current fiscal year, the Department of Revenue is directed to reduce the rate  
19 of interest paid on eligible refunds by one percentage point. Of the revenue resulting from this reduction, \$300,000 shall be  
20 transferred to the Senate for the Joint Citizens and Legislative Committee on Children to provide the report, research, and other  
21 operating expenses as directed in Section 63-1-50 of the 1976 Code. Funds transferred to the University of South Carolina for the  
22 Joint Citizens and Legislative Committee on Children shall be maintained in a separate and distinct account. A detailed report of all  
23 expenditures shall be made to the Executive Budget Office within thirty days of the close each fiscal quarter, and the Executive  
24 Budget Office shall distribute this information to the Chairman of the Senate Finance Committee and the Chairman of the House  
25 Ways and Means Committee. The remaining revenue resulting from this reduction shall be transferred to the Department of Juvenile  
26 Justice to be used for mentoring or alternatives to incarceration programs. Unexpended funds authorized by this provision may be  
27 retained and carried forward by the Senate or the Department of Juvenile Justice, respectively, and used for the same purposes. The  
28 rate of reduction authorized in this provision shall be in addition to the reduction authorized in Proviso 41.2.

29 **117.83.** (GP: Civil Conspiracy Defense Costs) For the current fiscal year, for any claim that has not reached a judgment, if a  
30 state or local government employee or former state or local government employee ("government employee") is personally sued for  
31 civil conspiracy based in part upon a personnel or employment action or decision regarding an employee, the court must, prior to  
32 trial, make a final determination whether the action or decision giving rise to the suit was made by the government employee within  
33 the scope of their official duty. If the court finds that the government employee was acting outside the scope of the employee's  
34 official duties, the government shall not thereafter expend any funds to pay or defend the claim. If the court finds the government  
35 employee was acting within the scope of their official duties, the employee is immune from suit, liability, and damages with respect  
36 to the civil conspiracy claim. The government may only expend funds to defend the claim if the determination is that the employee

1 was acting within the scope of their official duties. Nothing in this proviso prevents an insurance provider from defending and  
2 paying, respectively, any claims that the provider has contractually agreed to defend and pay.

3 **117.84.** (GP: Recovery Audits) The State Fiscal Accountability Authority shall contract with one or more firms to conduct  
4 recovery audits of payments made by all state agencies to vendors for goods and services. The audits must be designed to detect,  
5 document, and recover overpayments and erroneous payments to the vendors and to recommend improved financial and operational  
6 practices and procedures. A state agency shall pay, from recovered monies received, the recovery audit firm responsible for obtaining  
7 for the agency a reimbursement or payment from a vendor a negotiated fee not to exceed twenty percent of the funds recovered by  
8 that firm.

9 Unless otherwise restricted by law, funds recovered, less the cost of recovery, shall be remitted to a special fund subject to  
10 appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation  
11 of this provision.

12 Recovery audits apply only to payments made more than one hundred eighty days prior to the date the audit is initiated and shall  
13 cover at least three complete fiscal years.

14 All information provided under a contract must be treated as confidential by the recovery audit firm. A violation of this provision  
15 shall result in the forfeiture by the firm of all compensation under the contract and to the same sanctions and penalties that would  
16 apply to that disclosure.

17 Each state agency shall participate in this recovery audit program and shall cooperate and provide the recovery audit firm with all  
18 information necessary for the audit in a timely manner. All vendors that provide goods or services to a state agency shall cooperate  
19 with the recovery audit firm in its audit.

20 A state agency shall expend or return to the federal government any federal money that is recovered through a recovery audit  
21 conducted under this provision. Payments to the recovery audit firm from the federal share of recovered funds shall be solely from  
22 the federal portion as allowed by the federal agency.

23 In addition to performing the recovery audits, the recovery audit firm may conduct an analysis of contracts and pricing structures,  
24 as determined and directed by the Executive Director of the State Fiscal Accountability Authority or her or his designee, to identify  
25 and recommend future cost-savings and improved state agency financial operations going forward. A state agency shall pay the  
26 recovery audit firm responsible for obtaining the agency actual cost-savings a fee as authorized by the contract with the recovery  
27 audit firm.

28 The recovery audit firm shall provide reports to the State Fiscal Accountability Authority detailing its findings, the causes for the  
29 overpayments and erroneous payments, future cost-savings opportunities and its recommendations for strengthening state operations  
30 and/or state contracts to prevent improper payments in the future.

31 For purposes of this proviso, the term “vendor” or “vendors” includes, but is not limited to, sellers, suppliers, service providers,  
32 other providers, contractors and third party administrators; the term “overpayments and erroneous payments” includes, but is not  
33 limited to, overpayments, duplicate payments, erroneous payments, and rebates, discounts and credits not received; and the term  
34 “state agency” or “state agencies” includes all state agencies, boards, commissions, institutions and institutions of higher education.

35 The State Fiscal Accountability Authority shall provide copies, including electronic form copies, of final reports received from a  
36 firm under contract to: the Governor; the Chairman of the Senate Finance Committee; the Chairman of the House Ways and Means

1 Committee; and the state auditor's office. Not later than January first of each year, the board shall issue a report to the General  
2 Assembly summarizing the contents of all reports received under this provision during the prior fiscal year.

3 **117.85.** (GP: Means Test) All agencies providing Healthcare Services are directed to identify standards and criteria for means  
4 testing on all programs provided, where allowed by Federal guidelines. Once a consistent criteria has been established within an  
5 agency, they shall implement their respective plans. Each agency shall report all criteria and fiscal data to the Chairman of the Senate  
6 Finance Committee and to the Chairman of the House Ways and Means Committee no later than January first.

7 **117.86.** (GP: Agency Reduction Management) The General Assembly encourages state agencies, in the event agencies are  
8 assessed a base reduction, to endeavor to realize savings through: (1) payroll management, including, but not limited to, furloughs,  
9 reductions in employee compensation, and instituting a hiring freeze; (2) eliminate administrative overhead cost that does not directly  
10 impact the agency's mission; and as a final option (3) reductions to programmatic funding.

11 **117.87.** (GP: WIOA Service Advertising) For the current fiscal year, the Workforce Development Boards may promote outreach  
12 for their services via billboard, bus placard, newspapers, or radio in all workforce development areas. This outreach may not be  
13 limited to e-mail, online, or other internet-based outreach, publicity, or other promotions. Workforce development boards must  
14 adhere to all state procurement policies and procedures when utilizing outreach for the services provided by the Workforce Innovation  
15 and Opportunity Act.

16 **117.88.** (GP: WIOA Training Marketability Evaluation) (A) For the current fiscal year, the Department of Employment and  
17 Workforce shall submit a report that demonstrates how funds were expended in the prior fiscal year to provide marketable work  
18 skills training. The report shall include, but not be limited to the total number of local training recipients, a description of the training  
19 area in which each recipient participated, and the number and percentage of participants in each training area that, upon completion  
20 of training, have become employed in the field in which they were trained. The report shall be submitted to the Chairman of the  
21 Senate Finance Committee, the Chairman of the Senate Labor, Commerce and Industry Committee, the Chairman of the House Ways  
22 and Means Committee, and the Chairman of the House Labor, Commerce and Industry Committee on or before December sixteenth.

23 (B) Also, the report must specifically describe any restructuring or realignment of agency functions, and any changes in staffing  
24 levels or service. The report must detail information on employees terminated, hired, re-hired, reassigned, or reclassified by program  
25 area and location. Further, the report must describe efforts made by the agency to reassign or retrain employees who were terminated  
26 for positions for which the department hired new employees.

27 **117.89.** (GP: Victims Assistance Transfer) The Department of Corrections shall transfer \$20,500 each month to the Office of  
28 Attorney General for distribution through the State Victims Assistance Program.

29 **117.90.** (GP: DOC & PPP Potential Consolidation Plan) From the funds appropriated to the Department of Corrections and the  
30 Department of Probation, Parole and Pardon Services, the directors of the departments may collaborate and develop a plan to  
31 consolidate the functions of the departments.

32 **117.91.** (GP: USC Greenville Medical School) It is the intent of the General Assembly that during the current fiscal year, no  
33 general funds shall be appropriated for the new medical school at the University of South Carolina in Greenville. In addition, no  
34 state funds may be transferred from state earmarked or restricted funds held by the University of South Carolina to the medical school  
35 except for grants, contributions, contractual payments, and tuition and required fees for students attending the new medical school at

1 the University of South Carolina in Greenville that are specifically designated for the medical school at the University of South  
2 Carolina in Greenville.

3 **117.92.** (GP: BabyNet Quarterly Reports) The School for the Deaf and Blind, the Department of Disabilities and Special Needs,  
4 the Department of Health and Human Services, *and* the Department of Mental Health ~~and the Department of Social Services~~ shall  
5 each provide on a common template, a quarterly report to the Chairman of the House Ways and Means Committee and the Chairman  
6 of Senate Finance outlining all programs provided by them for BabyNet; all federal funds received and expended on BabyNet and  
7 all state funds expended on BabyNet. Each entity and agency shall report on its share of the state's ongoing maintenance of effort  
8 as defined by the US Department of Education under IDEA Part C.

9 **117.93.** (GP: Single Audit Schedule of Federal Expenditures) To ensure timely completion of the of the Statewide Single Audit,  
10 state agencies which do not receive a separate audit of federal expenditures, must submit to the Office of the State Auditor a schedule  
11 of federal program expenditures in a format prescribed by the Office of the State Auditor, no later than August fifteenth of each year.

12 **117.94.** (GP: Prohibits Local Government Fund Public Funded Lobbyists) All local governmental entities including, but not  
13 limited to, counties, municipalities, and associations are prohibited from using taxpayer funds received from the Local Government  
14 Fund to compensate employees for lobbying activities engaged in on behalf of such governmental entity.

15 **117.95.** (GP: School Construction Development Impact Fee Assessment Prohibition) Governmental entities are prohibited from  
16 assessing South Carolina Development Impact Fees on the construction of new elementary, middle, or secondary schools. If a  
17 governmental entity violates this prohibition it shall have its Aid to Subdivisions Allocation reduced by the amount of the impact  
18 fee.

19 **117.96.** (GP: Prohibit Use of State Aircraft for Athletic Recruitment) Institutions of higher learning may use the state aircraft  
20 operated by the Division of Aeronautics for the purpose of athletic recruiting, provided that they reimburse the Division of  
21 Aeronautics for all flight hours on an at cost basis, using non-general funds.

22 To ensure availability of the aircraft for purposes of economic development, the Department of Commerce shall have first right of  
23 refusal in the event of scheduling conflicts with athletic recruiting flights.

24 **117.97.** (GP: Recreational Activities) Two counties that receive an allocation from the Local Government Fund may enter into  
25 a Memorandum of Understanding in order to provide recreational activities and projects that benefit the citizens of both counties.

26 **117.98.** (GP: Technology and Remediation) The funds appropriated to the Department of Administration for the Division of  
27 Information Security shall be used to develop and implement a statewide information security program. A portion of the nonrecurring  
28 funds may be used for enterprise technology and remediation, and distributed to state agencies to address the State's most serious  
29 information security vulnerabilities as determined by the Division of Information Security and the Division of Technology  
30 Operations. Funds appropriated for Enterprise Technology and Remediation shall be excluded from the Department of  
31 Administration's base budget calculation of any across-the-board agency base reduction mandated by the Executive Budget Office  
32 or the General Assembly. Unexpended Enterprise Technology and Remediation funds may be carried forward from the prior fiscal  
33 year and used for the same purpose.

34 **117.99.** (GP: Data Breach Notification) (A) An agency of this State owning or licensing computerized data or other data that  
35 includes personal identifying information shall disclose any breach of the security of the system following discovery or notification  
36 of the breach in the security of the data to any resident of this State whose personal identifying information was, or is reasonably

1 believed to have been, acquired by an unauthorized person. In determining whether information has been acquired, or is reasonably  
2 believed to have been acquired, by an unauthorized person or a person without valid authorization, the agency may consider the  
3 following factors, among others:

4 (1) indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen  
5 computer or other device containing information;

6 (2) indications that the information has been viewed, downloaded, or copied; or

7 (3) indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of  
8 reported identity theft.

9 (B) An agency maintaining computerized data or other data that includes personal identifying information that the agency does  
10 not own shall notify the owner or licensee of the information of a breach of the security of the data immediately following discovery,  
11 if the personal identifying information was, or is reasonably believed to have been, acquired by an unauthorized person.

12 (C) The disclosure requirements of subsections (A) and (B) must be made in the most expedient time possible and without  
13 unreasonable delay; however, the notification required by this section may be delayed if a law enforcement agency determines that  
14 the notification impedes a criminal investigation and must be made after the law enforcement agency determines that it no longer  
15 compromises the investigation. A delay in notification shall not exceed seventy-two hours after discovery, unless the agency requests  
16 and the attorney general grants, in writing, additional delays of up to seventy-two hours each upon a determination that such  
17 notification impedes a criminal investigation.

18 (D) For purposes of this section:

19 (1) "Agency" means any agency, department, board, commission, committee, or institution of higher learning of the State or  
20 a political subdivision of it.

21 (2) "Breach of the security of the system" means unauthorized access to and acquisition of computerized data that was not  
22 rendered unusable through encryption, redaction, or other methods that compromise the security, confidentiality, or integrity of  
23 personal identifying information maintained by the agency, when illegal use of the information has occurred or is reasonably likely  
24 to occur or use of the information creates a material risk of harm to the consumer. Good faith acquisition of personal identifying  
25 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  
26 personal identifying information is not used or subject to further unauthorized disclosure.

27 (3) "Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis,  
28 regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information  
29 on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate  
30 commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies shall be compiled by  
31 the Department of Consumer Affairs and furnished upon request to the agency required to make a notification under this section.

32 (4) "Personal identifying information" means the first name or first initial and last name in combination with and linked to any  
33 one or more of the following data elements that relate to a resident of this State, when the data elements are neither encrypted nor  
34 redacted or when the data elements are encrypted with an encryption key and the encryption key that has also been acquired:

35 (a) social security number;

36 (b) driver's license number or state identification card number issued instead of a driver's license;

1 (c) financial account number, or credit card or debit card number in combination with any required security code, access  
2 code, or password that would permit access to a resident's financial account; or

3 (d) other numbers or information which may be used to access a person's financial accounts or numbers or information  
4 issued by a governmental or regulatory entity that uniquely will identify an individual.

5 The term does not include information that is lawfully obtained from publicly available information, or from federal, state, or local  
6 government records lawfully made available to the general public.

7 (E) The notice required by this section may be provided by:

8 (1) written notice;

9 (2) electronic notice, if the agency's primary method of communication with the individual is by electronic means, the person  
10 to whom notice is required has expressly consented to receiving said notice in electronic form, or is consistent with the provisions  
11 regarding electronic records and signatures set forth in Section 7001 of Title 15 USC and Chapter 6, Title 26 of the 1976 Code;

12 (3) telephonic notice; or

13 (4) substitute notice, if the agency demonstrates that the cost of providing notice exceeds two hundred fifty thousand dollars  
14 or that the affected class of subject persons to be notified exceeds five hundred thousand or the agency has insufficient contact  
15 information. Substitute notice consists of:

16 (a) e-mail notice when the agency has an e-mail address for the subject persons;

17 (b) conspicuous posting of the notice on the agency's website page, if the agency maintains one; or

18 (c) notification to major statewide media.

19 Regardless of the method by which notice is provided, such notice shall include contact information for the agency making the  
20 notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person  
21 without valid authorization, including specification of which of the elements of personal information and private information were,  
22 or are reasonably believed to have been, so acquired.

23 (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  
24 remedies available at law, may:

25 (1) institute a civil action to recover damages;

26 (2) seek an injunction to enforce compliance; and

27 (3) recover attorney's fees and court costs, if successful.

28 (G) An agency that knowingly and willfully violates this section is subject to an administrative fine up to one thousand dollars  
29 for each resident whose information was accessible by reason of the breach, the amount to be decided by the Department of Consumer  
30 Affairs.

31 (H) If the agency provides notice to more than one thousand persons at one time pursuant to this section, the agency shall notify,  
32 without unreasonable delay, the Consumer Protection Division of the Department of Consumer Affairs and all consumer reporting  
33 agencies that compile and maintain files on a nationwide basis, as defined in 15 USC Section 1681a(p), of the timing, distribution,  
34 and content of the notice.

35 **117.100.** (GP: State Ports Authority Property) If the State Ports Authority has not completed the sale of its real property on Daniel  
36 Island, except for the dredge disposal cells that are needed in connection with the construction of the North Charleston terminal on

1 the Charleston Naval Complex and for harbor deepening and for channel and berth maintenance, by June 30, ~~2022~~ 2023, the authority  
2 must transfer the property to the Department of Administration. The authority shall sell the real property under terms and conditions  
3 it considers most advantageous to the authority and the State of South Carolina.

4 **117.101** (GP: Remittance of Court Fee and Fine Money) County and city treasurers are required to remit to the State Treasurer  
5 set percentages of revenues generated by assessments imposed by 14-1-206(A), 14-1-207(A), 14-1-208(A). This remittance is  
6 required on a monthly basis by the 15th day of each month.

7 Should a county and/or city treasurer fail to make the required remittance, the SC Criminal Justice Academy shall cease providing  
8 services to all law enforcement officers of all law enforcement agencies encompassed within the political subdivision if they have  
9 failed to make remittance for two consecutive months in a fiscal year. The finance director shall certify by July first, under oath, that  
10 the county and/or city has remitted all funds or the SC Criminal Justice Academy shall withhold services until such time as remittance  
11 is made.

12 **117.102.** (GP: Detailed Expenditure/Revenue Reports PCC/CID) The Prosecution Coordination Commission and the Commission  
13 on Indigent Defense shall provide detailed expenditure reports and associated revenue streams for each individual circuit, revenue  
14 streams shall include, but not be limited to, state funds, local funds, Federal funds, and also nongovernmental sources of funds, by  
15 no later than September first, on the prior fiscal year, to the appropriate commission. The commissions shall then provide the  
16 Chairman of the House Ways and Means Committee and Chairman of the Senate Finance Committee with a combined report by  
17 September fifteenth of the current fiscal year.

18 **117.103.** (GP: South Carolina Welcome Centers) The Department of Parks, Recreation and Tourism and the Department of  
19 Transportation shall maintain a Memorandum of Understanding (MOU) that provides that the Department of Parks, Recreation and  
20 Tourism shall control operations of all South Carolina Welcome Centers. The MOU shall include replacement, renovation and  
21 maintenance of the facilities, daily operations, and grounds maintenance and upkeep and shall clearly define responsibility for  
22 additional portions of Welcome Centers to include paving and sidewalks. The Department of Transportation shall transfer to the  
23 Department of Parks, Recreation and Tourism the amount of \$3,563,560 less any state funds appropriated by the General Assembly  
24 for the same purpose. The Department of Parks, Recreation and Tourism assumes responsibility for this amount and the timing of  
25 the transfer of these funds shall be defined as part of the MOU. The funds transferred to the Department of Parks, Recreation and  
26 Tourism shall be placed in a separate and distinct fund and these funds shall be carried forward from the prior fiscal year into the  
27 current fiscal year and be expended for the same purposes.

28 **117.104.** (GP: Continuation of Teen Pregnancy Prevention Project Accountability) Qualifying organizations applying for General  
29 Funds provided as a special item in this act and titled Continuation of Teen Pregnancy Prevention must include in its application a  
30 proposed annual budget and agreement to provide quarterly reports to the grantor state agency detailing the expenditure of funds and  
31 the project's accomplishments which shall include:

32 (1) Financial:

33 (a) Personnel costs, including employer contributions, by position for each of the following areas: administration, training,  
34 and education, as well as for other positions as identified;

35 (b) Operational costs identified in the application;

36 (c) One-time costs over \$500 for such items as supplies;



1 Administration costs may not exceed ten percent of the total project budget. For purposes of this provision, "Administration" is  
2 defined as expenses other than educational.

- 3 (2) Description of program and curriculum to be used;
- 4 (3) Description of training;
- 5 (4) Schedule and brief description of project activities for each quarter;
- 6 (5) Participation reports on the following:
  - 7 (a) Number of persons who participated;
  - 8 (b) Total number of hours provided;
  - 9 (c) Number of train the trainer events;
  - 10 (d) Other data regarding the activities of the project;
- 11 (6) Description of the project evaluation to be used;
- 12 (7) Copy of latest completed independent financial audit and agency's response to any audit exceptions;
- 13 (8) Qualifications of project personnel;
- 14 (9) Best Practices to be used; and
- 15 (10) Evidence Based Curriculum.

16 An organization awarded a grant must provide these quarterly reports to the grantor state agency within fifteen days of the end of  
17 each quarter. Grantees failing to submit reports with thirty days of the end of each quarter shall have their grant terminated.

18 Unexpended funds for Continuation of Teen Pregnancy Prevention projects under the Department of Social Services or under the  
19 Department of Health and Environmental Control shall be carried forward for the purpose of fulfilling the department's contractual  
20 agreement.

21 **117.105.** (GP: Information Technology and Information Security Plans) (A) By August first of the current fiscal year, all state  
22 agencies must submit an information technology plan and an information security plan to the Department of Administration. State  
23 agencies must submit updates to their plans if there are changes following initial submission. Changes that would necessitate an  
24 updated plan include, but are not limited to, changes in response to technological advancements, changes in legislation, regulation  
25 or compliance requirements, newly identified funding sources, or new issues relating to information technology management or  
26 business requirements.

27 The information technology plans required by this section shall be in the form and level of detail required by the department and  
28 shall include at least: (1) the information technology objectives of the state agency; (2) an inventory of the state agency's information  
29 technology; (3) any performance measures used by the state agency for implementing its information technology objectives; (4) how  
30 the state agency's development of information technology coordinates with other governmental entities; (5) the state agency's budget  
31 plans for information technology for the coming fiscal year which must include: (a) all fixed, recurring information technology  
32 costs, regardless of funding sources; (b) new information technology expenditures for services, hardware upgrades/replacements and  
33 software purchases, regardless of funding sources; (c) new information technology projects, regardless of funding sources; and (d)  
34 FTE counts, temporary personnel counts, and salary information and position descriptions for all information technology personnel,  
35 regardless of funding sources; and (6) the state agency's need for appropriations for information technology.

1 The information security plans required by this section shall be in the form and level of detail required by the division and shall  
2 include at least: (1) the information security objectives of the state agency; (2) an inventory of the state agency's information security  
3 technology; (3) a profile of the state agency's compliance with security policies established by the division; (4) a profile of the state  
4 agency's sensitive data and a description of applicable state and federal privacy requirements; (5) a profile of risk management and  
5 other measures taken by the state agency to protect its data from unauthorized access and disclosure; (6) the state agency's budget  
6 plans for information security for the coming fiscal year which must include: (a) all fixed, recurring information security technology  
7 costs, regardless of funding sources; (b) new information security expenditures for services hardware upgrades/replacements and  
8 software purchases, regardless of funding sources; (c) new information security projects, regardless of funding sources; and (d) FTE  
9 counts, temporary personnel counts, and salary information and position descriptions for all information security personnel,  
10 regardless of funding sources; and (7) the state agency's need for appropriations for information security.

11 (B) The director of the Department of Administration should seek advice from private and public sector resources on the efficient  
12 use of information technology and best practices.

13 (C) The Judicial Department, Legislative Department, public institutions of higher learning, technical colleges, political  
14 subdivisions and quasi-governmental bodies are specifically exempt from the requirements as provided in this proviso.

15 **117.106.** (GP: SCOIS Transfer) For the current fiscal year, the South Carolina Occupational Information System, its authority  
16 and responsibilities, to include the collections of user fees that must be used to operate the program, shall continue to be transferred  
17 from the Department of Employment and Workforce to the Department of Education.

18 **117.107.** (GP: Child Fatality Review) The agencies specified shall implement the following recommendations contained in the  
19 Legislative Audit Council's October 2014 report "A Review of Child Welfare Services at the Department of Social Services":

20 (1) Annually, the Department of Social Services and the State Child Fatality Advisory Committee shall jointly report statistics  
21 on child deaths from maltreatment and the number of those with prior Department of Social Services involvement;

22 (2) The Department of Social Services and the State Child Fatality Advisory Committee shall use their child fatality review  
23 findings to make recommendations to revise Department of Social Services policy or practice where appropriate;

24 (3) The Department of Social Services shall ensure that it includes child fatality statistics from all relevant sources when reporting  
25 to the National Child Abuse and Neglect Data System. These sources shall include, but not be limited to, law enforcement agencies  
26 and the Department of Health and Environmental Control;

27 (4) The State Law Enforcement Division and the Department of Health and Environmental Control shall establish a system for  
28 cross checking child fatalities in the state to ensure that all fatalities are being properly reported to the State Law Enforcement  
29 Division;

30 (5) The State Law Enforcement Division and the State Child Fatality Advisory Committee shall review the training provided to  
31 coroners on the reporting of child fatalities to ensure that information is provided on which fatalities are to be reported and what  
32 procedure is to be followed for reporting the fatalities;

33 (6) The Department of Public Safety shall report statistics on all child fatalities to the State Child Fatality Advisory Committee;  
34 and

1 (7) The State Child Fatality Advisory Committee shall evaluate the feasibility of adopting the Child Death Review Case  
2 Reporting System developed by the National Center for the Review and Prevention of Child Deaths and shall submit a report on their  
3 findings to the General Assembly by December 1, 2016.

4 Pursuant to Section 63-11-1930 (E) of the 1976 Code, the director of each agency specified in this provision shall ensure that  
5 sufficient staff and administrative support is provided to the State Child Fatality Advisory Committee to accomplish the requirements  
6 of this provision.

7 **117.108.** (GP: Refugee Resettlement Program) No state funds shall be expended to assist in the United States Refugee  
8 Resettlement Program unless the county council of the county where the resettlement is to occur approves the relocation.

9 **117.109.** (GP: Family Planning Funds) (A) Notwithstanding any other law, federal family planning funds and state family  
10 planning funds shall be awarded to eligible individuals, organizations, or entities applying to be family planning contractors in the  
11 following order of descending priority:

12 (1) public entities that provide family planning services, including state, county, and local community health clinics and  
13 federally qualified health centers;

14 (2) nonpublic entities that provide comprehensive primary and preventive health services, as described in 42 U.S.C.  
15 254b(b)(1)(A), in addition to family planning services; and

16 (3) nonpublic entities that provide family planning services but do not provide comprehensive primary and preventive health  
17 services.

18 (B) Family planning funds must be distributed in compliance with federal law to ensure distribution in a manner that does not  
19 severely limit or eliminate access to family planning services in any region of the State.

20 (C) Any department, agency, board, commission, office, or other instrumentality of the State that distributes family planning  
21 funds shall submit an annual report to the General Assembly listing any family planning contractors that fall under item (A)(3), and  
22 the amount of federal or state family planning funds they received. The report shall provide a detailed explanation of how it was  
23 determined that there were an insufficient number of eligible individuals, organizations, or entities in items (A)(1) and (A)(2) to  
24 prevent a significant reduction in family planning services in each region of the State where (A)(3) contractors are located.

25 **117.110.** (GP: Statewide Strategic Information Technology Plan Implementation) To ensure the uniform implementation of the  
26 Statewide Strategic Information Technology Plan developed pursuant to the Restructuring Act of 2014 and designed to improve the  
27 State's ability to provide reliable, secure, cost-efficient, and innovative information technology services and infrastructure, state  
28 agencies are directed as follows:

29 (1) Agencies shall use the shared services from the Department of Administration, Division of Technology Operations as those  
30 services become available and in a sequence to be determined by the division. Agencies shall coordinate with the division to  
31 accomplish a strategic transition to the shared services environment. Shared services include, but are not limited to, mainframe  
32 services, application hosting, servers, storage, network services, desktop services, and disaster recovery services. The State Chief  
33 Information Officer may grant an exception, to be revisited on a periodic basis, if the division determines that it cannot immediately  
34 satisfy the technical or security capabilities required to support the agency in question;

35 (2) With regard to information technology governance, standards, and enterprise architecture, agencies shall comply with the  
36 rules, standards, plans, policies, and directives of the Division of Technology Operations;

1 (3) With regard to information technology governance, standards, and enterprise architecture, agencies shall participate and  
2 comply with decisions determined by the information technology governance advisory groups.

3 (4) With regard to the annual Appropriations Act budget submission, agencies shall submit all information technology budget  
4 requests to the Executive Budget Office and the Division of Technology Operations. The Executive Budget Office and the Division  
5 of Technology Operations shall jointly review the budget requests and recommend for funding consideration only those proposals  
6 that fit into the overall Statewide Strategic Information Technology Plan.

7 (5) With the consultation and approval of the Division of Technology Operations, agencies must create an information technology  
8 plan for purchases that exceed \$50,000 to ensure compliance with the Statewide Strategic Information Technology Plan and the  
9 standards defined by the division.

10 (6) Agencies shall develop a three-year strategic plan for information technology, updated annually, for the Division of  
11 Technology Operations, that shall be approved by the Chief Information Officer, that sets forth: (a) operational and project priorities;  
12 (b) budget summaries; (c) planned projects and procurements; (d) staffing plans; (e) security initiatives; and (f) risks, issues, and  
13 concerns with the agency's information technology.

14 (7) Agencies shall enter information technology costs into the South Carolina Enterprise Information System (SCEIS) as directed  
15 by the Division of Technology Operations and SCEIS.

16 The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of  
17 the House Ways and Means Committee regarding agency compliance no later than December thirty-first of each calendar year.

18 The Legislative Branch, the Judicial Branch, public institutions of higher learning, technical colleges, political subdivisions and  
19 quasi-governmental bodies are specifically exempt from the requirements as provided in this provision.

20 **117.111.** (GP: Sentencing Reform Oversight Committee Reauthorization) There is established for the current fiscal year the South  
21 Carolina Sentencing Reform Oversight Committee. The oversight committee shall be composed of eleven members, two of whom  
22 shall be members of the Senate, both appointed by the Chair of the Senate Judiciary Committee and one being the Chair of the Senate  
23 Judiciary Committee or his designee; two of whom shall be members of the Senate, one appointed by the President of the Senate and  
24 one appointed by the Chairman of the Senate Finance Committee; two of whom shall be members of the House of Representatives,  
25 both appointed by the Chair of the House Judiciary Committee and one being the Chair of the House Judiciary Committee or his  
26 designee; two of whom shall be members of the House of Representatives, one appointed by the Speaker of the House and one  
27 appointed by the Chairman of the House Ways and Means Committee; one of whom shall be appointed by the Chair of the Senate  
28 Judiciary Committee from the general public at large; one of whom shall be appointed by the Chair of the House Judiciary Committee  
29 from the general public at large; and one of whom shall be appointed by the Governor. Provided, however, that in making  
30 appointments to the oversight committee, race, gender, and other demographic factors should be considered to assure  
31 nondiscrimination, inclusion, and representation to the greatest extent of all segments of the population of the State. The members  
32 of the general public appointed by the chairs of the House and Senate Judiciary Committees must be representative of all citizens of  
33 this State and must not be members of the General Assembly.

34 The oversight committee must meet as soon as practicable after appointment and organize itself by electing one of its members as  
35 chair and such other officers as the oversight committee may consider necessary. Thereafter, the oversight committee must meet at  
36 the call of the chair or by a majority of the members. A quorum consists of seven members.

1 The oversight committee shall have the following powers and duties:

- 2 (1) to review the implementation of the recommendations made in the Sentencing Reform Commission report of February 2010,  
3 including, but not limited to:
- 4 (a) the plan required from the Department of Probation, Parole and Pardon Services on the parole board training and other  
5 goals identified in Section 24-21-10;
  - 6 (b) the report from the Department of Probation, Parole and Pardon Services on its goals and the development of assessment  
7 tools consistent with evidence-based practices;
  - 8 (c) the report from the Office of Pretrial Intervention Coordinator in the Commission on Prosecution Coordination on diversion  
9 programs required by the provisions of Article 11, Chapter 22, Title 17; and
  - 10 (d) the report from the Department of Probation, Parole and Pardon Services on:
    - 11 (i) the number and percentage of individuals placed on administrative sanctions and the number and percentage of  
12 individuals who have earned compliance credits; and
    - 13 (ii) the number and percentage of probationers and parolees whose supervision has been revoked for violations of conditions  
14 or for convictions of new offenses;
- 15 (2) to request data similar to the information contained in the report required by Section 17-22-1120 from private organizations  
16 for which programs are operated through a court and that divert individuals from prosecution, incarceration, or confinement, such as  
17 diversion from incarceration for failure to pay child support, and for which programs are sanctioned by, coordinated with, or funded  
18 by federal, state, or local governmental agencies;
- 19 (3)(a) to calculate:
- 20 (i) any state expenditures that have been avoided by reductions in the revocation rate as calculated by the Department of  
21 Probation, Parole and Pardon Services and reported under Sections 24-21-450 and 24-21-680; and
  - 22 (ii) any state expenditures that have been avoided by reductions in the new felony offense conviction rate as calculated by  
23 the Department of Probation, Parole and Pardon Services and reported under Sections 24-21-450 and 24-21-680;
- 24 (b) to develop rules and regulations for calculating the savings in item (3)(a), which shall account at a minimum for the variable  
25 costs averted, such as food and medical expenses, and also to consider fixed expenditures that are avoided if larger numbers of  
26 potential inmates are avoided;
- 27 (c) on or before December first, to report the calculations made pursuant to item (3)(a) to the President of the Senate, the  
28 Speaker of the House of Representatives, the Chief Justice of the South Carolina Supreme Court, and the Governor. The report also  
29 shall recommend whether or not to appropriate up to thirty-five percent of any state expenditures that are avoided as calculated in  
30 item (3)(a) to the Department of Probation, Parole and Pardon Services. With respect to the recommended appropriations in this item  
31 (c), none of the calculated savings shall be recommended for appropriation for that fiscal year if there is an increase in the percentage  
32 of individuals supervised by the Department of Probation, Parole and Pardon Services who are convicted of a new felony offense as  
33 calculated in subitem (3)(a)(ii);
- 34 (d) any funds appropriated during this fiscal year pursuant to the recommendations in item (c) shall be used to supplement, not  
35 replace, any other state appropriations to the Department of Probation, Parole and Pardon Services;

1 (e) funds received through appropriations pursuant to this item shall be used by the Department of Probation, Parole and  
2 Pardon Services for the following purposes:

3 (i) implementation of evidence-based practices;

4 (ii) increasing the availability of risk reduction programs and interventions, including substance abuse treatment programs,  
5 for supervised individuals; or

6 (iii) grants to nonprofit victim services organizations to partner with the Department of Probation, Parole and Pardon Services  
7 and courts to assist victims and increase the amount of restitution collected from offenders;

8 (4) to submit to the General Assembly, on an annual basis, the oversight committee's evaluation of the implementation of the  
9 recommendations of the Sentencing Reform Commission report of February 2010;

10 (5) to make reports and recommendations to the General Assembly on matters relating to the powers and duties set forth in this  
11 section, including recommendations on transfers of funding based on the success or failure of implementation of the  
12 recommendations; and

13 (6) to undertake such additional studies or evaluations as the oversight committee considers necessary to provide sentencing  
14 reform information and analysis.

15 The oversight committee members are entitled to such mileage, subsistence, and per diem as authorized by law for members of  
16 boards, committees, and commissions while in the performance of the duties for which appointed. These expenses shall be paid  
17 from the general fund of the State on warrants duly signed by the chair of the oversight committee and payable by the authorities  
18 from which a member is appointed.

19 The oversight committee is encouraged to apply for and may expend grants, gifts, or federal funds it receives from other sources  
20 to carry out its duties and responsibilities.

21 The oversight committee must use clerical and professional employees of the General Assembly for its staff, who must be made  
22 available to the oversight committee.

23 The oversight committee may employ or retain other professional staff, upon the determination of the necessity for other staff by  
24 the oversight committee.

25 The oversight committee may employ consultants to assist in the evaluations and, when necessary, the implementation of the  
26 recommendations of the Sentencing Reform Commission report of February 2010.

27 **117.112.** (GP: State Employee Leave Donation) In the event of a medical emergency, a state employee may make a written  
28 request to the employing agency that a specified number of hours of his accrued annual and/or sick leave be transferred from his  
29 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  
30 director. An employee with less than fifteen days in his sick leave account may not transfer any sick leave to the recipient, and an  
31 employee with more than fifteen days in his sick leave account may transfer sick leave to the recipient if he retains a minimum of  
32 fifteen days in his own sick leave account. Once leave of an employee has been transferred to the recipient, it may not be restored  
33 or returned to the leave donor. For purposes of this provision, a medical emergency is defined under IRS Revenue Ruling 90-29 as  
34 a medical condition of the employee or a family member that will require the prolonged absence of the employee from duty and will  
35 result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from  
36 the leave-sharing plan.

1       **117.113.** (GP: State Engineer) The State Engineer is an office located within the State Fiscal Accountability Authority, all  
2 references to the contrary notwithstanding.

3       **117.114.** (GP: Retail Facilities Revitalization Act Repeal Suspension) The repeal of Chapter 34, Title 6 of the 1976 Code as  
4 specified in Act 285 of 2006 as to sites for which written notification of election of mode of credit has been provided to the  
5 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  
6 Fiscal Year ~~2021-22~~ 2022-23.

7       **117.115.** (GP: Funds Exempt from Budget Reduction Calculations) The funds designated in F310, Section 107, Capital Reserve  
8 Fund, funds designated in V040, Section 112, Debt service, funds designated in X220, Section 113, Aid to Subdivisions - State  
9 Treasurer for the Local Government Fund, and funds designated in X500, Section 115, Tax Relief Trust Fund shall be excluded from  
10 the calculation of any across-the-board base reduction mandated by the Department of Administration, Executive Budget Office or  
11 the General Assembly and shall not be subject to any such reduction.

12       **117.116.** (GP: South Carolina Telemedicine Network) From the funds appropriated to the Medical University of South Carolina  
13 for the MUSC Hospital Authority for Telemedicine and the funds appropriated and authorized for the Department of Health and  
14 Human Services, the agencies must continue the development of the South Carolina Statewide Telemedicine Network. The South  
15 Carolina Telehealth Alliance shall submit a proposal to the MUSC Hospital Authority and the Department of Health and Human  
16 Services to determine which hospitals, clinics, schools or other entities are best suited for Telemedicine partnerships.

17       (A) The Department of Health and Human Services shall develop or continue a program to leverage the use of teaching hospitals  
18 to provide rural physician coverage by expanding the use of Telemedicine, to include new applications such as School Based  
19 Telehealth, and Tele-ICU. The department shall also amend its policy related to reimbursement for telemedicine to add Act 301  
20 Behavioral Health Centers as a referring site for covered telemedicine services.

21       (B) During the current fiscal year the Department of Health and Human Services shall contract with the MUSC Hospital Authority  
22 in the amount of \$5,000,000 to lead the development and operation of a statewide, open access South Carolina Telemedicine  
23 Network. At the request of the department, MUSC shall provide the department with all information and materials necessary to seek  
24 federal medical assistance for this contract. The MUSC Hospital Authority shall contract with each Regional Support Hub to ensure  
25 funding and support of strategic plans submitted by the Regional Support Hubs and approved by both the MUSC Hospital Authority  
26 and the Department of Health and Human Services. Institutions and other entities participating in the network must be afforded the  
27 opportunity to meaningfully participate in the development of any annual refining to the initiative's strategic plan. Working with  
28 the department, the MUSC Hospital Authority shall collaborate with Palmetto Care Connections to pursue this goal. No less than  
29 \$1,000,000 of these funds shall be allocated toward support of Palmetto Care Connections and other hospitals in South Carolina.  
30 The MUSC Hospital Authority must provide the department with quarterly reports regarding the funds allocation and progress of  
31 telemedicine transformation efforts and networks. These reports must include an itemization of the ultimate recipients of these funds,  
32 whether vendors, grantees, specific participating institutions, or the Medical University of South Carolina, and must distinguish  
33 between funds allocation to the university as a participating institution as opposed to those retained and used by the university in its  
34 capacity as the administering entity for the network.

35       (C) The Department of Health and Human Services shall continue to identify and implement telehealth benefits and policies that  
36 are evidence-based, cost efficient, and aligned with the needs of the Medicaid population. The department must also continue to

1 review the temporary telephonic and telehealth flexibilities it has adopted to address the COVID-19 public health emergency and  
2 make permanent those that are suitable for inclusion in the Medicaid benefit. No later than October 1, the department shall submit a  
3 report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee  
4 on policy and benefit changes it has introduced in the furtherance of this goal and as part of its ongoing effort to improve the  
5 sustainability of telehealth services.

6 **117.117.** (GP: Prohibited Funding for Aborted Fetus Research) Notwithstanding any other provision of this act, general funds  
7 appropriated in this act may not be used to purchase fetal tissue obtained from an abortion to perform scientific or laboratory research  
8 or other kinds of investigation conducted on fetal tissue.

9 **117.118.** (GP: SCRS & PORS Trust Fund) Unless otherwise provided in Paragraphs A through D of this provision, the funds  
10 appropriated to the Public Employee Benefit Authority (PEBA) for the South Carolina Retirement System Trust Fund and the Police  
11 Officers' Retirement System Trust Fund in Part IA, Section 108 of this act shall be credited toward the contributions due from  
12 participating employers in SCRS and PORS for Fiscal Year ~~2021-22~~ 2022-23. Each employer's credit shall be determined at the  
13 same rate as calculated by PEBA for the pension funding allocation credit for Fiscal Year 2017-18. A participating employer shall  
14 not receive a credit that exceeds the employer contributions due from the employer.

15 (A) From the funds available for allocation pursuant to this provision, no credits shall be issued for covered employees of special  
16 purpose districts, joint authorities, or non-profit corporations; however, this provision does not apply to the South Carolina State  
17 Ports Authority and the South Carolina Public Service Authority.

18 (B) From the funds available for allocation pursuant to this provision, no credits shall be issued for covered employees of  
19 hospitals; however this provision does not apply to the Medical University Hospital Authority.

20 (C) From the funds available for allocation pursuant to this provision, no credits shall be issued for covered employees of  
21 participating associations or service organizations as defined in Section 9-1-10(11)(e) of the 1976 Code.

22 (D) From the funds available for allocation pursuant to this provision, no credits shall be issued for state employees who are  
23 funded with federal funds. The Public Employee Benefits Authority shall collaborate with the Department of Administration,  
24 Executive Budget Office and the Revenue and Fiscal Affairs Office to determine the amount of credit exclusion for federally-funded  
25 employees of state agencies.

26 **117.119.** (GP: Retirement System Assets and Custodial Banking Relationship Transfer) In order to facilitate the transfer of  
27 custodianship of the assets of the Retirement System to the Public Employee Benefit Authority and governance of the custodial  
28 banking relationship to the Retirement System Investment Commission, all portions of contracts, agreements, and exemptions from  
29 the Consolidated Procurement Code providing for and relating to custodial banking, general banking, accounting, or any other  
30 ancillary services are transferred to, and devolved upon, the Public Employee Benefit Authority and the Retirement System  
31 Investment Commission in accordance with the authority transferred to the respective agency.

32 **117.120.** (GP: Opioid Abuse Prevention and Treatment Plan) From the funds appropriated and authorized to the Department of  
33 Alcohol and Other Drug Abuse Services and the Department of Health and Human Services in the current fiscal year, the agencies  
34 shall establish a coalition of state agencies, providers and other related entities to combat the opioid epidemic in a collaborative  
35 manner and ensure that appropriate services and treatments are made available statewide. This initiative should include efforts to  
36 coordinate funding for the provision of treatment with an assessment of current programs and funding levels, to enhance available



1 prevention, treatment and recovery services; expand provider capacity; and enable workforce development for substance use disorder  
2 services. General Funds appropriated to any state agency for Opioid Abuse Prevention and Treatment may be carried forward and  
3 expended for the same purpose.

4 (A) The Department of Alcohol and Other Drug Abuse Services, the State Law Enforcement Division, and the Department of  
5 Health and Human Services shall establish an advisory board with representation from both agencies, to provide both oversight and  
6 administrative direction to the coalition. The advisory board may also include representation from the Department of Health and  
7 Environmental Control, the Department of Mental Health, the Medical University of South Carolina, the University of South  
8 Carolina's School of Medicine, the Department of Labor Licensing and Regulation, the Department of Corrections, state and local  
9 law enforcement agencies, the judicial branch, the South Carolina Hospital Association, the South Carolina Medical Association, the  
10 South Carolina Primary Health Care Association, Behavioral Health Centers and other related entities. The advisory board must  
11 consider recommendations made in the 2018 report by the South Carolina House of Representatives Opioid Abuse Prevention Study  
12 Committee, as well as any recommendations made by the South Carolina Behavioral Health Coalition related to substance use  
13 disorders and create a plan to ensure implementation of appropriate recommendations.

14 (B) The Department of Health and Human Services may leverage any and all available federal funds to implement enhanced  
15 treatment services and resources for this coalition.

16 (C) In consultation with the Department of Alcohol and Other Drug Abuse Services and the Medical University of South Carolina  
17 Hospital Authority, the Department of Health and Human Services shall review and evaluate outcomes data from the program for  
18 MAT services for prescription opioid dependency and addiction established by Act 97 of 2017 and expanded by Act 264 of 2018.  
19 Based on the success rate and ability to continue expansion of this model, the department may provide funding not to exceed  
20 \$2,500,000 to continue and expand the program to additional providers that are necessary to ensure greater impact in geographical  
21 areas of critical need. All medications proven to be effective in treating opioid addiction shall be considered as viable options on a  
22 case by case basis to ensure the greatest level of success for individuals in the program.

23 (D) The Department of Alcohol and Other Drug Abuse Services and the Department of Health and Human Services shall assist  
24 the Department of Health and Environmental Control with any funding required to implement necessary programmatic enhancements  
25 to the Prescription Monitoring Program. The departments must consider changes to strengthen risk assessments and patient support  
26 tools, as well as the potential integration of Electronic Health Record systems. To the extent possible, the program must be expanded  
27 to include the administration of naloxone and other opioid overdose antidotes.

28 (E) In order to provide comprehensive treatment, from the point of incarceration, to individuals charged with criminal offenses  
29 who suffer from any substance use disorder that is treatable with medication, the Department of Alcohol and Other Drug Abuse  
30 Services must solicit potential cooperation from law enforcement, the state's solicitors, Magistrate Courts and Circuit Courts, to  
31 establish a diversion program in at least one judicial circuit. This program shall provide both behavioral and medical treatment,  
32 consultations with peer support specialists, and continued supervision of participants who are released, which may include electronic  
33 monitoring.

34 (F) The Department of Alcohol and Other Drug Abuse Services and the Department of Health and Human Services shall also  
35 coordinate with at least one four-year college or university and one two-year technical college with on-campus dormitories to  
36 establish pilot programs for Collegiate Recovery Programs to target intervention and the retention of students. These programs must

1 offer academic support in designated spaces that provide for group meetings, clinical support, technology access, and academic  
2 advising, to assist students in recovery.

3 **117.121.** (GP: SCEIS Data Entry Compliance) The Department of Administration shall develop and issue written SCEIS data  
4 entry standards and guidelines for agency compliance. To ensure uniform compliance with these standards and guidelines, state  
5 agencies shall comply with all SCEIS data entry rules, standards, plans, policies, directives, and guidelines established by the  
6 Department of Administration.

7 The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of  
8 the House Ways and Means Committee regarding agency compliance no later than December thirty-first of each calendar year.

9 **117.122.** (GP: Statewide Real Estate Plan Implementation) Pursuant to legislative intent expressed in Proviso 118.2 (Titling of  
10 Real Property) of this act to establish a comprehensive central real property and office facility management process to plan for the  
11 needs of state government agencies; and to achieve maximum efficiency and economy in the use of state-owned, state-leased, and  
12 commercial leased facilities, all state agencies are directed as follows:

13 (1) In the current occupation of state-owned and commercial facilities or prior to incurring an obligation to expend funds through  
14 entering or renewing a lease for state-owned or commercial facilities, state agencies shall work in conjunction with the Department  
15 of Administration to achieve uniform space standards in state-owned, state-leased, and commercial leased facilities resulting over  
16 time in an overall target density of 210 square feet per person unless otherwise approved by the department.

17 (2) Prior to entering or renewing any contract for leasing real property, state agencies shall comply with the Department of  
18 Administration's site selection criteria for state-owned, state-leased, or commercial leased space,

19 (3) State agencies shall record into the South Carolina Enterprise Information System (SCEIS) all maintenance and operations  
20 expenditures for state-owned and state-leased facilities in the manner prescribed by the Department of Administration.

21 (4) State agencies shall provide to the Department of Administration a list of all contracts related to facilities management,  
22 maintenance, and support, and shall not renew or enter into any new contracts related to facilities management, maintenance or  
23 support without prior approval from the Department of Administration.

24 (5) Under guidance and direction of the Department of Administration, state agencies shall annually report on and submit plans  
25 to address ongoing and deferred maintenance for all state-owned real property.

26 (6) State agencies shall annually update and submit an inventory of state-owned facilities and land to the Department of  
27 Administration by June 30 of each fiscal year in the manner prescribed by the department. Each submission shall include a portfolio  
28 assessment with recommendations for any dispositions.

29 The Legislative Branch, the Judicial Branch, public institutions of higher learning, technical colleges, political subdivisions and  
30 quasi-governmental bodies are generally exempt from the requirements of this proviso; provided, however, that public institutions  
31 of higher learning and technical colleges shall be subject to the provisions of paragraph (6) in its entirety, and the provisions of  
32 paragraph (1) with respect to any facility or portion thereof used for administrative and office space.

33 The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of  
34 the House Ways and Means Committee regarding compliance with this proviso no later than December 31 of each calendar year,  
35 beginning December 31, 2018.

1       **117.123.** (GP: Statewide Administrative Services) The Department of Administration may provide consolidated administrative  
2 services to all agencies to promote cost savings, process integrity and other efficiencies, and to reduce duplication, overlap and  
3 redundancies, or any combination thereof and to provide for consistency in transactions and processes and to advance a statewide  
4 approach to agency administration. Consolidated administrative services may include, but are not limited to: 1) financial and  
5 accounting support, such as accounts payable and receivable processing, procurement processing, journal entry processing and  
6 financial reporting assistance; 2) human resources administrative support, such as transaction processing and reporting, payroll  
7 processing, and human resources training; and 3) budget support, such as budget transaction processing and budget reporting  
8 assistance.

9       Agencies that receive twenty million dollars or less in total appropriations in the current fiscal year shall consult with the  
10 Department of Administration to determine whether the use of consolidated administrative services offered by the department would  
11 be beneficial to the agency. The Legislative Branch, the Judicial Branch, public institutions of higher learning and technical colleges  
12 shall be exempt from the requirements of this provision.

13       The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of  
14 the House Ways and Means Committee regarding agency utilization of administrative services offered by the department no later  
15 than December 31, ~~2021~~ *of the current fiscal year*.

16       **117.124.** (GP: Mobile Device Protection Plan) With funds appropriated and authorized in the current fiscal year, the Department  
17 of Administration in the current fiscal year, shall implement updated policies for protecting mobile devices including, but not limited  
18 to, cellular phones, tablets and laptops. The department must also consider the potential consolidation of existing protection plans  
19 as established by other state agencies, to ensure an effective and efficient statewide approach to a protection plan that covers all state  
20 owned devices.

21       (A) The following factors shall be considered by the department as it reviews options for providing this protection, and to the  
22 extent possible, the following components must be included in the updated plan:

- 23       (1) Protective cases and screens for all devices;
- 24       (2) Multi-year insurance coverage for both the device and the protective case;
- 25       (3) Zero deductible if possible to ensure cost savings to the department;
- 26       (4) Multiple claims per device should be allowable;
- 27       (5) Replacement policy if devices cannot be repaired; and
- 28       (6) Local pickup and delivery service for efficient repair and replacement where possible.

29       (B) Upon development of these policies and to follow the new mobile device purchasing policy for state agencies, the State Fiscal  
30 Accountability Authority must establish a statewide contract for protecting all state owned, mobile devices that can be included in  
31 one combined contract.

32       (C) The State Fiscal Accountability Authority must ensure that any contract developed for this purpose is awarded utilizing a  
33 competitive approach in accordance with the South Carolina Procurement Code.

34       **117.125.** (PSA: Board Meeting Coverage) The South Carolina Public Service Authority must provide live-streamed coverage  
35 whenever practicable of all meetings of the Board of Directors to ensure transparency and access for the public. The board meetings

1 shall be recorded and archived and made available on the South Carolina Public Service Authority's website. If a meeting cannot be  
2 live-streamed, then the authority must make transcripts available on the authority's website within three business days.

3 **117.126.** (GP: Criminal History Investigations) (A) State agencies, state institutions and political subdivisions of the state are  
4 authorized, as necessary to comply with internal revenue service Publication 1075, including amendments thereto and publications  
5 replacing Publication 1075, to obtain state and national criminal history background checks and investigations performed by the  
6 State Law Enforcement Division and the Federal Bureau of Investigation on all employees and contractors with access to federal tax  
7 information. The State Law Enforcement Division is authorized to conduct fingerprint-based state and national background checks  
8 for state agencies, state institutions and political subdivisions of the state which have access to federal tax information in order to  
9 comply with Publication 1075.

10 (B) An employee or contractor of a state agency, state institution and political subdivision of the state with access to or that uses  
11 federal tax information must:

12 (1) agree to a national background check and the release of all investigative records to the state agency, state institution or  
13 political subdivision of the state for the purpose of verifying criminal history information for non-criminal justice purposes; and

14 (2) supply a fingerprint sample and submit to a state criminal history background check and investigation to be conducted by  
15 the State Law Enforcement Division, and then submit to a national criminal history background check to be conducted by the Federal  
16 Bureau of Investigation.

17 (C) Except as otherwise provided in this section, a state agency, state institution or political subdivision of the state shall pay any  
18 costs incurred to conduct background checks and investigations requested by the state agency. The state agency, state institution or  
19 political subdivision of the state may require a person or entity contracting with the agency to pay the costs associated with the  
20 background investigations for all employees of the contractor. The requirement may be a condition of the contract with the agency,  
21 state institution or political subdivision of the state.

22 (D) Each state agency, state institution or political subdivision of the state required to conduct background checks and  
23 investigations pursuant to this provision shall establish written policies concerning the implementation and use of the background  
24 checks and investigations conducted pursuant to this provision.

25 **117.127.** (GP: Medical Marijuana Research) With funds provided in this fiscal year, the University of South Carolina College of  
26 Pharmacy and the Medical University of South Carolina are authorized, to the extent permitted by and in accordance with federal  
27 laws and regulations, to undertake the following actions: acquire pharmaceutical grade marijuana, marijuana extracts, semi-pure  
28 isolates, and purified compounds, including, but not limited to, THC, CBD, CBO, cannabitol, and cannabigerol for use in research  
29 and clinical trials to develop potential therapeutic agents for epilepsy, Dravet's Syndrome, chronic pain, cancer, reduction of nausea,  
30 and vomiting induced by chemotherapy, glaucoma, obesity, multiple sclerosis, drug abuse, inflammation, and autoimmune disorders,  
31 including encephalomyelitis.

32 The University of South Carolina and the Medical University of the South Carolina are further authorized to form collaborations,  
33 agreements, and partnerships with other public and private entities in order to conduct this research and clinical trials, to the extent  
34 permitted by and in accordance with federal laws and regulations, as well as to pursue both public and private funding. Further, the  
35 University of South Carolina and the Medical University of South Carolina are directed to provide to the members of the South

1 Carolina General Assembly, on or before the first day of the 2021 legislative session, with a written summary of the actions they  
2 have undertaken pursuant to this proviso and the material findings, if any, resulting from such activities.

3 **117.128.** (GP: Immigration Compliance Report) From the funds appropriated to the South Carolina Law Enforcement Division  
4 (SLED), the agency shall publish the Immigration Compliance Report (ICR). SLED may conduct investigations necessary to ensure  
5 the accuracy of information provided by counties and municipal governments within the ICR. Every agency of this State, and  
6 political subdivisions thereof, shall provide documentation that SLED considers necessary for the publication of the ICR. The ICR  
7 shall contain a list of county and municipal governments that SLED has certified to be compliant with Sections 17-13-170(E) and  
8 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  
9 States in the previous fiscal year. The ICR must be provided to the General Assembly, the Governor, and the State Treasurer by  
10 December thirty-first of the current fiscal year.

11 The State Treasurer shall withhold any remaining disbursement from the Local Government Fund to any county or municipality  
12 that is not certified as “compliant” in the ICR; however, this requirement may not be imposed until the first publication of the ICR.

13 **117.129.** (GP: School Resource Officer Critical Needs) Any Class 1 law enforcement officer who retired under the Police Officers  
14 Retirement System on or before December 31, 2017, may return to employment with a public school district as a critical needs  
15 School Resource Officer without affecting the monthly retirement allowance that they are receiving from the Police Officers  
16 Retirement System. The Law Enforcement Training Council must develop guidelines and curriculum for these officers to be  
17 recertified and must not require recertification through basic training for those that have been inactive for a year or more.

18 **117.130.** (GP: Secure Area Duty Officers Program) The Office of Adjutant General, the State Law Enforcement Division, and  
19 other law enforcement authorities are authorized to conduct security-related activities as prescribed by the Governor in Executive  
20 Order 2015-18. Activities carried out under this program shall be considered state or federal training for purposes of Section  
21 15-78-60(19) of the 1976 Code and the agency and its personnel shall be exempt from liability as described therein. State agencies  
22 involved in the Secure Area Duty Officers Program (SADOP) may expend state and federal funds in support of the program.

23 **117.131.** (GP: Magistrates Compensation) Notwithstanding Proviso 117.149 (Employee Compensation), in the current fiscal  
24 year, the salary for each magistrate must be calculated using the same schedule and same circuit judge salary, at a minimum, as was  
25 in effect in Fiscal Year 2018-19.

26 **117.132.** (GP: New Savannah Bluff Lock and Dam) The Department of Health and Environmental Control is prohibited from  
27 using any appropriated funds to process and approve any license, permit, authorization, or certification related to the New Savannah  
28 Bluff Lock and Dam inconsistent with the State’s policy and the General Assembly’s intent of maintaining the existing water quality  
29 and navigability conditions of that portion of the Savannah River in and around the New Savannah Bluff Lock and Dam. Consistency  
30 may occur by including conditions on any proposed project for the maintenance of the New Savannah Bluff Lock and Dam pool at  
31 elevation 114.5 NAVD88 for the preservation of adequate and sufficient water quality, navigation, water supply, and recreational  
32 activities.

33 **117.133.** (GP: Diverse Student Recruitment and Retention) Institutions of higher learning shall utilize a portion of the funds  
34 appropriated to or authorized for the institution to develop enrollment and retention programs to promote diversity in their student  
35 population, to include African Americans, Hispanics and other underrepresented minorities. Institutions are directed to report the  
36 effectiveness of these enrollment and retention programs to the Commission on Higher Education for inclusion in their annual report.

1       **117.134.** (GP: Offshore Oil) For the current fiscal year, no funds appropriated or authorized to the Department of Health and  
2 Environmental Control, or to local governmental entities, including but not limited to counties, municipalities and special purpose  
3 districts, may be expended to approve a plan, permit, license application or other authorization for:

4       (1) the construction or use of infrastructure for which the principal purpose is to facilitate the transportation of unrefined or  
5 unprocessed oil or gas into the territorial waters of South Carolina, or onto the lands of South Carolina, from offshore oil and gas  
6 production platforms and related infrastructure in the Atlantic Ocean;

7       (2) activities for which the principle purpose is the exploration, development, or production of unrefined or unprocessed oil or  
8 gas from within the territorial waters of South Carolina; or

9       (3) activities for which the principle purpose is the exploration, development, or production of unrefined or unprocessed oil or  
10 gas in the Atlantic Ocean.

11       For purposes of this proviso:

12       (1) ‘Development’ means the design, planning, permitting, licensing, authorization or construction of infrastructure for which  
13 the principal purpose is the production of oil or gas.

14       (2) ‘Exploration’ means any activity for which the principal purpose is to define, characterize, test for or evaluate oil or gas  
15 resources for possible commercial development or production.

16       (3) ‘Production’ means any activity for which the principal purpose is to engage in, monitor, or conduct operations or  
17 maintenance related to the active extraction of unrefined or unprocessed oil or gas.

18       (4) ‘Territorial waters of South Carolina’ means waters located within the state of South Carolina and waters of the Atlantic  
19 Ocean extending out to three nautical miles from the mean low-water mark of South Carolina’s naturally occurring coastline.

20       **117.135.** (GP: PSA Contracts for Contributions) In the current fiscal year, the South Carolina Public Service Authority may not  
21 enter into any new contracts for contributions to the Executive Defined Benefit Plan or the Executive Retention Defined Contribution  
22 Plan.

23       **117.136.** (GP: Authorization for Expenditure of COVID-19 Federal Funds) ~~(A)(1) The State of South Carolina desires to procure~~  
24 ~~professional grant management services for oversight and compliance of funds received through the ‘Coronavirus Aid, Relief, and~~  
25 ~~Economic Security Act’ (CARES Act) and any other available source of federal COVID-19 relief funds. It is intended that the~~  
26 ~~procurement will result in a contract for professional grant management services that can assist the State with grant management to~~  
27 ~~include, but not be limited to: understanding the requirements and funding streams related to the CARES Act and federal relief~~  
28 ~~funds; creating a framework for grant management from application for funds to disbursement of funds to include the development~~  
29 ~~of processes and controls, data collection, evaluation of requests, and reporting; and creating a system of monitoring for compliance~~  
30 ~~and detecting possible fraud, waste, and abuse.~~

31       ~~(2) It is vital to the State’s interest that a contract be awarded for such professional grant management services in the most~~  
32 ~~expeditious manner possible and time is of the essence. Accordingly, this procurement should be done pursuant to the provisions of~~  
33 ~~Section 11-35-1570 of the 1976 Code. The Executive Director of the South Carolina Department of Administration shall coordinate~~  
34 ~~the process used to procure the professional grant management services needed and shall be responsible for the development of~~  
35 ~~specifications to be included in any contract awarded. The State Fiscal Accountability Authority shall serve as the procuring officer~~  
36 ~~for the procurement process and is responsible for administrative duties related to the process and the contract awarded pursuant to~~

1 ~~it. The State Fiscal Accountability Authority shall assign such personnel as requested by the Executive Director of the Department~~  
2 ~~of Administration to assist the Department of Administration in carrying out its duties under this act.~~

3 ~~(B) State boards, commissions, agencies, departments, and institutions of higher learning are authorized to receive funds directly~~  
4 ~~from the federal government in response to the 2019 Novel Coronavirus (COVID-19). Funds so received shall be expended for~~  
5 ~~COVID-19 preparedness and response and in accordance with applicable federal laws and regulations. Any state board, commission,~~  
6 ~~agency, department, or institution of higher learning that receives funds must submit an expenditure plan to the Governor, the~~  
7 ~~Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. Beginning on June 1,~~  
8 ~~2020, and on the first day of each month thereafter, the recipient shall provide a detailed accounting of the expenditure of all federal~~  
9 ~~relief funds to the Governor and the General Assembly. The detailed accounting must be made available on the Governor's website.~~  
10 ~~Unexpended funds, without limitation, may be carried forward into the succeeding fiscal year and expended for the same purpose.~~

11 ~~(C) The Governor is authorized to receive on behalf of the State of South Carolina federal funds designated for the Coronavirus~~  
12 ~~Relief Fund.~~

13 ~~(D) The Executive Budget Office shall establish the Coronavirus Relief Fund as a federal fund account separate and distinct from~~  
14 ~~all other accounts. All federal appropriations received by the Governor pursuant to subsection (C), must be credited to the~~  
15 ~~Coronavirus Relief Fund account. No other funds may be credited to this account and funds in the account may be expended only~~  
16 ~~by appropriation or authorization by the General Assembly.~~

17 ~~(E) Nothing herein limits any state board, commission, agency, department, or institution receiving funds from the Coronavirus~~  
18 ~~Relief Fund from continuing to expend funds from other sources, including state appropriated funds, that are necessary to address~~  
19 ~~the state's response to COVID-19. Any unexpended funds from the Coronavirus Relief Fund, without limitation, may be carried~~  
20 ~~forward into the succeeding fiscal year and expended for the same purpose.~~

21 ~~117.137. (GP: Mandatory Furlough Flexibility - COVID-19) (A) In order to provide maximum flexibility to a state agency or~~  
22 ~~institution of higher learning during the state's COVID-19 response, an agency or institution experiencing significant decreases in~~  
23 ~~revenue sources or significant unanticipated expenditures as a result of the COVID-19 response may implement a mandatory furlough~~  
24 ~~subject to the review and approval of the Department of Administration Division of State Human Resources. Approved furloughs~~  
25 ~~must comply with all federal laws. Implementation of furloughs should be in a manner similar to furloughs authorized in Chapter~~  
26 ~~11, Title 8, exceptions may be approved by the Division of State Human Resources.~~

27 ~~(B) During a furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to~~  
28 ~~them except for receiving their salaries. As to those benefits that require employer and employee contributions including, but not~~  
29 ~~limited to, contributions to the South Carolina Retirement System or the optional retirement program, the state agencies, institutions,~~  
30 ~~and departments are responsible for making both employer and employee contributions if coverage would otherwise be interrupted;~~  
31 ~~and as to those benefits which require only employee contributions, the employee remains solely responsible for making those~~  
32 ~~contributions.~~

33 ~~(C) The division shall report to the President of the Senate, Speaker of the House of Representatives, the Chairman of Senate~~  
34 ~~Finance Committee, and the Chairman of House Ways and Means Committee when any furloughs are implemented. This~~  
35 ~~information also shall be published on the division's website.~~

1       **117.138.** (GP: Other Fund Flexibility to Maintain Critical Programs Impacted by COVID-19) ~~In order to provide maximum~~  
2 ~~flexibility to a state agency or institution of higher learning during the state's COVID-19 response, agencies and institutions are~~  
3 ~~authorized to spend earmarked and restricted revenue sources to maintain critical programs impacted by the state's COVID-19~~  
4 ~~response. Any spending authorization for these purposes must receive the prior approval of the Executive Budget Office and must~~  
5 ~~be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is~~  
6 ~~authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any~~  
7 ~~other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program~~  
8 ~~budget upon approval of the Executive Budget Office in consultation with the Chairman of the Senate Finance Committee and the~~  
9 ~~Chairman of the House Ways and Means Committee.~~

10       **117.139.** (GP: Transfer Student Credits) ~~The Commission on Higher Education shall work in consultation with the State Board~~  
11 ~~for Technical and Comprehensive Education and the public institutions of higher learning to develop policies by March 1, 2022, to~~  
12 ~~guarantee students who have earned an Associate of Arts or Associate of Science degree from a public two-year institution of higher~~  
13 ~~learning shall receive a minimum of sixty transfer credit hours at a public four-year college or university and shall be given a junior~~  
14 ~~status at the college or university. Course prerequisites and minimum credit requirements for awarding degrees shall still apply.~~  
15 ~~Implementation of the provisions shall be effective beginning June 1, 2022.~~

16       **117.140.** (GP: Permanent Improvement Projects) For the current fiscal year, permanent improvement projects, as defined in Title  
17 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  
18 research universities and not greater than two million dollars for all other public institutions of higher learning shall be exempt from  
19 the requirements of Section 2-47-50, except that a project shall not be considered approved without an institution's governing board  
20 having first voted to approve the project in a public session. Institutions shall provide a report of projects approved by their governing  
21 boards pursuant to this provision to the Chairman of the Commission on Higher Education, the Joint Bond Review Committee, and  
22 the State Fiscal Accountability Authority by ~~September 30th~~ November 15th of the current fiscal year.

23       **117.141.** (GP: Fixed Rate Compensation) The South Carolina public higher education institutions are authorized to compensate  
24 nonpermanent, non-FTE adjunct, temporary, or part-time instructors/faculty on a fixed rate basis. These individuals shall provide  
25 classroom and related instructional activities on an as needed basis depending on student enrollment per semester or academic term.  
26 Institutions may pay exempt or non-exempt employees as defined by the Fair Labor Standards Act only when they are needed to  
27 work. Adjunct, temporary, or part-time instructors/faculty employed in this category are non-covered employees who may exceed  
28 twelve months, but are not eligible for State benefits except for the option of contributing to the State Retirement System or Health  
29 Care Plan if eligible under the Affordable Care Act guidelines.

30       **117.142.** (GP: Sickle Cell Disease) From the funds appropriated to the Department of Health and Human Services, the department  
31 shall transfer \$1,000,000 to the Medical University of South Carolina Hospital Authority to develop a comprehensive approach to  
32 advancing the awareness, detection, treatment, and scientific knowledge of sickle cell disease and trait within South Carolina. The  
33 Medical University of South Carolina Hospital Authority shall be authorized to partner with independent research entities to advance  
34 curative therapies for sickle cell disease and trait and shall be authorized to endow one or more nationally leading academic research  
35 centers with a research chair named the "Rena N. Grant Endowed Chair for Hematology" in furtherance of this goal. Additionally,  
36 to improve the quality of care provided to sickle cell patients, the authority shall perform statewide cultural competency training in



1 all hospitals, including urgent care centers, in this State using its preexisting training model in order to educate and increase the  
2 awareness of health care professionals that are most likely to treat sickle cell patients on the symptoms and stigma associated with  
3 sickle cell disease and trait, especially pain relief.

4 For purposes of this proviso:

5 (1) 'Health care professional' has the meaning as in Section 44-66-20 of the 1976 Code.

6 (2) 'Hospital' means a facility organized and administered to provide overnight medical or surgical care or nursing care of  
7 illness, injury, or infirmity and may provide obstetrical care, and in which all diagnoses, treatment, or care is administered by or  
8 under the direction of persons currently licensed to practice medicine, surgery, or osteopathy.

9 In developing and implementing the South Carolina Statewide Telemedicine Network, the department and the authority shall  
10 include the goals set forth in this provision to bring better care to individuals with sickle cell disease or trait.

11 The Department of Health and Human Services shall be authorized to pursue a Health Services Initiative through the Children's  
12 Health Insurance Program for the purposes of improving child and maternal health when either or both exhibit the sickle cell disease  
13 or trait, and improve outreach, access to crisis stabilization, and coping resources for children with sickle cell disease.

14 By January fifteenth of the current fiscal year, the department and the authority shall each submit a report to the Chairman of the  
15 Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor outlining their progress on  
16 these initiatives.

17 **117.143.** (GP: Statewide Strategic Personnel Budgeting) (A) To encourage consistency in human resources compensation  
18 decisions, support data driven decisions regarding expenditure of funds for personnel in state government, and improve the state's  
19 ability to recruit and retain top talent, all state agencies are directed as follows:

20 With regard to the annual Appropriations Act budget plan submission, agencies shall submit all human resources and personnel  
21 related budget requests to the Department of Administration's Executive Budget Office and Division of State Human Resources on  
22 or before September 1 of the current fiscal year. The Executive Budget Office and the Division of State Human Resources shall  
23 jointly review the budget requests and make recommendations for funding consideration. These funding recommendations shall be  
24 submitted to the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance  
25 Committee.

26 Agencies shall comply with all human resources rules, regulations, standards, plans, policies, and directives of the Division of  
27 State Human Resources.

28 (B) The Judicial Department, Legislative Department, political subdivisions, and quasi-governmental bodies are exempt from the  
29 requirements of this provision.

30 **117.144.** (GP: Statewide Mobile Health Units Coordination Project) For Fiscal Year ~~2021-22~~ 2022-23, the South Carolina Center  
31 for Rural and Primary Healthcare may provide coordination and requested technical assistance to mobile health units in South  
32 Carolina, in order to coordinate statewide delivery of services to increase access to preventative and diagnostic health care, and  
33 reduce health inequities for rural, vulnerable, underserved, and displaced populations in South Carolina. To support this goal, the  
34 South Carolina Center for Rural and Primary Healthcare shall: 1) be authorized to identify and maintain a directory of currently  
35 operating mobile health units, the areas of the state in which they serve, and the scope of services they provide; 2) offer technical  
36 assistance to these units, and any established in the future, in the form of operational, technical, or logistical guidance and consultation

1 as requested; and 3) partner with The University of South Carolina Salkehatchie and Denmark Technical College, along with other  
2 public institutions of higher education and organizations, *the Department of Health and Human Services*, and the Department of  
3 Health and Environmental Control to develop coordinating systems, *support*, training and health education services. The center shall  
4 be available to assist and support implementation strategies driven by local, regional, and state data and research and aligned efforts,  
5 and may provide organization and collaboration among mobile health units and any units that may begin operating in the future. The  
6 mobile health units may collaborate with the South Carolina Center for Rural & Primary Healthcare, and other partners, in these  
7 efforts.

8 **117.145.** (GP: COVID-19 Proof of Vaccination Restriction - Institutions) ~~For the current fiscal year, state supported institutions~~  
9 ~~of higher learning that directly or indirectly receive funds appropriated or authorized through the general appropriations act shall be~~  
10 ~~restricted from requiring proof of COVID-19 vaccination for any student as a condition of enrollment, attendance at on-campus~~  
11 ~~instruction, or residence on campus. In instances of off-campus learning events for which third-party program providers require~~  
12 ~~proof of vaccination, the third-party requirements shall apply.~~

13 **117.146.** (GP: Agribusiness Processor) For the current fiscal year, local and state sales tax collection for material handling and  
14 construction materials on agribusiness facilities that invest at least \$100 million in the state are exempt.

15 **117.147.** (GP: Federal Gun Law) For the current fiscal year, no law enforcement agency that receives state or local funds shall  
16 enforce a federal law, regulation, statute, executive order, or procedure related to firearms put into effect after January 1, 2021, if  
17 any such federal action requires the seizure of a firearm, firearm part, or firearm component solely because of its classification or  
18 type of weapon.

19 **117.148.** (GP: National Guard College Assistance Program) For Fiscal Year ~~2021-22~~ 2022-23, a member of the SC National  
20 Guard may qualify for college assistance program grants for more than one hundred thirty semester hours or related quarter hours.  
21 Service members shall be required to meet all other requirements.

22 **117.149.** (GP: Employee Compensation) The amounts appropriated to F300-Statewide Employee Benefits for Employee Pay  
23 Increases must be allocated by the Department of Administration, Executive Budget Office to the various state agencies to provide  
24 for employee pay increases in accordance with the following plan:

25 (1) With respect to classified and non-judge judicial classified employees, effective on the first pay date that occurs on or after  
26 July first of the current fiscal year, the compensation of all classified employees shall be increased by ~~two and one-half~~ three percent.

27 (2) With respect to unclassified and non-judge judicial unclassified employees or unclassified executive compensation system  
28 employees not elsewhere covered in this act, effective on the first pay date that occurs on or after July first of the current fiscal year  
29 the compensation of all unclassified employees shall be increased by ~~two and one-half~~ three percent. Any employee subject to the  
30 provisions of this paragraph shall not be eligible for compensation increases provided in paragraphs 1, 3, 4, 5, or 6.

31 (3) With respect to unclassified employees of institutions of higher education and technical colleges eligible in this item,  
32 institutions and technical colleges are authorized to allot the total funds for compensation increases among individual employees  
33 without uniformity. The funds provided for compensation increases for any employee subject to the provisions of this item are based  
34 on an annual average ~~two and one-half~~ three percent increase and may be based on performance.

35 (4) Effective on the first pay date that occurs on or after July first of the current fiscal year, agency heads not covered by the  
36 Agency Head Salary Commission, shall receive an annualized base pay increase of ~~two and one-half~~ three percent.

1 (5) With respect to local health care providers, compensation increases shall be ~~two and one half~~ *three* percent effective on the  
2 first pay date that occurs on or after July first of the current fiscal year. ~~With respect to Area Agencies on Aging funded by the~~  
3 ~~Department on Aging, compensation shall be increased by two and one half percent effective on the first pay date that occurs on or~~  
4 ~~after July first of the current fiscal year. With respect to local councils on aging or local providers of services funded by the~~  
5 ~~Department on Aging through Area Agencies on Aging, no pay increases will be allowed.~~ School Bus Driver salary and fringe  
6 funding to school districts shall be increased by ~~two and one half~~ *three* percent.

7 (6) Effective on the first pay date that occurs on or after July first of the current fiscal year, the Chief Justice and other judicial  
8 officers shall receive an annualized base pay increase of ~~two and one half~~ *three* percent.

9 (7) Effective on the first pay date that occurs on or after July first of the current fiscal year, county auditors and county treasurers  
10 shall receive an annualized base pay increase of ~~two and one half~~ *three* percent.

11 For Fiscal Year 2021-22, the Executive Budget Office is directed to review Executive Branch agencies to determine whether their  
12 budgets warrant an other fund authorization increase due to the ~~two and one half~~ *three* percent compensation increase for all full-time  
13 employees. If so warranted, the Executive Budget Office shall work with the Office of the Comptroller General to increase such  
14 authorization for the affected agencies.

15 The Department of Administration shall allocate associated compensation increases for retirement employer contributions based  
16 on the retirement rate of the retirement system in which individual employees participate.

17 The Executive Director of the State Fiscal Accountability Authority is authorized to use excess appropriations for the current fiscal  
18 year designated for statewide employer contributions for other statewide purposes. At the discretion of the Executive Director of the  
19 State Fiscal Accountability Authority, such action may be considered a permanent transfer into the receiving agency's base budget.

20 Funds appropriated in Part IA, F300, Section 106, Statewide Employee Benefits may be carried forward from the prior fiscal year  
21 into the current fiscal year.

22 **117.150.** (GP: Fetal Remains) No funds appropriated or authorized by this act may be used by the State's public colleges or  
23 universities to purchase fetal remains resulting from an abortion for the purpose of research or experimentation. The State's public  
24 colleges and universities are further prohibited from accepting donated fetal remains resulting from an abortion for the purpose of  
25 research or experimentation. A public college or university that purchases or accepts donated fetal remains in violation of this proviso  
26 shall return to the General Fund an amount equal to ten percent of the funds appropriated to the college or university under Part 1A  
27 of this act.

28 **117.151.** (GP: Funds Transferred to Santee Cooper) ~~The funds held by the Department of Administration, related to the~~  
29 ~~implementation of Act 95 of 2019, shall be transferred as follows and for the purposes of reforming Santee Cooper: \$2,000,000 to~~  
30 ~~the Office of Regulatory Staff; \$1,000,000 to the Public Service Commission; and the balance to Santee Cooper. The Public Service~~  
31 ~~Commission and the Office of Regulatory Staff are authorized to employ, through contract or otherwise, third party consultants and~~  
32 ~~experts in carrying out their duties for purposes of reforming Santee Cooper. The Public Service Commission and Office of~~  
33 ~~Regulatory Staff are exempt from complying with the State Procurement Code in the selection and hiring of third party consultants~~  
34 ~~or experts authorized by this provision.~~

35 **117.152.** (GP: Longitudinal Funding Report) ~~In the current fiscal year, the Commission on Higher Education shall work in~~  
36 ~~consultation with the public institutions of higher education and the State Board for Technical and Comprehensive Education to~~

1 collect and analyze longitudinal state and federal funding data for these institutions. The Commission on Higher Education shall  
 2 submit a report that includes for each public institution of higher education and technical college, at a minimum, state appropriation  
 3 and federal formula-based funding data in the aggregate and by full-time equivalent student to the Chairman of the House Ways and  
 4 Means Committee and the Chairman of the Senate Finance Committee no later than January 31, 2022.

5 **117.153.** (GP: Behavioral Health Capacity) (A) The Department of ~~Mental Health~~ *and Human Services*, *in coordination with* the  
 6 Department of ~~Mental Health and Human Services~~, the Department of Health and Environmental Control, the Department of Alcohol  
 7 and Other Drug Abuse Services, and all other relevant agencies shall ~~coordinate their efforts to ensure that the statewide system for~~  
 8 ~~the delivery of mental health services required by Section 44-9-90(7) of the 1976 Code is~~ *examine and analyze the existing statewide*  
 9 *system for the delivery of Medicaid and non-Medicaid behavioral health services to assess the system's effectiveness in:*

10 (1) ~~structured so as to provide~~ *providing* a range and supply of treatment options and settings that are appropriate to meet the  
 11 varying needs of individual patients;

12 (2) *being* responsive to changes in federal law, regulation, or policy that improve access to care and/or associated  
 13 reimbursement, particularly where related to the treatment of patients in Institutions for Mental Disease (IMDs); ~~and~~

14 (3) *being* economical in its approach, so as to obtain the greatest value possible for each state taxpayer dollar.; *and*

15 (4) *ensuring that the statewide system for the delivery of behavioral health services complies with the requirements of Section*  
 16 *44-9-90(7) of the 1976 Code.*

17 (B) With the funds appropriated for Inpatient Services and/or made available from the COVID-19 Response Reserve account  
 18 established pursuant to Act 135 of 2020, *support of* the Department of Mental Health, *the Department of Health and Human Services*  
 19 shall undertake an effort to *assess existing gaps in coverage for or the supply of inpatient psychiatric care, increase access to crisis*  
 20 *stabilization, and other inpatient or outpatient behavioral health services. Based upon this assessment, the Department of Health*  
 21 *and Human Services shall establish, or with the full cooperation of any other requested state agency, request the establishment of*  
 22 *coverage and reimbursement policies that it deems necessary to address existing deficiencies and bring about a more comprehensive*  
 23 *and effective continuum of behavioral health care in South Carolina. Priorities for this effort may be piloted on a regional basis*  
 24 *and shall include, but not be limited to:*

25 (1) *increasing the number of beds available to provide inpatient psychiatric care, with emphasis on communities with the*  
 26 *greatest current need, and using the appropriate combination of new construction, augmentation or reconfiguration of existing*  
 27 *facilities, or contracting with psychiatric or acute care hospitals to obtain short-term capacity;*

28 (1)(2) ~~The department shall increase the number of operating~~ *establishing* crisis stabilization units and introduce them to *beds*  
 29 *and services to provide needed short-term medication, counseling, and other support in* previously unserved areas of the State,  
 30 working toward the goal of having at least one such unit located *such services available* within a 90-minute drive of each South  
 31 Carolinian, *and with coverage and reimbursement being funded through Medicaid for its beneficiaries or through the Department*  
 32 *of Mental Health for indigent care, regardless of the provider of these services;.- In each case, the department may choose to operate*  
 33 *the unit independently or through a partnership with one or more partners and/or contractors. The department shall engage with*  
 34 *community stakeholders in identifying new host communities and developing referral and discharge strategies.*

35 (2) ~~The department may also use these funds to expand its program to contract with psychiatric and acute care hospitals to~~  
 36 ~~place indigent patients who need hospital level care in hospitals' general or psychiatric beds on a temporary basis during a crisis.~~

1 (3) formalizing and expanding the coverage of claims-based mobile crisis stabilization services that offer rapid and intensive  
 2 interventions intended to stabilize individuals at the sites of behavioral health crises;

3 (4) developing one or more regional dedicated psychiatric emergency departments, operating twenty-four hours per day, seven  
 4 days per week to effectively evaluate and triage patients experiencing acute behavioral health emergencies;

5 (5) developing effective referral and discharge strategies and engaging with existing community providers to ensure that  
 6 sufficient outpatient services, case management services, and standards of care are in place;

7 (6) leveraging and building upon existing telehealth capacity to support and extend outpatient services; and

8 (7) promoting the development of in-state treatment options for specific behavioral health conditions for which patients are  
 9 routinely placed out-of-state due to an insufficiency of treatment options or settings in South Carolina.

10 (C) After consulting with the Director of the Department of Mental Health, the Director of the Department of Health and Human  
 11 Services shall establish such coverage and reimbursement policies for mobile crisis stabilization, and/or intensive outpatient services  
 12 as he deems necessary and appropriate to fulfill the intent of this provision. These policies shall facilitate the claiming of matching  
 13 funds where feasible. Any state funds saved through this effort shall remain committed to the provision of care to patients with  
 14 behavioral health needs. With funds available to the department, the Department of Health and Human Services shall be authorized  
 15 to provide as much as one hundred thousand dollars per bed towards the initial capital costs of establishing crisis stabilization units  
 16 pursuant to this provision. The Department of Mental Health shall supply information in the format specified by the Department of  
 17 Health and Human Services for this purpose. The Executive Director of the Public Employee Benefit Authority shall be encouraged  
 18 to consult with the Director of the Department of Mental Health and Human Services to make appropriate coverage and  
 19 reimbursement policy changes to ensure proper access to mobile crisis and crisis stabilization behavioral health services for covered  
 20 beneficiaries.

21 (D) The Data Oversight Council, established pursuant to Section 44-6-170 of the 1976 Code, shall undertake whatever rulemaking  
 22 is necessary to ensure that the data on the utilization of crisis stabilization units are collected in a manner generally consistent with  
 23 the requirements for general acute care hospitals and specialized hospitals, so that the effectiveness of these services may be properly  
 24 evaluated. The Data Oversight Council, Department of Health and Environmental Control, and any other state agency shall, upon  
 25 the request of and in the format specified by the Department of Health and Human Services, furnish information on behavioral health  
 26 service demand, utilization, or financing needed to facilitate the implementation of this provision.

27 (E) With the support of the Director of the Department of Mental Health, the Director of the Department of Alcohol and Other  
 28 Drug Abuse Services, and any other identified agency head, the Director of the Department of Health and Human Services shall  
 29 evaluate opportunities to improve and/or coordinate treatment capacity for individuals diagnosed with substance use disorder and/or  
 30 serious mental illness including, but not limited to, options established pursuant to Sections 1es115, 1915(l), and/or 1947 of the  
 31 Social Security Act or made available to states by the Centers for Medicare and Medicaid Services through State Medicaid Director  
 32 Letters 17-003, 18-011, or 19-0003. ~~These options shall be evaluated based substantially upon criteria such as their relative abilities~~  
 33 ~~to:~~

34 ~~(1) increase behavioral health treatment capacity at the inpatient, partial hospitalization, intensive outpatient, and/or outpatient~~  
 35 ~~levels of care;~~

1 ~~(2) obtain federal matching funds to help offset the costs of state-funded treatment for substance use and/or mental health~~  
2 ~~treatment; and~~

3 ~~(3) convert indigent care to a sustainable reimbursement model that improves access to behavioral health and/or substance use~~  
4 ~~treatment while potentially alleviating pressure on the state general fund and reducing levels of uncompensated care.~~

5 ~~(F) After or while completing the evaluation required by subsection (E), the Director of the Department of Health and Human~~  
6 ~~Services shall be authorized to apply for a state planning grant pursuant to Section 1947(e) of the Social Security Act and pursue any~~  
7 ~~necessary implementing state plan amendments and/or waivers. Copies of the public notices accompanying these actions shall be~~  
8 ~~furnished to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee. In~~  
9 ~~consultation with the Department of Juvenile Justice and the Department of Mental Health, the Department of Health and Human~~  
10 ~~Services shall ensure that access to “no eject, no reject” services is restored for children and adolescents requiring care in a private~~  
11 ~~residential treatment facility.~~

12 ~~(G) To ensure that individuals requiring behavioral health services are protected from unexpected or excessive billings, the~~  
13 ~~Department of Mental Health shall examine ways to convert state-funded or DSH-funded indigent care to a sustainable~~  
14 ~~reimbursement model that improves access to behavioral health treatment while potentially reducing uncompensated care levels and~~  
15 ~~the department’s reliance on state funds. In the current fiscal year, the department shall report to the Chairmen of the Senate~~  
16 ~~Finance Committee and the House Ways and Means Committee on the results of this examination and the actions taken to address~~  
17 ~~any findings. The department also shall:~~

18 ~~(1) contract for an exhaustive independent review of its entire revenue cycle, to eliminate inefficiencies and improve business~~  
19 ~~processes, ensure that bills are produced on a timely and accurate basis, and assess and maximize the proportion of the time during~~  
20 ~~which the department’s clinicians and providers are rendering chargeable treatment services to the State’s citizens; and~~

21 ~~(2) ensure its immediate and ongoing compliance with the hospital price transparency rules established at 45 C.F.R. Part 180,~~  
22 ~~and also meet its obligation to provide certain patients with good faith estimates as required by the No Surprises Act, P.L. 116-260,~~  
23 ~~and subsequent regulation.~~

24 ~~(H) With the support and participation of the Department of Education and the Department of Mental Health, and with the intent~~  
25 ~~of assuring access to behavioral health services to every student in the State through either a public or private provider, the~~  
26 ~~Department of Health and Human Services must lead a comprehensive effort to improve access to and the quality of school-based~~  
27 ~~behavioral health services in South Carolina, while identifying and taking steps to address community-level disparities in the~~  
28 ~~availability of this care. This effort shall include, but not be limited to:~~

29 ~~(1) the performance of a comprehensive review of Medicaid and non-Medicaid school-based behavioral health services in~~  
30 ~~South Carolina, including an assessment of the availability of such services and the identification of any barriers to access, such as~~  
31 ~~coverage and reimbursement rules, billing practices, other insurer policies, state agency, school district rules or procedures, or~~  
32 ~~provider shortages;~~

33 ~~(2) a revisitation of existing coverage policies for medically necessary services provided to children, including those with or~~  
34 ~~without a disability determination, and whether those services are or are not required by a child’s individualized education plan or~~  
35 ~~individualized family services plan, whether they do or do not arise from a referral under the Early and Periodic Screening,~~  
36 ~~Diagnostic, and Treatment program, and in the context of State Medicaid Director Letter 14-006;~~

- 1       (3) the rescission of any Medicaid or PEBA policies that deny coverage, solely on the basis that those services are being  
2 provided within a school or through a telehealth encounter that originates in a school, of medically necessary outpatient services  
3 that have been furnished to eligible children by enrolled and qualified providers;
- 4       (4) the issuance of any new Medicaid policies needed to durably enshrine any appropriate telehealth coverage that had been  
5 authorized on a temporary basis during the public health emergency;
- 6       (5) a review of statewide and school district-level policies and practices relating to suicide risk referral protocols and  
7 behavioral health training for student-facing personnel in schools; and
- 8       (6) reporting to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee  
9 on any other relevant potential policy changes that the Director of the Department of Health and Human Services believes would  
10 advance the intent of this provision, but which would have a fiscal impact that is sufficiently substantial to require the General  
11 Assembly's direct consideration in the future.
- 12       (I) The Department of Health and Human Services is authorized to establish programs and/or fund in whole or in part, including  
13 through the potential use of CHIP Health Services Initiatives, various pilot projects or other initiatives that are intended to develop  
14 the health care workforce in South Carolina. Such efforts must be targeted toward current or future providers who demonstrate, by  
15 whatever means is selected by the department, commitments to remaining in-state and including Medicaid beneficiaries among their  
16 patients. The development of the behavioral health workforce shall be prioritized, although the department may also address other  
17 provider classes, such as respiratory therapists, for which shortages have been highlighted and/or exacerbated by the public health  
18 emergency. Further consideration also should be given to attracting additional qualified preceptors and increasing opportunities  
19 for clinical rotations. The department may partner with or enlist the support of the Technical College System, Area Health Education  
20 Centers, and/or Student Loan Corporation in designing or administering these programs and, where appropriate, is encouraged to  
21 structure them as public-private partnerships in conjunction with the state's hospital and health systems and other key employers of  
22 health providers.
- 23       (G)(J) If either the Director of the Department of Mental Health or the Director of the Department of Health and Human Services  
24 finds that state personnel and/or procurement rules are limiting his ability to fulfill the intent of this provision, he shall notify the  
25 State Fiscal Accountability Authority of this in writing and request whatever exemptions are necessary to ensure that clinical staff  
26 may be recruited, retained, and/or contracted for so as to provide greater access to behavioral health treatment.
- 27       (H)(K) In consultation with the Department of Mental Health, the Department of Health and Human Services shall assess the  
28 feasibility of, and if warranted, take steps to establish or obtain through grant, contract, subscription, or other procurement, a  
29 statewide system for the near-real time tracking of in-patient psychiatric hospital beds and crisis stabilization beds. This system  
30 should be generally designed to draw data from providers' existing electronic medical record systems and make summary-level data  
31 available to authorized users within state agencies, participating provider organizations, and any others to be specified by the  
32 Department of Health and Human Services, for the purposes of managing critical resources and ensuring that patients may be  
33 promptly treated in the most effective and clinically appropriate setting. To protect patient privacy and ensure HIPAA compliance,  
34 the system may only collect information on the types, counts, and availability of beds, or other categorical or aggregated information,  
35 as opposed to individually identifying patient details. In partnership with the following named agencies, the Department of Health  
36 and Human Services may also explore and pursue the use of such a system:

1 (1) to meet the emergency preparedness and disaster recovery requirements of the Department of Health and Environmental  
2 Control and the Emergency Management Division that are currently met by the Bed Availability Report Tracking system; and/or

3 (2) to augment or replace the capabilities of the Department on Aging's GetCareSC website.

4 (L) From the funds appropriated to or otherwise made available to it, the Department of Health and Human Services is authorized  
5 to procure, enter into contracts and agreements, offer grants, and otherwise expend funds as well as establish demonstration projects  
6 in one or more areas of the state to encourage and promote necessary infrastructure and investment to achieve the objectives set out  
7 in this provision. The department shall develop policies and procedures as necessary to assure accountability in the expenditure of  
8 these funds and apply for federal matching funds when appropriate and available. The department shall report annually to the  
9 Senate Finance Committee and the House Ways and Means Committee on all expenditures made under this provision.

10 (M) A crisis stabilization unit facility established or funded pursuant to this provision shall be deemed to have met the operation  
11 or partnership terms of Section 101.K. and Section 102.G. of Regulation 61-125. Such a facility and any other facility funded or  
12 established pursuant to this provision is a DMH facility for purposes of Section 44-7-170(B)(2), even if it is constructed and/or  
13 operated by one or more private entities.

14 (N) Funds appropriated for Behavioral Health Capacity may be retained by the Department of Health and Human Services and  
15 carried forward to be expended for any purpose specified in this provision.

16 **117.154.** (GP: Mental Health Transportation) (A) Funds appropriated to the Department of Mental Health for the Alternative  
17 Transportation Program shall exclusively be used to support the transportation of individuals pursuant to Article 5, Chapter 17, Title  
18 44 of the 1976 Code and as defined herein. These funds may be carried forward and expended for the same purpose.

19 (B) As soon as practicable within the current fiscal year, the Director of the Department of Mental Health shall cooperate with  
20 the Division of Procurement Services of the State Fiscal Accountability Authority in the development and issuance of a Request for  
21 Proposals (RFP) for an Alternative Transportation Program that provides transportation services for nonviolent individuals requiring  
22 immediate hospitalization as described in Article 5, Chapter 17, Title 44 of the 1976 Code. The purpose of the RFP shall be to seek  
23 proposals from qualified private providers to provide timely, safe, and secure transportation for such individuals. Before finalizing  
24 the RFP, the Division of Procurement Services shall provide relevant stakeholders with an opportunity to provide recommendations  
25 on the scope and structure of the Alternative Transportation Program, subject to the following provisions:

26 (1) The program shall initially be made available within a pilot region to be identified by the authority in consultation with the  
27 Department of Mental Health. Subject to the authority's judgment, the RFP shall be structured so as to accommodate subsequent  
28 awards and/or contract amendments to serve other regions of the State, in which case, only one vendor shall be selected in each  
29 region, but a single vendor may be selected to provide services in multiple or all regions.

30 (2) In structuring the initial pilot, the authority shall endeavor to provide the availability of the Alternate Transportation  
31 Program in an optimal service area at an annualized cost that does not exceed the amount appropriated for this purpose.

32 (3) The RFP shall be conducted as provided for under the South Carolina Consolidated Procurement Code.

33 (4) Upon implementation, the Alternative Transportation Program must be available on a 24-hour basis every day of the year.

34 (5) Drivers must pass a criminal background check and complete relevant and appropriate training prior to furnishing services.

35 (6) Transportation vehicles must be secure but nondescript and drivers must be clothed in professional attire that does not  
36 resemble a law enforcement uniform.



1 (C) When transportation is provided through this Alternative Transportation Program, the written agreement described in Section  
2 44-17-440(A) of the 1976 Code shall not be required.

3 (D) No later than January 15, ~~2022~~ 2023, the authority shall provide the Governor, the Chairman of the House Ways and Means  
4 Committee, and the Chairman of the Senate Finance Committee with a report on the implementation of this program. The report  
5 shall include a projection of the annualized amount by which the cost of a statewide Alternative Transportation Program might, at  
6 full implementation, exceed the amount appropriated for the program in the current fiscal year.

7 **117.155.** (GP: Rare Disease Advisory Council) (A) For the current fiscal year, there shall be established the South Carolina Rare  
8 Disease Council, to be housed within the Medical University of South Carolina. The council shall advise the Governor, the General  
9 Assembly, and other stakeholders on research, diagnosis, treatment, and education related to rare diseases as defined by 21 U.S.C.  
10 Section 360bb.

11 (B) The council shall be composed of fifteen members and shall be appointed as follows:

- 12 (1) one member appointed by the Director of the Department of Health and Environmental Control;
- 13 (2) one member appointed by the Director of the Department of Health and Human Services;
- 14 (3) one member from the Medical University of South Carolina as appointed by the President;
- 15 (4) one member from the University of South Carolina School of Medicine as appointed by the Dean;
- 16 (5) one member appointed by the Executive Director of the South Carolina Hospital Association;
- 17 (6) one member appointed by the Executive Director of the South Carolina Primary Healthcare Association;
- 18 (7) one member representing the biopharma industry as appointed by the President of the Medical University of South  
19 Carolina;
- 20 (8) three members with experience in the research and treatment of rare disease, one of whom must specialize in pediatrics, as  
21 appointed by the President of the Medical University of South Carolina;
- 22 (9) two members who are patients diagnosed with a rare disease as appointed by the President of the Medical University of  
23 South Carolina;
- 24 (10) one member from a rare disease organization operating in the state as appointed by the President of the Medical University  
25 of South Carolina;
- 26 (11) one caregiver of a person with a rare disease as appointed by the President of the Medical University of South Carolina;  
27 and
- 28 (12) one member representing the state health plan as appointed by the Executive Director of the State Public Benefit Authority.

29 (C) The council shall convene its first meeting by October 31 and hold public meetings at least quarterly throughout the year.  
30 The council shall, at a minimum, conduct the following activities to benefit rare disease patients in South Carolina:

- 31 (1) solicit comments from stakeholders, including patients and patient caregivers in South Carolina impacted by rare diseases,  
32 to assess the needs of rare-disease patients, caregivers, and providers in the State;
- 33 (2) consult with experts on rare diseases to develop recommendations to improve patient access to and quality of rare-disease  
34 specialists, affordable and comprehensive health care coverage, relevant diagnostics, timely treatment, and other needed services;

1 (3) research and identify priorities related to treatments and services provided to persons with rare diseases in South Carolina  
2 and develop recommendations that include safeguards against discrimination for these populations on such issues, including disaster  
3 and public health emergency-related planning;

4 (4) publish a list of existing, publicly accessible resources on research, diagnosis, treatment, and education relating to the rare  
5 diseases in South Carolina;

6 (5) identify and distribute educational resources to foster recognition and optimize treatment of rare diseases in South Carolina;  
7 and

8 (6) identify best practices to reduce health disparities and achieve health equity in the research, diagnosis, and treatment of  
9 rare diseases in South Carolina.

10 (D) The council shall provide an annual report no later than June 30 to the Governor, the Chairman of the Senate Finance  
11 Committee, the Chairman of the Senate Medical Affairs Committee, the Chairman of the House Ways and Means Committee, and  
12 the Chairman of the House Medical, Military, Public and Municipal Affairs Committee. The annual report shall describe the activities  
13 and progress of the council and provide recommendations to the Governor and General Assembly on ways to address the needs of  
14 people living with rare diseases in the state of South Carolina.

15 (E) The Medical University of South Carolina shall provide staff support to the council and set up a public website that shall  
16 include the annual reports, meeting notices and minutes, and the resources developed as part of section (C). Members of the council  
17 shall serve without compensation or per diem.

18 **117.156.** (GP: Public Health Officer Liability) From the funds available to the respective departments, state agencies established  
19 pursuant to Title 44 of the 1976 Code shall have the same obligations to defend and indemnify as if these agencies were subject to  
20 Section 1-11-440 or Section 12-4-325.

21 **117.157.** (GP: Electricity Market Reform) ~~The Electricity Market Reform Measures Study Committee shall request for an opinion~~  
22 ~~to be issued no later than March 1, 2022 from any consultant or consultants retained to advise the committee as to which market~~  
23 ~~reform measures studied, if any, benefit South Carolina consumers. The committee shall issue a report on its work no later than June~~  
24 ~~30, 2022; however, nothing in this provision prohibits the committee from continuing to meet past June 30, 2022 and issue additional~~  
25 ~~reports pursuant to Act 187 of 2020.~~

26 **117.158.** (GP: Homestead Exemption Fund) For Fiscal Year ~~2021-22~~ 2022-23, Section 11-11-156(C) of the 1976 Code is  
27 suspended.

28 **117.159.** (GP: Masks at Higher Education Facilities) ~~A public institution of higher learning, including a technical college, may~~  
29 ~~not use any funds appropriated or authorized pursuant to this act to require that its students have received the COVID-19 vaccination~~  
30 ~~in order to be present at the institution's facilities without being required to wear a facemask. This prohibition extends to the~~  
31 ~~announcement or enforcement of any such policy.~~

32 **117.160.** (GP: Actions on Election Law) (A) The President of the Senate, on behalf of the Senate, and the Speaker of the House  
33 of Representatives, on behalf of the House of Representatives, have an unconditional right to intervene on behalf of their respective  
34 bodies in a state court action that challenges the validity of an election law, an election policy, or the manner in which an election is  
35 conducted.

1 (B) In a federal court action that challenges the validity of an election law, an election policy, or the manner in which an election  
2 is conducted, the President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the  
3 House of Representatives, have standing to intervene as a party on behalf of their respective bodies, to file an amicus brief, or to  
4 provide evidence or argument, written or oral, in accordance with the federal rules of procedure, irrespective of whether any other  
5 officer of the State has appeared in the action.

6 (C) A federal court presiding over an action that challenges the validity of an election law, an election policy, or the manner in  
7 which an election is conducted is requested to allow the President, on behalf of the Senate, and the Speaker of the House of  
8 Representatives, on behalf of the House of Representatives, to intervene in any such action as a party.

9 (D) The State Election Commission and the Attorney General must notify the President of the Senate and the Speaker of the  
10 House of Representatives within twenty-four hours of the receipt of service of a complaint that challenges the validity of an election  
11 law, an election policy, or the manner in which an election is conducted.

12 (E) In any action in which the Senate or the House of Representatives intervenes or participates pursuant to this proviso, the  
13 Senate and the House of Representatives must function independently from each other in the representation of their respective bodies,  
14 unless otherwise agreed to by the President of the Senate and the Speaker of the House of Representatives.

15 (F) The Senate and House of Representatives may expend funds appropriated in this act to exercise the unconditional right set  
16 forth in subsection (A) and to sustain any other action set forth in this proviso. No county election commission may accept or expend  
17 any funds other than public funds to prepare for or to conduct elections.

18 117.161. (GP: Transfer Student Credits) The Commission on Higher Education shall work in consultation with the State Board  
19 for Technical and Comprehensive Education and the public institutions of higher learning to implement policies to guarantee  
20 students who have earned an Associate of Arts or Associate of Science degree from a public two-year institution of higher learning  
21 shall receive a minimum of sixty transfer credit hours at a public four-year college or university and shall be given a junior status  
22 at the college or university.

23 Graduates covered under this agreement are defined as students who have:

24 (1) earned an Associate in Arts (AA) or Associate in Science (AS) degree from one of the 16 colleges within the South Carolina  
25 Technical College System (SCTCS),

26 (2) earned a grade of "C" or better in each course applicable to the AA or AS degree, and

27 (3) expressed intent to transfer to a public four-year institution.

28 Graduates from a South Carolina technical college will be granted admission to the public four-year institution and shall expect  
29 the following:

30 (1) students who have completed the AA or AS degree shall enter the public four-year institution with Junior academic standing  
31 and will have satisfied the public four-year institution's general education program requirements.

32 (2) all transfer courses that are accepted by the public four-year institution will be applied to the attainment of the baccalaureate  
33 degree as appropriate to the student's major, and

34 (3) all transfer students must meet specific admission requirements for their desired major and must take junior and senior  
35 seminar courses.

1 The public four-year institution shall facilitate a reverse transfer option for South Carolina technical college students who enroll  
2 in their institution without completing the Associate of Arts or Associate of Science degree. Upon successful completion of  
3 coursework and hours at the public four-year institution, credits earned at the institution may be transferred back to the originating  
4 South Carolina technical college and applied toward an associate degree. Course prerequisites and minimum credit requirements  
5 for awarding degrees shall still apply. Implementation of the provisions shall be effective no later than April 30, 2023.

6 117.162. (GP: Retained Counsel) In the current fiscal year, from the funds appropriated, colleges and universities, including  
7 technical schools, shall revise or adopt policies to allow a student facing disciplinary or honor code violations as a result of a  
8 criminal charge the right to retain counsel, at the student's expense, to provide full legal representation in all proceedings including,  
9 but not limited to, allowing counsel to appear on behalf of the student, speak on behalf of the student, question witnesses, protect the  
10 statutory and constitutional rights of the student, and to otherwise fully participate in all proceedings on behalf of the student.

11 117.163. (GP: Justice Forty Oversight Committee) (A) There is created a thirteen member Justice Forty Oversight Committee  
12 within state government to study opportunities to address the issue of environmental justice in South Carolina. The study committee  
13 shall be chaired by the Director of Environmental Affairs at the Department of Health and Environmental Control and shall:

14 (1) identify disadvantaged and marginalized communities throughout South Carolina with environmental justice impact;

15 (2) identify the infrastructure deficiencies in these communities;

16 (3) assist members of the community in developing a plan to apply for assistance to secure funding for infrastructure projects;

17 and

18 (4) undertake other actions necessary to carry out the purpose of the committee.

19 (B) The study committee shall be comprised of:

20 (1) two members of the House of Representatives who serve on the Joint Bond Review Committee appointed by the Chairman  
21 of the House Ways and Means Committee;

22 (2) two members of the Senate who serve on the Joint Bond Review Committee appointed by the Chairman of the Senate  
23 Finance Committee;

24 (3) the Director of Environmental Affairs for the Department of Health and Environmental Control or his designee;

25 (4) the Director of the Office of Regulatory Staff or his designee;

26 (5) the Director of the Housing Finance and Development Authority or his designee;

27 (6) the Director of the South Carolina Primary Health Care Association or his designee;

28 (7) the Commissioner of Agriculture or his designee;

29 (8) a member of the White House Environmental Justice Advisory Council;

30 (9) the Secretary of Transportation or his designee; and

31 (10) two members appointed by the Governor with experience in the designation and implementation of Opportunity Zones.

32 (C) The study committee shall work with any other appropriate entities while undertaking its assigned duties.

33 (D) The House of Representatives and the Senate shall provide appropriate staffing for the committee.

34 (E) The study committee shall provide a report to the House Ways and Means Committee, the Senate Finance Committee, the  
35 White House Council on Environmental Quality, and the White House Environmental Justice Advisory Council by June 30, 2023, at  
36 which time the study committee shall be dissolved.

1 117.164. (GP: Software Integration) Prior to the expenditure of funds by the Department of Motor Vehicles on software or  
2 hardware to integrate or update the agency's internal data systems, the agency shall affirm the expenditure includes services  
3 enabling the agency to electronically share with the State Election Commission, through an application programming interface or  
4 similar best practice for data integration, photographs, and any other identifying information the State Election Commission deems  
5 necessary for carrying out its functions, in real time, or within twenty-four hours after entry of said information into the Department  
6 of Motor Vehicles electronic records. The Department of Motor Vehicles shall take expedient action to obtain any permission or  
7 consent state or federal law require to share such information.

8 117.165. (GP: Disinfection and Cleaning) For the current fiscal year, agencies and political subdivisions, including public school  
9 districts, may utilize federal funds authorized by the General Assembly to implement or procure cleaning, sanitization, and  
10 disinfection that, at a minimum, meets the most current requirements issued by the Department of Health and Environmental Control.  
11 These plans may be separate from standard cleaning procedures implemented and may include additional steps to address  
12 disinfection and sanitization of all surfaces in public areas on a proactive, recurring basis to mitigate the impact of any COVID-19  
13 strains, as well as other communicable diseases.

14 117.166. (GP: Agency Reduction Plan) Each executive agency appropriated or authorized to utilize funds by this act shall create  
15 and submit to the General Assembly a redundant manual entry reduction plan prior to expenditure of any funds on agency data  
16 systems. The plan shall, at a minimum, outline: (a) all information personnel at the agency manually enter in agency systems; (b)  
17 list and affirm contact with all other state agencies the agency manually enter in the agency systems; (c) list and affirm contact with  
18 all other state agencies the agency reasonably believes may utilize the information based on the agency's review of its applicable  
19 statutes; (d) how the agency will mitigate the associated employee time by fifty percent over the next five fiscal years through best  
20 practices for data integration; and (e) how the agency will train impacted employees to perform other agency services.

21 117.167. (GP: Job Order Contracting Pilot Program) For the current fiscal year, Procurement Services of the State Fiscal  
22 Accountability Authority may pilot test a job order contracting method on behalf of one or more governmental bodies or public  
23 procurement units by entering into job order contracts to acquire construction services when the exact time or exact quantities of  
24 future jobs are not known at the time of contract award. Procurement Services shall determine, in its sole discretion, which  
25 governmental bodies and public procurement units may participate in the pilot project. Procurement Services may enter into job  
26 order contracts with up to four businesses for each geographic area for each licensing classification and sub-classification for  
27 construction.

28 For purposes of this provision, the term 'job order contract' means a contract that provides for the issuance of job orders for the  
29 performance of construction, renovation, and repair work, where contractors propose an adjustment factor or factors to be applied  
30 to a catalog of preset unit prices calculated using local prevailing wage rates, local equipment, and local material costs, and where  
31 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  
32 the preset unit prices needed to complete the job order multiplied by the quantity required multiplied by the adjustment factor.

33 For purposes of the pilot project, an individual project using job orders may not exceed five hundred thousand dollars and the  
34 sum of all individual job orders may not exceed four million dollars per contract. Work may not be divided artificially in order to  
35 avoid these limits. A single project must not be performed using job order contracts in combination with contracts awarded pursuant  
36 to Section 11-35-1550 of the 1976 Code.

1 For purposes of the pilot project, a job order must clearly specify all tasks to be performed or property to be delivered under the  
 2 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 on  
 3 a fixed-price basis. All job orders must be issued within the period of the contract and must be within the scope and maximum value  
 4 of the contract. Each job order shall provide an itemized list of each construction tasks required to complete the work with the task's  
 5 associated unit price and applied adjustment factor. Each job order proposal shall be certified as contract compliant by a reviewer  
 6 independent of the contractor.

7 Any solicitation for a job order contract must include the following: (1) the period of the contract; (2) the maximum dollar value  
 8 of the services to be procured under the contract; (3) the maximum dollar value of the services to be procured under a single job  
 9 order; (4) a description that reasonably describes the licensing classification and the general scope, nature, complexity, and  
 10 purposes of the services to be procured under the contract in a manner that will enable a prospective bidder to decide whether to  
 11 submit a bid; (5) the procedures that the governmental body will use for issuing job orders for the pilot program; (6) if applicable,  
 12 the geographic area to which the job order contract applies; ordinarily, a geographically contiguous area should not be subdivided;  
 13 and (7) the number of job order contracts to be awarded.

14 **117.168.** (GP: South Carolina Housing Commission) Members of the South Carolina Housing Commission shall receive  
 15 compensation, subsistence, per diem, and mileage as provided by law for members of boards, commissions, and committees while  
 16 engaged in the work of the commission.

17 **117.169.** (GP: In-State Tuition Mitigation) The following recurring funds have been appropriated in Part IA to institutions of  
 18 higher learning to mitigate tuition and fee increases for in-state undergraduate students:

19	<u>(1) The Citadel</u>	<u>\$ 1,189,367;</u>
20	<u>(2) Clemson University</u>	<u>\$ 9,963,485;</u>
21	<u>(3) University of Charleston</u>	<u>\$ 4,108,313;</u>
22	<u>(4) Coastal Carolina University</u>	<u>\$ 3,442,628;</u>
23	<u>(5) Francis Marion University</u>	<u>\$ 2,495,943;</u>
24	<u>(6) Lander University</u>	<u>\$ 2,441,095;</u>
25	<u>(7) South Carolina State University</u>	<u>\$ 1,371,942;</u>
26	<u>(8) University of South Carolina-Columbia</u>	<u>\$ 11,669,772;</u>
27	<u>(9) University of South Carolina-Aiken</u>	<u>\$ 2,021,849;</u>
28	<u>(10) University of South Carolina-Upstate</u>	<u>\$ 3,480,946;</u>
29	<u>(11) University of South Carolina-Beaufort</u>	<u>\$ 1,287,792;</u>
30	<u>(12) University of South Carolina-Lancaster</u>	<u>\$ 1,269,009;</u>
31	<u>(13) University of South Carolina-Salkehatchie</u>	<u>\$ 558,244;</u>
32	<u>(14) University of South Carolina-Sumter</u>	<u>\$ 995,522;</u>
33	<u>(15) University of South Carolina-Union</u>	<u>\$ 842,249;</u>
34	<u>(16) Winthrop University</u>	<u>\$ 2,684,528; and</u>
35	<u>(17) Medical University of South Carolina</u>	<u>\$ 5,485,000.</u>

1 In order to retain the above appropriations, each institution of higher learning listed above must certify to the Commission on  
2 Higher Education by August 15, 2022, there is no in-state undergraduate tuition or in-state undergraduate fee increase, excluding  
3 increases in auxiliary fees, for the 2022-2023 academic year.

4 The Commission on Higher Education shall develop the process by which institutions provide the certification. Any institution  
5 unable to provide such certification to the commission shall remit their respective above recurring allocation to the General Fund  
6 by September 15, 2022.

7 By November 1, 2022, the Commission on Higher Education shall report to the House Ways and Means Committee, the Senate  
8 Finance Committee, and the Executive Budget Office the institutions that failed to certify that the in-state undergraduate tuition or  
9 in-state undergraduate fee increase met the guidelines outlined in this provision. The Executive Budget Office is directed to reduce  
10 the recurring appropriation of any institution found to be non-compliant with the certification.

11 117.170. (GP: Historic Preservation Certification Fee) For the current fiscal year, the requirements of Section 12-6-3535(G)  
12 are suspended.

13 117.171. (GP: Income Tax Relief) For the current fiscal year, funds set aside for income tax relief must be credited to an account  
14 at the State Treasurer's Office to be used for any such income tax relief as is passed by the General Assembly and signed in to law.

15 117.172. (GP: Name Image Likeness) For Fiscal Year 2022-23, Act 35 of 2021 in its entirety pertaining to intercollegiate athlete  
16 (NIL) name, image, or likeness is suspended.

## 17 SECTION 118 - X910 - STATEWIDE REVENUE

18  
19  
20 **118.1.** (SR: Year End Cutoff) Unless specifically authorized herein, the appropriations provided in Part IA of this act as ordinary  
21 expenses of the State Government shall lapse on July 31, ~~2022~~ 2023. State agencies are required to submit all current fiscal year  
22 input documents and all electronic workflow for accounts payable transactions to the Office of Comptroller General by July 14, ~~2022~~  
23 2023. Appropriations for Permanent Improvements, now outstanding or hereafter provided, shall lapse at the end of the second fiscal  
24 year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the State  
25 Fiscal Accountability Authority and Joint Bond Review Committee, toward the accomplishment of the purposes for which the  
26 appropriations were provided. Appropriations for other specific purposes aside from ordinary operating expenses, now outstanding  
27 or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite  
28 commitments shall have been made, with the approval of the State Fiscal Accountability Authority, toward the accomplishment of  
29 the purposes for which the appropriations were provided.

30 **118.2.** (SR: Titling of Real Property) It is the intent of the General Assembly to establish a comprehensive central property and  
31 office facility management process to plan for the needs of state government agencies and to achieve maximum efficiency and  
32 economy in the use of state owned or state leased real properties. The Department of Administration is directed to identify all state  
33 owned properties whether titled in the name of the state or an agency or department, and all agencies and departments of state  
34 government are upon request to provide the department all documents related to the title and acquisition of the real properties that  
35 are occupied or used by the agency or titled in the name of the agency. Except for any properties where the department determines  
36 title should not be in the name of the State because the properties are subject to reverter clauses or other restraints on the property,

1 or where the department determines the state would be best served by not receiving title, and with the exception of properties,  
2 highways and roadways owned by the Department of Transportation, title of any property held by or acquired by a state agency or  
3 department shall be titled in the name of the state under the control of the Department of Administration. Titling in the name of the  
4 state shall not affect the operation or use of real property by an agency. This provision applies to all state agencies and departments  
5 except: institutions of higher learning; the Public Service Authority; the Ports Authority; the South Carolina Division of Public  
6 Railways; the MUSC Hospital Authority; the Myrtle Beach Air Force Redevelopment Authority; the Department of Transportation;  
7 the Midlands Technical College Enterprise Campus Authority, the Trident Technical College Enterprise Campus Authority; the Area  
8 Commission of Tri-County Technical College; and the Charleston Naval Complex Redevelopment Authority.

9 With respect to any past or future acquisition of real property, the application of this provision and prior comparable titling  
10 provisions to the South Carolina Department of Natural Resources and real property under its ownership or control is subject to the  
11 exemption adopted by the South Carolina Budget and Control Board on March 21, 2006.

12 This provision is comprehensive and supersedes any conflicting provisions concerning title and acquisition and disposition of state  
13 owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

14 The Department of Administration is directed to provide to the Department of Education, funds equal to the amount realized from  
15 the sale of the Greenville Halton Road Bus Shop property for school bus maintenance shop relocations, construction, and shop  
16 equipment.

17 **118.3.** (SR: Contingency Reserve Fund) (A) There is created in the State Treasury a fund separate and distinct from the general  
18 fund of the State, the Capital Reserve Fund, and all other funds entitled the Contingency Reserve Fund. All general fund revenues  
19 accumulated in a fiscal year in excess of general appropriations and supplemental appropriations must be credited to this fund.  
20 Revenues credited to this fund in a fiscal year may be appropriated by the General Assembly. Upon determination by the Comptroller  
21 General as to the amount to be deposited in the Contingency Reserve Fund, the Comptroller General shall notify the Board of  
22 Economic Advisors and the board shall recognize that amount as surplus funds. Revenues in this fund may be appropriated only for  
23 the purposes provided in subsection (B).

24 (B)(1) If the balance in the general reserve fund established pursuant to Section 36, Article III of the Constitution of this State and  
25 Section 11-11-310 of the 1976 Code is less than the required balance, there must be appropriated to it all amounts in the Contingency  
26 Reserve Fund up to the total necessary to replenish the general reserve fund. This amount does not replace or supplant the minimum  
27 replenishment amount otherwise required to be made to the general reserve fund.

28 (2) After the appropriation of amounts required pursuant to item (1) of this subsection, any remaining balance may be  
29 appropriated by the General Assembly as it deems appropriate.

30 **118.4.** (SR: Increased Enforced Collections Carry Forward) Unexpended funds appropriated pursuant to Proviso 90.16 in Part IB  
31 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  
32 purposes.

33 **118.5.** (SR: Health Care Maintenance of Effort Funding) The revenue collected from the fifty cent cigarette surcharge and  
34 deposited into the South Carolina Medicaid Reserve Fund established by Act 170 of 2010 and any other funds deposited into the  
35 fund shall be deemed appropriated for use by the Department of Health and Human Services for the Medicaid program. Unexpended  
36 funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.



1       **118.6.** (SR: Prohibits Public Funded Lobbyists) All state agencies and institutions are prohibited from using general fund  
2 appropriations to compensate employees who engage in lobbying on behalf of the state agency or institution. The State Ethics  
3 Commission shall require state agencies and institutions that report lobbying activities to the commission to certify that the lobbying  
4 activities were not funded by general fund appropriations.

5       All state agencies and institutions are prohibited from entering into contracts using general fund appropriations to provide lobbying  
6 services to the agency or institution.

7       **118.7.** (SR: Admissions Tax) For the current fiscal year, up to one hundred fourteen thousand dollars in admissions tax revenue  
8 collected annually from all events held at a NASCAR sanctioned motor speedway or racetrack that hosts at least one race each year  
9 featuring the preeminent NASCAR cup series must be rebated to the motorsports entertainment complex facility in the current fiscal  
10 year to keep a NASCAR race at the motorsports entertainment complex facility. In addition, any sports facility that hosts at least  
11 one preeminent Women's Tennis Association-sanctioned tournament or any sports facility that operates as the home venue for a  
12 professional soccer team that participates in the United Soccer Leagues, second division or higher, must be rebated to the facility  
13 half of its admissions tax revenue for the fiscal year and used by that facility for marketing the events held at the facility.

14       **118.8.** (SR: Agency Deficit Notice) The Comptroller General or the Executive Budget Office shall (1) provide written notice to  
15 each member of the General Assembly when it makes a report concerning an agency, department, or institution that is expending  
16 authorized appropriations at a rate which predicts or projects a general fund deficit for the agency, department, or institution, and (2)  
17 make monthly progress reports concerning an agency's, department's, or institution's plan to reduce or eliminate the deficit.

18       **118.9.** (SR: Tax Relief Reserve Fund) There is created the Tax Relief Reserve Fund, which shall be separate and distinct from  
19 the General Fund. Interest accrued by the fund must remain in the fund. Notwithstanding any other provision of law, on December  
20 31, ~~2024~~ 2022, the State Treasurer shall transfer funds identified in this act from the General Fund to the Tax Relief Reserve Fund.  
21 These funds may only be used to provide tax relief to businesses and individuals as provided by law. Funds within the Tax Relief  
22 Reserve Fund shall be retained and carried forward to be used for the same purpose.

23       **118.10.** (SR: Tax Deduction for Consumer Protection Services) (A) In addition to the deductions allowed in Section 12-6-1140  
24 of the 1976 Code, there is allowed a deduction in computing South Carolina taxable income of an individual the actual costs, but not  
25 exceeding three hundred dollars for an individual taxpayer, and not exceeding one thousand dollars for a joint return or a return  
26 claiming dependents, incurred by a taxpayer in the taxable year to purchase a monthly or annual contract or subscription for identity  
27 theft protection and identity theft resolution services. The deduction allowed by this item may not be claimed by an individual if the  
28 individual deducted the same actual costs as a business expense or if the taxpayer is enrolled in the identity theft protection and  
29 identity theft resolution services offered free of charge by the State of South Carolina. For purposes of this item, "identity theft  
30 protection" means products and services designed to prevent an incident of identify fraud or identity theft or other protect the private  
31 of a person' personal identifying information, as defined in Section 16-13-510(D), by precluding a third party from gaining  
32 unauthorized acquisition of another's personal identifying information to obtain financial resources or other products, benefits or  
33 services; and identity theft resolution services means products and services designed to assist persons whose personal identifying  
34 information, as defined by Section 16-13-510(D), was obtained by a third party, whereby minimizing the effects of the identity fraud  
35 or identity theft incident and restoring the person's identity to pre-theft status.

1 (B) The deduction provided in (A) is only allowed for taxpayers that filed a return with the Department of Revenue for any taxable  
2 year after 1997 and before 2013, whether by paper or electronic transmission, or any person whose personally identifiable information  
3 was contained on the return of another eligible person, including minor dependents.

4 (C) By March fifteenth of each year, the department shall issue a report to the Governor and the General Assembly detailing the  
5 number of taxpayers claiming the deduction allowed by this item in the most recent tax year for which there is an accurate figure,  
6 and the total monetary value of the deductions claimed pursuant to this item in that same year.

7 (D) The department shall prescribe the necessary forms to claim the deduction allowed by this section. The department may  
8 require the taxpayer to provide proof of the actual costs and the taxpayer's eligibility.

9 **118.11.** (SR: Tobacco Settlement) (A) To the extent funds are available from payments received on behalf of the State by the  
10 Tobacco Settlement Revenue Management Authority from the Tobacco Master Settlement Agreement ("MSA") in the current fiscal  
11 year, the State Treasurer is authorized and directed, after transferring funds sufficient to cover the operating expenses of the Authority,  
12 to transfer the remaining funds as follows:

13 (1) \$1,253,000 to the Attorney General's Office for Diligent Enforcement and Arbitration Litigation; \$450,000 to the State  
14 Law Enforcement Division for Diligent Enforcement; and \$325,000 to the Department of Revenue for Diligent Enforcement, all to  
15 enforce Chapter 47 of Title 11, the Tobacco Escrow Fund Act;

16 (2) The Attorney General's Office shall maintain a balance of \$1,253,000 in a fund for future tobacco arbitration. Attorney  
17 General funds in excess of \$1,253,000 may be utilized for information technology expenses and building infrastructure upgrades.  
18 These funds may be carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose; and

19 (3) The remaining balance shall be transferred to a restricted account authorized solely for use by the Department of Health  
20 and Human Services for the Medicaid program. Earnings on this fund must be credited to the fund and balances may be carried  
21 forward from the prior fiscal year for the same purpose.

22 (B) The requirements of Section 11-11-170 of the 1976 Code shall be suspended for the current fiscal year.

23 **118.12.** (SR: One Dollar Appropriations) Funds appropriated in the amount of one dollar by this act shall not be disbursed. The  
24 Comptroller General shall adjust the affected agency's chart of accounts accordingly, if necessary.

25 **118.13.** (SR: Non-recurring Litigation Recovery Revenue) During the current fiscal year, if there is a recovery or an award in  
26 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  
27 funds received in excess of twenty-five million dollars that are not likely to continue as recurring revenue and would have otherwise  
28 been credited to the General Fund shall be credited to the Litigation Recovery Account. The amount credited to this Litigation  
29 Recovery Account pursuant to this provision is deemed non-recurring revenue and must be expended only in the manner prescribed  
30 by law.

31 **118.14.** (SR: Farm Aid) There is created the 'South Carolina Farm Aid Fund'. This fund is separate and distinct from the general  
32 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  
33 must be used in that fiscal year to operate a grant program that provides financial assistance to farmers.

34 To be eligible for a grant, the person must have:

35 (1) experienced a verifiable loss of agricultural commodities of at least thirty percent as a result of the flooding occurring in the  
36 aftermath of Hurricanes Michael and Florence for which:

- 1 (a) the Governor declared a state of emergency in the State for the county in which the farm is located; and  
2 (b) the United States Secretary of Agriculture issued a Secretarial Disaster Declaration for the county in which the farm is  
3 located;
- 4 (2) a farm number issued by the Farm Service Agency;  
5 (3) signed an affidavit, under penalty of perjury, certifying that each fact of the loss presented by the person is accurate; and  
6 (4) a signed affidavit, under penalty of perjury, certifying that no federal funds have been received for these specific disasters,  
7 and in the event that federal funds are received, the person will return all state monies received under this program.

8 The Department of Agriculture (department) shall administer the grant program authorized by this proviso. The Department of  
9 Revenue shall assist the Department of Agriculture in the administration of the grant program by providing auditing services,  
10 accounting services, and review and oversight of all financial aspects of the grant program. There is created the Farm Aid Advisory  
11 Board to make recommendations to the department regarding the duties of the department in administering the grant program. The  
12 Commissioner of Agriculture, or his designee, shall serve ex officio, as chairman of the board. Also, the Director of the Department  
13 of Revenue, or his designee, the Vice President for Public Service and Agriculture of Clemson Public Service Activities, or his  
14 designee, and the Vice President for Land Grant Services of South Carolina State Public Service Activities, or his designee, shall  
15 serve on the board. The following additional members shall be appointed to the board:

- 16 (1) the Commissioner of Agriculture shall appoint one member representing the South Carolina Farm Bureau;  
17 (2) the Commissioner of Agriculture shall appoint one member representing a farm credit association;  
18 (3) the Director of the Department of Revenue shall appoint one member representing the crop insurance industry; and  
19 (4) the Director of the Department of Revenue shall appoint one member who is an agricultural commodities producer.

20 By July twentieth of the current fiscal year, the board shall hold its initial meeting to recommend an application process by which  
21 a person with a loss resulting from the flooding occurring in the aftermath of Hurricanes Michael and Florence may apply for a grant.  
22 Upon adoption of an application process, the Department of Agriculture shall provide the Chairman of the House Ways and Means  
23 Committee and the Chairman of the Senate Finance Committee with a written copy of its application process within ten days after  
24 its adoption. A person shall apply not later than forty-five days after the adoption of the application process. The department must  
25 ensure every person interested in applying for a grant has access to adequate resources to submit his application in a timely manner,  
26 and upon request, the department must assist a person with the preparation of his application.

27 Each grant awarded by the department may not exceed twenty percent of the person's verifiable loss of agricultural commodities.  
28 However, a person, including any grant made to a related person, may not receive grants aggregating more than one hundred thousand  
29 dollars. Also, a person, including any grant made to a related person, may not receive grants that when combined with losses covered  
30 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  
31 limits set by this proviso must be the amount of the grant multiplied by the person's ownership interest in the related person.  
32 However, a person who shares an ownership interest with another person or entity may not be refused a grant solely because the  
33 other person or related person has otherwise received the maximum grant amount, but in this case, the person's grant amount is  
34 limited by the person's ownership interest.

35 If the total amount of grants allowed pursuant to this proviso exceeds the monies in the fund, then each person's grant must be  
36 reduced proportionately.

1 To determine loss, the department:

2 (1) must measure the person's cumulative total loss of all affected agricultural commodities for the year in which the flooding  
3 occurred against the person's expected production of all agricultural commodities affected by the flooding occurring in the aftermath  
4 of Hurricanes Michael and Florence;

5 (2) shall use the person's applicable actual production history yield, as determined by the Federal Crop Insurance Corporation,  
6 to determine loss for insured agricultural commodities. In determining loss for uninsured agricultural commodities, the department  
7 shall use the most recent year's county price and county yield, as applicable, as determined by the National Agriculture Statistics  
8 Service, United States Department of Agriculture; and

9 (3) may require any documentation or proof it considers necessary to efficiently administer the grant program, including the  
10 ownership structure of each entity and the social security numbers of each owner. Minimally, in order to verify loss, the department  
11 shall require the submission of dated, signed, and continuous records. These records may include, but are not limited to, commercial  
12 receipts, settlement sheets, warehouse ledger sheets, pick records, load summaries, contemporaneous measurements, truck scale  
13 tickets, contemporaneous diaries, appraisals, ledgers of income, income statements of deposit slips, cash register tape, invoices for  
14 custom harvesting, u-pick records, and insurance documents.

15 Grant awards must be used for agricultural production expenses and losses due to the flooding which demonstrate an intent to  
16 continue the agricultural operation; however, awards may not be used to purchase new equipment. The department shall develop  
17 guidelines and procedures to ensure that funds are expended in the manner outlined in grant applications, and may require any  
18 documentation it determines necessary to verify the appropriate use of grant awards including receipts.

19 If the department determines that a person who received a grant provided inaccurate information, then the person shall refund the  
20 entire amount of the grant. If the department determines that a person who received a grant used the funds for ineligible expenses,  
21 then the person must refund the amount of the ineligible expenses. If the person does not refund the appropriate amount, the  
22 Department of Revenue shall utilize the provisions of the Setoff Debt Collection Act to collect the money from the person.

23 The department shall coordinate the exchange of information between the USDA and the Department of Revenue to identify any  
24 person that received a Farm Aid grant for the flooding occurring in the aftermath of Hurricanes Michael and Florence and also  
25 received federal aid relief for the same disaster. Any person that is determined to have received grant funds from both the state and  
26 federal government, must immediately repay the state grant they received.

27 If the department determines that a person knowingly provided false information to obtain a grant pursuant to this proviso or  
28 knowingly used funds for ineligible expenses, the person shall be subject to prosecution pursuant to Section 16-13-240.

29 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  
30 Advisory Board is dissolved. Any funds remaining in the fund upon dissolution shall lapse to the general fund.

31 The department may accept private funds, grants, and property to be used to make financial awards from the grant program.

32 The Department of Agriculture must administer the grant program authorized by this proviso using existing resources and funds.

33 If federal funds are allocated for persons that are otherwise eligible for a grant pursuant to this proviso before the current fiscal  
34 year begins, then the provisions of this proviso are not effective and no funds may be credited to the South Carolina Farm Aid Fund.

35 For purposes of this proviso:

1 (1) 'Agricultural commodities' means wheat, cotton, flax, corn, dry beans, oats, barley, rye, tobacco, rice, peanuts, soybeans,  
 2 sugar beets, sugar cane, tomatoes, grain sorghum, sunflowers, raisins, oranges, sweet corn, dry peas, freezing and canning peas,  
 3 forage, apples, grapes, potatoes, industrial hemp, timber and forests, nursery crops, citrus, and other fruits and vegetables, nuts, tame  
 4 hay, native grass, aquacultural species including, but not limited to, any species of finfish, mollusk, crustacean, or other aquatic  
 5 invertebrate, amphibian, reptile, or aquatic plant propagated or reared in a controlled or selected environment, excluding stored grain;

6 (2) 'Person' means any individual, trust, estate, partnership, receiver, association, company, limited liability company,  
 7 corporation, or other entity or group;

8 (3) 'Related person' means any person, joint venture, or entity that has a direct or indirect ownership interest of a person or legal  
 9 entity; and

10 (4) 'Department' means the Department of Agriculture.

11 **118.15.** (SR: Nonrecurring Revenue) (A) ~~The source of revenue appropriated in subsection (B) is nonrecurring revenue~~  
 12 ~~generated from the following sources:~~

13 (1) ~~\$60,298,684 from Fiscal Year 2018-19 Contingency Reserve Fund;~~

14 (2) ~~\$396,459,950 from Fiscal Year 2019-20 Undesignated/Unreserved Funds;~~

15 (3) ~~\$125,239,577 from Fiscal Year 2020-21 Debt Service Lapse;~~

16 (4) ~~\$646,713,463 from projected Fiscal Year 2020-21 unobligated general fund revenue as certified by the Board of~~  
 17 ~~Economic Advisors;~~

18 (5) ~~\$65,000,000 from CARES Act Reimbursements;~~

19 (6) ~~\$20,480,045 from Litigation Recovery Account; and~~

20 (7) ~~\$112,895,790 from Estimated Excess Debt Service above Projected Expenditures.~~

21 ~~Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers~~  
 22 ~~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~~  
 23 ~~2021-22, except as provided for in item (52)(g).~~

24 ~~This revenue is deemed to have occurred and is available for use in Fiscal Year 2021-22 after September 1, 2021, following the~~  
 25 ~~Comptroller General's close of the state's books on Fiscal Year 2020-21, except as provided for in item(52)(g).~~

26 (B) ~~The appropriations in this provision are listed in priority order. Item (1) must be funded first and each remaining item must~~  
 27 ~~be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially funded~~  
 28 ~~in the order in which it appears to the extent that revenues are available.~~

29 ~~The State Treasurer shall disburse the following appropriations by September 30, 2021, for the purposes stated:~~

30 (1) ~~F310—General Reserve Fund~~

31 ~~General Reserve Fund Contribution..... \$ 18,723,614;~~

32 (2) ~~Y140—State Ports Authority~~

33 ~~Intermodal Container Transfer Facility and Waterborne Cargo Infrastructure ..... \$200,000,000;~~

34 (3) ~~H630—Department of Education~~

35 ~~Capital Funding for Disadvantaged Schools ..... \$100,000,000;~~

36 (4) ~~H640—Governor's School for the Arts and Humanities~~

1	(a) Chiller and Boiler Replacement .....	\$ 415,000;
2	(b) HVAC Split System Replacement .....	\$ 150,000;
3	(c) IT Server Replacement .....	\$ 90,000;
4	(d) GSAH Drama Theatre Lighting .....	\$ 66,300;
5	(e) GSAH Dance Studio Floor Upgrade .....	\$ 86,000;
6	(5) H670 Education Television Commission	
7	Datacasting Initiative .....	\$ 1,320,232;
8	(6) H710 Wil Lou Gray Opportunity School	
9	(a) Security Cameras and Keyless Entry .....	\$ 200,000;
10	(b) Classroom Security Improvements and Flooring .....	\$ 300,000;
11	(7) H950 State Museum Commission	
12	(a) Permanent Gallery Renovation Phase II .....	\$ 3,750,000;
13	(b) Planetarium Technology Upgrade .....	\$ 350,000;
14	(c) Museum Website .....	\$ 150,000;
15	(d) Wi-Fi Expansion .....	\$ 70,000;
16	(e) Security Camera System .....	\$ 70,000;
17	(f) Firewall Replacement .....	\$ 35,000;
18	(8) H960 Confederate Relic Room and Military Museum Commission	
19	High Density Mobile Storage Unit .....	\$ 180,000;
20	(9) L120 Governor's School for Agriculture at John De La Howe	
21	De la Howe Hall Renovation .....	\$ 6,600,000;
22	(10) H090 The Citadel	
23	(a) Maintenance, Renovation, and Replacement .....	\$ 2,860,201;
24	(b) Stevens Barracks Update and Replacement .....	\$ 3,500,000;
25	(11) H120 Clemson University	
26	Maintenance, Renovation, and Replacement .....	\$ 22,630,332;
27	(12) H150 University of Charleston	
28	Maintenance, Renovation, and Replacement .....	\$ 10,729,884;
29	(13) H170 Coastal Carolina University	
30	Maintenance, Renovation, and Replacement .....	\$ 7,899,283;
31	(14) H180 Francis Marion University	
32	(a) Maintenance, Renovation, and Replacement .....	\$ 4,958,113;
33	(b) School of Education/School of Business Building .....	\$ 17,000,000;
34	(c) Site Development Medical Education Collaborative with MUSC and USC .....	\$ 21,000,000;
35	(15) H210 Lander University	
36	(a) Maintenance, Renovation, and Replacement .....	\$ 5,214,471;

1	(b) Nursing Building .....	\$ 5,000,000;
2	(16) H240—South Carolina State University	
3	Maintenance, Renovation, and Replacement .....	\$ 3,001,862;
4	(17) H270—University of South Carolina—Columbia	
5	(a) School of Medicine Relocation .....	\$ 10,000,000;
6	(b) Maintenance, Renovation, and Replacement .....	\$ 19,000,000;
7	(c) Horry Guignard House Renovation .....	\$ 1,350,000;
8	(18) H290—University of South Carolina—Aiken	
9	Maintenance, Renovation, and Replacement .....	\$ 9,761,866;
10	(19) H340—University of South Carolina—Upstate	
11	Maintenance, Renovation, and Replacement .....	\$ 8,740,816;
12	(20) H360—University of South Carolina—Beaufort	
13	Maintenance, Renovation, and Replacement .....	\$ 2,848,396;
14	(21) H370—University of South Carolina—Lancaster	
15	Maintenance, Renovation, and Replacement .....	\$ 2,998,490;
16	(22) H380—University of South Carolina—Salkehatchie	
17	Maintenance, Renovation, and Replacement .....	\$ 1,344,092;
18	(23) H390—University of South Carolina—Sumter	
19	Maintenance, Renovation, and Replacement .....	\$ 7,750,000;
20	(24) H400—University of South Carolina—Union	
21	Maintenance, Renovation, and Replacement .....	\$ 1,678,007;
22	(25) H470—Winthrop University	
23	Maintenance, Renovation, and Replacement .....	\$ 9,188,419;
24	(26) H510—Medical University of South Carolina	
25	(a) Maintenance, Renovation, and Replacement .....	\$ 20,000,000;
26	(b) Hospital Authority—SC Children’s Hospitals Infrastructure .....	\$ 10,000,000;
27	(27) H590—State Board for Technical and Comprehensive Education	
28	(a) Aiken Technical College	
29	Maintenance, Renovation, and Replacement .....	\$ 3,256,722;
30	(b) Central Carolina Technical College	
31	Maintenance, Renovation, and Replacement .....	\$ 10,000,000;
32	(c) Central Carolina Technical College	
33	Academic and Student Services Building .....	\$ 13,000,000;
34	(d) Denmark Technical College	
35	Maintenance, Renovation, and Replacement .....	\$ 3,000,000;
36	(e) Florence-Darlington Technical	

1	College Maintenance, Renovation, and Replacement .....	\$ 10,997,734;
2	(f) Greenville Technical College	
3	Maintenance, Renovation, and Replacement .....	\$ 14,795,060;
4	(g) Horry Georgetown Technical	
5	College Maintenance, Renovation, and Replacement .....	\$ 9,195,619;
6	(h) Horry Georgetown Technical	
7	College Diesel Training Lab .....	\$ 500,000;
8	(i) Midlands Technical College	
9	Maintenance, Renovation, and Replacement .....	\$ 12,431,545;
10	(j) Midlands Technical College	
11	Dual Credit and Quickjobs .....	\$ 3,500,000;
12	(k) Northeastern Technical College	
13	Maintenance, Renovation, and Replacement .....	\$ 3,000,000;
14	(l) Orangeburg Calhoun Technical	
15	College Maintenance, Renovation, and Replacement .....	\$ 3,562,258;
16	(m) Orangeburg Calhoun Technical	
17	College Machine Tool Technology Classroom Update.....	\$ 2,000,000;
18	(n) Piedmont Technical College	
19	Maintenance, Renovation, and Replacement .....	\$ 6,893,159;
20	(o) Spartanburg Community College	
21	Maintenance, Renovation, and Replacement .....	\$ 6,073,662;
22	(p) Spartanburg Community College	
23	Union County Campus Building Expansion .....	\$ 4,800,000;
24	(q) Technical College of the Lowcountry	
25	Maintenance, Renovation, and Replacement .....	\$ 3,375,022;
26	(r) Technical College of the	
27	Lowcountry Culinary Center .....	\$ 3,500,000;
28	(s) Tri-County Technical College	
29	Maintenance, Renovation, and Replacement .....	\$ 8,073,560;
30	(t) Tri-County Technical College	
31	Oconee Hall Renovations .....	\$ 5,000,000;
32	(u) Trident Technical College	
33	Maintenance, Renovation, and Replacement .....	\$ 16,306,515;
34	(v) Trident Technical College	
35	Lowcountry Transportation and Logistics Center .....	\$ 5,000,000;
36	(w) Williamsburg Technical College	



1		Maintenance, Renovation, and Replacement .....	\$ 3,000,000;
2	(x)	York Technical College	
3		Maintenance, Renovation, and Replacement .....	\$ 6,168,637;
4	(y)	York Technical College	
5		Student Center .....	\$ 5,860,049;
6	(28)	J020—Department of Health and Human Services	
7		Medicaid Management Information System .....	\$ 16,678,434;
8	(29)	J040—Department of Health and Environmental Control	
9	(a)	Nursing Program Expansion .....	\$ 1,000,000;
10	(b)	Newborn Screening—Act 55 of 2019 and Spinal Muscular Atrophy .....	\$ 101,128;
11	(30)	J120—Department of Mental Health	
12	(a)	State Veterans Nursing Homes Match .....	\$ 49,788,352;
13	(b)	Ligature Resistant Fixture Replacement .....	\$ 2,310,000;
14	(c)	Inpatient Services .....	\$ 2,000,000;
15	(d)	Alternative Transportation Program .....	\$ 1,000,000;
16	(e)	Detention Center Telepsychiatry Team .....	\$ 843,000;
17	(f)	Detention Center Medication Fund .....	\$ 1,000,000;
18	(g)	Crisis Stabilization Unit Pilot—Midlands .....	\$ 1,200,000;
19	(h)	Mental Illness Recovery Center Inc. (MIRCI) .....	\$ 250,000;
20	(i)	Coastal Empire Mental Health Center HVAC, Sprinklers, Fire Alarm, and Roof .....	\$ 1,600,000;
21	(j)	Crafts Farrow Electrical Distribution System Renovation .....	\$ 1,200,000;
22	(k)	Waccamaw Center HVAC, Sprinklers, Fire Alarm, and Roof .....	\$ 1,600,000;
23	(31)	J160—Department of Disabilities and Special Needs	
24	(a)	South Carolina Genomic Medicine Initiative at Greenwood Genetic Center .....	\$ 2,000,000;
25	(b)	Coastal Regional Center Electrical Grid .....	\$ 1,500,000;
26	(c)	Community Housing Pilot Program for Aging Consumers .....	\$ 750,000;
27	(32)	J200—Department of Alcohol and Other Drug Abuse Services	
28		Local Center Staff Retention and Operations .....	\$ 2,500,000;
29	(33)	L040—Department of Social Services	
30	(a)	Title IV-E Revenue Replacement .....	\$ 9,000,000;
31	(b)	SCCADVASA .....	\$ 500,000;
32	(c)	Infrastructure Integrity .....	\$ 11,713,430;
33	(d)	Children's Law Center .....	\$ 1,500,000;
34	(34)	L080—Department of Children's Advocacy	
35		Network of Children's Advocacy Centers .....	\$ 170,000;
36	(35)	H790—Department of Archives and History	

1	(a) Sestercennial Commission.....	\$ 1,460,000;
2	(b) African American History Commission Green Book.....	\$ 100,000;
3	(c) Digital Lab and Office Space .....	\$ 500,000;
4	(36) H910—Arts Commission	
5	Grant Funds for Arts Organizations/Emergency Relief .....	\$ 2,000,000;
6	(37) P120—Forestry Commission	
7	Firefighting Equipment .....	\$ 1,000,000;
8	(38) P160—Department of Agriculture	
9	(a) Hemp Testing Laboratory Equipment.....	\$ 425,000;
10	(b) Backup Generator.....	\$ 300,000;
11	(39) P200—Clemson University—PSA	
12	(a) Sandhill Recreation Research & Extension Building Repair .....	\$ 990,000;
13	(b) Pee Dee Research & Education Center Greenhouse Construction.....	\$ 2,000,000;
14	(40) P210—South Carolina State University—PSA	
15	(a) Small Business Recovery Assistance and Training.....	\$ 350,000;
16	(b) Impact of COVID-19 on Small Farm Sustainability and Capacity .....	\$ 250,000;
17	(c) Immunity Boost: Nutrition Education and Awareness During COVID.....	\$ 300,000;
18	(41) P280—Department of Parks, Recreation and Tourism	
19	(a) Destination Specific .....	\$ 15,000,000;
20	(b) Tourism Advertising.....	\$ 5,000,000;
21	(c) South Carolina Association of Tourism Regions .....	\$ 600,000;
22	(d) Venues at Arsenal Hill .....	\$ 8,350,000;
23	(e) Hunting Island Lighthouse Repairs.....	\$ 3,000,000;
24	(f) Fair Play Welcome Center Rebuild and Beautification.....	\$ 4,000,000;
25	(g) Welcome Center Rebuild (N. Augusta, Little River, Landrum, and Blacksburg).....	\$ 21,500,000;
26	(h) South Carolina Film Commission .....	\$ 15,000,000;
27	(i) Advertising and Operations.....	\$ 1,340,000;
28	(42) P320—Department of Commerce	
29	(a) Deal Closing Fund.....	\$ 3,700,000;
30	(b) Locate SC .....	\$ 4,000,000;
31	(c) PGA Championship 2021.....	\$ 360,000;
32	(d) Gallo Economic Development Project .....	\$ 8,300,000;
33	(43) P450—Rural Infrastructure	
34	(a) Water and Sewer Regionalization Fund.....	\$ 3,500,000;
35	(b) Rural Infrastructure Fund .....	\$ 2,129,944;
36	(44) D100—State Law Enforcement Division	

1	(a) State Investigation Reimbursement.....	\$ 549,676;
2	(b) Agency Personnel Equipment—Forensics.....	\$ 713,000;
3	(c) Forensic Equipment.....	\$ 952,000;
4	<del>(44.1) From the funds appropriated to the State Law Enforcement Division in Item (44)(a) for State Investigation</del>	
5	<del>Reimbursement, the division shall retain \$72,052 and shall transfer \$144,777 to the Department of Transportation, \$102,087 to the</del>	
6	<del>Forestry Commission, \$30,000 to the Department of Health and Environmental Control, and \$200,760 to the State Fire Division at</del>	
7	<del>the Department of Labor, Licensing and Regulation.</del>	
8	<del>(45) E210—Prosecution Coordination</del>	
9	Commission Docket Backlog Intake Program .....	\$ 2,160,000;
10	<del>(46) E230—Commission on Indigent Defense</del>	
11	Docket Backlog Contract Counsel .....	\$ 4,800,000;
12	<del>(47) K050—Department of Public Safety</del>	
13	(a) Agency Vehicle Rotation .....	\$ 800,000;
14	(b) Communication Equipment Replacement .....	\$ 600,000;
15	(c) Insurance Reserve Fund Premium Increase .....	\$ 1,246,457;
16	(d) Body Cameras—Statewide Program.....	\$ 1,000,000;
17	<del>(48) N040—Department of Corrections</del>	
18	(a) Contract Nursing .....	\$ 4,550,984;
19	(b) Critical Medical and Hepatitis C Treatment, Supplies and Equipment.....	\$ 4,000,000;
20	(c) Critical Long-term Re-entry Programming Equipment.....	\$ 500,000;
21	(d) Preventive Health Screening .....	\$ 1,500,000;
22	(e) Insurance Reserve Fund Premium Increase .....	\$ 5,984,009;
23	<del>(49) N080—Department of Probation, Parole and Pardon Services</del>	
24	(a) Agency Fleet Replacement.....	\$ 625,672;
25	(b) Insurance Reserve Fund Premium Increase .....	\$ 562,692;
26	<del>(50) N120—Department of Juvenile Justice</del>	
27	(a) Marine and Wilderness Program .....	\$ 1,500,000;
28	(b) Security Fencing for Maple, Cypress, & Poplar.....	\$ 619,000;
29	(c) HVAC Replacement.....	\$ 2,000,000;
30	(d) Fire Alarm Upgrade Birchwood Campus .....	\$ 1,500,000;
31	(e) Insurance Reserve Fund Premium Increase .....	\$ 520,000;
32	<del>(51) N200—Law Enforcement Training Council Criminal Justice Academy</del>	
33	(a) HVAC Replacement Buildings 10 & 11 .....	\$ 383,135;
34	(b) Target System Upgrades .....	\$ 302,500;
35	(c) FATS Training Building and Building 4.....	\$ 1,682,000;
36	(d) Paving Project.....	\$ 632,500;

1	(e) Emergency Generator for Academy Main Building .....	\$ 2,750,000;
2	<del>(52) P240—Department of Natural Resources</del>	
3	<del>(a) Marine Resources Research Lab Shoreline Stabilization .....</del>	<del>\$ 585,500;</del>
4	<del>(b) State Water Plan Pee Dee and Broad River Basins .....</del>	<del>\$ 2,995,000;</del>
5	<del>(c) Waterfowl Areas Category 1 .....</del>	<del>\$ 1,500,000;</del>
6	<del>(d) Ocean Research Vessel Replacement .....</del>	<del>\$ 1,207,000;</del>
7	<del>(e) Agency Vehicle Rotation .....</del>	<del>\$ 750,000;</del>
8	<del>(f) Waddell Fish Hatchery Deferred Maintenance/Upgrades .....</del>	<del>\$ 3,500,000;</del>
9	<del>(g) Ft. Johnson Property Acquisition .....</del>	<del>\$ 23,250,000;</del>
10	<del>(52.1) The funds appropriated to the Department of Natural Resources for Ft. Johnson Property Acquisition in item (52)(g),</del>	
11	<del>shall be distributed from the Contingency Reserve Fund by July 5, 2021. This item and all associated transactions are deemed</del>	
12	<del>approved and authorized by the General Assembly.</del>	
13	<del>(53) P400—Conservation Bank</del>	
14	<del>Conservation Grants .....</del>	<del>\$ 9,000,000;</del>
15	<del>(54) R520—State Ethics Commission</del>	
16	<del>Non-Compliance Personnel Equipment .....</del>	<del>\$ 12,000;</del>
17	<del>(55) R060—Office of Regulatory Staff</del>	
18	<del>(a) Statewide Broadband Expansion .....</del>	<del>\$ 10,000,000;</del>
19	<del>(b) Statewide Broadband Office .....</del>	<del>\$ 11,870;</del>
20	<del>(c) Power Grid Study .....</del>	<del>\$ 500,000;</del>
21	<del>(d) Electricity Market Reform Study Committee (Act 187 of 2020) .....</del>	<del>\$ 750,000;</del>
22	<del>(56) R360—Department of Labor, Licensing and Regulation</del>	
23	<del>Urban Search &amp; Rescue Task Force and Helicopter Aquatic Rescue Team .....</del>	<del>\$ 850,000;</del>
24	<del>(57) R400—Department of Motor Vehicles</del>	
25	<del>Mail Tracking System .....</del>	<del>\$ 457,500;</del>
26	<del>(58) R600—Department of Employment and Workforce</del>	
27	<del>Be Pro Be Proud .....</del>	<del>\$ 642,500;</del>
28	<del>(59) U120—Department of Transportation</del>	
29	<del>Litter Pickup .....</del>	<del>\$ 8,000,000;</del>
30	<del>(60) U300—Division of Aeronautics</del>	
31	<del>(a) Main Hangar Window Replacement .....</del>	<del>\$ 350,000;</del>
32	<del>(b) Exterior Roof and Coating .....</del>	<del>\$ 400,000;</del>
33	<del>(61) B040—Judicial Department</del>	
34	<del>(a) Virtual Courtroom Expansion .....</del>	<del>\$ 7,600,000;</del>
35	<del>(b) Case Management System Modernization .....</del>	<del>\$ 10,000,000;</del>
36	<del>(c) Digital Court Reporter Project .....</del>	<del>\$ 1,425,000;</del>

1	(62) C050—Administrative Law Court	
2	(a) E-Filing Module .....	\$ 175,000;
3	(b) Public Area Renovations .....	\$ 38,390;
4	(63) A010—The Senate	
5	(a) Operating Costs/Reapportionment .....	\$ 4,000,000;
6	(b) Security .....	\$ 250,000;
7	(64) A050—House of Representatives	
8	(a) Security .....	\$ 250,000;
9	(b) Reapportionment .....	\$ 2,000,000;
10	(65) A170—Legislative Services Agency	
11	Legislative Systems and Security Upgrade .....	\$ 5,000,000;
12	(66) D300—Office of Resiliency	
13	(a) Resiliency Reserve Fund—Act 163 of 2020 .....	\$ 44,000,000;
14	(b) Resiliency Revolving Loan Fund—Act 163 of 2020 .....	\$ 6,000,000;
15	(c) IT Equipment and Furniture .....	\$ 80,000;
16	(67) D500—Department of Administration	
17	(a) Division of State Human Resources Class & Compensation Reform .....	\$ 500,000;
18	(b) Facilities Management Permanent Improvements .....	\$ 6,198,000;
19	(c) Executive Institute .....	\$ 200,000;
20	(68) E160—Office of State Treasurer	
21	Tuition Prepayment Plan .....	\$ 31,900,000;
22	(69) E240—Office of Adjutant General	
23	(a) Aiken Readiness Center .....	\$ 5,200,000;
24	(b) Armory Revitalization .....	\$ 2,500,000;
25	(c) Olympia Armory Repairs and Renovations .....	\$ 1,200,000;
26	(d) SCEMD Phased Replacement of HVAC Units (Phase 1 of 3) .....	\$ 162,950;
27	(e) SC Military Museum Public Outreach for SC National Guard History .....	\$ 500,000;
28	(f) Kershaw County Armory Relocation of Maintenance Yard .....	\$ 300,000;
29	(g) Non-Federal Share Declared Natural Disasters .....	\$ 12,651,884;
30	(h) FEMA Match—Declared Tornado Disasters .....	\$ 5,382,759;
31	(70) E260—Department of Veterans' Affairs	
32	(a) Office of Secretary .....	\$ 452,500;
33	(b) Public Information .....	\$ 13,800;
34	(c) State Coalition Integration .....	\$ 38,500;
35	(d) SC Base Protection Fund .....	\$ 8,000,000;
36	(e) Administrative Services Division .....	\$ 15,000;

1           ~~(71) E280—Election Commission~~  
2                 ~~State Matching Funds for 2020 HAVA Grant..... \$ 1,353,494;~~  
3           ~~(72) \$800,000 shall be appropriated for Educational Purposes as follows: H630—Department of Education: Trinity~~  
4 ~~Technology Center \$100,000; Briggs De Laine Pearson Foundation \$250,000; SC Retired Educators Academic Tutorial Services~~  
5 ~~\$200,000; and Roper Mountain Science Center \$250,000;~~  
6           ~~(73) \$19,070,851 shall be appropriated for Economic Development purposes as follows: P320—Department of Commerce:~~  
7 ~~SC Minority Business Center \$300,000; Pinewood Depot \$350,000; Unemployment Job Training \$500,000; North Maple~~  
8 ~~Street/Kapstone/Global Trade Center Improvements \$2,820,851; SC Technology and Aviation Center Infrastructure Upgrades~~  
9 ~~\$9,000,000; Graduation Alliance \$500,000; Palmetto Goodwill \$500,000; SC Association for Community Economic Development~~  
10 ~~\$2,000,000; and Southern Carolina Regional Development Alliance Building Renovation \$100,000; and Y140—State Ports~~  
11 ~~Authority: Georgetown Port \$1,000,000; and Permitting Activities Related to Jasper Ocean Terminal Port \$2,000,000;~~  
12           ~~(74) \$18,963,263 shall be appropriated for Healthcare purposes as follows: J200—Department of Alcohol and Other Drug~~  
13 ~~Abuse Services: Aiken Center Renovation \$380,000; Trinity Behavioral Health Care Building Replacement \$500,000; Palmetto~~  
14 ~~Foundation for Prevention and Recovery \$50,000; Rubicon Drug and Alcohol Center—Hartsville \$75,000; Chesterfield Alpha Center~~  
15 ~~Renovation \$250,000; and Westview Behavioral Health Services Renovation and Increased Security \$31,000; J160—Department of~~  
16 ~~Disabilities and Special Needs: Union County Greenhouse Repair \$15,000; J040—Department of Health and Environmental Control:~~  
17 ~~Socastee Flooding Prevention \$1,000,000; Lake Caldwell Dam Remediation \$750,000; Stormwater Facilities Improvement City of~~  
18 ~~Rock Hill \$1,000,000; EMS Association Recruitment and Retention \$350,000; Colon Cancer Prevention Network \$250,000;~~  
19 ~~Darlington Lift Stations/Sewer Project \$300,000; and James R. Clark Memorial Sickle Cell Foundation \$300,000; L040—Department~~  
20 ~~of Social Services: Orangeburg County Domestic Violence Shelter \$1,500,000; Family Justice Center—Horry County Program~~  
21 ~~\$1,500,000; Epworth Children’s Home \$350,000; Florence Crittenton \$100,000; Sexual Assault Victim Sensitivity Training~~  
22 ~~\$1,000,000; SAFE for Families SC \$25,000; Dickerson Children’s Advocacy Center \$250,000; and Women in Unity \$200,000; and~~  
23 ~~J020—Department of Health and Human Services: The Men’s Center of the PeeDee \$175,000; Camp Cole \$250,000; A Child’s~~  
24 ~~Haven \$500,000; Children’s Place \$500,000; Nicholtown Child and Family Collaborative \$25,000; MedEx Academy \$75,000; The~~  
25 ~~Therapy Place \$150,000; Samaritan House Homeless Shelter \$50,000; Beaufort Jasper Hampton Comprehensive Health Services~~  
26 ~~\$375,000; Antioch Senior Center \$300,000; CR Neal Center \$200,000; Community Medicine Foundation \$250,000; The Medi CRC~~  
27 ~~\$50,000; Resurrection Homeless Shelter \$100,000; Phillis Wheatley Center \$25,000; Lisa School House Rocks \$50,000; Emma~~  
28 ~~Wright Fuller Foundation \$50,000; Center for Educational Equity \$25,000; Outstanding Youth Awards \$25,000; Pleasant Valley~~  
29 ~~Connection \$25,000; Community Wellness Group \$100,000; St. John Community Holistic Wellness Center \$100,000; SC Cervical~~  
30 ~~Cancer Awareness Initiative \$161,000; Medical Ministries Inc. \$8,000; Camp Happy Days \$237,500; Community Health Worker~~  
31 ~~Pilot Program \$1,900,000; New Morning Foundation \$750,000; Nurse Family Partnership \$250,000; Brain Injury Association~~  
32 ~~\$100,000; Shoreline Behavioral Health Services Facility Expansion \$1,000,000; Vital Aging of Williamsburg \$300,000; South~~  
33 ~~Carolina HIV Council “The Wright Wellness Center” \$300,000; M.A.D. USA (Men Against Domestic Violence) \$330,763; and Sea~~  
34 ~~Haven for Youth Health Care for Homeless Youth \$50,000;~~  
35           ~~(75) \$6,548,300 shall be appropriated for Law Enforcement purposes as follow: K050—Department of Public Safety:~~  
36 ~~Lancaster Sheriff’s Office Armored Vehicle \$340,000; Sumter County Sheriff’s Office \$500,000; Sumter Police Department~~

1 \$750,000; Dillon County Sheriff's Office Officer Equipment \$398,000; Beaufort Crime Lab \$500,000; Fairfax Law Enforcement  
2 Building Renovation \$350,000; Laurens County Sheriff's Office Operations and Training Building \$250,000; Florence County  
3 Sheriff's Office Equipment/Renovations \$153,500; Newberry County Sheriff's Department Emergency Call Equipment \$225,000;  
4 Greenwood Sheriff's Department Police Cars \$300,000; Allendale County Sheriff's Office New Building \$176,800; and Body  
5 Cameras—Florence County Sheriff's Office Program Implementation \$1,000,000; N080—Department of Probation, Parole and  
6 Pardon Services: Laurens County Office Facility Renovations \$238,000; Turning Leaf Expansion Campaign \$667,000; Paths to  
7 Wholeness, Inc.—Pilot Re-entry Program \$100,000; and Rock of Ages (Fresh Start Transition Program) \$250,000; and  
8 N120—Department of Juvenile Justice: PACE Center for Girls \$350,000;  
9 (76) \$12,920,000 shall be appropriated for Local Government purposes as follow: E240—Office of Adjutant General: Swift  
10 Water Rescue Team \$50,000; Undeclared Tornado Disaster Reimbursement—Seneca \$2,500,000; Newberry County Emergency  
11 Management \$50,000; and Information Technology for JAG Branch of State National Guard \$200,000; L060—Department on Aging:  
12 Orangeburg Senior Community Center \$50,000; and Fairfax Senior Citizen's Building \$300,000; D500—Department of  
13 Administration: Tri-City Visionaries Weatherization and Energy Related Home Repairs \$200,000; U120—Department of  
14 Transportation: Historic T Bridge Repairs—City of Gaffney \$500,000; Forest Lake Place Bridge \$500,000; Five Points Road  
15 Funding \$850,000; Interchange Justification Report Rebuilding Exit on I 85 \$1,000,000; City of Forest Acres Bridge Replacement  
16 \$500,000; and Palmetto Trail Highway 301 Pedestrian Bridge \$1,600,000; and X220—Aid to Subdivisions—State Treasurer: Latta  
17 Revitalization Commission \$75,000; AmeriCorps SC \$200,000; Goose Creek Amphitheater Construction \$1,500,000; Cyber  
18 Security/Base Camp Equipment and Staff Training \$450,000; Mayson Crossroad Community Center Upgrades \$25,000; Dacusville  
19 Heritage Pavilion \$25,000; Town of Liberty \$40,000; City of Pickens \$55,000; Trinity Education Community and Conference Center  
20 \$200,000; Diane's Call \$100,000; Pineville Antioch Multi-purpose Building \$240,000; Upstate Family Resource Center \$350,000;  
21 Town of Jenkinsville Town Hall Resource Center \$50,000; St. Lawrence Community Center Upgrades \$250,000; Green Pond  
22 Resource Center Equipment Purchase \$25,000; Sheldon Township Project \$25,000; Dorchester Paws Facility Upgrades \$350,000;  
23 Town of Brunson \$50,000; Town of Gifford \$40,000; Town of Furman \$40,000; Mill Town Theater \$220,000; Town of Pendleton  
24 \$250,000; and Salem Community Center Renovations \$60,000;  
25 (77) \$94,243,600 shall be appropriated for Sports, Recreation, Tourism, and Agriculture purposes as follows:  
26 H790—Department of Archives and History: Pickens County Historical Updates \$25,000; Hagood Mill \$100,000; Dorchester  
27 Heritage Center \$480,000; Drayton Hall Preservation Trust \$250,000; Lincoln Preservation \$450,000; City of Abbeville—Barksdale  
28 McGowan House Climate Control Repairs \$150,000; Revolutionary War Sites \$400,000; Town of Iva—Repair of Historical Building  
29 \$50,000; Flagship of Luca Vasquez de Ayllon Shipwreck Survey \$250,000; Georgetown County Historical Society—Plantersville  
30 Cultural Center Eco-tourism Initiative \$53,500; and Marion County Library—Carnegie Library Renovation and Expansion \$250,000;  
31 H910—Arts Commission: Greenville Cultural and Arts Center \$19,000,000; Gibbes Art Museum \$500,000; Sumter Opera House  
32 \$15,000,000; Spartanburg County Foundation Cultural Movement \$340,000; Chapman Cultural Center's Mayfair Mills Art Studios  
33 \$225,000; Charleston Food and Wine Festival \$200,000; Spoleto Festival \$500,000; South Sumter Art Park Project \$550,000; SC  
34 Artisans Center \$200,000; The Renaissance Foundation \$400,000; and Hartsville Center Theatre \$500,000; J160—Department of  
35 Disabilities and Special Needs: Special Olympics South Carolina \$250,000; J040—Department of Health and Environmental  
36 Control: City of Myrtle Beach Ocean Outfall \$500,000; and City of North Myrtle Beach Ocean Outfall \$500,000; P240—Department

1 of Natural Resources: ~~Port Royal Multi-use Building Upgrades and Shrimp Dock Repairs \$500,000; Feral Swine Eradication~~  
2 ~~\$500,000; Greenwood County Boat Ramp \$300,000; Steel Creek Boat Landing Repair \$200,000; and Port Royal Shrimp Dock~~  
3 ~~\$400,000; P280 Department of Parks, Recreation and Tourism: Myrtle Beach Safety Barriers \$250,000; Lexington County~~  
4 ~~Convention Center \$1,000,000; Friends of the Green Crescent Trail \$200,000; Aiken County Railroad Museum \$205,000; Dolly~~  
5 ~~Cooper Park Improvement \$350,000; Lee State Park Equestrian Center \$100,000; Dreher Island State Park Upgrades \$150,000;~~  
6 ~~Kings Mountain State Park Upgrades \$600,000; Surfside Pier \$500,000; Doko Meadows Park Security Improvements \$250,000;~~  
7 ~~Marlboro Civic Center \$500,000; Eagles Fields Baseball League \$50,000; Murrells Inlet Dredging \$2,000,000; Downtown~~  
8 ~~Spartanburg Infrastructure \$12,000,000; Alvin Community Center \$30,000; Stump Removal Lake Marion \$300,000; Florence~~  
9 ~~County Civic Center \$1,000,000; Fairfield County Recreation Facilities \$150,000; Martin Luther King Park Upgrades \$25,000;~~  
10 ~~Explore Black Charleston/Columbia \$50,000; Winding Woods Building Pad \$500,000; Pine Hill Building Pad \$500,000; Calhoun~~  
11 ~~County Museum Preservation \$100,000; Town of Timmonsville Park \$100,000; Palmetto Trail Columbia/Elmwood Greenway~~  
12 ~~\$500,000; Miracle Park \$500,000; Southeastern Wildlife Expo \$300,000; Charleston Visitor Center \$1,500,000; SC Aquarium~~  
13 ~~\$2,000,000; Mother Emanuel Foundation Capital Infrastructure \$4,000,000; Lee County Tennis Center \$250,000; Palmetto Trail~~  
14 ~~Phase 3 \$1,000,000; Lower Richland Diamond Fest \$30,000; African American Tourism Institute \$50,000; Black Cowboy Festival~~  
15 ~~\$50,000; Park Campground Comfort Station/Rest Station Renovations \$500,000; Colleton County Miracle League Field \$450,000;~~  
16 ~~Town of Piedmont Replace Saluda River Foot Bridge \$250,000; South Sumter Park Improvements \$500,000; Columbia Convention~~  
17 ~~Center Renovation \$9,000,000; ArtFields Collective \$500,000; Shot Pouch Greenway and Swan Lake Iris Gardens Improvements~~  
18 ~~\$1,500,000; City of Conway Revitalization \$500,000; Morris Island Lighthouse \$350,000; Brookland Center Community Programs~~  
19 ~~\$300,000; Cayce History Park \$1,000,000; Amazing Grace Park, The Clementa Pinckney Park \$500,000; Gordon Park/Dillon~~  
20 ~~County Parks and Recreation \$300,000; Wateree River Veterans Park \$200,000; Town of Hodges Park Completion \$50,000;~~  
21 ~~Greenwood County Parks and Tourism Grants \$75,000; and Calhoun Falls Marina \$1,000,000; E260 Department of Veterans'~~  
22 ~~Affairs: Shaw Welcome Center \$750,000; and Dolly Cooper Veterans Cemetery Hearse \$60,000; P160 Department of Agriculture:~~  
23 ~~Colleton County Food Assistance Program \$350,000; Berkeley County Agricultural Educational Exhibition Area \$950,000; and~~  
24 ~~Town of Mayesville Grant Matching Funds \$45,100; and P360 Patriots Point Development Authority: National Medal of Honor~~  
25 ~~Museum \$1,000,000;~~

- 26       (78) U120 Department of Transportation
- 27             Rest Areas Renovation ..... \$ 40,000,000;
- 28       (79) U200 County Transportation Funds
- 29             County Transportation Committees ..... \$ 50,000,000.

30       (C) Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended  
31 for the same purposes.

32       **118.16.** (SR: Expenditure of Federal Funds) Any funds received from the Federal Government that are not allocated directly to  
33 a state agency must be expended through the legislative budgeting process.

34       **118.17.** (SR: State Ports Authority Projects) Any funds appropriated or authorized for the State Ports Authority by Proviso  
35 118.15 (Nonrecurring Revenue) for the intermodal container transfer facility and waterborne cargo infrastructure must be deposited  
36 into a separate and distinct account and shall only be used for costs directly related to those two projects. Funds shall not be used



1 for salaries, bonuses, or any kind of normal administrative costs. Funds shall not be used for personnel expenses not directly related  
2 to the implementation of the two projects. In addition, the State Ports Authority shall provide quarterly progress reports on the  
3 implementation of each facility to the Joint Bond Review Committee, the President of the Senate, the Speaker of the House of  
4 Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.  
5 These quarterly reports shall include, but are not limited to, financial results, operating plans, budgets, capital plans, and performance  
6 objectives and results for the projects. The Joint Bond Review Committee must review and provide comment on expenditures, and  
7 may prescribe the reporting format and such other informational requirements and reports as it deems useful and necessary, to ensure  
8 the financial integrity, accountability, and stewardship of the funds and the ongoing operations of the project. To the extent permitted  
9 by federal law, if federal funds become available to the State that can be used for the Intermodal Container Transfer Facility or for  
10 Waterborne Cargo Infrastructure, those federal funds must first be used to complete the project. Any remaining state funds  
11 appropriated for these projects shall be transferred to a restricted account at the Department of Administration.

12 ~~**118.18.** (SR: Tax Credits) For the income tax year that begins in the current fiscal year, rehabilitation expenses made at a  
13 property that is located within half a mile of a public university with an enrollment of at least 30,000 students in a business district  
14 that has a commercial vacancy rate of at least ten percent qualify for the tax credit provided under the South Carolina Abandoned  
15 Buildings Revitalization Act, Title 12, Chapter 67, if the building has been unoccupied for at least one year at the time of the filing  
16 of notice of intent to rehabilitate for the tax credit, and the estimated rehabilitation expenses are in excess of \$25,000,000 with respect  
17 to the entire abandoned building, without regard to any subdivision of the abandoned building into separate units or parcels. To  
18 qualify under this provision, a notice of intent to rehabilitate for the abandoned building site shall be filed during the current fiscal  
19 year, and the municipality or county in which the building site is located shall certify the building site pursuant to Section  
20 12-67-160(A) of the 1976 Code making appropriate adjustments to such certification to be consistent with this provision. Qualifying  
21 rehabilitation expenses incurred with respect to such a property shall be eligible for the credit when placed in service; provided,  
22 however, that construction must begin on the property prior to the end of the current fiscal year. For purposes of this provision,  
23 construction shall be deemed to begin when the building permit is issued for the property. Except as provided herein, the Act shall  
24 remain unchanged.~~

25 **118.19.** (SR: Nonrecurring Revenue) (A) The source of revenue appropriated in subsection (B) is nonrecurring revenue  
26 generated from the following sources:

- 27 (1) \$933,656,259 from Fiscal Year 2019-20 Contingency Reserve Fund;  
28 (2) \$1,901,589,014 from Fiscal Year 2021-22 Projected Surplus;;  
29 (3) \$16,832,497 from Fiscal Year 2021-22 Debt Service in Excess Obligation; and  
30 (4) \$51,739,819 from Litigation Recovery Account.

31 Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers  
32 shall occur no later than thirty days after the close of the books on Fiscal Year 2021 22 and shall be available for use in Fiscal Year  
33 2022 23, except as provided for in item (52)(g).

34 This revenue is deemed to have occurred and is available for use in Fiscal Year 2022-23 after September 1, 2022, following the  
35 Comptroller General's close of the state's books on Fiscal Year 2021-22.

1 (B) The appropriations in this provision are listed in priority order. Item (1) must be funded first and each remaining item must  
 2 be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially funded  
 3 in the order in which it appears to the extent that revenues are available.

4 The State Treasurer shall disburse the following appropriations by September 30, 2022, for the purposes stated:

5 (1) F310 - General Reserve Fund

6 (a) General Reserve Fund Contribution ..... \$ 64,024,852;

7 (b) General Reserve Fund Additional Contribution ..... \$209,194,431;

8 (c) Capital Reserve Fund..... \$104,597,215;

9 (2) F300 - Employee Benefits

10 (a) SCRS and PORS Contributions - Act 13 of 2017 ..... \$115,000,000;

11 (b) Employee Bonus ..... \$45,793,437;

12 (2.1) From the funds appropriated to Statewide Employee Benefits for Bonus Pay, effective on the first pay date that occurs  
 13 on or after October 17, 2022, the Department of Administration shall allocate to state agencies \$45,793,437 to provide for a one-time  
 14 lump sum bonus. Each permanent state employee, in a full-time equivalent position, who has been in continuous state service for at  
 15 least six months prior to July 1, 2022, shall receive an \$1,500 one-time lump sum payment. This payment is not a part of the state  
 16 employee's base salary and is not earnable compensation for purposes of employer or employee contributions to respective  
 17 retirement systems. This appropriation may be used for payments to employees only in the same ratio as the employee's base salary  
 18 is paid from appropriated sources and the employing agency shall pay the bonus for federal and other funded full-time equivalent  
 19 positions employees from federal or other funds available to the agency in the proportion that such funds are the source of the  
 20 employee's salary. The earnings limitation on bonuses in Proviso 117.52 of this Act does not apply to this bonus. For institutions  
 21 of higher education, the funds received for this bonus may be used without uniformity. Unexpended funds appropriated pursuant to  
 22 this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

23 (3) H630 - State Department of Education

24 (a) Capital Funding for Disadvantaged Schools ..... \$110,000,000;

25 (b) Bus Lease/Purchase ..... \$12,000,000;

26 (c) State Aid to Classrooms-Maintenance of Effort  
 27 and Equity..... \$10,000,000;

28 (4) H710 - Wil Lou Gray Opportunity School

29 Renovations and Maintenance ..... \$200,000;

30 (5) H750 - School for the Deaf and Blind

31 Renovation of Educational Buildings..... \$4,000,000;

32 (6) L120 - Governor's School for Agriculture at John de la Howe

33 Cafeteria Upgrade ..... \$50,000;

34 (7) H670 - Educational Television Commission

35 Regional Studio Construction Enhancements ..... \$35,000,000;

1	<u>(8) H640 - Governor's School for Arts and Humanities</u>	
2	<u>Dining Hall Expansion and Furniture Replacement - Phase I</u> .....	\$512,950;
3	<u>(9) H950 - State Museum (State Museum Commission)</u>	
4	<u>(a) Permanent Galley Renovation - Reimagine the</u>	
5	<u>Experience (RTE): Phase 3</u> .....	\$3,375,000;
6	<u>(b) Museum's IT Network Upgrade</u> .....	\$110,000;
7	<u>(10) H960 - Confederate Relic Room and Military Museum Commission</u>	
8	<u>(a) Collections Storage Infrastructure</u> .....	\$95,000;
9	<u>(b) SC Vietnam Veterans Program</u> .....	\$30,000;
10	<u>(11) H030 - Commission on Higher Education</u>	
11	<u>AmeriCorps Grant (Four years of match)</u> .....	\$240,000;
12	<u>(12) H090 - Citadel</u>	
13	<u>Engineering Building</u> .....	\$15,915,510;
14	<u>(13) H120 - Clemson University</u>	
15	<u>Maintenance, Renovation, and Replacement</u> .....	\$7,500,000;
16	<u>(14) H150 - University of Charleston</u>	
17	<u>Maintenance, Renovation, Replacement, and Expansion</u> .....	\$12,500,000;
18	<u>(15) H180 - Francis Marion</u>	
19	<u>Environmental Science and Forestry Building</u> .....	\$8,000,000;
20	<u>(16) H210 - Lander</u>	
21	<u>Maintenance, Renovation, and Replacement</u> .....	\$6,000,000;
22	<u>(17) H240 - SC State</u>	
23	<u>Maintenance, Renovation, and Replacement</u> .....	\$25,000,000;
24	<u>(18) H270 - USC - Columbia</u>	
25	<u>Tucker Center</u> .....	\$9,000,000;
26	<u>(19) H340 - USC - Upstate</u>	
27	<u>Library</u> .....	\$5,000,000;
28	<u>(20) H390 - USC - Sumter</u>	
29	<u>Health, Wellness, and Athletic Facilities</u> .....	\$9,000,000;
30	<u>(21) H470 - Winthrop</u>	
31	<u>(a) Maintenance, Renovation, and Replacement</u> .....	\$6,000,000;
32	<u>(b) Wofford Hall and Richardson Hall</u> .....	\$6,000,000;
33	<u>(c) Dinkins and Dacus Library Renovation</u> .....	\$5,000,000;
34	<u>(22) H510 - Medical University of South Carolina - MUSC</u>	
35	<u>(a) Purchase of Old Roper St. Francis Hospital</u> .....	\$15,000,000;

1	<u>(b) Hospital Authority - SC Children's Hospital</u>	
2	<u>Collaborative Infrastructure .....</u>	<u>\$10,000,000;</u>
3	<u>(23) H590 - Board for Technical and Comprehensive Education</u>	
4	<u>(a) Aiken Technical College</u>	
5	<u>Maintenance, Renovation, and Replacement .....</u>	<u>\$1,594,882;</u>
6	<u>(b) Central Carolina Technical College</u>	
7	<u>Maintenance, Renovation, and Replacement .....</u>	<u>\$10,000,000;</u>
8	<u>(c) Denmark Technical College</u>	
9	<u>Maintenance, Renovation, and Replacement .....</u>	<u>\$10,000,000;</u>
10	<u>(d) Florence-Darlington Technical College</u>	
11	<u>Maintenance, Renovation, and Replacement .....</u>	<u>\$2,517,863;</u>
12	<u>(e) Greenville Technical College</u>	
13	<u>Maintenance, Renovation, and Replacement .....</u>	<u>\$6,611,981;</u>
14	<u>(f) Horry-Georgetown Technical College</u>	
15	<u>Maintenance, Renovation, and Replacement .....</u>	<u>\$4,490,718;</u>
16	<u>(g) Midlands Technical College</u>	
17	<u>Maintenance, Renovation, and Replacement .....</u>	<u>\$6,072,254;</u>
18	<u>(h) Northeastern Technical College</u>	
19	<u>Maintenance, Renovation, and Replacement .....</u>	<u>\$1,107,253;</u>
20	<u>(i) Orangeburg-Calhoun Technical College</u>	
21	<u>Maintenance, Renovation, and Replacement .....</u>	<u>\$1,760,379;</u>
22	<u>(j) Piedmont Technical College</u>	
23	<u>Maintenance, Renovation, and Replacement .....</u>	<u>\$3,385,072;</u>
24	<u>(k) Spartanburg Community College</u>	
25	<u>Maintenance, Renovation, and Replacement .....</u>	<u>\$3,051,605;</u>
26	<u>(l) Technical College of the Lowcountry</u>	
27	<u>Maintenance, Renovation, and Replacement .....</u>	<u>\$1,551,771;</u>
28	<u>(m) Tri-County Technical College</u>	
29	<u>Maintenance, Renovation, and Replacement .....</u>	<u>\$4,234,139;</u>
30	<u>(n) Trident Technical College</u>	
31	<u>Maintenance, Renovation, and Replacement .....</u>	<u>\$7,080,626;</u>
32	<u>(o) Williamsburg Technical College</u>	
33	<u>Maintenance, Renovation, and Replacement .....</u>	<u>\$1,000,000;</u>
34	<u>(p) Central Carolina Technical College -</u>	
35	<u>Academic Building.....</u>	<u>\$19,000,000;</u>

1	<u>(q) Florence-Darlington Technical College -</u>	
2	<u>Darlington County Campus.....</u>	<u>\$20,000,000;</u>
3	<u>(r) Horry-Georgetown Technical College - Grand</u>	
4	<u>Strand Campus Renovation.....</u>	<u>\$5,000,000;</u>
5	<u>(s) Orangeburg-Calhoun Technical College -</u>	
6	<u>Advanced Manufacturing Building.....</u>	<u>\$8,000,000;</u>
7	<u>(t) Tri-County Technical College - Transportation, Logistics,</u>	
8	<u>and Utility Center.....</u>	<u>\$6,000,000;</u>
9	<u>(u) Trident Technical College - Berkeley Campus.....</u>	<u>\$6,000,000;</u>
10	<u>(v) York Technical College - Baxter Hood Center.....</u>	<u>\$28,000,000;</u>
11	<u>(24) H730 - Vocational Rehabilitation</u>	
12	<u>(a) Technology Infrastructure.....</u>	<u>\$269,250;</u>
13	<u>(b) ADA Compliant Vehicle Replacement.....</u>	<u>\$520,000;</u>
14	<u>(c) Berkeley-Dorchester VR Center Re-roofing.....</u>	<u>\$494,000;</u>
15	<u>(d) Conway VR Center Re-roofing.....</u>	<u>\$540,000;</u>
16	<u>(e) Rock Hill VR Center Re-roofing.....</u>	<u>\$604,000;</u>
17	<u>(25) J020 - Department of Health &amp; Human Services</u>	
18	<u>(a) Behavioral Health Capacity.....</u>	<u>\$61,500,000;</u>
19	<u>(b) Rural Health Network Revitalization.....</u>	<u>\$6,000,000;</u>
20	<u>(c) Healthcare Compliance Programs.....</u>	<u>\$5,000,000;</u>
21	<u>(d) Youth Psychiatric Residential Treatment Facility.....</u>	<u>\$5,000,000;</u>
22	<u>(e) Medical Contracts.....</u>	<u>\$2,000,000;</u>
23	<u>(f) Pregnancy Crisis Centers.....</u>	<u>\$2,400,000;</u>
24	<u>(g) Camp Happy Days.....</u>	<u>\$150,000;</u>
25	<u>(26) J040 - Department of Health &amp; Environmental Control</u>	
26	<u>(a) EMS Association Recruitment and Retention.....</u>	<u>\$1,600,000;</u>
27	<u>(b) Public Health Laboratory.....</u>	<u>\$104,400,000;</u>
28	<u>(c) Water Quality.....</u>	<u>\$50,000,000;</u>
29	<u>(d) PFAS Remediation.....</u>	<u>\$25,000,000;</u>
30	<u>(e) Ocean Outfalls - Myrtle Beach and North Myrtle Beach.....</u>	<u>\$10,000,000;</u>
31	<u>(f) ePermitting Project Completion.....</u>	<u>\$5,039,612;</u>
32	<u>(g) New Morning Foundation.....</u>	<u>\$1,875,000;</u>
33	<u>(27) J120 - Department of Mental Health</u>	
34	<u>State Veterans Nursing Homes.....</u>	<u>\$30,600,000;</u>
35	<u>(28) J160 - Department of Disabilities &amp; Special Needs</u>	
36	<u>(a) Community Based Services.....</u>	<u>\$140,000;</u>

1	<u>(b) South Carolina Genomic Medicine Initiative at</u>	
2	<u>Greenwood Genetic Center</u> .....	<u>\$2,000,000;</u>
3	<u>(29) L040 - Department of Social Services</u>	
4	<u>Title IV-E Annualization</u> .....	<u>\$9,000,000;</u>
5	<u>(30) L060 - Department on Aging</u>	
6	<u>(a) American Rescue Plan (State Match)</u> .....	<u>\$3,553,000;</u>
7	<u>(b) HUD Home Modification</u> .....	<u>\$150,000;</u>
8	<u>(31) L080 - Department of Children's Advocacy</u>	
9	<u>(a) Foster Care Review Board Advocacy Upgrade</u> .....	<u>\$150,000;</u>
10	<u>(b) Administration and Investigations Unit Development</u> .....	<u>\$25,000;</u>
11	<u>(32) H790 - Department of Archives &amp; History</u>	
12	<u>(a) SC American Revolution Sestercentennial Commission</u> .....	<u>\$4,399,000;</u>
13	<u>(b) Historic Preservation State Grant Fund</u> .....	<u>\$500,000;</u>
14	<u>(c) Agency Digital Conversion to Cloud Storage</u> .....	<u>\$250,000;</u>
15	<u>(d) African American History Curriculum</u> .....	<u>\$100,000;</u>
16	<u>(33) H910 - Arts Commission</u>	
17	<u>(a) Resources to Support Community Arts Organizations</u> .....	<u>\$3,000,000;</u>
18	<u>(b) Creative Place Making Pilot in Rural Communities</u> .....	<u>\$500,000;</u>
19	<u>(34) P120 - Forestry Commission</u>	
20	<u>(a) Fire Support Aircraft</u> .....	<u>\$425,000;</u>
21	<u>(b) Wee Tee State Forest Bridge Replacement</u> .....	<u>\$4,500,000;</u>
22	<u>(35) P160 - Department of Agriculture</u>	
23	<u>Local Farmers Markets Enhancements</u> .....	<u>\$3,000,000;</u>
24	<u>(36) P200 - Clemson - PSA</u>	
25	<u>(a) Critical PSA Infrastructure</u> .....	<u>\$3,626,000;</u>
26	<u>(b) Edisto Research and Education Center Research</u>	
27	<u>Infrastructure Upgrades and Expansion</u> .....	<u>\$7,000,000;</u>
28	<u>(37) P210 - SC State - PSA</u>	
29	<u>(a) Expansion of Emerging Agribusiness Programs</u> .....	<u>\$1,500,000;</u>
30	<u>(b) Small Business Digital Technologies Transformation</u> .....	<u>\$585,000;</u>
31	<u>(c) Youth Residential Cabin at Historic Camp</u>	
32	<u>Harry E. Daniels</u> .....	<u>\$2,000,000;</u>
33	<u>(d) The South Carolina Limnology Research Center</u> .....	<u>\$2,000,000;</u>
34	<u>(38) P280 - Department Parks, Recreation &amp; Tourism</u>	
35	<u>(a) Regional Promotions - SC Association of Tourism Regions</u> .....	<u>\$1,100,000;</u>
36	<u>(b) Murrells Inlet Dredging</u> .....	<u>\$25,000,000;</u>

1	<i>(c) State Park Enhancements.....</i>	<i>\$19,000,000;</i>
2	<i>(d) Destination Specific Grants.....</i>	<i>\$15,000,000;</i>
3	<i>(e) Edisto Beach Renourishment.....</i>	<i>\$7,500,000;</i>
4	<i>(f) Park Cabin Construction and Renovation.....</i>	<i>\$4,000,000;</i>
5	<i>(g) Regional Tourism Advertising.....</i>	<i>\$4,000,000;</i>
6	<i>(h) Hunting Island.....</i>	<i>\$500,000;</i>
7	<i>(i) Statewide Exhibits.....</i>	<i>\$500,000;</i>
8	<i>(j) Charles Towne Landing Animal Forest Enclosure</i>	
9	<i>Repairs and Upgrades.....</i>	<i>\$500,000;</i>
10	<i>(k) Asbestos, Mold, Mildew, and Lead Abatement - Phase 6.....</i>	<i>\$500,000;</i>
11	<i>(39) P320 - Department of Commerce</i>	
12	<i>(a) Strategic Economic Development Infrastructure.....</i>	<i>\$83,000,000;</i>
13	<i>(b) Camp Hall Rail.....</i>	<i>\$25,000,000;</i>
14	<i>(c) Closing Fund.....</i>	<i>\$25,000,000;</i>
15	<i>(d) International Boulevard Diversion.....</i>	<i>\$22,000,000;</i>
16	<i>(e) Radar Relocation.....</i>	<i>\$20,000,000;</i>
17	<i>(f) Spartanburg Downtown Development Infrastructure.....</i>	<i>\$10,500,000;</i>
18	<i>(g) LocateSC.....</i>	<i>\$10,000,000;</i>
19	<i>(h) SC Technology and Aviation Center.....</i>	<i>\$9,000,000;</i>
20	<i>(i) South Carolina Association for Community Economic Development.....</i>	<i>\$2,000,000;</i>
21	<i>(39.1) There is established a pilot program within the Department of Commerce named the Public/Private Partnerships –</i>	
22	<i>Emergency Services Fund for the purpose of funding projects that increase a local government’s emergency services capacity and</i>	
23	<i>capability. Every project must involve investment and participation by both private companies and local governments in order to be</i>	
24	<i>eligible for funding. The Department of Commerce will provide an annual update by January 15 of each year to the Chairmen of</i>	
25	<i>the Senate Finance Committee and Ways and Means Committee until all funds are expended. Any unexpended funds at the end of</i>	
26	<i>the fiscal year shall be carried forward and expended in the current fiscal year for the same purposes.</i>	
27	<i>(40) Y140 - State Ports Authority</i>	
28	<i>Naval Base Intermodal Facility and Container</i>	
29	<i>Barge Infrastructure.....</i>	<i>\$126,900,000;</i>
30	<i>(41) P240 - Department of Natural Resources</i>	
31	<i>(a) Law Enforcement - New Class and Operating.....</i>	<i>\$676,500;</i>
32	<i>(b) Water Planning, Mapping, and Monitoring.....</i>	<i>\$2,300,000;</i>
33	<i>(c) Land Conservation.....</i>	<i>\$68,250,000;</i>
34	<i>(d) Infrastructure Needs.....</i>	<i>\$15,100,000;</i>
35	<i>(e) Waterfowl Impoundments Infrastructure Maintenance.....</i>	<i>\$2,727,000;</i>
36	<i>(f) Vehicle Rotation.....</i>	<i>\$1,000,000;</i>

1	(g) <u>Field/Regional Office and Building Maintenance</u> .....	\$1,000,000;
2	<u>(42) P400 - Conservation Bank</u>	
3	<u>Conservation Grant Funding</u> .....	\$30,000,000;
4	<u>(43) E200 - Attorney General</u>	
5	(a) <u>Crime Victim Assistance Funding</u> .....	\$25,367,000;
6	(b) <u>Dennis Building Infrastructure Upgrades</u> .....	\$15,000,000;
7	(c) <u>SC Child ID Program</u> .....	\$3,000,000;
8	<u>(44) E210 - Prosecution Coordination Commission</u>	
9	(a) <u>Agency Technology Equipment and Software</u> .....	\$406,000;
10	(b) <u>Solicitor Technology Equipment and Software</u> .....	\$9,600,000;
11	<u>(45) D100 - State Law Enforcement Division - SLED</u>	
12	(a) <u>Agency Personnel and Equipment</u> .....	\$2,357,200;
13	(b) <u>Animal Fighting Enforcement</u> .....	\$72,600;
14	(c) <u>Bell Helicopter</u> .....	\$15,000,000;
15	(d) <u>Forensic Breath Testing Units</u> .....	\$2,562,500;
16	(e) <u>Florence County Office Space</u> .....	\$4,000,000;
17	(f) <u>Vehicle Rotation</u> .....	\$1,000,000;
18	<u>(46) K050 - Department of Public Safety</u>	
19	(a) <u>Local Body Camera and Vests Grants Programs</u> .....	\$20,000,000;
20	(b) <u>Vehicle Rotation</u> .....	\$3,000,000;
21	(c) <u>Governor's Law Enforcement Award</u> .....	\$30,000;
22	<u>(47) N200 - Law Enforcement Training Council (Criminal Justice Academy)</u>	
23	(a) <u>Center for Excellence in Policing and Public Safety</u> .....	\$10,000,000;
24	(b) <u>Dormitory Restrooms Renovation</u> .....	\$1,240,553;
25	<u>(48) N040 - Department of Corrections</u>	
26	(a) <u>Critical Deferred Maintenance Projects</u> .....	\$10,000,000;
27	(b) <u>Agency Critical Equipment Replacement</u> .....	\$37,013,067;
28	(c) <u>Goodman Classroom &amp; Mental Health Services</u>	
29	<u>Modular Buildings</u> .....	\$1,350,000;
30	(d) <u>Expansion of K-9 Unit at Level III Lee</u>	
31	<u>Correctional Institution</u> .....	\$352,500;
32	(e) <u>Command Center Security Operations &amp; Weapons</u>	
33	<u>Upgrade/Replacement</u> .....	\$263,710;
34	(f) <u>CDL Training School Modification</u> .....	\$192,000;
35	<u>(49) N080 - Department of Probation, Parole &amp; Pardon Services</u>	
36	(a) <u>Agency Equipment</u> .....	\$3,910,683;



1	(b) Information Technology Computer Network Refresh.....	\$1,236,051;
2	(c) Live Scan.....	\$998,921;
3	<u>(50) N120 - Department of Juvenile Justice</u>	
4	<u>SMI Youth Facility.....</u>	\$20,000,000;
5	<u>(51) R520 - State Ethics Commission</u>	
6	Investigator IV.....	\$28,150;
7	<u>(52) L360 - Human Affairs Commission</u>	
8	(a) Security Cameras.....	\$60,000;
9	(b) Public Information IT.....	\$70,000;
10	(c) Cisco Switches Replacement.....	\$9,000;
11	<u>(53) L460 - Commission for Minority Affairs</u>	
12	Technology Infrastructure Upgrades.....	\$250,000;
13	<u>(54) R080 - Workers Compensation Commission</u>	
14	IT Legacy System Modernization Project.....	\$5,000,000;
15	<u>(55) R360 - Department of Labor, Licensing &amp; Regulation</u>	
16	(a) Emergency Response Task Force - USAR - SC Task	
17	Force 1 Equipment.....	\$12,000,000;
18	(b) State Fire Marshal - USAR Funding.....	\$5,000,000;
19	(c) Emergency Response Task Force - Regional	
20	Team Equipment.....	\$5,000,000;
21	(d) Agency Technology Upgrades.....	\$2,000,000;
22	(e) EMT Training.....	\$850,000;
23	<u>(56) R400 - Department of Motor Vehicles</u>	
24	(a) CDL Testing Site Expansion.....	\$3,201,370;
25	(b) Established Motor Carrier Service State Program.....	\$1,092,000;
26	<u>(57) R600 - Department of Employment &amp; Workforce</u>	
27	Be Pro Be Proud - Final Phase.....	\$642,500;
28	<u>(58) U120 - Department of Transportation</u>	
29	(a) Rural Interstate Funding.....	\$176,500,242;
30	(b) Surface Transportation Resiliency Studies.....	\$5,000,000;
31	<u>(59) U200 - County Transportation Funds</u>	
32	CTC Acceleration.....	\$250,000,000;
33	<u>(60) U300 - Division of Aeronautics</u>	
34	Statewide Airport Growth Response.....	\$65,000,000;
35	<u>(61) C050 - Administrative Law Court</u>	
36	(a) Computer Equipment Maintenance.....	\$423,385;

1	<u>(b) Renovations and Furniture.....</u>	<u>\$923,028;</u>
2	<u>(62) A170 - Legislative Services</u>	
3	<u>Enterprise Software Systems .....</u>	<u>\$8,500,000;</u>
4	<u>(63) D300 - Office of Resilience</u>	
5	<u>Disaster Relief and Resilience Reserve Fund.....</u>	<u>\$87,500,000;</u>
6	<u>(64) D500 - Department of Administration</u>	
7	<u>(a) Facilities Management - Maintenance Projects.....</u>	<u>\$10,000,000;</u>
8	<u>(b) Digital Government Transformation.....</u>	<u>\$6,500,000;</u>
9	<u>(65) E160 - State Treasurer</u>	
10	<u>Disaster Trust Fund .....</u>	<u>\$137,850,000;</u>
11	<u>(66) E240 - Adjutant General</u>	
12	<u>(a) IT Network Migration License Fees.....</u>	<u>\$195,000;</u>
13	<u>(b) Olympia Armory Renovation.....</u>	<u>\$3,040,450;</u>
14	<u>(c) Armory Revitalization Funding.....</u>	<u>\$2,500,000;</u>
15	<u>(d) SCEMD - Building Repairs.....</u>	<u>\$221,000;</u>
16	<u>(e) SCEMD - Replacement of HVAC Units (Phase 3 of 3).....</u>	<u>\$172,000;</u>
17	<u>(67) E260 - Department of Veterans' Affairs</u>	
18	<u>(a) Military Affairs Expansion.....</u>	<u>\$8,000;</u>
19	<u>(b) Mobile Service Capability.....</u>	<u>\$1,283,380;</u>
20	<u>(c) Veteran Transition Homes.....</u>	<u>\$10,000,000;</u>
21	<u>(d) Military Enhancement Fund.....</u>	<u>\$10,000,000;</u>
22	<u>(68) X220 - Aid to Subdivisions - State Treasurer</u>	
23	<u>Council of Governments Supplement Increase .....</u>	<u>\$1,000,000.</u>
24	<u>(C) Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended</u>	
25	<u>for the same purposes.</u>	
26	<u><b>118.20.</b> (SR: Savannah River Site Litigation) (A) The source of revenue appropriated in subsection (B) is nonrecurring revenue</u>	
27	<u>generated from the Savannah River Site Litigation in the amount of \$525,000,000.</u>	
28	<u>Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The transfers shall occur no</u>	
29	<u>later than thirty days after the close of the books on Fiscal Year 2021-22 and shall be available for use in Fiscal Year 2022-23.</u>	
30	<u>This revenue is deemed to have occurred and is available for use in Fiscal Year 2022-23 after September 1, 2022, following the</u>	
31	<u>Comptroller General's close of the state's books on Fiscal Year 2021-22.</u>	
32	<u>(B) The appropriations in this provision are listed in priority order. Item (1) must be funded first and each remaining item must</u>	
33	<u>be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially funded</u>	
34	<u>in the order in which it appears to the extent that revenues are available.</u>	
35	<u>The State Treasurer shall disburse the following appropriations by September 30, 2022, for the purposes stated:</u>	
36	<u>(1) H360 - State Department of Education</u>	

1	(a) <u>Barnwell County Consolidated High School &amp; CATE Center</u> .....	\$105,000,000;
2	(b) <u>Aiken County Public School District</u> .....	\$30,000,000;
3	(c) <u>Allendale School District Capital Improvements</u> .....	\$15,000,000;
4	(d) <u>Edgefield County School District Workforce</u>	
5	<u>Equipment and Training</u> .....	\$1,600,000;
6	(e) <u>Bettis Academy Preparatory School</u>	
7	<u>Renovation and Construction</u> .....	\$1,200,000;
8	(f) <u>Fox Creek Athletic Complex</u> .....	\$1,000,000;
9	(g) <u>Bamberg County Consolidated Schools - Schools Facilities Bond Reduction</u> .....	\$5,000,000;
10	(2) <u>H590 - Board for Technical and Comprehensive Education</u>	
11	(a) <u>Aiken Technical College - Welding Lab</u> .....	\$1,500,000;
12	(b) <u>Piedmont Technical College Advanced</u>	
13	<u>Manufacturing Center</u> .....	\$10,000,000;
14	(3) <u>J020 - Department of Health &amp; Human Services</u>	
15	<u>Aiken Rural Health Service Building and Construction</u> .....	\$6,000,000;
16	(4) <u>J040 - Department of Health &amp; Environmental Control</u>	
17	(a) <u>North Augusta/Aiken County New Savannah Bluff</u>	
18	<u>Lock and Dam</u> .....	\$15,000,000;
19	(b) <u>Aiken County Storage Tanks and Pump Stations</u> .....	\$4,000,000;
20	(c) <u>North Augusta Regional Solid Waste Transfer Station</u> .....	\$2,000,000;
21	(5) <u>P280 - Department of Parks, Recreation &amp; Tourism</u>	
22	(a) <u>Aiken Generational Park</u> .....	\$1,200,000;
23	(b) <u>Aiken Railroad Facilities Renovation and Completion</u> .....	\$900,000;
24	(6) <u>P320 - Department of Commerce</u>	
25	<u>Industrial Park Project in Eastern Aiken County</u> .....	\$10,000,000;
26	(7) <u>Y140 - State Ports Authority</u>	
27	<u>Naval Base Intermodal Facility and Container Barge</u>	
28	<u>Infrastructure</u> .....	\$223,100,000;
29	(8) <u>K050 - Department of Public Safety</u>	
30	<u>Edgefield Law Enforcement Center</u> .....	\$18,000,000;
31	(9) <u>E240 - Adjutant General</u>	
32	(a) <u>National Lab</u> .....	\$20,000,000;
33	(b) <u>Dreamport National Guard</u> .....	\$10,000,000;
34	(c) <u>Cyber Initiative - Fort Gordon Army Cyber</u>	
35	<u>Command Center</u> .....	\$15,000,000;

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(10) X220 - Aid To Subdivisions - State Treasurer

- (a) City of Aiken/Aiken County - Redevelopment and Economic Development in Downtown Aiken..... \$20,000,000;
- (b) Allendale CV Bing Community Center..... \$4,500,000;
- (c) Barnwell Multipurpose Building..... \$2,000,000;
- (d) Blackville Multipurpose Space..... \$2,000,000;
- (e) Williston City Park Multipurpose Building..... \$1,000,000.

(C) Prior to the disbursement of any funds appropriated pursuant to this provision, designated recipient entities shall submit a comprehensive plan for the use of the funds to the Joint Bond Review Committee for consideration and authorization. Upon authorization, the Joint Bond Review Committee shall notify the appropriate state agency to transfer the funds to the designated recipient entity. In addition, the entities shall provide quarterly progress reports on the expenditure of each project to the Joint Bond Review Committee until such time as all funds have been expended. The committee may prescribe the reporting format and such other informational requirements and reports as it deems useful and necessary, to ensure the financial integrity, accountability, and stewardship of the funds and the ongoing operations of the project.

**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 2022-23.

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, 2022.