**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5203**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Bannister

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Introduced in the House on March 5, 2024

Introduced in the Senate on March 26, 2024

Last Amended on March 21, 2024

Currently residing in the House

Summary: Budget Proviso Codification Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/5/2024 House Introduced and read first time ([House Journal‑page 20](h:\hj\20240305.docx))

3/5/2024 House Referred to Committee on **Ways and Means** ([House Journal‑page 20](h:\hj\20240305.docx))

3/6/2024 House Committee report: Favorable with amendment **Ways and Means** ([House Journal‑page 2](h:\hj\20240306.docx))

3/20/2024 House Debate adjourned ([House Journal‑page 64](h:\hj\20240320.docx))

3/21/2024 House Amended ([House Journal‑page 35](h:\hj\20240321.docx))

3/21/2024 House Read second time ([House Journal‑page 35](h:\hj\20240321.docx))

3/21/2024 House Roll call Yeas-102 Nays-0 ([House Journal‑page 40](h:\hj\20240321.docx))

3/21/2024 House Unanimous consent for third reading on next legislative day ([House Journal‑page 41](h:\hj\20240321.docx))

3/22/2024 House Read third time and sent to Senate ([House Journal‑page 1](h:\hj\20240322.docx))

3/26/2024 Scrivener's error corrected

3/26/2024 Senate Introduced and read first time ([Senate Journal‑page 12](h:\sj\20240326.docx))

3/26/2024 Senate Referred to Committee on **Finance** ([Senate Journal‑page 12](h:\sj\20240326.docx))

3/26/2024 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[03/05/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5203_20240305.docx)

[03/06/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5203_20240306.docx)

[03/06/2024-A](https://www.scstatehouse.gov/sess125_2023-2024/prever/5203_20240306a.docx)

[03/21/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5203_20240321.docx)

[03/26/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5203_20240326.docx)

[03/26/2024-A](https://www.scstatehouse.gov/sess125_2023-2024/prever/5203_20240326a.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

March 21, 2024

H. 5203

Introduced by Rep. Bannister

S. Printed 03/21/24--H. [SEC 3/26/2024 4:05 PM]

Read the first time March 05, 2024

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “BUDGET PROVISO CODIFICATION ACT OF 2024”, SO AS TO PROVIDE FOR THE CODIFICATION IN THE S.C. CODE OF CERTAIN PROVISOS CONTAINED IN THE ANNUAL GENERAL APPROPRIATIONS ACT, AND to CODIFY OTHER RELATED PROVISIONS PERTAINING TO THE ANNUAL GENERAL APPROPRIATIONS ACT, INCLUDING PROVISIONS BY ADDING SECTIONS 59‑17‑170, 59‑1‑471, 59‑17‑180, 59‑17‑190, 59‑67‑310, 59‑67‑800, 59‑67‑330, 59‑67‑340, 59‑17‑200, 59‑17‑210, 59‑1‑472, AND 59‑1‑407 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF EDUCATION; BY ADDING SECTIONS 59‑47‑150 AND 59‑6‑130 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF EDUCATION‑EIA; BY ADDING SECTIONS 59‑51‑60, 59‑51‑70, AND 59‑51‑80 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE WIL LOU GRAY OPPORTUNITY SCHOOL; BY ADDING SECTIONS 59‑47‑130, 59‑47‑140, AND 59‑47‑150 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE SCHOOL FOR THE DEAF AND BLIND; BY ADDING SECTION 59‑49‑170 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE GOVERNOR’S SCHOOL FOR AGRICULTURE AT JOHN DE LA HOWE; BY ADDING SECTIONS 59‑7‑70, 59‑7‑80, 59‑7‑90, and 59-101-220 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE EDUCATIONAL TELEVISION COMMISSION; BY ADDING SECTIONS 59‑50‑80, 59‑50‑90, and 59‑50‑100 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE GOVERNOR’S SCHOOL FOR THE ARTS AND HUMANITIES; BY ADDING SECTIONS 59‑48‑80, 59‑48‑90, 59‑48‑100, and 59-1-497 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE GOVERNOR’S SCHOOL FOR SCIENCE AND MATHEMATICS; BY ADDING SECTION 59‑123‑330 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE MEDICAL UNIVERSITY OF SOUTH CAROLINA; BY ADDING SECTIONS 59‑53‑110 AND 59‑53‑170 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION; BY ADDING SECTION 60‑1‑180 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE STATE LIBRARY; BY ADDING SECTIONS 60‑15‑100, 60‑15‑110, AND 60‑15‑120 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE ARTS COMMISSION; BY ADDING SECTIONS 60‑13‑60, 60‑13‑70, 60‑13‑80, AND 60‑13‑90 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE STATE MUSEUM COMMISSION; BY ADDING SECTIONS 43‑31‑180 AND 43‑31‑190 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF VOCATIONAL REHABILITATION; BY ADDING SECTIONS 44‑6‑116, 44‑6‑117, 44‑6‑118, 44‑6‑119, 44‑6‑120, 44‑6‑121, 44‑6‑122, AND 44‑6‑123 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; BY ADDING SECTIONS 44‑1‑320, 44‑1‑330, 44‑1‑340, 44‑1‑350, 44‑1‑360, 44‑1‑370, 48‑6‑90, 44‑1‑380, 48‑6‑100, 48‑6‑110, 44‑1‑400, 44‑1‑410, AND 44‑1‑420 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; BY ADDING SECTIONS 44‑9‑170 AND 44‑9‑180 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF MENTAL HEALTH; BY ADDING SECTIONS 44‑20‑40, 44‑20‑50, 44‑20‑60, 44‑20‑70, and 44‑20‑80 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS; BY ADDING SECTIONS 44‑49‑90 AND 44‑49‑100 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; BY ADDING SECTIONS 43‑1‑270, 43‑1‑280, 43‑1‑290, 43‑1‑300, 43‑1‑310, 43‑1‑320, 43‑1‑330, 43‑1‑340, 43‑1‑350, 43‑1‑360, AND 43‑1‑370 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF SOCIAL SERVICES; BY ADDING SECTION 43‑21‑210 SO AS TO CODIFY A PROVISO RELATING TO THE DEPARTMENT ON AGING; BY ADDING SECTION 63‑11‑2300 SO AS TO CODIFY A PROVISO RELATING TO THE DEPARTMENT ON CHILDREN’S ADVOCACY; BY ADDING SECTION 31‑13‑100 AND BY AMENDING SECTION 31‑13‑430, RELATING TO THE ADVISORY COMMITTEE, SO AS TO CODIFY PROVISOS RELATING TO THE HOUSING FINANCE AND DEVELOPMENT AUTHORITY; BY ADDING SECTIONS 48‑23‑310, 48‑23‑320, AND 48‑23‑330 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE FORESTRY COMMISSION; BY ADDING SECTION 46‑1‑170 SO AS TO CODIFY A PROVISO RELATING TO CLEMSON UNIVERSITY PSA; BY ADDING SECTIONS 50‑3‑200, 50‑3‑210, 50‑3‑220, 50‑3‑230, AND 50‑3‑240 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF NATURAL RESOURCES; BY ADDING SECTION 48‑45‑90 SO AS TO CODIFY A PROVISO RELATING TO THE SEA GRANT CONSORTIUM; BY ADDING SECTIONS 51‑1‑100, 51‑1‑110, AND 51‑1‑120 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF PARKS, RECREATION AND TOURISM; BY ADDING SECTIONS 13‑1‑70, 13‑1‑80, 13‑1‑90, 13‑1‑100, 13‑1‑110, 13‑1‑120, 13‑1‑130, AND 13‑1‑140 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF COMMERCE; BY ADDING SECTIONS 11‑50‑190 AND 11‑40‑280 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE RURAL INFRASTRUCTURE AUTHORITY; BY ADDING SECTIONS 14‑9‑270, 14‑1‑250, 14‑3‑460, 14‑1‑260, 14‑1‑270, 14‑1‑280, 14‑1‑290, AND 14‑1‑300 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE JUDICIAL DEPARTMENT; BY ADDING SECTIONS 1‑23‑690 AND 14‑1‑290 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE ADMINISTRATIVE LAW COURT; BY ADDING SECTION 8‑1‑200 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE PROSECUTION COORDINATION COMMISSION; BY ADDING SECTIONS 23‑3‑87, 23‑3‑90, 23‑3‑92, 23‑3‑95, 23‑3‑97, AND 23‑3‑100 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE STATE LAW ENFORCEMENT DIVISION; BY ADDING SECTION 23‑6‑197 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE DEPARTMENT OF PUBLIC SAFETY; BY ADDING SECTIONS 23‑23‑170 AND 23‑23‑180 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL; BY ADDING SECTIONS 24‑1‑330, 24‑1‑340, 24‑1‑350, 24‑1‑360, 24‑1‑370, 24‑1‑380, 24‑1‑390, 24‑1‑400, 24‑1‑410, 24‑1‑420, 24‑1‑430, 24‑1‑440, 24‑1‑450, AND 24‑1‑460 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF CORRECTIONS; BY ADDING SECTION 24‑21‑120 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON; BY ADDING SECTIONS 63‑19‑500, 63‑19‑510, 63‑19‑520, 63‑19‑530, 63‑19‑540, 63‑19‑550, 63‑19‑560, AND 63‑19‑570 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF JUVENILE JUSTICE; BY ADDING SECTIONS 1‑13‑120, 1‑13‑130, AND 1‑13‑140 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE HUMAN AFFAIRS COMMISSION; BY ADDING SECTION 1‑31‑70, 1‑31‑80, 1‑31‑90, 1‑31‑100, AND 1‑31‑110 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE COMMISSION FOR MINORITY AFFAIRS; BY ADDING SECTIONS 58‑4‑140, 58‑4‑150, AND 58‑4‑160 SO AS TO CODIFY CERTAIN PROVISIONS RELATING TO THE OFFICE OF REGULATORY STAFF; BY ADDING SECTION 48‑3‑260 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE WORKERS’ COMPENSATION COMMISSION; BY ADDING SECTION 42‑7‑230 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE STATE ACCIDENT FUND; BY ADDING SECTION 38‑3‑250 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE DEPARTMENT OF INSURANCE; BY ADDING SECTION 34‑1‑230 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE BOARD OF FINANCIAL INSTITUTIONS; BY ADDING SECTION 37‑1‑304 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE DEPARTMENT OF CONSUMER AFFAIRS; BY ADDING SECTIONS 41‑3‑150, 41‑3‑160, 23‑9‑199, AND 41‑3‑170 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION; BY ADDING SECTION 56‑1‑560 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE DEPARTMENT OF MOTOR VEHICLES; BY ADDING SECTIONS 57‑3‑240, 57‑3‑250, AND 57‑3‑260 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF TRANSPORTATION; BY ADDING SECTIONS 55‑1‑110, 55‑1‑120 AND 55‑1‑130 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DIVISION OF AERONAUTICS; BY ADDING SECTION 10‑3‑70 SO AS TO CODIFY A PROVISO RELATED TO THE OFFICE OF GOVERNOR; BY ADDING SECTION 1‑11‑498 SO AS TO CODIFY A PROVISO RELATING TO THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 11‑5‑300 SO AS TO CODIFY a CERTAIN PROVISO RELATING TO THE OFFICE OF STATE TREASURER; BY ADDING SECTION 25‑1‑180 SO AS TO CODIFY a CERTAIN PROVISO RELATING TO THE OFFICE OF ADJUTANT GENERAL; BY ADDING SECTIONS 7‑3‑80, 7‑3‑90, AND 7‑3‑100 SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE ELECTION COMMISSION; BY ADDING SECTION 12‑2‑150 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE DEPARTMENT OF REVENUE; BY ADDING SECTIONS 1‑1‑1720, 59‑101‑440, 59‑53‑110, 59‑101‑450, 1‑11‑492, 1‑1‑1730, 11‑11‑85, 1‑1‑1740, 11‑49‑180, BY AMENDING SECTION 12‑36‑1310, RELATING TO THE USE TAX, BY ADDING SECTIONS 4‑10‑610, 11‑55‑60, 59‑1‑498, 1‑1‑1750, 1‑11‑499, 1‑1‑1760; BY AMENDING SECTION 12‑36‑2120, RELATING TO SALES TAX EXEMPTIONS; BY ADDING SECTIONS 1‑1‑1770 AND 1‑3‑70 all SO AS TO CODIFY CERTAIN PROVISOS RELATING TO GENERAL PROVISIONS; AND BY AMENDING SECTION 11‑11‑220 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO STATEWIDE REVENUE.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Section 17, Article III of the South Carolina Constitution in that each provision relates directly to or in conjunction with other sections to the subject of permanently codifying temporary provisos contained in prior versions of the General Appropriations Act.

The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 2. This act may be cited as the “Budget Proviso Codification Act”.

Part 1

Department of Education

SECTION 3. (1.2)  Chapter 17, Title 59 of the S.C. Code is amended by adding:

Section 59‑17‑170. 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 may not be used to supplant funds currently being spent on health and social services.

SECTION 4. (1.5)  Article 5, Chapter 1, Title 59 of the S.C. Code is amended by adding:

Section 59‑1‑471. In order to finalize each school district’s annual allocation of employer contributions funds for retiree insurance from the previous fiscal year, the Department of Education is authorized to adjust a school district’s allocation in the current fiscal year accordingly to reflect actual payroll and payments to the retirement system from the previous fiscal year. If the Department of Education is notified that an educational subdivision has failed to remit proper payments to cover employee fringe benefit obligations, the department shall withhold the educational subdivision’s state funds until such obligations are met.

SECTION 5. (1.7 and 1.9) Chapter 17, Title 59 of the S.C. Code is amended by adding:

Section 59‑17‑180. Each school district where a local juvenile detention center is located must provide adequate teaching staff and ensure compliance with the educational requirements of this State. Students housed in local juvenile detention centers must be included in the average daily membership count of students for that district and reimbursement by the Department of Education made accordingly.

Section 59‑17‑190. Each school district in this State, upon the approval of the district’s governing body, may maintain its own bank account for the purpose of making disbursement of school district funds as necessary to conduct school district business and each county treasurer is authorized to transfer such amount as needed, upon receipt of a written order certified by the district governing body or their designee. Such order must contain a statement that such amount is for immediate disbursement for the payment of correct and legal obligation of the school district.

SECTION 6. (1.13) Article 5, Chapter 67, Title 59 of the S.C. Code is amended by adding:

Section 59‑67‑800. The Department of Education shall maintain comprehensive and collision insurance or self-insured state-owned buses. In no event shall the department charge local school districts for damages to the buses which are commonly covered by insurance.

SECTION 7. (1.15) Article 1, Chapter 67, Title 59 of the S.C. Code is amended by adding:

Section 59‑67‑330. Local school districts shall request a criminal record history from the South Carolina Law Enforcement Division for past conviction of any crime before the initial employment of a school bus driver or school bus aide. The Department of Education and the school districts must be treated as a charitable organization for purposes of the fee charged for the criminal records search.

SECTION 8. (1.19) Chapter 17, Title 59 of the S.C. Code is amended by adding:

Section 59‑17‑200. School districts that have a website shall place a notice of a regularly scheduled school board meeting twenty-four hours in advance of such meeting. The notice must include the date, time, and agenda for the board meeting. The school district shall place the minutes of the board meeting on their website within ten days of the next regularly scheduled board meeting.

SECTION 9. (1.29) Article 5, Chapter 1, Title 59 of the S.C. Code is amended by adding:

Section 59‑1‑407. The Department of Education is authorized to transfer funds between budget lines and object codes to identify, reconcile, reimburse, and remit funds required for Medicaid cash match to the Department of Health and Human Services.

Part 2

Department of Education – EIA

SECTION 10. (1A.3) Chapter 47, Title 59 of the S.C. Code is amended by adding:

Section 59‑47‑150. The Department of Education is directed to oversee the evaluation of teachers at the School for the Deaf and the Blind and the Department of Juvenile Justice under the ADEPT model.

SECTION 11. (1A.19) Chapter 6, Title 59 of the S.C. Code is amended by adding:

Section 59‑6‑130. The Education Oversight Committee may carry forward unexpended Education Accountability Act funds authorized specifically for the administration of the Education Oversight Committee to support the implementation of the accountability program. Also, the Education Oversight Committee may carry forward funds appropriated for the education data dashboard to the next fiscal year.

Part 3

Wil Lou Gray Opportunity School

SECTION 12. (5.1, 5.3, and 5.4) Chapter 51, Title 59 of the S.C. Code is amended by adding:

Section 59‑51‑60. The Opportunity School will incorporate into its program services for students, ages fifteen and over, who are deemed truant and will cooperate with the Department of Juvenile Justice, the family courts, and school districts to encourage the removal of truant students to the Opportunity School when such students can be served appropriately by the Opportunity School’s program.

Section 59‑51‑70. The Wil Lou Gray Opportunity School may carry forward into the next fiscal year the amount of the deferred salaries and employer contributions earned for non-twelve-month employees. These deferred funds are not to be included or part of any other authorized carry-forward amount.

Section 59‑51‑80. The Wil Lou Gray Opportunity School may retain revenues derived from the lease of school properties titled to or utilized by the school and may use revenues retained for general school operations including, but not limited to, maintenance of such properties. Unexpended funds may be carried forward into the next fiscal year and used for the same purposes.

Part 4

School for the Deaf and the Blind

SECTION 13. (6.2, 6.4, and 6.5) Chapter 47, Title 59 of the S.C. Code is amended by adding:

Section 59‑47‑130. All revenues generated from cafeteria operations may be retained and expended by the institution for the purpose of covering actual expenses in cafeteria operations.

Section 59‑47‑140. The South Carolina School for the Deaf and the Blind may sell goods that are by-products of the school’s programs and operations, charge user fees and fees for services to the general public, such as individuals, organizations, agencies, and school districts, and such revenue may be retained and carried forward into the next fiscal year and expended for the purpose of covering expenses of the school’s programs and operations.

Section 59‑47‑150. The South Carolina School for the Deaf and the Blind may carry forward into the next fiscal year the amount of the deferred salaries and employer contributions earned for non-twelve-month employees. These deferred funds are not to be included or part of any other authorized carry-forward amount.

Part 5

Governor’s School for Agriculture at John De La Howe

SECTION 14. (7.2) Chapter 49, Title 59 of the S.C. Code is amended by adding:

Section 59‑49‑170. The Governor’s School for Agriculture at John de la Howe may lease, to its employees, private residences on the agency’s campus. Funds generated may be retained and used for general operating purposes including, but not limited to, maintenance of the residences.

Part 6

Educational Television Commission

SECTION 15. (8.1 and 8.4) Chapter 7, Title 59 of the S.C. Code is amended by adding:

Section 59‑7‑70. The Educational Television Commission may carry forward any funds derived from grant awards or designated contributions and any state funds necessary to match such funds so long as these funds are expended for the programs for which they were originally designated.

Section 59‑7‑80. (A) The Educational Television Commission shall coordinate tower and antenna operations within South Carolina state government. The commission shall:

(1) approve all leases regarding antenna placement on state-owned towers and buildings;

(2) coordinate all new tower construction on state-owned property;

(3) promote and market excess capacity on the state’s wireless communications infrastructure;

(4) generate revenue by leasing, licensing, or selling excess capacity on the state’s wireless communications infrastructure; and

(5) construct new communications assets on appropriate state-owned property for the purpose of generating revenue pursuant to this section.

(B) The commission shall retain and expend such funds for agency operations. The commission may carry forward unexpended funds. By October first of each year, the commission shall report to the Chairmen of the Senate Finance and House Ways and Means committees all revenue collected and disbursed.

SECTION 16. (8.3) Article 1, Chapter 101, Title 59 of the S.C. Code is amended by adding:

Section 59-101-220. All leases for antenna and tower operations within institutions of higher learning campuses must conform to master plans for such property, as determined solely by the institution of higher learning.

Part 7

Governor’s School for the Arts and Humanities

SECTION 17. (9.1, 9.2, 9.3) Chapter 50, Title 59 of the S.C. Code is amended by adding:

Section 59‑50‑80. The Governor’s School for the Arts and Humanities may promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of the board of directors. This policy shall address the school calendar in order to comply with the instructional needs of students attending the school.

Section 59‑50‑90. The Governor’s School for the Arts and Humanities may carry forward any funds appropriated to or generated by the school and expended at the discretion of the board of directors.

Section 59‑50‑100. The Governor’s School for the Arts and Humanities may charge, collect, expend, and carry forward student fees as approved by the board of directors. The purpose and amount of any such fees is to maintain program quality in both academics and residential support. No student may be denied admittance or participation due to financial inability to pay. The board of directors shall promulgate administrative policy governing the collection of all student fees. The school shall conspicuously publish a fee schedule on its website. All student fees must be reported by August first to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

SECTION 18. (9.4) .Article 5, Chapter 1, Title 59 of the S.C. Code is amended by adding:

Section 59-1-497. Due to the unique nature of the Governor’s School for the Arts and Humanities, the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are authorized to employ, at its discretion, noncertified classroom teachers teaching in the literary, visual, and performing arts subject areas who are otherwise considered to be appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.

Part 8

Governor’s School for Science and Mathematics

SECTION 19. (10.1, 10.2, 10.3)Chapter 48, Title 59 of the S.C. Code is amended by adding:

Section 59‑48‑80. The Governor’s School for Science and Mathematics may carry forward the balance of any funds. The funds must be expended pursuant to the direction of the board of trustees of the school.

Section 59‑48‑90. The Governor’s School for Science and Mathematics is authorized to promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of its board of directors. This policy must address the school calendar in order to comply with the instructional needs of students attending the special school.

Section 59‑48‑100. The Governor’s School for Science and Mathematics is authorized to charge, collect, expend, and carry forward student fees as approved by the board of directors. The purpose and amount of any such fees must be to maintain program quality in both academics and residential support. No student may be denied admittance or participation due to financial inability to pay. The board of directors shall promulgate administrative policy governing the collection of all student fees. The school conspicuously shall publish a fee schedule on its website. All student fees must be reported by August first each year to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

Part 9

Medical University of South Carolina

SECTION 20. (23.1) Chapter 123, Title 59 of the S.C. Code is amended by adding:

Section 59‑123‑330. (A) The Rural Dentist Program, in coordination with the Department of Public Health’s Dentistry Program, is established at the Medical University of South Carolina. The funds appropriated to the Medical University of South Carolina for the Rural Dentist Program must be administered by the South Carolina Area Health Education Consortium physician recruitment office. The costs associated with administering this program must be paid from the funds appropriated to the Rural Dentist Program and may not exceed four percent of the appropriation. The Medical University of South Carolina is responsible for the fiscal management of funds to ensure that state policies and guidelines are adhered to. MUSC may carry forward unspent general funds appropriated to the Rural Dentist Program provided that these funds be expended for the program for which they were originally designated.

(B)(1) A board is created to manage and allocate these funds to insure the location of licensed dentists in rural areas of South Carolina and on the faculty of the College of Dental Medicine at MUSC. (2) The board is composed of the following:

(a) the Dean, or his designee, of the MUSC College of Dental Medicine;

(b) three members from the South Carolina Dental Education Foundation Board who represent rural areas; and

(c) the President, or his designee, of the South Carolina Dental Association.

(3) The Director of DHEC’s Office of Primary Care; the director or his designee of the Department of Health and Human Services; and the Executive Director of the South Carolina Dental Association shall serve as ex officio members without a vote. This board shall serve without compensation.

Part 10

State Board for Technical and Comprehensive Education

SECTION 21. (25.2) Article 1, Chapter 53, Title 59 of the S.C. Code is amended by adding:

Section 59‑53‑110. The State Board for Technical and Comprehensive Education may carry forward and expend funds for direct training of new and expanding industry.

SECTION 22. (25.3) Article 2, Chapter 53, Title 59 of the S.C. Code is amended by adding:

Section 59‑53‑170. The State Board for Technical and Comprehensive Education may reimburse business and industry for training costs billed to the agency with the concurrence of the Comptroller General.

Part 11

State Library

SECTION 23. (27.2 and 27.3) Chapter 1, Title 60 of the S.C. Code is amended by adding:

Section 60‑1‑180. (A) The State Library may charge a fee for costs associated with information delivery and retain such funds to offset the costs of maintaining, promoting, and improving information delivery services.

(B) The State Library may charge a fee for costs associated with continuing education and retain such funds to offset the costs of providing continuing education opportunities.

Part 12

Arts Commission

SECTION 24. (28.1, 28.2, and 28.3) Chapter 15, Title 60 of the S.C. Code is amended by adding:

Section 60‑15‑100. Where practicable, all professional artists employed by the Arts Commission in the fields of music, theater, dance, literature, musical arts, craft, media arts, and environmental arts must be hired on a contractual basis as independent contractors. Where such a contractual arrangement is not feasible, employees in these fields may be unclassified; however, the approval of their salaries must be in accord with the provisions of Section 8-11-35.

Section 60‑15‑110. Any income derived from Arts Commission-sponsored arts events or by gift, contributions, or bequest now in possession of the Arts Commission, including any federal or other funds balance must be retained by the commission and placed in a special revolving account for the commission to use solely for the purpose of supporting the programs provided herein. Any such funds are subject to the review procedures.

Section 60‑15‑120. The commission is allowed to apply a fifteen percent indirect cost rate for continuing federal grants for which they must compete. The commission shall apply the full-approved negotiated rate to the basic state grant and any new grants received by the commission.

Part 13

State Museum Commission

SECTION 25. (29.1, 29.2, 29.3, and 29.4) Article 1, Chapter 13, Title 60 of the S.C. Code is amended by adding:

Section 60‑13‑60. (A) The commission may remove accessioned objects from its museum collections by gift to another public or nonprofit institution, by trade with another public or nonprofit institution, by public sale, by transfer to the commission’s education, exhibit, or study collections or to its operating property inventory; or as a last resort, by intentional destruction on the condition that the objects so removed meet with one or more of the following criteria:

(1) they fall outside the scope of the South Carolina Museum Commission’s collections as defined in the collection policy;

(2) they are unsuitable for exhibition or research;

(3) they are inferior duplicates of other objects in the collection; or

(4) they are forgeries or were acquired on the basis of false information.

(B) Funds from the sale of such objects must be placed in a special revolving account for the commission to use solely for the purpose of purchasing objects for the collections of the State Museum.

Section 60‑13‑70. The Museum Commission shall establish and administer a museum store in the State Museum. This store may produce, acquire, and sell merchandise relating to historical, scientific, and cultural sources. All profits received from the sale of such merchandise must be retained by the Museum Commission in a restricted fund to be carried forward into the following fiscal year. These funds may be used for store operations, publications, acquisitions, educational programs, exhibit production and general operating expenses provided that the expenditures for such expenses are approved by the General Assembly in the annual appropriations act.

Section 60‑13‑80. The Museum Commission may retain revenue received from admissions, program fees, facility rentals, professional services, donations, food service, exhibits and exhibit components, and other miscellaneous operating income generated by or for the museum and may expend such revenue for general operating expenses provided that such expenditures are approved by the General Assembly in the annual appropriations act. Any unexpended revenue from these sources may be carried forward to be expended for the same purposes.

Section 60‑13‑90. The commission may not charge admission fees to groups of children from South Carolina who have made reservations that are touring the museum as part of a school function.

Part 14

Department of Vocational Rehabilitation

SECTION 26. (32.1, 32.3, and 32.4) Chapter 31, Title 43 of the S.C. Code is amended by adding:

Section 43‑31‑180. All revenues derived from production contracts earned by people with disabilities receiving job readiness training at the agency’s work training centers may be retained by the agency and used in the facilities for client wages and any other production costs. Any excess funds derived from such production contracts may be used for other operating expenses or permanent improvements of these facilities.

Section 43‑31‑190. (A) Any revenues generated from user fees or service fees charged to the general public or other parties ineligible for the department’s services may be retained to offset costs associated with the related activities so as to not affect the level of service for regular agency clients.

(B) All revenues generated from sale of meal tickets may be retained by the agency and expended for supplies to operate the agency’s food service programs or cafeteria.

Part 15

Department of Health and Human Services

SECTION 27. (33.1, 33.4, 33.5, 33.6, 33.7, 33.8, 33.11, 33.14, and 33.26) Article 1, Chapter 6, Title 44 of the S.C. Code is amended by adding:

Section 44‑6‑116. The department shall recoup all refunds and identified program overpayments and all such overpayments must be recouped in accordance with established collection policy. Further, the department is authorized to maintain a restricted fund, on deposit with the State Treasurer, to be used to pay for liabilities and improvements related to enhancing accountability for future audits. The restricted fund shall derive from prior year program refunds. The restricted fund shall not exceed one percent of the total appropriation authorization for the current year. Amounts in excess of one percent must be remitted to the general fund.

Section 44‑6‑117. The department may fund the net costs of any third-party liability and drug rebate collection efforts from the monies collected in that effort.

Section 44‑6‑118. Where the Medicaid State Plan has been altered to cover services that previously were provided by one hundred percent state funds, or that have been requested to be added by other state agencies, the department can bill other agencies for the state share of services provided through Medicaid. In order to comply with federal regulations regarding allowable sources of matching funds, state agencies are authorized to make appropriation transfers to the department to be used as the state share when certified public expenditures are not allowed for those state agency Medicaid services. The department shall keep a record of all services affected and submit periodic reports to the Senate Finance and House Ways and Means committees.

Section 44‑6‑119. The department is authorized to expend disproportionate share funds to all eligible hospitals with the condition that all audit exceptions through the receipt and expenditures of these funds are the liability of the hospital receiving the funds.

Section 44‑6‑120. The department is authorized to receive and expend registration fees for educational, training, and certification programs.

Section 44‑6‑121. (A) The department may offset the administrative costs associated with controlling fraud and abuse.

(B) The department shall expand its program integrity efforts by utilizing resources both within and external to the agency including, but not limited to, the ability to contract with other entities for the purpose of maximizing the department’s ability to detect and eliminate provider fraud.

Section 44‑6‑122. The department shall continue a separate classification and compensation plan for Registered Nurses (RN) and Licensed Practical Nurses (LPN) who provide services to medically fragile children, who are ventilator dependent, respirator dependent, intubated, and parenteral feeding or any combination of the above. The classification plan must recognize the skill level that these nurses caring for these medically fragile children must have over and above normal homecare or school-based nurses.

Section 44‑6‑123. The cost of meals may be provided by the department to state employees who are not permitted to leave their stations and are required to work during actual emergencies, emergency situation exercises, and when the Governor declares a state of emergency.

Part 16

Department of Health and Environmental Control

SECTION 28. (34.2, 34.3, 34.4, 34.7, 34.15, 34.17) Chapter 1, Title 44 of the S.C. Code is amended by adding:

Section 44‑1‑320. General funds made available to the Department of Public Health for the allocation to the counties of the State for operation of county health units be allotted on a basis approved by the director. The amount of general funds appropriated each year for access to care must be allocated on a basis such that no county budget shall receive less than the amount received in the previous fiscal year, except when instructed by the Executive Budget Office or the General Assembly to reduce funds within the department by a certain percentage, the department may unilaterally reduce the county health units up to the stipulated percentage.

Section 44‑1‑330. (A) Private donations or contributions for the operation of Camp Burnt Gin must be deposited in a restricted account. These funds may be carried forward and must be made available as needed to fund the operation of the camp. Withdrawals from this restricted account must be in accordance with approved procedures.

(B) Notwithstanding any other provision of law, the funds appropriated to the Department of Public Health, or funds from any other source, for Camp Burnt Gin must not be reduced in the event the department is required to take a budget reduction.

Section 44‑1‑340. The Children’s Rehabilitative Services must utilize any available financial resources including insurance benefits or governmental assistance programs, to which the child may otherwise be entitled in providing or arranging for medical care and related services to physically handicapped children eligible for such services, as a prerequisite to the child receiving such services.

Section 44‑1‑350. The Department of Public Health may budget and expend monies resulting from insurance refunds for prior year operations for case services in family health.

Section 44‑1‑360. Funds resulting from an increase in the health licensing fee schedule must be retained by the Department of Public Health to fund increased responsibilities of the health licensing programs. Failure to submit a license renewal application or fee to the department by the license expiration date shall result in a late fee of seventy-five dollars or twenty-five percent of the licensing fee amount, whichever is greater, in addition to the licensing fee. Continual failure to submit completed and accurate renewal applications or fees by the time period specified by the department shall result in enforcement actions. The department may waive any or all of the assessed late fees in extenuating circumstances, as long as it is with public knowledge.

Section 44‑1‑370. When a Medicaid patient is transferred from a nursing home to a receiving nursing home due to violations of state or federal law or Medicaid certification requirements, the Medicaid patient day permit must be transferred with the patient to the receiving nursing home, provided that the receiving nursing home is an enrolled Medicaid provider that already holds Medicaid patient day permits, in which case the receiving facility shall apply to permanently retain the Medicaid patient day permit within sixty days of receipt of the patient.

SECTION 29. (34.18) Chapter 6, Title 48 of the S.C. Code is amended by adding:

Section 48‑6‑90. The Department of Environmental Services may collect, retain and expend funds received from the sale of or third-party use of spoil easement areas, for the purpose of meeting the state’s responsibility for providing adequate spoil easement areas for the Atlantic Intracoastal Waterway in South Carolina.

SECTION 30. (34.19, 34.20) Chapter 1, Title 44 of the S.C. Code is amended by adding:

Section 44‑1‑380. The Department of Public Health is authorized to compensate nonpermanent, part-time employees on a fixed rate per-visit basis. Compensation on a fixed rate per visit may be paid to employees for whom the department receives per-visit reimbursement from other sources. These individuals shall provide direct patient care in a home environment. The per-visit rate may vary based on the discipline providing the care and the geographical location of services rendered. Management may pay exempt or nonexempt employees as defined by the Fair Labor Standards Act only when they are needed to work. Individuals employed in this category may exceed twelve months, but are not eligible for State benefits except for the option of contributing to the State Retirement System.

SECTION 31. (34.21, 34.27) Chapter 6, Title 48 of the S.C. Code is amended by adding:

Section 48‑6‑100. The Department of Environmental Services may expend funds as necessary from the permitted site fund established pursuant to Section 44-56-160(B)(1), for legal services related to environmental response, regulatory, and enforcement matters, including administrative proceedings and actions in state and all federal courts.

Section 48‑6‑110. The cost of meals may be provided by the department to state employees who are required to work during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

SECTION 32. (34.27, 34.28, 34.31) Chapter 1, Title 44 of the S.C. Code is amended by adding:

Section 44‑1‑400. The cost of meals may be provided by the department to state employees who are required to work during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

Section 44‑1‑410. In the event the President of the United States has declared a state of emergency or the Governor has declared a state of emergency in a county in the State, Fair Labor Standards Act exempt employees of the department may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency director, and providing funds are available.

Section 44‑1‑420. The Department of Public Health shall assess South Carolina’s ability to cope with a major influenza outbreak or pandemic influenza and maintain an emergency plan and stockpile of medicines and supplies to improve the state’s readiness condition. The department shall report on preparedness measures to the Speaker of the House of Representatives, the President of the Senate, and the Governor by November first of each year. The department, in conjunction with the Department of Health and Human Services, is authorized to establish a fund for the purpose of developing an emergency supply, stockpile, and distribution system of appropriate antiviral, antibiotic, and vaccine medicines and medical supplies. In the event the United States Department of Health and Human Services makes available medicines or vaccines for purchase by states via federal contract or federally subsidized contract or other mechanism, the department, with Executive Budget Office approval, may access appropriated or earmarked funds as necessary to purchase an emergency supply of these medicines for the State of South Carolina.

Part 17

Department of Mental Health

SECTION 33. (35.2, 35.9) Chapter 9, Title 44 of the S.C. Code is amended by adding:

Section 44‑9‑170. The Department of Mental Health may retain and expend institution-generated funds which are budgeted.

Section 44‑9‑180. Except as otherwise provided, no money authorized to be expended for relating to commitments, admissions and discharges to mental health facilities, or treatment facilities for the purpose of alcohol and drug abuse treatment, shall be used to compensate any state employees appointed by the court as examiners, guardians ad litem, or attorneys nor shall such funds be used in payment to any state agency for providing such services by their employees.

Part 18

Department of Disabilities and Special Needs

SECTION 34. (36.1, 36.2, 36.4, 36.6, 36.7) Article 1, Chapter 20, Title 44 of the S.C. Code is amended by adding:

Section 44‑20‑40. All revenues derived from production contracts earned by individuals served by the department in work activity programs must be retained by the department and carried forward as necessary to be used for other operating expenses or permanent improvements of these work activity programs.

Section 44‑20‑50. The department may retain revenues associated with the sale of excess real property owned by, under the control of, or assigned to the department and may expend these funds as grants to purchase or build community residences and day program facilities for the individuals the department serves. The department shall follow all the policies and procedures of the Department of Administration or State Fiscal Accountability Authority and the Joint Bond Review Committee.

Section 44‑20‑60. The department is authorized to carry forward and retain settlements under Medicaid-funded contracts.

Section 44‑20‑70. The department only shall transfer capital to include property and buildings to local disability and special needs providers with written consent of the providers by memorandum of understanding and upon State Fiscal Accountability Authority approval, otherwise, the department is responsible for maintenance and improvements.

Section 44‑20‑80. The provision of selected prescribed medications may be performed by designated unlicensed persons in community-based programs sponsored, licensed, or certified by the South Carolina Department of Disabilities and Special Needs; provided, the unlicensed persons have documented successful completion of medication training and competency evaluation. Licensed nurses, licensed pharmacists, and licensed medical doctors may train and supervise designated unlicensed persons to provide medications and, after reviewing competency evaluations, may approve designated unlicensed persons for the provision of medications. The provision of medications by designated unlicensed persons is limited to oral, sublingual, buccal, topical, inhalation and transdermal medications, ear drops, eye drops, nasal sprays, injections of regularly scheduled insulin and injections of prescribed anaphylactic treatments. The provision of medications by designated unlicensed persons does not include rectal and vaginal medications, sliding scale insulin, or other injectable medications. A written or electronic record regarding each medication provided, including time and amount administered, is required as part of the provision of medication. Provision of medication does not include judgment, evaluation, or assessment by the designated unlicensed persons. The designated unlicensed persons and the nurses, pharmacists, and medical doctors that train, approve, and supervise these staff shall be protected against tort liability provided their actions are within the scope of their job duties and the established medical protocol. The Department of Disabilities and Special Needs shall establish curriculum and standards for training and oversight. This provision shall not apply to a facility licensed as an intermediate care facility for individuals with intellectual or related disability.

Part 19

Department of Alcohol and Other Drug Abuse Services

SECTION 35. (37.1, 37.2) Chapter 49, Title 44 of the S.C. Code is amended by adding:

Section 44‑49‑90. The department may charge fees for training events and conferences. The revenues from such events must be retained by the department to increase education and professional development initiatives.

Section 44‑49‑100. The department through its local county commissions may provide, from funds appropriated to the department, information, education, and referral services to persons experiencing gambling addictions.

Part 20

Department of Social Services

SECTION 36. (38.2, 38.4, 38.5, 38.6, 38.8, 38.10, 38.11, 38.13, 38.15, 38.16, 38.17).Chapter 1, Title 43 of the S.C. Code is amended by adding:

Section 43‑1‑270. The State Department shall withhold a portion of the state funds recovered, under the Title IV-D Program, for credit to the general fund in order to allow full participation in the federal “set-off” program offered through the Internal Revenue Service, the withholding of unemployment insurance benefits through the Department of Employment and Workforce and reimbursement for expenditures related to blood testing. Such funds may not be expended for any other purpose. The Department of Social Services shall be allowed to utilize the State share of federally required fees, collected from non-TANF clients, in the administration of the Child Support Enforcement Program. Such funds may not be expended for any other purpose. However, this shall not include Child Support Enforcement Program incentives paid to the program from federal funds to encourage and reward cost‑effective performance. Such incentives are to be reinvested in the program to increase collections of support at the state and county levels in a manner consistent with federal laws and regulations governing such incentive payments. The department shall not use clerk of court incentive funds to replace agency operating funds. Such funds must be remitted to the appropriate state governmental entity to further child support collection efforts.

Section 43‑1‑280. Funds appropriated for the battered spouse program must be allocated through contractual agreement to providers of this service. These funds also may be used for public awareness and contracted services for victims of this social problem, including the abused and children accompanying the abused. Such funds may not be expended for any other purpose nor be reduced by any amount greater than that stipulated by the Executive Budget Office or the General Assembly for the agency as a whole.

Section 43‑1‑290. In order to prevent the loss of federal funds to the State, employees of the Department of Social Services whose salaries are paid in full or in part from federal funds are exempt from serving as court examiners.

Section 43‑1‑300. The Department of Social Services is authorized to advance sufficient funds during each fiscal year from the Temporary Assistance for Needy Families Assistance Payments general fund appropriations to the Temporary Assistance for Needy Families Assistance Payments federal account only for the purpose of allowing a sufficient cash flow in the federal account. The advance must be refunded no later than April of the same fiscal year. Upon the advance of funds as provided in this section, the Comptroller General is authorized to process the July voucher for the funding of benefit checks.

Section 43‑1‑310. The state portion of funds recouped from the collection of recipient claims in the TANF and Food Stamp programs must be retained by the department. A portion of these funds must be distributed to local county offices for emergency and program operations.

Section 43‑1‑320. From amounts allocated to the Department of Social Services for statewide employee pay increases in the annual general appropriations act, the Department of Social Services may allot funds for pay increases to individual county directors and regional directors in classified positions without uniformity. Pay increases for department county directors and regional directors must be administered in accordance with the guidelines established by the Department of Administration for executive compensation system and other nonacademic unclassified employees. Any employees subject to the provisions of this section are not eligible for any other compensation increases provided in the annual general appropriations act.

Section 43‑1‑330. Department investigative units are authorized to receive and expend funds awarded to these units as a result of a donation, contribution, prize, grant, or court order. These funds must be retained by the department on behalf of the investigative units and deposited in a separate, special account and must be carried forward from year to year and withdrawn and expended as needed to fulfill the purposes and conditions of the donation, contribution, prize, grant, or court order, if specified, and if not specified, as may be directed by the Director of the Department of Social Services. These accounts shall not supplant operating funds. The agency shall report the amount of such funds received and the manner of expenditure in the previously completed fiscal year to the Senate Finance Committee and House Ways and Means Committee by January thirtieth of each year.

Section 43‑1‑340. The Department of Social Services is authorized to make grants to community-based not-for-profit organizations for local projects that further the objectives of department programs. The department shall develop policies and procedures and may promulgate regulations to assure compliance with state and federal requirements associated with the funds used for the grants and to assure fairness and accountability in the award and administration of these grants. The department shall require a match from all grant recipients.

Section 43‑1‑350. The Department of Social Services may impose monetary penalties against a person, facility, or other entity for violation of statutes or regulations pertaining to programs, other than foster home licensing, that the department regulates. Penalties collected must be remitted to the State Treasurer for deposit into the general fund. The department shall promulgate regulations for each program in which penalties may be imposed. The regulations must include guidance on the decision 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 severity and frequency of violations. These regulations must provide for notice of the penalty and the right to a contested case hearing before a designee of or panel appointed by the director of the department. Judicial review of the final agency decision concerning a penalty must be in accordance with statutes or regulations that apply to judicial review of final revocation and denial decisions in that particular program. The department, in accordance with regulations promulgated pursuant to this provision, shall have discretion in determining the appropriateness of assessing a monetary penalty against a person or facility and the amount of the penalty. The authority to assess monetary penalties shall be in addition to other statutory provisions authorizing the department to seek injunctive relief or to deny, revoke, suspend, or otherwise restrict or limit a license or other types of operating or practice registrations, approvals, or certificates.

Section 43‑1‑360. The department is authorized to retain and carry forward any unexpended funds appropriated for the Child Support Enforcement automated system and related penalties.

Section 43‑1‑370. State funds allocated to the Department of Social Services and used for childcare vouchers must be used to enroll eligible recipients within provider settings exceeding the state’s minimum childcare licensing standards. The department may waive this requirement on a case‑by‑case basis.

Part 21

Department on Aging

SECTION 37. (40.3) Chapter 21, Title 43 of the S.C. Code is amended by adding:

Section 43‑21‑210. The Department on Aging is authorized to receive and expend registration fees for educational, training, and certification programs.

Part 22

Department on Children’s Advocacy

SECTION 38. (41.3) Article 22, Chapter 11, Title 63 of the S.C. Code is amended by adding:

Section 63‑11‑2300. The Department of Children’s Advocacy may carry forward funds appropriated to the Continuum of Care Program to continue services.

Part 23

Housing Finance and Development Authority

SECTION 39. (42.2) Article 1, Chapter 13, Title 31 of the S.C. Code is amended by adding:

Section 31‑13‑100. The authority may carry forward monies withdrawn from the authority’s various bond-financed trust indentures and resolutions to pay program expenses.

SECTION 40. Section 31-13-430(D) of the S.C. Code is amended to read:

(D) Members of the advisory committee are not eligible for reimbursement for travel, lodging, meals, or per diem. However, the members are eligible for mileage reimbursement. Membership on the committee must include representation from rural communities.

Part 24

Forestry Commission

SECTION 41. (43.1, 43.2, 43.3) Chapter 23, Title 48 of the S.C. Code is amended by adding:

Section 48‑23‑310. The Forestry Commission is authorized to use unexpended federal grant funds to pay for expenditures.

Section 48‑23‑320. The Forestry Commission is authorized to retain all funds received as reimbursement of expenditures from other state or federal agencies when personnel and equipment are mobilized due to an emergency.

Section 48‑23‑330. The Forestry Commission is authorized to pay the cost of physical examinations for agency personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

Part 25

Clemson University PSA

SECTION 42. (45.1, 45.4, 45.5) Chapter 1, Title 46 of the S.C. Code is amended by adding:

Section 46‑1‑170. (A) Revenues collected from the issuance of phytosanitary certificates must be retained by the Division of Regulatory and Public Service for the purpose of carrying out phytosanitary inspections.

(B) All revenues collected from the regulatory programs of agrichemical, plant industry, and crop protection including: fertilizer, lime, and soil amendments registration fees; pesticide licensing fees; seed-certification fees; and fertilizer tax and inspection fees must be retained by Clemson University PSA regulatory programs.

(C) All revenues collected from pesticide registration fees and revenue collected from structural pest control businesses for business licensing must be retained by Clemson University PSA Regulatory and Public Service Programs to support general regulatory, enforcement, and education programs and to carry out provisions of the South Carolina Pesticide Control Act and regulations related to it.

Part 26

Department of Natural Resources

SECTION 43. (47.1, 47.2, 47.4, 47.5, 47.7) Article 1, Chapter 3, Title 50 of the S.C. Code is amended by adding:

Section 50‑3‑200. Revenue generated from the sale of the “South Carolina Wildlife” magazine, its by-products and other publications, must be retained by the department and used to support the production of the same in order for the magazine to be self-sustaining. In addition, the department is authorized to sell advertising in the magazine and to increase the magazine’s subscription rate, if necessary, to be self-sustaining. No general funds may be used for the operation and support of the “South Carolina Wildlife” magazine.

Section 50‑3‑210. The Department of Natural Resources shall continue to collect the casual sales tax as contained in the contractual agreement between the Department of Revenue and the Department of Natural Resources and the State Treasurer is authorized to reimburse the department on a quarterly basis for the actual cost of collecting the casual sales tax and such reimbursement must be paid from revenues generated by the casual sales tax.

Section 50‑3‑220. If any funds accumulated by the Department of Natural Resources Geology Program, under contract for the provision of goods and services not covered by the department’s appropriated funds, are not expended, such funds may be carried forward and expended for the costs associated with the provision of such goods and services.

Section 50‑3‑230. The department may collect, expend, and carry forward revenues derived from the sale of goods and services in order to support aerial photography, map services, climatology data, and geological services. The department annually shall report to the Senate Finance Committee and the House Ways and Means Committee the amount of revenue generated from the sale of these goods and services.

Section 50‑3‑240. The department is authorized to pay for the cost of physical examinations for department personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

Part 27

Sea Grant Consortium

SECTION 44. (48.1) Chapter 45, Title 48 of the S.C. Code is amended by adding:

Section 48‑45‑90. Funds generated by the sale of pamphlets, books, and other promotional materials, the production of which has been paid for by nonstate funding, may be deposited in a special account by the consortium and utilized as other funds for the purchase of additional pamphlets, books, and other promotional materials for distribution to the public.

Part 28

Department of Parks, Recreation and Tourism

SECTION 45. (49.3, 49.4, 49.5) Article 1, Chapter 1, Title 51 of the S.C. Code is amended by adding:

Section 51‑1‑100. The Department of Parks, Recreation and Tourism may carry forward any unexpended advertising funds to be used for the same purposes which include the Tourism Partnership Fund, Destination-Specific Marketing Grants, and the agency advertising fund.

Section 51‑1‑110. From the funds authorized for the South Carolina Film Commission, the department may use the film marketing funds for the following purposes:

(1) to allow for assistance with recruitment and infrastructure development of the film industry; (2) to develop a film crew base;

(3) to develop ally support in the film industry;

(4) marketing and special events; and

(5) to allow for assistance with the auditing and legal service expenses associated with the Motion Picture Incentive Act.

Section 51‑1‑120. The Department of Parks, Recreation and Tourism may charge an application fee for the Motion Picture Incentive programs and may retain and expend these funds for the purposes of meeting administrative, data collection, credit analysis, cost-benefit analysis, reporting and auditing, and other statutory obligations. A fee schedule must be established and approved by the Director of the Department of Parks, Recreation and Tourism.

Part 29

Department of Commerce

SECTION 46. (50.1, 50.4, 50.5, 50.6, 50.7, 50.8, 50.11, 50.12) Chapter 1, Title 13 of the S.C. Code is amended by adding:

Section 13‑1‑70. The proceeds from the sale of publications may be retained in the agency’s printing, binding, and advertising account.

Section 13‑1‑80. Funds collected from South Carolina companies for offsetting costs associated with participation in future trade shows may be carried forward and used for that purpose.

Section 13‑1‑100. Revenue received from the sublease on non-state-owned office space may be retained and expended to offset the cost of the department’s leased office space.

Section 13‑1‑110. The department may charge a fee for ad sales in department-authorized publications and may use these fees to offset the cost of printing and production of the publications. Any revenue generated above the actual cost must be remitted to the general fund.

Section 13‑1‑120. The Secretary of Commerce is authorized to appoint the staff of the department’s foreign offices on a contractual basis on such terms as the Secretary considers appropriate, subject to review by the Department of Administration.

Section 13‑1‑130. Application fees received by the department must be deposited within five business days from the Coordinating Council application approval date.

Section 13‑1‑140. The Recycling Market Development Advisory Council shall submit an annual report outlining recycling activities to the Governor and members of the General Assembly by March fifteenth each year.

Part 30

Rural Infrastructure Authority

SECTION 47. (54.3) Chapter 50, Title 11 of the S.C. Code is amended by adding:

Section 11‑50‑190. For purposes of calculating the amount of funds which may be carried forward by the Rural Infrastructure Authority, grant and loan program funds carried forward by the Office of Local Government must be excluded from the calculation of the carry forward authorized by law.

SECTION 48. (54.4) Chapter 40, Title 11 of the S.C. Code is amended by adding:

Section 11‑40‑280. In the event that any state funds remain after fully matching federal grants for the State Revolving Funds under the Clean Water Act or Safe Drinking Water Act, such funds may be deposited into the South Carolina Infrastructure Revolving Loan Fund established pursuant to Section 11-40-50.

Part 31

Judicial Department

SECTION 49. (57.2) Chapter 1, Title 14 of the S.C. Code is amended by adding:

Section 14‑1‑250. Every county shall provide for each circuit and family judge residing therein an office with all utilities including a private telephone and shall provide the same for Supreme Court Justices and Judges of the Court of Appeals upon their request.

SECTION 50. (57.6) Article 3, Chapter 3, Title 14 of the S.C. Code is amended by adding:

Section 14‑3‑460. Any funds collected from the Supreme Court Bar Admissions Office may be deposited into an escrow account with the State Treasurer’s Office. The department is authorized to receive, expend, retain, and carry forward these funds.

SECTION 51. (57.9, 57.10, 57.11, 57.12) Chapter 1, Title 14 of the S.C. Code is amended by adding:

Section 14‑1‑260. Amounts received as payment for reproducing, printing, and distributing copies of court rules and other department documents must be retained for use by the department.

Section 14‑1‑270. Technology equipment that has been declared surplus may be donated directly to counties for use in court-related activities.

Section 14‑1‑280. The Judicial Department may carry forward funds that are not expended.

Section 14‑1‑290. The Judicial Department shall retain revenue generated by charging a fee for technology support services provided to users of the state case management system. These funds may be expended and carried forward to offset the costs of supporting and maintaining the case management system.

Part 32

Administrative Law Court

SECTION 52. (58.1) Chapter 23, Title 1 of the S.C. Code is amended by adding:

Section 1‑23‑690. The Administrative Law Court shall retain and expend, for the same purpose for which it is generated, all revenue received as payment for printing and distributing copies of court rules and other agency documents.

SECTION 53. (58.2) Chapter 1, Title 14 of the S.C. Code is amended by adding:

Section 14-1-310. Every county shall provide for each Administrative Law Judge residing therein, upon their request, an office within the existing physical facilities if space is available, to include all utilities and a private telephone. The request only may be made provided that the judge’s residence is not within fifty miles of the official headquarters of the agency by which the administrative law judge is employed.

Part 33

Prosecution Coordination Commission

SECTION 54. (60.1) Chapter 1, Title 8 of the S.C. Code is amended by adding:

Section 8‑1‑200. The amount appropriated for salaries of solicitors must be paid to each full-time solicitor. Each full-time circuit solicitor shall earn a salary not less than each full-time circuit court judge.

Part 34

State Law Enforcement Division

SECTION 55. (62.1, 62.7, 62.8, 62.9, 62.14, 62.15) Article 1, Chapter 3, Title 23 of the S.C. Code is amended by adding:

Section 23‑3‑87. Funds awarded to the State Law Enforcement Division by either court order or from donations or contributions must be deposited in a special account with the State Treasurer, and must be carried forward from year to year, and withdrawn from the Treasurer as needed to fulfill the purposes and conditions of the said order, donations or contributions, if specified, and if not specified, as may be directed by the Chief of the State Law Enforcement Division. Funds expended from the special account must be reported annually by October first to the Senate Finance Committee and the House Ways and Means Committee.

Section 23‑3‑90. The department is authorized to pay for the cost of physical examinations for department personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

Section 23‑3‑92. The State Law Enforcement Division may provide meals to employees of SLED who are not permitted to leave assigned duty stations and are required to work during deployment, emergency simulation exercises, and when the Governor declares a state of emergency.

Section 23‑3‑95. The State Law Enforcement Division (SLED) is authorized to be reimbursed for security-related law enforcement services provided to entities authorized to transport sensitive materials within the borders of South Carolina. SLED shall determine all costs associated with security details and is authorized to coordinate the collection, retention, and distribution to any assisting agency. SLED and each assisting agency shall expend any funds associated with minimizing risks related to the transportation of these hazardous materials for the implementation of homeland security initiatives.

Section 23‑3‑97. The State Law Enforcement Division is authorized to collect, expend, retain, and carry forward all funds received from other state or federal agencies as reimbursement of expenditures incurred.

Section 23‑3‑100. The State Law Enforcement Division is authorized to retain, expend, and carry forward all monies associated with illegal gaming devices seized by the division, once orders of destruction and awarding of these monies have been received from a court of competent jurisdiction.

Part 35

Department of Public Safety

SECTION 56. (63.1) Chapter 6, Title 23 of the S.C. Code is amended by adding:

Section 23‑6‑197. The highway patrol may not charge any fee associated with special events for maintaining traffic control and ensuring safety on South Carolina public roads and highways unless approved by the General Assembly. Nothing shall prohibit the Treasury of the State from accepting voluntary payment of fees from private or public entities to defray the actual expenses incurred for services provided by the Department of Public Safety.

Part 36

Law Enforcement Training Council

SECTION 57. (64.1, 64.2) Chapter 23, Title 23 of the S.C. Code is amended by adding:

Section 23‑23‑170. In order to complete projects, the Law Enforcement Training Council, Criminal Justice Academy is authorized to carry forward and expend federal and earmarked funds.

Section 23‑23‑180. The Law Enforcement Training Council, Criminal Justice Academy is authorized to collect, expend, retain, and carry forward all funds received from other state or federal agencies as reimbursement of expenditures incurred when personnel and equipment are mobilized and expenses are incurred due to an emergency.

Part 37

Department of Corrections

SECTION 58. (65.1, 65.2, 65.4, 65.5, 65.7, 65.8, 65.9, 65.10, 65.11, 65.12, 65.14, 65.15, 65.16) Chapter 1, Title 24 of the S.C. Code is amended by adding:

Section 24‑1‑330. Revenue derived wholly from the canteen operations within the Department of Corrections on behalf of the inmate population, may be retained and expended by the department for the continuation of the operation of said canteens and the welfare of the inmate population or, at the discretion of the director, used to supplement costs of operations. The canteen operation is to be treated as an enterprise fund within the Department of Corrections and is not to be subsidized by state‑appropriated funds.

Section 24‑1‑340. Any unclaimed funds remaining in any inmate account, after appropriate and necessary steps are taken to determine and contact a rightful owner of such funds, must be deposited into the Inmate Welfare Fund.

Section 24‑1‑350. All funds received by the State from the United States Department of Justice, State Criminal Alien Assistance Program, for care and custody of illegal aliens housed in the state correctional facilities must be retained by the South Carolina Department of Corrections to offset incurred expenses.

Section 24‑1‑360. A criminal offender committed to the custody of the Department of Corrections, who has been evaluated to function at less than an eighth-grade educational level, or less than the equivalent of an eighth-grade educational level, may be required by department officials to enroll and actively participate in academic education programs. Department of Corrections funds for educational programs must be prioritized to assure such remedial services are provided.

Section 24‑1‑380. All funds received by the South Carolina Department of Corrections from the Social Security Administration under Section 1611 (e)(1)(I) of the Social Security Act, which provides payment for information regarding incarcerated Social Security Insurance recipients, must be retained by the South Carolina Department of Corrections and credited to a fund entitled “Special Social Security” for the care and custody of inmates housed in the state correctional facilities.

Section 24‑1‑390. The Department of Corrections is authorized to charge inmates a nominal fee for any medical treatment or consultation provided at the request of or initiated by the inmate. A nominal copay must be charged for prescribed medications. Inmates may not be charged for psychological or mental health visits.

Section 24‑1‑400. The Director of the Department of Corrections, at his discretion, is authorized to utilize prison industry funds for projects or services benefiting the general welfare of the inmate population or to supplement costs of operations. These funds may be carried forward to be used for the same purpose.

Section 24‑1‑410. The Department of Corrections may retain for general operating purposes any reimbursement of funds for expenses incurred.

Section 24‑1‑420. Funds generated from the sale of real property owned by the Department of Corrections must be retained by the department to offset renovation and maintenance capital expenditures.

Section 24‑1‑430. Monies generated by inmates engaged in the cleaning and waxing of private vehicles, or any other adult work activity center, must be placed in a special account and utilized for the welfare of the inmate population.

Section 24‑1‑440. All funds received by the South Carolina Department of Corrections from the Western Union Quick Collect Revenue Sharing Program or similar private sector entities, which provides payment for processing electronic transfers into the E.H. Cooper Trust Fund, must be retained by the South Carolina Department of Corrections and credited to a fund entitled Inmate Welfare Fund to be expended for the benefit of the inmate population.

Section 24‑1‑450. The Department of Corrections is authorized to charge an inmate who participates in community programs a reasonable fee for the cost of supplying electronic and telephonic monitoring. The fees charged may not exceed the actual cost of the monitoring.

Section 24‑1‑460. The Department of Corrections may collect and record private health insurance information from incarcerated individuals. The department may file against any private insurance policy covering an inmate to recoup any health care expenditures covered by the policy. Health care must be provided in accordance with law and standards regardless of whether or not an inmate is covered by insurance.

Part 38

Department of Probation, Parole and Pardon Services

SECTION 59. (66.3) Article 1, Chapter 21, Title 24 of the S.C. Code is amended by adding:

Section 24‑21‑120. The department is authorized to carry forward any unexpended funds in the sex offender monitoring program. These funds must be used for the sex offender monitoring program. For the purpose of calculating the amount of funds which may be carried forward by the department, funds carried forward pursuant to this section are excluded from the calculation of the carry forward authorized by annual general appropriations act.

Part 39

Department of Juvenile Justice

SECTION 60. (67.1, 67.2, 67.3, 67.5, 67.7, 67.8, 67.10, 67.11) Article 3, Chapter 19, Title 63 of the S.C. Code is amended by adding:

Section 63‑19‑500. Revenue generated from sale of meal tickets by the department must be retained and carried forward by the department and expended for the operation of the department’s cafeterias and food service programs.

Section 63‑19‑510. The revenue returned to the interstate compact program must be retained and carried forward by the department and expended for the operation of the program.

Section 63‑19‑520. Funds generated from the projects undertaken by children under the supervision of the department may be retained by the department and utilized for the benefit of those children. Such funds may be carried forward into the following fiscal year.

Section 63‑19‑530. The department may retain any reimbursement of funds for expenses incurred in a previous fiscal year and may expend such funds for general operating purposes.

Section 63‑19‑540. After receiving approval from the Department of Administration or State Fiscal Accountability Authority, for the sale of property, the department is authorized to retain revenues associated with the sale of department-owned real property and may expend these funds on capital improvements reviewed by the Joint Bond Review Committee and approved by the State Fiscal Accountability Authority.

Section 63‑19‑550. The department may sell mature trees and other timber suitable for commercial purposes from lands owned by the department. Before making such sales, the director shall consult with the State Forester to determine economic and environmental feasibility and to obtain approval for such sales. Funds derived from timber sales must be retained and utilized for family support services after setting aside a reasonable amount, as determined by the State Forester, for reforestation of the lands from which the trees and timber are sold.

Section 63‑19‑560. The department is authorized to place juveniles in marine and wilderness programs or other community residence programs operated by nongovernmental entities. Juveniles receiving services in these community residence programs must either be referred to such a program by the Family Court as a condition of probation, released to such a program by the Board of Juvenile Parole, or voluntarily agree to be assigned and released to such a program by the Department of Juvenile Justice.

Section 63‑19‑570. Juveniles committed to the Department of Juvenile Justice who have been enrolled in, but not yet completed, a GED educational program while at the department, upon release from the department, at the discretion of the local school district, may enroll in either the juvenile’s local school district’s regular education program, in their appropriate grade placement, or enroll in that district’s or county’s adult education program. If enrolled in an adult education program, the juvenile’s eligibility for taking the GED must be based upon the regulations promulgated by the Department of Education for youth who are confined in, or under the custody of, the Department of Juvenile Justice.

Part 40

Human Affairs Commission

SECTION 61. (70.1, 70.2, 70.3) Chapter 13, Title 1 of the S.C. Code is amended by adding:

Section 1‑13‑120. All revenue derived from donations and registration fees received for attendance at Human Affairs forums must be retained and carried forward and expended for the purpose of general operations of the Human Affairs Commission.

Section 1‑13‑130. All revenue derived from fees received from training and technical assistance provided by the Human Affairs Commission to entities other than state agencies must be retained, carried forward, and expended for the purpose of general operations of the commission.

Section 1‑13‑140. All revenue derived from providing requested copies of commission files, final opinions, orders, and determinations must be retained, carried forward, and expended for the purpose of general operations of the commission.

Part 41

Commission for Minority Affairs

SECTION 62. (71.1, 71.2, 71.3, 71.4, 71.5) Chapter 31, Title 1 of the S.C. Code is amended by adding:

Section 1‑31‑70. Monies derived from private sources for agency research, forums, training, and institutes may be retained and expended by the commission for the specified purpose. Any remaining balance may be carried forward and expended for the same purpose.

Section 1‑31‑80. Revenue derived from registration fees received from training and institutes may be retained and carried forward by the commission for the purpose of conducting future training and institutes.

Section 1‑31‑90. Revenues pooled from public and private sources for the purpose of awarding grants to address problems in the minority community may be retained and carried forward by the commission.

Section 1‑31‑100. Bingo revenues received by the commission pursuant to Section 12-21-4200 may be carried forward into the next fiscal year.

Section 1‑31‑110. Revenue derived from photocopy fees and other fees related to Freedom of Information Act requests from the general public may be retained and carried forward by the commission.

Part 42

Office of Regulatory Staff

SECTION 63. (73.1, 73.2, 73.3) Chapter 4, Title 58 of the S.C. Code is amended by adding:

Section 58‑4‑140. The Transportation Department of the Office of Regulatory Staff is authorized to make refunds of fees which were erroneously collected.

Section 58‑4‑150. (A) The Office of Regulatory Staff shall certify to the Department of Revenue the following amounts to be assessed to cover appropriations:

(1) the amount applicable to the assessment on public utility, telephone utility, radio common carrier and electric utility companies as provided for by Section 58-4-60;

(2) the amount to be assessed against gas utility companies as provided for in Section 58-5-940; (3) the amount to be assessed against electric light and power companies as provided for in Sections 58-4-60 and 58-27-50; and

(4) the 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 Section 58-4-60.

(B) The amount to be assessed against railroad companies shall consist of all expenses related to the operations of the railway subprogram of the agency’s transportation division, to include the related distribution of salary increments and employer contributions not reflected in the related subprogram as set forth in Section 58-4-60.

Section 58‑4‑160. If the Office of Regulatory Staff determines that a person or entity subject to Title 58 of the SC 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 Regulatory Staff shall, at its discretion: (a) refund the person or entity the amount of overcollection using funds from the current fiscal year; (b) refund the person or entity the amount of overcollection using any unexpended funds from the prior fiscal year; (c) credit the amount the person or entity will be assessed in the next fiscal year for the amount of overcollection; or (d) any combination of these. The Office of Regulatory Staff, when determining the amount to be assessed in the next fiscal year, may take into consideration any underpayment or overpayment by a person or entity during a given year. Any unexpended funds from revenue generated pursuant to this section may be retained and carried forward and expended for the same purposes.

Part 43

Workers’ Compensation Commission

SECTION 64. (74.1) Chapter 3, Title 48 of the S.C. Code is amended by adding:

Section 48‑3‑260. The agency shall retain all revenue earned from educational seminars for the printing of educational materials and other expenses related to conducting the seminar.

Part 44

State Accident Fund

SECTION 65. (75.1) Article 1, Chapter 7, Title 42 of the S.C. Code is amended by adding:

Section 42‑7‑230. The State Accident Fund may set and collect fees for educational seminars. All revenue earned from educational seminars must be retained by the agency and used for supplies, materials, and other expenses relating to the seminars.

Part 45

Department of Consumer Affairs

SECTION 66. (80.1) Chapter 1, Title 37 of the S.C. Code is amended by adding:

Section 37‑1‑304. Funds paid to the Department of Consumer Affairs in resolution of cases involving violations of the South Carolina Consumer Protection Code and other statutes enforced by the department must be carried forward and expended within the department’s budget to help offset the costs of investigating, prosecuting, and the administrative costs associated with these violations.

Part 46

Department of Labor, Licensing and Regulation

SECTION 67. (81.1, 81.2) Article 1, Chapter 3, Title 41 of the S.C. Code is amended by adding:

Section 41‑3‑150. The Fire Academy may charge participants a fee to cover the cost of education, training programs, and operations. The revenue generated may be applied to the cost of operations, and any unexpended balance may be carried forward and utilized for the same purposes.

Section 41‑3‑160. Revenue in the Real Estate Appraisal Registry account is not subject to fiscal year limitations and shall carry forward each fiscal year for the designated purpose.

SECTION 68. (81.4) Article 1, Chapter 9, Title 23 of the S.C. Code is amended by adding:

Section 23‑9‑199. The State Fire Marshal is authorized to accept gifts or grants of services, properties, or monies from individuals or public and private organizations to honor South Carolina firefighters who have died in the line of duty. All excess monies collected to erect a memorial must be placed in a fund for upkeep and maintenance. Any later contributions must be used for upkeep and maintenance.

SECTION 69. (81.6) Article 1, Chapter 3, Title 41 of the S.C. Code is amended by adding:

Section 41‑3‑170. The Department of Labor, Licensing and Regulation may carry forward funds that are required to provide a match for federal grant programs and may be expended for the same purpose as originally provided.

Part 47

Department of Motor Vehicles

SECTION 70. (82.1) Article 1, Chapter 1, Title 56 of the S.C. Code is amended by adding:

Section 56‑1‑560. The Department of Motor Vehicles is authorized to expend federal and earmarked funds in the current fiscal year for expenditures incurred in the previous fiscal year.

Part 48

Department of Transportation

SECTION 71. (84.3, 84.5, 84.7) Article 2, Chapter 3, Title 57 of the S.C. Code is amended by adding:

Section 57‑3‑240. The Department of Transportation is authorized to secure bonds and insurance covering such activities of the department as determined proper and advisable with due consideration being given to the security offered and the service of claims.

Section 57‑3‑250. The Department of Transportation is authorized to establish an appropriate schedule of fees to be charged for copies of records, lists, bidder’s proposals, plans, maps, and the like, based upon approximate actual costs and handling costs of producing such copies, lists, bidder’s proposals, plans, maps, and the like.

Section 57‑3‑260. Rest areas of the Department of Transportation must be charged in-district water rates by providers of water and sewer services, unless the rate currently charged by the provider is less than in-district rates.

Part 49

Division of Aeronautics

SECTION 72. (87.2, 87.4,87.5) Chapter 1, Title 55 of the S.C. Code is amended by adding:

Section 55‑1‑110. Revenue received from rental of division office space may be retained and expended to cover the cost of building operations.

Section 55‑1‑120. The division shall provide hangar and parking facilities for government-owned or operated aircraft on a first-come basis. Funds must be retained by the division for the purpose of hangar and parking facility maintenance. The hangar fee schedule must be determined by the division and shall not exceed local average market rates. Personnel from the agencies owning or operating aircraft are responsible for ground movement of their aircraft.

Section 55‑1‑130. (A) Funds appropriated for aviation grants must be credited to the State Aviation Fund within the Division of Aeronautics for the following purposes:

(1) to allow the maximization of grant funds available through the Federal Aviation Administration for capital improvement projects;

(2) for maintenance projects of general aviation airports; and

(3) for aviation education-related programs including, but not limited to, educating young people about careers in the aviation industry or the promotion of aviation in general.

(B) Sponsors of publicly owned airports for public use are eligible to receive grants but the airport must have a current development plan that meets the planning requirements of the National Plan of Integrated Airports Systems. The Aeronautics Commission shall promulgate regulations establishing the grants program that, at a minimum, address:

(1) priorities among improvements qualifying for grants;

(2) an airport selection process to ensure an equitable distribution of funds among eligible airports; and

(3) the criteria for distribution of funds among eligible airports.

(C) Enabling airport sponsors to meet basic Federal Aviation Administration safety guidelines for obstruction clearance must be a major factor in the priority guidelines established by the Aeronautics Commission pursuant to this section. The commission also shall have discretion consistent with Section 55-5-170 to establish a program to grant Aviation Fund dollars for 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 relative contribution from the fund. A report on the expenditure of these funds must be submitted annually to the Senate Finance Committee and the House Ways and Means Committee. Unspent funds may be carried forward and spent for like purposes.

Part 50

Department of Administration

SECTION 73. (93.7) Article 1, Chapter 11, Title 1 of the S.C. Code is amended by adding:

Section 1‑11‑498. (A) The Department of Administration is directed to administer and coordinate First Responder Interoperability operations for the statewide Palmetto 800 radio system to better coordinate public safety disaster responses and communications.

(B) The cost-proportional funds must be utilized for radio user fees of state agencies and public safety-first responders (Fire, EMS and Law Enforcement) that participate in the statewide Palmetto 800 radio system (Palmetto 800 participants). The Department of Administration, in consultation with the State Law Enforcement Division, the Department of Public Safety, and the State Emergency Management Division, and a representative of the South Carolina Sheriff’s Association, shall set a baseline number of radios used by each Palmetto 800 participant based on the technical aspects of the Palmetto 800 radio system and the jurisdictional requirements of the participant.

(C) If a Palmetto 800 participant reduces the baseline number of radios in use, the amount of funds allocated for the participant’s radio user fees must be reduced in a proportional amount. The funds must be utilized to provide private county and city radio systems with grant funds to be used for purchases of equipment that support interoperability with the statewide Palmetto 800 radio system and its users. Grant funds must be allocated to private county and city radio systems based on the criteria used for Palmetto 800 participants and in amounts proportional to the amounts allocated to support the per-site radio user fees of Palmetto 800 participants.

(D) A matching share is required by a Palmetto 800 participant or by a private county or city radio system in order to qualify for receipt of funds pursuant to this section.

(E) The Department of Administration shall establish the level of match required based upon funding provided. These entities are required to furnish such documentation as may be required by the department to verify that the matching funds requirement is met. Upon funding state agency and public safety-first responder user fees and private county and city equipment purchases, any remaining funds may be used to enhance and expand the statewide Palmetto 800 radio system.

(F) All funds must be held in a separate account established by the department for the purposes set forth herein. Any unexpended portion of these funds may be carried forward and used for the same purpose. In the calculation of any across-the-board budget reduction mandated by the Executive Budget Office or General Assembly, the amount appropriated to the Department of Administration for first responder interoperability must be excluded from the department’s base budget.

(G) The Department of Administration shall provide a report on the status of the integration of the statewide Palmetto 800 radio system which must include, but not be limited to, a list of entities who are not integrated into the system as of June thirtieth and the reason why they are not integrated. The report must be submitted by October first to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

Part 51

Office of State Treasurer

SECTION 74. (98.3) Article 1, Chapter 5, Title 11 of the S.C. Code is amended by adding:

Section 11‑5‑300. The State Treasurer may pool funds from accounts for investment purposes and may invest all monies in the same types of investments as set forth in Section 11-9-660.

Part 52

Office of the Adjutant General

SECTION 75. (100.2) Article 1, Chapter 1, Title 25 of the S.C. Code is amended by adding:

Section 25‑1‑180. The maximum fee that an armory may charge for the use of its premises for election purposes equals the cost of providing custodial services, utilities, and maintenance.

Part 53

Election Commission

SECTION 76. (102.5, 102.9, 102.10) Chapter 3, Title 7 of the S.C. Code is amended by adding:

Section 7‑3‑80. Funds appropriated for recurring and nonrecurring general and primary election expenses are exempt from mandated across the board reductions. In addition, in the calculation of any across the board agency base reductions mandated by the Executive Budget Office or the General Assembly, the amount of funds appropriated for recurring and nonrecurring primary and general election expenses must be excluded from the agency’s base budget.

Section 7‑3‑90. The Election Commission is authorized to carry forward unexpended Help America Vote Act funds and only may use these funds for the same purpose.

Section 7‑3‑100. General fund appropriations for the purpose of providing a match for federal funds received through the Help America Vote Act must be moved to a restricted account in order that the funds may accrue interest as per Section 254 (b) (1) of the Help America Vote Act. Unexpended funds must be carried forward and must be utilized for special primaries, runoffs, and elections. These funds also may be used to reimburse local governmental entities for expenses incurred in the previous fiscal year associated with special primaries, runoffs, and general elections.

Part 54

Public Employee Benefit Authority

SECTION 77. (109.2) Chapter 2, Title 12 of the S.C. Code is amended by adding:

Section 12‑2‑150. Funds awarded to the Department of Revenue by court order must be retained in a special account and be carried forward from year to year, and expended as needed to accomplish the purposes and conditions of said order if specified, and if not specified, as may be directed by the Director of the Department of Revenue.

Part 55

General Provisions

SECTION 78. (117.6, 117.10) Chapter 1, Title 1 of the S.C. Code is amended by adding:

Article 27

Statewide Provisions

Section 1‑1‑1720. Amounts appropriated to the Department of Health and Environmental Control, Department of Social Services, and Department of Health and Human Services may be expended to cover program operations of prior years where adjustment of such prior years are necessary under federal regulations or audit exceptions. All disallowances or notices of disallowances by any federal agency of any costs claimed by these agencies must be submitted to the State Auditor, the Senate Finance Committee, and the House Ways and Means Committee, within five days of receipt of such actions.

SECTION 79. (117.11) Article 1, Chapter 101, Title 59 of the S.C. Code is amended by adding:

Section 59‑101‑440. Student fees at the state institutions of higher learning must be fixed by the respective boards of trustees as follows:

(1) Fees applicable to student housing, dining halls, student health service, parking facility, laundries and all other personal subsistence expenses must be sufficient to fully cover the total direct operating and capital expenses of providing such facilities and services over their expected useful life except those operating or capital expenses related to the removal of asbestos.

(2) Student activity fees may be fixed at such rates as the respective boards determine reasonable and necessary.

SECTION 80. (117.12) Article 1, Chapter 53, Title 59 of the S.C. Code is amended by adding:

Section 59‑53‑110. Funds at technical education colleges derived wholly from the activities of student organizations and from the operations of canteens and bookstores may be retained by the college and expended only in accord with policies established by the respective college’s area commission and approved by the State Board for Technical and Comprehensive Education.

SECTION 81. (117.16) Article 1, Chapter 101, Title 59 of the S.C. Code is amended by adding:

Section 59‑101‑450. Presidents of the University of South Carolina, Clemson University, the Medical University of South Carolina, The Citadel, Winthrop University, South Carolina State University, Francis Marion University, University of Charleston, Coastal Carolina University and Lander University must not be paid a fixed allowance for personal expenses incurred in connection with the performance of their official duties. Reimbursements may be made to the presidents from funds available to their respective institutions for any personal expenses incurred provided that all requests for reimbursement are supported by properly documented vouchers processed through the normal accounting procedures of the institutions.

SECTION 82. (117.18) Article 1, Chapter 11, Title 1 of the S.C. Code is amended by adding:

Section 1‑11‑492. Agency heads and deputy commissioners or deputy directors designated by agency heads may receive reimbursements for business expenses incurred while performing their official duties, provided that receipts are presented when seeking reimbursement and justification is submitted to document the time, place, and purpose of the expense as well as the names of the individuals involved. The Department of Administration shall promulgate regulations governing these expenses.

SECTION 83. (117.28) Chapter 1, Title 1 of the S.C. Code is amended by adding:

Section 1‑1‑1730. Any state agency and any higher education institution, including four-year institutions, two-year institutions, and technical colleges, that operate an early childhood development center or day care facility shall charge, at a minimum, fees that are comparable to those charged by private day care facilities in the local community. The institution or agency shall not restrict enrollment in the center solely to the children of faculty, staff, and students of the institution, and the fees must not be set at a lower level for faculty, staff, or students of the institution or agency.

SECTION 84. (117.29) Chapter 11, Title 11 of the S.C. Code is amended by adding:

Section 11‑11‑85. The annual accountability report for each agency for the prior previous fiscal year, as required in Section 1-1-810, must be accessible to the Governor, Senate Finance Committee, House Ways and Means Committee, and to the public by September fifteenth of each year, for the purpose of a zero-base budget analysis and in order to ensure that the Agency Head Salary Commission has the accountability reports for use in a timely manner. Accountability Report guidelines shall require agencies to identify key program area descriptions and expenditures and link these to key financial and performance results measures. The Executive Budget Office is directed to develop a process for training agency leaders on the annual agency accountability report and its use in financial, organizational, and accountability improvement. Until performance-based funding is fully implemented and reported annually, the state-supported colleges, universities and technical schools shall report in accordance with Section 59-101-350.

SECTION 85. (117.30) Chapter 1, Title 1 of the S.C. Code is amended by adding:

Section 1‑1‑1740. Notwithstanding any other provision of law, any state agency may collect a service charge as provided in Section 34-11-70 to cover the costs associated with the processing and collection of dishonored instruments or electronic payments where any amount is not paid by the drawee due to insufficient funds on deposit with the bank or the person upon which it was drawn when presented, or the instrument contains an incorrect or insufficient signature. Such funds must be retained and expended by the agency in accordance with this purpose and any unused amount shall carry forward to the next fiscal year.

SECTION 86. (117.35) Chapter 49, Title 11 of the S.C. Code is amended by adding:

Section 11‑49‑180. State agencies are authorized to retain and carry forward any unexpended Tobacco Settlement Agreement funds and to expend such funds for the same purpose.

SECTION 87. (117.36) Section 12‑36‑1310 of the S.C. Code is amended by adding:

(D) There is exempt from the use tax imposed pursuant to this chapter the sales price of tangible personal property purchased for use in private primary and secondary schools, including kindergartens and early childhood education programs, which are exempt from income taxes pursuant to Section 501(c)(3) of the Internal Revenue Code.

SECTION 88. (117.37) Article 5, Chapter 10, Title 4 of the S.C. Code is amended by adding:

Section 4‑10‑610. If the Personal Property Tax Exemption Sales Tax is imposed in a county and a sales tax rate of two percent of gross proceeds of sales is insufficient to offset the property tax not collected, sufficient amounts must be credited to the Trust Fund for Tax Relief established pursuant to Section 11-11-150 to provide the reimbursement to offset such a shortfall in the manner provided in Section 4-10-540(A).

SECTION 89. (117.41) Chapter 55, Title 11 of the S.C. Code is amended by adding:

Section 11‑55‑60. The State Fiscal Accountability Authority shall evaluate and determine whether the written determinations, explanations, and basis for sole source procurements, pursuant to Section 11-35-1560, and emergency procurements, pursuant to Section 11-35-1570, are legitimate and valid reasons for awarding noncompetitive contracts.

SECTION 90. (117.43) Article 5, Chapter 1, Title 59 of the S.C. Code is amended by adding:

Section 59‑1‑498. The Governor’s School for the Arts and Humanities, Governor’s School for Science and Mathematics, Wil Lou Gray Opportunity School, and the Governor’s School for Agriculture at John de la Howe are authorized to charge, collect, expend, and carry forward fees charged for facility and equipment rental and registration.

SECTION 91. (117.44) Chapter 1, Title 1 of the S.C. Code is amended by adding:

Section 1‑1‑1750. Any insurance reimbursement to an agency may be used to offset expenses related to the claim. These funds may be retained, expended, and carried forward.

SECTION 92. (117.45) Article 1, Chapter 11, Title 1 of the S.C. Code is amended by adding:

Section 1‑11‑499. (A) All agencies, departments, and institutions of state government shall furnish to the Human Resources Division:

(1) a current personnel organizational chart annually no later than September first of each year, or upon the request of the division; and

(2) notification of any change to the agency’s organizational structure which impacts an employee’s grievance rights within thirty days of such change.

(B)The organizational chart must be in a form prescribed by the Human Resources Division showing all authorized positions, class title, class code, position number and indications as to whether such positions are filled or vacant. Additionally, the organizational chart shall clearly identify those employees who are exempt from the State Employee Grievance Procedure Act.

SECTION 93. (117.56) Chapter 1, Title 1 of the S.C. Code is amended by adding:

Section 1‑1‑1760. In addition to the purchase card rebate deposited in the general fund, any incentive rebate premium received by an agency from the Purchase Card Program may be retained and used by the agency to support its operations.

SECTION 94. (117.58) Section 12‑36‑2120 of the S.C. Code is amended by adding:

(84) sales of viscosupplementation therapies;

SECTION 95. (117.61) Chapter 1, Title 1 of the S.C. Code is amended by adding:

Section 1‑1‑1770. Agencies and offices of the State of South Carolina that employ attorneys are authorized, at their discretion, to use other appropriated funds, including general fund carry forward funds, to pay the costs of mandatory dues owed to the South Carolina Bar Association.

SECTION 96. (117.63) Article 1, Chapter 3, Title 1 of the S.C. Code is amended by adding:

Section 1‑3‑70. The annual Executive Budget proposed by the Governor must be certified by the Director of the Revenue and Fiscal Affairs Office or his designee in the same manner as the House Ways and Means and Senate Finance Committee versions of the general appropriations bill are certified.

Part 56

Statewide Revenue

SECTION 97. (118.3) Section 11‑11‑220 of the S.C. Code is amended by adding:

(C) After the appropriation of amounts required pursuant to subsection (B), any remaining balance may be appropriated by the General Assembly as it deems appropriate.

SECTION 98. The numbers in parentheses following the individually numbered SECTIONS of this act are references to paragraphs in Part IB of the general appropriations act of 2023 for Fiscal Year 2023‑2024, and are for purposes of identification only.

SECTION 99. The purpose of this, the Budget Proviso Codification Act, is to enact into permanent law temporary provisions that are reenacted annually in the annual general appropriations act. With respect to the imposition of fees and assessments, this act must not be construed in a manner that would result in a doubling of the fees and assessments by deeming them to be imposed cumulatively pursuant to both temporary and permanent law.

SECTION 100. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide.  After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 101. If any 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 section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 102. This act takes effect on July 1, 2024.

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