
**ACTS
AND
JOINT RESOLUTIONS
SOUTH CAROLINA
2019**

Volume I

**REGULAR
SESSION**

**Pages 2-1209
Acts 1-112**

ACTS and JOINT RESOLUTIONS

**OF THE
GENERAL ASSEMBLY
OF THE
STATE of SOUTH CAROLINA**

2019 REGULAR SESSION

VOLUME I

**First Part
of Eighty-Second Volume of Statutes at Large**

(The Acts and Joint Resolutions of 2020
Constitute the Second Part)

**Passed at the regular session which was begun
and held at the City of Columbia on the 8th
day of January, A.D., 2019, and was
adjourned on the 25th day of
June, A.D., 2019**

PRINTED UNDER DIRECTION OF
ASHLEY HARWELL-BEACH
CODE COMMISSIONER

Notice

The first regular session of the 123rd South Carolina General Assembly has adjourned under the provisions of S. 785, the Sine Die Resolution.

TABLE OF CONTENTS

Notice.....	ii
Ratification number to act number	iv
General and permanent laws.....	2
Local and temporary laws.....	1093
Index to regulations of state agencies	1150
Index to acts and joint resolution.....	1154

RATIFICATION NUMBERS

With Act Numbers Assigned

Ratification No.	Act No.	Ratification No.	Act No.
1	1	29	19
2	99	30	111
3	2	31	98
4	104	32	20
5	96	33	21
6	3	34	22
7	101	35	109
8	94	36	23
9	4	37	24
10	5	38	25
11	6	39	26
12	7	40	27
13	8	41	105
14	9	42	100
15	106	43	30
16	112	44	31
17	10	45	32
18	102	46	33
19	11	47	34
20	97	48	35
21	12	49	36
22	13	50	37
23	14	51	38
24	15	52	41
25	16	53	39
26	103	54	40
27	17	55	110
28	18	56	107

Ratification No.	Act No.	Ratification No.	Act No.
57	108	88	68
58	28	89	69
59	29	90	70
60	SUSTAINED	91	71
61	93	92	72
62	42	93	73
63	43	94	74
64	44	95	75
65	45	96	76
66	46	97	77
67	47	98	78
68	48	99	79
69	49	100	80
70	50	101	81
71	51	102	82
72	52	103	83
73	53	104	84
74	54	105	90
75	55	106	85
76	56	107	86
77	57	108	87
78	58	109	88
79	59	110	91
80	60	111	92
81	61	112	89
82	62	113	95
83	63		
84	64		
85	65		
86	66		
87	67		

ACTS

AND

JOINT RESOLUTIONS

OF THE

General Assembly

OF THE

State of South Carolina

**HENRY D. MCMASTER, Governor; HARVEY S. PEELER, JR.,
President of the Senate; JAMES H. LUCAS, Speaker of the House of
Representatives; THOMAS E. POPE, Speaker Pro Tempore of the
House of Representatives; JEFFREY S. GOSSETT, Clerk of the Senate;
PATRICK DENNIS, Clerk of the House of Representatives**

PART I

GENERAL AND PERMANENT LAWS

No. 1

(R1, S2)

AN ACT TO AMEND SECTIONS 1-3-120, 1-3-130, 1-6-30, 1-9-30, 1-11-425, 1-18-70, 1-23-280, 1-23-290, 2-1-230, 2-1-250, 2-2-30, 2-2-40, 2-3-20, 2-3-75, 2-3-105, 2-15-60, 2-17-90, 2-17-100, 2-19-10, 2-41-70, 2-59-10, 2-67-20, 2-69-20, 2-69-40, 2-75-10, 3-11-400, 5-1-26, 6-4-35, 6-29-1330, 8-13-540, 8-13-715, 8-13-1373, 9-4-10, 9-4-40, AS AMENDED, 9-16-90, 9-16-380, 10-1-168, 11-9-1140, AS AMENDED, 11-11-350, 11-43-140, 11-45-40, 11-50-50, 11-57-340, 13-1-25, 23-1-230, 24-22-150, 37-29-110, 38-3-110, 40-47-10, 41-27-710, 44-59-50, 44-128-50, 46-3-260, 48-52-440, 48-59-40, AS AMENDED, 51-13-720, 51-13-2120, 51-18-40, 51-18-115, 54-3-1300, 54-6-10, 59-6-10, 59-40-230, 59-46-40, 59-59-175, 59-150-40, 59-150-320, 59-150-325, 60-17-10, 63-1-50, 63-11-1720, AS AMENDED, 63-11-1930, AS AMENDED, 63-11-2110, AND 1-11-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO APPOINTMENTS AND REPORTS RECEIVED BY THE PRESIDENT PRO TEMPORE, SO AS TO SUBSTITUTE THE "PRESIDENT OF THE SENATE" FOR THE "PRESIDENT PRO TEMPORE OF THE SENATE", "PRESIDENT PRO TEMPORE", OR "PRESIDENT OF THE SENATE PRO TEMPORE" IN ORDER TO CONFORM THE SOUTH CAROLINA CODE OF LAWS WITH AMENDMENTS TO THE SOUTH CAROLINA CONSTITUTION ACT 214 OF 2014; TO AMEND ACT 121 OF 2014, RELATING TO APPOINTMENTS MADE BY THE PRESIDENT PRO TEMPORE, SO AS TO MAKE THE SAME CONFORMING CHANGE; AND TO AMEND SECTIONS 1-17-20, 1-23-125, 2-3-30, 2-3-90, 7-11-30, 7-17-10, 10-1-40, 14-27-20, 14-27-30, 14-27-40, 14-27-80, 44-56-840, 54-7-100, AND 59-6-15, ALL RELATING TO APPOINTMENTS AND REPORTS RECEIVED BY THE LIEUTENANT GOVERNOR, SO AS TO SUBSTITUTE "PRESIDENT OF THE SENATE" FOR "LIEUTENANT GOVERNOR" OR TO STRIKE REFERENCES TO THE LIEUTENANT GOVERNOR IN ORDER TO CONFORM THE SOUTH CAROLINA CODE OF LAWS RELATED TO THE DUTIES OF THE LIEUTENANT GOVERNOR WITH AMENDMENTS TO THE SOUTH CAROLINA CONSTITUTION ACT 214 OF 2014.

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

President Pro Tempore conforming change

SECTION 1. Section 1-3-120 of the 1976 Code is amended to read:

“Section 1-3-120. In case of the removal, death, resignation or disability of both the Governor, and the Lieutenant Governor, the President of the Senate shall perform the duties and exercise the powers of Governor until such disability of the Governor or Lieutenant Governor has been removed or until the next general election, at which a Governor must be elected by the electors duly qualified, as prescribed by Section 3, Article IV of the Constitution and the general state statutory law.”

President Pro Tempore conforming change

SECTION 2. Section 1-3-130 of the 1976 Code is amended to read:

“Section 1-3-130. In case of the disability, from whatever cause, of the Governor, the Lieutenant Governor, and the President of the Senate, the Speaker of the House of Representatives shall perform the duties and exercise the powers of Governor, in like manner and upon like conditions as are prescribed in Section 1-3-120.”

President Pro Tempore conforming change

SECTION 3. Section 1-6-30(9) of the 1976 Code is amended to read:

“(9) annually submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives detailing the State Inspector General’s activities.”

President Pro Tempore conforming change

SECTION 4. Section 1-9-30 of the 1976 Code is amended to read:

“Section 1-9-30. In the event that the Governor, for any of the reasons specified in the Constitution, is not able to exercise the powers and discharge the duties of his office, or is unavailable, and in the event the Lieutenant Governor, President of the Senate, and the Speaker of the House of Representatives, for any of the reasons specified in the

Constitution, are not able to exercise the powers and discharge the duties of the Office of Governor, or are unavailable, the Secretary of State, State Treasurer, or Attorney General, in the order named, if the preceding named officers are unavailable, shall exercise the powers and discharge the duties of the Office of Governor until a new Governor is elected and qualifies, or until a preceding named officer becomes available; provided, however, that no emergency interim successor to the aforementioned offices may serve as Governor.”

President Pro Tempore conforming change

SECTION 5. Section 1-11-425 of the 1976 Code is amended to read:

“Section 1-11-425. (A) All agencies using appropriated funds shall print on the last page of all bound publications the following information:

- (1) total printing cost;
- (2) total number of documents printed; and
- (3) cost per unit.

(B) The President of the Senate, the Speaker of the House, the Legislative Services Agency, the presidents of each institution of higher education, and the State Board for Technical and Comprehensive Education may exempt from this requirement documents published by their respective agencies. Agency publications that are produced for resale are also exempt from this requirement.

(C) Publications of public relations nature produced by Parks, Recreation and Tourism and the Division of State Development are exempt from this requirement.”

President Pro Tempore conforming change

SECTION 6. Section 1-18-70 of the 1976 Code is amended to read:

“Section 1-18-70. All recommendations formulated by the commission must be based upon evidence gathered by the commission in public hearings from testimony submitted orally or in writing by interested parties including the commission and upon evidence compiled by the commission in studies conducted by the commission. The recommendations of the commission must be made in writing and delivered to the chairman of the subcommittee of the standing committee of the House or the Senate to which a bill proposing to regulate an occupation has been referred. Copies of the commission’s

recommendations must also be delivered to the President of the Senate, the Speaker of the House of Representatives, and the Governor. Copies of the commission's recommendations must be mailed to any person who has made a request concerning occupational regulation that was considered by the commission. If the commission recommends no changes with respect to the regulation of an occupation, then the commission shall notify by mail any person who has requested that regulations or changes be recommended."

President Pro Tempore conforming change

SECTION 7. Section 1-23-280(B) of the 1976 Code is amended to read:

"(B) The committee shall consist of eleven members, appointed as follows:

- (1) five members to be appointed by the Governor;
 - (2) three members to be appointed by the President of the Senate;
- and
- (3) three members to be appointed by the Speaker of the House of Representatives."

President Pro Tempore conforming change

SECTION 8. Section 1-23-280(E) of the 1976 Code is amended to read:

"(E) The initial appointments to the committee must be made within sixty days from the effective date of this act. The department shall provide the name and address of each appointee to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chairmen of the House and Senate Labor, Commerce and Industry Committees."

President Pro Tempore conforming change

SECTION 9. Section 1-23-290(D) of the 1976 Code is amended to read:

"(D) If the committee recommends that an agency initiate regulation proceedings for a reason provided in subsection (C), then the committee shall submit to the Speaker of the House of Representatives and the

President of the Senate an evaluation report and the agency's response as provided in Section 1-23-290(B). The General Assembly may take later action in response to the evaluation report and the agency's response as the General Assembly finds appropriate."

President Pro Tempore conforming change

SECTION 10. Section 2-1-230(C) of the 1976 Code is amended to read:

"(C) A report governed by the requirements of this section may be published in hard copy form for distribution to the General Assembly if authorized by the Speaker of the House and the President of the Senate."

President Pro Tempore conforming change

SECTION 11. Section 2-1-250(B) of the 1976 Code is amended to read:

"(B)(1) The commission shall consist of fifteen members. Of these members, five must be members of the House of Representatives to be appointed by the Speaker of the House; five must be members of the Senate to be appointed by the President of the Senate; and five must be nonlegislative members selected by the other legislative members. All members must be qualified electors of this State.

(2) Legislative members shall serve terms concurrent with their terms of office. Nonlegislative members shall serve for terms of four years each. Appointments to fill vacancies, other than by expiration of a term, must be for the unexpired terms. Legislative and nonlegislative members may be reappointed for successive terms. Vacancies must be filled in the same manner as the original appointments.

(3) The commission shall elect a chairman and vice chairman every two years from among its membership, who must be members of the General Assembly."

President Pro Tempore conforming change

SECTION 12. Section 2-2-30(B)(1) of the 1976 Code is amended to read:

"(1) The President of the Senate, upon consulting with the chairmen of the standing committees in the Senate and the Clerk of the Senate,

shall determine the agencies for which each standing committee must conduct oversight studies and investigations. A proposed seven-year review schedule must be published in the Senate Journal on the first day of session each year.”

President Pro Tempore conforming change

SECTION 13. Section 2-2-40(B) of the 1976 Code is amended to read:

“(B) Nothing in the provisions of this chapter prohibits or restricts the President of the Senate, the Speaker of the House of Representatives, or chairmen of standing committees from fulfilling their constitutional obligations by authorizing and conducting legislative investigations into agencies’ functions, duties, and activities.”

President Pro Tempore conforming change

SECTION 14. Section 2-3-20 of the 1976 Code is amended to read:

“Section 2-3-20. (A) Members of the General Assembly shall annually receive as compensation for their services such sum as may be provided by law and mileage at the rate provided for by law for the actual distance traveled in the most direct route going to and returning from their homes on weekend adjournments of the General Assembly at the place where the sessions of the General Assembly are held. The terms of this provision shall be subject to limitations imposed by the State Constitution.

(B) The President of the Senate, the Speaker of the House, and the Speaker Pro Tempore of the House shall receive, in addition, such amounts as may annually appear in the State appropriation act.”

President Pro Tempore conforming change

SECTION 15. Section 2-3-75(B)(3) of the 1976 Code is amended to read:

“(3) Legislative Services Agency may sell by means of electronic transmission or by other means as it considers appropriate any legislative document or report which may be obtained under the provisions of Chapter 4, Title 30. This sale is with the approval of the Clerks of the

House and Senate upon their prior consultation with the Speaker of the House and the President of the Senate.”

President Pro Tempore conforming change

SECTION 16. Section 2-3-105(A)(4) of the 1976 Code is amended to read:

“(4) those designated by the President of the Senate or the Speaker of the House of Representatives.”

President Pro Tempore conforming change

SECTION 17. Section 2-15-60(b) of the 1976 Code is amended to read:

“(b) To conduct audits, if authorized by the council, upon request of the General Assembly or either of its respective bodies, a standing committee, the Speaker of the House, the President of the Senate, or not less than five members of the General Assembly, and to submit a report containing its findings and recommendations to the requesting entity or persons and to any member of the General Assembly who may request a copy.”

President of the Senate conforming change

SECTION 18. Section 2-17-90(A)(1) of the 1976 Code is amended to read:

“(1) as to members of the General Assembly, a function to which a member of the General Assembly is invited if the entire membership of the House, the Senate, or the General Assembly is invited, or one of the committees, subcommittees, joint committees, legislative caucuses or their committees or subcommittees, or county legislative delegations of the General Assembly of which the legislator is a member is invited. However, the President of the Senate, the Speaker of the House, and the Speaker Pro Tempore of the House may be included in an invitation to one of the above groups. In addition, invitations may be extended and accepted when the invitation is extended to all members in attendance at (a) national and regional conventions and conferences of organizations for which the General Assembly pays annual dues as a membership

requirement and (b) American Legislative Exchange Council conventions and conferences;”

President Pro Tempore conforming change

SECTION 19. Section 2-17-90(A)(6)(c) of the 1976 Code is amended to read:

“(c) the President of the Senate, in the case of any member of the Senate or its employees; or”

President Pro Tempore conforming change

SECTION 20. Section 2-17-100(3) of the 1976 Code is amended to read:

“(3) the President of the Senate, in the case of a member of the Senate;”

President Pro Tempore conforming change

SECTION 21. Section 2-19-10(B)(2) of the 1976 Code is amended to read:

“(2) three members, appointed by the Chairman of the Senate Judiciary Committee, who must be serving members of the Senate; and
(3) two members, appointed by the President of the Senate, who must be selected from the general public.”

President Pro Tempore conforming change

SECTION 22. Section 2-41-70 of the 1976 Code is amended to read:

“Section 2-41-70. The members of the committee are entitled to receive the per diem, mileage, and subsistence as is allowed by law for members of boards, committees, and commissions when engaged in the exercise of their duties as members of the committee. These expenses must be paid from approved accounts of their respective appointing authority. All other costs and expenses of the committee must be paid in equal proportion by the Senate, the House of Representatives, and the Office of the Governor, but only after the expenditures have been

approved in advance by the President of the Senate, the Speaker of the House, and the Governor.”

President Pro Tempore conforming change

SECTION 23. Section 2-59-10 of the 1976 Code is amended to read:

“Section 2-59-10. (A) There is hereby created a permanent Senate Operations and Management Committee composed of nine members of the Senate appointed by the President whose duties shall include, but not be limited to, the following:

(1) management of the L. Marion Gressette Building and the Senate areas of the State House with sole authority to formulate and implement policies and procedures for the effective utilization of personnel, equipment, and space within the L. Marion Gressette Building and the Senate areas of the State House;

(2) develop and implement policies for a Senate Personnel Plan which shall include:

(a) establishment of policies and procedures for the employment and dismissal of Senate employees;

(b) establishment of guidelines for the effective management and supervision of Senate employees; and

(c) review requirements and needs of members and committees of the Senate for staff support.

(B) The personnel policies and procedures established by the committee shall be the controlling policies and procedures for management of Senate personnel.

(C) In furtherance of the requirements of this section, the committee is authorized to continue work during the interim to secure such information and make such investigations as it may deem necessary. The members shall be paid the regular per diem, mileage, and subsistence allowance provided by law to be paid from approved accounts of the Senate.”

President Pro Tempore conforming change

SECTION 24. Section 2-67-20(E)(1)(a) of the 1976 Code is amended to read:

“(a) the President of the Senate; or”

President Pro Tempore conforming change

SECTION 25. Section 2-69-20 of the 1976 Code is amended to read:

“Section 2-69-20. Every joint study committee created by act or resolution of the General Assembly, in the discharge of its duties, including, but not limited to, the conducting of studies or investigations, is, by majority vote of the committee, authorized to request a standing committee of the Senate or House of Representatives to issue subpoenas and subpoenas duces tecum on behalf of the joint study committee to any agency, department, board, or commission of this State or of any political subdivision of this State or to any representative of any agency, department, board, or commission of this State or of any political subdivision of this State to compel the attendance of witnesses and production of documents, books, papers, correspondence, memoranda, and other relevant records to its work, investigation, or study. The committee shall have the right to receive the subpoenaed evidence in executive session. The committee must seek instructions from the President of the Senate and the Speaker of the House of Representatives as to which standing committee shall issue the subpoena. The standing committee that issues a subpoena on behalf of a joint study committee must comply with the procedures prescribed Section 2-69-40.”

President Pro Tempore conforming change

SECTION 26. Section 2-69-40 of the 1976 Code is amended to read:

“Section 2-69-40. Subpoenas and subpoenas duces tecum may only be issued upon a majority vote of the members of the committee, must be issued in the name of the committee, and must be signed by the committee chairman or the presiding officer who may administer oaths to witnesses. Subpoenas and subpoenas duces tecum which are issued for a joint study committee of the General Assembly must be co-signed by both the President of the Senate and the Speaker of the House of Representatives. Subpoenas and subpoenas duces tecum which are issued by a standing committee of the Senate must be co-signed by the President of the Senate. Subpoenas and subpoenas duces tecum which are issued by the House of Representatives must be co-signed by the Speaker of the House of Representatives. If the President of the Senate refuses to co-sign the subpoena or subpoena duces tecum, the requirement that the subpoena or subpoena duces tecum must be

co-signed by the President of the Senate may be suspended as to that particular subpoena or subpoena duces tecum by a majority vote of the members of the Senate present and voting. If the Speaker of the House of Representatives refuses to co-sign the subpoena or subpoena duces tecum, the requirement that the subpoena or subpoena duces tecum must be co-signed by the Speaker of the House of Representatives may be suspended as to that particular subpoena or subpoena duces tecum by a majority vote of the members of the House of Representatives present and voting. In determining whether or not to co-sign the subpoena or subpoena duces tecum, the President of the Senate or the Speaker of the House of Representatives must conclude that:

- (1) the information sought by the subpoena is within the scope of the committee's jurisdiction;
- (2) the information is relevant to a legitimate legislative purpose;
- (3) the nature of the information sought is as clearly described as possible in the subpoena or the authorizing resolution;
- (4) the subpoena does not intrude impermissibly upon civil liberties;
- (5) the revelation of the information subpoenaed would not unduly intrude into the decision-making processes of other branches of government; and
- (6) a subpoena issued to a local government does not violate the provisions of Articles VII and VIII of the Constitution of South Carolina, 1895, and Title 4 of the Code of Laws of South Carolina, 1976."

President Pro Tempore conforming change

SECTION 27. Section 2-75-10 of the 1976 Code is amended to read:

"Section 2-75-10. There is created the Research Centers of Excellence Review Board. The review board shall consist of eleven members. Of the eleven members, three must be appointed by the Governor, three must be appointed by the President of the Senate, three must be appointed by the Speaker of the House of Representatives, one by the Chairman of the Senate Finance Committee, and one by the Chairman of the House Ways and Means Committee. The terms of members are three years and members are eligible to be appointed for no more than two additional terms. Of the members initially appointed by the Governor, the President of the Senate, and the Speaker of the House, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years, the initial term of each member to be designated by the Governor, President of the Senate, and Speaker of the House when making the appointments. The Governor, the President of

the Senate, and the Speaker of the House shall appoint persons with substantial experience in business, law, accounting, technology, manufacturing, engineering, or other professions and experience which provide an understanding of the purposes of this chapter. The review board shall be responsible for providing annually to the Commission on Higher Education a schedule by which applications for funding are received and awarded on a competitive basis, the awarding of matching funds as provided in Section 2-75-60, and for oversight and operation of the fund created by Section 2-75-30. Members of the review board shall serve without compensation and must provide an annual report by November thirtieth of each calendar year to the General Assembly as well as the State Fiscal Accountability Authority, Revenue and Fiscal Affairs Office, and Executive Budget Office, which shall include an audit performed by an independent auditor. This annual report must include, but not be limited to, a complete accounting for total state appropriations to the endowment and total proposals awarded up to the previous fiscal year.”

President Pro Tempore conforming change

SECTION 28. Section 3-11-400(C)(3)(b)(iii) of the 1976 Code is amended to read:

“(iii)The department must make this information available, on a quarterly basis, to the governing body of the county or municipality from which the gambling vessel originates and to the general public. In addition, quarterly reports must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.”

President Pro Tempore conforming change

SECTION 29. A. Section 5-1-26(B)(1) of the 1976 Code is amended to read:

“(1) two Senators appointed by the President of the Senate;”

B. Section 5-1-26(B)(4) of the 1976 Code is amended to read:

“(4) one city manager or elected city official appointed by the President of the Senate from a list of three persons recommended by the Municipal Association of South Carolina; and”

President Pro Tempore conforming change

SECTION 30. Section 5-1-26(F) of the 1976 Code is amended to read:

“(F) Staff for the committee must be provided by the President of the Senate and Speaker of the House of Representatives.”

President Pro Tempore conforming change

SECTION 31. Section 6-4-35(A)(2) of the 1976 Code is amended to read:

“(2) one member appointed by the President of the Senate;”

President Pro Tempore conforming change

SECTION 32. Section 6-29-1330(D)(3) of the 1976 Code is amended to read:

“(3) make an annual report to the President of the Senate and Speaker of the House of Representatives, no later than April fifteenth of each year, providing a detailed account of the advisory committee’s:

- (a) activities;
- (b) expenses;
- (c) fees collected; and
- (d) determinations concerning approved education programs and categories of exemption.”

President Pro Tempore conforming change

SECTION 33. Section 6-29-1330(G) of the 1976 Code is amended to read:

“(G) The advisory committee may assess by majority vote of at least a quorum of the members a nominal fee to each entity applying for approval of an orientation or continuing education program; however, any fees charged must be applied to the operating expenses of the advisory committee and must not result in a net profit to the groups or associations that recommend the members of the advisory committee. An accounting of any fees collected by the advisory committee must be

made in the advisory committee's annual report to the President of the Senate and Speaker of the House of Representatives.”

President Pro Tempore conforming change

SECTION 34. Section 8-13-540(D)(6)(d) of the 1976 Code is amended to read:

“(d) The ethics committee shall report its findings in writing to the Speaker of the House of Representatives or President of the Senate, as appropriate. The report must be accompanied by an order of punishment or dismissal and supported and signed by a majority of the ethics committee members.”

President Pro Tempore conforming change

SECTION 35. Section 8-13-715 of the 1976 Code is amended to read:

“Section 8-13-715. (A) A public official, public member, or public employee acting in an official capacity may not receive anything of value for speaking before a public or private group. A public official, public member, or public employee is not prohibited by this section from accepting a meal provided in conjunction with a speaking engagement where all participants are entitled to the same meal and the meal is incidental to the speaking engagement. Notwithstanding the limitations of Section 2-17-90, a public official, public member, or public employee may receive payment or reimbursement for actual expenses incurred for a speaking engagement. The expenses must be reasonable and must be incurred in a reasonable time and manner in which to accomplish the purpose of the engagement. A public official, public member, or public employee required to file a statement of economic interests under Section 8-13-1110 must report on his statement of economic interests the organization which paid for or reimbursed actual expenses, the amount of such payment or reimbursement, and the purpose, date, and location of the speaking engagement. A public official, public member, or public employee who is not required to file a statement of economic interests but who is paid or reimbursed actual expenses for a speaking engagement must report this same information in writing to the chief administrative official or employee of the agency with which the public official, public member, or public employee is associated.

(B) If the expenses are incurred out of state, the public official, public member, or public employee incurring the expenses must receive prior written approval for the payment or reimbursement from:

- (1) the Governor, in the case of a public official of a state agency who is not listed in an item in this section;
- (2) a statewide constitutional officer, in the case of himself;
- (3) the President of the Senate, in the case of a member of the Senate;
- (4) the Speaker of the House, in the case of a member of the House of Representatives; or
- (5) the chief executive of the governmental entity in all other cases.”

President Pro Tempore conforming change

SECTION 36. Section 8-13-1373 of the 1976 Code is amended to read:

“Section 8-13-1373. If the Attorney General, after request by the State or any of its political subdivisions, refuses to defend an action brought in a court of competent jurisdiction challenging any provision of this chapter, the State Fiscal Accountability Authority, using funds appropriated to the civil contingency fund, must defend the action brought against the State or the political subdivision. In cases where the Attorney General refuses to defend such an action, the State Fiscal Accountability Authority must consult with the President of the Senate and the Speaker of the House of Representatives in the selection of counsel and in other matters relating to the management of the litigation.”

President Pro Tempore conforming change

SECTION 37. Section 9-4-10(B)(1)(b) of the 1976 Code is amended to read:

“(b) two members appointed by the President of the Senate, one a nonrepresentative member and one a representative member who is either an active or retired member of SCPORS;”

President Pro Tempore conforming change

SECTION 38. Section 9-4-40 of the 1976 Code, as last amended by Act 148 of 2018, is further amended to read:

“Section 9-4-40. Every four years the State Auditor shall employ a private audit firm to perform a fiduciary audit on the South Carolina Public Employee Benefit Authority. The audit firm must be selected by the State Auditor. A report from the private audit firm must be completed by January 15, 2020, and every four years after that time. Upon completion, the report must be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.”

President Pro Tempore conforming change

SECTION 39. Section 9-16-90 of the 1976 Code is amended to read:

“Section 9-16-90. (A)(1) The commission shall provide investment reports at least quarterly during the fiscal year to the State Fiscal Accountability Authority, Revenue and Fiscal Affairs Office, and the Executive Budget Office, the Speaker of the House of Representatives, the President of the Senate, and other appropriate officials and entities.

(2) In addition to the quarterly reports provided in subsection (A), the commission shall provide an annual report to the State Fiscal Accountability Authority, Revenue and Fiscal Affairs Office, and the Executive Budget Office, the Speaker of the House of Representatives, members of the House of Representatives or Senate, but only upon their request, the President of the Senate, and other appropriate officials and entities of the investment status of the retirement systems. The report must contain:

(a) a description of a material interest held by a trustee, fiduciary, or an employee who is a fiduciary with respect to the investment and management of assets of the system, or by a related person, in a material transaction with the system within the last three years or proposed to be effected;

(b) a schedule of the rates of return, net of total investment expense, on assets of the system overall and on assets aggregated by category over the most recent one-year, three-year, five-year, and ten-year periods, to the extent available, and the rates of return on

appropriate benchmarks for assets of the system overall and for each category over each period;

(c) a schedule of the sum of total investment expense, manager fees and expenses, and general administrative expenses for the fiscal year expressed as a percentage of the fair value of assets of the system on the last day of the fiscal year, and an equivalent percentage for the preceding five fiscal years;

(d) a schedule of the net manager fees and expenses for each asset class for the fiscal year, including the total amount of manager fee and expense for each asset class and the amount of manager fee and expense for each asset class divided into the amounts attributable to management fees, performance fees or carried interest, and other expenses charged to the managed investment vehicle. The amount of manager fees and expenses must be expressed in total, and in each category of fee and expense, as a dollar amount and a percentage of the fair value of assets of the system on the last day of the fiscal year. The schedule also must include the net investment return for each asset class. In addition to being included in the annual report required by this subsection, the schedule of manager fees and expenses required by this item also must be published in a conspicuous location on the commission's website;

(e) a schedule of all assets held for investment purposes on the last day of the fiscal year aggregated and identified by issuer, borrower, lessor, or similar party to the transaction stating, if relevant, the asset's maturity date, rate of interest, par or maturity value, number of shares, costs, and fair value and identifying an asset that is in default or classified as uncollectible; and

(f) a schedule of investment decisions that have been delegated from the commission to the chief investment officer to include the name, asset class, asset value, fees paid, and performance since inception by the manager.

(B) These disclosure requirements are cumulative to and do not replace other reporting requirements provided by law."

President Pro Tempore conforming change

SECTION 40. Section 9-16-380 of the 1976 Code is amended to read:

"Section 9-16-380. Every four years the State Auditor shall employ a private audit firm to perform a fiduciary audit on the Retirement System Investment Commission. The audit firm must be selected by the State Auditor. A report from the private audit firm must be completed by

January 15, 2019, and every four years after that time. Upon completion, the report must be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.”

President Pro Tempore conforming change

SECTION 41. Section 10-1-168(I) of the 1976 Code is amended to read:

“(I) An advisory committee is established to make recommendations to the General Assembly and the Department of Archives and History regarding the public representations of the Foundations of American Law and Government display documents, the appropriate information to be included in the display, and recommendations concerning other documents to be added to the list for the display. The committee must submit an annual report to the Commission for the Department of Archives and History, the President of the Senate, and Speaker of the House of Representatives. The committee shall be appointed by the Commission of the Department of Archives and History to consist of:

- (1) a member appointed upon the recommendation of the South Carolina Attorney General;
- (2) a member appointed upon the recommendation of the South Carolina Historical Association;
- (3) a member appointed upon the recommendation of the South Carolina History Society;
- (4) a member with expertise in legal history to be appointed upon the recommendation of the Dean of the University of South Carolina School of Law and the Dean of the Charleston School of Law; and
- (5) a member with expertise in United States or South Carolina history appointed upon the recommendation of the presidents of the research universities of South Carolina.”

President Pro Tempore conforming change

SECTION 42. Section 11-9-1140(B)(2) of the 1976 Code is amended to read:

“(2) If at the end of the first, second, or third quarter of any fiscal year the Board of Economic Advisors reduces the revenue forecast for the fiscal year by more than three percent below the amount projected for

the fiscal year in the forecast in effect at the time the general appropriations bill for the fiscal year is ratified, then the President of the Senate and the Speaker of the House of Representatives may call each respective house into session to take action to avoid a year-end deficit. If the General Assembly has not taken action within twenty days of the determination of the Board of Economic Advisors, then the Director of the Executive Budget Office must reduce general fund appropriations by the requisite amount in the manner prescribed by law and in accordance with item (1).”

President Pro Tempore conforming change

SECTION 43. Section 11-11-350 of the 1976 Code is amended to read:

“Section 11-11-350. Each state agency, department, institution, or entity receiving in the aggregate one percent or more of the state’s general fund appropriations for any fiscal year shall provide to the Revenue and Fiscal Affairs Office and the Executive Budget Office an estimate of its planned general fund expenditures for the next three fiscal years. This data, in conjunction with the Board of Economic Advisors’ long-term revenue estimate, must be compiled by the Revenue and Fiscal Affairs Office and the Executive Budget Office into a three-year financial plan that will assist the State in determining and planning for its long-term financial commitments. The plan must be updated annually and prepared for submission to the State Fiscal Accountability Authority and the Governor, the Speaker of the House of Representatives, and the President of the Senate during the second quarter of each fiscal year.”

President Pro Tempore conforming change

SECTION 44. Section 11-43-140 of the 1976 Code is amended to read:

“Section 11-43-140. The board of directors is the governing board of the bank. The board consists of seven voting directors as follows: the Chairman of the Department of Transportation Commission, ex officio; one director appointed by the Governor who shall serve as chairman; one director appointed by the Governor; one director appointed by the Speaker of the House of Representatives; one member of the House of Representatives appointed by the Speaker, ex officio; one director appointed by the President of the Senate; and one member of the Senate

appointed by the President of the Senate, ex officio. Directors appointed by the Governor, the Speaker of the House, and the President of the Senate shall serve terms coterminous with those of their appointing authority. The terms for the legislative members are coterminous with their terms of office. The vice chairman must be elected by the board. Any person appointed to fill a vacancy must be appointed in the same manner as the original appointee for the remainder of the unexpired term.”

President Pro Tempore conforming change

SECTION 45. Section 11-45-40(B)(1) of the 1976 Code is amended to read:

“(1) The authority must be governed by a board composed of seven directors, one of whom must be appointed by the Speaker of the House of Representatives, one of whom must be appointed by the Chairman of the House Ways and Means Committee, one of whom must be appointed by the President of the Senate, one of whom must be appointed by the Chairman of the Senate Finance Committee, and three of whom must be appointed by the Governor, one of whom shall serve as chairman. No sitting member of the General Assembly may be appointed to serve on the board in any capacity including an ex officio capacity. Directors must be selected based upon outstanding knowledge and leadership, must be knowledgeable in the management of money and finance, and must possess experience in the management of investments similar in nature and in value to those of the designated investor groups. Directors serve for a term of office of four years and until their successors are appointed and qualify, except that, of the initial directors appointed, the member appointed by the Speaker of the House of Representatives shall serve for an initial term of two years, the member appointed by the President of the Senate shall serve for an initial term of two years, and one member appointed by the Governor shall serve for an initial term of two years as designated by the Governor so as to allow the terms of the directors to be staggered. Any appointments to the governing board of the South Carolina Venture Capital Fund made prior to the effective date of the creation of the South Carolina Venture Capital Authority as established by this chapter shall expire on the effective date of the creation of the authority, and appointments to the governing board of the authority shall be made as provided in this section and shall supercede these prior appointments.”

President Pro Tempore conforming change

SECTION 46. Section 11-50-50 of the 1976 Code is amended to read:

“Section 11-50-50. (A) The board of directors is the governing board of the authority. The board consists of seven voting directors appointed as follows:

(1) six members who reside in or represent all or some portion of the counties designated as distressed or least developed pursuant to Section 12-6-3360 for 2009 or a county designated as such at the time of appointment; one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives, one appointed by the Chairman of the Senate Finance Committee, one appointed by the Chairman of the House Ways and Means Committee, and two appointed by the Governor. Notwithstanding the provisions of Section 8-13-770, the members appointed pursuant to this item (1) by the President of the Senate, Speaker of the House of Representatives, Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee may be members of the General Assembly and, if so appointed, shall serve ex officio; and

(2) the Secretary of Commerce, ex officio, who shall serve as chairman.

(B) Members not serving ex officio shall serve for terms of four years and until their successors are appointed and qualify except that of the members first appointed by the Speaker of the House, President of the Senate, and one of the members first appointed by the Governor, the member shall serve for a term of two years and the term must be noted on the appointment. Vacancies must be filled in the manner of original appointment for the unexpired portion of the term. Members shall serve without compensation, but are allowed mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.”

President Pro Tempore conforming change

SECTION 47. Section 11-57-340 of the 1976 Code is amended to read:

“Section 11-57-340. The executive director shall report to the President of the Senate, the Speaker of the House of Representatives, and the Governor annually by October first, on the status of the federal ‘Comprehensive Iran Sanctions, Accountability, and Divestment Act of

2010' (Public Law 111-195), the 'Iran Divestment Act of 2014', and any rules or regulations adopted thereunder.”

President Pro Tempore conforming change

SECTION 48. Section 13-1-25(B) of the 1976 Code is amended to read:

“(B) In addition to all other required audits, reviews, and reports, by January first of each year the director must submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the members of the Senate Finance Committee, and the members of the House Ways and Means Committee a detailed written report of all expenditures for each fund during the previous calendar year. This report must include an explanation of the specific purpose of each expenditure including recreational or entertainment purposes. Expenditures made pursuant to negotiations with an industry or business and which are ongoing as of December thirty-first of the previous year may be excluded from that calendar year’s report and reported the following January or January of the year following public announcement by the company.”

President Pro Tempore conforming change

SECTION 49. Section 23-1-230(G) of the 1976 Code is amended to read:

“(G) The authority and responsibilities of the committee are to research, study, analyze, determine, and report annually by January first to the President of the Senate and the Speaker of the House concerning the needs of the first responders, including personnel involved with fire, law enforcement, emergency medical, emergency planning and coordinating, and 911 and other emergency communications. The issues to be studied with regard to first responders include, but are not limited to:

- (1) performance of their duties, rendering of their services to the public in general, and to the individuals involved in an emergency, including the other first responders involved;
- (2) preparing for the performance of those duties, including equipping, training, planning, and coordinating;
- (3) funding their operations;
- (4) preserving and enhancing their personal fitness, well-being, morale, and welfare;

(5) the appropriate role the State should play in continuing to assess and address the identified needs, including whether, and in what form, a new or existing state agency could and should be authorized and funded to assist in that role; and

(6) the consideration of legislation to address the identified needs and providing the General Assembly with draft legislation with regard to these issues.”

President Pro Tempore conforming change

SECTION 50. Section 24-22-150 of the 1976 Code is amended to read:

“Section 24-22-150. (A) The offender management system must not be initiated and offenders shall not be enrolled in the offender management system unless appropriately funded out of the general funds of the State.

(B) During periods when the offender management system is in operation and either the South Carolina Department of Corrections or the South Carolina Department of Probation, Parole and Pardon Services determines that its funding for the system has been exhausted, the commissioner for the department having made the determination that funds are exhausted shall notify the commissioner of the other department, the Governor, the Speaker of the House of Representatives, and the President of the Senate. The offender management system shall then terminate until appropriate funding has been provided from the general funds of the State.”

President Pro Tempore conforming change

SECTION 51. Section 37-29-110 of the 1976 Code is amended to read:

“Section 37-29-110. Palmetto Pride is governed by a board of directors composed of eleven members to be appointed as follows: five members of the public must be appointed by the Governor; three members must be appointed by the President of the Senate, to include one Senator and two members of the public; three members must be appointed by the Speaker of the House of Representatives, to include one member of the House of Representatives and two members of the public. The members of the board shall elect the chairman of the board from among the public members. The board members shall serve terms of four

years. A vacancy that occurs on the board must be filled by appointment by the Governor, the President of the Senate, or the Speaker of the House of Representatives, as appropriate, for the remainder of the unexpired term.”

President Pro Tempore conforming change

SECTION 52. Section 38-3-110(5)(c) of the 1976 Code is amended to read:

“(c) The director must submit a report to the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Banking and Insurance Committee, and the Chairman of the House Labor, Commerce and Industry Committee by January thirty-first of each year regarding the status of the coastal property insurance market. The report shall be posted in an electronic format on the department’s website within five days of its submission. The report shall include, but not be limited to, the following:

(i) status of the South Carolina Wind and Hail Underwriting Association, including any recommended modifications to statutory or regulatory law regarding the operation of the South Carolina Wind and Hail Underwriting Association and its territory;

(ii) status of operations and grants issued under the South Carolina Hurricane Damage Mitigation Program as provided for in Section 38-75-485;

(iii) availability and affordability of coverage in the coastal area as defined in Section 38-75-310(5), including any portion of the area as it may be expanded pursuant to Section 38-75-460;

(iv) consumer outreach and education efforts relating to coastal property insurance issues, including, but not limited to:

(a) summary of the annual meeting as required pursuant to item (5)(a); and

(b) specific projects and efforts undertaken pursuant to item (5)(b).”

President Pro Tempore conforming change

SECTION 53. Section 40-47-10(A)(4) of the 1976 Code is amended to read:

“(4) The one lay member and one physician from the State at large must be appointed by the Governor, with the advice and consent of the

Senate. Two lay members must be appointed by the Governor, with the advice and consent of the Senate, one upon the recommendation of the President of the Senate and one upon the recommendation of the Speaker of the House of Representatives.”

President Pro Tempore conforming change

SECTION 54. Section 41-27-710(A) of the 1976 Code is amended to read:

“(A)The committee must be composed of nine members, three of whom must be members of the House of Representatives appointed by the Speaker, at least one of whom must be a member of the minority party; three of whom must be members of the Senate appointed by the President of the Senate, at least one of whom must be a member of the minority party; and three of whom shall be appointed by the Governor from the general public at large, of which one must represent businesses with fewer than fifty employees and one of whom must represent businesses with fewer than five hundred employees. A member of the general public appointed by the Governor may not be a member of the General Assembly.”

President Pro Tempore conforming change

SECTION 55. Section 44-59-50 of the 1976 Code is amended to read:

“Section 44-59-50. (A) The Catawba/Wateree Commission shall be composed of fifteen members who reside in counties which abut the Catawba/Wateree River Basin as follows:

(1) two members of the North Carolina House of Representatives, to be appointed by the Speaker of the North Carolina House of Representatives;

(2) two members of the North Carolina Senate, to be appointed by the President Pro Tempore of the North Carolina Senate;

(3) two members of the South Carolina House of Representatives, to be appointed by the Speaker of the South Carolina House of Representatives;

(4) two members of the South Carolina Senate, to be appointed by the President of the South Carolina Senate;

(5) one member from South Carolina representing a water or sewer municipal utility to be appointed by the South Carolina legislative members of the commission;

(6) one person from a nonprofit land conservation trust operating within the North Carolina portion of the basin, appointed by the Governor of North Carolina;

(7) the President of Duke Power or his designee;

(8) the Chairman of the Bi-State Catawba River Task Force or his designee;

(9) the Chief Executive Officer of the Carolina's Partnership, Inc. or his designee;

(10) one person to represent the commissions referenced below, appointed jointly by the three chief executive officers of the commissions: the Lake Wylie Marine Commission established pursuant to Article 4 of Chapter 77 of the North Carolina General Statutes, the Mountain Island Lake Marine Commission established pursuant to Article 6 of Chapter 77 of the North Carolina General Statutes, and the Lake Norman Marine Commission established pursuant to Chapter 1089 of the 1969 North Carolina Session Laws;

(11) one member from a lake homeowner's association located on the Catawba/Wateree River whose members reside in South Carolina, to be appointed by the President of the South Carolina Senate.

(B) The Yadkin/Pee Dee Commission shall be composed of fifteen members who reside in counties which abut the Yadkin/Pee Dee River Basin as follows:

(1) two members of the North Carolina House of Representatives, to be appointed by the Speaker of the North Carolina House of Representatives;

(2) two members of the North Carolina Senate, to be appointed by the President Pro Tempore of the North Carolina Senate;

(3) two members of the South Carolina House of Representatives, to be appointed by the Speaker of the South Carolina House of Representatives;

(4) two members of the South Carolina Senate, to be appointed by the President of the South Carolina Senate;

(5) one member from South Carolina representing a water or sewer municipal utility to be appointed by the South Carolina legislative members of the commission;

(6) one member from South Carolina representing the agricultural community to be appointed by the South Carolina legislative members of the commission;

(7) one person from a water or sewer municipal authority, appointed by the Governor of North Carolina;

(8) the President of Progress Energy or his designee;

(9) the President of Alcoa Power Generating, Incorporated (APGI) or his designee;

(10) the President of Weyerhaeuser or his designee;

(11) a representative of the land development industry, whose organization does business within the Yadkin/Pee Dee River Basin and who shall be appointed by the chairman of the commission.

(C) The legislative members of the commission may appoint as they consider necessary additional members to the commission to serve as advisory members.

(D) State legislative members appointed to the commission shall serve ex officio and shall have terms coterminous with their terms of office. All other members shall serve for a period of two years. Appointments to fill vacancies must be made for the remainder of the unexpired terms. Vacancies shall be filled in the same manner as the original appointment.”

President Pro Tempore conforming change

SECTION 56. Section 44-128-50(B)(2) of the 1976 Code is amended to read:

“(2) two members appointed by the President of the Senate from the membership of the Senate; and”

President Pro Tempore conforming change

SECTION 57. Section 46-3-260(A) of the 1976 Code is amended to read:

“(A) There is established in the state treasury a separate and distinct fund known as the ‘South Carolina Renewable Energy Infrastructure Development Fund’. The revenues of the fund must be distributed by the South Carolina Renewable Energy Revolving Loan Program and the South Carolina Renewable Energy Grant Program. Disbursement of these funds by the loan and grant programs must be approved by the South Carolina Renewable Energy Oversight Committee. The committee shall consist of seven members, one appointed by each of the following persons: the Governor, the Commissioner of Agriculture, the Secretary of Commerce, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

(1) The South Carolina Renewable Energy Revolving Loan Program shall provide low interest loans, with a rate not to exceed the Wall Street Journal prime interest rate, to an individual or organization that plans to build a qualified renewable energy production facility. A renewable energy production facility is a facility that produces energy or transportation fuels from biomass, solar, or wind resources. A loan from the program may provide up to fifty percent of the total cost of a project, but must not exceed two hundred fifty thousand dollars for each project. The Department of Agriculture shall administer the South Carolina Renewable Energy Revolving Loan Program, in cooperation with the South Carolina Institute of Energy Studies.

(2) The South Carolina Renewable Energy Grant Program shall provide grants to a private and public entity located in South Carolina for the purpose of assisting the entity to be more competitive in obtaining federal and other available grants that may generate renewable energy-related research and projects to directly benefit the State. The Department of Agriculture shall administer the South Carolina Renewable Energy Grant Program, in cooperation with the South Carolina Institute of Energy Studies and the South Carolina Research Authority. Grants are available in the following three categories:

(a) planning grants up to ten thousand dollars are available to a research institution or private organization to develop proposals to obtain federal grants and other funding sources for biomass, solar, and wind energy projects in South Carolina;

(b) matching grants up to two hundred thousand dollars are available for research and development projects that relate to development of South Carolina biomass, solar, and wind energy resources, provided that the grant does not exceed fifty percent of the total cost of the project; and

(c) matching grants up to two hundred thousand dollars are available for demonstration projects that validate the effectiveness of new and future biomass, solar, geothermal, wind energy, and small hydropower technologies and products, provided that the grant does not exceed fifty percent of the total cost of the demonstration project.”

President Pro Tempore conforming change

SECTION 58. Section 48-52-440(D)(2) of the 1976 Code is amended to read:

“(2) three appointed by the President of the Senate, one of whom must have a substantial background in environmental or consumer protection matters; and”

President Pro Tempore conforming change

SECTION 59. Section 48-59-40(A)(4) of the 1976 Code is amended to read:

“(4) four members appointed by the President of the Senate, one each from the First, Second, Fifth, and Seventh Congressional Districts.”

President Pro Tempore conforming change

SECTION 60. Section 51-13-720 of the 1976 Code is amended to read:

“Section 51-13-720. (A) Members of the authority must be appointed by the Governor as follows: one upon the joint recommendation of the Chairman of the House Ways and Means Committee and the Speaker of the House, one upon the joint recommendation of the Chairman of the Senate Finance Committee and the President of the Senate, and three to be appointed by the Governor. The Governor shall appoint the chairman. The terms of the members are for four years and until their successors are appointed and qualify. Members may succeed themselves. Vacancies must be filled in the same manner of the original appointment for the remainder of the unexpired term.

(B) In addition to the members of the board provided in subsection (A), there shall be three additional members of the board appointed by the Governor, one appointed upon recommendation of the President of the Senate, one appointed upon recommendation of the Speaker of the House of Representatives, and one appointed upon recommendation of the State Adjutant General. These three members shall serve for four years and until their successors are appointed and qualify, and vacancies must be filled in the manner of original appointment for the remainder of the unexpired term.”

President Pro Tempore conforming change

SECTION 61. Section 51-13-2120(3) of the 1976 Code is amended to read:

“(3) one member appointed by the President of the Senate;”

President Pro Tempore conforming change

SECTION 62. Section 51-18-40 of the 1976 Code is amended to read:

“Section 51-18-40. There is created a War Between the States Heritage Trust Commission which must consist of nine members. Three members must be appointed from the Senate by the President of the Senate; three members must be appointed from the House of Representatives by the Speaker of the House; and three members must be appointed by the Governor, one at the recommendation of War Between the States historical groups such as Sons of Confederate Veterans and Daughters of the Confederacy, one at the recommendation of African-American historical groups such as Avery Institute, and one from historical, preservation, and archeological groups such as the South Carolina Historical Society and Daughters of the American Revolution. The terms of the members shall be coterminous with the term of their appointing authority. The commission shall elect a chairman from among its membership and such other officers as it shall deem necessary.”

President Pro Tempore conforming change

SECTION 63. Section 51-18-115 of the 1976 Code is amended to read:

“Section 51-18-115. (A) There is created the War Between the States Heritage Preserve Trust Fund, which must be kept separate from other funds of the State. The fund must be administered by the commission for the purpose of acquiring fee simple or lesser interest in priority areas, legal fees, appraisals, surveys, or other costs involved in the acquisition of interest in priority areas and for the development of minimal facilities and management necessary for the protection of the essential character of priority areas.

(B) Unexpended balances, including interest derived from the fund, must be carried forward each year and used only for the purposes provided in this chapter.

(C) No fund money may be expended to acquire interest in property by eminent domain and no funds may be expended to acquire interest in property without the approval of a majority of the War Between the

States Heritage Trust Commission. The commission shall report by letter to the Speaker of the House of Representatives and the President of the Senate not later than January fifteenth each year all funds expended pursuant to this chapter for the previous year, including the amount of funds expended and the uses to which the expenditures were applied. The trust fund is eligible to receive appropriations of state general funds, federal funds, donations, gifts, bond issue receipts, securities, and other monetary instruments of value. Reimbursement for monies expended from this fund must be deposited in this fund. Funds received through sale, exchange, or otherwise of any War Between the States Heritage Preserve acquired under this section, or products of the preserve such as timber, utility easement rights, and the like, accrue to the fund.”

President Pro Tempore conforming change

SECTION 64. Section 54-3-1300(B)(1)(d) of the 1976 Code is amended to read:

“(d) two members appointed by the President of the Senate, one member upon the recommendation of the Senate Majority Leader and one member upon the recommendation of the Senate Minority Leader;”

President Pro Tempore conforming change

SECTION 65. Section 54-6-10(B)(3) of the 1976 Code is amended to read:

“(3) the President of the Senate or his designee;”

President Pro Tempore conforming change

SECTION 66. Section 59-6-10 of the 1976 Code is amended to read:

“Section 59-6-10. (A)(1) In order to assist in, recommend, and supervise implementation of programs and expenditure of funds for the Education Accountability Act and the Education Improvement Act of 1984, the Education Oversight Committee is to serve as the oversight committee for these acts. The Education Oversight Committee shall:

(a) review and monitor the implementation and evaluation of the Education Accountability Act and Education Improvement Act programs and funding;

(b) make programmatic and funding recommendations to the General Assembly;

(c) report annually to the General Assembly, State Board of Education, and the public on the progress of the programs;

(d) recommend Education Accountability Act and EIA program changes to state agencies and other entities as it considers necessary.

(2) Each state agency and entity responsible for implementing the Education Accountability Act and the Education Improvement Act funded programs shall submit to the Education Oversight Committee programs and expenditure reports and budget requests as needed and in a manner prescribed by the Education Oversight Committee.

(3) The committee consists of the following persons:

(a) Speaker of the House of Representatives or his designee;

(b) President of the Senate or his designee;

(c) Chairman of the Education and Public Works Committee of the House of Representatives or his designee;

(d) Chairman of the Education Committee of the Senate or his designee;

(e) Governor or his designee;

(f) Chairman of the Ways and Means Committee of the House of Representatives or his designee;

(g) Chairman of the Finance Committee of the Senate or his designee;

(h) State Superintendent of Education or the superintendent's designee who shall be an ex officio nonvoting member;

(i) five members representing business and industry who must have experience in business, management, or policy to be appointed as follows: one by the Governor, one by the President of the Senate, one by the Speaker of the House, one by the Chairman of the Senate Education Committee, and one by the Chairman of the House Education and Public Works Committee; and

(j) five members representing public education teachers and principals to be appointed as follows: one by the Governor, one by the President of the Senate, one by the Speaker of the House, one by the Chairman of the Senate Education Committee, and one by the Chairman of the House Education and Public Works Committee.

(4) Initial appointment must be made by July 31, 1998, at which time the Governor or his designee shall call the first meeting. At the initial meeting, a chairman elected from the members representing the business and industry appointees and a vice chairman representing the education members shall be elected by a majority vote of the committee. The members appointed pursuant to items (1) through (8) may serve

notwithstanding the provisions of Section 8-13-770. Their terms of office on the committee must be coterminous with their terms of office as Governor, Superintendent of Education, or members of the General Assembly.

(B)(1) The terms of office of the members of the Education Oversight Committee, except for the legislative members, Governor, and State Superintendent of Education, are four years and until their successors are appointed and qualify except of those first appointed the terms must be staggered as follows:

(a) initial terms of two years shall be served by the two members of the business and industry community appointed by the chairmen of the Education Committees;

(b) initial terms of three years shall be served by the members of the education community appointed by the President of the Senate and the Speaker of the House; and

(c) all other voting members shall serve initial four-year terms. The terms of chairman and vice chairman shall be two years. At the end of each two-year term, an election must be held for the chairmanship and vice chairmanship by majority vote of the members attending with quorum present. No member shall serve more than four consecutive years as chairman or vice chairman.

(2) Members of the committee shall meet no less than once a quarter and annually shall submit their findings and recommendations to the General Assembly before March first of each fiscal year. The staff positions of the Education Oversight Committee and the people presently in those positions initially shall be transferred to the Education Oversight Committee as administrative staff to carry out its functions.”

President Pro Tempore conforming change

SECTION 67. Section 59-40-230(A) of the 1976 Code is amended to read:

“(A)(1) The South Carolina Public Charter School District must be governed by a board of trustees consisting of not more than nine members:

(a) two appointed by the Governor;

(b) one appointed by the Speaker of the House of Representatives;

(c) one appointed by the President of the Senate; and

(d) five to be appointed by the Governor upon the recommendation of the:

- (i) South Carolina Association of School Administrators;
- (ii) South Carolina Chamber of Commerce;
- (iii) South Carolina Education Oversight Committee;
- (iv) South Carolina School Boards Association; and
- (v) South Carolina Alliance of Black Educators.

(2) The seven members appointed by the Governor pursuant to this subsection are subject to advice and consent of the Senate. Membership of the committee must reflect representatives from each of the entities in item (4) or their designee as reflected in their recommendation.

(3) Each member of the board of trustees shall serve terms of three years, except that, for the initial members, two appointed by the Governor, one by the Speaker of the House, and one by the President of the Senate, shall serve terms of one year and three appointed by the Governor shall serve terms of two years. A member of the board may be removed after appointment pursuant to Section 1-3-240. In making appointments, every effort must be made to ensure that all geographic areas of the State are represented and that the membership reflects urban and rural areas of the State as well as the ethnic diversity of the State.”

President Pro Tempore conforming change

SECTION 68. Section 59-46-40(A)(4) of the 1976 Code is amended to read:

“(4) two members of the Senate appointed by the President of the Senate;”

President Pro Tempore conforming change

SECTION 69. Section 59-59-175(A)(14) of the 1976 Code is amended to read:

“(14) a member from the Senate appointed by the President of the Senate.”

President Pro Tempore conforming change

SECTION 70. Section 59-150-40(A) of the 1976 Code is amended to read:

“(A)The commission is governed by a board composed of nine members to be appointed as follows: three members must be appointed by the Governor, three members must be appointed by the President of the Senate, and three members must be appointed by the Speaker of the House of Representatives.”

President Pro Tempore conforming change

SECTION 71. Section 59-150-40(C) of the 1976 Code is amended to read:

“(C) In making appointments to the board, the Governor, the President of the Senate, and the Speaker of the House of Representatives, as appropriate, shall consider legal, financial, accounting, and marketing experience and race, gender, and other demographic factors to ensure nondiscrimination, inclusion, and representation of all segments of the State to the greatest extent possible.”

President Pro Tempore conforming change

SECTION 72. Section 59-150-40(D) of the 1976 Code is amended to read:

“(D) The members shall serve terms of three years, except that of the initial appointments the Governor shall appoint two members, each to serve a two-year term, and one member to serve a four-year term; the Speaker of the House of Representatives shall appoint three members, each to serve a two-year term, coterminous with the Speaker; and the President of the Senate shall appoint three members, each to serve an initial four-year term. A vacancy that occurs on the board must be filled by appointment by the Governor, the President of the Senate, or the Speaker of the House of Representatives, as appropriate, for the remainder of the unexpired term.”

President Pro Tempore conforming change

SECTION 73. Section 59-150-320 of the 1976 Code is amended to read:

“Section 59-150-320. To ensure the financial integrity of the lottery, the commission, through its board, shall:

(1) submit quarterly and annual reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Comptroller General, the State Treasurer, and the Chairmen of the House Ways and Means Committee, the Senate Finance Committee, and the oversight committee created by Section 59-150-325 disclosing the total lottery revenues, prize disbursements, operating expenses, and administrative expenses of the commission during the reporting period. The annual report additionally must describe the organizational structure of the commission, summarize the functions performed by each organizational division within the commission, and contain a detailed budget for the next fiscal year. The quarterly reports must be submitted within fifteen days of the end of the quarter, and the annual report must be submitted by October fifteenth;

(2) adopt a system of internal audits;

(3) maintain weekly or more frequently records of lottery transactions including the distribution of lottery game tickets or shares to a lottery retailer, revenues received, claims for prizes, prizes paid, prizes forfeited, and other financial transactions of the commission;

(4) authorize the State Auditor to contract with a certified public accountant or firm for an independently audited financial statement prepared in accordance with generally accepted accounting principles, to be submitted to the Comptroller General's office each year no later than October fifteenth. The certified public accountant or firm shall not have a financial interest in a lottery vendor with whom the commission is under contract. The certified public accountant or firm shall evaluate the internal auditing controls in effect during the audit period. The cost of this annual financial audit is an operating expense of the commission. The State Auditor may at any time audit, or cause to be audited, any phase of the operations of the commission at the expense of the State and shall receive a copy of the annual independent financial audit. A copy of an interim audit performed by the certified public accountant or firm or the State Auditor must be transmitted after the close of the commission's fiscal year to the Governor, the President of the Senate, the Speaker of the House of Representatives, the State Treasurer, the Comptroller General, and the Chairmen of the House Ways and Means Committee and the Senate Finance Committee, and the oversight committee co-chairmen;

(5) submit, for informational purposes only, to the Office of State Budget of the Executive Budget Office and Revenue and Fiscal Affairs Office by June thirtieth of each year a copy of the annual operating budget for the commission for the next fiscal year. This annual operating

budget must be approved by the South Carolina Lottery Commission Board;

(6) submit, for informational purposes only, to the Office of State Budget on November tenth of each year a proposed operating budget for the commission for the upcoming fiscal year; this budget proposal also must be accompanied by an estimate of the net proceeds to be deposited into the Education Lottery Account during the upcoming fiscal year;

(7) adopt the same fiscal year as that used by state government; and

(8) authorize the Legislative Audit Council to contract with an independent firm experienced in security procedures including, but not limited to, computer security and systems security, to periodically conduct a comprehensive study and evaluation of all aspects of security in the operation of the commission and the lottery. This firm shall not have a financial interest in a lottery vendor with whom the commission is under contract. The cost of this evaluation is an operating expense of the commission. The commission shall pay directly to the Legislative Audit Council the cost of the evaluation.”

President Pro Tempore conforming change

SECTION 74. Section 59-150-325(A) of the 1976 Code is amended to read:

“(A)(1) There is created as a committee, the South Carolina Education Lottery Oversight Committee, to be composed of twelve members. The members of the committee must be appointed as follows: the Speaker of the House of Representatives appoints three members, one of whom must be the Chairman of the House Education and Public Works Committee; the President of the Senate appoints three members, one of whom must be the Chairman of the Senate Education Committee; the Chairman of the South Carolina Commission on Higher Education appoints three members; and the Chairman of the South Carolina Education Oversight Committee appoints three members. The Speaker of the House of Representatives and the President of the Senate must each appoint one co-chairman from the membership of the South Carolina Education Lottery Oversight Committee. The oversight committee must periodically, but at least annually, inquire into and review the operations of the commission and review and evaluate the success with which the commission is accomplishing its statutory duties and functions as provided in this chapter. The oversight committee must also hold an annual public hearing and may conduct an independent audit or investigation of the commission as necessary.

(2) The South Carolina Education Lottery Oversight Committee may initiate and propose changes in the laws of this State so as to prevent abuses and evasions of this chapter or its regulations or to rectify undesirable conditions in connection with the administration or operation of the lottery.

(3) If the funds available for distribution pursuant to Section 59-150-350 fall below seventy-five million dollars for any fiscal year, the oversight committee must immediately conduct an investigation into the reasons for the shortfall and, upon conclusion of their investigation, report their findings along with recommendations for changes in the laws or regulations governing the conduct of the lottery to the executive director, the board, the Governor, the President of the Senate, and the Speaker of the House of Representatives. The investigation must be completed and the reports delivered to the appropriate officials within one hundred and eighty days of the end of the fiscal year for the shortfall.”

President Pro Tempore conforming change

SECTION 75. Section 60-17-10 of the 1976 Code is amended to read:

“Section 60-17-10. (A) The South Carolina Confederate Relic Room and Military Museum Commission is established and must be composed of nine voting members who shall be appointed for terms of four years and until their successors are appointed and qualify, except as specified in subsection (B) for initial terms. The members of the board shall be appointed as follows:

- (1) three members appointed by the Governor;
- (2) two members appointed by the President of the Senate;
- (3) one member appointed by the President of the Senate upon the recommendation of the South Carolina Division Commander of the Sons of Confederate Veterans;
- (4) two members appointed by the Speaker of the House of Representatives; and
- (5) one member appointed by the Speaker of the House of Representatives upon the recommendation of the President of the South Carolina Division of the United Daughters of the Confederacy.

(B)(1) Initially, in order to stagger terms:

- (a) one member appointed by the Governor shall serve a term of one year;
- (b) one member appointed by the Governor shall serve a term of two years;

- (c) one member appointed by the Governor shall serve for three years;
 - (d) one member appointed by the President of the Senate shall serve for one year;
 - (e) one member appointed by the President of the Senate shall serve for two years;
 - (f) one member appointed by the President of the Senate shall serve for three years;
 - (g) one member appointed by the Speaker of the House of Representatives shall serve for one year;
 - (h) one member appointed by the Speaker of the House of Representatives shall serve for two years; and
 - (i) one member appointed by the Speaker of the House of Representatives shall serve for three years.
- (2) At the expiration of these initial terms, successors must be appointed for terms of four years.”

President Pro Tempore conforming change

SECTION 76. Section 63-1-50(A) and (B) of the 1976 Code is amended to read:

“(A) There is established the Joint Citizens and Legislative Committee on Children to be composed of three members of the House of Representatives appointed by the Speaker of the House, three members of the Senate to be appointed by the President of the Senate, and three members to be appointed by the Governor. The Director of the Department of Juvenile Justice, the Director of the Department of Social Services, the Director of the Department of Disabilities and Special Needs, the Superintendent of the Department of Education, and the Director of the Department of Mental Health serve as ex officio, nonvoting members of the committee. Members appointed by the Governor must not be employees of the State. Members serve at the pleasure of the appointing authority. The committee shall study issues relating to children as the committee may undertake or as may be requested or directed by the General Assembly. The committee may contract for all necessary legal research and support services, subject to funding as provided in subsection (E).

(B) The committee shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House no later than the first of February. The report must detail the work of the committee, account for the committee’s expenditures, and provide findings and

recommendations the committee develops relating to children's issues it has studied.”

President Pro Tempore conforming change

SECTION 77. Section 63-11-1720(B) and (C) of the 1976 Code, as last amended by Act 152 of 2018, is further amended to read:

“(B) In making the appointments specified in subsection (C)(1), (2), and (3) of this section, the Governor, President of the Senate, and the Speaker of the House of Representatives shall seek to ensure diverse geographical representation on the board by appointing individuals from each congressional district as possible.

(C) The board shall include members appointed in the following manner:

(1) the Governor shall appoint one member from each of the following sectors:

- (a) parents of young children;
- (b) business community;
- (c) early childhood educators;
- (d) medical providers;
- (e) child care and development providers; and
- (f) the General Assembly, one member from the Senate and one member from the House of Representatives;

(2) the President of the Senate shall appoint one member from each of the following sectors:

- (a) parents of young children;
- (b) business community;
- (c) early childhood educators; and
- (d) medical or child care and development providers;

(3) the Speaker of the House of Representatives shall appoint one member from each of the following sectors:

- (a) parents of young children;
- (b) business community;
- (c) early childhood educators; and
- (d) medical or child care and development;

(4) the Chairman of the Senate Education Committee or his designee;

(5) the Chairman of the House Education and Public Works Committee or his designee; and

(6) the chief executive officer of each of the following shall serve as an ex officio voting member:

- (a) Department of Social Services;
- (b) Department of Health and Environmental Control;
- (c) Department of Health and Human Services;
- (d) Department of Disabilities and Special Needs;
- (e) State Head Start Collaboration Officer; and
- (f) Children's Trust of South Carolina.”

President Pro Tempore conforming change

SECTION 78. Section 63-11-1930(A)(11) of the 1976 Code is amended to read:

“(11) one senator to be appointed by the President of the Senate;”

President Pro Tempore conforming change

SECTION 79. Section 63-11-2110(B)(4) of the 1976 Code is amended to read:

“(4) the President of the Senate, or his designee; and”

President Pro Tempore conforming change

SECTION 80. SECTION 22(A) of Act 121 of 2014 is amended to read:

“(A)Notwithstanding any other provision of law, in addition to the present members of the Charleston Naval Complex Redevelopment Authority, as created by gubernatorial executive order pursuant to Section 31-12-40 of the 1976 Code, there shall be four additional members, two appointed by the Speaker of the House of Representatives and two appointed by the President of the Senate. These four additional members shall each serve for terms of four years and until their successors are appointed and qualify. Vacancies shall be filled for the remainder of the unexpired term by appointment in the same manner of original appointment.”

Lieutenant Governor conforming change

SECTION 81. Section 1-17-20 of the 1976 Code is amended to read:

“Section 1-17-20. The standing Committee on Interstate Cooperation of the Senate shall consist of five Senators. The members and chairman of this committee shall be designated in the same manner as is customary in the case of the members and chairmen of other standing committees of the Senate.”

Lieutenant Governor conforming change

SECTION 82. Section 1-23-125(B) of the 1976 Code is amended to read:

“(B) If a majority of a committee determines that it cannot approve a regulation in the form submitted, it shall notify the promulgating agency in writing along with its recommendations as to changes that would be necessary to obtain committee approval. The agency may:

(1) withdraw the regulation from the General Assembly and resubmit it with the recommended changes to the Speaker and the President of the Senate, but any regulation not resubmitted within thirty days is considered permanently withdrawn;

(2) withdraw the regulation permanently; or

(3) take no action and abide by whatever action is taken or not taken by the General Assembly on the regulation concerned.”

Lieutenant Governor conforming change

SECTION 83. Section 1-23-125(D) of the 1976 Code is amended to read:

“(D) This section, as it applies to approval, disapproval, or modification of regulations, only applies to joint resolutions introduced by the committees to which regulations are submitted.”

Lieutenant Governor conforming change

SECTION 84. Section 2-3-30 of the 1976 Code is amended to read:

“Section 2-3-30. Except for legislative days which, by Senate or House action, are designated for consideration only of local and uncontested matters, members of the General Assembly must be paid subsistence expenses as may be provided for by law for each legislative day. Provided, such subsistence allowance must be paid for each

calendar day occurring within the same legislative day to members of that body in session on each calendar day.”

Lieutenant Governor conforming change

SECTION 85. Section 2-3-90 of the 1976 Code is amended to read:

“Section 2-3-90. The Senate and House of Representatives shall also, at the same time, each for itself elect a reading clerk and a sergeant at arms. Should a vacancy occur in the sergeant at arms while the General Assembly is not in session, the President of the Senate or the Speaker of the House is authorized to appoint for their respective Houses a sergeant at arms until the convening of the next General Assembly.”

Lieutenant Governor conforming change

SECTION 86. Section 7-11-30(A) of the 1976 Code is amended to read:

“(A) A party may choose to change from nomination of candidates by primary to a method to nominate candidates by convention for all offices including, but not limited to, Governor, United States Senator, United States House of Representatives, Circuit Solicitor, State Senator, and members of the State House of Representatives if:

- (1) there is a three-fourths vote of the total membership of the convention to use the convention nomination process; and
- (2) a majority of voters in that party’s next primary election approve the use of the convention nomination process.”

Governor and Lieutenant Governor conforming change

SECTION 87. Section 7-17-10 of the 1976 Code is amended to read:

“Section 7-17-10. The commissioners of election for Governor and Lieutenant Governor, state officers, circuit solicitors, members of the General Assembly, and county officers or any of these officers shall meet in some convenient place at the county seat on the Friday next following the election, before one o’clock in the afternoon of that day, and shall proceed to organize as the county board of canvassers. They may appoint some competent person as secretary. The chairman then shall proceed to administer the constitutional oath to each member of the board, as canvassers, and shall administer the constitutional oath to the

secretary, and the secretary shall administer to the chairman the same oath that he has administered to the other members of the board. The commissioners of election for members of Congress and presidential electors or any of these officers likewise shall meet at the same time at the county seat and in the same manner shall proceed to organize as the county board of canvassers for the election of the federal officers.”

Lieutenant Governor conforming change

SECTION 88. Section 10-1-40 of the 1976 Code is amended to read:

“Section 10-1-40. There is hereby established a committee to be known as the ‘State House Committee’, consisting of five members of the Senate, appointed by the President of the Senate, and five members of the House of Representatives, appointed by the Speaker, whose duties shall be to review all proposals for alterations and/or renovations to the State House. No alterations or renovations shall be undertaken without the approval of this committee.”

Lieutenant Governor conforming change

SECTION 89. Section 14-27-20(10) of the 1976 Code is amended to read:

“(10) the President of the Senate or his designee;”

Lieutenant Governor conforming change

SECTION 90. Section 14-27-30 of the 1976 Code is amended to read:

“Section 14-27-30. (A) The Chief Justice of the Supreme Court shall appoint the following members to the Judicial Council: the two circuit court judges; the two family court judges; the two probate judges; the two summary court judges; the two masters-in-equity; the Attorney General or one of the Assistant Attorneys General or one of the circuit solicitors; the Dean or member of the faculty of the Law School of the University of South Carolina; one person recommended by the Charleston School of Law; and the six remaining members of the Judicial Council.

(B) The President of the Senate, the Speaker of the House or their designees, the Chairmen of the Senate Finance Committee, House Ways and Means Committee, Senate Judiciary Committee, and House

Judiciary Committee or their designees, the Director of the Legislative Council, and the President of the South Carolina Bar or his designee all serve ex officio.”

Lieutenant Governor conforming change

SECTION 91. Section 14-27-40(2) of the 1976 Code is amended to read:

“(2) The President of the Senate, Speaker of the House or their designees, and the Chairmen of the Senate Finance Committee, House Ways and Means Committee, Senate Judiciary Committee, and House Judiciary Committee or their designees serve during their respective terms as those officers.”

Lieutenant Governor conforming change

SECTION 92. Section 14-27-80 of the 1976 Code is amended to read:

“Section 14-27-80. The duties performed by the Chief Justice of the Supreme Court, or other member of that court designated by him, by the circuit judges, inferior court judges and probate judges, by members of the legal department of the State, and by the President of the Senate, Speaker of the House, legislative members, Director of the Legislative Council, and Dean of the Law School of the University of South Carolina shall be performed as a part of the duties of their respective offices.”

Lieutenant Governor conforming change

SECTION 93. Section 44-56-840(A) of the 1976 Code is amended to read:

“(A) There is created a Hazardous Waste Management Select Oversight Committee to monitor funds generated from the fees imposed under Section 44-56-170(C) and (E) and designated for the fund under Section 44-56-810. The committee shall oversee the research efforts and projects approved for funding by the foundation. Notwithstanding any other provision of law, the committee is composed of:

- (1) the Governor or his designee;
- (2) the chairman of the House Agriculture and Natural Resources Committee or his designee;

- (3) the chairman of the Senate Agriculture and Natural Resources Committee or his designee;
- (4) the chairman of the House Labor, Commerce and Industry Committee or his designee;
- (5) the chairman of the Senate Labor, Commerce and Industry Committee or his designee;
- (6) the Director of the Department of Health and Environmental Control or his designee;
- (7) one member representing business and industry appointed by the Governor;
- (8) one public member appointed by the Governor; and
- (9) one member representing environmental interests appointed by the Governor.”

Lieutenant Governor conforming change

SECTION 94. Section 54-7-100 of the 1976 Code is amended to read:

“Section 54-7-100. (A) A committee of nine members of the ‘Hunley Commission’ shall be appointed, three of whom must be members of the House of Representatives to be appointed by the Speaker, three of whom must be members of the Senate to be appointed by the President of the Senate, and three members to be appointed by the Governor. The committee shall make a study of the law regarding the rights to the salvage of the Hunley and any claim that a person or entity may assert with regard to ownership or control of the vessel. The committee is authorized to negotiate with appropriate representatives of the United States government concerning the recovery, curation, siting, and exhibition of the H.L. Hunley. Provided, inasmuch as actual locations or geographical coordinates of submerged archaeological historic properties are now exempt from disclosure as public records pursuant to Section 54-7-820(A), the geographical coordinates of the Hunley’s location, regardless of the custodian, upon receipt from the Navy or receipt otherwise are expressly made exempt from disclosure pursuant to the Freedom of Information Act or any other law and no remedy for the disclosure of such coordinates exists pursuant to the Freedom of Information Act; and provided further, that with respect to the Hunley project, as described herein, the applicable duties and responsibilities contained in Article 5, Chapter 7 of this title shall be vested in the Hunley Commission; and provided further, that with respect to the Hunley project that the Hunley Commission shall be exempt from compliance with the provisions of Chapter 35, Title 11. However, the committee may

not negotiate any agreement which would result in the siting outside South Carolina of any remains, not claimed by direct descendants, found in the Hunley or which would relinquish South Carolina's claim of title to the Hunley unless perpetual siting of the submarine in South Carolina is assured by the federal government in the agreement.

(B) The committee shall make recommendations regarding the appropriate method of preservation of this historic vessel and is also authorized to direct the Attorney General on behalf of South Carolina to take appropriate steps to enforce and protect the rights of the State of South Carolina to the salvage of the Hunley and to defend the State against claims regarding this vessel. The committee shall submit a recommendation for an appropriate site in South Carolina for the permanent display and exhibition of the H.L. Hunley to the General Assembly for its review and approval.

(C) The committee members shall not receive the subsistence, mileage, and per diem as may be provided by law for members of boards, committees, and commissions."

Lieutenant Governor conforming change

SECTION 95. Section 59-6-15(A) of the 1976 Code is amended to read:

"(A)(1) There is created the Business-Education Partnership for Excellence in Education and a permanent standing subcommittee of the partnership for the purpose of reviewing the implementation of the South Carolina Education Improvement Act of 1984 and recommending other major education initiatives.

(2) The Business-Education Partnership for Excellence in Education consists of the following persons:

(a) Thirty-two prominent civic and business leaders of which fourteen are appointed by the Governor; six appointed by the State Superintendent of Education; three appointed by the Speaker of the House of Representatives; three appointed by the President of the Senate; three appointed by the Chairman of the Education and Public Works Committee of the House of Representatives; and three appointed by the Chairman of the Education Committee of the Senate;

(b) Twenty educators of which eight are appointed by the State Superintendent of Education; four appointed by the Governor; two appointed by the Speaker of the House of Representatives; two appointed by the President of the Senate; two appointed by the Chairman of the Education and Public Works Committee of the House of

Representatives; and two appointed by the Chairman of the Education Committee of the Senate;

(c) Chairman of the Committee on Children or his designee;

(d) Chairman of the Education Oversight Committee or his designee;

(e) The Governor and State Superintendent of Education shall serve as ex officio members.

(3) The term of office of the members of the Business-Education Partnership must be four years except that of those first appointed an equal number must serve terms of two, three, and four years respectively as determined by lot. Except in those cases where the term of a member of the Business-Education Subcommittee has not expired, no member of the Business-Education Partnership may serve more than two consecutive terms. The number of appointments provided for in subitems (a) and (b) above must be reduced proportionately by the membership requirements of subsection (B).

(4) The chairman of the Business-Education Partnership for Excellence in Education must be elected by the members of the partnership and must be chosen from among the thirty-two business and civic leaders serving on the partnership. The Business-Education Partnership must meet at the call of the chairman but not less than quarterly. The Governor must preside at all regular and special meetings of the partnership in which he is in attendance; at those meetings at which the Governor is not in attendance the State Superintendent of Education must preside, and in the absence of the Superintendent, the chairman of the partnership must preside.

(5) The partnership in conjunction with the State Department of Education may cause to be held statewide public forums for the purpose of fostering open discussions regarding the impact of the Education Improvement Act on the state's education system and education reform in general."

President Pro Tempore conforming change

SECTION 96. Section 1-11-10(D) of the 1976 Code is amended to read:

“(D) No later than December 31, 2015, the department’s director shall submit a report to the President of the Senate and the Speaker of the House of Representatives that contains an analysis of and recommendations regarding the most appropriate organizational placement for each component of the Office of Executive Policy and

Programs as of the effective date of this act. The department shall solicit input from and consider the recommendation of affected constituencies while developing its report.”

Code Commissioner to conform references

SECTION 97. The Code Commissioner is directed to change all references to “President Pro Tempore”, “President Pro Tempore of the Senate”, or “President of the Senate Pro Tempore” not specifically addressed in this act to “President of the Senate”.

Duties devolved upon President of the Senate

SECTION 98. In any non-codified acts and joint resolutions that are not otherwise contained herein and that identify the duties or authority of the President Pro Tempore of the Senate relating to appointments, the receipt of reports, or otherwise, such duties or authority are hereby devolved upon the President of the Senate.

One subject

SECTION 99. The General Assembly finds that the sections presented in this act constitute one subject as required by Section 17, Article III of the South Carolina Constitution, 1895, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of statutory changes to conform the South Carolina Code of Laws related to the duties of the Lieutenant Governor and the President Pro Tempore of the Senate with amendments to the South Carolina Constitution Act 214 of 2014 as clearly enumerated in the title.

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.

Severability

SECTION 100. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then 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.

Time effective

SECTION 101. This act takes effect upon approval by the Governor.

Ratified the 30th day of January, 2019.

Approved the 31st day of January, 2019.

No. 2

(R3, S228)

AN ACT TO AMEND SECTION 59-53-2410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITIES, SO AS TO CREATE THE TRI-COUNTY TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY.

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

Authority created

SECTION 1. Section 59-53-2410(A) of the 1976 Code is amended to read:

“(A)There are created bodies politic and corporate known as the Aiken Technical College Enterprise Campus Authority, the Greenville Technical College Enterprise Campus Authority, the Orangeburg-Calhoun Technical College Enterprise Campus Authority, the Spartanburg Community College Enterprise Campus Authority, the Technical College of the Lowcountry Enterprise Campus Authority, the Horry-Georgetown Technical College Enterprise Campus Authority, the Tri-County Technical College Enterprise Campus Authority, and the York Technical College Enterprise Campus Authority. The authorities

are public instrumentalities of the State and the exercise by them of a power conferred in this article is the performance of an essential public function. The authorities are governed by a board, which consists of members of the respective commissions. All members serve ex officio. Persons serving as chairman, vice chairman, treasurer, and secretary of the respective commissions shall serve in the same capacity on their respective board. Members of a board shall receive per diem as provided for members of boards, commissions, and committees and actual expenses incurred in the performance of their duties.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 20th day of February, 2019.

Approved the 21st day of February, 2019.

No. 3

(R6, S75)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 13, TITLE 38 SO AS TO REQUIRE AN INSURER OR AN INSURANCE GROUP TO SUBMIT A CORPORATE GOVERNANCE ANNUAL DISCLOSURE AND ESTABLISH CERTAIN REQUIREMENTS FOR THE DISCLOSURE, TO DEFINE NECESSARY TERMS, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS RELATED TO THE DISCLOSURE, TO PROVIDE CERTAIN CONFIDENTIALITY REQUIREMENTS FOR INFORMATION SUBMITTED TO THE DIRECTOR AND TO PROHIBIT THE DIRECTOR OR A PERSON WHO RECEIVES INFORMATION RELATED TO THE ANNUAL DISCLOSURE FROM TESTIFYING IN A PRIVATE CIVIL ACTION CONCERNING THE CONFIDENTIAL INFORMATION, TO AUTHORIZE THE DIRECTOR TO RETAIN THIRD-PARTY CONSULTANTS AND PRESCRIBE CERTAIN RULES FOR THE CONSULTANTS, TO PROVIDE A

PENALTY FOR AN INSURER WHO FAILS TO FILE THE CORPORATE GOVERNANCE ANNUAL DISCLOSURE, AND TO SET AN EFFECTIVE DATE; BY ADDING SECTION 38-21-295 SO AS TO AUTHORIZE THE DIRECTOR TO ACT AS THE GROUP-WIDE SUPERVISOR FOR AN INTERNATIONALLY ACTIVE INSURANCE GROUP UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A PROCEDURE FOR THE DIRECTOR TO DETERMINE WHETHER HE MAY ACT AS THE GROUP-WIDE SUPERVISOR OR ACKNOWLEDGE ANOTHER REGULATORY OFFICIAL TO ACT AS THE GROUP-WIDE SUPERVISOR, TO AUTHORIZE THE DIRECTOR TO ENGAGE IN CERTAIN ACTIVITIES AS GROUP-WIDE SUPERVISOR, AND TO AUTHORIZE THE DIRECTOR TO PROMULGATE REGULATIONS; AND TO AMEND SECTION 38-21-10 SO AS TO DEFINE THE TERMS “DIRECTOR”, “GROUP-WIDE SUPERVISOR”, AND “INTERNATIONALLY ACTIVE INSURANCE GROUP”.

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

Corporate Governance Annual Disclosures, requirements and penalty

SECTION 1. Chapter 13, Title 38 is amended by adding:

“Article 9

Corporate Governance Annual Disclosure

Section 38-13-1000. (A) The purpose of this article is to:

- (1) provide the director a summary of an insurer’s or insurance group’s corporate governance structure, policies, and practices to permit the director to gain and maintain an understanding of the insurer’s corporate governance framework;
- (2) outline the requirements for completing a corporate governance annual disclosure and submitting the disclosure to the director; and
- (3) provide for the confidential treatment of the corporate governance annual disclosure and related information that will contain confidential and sensitive information related to an insurer or insurance group’s internal operations and proprietary and trade secret information

which, if made public, could potentially cause the insurer or insurance group competitive harm or disadvantage.

(B) Nothing in this article may be construed to prescribe or impose corporate governance standards and internal procedures beyond what is required under applicable state corporate law. Notwithstanding the foregoing, nothing in this article may be construed to limit the director's authority or the rights or obligations of third parties, pursuant to Section 38-13-10, et seq.

(C) The requirements of this article apply to all insurers domiciled in this State and do not apply to risk retention groups or captive insurance companies.

Section 38-13-1010. For the purposes of this article:

(1) 'Corporate Governance Annual Disclosure' or 'CGAD' means a confidential report filed by an insurer or insurance group made in accordance with the requirements of this article.

(2) 'Director' means the Director of the Department of Insurance or his designee.

(3) 'Insurance group' means insurers and affiliates included within an insurance holding company system as defined in Section 38-21-10.

(4) 'Insurer' has the same meaning as set forth in Section 38-1-20, except the term does not include agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

(5) 'NAIC' means the National Association of Insurance Commissioners.

(6) 'ORSA summary report' means the report filed in accordance with Article 8 of this chapter.

Section 38-13-1020. (A) An insurer or the insurance group of which the insurer is a member must submit to the director a Corporate Governance Annual Disclosure (CGAD) that contains the information required pursuant to the provisions of this article no later than June first of each calendar year. Notwithstanding a request from the director, if the insurer is a member of an insurance group, the insurer shall submit the report to the director of the lead state for the insurance group in accordance with the laws of the lead state, as determined by the procedures outlined in the most recent Financial Analysis Handbook adopted by the NAIC.

(B) The CGAD must include a signature of the insurer's or insurance group's chief executive officer or corporate secretary attesting to the best

of that individual's belief and knowledge that the insurer has implemented the corporate governance practices and that a copy of the disclosure has been provided to the insurer's board of directors of the appropriate committee thereof.

(C) An insurer not required to submit a CGAD under this section shall do so upon the director's request.

(D) For purposes of completing the CGAD, the insurer or insurance group may provide information regarding corporate governance at the ultimate controlling parent level, an intermediate holding company level and the individual legal entity level, depending upon how the insurer or insurance group has structured its system of corporate governance. The insurer or insurance group is encouraged to make the CGAD disclosures at the level at which the insurer's or insurance group's risk appetite is determined, or at the level at which the earnings, capital, liquidity, operations, and reputation of the insurer are overseen collectively and at which the supervision of those factors are coordinated and exercised, or the level at which legal liability for failure of general corporate governance duties would be placed. If the insurer or insurance group determines the level of reporting based on these criteria, it shall indicate which of the three criteria was used to determine the level of reporting and explain any subsequent changes in the level of reporting.

(E) The review of the CGAD and any additional requests for information must be made through the lead state as determined by the procedures within the most recent Financial Analysis Handbook.

(F) Insurers providing information substantially similar to the information required by this article in other documents provided to the director, including proxy statements filed in conjunction with Form B requirements or other state or federal filings provided to this department, are not required to duplicate that information in the CGAD, but are required to cross reference the document in which the information is included.

Section 38-13-1030. The director may, upon notice and opportunity for all interested persons to be heard, issue such rules, regulations, and orders necessary to carry out the provisions of this article.

Section 38-13-1040. (A) The insurer or insurance group has discretion over the responses to the CGAD inquiries, provided the CGAD shall contain the material information necessary to permit the director to gain an understanding of the insurer's or group's corporate governance structure, policies, and practices. The director may request additional information that he deems material and necessary to provide

him with a clear understanding of the corporate governance policies the reporting or information system or controls implementing those policies.

(B) The CGAD must be prepared consistent with the Corporate Governance Annual Disclosure Model Regulation, Regulation 69-80. Documentation and supporting information must be maintained and made available upon examination or upon request of the director.

Section 38-13-1050. (A) Documents, materials, or other information including the CGAD in the possession or control of the Department of Insurance that are obtained by, created by, or disclosed to the director or any other person under this article, are recognized by this State as being proprietary and containing trade secrets. All such documents, materials, or other information are confidential by law and privileged, are not subject to disclosure under the South Carolina Freedom of Information Act, Section 30-4-10, et seq. and are not subject to subpoena, to discovery or admissible into evidence in a private civil action. However, the director is authorized to use the documents, materials, or other information in furtherance of regulatory or legal action brought as a part of the director's official duties. The director shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer. Nothing in this section may be construed to require written consent of the insurer before the director may share or receive confidential documents, materials, or other CGAD-related information to assist in the performance of the director's duties.

(B) Neither the director nor any person who received documents, materials, or other CGAD-related information, through examination or otherwise, while acting under the authority of the director, or with whom such documents, materials, or other information are shared may be permitted or required to testify in a private civil action covering any confidential documents, materials, or information submitted pursuant to this article.

(C) In order to assist in the performance of the director's regulatory duties the director may:

(1) upon request, share documents, materials, or other CGAD-related information including the confidential and privileged documents, materials, or information, including proprietary and trade secret documents and materials with other state, federal, and international financial regulatory agencies including members of any supervisory college as defined in Section 38-21-285 with the NAIC and with third-party consultants pursuant to Section 38-13-1060, provided that the recipient agrees in writing to maintain the confidentiality and

privileged status of the CGAD-related documents, material, or other information and has certified in writing the legal authority to maintain confidentiality; and

(2) receive documents, materials, or other CGAD-related information, including otherwise confidential and privileged documents, materials, or information, including proprietary and trade secret information or documents, from regulatory officials of other state, federal, and international financial regulatory agencies, including members of any supervisory college as defined in Section 38-21-285 and from the NAIC, and shall maintain as confidential or privileged any documents, materials, or information received with notice of the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the documents, materials, or information.

(D) The sharing of information and documents by the director pursuant to the provisions of this article do not constitute a delegation of regulatory authority or rulemaking and the director is solely responsible for the administration, execution, and enforcement of the provisions of this article.

(E) No waiver of any applicable privilege or claim of confidentiality in the documents, proprietary and trade secret materials, or other CGAD-related information may occur as a result of disclosure of the CGAD-related information or documents to the director under this section or as a result of sharing as authorized pursuant to this section.

Section 38-13-1060. (A) The director may retain, at the insurer's expense, third-party consultants, including attorneys, actuaries, accountants, and other experts not otherwise a part of the director's staff as may be reasonably necessary to assist the director in reviewing the CGAD and related information or the insurer's compliance.

(B) Any persons retained are under the direction and control of the director and shall act in a purely advisory capacity.

(C) The NAIC and third-party consultants are subject to the same confidentiality standards and requirements as the director.

(D) As part of the retention process, a third-party consultant shall verify to the director, with notice to the insurer, that it is free of a conflict of interest and that it has internal procedures in place to monitor compliance with a conflict and to comply with the confidentiality standards and requirements of this article.

(E) A written agreement with the NAIC or a third-party consultant governing sharing and the use of information provided pursuant to this article shall contain the following provisions and expressly require the

written consent of the insurer prior to making public information provided pursuant to this article:

(1) specific procedures and protocols for maintaining the confidentiality and security of CGAD-related information shared with the NAIC or a third-party consultant;

(2) procedures and protocols for sharing by the NAIC only with other state regulators from states in which the insurance group has domiciled insurers. The agreement shall provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the CGAD-related documents, materials, or other information and has certified in writing the legal authority to maintain confidentiality;

(3) a provision specifying that ownership of the CGAD-related information shared with other NAIC or a third-party consultant remains with the Department of Insurance and the NAIC's or third-party consultant's use of the information is subject to the direction of the director;

(4) a provision that prohibits the NAIC or a third-party consultant from storing the information shared pursuant to this article in a permanent database after the underlying analysis is completed;

(5) a provision requiring the NAIC or third-party consultant to provide prompt notice to the director and to the insurer or insurance group regarding any subpoena, request for disclosure, or request for production of the insurer's CGAD-related information; and

(6) a requirement that the NAIC or a third-party consultant to consent to intervention by an insurer in any judicial or administrative action in which the NAIC or third-party consultant may be required to disclose confidential information about the insurer shared with the NAIC or a third-party consultant.

Section 38-13-1070. Any insurer who, without just cause, fails to timely file the CGAD shall, after notice and an opportunity for a hearing, pay a penalty of one thousand dollars for each day's delay, to be recovered by the director. The penalty funds recovered must be paid into the general fund of this State. The maximum penalty under this section is twenty thousand dollars. The director may reduce the penalty if the insurer demonstrates to the director that the imposition of the penalty would constitute a financial hardship to the insurer.

Section 38-13-1080. The requirements of this article become effective on January 1, 2020. The first filing of the corporate governance annual disclosure must take place on June 1, 2020."

Group-wide supervisor for internationally active insurance groups

SECTION 2. Chapter 21, Title 38 of the 1976 Code is amended by adding:

“Section 38-21-295. (A) The director is authorized to act as the group-wide supervisor for an internationally active insurance group in accordance with the provisions of this section. However, the director may otherwise acknowledge another regulatory official as the group-wide supervisor where the internationally active insurance group:

- (1) does not have substantial insurance operations within the United States;
- (2) has substantial insurance operations in the United States but not in South Carolina; or
- (3) has substantial insurance operations in the United States and South Carolina, but the director has determined that another regulatory official is the appropriate group-wide supervisor pursuant to the factors set forth in this section.

An insurance holding company system that does not otherwise qualify as an internationally active insurance group may request that the director make a determination or acknowledgment as to a group-wide supervisor.

(B) In cooperation with other state, federal, and international regulatory agencies, the director will identify a single group-wide supervisor for an internationally active insurance group. The director may determine that he is the appropriate group-wide supervisor for an internationally active insurance group that conducts substantial insurance operations concentrated in this State. However, the director may acknowledge that a regulatory official from another jurisdiction is the appropriate group-wide supervisor for the internationally active insurance group. The director shall consider the following factors when making a determination or acknowledgment:

- (1) the place of domicile of the insurers within the internationally active insurance group that holds the largest share of the group’s written premiums, assets, or liabilities;
- (2) the place of domicile of the top-tiered insurer or insurers in the insurance holding company system of the internationally active insurance group;
- (3) the location of the executive offices or largest operational offices of the internationally active insurance group;
- (4) whether another regulatory official is acting or is seeking to act as the group-wide supervisor under a regulatory system that the director determines to be:

(a) substantially similar to the system of regulation provided under the laws of this State; or

(b) otherwise sufficient in terms of providing for group-wide supervision, enterprise-risk analysis, and cooperation with other regulatory officials; and

(5) whether another regulatory official acting or seeking to act as the group-wide supervisor provides the director with reasonably reciprocal recognition and cooperation.

However, a director identified under this section as the group-wide supervisor may determine that it is appropriate to acknowledge another supervisor to serve as the group-wide supervisor. The acknowledgment of the group-wide supervisor must be made after consideration of the factors listed above, in cooperation with and subject to the acknowledgment of other regulatory officials involved with supervision of members of the internationally active insurance group, and in consultation with the internationally active insurance group.

(C) Notwithstanding another provision of law, when another regulatory official is acting as the group-wide supervisor of an internationally active insurance group, the director shall acknowledge that regulatory official as the group-wide supervisor. However, in the event of a material change in the internationally active insurance group that results in the internationally active insurance group's insurers domiciled in this State holding the largest share of the group's premiums, assets, or liabilities or this State being the place of domicile of the top-tiered insurer or insurers in the insurance holding company system of the internationally active insurance group, the director shall make a determination or acknowledgment as to the appropriate group-wide supervisor for such an internationally active insurance group.

(D) Pursuant to the provisions of Section 38-21-280, the director is authorized to collect from any insurer registered pursuant to this section all information necessary to determine whether the director may act as the group-wide supervisor of an internationally active insurance group or if the director may acknowledge another regulatory official to act as the group-wide supervisor. Prior to issuing a determination that an internationally active insurance group is subject to group-wide supervision by the director, the director shall notify the insurer registered pursuant to this section and the ultimate controlling person within the internationally active insurance group. The internationally active insurance group shall have no less than thirty days to provide the director with additional information pertinent to the pending determination. The director shall publish in the State Register and on its website the identity

of internationally active insurance groups that the director has determined are subject to group-wide supervision.

(E) If the director is the group-wide supervisor for an internationally active insurance group, the director is authorized to engage in the following group-wide supervision activities:

(1) assess the enterprise risks within the internationally active insurance group to ensure that:

(a) the material financial condition and liquidity risks to the members of the internationally active insurance group that are engaged in the business of insurance are identified by management; and

(b) reasonable and effective mitigation measures are in place;

(2) request from any member of an internationally active insurance group subject to the director's supervision, information necessary and appropriate to assess enterprise risk including, but not limited to, information about the members of the internationally active insurance group regarding:

(a) governance, risk assessment, and management;

(b) capital adequacy; and

(c) material intercompany transactions;

(3) coordinate and, through the authority of the regulatory officials of the jurisdictions where members of the internationally active insurance group are domiciled, compel development and implementation of reasonable measures designed to ensure that the internationally active insurance group is able to timely recognize and mitigate enterprise risks to members of such internationally active insurance groups that are engaged in the business of insurance;

(4) communicate with other state, federal, and international regulatory agencies for members within the internationally active insurance group and share relevant information subject to the confidentiality provisions of Section 38-21-290, through supervisory colleges as set forth in Section 38-21-285 or otherwise;

(5) enter into agreements with or obtain documentation from any insurer registered pursuant to this section, any member of the internationally active insurance group, and any other state, federal, and international regulatory agencies for members of the internationally active insurance group, providing the basis for or otherwise clarifying the director's role as group-wide supervisor, including provisions for resolving disputes with other regulatory officials. Such agreements or documentation must not serve as evidence in any proceeding that any insurer or person within an insurance holding company system not domiciled or incorporated in this State is doing business in this State or is otherwise subject to jurisdiction in this State; and

(6) other group-wide supervision activities, consistent with the authorities and purposes enumerated, as considered necessary by the director.

(F) If the director acknowledges that another regulatory official from a jurisdiction that is not accredited by the National Association of Insurance Commissioners is the group-wide supervisor, the director is authorized to reasonably cooperate, through supervisory colleges or otherwise, with group-wide supervision undertaken by the group-wide supervisor, provided that the:

(1) director's cooperation is in compliance with the laws of this State; and

(2) regulatory official acknowledged as the group-wide supervisor also recognizes and cooperates with the director's activities as a group-wide supervisor for other internationally active insurance groups where applicable. Where such recognition and cooperation is not reasonably reciprocal, the director is authorized to refuse recognition and cooperation.

(G) The director is authorized to enter into agreements with or obtain documentation from any insurer registered pursuant to this chapter, any affiliate of the insurer, and other state, federal, and international regulatory agencies for members of the internationally active insurance group, that provide the basis for or otherwise clarify a regulatory official's role as group-wide supervisor.

(H) The director may promulgate regulations necessary for the administration of this section.

(I) A registered insurer subject to this section is liable for and shall pay the reasonable expenses of the director's participation in the administration of this section, including the engagement of attorneys, actuaries, and any other professionals and all reasonable travel expenses."

Group-wide supervisor and internationally active insurance group defined

SECTION 3. Section 38-21-10 of the 1976 Code is amended to read:

"Section 38-21-10. In this chapter, unless the context otherwise requires:

(1) An 'affiliate' of, or person 'affiliated' with, a specific person means a person who directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with the person specified.

(2) The term ‘control’ (including the terms ‘controlling’, ‘controlled by’, and ‘under common control with’) means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control is presumed to exist if any person, directly, or indirectly, owns, controls, holds with the power to vote, or holds proxies representing ten percent or more of the voting securities of any other person. This presumption may be rebutted by a showing made in the manner provided by Section 38-21-220 that control does not exist in fact. The director or his designee may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support his determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

(3) The term ‘director’ means the Director of the South Carolina Department of Insurance or his designee.

(4) The term ‘group-wide supervisor’ means the regulatory official authorized to engage in conducting or coordinating group-wide supervision activities who is determined or acknowledged by the director pursuant to Section 38-21-295 to have sufficient significant contacts with the internationally active insurance group.

(5) An ‘insurance holding company system’ consists of two or more affiliated persons, one or more of which is an insurer.

(6) The term ‘insurer’ has the same meaning as set forth in Section 38-1-20 except that it does not include (a) agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state or (b) nonprofit medical and hospital service associations.

(7) The term ‘internationally active insurance group’ means an insurance holding company system that includes an insurer registered pursuant to Sections 38-21-143 through 38-21-240 and meets the following criteria:

- (a) premiums written in at least three countries;
- (b) the percentage of gross premiums written outside the United States is at least ten percent of the insurance holding company system’s total gross written premiums; and
- (c) based on a three-year rolling average, the total assets of the insurance holding company system are at least fifty billion dollars or the

total gross written premiums of the insurance holding company systems are at least ten billion dollars.

(8) A 'person' means an individual, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization, any similar entity, or any combination of the foregoing acting in concert.

(9) A 'securityholder' of a specified person is one who owns any security of that person, including common stock, preferred stock, debt obligations, and any other security convertible into or evidencing the right to acquire any of the foregoing.

(10) A 'subsidiary' of a specified person is an affiliate controlled by that person directly, or indirectly through one or more intermediaries.

(11) The term 'voting security' includes any security convertible into or evidencing a right to acquire a voting security.

(12) 'Enterprise risk' means an activity, circumstance, event, or series of events involving one or more affiliates of an insurer that, if not remedied promptly, likely is to have a material adverse effect upon the financial condition or liquidity of the insurer or its insurance holding company system as a whole, including, but not limited to, anything that would cause the insurer's risk-based capital to fall into company action level as provided in Section 38-9-330 or would cause the insurer to be in hazardous financial condition as provided in Section 38-5-120.

(13) A 'supervisory college' is a meeting or joint meeting of insurance regulators or supervisors with company officials where the topic of discussion is regulatory oversight of one specific insurance group that is writing significant amounts of insurance in other jurisdictions. It may involve detailed discussions about financial data, corporate governance, and enterprise risk management functions. Supervisory colleges are intended to facilitate the oversight of internationally active insurance companies at the group level."

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 19th day of March, 2019.

Approved the 20th day of March, 2019.

No. 4

(R9, S327)

AN ACT TO AMEND SECTION 1-25-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE INTERAGENCY PLANNING AND EVALUATION ADVISORY COMMITTEE, SO AS TO REDESIGNATE THE NAME OF THE SENATE GENERAL COMMITTEE AS THE FAMILY AND VETERANS SERVICES' COMMITTEE.

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

Name redesignated

SECTION 1. Section 1-25-60(A)(5)(b) of the 1976 Code is amended to read:

“(b) Senate Family and Veterans Services’ Committee;”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 19th day of March, 2019.

Approved the 20th day of March, 2019.

No. 5

(R10, S358)

AN ACT TO AMEND SECTION 38-31-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE SOUTH CAROLINA PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION, SO AS TO APPLY THE PROVISIONS OF CHAPTER 31, TITLE 38 TO A CLAIM OR LOSS COVERED BY SELF-INSURANCE THAT OCCURRED PRIOR TO THE ACQUISITION OF A BLOCK OF BUSINESS BY A LICENSED INSURER; AND TO AMEND

SECTION 42-5-20, RELATING TO INSURANCE REQUIREMENTS FOR WORKERS' COMPENSATION, SO AS TO PROHIBIT A SELF-INSURER FROM PARTICIPATING IN OR OBTAINING BENEFITS FROM THE SOUTH CAROLINA PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION AND TO REQUIRE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION TO SECURE AN ACTUARIAL OPINION BEFORE APPROVING THE TRANSFER OF A SELF-INSURER TO A LICENSED INSURER.

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

Application of the South Carolina Property and Casualty Insurance Guaranty Association

SECTION 1. Section 38-31-30 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“() any claim or loss or part of a claim or loss covered by self-insurance that occurred prior to the assumption, transfer, merger, or other acquisition of a block of business by a licensed insurer.”

South Carolina Property and Casualty Insurance Guaranty Association, self-insurer prohibited

SECTION 2. Section 42-5-20 of the 1976 Code is amended to read:

“Section 42-5-20. (A)(1) Every employer who accepts the provisions of this title relative to the payment of compensation shall insure and keep insured his liability thereunder in any authorized corporation, association, organization, or mutual insurance association formed by a group of employers so authorized or shall furnish to the commission satisfactory proof of his financial ability to pay directly the compensation in the amount and manner and when due as provided for in this title. The commission may, under such rules and regulations as it may prescribe, permit two or more employers in businesses of a similar nature to enter into agreements to pool their liabilities under the Workers' Compensation Law for the purpose of qualifying as self-insurers. In the case of self-insurers the commission shall require the deposit of an acceptable security, indemnity, or bond to secure the payment of the compensation liabilities as they are incurred. The Workers' Compensation Commission shall have exclusive jurisdiction

of group self-insurers under this section, and such group self-insurers shall not be deemed to be insurance companies and shall not be regulated by the Department of Insurance. Provided, further, that if any provision is made for the recognition of reinsurance of the self-insured fund, such provision shall expressly provide that the reinsurance agreement or treaty must recognize the right of the claimant to recover directly from the reinsurer and that such agreement shall provide for privity between the reinsurer and the workers' compensation claimant.

(2) In lieu of submitting audited financial statements when an employer makes an application to self-insure with the commission, the commission shall accept the sworn statement or affidavit of an independent auditor verifying the financial condition of the employer according to the required financial ratios and guidelines established by regulation of the commission. The independent auditor must be a certified public accountant using generally acceptable accounting principles in the preparation of the financial statements of the employer.

(B) A corporation, association, organization, or mutual insurance association formed pursuant to Section 42-5-50 may not be considered a licensed insurer pursuant to Chapter 31, Title 38 and may not participate in or receive benefits or protection from the South Carolina Property and Casualty Insurance Guaranty Association.

(C) An assumption, transfer, merger, or other acquisition of a block of business by a licensed insurer from a self-insurer may not be approved until the commission has obtained an opinion from a qualified actuary as to the adequacy of assets and other funding to adjudicate and pay any known claims as of the effective date of the assumption, transfer, merger, or other acquisition of the self-insured block.”

Time effective

SECTION 3. This act takes effect on July 1, 2019.

Ratified the 19th day of March, 2019.

Approved the 20th day of March, 2019.

No. 6

(R11, S360)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-47-55 SO AS TO CLARIFY THAT CERTAIN INDIVIDUALS ARE AUTHORIZED TO ADJUST FOOD SPOILAGE CLAIMS WITHOUT AN ADJUSTER'S LICENSE; BY ADDING SECTION 38-72-75 SO AS TO REQUIRE A LONG-TERM CARE INSURANCE PROVIDER TO SUBMIT ALL PREMIUM RATE SCHEDULES TO THE DEPARTMENT OF INSURANCE AND TO ESTABLISH CERTAIN PROCEDURES CONCERNING THE PREMIUM APPROVAL PROCESS; TO AMEND SECTION 38-3-110, RELATING TO THE DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, SO AS TO ALTER PUBLIC HEARING REQUIREMENTS; TO AMEND SECTION 38-7-20, RELATING TO INSURANCE PREMIUM TAXES, SO AS TO EXCLUDE CERTAIN FACTORS FROM THE TOTAL PREMIUM COMPUTATION; TO AMEND SECTION 38-7-60, RELATING TO THE SUBMISSION OF A RETURN OF PREMIUMS, SO AS TO REQUIRE THE SUBMISSION OF A RETURN OF PREMIUMS COLLECTED; TO AMEND SECTION 38-43-247, RELATING TO THE REPORTING OF CRIMINAL PROSECUTIONS, SO AS TO ONLY REQUIRE THE REPORTING OF CRIMINAL CONVICTIONS; TO AMEND SECTION 38-44-50, RELATING TO THE REVIEW OF A MANAGING GENERAL AGENT, SO AS TO ALTER THE SUBMISSION DATE FROM MARCH FIRST TO JUNE FIRST; TO AMEND SECTIONS 38-46-60 AND 38-46-90, BOTH RELATING TO A PARTY ENGAGED AS A REINSURANCE INTERMEDIARY-BROKER, SO AS TO ALTER THE SUBMISSION DATE OF CERTAIN DOCUMENTS FROM MARCH FIRST TO JUNE FIRST; TO AMEND SECTIONS 38-57-130, 38-57-140, AND 38-57-150, ALL RELATING TO PROHIBITED TRADE PRACTICES, SO AS TO CLARIFY THAT CERTAIN PRACTICES ARE PROHIBITED; TO AMEND SECTIONS 38-75-730 AND 38-75-1200, BOTH RELATING TO CANCELLATIONS OF PROPERTY, CASUALTY, AND TITLE INSURANCE POLICIES, SO AS TO EXTEND WHEN AN INSURER CAN CANCEL A POLICY WITHOUT CAUSE TO ONE HUNDRED TWENTY DAYS AND TO PROHIBIT AN

INSURER FROM CANCELLING A POLICY OUTSIDE OF THE ONE HUNDRED TWENTY-DAY PERIOD IF THEY HAD NOTICE OF A CHANGE IN RISK PRIOR TO THE EXPIRATION OF THE ONE HUNDRED TWENTY-DAY PERIOD; TO AMEND SECTION 38-90-160, AS AMENDED, RELATING TO THE APPLICATION OF CERTAIN PROVISIONS TO CAPTIVE INSURANCE COMPANIES, SO AS TO APPLY THE SOUTH CAROLINA INSURANCE DATA SECURITY ACT TO CAPTIVE INSURANCE COMPANIES; AND TO AMEND SECTION 38-99-70, RELATING TO LICENSEES EXEMPTED FROM CERTAIN DATA SECURITY REQUIREMENTS, SO AS TO ONLY EXEMPT THE LICENSEES FROM THE PROVISIONS OF SECTION 38-99-20.

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

Food spoilage claim adjustments

SECTION 1. Chapter 47, Title 38 of the 1976 Code is amended by adding:

“Section 38-47-55. (1) This chapter may not be construed to prevent an executive officer of an insurer, an employee of an insurer handling claims, the duly designated attorney, or producer authorized and acting for subscribers to reciprocal insurers with respect to residential property insurance from adjusting food spoilage claim loss or damages under any insurance contract of such insurer in which the amount of coverage for the applicable type of loss is contractually limited to five hundred dollars or less.

(2) Such officer, employee, attorney, or producer is not required to have an adjuster’s license to adjust food spoilage claims referenced in this section. If any such officer, employee, attorney, or producer in connection with the adjustment of any such food spoilage claim, loss, or damage engages in improper claims practices pursuant to the provisions of Chapter 59 or violates any other provision of this title, the director or his designee may suspend or revoke the insurer’s certificate of authority.”

Long-term care insurance providers, rate schedules

SECTION 2. Chapter 72, Title 38 of the 1976 Code is amended by adding:

“Section 38-72-75. (A) All premium rate schedules for long-term care insurance must be filed with the department and are subject to the prior approval of the director or his designee.

(1) An insurer may not charge a premium to an insured under a policy or contract of long-term care insurance before the applicable premium rate is filed with and approved by the director or his designee.

(2) An insurer may not change the premium charged to an insured under a policy or contract of long-term care insurance until the applicable premium rate change has been filed with and approved by the director or his designee.

(3) The director or his designee may disapprove or modify premium rates if he determines that the benefits provided are unreasonable in relation to the premiums charged, appear to be inadequate, unfairly discriminatory, or excessive in relation to benefits or appear to have assumptions that are unreasonable in the aggregate or for each assumption individually. The director or his designee shall notify the insurer of his decision in writing as soon as is practicable. In the event of disapproval, the notice must contain the reasons for disapproval, and the insurer is entitled to appeal the decision or determination of disapproval before the Administrative Law Court as provided by law. If no action has been taken to approve or disapprove the premium rates after they have been filed for ninety days, they are deemed to be approved. This period may be extended by the director or his designee for an additional period or periods not to exceed ninety days per period if he gives written notice within the waiting period to the insurer which made the filing that he needs additional time for the consideration of the filing. Upon written application by the insurer, the director or his designee may authorize a filing which he has reviewed to become effective before the expiration of the waiting period or any extension thereof.

(4) The director may disapprove a previously approved filing at any time following notice to the insurer.

(B)(1) Any applicable premium rate or premium rate change of an insurer must be filed with the director or his designee in accordance with guidance issued by the director or his designee by bulletin, regulation, or other method.

(2) In addition to the factors set forth in this chapter and in regulation, the director or his designee shall consider the following to the extent appropriate when determining whether to disapprove or modify a premium rate filing of an insurer:

- (a) past and prospective loss experience in and outside the State;
- (b) underwriting practice and judgment;
- (c) a reasonable margin for reserve needs;
- (d) past and prospective expenses, both countrywide and those specifically applicable to the State;
- (e) prior approved rate changes; and
- (f) any other relevant factors necessary including the factors set forth in the regulation.

(C) The director or his designee may hold a public hearing or solicit public comments as a part of the process to review long-term care insurance rate filings received by the director or his designee. The director or his designee shall provide all individuals present at a public hearing held pursuant to this section an opportunity to offer testimony or written comments. The director or his designee may place time limits on the testimony.

(D)(1) Each premium rate filing and any supporting information filed under this chapter and subject to disclosure must be open to public inspection after the filing becomes effective.

(2) Notwithstanding the provisions of item (1), if the director or his designee holds a public hearing or solicits public comments on a premium rate filing pursuant to subsection (D), he may open to public inspection some or all portions of the filing that are subject to disclosure as a part of the public hearing or solicitation of public comments.

(E) Each decision of the director or his designee about premium rates made under this section is subject to judicial review in accordance with Section 38-3-210.”

Director of Department of Insurance, public hearing requirements

SECTION 3. Section 38-3-110(5)(a) of the 1976 Code is amended to read:

“(a) The director may hold a public hearing at a location within the seacoast area, as defined in Section 38-75-310(7), to provide the public with information and an opportunity to discuss and offer input concerning the rates, territory, and other pertinent issues regarding the South Carolina Wind and Hail Underwriting Association. The director must provide publicized notice of the hearing at least thirty days before the date of the public hearing.”

Insurance premium taxes, return of premiums written required and exclusions

SECTION 4. A. Section 38-7-20 of the 1976 Code is amended to read:

“Section 38-7-20. (A)(1) In addition to all license fees and taxes otherwise provided by law, there is levied upon each insurance company licensed by the director or his designee an insurance premium tax based upon total premiums, other than workers’ compensation insurance premiums, and annuity considerations, written by the company in the State during each calendar year ending on the thirty-first day of December. For life insurance, the insurance premium tax levied herein is equal to three-fourths of one percent of the total premiums written. For all other types of insurance, the insurance premium tax levied in this section is equal to one and one-fourth percent of the total premiums written.

(2) For purposes of this section, in computing total premiums, the following are excluded:

(a) return premiums on risks and dividends paid or credited to policyholders; and

(b) for premiums on bail bonds, any amounts retained by a licensed bail bondsman as defined in Chapter 53 for authorized commissions, fees, and expenses.

(B) Effective July 1, 2013, through June 30, 2030, of the revenue of the premium taxes collected pursuant to this section:

(1) one percent must be transferred to the South Carolina Forestry Commission and used by that agency for firefighting and firefighting equipment replacement;

(2) one percent must be transferred to the aid to fire districts account within the State Treasury and distributed for firefighting equipment. One-half of the annual allocated funds must be distributed equally to each fire department in the State, and the remaining balance must be used to fund the V-SAFE program pursuant to Section 23-9-25;

(3) one quarter of one percent must be transferred to the aid to emergency medical services regional councils within the Department of Health and Environmental Control and used for grants to fund emergency medical technician and paramedic training; and

(4) the remaining insurance premium taxes collected pursuant to this section must be deposited to the credit of the general fund of the State.

(C) The department or the director, as appropriate, may, upon notice and opportunity for all interested persons to be heard, promulgate

regulations and orders necessary to carry out the provisions of this section.”

B. Section 38-7-60(1) and (3) of the 1976 Code is amended to read:

“Section 38-7-60. (1) Not later than March first of each year, every insurer licensed by the director or his designee shall file with him a return of premiums written by the insurer in the State during the immediately preceding calendar year ending on December thirty-first. The return must be made on forms prescribed by the director or his designee and must be made under oath by the insurer’s employee or representative responsible for the preparation of fee and tax returns, as well as an officer of the insurer.

(3) The premium and other taxes imposed on insurers pursuant to Sections 38-7-20, 38-7-30, 38-7-40, 38-7-50, and 38-7-90 must be paid to the director or his designee in quarterly installments on or before March first, June first, September first, and December first of each calendar year. The quarterly payments must be calculated and paid as follows:

(a) The quarterly installments paid on or before June first, September first, and December first must each be computed based upon one-fourth of the total premiums written by the insurer during the immediately preceding calendar year ending on December thirty-first. The quarterly installments for June first, September first, and December first must be reported on forms prescribed by the director or his designee.

(b) The quarterly installment paid on or before March first must equal the difference between the total tax liability of the insurer for the immediately preceding calendar year ending on December thirty-first and the sum of the quarterly installments paid by the insurer on June first, September first, and December first of that immediately preceding calendar year. The quarterly installment for March first must be reported on the returns filed in accordance with item (1) of this section. An insurer whose quarterly tax installments are less than one thousand dollars per payment may elect not to pay its tax liability on a quarterly basis and, instead, may elect to report and pay its entire tax liability on the return filed in accordance with item (1).”

Report of criminal convictions

SECTION 5. Section 38-43-247(B) of the 1976 Code is amended to read:

“(B) Within thirty days of a conviction, a producer shall report to the insurance director any criminal conviction of the producer taken in any jurisdiction. The report must include a copy of the order, sentencing document, or plea agreement and any other relevant legal documents.”

Independent financial examination filing date

SECTION 6. Section 38-44-50(A) of the 1976 Code is amended to read:

“(A) The insurer shall file annually with the department not later than June first an annual independent financial examination of each MGA with which it has done business, prepared by a certified public accountant in a form acceptable to the director or his designee.”

Financial condition statements filing date

SECTION 7. A. Section 38-46-60(C) of the 1976 Code is amended to read:

“(C) The insurer annually shall file with the department not later than June first a copy of the statements of the financial condition of each reinsurance intermediary-broker which the insurer has engaged. The statements must be prepared by an independent certified accountant in a form acceptable to the director or his designee.”

B. Section 38-46-90(B) and (C) of the 1976 Code is amended to read:

“(B) The reinsurer annually shall file with the department not later than June first a copy of statements of the financial condition of each reinsurance intermediary-manager, which the reinsurer has engaged, prepared by an independent certified accountant in a form acceptable to the director or his designee.

(C) If a reinsurance intermediary-manager establishes loss reserves, the reinsurer annually shall obtain the opinion of an actuary attesting to the adequacy of loss reserves established for losses incurred and outstanding on business produced by the reinsurance intermediary-manager. The opinion must be filed not later than June first. This opinion is in addition to other required loss reserve certification.”

Unfair method of competition prohibited, services related to loss control acceptable

SECTION 8. A. Section 38-57-130 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“() Nothing in this section may be construed to:

(a) permit an unfair method of competition or an unfair or deceptive act or practice; or

(b) prohibit an insurer from offering or giving an insured, for free or at a discounted price, services or other offerings that directly and reasonably relate to the loss control of the risks covered under the policy.”

B. Section 38-57-140 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“() Nothing in this section may be construed to:

(a) permit an unfair method of competition or an unfair or deceptive act or practice; or

(b) prohibit an insurer from offering or giving an insured, for free or at a discounted price, services or other offerings that directly and reasonably relate to the loss control of the risks covered under the policy.”

C. Section 38-57-150 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“() Nothing in this section may be construed to:

(a) permit an unfair method of competition or an unfair or deceptive act or practice; or

(b) prohibit an insurer from offering or giving an insured, for free or at a discounted price, services or other offerings that directly and reasonably relate to the loss control of the risks covered under the policy.”

Limitations on cancellation of a policy

SECTION 9. A. Section 38-75-730(a) and (c) of the 1976 Code is amended to read:

“(a) No insurance policy or renewal thereof may be canceled by the insurer prior to the expiration of the term stated in the policy, except for one of the following reasons:

- (1) nonpayment of premium;
- (2) material misrepresentation of fact which, if known to the company, would have caused the company not to issue the policy;
- (3) substantial change in the risk assumed, except to the extent that the insurer had notice of the risk or should reasonably have foreseen the change or contemplated the risk in writing the policy;
- (4) substantial breaches of contractual duties, conditions, or warranties;
- (5) loss of the insurer’s reinsurance covering all or a significant portion of the particular policy insured, or where continuation of the policy would imperil the insurer’s solvency or place that insurer in violation of the insurance laws of this State. Prior to cancellation for reasons permitted in this item, the insurer shall notify the director or his designee, in writing, at least sixty days prior to such cancellation and the director or his designee shall, within thirty days of such notification, approve or disapprove such action.

(c) Subsections (a) and (b) do not apply to any insurance policy which has been in effect for less than one hundred twenty days and is not a renewal of a previously existing policy. The policy may be canceled for any reason by furnishing to the insured at least thirty days’ written notice of cancellation, except where the reason for cancellation is nonpayment of premium, in which case not less than ten days’ written notice must be furnished. Insurers may not cancel a policy outside of the one hundred twenty-day period if they had notice of the change in risk prior to the expiration of the one hundred twenty-day underwriting period.”

B. Section 38-75-1200(A) and (D) of the 1976 Code is amended to read:

“(A) An application for the original issuance of a policy of insurance covered in the article must have the following statement printed on or attached to the first page of the application form, in boldface type:

‘THE INSURER CAN CANCEL THIS POLICY FOR WHICH YOU ARE APPLYING WITHOUT CAUSE DURING THE FIRST 120 DAYS. THAT IS THE INSURER’S CHOICE. AFTER THE FIRST 120 DAYS, THE INSURER CAN ONLY CANCEL THIS POLICY FOR REASONS STATED IN THE POLICY.’

(D) The insurer may cancel without cause at any time in the first one hundred twenty days during which the policy is in effect.”

Captive insurers subject to Insurance Data Security Act

SECTION 10. Section 38-90-160(A) and (C) of the 1976 Code, as amended by Act 251 of 2018, is further amended to read:

“(A)No provisions of this title or regulations, other than those contained in this chapter or contained in specific references contained in this chapter and regulations applicable to them, apply to captive insurance companies. The South Carolina Insurance Data Security Act set forth in Chapter 99, Title 38 applies to captive insurance companies unless the captive insurer qualifies for an exemption set forth in that chapter.

(C) The provisions of Sections 38-5-120(A)(5), 38-5-120(B), 38-5-120(D)(1), 38-5-120(D)(2), 38-9-225, 38-9-230, 38-21-10, 38-21-30, 38-21-60, 38-21-70, 38-21-80, 38-21-90, 38-21-95, 38-21-100, 38-21-110, 38-21-120, 38-21-130, 38-21-140, 38-21-150, 38-21-160, 38-21-170, 38-21-220, 38-21-225, 38-21-230, 38-21-250, 38-21-270, 38-21-280, 38-21-285, 38-21-290, 38-21-310, 38-21-320, 38-21-330, 38-21-360, 38-55-75 and Chapters 44, 46, and 99, Title 38 and applicable regulations apply in full to a risk retention group and, if a conflict occurs between those code sections and chapters referenced in this subsection and this chapter (Chapter 90, Title 38), then the code sections and chapters referenced in this subsection control.”

Licensee exemption from provisions of Section 38-99-20

SECTION 11. Section 38-99-70(A) of the 1976 Code, as added by Act 171 of 2018, is amended to read:

“(A)The following licensees are exempt from the provisions of Section 38-99-20:

- (1) a licensee with fewer than ten employees, including any independent contractors;
- (2) an employee, agent, representative, or designee of a licensee, who is also a licensee, is exempt from the provisions of Section 38-99-20 and need not develop its own information security program to the extent

that the employee, agent, representative, or designee is covered by the information security program of the other licensee; and

(3) a licensee subject to the Health Insurance Portability and Accountability Act, Pub.L. 104-191, 110 Stat. 1936, that has established and maintains an information security program pursuant to such statutes, rules, regulations, procedures, or guidelines established thereunder, will be considered to meet the requirements of Section 38-99-20, provided that the licensee is compliant with, and submits a written statement certifying its compliance with, the provisions of Section 38-99-20.”

Time effective

SECTION 12. This act takes effect on July 1, 2019.

Ratified the 19th day of March, 2019.

Approved the 20th day of March, 2019.

No. 7

(R12, S428)

AN ACT TO AMEND SECTION 7-7-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN ANDERSON COUNTY, SO AS TO DELETE THE GROVE SCHOOL AND ANDERSON 5/A PRECINCTS AND ADD THE SOUTH FANT PRECINCT, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

Anderson County voting precincts and map number redesignated

SECTION 1. Section 7-7-80 of the 1976 Code is amended to read:

“Section 7-7-80. (A) In Anderson County there are the following voting precincts:

Appleton-Equinox
Barker's Creek-McAdams
Belton
Belton Annex
Bishop's Branch
Bowling Green
Broadview
Broadway
Brushy Creek
Cedar Grove
Center Rock
Centerville Station A
Centerville Station B
Chiquola Mill
Concrete
Cox's Creek
Craytonville
Denver-Sandy Springs
Edgewood Station A
Edgewood Station B
Five Forks
Flat Rock
Fork No. 1
Fork No. 2
Friendship
Glenview
Gluck Mill
Green Pond Station A
Hall
Hammond School
Hammond Annex
High Point
Homeland Park
Honea Path
Hopewell
Hunt Meadows
Iva
Jackson Mill
LaFrance
Lakeside
Melton
Mount Tabor

Mountain Creek
Mt. Airy
Neal's Creek
North Pointe
Pelzer
Pendleton
Piedmont
Piercetown
Powdersville
Rock Mill
Rock Spring
Shirley's Store
Simpsonville
South Fant
Starr
Three and Twenty
Toney Creek
Town Creek
Townville
Varenes
West Pelzer
West Savannah
White Plains
Williamston
Williamston Mill
Wright's School
Anderson 1/1
Anderson 1/2
Anderson 2/1
Anderson 2/2
Anderson 3/1
Anderson 3/2
Anderson 4/1
Anderson 4/2
Anderson 5/B
Anderson 6/1
Anderson 6/2

(B) The precinct lines defining the precincts in Anderson County are as shown on the official map prepared by and on file with the Revenue and Fiscal Affairs Office designated as document P-07-19 and as shown on official copies furnished to the Board of Voter Registration and Elections of Anderson County.

(C) The polling places for the precincts provided in this section must be established by the Board of Voter Registration and Elections of Anderson County subject to the approval of the majority of the Anderson County Legislative Delegation.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 19th day of March, 2019.

Approved the 20th day of March, 2019.

No. 8

(R13, S441)

AN ACT TO AMEND SECTION 7-7-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENWOOD COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

Greenwood County voting precincts map number redesignated

SECTION 1. Section 7-7-290(B) of the 1976 Code, as last amended by Act 136 of 2018, is further amended to read:

“(B) The precinct lines defining the precincts in subsection (A) are as shown on the official map designated as document P-47-19 on file with the Revenue and Fiscal Affairs Office and as shown on copies provided to the Board of Voter Registration and Elections of Greenwood County. The official map may not be changed except by act of the General Assembly.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 19th day of March, 2019.

Approved the 20th day of March, 2019.

No. 9

(R14, S482)

AN ACT TO AMEND SECTION 7-7-230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN DORCHESTER COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

Dorchester County voting precincts map number redesignated

SECTION 1. Section 7-7-230(B) of the 1976 Code is amended to read:

“(B) The precinct lines defining the above precincts are as shown on maps filed with the Revenue and Fiscal Affairs Office designated as document P-35-19 and as shown on copies provided to the Board of Voter Registration and Elections of Dorchester County by the office.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 19th day of March, 2019.

Approved the 20th day of March, 2019.

No. 10

(R17, H3639)

AN ACT TO AMEND SECTION 59-112-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MILITARY PERSONNEL AND THEIR DEPENDENTS WHO ARE ENTITLED TO PAY IN-STATE TUITION AND FEES WITHOUT REGARD TO THE LENGTH OF TIME THEY HAVE RESIDED IN THIS STATE, SO AS TO EXPAND THE CATEGORIES OF INDIVIDUALS COVERED BY THESE PROVISIONS TO CONFORM WITH CERTAIN CHANGES IN FEDERAL LAW.

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

Rates for military personnel and dependents

SECTION 1. Section 59-112-50(C) of the 1976 Code is amended to read:

“(C)(1)Notwithstanding any other provision of law, a covered individual enrolled in a public institution of higher education and receiving educational assistance under Chapter 30, Chapter 31, and Chapter 33, Title 38 of the United States Code are entitled to pay in-state tuition and fees without regard to the length of time the covered individual has resided in this State.

(2) For purposes of this subsection, a covered individual is defined as:

(a) a veteran who served ninety days or longer on active duty in the uniformed service of the United States, their respective reserve forces, or the National Guard and who enrolls within three years of discharge;

(b) a person who is entitled to and receiving assistance under Section 3319, Title 38 of the United States Code by virtue of the person’s relationship to the veteran described in subitem (a) who enrolls within three years of the veteran’s discharge;

(c) a person using transferred benefits under Section 3319, Title 38 of the United States Code while the transferor is on active duty in the uniformed service of the United States, their respective reserve forces, or the National Guard;

(d) a person who is entitled to and receiving assistance under Section 3311(b)(9), Title 38 of the United States Code; or

(e) a person who is entitled to and is receiving assistance under Section 3102(a), Title 38 of the United States Code.

(3) A covered individual must live in this State while enrolled at the in-state institution.

(4) At the conclusion of the applicable three-year period in subsection (C)(2)(a) or (b), a covered individual shall remain eligible for in-state rates as long as he remains continuously enrolled in an in-state institution or transfers to another in-state institution during the term or semester, excluding summer terms, immediately following his enrollment at the previous in-state institution. In the event of a transfer, the in-state institution receiving the covered individual shall verify the covered individual's eligibility for in-state rates with the covered individual's prior in-state institution. It is the responsibility of the transferring covered individual to ensure all documents required to verify both the previous and present residency decisions are provided to the in-state institution."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 19th day of March, 2019.

Approved the 20th day of March, 2019.

No. 11

(R19, H3798)

AN ACT TO AMEND SECTION 7-7-450, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN PICKENS COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

Pickens County voting precincts map number redesignated

SECTION 1. Section 7-7-450(B) of the 1976 Code is amended to read:

“(B) The precinct lines defining the above precincts are as shown on official maps on file with the Revenue and Fiscal Affairs Office designated as document P-77-19 and as shown on certified copies provided to the Board of Voter Registration and Elections of Pickens County.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 19th day of March, 2019.

Approved the 20th day of March, 2019.

No. 12

(R21, H3987)

AN ACT TO AMEND SECTION 7-7-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN ABBEVILLE COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

Redesignation of Abbeville County voting precincts' map number

SECTION 1. Section 7-7-30(B) of the 1976 Code is amended to read:

“(B) The precinct lines defining the precincts identified in subsection (A) are as shown on map document P-01-19 and filed with the clerk of court of the county and the State Election Commission as provided and maintained by the Revenue and Fiscal Affairs Office.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 19th day of March, 2019.

Approved the 20th day of March, 2019.

No. 13

(R22, S160)

AN ACT TO AMEND SECTION 12-54-122, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX LIENS, SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO IMPLEMENT A SYSTEM OF FILING AND INDEXING LIENS WHICH IS ACCESSIBLE TO THE PUBLIC OVER THE INTERNET OR THROUGH OTHER MEANS.

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

Electronic filing of tax lien notice

SECTION 1. Section 12-54-122(G) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“() (a) Instead of filing a tax lien notice pursuant to item (1), the department may implement a statewide system of filing and indexing liens which must be accessible to the public over the Internet. The department shall notify all clerks of court and registers of deeds upon the implementation of a statewide system. Upon implementation, the clerk of courts and register of deeds are relieved of any statutory obligations for filing and maintaining newly filed tax liens.

(b) A lien filed pursuant to item (1) has an affixed permanent date and time stamp reflecting the date and time the lien is available to the public on the Internet, the name of the taxpayer, and the amount of tax and penalties and remains effective from the date and time it was recorded. A lien filed pursuant to this item is effective statewide from the date and time it is recorded and available to the public over the Internet and encumbers all the taxpayer’s property and rights to property

as provided in Section 12-54-120, regardless of the property's location. Nothing in this item may be construed so as to extend the effectiveness of a lien beyond ten years from the date of filing, as provided in Section 12-54-120.

(c) A notice must be posted in each county where liens are generally filed providing instructions on how to access the department's tax lien database."

Time effective

SECTION 2. This act takes effect July 1, 2019.

Ratified the 27th day of March, 2019.

Approved the 28th day of March, 2019.

No. 14

(R23, H3449)

AN ACT TO AMEND CHAPTER 55, TITLE 46, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDUSTRIAL HEMP CULTIVATION, SO AS TO REMOVE REFERENCES TO THE SOUTH CAROLINA INDUSTRIAL HEMP PROGRAM, TO DEFINE NECESSARY TERMS, TO PROHIBIT THE CULTIVATION, HANDLING, OR PROCESSING OF HEMP WITHOUT A HEMP LICENSE ISSUED BY THE SOUTH CAROLINA DEPARTMENT OF AGRICULTURE, TO PROVIDE CERTAIN REQUIREMENTS FOR A HEMP LICENSE, TO EXCLUDE CERTAIN ACTIVITIES FROM THE PROVISIONS OF CHAPTER 55, AND TO ESTABLISH CORRECTIVE ACTION PLANS FOR LICENSEES WHO VIOLATE A PROVISION OF CHAPTER 55; TO PROVIDE THAT THE COMMISSIONER OF THE SOUTH CAROLINA DEPARTMENT OF AGRICULTURE SHALL SUBMIT A STATE PLAN TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF AGRICULTURE; AND TO PROVIDE THAT CURRENT LICENSEES UNDER THE SOUTH CAROLINA INDUSTRIAL HEMP PROGRAM MAY EXPAND OPERATIONS AND AUTHORIZE THE DEPARTMENT TO ISSUE HEMP LICENSES FOR CERTAIN APPLICANTS.

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

The Hemp Farming Act

SECTION 1. Chapter 55, Title 46 of the 1976 Code is amended to read:

“CHAPTER 55

The Hemp Farming Act

Section 46-55-10. For the purposes of this chapter:

(1) ‘Cannabidiol’ or ‘CBD’ means the compound by the same name derived from the hemp variety of the *Cannabis sativa* L. plant.

(2) ‘Commercial sales’ means the sale of hemp products in the stream of commerce, at retail, wholesale, and online.

(3) ‘Commissioner’ means the Commissioner of the South Carolina Department of Agriculture.

(4) ‘Cultivating’ means planting, watering, growing, and harvesting a plant or crop.

(5) ‘Department’ means the South Carolina Department of Agriculture.

(6) ‘Federally defined THC level for hemp’ means a delta-9 THC concentration of not more than 0.3 percent on a dry weight basis, or the THC concentration for hemp defined in 7 U.S.C. SECTION 5940, whichever is greater.

(7) ‘Handling’ means possessing or storing hemp for any period of time. ‘Handling’ also includes possessing or storing hemp in a vehicle for any period of time other than during its actual transport from the premises of a licensed person to cultivate or process industrial hemp to the premises of another licensed person. ‘Handling’ does not mean possessing or storing finished hemp products.

(8) ‘Hemp’ or ‘industrial hemp’ means the plant *Cannabis sativa* L. and any part of that plant, including the nonsterilized seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with the federally defined THC level for hemp. Hemp shall be considered an agricultural commodity.

(9) ‘Hemp products’ means all products with the federally defined THC level for hemp derived from, or made by, processing hemp plants or hemp plant parts, that are prepared in a form available for commercial sale, including, but not limited to, cosmetics, personal care products, food intended for animal or human consumption, cloth, cordage, fiber, fuel, paint, paper, particleboard, plastics, and any product containing one

or more hemp-derived cannabinoids, such as cannabidiol. Unprocessed or raw plant material, including nonsterilized hemp seeds, is not considered a hemp product.

(10) 'Licensee' means an individual or business entity possessing a license issued by the department under the authority of this chapter to cultivate, handle, or process hemp.

(11) 'Marijuana' has the same meaning as in Section 44-53-110 and does not include tetrahydrocannabinol in hemp or hemp products as defined herein.

(12) 'Processing' means converting an agricultural commodity into a marketable form.

(13) 'State plan' means the plan submitted by the department and approved by the Secretary of the United States Department of Agriculture pursuant to which the department regulates hemp production.

(14) 'THC' means tetrahydrocannabinol.

Section 46-55-20. (A)(1) It is unlawful for a person to cultivate, handle, or process hemp in this State without a hemp license issued by the department pursuant to the state plan.

(2) The department may charge application, license, and renewal of license fees reasonably calculated by the department to pay the cost of administering this chapter. Licensing fees for cultivators and handlers shall not exceed one thousand dollars annually per registrant, and licensing fees for processors shall not exceed the cost calculated by the department of the processor licensing program. Fees collected by the department pursuant to this item shall continuously be appropriated to the department for the purposes of carrying out the duties of the South Carolina industrial hemp program under this chapter.

(3) Any person seeking to cultivate, handle, or process hemp shall undergo a state criminal records check, supported by fingerprints, by the State Law Enforcement Division and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of these criminal records checks must be reported to the department. The State Law Enforcement Division is authorized to retain fingerprints for certification purposes and for notification of the department regarding criminal charges. No person who has been convicted of a felony relating to a controlled substance under state or federal law during a ten-year period from the date of his conviction shall be eligible to obtain a license to cultivate, handle, or process hemp.

(4) Any person who materially falsifies any information contained in an application to participate in the program established herein shall be ineligible to participate.

(5) The commissioner shall make information regarding a licensee and that information described in subsection (B)(1) accessible in real time to federal, state, and local law enforcement.

(B)(1) A person applying for a license to cultivate hemp shall provide to the department a legal description and global positioning coordinates sufficient to locate the fields or greenhouses used to cultivate hemp.

(2) A person applying for a license to cultivate, handle, or process hemp shall provide the department with prior written consent:

(a) allowing representatives of the department, the State Law Enforcement Division, and local law enforcement agencies to enter onto all premises where hemp is cultivated, handled, processed, or stored for the purpose of conducting physical inspections, obtaining samples of hemp or hemp products, or otherwise ensuring compliance with the requirements of state law and any administrative regulations promulgated by the department; and

(b) to the testing procedure set forth in the state plan, using post-decarboxylation or other similarly reliable methods, delta-9 THC concentration levels of hemp produced in the State.

Section 46-55-30. The provisions contained in this chapter do not apply to the possession, handling, transport, or sale of hemp products and extracts, including those containing hemp-derived cannabinoids, including CBD. Nothing in this chapter authorizes any person to violate any federal or state law or regulation.

Section 46-55-40. (A)(1) A licensee in the South Carolina hemp program shall be required to conduct a corrective action plan if the commissioner, or his designee, determines that the licensee negligently violated a provision of this chapter, regulations promulgated pursuant to this chapter, or the state plan including, but not limited to:

(a) failing to provide a legal description and global positioning coordinates of the land on which the licensee cultivates hemp;

(b) failing to obtain a proper license or other required authorization from the commissioner; or

(c) producing *Cannabis sativa* L. with more than the federally defined THC level for hemp.

(2) A corrective action plan required pursuant to item (1) shall include a:

(a) reasonable date by which the licensee shall correct the violation; and

(b) requirement that the licensee shall periodically report to the commissioner on his compliance with this chapter and the state plan for a period of not less than the next two calendar years, to be determined by the commissioner.

(3) The corrective action plan provided for in item (2) is the sole remedy for negligent violations of this chapter, regulations promulgated pursuant to this chapter, or the state plan. A licensee who negligently violates a provision of this chapter, regulations promulgated pursuant to this chapter, or the state plan shall not be subject to any criminal or civil enforcement action.

(4) A licensee who negligently violates a provision of this chapter, regulations promulgated pursuant to this chapter, or the state plan three times in a five-year period shall be ineligible to produce hemp for a period of five years beginning on the date of the third violation.

(B) If the commissioner determines that a licensee has violated state law with a culpable mental state greater than negligence, then the commissioner shall immediately report the hemp producer to the Attorney General and the Chief of the South Carolina Law Enforcement Division, and subsection (A)(2) shall not apply to the violation.

Section 46-55-60. An individual who manufactures, distributes, dispenses, delivers, purchases, aids, abets, attempts to, or conspires to manufacture, distribute, dispense, deliver, or purchase, or possesses with the intent to manufacture, distribute, dispense, deliver, or purchase marijuana, in a manner intended to disguise the marijuana due to its proximity to industrial hemp, is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years, fined not more than three thousand dollars, or both. The penalty provided for in this section may be imposed in addition to any other penalties provided by law.”

Submission of state hemp plan

SECTION 2. (A) Within sixty days after the effective date of this act, the Commissioner of the South Carolina Department of Agriculture shall submit a state plan to the Secretary of the United States Department of Agriculture pursuant to which the South Carolina Department of Agriculture proposes to regulate hemp production. The submission shall include:

(1) a practice to maintain relevant information regarding land on which hemp is produced in the State, including a legal description of the land, for a period of not less than three calendar years;

(2) a procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9 THC concentration levels of hemp produced in the State;

(3) a procedure for the effective disposal of products that are produced in violation of Chapter 55, Title 46, as amended by this act; and

(4) a procedure to comply with the enforcement procedures outlined in this act.

(B) If the Secretary of the United States Department of Agriculture disapproves the state plan, then the Commissioner of the South Carolina Department of Agriculture, in consultation with the Governor and Attorney General, shall submit to the Secretary of the United States Department of Agriculture an amended state plan.

South Carolina hemp licenses

SECTION 3. (A) The forty 2019 licenses issued pursuant to Chapter 55, Title 46 prior to the effective date of this act shall be valid for the term of the licenses, under the terms and conditions under which the licenses were issued, except that, upon the approval of the South Carolina Department of Agriculture, each licensee may expand operations beyond the forty-acre limit and may cultivate hemp for commercial purposes.

(B) Notwithstanding the provisions of Section 46-55-20(B)(3), as amended by this act, as of the date licenses were issued for 2019, the South Carolina Department of Agriculture may issue additional licenses for 2019 to any applicant that met the licensing criteria but was denied solely because the department had already issued the legally permitted number of licenses for the year. Licenses issued pursuant to this subsection shall be for the same term, and under the same terms and conditions, under which the forty licenses identified in subsection (A) were issued. Licensees pursuant to this subsection also may expand operations beyond the forty-acre limit and may cultivate hemp for commercial purposes upon the approval of the South Carolina Department of Agriculture.

(C) The law under which licenses are issued shall be in full force and effect for those licenses during the term of the licenses.

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 27th day of March, 2019.

Approved the 28th day of March, 2019.

No. 15

(R24, H3595)

AN ACT TO AMEND SECTION 12-6-3585, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INDUSTRY PARTNERSHIP FUND TAX CREDIT, SO AS TO INCREASE THE AGGREGATE ANNUAL CREDIT AMOUNT, SET CERTAIN QUALIFICATIONS, AND TO REQUIRE THE SOUTH CAROLINA RESEARCH AUTHORITY TO ISSUE AN ANNUAL REPORT.

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

Aggregate credit limit for Industry Partnership Fund

SECTION 1. A. Section 12-6-3585(A), (E), and (F) of the 1976 Code is amended to read:

“(A) For each tax year beginning after 2018, a taxpayer may claim as a credit against state income tax imposed by Chapter 6, Title 12, bank tax imposed by Chapter 11, Title 12, license fees imposed by Chapter 20, Title 12, or insurance premiums imposed by Chapter 7, Title 38, or any combination of them, one hundred percent of an amount contributed to the Industry Partnership Fund at the South Carolina Research Authority (SCRA), or an SCRA-designated affiliate, or both, pursuant to Section 13-17-88(E), up to a maximum credit of two hundred fifty thousand dollars for a single taxpayer, not to exceed an aggregate credit of nine million dollars for all taxpayers. For purposes of determining a taxpayer’s entitlement to the credit for qualified contributions for a given tax year in which more than the applicable aggregate annual limit on the credit is contributed by taxpayers for that year, taxpayers who have made

contributions that are intended to be qualified contributions earlier in the applicable tax year than other taxpayers must be given priority entitlement to the credit. The SCRA shall certify to taxpayers who express a bona fide intention of making one or more qualified contributions as to whether the taxpayer is entitled to that priority.

(E) 'Taxpayer' means an individual, corporation, partnership, trust, bank, insurance company, or other entity having a state income or insurance premium tax or license fee liability who has made a qualified contribution. However, for purposes of this section, any member of the SCRA board of trustees or the SC Launch!, Inc. board of directors is not considered a taxpayer, and may not claim the credit allowed by this section.

(F) To qualify for the credit, the taxpayer shall retain a form provided by SCRA identifying the taxpayer and the year and amount of credit for which the taxpayer qualifies. The Department of Revenue may require a copy of the form be attached to the taxpayer's income tax return or be provided otherwise to the department. Also, to qualify for the credit, a taxpayer who is certified by SCRA under subsection (A) as having priority entitlement to the credit for an applicable year must make a commitment satisfactory to SCRA, at such time as SCRA may deem appropriate, but no later than April first of such year, to make the contribution during such year."

B. Notwithstanding the increase in the annual maximum credit amount for all taxpayers from six million dollars to nine million dollars in Section 12-6-3585, as amended by this SECTION, the increased maximum credit amount shall be phased in in three equal and cumulative installment amounts beginning in tax years beginning after 2018.

Industry Partnership Fund report

SECTION 2. Section 12-6-3585 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

"(1) By March fifteenth of each year, the South Carolina Research Authority shall issue a report to the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Ways and Means Committee, and the Governor detailing the amount contributed to the Industry Partnership Fund in the previous tax year that entitled the taxpayer to the credit allowed by this section, the taxpayers that received

the credit, and the manner in which such contributions were expended or are expected to be expended.

(2) The report shall also include, by county, the number of taxpayers who express a bona fide intention to contribute to the Industry Partnership Fund, the number of taxpayers whom the SCRA certified as entitled to receive the Industry Partnership Fund tax credit, and the amount of Industry Partnership Fund contributions that received such certification from SCRA.

(3) The report also must be posted in a conspicuous place on the website maintained by the South Carolina Research Authority.”

Time effective

SECTION 3. This act takes effect upon approval by the Governor and applies to tax years beginning after 2018, except that the Section 1 amendment to Section 12-6-3585(F) and Section 2 shall not take effect until January 1, 2020.

Ratified the 27th day of March, 2019.

Approved the 28th day of March, 2019.

No. 16

(R25, H3985)

AN ACT TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2018 AND TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.

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

Internal Revenue Code conformity

SECTION 1. Section 12-6-40(A)(1)(a) and (c) of the 1976 Code, as last amended by Act 266 of 2018, is further amended to read:

“(a) Except as otherwise provided, ‘Internal Revenue Code’ means the Internal Revenue Code of 1986, as amended through December 31, 2018, and includes the effective date provisions contained in it.

(c) If Internal Revenue Code sections adopted by this State which expired or portions thereof expired on December 31, 2017, or during 2018, are extended, but otherwise not amended, by congressional enactment during 2019, these sections or portions thereof also are extended for South Carolina income tax purposes in the same manner that they are extended for federal income tax purposes.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 27th day of March, 2019.

Approved the 28th day of March, 2019.

No. 17

(R27, H3310)

AN ACT TO AMEND SECTION 56-19-480, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER AND SURRENDER OF CERTIFICATES OF TITLE, LICENSE PLATES, REGISTRATION CARDS, AND MANUFACTURERS' SPECIAL PLATES FOR VEHICLES SOLD AS SALVAGE, ABANDONED, SCRAPPED, OR DESTROYED, SO AS TO PROVIDE A PROCEDURE FOR AN INSURANCE COMPANY OR ITS AGENT TO OBTAIN A CERTIFICATE OF TITLE FOR A VEHICLE FROM THE DEPARTMENT OF MOTOR VEHICLES WHEN A CLAIMANT FAILS TO DELIVER THE

**TITLE TO THE INSURANCE COMPANY OR ITS AGENT
UNDER CERTAIN CIRCUMSTANCES.**

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

Certificate of title

SECTION 1. Section 56-19-480(B) of the 1976 Code is amended to read:

“(B) If a vehicle is acquired by an insurance company in settlement of a claim to the vehicle by fire, flood, collision, or other causes, or is left with the claimant after being declared a total loss by the insurance company, the company or its agent immediately shall deliver to the department the certificate of title together with a report indicating the type and severity of damage to the vehicle. If an insurance company or its agent is unable to obtain the certificate of title from the claimant within thirty days after acceptance by the claimant of an offer in settlement of total loss, the insurance company or its agent, on a form provided by the department, may submit an application to the department for a salvage certificate of title. The application shall include evidence that the insurance company or its agent has fulfilled its settlement with and made two or more written attempts to obtain the certificate of title from the claimant. At such time as the insurance company may thereafter transfer the damaged vehicle, the company or its agent shall notify the department to whom the transfer was made on a form prescribed by the department. Notwithstanding another provision of law, when an insurance company obtains title to a vehicle from settling a total loss claim, the insurance company may obtain a title to the vehicle designated as ‘salvage’. The insurance company must pay the title fee contained in Section 56-19-420.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 3rd day of April, 2019.

Approved the 3rd day of April, 2019.

No. 18

(R28, H3732)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-69-255 SO AS TO REQUIRE VETERINARIANS TO COMPLETE CONTINUING EDUCATION RELATED TO PRESCRIBING AND MONITORING CERTAIN CONTROLLED SUBSTANCES.

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

Veterinarians continuing education, prescribing controlled substances

SECTION 1. Article 1, Chapter 69, Title 40 of the 1976 Code is amended by adding:

“Section 40-69-255. As part of the biennial continuing education required by the board or pursuant to law, including Regulation 120-6, South Carolina Code of State Regulations, a veterinarian authorized pursuant to state and federal law to prescribe controlled substances shall obtain a South Carolina Department of Health and Environmental Control Controlled Substances Registration and complete at least two hours of continuing education every two years related to approved procedures of prescribing and monitoring controlled substances listed in Schedules II, III, and IV of the schedules provided for in Sections 44-53-210, 44-53-230, and 44-53-250.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 3rd day of April, 2019.

Approved the 3rd day of April, 2019.

No. 19

(R29, H3750)

AN ACT TO AMEND SECTION 50-9-650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEER HUNTING, SO AS TO REVISE THE NUMBER OF ANTLERLESS DEER TAGS THAT MAY BE ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 50-11-390, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES' AUTHORITY TO REGULATE THE TAKING OF DEER, SO AS TO DELETE THE PROVISION THAT REQUIRES THE DEPARTMENT TO ESTABLISH A MINIMUM NUMBER OF ANTLERLESS DAYS IN THE STATE'S GAME ZONES.

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

Antlerless deer tags

SECTION 1. Section 50-9-650(B)(2)(a) of the 1976 Code is amended to read:

“(a) With the purchase of a South Carolina hunting license and a big game permit, a resident shall be issued two individual antlerless deer tags and three unrestricted individual antlered deer tags. Persons under the age of sixteen, lifetime, and gratis licensees may receive these tags upon request to the department. Residents, including persons under the age of sixteen, lifetime, and gratis licensees also may purchase:

(i) two antler restriction individual antlered deer tags valid for deer with a minimum of four points on one antler or a minimum twelve-inch inside antler spread for five dollars per tag; and

(ii) additional individual antlerless deer tags for five dollars per tag.”

Antlerless deer

SECTION 2. Section 50-11-390(A) of the 1976 Code is amended to read:

“(A) The department may promulgate regulations to permit the taking of antlerless deer between September fifteenth and January first.”

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 3rd day of April, 2019.

Approved the 3rd day of April, 2019.

No. 20

(R32, S205)

AN ACT TO AMEND SECTION 44-36-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTIES OF THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER, SO AS TO PROVIDE FOR AN ADDITIONAL DUTY TO FACILITATE AND COORDINATE EARLY DETECTION EDUCATIONAL INITIATIVES FOR HEALTH CARE PROVIDERS.

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

Duties of Alzheimer's Disease and Related Disorders Resource Coordination Center

SECTION 1. Section 44-36-320 of the 1976 Code, as last amended by Act 261 of 2018, is further amended by adding an appropriately numbered item at the end to read:

“() facilitate the coordination and integration of educational initiatives for health care providers on the importance and value of early detection and timely diagnosis of cognitive impairment, validated cognitive assessment tools, and increasing understanding and awareness of early warning signs of Alzheimer's disease and other types of dementia and how to reduce the risk of cognitive decline.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 25th day of April, 2019.

Approved the 26th day of April, 2019.

No. 21

(R33, S214)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-36-71 SO AS TO DEFINE “MARKETPLACE FACILITATOR”; TO AMEND SECTIONS 12-36-70, 12-36-90, AND 12-36-130, ALL RELATING TO SALES TAX DEFINITIONS, SO AS TO FURTHER INFORM MARKETPLACE FACILITATORS OF THEIR REQUIREMENTS; AND TO AMEND SECTION 12-36-1340, RELATING TO THE COLLECTION OF SALES TAX BY RETAILERS, SO AS TO FURTHER INFORM MARKETPLACE FACILITATORS OF THEIR REQUIREMENTS.

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

Findings

SECTION 1. The General Assembly finds:

(1) the South Carolina Sales and Use Tax Act requires any person engaged in business as a retailer to remit the sales and use tax on all retail sales of tangible personal property not otherwise excluded or exempted from the tax. This requirement applies to all retail sales of tangible personal property by the retailer, whether the tangible personal property is owned by the retailer or another person. Retailers selling tangible personal property at retail on consignment, by auction, or in any other manner must remit the sales and use tax on such retail sales;

(2) the Internet marketplaces where a person sells tangible personal property at retail by listing or advertising, or allowing the listing or advertising of, another person's products on an online marketplace and collects or processes the payment from the customer are retailers

required to remit the sales and use tax on such retail sales under the provisions of South Carolina sales and use tax law;

(3) with the changing economy and ever expanding role of the Internet in the retail market, the longstanding requirement in the sales and use tax law that a retailer remit the tax on retail sales of tangible personal property owned by another person must apply to all retailers, including both Internet retailers and brick and mortar retailers;

(4) retailers selling another person's tangible personal property on the Internet must clearly understand and be informed of their requirements to remit the sales and use tax in the same manner as retailers selling another person's tangible personal property in a brick and mortar store; and

(5) this act shall not be construed as a statement concerning the applicability of the South Carolina Sales and Use Tax Act to any sales and use tax liability in matters currently in litigation or being audited.

Definition

SECTION 2. Article 1, Chapter 36, Title 12 of the 1976 Code is amended by adding:

“Section 12-36-71. (A)(1) ‘Marketplace facilitator’ means any person engaged in the business of facilitating a retail sale of tangible personal property by:

(a) listing or advertising, or allowing the listing or advertising of, the products of another person in any marketplace where sales at retail occur; and

(b) collecting or processing payments from the purchaser, either directly or indirectly through an agreement or arrangement with a third party.

(2) If a person meets the criteria set forth in item (1), then that person is a marketplace facilitator regardless of whether the person receives compensation or other consideration in exchange for his services.

(B) A marketplace may be physical or electronic and includes, but is not limited to, any space, store, booth, catalog, website, television or radio broadcast, or similar place, medium, or forum.

(C) For purposes of subsection (A), a marketplace facilitator includes any related entities assisting the marketplace facilitator in sales, storage, distribution, payment collection, or in any other manner, with respect to the marketplace.

(D) When a marketplace facilitator is comprised of multiple entities, the entity that lists or advertises, or allows the listing or advertising of, the products sold at retail in the marketplace is the entity responsible for remitting the sales and use tax to the State.”

Definition

SECTION 3. Section 12-36-70 of the 1976 Code is amended by adding a new item before the last undesignated paragraph to read:

“(3) operating as a marketplace facilitator, as defined in Section 12-36-71.”

Definition

SECTION 4. Section 12-36-90(1)(a) of the 1976 Code is amended to read:

“(a) the proceeds from the sale of property sold on consignment by the taxpayer, including property sold through a marketplace by a marketplace facilitator;”

Definition

SECTION 5. Section 12-36-130(1) of the 1976 Code is amended by adding a new subitem to read:

“(c) the proceeds from the sale of property sold on consignment by the taxpayer, including property sold through a marketplace by a marketplace facilitator.”

Collection of tax by sellers

SECTION 6. Section 12-36-1340 of the 1976 Code is amended to read:

“Section 12-36-1340. Each seller making retail sales of tangible personal property for storage, use, or other consumption in this State shall collect and remit the tax in accordance with this chapter and shall obtain from the department a retail license as provided in this chapter, if the retail seller:

- (1) maintains a place of business;
- (2) qualifies to do business;

(3) solicits and receives purchases or orders by an agent, an independent contractor, a representative, an Internet website, or any other means;

(4) distributes catalogs, or other advertising matter, and by reason of that distribution receives and accepts orders from residents within the State;

(5) operates as a marketplace facilitator; or

(6) meets constitutional standards for economic nexus with South Carolina for purposes of the sales and use tax.”

Time effective

SECTION 7. This act takes effect upon approval by the Governor.

Ratified the 25th day of April, 2019.

Approved the 26th day of April, 2019.

No. 22

(R34, S514)

AN ACT TO AMEND ARTICLE 140 OF CHAPTER 3, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF CLEMSON UNIVERSITY 2016 FOOTBALL NATIONAL CHAMPIONS SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE FOR THE ISSUANCE OF “CLEMSON UNIVERSITY 2018 FOOTBALL NATIONAL CHAMPIONS” SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES.

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

Clemson University Football National Champions Special License Plates

SECTION 1. Article 140 of the 1976 Code is amended to read:

“Article 140

‘Clemson University 2016 and 2018 Football National Champions’
Special License Plates

Section 56-3-14010. (A)(1) The Department of Motor Vehicles shall issue ‘Clemson University 2016 Football National Champions’ special license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names.

(2) The department shall issue ‘Clemson University 2018 Football National Champions’ special license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names.

(B) Clemson University may submit to the department for its approval the emblem, seal, or other symbol it desires to be used for its respective special license plates.

(C) The requirements for production, collection, and distribution of fees for the plates are those set forth in Section 56-3-8100. The biennial fee for each plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of seventy dollars. Any portion of the additional seventy-dollar fee not set aside to defray costs of production and distribution must be distributed to the fund established for Clemson University pursuant to Section 56-3-3710(B) used for the purposes provided in that section.

(D)(1) License number ‘1’ for the ‘Clemson University 2016 Football National Champions’ license plate is reserved for the Clemson University Head Football Coach.

(2) License number ‘1’ for the ‘Clemson University 2018 Football National Champions’ license plate is reserved for the Clemson University Head Football Coach.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 25th day of April, 2019.

Approved the 26th day of April, 2019.

No. 23

(R36, H3180)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 21 TO CHAPTER 1, TITLE 25 SO AS TO ENACT THE “SOUTH CAROLINA SERVICEMEMBERS CIVIL RELIEF ACT”; TO DEFINE THE ACT’S RELEVANT TERMS; TO ENUMERATE CERTAIN RIGHTS, BENEFITS, AND OBLIGATIONS OF SERVICEMEMBERS AND THEIR DEPENDENTS; TO AUTHORIZE A SERVICEMEMBER, THE DEPENDENT OF A SERVICEMEMBER, OR THE ATTORNEY GENERAL TO BRING A CIVIL ACTION FOR INTENTIONAL VIOLATIONS OF THE ACT; TO ESTABLISH REMEDIES AND PENALTIES; AND TO REQUIRE THE ADJUTANT GENERAL TO POST CERTAIN INFORMATION REGARDING THE ACT ON THE SOUTH CAROLINA NATIONAL GUARD WEBSITE.

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

South Carolina Servicemembers Civil Relief Act

SECTION 1. Chapter 1, Title 25 of the 1976 Code is amended by adding:

“Article 21

South Carolina Servicemembers Civil Relief Act

Section 25-1-4010. This article may be cited as the ‘South Carolina Servicemembers Civil Relief Act’.

Section 25-1-4020. This article is intended to expand and supplement the rights, benefits, and protections of the federal Servicemembers Civil Relief Act, 50 U.S.C. Section 3901, et seq. Nothing in this article may be construed as a restriction or limitation on the rights, benefits, and protections granted to a servicemember pursuant to federal law. A violation of the federal Servicemembers Civil Relief Act, 50 U.S.C. Section 3901, et seq., constitutes a violation of this article. The provisions of this article related to contractual agreements or obligations

shall apply to any applicable contract entered into, extended, or amended on or after July 1, 2019.

Section 25-1-4030. For purposes of this article:

(1) 'Dependent', with respect to a servicemember, has the meaning set forth in 50 U.S.C. Section 3911(4).

(2) 'Military service' means any of the following:

(a) the meaning set forth in 50 U.S.C. Section 3911(2);

(b) in the case of a servicemember who is a member or reserve member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, full-time duty in the active military service of the United States, including:

(i) full-time training duty;

(ii) annual training duty; and

(iii) attendance while at a school designated as a service school by federal law or by the secretary of the military department concerned;

(c) in the case of a member of the South Carolina National Guard, service under a call to active:

(i) service authorized by the President of the United States or the Secretary of Defense for a period of more than thirty days in response to a national emergency declared by the President of the United States; or

(ii) duty authorized pursuant to Article 15 for a period of more than thirty consecutive days;

(d) in the case of a member of the National Guard of another state, service under an order of the governor of that state, which is similar to South Carolina state active duty, for a period of more than thirty consecutive days;

(e) in the case of a servicemember who is a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration, active service; or

(f) any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(3) 'Period of military service' means the period beginning on the date on which a servicemember enters military service and ending on the date on which the servicemember is released from military service or dies while in military service.

(4) 'Servicemember' means an individual engaged in military service or a member of the uniformed services, as that term is defined in 50 U.S.C. Section 3911(1).

Section 25-1-4040. The rights, benefits, and protections of the federal Servicemembers Civil Relief Act, 50 U.S.C. Section 3901, et seq., apply to a servicemember engaged in military service. However, in the case of a servicemember engaged in military service pursuant to Section 25-1-4030(2)(c)(ii) or (d), a person is not subject to the remedies or penalties of this article unless the servicemember gives to the person a written or electronic copy of the order to military service. A violation of the federal Servicemembers Civil Relief Act, as expanded by this section, is a violation of this article.

Section 25-1-4050. A dependent of a servicemember engaged in military service has the same rights and protections provided to a servicemember pursuant to Section 25-1-4060 and Subchapter II, Chapter 50, Title 50 of the U.S.C.

Section 25-1-4060. (A) In addition to the rights and protections regarding consumer transactions, contracts, and service providers provided to a servicemember pursuant to Subchapter III, Chapter 50, Title 50 of the U.S.C., a servicemember may terminate a contract described in subsection (B) of this section at any time after the date the servicemember receives military orders to relocate for a period of service of at least ninety days to a location that does not support the contract.

(B) This section applies to a contract to provide the following:

- (1) telecommunication services;
- (2) Internet services;
- (3) television services including, but not limited to, cable television, direct satellite, and other similarly comparable television services;
- (4) athletic club or gym memberships; or
- (5) satellite radio services.

(C) A servicemember shall give to the service provider written or electronic notice of the termination and a written or electronic copy of the order to relocate, together with the date on which the service is to be terminated. If a servicemember, as defined in Section 25-1-4030(4), terminates a contract pursuant to this section, then the service provider shall inform the servicemember of the servicemember's rights posted on the South Carolina National Guard's Internet website pursuant to Section 25-1-4080.

(D) The service provider may not impose an early termination penalty, charge, or fee for a contract terminated pursuant to this section.

(E) Not later than sixty days after the termination date of the contract, the service provider shall refund to the servicemember any fee paid for a service that extends beyond the termination date of the contract.

(F) The servicemember shall pay the tax or other contractual obligation or liability that is due and unpaid at the time of termination of the contract.

(G) If the servicemember resubscribes to the service provided under the contract within ninety days of returning from military service, the service provider may not impose a charge or fee, other than the usual and customary charges and fees for the installation or acquisition of customer equipment imposed on other subscribers.

Section 25-1-4070. (A) A servicemember, the dependent of a servicemember, or the South Carolina Attorney General may bring a civil action against a person who intentionally violates a provision of this article.

(B) The court may order one or more of the following remedies:

(1) injunction; or

(2) payment of restitution to a servicemember in the amount of money unlawfully received from, or required to be refunded to, the servicemember, unless the servicemember has successfully recovered the amount in a separate action under the federal Servicemembers Civil Relief Act, 50 U.S.C. Section 3901, et seq.

(C) In the event of an intentional violation of this article, the court may assess a civil penalty not to exceed five thousand dollars per violation. Fifty percent of the proceeds of civil penalties imposed pursuant to this section must be remitted to the general fund of the State, and the remaining fifty percent may be retained by the Office of the Attorney General and carried forward to succeeding fiscal years to support enforcement or public education efforts directly related to the purpose of this article.

Section 25-1-4080. The Adjutant General shall post on the South Carolina National Guard website a list of the rights a servicemember or a servicemember's dependent has pursuant to both the South Carolina Servicemembers Civil Relief Act and the federal Servicemembers Civil Relief Act, 50 U.S.C. Section 3901, et seq."

Severability

SECTION 2. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, 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 the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 3. This act takes effect upon approval by the Governor and applies to contracts entered into on or after that date.

Ratified the 25th day of April, 2019.

Approved the 26th day of April, 2019.

No. 24

(R37, H3398)

AN ACT TO AMEND ACT 265 OF 2016, RELATING TO THE ESTABLISHMENT OF THE “TUCKER HIPPS TRANSPARENCY ACT”, SO AS TO PERMANENTLY AUTHORIZE THE ACT AND TO REPEAL THE THREE-YEAR SUNSET PROVISION.

Whereas, in 2016, the General Assembly enacted the “Tucker Hipps Transparency Act” in Act 265 of 2016, requiring public institutions of higher learning in this State to maintain reports of actual findings of certain misconduct by fraternity and sorority organizations, among other things; and

Whereas, the sunset provision of Act 265 of 2016 will result in the expiration of the act on June 29, 2019, unless the provisions of the act are extended or reenacted by the General Assembly; and

Whereas, the General Assembly finds that the success of the “Tucker Hipps Transparency Act” merits its permanent continuation, making it necessary to eliminate this sunset provision. Now, therefore,

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

Act 265 of 2016 permanently authorized

SECTION 1. The “Tucker Hipps Transparency Act”, as established by Act 265 of 2016 and contained in Section 59-101-210, is permanently enacted by the provisions of this act.

Act 265 of 2016 sunset provision repealed

SECTION 2. SECTION 4 of Act 265 of 2016 is repealed.

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 25th day of April, 2019.

Approved the 26th day of April, 2019.

No. 25

(R38, H3420)

AN ACT TO AMEND SECTION 16-17-500, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE “YOUTH ACCESS TO TOBACCO PREVENTION ACT OF 2006”, SO AS TO STRENGTHEN AGE VERIFICATION REQUIREMENTS FOR THE INTERNET SALE OF TOBACCO AND ALTERNATIVE NICOTINE PRODUCTS, TO PROHIBIT MINORS FROM ENTERING RETAIL ESTABLISHMENTS THAT PRIMARILY SELL SUCH PRODUCTS, WITH EXCEPTIONS, AND TO CREATE RELATED CRIMINAL PENALTIES; TO AMEND SECTION 16-17-501, RELATING TO TERMS DEFINED IN THE “YOUTH ACCESS TO TOBACCO PREVENTION ACT OF 2006”, SO AS TO CHANGE THE

DEFINITION FOR “ALTERNATIVE NICOTINE PRODUCT” AND BY ADDING A DEFINITION FOR “ELECTRONIC SMOKING DEVICE”, “E-LIQUID”, AND “VAPOR PRODUCT”; BY ADDING SECTION 59-1-380 SO AS TO REQUIRE LOCAL SCHOOL DISTRICTS TO ADOPT, IMPLEMENT, AND ENFORCE A WRITTEN POLICY PROHIBITING THE USE OF TOBACCO AND ALTERNATIVE NICOTINE PRODUCTS ON SCHOOL CAMPUSES AND AT SCHOOL EVENTS; TO AMEND SECTION 44-95-20, RELATING TO THE CLEAN INDOOR AIR ACT’S PROHIBITION OF SMOKING IN SCHOOLS, SO AS TO ELIMINATE THE EXCLUSION FOR PRIVATE OFFICES AND TEACHERS LOUNGES; BY ADDING SECTION 16-17-506 SO AS TO ESTABLISH LIMITATIONS ON THE SALE OF E-LIQUID CONTAINERS AND CREATE CRIMINAL PENALTIES; AND FOR OTHER PURPOSES.

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

Sale of tobacco and alternative nicotine products to minors, prohibitions

SECTION 1. Section 16-17-500(C), (E)(1), (F)(1), and (J) of the 1976 Code is amended to read:

“(C) A person engaged in the sale of tobacco products or alternative nicotine products made through the Internet or other remote sales methods shall perform an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the individual during the ordering process that establishes the individual is eighteen years of age or older and shall use a method of mailing, shipping, or delivery that requires the signature of a person at least eighteen years of age before a tobacco product or alternative nicotine product will be released to the purchaser, unless the Internet or other remote sales methods employ the following protections to ensure age verification:

- (1) the customer creates an online profile or account with personal information including, but not limited to, name, address, social security information, and a valid phone number, and that personal information is verified through publicly available records; or
- (2) the customer is required to upload a copy of his or her government-issued identification in addition to a current photograph of the customer; and

(3) delivery is made to the customer's name and address.

(E)(1) An individual who knowingly violates a provision of subsections (A), (B), (C), (D), or (J) in person, by agent, or in any other way is guilty of a misdemeanor and, upon conviction, must be:

(a) for a first offense, fined not less than two hundred dollars and not more than three hundred dollars;

(b) for a second and subsequent offense, fined not less than four hundred dollars and not more than five hundred dollars, imprisoned for not more than thirty days, or both.

(F)(1)(a) A minor under the age of eighteen years must not purchase, attempt to purchase, possess, or attempt to possess a tobacco product or an alternative nicotine product, or present or offer proof of age that is false or fraudulent for the purpose of purchasing or possessing these products.

(b) A minor under the age of eighteen years is prohibited from entering a retail establishment that has as its primary purpose the sale of tobacco products, alternative nicotine products, or both, unless the minor is actively supervised and accompanied by an adult.

(c) The provisions of this subsection do not apply to a minor under the age of eighteen who is recruited and authorized by a law enforcement agency to test an establishment's compliance with laws relating to the unlawful transfer of tobacco or alternative nicotine products. The testing must be conducted under the direct supervision of a law enforcement agency, and the law enforcement agency must have the minor's parental consent.

(J)(1) A retail establishment that has as its primary purpose the sale of tobacco products, alternative nicotine products, or both, must prohibit minors under the age of eighteen years of age from entering the retail establishment, unless the minor is actively supervised and accompanied by an adult, and shall determine whether a person is at least eighteen years by requiring proper proof of age in accordance with subsection (B), prior to the purchase of a tobacco or alternative nicotine product.

(2) A retail establishment described in item (1) must conspicuously post on all entrances to the establishment the following:

(a) a sign in boldface type that states 'NOTICE: It is unlawful for a person under eighteen years of age to enter this store, unless the minor is actively supervised and accompanied by an adult. Age will be verified prior to purchase.';

(b) a sign printed in letters and numbers at least one-half inch high that displays a toll free number for assistance to callers in quitting smoking, as determined by the Department of Health and Environmental Control.

(3) For purposes of this section, whether a retail establishment has as its primary purpose the sale of tobacco products, alternative nicotine products, or both, must be based on the totality of the circumstances. Facts that must be considered, but not be limited to, are the retail establishment's business filings, business name and signage, marketing and other advertisements, and the percentage of revenue and inventory directly related to the sale of tobacco and alternative nicotine products.

(K) Notwithstanding any other provision of law, a violation of this section does not violate the terms and conditions of an establishment's beer and wine permit and is not grounds for revocation or suspension of a beer and wine permit."

Alternative nicotine products, definitions

SECTION 2. A. The undesignated clause in Section 16-17-501 of the 1976 Code is amended to read:

"As used in this section and Sections 16-17-500, 16-17-502, 16-17-503, and 16-17-504:"

B. Section 16-17-501(6) of the 1976 Code is amended to read:

"(6) 'Alternative nicotine product' means any vaping product, whether or not it includes nicotine, including electronic smoking devices, that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any other means. 'Alternative nicotine product' does not include:

- (a) a cigarette, as defined in Section 12-21-620, or other tobacco products, as defined in Section 12-21-800;
- (b) a product that is a drug pursuant to 21 U.S.C. 321(g)(1);
- (c) a device pursuant to 21 U.S.C. 321(h); or
- (d) a combination product described in 21 U.S.C. 353(g)."

C. Section 16-17-501(7) of the 1976 Code is amended to read:

"(7) 'Electronic smoking device' means any device that may be used to deliver any aerosolized or vaporized substance, including e-liquid, to the person inhaling from the device, including, but not limited to, an

e-cigarette, e-cigar, e-pipe, vape pen, vapor product, or e-hookah. 'Electronic smoking device' includes any component, part or accessory of the device, and also includes any substance intended to be aerosolized or vaporized during the use of the device, whether or not the substance includes nicotine. 'Electronic smoking device' does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act."

D. Section 16-17-501 of the 1976 Code is amended by adding appropriately numbered items at the end to read:

“(8) ‘E-liquid’ means a substance that:

- (a) may or may not contain nicotine;
- (b) is intended to be vaporized and inhaled using a vapor product;

and

(c) is a legal substance under the laws of this State and the laws of the United States;

E-liquid does not include cannabis or CBD as defined under the laws of this State and the laws of the United States.

(9) ‘Vapor product’ means a powered vaporizer that converts e-liquid to a vapor intended for inhalation.”

Mandatory tobacco and alternative nicotine product-free local school board policy

SECTION 3. Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59-1-380. (A) By August 1, 2019, every local school district in the State shall adopt, implement, and enforce a written policy prohibiting at all times the use of any tobacco product or alternative nicotine product by any person in school buildings, in school facilities, on school campuses, and in or on any other school property owned or operated by the local school administrative unit. The policy also must prohibit the use of any tobacco product or alternative nicotine product by persons attending a school-sponsored event at a location not listed in this subsection when in the presence of students or school personnel or in an area where smoking or other tobacco use is otherwise prohibited by law.

(B) The policy must include at least all of the following elements:

(1) adequate notice to students, parents or guardians, the public, and school personnel of the policy;

(2) posting of signs prohibiting at all times the use of tobacco products or alternative nicotine products by any person in and on school property; and

(3) requirements that school personnel enforce the policy, including appropriate disciplinary action.

(C) Disciplinary actions for violating the policy may include, but not be limited to:

(1) for students: administrator and parent or legal guardian conference, mandatory enrollment in tobacco prevention education or cessation programs, community service, in-school suspension, suspension for extracurricular activities, or out-of-school suspension;

(2) for staff: verbal reprimand, written notification in personnel file, mandatory enrollment in tobacco prevention education, voluntary enrollment in cessation programs, or suspension;

(3) for contract or other workers: verbal reprimand, notification to contract employer, or removal from district property; and

(4) for visitors: verbal request to leave district property or prosecution for disorderly conduct for repeated offenses.

(D) The local school district shall collaborate with the Department of Health and Environmental Control, the Department of Alcohol and Other Drug Abuse Services, and the South Carolina Department of Education, as appropriate, to implement the policy, including as part of tobacco education and cessation programs and substance use prevention efforts.

(E) The policy may permit tobacco products or alternative nicotine products to be included in instructional or research activities in public school buildings if the activity is conducted or supervised by the faculty member overseeing the instruction or research and the activity does not include smoking, chewing, inhaling, or otherwise ingesting the tobacco product or alternative nicotine product.

(F) For purposes of this section:

(1) 'Tobacco product' has the same meaning as defined in Section 16-17-501.

(2) 'Alternative nicotine product' has the same meaning as defined in Section 16-17-501."

Clean Indoor Air Act, smoke-free schools

SECTION 4. Section 44-95-20(1) of the 1976 Code is amended to read:

“(1) public schools and preschools;”

Sale of e-liquid containers, restrictions

SECTION 5. Article 7, Chapter 17, Title 16 of the 1976 Code is amended by adding:

“Section 16-17-506. (1) For purposes of this section, ‘container’ means a bottle or other container of any kind that contains e-liquid and is offered for sale, sold, or otherwise distributed, or intended for distribution to consumers, but that does not include a cartridge that is prefilled and sealed by the manufacturer and not intended to be opened by the customer.

(2) It is unlawful to sell, hold for sale, or distribute a container of e-liquid unless:

(a) the container satisfies the requirements of 21 C.F.R. 1143.3, if applicable, for the placement of labels, warnings, or any other information upon a package of e-liquid that is to be sold within the United States;

(b) the container complies with child-resistant effectiveness standards under 16 C.F.R. 1700.15(b)(1) when tested in accordance with the requirements of 16 C.F.R. 1700.20; and

(c) the container complies with federal trademark or copyright laws.

(3) A person who knowingly sells, holds for sale, or distributes e-liquid containers in violation of subsection (2) is guilty of a misdemeanor and, upon conviction, shall be imprisoned for not more than three years or fined not more than one thousand dollars, or both.

(4) In addition to the other penalties provided by law, law enforcement may seize and destroy or sell to the manufacturer, for export only, any containers in violation of this section.”

Sale of tobacco and alternative nicotine products to minors, age verification requirements

SECTION 6. Section 16-17-500(E) of the 1976 Code is amended by adding an appropriately numbered item to read:

“() Failure of an individual to require identification for the purpose of verifying a person’s age is prima facie evidence of a violation of this section.”

Time effective

SECTION 7. This act takes effect upon approval by the Governor.

Ratified the 25th day of April, 2019.

Approved the 26th day of April, 2019.

No. 26

(R39, H3438)

AN ACT TO AMEND SECTION 1-30-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT, SO AS TO INCLUDE THE DEPARTMENT OF VETERANS' AFFAIRS; BY ADDING SECTION 1-30-130 SO AS TO ENUMERATE THE ASSETS, RIGHTS, AND OBLIGATIONS OF THE FORMER DIVISION OF VETERANS' AFFAIRS TRANSFERRED TO THE DEPARTMENT OF VETERANS' AFFAIRS; TO AMEND CHAPTER 11, TITLE 25, RELATING TO THE DIVISION OF VETERANS' AFFAIRS, SO AS TO, AMONG OTHER THINGS, REDESIGNATE THE DIVISION OF VETERANS' AFFAIRS AS THE DEPARTMENT OF VETERANS' AFFAIRS; TO ESTABLISH THE DEPARTMENT OF VETERANS' AFFAIRS WITHIN THE EXECUTIVE BRANCH OF GOVERNMENT; TO PROVIDE THAT THE GOVERNOR SHALL APPOINT A SECRETARY OF THE DEPARTMENT OF VETERANS' AFFAIRS WITH THE ADVICE AND CONSENT OF THE SENATE, AND TO ENUMERATE THE SECRETARY'S POWERS, DUTIES, AND RESPONSIBILITIES; TO AUTHORIZE THE DEPARTMENT OF ADMINISTRATION TO PROVIDE ADMINISTRATIVE SUPPORT TO THE DEPARTMENT OF VETERANS' AFFAIRS; TO REVISE THE DEFINITION OF "VETERAN" FOR PURPOSES OF APPOINTING COUNTY VETERANS' AFFAIRS OFFICERS, AND TO PROVIDE THAT A COUNTY VETERANS' AFFAIRS OFFICER IS AN AT-WILL EMPLOYEE OF THE DEPARTMENT WHO MAY BE REMOVED FOR CAUSE AT ANY TIME BY THE DEPARTMENT SECRETARY, A

MAJORITY OF THE SENATORS REPRESENTING THE COUNTY, AND A MAJORITY OF THE HOUSE MEMBERS REPRESENTING THE COUNTY; TO MAKE CONFORMING CHANGES THROUGHOUT THE CHAPTER; TO ESTABLISH THE SOUTH CAROLINA MILITARY BASE TASK FORCE, AND TO PROVIDE FOR THE TASK FORCE'S COMPOSITION, POWERS, DUTIES, AND RESPONSIBILITIES; AND TO PROVIDE COORDINATING INSTRUCTIONS RELATING TO THE REDESIGNATION OF THE DIVISION OF VETERANS' AFFAIRS AS THE DEPARTMENT OF VETERANS' AFFAIRS.

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

Departments of State Government

SECTION 1. Section 1-30-10(A) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“ __ . Department of Veterans' Affairs”

Enumeration of assets, rights, and obligations of former Division of Veterans' Affairs transferred to Department of Veterans' Affairs

SECTION 2. Chapter 30, Title 1 of the 1976 Code is amended by adding:

“Section 1-30-130. There is hereby created, within the executive branch of the state government, the Department of Veterans' Affairs, headed by a secretary appointed by the Governor pursuant to Section 25-11-20. The employees, funds, authorized appropriations, property, assets, liabilities, and all contractual rights and obligations associated with the Division of Veterans' Affairs of the Department of Administration established by Section 25-11-10, et seq. prior to July 1, 2019, are hereby transferred to and incorporated in and shall be administered as part of the Department of Veterans' Affairs.”

Department of Veterans' Affairs

SECTION 3. Chapter 11, Title 25 of the 1976 Code is amended to read:

“CHAPTER 11

Department of Veterans’ Affairs

Article 1

General Provisions

Section 25-11-10. (A) The Department of Veterans’ Affairs is created within the executive branch of the state government for the purpose of assisting former, present, and future members of the armed forces of the United States in securing the benefits to which they are entitled under the provisions of federal legislation and under the terms of insurance policies issued by the federal government for their benefit. Powers, duties, and functions to be vested in the department shall include all those powers, duties, and functions involving cooperation with other governmental units, such as cities and counties, or with the federal government agencies concerned with participation in federal grants-in-aid programs relating to veterans and veterans’ affairs. The department shall receive advice and recommendations from a panel consisting of the Governor as chairman, the Attorney General for the purpose of giving legal advice, and the Adjutant and Inspector General.

(B) The department may promulgate regulations necessary to implement the provisions of this chapter.

(C) The department may apply for and accept funds, grants, gifts, and services from the State, the United States Government or any of its agencies, or any other public or private source and may use funds derived from these sources to defray clerical and administrative costs, as may be necessary for carrying out the department’s duties.

(D) The department shall submit an annual written report to the Governor and the General Assembly no later than December thirty-first of each year. The annual report shall describe:

(1) the number, nature, and kind of cases handled by the department and by county and city veteran service officers of the State;

(2) the amounts of benefits obtained for veterans;

(3) the names and addresses of all certified veteran service officers of the State;

(4) the current status and condition of the department’s domiciliary and nursing homes, including the number of residents received and discharged during the preceding year, occupancy rates, staffing, and all receipts and expenditures from the preceding year; and

(5) any actions taken by the department to implement the provisions of this subsection, including other information and recommendations as the department considers prudent or necessary.

(E) The department shall administer this chapter and shall have the authority and responsibility to apply for and administer any federal programs and develop and coordinate such state programs as may be beneficial to the particular interests of the veterans of this State.

Section 25-11-20. (A) For the purpose of carrying on this work the Governor shall appoint, with the advice and consent of the Senate, a secretary of the department, who is charged with the duty of assisting all veterans, regardless of the wars in which their service may have been rendered, in filing, presenting, and prosecuting to final determination all claims which they have for money compensation, hospitalization, training, and insurance benefits under the terms of federal legislation.

(B) The secretary must be a veteran, as defined in Section 25-11-40, who is well versed in federal legislation relating to these matters and the rules, regulations, and practice of the Veterans Administration as created by Congress.

(C) Before the appointment, the Governor shall receive a recommendation from (1) the executive committee of the American Legion, Department of South Carolina, (2) the Veterans of Foreign Wars of the United States, Department of South Carolina, and (3) the Disabled American Veterans. The Governor is not required to appoint the person recommended. The secretary is subject to removal by the Governor pursuant to the provisions of Section 1-3-240(B).

(D) The secretary's duties shall include:

(1) working with federal officials to obtain additional federal resources and coordinate veterans policy development and information exchange;

(2) coordinating with appropriate state agencies to ensure that available federal and state resources are directed toward assisting veterans and addressing all issues of mutual concern to the State and the armed forces of the United States, including quality of life issues unique to South Carolina's military personnel and their families, quality of educational opportunities for military children, transportation needs, substance abuse, and social service needs;

(3) monitoring and enhancing efforts to provide assistance and support for veterans living in South Carolina and members of the South Carolina National Guard and South Carolina residents in the armed forces reserves not in active federal service in the areas of medical care,

mental health and rehabilitative services, housing, homelessness prevention, job creation, and education;

(4) settling claims, actions, causes of action, and legal proceedings brought against the department or its employees acting within the scope of their employment;

(5) accepting donations and gifts of property or grants of money on behalf of the department in compliance with the law;

(6) initiating the promulgation of regulations;

(7) performing other such functions as may be necessary to supervise, direct, conduct, and administer the daily duties of the department as authorized by law or by rules and policies; and

(8) submitting an annual report to the Governor and the General Assembly, pursuant to Section 25-11-10(D).

Section 25-11-30. (A) The department shall be located in Columbia in space provided by the Department of Administration.

(B) The Department of Administration may provide administrative support to the department for the performance of its duties, including, but not limited to, financial accounting support, human resources administrative support, information technology shared services support, procurement services, and logistical support.

Section 25-11-40. (A) For the purpose of this section, 'veteran' means a person who served on active duty in the armed forces of the United States and who was honorably discharged or released from such service due to a service-connected disability.

(B) Subject to the recommendation of a majority of the Senators representing the county and a majority of the House members representing the county, the secretary shall appoint a county veterans' affairs officer for each county in the State, whose term of office shall begin July first of each odd-numbered year and shall continue for a term of two years and until a successor shall be appointed. Qualifications shall be determined by the county legislative delegation upon a majority vote of the Senators representing the county and a majority of the House members representing the county. A county veterans' affairs officer is an at-will employee of the department, subject to removal for cause at any time by the secretary, a majority of the Senators representing the county, and a majority of the House members representing the county.

(C) All county veterans' affairs officers must successfully complete a comprehensive course of training and be issued accreditation within one year following initial appointment, either through the department or through an accredited national veterans' service organization. A training

council from the South Carolina Association of County Veterans' Affairs Officers, in conjunction with the department or through an accredited national veterans' service organization, shall develop the training criteria. Training and accreditation must be provided by the department or through an accredited national veterans' service organization. A county veterans' affairs officer who does not complete the required training and receives accreditation within the first year following appointment is ineligible for reappointment by the county legislative delegation. Additionally, in order to maintain accreditation, refresher training is required yearly.

(D) In Dorchester County, appointments made pursuant to this section are governed by the provisions of Act 512 of 1996.

Section 25-11-45. Notwithstanding Section 1-30-110(4), a county veterans' affairs office must be funded with monies appropriated by the General Assembly for that purpose and payable directly to the County Treasurer's Office by the State Treasurer.

Section 25-11-50. The secretary shall establish uniform methods and procedures for the performance of service work among the several county officers, maintain contact and close cooperation with such officers, and provide assistance, advice and instructions with respect to changes in law and regulations and administrative procedure in relation to the application of such laws and he may require from time to time reports from such county veterans' affairs officers, reflecting the character and progress of their official duties.

Section 25-11-60. The county veterans' affairs officers shall render semiannually a complete report of their acts and doings to the county legislative delegation of their respective counties upon uniform forms to be furnished by the secretary.

Section 25-11-70. (A) The department shall assist the South Carolina Agent Orange Advisory Council and the Agent Orange Information and Assistance Program at the Division of Health and Environmental Control in carrying out the purposes of Chapter 40, Title 44. The department shall:

(1) refer veterans to appropriate state and federal agencies or other available resources for treatment of adverse health conditions which may have resulted from possible exposure to chemical agents, including Agent Orange;

(2) assist veterans in filing compensation claims for disabilities that may have resulted from possible exposure to chemical agents, including Agent Orange;

(3) communicate the concerns of veterans related to exposure to chemical agents, including Agent Orange, to appropriate state and federal officials.

(B) The department may request that the Attorney General represent a class of individuals composed of veterans who may have suffered adverse health conditions as a result of possible exposure to chemical agents, including Agent Orange, in a suit for release of information relating to the exposure to these chemicals during military service and for release of individual medical records.

Section 25-11-75. (A) The secretary shall appoint an additional claims representative within the department, who, in addition to being charged with the duty of assisting all veterans, regardless of the wars in which their service may have been rendered, in filing, presenting, and prosecuting to final determination all claims which they have for money compensation, hospitalization, training, and insurance benefits under the terms of federal legislation, shall also specialize in the specific needs and diseases associated with veterans of the Vietnam era. The person appointed as a claims representative under this section must be versed in federal legislation relating to these matters and the rules, regulations, and practice of the Veterans Administration as created by Congress.

(B) Subject to the direction of the secretary, and in addition to other duties prescribed in this section, the claims representative appointed pursuant to this section may represent the department on the South Carolina Agent Orange Advisory Council and on the Hepatitis C Coalition established by the South Carolina Department of Health and Environmental Control, assist the department in carrying out its duties in connection with the Agent Orange Information and Assistance program, represent the secretary in connection with functions relating to Vietnam veterans, and perform other duties as may be assigned by the secretary.

(C) The position created by this section is a classified position subject to Article 3, Chapter 11, Title 8 of the 1976 Code. In the general appropriations act for fiscal year 2001-2002 and thereafter, the General Assembly shall add the position in the budget for the department and provide for its funding.

Section 25-11-80. (A) For the purposes of this section:

(1) 'State veterans' cemetery' means a cemetery that the department establishes under this section.

(2) 'Immediate family' means those family members who are eligible for burial in a department national cemetery.

(B) The department may establish one or more cemeteries in the State for the burial of veterans and their immediate families.

(C) The department may accept land, in the name of the State, or otherwise acquire land for a state veterans' cemetery, if the department has the approval of:

(1) the governing body of the county where the state veterans' cemetery is to be located;

(2) the delegation in the General Assembly for the county where the state veterans' cemetery is to be located; and

(3) the Governor.

(D) The department shall maintain and supervise each state veterans' cemetery.

(E)(1) Subject to the limitations in this section, the department shall provide a plot in a state veterans' cemetery, without charge, to an applicant who meets the requirements of this section.

(2) In the order in which the department receives the applications for plots, the department shall allot a plot in the state veterans' cemetery that is closest to the residence of the veteran and has an available plot.

(F)(1) To qualify for a plot in a state veterans' cemetery, the applicant must be a veteran or a member of the immediate family of a veteran who meets the requirements of this subsection.

(2) The veteran must have an honorable discharge from the Armed Forces.

(3) The veteran must have been a resident of the State:

(a) when the veteran entered the Armed Forces;

(b) when the veteran or eligible family member died; or

(c) for five years, unless for a reason that the department finds compelling, the department waives the time period.

(G) To obtain a plot in a state veterans' cemetery, an applicant shall submit to the department an application on the form that the department provides.

(H) In a plot that is allotted to a veteran, the department shall bury:

(1) the veteran; and

(2) any member of the immediate family of the veteran if the family member can be buried in a space above or below the veteran.

(I)(1) The department shall bury the veteran without charge.

(2) For burial of a member of the immediate family, the department may:

- (a) set a fee that does not exceed the cost of burial; or
- (b) accept, from the social security burial allowance, an amount that does not exceed the cost of the burial.

(J) The department shall keep a registry of the graves of veterans who are buried in the state veterans' cemeteries.

Section 25-11-90. (A)(1) The department shall prepare a complete roster of all South Carolina members of the United States military who served on active duty during:

- (a) the Korean conflict;
- (b) the Vietnam conflict;
- (c) Operation Urgent Fury (Grenada);
- (d) Operation Just Cause (Panama);
- (e) Operations Desert Shield and Desert Storm (Iraq and Kuwait);
- (f) Operation Restore Hope (Somalia);
- (g) Operations Joint Guard, Joint Forge, and Joint Endeavor (Bosnia-Herzegovina);
- (h) Operation Joint Guardian (Kosovo);
- (i) Operation Noble Eagle (Homeland Defense); and
- (j) Operations Enduring Freedom and Iraqi Freedom (Afghanistan, Horn of Africa, Iraq, and Philippines).

(2) This roster shall also include veterans born in South Carolina who served on active duty but may have enlisted in another state. Upon returning to South Carolina, that veteran's name must be added to the roster.

(3) The list must be periodically updated to include persons who serve on active duty or are mobilized in any subsequent named military operation in which United States military personnel are engaged in armed conflict or any future war declared by the United States Congress.

(B) The roster shall contain the principal items of record of all military personnel included on the roster as shown by the service cards or records in the Office of State Selective Service, the Adjutant General, and the Department of Defense of the United States. The roster must be arranged in a manner to make the information readily accessible.

(C) The roster also shall contain an Order of Battle to include the name and location of assignment of every unit of the South Carolina National Guard and every active and reserve unit based in South Carolina participating in any of the conflicts listed in subsection (A). The Order of Battle must be periodically updated in conjunction with the roster.

(D) The department shall secure printing of the roster, and a copy or set must be delivered to the South Carolina Department of Archives and History, Department Headquarters of the American Legion and Auxiliary, Department Headquarters of the Veterans of Foreign Wars and Auxiliary, Department Headquarters of the Disabled American Veterans, county libraries, and each county veterans' affairs service officer. Any remaining copies must be placed in the office of the department for distribution as needed.

(E) The preparation and distribution of the roster is subject to the availability of funds as appropriated by the General Assembly to the department for this purpose. These rosters and their distribution must be maintained and updated based on workloads and availability of funds.

(F) The inclusion of a person's name on the roster does not entitle the person to any additional benefits or any benefits for which the person would not otherwise qualify.

Section 25-11-100. (A) There is hereby established the South Carolina Military Base Task Force for the purpose of enhancing the value of military installations and facilities and the quality of life for military personnel located in this State. The task force shall assist military communities with such value enhancement, address the various incentives to military personnel assigned in this State, coordinate the efforts of the military communities, and provide for other methods and incentives to accomplish these purposes. The task force shall coordinate efforts among the public and the private sectors to maintain a significant United States Department of Defense presence in South Carolina. The task force shall advise the Governor and the General Assembly on any issues and strategies related to military base closures, realignments, and mission changes.

(B)(1) The task force shall be comprised of the following members or their designees:

- (a) South Carolina Adjutant General;
- (b) Secretary of the South Carolina Department of Commerce;
- (c) Executive Director of the South Carolina Chamber of Commerce;
- (d) Chief Executive Officer of the Beaufort Chamber of Commerce;
- (e) Chief Executive Officer of the Charleston Metro Chamber of Commerce;
- (f) Chief Executive Officer of the Columbia Chamber of Commerce;

(g) Chief Executive Officer of the Sumter Chamber of Commerce;

- (h) Chairperson of Beaufort County Council;
- (i) Chairperson of Berkeley County Council;
- (j) Chairperson of Dorchester County Council;
- (k) Chairperson of Charleston County Council;
- (l) Chairperson of Richland County Council;
- (m) Chairperson of Sumter County Council;
- (n) Mayor of Beaufort;
- (o) Mayor of Charleston;
- (p) Mayor of Columbia;
- (q) Mayor of North Charleston;
- (r) Mayor of Port Royal;
- (s) Mayor of Sumter;

(t) one or more members of the Senate or the House of Representatives appointed by the Governor; and

(u) five at-large members appointed by the Governor who have demonstrated experience in one or more of the following areas: economic development, defense industry, military installation operation, environmental issues, finance, local government, or senior military leadership, of whom:

(i) four shall represent, respectively, the four military communities of Beaufort, Charleston, Columbia, and Sumter, and each shall reside in the military community that he is appointed to represent; and

(ii) the fifth at-large member shall serve as the task force chairman.

(2) The Governor may designate any one of the members of the task force as its vice chairman.

(C) Staff support and other resources as necessary may be provided through funding by the General Assembly and/or other resources, which shall be administered by the department to assist the task force in carrying out the directives of this section.

(D) The task force chairman shall appoint an executive committee consisting of the chairman; vice chairman, if any; Adjutant General, or his designee; Secretary of Commerce, or his designee; Executive Coordinator, if any; and the four at-large task force members who represent the four military communities of Beaufort, Charleston, Columbia, and Sumter.

(E) The task force executive committee shall also act as an executive advisory committee to the Governor and the General Assembly on various military matters that affect this State and shall coordinate an

annual meeting between the Governor, military commanders, and General Assembly members geographically representing military communities to discuss items of interest to all parties and exchange pertinent information on the current climate and challenges facing our state's military installations and their personnel.

(F) Upon the approval of the secretary, the task force may pursue specialists to provide information and assistance, develop strategic plans, and assist in executing strategies to support military installations and their related military communities to maximize the potential for increased investment by the United States Department of Defense or other defense-related federal agencies and defense-related businesses in this State.

Article 3

South Carolina Military Family Relief Fund

Section 25-11-310. For the purposes of this article:

(1) 'Active duty' means military service performed as State Active Duty under the South Carolina Military Code, or corresponding provisions of the applicable state statute for South Carolina residents who are National Guard members of other states; military service performed under the provisions of Title 32, United States Code; or military service performed under the provisions of Title 10, United States Code.

(2) 'Department' means the Department of Veterans' Affairs.

(3) 'Duty as a result of September 11, 2001, terrorist attacks' means active duty service of a minimum of thirty consecutive days, directly related to the President's Partial Mobilization Authority in response to the attacks, (currently referred to as Operation Noble Eagle and Operation Enduring Freedom); any future operations as determined by the President; or any future operations as determined by the Governor of the State.

(4) 'Families of members' means a husband, wife, child, mother, father, brother, sister, or other person who has been approved as a dependent and is enrolled in the Defense Enrollment Eligibility Reporting System (DEERS) in accordance with applicable military regulations. A custodial parent or guardian of a member's dependent may apply for a grant on behalf of that dependent.

(5) 'Next of kin' means the person listed as next of kin for the member in DEERS. In the case of multiple entries for next of kin, the first person listed is considered next of kin for the purposes of this article.

Section 25-11-320. There is established in the State Treasury a fund separate and distinct from the general fund of the State and all other funds entitled the South Carolina Military Family Relief Fund. Earnings on this fund must be credited to it and a balance in the fund at the end of a fiscal year does not lapse to the general fund of the State but is instead carried forward in the fund to the succeeding fiscal year and used for the same purposes. The fund is not subject to mid-year budget reductions. Revenues of the fund include amounts donated to it pursuant to the state individual income tax return as provided in Section 12-6-5060, other grants or donations made to the fund, regardless of source, and amounts as may be appropriated to the fund by the General Assembly. The department may award grants from the fund in the manner and for the purposes provided in this article. Grants awarded may not at any time exceed the fund balance at the time of the grant.

Section 25-11-330. (A) The intent of this article is to provide an opportunity on standard individual income tax forms to allow individual taxpayers and other donors to contribute to the South Carolina Military Family Relief Fund, and to provide the department the authority to award grants from the fund to families of South Carolina National Guard members or other Reserve component members, to include the Army Reserve, Marine Corps Reserve, Naval Reserve, Air Force Reserve, and Coast Guard Reserve, and including National Guard members of other states, who are South Carolina residents and were called to active military service as a result of the September 11, 2001, terrorist attacks.

(B) The grants must be in the form of three types of payments:

(1) payments based on the need of the member or the member's family as determined eligible under Section 25-11-340;

(2) payments based on the member's status as a member of the South Carolina National Guard or other Reserve component, made to the member or the member's family as determined eligible under Section 25-11-350;

(3) payments to the member's next of kin as determined eligible under Section 25-11-360.

Section 25-11-340. (A) The grant applicant must show proof of the following:

(1) The applicant is a member of the South Carolina National Guard or a South Carolina resident who is a member of another United States Armed Forces Reserve component, applying on behalf of the applicant's family, or is a family member of that member. Proof of

residency for military members consists of information obtained from DEERS. Proof of a familial relationship also consists of information obtained from DEERS.

(2) The South Carolina National Guard or Reserve component member was on active military duty for at least thirty consecutive days as a result of the September 11, 2001, terrorist attacks. Proof of active duty consists of a copy of the orders issued by an authorized headquarters ordering the member to this duty and documentation showing this duty was actually performed. Eligible active duty includes any active duty since September 11, 2001.

(3) A copy of a payroll record from the member's civilian employer that indicates member's monthly salary plus a copy of a military payroll record that indicates the member's monthly salary.

(4) Proof that the military salary, including Basic Allowance for Housing, of the member has decreased by thirty percent or greater from the applicant's civilian salary.

(5) Proof that the member or family member has incurred or is about to incur a specific monetary expense relating to clothing, food, housing, utilities, medical services, medical prescriptions, insurance or vehicle payments. This proof includes, but is not limited to, a copy of a bill, invoice, estimate, cancellation notice, or any other similar record.

(6) A signed statement that the grant request is for the purpose identified in the application and that the grant funds will be used for the purposes requested.

(7) The South Carolina National Guard or Reserve component member holds a pay grade no higher than O-3, if a commissioned officer, or W-2, if a warrant officer. Individuals or families are eligible for the grant based upon rank at the time of the mobilization. Proof of pay grades consists of information obtained from DEERS.

(8) If a custodial parent or guardian is applying for a grant on behalf of a member's dependent, then the custodial parent or guardian must provide proof of guardianship of a member's dependent currently enrolled in DEERS.

(9) The department may waive the requirements in subsection (A)(4) upon a written request indicating the circumstances justifying such a waiver, and upon proof that there has in fact been some decrease from the member's civilian salary. These circumstances include, but are not limited to, death, injury, or incapacity of the member, long-term deployment of the member, and unexpected expenses incurred by the member's family. The department may use discretion in granting or denying these requests.

(B) The following members are ineligible to receive grants:

- (1) all commissioned and warrant officers with pay grades of O-4 and W-3, or higher;
- (2) personnel serving in Active Guard/Reserve (AGR) or similar full-time unit support programs unless called to Title 10 service;
- (3) members who are unmarried and have no family members enrolled in DEERS;
- (4) members who, at any time before the disbursement of funds pursuant to a grant application under this section, receive a punitive discharge, or an administrative discharge with service characterized as Under Other Than Honorable Conditions.

Section 25-11-350. (A) The grant applicant must show proof of the following:

(1) The applicant is a member of the South Carolina National Guard or a South Carolina resident who is a member of another United States Armed Forces Reserve component, applying on behalf of the applicant's family or is a family member of that member. Proof of residency for military members consists of information obtained from the Defense Enrollment Eligibility Reporting System (DEERS). Proof of a familial relationship also consists of information obtained from DEERS.

(2) The South Carolina National Guard or Reserve component member was on active military duty for at least thirty consecutive days as a result of the September 11, 2001, terrorist attacks. Proof of active duty consists of a copy of the orders issued by an authorized headquarters ordering the member to this duty and documentation showing that this duty was actually performed. Eligible active duty includes any active duty since September 11, 2001.

(3) The South Carolina National Guard or Reserve component member holds a pay grade no higher than O-3, if a commissioned officer, or W-2, if a warrant officer. Individuals or families are eligible for the grant based upon rank at the time of mobilization. Proof of pay grades consists of information obtained from DEERS.

(B) The following members are ineligible to receive grants:

- (1) all commissioned and warrant officers with pay grades of O-4 and W-3, or higher;
- (2) personnel serving in Active Guard/Reserve (AGR) or similar full-time unit support programs unless called to Title 10 service;
- (3) members who are unmarried and who have no family members enrolled in DEERS;

(4) members who receive a punitive discharge or an administrative discharge with service characterized as Under Other Than Honorable Conditions.

Section 25-11-360. (A) The grant applicant must show proof of the following:

(1) The applicant is a member of the South Carolina National Guard or a South Carolina resident who is a member of another United States Armed Forces Reserve component, applying on behalf of the applicant's family, or is next of kin of that member. Proof of residency for military members consists of information obtained from DEERS. Proof of a familial relationship also consists of information obtained from DEERS.

(2) The South Carolina National Guard or Reserve component member was on active military duty for at least thirty consecutive days as a result of the September 11, 2001, terrorist attacks. Proof of active duty consists of a copy of the orders issued by an authorized headquarters ordering the member to this duty and documentation showing that this duty was actually performed.

(3)(a) A statement signed by the member stating that the member sustained a service-connected injury or illness; or

(b) a statement signed by the member's next of kin that the member was killed in action, is missing in action, or is a prisoner of war.

(4) Proof of next of kin status includes, but is not limited to, an affidavit signed by the applicant or information obtained from DEERS.

(5) The department may waive the thirty-day requirement in subsection (A)(2) upon a written request indicating the circumstances justifying the waiver. The department may use discretion in granting or denying these requests.

(6) The department must verify with the United States Department of Defense that the member has been wounded or killed, is missing in action, is a prisoner of war, or was otherwise incapacitated while on active duty. No payments may be made without this verification.

(B) Applications submitted under this section take precedence over all other applications.

(C) Members who, at any time before the disbursement of funds pursuant to a grant application under this section, receive a punitive discharge or an administrative discharge with service characterized as Under Other Than Honorable Conditions, are ineligible to receive grants pursuant to this section.

Section 25-11-370. (A) Payments to a South Carolina National Guard or Reserve component member's family pursuant to Section 25-11-340 may not exceed two thousand dollars, to include any amounts paid pursuant to provisions of Section 25-11-380 during a state fiscal year.

(B) If a grant payment is to be used for the purpose of payments for food, housing, utilities, medical services or medical prescriptions, it may be noted on the application.

(C) No additional applications from a member or a member's family may be accepted within one hundred eighty days from receipt of any prior applications.

(D) All grants must be paid directly to the applicant. Payments must not be made directly to creditors.

(E) The department may waive the requirements in subsections (A) and (C) of this section upon a written request indicating the circumstances justifying the waiver. The department may use discretion in granting or denying these requests. However, in no event may payments authorized pursuant to this section exceed three thousand dollars during any state fiscal year.

Section 25-11-380. (A) All grants pursuant to Section 25-11-350 must be a flat rate of five hundred dollars unless the number of requests and fund balance necessitate a lesser amount as determined by the department.

(B) South Carolina National Guard or Reserve component members' families may receive a grant only one time in each fiscal year and only one time for each active duty order.

(C) All grants must be paid directly to the applicant. Payments must not be made directly to creditors.

Section 25-11-390. (A) All grants pursuant to Section 25-11-360 must be a flat rate of one thousand dollars unless the number of requests and fund balance necessitate a lesser amount as determined by the department.

(B) South Carolina National Guard or Reserve component members or next of kin may receive a grant only one time for each active duty order.

(C) All grants must be paid directly to the applicant. Payments must not be made directly to creditors.

Section 25-11-400. (A) The procedures governing the acceptance of applications are as follows:

(1) To receive consideration for a grant, applicants must request and submit an application provided by the department.

(2) All necessary documentation must be included with the application unless otherwise provided pursuant to DEERS and the applicant shall authorize access to DEERS for purposes of verification.

(3) Applications may be submitted via facsimile but the original documentation must be submitted before any grant payments are authorized.

(4) Incomplete applications must be returned to the applicant.

(5) The department, upon receipt of a complete original application, shall verify required information under DEERS and then shall process the information for payment. The application must be processed in an expeditious manner.

(B) The procedure governing payments are as follows:

(1) Payment must be made to the applicant who has met all eligibility requirements.

(2) The timeliness of payment is determined by the amount of funds available at the time of application.

(3) If adequate funds are not available, the application must be held in a queue until funds are available.

(4) Applications for casualty-based grants take precedence over all others.

(C) The procedures governing denials of applications are as follows:

(1) Grant applications from those not meeting eligibility requirements must be denied.

(2) A letter explaining the denial, as well as providing additional sources of available relief, must be sent to the applicant within thirty days after receipt of the application.

Article 5

South Carolina Prisoner of War Medal

Section 25-11-510. There is created the South Carolina Prisoner of War 'POW' Medal. The Governor may present the medal on behalf of the people of the State of South Carolina to any person who:

(1) on the date of induction into the organized militia or federal military service, was a resident of this State and who, while serving in the organized militia or in federal military service on active duty in a combat theater of operation during a time of war or emergency, was officially listed as a prisoner of war by the United States Department of Defense;

(2) on the date of induction into the organized militia or federal military service, was not a resident of this State but currently resides in this State or was a resident at the time of death and who, while serving in the organized militia or in federal military service on active duty in a combat theater of operation during time of war or emergency, was officially listed as a prisoner of war by the United States Department of Defense; or

(3) meets the residency requirements of item (1) or (2), and was taken prisoner and held captive while:

(a) engaged in an action against an enemy of the United States;

(b) engaged in military operations involving conflict with an opposing foreign force; or

(c) serving with friendly forces engaged in an armed conflict against an opposing force in which the United States is not a belligerent party.

Section 25-11-520. (A) The department, in consultation with the Adjutant General, shall determine eligibility for the medal. For any person qualifying for the medal pursuant to Section 25-11-510(3), the secretary shall determine eligibility on a case by case basis. There is no required period of captivity; however, the secretary and the Adjutant General shall compare such cases to those under which persons have generally been held captive by enemy forces during periods of armed conflict.

(B) The department may require a copy of DD Form 214 or WD Form 53 and any other information necessary to determine eligibility.

Section 25-11-530. Any person convicted by a United States military tribunal of misconduct or a criminal charge or whose discharge is less than honorable based on actions while a POW is ineligible for the medal. Any POW whose conduct was not in accord with the Code of Conduct and whose actions are documented by United States military records, is ineligible for the medal. Resolution of questionable cases shall be the responsibility of the secretary, in consultation with the Adjutant General.

Section 25-11-540. No person may be awarded more than one South Carolina POW Medal.

Section 25-11-550. The medal may be awarded for a deceased person or a person absent as a prisoner of war and presented to the person's next of kin.

Section 25-11-560. The department must develop and implement a plan to accept nominations for the medal.

Section 25-11-570. (A) The Adjutant General, in consultation with the secretary, shall develop the appropriate design and appearance of the medal and a ribbon to be worn in lieu of the medal. However, nothing in this section requires the secretary or the Adjutant General to provide or pay for the medal, ribbon, or its design.

(B) There is created in the State Treasury a special fund to be known as the South Carolina Prisoner of War Medal Fund for the sole purpose of receipt and disbursement of donated funds from the public to be used in the design, production, purchasing, and presentation of the South Carolina Prisoner of War Medal as administered by the secretary, in consultation with the Adjutant General. The department, or the Adjutant General, shall remit all funds donated to the South Carolina Prisoner of War Medal Fund to the Office of State Treasurer for deposit and disbursement.”

Coordinating instructions

SECTION 4. (A) All classified or unclassified personnel employed by these offices on the effective date of this act, either by contract or by employment at will, shall become employees of the Department of Veterans’ Affairs, with the same compensation, classification, and grade level, as applicable. The Department of Administration shall cause all necessary actions to be taken to accomplish this transfer in accordance with state laws and regulations.

(B) Regulations promulgated by the Division of Veterans’ Affairs as it formerly existed under the Department of Administration are continued and are considered to be promulgated by the newly created Department of Veterans’ Affairs.

(C) The Code Commissioner is directed to change or correct all references to Division of Veterans’ Affairs within the Department of Administration in the 1976 Code, to reflect the transfer of it to the Department of Veterans’ Affairs. References to the Division of Veterans’ Affairs in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate reference to the Department of Veterans’ Affairs. This authority shall not be construed to remove any authority from the Department of Administration for approval of statewide policies, procedures,

regulations, rates and fees, or specific actions requiring Department of Administration approval.

Time effective

SECTION 5. This act takes effect July 1, 2019. County veterans' affairs officers serving on or before the effective date of Section 25-11-40(B), as amended by this act, are not subject to the revised qualifications provided in this section.

Ratified the 25th day of April, 2019.

Approved the 26th day of April, 2019.

No. 27

(R40, H3483)

AN ACT TO REPEAL SECTION 3 OF ACT 138 OF 2016 RELATING TO THE AUTOMATIC REPEAL OF STATUTORY PROVISIONS REQUIRING CERTAIN COAL COMBUSTION RESIDUALS BE PLACED IN A CLASS 3 LANDFILL.

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

Section 3 of Act 138 of 2016 repealed

SECTION 1. SECTION 3 of Act 138 of 2016 is repealed.

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 25th day of April, 2019.

Approved the 26th day of April, 2019.

No. 28

(R58, H3698)

AN ACT TO AMEND SECTION 48-39-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEVELOPMENT OF THE COASTAL MANAGEMENT PROGRAM, SO AS TO DEEM CERTAIN COASTAL ZONE CONSISTENCY CERTIFICATIONS APPROVED WITHIN THIRTY DAYS OF AN ADMINISTRATIVELY COMPLETE APPLICATION.

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

Dock permits, coastal zone consistency certification

SECTION 1. Section 48-39-80(B)(11) of the 1976 Code is amended to read:

“(11) Develop a system whereby the department shall have the authority to review all state and federal permit applications in the coastal zone, and to certify that these do not contravene the management plan. For individual navigable waters permits for docks located in the eight coastal counties but outside of critical areas, a coastal zone consistency certification is deemed approved if certification review is not completed within thirty days of an administratively complete application.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

No. 29

(R59, H3699)

AN ACT TO AMEND SECTION 48-39-145, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATION FEES FOR PERMITS TO ALTER CRITICAL AREAS, SO AS TO AUTHORIZE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEFER TO THE UNITED STATES ARMY CORPS OF ENGINEERS IN DETERMINING THE SIZE OF A PRIVATE RECREATIONAL DOCK CONSTRUCTED ON THE ATLANTIC INTRACOASTAL WATERWAY FEDERAL NAVIGATION PROJECT.

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

Dock permits, deference to United States Army Corp of Engineers

SECTION 1. Section 48-39-145 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“() For permit applications to construct private recreational docks on the Atlantic Intracoastal Waterway Federal Navigation Project in a county where more than eighty percent of the Atlantic Intracoastal Waterway is outside of the critical area, the department shall defer to the United States Army Corps of Engineers in determining the total allowable dock square footage of the structure.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

No. 30

(R43, S12)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-225 SO AS TO DESIGNATE THE THIRD WEDNESDAY IN FEBRUARY OF EACH YEAR AS “BARBERS’ DAY” IN SOUTH CAROLINA.

Whereas, the practice of barbering has a long history, with razors having been found among relics of the Bronze Age, around 3500 B.C., in Egypt; and

Whereas, although in modern times barbers are best known for providing haircuts and clean shaves, the work of barbers has evolved over the centuries, including serving as surgeons and dentists during the Middle Ages; and

Whereas, barbershops enjoy a special cultural significance in America, serving as gathering places where issues of the day are discussed and friendships are fostered; and

Whereas, in South Carolina today, over 4,100 barbers are engaged in this distinguished occupation, proudly serving thousands of South Carolinians daily. Now, therefore,

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

Barbers’ Day established

SECTION 1. Chapter 3, Title 53 of the 1976 Code is amended by adding:

“Section 53-3-225. The third Wednesday in February of each year is designated as ‘Barbers’ Day’ in South Carolina in recognition of the cultural significance of barbering and the invaluable contributions of the practice of barbering in the Palmetto State.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

No. 31

(R44, S109)

AN ACT TO AMEND SECTION 40-79-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA ALARM SYSTEM BUSINESS ACT, SO AS TO ADD A DEFINITION FOR “ELECTRIC FENCE”, TO ADD AND REVISE OTHER DEFINITIONS, AND TO MAKE TECHNICAL CORRECTIONS.

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

Alarm businesses, electric fences, definitions

SECTION 1. Section 40-79-20 of the 1976 Code is amended to read:

“Section 40-79-20. As used in this chapter:

(1) ‘Administrative personnel’ means an individual who performs daily office functions for the management of an alarm business.

(2) ‘Alarm business’ means an entity that is licensed by the South Carolina Contractor’s Licensing Board to engage in the burglar or fire alarm system business, or both.

(3) ‘Alarm technician’ means an individual who specializes in any activity or work related to the set up or installation, repair, alteration, or connection of an alarm system to a client’s property.

(4) ‘Bid’ means an offer to furnish labor, equipment or materials, or other services regulated by this chapter.

(5) ‘Board’ means the South Carolina Contractor’s Licensing Board.

(6) ‘Burglar alarm system business’ means a person, firm, association, partnership, corporation, or other legal entity authorized by law and approved by the board that designs, installs, services, maintains, or alters burglar alarm systems, including burglar alarm systems with an electric fence as defined herein, and heat and smoke sensors installed within a burglar alarm system; a burglar alarm system detects intrusion,

burglary, and breaking or entering but does not include home health care signaling devices.

(7) 'Contractor' means an entity licensed to engage in the burglar or fire alarm system business.

(8) 'Customer service personnel' means an individual working for a licensed alarm entity who provides support for customer problems, complaints, questions, and concerns involving an alarm system.

(9) 'Department' means the Department of Labor, Licensing and Regulation.

(10) 'Electric fence' means an electrified fence with a height not to exceed ten feet or two feet higher than the perimeter fence, whichever is higher, that is equipped with an energizer, driven by a commercial storage battery that does not exceed twelve volts DC. The electric charge produced by the fence upon contact must meet and may not exceed energizer characteristics that are tested against the International Electrotechnical Commission Standard. No electric fence shall be installed or used unless it is surrounded by a nonelectrical fence or wall that is not less than five feet high. Electric fences shall be permitted on any property that is not zoned exclusively for residential use. Electric fences shall be clearly identified with warning signs that read: 'Warning - Electric Fence' at intervals of not more than sixty feet. 'Electric fence' does not mean an electrified fence erected for agricultural or wildlife habitat management purposes.

(11) 'Entity' means a sole proprietorship, partnership, limited liability partnership, limited liability company, association, joint venture, cooperative, corporation, or other legal entity authorized by law and approved by the board.

(12) 'Fire alarm system business' means an individual, firm, association, partnership, corporation, or other legal entity authorized by law and approved by the board that designs, installs, services, maintains, or alters fire alarm systems.

(13) 'Individual' means a natural person.

(14) 'Installs' means activity or work which involves the set-up, installation, or connection of alarm system equipment in any manner to a client's property.

(15) 'Licensee' means an alarm business that has been issued a license by the board pursuant to this chapter.

(16) 'Monitoring personnel' means an individual who performs daily office functions, observing the operation and activation of alarm systems from a monitoring station.

(17) 'Primary qualifying party' means a qualifying party who is an owner, partner, or officer of a burglar alarm system business, or a

full-time employee holding a managerial or supervisory position within the alarm system business and who qualifies the licensee to engage in the burglar or fire alarm business and is registered as a qualifying party with the department in accordance with this chapter.

(18) 'Qualifying party' means an individual, owner, partner, officer, or employee of an alarm system business who has met the necessary requirements of a qualifying party and is registered with the department in accordance with this chapter.

(19) 'Registered' means an owner, partner, principle officer, qualifying party, or registered employee of an alarm business whose name and address has been listed or registered with the department as an individual who has access to a client's property or burglar alarm records that can reveal, but not be limited to, the type of burglar alarm system, burglar alarm security numbers or code, or any other information pertaining to the system that could compromise the client's burglar alarm system. This includes individuals who sell, install, or service a burglar alarm system at a client's residence and a full-time employee. Also included is a part-time employee that has access to customers' records or files.

(20) 'Registered employee' means an individual of an alarm system business who has not met the requirements of a qualifying party and is employed more than thirty days in any given calendar year and is registered with the department in accordance with this chapter."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

No. 32

(R45, S132)

AN ACT TO AMEND SECTION 40-47-195, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PHYSICIAN SUPERVISION OF CERTAIN PRACTITIONERS, SO AS TO MAKE VARIOUS CHANGES CONCERNING SCOPE OF PRACTICE GUIDELINES; AND TO AMEND ARTICLE 7,

CHAPTER 47, TITLE 40, RELATING TO THE SOUTH CAROLINA PHYSICIAN ASSISTANTS PRACTICE ACT, SO AS TO REVISE THE ARTICLE IN ITS ENTIRETY.

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

Supervising physicians and scopes of practice

SECTION 1. Section 40-47-195 of the 1976 Code is amended to read:

“Section 40-47-195. (A) A licensee who supervises another practitioner shall hold a permanent, active, unrestricted authorization to practice in this State and be currently engaged in the active practice of their respective profession or shall hold an active unrestricted academic license to practice medicine in this State.

(B) Pursuant to this chapter, only licensed physicians may supervise another practitioner who performs delegated medical acts in accordance with the practitioner’s applicable scope of professional practice authorized by state law. It is the supervising physician’s responsibility to ensure that delegated medical acts to other practitioners are performed under approved written scope of practice guidelines or approved written protocol in accordance with the applicable scope of professional practice authorized by state law. A copy of approved written scope of practice guidelines or approved written protocol, dated and signed by the supervising physician and the practitioner, must be provided to the board by the supervising physician within seventy-two hours of request by a representative of the department or board.

(C) In evaluating a written guideline or protocol, the board and supervising physician or medical staff shall consider the:

- (1) training and experience of the supervising physician;
- (2) nature and complexity of the delegated medical acts being performed;
- (3) geographic proximity of the supervising physician to the supervised practitioner; when the supervising physician is not located at the same site as the supervised practitioner, special consideration must be given to the manner in which the physician intends to monitor the practitioner, and prior board approval must be received for this practice unless otherwise provided in this chapter; and
- (4) number of other practitioners the physician or medical staff supervises. Reference must be given to the number of supervised practitioners, as prescribed by law. When the supervising physician assumes responsibility for more than the number of practitioners

prescribed by law, special consideration must be given to the manner in which the physician intends to monitor, and prior board approval must be received for this practice.

(D)(1) A physician or medical staff who are engaged in practice with a PA, NP, CNM, or CNS must:

(a)(i) hold permanent, active, and unrestricted authorization to practice medicine in this State and be actively practicing medicine within the geographic boundaries of this State; or

(ii) hold an active, unrestricted academic license to practice medicine in this State and be actively practicing medicine within the geographic boundaries of this State;

(b) have in place prior to beginning practice and during its continuation a practice agreement as defined in Section 40-47-20(35) or scope of practice guidelines as defined in Section 40-47-20(5), a copy of which the physician must make available to the board within seventy-two hours of a request;

(c) not enter into scope of practice guidelines or practice agreements with more than the equivalent of six full-time PAs, NPs, CNMs, or CNSs and must not practice in a situation in which the number of NPs, CNMs, or CNSs providing clinical services with whom the physician is working, combined with the number of PAs providing clinical services whom the physician is supervising, is greater than six individuals at any one time, provided, however, that the board may approve an exception to these requirements upon application by the physician, if the board determines that an exception is warranted and that quality of care and patient safety will be maintained;

(d) not enter into a practice agreement with a PA, NP, CNM, or CNS performing a medical act, task, or function that is outside the usual practice of that physician or outside of the physician's training or experience, provided, however, that the board may approve an exception to this requirement upon application by the physician, if the board determines that an exception is warranted and that quality of care and patient safety will be maintained; and

(e) maintain responsibility in the practice agreement for the health care delivery team pursuant to rules and regulations of the Board of Medical Examiners.

(2) The board is authorized to conduct random audits of scope of practice guidelines and practice agreements.”

South Carolina Physician Assistant Practice Act, revised

SECTION 2. Article 7, Chapter 47, Title 40 of the 1976 Code is amended to read:

“Article 7

South Carolina Physician Assistants Practice Act

Section 40-47-905. This article may be cited as the ‘South Carolina Physician Assistants Practice Act’.

Section 40-47-910. As used in this article:

(1) ‘Alternate physician supervisor’ or ‘alternate supervising physician’ means a South Carolina licensed physician currently possessing an active, unrestricted permanent license to practice medicine in South Carolina who accepts the responsibility to supervise a PA’s activities in the absence of the supervising physician and this physician is approved by the physician supervisor in writing in the scope of practice guidelines.

(2) ‘Board’ means the Board of Medical Examiners of South Carolina.

(3) ‘Committee’ means the Physician Assistant Committee as established by this article as an advisory committee responsible to the board.

(4) ‘Immediate consultation’ means a supervising physician must be available for direct communication by telephone or other means of telecommunication.

(5) ‘NCCPA’ means the National Commission on Certification of Physician Assistants, Inc., the agency recognized to examine and evaluate the education of PAs, or its successor organization as recognized by the board.

(6) ‘Physician assistant’ or ‘PA’ means a health care professional licensed to assist in the practice of medicine with a physician supervisor.

(7) ‘Physician supervisor’ or ‘supervising physician’ means a South Carolina licensed physician currently possessing an active, unrestricted permanent license to practice medicine in South Carolina who is approved to serve as a supervising physician. The physician supervisor is the individual who is responsible for supervising a PA’s activities.

(8) ‘Supervising’ means overseeing the activities of, and accepting responsibility for, the medical services rendered by a PA as part of a physician-led team in a manner approved by the board.

Section 40-47-915. This article does not apply to a person:

(1) who is employed as a PA by the United States Government, where such services are provided solely under the direction or control of the United States Government;

(2) pursuing a course of study leading to a degree or certificate to practice as a physician assistant in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant, or its successor agency, provided, however, the person must be clearly identified by a badge or other adornment with that person's name and the words 'Physician Assistant Student' clearly legible. The badge or adornment must be at least one inch by three inches in size.

Section 40-47-920. The Director of the Department of Labor, Licensing and Regulation may employ additional staff as necessary for the performance of the department's duties under this article.

Section 40-47-925. (A) There is created the Physician Assistant Committee as an advisory committee to the board which consists of nine members to be appointed by the Board of Medical Examiners. Three of the members must be licensed PAs with a minimum of three years of patient care experience in this State. Two members must be consumers, and three members must be physicians who are licensed to practice in this State. Of the three physician members, at least two must regularly supervise a PA. One member of the Board of Medical Examiners shall serve on the committee ex officio. All organizations, groups, or interested individuals may submit recommendations to the board of at least two individuals for each position to be filled on the committee.

(B) The members shall serve for terms of four years and until their successors are appointed and qualify, except the initial term of two PAs, the consumer member, and one physician are for two years. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term. The board, after notice and opportunity for hearing, may remove any member of the committee for negligence, neglect of duty, incompetence, revocation or suspension of license, or other dishonorable conduct. Members of the committee shall receive mileage, subsistence, and per diem as provided by law for members of state boards, commissions, and committees for each meeting attended. No member may serve more than two full four-year terms consecutively, but may be eligible for reappointment four years from the date the last full four-year term expired.

(C) The committee shall meet at least two times yearly and at other times as may be necessary. A quorum for all meetings shall consist of five members. At its initial meeting, and at the beginning of each year thereafter, the committee shall elect from its membership a chairman, vice chairman, and secretary to serve for a term of one year.

(D) The committee shall receive and account for all monies under the provisions of this article and shall pay all monies collected to the board for deposit with the State Treasurer as provided for by law.

Section 40-47-930. (A) The committee shall evaluate the qualifications for licensure and make recommendations to the board.

(B) The board may issue subpoenas, examine witnesses, and administer oaths and may investigate allegations of practices violating the provisions of this article.

(C) The committee:

(1) may recommend regulations to the board relating to professional conduct to carry out the provisions of this article including, but not limited to, professional certification and the establishment of ethical standards of practice for persons holding a license to practice as PAs in this State;

(2) shall conduct hearings and keep records and minutes necessary to carry out its functions;

(3) shall provide notice of all hearings authorized under this article pursuant to the Administrative Procedures Act;

(4) shall determine the qualifications and make recommendations regarding the issuance of licenses to qualified PAs;

(5) shall recommend to the board whether to issue or renew licenses under those conditions prescribed in this article;

(6) may recommend requirements to the board for continuing professional education of PAs to the board;

(7) shall keep a record of its proceedings and a register of all licensees, including their names and last known places of employment and residence. The board shall annually compile and make available a list of PAs authorized to practice in this State. An interested person may obtain a copy of this list upon application to the board and payment of an amount sufficient to cover the cost of printing and mailing;

(8) shall report annually to the board on duties performed, actions taken, and recommendations;

(9) shall hear disciplinary cases and recommend findings of fact, conclusions of law, and sanctions to the board. The board shall conduct a final hearing at which it shall make a final decision; and

(10) shall perform such duties and tasks as may be delegated to the committee by the board.

Section 40-47-935. (A) PAs may perform:

(1) medical acts, tasks, or functions within written scope of practice guidelines under physician supervision;

(2) those duties and responsibilities, including the prescribing and dispensing of drugs and medical devices, that are lawfully delegated by their supervising physicians; provided, however, only PAs holding a permanent license may prescribe drug therapy as provided in this article; and

(3) telemedicine in accordance with the requirements of Section 40-47-37 including, but not limited to, Section 40-47-37(C)(6) requiring board authorization prior to prescribing Schedule II and Schedule III prescriptions; Section 40-47-113, approved written scope of practice guidelines, and pursuant to all physician supervisory requirements imposed by this chapter.

(B) Notwithstanding any provisions of state law other than this chapter, and to the extent permitted by federal law, a PA may perform the following medical acts unless otherwise provided in the scope of practice guidelines:

(1) provide noncontrolled prescription drugs at an entity that provides free medical care for indigent patients;

(2) certify that a student is unable to attend school but may benefit from receiving instruction given in his home or hospital;

(3) refer a patient to physical therapy for treatment;

(4) pronounce death, certify the manner and cause of death, and sign death certificates pursuant to the provisions of Chapter 63, Title 44 and Chapter 8, Title 32;

(5) issue an order for a patient to receive appropriate services from a licensed hospice as defined in Chapter 71, Title 44;

(6) certify that an individual is handicapped and declare that the handicap is temporary or permanent for the purposes of the individual's application for a placard; and

(7) execute a do not resuscitate order pursuant to the provisions of Chapter 78, Title 44.

(C)(1) If provided in the scope of practice guidelines, a PA may delegate the following tasks to unlicensed assistive personnel to be performed under the PA's supervision:

(a) meeting patients' needs for personal hygiene;

(b) meeting patients' needs relating to nutrition;

(c) meeting patients' needs relating to ambulation;

- (d) meeting patients' needs relating to elimination;
- (e) taking vital signs;
- (f) maintaining asepsis; and
- (g) observing, recording, and reporting any of the tasks enumerated in this subsection.

(2) A PA may not delegate the administration of medication to unlicensed assistive personnel.

(D) A PA is an agent of his supervising physician in the performance of all practice-related activities, including, but not limited to, the ordering of diagnostic, therapeutic, and other medical services.

(E) A PA may sign specified documents on behalf of the supervising physician or alternate supervising physician if authorized in the scope of practice guidelines.

Section 40-47-938. (A) A physician currently possessing an active, unrestricted permanent license to practice medicine under the provisions of this chapter, who accepts the responsibility to supervise a PA's activities, must enter into a supervisory relationship with a PA licensed pursuant to this article, subject to approval of scope of practice guidelines by the board. The physician must notify the board, in writing, of the proposed supervisory relationship and include the proposed scope of practice guidelines for the relationship. The PA may begin clinical practice with the named supervising physician and alternate physicians ten business days after the scope of practice guidelines have been submitted to the board and until a final determination is made by the board.

(B) A supervising physician may determine that there are additional medical acts, tasks, or functions for which a PA under the physician's supervision needs additional training or education to meet the needs of the physician's practice and that the physician would like to incorporate into the PA's scope of practice guidelines. The physician must determine, in consultation with the PA, the means of educating the PA, which may include training under the direct supervision of the physician, education, or certification of proposed practices or other appropriate educational methods. The physician must notify the board in writing of the requested changes to the PA's scope of practice guidelines and must provide documentation to the board of the competence of the PA to perform the additional medical acts, tasks, or functions. The PA may incorporate these additional medical acts, tasks, or functions into practice ten business days after the proposed changes have been submitted to the board and until a final determination is made by the board.

(C) The board shall review and determine whether to approve these proposed scope of practice guidelines or requested changes to the scope of practice guidelines within ten business days after receipt of notice from the supervising physician as required by subsections (A) and (B). If the board needs additional information or clarification, a physician member of the board must contact the supervisory physician within ten business days of receipt of the physician's notice. If the board requests additional information or clarification to consider approval of scope of practice guidelines or changes to these guidelines, the supervising physician shall provide it in a timely manner; and upon receipt, a determination regarding approval must be made within three business days. If the proposed scope of practice guidelines or proposed changes, or a portion thereof, is disapproved by the board, then the board must provide a written explanation for its determination and a suggested remedy if possible. Upon receipt of the board's determination, the supervising physician and PA must practice in accordance with the board's determination.

(D) If a PA is to be employed by a hospital system or provider group with a credentialing committee, then the credentialing committee may begin the credentialing process necessary to employ the PA upon submittal of the proposed scope of practice guidelines to the board.

(E) A physician and a PA beginning practice pursuant to this section under a proposed scope of practice guidelines or proposed changes to a scope of practice guidelines ten business days after submittal to the board, but before a determination is made by the board, must not be subject to any disciplinary action for beginning practice.

Section 40-47-940. A license application must be submitted to the board on forms supplied by the board. The application must be complete in every detail before licensure may be granted and must be accompanied by a nonrefundable fee, provided, however, that a PA may not practice until the supervising physician and PA comply with the requirements of Section 40-47-938.

Section 40-47-945. Except as otherwise provided in this article, an individual shall obtain a permanent license from the board before the individual may practice as a PA. The board shall grant a permanent license as a PA to an applicant who has:

- (1) submitted a completed application on forms provided by the board;
- (2) paid the nonrefundable application fees established in this article;

(3) successfully completed an educational program for PAs approved by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor or successor organization;

(4) successfully passed the PA National Certifying Examination administered by the National Commission on the Certification of Physician Assistants (NCCPA) and provided documentation that the applicant possesses a current, active NCCPA certificate;

(5) certified that the applicant is mentally and physically able to engage safely in practice as a PA;

(6) no licensure, certificate, or registration as a PA under current discipline, revocation, suspension, probation, or investigation for cause resulting from the applicant's practice as a PA;

(7) good moral character; and

(8) submitted to the board other information the board considers necessary to evaluate the applicant's qualifications, participated in an interview if requested by the board, or both.

Section 40-47-950. (A) The board may issue a limited PA license to an applicant who has:

(1) submitted a completed application on forms provided by the board;

(2) paid the nonrefundable application fees established by this regulation;

(3) successfully completed an educational program for PAs approved by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor or successor organization;

(4) not previously failed two consecutive NCCPA certifying examinations and has registered for, or intends to register to take the next offering of, the NCCPA examination;

(5) certified that the applicant mentally and physically is able to engage safely in practice as a PA;

(6) no licensure, certificate, or registration as a PA under current discipline, revocation, suspension, probation, or investigation for cause resulting from the applicant's practice as a PA;

(7) good moral character;

(8) submitted to the board any other information the board considers necessary to evaluate the applicant's qualifications; and

(9) appeared before a board member or board designee if requested by the board with any documents requested by the board and demonstrated knowledge of the contents of this article.

(B) A limited license is not renewable and is valid only until the results of a limited licensee's two consecutive NCCPA certifying

examinations are reported to the board. When a limited licensee has failed two consecutive NCCPA certifying examinations, or fails one exam and does not take the NCCPA certifying examination at the next opportunity or, after applying for a limited license, fails to register for the next offering of the examination, the limited license immediately is void and the applicant is no longer eligible to apply for further limited licensure.

(C) The supervising physician of a limited licensee physically must be present on the premises at all times when the limited licensee is performing a task.

Section 40-47-955. (A) The supervising physician is responsible for all aspects of the PA's practice. Supervision must be continuous but must not be construed as necessarily requiring the physical presence of the supervising physician at the time and place where the services are rendered, except as otherwise required for limited licensees. The supervising physician shall identify the PA's scope of practice and determine the delegation of medical acts, tasks, or functions. Medical acts, tasks, or functions must be defined in written scope of practice guidelines which must be appropriate to the PA's ability and knowledge.

(B) Pursuant to scope of practice guidelines, a PA may:

(1) practice in a public place, a private place, or a facility where the supervising physician regularly sees patients; and

(2) make house calls, perform hospital duties, perform telemedicine, and perform any functions performed by the supervising physician if the PA is also qualified to perform those functions.

(C) A PA who has less than two years continuous practice or who is changing specialties may not practice at a location off site from the supervising physician until the PA has sixty days clinical experience on-site with the supervising physician. This sixty-day requirement, or a portion thereof, may be waived by the supervising physician in writing on a form approved by the board and submitted to the board. The supervising physician or alternate must review, initial, and date the offsite physician assistant's charts periodically as specified in the written scope of practice guidelines to ensure quality of care and patient safety.

Section 40-47-960. (A) A PA practicing at all sites shall practice pursuant to written scope of practice guidelines signed by all supervisory physicians and the PA. Copies of the guidelines must be on file at all practice sites. The guidelines shall include at a minimum the:

(1) name, license number, and practice addresses of all supervising physicians;

- (2) name and practice address of the PA;
- (3) date the guidelines were developed and dates they were reviewed and amended;
- (4) medical conditions for which therapies may be initiated, continued, or modified;
- (5) treatments that may be initiated, continued, or modified;
- (6) drug therapy, if any, that may be prescribed with drug-specific classifications; and
- (7) situations that require direct evaluation by or immediate referral to the physician, including Schedule II controlled substance prescription authorization as provided for in Section 40-47-965.

(B) In a hospital practice setting, a list of alternate supervising physicians may be submitted to the board without the signatures of the alternate supervising physicians.

Section 40-47-965. (A) If the written scope of practice guidelines authorizes the PA to prescribe drug therapy:

- (1) prescriptions for authorized drugs and devices shall comply with all applicable state and federal laws;
- (2) prescriptions must be limited to drugs and devices authorized by the supervising physician and set forth in the written scope of practice guidelines;
- (3) prescriptions must be signed or electronically submitted by the PA and must bear the PA's identification number as assigned by the board and all prescribing numbers required by law. The preprinted prescription form shall include both the PA's and physician's name, address, and phone number, and, if possible, the physician through the electronic system, and shall comply with the provisions of Section 39-24-40;
- (4) drugs or devices prescribed must be specifically documented in the patient record;
- (5) the PA may request, receive, and sign for professional samples of drugs authorized in the written scope of practice guidelines and may distribute professional samples to patients in compliance with appropriate federal and state regulations and the written scope of practice guidelines;
- (6) the PA may authorize prescriptions for an orally administered Schedule II controlled substance, as defined in the federal Controlled Substances Act, pursuant to the following requirements:
 - (a) the authorization to prescribe is expressly approved by the supervising physician as set forth in the PA's written scope of practice guidelines;

(b) the PA has directly evaluated the patient, provided, however, that a PA may authorize a prescription if the PA is assigned to take calls for the supervising physician or alternate supervising physician treating the patient;

(c) the authority to prescribe a Schedule II narcotic controlled substance is limited to an initial prescription not to exceed a five-day supply;

(d) any subsequent prescription authorization for a Schedule II narcotic controlled substance after the initial prescription must be in consultation with and approved by the supervising physician, and such approval must be documented in the patient's chart; and

(e) any prescription for continuing drug therapy must include consultation with the supervising physician and must be documented in the patient's chart;

(7) the PA may authorize a medical order for parenteral administration of a Schedule II controlled substance, as defined in the federal Controlled Substances Act, pursuant to the following requirements:

(a) the authorization to write a medical order is expressly approved by the supervising physician as set forth in the PA's written scope of practice guidelines;

(b) the PA is providing patient care in a hospital setting, including emergency and outpatient departments affiliated with the hospital;

(c) an initial patient examination and evaluation has been performed by the supervising physician, or his delegate physician, and has been documented in the patient's chart; however, in a hospital emergency department, a PA may authorize such a medical order if the supervising or delegate physician is unavailable due to clinical demands, but remains on the premises and is immediately available, and the supervising or delegate physician conducts the patient evaluation as soon as practicable and is documented in the patient's chart;

(d) the PA has directly evaluated the patient, provided, however, that the PA may authorize a medical order if the PA is assigned to take call for the supervising physician or alternate supervising physician treating the patient; and

(e) the written medical order may not exceed a one-time administration within a twenty-four hour period without the approval of the supervising physician or alternate supervising physician, and such approval must be documented in the patient's chart.

(B) When applying for controlled substance prescriptive authority, the applicant shall comply with the following requirements:

(1) the PA shall provide evidence of education in pharmacotherapeutics as determined by the board before application;

(2) every two years, the PA shall provide documentation of four continuing education hours related to approved procedures of prescribing and monitoring controlled substances listed in Schedules II, III, and IV of the schedules provided for in Sections 44-53-210, 44-53-230, and 44-53-250; and

(3) the PA must have a valid Drug Enforcement Administration (DEA) registration and prescribe in accordance with DEA rules.

(C) A PA's prescriptive authorization may be terminated by the board if the PA:

(1) practices outside the written scope of practice guidelines;

(2) violates any state or federal law or regulation applicable to prescriptions; or

(3) violates a state or federal law applicable to PAs.

Section 40-47-970. A PA may not:

(1) perform a medical act, task, or function which has not been listed approved on the scope of practice guidelines;

(2) prescribe drugs, medications, or devices not specifically authorized by the supervising physician and documented in the written scope of practice guidelines;

(3) prescribe, under any circumstances, controlled substances in Schedule II except as authorized in Section 40-47-965;

(4) perform a medical act, task, or function that is outside the usual practice of the supervising physician or outside the supervising physician's training or experience unless the board approves an exception pursuant to Section 40-47-195(D)(1)(d).

Section 40-47-985. The board or a person designated by the board may make unscheduled inspections of any office or facility employing a PA.

Section 40-47-990. A PA must clearly identify himself as a PA to ensure that the PA is not mistaken or misrepresented as a physician. A PA shall wear a clearly legible identification badge or other adornment of at least one inch by three inches in size bearing the PA's name and the words 'Physician Assistant', 'PA-C', or 'PA'.

Section 40-47-995. If the supervisory relationship between a PA and the supervising physician is terminated for any reason, the PA and the supervising physician shall inform the board immediately in writing of

the termination, including the reasons for the termination. The approval of the practice setting terminates coterminous with the termination of the relationship, and practice shall cease until new scope of practice guidelines are submitted by a supervising physician and are approved by the board. After notification to the board, a current alternate supervising physician for the PA may serve as the supervising physician under the existing scope of practice guidelines, for a period not to exceed ninety days, until a new supervising physician is designated and new scope of practice guidelines are approved.

Section 40-47-1000. (A) It is unlawful for a person who is not licensed under this article to hold himself out as a PA. A person who holds himself out as a PA without being licensed under this article, during a period of suspension, or after his license has been revoked by the board is guilty of a misdemeanor and, upon conviction, must be fined not more than three hundred dollars or imprisoned for not more than ninety days, or both.

(B) For the purpose of any investigation or proceeding under the provisions of this article, the board or a person designated by the board may administer oaths and affirmations, subpoena witnesses, take testimony, and require the production of any documents or records which the board considers relevant to the inquiry.

(C) If the board has sufficient evidence that a person is violating a provision of this article, the board, in addition to all other remedies, may order the person to immediately desist and refrain from this conduct. The board may apply to an administrative law judge as provided under Article 5, Chapter 23, Title 1 for an injunction restraining the person from this conduct. An administrative law judge may issue a temporary injunction ex parte and upon notice and full hearing may issue any other order in the matter it considers proper. No bond may be required of the board by an administrative law judge as a condition to the issuance of any injunction or order contemplated by the provisions of this section.

(D) Investigations and disciplinary proceedings under this article must be conducted in accordance with the provisions of Article 1.

(E) No provision of this article may be construed as prohibiting the respondent or his legal counsel from exercising the respondent's constitutional right of due process under the law or prohibiting the respondent from normal access to the charges and evidence filed against him as a part of due process under the law.

Section 40-47-1005. Misconduct constituting grounds for revocation, suspension, probation, reprimand, restrictions, or denial of a license must be found when a PA:

- (1) has knowingly allowed himself or herself to be misrepresented as a physician;
- (2) has filed or has had filed on his or her behalf with the board any false, fraudulent, or forged statement or documents;
- (3) has performed any work assignment, task, or other activity which is not on the PA scope of practice guidelines;
- (4) misuses alcohol or drugs to such a degree to render him or her unfit to practice as a PA;
- (5) has been convicted of a felony or a crime involving moral turpitude or drugs;
- (6) has sustained any physical or mental disability which renders further practice dangerous to the public;
- (7) has engaged in any dishonorable or unethical conduct that is likely to deceive or harm patients;
- (8) has used or made any false or fraudulent statement in any document connected with practice or licensure as a PA;
- (9) has obtained or assisted another person in obtaining fees under dishonorable, false, or fraudulent circumstances;
- (10) has violated or conspired with another person to violate any provision of this article; or
- (11) otherwise demonstrates a lack of the ethical or professional competence required to act as a PA.

Section 40-47-1010. A license issued pursuant to this chapter may be renewed biennially or as otherwise provided by the board and department. A person who has not demonstrated continuing education, as required by this article, is not eligible for issuance or renewal of an authorization to practice.

Section 40-47-1015. (A) Fees for PA licensure are established as follows:

- (1) initial licensing fee, not to exceed five hundred dollars;
- (2) renewal of license fee, not to exceed one hundred fifty dollars;
- (3) late renewal fee, not to exceed the renewal fee doubled; and
- (4) reactivation application fee, not to exceed two hundred dollars.

(B) Fees may be adjusted biennially pursuant to Section 40-1-50 to ensure that they are sufficient but not excessive to cover expenses including the total of the direct and indirect costs to the State for the operations of the committee.

Section 40-47-1020. Nothing in this article may be construed to require third party reimbursement directly to a PA for services rendered.”

Time effective

SECTION 3. This act takes effect ninety days after the approval of the Governor.

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

No. 33

(R46, S196)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 20-1-300 RELATING TO THE ISSUANCE OF A MARRIAGE LICENSE TO MINORS WHEN THE FEMALE IS PREGNANT OR HAS GIVEN BIRTH TO A CHILD.

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

Repeal

SECTION 1. Section 20-1-300 of the 1976 Code is repealed.

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

No. 34

(R47, S277)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-67-75 SO AS TO PROVIDE SPEECH-LANGUAGE PATHOLOGISTS AND SPEECH-LANGUAGE PATHOLOGY ASSISTANTS UNDER THEIR SUPERVISION SHALL ADHERE TO CERTAIN GUIDELINES; TO AMEND SECTION 40-67-30, RELATING TO THE SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY INTERNS AND ASSISTANTS, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 40-67-260, RELATING TO THE COMPLETION OF CERTAIN CONTINUING EDUCATION HOURS FOR LICENSE RENEWAL, SO AS TO ALLOW FOR THE COMPLETION OF CONTINUING EDUCATION UNITS AS AN ALTERNATIVE; TO AMEND SECTION 40-67-280, RELATING TO THE COMPLETION OF CERTAIN CONTINUING EDUCATION HOURS FOR INACTIVE LICENSE REACTIVATIONS, SO AS TO ALLOW FOR THE COMPLETION OF CONTINUING EDUCATION UNITS AS AN ALTERNATIVE; TO AMEND SECTION 40-67-300, RELATING TO THE APPLICABILITY OF THE CHAPTER, SO AS TO REVISE CERTAIN EXEMPTIONS; TO REDESIGNATE CHAPTER 67, TITLE 40 AS "SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS"; AND TO REPEAL ACT 124 OF 2015 RELATING TO THE TEMPORARY EXEMPTION OF CERTAIN APPLICANTS FOR LICENSURE AS SPEECH-LANGUAGE PATHOLOGY ASSISTANTS FROM THE REQUIREMENT OF HAVING A BACHELOR'S DEGREE FROM A REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION.

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

Responsibilities and supervision of speech-language pathology assistants

SECTION 1. Chapter 67, Title 40 of the 1976 Code is amended by adding:

“Section 40-67-75. A speech-language pathology assistant may adhere to the responsibilities within the scope for speech-language pathology assistants set forth by the American Speech-Language-Hearing Association. A speech-language pathologist supervising a speech-language pathology assistant may adhere to the guidelines for supervision of a speech-language pathology assistant set forth by the American Speech-Language-Hearing Association.”

Supervision of certain licensees, conforming changes and technical corrections

SECTION 2. Section 40-67-30 of the 1976 Code is amended to read:

“Section 40-67-30. No person may practice speech-language pathology or audiology without a license issued in accordance with this chapter. A speech-language pathology intern and a speech-language pathology assistant only may practice under the direct supervision of a speech-language pathologist, and an audiology intern only may practice under the direct supervision of an audiologist as specified by the board.”

License renewals, continuing education

SECTION 3. Section 40-67-260 of the 1976 Code is amended to read:

“Section 40-67-260. (A) As a condition of license renewal, a speech-language pathologist or audiologist shall satisfactorily complete sixteen hours of approved continuing education or 1.6 continuing education units (CEUs) during each license period.

(B) As a condition of an intern license renewal, a speech-language pathologist or audiologist shall satisfactorily complete eight hours of approved continuing education or 0.8 CEUs during each license period.

(C) As a condition of an assistant license renewal, a speech-language pathology assistant shall satisfactorily complete eight hours of approved continuing education or 0.8 CEUs during each license period.

(D) Continuing education must be reported on forms and in the time and manner specified by the board in regulation.

(E) A licensee shall maintain records of continuing education hours or CEUs earned for a period of four years, and these records must be made available to the director or his designee upon request for an audit that the board biennially may conduct.”

Inactive license reactivations, continuing education

SECTION 4. Section 40-67-280 of the 1976 Code is amended to read:

“Section 40-67-280. To activate an inactive license, an individual shall submit a form approved by the board and evidence attesting to his satisfactory completion of sixteen hours of approved continuing education or 1.6 CEUs for each two years of inactive licensure.”

Exemptions

SECTION 5. Section 40-67-300 of the 1976 Code is amended to read:

“Section 40-67-300. This chapter does not apply to:

(1) A speech-language pathologist or audiologist employed by a state or federal agency or a political subdivision of the State before September 1, 2020, while engaged in the discharge of official duties; however, federal and state or political subdivision employees or employees of a political subdivision of the State who are licensed by this board are subject to the provisions of this chapter.

(2) A student of speech-language pathology or audiology enrolled in a course of study at an accredited institution of higher learning whose activities constitute a part of the course of study.

(3) A hearing aid specialist licensed to fit and sell hearing aids pursuant to Chapter 25; provided, nothing in this chapter is in lieu of, may conflict with, or supersede Chapter 25 and the rights of those licensed under Chapter 25.

(4) A registered nurse, licensed practical nurse, or other certified technician trained to perform audiometric screening tests in industrial operations and whose work is under the supervision of a company physician, otological consultant, or licensed audiologist.

(5) A person licensed by the State under this title or any other provision of law whose scope of practice overlaps with the practice of speech-language pathology or audiology unless the person holds himself out to be a practitioner of speech-language pathology or audiology.

(6) An educator certified by the State Board of Education, including an educator certified as a speech-language therapist who is not licensed as a speech-language pathologist and does not hold a certificate of clinical competence in speech-language pathology credential from the American Speech-Language-Hearing Association.”

Chapter redesignation

SECTION 6. Chapter 67, Title 40 is redesignated "Speech-Language Pathologists and Audiologists".

Repeal

SECTION 7. Act 124 of 2015 is repealed.

Time effective

SECTION 8. This act takes effect upon approval by the Governor.

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

No. 35

(R48, S310)

AN ACT TO AMEND SECTION 12-21-2870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNSTAMPED OR UNTAXED CIGARETTES, SO AS TO PROVIDE THAT CIGARETTES FOUND AT ANY POINT THAT DO NOT HAVE STAMPS AFFIXED TO THEIR PACKAGE ARE CONSIDERED CONTRABAND IN CERTAIN CIRCUMSTANCES.

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

Cigarette stamps

SECTION 1. Section 12-21-2870 of the 1976 Code is amended to read:

"Section 12-21-2870. (A) Except as otherwise provided in this chapter, cigarettes found at any point within the State that do not have the stamps required pursuant to this chapter affixed to their package are contraband goods if the goods are in the possession of a person:

(1) offering the cigarettes for sale or distribution and that person was not the first to receive the untaxed cigarettes in this State;

(2) importing, receiving, or acquiring cigarettes for use or consumption within the State; or

(3) offering the cigarettes for sale at retail within this State.

(B) Cigarettes declared to be contraband goods under this section may be seized by the department, its employees, or any law enforcement agency of the State without a warrant. The seized cigarettes must be delivered to the department.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

No. 36

(R49, S401)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-5-880 SO AS TO DEFINE CERTAIN TERMS, PROVIDE AN ENTITY UNDERTAKING A TRANSPORTATION IMPROVEMENT PROJECT SHALL BEAR THE COSTS RELATED TO RELOCATING WATER AND SEWER LINES, TO PROVIDE THE REQUIREMENTS FOR UTILITIES TO BE ELIGIBLE FOR RELOCATION PAYMENTS, AND TO PROVIDE A SUNSET PROVISION.

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

Transportation Improvement Projects

SECTION 1. Article 5, Chapter 5, Title 57 of the 1976 Code is amended by adding:

“Section 57-5-880. (A) For the purposes of this section:

(1) ‘Betterment’ means any upgrade to a facility being relocated that is made solely for the benefit of the public water system and that is

not attributable to the improvement, construction, reconstruction, or alteration of roads, streets, or highways undertaken by the department.

(2) 'Costs related to relocating water and sewer lines' means the amount attributable to the relocation, less the amount of any betterment made to the system. Costs related to relocating water and sewer lines include, but are not limited to, right-of-way acquisition to accommodate the relocated utility, if in the best interests of the transportation improvement project, design, engineering, permitting, removal, installation, inspection, materials, and labor costs.

(3) 'Large public sewer utility' means a public sewer utility that does not meet the definition of a small public sewer utility.

(4) 'Large public water utility' means a public water utility that does not meet the definition of a small public water utility.

(5) 'Public highway system' means:

(a) the state highway system as defined in Section 57-5-10;

(b) roads, streets, and highways under the jurisdiction of a county or municipality; and

(c) bridges, tunnels, overpasses, underpasses, interchanges, and other similar facilities located throughout the State.

(6) 'Public sewer system' means a sewer system that provides sewer services to the public and that is publicly owned or owned by a private, not-for-profit entity as defined in Chapter 31, Title 33.

(7) 'Public water system' means, for the purposes of this chapter, any publicly owned or privately owned not-for-profit, as defined in Chapter 31, Title 33, waterworks system that provides water, whether piped or delivered through some other constructed conveyance, for human consumption, including the source of supply, whether the source of supply is of surface or subsurface origin.

(8) 'Relocating' or 'relocated' means an adjustment necessitated by a transportation improvement project of a public water system or public sewer system facility by removing and reinstalling the facility; a move, rearrangement, or change of the type of existing facilities; necessary safety and protective measures; or the construction of a replacement facility that is both functionally equivalent to, but not including any betterment of, the existing facility that is necessary for the continuous operation of the system's service.

(9) 'Small public sewer utility' means a public sewer utility that has ten thousand or fewer sewer connections and that serves a population of thirty thousand or less. In determining whether a public utility offering water or sewer services qualifies as a small utility, the number of water taps and sewer connections shall be counted separately and shall not be combined.

(10) 'Small public water utility' means a public water utility that has ten thousand or fewer water taps and that serves a population of thirty thousand or less. In determining whether a public utility offering water or sewer services qualifies as a small utility, the number of water taps and sewer connections shall be counted separately and shall not be combined.

(11) 'Transportation improvement project' or 'project' means a permanent improvement, construction, reconstruction, or alteration to the public highway system undertaken by a state or local governmental entity, or a political subdivision.

(B)(1) Notwithstanding any encroachment permit conditions to the contrary, an entity undertaking a transportation improvement project must bear the costs, according to the schedule prescribed in subsections (C) and (D), related to relocating water and sewer lines:

(a) that are maintained and operated by a public water system or a public sewer system and are located within the rights-of-way for a transportation improvement project; and

(b) that must be relocated to undertake the project.

(2) To be eligible for payment of the relocation costs, the relocation must be placed under the control of the general contractor for the transportation improvement project, unless the public water or public sewer system opts out of placing the relocation under the control of the general contractor according to subsection (F).

(3) To be eligible for payment of the relocation, the public water or public sewer utility must meet the bidding and construction schedule established by the entity undertaking the transportation improvement project, such as design conferences and submittal of all relocation drawings and bid documents. All documents necessary for inclusion in the transportation improvement project must be provided by the utility at least one hundred eighty days prior to the receipt of bids for the project. However, if the transportation improvement project is under an accelerated schedule, then the entity undertaking the project shall notify the utility of the date by which the documents must be provided. Failure to meet the bidding and construction schedule requirements shall result in the utility having to bear all relocation costs, except if the delay is due to an event beyond the control of the utility.

(C) For a small public water utility or a small public sewer utility, the transportation improvement project shall bear all of the relocation costs, including design costs.

(D) Subject to subsection (E), for a large public water utility or a large public sewer utility, the transportation improvement project shall bear all of the relocation costs, including design costs, up to four percent of

the original construction bid amount of the transportation improvement project. Should more than one large public water utility or large public sewer utility be required to relocate by a single transportation improvement project, the total cost share of up to four percent under this section shall be divided pro rata among the large public water or public sewer utilities required to relocate under the project.

(E) For a transportation improvement project that impacts both a large public utility and a small public utility, the entity undertaking the transportation improvement must pay all of the small public utility's relocation costs, without limitation. The entity must also pay up to four and one-half percent, minus the costs of the small public utility's relocation costs, of the original construction bid amount of the transportation improvement project toward the large public utility's relocation costs.

(F) A large public water utility or a large public sewer utility may choose not to have the relocation placed under the control of the general contractor. A decision by a large public water utility or large public sewer utility to not have the relocations placed under the control of the general contractor must be communicated in writing to the entity undertaking the transportation improvement project one hundred eighty days prior to the receipt of bids for the project. Failure to meet the project contract requirements and construction schedule shall result in the utility having to bear all relocation costs.

(G) Nothing herein shall prohibit or limit payment by a transportation improvement project for the relocation of public water or public sewer lines necessary for the transportation improvement project if a public utility has a prior right to situate the water or sewer lines in their present location.

(H) The department shall include metrics on utility relocation under this section in its annual accountability report.”

Sunset provision

SECTION 2. The requirements of Section 57-5-880, as added by this act, expire on July 1, 2026, unless otherwise extended by the General Assembly.

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

No. 37

(R50, S439)

AN ACT TO AMEND SECTION 12-6-3375, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TAX CREDIT FOR A PORT CARGO VOLUME INCREASE, SO AS TO INCREASE THE MAXIMUM AMOUNT OF THE AVAILABLE TAX CREDITS FOR PORT CARGO VOLUME INCREASES, AND TO PROVIDE FOR A PORT TRANSPORTATION CREDIT FOR THE COSTS OF TRANSPORTING FREIGHT, GOODS, AND MATERIALS FROM QUALIFYING FACILITIES IN SOUTH CAROLINA TO A SOUTH CAROLINA PORT FACILITY; AND BY ADDING SECTION 12-36-2140 SO AS TO PROVIDE THAT A PORT FACILITY IS A DISTRIBUTION FACILITY FOR PURPOSES OF CERTAIN SALES TAX EXEMPTIONS.

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

Increased tax credit for port cargo volume increase

SECTION 1. Section 12-6-3375(A) and (D) of the 1976 Code is amended to read:

“(A)(1) A taxpayer engaged in any of the following: manufacturing, warehousing, freight forwarding, freight handling, goods processing, cross docking, transloading, wholesaling of goods, or distribution, exported or imported through port facilities in South Carolina and which increases its port cargo volume at these facilities by a minimum of five percent in a single calendar year over its base year port cargo volume is eligible to claim an income tax credit or a credit against employee withholding in the amount determined by the Coordinating Council for Economic Development (council).

(2) The maximum amount of tax credits allowed to all qualifying taxpayers pursuant to this section may not exceed fifteen million dollars for each calendar year. The credits may be claimed against the taxes

imposed pursuant to Sections 12-6-530 and 12-6-545 and against employee withholdings. The council has sole discretion in allocating the credits provided by this section and must consider the following factors:

- (a) the amount of base year port cargo volume;
- (b) the total and percentage increase in port cargo volume; and
- (c) factors related to the economic benefit of the State or other

factors.

(D) The council annually may award up to one million dollars of the fifteen million dollars of credits against employee withholdings that are not otherwise refundable pursuant to this title to a new warehouse or distribution facility which commits to expending at least forty million dollars at a single site and creating one hundred new full-time jobs, and the base year cargo may not be less than five thousand TEUs or its non-containerized equivalent. The council may make the award in the year the facility is announced provided that it may not tender the certificate until it has received satisfactory proof that the capital investment and job creation requirements have, or will be, satisfied. Any credit certificate expires three years after issuance if satisfactory proof has not been received. If the credit exceeds the taxpayer's withholding tax liability for the taxable quarter that is not otherwise refundable pursuant to this title, the excess amount may be carried forward and claimed against withholding liability that is not otherwise refundable pursuant to this title in the next twenty succeeding taxable quarters."

Port transportation credit

SECTION 2. Section 12-6-3375 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

"(1) A taxpayer engaged in any of the businesses identified in subsection (A)(1) at a facility located in this State is eligible to claim a port transportation credit or a port volume cargo credit in the form of an income tax credit or a credit against employee withholding in an amount determined by the council in its sole discretion, except that the port transportation credit must be based on the taxpayer's transportation costs. A taxpayer may not claim both the port transportation credit and the port volume cargo credit in the same tax year.

(2) For purposes of this subsection, 'transportation costs' means the costs of transporting freight, goods, and materials to and from port facilities in South Carolina.

(3) The maximum amount of port transportation credits allowed to all qualifying taxpayers pursuant to this subsection is limited to the following amounts of the fifteen million dollars of credits available under this section:

(a) one million dollars for the calendar year ending December 31, 2019;

(b) two million dollars for the calendar year ending December 31, 2020; and

(c) three million dollars for all calendar years after December 31, 2020, until the port transportation credit expires pursuant to item (6).

(4)(a) If the allocable port transportation credit exceeds the taxpayer's income tax liability for the taxable year, the excess amount may be carried forward and claimed against income taxes in the next five succeeding taxable years.

(b) If the allocable port transportation credit exceeds the taxpayer's withholding tax liability for the taxable quarter that is not otherwise refundable pursuant to this title, the excess amount may be carried forward and claimed against withholding liability that is not otherwise refundable pursuant to this title in the next twenty succeeding taxable quarters.

(5)(a) The port transportation credit is allowable to a qualifying taxpayer without regard to whether the taxpayer qualifies for any of the other credits available under this section. A qualifying taxpayer seeking to claim the port transportation credit must submit an application to the council after the calendar year in which the taxpayer seeks to claim the port transportation credit. The application must be made on a form to be prescribed by the council.

(b) To receive the credit the taxpayer shall claim the credit on its income tax or withholding return in a manner prescribed by the department. The department may require a copy of the certification form issued by the council be attached to the return or otherwise provided.

(6) A taxpayer may not claim the port transportation credit in any tax year after the tax year in which a port in Jasper County is opened and is accepting shipments."

Port facility

SECTION 3. Article 21, Chapter 36, Title 12 of the 1976 Code is amended by adding:

“Section 12-36-2140. For purposes of the exemptions set forth in this article, the term ‘distribution facility’ includes, but is not limited to, a port facility as defined in Section 12-6-3375.”

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

No. 38

(R51, S463)

AN ACT TO AMEND SECTION 40-43-86, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FACILITY REQUIREMENTS FOR PHARMACIES, THE PRESENCE OF PHARMACISTS-IN-CHARGE, CONSULTANT PHARMACISTS, PRESCRIPTION DRUG ORDERS, THE TRANSFERRING OF PRESCRIPTIONS, THE SUBSTITUTION OF AN EQUIVALENT DRUG OR INTERCHANGEABLE BIOLOGICAL PRODUCT, LABEL REQUIREMENTS, PATIENT RECORDS AND COUNSELING, POLICIES AND REQUIREMENTS FOR AUTOMATED SYSTEMS, UNLAWFUL PRACTICES, SALES TO OPTOMETRISTS AND HOME MEDICAL EQUIPMENT PROVIDERS, THE CODE OF ETHICS, THE SALE OF POISONS AND RETURNED MEDICATIONS, PERMIT FEES, AND COMPOUNDING REGULATIONS AND RESTRICTIONS, SO AS TO PROVIDE PHARMACISTS MAY EXERCISE THEIR PROFESSIONAL JUDGMENT TO DISPENSE UP TO A NINETY-DAY SUPPLY OF MEDICATION FOR EACH REFILL UP TO THE TOTAL NUMBER OF DOSAGE UNITS AS AUTHORIZED BY THE PRESCRIBER ON THE ORIGINAL PRESCRIPTION, TO PROVIDE CERTAIN RELATED REQUIREMENTS, AND TO PROVIDE EXCEPTIONS.

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

Authorized refills, exceptions, third party payor agreements

SECTION 1. Section 40-43-86 of the 1976 Code, as last amended by Act 143 of 2018, is further amended by adding an appropriately lettered subsection at the end to read:

“()1) Unless a prescriber has specified on a prescription that dispensing the prescription for a maintenance medication in an initial amount followed by periodic refills is medically necessary, a pharmacist may exercise his professional judgment, in consultation with the patient, to dispense up to a ninety-day supply of medication per refill up to the total number of dosage units as authorized by the prescriber on the original prescription. In consulting with the patient, the pharmacist must utilize readily available, existing mechanisms such as online claim adjudication and inform the patient of any cost changes of the proposed dispensing change. If the pharmacist is presenting the patient with an option to not use an available benefit plan, then the pharmacist must inform the patient that any amounts paid would potentially not apply to the deductibles or other out-of-pocket calculations of his benefit plan.

(2) Item (1) does not apply to scheduled medications, psychotherapeutic drugs, or any medications for which a report is required under the prescription monitoring program.

(3) This section shall not be construed to supersede or invalidate any third party payor agreement, in whole or in part, between a third party payor and a retail pharmacy.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

No. 39

(R53, S546)

AN ACT TO AMEND SECTION 7-7-430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN OCONEE COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

Oconee County voting precincts map number redesignated

SECTION 1. Section 7-7-430(B) of the 1976 Code is amended to read:

“(B) The precinct lines defining the above precincts in Oconee County are as shown on the official map prepared by and on file with the Revenue and Fiscal Affairs Office designated as document P-73-19 and as shown on certified copies of the official map provided to the Board of Voter Registration and Elections of Oconee County.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

No. 40

(R54, S607)

AN ACT TO AMEND SECTION 7-7-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO ADD SIXTEEN PRECINCTS, TO ELIMINATE TWO PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON

**WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND
AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS
OFFICE.**

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

Designation of Berkeley County voting precincts

SECTION 1. Section 7-7-120 of the 1976 Code is amended to read:

“Section 7-7-120. (A) In Berkeley County there are the following voting precincts:

- Alvin
- Bethera
- Beverly Hill
- Bonneau
- Bonneau Beach
- Boulder Bluff
- Bushy Park
- Central
- Cainhoy
- Cane Bay
- Cane Bay East
- Cane Bay North
- Cane Bay South
- Carnes Cross Road 1
- Carnes Cross Road 2
- Cobblestone
- Cordesville
- Cross
- Daniel Island 1
- Daniel Island 2
- Daniel Island 3
- Daniel Island 4
- Devon Forest 1
- Devon Forest 2
- Discovery
- Eadytown
- Fifty-two
- Foster Creek 1
- Foster Creek 2
- Foster Creek 3

Foxbank
Hanahan 1
Hanahan 2
Hanahan 3
Hanahan 4
Hanahan 5
Harbour Lake
Hilton Cross Roads
Horseshoe
Howe Hall 1
Howe Hall 2
Huger
Jamestown
Lebanon
Liberty Hall
Live Oak
Macedonia
Macedonia 2
McBeth
Medway
Moncks Corner 1
Moncks Corner 2
Moncks Corner 3
Moncks Corner 4
Moultrie
Nexton
Old 52
Pimlico
Pine Grove
Pinopolis
Pomflant
Royle
Russellville
Sangaree 1
Sangaree 2
Sangaree 3
Sedgefield 1
Sedgefield 2
Sedgefield 3
Seventy Eight
Shulerville
St. James

St. Stephen 1
St. Stephen 2
Stone Lake
Stratford 1
Stratford 2
Stratford 3
Stratford 4
Stratford 5
The Village
Tramway
Wassamassaw 1
Wassamassaw 2
Weatherstone
Westview 1
Westview 2
Westview 3
Westview 4
Whitesville 1
Whitesville 2
Wildcat Trail
Yeamans Club
Yellow House

(B) The precinct lines defining the precincts provided in subsection (A) are as shown on the official map prepared by and on file with the Revenue and Fiscal Affairs Office designated as document P-15-19 and as shown on copies provided to the Board of Voter Registration and Elections of Berkeley County.

(C) The polling places for the precincts provided in this section must be established by the Board of Voter Registration and Elections of Berkeley County subject to the approval of a majority of the Senators and a majority of the House members of the Berkeley County Delegation.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor and applies to elections conducted in Berkeley County after June 30, 2019.

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

No. 41

(R52, S530)

AN ACT TO AMEND SECTION 11-35-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURPOSE AND POLICIES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO PROVIDE THAT THE CODE MUST BE CONSTRUED AND APPLIED TO PROMOTE THE UNDERLYING PURPOSES AND POLICIES; BY ADDING SECTION 11-35-27 SO AS TO PROVIDE THAT NO PART OF THE CHAPTER MAY BE CONSIDERED IMPLIEDLY REPEALED BY SUBSEQUENT LEGISLATION; TO AMEND SECTION 11-35-40, RELATING TO THE APPLICATION OF THE PROCUREMENT CODE, SO AS TO PROVIDE THAT CERTAIN FAILURES TO COMPLY ARE NOT SUBJECT TO REVIEW UNDER ARTICLE 17; TO AMEND SECTION 11-35-70, RELATING TO SCHOOL DISTRICTS SUBJECT TO THE PROCUREMENT CODE, SO AS TO CHANGE THE REFERENCE TO THE OFFICE OF GENERAL SERVICES TO THE DIVISION OF PROCUREMENT SERVICES; TO AMEND SECTION 11-35-210, RELATING TO CERTAIN DETERMINATIONS, SO AS TO PROVIDE THAT ALL FINDINGS, DETERMINATIONS, DECISIONS, POLICIES, AND PROCEDURES ALLOWED BY THIS CHAPTER ARE EXEMPT FROM CERTAIN REQUIREMENTS; TO AMEND SECTION 11-35-310, RELATING TO DEFINITIONS, SO AS TO AMEND CERTAIN DEFINITIONS AND ADD DEFINITIONS OF "BUSINESS DAY", "PERSON", AND "PUBLIC FUNDS"; TO AMEND SECTION 11-35-410, RELATING TO PUBLIC ACCESS TO PROCUREMENT INFORMATION, SO AS TO PROVIDE THAT A GOVERNMENTAL BODY MAY KEEP PORTIONS OF A SOLICITATION CONFIDENTIAL AND PROVIDE FOR CERTAIN WRITTEN DISCLOSURES; TO AMEND SECTION 11-35-510, RELATING TO THE CENTRALIZATION OF MATERIALS MANAGEMENT AUTHORITY, SO AS TO PROVIDE THAT THE VESTING AUTHORITY IS ALSO

SUBJECT TO SECTION 11-35-1560; TO AMEND SECTION 11-35-530, RELATING TO ADVISORY COMMITTEES, SO AS TO REMOVE CERTAIN REQUIREMENTS OF THE BOARD WORKING IN ACCORDANCE WITH REGULATIONS OF THE BOARD; TO AMEND SECTION 11-35-540, RELATING TO THE AUTHORITY AND DUTIES OF THE BOARD, SO AS TO REMOVE CERTAIN REQUIREMENTS OF THE CHIEF EXECUTIVE OFFICER IN RELATION TO A DESIGNATED BOARD OFFICE; TO AMEND SECTION 11-35-710, RELATING TO CERTAIN EXEMPTIONS, SO AS TO REQUIRE THE STATE FISCAL ACCOUNTABILITY AUTHORITY TO MAINTAIN AND POST PUBLICLY A RUNNING LIST OF ALL CURRENTLY EFFECTIVE ACTIONS TAKEN BY THE BOARD; TO AMEND SECTION 11-35-810, RELATING TO THE CREATION OF THE MATERIALS MANAGEMENT OFFICE, SO AS TO CHANGE THE OFFICE OF GENERAL SERVICES TO THE DIVISION OF PROCUREMENT SERVICES; TO AMEND SECTION 11-35-820, RELATING TO THE CREATION OF THE INFORMATION TECHNOLOGY MANAGEMENT OFFICE, SO AS TO PROVIDE THAT THE OFFICE IS RESPONSIBLE FOR ADMINISTERING ALL PROCUREMENT AND CONTRACTING ACTIVITIES UNDERTAKEN FOR GOVERNMENTAL BODIES INVOLVING INFORMATION TECHNOLOGY; TO AMEND SECTION 11-35-1210, RELATING TO CERTAIN CERTIFICATIONS, SO AS TO PROVIDE THAT UP TO CERTAIN DOLLAR AMOUNTS AN INDIVIDUAL GOVERNMENTAL BODY MAY MAKE DIRECT PROCUREMENTS NOT UNDER TERM CONTRACTS; TO AMEND SECTION 11-35-1230, RELATING TO AUDITING AND FISCAL REPORTING, SO AS TO REMOVE THE REQUIREMENT THAT THE DIVISION OF BUDGET ANALYSIS WITH THE COMPTROLLER GENERAL SHALL ASSUME RESPONSIBILITY FOR CERTAIN FISCAL REPORTING PROCEDURES; TO AMEND SECTION 11-35-1410, RELATING TO DEFINITIONS, SO AS TO ADD DEFINITIONS FOR "COMMERCIAL PRODUCT" AND "COMMERCIALLY AVAILABLE OFF-THE-SHELF PRODUCT"; TO AMEND SECTION 11-35-1510, RELATING TO THE METHODS OF SOURCE SELECTION, SO AS TO ADD SECTION 11-35-1535 TO THE LIST OF EXCEPTIONS; TO AMEND SECTION 11-35-1520, RELATING TO COMPETITIVE SEALED BIDDING, SO AS TO REMOVE CERTAIN

REQUIREMENTS FOR DISCUSSION WITH BIDDERS; TO AMEND SECTION 11-35-1525, RELATING TO COMPETITIVE FIXED PRICE BIDDING, SO AS TO REMOVE CERTAIN PROVISIONS FOR DISCUSSION WITH RESPONSIVE BIDDERS AND REMEDIES; TO AMEND SECTION 11-35-1528, RELATING TO COMPETITIVE BEST VALUE BIDDING, SO AS TO REMOVE CERTAIN PROVISIONS FOR DISCUSSION WITH RESPONSIVE BIDDERS; TO AMEND SECTION 11-35-1529, RELATING TO COMPETITIVE ONLINE BIDDING, SO AS TO PROVIDE FOR PUBLIC NOTICE; TO AMEND SECTION 11-35-1530, RELATING TO COMPETITIVE SEALED PROPOSALS, SO AS TO PROVIDE THAT OFFERORS MUST BE ACCORDED FAIR AND EQUAL TREATMENT WITH RESPECT TO ANY OPPORTUNITY FOR DISCUSSIONS; BY ADDING SECTION 11-35-1535 SO AS TO PROVIDE FOR COMPETITIVE NEGOTIATIONS AND TO PROVIDE CERTAIN REQUIREMENTS; TO AMEND SECTION 11-35-1540, RELATING TO NEGOTIATIONS AFTER AN UNSUCCESSFUL COMPETITIVE SEALED BIDDING, SO AS TO PROVIDE THAT THE PROCUREMENT OFFICER, NOT THE PROCURING AGENCY, SHALL CONSIDER IF A BID IS UNREASONABLE; TO AMEND SECTION 11-35-1550, RELATING TO CERTAIN SMALL PURCHASE PROCEDURES, SO AS TO AMEND CERTAIN DOLLAR AMOUNT CAPS; TO AMEND SECTION 11-35-1560, RELATING TO SOLE SOURCE PROCUREMENT, SO AS TO PROVIDE FOR ADEQUATE PUBLIC NOTICE; TO AMEND SECTION 11-35-1570, RELATING TO EMERGENCY PROCUREMENTS, SO AS TO PROVIDE CERTAIN NOTICE OF THE AWARD; BY ADDING SECTION 11-35-1610 SO AS TO PROVIDE THAT A CHANGE OR MODIFICATION IN A CONTRACT MAY NOT ALTER A CONTRACT IN A MANNER INCONSISTENT WITH THIS CODE; TO AMEND SECTION 11-35-1810, RELATING TO THE RESPONSIBILITY OF BIDDERS AND OFFERORS, SO AS TO PROVIDE THAT CERTAIN COMMUNICATION IS PRIVILEGED; TO AMEND SECTION 11-35-1830, RELATING TO COST OR PRICING DATA, SO AS TO ADD COMPETITIVE NEGOTIATIONS PURSUANT TO SECTION 11-35-1535; BY ADDING SECTION 11-35-1840 SO AS TO PROVIDE THAT THE BOARD MAY PROMULGATE CERTAIN REGULATIONS; BY ADDING SECTION 11-35-2015 SO AS TO PROVIDE THAT A CONTRACT OR AMENDMENT IS NOT EFFECTIVE AGAINST

A GOVERNMENTAL BODY UNLESS THE CONTRACT OR AMENDMENT IS IN WRITING AND SIGNED BY A CERTAIN OFFICER; TO AMEND SECTION 11-35-2030, RELATING TO MULTITERM CONTRACTS, SO AS TO PROVIDE THAT EVERY CONTRACT WITH A POTENTIAL DURATION EXCEEDING SEVEN YEARS MUST BE APPROVED BY THE BOARD; BY ADDING SECTION 11-35-2040 SO AS TO PROVIDE THAT CERTAIN LAWS ARE INAPPLICABLE TO CONTRACTS FOR THE PROCUREMENT OF COMMERCIAL PRODUCTS; BY ADDING SECTION 11-35-2050 SO AS TO PROVIDE THAT CERTAIN TERMS OR CONDITIONS IN A CONTRACT ARE VOID; TO AMEND SECTION 11-35-2410, RELATING TO THE FINALITY OF DETERMINATIONS, SO AS TO ADD CERTAIN SECTIONS; TO AMEND SECTION 11-35-2420, RELATING TO THE REPORTING OF ANTICOMPETITIVE PRACTICES, SO AS TO PROVIDE THAT CERTAIN COMMUNICATIONS TO THE OFFICE OF THE ATTORNEY GENERAL ARE PRIVILEGED; TO AMEND SECTION 11-35-3010, RELATING TO THE CHOICE OF PROJECT DELIVERY METHODS, SO AS TO PROVIDE THAT THE USE OF CERTAIN PROJECT DELIVERY METHODS MUST BE APPROVED BY THE BOARD; TO AMEND SECTION 11-35-3015, RELATING TO THE SOURCE SELECTION METHODS ASSIGNED TO PROJECT DELIVERY METHODS, SO AS TO ADD REFERENCES TO SECTION 11-35-1530 AND SECTION 11-35-1535; TO AMEND SECTION 11-35-3020, RELATING TO ADDITIONAL BIDDING PROCEDURES FOR CONSTRUCTION PROCUREMENT, SO AS TO PROVIDE THAT ADEQUATE NOTICE MUST BE GIVEN; TO AMEND SECTION 11-35-3023, RELATING TO PREQUALIFICATION ON STATE CONSTRUCTION, SO AS TO REMOVE CERTAIN REQUIREMENTS FOR A REQUEST FOR QUALIFICATIONS; TO AMEND SECTION 11-35-3024, RELATING TO ADDITIONAL PROCEDURES APPLICABLE TO PROCUREMENT OF CERTAIN PROJECT DELIVERY METHODS, SO AS TO PROVIDE THAT CERTAIN PROVISIONS DO NOT APPLY IF COMPETITIVE NEGOTIATIONS ARE CONDUCTED; TO AMEND SECTION 11-35-3030, RELATING TO BOND AND SECURITY, SO AS TO PROVIDE THAT CERTAIN SOLICITATIONS MAY PROVIDE FOR CERTAIN BOND AND SECURITY REQUIREMENTS; TO AMEND SECTION 11-35-3040, RELATING TO CONTRACT

CLAUSES AND THEIR ADMINISTRATION, SO AS TO PROVIDE THAT CERTAIN CONTRACTS MAY INCLUDE CLAUSES PROVIDING FOR THE UNILATERAL RIGHT OF A GOVERNMENTAL BODY TO ORDER IN WRITING CERTAIN CHANGES WITHIN THE GENERAL SCOPE OF THE CONTRACT; TO AMEND SECTION 11-35-3070, RELATING TO THE APPROVAL OF CERTAIN CHANGES WHICH DO NOT ALTER SCOPE OR INTENT OR EXCEED APPROVED BUDGET, SO AS TO PROVIDE THAT A GOVERNMENTAL BODY MAY APPROVE CERTAIN AMENDMENTS CONSISTENT WITH ANY APPLICABLE REGULATION OF THE BOARD; TO AMEND SECTION 11-35-3220, RELATING TO QUALIFICATIONS-BASED SELECTION PROCEDURES, SO AS TO PROVIDE THAT ADEQUATE NOTICE OF THE INVITATION MUST BE GIVEN; TO AMEND SECTION 11-35-3230, RELATING TO THE EXCEPTION FOR SMALL ARCHITECT-ENGINEER AND LAND SURVEYING SERVICES CONTRACTS, SO AS TO PROVIDE THAT A GOVERNMENTAL BODY MAY NOT NEGOTIATE WITH A FIRM UNLESS ANY UNSUCCESSFUL NEGOTIATIONS WITH A DIFFERENT FIRM HAVE BEEN CONCLUDED IN WRITING; BY ADDING SECTION 11-35-3305 SO AS TO PROVIDE THAT A PROCUREMENT OFFICER MAY ESTABLISH CONTRACTS PROVIDING FOR AN INDEFINITE QUANTITY OF CERTAIN SUPPLIES, SERVICES, OR INFORMATION TECHNOLOGY; TO AMEND SECTION 11-35-3310, RELATING TO INDEFINITE DELIVERY CONTRACTS, SO AS TO REMOVE PROVISIONS RELATING TO CONSTRUCTION SERVICES; BY ADDING SECTION 11-35-3320 SO AS TO DEFINE "TASK ORDER CONTRACT" AND TO PROVIDE WHEN A GOVERNMENTAL BODY MAY ENTER INTO A TASK ORDER CONTRACT; TO AMEND SECTION 11-35-3410, RELATING TO CONTRACT CLAUSES AND THEIR ADMINISTRATION, SO AS TO PROVIDE THAT CERTAIN CONTRACTS MAY INCLUDE CLAUSES PROVIDING FOR THE UNILATERAL RIGHT OF A GOVERNMENTAL BODY TO ORDER IN WRITING CERTAIN CHANGES WITHIN THE GENERAL SCOPE OF THE CONTRACT; TO AMEND SECTION 11-35-3820, RELATING TO THE ALLOCATION OF PROCEEDS FOR SALE OR DISPOSAL OF SURPLUS SUPPLIES, SO AS TO CHANGE REFERENCES TO THE DIVISION OF GENERAL SERVICES TO THE DEPARTMENT OF ADMINISTRATION; TO AMEND SECTION

11-35-3830, RELATING TO TRADE-IN SALES, SO AS TO CHANGE REFERENCES TO THE BOARD TO THE DEPARTMENT OF ADMINISTRATION; TO AMEND SECTION 11-35-3840, RELATING TO LICENSING FOR PUBLIC SALE OF CERTAIN PUBLICATIONS AND MATERIALS, SO AS TO CHANGE A REFERENCE TO THE DIVISION OF GENERAL SERVICES TO THE DIVISION OF PROCUREMENT SERVICES; TO AMEND SECTION 11-35-3850, RELATING TO THE SALE OF UNSERVICEABLE SUPPLIES, SO AS TO CHANGE REFERENCES TO THE BOARD TO THE DEPARTMENT OF ADMINISTRATION; TO AMEND SECTION 11-35-4210, RELATING TO CERTAIN PROTESTS AND PROCEDURES, SO AS TO PROVIDE THAT AN ACTUAL BIDDER, OFFEROR, CONTRACTOR, OR SUBCONTRACTOR WHO IS AGGRIEVED SHALL NOTIFY THE APPROPRIATE OFFICER IN WRITING; TO AMEND SECTION 11-35-4215, RELATING TO THE POSTING OF BOND OR IRREVOCABLE LETTER OF CREDIT, SO AS TO PROVIDE THAT THE AMOUNT RECOVERED MAY NOT EXCEED FIFTEEN THOUSAND DOLLARS; TO AMEND SECTION 11-35-4220, RELATING TO THE AUTHORITY TO DEBAR OR SUSPEND, SO AS TO PROVIDE THAT A VIOLATION OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT OF 1991 IS A CAUSE FOR DEBARMENT; TO AMEND SECTION 11-35-4230, RELATING TO THE AUTHORITY TO RESOLVE CONTRACT AND BREACH OF CONTRACT CONTROVERSIES, SO AS TO PROVIDE THAT THE DIVISION OF PROCUREMENT SERVICES MAY INITIATE AND PURSUE RESOLUTION OF CERTAIN CONTRACT CONTROVERSIES; TO AMEND SECTION 11-35-4310, RELATING TO SOLICITATIONS OR AWARDS IN VIOLATION OF THE LAW, SO AS TO PROVIDE THAT CERTAIN REMEDIES MAY BE GRANTED ONLY AFTER REVIEW; BY ADDING SECTION 11-35-4315 SO AS TO PROVIDE THAT THE BOARD MAY PROVIDE BY REGULATION APPROPRIATE ACTION WHERE A CONTRACT AWARD OR MODIFICATION IS IN VIOLATION OF THE PROCUREMENT CODE; BY ADDING SECTION 11-35-4340 SO AS TO PROVIDE THAT THERE IS NO REMEDY AGAINST THE STATE OTHER THAN THOSE PROVIDED IN THIS CHAPTER; TO AMEND SECTION 11-35-4410, RELATING TO THE PROCUREMENT REVIEW PANEL, SO AS TO

PROVIDE THAT AN APPEAL ONLY MAY BE MADE TO THE COURT OF APPEALS; BY ADDING SECTION 11-35-4425 SO AS TO PROVIDE THAT IF A FINAL ORDER IS NOT APPEALED THE CHIEF PROCUREMENT OFFICER MAY FILE A CERTIFIED COPY OF THE FINAL RULING; BY ADDING SECTION 11-35-4430 SO AS TO PROVIDE THAT PANEL MEMBERS MAY NOT COMMUNICATE IN CONNECTION WITH ANY ISSUE OF FACT OR ISSUE OF LAW; TO AMEND SECTION 11-35-4610, RELATING TO DEFINITIONS, SO AS TO EXPAND ON THE DEFINITION OF "PUBLIC PROCUREMENT UNIT"; TO AMEND SECTION 11-35-4810, RELATING TO COOPERATIVE PURCHASING AUTHORIZED, SO AS TO PROVIDE THAT CERTAIN COOPERATIVE PURCHASING WITH OTHER STATES MUST BE THROUGH CONTRACTS AWARDED THROUGH FULL AND OPEN COMPETITION; TO AMEND SECTION 11-35-4830, RELATING TO THE SALE, ACQUISITION, OR USE OF SUPPLIES BY A PUBLIC PROCUREMENT UNIT, SO AS TO PROVIDE THAT A PUBLIC PROCUREMENT UNIT MAY SELL TO, ACQUIRE FROM, OR USE ANY SUPPLIES BELONGING TO ANOTHER PUBLIC PROCUREMENT UNIT INDEPENDENT OF CERTAIN REQUIREMENTS; TO AMEND SECTION 11-35-4840, RELATING TO THE COOPERATIVE USE OF SUPPLIES OR SERVICES, SO AS TO PROVIDE THAT ANY PUBLIC PROCUREMENT UNIT MAY ENTER INTO AN AGREEMENT INDEPENDENT OF CERTAIN REQUIREMENTS; TO AMEND SECTION 11-35-4860, RELATING TO THE SUPPLY OF PERSONNEL, INFORMATION, AND TECHNICAL SERVICES, SO AS TO PROVIDE THAT THE PROCEEDS FROM CERTAIN SALES MUST BE PLACED IN A REVENUE ACCOUNT; TO AMEND SECTION 11-35-4870, RELATING TO THE USE OF PAYMENTS RECEIVED BY A SUPPLYING PUBLIC PROCUREMENT UNIT, SO AS TO PROVIDE THAT CERTAIN PAYMENTS MUST BE DEPOSITED IN A SPECIAL REVENUE ACCOUNT; TO AMEND SECTION 11-35-4880, RELATING TO PUBLIC PROCUREMENT UNITS IN COMPLIANCE WITH CODE REQUIREMENTS, SO AS TO REMOVE A REFERENCE TO EXTERNAL PROCUREMENT ACTIVITY; BY ADDING SECTION 11-35-4900 SO AS TO PROVIDE FOR APPROVAL OF CERTAIN INTERGOVERNMENTAL ACQUISITIONS; TO AMEND SECTION 1-23-600, AS AMENDED, RELATING TO THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

HEARINGS AND PROCEEDINGS, SO AS TO PROVIDE THAT AN APPEAL FROM THE PROCUREMENT REVIEW PANEL IS TO THE COURT OF APPEALS; TO AMEND SECTION 57-1-490, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S ANNUAL AUDITS, SO AS TO REMOVE THE REQUIREMENT THAT THE DEPARTMENT'S INTERNAL PROCUREMENT OPERATION MUST BE AUDITED ANNUALLY; BY ADDING SECTION 1-11-190 SO AS TO PROVIDE RESPONSIBILITIES FOR THE DEPARTMENT OF ADMINISTRATION; TO PROVIDE THAT THE STATE FISCAL ACCOUNTABILITY AUTHORITY SHALL PUBLISH INTERIM REGULATIONS IT WILL FOLLOW TO IMPLEMENT CERTAIN CHANGES; TO REPEAL SECTION 11-35-1580 RELATING TO INFORMATION TECHNOLOGY PROCUREMENTS; TO REDESIGNATE ARTICLE 10, CHAPTER 35, TITLE 11 AS "INDEFINITE QUANTITY CONTRACTS"; AND TO RECODIFY SECTIONS 11-35-35, RELATING TO SURETY BONDS, 11-35-55, RELATING TO THE PURCHASE OF GOODS OR SERVICES FROM AN ENTITY EMPLOYING PRISON INMATES, AND 11-35-70, RELATING TO SCHOOL DISTRICTS SUBJECT TO THE PROCUREMENT CODE.

Whereas, the General Assembly finds that it adopted a modified version of the 1979 ABA Model Procurement Code for State and Local Governments, when it enacted 1981 Act No. 148. Since then, the ABA has revised its recommended model by adopting the 2000 ABA Model Procurement Code for State and Local Governments, a primary goal of which was to encourage the competitive use of new forms of project delivery in public construction procurement. With the enactment of Act 174 in 2008, the General Assembly adopted a modified version of the changes made by the 2000 ABA Model Code. In recognition of the state's long history of reliance on the model code, the applicable official comments to the model code, and the relevant and applicable construction given to the model code, should be examined as persuasive authority for interpreting and construing the South Carolina Consolidated Procurement Code; and

Whereas, it is the intent of the General Assembly that agencies and institutions comply with Section 11-35-1530, which limits use of this source selection method to circumstances in which the use of competitive sealed bidding is either not practicable or not advantageous to the State; accordingly, the basis for such determinations must be

specified with particularity and must be documented in sufficient detail to satisfy the requirements of audit. The Materials Management Officer is responsible for controlling the use of RFPs by the respective offices of the Division of Procurement Services and for monitoring the adequacy of such determinations statewide; and

Whereas, the General Assembly finds that thorough and considered acquisition planning, including appropriate market research, industry-government communications, requirements definitions, risk analysis, and contract administration plans, is necessary to provide increased economy in state procurement activities, to maximize to the fullest extent practicable the purchasing values of funds, and to foster effective broad-based competition for public procurement, all of which are key purposes of the procurement laws; accordingly, the head of each using agency, as defined in Section 11-35-310, is expected to have in place an effective system to implement such planning, and the State Fiscal Accountability Authority is expected to promulgate regulations, establishing guidelines for and requiring such planning, and to audit for compliance with such regulations; and

Whereas, the General Assembly finds that acquisition policies that more closely resemble those of the commercial marketplace, encourage the acquisition of commercial items, and, where possible, allow use of terms and conditions accepted in the marketplace, will promote efficiency and economy in contracting and avoid unnecessary burdens for agencies and contractors. Accordingly, it adopts simplified procedures for the acquisition of commercially available off-the-shelf products, including higher dollar thresholds for agency purchases of those products. Now, therefore,

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

Construction and application of code

SECTION 1. Section 11-35-20 of the 1976 Code is amended to read:

“Section 11-35-20. (1) This code must be construed and applied to promote underlying purposes and policies.

(2) The underlying purposes and policies of this code are:

(a) to provide increased economy in state procurement activities and to maximize to the fullest extent practicable the purchasing values of funds while ensuring that procurements are the most advantageous to

the State and in compliance with the provisions of the Ethics Government Accountability and Campaign Reform Act;

(b) to foster effective broad-based competition for public procurement within the free enterprise system;

(c) to develop procurement capability responsive to appropriate user needs;

(d) to consolidate, clarify, and modernize the law governing procurement in this State and permit the continued development of explicit and thoroughly considered procurement policies and practices;

(e) to require the adoption of competitive procurement laws and practices by units of state and local governments;

(f) to ensure the fair and equitable treatment of all persons who deal with the procurement system which will promote increased public confidence in the procedures followed in public procurement;

(g) to provide safeguards for the maintenance of a procurement system of quality and integrity with clearly defined rules for ethical behavior on the part of all persons engaged in the public procurement process; and

(h) to develop an efficient and effective means of delegating roles and responsibilities to the various government procurement officers.”

No implied repeal

SECTION 2. Article 1, Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Section 11-35-27. No part of this chapter may be considered to be impliedly repealed by subsequent legislative enactment if such construction of the subsequent legislative enactment can be reasonably avoided.”

Application of the Procurement Code

SECTION 3. Section 11-35-40(2) and (3) of the 1976 Code is amended to read:

“(2) Application to State Procurement. This code applies to every procurement or expenditure of funds by this State under contract acting through a governmental body as herein defined irrespective of the source of the funds, including federal assistance monies, except as specified in Section 11-35-40(3) (Compliance with Federal Requirements) and except that this code does not apply to gifts, to the issuance of grants, or

to contracts between public procurement units, except as provided in Article 19 (Intergovernmental Relations). Notwithstanding the foregoing, the provisions of Article 23 (Statewide Provisions) apply as provided therein. It also shall apply to the disposal of state supplies as provided in Article 15 (Supply Management). No state agency or subdivision thereof may sell, lease, or otherwise alienate or obligate telecommunications and information technology infrastructure of the State by temporary proviso and unless provided for in the general laws of the State.

(3) Compliance with Federal Requirements. Where a procurement involves the expenditure of federal assistance, grant, or contract funds, the governmental body also shall comply with federal laws (including authorized regulations) as are mandatorily applicable and which are not presently reflected in this code; however, failure to comply with the foregoing is not subject to review under Article 17. Notwithstanding, where federal assistance, grant, or contract funds are used in a procurement by a governmental body as defined in Section 11-35-310(18), this code, including any requirements that are more restrictive than federal requirements, must be followed, except to the extent such action would render the governmental body ineligible to receive federal funds whose receipt is conditioned on compliance with mandatorily applicable federal law. In those circumstances, the solicitation must identify and explain the impact of such federal laws on the procurement process, including any required deviation from this code.”

Conforming change

SECTION 4. Section 11-35-70 of the 1976 Code is amended to read:

“Section 11-35-70. Irrespective of the source of funds, any school district whose budget of total expenditures, including debt service, exceeds seventy-five million dollars annually is subject to the provisions of Chapter 35, Title 11, and shall notify the Director of the Division of Procurement Services of the State Fiscal Accountability Authority of its expenditures within ninety days after the close of its fiscal year. However, if a district has its own procurement code which is, in the written opinion of the Division of Procurement Services of the State Fiscal Accountability Authority, substantially similar to the provisions of the South Carolina Consolidated Procurement Code, the district is exempt from the provisions of the South Carolina Consolidated Procurement Code except for a procurement audit which must be

performed every three years by an audit firm approved by the Division of Procurement Services. Costs associated with the internal review and audits are the responsibility of the school district and will be paid to the entity performing the audit.”

Determinations exemption

SECTION 5. Section 11-35-210 of the 1976 Code is amended to read:

“Section 11-35-210. (A) Written determinations expressly required by the code or regulations must be retained in an official contract file of the governmental body administering the contract. These determinations must be documented in sufficient detail to satisfy the requirements of audit as provided in Section 11-35-1230.

(B) All findings, determinations, decisions, policies, and procedures allowed by this chapter are exempt from the requirements of Section 1-23-140(b).”

Definitions

SECTION 6. Section 11-35-310 of the 1976 Code is amended to read:

“Section 11-35-310. Unless the context clearly indicates otherwise:

(1) ‘Information Technology (IT)’ means information resources, telecommunications, and information services:

(a) ‘Information resources’ means any equipment including interconnected systems or subsystems of equipment that is used in the automatic acquisition, creation, conversion, duplication, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the using agency.

(i) ‘Information resources’ includes, but is not limited to, computers, ancillary equipment, including imaging peripherals, input, output, and storage devices and devices necessary for security and surveillance, peripheral equipment designed to be controlled by the central processing unit of a computer, databases, software, firmware, middleware, and application and application development software; whether owned, leased, licensed, or accessed as a service; and routine maintenance and support.

(ii) ‘Database’ means a collection of recorded information in a form capable of, and for the purpose of, being stored in, processed, and operated on by a computer.

(iii) 'Software' means computer programs that comprise a series of instructions, rules, routines, or statements, regardless of the media in which recorded, that allow or cause a computer to perform a specific operation or series of operations.

(iv) For purposes of this definition, equipment is used by an agency if the equipment is used by the agency directly or is used by a contractor under a contract with the agency that requires its use.

(b) 'Telecommunications' means voice, data, message, and video transmissions, and includes the transmission and switching facilities of public telecommunications systems, as well as operating and network software.

(c) 'Information Services' means services provided by a contractor associated with any aspect of information resources or telecommunications, except that information services does not include information resources or telecommunications.

(2) 'Board' means governing body of the State Fiscal Accountability Authority.

(3) 'Business' means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other legal entity.

(4) 'Business day' means a day that is neither a Saturday, Sunday, nor a state or federal holiday.

(5) 'Change order' means any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual agreement of the parties to the contract.

(6) 'Chief procurement officer' means (a) the management officer for information technology, (b) the state engineer for areas of construction, architectural and engineering, construction management, and land surveying services, and (c) the materials management officer for all other procurements.

(7) 'Construction' means the process of building, altering, repairing, remodeling, improving, or demolishing a public infrastructure facility, including any public structure, public building, or other public improvements of any kind to real property. It does not include the routine operation, routine repair, or routine maintenance of an existing public infrastructure facility, including structures, buildings, or real property.

(8) 'Contract' means all types of state agreements, regardless of what they may be called, for the procurement or disposal of supplies, services, information technology, or construction.

(9) 'Contract modification' means a written order signed by the procurement officer, directing the contractor to make changes which the

changes clause of the contract authorizes the procurement officer to order without the consent of the contractor.

(10) 'Contractor' means any person having a contract with a governmental body.

(11) 'Cost effectiveness' means the ability of a particular product or service to efficiently provide goods or services to the State. In determining the cost effectiveness of a particular product or service, the procurement officer shall list the relevant factors in the bid notice or solicitation and use only those listed relevant factors in determining the award.

(12) 'Data' means recorded information, regardless of form or characteristics.

(13) 'Days' means calendar days. In computing any period of time prescribed or allowed by this code or the ensuing regulations, or by any order of the Procurement Review Panel, the day of the act, event, or default from which the designated period of time begins to run is not to be included. The last day of the period computed is to be included, unless it is a Saturday, Sunday, or a state or federal holiday, in which event the period runs to the end of the next day which is neither a Saturday, Sunday, nor such holiday.

(14) 'Debarment' means the disqualification of a person to receive invitations for bids, or requests for proposals, or the award of a contract by the State, for a specified period of time commensurate with the seriousness of the offense or the failure or inadequacy of performance.

(15) 'Designee' means a duly authorized representative of a person with formal responsibilities under the code.

(16) 'Employee' means an individual drawing a salary from a governmental body, whether elected or not, and any nonsalaried individual performing personal services for any governmental body.

(17) (Reserved)

(18) 'Governmental body' means a state government department, commission, council, board, bureau, committee, institution, college, university, technical school, agency, government corporation, or other establishment or official of the executive or judicial branch. Governmental body excludes the General Assembly or its respective branches or its committees, Legislative Council, the Legislative Services Agency, and all local political subdivisions such as counties, municipalities, school districts, or public service or special purpose districts or any entity created by act of the General Assembly for the purpose of erecting monuments or memorials or commissioning art that is being procured exclusively by private funds.

(19) 'Grant' means the furnishing by the State or the United States government of assistance, whether financial or otherwise, to a person to support a program authorized by law. It does not include an award, the primary purpose of which is to procure specified end products, whether in the form of supplies, services, information technology, or construction. A contract resulting from such an award must not be considered a grant but a procurement contract.

(20) 'Information Technology Management Officer' means the person holding the position as the head of the State Information Technology Office.

(21) 'Invitation for bids' means a written or published solicitation issued by an authorized procurement officer for bids to contract for the procurement or disposal of stated supplies, services, information technology, or construction, which will ordinarily result in the award of the contract to the responsible bidder making the lowest responsive bid.

(22) 'Materials Management Officer' means the person holding the position as the head of the materials management office of the State.

(23) 'Person' means any business, individual, union, committee, club, other organization, or group of individuals.

(24) 'Political subdivision' means all counties, municipalities, school districts, public service or special purpose districts.

(25) 'Procurement' means buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services, information technology, or construction. It also includes all functions that pertain to the obtaining of any supply, service, information technology, or construction, including description of requirements, selection, and solicitation of sources, preparation and award of contracts, and all phases of contract administration.

(26) 'Procurement officer' means any person duly authorized by the appropriate chief procurement officer or the head of the purchasing agency to enter into and administer contracts and make written determinations and findings with respect thereto. The term also includes an authorized representative of the governmental body within the scope of his authority.

(27) 'Public funds' means any money or property owned by the State or a political subdivision thereof, regardless of form and whether in specie or otherwise.

(28) 'Purchasing agency' means any governmental body other than the chief procurement officers authorized by this code or by way of delegation from the chief procurement officers to enter into contracts.

(29) 'Real property' means any land, all things growing on or attached thereto, and all improvements made thereto including buildings and structures located thereon.

(30) 'Request for proposals' (RFP) means a written or published solicitation issued by an authorized procurement officer for proposals to provide supplies, services, information technology, or construction which ordinarily result in the award of the contract to the responsible offeror making the proposal determined to be most advantageous to the State.

(31) 'Services' means the furnishing of labor, time, or effort by a contractor not required to deliver a specific end product, other than reports which are merely incidental to required performance. This term includes consultant services other than architectural, engineering, land surveying, construction management, and related services. This term does not include employment agreements or information services as defined in Section 11-35-310(1)(c).

(32) 'Subcontractor' means any person having a contract to perform work or render service to a prime contractor as a part of the prime contractor's agreement with a governmental body.

(33) 'Supplies' means all personal property including, but not limited to, equipment, materials, printing, and insurance.

(34) 'State' means state government.

(35) 'State Engineer' means the person holding the position as head of the state engineer's office.

(36) 'Suspension' means the disqualification of a person to receive invitations for bids, requests for proposals, or the award of a contract by the State, for a temporary period pending the completion of an investigation and any legal proceedings that may ensue because a person is suspected upon probable cause of engaging in criminal, fraudulent, or seriously improper conduct or failure or inadequacy of performance which may lead to debarment.

(37) 'Term contract' means contracts established by the chief procurement officer for specific supplies, services, or information technology for a specified time and for which it is mandatory that all governmental bodies procure their requirements during its term. As provided in the solicitation, if a governmental body is offered the same supplies, services, or information technology at a price that is at least ten percent less than the term contract price, it may purchase from the vendor offering the lower price after first offering the vendor holding the term contract the option to meet the lower price. The solicitation used to establish the term contract must specify contract terms applicable to a purchase from the vendor offering the lower price. If the vendor holding

the term contract meets the lower price, then the governmental body shall purchase from the contract vendor. All decisions to purchase from the vendor offering the lower price must be documented by the procurement officer in sufficient detail to satisfy the requirements of an external audit. A term contract may be a multiterm contract as provided in Section 11-35-2030.

(38) 'Using agency' means any governmental body of the State which utilizes any supplies, services, information technology, or construction purchased under this code."

Public access to procurement information exception

SECTION 7. Section 11-35-410 of the 1976 Code is amended to read:

"Section 11-35-410. (A) Procurement information must be a public record to the extent required by Chapter 4, Title 30 (The Freedom of Information Act), except as otherwise provided by this code, and with the exception that commercial or financial information obtained in response to a request for proposals or any type of bid solicitation that is privileged and confidential need not be disclosed.

(B) Privileged and confidential information is information in specific detail not customarily released to the general public, the release of which might cause harm to the competitive position of the party supplying the information. Examples of this type of information include:

- (1) customer lists;
- (2) design recommendations and identification of prospective problem areas under an RFP;
- (3) design concepts, including methods and procedures;
- (4) biographical data on key employees of the bidder.

(C) The board shall promulgate regulations directing the public availability and disposition of documents submitted in response or with regard to a solicitation or other request where no award is made.

(D) For all documents submitted in response or with regard to any solicitation or other request, the person submitting the documents shall comply with instructions provided in the solicitation for marking information exempt from public disclosure. Information not marked as required by the applicable instructions may be disclosed to the public.

(E) A governmental body, with the approval of the appropriate chief procurement officer, may keep portions of a solicitation confidential and release the information to prospective offerors only upon execution of a nondisclosure agreement, provided the information is otherwise exempted from disclosure by law.

(F) If requested in writing before a final award by an actual bidder, offeror, contractor, or subcontractor with regard to a specific intended award or award of a contract, the procurement officer shall, within five days of the receipt of any such request, make documents directly connected to the procurement activity and not otherwise exempt from disclosure available for inspection at an office of the responsible procurement officer. Without otherwise limiting any other exemptions granted by law, and except as provided herein, documents of and documents incidental to proposed contractual arrangements, including those used for contract negotiations, are not exempt from disclosure after the date notice of intent to award is posted, unless the notice is subsequently canceled.”

Conforming change

SECTION 8. Section 11-35-510 of the 1976 Code is amended to read:

“Section 11-35-510. All rights, powers, duties, and authority relating to the procurement of supplies, services, and information technology and to the management, control, warehousing, sale and disposal of supplies, construction, information technology, and services now vested in or exercised by a state governmental body pursuant to the provisions of law relating thereto, and regardless of source of funding, are hereby vested in the appropriate chief procurement officer, or with regard to Article 15, as provided therein. This vesting of authority is subject to Section 11-35-710 (Exemptions), Section 11-35-1250 (Authority to Contract for Auditing Services), Section 11-35-1260 (Authority to Contract for Legal Services), Section 11-35-1550 (Small Purchases), Section 11-35-1560 (Sole Source Procurement), Section 11-35-1570 (Emergency Procurements), Section 11-35-3230 (Exception for Small Architect-Engineer, and Land Surveying Services Contracts), and Section 11-35-3620 (Management of Warehouses and Inventory).”

Advisory committees

SECTION 9. Section 11-35-530 of the 1976 Code is amended to read:

“Section 11-35-530. The following advisory committees may be established by the board for the purpose of advising the board:

(a) The board may appoint a purchasing policies and procedures advisory committee comprised of state and local government, and public

members to discuss the performance of public purchasing in the State and to consider specific methods for improvement.

(b) The board may appoint an information technology and procedures advisory committee comprised of state and local government and public members to discuss the purchasing performance of information technology for government in the State and to consider specific methods for improvement.

(c) The board may appoint a construction, architect-engineer, construction management, and land surveying services advisory committee comprised of state and local government and public members to discuss the purchasing performance of these services in the State and to consider specific methods of improvement. The advisory committee shall be comprised of the following: the State Engineer, a state agency representative, a banker, an attorney, a representative of local government, a registered architect, a registered engineer, a licensed building contractor, and a licensed subcontractor.”

Deletion of duty of the chief executive officer

SECTION 10. Section 11-35-540(5) of the 1976 Code is deleted.

Eleemosynary exemption

SECTION 11. Section 11-35-710 of the 1976 Code is amended to read:

“Section 11-35-710. (A) The board, upon the recommendation of the chief procurement officer, may exempt governmental bodies from purchasing certain items through the respective chief procurement officer’s area of responsibility. The board may exempt specific supplies, services, information technology, or construction from the purchasing procedures required in this chapter and for just cause by unanimous written decision limit or may withdraw exemptions provided for in this section. The following exemptions are granted from this chapter:

- (1) the construction, maintenance, and repair of bridges, highways, and roads; vehicle and road equipment maintenance and repair; and other emergency-type parts or equipment utilized by the Department of Transportation or the Department of Public Safety;
- (2) the purchase of raw materials by the South Carolina Department of Corrections, Division of Prison Industries;
- (3) South Carolina State Ports Authority;
- (4) Division of Public Railways of the Department of Commerce;

- (5) South Carolina Public Service Authority;
 - (6) expenditure of funds at state institutions of higher learning derived wholly from athletic or other student contests, from the activities of student organizations, and from the operation of canteens and bookstores, except as the funds are used for the procurement of construction, architect-engineer, construction-management, and land surveying services;
 - (7) livestock, feed, and veterinary supplies;
 - (8) articles for commercial sale by all governmental bodies;
 - (9) fresh fruits, vegetables, meats, fish, milk, and eggs;
 - (10) South Carolina Arts Commission and South Carolina Museum Commission for the purchase of one-of-a-kind items such as paintings, antiques, sculpture, and similar objects. Before a governmental body procures the objects, the head of the purchasing agency shall prepare a written determination specifying the need for the objects and the benefits to the State. The South Carolina Arts Commission shall review the determination and forward a recommendation to the board for approval;
 - (11) published books, periodicals, and technical pamphlets;
 - (12) South Carolina Research Authority;
 - (13) the purchase of supplies, services, or information technology by state offices, departments, institutions, agencies, boards, and commissions or the political subdivisions of this State from the South Carolina Department of Corrections, Division of Prison Industries;
 - (14) Medical University Hospital Authority, if the Medical University Hospital Authority has promulgated a procurement process in accordance with its enabling provision;
 - (15) if approved in writing by the State Engineer in advance, and if some aspect of the overall transaction is otherwise approved by the board in advance of the acquisition, an acquisition of construction from an eleemosynary corporation or foundation, or a wholly owned business thereof, established solely for the governmental body's benefit, but only if the eleemosynary corporation or foundation acquires the construction on behalf of or for the use of the governmental body and does so pursuant to this code, as required by Section 11-35-40(4).
- (B) The State Fiscal Accountability Authority shall maintain and post publicly a running list of all currently effective actions taken by the board pursuant to subsection (A)."

Conforming change

SECTION 12. Section 11-35-810 of the 1976 Code is amended to read:

“Section 11-35-810. There is hereby created, within the Division of Procurement Services, a Materials Management Office to be headed by the Materials Management Officer.”

Responsibilities of the Information Technology Management Office

SECTION 13. Section 11-35-820 of the 1976 Code is amended to read:

“Section 11-35-820. There is created within the Division of Procurement Services, the Information Technology Management Office to be headed by the Information Technology Management Officer. The office is responsible for administering all procurement and contracting activities undertaken for governmental bodies involving information technology in accordance with this chapter, and may establish a training and certification program in accordance with Section 11-35-1030. All procurements involving information technology, and any pre-procurement and post-procurement activities in this area, must be conducted in accordance with the regulations promulgated by the board.”

Direct procurements not under term contracts

SECTION 14. Section 11-35-1210(1), (2), and (4) is amended to read:

“(1) Authority. In an amount up to fifty thousand dollars in actual or potential value, individual governmental bodies may make direct procurements not under term contracts. Subject to the following and subject to any ensuing regulations:

(a) the board may assign differential dollar limits below which individual governmental bodies may make direct procurements not under term contracts. The Division of Procurement Services shall review the respective governmental body’s internal procurement operation, shall certify in writing that it is consistent with the provisions of this code and the ensuing regulations, and recommend to the board those dollar limits for the respective governmental body’s procurement not under term contract; and

(b) the Director of the Division of Procurement Services may authorize an individual governmental body to make direct procurements not under term contracts in an amount up to one hundred fifty thousand dollars. All authority granted pursuant to this item must be in writing,

and the director shall advise the board in writing of all such authorizations.

(2) Policy. Authorizations granted by the board or the Director of the Division of Procurement Services to a governmental body are subject to the following:

- (a) adherence to the provisions of this code and the ensuing regulations, particularly concerning competitive procurement methods;
- (b) responsiveness to user needs;
- (c) obtaining the best prices for value received.

(4) Subject to subsection (1), the State Board for Technical and Comprehensive Education, in coordination with the appropriate chief procurement officer, may approve a cumulative total of up to fifty thousand dollars in additional procurement authority for technical colleges, provided that the Division of Procurement Services makes no material audit findings concerning procurement. As provided by regulation, any authority granted pursuant to this paragraph is effective when certified in writing by the Division of Procurement Services.”

Deletion of responsibility of the Division of Budget Analysis in auditing and fiscal reporting

SECTION 15. Section 11-35-1230 of the 1976 Code is amended to read:

“Section 11-35-1230. (1) The Division of Procurement Services, through consultation with the chief procurement officers, shall develop written plans for the auditing of state procurements.

(2) In procurement audits of governmental bodies thereafter, the auditors from the Division of Procurement Services shall review the adequacy of the governmental body’s internal controls in order to ensure compliance with the requirement of this code and the ensuing regulations. A noncompliance discovered through audit must be transmitted in management letters to the audited governmental body and the board. The Division of Procurement Services shall provide in writing proposed corrective action to governmental bodies. Based upon audit recommendations, the board may revoke certification as provided in Section 11-35-1210 and require the governmental body to make all procurements through the appropriate chief procurement officer above a dollar limit set by the board, until such time as the board is assured of compliance with this code and its regulations by that governmental body.”

Definitions

SECTION 16. Section 11-35-1410 of the 1976 Code is amended to read:

“Section 11-35-1410. Unless the context clearly indicates otherwise:

(1) ‘Commercial product’ means supplies, other than printing, or information resources:

(a) that is of a type customarily used by the general public and that has been sold, leased, or licensed to the general public;

(b) that would satisfy the criteria in subitem (a) were it not for modifications of a type customarily available in the commercial marketplace, or minor modifications made to meet state requirements; or

(c) that is a combination of products meeting the requirements of subitem (a) or (b) that are of a type customarily combined and sold in combination to the general public.

(2) ‘Commercially available off-the-shelf product’ means supplies, other than printing, or information resources: that is a commercial product, as defined herein, that is sold in substantial quantities in the commercial marketplace; and is offered to the State, without modification, in the same form in which it is sold in the commercial marketplace. It does not include agricultural products, petroleum products, and other items customarily sold in bulk.

(3) ‘Cost-reimbursement contract’ means a contract under which a contractor is reimbursed for costs which are allowable and allocable in accordance with the contract terms and the provisions of this code, and paid a fee, if any.

(4) ‘Established catalog price’ means the price included in a catalog, price list, schedule, or other form that:

(a) is regularly maintained by a manufacturer or vendor of an item;

(b) is either published or otherwise available for inspection by customers;

(c) states prices at which sales are currently or were last made to a significant number of buyers constituting the general buying public for the supplies, services, or information technology involved.

(5) ‘Invitation for bids’ means all documents, whether attached or incorporated by reference, utilized for soliciting bids in accordance with the procedures set forth in Section 11-35-1520.

(6) 'Purchase description' means specifications or other document describing the supplies, services, information technology, or construction to be procured.

(7) 'Request for proposals' means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.

(8) 'Responsible bidder or offeror' means a person who has the capability in all respects to perform fully the contract requirements and the integrity and reliability which will assure good faith performance which may be substantiated by past performance.

(9) 'Responsive bidder or offeror' means a person who has submitted a bid or proposal which conforms in all material aspects to the invitation for bids or request for proposals."

Addition of competitive negotiations to methods of source selection

SECTION 17. Section 11-35-1510 of the 1976 Code is amended to read:

"Section 11-35-1510. Unless otherwise provided by law, all state contracts must be awarded by competitive sealed bidding, pursuant to Section 11-35-1520, except as provided in:

- (1) Section 11-35-1250 (Authority to Contract for Auditing Services);
 - (2) Section 11-35-1260 (Authority to Contract for Legal Services);
 - (3) Section 11-35-1525 (Fixed Priced Bidding);
 - (4) Section 11-35-1528 (Competitive Best Value Bidding);
 - (5) Section 11-35-1529 (Competitive Online Bidding);
 - (6) Section 11-35-1530 (Competitive Sealed Proposals);
 - (7) Section 11-35-1535 (Competitive Negotiations);
 - (8) Section 11-35-1540 (Negotiations After Unsuccessful Competitive Sealed Bidding);
 - (9) Section 11-35-1550 (Small Purchases);
 - (10) Section 11-35-1560 (Sole Source Procurements);
 - (11) Section 11-35-1570 (Emergency Procurements);
 - (12) Section 11-35-1575 (Participation in Auction or Bankruptcy Sale);
 - (13) (Reserved)
 - (14) Section 11-35-3015 (Source Selection Methods Assigned to Project Delivery Methods);
 - (15) Section 11-35-3220 (Architect Engineer, Construction Management and Land Surveying Services Procurement Procedures);
- and

(16) Section 11-35-3230 (Exception for Small Architect-Engineer and Land Surveying Services contracts).”

Competitive sealed bidding

SECTION 18. Section 11-35-1520(1), (3), (7), (8), and (10) of the 1976 Code is amended to read:

“(1) Condition for Use. Contracts must be awarded by competitive sealed bidding except as otherwise provided in Section 11-35-1510.

(3) Notice. Adequate notice of the invitation for bids must be given at a reasonable time before the date set forth in it for the opening of bids. The notice must include publications in ‘South Carolina Business Opportunities’. Governmental bodies may charge vendors the cost incurred for copying and mailing bid or proposal documents requested in response to a procurement.

(7) Correction or Withdrawal of Bids; Cancellation of Awards. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation and re-award of awards or contracts, after award but before performance, may be permitted in accordance with regulations promulgated by the board. After bid opening, changes in bid prices or other provisions of bids prejudicial to the interest of the State or fair competition must not be permitted. After opening, bids must not be corrected or withdrawn except in accordance with the provisions of this code and the regulations promulgated pursuant to it. Except as otherwise provided by regulation, all decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts, after award but before performance, must be supported by a written determination of appropriateness made by the chief procurement officers or head of a purchasing agency.

(8) Reserved.

(10) Award. Unless there is a compelling reason to reject bids as prescribed by regulation of the board, notice of an award or an intended award of a contract to the lowest responsive and responsible bidders whose bid meets the requirements set forth in the invitation for bids must be given by posting the notice on the date and at a location specified in the invitation for bids. For contracts with a total or potential value in excess of one hundred thousand dollars, notice of an intended award of a contract must be given by posting the notice for seven business days

before entering into a contract and must be sent electronically to all bidders responding to the solicitation on the same day that the notice is posted in accordance with this section. The posting date shall appear on the face of all these notices. If a change to the posting date is necessary, notice of the revised posting date must be given by posting the notice for three business days at the location identified in the solicitation and must be sent electronically to all bidders responding to the solicitation on the same day that the notice is posted in accordance with this section. The invitation for bids and a notice of award or notice of intent to award must contain a statement of a bidder's right to protest pursuant to Section 11-35-4210(1). When only one response is received, the notice of intent to award and the delay of award may be waived."

Competitive fixed price bidding

SECTION 19.A. Section 11-35-1525(1), (6), (8), and (9) of the 1976 Code is amended to read:

"(1) Conditions for Use. When the procurement officer determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the State, a contract may be entered into by competitive fixed price bidding subject to the provisions of Section 11-35-1520 and the ensuing regulations, unless otherwise provided for in this section.

(6) Reserved.

(8) Bids Received After Award. As provided in the solicitation, bidders not responding to the initial fixed price bid may be added to the awarded vendors' list provided the bidder furnishes evidence of responsibility and responsiveness to the state's original fixed price bid as required by the solicitation."

B. The deletion of Section 11-35-1525(9) may not be interpreted as an indication that the failure of a specific offeror to receive business is grounds for a dispute.

Competitive best value bidding

SECTION 20. Section 11-35-1528 (1), (4), (5), (6), and (7) of the 1976 Code is amended to read:

“(1) Conditions for Use. When the procurement officer determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the State, a contract may be entered into by competitive best value bidding subject to the provisions of Section 11-35-1520 and the ensuing regulations, unless otherwise provided for in this section.

(4) Bid Opening. At bid opening, the only information that will be released is the names of the participating bidders. Price information will be provided after the ranking of bidders and the issuance of award.

(5) Evaluation Factors. The best value bid must state the factors to be used in determination of award and the numerical weighting for each factor. Price must be a factor in determination of award and cannot be weighted at less than sixty percent. Best value bid evaluation factors may include, but are not limited to, any of the following:

- (a) operational costs the State would incur if the bid is accepted;
- (b) quality of the product or service or its technical competency;
- (c) reliability of delivery and implementation schedules;
- (d) maximum facilitation of data exchange and systems integration;
- (e) warranties, guarantees, and return policy;
- (f) vendor financial stability;
- (g) consistency of the proposed solution with the state’s planning documents and announced strategic program direction;
- (h) quality and effectiveness of business solution and approach;
- (i) industry and program experience;
- (j) prior record of vendor performance;
- (k) vendor expertise with engagement of similar scope and complexity;
- (l) extent and quality of the proposed participation and acceptance by all user groups;
- (m) proven development methodologies and tools; and
- (n) innovative use of current technologies and quality results.

(6) Clarification of Responsive Bid. The procurement officer may ask a responsive bidder to clarify an ambiguity in its bid; however, no material modification of the bid is allowed.

(7) Selection and Ranking. Bids shall be evaluated by using only the criteria and weightings stated in the invitation for best value bids. All evaluation factors, other than price, will be considered independent of and prior to determining the effect of price on the score for each participating bidder. Once the evaluation is complete, all responsive bidders must be ranked from most advantageous to least advantageous

to the State, considering only the evaluation factors stated in the invitation for best value bids.”

Competitive online bidding

SECTION 21. Section 11-35-1529 of the 1976 Code is amended to read:

“Section 11-35-1529. (1) Conditions for Use. When the procurement officer determines in writing that on-line bidding is more advantageous than competitive sealed bidding, a contract may be entered into by competitive on-line bidding, subject to the provisions of Section 11-35-1520 and the ensuing regulations, unless otherwise provided in this section.

(2) Public Notice. Adequate public notice of the request for the solicitation must be given in the same manner as provided in Section 11-35-1520(3).

(3) Bidding Process. The solicitation must designate both an Opening Date and Time and a Closing Date and Time. The Closing Date and Time need not be a fixed point in time, but may remain dependent on a variable specified in the solicitation. At the Opening Date and Time, the State must begin accepting real-time electronic bids. The solicitation must remain open until the Closing Date and Time. Before the Opening Date and Time, the State shall require bidders to register, shall register only responsible bidders, and, as a part of that registration, require bidders to agree to any terms, conditions, or other requirements of the solicitation. If less than two bidders are registered, the solicitation must be canceled. Following receipt of the first bid after the Opening Date and Time, the lowest bid price must be posted electronically to the Internet and updated on a real-time basis. At any time before the Closing Date and Time, a bidder may lower the price of its bid, except that after Opening Date and Time, a bidder may not lower its price unless that price is below the then lowest bid. Bid prices may not be increased after Opening Date and Time. Except for bid prices, bids may be modified only as otherwise allowed by this code. A bid may be withdrawn only in compliance with Section 11-35-1520. If a bid is withdrawn, a later bid submitted by the same bidder may not be for a higher price. If the lowest responsive bid is withdrawn after the Closing Date and Time, the State may cancel the solicitation in accordance with this code or reopen electronic bidding to all pre-existing bidders by giving adequate notice to all pre-existing bidders of both the new Opening Date and Time and

the new Closing Date and Time. Notice that electronic bidding will be reopened must be given as specified in the solicitation.

(4) Receipt and Safeguarding of Bids. Other than price, any information provided to the State by a bidder must be safeguarded as required by Section 11-35-1520(4).

(5) Provisions Not to Apply. Section 11-35-1524 and paragraph (5) (Bid Opening) of Section 11-35-1520 do not apply to solicitations issued pursuant to this section.”

Competitive sealed proposals

SECTION 22. Section 11-35-1530 of the 1976 Code is amended to read:

“Section 11-35-1530. (1) Conditions for Use.

(a) If the procurement officer determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the State, a contract may be entered into by competitive sealed proposals subject to the provisions of Section 11-35-1520 and the ensuing regulations, unless otherwise provided in this section.

(b) The board may provide by regulation that it is either not practicable or not advantageous to the State to procure specified types of supplies, services, information technology, or construction by competitive sealed bidding.

(2) Public Notice. Adequate public notice of the request for proposals must be given in the same manner as provided in Section 11-35-1520(3).

(3) Receipt of Proposals. Proposals must be opened publicly in accordance with regulations of the board. A tabulation of proposals must be prepared in accordance with regulations promulgated by the board and must be open for public inspection after contract award.

(4) Request for Qualifications.

(a) Before soliciting proposals, the procurement officer may issue a request for qualifications from prospective offerors. The request must contain at a minimum a description of the scope of the work to be solicited by the request for proposals and must state the deadline for submission of information and how prospective offerors may apply for consideration. The request must require information only on their qualifications, experience, and ability to perform the requirements of the contract.

(b) After receipt of the responses to the request for qualifications from prospective offerors, rank of the prospective offerors must be

determined in writing from most qualified to least qualified on the basis of the information provided. Proposals then must be solicited from at least the top two prospective offerors by means of a request for proposals. The determination regarding how many proposals to solicit is not subject to review pursuant to Article 17.

(5) Evaluation Factors. The request for proposals must state the relative importance of the factors to be considered in evaluating proposals but may not require a numerical weighting for each factor. Price may, but need not, be an evaluation factor.

(6) Discussion with Offerors. As provided in the request for proposals, discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors must be accorded fair and equal treatment with respect to any opportunity for discussions. In conducting discussions, there must be no disclosure of confidential information derived from proposals submitted by competing offerors. The board shall promulgate regulations governing discussions.

(7) Selection and Ranking. Proposals must be evaluated using only the criteria stated in the request for proposals and there must be adherence to weightings that have been assigned previously. Once evaluation is complete, all responsive offerors must be ranked from most advantageous to least advantageous to the State, considering only the evaluation factors stated in the request for proposals.

(8) Negotiations. After proposals have been ranked pursuant to Section 11-35-1530(7), the procurement officer, in his sole discretion and not subject to review under Article 17, may proceed in any of the manners indicated below, except that in no case may confidential information derived from proposals and negotiations submitted by competing offerors be disclosed:

(a) negotiate with the highest ranking offeror on price, on matters affecting the scope of the contract, so long as the changes are within the general scope of the request for proposals, or on both. If a satisfactory contract cannot be negotiated with the highest ranking offeror, negotiations may be conducted, in the sole discretion of the procurement officer, with the second, and then the third, and so on, ranked offerors to the level of ranking determined by the procurement officer in his sole discretion;

(b) during the negotiation process as outlined in item (a) above, if the procurement officer is unsuccessful in his first round of negotiations,

he may reopen negotiations with any offeror with whom he previously negotiated; or

(c) before or after negotiations pursuant to Section 11-35-1530(8), the procurement officer may make changes to the request for proposals within the general scope of the request for proposals and may provide all responsive offerors an opportunity to submit their best and final offers, which must be reevaluated and ranked pursuant to Section 11-35-1530(7).

(9) Award. Award must be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the State, taking into consideration the evaluation factors set forth in the request for proposals, unless the procurement officer determines to utilize one of the options provided in Section 11-35-1530(8). The award of the contract must be made on the basis of evaluation factors that must be stated in the RFP. The contract file must contain the basis on which the award is made and must be sufficient to satisfy external audit. Procedures and requirements for the notification of intent to award the contract must be the same as those provided in Section 11-35-1520(10).”

Competitive negotiations

SECTION 23. Subarticle 3, Article 5, Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Section 11-35-1535. (A) Conditions for Use.

(1) Competitive negotiations are most appropriate for complex, major acquisitions.

(2) If the procurement officer determines in writing that the use of competitive negotiations is appropriate and in the using agency’s interest, a contract may be entered into by competitive negotiations subject to the provisions of Section 11-35-1520 and the ensuing regulations, unless otherwise provided in this section. This section may not be used to acquire only commercially available off-the-shelf products.

(3) Competitive negotiated acquisitions may be conducted only by the office of the appropriate chief procurement officer.

(B) Definitions. As used in this section:

(1) ‘Clarification’ means any communication in which the procurement officer requests or accepts information that clarifies any information in a proposal. Clarification does not include the request or acceptance of any change to the terms of a contractual offer.

(2) 'Competitive range' means the offeror or group of offerors selected for negotiation.

(3) 'Negotiations' means any communication that invites or permits an offeror to change the terms of its contractual offer in any way.

(C) Request for qualifications. Offerors may be prequalified as provided in Section 11-35-1530(4).

(D) Requests for proposals.

(1)(a) Solicitations for competitive negotiations must be requests for proposals and must, at a minimum, describe:

(i) the state's requirements;

(ii) anticipated terms and conditions that will apply to the contract. The solicitation may authorize offerors to propose alternative terms and conditions, including alternative contract line items;

(iii) information required to be in the offerors proposal; and

(iv) evaluation factors.

(b) The request for proposals must state the relative importance of all factors to be considered in evaluating proposals but need not state a numerical weighting for each factor. Except as provided by regulation, past performance and price must be evaluated. If price is an evaluation factor, the solicitation must state whether all evaluation factors other than price, when combined, are significantly more important than, approximately equal to, or significantly less important than price.

(2) Amendments. Amendments issued after the established time and date for receipt of proposals may not exceed the general scope of the request for proposals and must be issued to those offerors that have not been eliminated from the competition.

(E) Public Notice. Adequate public notice of the request for proposals must be given in the same manner as provided in Section 11-35-1520(3).

(F) Receipt of Proposals. Proposals must be opened in accordance with regulations of the board. A tabulation of proposals must be prepared in accordance with regulations promulgated by the board and must be open for public inspection after contract award.

(G) Evaluation. Proposal evaluation is an assessment of the proposal and the offeror's ability to perform the prospective contract successfully. All proposals must be evaluated and, after evaluation, their relative qualities must be assessed solely on the factors and subfactors specified in the solicitation. The relative strengths, deficiencies, significant weaknesses, and risks supporting proposal evaluation must be documented in the contract file.

(H) Competitive Range. After complying with subsection (G), the procurement officer shall establish a competitive range comprised of the

offerors that submitted the most promising offers. Ordinarily, the competitive range should not include more than three offerors. The procurement officer may select only one offeror and may select more than three. The procurement officer shall document the rationale for the selections.

(I) Exchanges with Offerors.

(1) Fairness and impartiality. The procurement officer shall treat all offerors fairly and impartially when deciding whether and when to seek clarification or to negotiate. Similarly situated offerors must be given similar opportunities to clarify and, if in the competitive range, to negotiate.

(2) Clarifications. The procurement officer may conduct clarifications at any time before the award decision.

(3) Negotiations.

(a) The procurement officer shall negotiate with each offeror in the competitive range. The primary objective is to maximize the state's ability to obtain best value, based on the requirements and the evaluation factors set forth in the solicitation. Subject to item (1), the scope and extent of negotiations are a matter of the procurement officer's judgement.

(b)(i) At a minimum, the procurement officer shall identify and seek the elimination of any term of a contractual offer that does not conform to a material requirement of a solicitation and any other undesirable terms in a contractual offer.

(ii) The procurement officer may negotiate with offerors to seek changes in their contractual offers that the State desires and to allow them to make other improvements.

(iii) Negotiations may include pricing.

(iv) The procurement officer may not relax or change any material term of the solicitation during negotiation except by amendment.

(v) In conducting negotiations, the procurement officer may not disclose confidential information derived from proposals submitted by competing offerors.

(c) The procurement officer shall document the using agency's prenegotiation objectives with regard to each offeror in the competitive range and shall prepare a record of each negotiation session.

(d) The procurement officer may eliminate an offeror from the competitive range after negotiation if the offeror is no longer considered to be among the most promising.

(4) The board must promulgate regulations governing exchanges with offerors.

(J) Proposal Revisions. The procurement officer may request or allow proposal revisions to clarify and document understandings reached during negotiations. If an offeror's proposal is eliminated or otherwise removed from the competitive range, no further revisions to that offeror's proposal may be accepted or considered. Upon the completion of negotiations, the contracting officer shall request that offerors still in the competitive range submit final proposals no later than a specified common cutoff date and time.

(K) Award.

(1) Award must be based on a comparative assessment of final proposals from offerors within the competitive range against all source selection criteria in the solicitation. Award must be made to the responsible offeror whose final proposal meets the announced requirements in all material respects and is determined in writing to provide the best value to the State, taking into consideration the evaluation factors set forth in the request for proposals and, if price is an evaluation factor, any tradeoffs among price and non-price factors. As provided by regulation, the contract file must document the basis on which the award is made, and the documentation must explain and justify the rationale for any business judgments and tradeoffs made or relied on in the award determination, including benefits associated with additional costs. Section 11-35-1524 does not apply.

(2) Procedures and requirements for the notification of intent to award the contract must be the same as those provided in Section 11-35-1520(1)."

Conforming change

SECTION 24. Section 11-35-1540 of the 1976 Code is amended to read:

"Section 11-35-1540. When bids received pursuant to an invitation for bids under Section 11-35-1520 are considered unreasonable by the procurement officer, or are not independently reached in open competition, or the low bid exceeds available funds as certified by the appropriate fiscal officer, and it is determined in writing by the chief procurement officer, the head of a purchasing agency, or the designee of either officer above the level of procurement officer, that time or other circumstances will not permit the delay required to resolicit competitive sealed bids, a contract may be negotiated pursuant to this section, provided that:

- (1) each responsible bidder who submitted a bid under the original solicitation is notified of the determination and is given reasonable opportunity to negotiate;
- (2) the negotiated price is lower than the lowest rejected bid by any responsible and responsive bidder under the original solicitation;
- (3) the negotiated price is the lowest negotiated price offered by any responsible and responsive offeror.”

Small purchase procedures

SECTION 25. Section 11-35-1550 of the 1976 Code is amended to read:

“Section 11-35-1550. (1) Authority. The following small purchase procedures may be utilized only in conducting procurements for governmental bodies that are up to the amounts specified herein, but not in excess of the authority granted pursuant to Section 11-35-1210. Procurement requirements must not be artificially divided by governmental bodies so as to constitute a small purchase pursuant to this section.

(2) Competition and Price Reasonableness.

(a) No Competition. Small purchases not exceeding ten thousand dollars may be accomplished without securing competitive quotations if the prices are considered reasonable. The purchasing office must annotate the purchase requisition: ‘Price is fair and reasonable’ and sign. The purchases must be distributed equitably among qualified suppliers. When practical, a quotation must be solicited from other than the previous supplier before placing a repeat order. The administrative cost of verifying the reasonableness of the price of purchase ‘not in excess of’ may more than offset potential savings in detecting instances of overpricing. Action to verify the reasonableness of the price need be taken only when the procurement officer of the governmental body suspects that the price may not be reasonable, comparison to previous price paid, or personal knowledge of the item involved.

(b) Three Written Quotes. Written request for written quotes from a minimum of three qualified sources of supply may be made and, unless adequate public notice is provided in the South Carolina Business Opportunities, documentation of at least three bona fide, responsive, and responsible quotes must be attached to the purchase requisition for a small purchase not in excess of twenty-five thousand dollars, or for a small purchase of commercially available off-the-shelf products not in excess of one hundred thousand dollars, or for a small purchase of

construction not in excess of one hundred thousand dollars. The award must be made to the lowest responsive and responsible sources. The request for quotes must include a purchase description. Requests must be distributed equitably among qualified supplies unless advertised as provided above.

(c) Advertised Small Purchase. Written solicitation of written quotes, bids, or proposals may be made for a small purchase, other than a small purchase of construction, not in excess of one hundred thousand dollars. The procurement must be advertised at least once in the South Carolina Business Opportunities publication. A copy of the written solicitation and written quotes must be attached to the purchase requisition. The award must be made to the lowest responsive and responsible source or, when a request for proposal process is used, the highest ranking offeror.

(3) Advertising Threshold. Except for procurements of either commercially available off-the-shelf products or construction, if conducted pursuant to item (2)(b), all competitive procurements above twenty-five thousand dollars must be advertised at least once in the South Carolina Business Opportunities publication. Governmental bodies may charge vendors the cost incurred for copying and mailing bid or proposal documents requested in response to a procurement.

(4) The Division of Aeronautics of the Department of Commerce may act as its own purchasing agency for all procurements of maintenance services for aircraft and these procurements may be conducted pursuant to subsection (2)(b).”

Sole source procurement public notice

SECTION 26. Section 11-35-1560 of the 1976 Code is amended to read:

“Section 11-35-1560. (A) A contract may be awarded for a supply, service, information technology, or construction item without competition if, under regulations promulgated by the board, the chief procurement officer, the head of a purchasing agency, or a designee of either officer, above the level of the procurement officer, determines in writing that there is only one source for the required supply, service, information technology, or construction item. Except for contracts with a total potential value of fifty thousand dollars or less, adequate public notice of the intent to award without competition must be posted in South Carolina Business Opportunities, except that public notice is not required if the appropriate chief procurement officer, after consultation

with the head of the purchasing agency, determines in writing that award without such notice is in the interest of the State. Notice must contain a statement of the right to protest under Section 11-35-4210(1) and must be posted at least five business days before entering a contract. For contracts with a total potential value greater than two hundred fifty thousand dollars, such notice must be posted at least ten business days before entering a contract.

(B) Written documentation must include the determination and basis for the proposed sole source procurement. A delegation of authority by either the chief procurement officer or the head of a governmental body with respect to sole source determinations must be submitted in writing to the Materials Management Officer. In cases of reasonable doubt, competition must be solicited. Any decision by a governmental body that a procurement be restricted to one potential vendor must be accompanied by a thorough, detailed explanation as to why no other will be suitable or acceptable to meet the need.

(C) A violation of these regulations by a purchasing agency, upon recommendation of the Division of Procurement Services with approval of the majority of the board, must result in the temporary suspension, not to exceed one year, of the violating governmental body's ability to procure supplies, services, information technology, or construction items pursuant to this section."

Emergency procurements public notice

SECTION 27. Section 11-35-1570 of the 1976 Code is amended to read:

"Section 11-35-1570. (A) Notwithstanding any other provision of this code, the chief procurement officer, the head of a purchasing agency, or a designee of either officer may award or authorize others to award emergency contracts only when there exists an immediate threat to public health, welfare, critical economy and efficiency, or safety under emergency conditions as defined in regulations promulgated by the board; and provided, that such emergency procurements shall be made with as much competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.

(B) When a contract entered pursuant to subsection (A) has a total or potential value in excess of fifty thousand dollars, notice of the award must be posted in South Carolina Business Opportunities (SCBO) as

soon as practicable thereafter. The posted notice must contain a statement of the right to protest under Section 11-35-4210(1).”

Change order or contract modification

SECTION 28. Subarticle 5, Article 5, Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Section 11-35-1610. A change order or a contract modification may not alter a contract in a manner or degree inconsistent with the underlying purposes and policies of this code or the regulations of the board.”

Public procurement units

SECTION 29. Section 11-35-1810(3) of the 1976 Code is amended to read:

“(3) Right of Nondisclosure. Except as otherwise provided by law, information furnished by a bidder or offeror pursuant to this section shall not be disclosed outside of the offices of the board, the Office of the Attorney General, the using agency, or the purchasing agency without prior written consent by the bidder or offeror.

(4) Public procurement units, as defined in Section 11-35-4610, may provide information to one another relating to the responsibility or prior performance of a bidder or offeror, or provide any other information about a bidder or offeror that is otherwise related to procurement. Any person affiliated with a public procurement unit in an official capacity, who provides such information in good faith, is immune from civil and criminal liability which might otherwise result by reason of his actions. In all such civil or criminal proceedings, good faith is a rebuttable presumption.”

Cost or pricing data

SECTION 30. Section 11-35-1830 of the 1976 Code is amended to read:

“Section 11-35-1830. (1) Contractor Certification. A contractor shall, except as provided in subsection (3) of this section, submit cost or pricing data and shall certify that, to the best of his knowledge and belief,

the cost or pricing data submitted is accurate, complete, and current as of mutually determined specified date prior to the date of:

(a) the pricing of any contract awarded by competitive sealed proposals pursuant to Section 11-35-1530, by competitive negotiations pursuant to Section 11-35-1535, or pursuant to the sole source procurement authority as provided in Section 11-35-1560 where the total contract price exceeds an amount established by the board in regulations; or

(b) the pricing of any change order or contract modification which exceeds an amount established by the board in regulations.

(2) Price Adjustment. Any contract, change order, or contract modification under which a certificate is required shall contain a provision that the price to the State, including profit or fee, shall be adjusted to exclude any significant sums by which the State finds that such price was increased because the contractor furnished cost or pricing data was inaccurate, incomplete, or not current as of the date agreed upon between parties.

(3) Cost or Pricing Data Not Required. The requirements of this section shall not apply to contracts:

(a) where the contract price is based on adequate price competition;

(b) where the contract price is based on established catalog prices or market prices;

(c) where contract prices are set by law or regulations;

(d) where it is determined in writing in accordance with regulations promulgated by the board that the requirements of this section may be waived and the reasons for such waiver are stated in writing.”

Promulgate regulations

SECTION 31. Subarticle 7, Article 5, Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Section 11-35-1840. The board may promulgate regulations to prescribe responsibilities, general rules, and procedures for identifying, evaluating, and resolving organizational conflicts of interest. The aims of such regulations are preventing the existence of conflicting roles that might bias a contractor’s judgement, and preventing unfair competitive advantage.”

Effect of contract or amendment

SECTION 32. Subarticle 9, Article 5, Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Section 11-35-2015. A contract or amendment thereto, including, but not limited to, a change order or contract modification, is not effective against a governmental body unless the contract or amendment is in writing and signed by an officer having actual authority to bind the governmental body.”

Multiterm contracts authority approval

SECTION 33. Section 11-35-2030 of the 1976 Code is amended to read:

“Section 11-35-2030. (1) Specified Period. Unless otherwise provided by law, a contract for supplies, services, or information technology must not be entered into for any a period of more than one year unless approved in a manner prescribed by regulation of the board. The term of the contract and conditions of renewal or extension must be included in the solicitation and funds must be available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods must be subject to the availability and appropriation of funds for them.

(2) Determination Prior to Use. Before the utilization of a multiterm contract, it must be determined in writing by the appropriate governmental body that:

(a) estimated requirements cover the period of the contract and are reasonably firm and continuing; and

(b) such a contract serves the interest of the State by encouraging effective competition or otherwise promoting economies in state procurement.

(3) Cancellation Due to Unavailability of Funds in Succeeding Fiscal Periods. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract must be canceled.

(4) Maximum Duration. The maximum potential duration for a contract is five years. A maximum potential duration of up to seven years may be approved by the appropriate chief procurement officer.

(5) Authority Approval. Every type of contract with a maximum potential duration exceeding seven years must be approved by the board.

For competitive procurements, approval of the maximum potential duration must be granted before solicitation.”

Inapplicable laws

SECTION 34. Subarticle 9, Article 5, Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Section 11-35-2040. The following laws are inapplicable to contracts solely for the procurement of commercially available off-the-shelf products pursuant to Section 11-35-1550:

- (1) Chapter 14, Title 8, Unauthorized Aliens and Public Employment;
- (2) Section 11-9-105, Contracts for Legal or Consultant Services;
- (3) Section 11-35-5300, Prohibition of Contracting with Discriminatory Business;
- (4) Chapter 57, Title 11, Iran Divestment Act;
- (5) Chapter 107, Title 44, Drug-Free Workplace Act; and
- (6) any other provision of law identified by regulation of the board, that the board determines sets forth policies, procedures, or requirements that impact the procurement of commercially available off-the-shelf products by the State, except for a provision of law that: (i) provides for criminal or civil penalties; (ii) appears in Article 17 of this chapter; or (iii) specifically refers to this section and provides that, notwithstanding this section, it is applicable to contracts for the procurement of commercially available off-the-shelf products.”

Void contract terms or conditions

SECTION 35. Subarticle 9, Article 5, Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Section 11-35-2050. Any term or condition in any contract entered into by the State that requires the State to defend, indemnify, or hold harmless another person, must be void ab initio, unless such term is expressly authorized by law. All contracts must be governed by South Carolina law. Without limiting the applicability of Section 11-35-4230, the exclusive venue for any dispute arising out of or related to any contract is in South Carolina. Any contract containing any terms or conditions inconsistent with any of the foregoing are otherwise enforceable as if it did not contain such term or condition.”

Finality of determinations

SECTION 36. Section 11-35-2410(A) of the 1976 Code is amended to read:

“(A)The determinations required by the following sections and related regulations are final and conclusive, unless clearly erroneous, arbitrary, capricious, or contrary to law: Section 11-35-1520(7) (Competitive Sealed Bidding: Correction or Withdrawal of Bids; Cancellation of Awards), Section 11-35-1520(11) (Competitive Sealed Bidding: Request for Qualifications), Section 11-35-1525(1) (Competitive Fixed Price Bidding: Conditions for Use), Section 11-35-1528(1) (Competitive Best Value Bidding: Conditions for Use), Section 11-35-1528(8) (Competitive Best Value Bidding: Award), Section 11-35-1529(1) (Competitive Online Bidding: Conditions for Use), Section 11-35-1530(1) (Competitive Sealed Proposals, Conditions for Use), Section 11-35-1530(4) (Competitive Sealed Proposals: Request for Qualifications), Section 11-35-1530(7) (Competitive Sealed Proposals, Selection and Ranking of Prospective Offerors), Section 11-35-1530(9) (Competitive Sealed Proposals Award), Section 11-35-1535(A) (Competitive Negotiations: Conditions for Use), Section 11-35-1535(C) (Competitive Negotiations: Request for Qualifications), Section 11-35-1535(G) (Competitive Negotiations; Evaluation), Section 11-35-1535(H) (Competitive Negotiations: Competitive Range), Section 11-35-1535(J) (Competitive Negotiations: Proposal Revisions, elimination or removal from the competitive range), Section 11-35-1535(K) (Competitive Negotiations: Award), Section 11-35-1540 (Negotiations After Unsuccessful Competitive Sealed Bidding), Section 11-35-1560 (Sole Source Procurement), Section 11-35-1570 (Emergency Procurement), Section 11-35-1710 (Cancellation of Invitation for Bids or Requests for Proposals), Section 11-35-1810 (Responsibility of Bidders and Offerors), Section 11-35-1830(3) (Cost or Pricing Data, Cost or Pricing Data Not Required), Section 11-35-2010 (Types and Forms of Contracts), Section 11-35-2020 (Approval of Accounting System), Section 11-35-2030(2) (Multiterm Contracts, Determination Prior to Use), Section 11-35-3010(1) (Choice of Project Delivery Method), Section 11-35-3020(d) (Construction Procurement Procedures: Negotiations After Unsuccessful Competitive Sealed Bidding), Section 11-35-3023 (Prequalification on State Construction), Section 11-35-3220(5) (Procurement Procedure, Selection and Ranking of the Three Most Qualified), Section 11-35-4210(7) (Stay of Procurement During Protests, Decision to Proceed), and Section

11-35-4810 (Cooperative Use of Supplies, Services, or Information Technology).”

Privileged communications

SECTION 37. Section 11-35-2420 of the 1976 Code is amended to read:

“Section 11-35-2420. (A) When any information or allegations concerning anticompetitive practices among any bidders or offerors, come to the attention of any employee of the State, immediate notice of the relevant facts shall be transmitted to the Office of the Attorney General.

(B) Communications to the Office of the Attorney General and any testimony relating to the matters described in Section 11-35-2420(A) are privileged and may not be disclosed without prior approval of the Office of the Attorney General. A person required or permitted to report pursuant to Section 11-35-2420(A) or who participates in an investigation or judicial proceedings resulting from the report, acting in good faith, is immune from civil and criminal liability which might otherwise result by reason of these actions. In all such civil or criminal proceedings, good faith is a rebuttable presumption.”

Project delivery method approval

SECTION 38. Section 11-35-3010 of the 1976 Code is amended by adding an appropriately numbered subsection to read:

“() In addition to the requirement of subsection (1), use of the project delivery methods authorized by Section 11-35-3005(1)(e), (1)(f), and (2) must be approved by the board if the total potential value of the overall transaction exceeds twenty-five million dollars.”

Source selection methods assigned to project delivery methods

SECTION 39. Section 11-35-3015(1), (5), (6), and (7) of the 1976 Code is amended to read:

“(1) Scope. This section specifies the source selection methods applicable to procurements for the project delivery methods identified in Section 11-35-3005 (Project delivery methods authorized), except as provided in Sections 11-35-1550 (Small Purchases), 11-35-1560 (Sole Source Procurement), 11-35-1570 (Emergency Procurements),

11-35-3230 (Exception for small architect-engineer, and land surveying services contract), 11-35-3310 (Indefinite quantity contracts for architectural-engineering, and land surveying services), and 11-35-3320 (Indefinite quantity contracts for construction).

(5) Design-build. Contracts for design-build must be procured by competitive sealed proposals, as provided in Section 11-35-1530 (Competitive Sealed Proposals) or competitive negotiation, as provided in Section 11-35-1535 (Competitive Negotiations).

(6) Design-build-operate-maintain. Contracts for design-build-operate-maintain must be procured by competitive sealed proposals, as provided in Section 11-35-1530 (Competitive Sealed Proposals) or competitive negotiation, as provided in Section 11-35-1535 (Competitive Negotiations).

(7) Design-build-finance-operate-maintain. Contracts for design-build-finance-operate-maintain must be procured by competitive sealed proposals, as provided in Section 11-35-1530 (Competitive Sealed Proposals) or Section 11-35-1535 (Competitive Negotiations).”

Construction procurement adequate notice

SECTION 40. Section 11-35-3020 of the 1976 Code is amended to read:

“Section 11-35-3020. Exceptions in Competitive Sealed Bidding Procedures. The process of competitive sealed bidding as required by Section 11-35-3015(2)(b) must be performed in accordance with the procedures outlined in Article 5 of this code subject to the following exceptions:

(a) Invitation for Bids. Each governmental body is responsible for developing a formal invitation for bids for each state construction project. The invitation must include, but not be limited to, all contractual terms and conditions applicable to the procurement. A copy of each invitation for bids must be filed with the State Engineer’s Office and must be advertised formally in an official state government publication. Adequate notice of the invitation for bids must be given at a reasonable time before the date set forth in it for the opening of bids. The manner in which this official state government publication must be published, the content of the publication itself, the frequency of the publication, the method of subscription to the publication, and the manner by which the publication is distributed must be established by regulation of the board.

(b) Bid Acceptance. Instead of Section 11-35-1520(6), the following provision applies. Bids must be accepted unconditionally without alteration or correction, except as otherwise authorized in this code. The governmental body's invitation for bids must set forth all requirements of the bid including, but not limited to:

(i) The governmental body, in consultation with the architect-engineer assigned to the project, shall identify by license classification or subclassification in the invitation for bids all subcontractors who are expected to perform work for the prime contractor to or about the construction when those subcontractors' contracts are each expected to exceed three percent of the prime contractor's total base bid. In addition, the governmental body, in consultation with the architect-engineer assigned to the project, may identify by license classification or subclassification in the invitation for bids a subcontractor who is expected to perform work which is vital to the project. The determination of which subcontractors are included in the list provided in the invitation for bids is not protestable pursuant to Section 11-35-4210 or another provision of this code. A bidder in response to an invitation for bids shall clearly identify in his bid only those subcontractors to perform the work as identified in the invitation for bids. If the bidder determines to use his own employees to perform a portion of the work for which he would otherwise be required to list a subcontractor and if the bidder is qualified to perform that work under the terms of the invitation for bids, the bidder shall list himself in the appropriate place in his bid and not subcontract that work except with the approval of the governmental body for good cause shown.

(ii) Failure to complete the list provided in the invitation for bids renders the bidder's bid unresponsive.

(iii) The governmental body shall send all responsive bidders a copy of the bid tabulation within ten working days following the bid opening.

(c) Instead of Section 11-35-1520(10), the following provisions apply:

(i) Unless there is a compelling reason to reject bids as prescribed by regulation of the board, notice of an intended award of a contract to the lowest responsive and responsible bidder whose bid meets the requirements set forth in the invitation for bids must be given by posting the notice at a location that is specified in the invitation for bids. The invitation for bids and the posted notice must contain a statement of the bidder's right to protest pursuant to Section 11-35-4210(1) and the date and location of posting must be announced at bid opening. In addition to posting notice, the governmental body promptly shall send all responsive

bidders a copy of the notice of intended award and of the bid tabulation. The mailed notice must indicate the posting date and must contain a statement of the bidder's right to protest pursuant to Section 11-35-4210(1).

(ii) After five business days' notice is given, the governmental body may enter into a contract with the bidder named in the notice in accordance with the provisions of this code and of the bid solicited. The procurement officer must comply with Section 11-35-1810.

(iii) If, at bid opening, only one bid is received and determined to be responsive and responsible and within the governmental body's construction budget, award may be made without the five-day waiting period.

(d) Negotiations after Unsuccessful Competitive Sealed Bidding. Instead of Section 11-35-1540, the following provisions apply:

(i) If bids received pursuant to an invitation for bids exceed available funds, and it is determined in writing by the governmental body that circumstances do not permit the delay required to resolicit competitive sealed bids, and the base bid, less deductive alternates, does not exceed available funds by an amount greater than ten percent of the construction budget established for that portion of the work, a contract may be negotiated pursuant to this section with the lowest responsible and responsive bidder. The governmental body may change the scope of the work to reduce the price to be within the established construction budget but may not reduce the price below the established construction budget more than ten percent without a written request by the agency and the written approval of the chief procurement officer based on the interest of the State.

(ii) If the lowest base bid received pursuant to an invitation for bids exceeds approved available funds and the governmental body is able to identify additional funds for the project, as certified by the appropriate fiscal officers, in the amount of the difference between the lowest base bid and the approved available funds for the project, the governmental body shall submit a request to use those additional funds in accordance with Chapter 47, Title 2."

Prequalification on state construction

SECTION 41. Section 11-35-3023 of the 1976 Code is amended to read:

"Section 11-35-3023. In accordance with this section, the applicable section of Article 5, and procedures published by the State Engineer, a

governmental body may limit participation in a solicitation for construction to only those businesses, including potential subcontractors, that are prequalified. The prequalification process may be used only with the approval and supervision of the State Engineer's Office. If fewer than two businesses are prequalified, the prequalification process must be canceled."

Applicability of competitive negotiations

SECTION 42. Section 11-35-3024(1) and (2) of the 1976 Code is amended to read:

"(1) Applicability. In addition to the requirements of Section 11-35-1530 (Competitive Sealed Proposals) or Section 11-35-1535 (Competitive Negotiations), the procedures in this section apply as provided in items (2), (3), and (4) below.

(2) Content of Request for Proposals. A Request for Proposals for design-build, design-build-operate-maintain, or design-build-finance-operate-maintain:

- (a) must include design requirements;
- (b) must solicit proposal development documents; and

(c) may, if the governmental body determines that the cost of preparing proposals is high in view of the size, estimated price, and complexity of the procurement:

(i) prequalify offerors in accordance with Section 11-35-3023 by issuing a request for qualifications in advance of the request for proposals;

(ii) select, pursuant to procedures designated in the Manual for Planning and Execution of State Permanent Improvements, a short list of responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award before discussions and evaluations pursuant to Section 11-35-1530, if the number of proposals to be short-listed is stated in the Request for Proposals and prompt public notice is given to all offerors as to which proposals have been short-listed; or

(iii) pay stipends to unsuccessful offerors, if the amount of the stipends and the terms under which stipends are paid are stated in the Request for Proposals.

Subsection (2)(c)(ii) is inapplicable if competitive negotiations are conducted pursuant to Section 11-35-1535."

Bond and security

SECTION 43. Section 11-35-3030(1) and (2)(a) of the 1976 Code is amended to read:

“(1) Bid Security.

(a) Requirement for Bid Security. Bid security is required for all competitive sealed bidding for construction contracts in a design-bid-build procurement in excess of one hundred thousand dollars and other contracts as may be prescribed by the State Engineer’s Office. Bid security is a bond provided by a surety company meeting the criteria established by the regulations of the board or otherwise supplied in a form that may be established by regulation of the board.

(b) Amount of Bid Security. Bid security must be in an amount equal to at least five percent of the amount of the bid at a minimum.

(c) Rejection of Bids for Noncompliance with Bid Security Requirements. When the invitation for bids requires security, noncompliance requires that the bid be rejected except that a bidder who fails to provide bid security in the proper amount or a bid bond with the proper rating must be given one working day from bid opening to cure the deficiencies. If the bidder is unable to cure these deficiencies within one working day of bid opening, his bid must be rejected.

(d) Withdrawal of Bids. After the bids are opened, they must be irrevocable for the period specified in the invitation for bids. If a bidder is permitted to withdraw its bid in accordance with regulations promulgated by the board, action must not be had against the bidder or the bid security.

(2) Contract Performance Payment Bonds.

(a) When Required-Amounts. Contracts for construction must require the following bonds or security:

(i) a performance bond satisfactory to the State, executed by a surety company meeting the criteria established by the board in regulations, or otherwise secured in a manner satisfactory to the State, in an amount equal to one hundred percent of the portion of the contract price that does not include the cost of operation, maintenance, and finance;

(ii) a payment bond satisfactory to the State, executed by a surety company meeting the criteria established by the board in regulations, or otherwise secured in a manner satisfactory to the State, for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the construction work provided for in the contract. The bond must be in an amount equal

to one hundred percent of the portion of the contract price that does not include the cost of operation, maintenance, and finance;

(iii) in the case of a construction contract valued at fifty thousand dollars or less, the governmental body may waive the requirements of subitems (i) and (ii) above, if the governmental body has protected the State;

(iv) in the case of a construction manager at-risk contract, the solicitation may provide that bonds or security are not required during the project's preconstruction or design phase, if construction does not commence until the requirements of subitems (i) and (ii) above have been satisfied. Additionally, the solicitation may provide that bonds or security as described in subitems (i) and (ii) above may be furnished for one or more designated portions of the project, in an amount equal to one hundred percent of the value of the construction of each designated portion, and also may prescribe the time of delivery of the bonds or security. In no event may construction of any portion of the work commence until the appropriate bonds or security have been delivered to the governmental body;

(v) in the case of a design-build, design-build-operate-maintain, or design-build-finance-operate-maintain contract, the solicitation may provide that bonds or security as described in subitems (i) and (ii) above may be furnished for one or more designated portions of the project, in an amount equal to one hundred percent of the value of the design and construction of each designated portion, and also may prescribe the time of delivery of the bonds or security. In no event may design or construction of any portion of the work commence until the appropriate bonds or security have been delivered to the governmental body."

Contract clauses and their administration

SECTION 44. Section 11-35-3040(1)(a) of the 1976 Code is amended to read:

“(a) the unilateral right of a governmental body to order in writing:

(i) all changes in the work within the general scope of the contract; and

(ii) all changes in the time of performance of the contract which do not alter the general scope of the contract work;”

Approval of changes consistent with applicable regulations

SECTION 45. Section 11-35-3070 of the 1976 Code is amended to read:

“Section 11-35-3070. Consistent with any applicable regulation of the board, a governmental body may approve and pay for amendments to architectural/engineering contracts and change orders to construction contracts, within the governmental body’s authority, which do not alter the general scope or intent of the project and which do not exceed the previously approved project budget.”

Adequate notice of invitation

SECTION 46. Section 11-35-3220(2)(b) and (3) of the 1976 Code is amended to read:

“(b) The invitation must include, but not be limited to, the project title, the general scope of work, a description of all professional services required for that project, the submission deadline, and how interested firms may apply for consideration. The agency selection committee shall file a copy of the project description and the invitation with the State Engineer’s Office. Adequate notice of the invitation must be given at a reasonable time before the date set forth in it for receipt of responses. The invitation must be advertised formally in an official state government publication. The manner in which this official state government publication must be published, the content of the publication itself, the frequency of the publication, the method for subscription to the publication, and the manner by which the publication is distributed must be established by regulation of the board.

(3) Response to Invitation. The date for submission of information from interested persons or firms in response to an invitation must not be less than fifteen days after publication of the invitation. Interested architect-engineer, construction management, and land surveying persons or firms shall respond to the invitation with the submission of a current and accurate Federal Standard Form 330, Architect-Engineer and Related Services Questionnaire, or successor form or similar information as the State Engineer may specify in the Manual for Planning and Execution of State Permanent Improvement Projects, Part II, and other information that the particular invitation may require.”

Value of small contracts

SECTION 47. Section 11-35-3230 of the 1976 Code is amended to read:

“Section 11-35-3230. (1) Procurement Procedures for Certain Contracts. A governmental body securing architect-engineer, construction management, or land surveying services which are estimated not to exceed fifty thousand dollars may award contracts by direct negotiation and selection, taking into account:

- (a) the nature of the project;
- (b) the proximity of the architect-engineer or land surveying services to the project;
- (c) the capability of the architect, engineer, or land surveyor to produce the required service within a reasonable time;
- (d) past performance; and
- (e) ability to meet project budget requirements.

(2) Maximum Value of Small Contracts with One Person or Firm. The total value of contracts awarded to a single architectural engineering, construction management, or land surveying firm by a single governmental body pursuant to subsection (1) may not exceed one hundred fifty thousand dollars in a twenty-four-month period. Persons or firms seeking to render professional services pursuant to this section shall furnish the governmental body with whom the firm is negotiating a list of professional services, including fees paid for them, performed for the governmental body during the fiscal year immediately preceding the fiscal year in which the negotiations are occurring and during the fiscal year in which the negotiations are occurring.

(3) Submission of Contracts to State Engineer’s Office. Copies of contracts, including the negotiated scope of services and fees, awarded pursuant to this section must be submitted to the State Engineer’s Office for information.

(4) Splitting of Larger Projects Prohibited. A governmental body may not break a project into small projects for the purpose of circumventing the provisions of Section 11-35-3220 and this section.

(5) When negotiating a contract pursuant to this section, a governmental body may not negotiate with a firm unless any unsuccessful negotiations with a different firm have been concluded in writing. Once negotiations with a firm have been concluded, negotiations may not be reopened.”

Establishment of indefinite quantity contracts

SECTION 48. Article 10, Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Section 11-35-3305. With the approval of the appropriate chief procurement officer, and in accordance with any applicable regulations, a procurement officer may establish contracts providing for an indefinite quantity, within state maximum or minimum limits, of specified supplies, service, or information technology, to be furnished during a fixed period, and that provide for the issuance of orders for delivery or performance of individual requirements during the period of the contract. The appropriate chief procurement officer may establish the contracts on behalf of any governmental body or for use by any public procurement unit.”

Indefinite quantity contracts

SECTION 49. Section 11-35-3310 of the 1976 Code is amended to read:

“Section 11-35-3310. (1) General Applicability. Indefinite quantity contracts may be awarded on an as-needed basis for architectural-engineering and land-surveying services pursuant to Section 11-35-3220.

(2) Architectural-Engineering and Land-Surveying Services. When architectural-engineering and land-surveying services contracts are awarded, each contract must be limited to a total expenditure of three hundred thousand dollars for a two-year period with individual project expenditures not to exceed one hundred thousand dollars; however, for public institutions of higher learning, and for technical college service contracts authorized by the State Board for Technical and Comprehensive Education, these limits shall be five hundred thousand dollars for total expenditures and two hundred thousand dollars for individual expenditures within the time periods specified.

(3) Small Indefinite Quantity Contracts. Small indefinite quantity contracts for architectural-engineering and land-surveying services may be procured as provided in Section 11-35-3230. A contract established under this section must be subject to Section 11-35-3230, and any applicable regulations.”

Task order contract

SECTION 50. Article 10, Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Section 11-35-3320. (A) The term ‘task order contract’ means a contract that does not procure or specify a firm quantity of services, other than a minimum or maximum quantity, and that provides for the issuance of task orders for the performance of tasks during the period of the contract. Subject to the requirements of this section and other applicable law, a governmental body may enter into task order contracts to acquire construction services when the exact time or exact quantities of future tasks are not known at the time of contract award. In accordance with Section 11-35-4810, the State Engineer may award task order contracts on behalf of any governmental body and for use by any state public procurement unit authorized by the State Engineer.

(B) At any given time, a governmental body may enter into task order contracts with four businesses for each geographic area for each licensing classification and subclassification for construction. Licensing classification and subclassification has the meaning provided by Chapter 11, Title 40. Except as otherwise provided in this section, a task order contract for construction must be procured as provided in Section 11-35-1530, not including paragraph (4) (Request for Qualifications) or paragraph (8) (Negotiations). All evaluations must be conducted by a panel composed of at least three members. A governmental body shall invite the State Engineer or his designee to serve as one of the panel members. Except as provided by regulation, award must be made to the four responsible offerors whose proposals are determined in writing to be the most advantageous to the State, taking into consideration the evaluation factors set forth in the request for proposals. The contract file must contain the basis on which the awards will be made and must be sufficient to satisfy external audit. Procedures and requirements for the notification of intent to award the contracts must be the same as those provided in Section 11-35-1520(1) (Award). Section 11-35-3023 does not apply to contracts awarded pursuant to this section.

(C) Limitations on task order contracts.

(1) A task order contract awarded for geographic area may not be used to perform services at a different geographic area.

(2) A task order contract may not exceed five years, including extensions.

(3) Total expenditures pursuant to all task order contracts for construction resulting from a single solicitation may not exceed four million dollars.

(4) The total construction cost of a single project performed using multiple task orders or task orders in combination with other types of contracts may not exceed five hundred thousand dollars. Projects may not be divided artificially to avoid this limitation.

(5) A single project must not be performed using task order contracts for construction in combination with contracts awarded pursuant to Section 11-35-1550. Standards for determining whether work constitutes a single project must be established in the Manual for Planning and Execution of State Permanent Improvements.

(D) Limitations on task orders.

(1) A task order must clearly specify all tasks to be performed or property to be delivered under the order so the full price for the performance of the work can be established when the order is placed. All task orders must be issued on a fixed-price basis.

(2) A quote request for construction must be provided to all task order contractors. A task order for construction may not be issued unless the governmental body receives at least two responsive, bona fide, fixed-price quotes. Any award must be issued to the contractor submitting the lowest responsive quote.

(3) All task orders must be issued within the period of the contract and must be within the scope and maximum value of the contract.

(4) A task order for construction may not be less than ninety thousand dollars and may not exceed three hundred fifty thousand dollars. Work may not be aggregated or divided artificially in order to avoid these limits.

(E) Any solicitation for a task order contract must include the following:

(1) the period of the contract, including the number of options to extend the contract and the period for which the contract may be extended under each option, if any;

(2) the maximum dollar value of the services to be procured under the contract;

(3) the minimum and maximum dollar value of the services to be procured under a single task order;

(4) a description that reasonably describes the licensing classification and the general scope, nature, complexity, and purposes of the services to be procured under the contract in a manner that will enable a prospective offeror to decide whether to submit an offer;

(5) the procedures that the governmental body will use for requesting fixed price quotes and for issuing orders, a restriction on communications between contractors regarding pending quote requests, and a requirement that all contractors must respond to all quote requests;

(6) the geographic area to which the task order contract applies. Ordinarily, a geographically contiguous area should not be subdivided; and

(7) the number of task order contracts to be awarded.

(F) Every award of a task order contract must be approved by the Office of the State Engineer and is subject to procedures or guidelines established in the Manual for Planning and Execution of State Permanent Improvements. A governmental body shall submit to the Office of the State Engineer any reports required by the Manual for Planning and Execution of State Permanent Improvements.

(G) Administrative review under Article 17 is not available for the award of an individual task order, except for a protest of the award of a task order on the ground that the order increases the scope, period, or maximum value of the task order contract under which the order is issued.”

Contract clauses and their administration

SECTION 51.A. Section 11-35-3410(1)(a) of the 1976 Code is amended to read:

“(a) the unilateral right of a governmental body to order in writing changes in the work within the general scope of the contract and temporary stopping of the work or delaying performance; and”

B. Section 11-35-3410(2)(a)(vi) of the 1976 Code is amended to read:

“(vi) in the absence of agreement by the parties, through unilateral determination by the governmental body of the costs attributable to the events or situations under such clauses, with adjustment of profit or fee, all as computed by the governmental body in accordance with applicable sections of the regulations issued under Article 13 of this chapter, if any, and subject to the provisions of Article 17 of this chapter.”

Allocation of proceeds for sale or disposal of surplus supplies

SECTION 52. Section 11-35-3820 of the 1976 Code is amended to read:

“Section 11-35-3820. Except as provided in Section 11-35-3830 and the regulations pursuant thereto, the sale of all state-owned supplies, or personal property not in actual public use must be conducted and directed by the Department of Administration. The sales must be held at such places and in a manner as in the judgment of the department is most advantageous to the State. Unless otherwise determined, sales must be by either public auction or competitive sealed bid to the highest bidder. Each governmental body shall inventory and report to the division all surplus personal property not in actual public use held by that governmental body for sale. The department shall deposit the proceeds from the sales, less expense of the sales, in the state general fund or as otherwise directed by regulation. This policy and procedure applies to all governmental bodies unless exempt by law.”

Approval and record of trade-in sales

SECTION 53. Section 11-35-3830(2) and (3) of the 1976 Code is amended to read:

“(2) Approval of Trade-In Sales. When the trade-in value of personal property of a governmental body exceeds the specified amount, the Department of Administration shall have the authority to determine whether:

(a) the subject personal property shall be traded in and the value applied to the purchase of new like items; or

(b) the property shall be classified as surplus and sold in accordance with the provisions of Section 11-35-3820. The department’s determination shall be in writing and be subject to the provisions of this chapter.

(3) Record of Trade-In Sales. Governmental bodies shall submit quarterly to the Division of Procurement Services a record listing all trade-in sales made under subsections (1) and (2) of this section, including any applicable written determinations.”

Proceeds from the sale of publications and materials

SECTION 54. Section 11-35-3840 of the 1976 Code is amended to read:

“Section 11-35-3840. The Division of Procurement Services may license for public sale publications, including South Carolina Business

Opportunities, materials pertaining to training programs, and information technology products that are developed during the normal course of its activities. The items must be licensed at reasonable costs established in accordance with the cost of the items. All proceeds from the sale of the publications and materials must be deposited in the State Treasury in a special account and expended only for the costs of providing the goods and services, and such funds may be retained and expended for the same purposes.”

Sale of unserviceable supplies

SECTION 55. Section 11-35-3850 of the 1976 Code is amended to read:

“Section 11-35-3850. Governmental bodies approved by the Department of Administration may sell any supplies owned by it after the supplies have become entirely unserviceable and can properly be classified as ‘junk’, in accordance with procedures established by the department. All sales of unserviceable supplies by the governmental body must be made in public to the highest bidder, after advertising for fifteen days, and the funds from the sales must be credited to the account of the governmental body owning and disposing of the unserviceable supplies.”

Right to protest, procedure, duty and authority to attempt to settle, stay of procurement

SECTION 56. Section 11-35-4210(1), (2), (3), and (7) of the 1976 Code is amended to read:

“(1) Right to Protest.

(a) A prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with a solicitation shall protest to the appropriate chief procurement officer in the manner stated in subsection (2) within fifteen days of the date of issuance of the Invitation For Bids Request for Proposals or other solicitation documents, whichever is applicable, or any amendment to it, if the amendment is at issue. An Invitation for Bids or Requests for Proposals or other solicitation document, not including an amendment to it, is considered to have been issued on the date required notice of the issuance is given in accordance with this code.

(b) Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract shall notify the appropriate chief procurement officer in writing of its intent to protest within seven business days of the date that award or notification of intent to award, whichever is earlier, is posted and sent in accordance with this code. Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract and has timely notified the appropriate chief procurement officer of its intent to protest, may protest to the appropriate chief procurement officer in the manner stated in subsection (2) within fifteen days of the date award or notification of intent to award, whichever is earlier, is posted and sent in accordance with this code; except that a matter that could have been raised pursuant to subitem (a) as a protest of the solicitation may not be raised as a protest of the award or intended award of a contract.

(c) Any actual or prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract pursuant to Section 11-35-1560 or Section 11-35-1570 shall notify the appropriate chief procurement officer in writing of its intent to protest within five business days of the date that award or notification of intent to award, whichever is earlier, is posted in accordance with this code. Any actual or prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of such a contract and has timely notified the appropriate chief procurement officer of its intent to protest, may protest to the appropriate chief procurement officer in the manner stated in subsection (2) within fifteen days of the date award or notification of intent to award, whichever is earlier, is posted in accordance with this code; except that a matter that could have been raised pursuant to subitem (a) as a protest of the solicitation may not be raised as a protest of the award or intended award of a contract.

(d) The rights and remedies granted by subsection (1) and Section 11-35-4410(1)(b) are not available for contracts with an actual or potential value of up to fifty thousand dollars.

(2) Protest Procedure. A protest pursuant to subsection (1) must be in writing, filed with the appropriate chief procurement officer, and set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided. The protest must be received by the appropriate chief procurement officer within the time provided in subsection (1).

(3) Duty and Authority to Attempt to Settle Protests. Before commencement of an administrative review as provided in subsection

(4), the appropriate chief procurement officer, the head of the purchasing agency, or their designees may attempt to settle by mutual agreement a protest of an aggrieved bidder, offeror, contractor, or subcontractor, actual or prospective, concerning the solicitation or award of the contract. The appropriate chief procurement officer has the authority to approve any settlement reached by mutual agreement.

(7) Automatic Stay of Procurement During Protests. In the event of a timely protest pursuant to subsection (1), the State shall not proceed further with the solicitation or award of the contract until ten days after a decision is posted by the appropriate chief procurement officer, or, in the event of timely appeal to the Procurement Review Panel, until a decision is rendered by the panel except that solicitation or award of a protested contract is not stayed if the appropriate chief procurement officer, after consultation with the head of the using agency, makes a written determination that the solicitation or award of the contract without further delay is necessary to protect the interest of the State.”

Posting of bond or irrevocable letter of credit

SECTION 57. Section 11-35-4215 of the 1976 Code is amended to read:

“Section 11-35-4215. The agency may request that the appropriate chief procurement officer require any bidder or offeror who files an action protesting the intended award or award of a contract solicited under Article 5 of this code and valued at one million dollars or more to post with the appropriate chief procurement officer a bond or irrevocable letter of credit payable to the State of South Carolina in an amount equal to one percent of the total potential value of the contract as determined by the appropriate chief procurement officer. The chief procurement officer’s decision to require a bond or irrevocable letter of credit is not appealable under Article 17. The bond or irrevocable letter of credit shall be conditioned upon the payment of all reasonable reimbursement costs which may be adjudged against the bidder or offeror filing the protest in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. For protests of sole source or emergency procurements, the bond or irrevocable letter of credit shall be in an amount equal to one percent of the requesting agency’s estimate of the contract amount for the sole source or emergency procurement requested. In lieu of a bond or irrevocable letter of credit, the appropriate chief procurement officer may accept a cashier’s check or money order

in the amount of the bond or irrevocable letter of credit. If, after completion of the administrative hearing process and any appellate court proceedings, the agency prevails, it may request that the Procurement Review Panel allow it to recover all reasonable reimbursement costs and charges associated with the protest which shall be included in the final order or judgment, excluding attorney's fees. Upon payment of such costs and charges by the bidder or offeror protesting the intended award or award of a contract, the bond, irrevocable letter of credit, cashier's check, or money order shall be returned to the bidder or offeror. Failure to pay such costs and charges by the bidder or offeror protesting the intended award or award of a contract shall result in the forfeiture of the bond, irrevocable letter of credit, cashier's check, or money order to the extent necessary to cover the payment of all reasonable reimbursement costs adjudged against the protesting bidder or offeror. If the bidder or offeror prevails in the protest, the cost of providing the bond, irrevocable letter of credit or cashier's check may be sought from the agency requesting the bond or irrevocable letter of credit; provided that in no event may the amount recovered exceed fifteen thousand dollars."

Authority to debar or suspend

SECTION 58. Section 11-35-4220 of the 1976 Code is amended to read:

"Section 11-35-4220. (1) Authority. After reasonable notice to the person or firm involved, and a reasonable opportunity for that person or firm to be heard, the appropriate chief procurement officer has the authority to debar a person for cause from consideration for award of contracts or subcontracts. The appropriate chief procurement officer has authority to suspend a person or firm from consideration for award of contracts or subcontracts during an investigation if there is probable cause for debarment. The period of debarment or suspension is as prescribed by the appropriate chief procurement officer.

(2) Causes for Debarment or Suspension. The causes for debarment shall include, but not be limited to:

(a) conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of the contract or subcontract;

(b) conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or another offense indicating a lack of business integrity

or professional honesty which currently, seriously, and directly affects responsibility as a state contractor;

(c) conviction under state or federal antitrust laws arising out of the submission of bids or proposals;

(d) violation of contract provisions, as set forth below, of a character regarded by the appropriate chief procurement officer to be so serious as to justify debarment action:

(i) deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

(ii) a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; except, that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor must not be considered a basis for debarment;

(e) violation of an order of a chief procurement officer or the Procurement Review Panel;

(f) violation of the Ethics, Government Accountability, and Campaign Reform Act of 1991, as amended, as determined by the State Ethics Commission, as an incident to obtaining or attempting to obtain a public contract or subcontract, or in the performance of the contract, or subcontract; and

(g) any other cause the appropriate chief procurement officer determines to be so serious and compelling as to affect responsibility as a state contractor or subcontractor, including debarment by another governmental entity for any cause listed in this subsection.

(3) Decision. The appropriate chief procurement officer shall issue a written decision to debar or suspend within ten days of the completion of his administrative review of the matter. The decision must state the action taken, the specific reasons for it, and the period of debarment or suspension, if any.

(4) Notice of Decision. A copy of the decision pursuant to subsection (3) and a statement of appeal rights pursuant to Section 11-35-4220(5) must be mailed or otherwise furnished immediately to the debarred or suspended person and any other party intervening. The appropriate chief procurement officer also shall post a copy of the decision at a time and place communicated to all parties participating in the administrative review and the posted decision must indicate the date of posting on its face and shall be accompanied by a statement of the right to appeal provided in Section 11-35-4220(5).

(5) Finality of Decision. A decision pursuant to subsection (3) is final and conclusive, unless fraudulent or unless the debarred or suspended

person requests further administrative review by the Procurement Review Panel pursuant to Section 11-35-4410(1), within ten days of the posting of the decision in accordance with Section 11-35-4220(4). The request for review must be directed to the appropriate chief procurement officer, who shall forward the request to the panel, or to the Procurement Review Panel, and must be in writing, setting forth the reasons why the person disagrees with the decision of the appropriate chief procurement officer. The person also may request a hearing before the Procurement Review Panel. The appropriate chief procurement officer and any affected governmental body must have the opportunity to participate fully in any review or appeal, administrative or legal.

(6) Debarment constitutes debarment of all divisions or other organizational elements of the contractor, unless the debarment decision is limited by its terms to specific divisions, organization elements, or commodities. The debarring official may extend the debarment decision to include any principals and affiliates of the contractor if they are specifically named and given written notice of the proposed debarment and an opportunity to respond. For purposes of this section, business concerns, organizations, or individuals are affiliates of each other if, directly or indirectly, either one controls or has the power to control the other, or a third party controls or has the power to control both. Indications of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, or a business entity organized following the debarment, suspension, or proposed debarment of a contractor which has the same or similar management, ownership, or principal employees as the contractor that was debarred, suspended, or proposed for debarment. For purposes of this section, the term 'principals' means officers, directors, owners, partners, and persons having primary management or supervisory responsibilities within a business entity including, but not limited to, a general manager, plant manager, head of a subsidiary, division, or business segment, and similar positions.

(7)(a) The fraudulent, criminal, or other seriously improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with a contractor may be imputed to the contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the contractor, or with the contractor's knowledge, approval, or acquiescence. The contractor's acceptance of the benefits derived from the conduct is evidence of such knowledge, approval, or acquiescence.

(b) The fraudulent, criminal, or other seriously improper conduct of a contractor may be imputed to any officer, director, shareholder, partner, employee, or other individual associated with the contractor who participated in, knew of, or had reason to know of the contractor's conduct.

(c) The fraudulent, criminal, or other seriously improper conduct of one contractor participating in a joint venture or similar arrangement may be imputed to other participating contractors if the conduct occurred for or on behalf of the joint venture or similar arrangement, or with the knowledge, approval, or acquiescence of these contractors. Acceptance of the benefits derived from the conduct is evidence of such knowledge, approval, or acquiescence.

(8) The chief procurement officers shall maintain and update a list of debarred and suspended persons, and shall make the list publicly available.”

Division of Procurement Services' authority to resolve contract controversies

SECTION 59. Section 11-35-4230(1) and (2) of the 1976 Code is amended to read:

“(1) Applicability. This section applies to controversies between a governmental body and a contractor or subcontractor, when the subcontractor is the real party in interest, which arise under or by virtue of a contract between them including, but not limited to, controversies based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission. The procedure set forth in this section constitutes the exclusive means of resolving a controversy between a governmental body and a contractor or subcontractor, when the subcontractor is the real party in interest, concerning a contract governed by the provisions of the South Carolina Consolidated Procurement Code. On behalf of any governmental body or South Carolina public procurement unit that participates in a multiagency, term, or cooperative contract awarded by or under the authority of a chief procurement officer, the Division of Procurement Services may initiate and pursue resolution of any contract controversy which arises under or by virtue of a contract between them including, but not limited to, controversies based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission.

(2) Request for Resolution; Time for Filing. Either the contracting state agency or the contractor or subcontractor, when the subcontractor

is the real party in interest, may initiate resolution proceedings before the appropriate chief procurement officer by submitting a request for resolution to the appropriate chief procurement officer in writing setting forth the specific nature of the controversy and the specific relief requested with enough particularity to give notice of every issue to be decided. A request for resolution of contract controversy must be filed within one year after the date the contractor last performs work under the contract or within one year after the claim accrues, whichever is later; except that in the case of latent defects a request for resolution of a contract controversy must be filed within three years of the date the requesting party first knows or should know of the grounds giving rise to the request for resolution.”

Solicitations or awards in violation of the law

SECTION 60. Section 11-35-4310(1) and (3) of the 1976 Code is amended to read:

“(1) Applicability. The provisions of this section apply where it is determined by either the appropriate chief procurement officer or the Procurement Review Panel, upon administrative review, that a solicitation or award of a contract is in violation of the law. The remedies set forth herein may be granted by either the appropriate chief procurement officer, only after review under Section 11-35-4210, or by the Procurement Review Panel, only after review under Section 11-35-4410(1).

(3) Remedies After Award. If, after an award of a contract, it is determined that the solicitation or award is in violation of law:

(a) the contract may be ratified and affirmed, provided it is in the interest of the State; or

(b) the contract may be terminated and the payment of such damages, if any, as may be provided in the contract, may be awarded.”

Unauthorized award or modification of a contract

SECTION 61. Subarticle 2, Article 17, Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Section 11-35-4315. The board may provide by regulation for appropriate action where it is discovered either: (a) that a person lacking actual authority has made an unauthorized award or modification of a

contract, or (b) that a contract award or modification is otherwise in violation of the Consolidated Procurement Code or these regulations.”

Rights and remedies

SECTION 62. Subarticle 2, Article 17, Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Section 11-35-4340. There is no remedy against the State other than those provided in this chapter in any case involving a procurement subject to this code. The rights and remedies granted in this article are to the exclusion of all other rights and remedies against the State for matters arising out of or related to this code.”

Finality of the Procurement Review Panel

SECTION 63. Section 11-35-4410(6) of the 1976 Code is amended to read:

“(6) Finality. Notwithstanding another provision of law, including the Administrative Procedures Act, the decision of the Procurement Review Panel is final as to administrative review and may be appealed only to the court of appeals pursuant to Section 1-23-380, and the filing of an appeal does not stay a decision of the panel.”

Final order not appealed

SECTION 64. Subarticle 3, Article 17, Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Section 11-35-4425. If a final order of a chief procurement officer or the Procurement Review Panel is not appealed in accordance with the provisions of this code, upon request of a party to the proceedings, the chief procurement officer or Procurement Review Panel may file a certified copy of the final ruling with a clerk of the circuit court, or a court of competent jurisdiction, as requested. After filing, the certified ruling has the same effect as a judgment of the court where filed and may be recorded, enforced, or satisfied in the same manner as a judgment of that court.

Section 11-35-4430. Unless required for the disposition of ex parte matters authorized by law, members or employees of the panel assigned

to render a decision or to make findings of fact and conclusions of law in a matter pending before the panel shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor, in connection with any issue of law, with any party or his representative, except upon notice and opportunity for all parties to participate. A panel member: (a) may communicate with other members of the panel, and (b) may have the aid and advice of one or more personal assistants. Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than two hundred fifty dollars or imprisoned for not more than six months.”

Definitions

SECTION 65. Section 11-35-4610 of the 1976 Code is amended to read:

“Section 11-35-4610. As used in this article, unless the context clearly indicates otherwise:

(1) ‘Cooperative purchasing’ means procurement conducted by, or on behalf of, more than one public procurement unit, or by a public procurement unit with an external procurement activity.

(2) ‘External procurement activity’ means:

(a) any buying organization not located in this State which, if located in this State, would qualify as a public procurement unit;

(b) buying by the United States government.

(3) ‘Local public procurement unit’ means any political subdivision or unit of this State which expends public funds for the procurement of supplies, services, information technology, or construction.

(4) ‘Mandatory opting’ is the requirement for a local procurement unit to choose whether to utilize a state contract before it is established as prescribed in regulation by the board.

(5) ‘Public procurement unit’ means any of the following:

(a) a local public procurement unit;

(b) a state public procurement unit;

(c) an external procurement activity; or

(d) any not-for-profit entity comprised only of more than one activity or unit listed in subitems (a), (b), or (c), if and as approved in writing by the Materials Management Officer.

(6) ‘State public procurement unit’ means the offices of the chief procurement officers, any purchasing agency of this State, and any other unit of South Carolina state government.”

Cooperative purchasing

SECTION 66. Section 11-35-4810 of the 1976 Code is amended to read:

“Section 11-35-4810. (1) Any public procurement unit may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any supplies, services, technology information, or construction with one or more public procurement units in accordance with an agreement entered into between the participants. Such cooperative purchasing may include, but is not limited to, joint or multi-party contracts between public procurement units and open-ended state public procurement unit contracts which shall be made available to local public procurement units, except as provided in Section 11-35-4820 or except as may otherwise be limited by the appropriate chief procurement officer.

(2) Without limiting other requirements of this code, all cooperative purchasing with other states conducted under this article must be through contracts awarded through full and open competition, including use of source selection methods substantially equivalent to those specified in Article 5 and, as applicable, Article 9 of this code, and consistent with the requirements of Section 11-35-2730 (Assuring Competition).

(3) The offices of the chief procurement officers, and any other purchasing agency of this State, may participate in cooperative purchasing as provided in Section 11-35-4810(1) only if the appropriate chief procurement officer determines in writing: (i) that participation is in the interest of the State, (ii) that the procurement will conform to subsection (2), if applicable, and (iii) that any entities responsible for the management and administration of the procurement, other than another state's central procurement office, have in place appropriate and adequate internal controls to provide safeguards for the maintenance of a procurement system of quality and integrity with clearly defined rules for ethical behavior on the part of all persons engaged in the public procurement process. In making his determination, the chief procurement officer shall evaluate and consider the impact on South Carolina businesses.

(4) Thirty days' prior notice of a proposed multistate solicitation must be provided in accordance with Section 11-35-1520(3). Supplies acquired pursuant to such contracts may be distributed only through vendors with an in-state office, as defined in Section 11-35-1524(A)(6), when available; provided, however, that the provisions of this paragraph

do not apply to public institutions of higher learning if the institution demonstrates a cost savings to the appropriate chief procurement officer in regard to the multistate solicitation and procurement.”

Sale, acquisition, or use of supplies by a public procurement unit

SECTION 67. Section 11-35-4830 of the 1976 Code is amended to read:

“Section 11-35-4830. Any public procurement unit may sell to, acquire from, or use any supplies belonging to another public procurement unit independent of the requirements of Articles 5 and 15 of this chapter; provided, that such procurement shall take place only when the procuring entities have good reason to expect the intergovernmental procurement to be more cost effective than doing their own procurement.”

Cooperative use of supplies or services

SECTION 68. Section 11-35-4840 of the 1976 Code is amended to read:

“Section 11-35-4840. Any public procurement unit may enter into an agreement independent of the requirements of Articles 5 and 15 of this chapter with any other public procurement unit for the cooperative use of supplies, services, or information technology under the terms agreed upon between the parties; provided, that such cooperative use of supplies, services, or information technology shall take place only when the public procurement units have good reason to expect the cooperative use to be more cost effective than utilizing their own supplies and services.”

Supply and proceeds of information services

SECTION 69. Section 11-35-4860(3) and (5) of the 1976 Code is amended to read:

“(3) State Information Services. Upon request, the chief procurement officers may make available to public procurement units or external procurement activities the following services among others:

- (a) standard forms;
- (b) printed manuals;

- (c) product specifications and standards;
- (d) quality assurance testing services and methods;
- (e) qualified product lists;
- (f) source information;
- (g) common use commodities listings;
- (h) supplier prequalification information;
- (i) supplier performance ratings;
- (j) debarred and suspended bidders lists;
- (k) forms for invitations for bids, requests for proposals, instruction to bidders, general contract provisions and other contract forms;
- (l) contracts; or
- (m) published summaries of contracts, including price and time of delivery information.

(5) Fees. The chief procurement officers may enter into contractual arrangements and publish a schedule of fees for the services provided under subsections (3) and (4) of this section. All proceeds from the sale of such services must be deposited in the State Treasury in a special account and expended only for the costs of providing the goods and services, and such funds may be retained and expended for the same purposes.”

Payments from public procurement

SECTION 70. Section 11-35-4870 of the 1976 Code is amended to read:

“Section 11-35-4870. All payments from any public procurement unit or external procurement activity received by the Division of Procurement Services in connection with sponsoring or administering a cooperative purchase, must be deposited in the State Treasury in a special account and expended only for the costs of providing the goods and services, and such funds may be retained and expended for the same purposes.”

Public procurement units in compliance with code requirements

SECTION 71. Section 11-35-4880 of the 1976 Code is amended to read:

“Section 11-35-4880. Where the public procurement unit administering a cooperative purchase complies with the requirements of this code, any public procurement unit participating in such a purchase shall be deemed to have complied with this code. Public procurement units shall not enter into a cooperative purchasing agreement for the purpose of circumventing this code.”

Intergovernmental acquisitions

SECTION 72. Subarticle 3, Article 19, Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Section 11-35-4900. Intergovernmental Acquisitions.

(1) Any procurement by a governmental body from any other public procurement unit must be approved in advance of contracting by the applicable chief procurement officer unless either the supply, service, or information technology is expressly authorized by the enabling legislation of the governmental body supplying the item, or the board has exempted the type of procurement from such approval. Upon recommendation of the division, the board may establish criteria for approval. Absent approval, any procurement by a governmental body from any other public procurement unit must be in accordance with the other articles of this code.

(2) Any procurement by a governmental body from any other public procurement unit must be reported to the Division of Procurement Services quarterly. The division shall determine the means and content of the information to be reported. The division shall report to the board annually on such procurements.”

Appeals to the court of appeals

SECTION 73. Section 1-23-600(D) of the 1976 Code, as last amended by Act 134 of 2018, is further amended to read:

“(D) An administrative law judge also shall preside over all appeals from final decisions of contested cases pursuant to the Administrative Procedures Act, Article I, Section 22, Constitution of South Carolina, 1895, or another law, except that an appeal from a final order of the Public Service Commission and the State Ethics Commission is to the Supreme Court or the court of appeals as provided in the South Carolina Appellate Court Rules, an appeal from the Procurement Review Panel is to the court of appeals as provided in Section 11-35-4410, and an appeal

from the Workers' Compensation Commission is to the court of appeals as provided in Section 42-17-60. An administrative law judge shall not hear an appeal from an inmate in the custody of the Department of Corrections involving the loss of the opportunity to earn sentence-related credits pursuant to Section 24-13-210(A) or Section 24-13-230(A) or an appeal involving the denial of parole to a potentially eligible inmate by the Department of Probation, Parole and Pardon Services.”

Annual audits

SECTION 74. Section 57-1-490 of the 1976 Code is amended to read:

“Section 57-1-490. (A) The department shall be audited by a certified public accountant or firm of certified public accountants once each year to be designated by the State Auditor. The designated accountant or firm of accountants shall issue audited financial statements in accordance with generally accepted accounting principles, and such financial statements must be made available annually by October fifteenth to the General Assembly. The costs and expenses of the audit must be paid by the department out of its funds.

(B) The Legislative Audit Council shall contract for an independent performance and compliance audit of the department's finance and administration division, mass transit division, and construction engineering and planning division. This audit must be completed by January 15, 2010. The Legislative Audit Council may contract for follow-up audits or conduct follow-up audits as needed based upon the audit's initial findings. The costs of these audits, including related administrative and management expenses of the Legislative Audit Council, are an operating expense of the department. The department shall pay directly to the Legislative Audit Council the cost of the audits.

(C) Copies of every audit conducted pursuant to this section must be made available to the Department of Transportation Commission, the State Auditor, the Governor, the Chairmen of the Senate Finance and Transportation Committees, and the Chairmen of the House of Representatives Ways and Means and Education and Public Works Committees.”

Department of Administration responsibilities

SECTION 75. Article 1, Chapter 11, Title 1 of the 1976 Code is amended by adding:

“Section 1-11-190. The Department of Administration is responsible for:

- (a) assessing the need for and use of information technology;
- (b) evaluating the use and management of information technology;
- (c) operating a comprehensive inventory and accounting reporting system for information technology;
- (d) developing policies and standards for the management of information technology in state government;
- (e) initiating a state plan for the management and use of information technology;
- (f) providing management and technical assistance to state agencies in using information technology; and
- (g) establishing a referral service for state agencies seeking technical assistance or information technology services.”

Publication of interim regulations

SECTION 76. No later than the first Monday in September after this act takes effect, the State Fiscal Accountability Authority shall publish interim regulations it will follow to implement changes to Chapter 35, Title 11 of the 1976 Code, as contained in this act. These interim regulations must be used in implementing this act until such time as the final rules and regulations are adopted in accordance with this section and Chapter 23, Title 1. No later than the first Monday in November after this act takes effect, the State Fiscal Accountability Authority shall publish a draft of the proposed final regulations it will follow to implement changes; provided, however, the interim regulations are not subject to the provisions of Chapter 23, Title 1.

Repeal

SECTION 77. Section 11-35-1580 of the 1976 Code is repealed.

Indefinite Quantity Contracts redesignation

SECTION 78. Article 10, Chapter 35, Title 11 of the 1976 Code is redesignated as “Indefinite Quantity Contracts”.

Recodification

SECTION 79. Section 11-35-35 is recodified as Section 11-35-5310. Section 11-35-50 is recodified as Section 11-35-5320. Section 11-35-55

is recodified as Section 11-35-5330. Section 11-35-70 is recodified as Section 11-35-5340.

Time effective

SECTION 80. This act takes effect upon approval by the Governor and applies to solicitations issued after that date.

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

No. 42

(R62, S21)

AN ACT TO AMEND SECTION 63-17-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COURT ORDERS DETERMINING THAT A PUTATIVE FATHER IS THE LEGAL FATHER, SO AS TO REQUIRE THAT THE CHILD'S BIRTH CERTIFICATE BE AMENDED AND FOR OTHER PURPOSES; TO AMEND SECTION 44-63-163, RELATING TO BIRTH CERTIFICATES PREPARED AFTER A PATERNITY DETERMINATION, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 44-1-310, RELATING TO THE MATERNAL MORBIDITY AND MORTALITY REVIEW COMMITTEE, SO AS TO CHANGE THE OPERATION OF THE COMMITTEE BY ASSIGNING CERTAIN RESPONSIBILITIES TO STAFF OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FUNDING CONTINGENCIES, AND FOR OTHER PURPOSES.

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

Paternity court orders

SECTION 1. Section 63-17-70 of the 1976 Code is amended to read:

“Section 63-17-70. (A)(1) Upon a finding that the putative father is the natural father of the child, the court must issue an order designating the putative father as the natural father and ordering that the birth certificate be amended to include the name of the father.

(2) The order must:

(a) set forth the social security numbers, or the alien identification numbers assigned to resident aliens who do not have social security numbers, of both parents;

(b) establish a duty of support and provide for child support payments in amounts and at a frequency to be determined by the court; and

(c) provide for other relief which has been properly prayed for in the pleadings and which is considered reasonable and just by the court.

(B) Upon a finding that the putative father is not the father of the child, the court shall issue an order which sets forth this finding.

(C) Upon entry of a court order or an administrative determination that the putative father is the legal father pursuant to subsection (A), the clerk of court shall send a report to the Registrar of the Division of Vital Statistics of the Department of Health and Environmental Control showing such information as may be required on an amended certificate of birth to be furnished by the Division of Vital Statistics of the Department of Health and Environmental Control.”

Birth certificate after paternity determination

SECTION 2. Section 44-63-163 of the 1976 Code is amended to read:

“Section 44-63-163. Upon entry of a court order or an administrative determination that the putative father is the legal father pursuant to Section 63-17-70(A), the clerk of court shall send a report to the Registrar of the Division of Vital Statistics of the Department of Health and Environmental Control showing such information as may be required on an amended certificate of birth to be furnished by the Division of Vital Statistics of the Department of Health and Environmental Control. A new certificate must be prepared for a child born in this State to reflect the name of the father determined by the court or an administrative agency of competent jurisdiction upon receipt of a certified copy of a court or administrative determination of paternity pursuant to Section 63-17-10. Orders modifying, vacating, or amending paternity orders must be handled by the clerk of court and State Registrar in the same manner. If the surname of the child is not decreed by the court, the surname must not be changed on the certificate. When an

amended certificate is prepared, the original certificate and certified copy of the court order must be placed in a sealed file not to be subject to inspection except by order of the family court.”

Maternal Morbidity and Mortality Review Committee

SECTION 3. Section 44-1-310 of the 1976 Code is amended to read:

“Section 44-1-310. (A) The Department of Health and Environmental Control shall establish a Maternal Morbidity and Mortality Review Committee to review maternal deaths and to develop strategies for the prevention of maternal deaths. The committee must be multidisciplinary and composed of members deemed appropriate by the department. The committee also may review severe maternal morbidity. The department may contract with an external organization to assist in collecting, analyzing, and disseminating maternal mortality information, organizing and convening meetings of the committee, and performing other tasks as may be incident to these activities, including providing the necessary data, information, and resources to ensure successful completion of the ongoing review required by this section.

(B) The State Registrar shall provide the following necessary data from death certificates of women who died within a year of pregnancy to the department staff for review to assist in identifying maternal death information:

- (1) name;
- (2) date and time of death;
- (3) state and county of residence;
- (4) date of birth;
- (5) marital status;
- (6) citizenship status;
- (7) United States armed forces veteran status;
- (8) educational background;
- (9) race and ethnicity;
- (10) date and time of injury;
- (11) place of injury;
- (12) location where injury occurred;
- (13) place of death (facility name and/or address);
- (14) manner of death;
- (15) whether an autopsy was performed and findings available as to the cause of death;
- (16) whether tobacco contributed to death;
- (17) primary and contributing causes of death.

(C) The State Registrar shall provide the following necessary data from birth certificates or fetal death reports linked to the woman for whom data from the death certificate was provided pursuant to subsection (B), where available, to department staff for review to assist in identifying maternal death information:

- (1) medical record number;
- (2) date of delivery;
- (3) location of event;
- (4) name of mother;
- (5) mother's date of birth;
- (6) mother's race and ethnicity;
- (7) mother's pregnancy history;
- (8) mother's height and weight;
- (9) date of last normal menstrual period;
- (10) date of first prenatal visit;
- (11) number of prenatal visits;
- (12) plurality;
- (13) use of WIC during pregnancy;
- (14) delivery payment method;
- (15) cigarette smoking before and during pregnancy;
- (16) risk factors during pregnancy;
- (17) infections present or treated during pregnancy;
- (18) onset of labor;
- (19) obstetric procedures;
- (20) characteristics of labor and delivery;
- (21) maternal morbidity.

(D) The department must not disclose any information collected under this section that would identify the mother or baby with anyone outside the department, including the committee. Identifying information includes, but may not be limited to, names, addresses more specific than the county of residence, medical record numbers, and dates and times of birth or death.

(E) The department, or its representatives, on behalf of the committee, shall:

- (1) extract necessary data elements from death certificates and birth certificates or fetal death reports, as applicable, and provide de-identified information to the committee for its review and consideration;
- (2) review and abstract medical records and other relevant data;
- (3) contact family members and other affected or involved persons to collect additional data.

(F) The committee shall:

- (1) review information and records provided by the department;
- (2) determine whether maternal death cases reviewed are pregnancy related, as defined as a death within one year of the pregnancy with a direct or indirect causation related to the pregnancy or postpartum period;
- (3) consult with relevant experts to evaluate the records and data;
- (4) make determinations regarding the preventability of maternal deaths;
- (5) develop recommendations for the prevention of maternal deaths; and
- (6) disseminate findings and recommendations pursuant to subsection (J).

(G)(1) Health care providers and pharmacies licensed pursuant to Title 40 shall provide reasonable access to the department and its representatives, on behalf of the committee, to all relevant medical records associated with a case under review by the committee.

(2) A health care provider, health care facility, or pharmacy providing access to medical records pursuant to this subsection are not liable for civil damages or subject to criminal or disciplinary action for good faith efforts in providing the records.

(3) Coroners and law enforcement shall provide reasonable access to the department and its representatives, on behalf of the committee, to all relevant records associated with a case under review by the committee.

(H)(1) Information, records, reports, statements, notes, memoranda, or other data collected pursuant to this section are not admissible as evidence in any action of any kind in any court or before another tribunal, board, agency, or person. The information, records, reports, statements, notes, memoranda, or other data must not be exhibited nor their contents disclosed, in whole or in part, by an officer or a representative of the department or another person, except as necessary for the purpose of furthering the review of the committee of the case to which they relate. A person participating in a review may not disclose the information obtained except in strict conformity with the review project.

(2) All information, records of interviews, written reports, statements, notes, memoranda, or other data obtained by the department, the committee, and other persons, agencies, or organizations authorized by the department pursuant to this section are confidential.

(I)(1) All proceedings and activities of the committee, opinions of members of the committee formed as a result of the proceedings and activities, and records obtained, created, or maintained pursuant to this section, including records of interviews, written reports, and statements

procured by the department or another person, agency, or organization acting jointly or under contract with the department in connection with the requirements of this section, are confidential and are not subject to the provisions of Chapter 4, Title 30 relating to open meetings or public records, or subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. However, this section must not be construed to limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another source and entirely independent of the committee's proceedings.

(2) Members of the committee must not be questioned in a civil or criminal proceeding regarding the information presented in or opinions formed as a result of a meeting or communication of the committee. However, this section must not be construed to prevent a member of the committee from testifying to information obtained independently of the committee or which is public information.

(J) Reports of aggregated nonindividually identifiable data for the previous calendar year must be compiled and disseminated by March first of the following year in an effort to further study the causes and problems associated with maternal deaths. Reports must be distributed to the General Assembly, the Director of the Department of Health and Environmental Control, health care providers and facilities, key governmental agencies, and others necessary to reduce the maternal death rate.

(K) Members shall serve without compensation, and are ineligible for the usual mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.

(L) The department shall apply for and use any available federal or private monies to help fund the costs associated with implementing the provisions of this section.”

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 43

(R63, S105)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47-1-225 SO AS TO REQUIRE THAT MAGISTRATES AND MUNICIPAL COURT JUDGES RECEIVE AT LEAST TWO HOURS OF INSTRUCTIONS ON ISSUES CONCERNING ANIMAL CRUELTY EVERY FOUR YEARS; TO AMEND SECTION 47-3-10, RELATING TO DEFINITIONS APPLICABLE TO DOMESTIC PETS, SO AS TO DEFINE THE TERM "LITTER"; TO AMEND SECTION 47-3-60, RELATING TO THE DISPOSITION OF IMPOUNDED ANIMALS, SO AS TO AUTHORIZE AN ANIMAL SHELTER TO TURN OVER A LITTER OF UNIDENTIFIABLE DOGS OR CATS UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 47-1-145 SO AS TO PROVIDE FOR THE CUSTODY AND CARE OF AN ANIMAL AFTER THE ARREST OF THE ANIMAL'S OWNER FOR CHARGES RELATED TO ANIMAL CRUELTY; TO AMEND SECTION 56-3-9600, RELATING TO THE SPECIAL FUND TO SUPPORT LOCAL ANIMAL SPAYING AND NEUTERING PROGRAMS, SO AS TO ESTABLISH CERTAIN PROCEDURES FOR THE AWARD OF GRANTS TO SPAYING AND NEUTERING PROGRAMS; TO AMEND SECTION 40-69-30, RELATING TO A LICENSE TO PRACTICE VETERINARY MEDICINE, SO AS TO PROVIDE THAT A VETERINARIAN LICENSED IN ANOTHER JURISDICTION MAY OBTAIN AN EMERGENCY LIMITED LICENSE DURING AN EMERGENCY OR NATURAL DISASTER; TO AMEND SECTIONS 47-3-470, 47-3-480, AND 47-3-490, ALL RELATING TO THE STERILIZATION OF DOGS AND CATS, SO AS TO REMOVE REFERENCES TO "ANIMAL REFUGE" AND REPLACE IT WITH "RESCUE ORGANIZATION".

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

Animal cruelty instruction for certain judges

SECTION 1. Chapter 1, Title 47 of the 1976 Code is amended by adding:

“Section 47-1-225. Every four years, at their mandatory continuing legal education programs, magistrates and municipal court judges must receive at least two hours of instruction on issues concerning animal cruelty. The content of the continuing legal education must be determined by the South Carolina Court Administration at the direction of the Chief Justice of the South Carolina Supreme Court.”

“Litter” defined

SECTION 2. Section 47-3-10 of the 1976 Code is amended to read:

“Section 47-3-10. For the purpose of this article:

(1) ‘Animal’ is defined as provided for in Chapter 1.

(2) ‘Animal shelter’ includes any premises designated by the county or municipal governing body for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under authority of this article.

(3) ‘Dog’ includes all members of the canine family, including foxes and other canines.

(a) A dog is deemed to be ‘running at large’ if off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device.

(b) A dog is deemed to be ‘under restraint’ if on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device.

(4) ‘Cat’ includes all members of the feline family.

(5) ‘Litter’ means multiple offspring that are born at one time from the same mother.

(6) ‘Vicious dog’ means any dog evidencing an abnormal inclination to attack persons or animals without provocation.”

Impounded animals, litter of dogs or cats may be turned over for life-saving purposes

SECTION 3. Section 47-3-60 of the 1976 Code is amended to read:

“Section 47-3-60. (A) After any animal has been quarantined pursuant to South Carolina Rabies Control Act and is unclaimed by its owner, after the animal shelter employees have made a good faith effort to contact the identified owner as required by Section 47-3-540, the animal shelter employees, unless the animal must be kept pending

disposition of a criminal or civil trial involving the animal or unless a hearing on the disposition of the animal is held prior to the trial, may dispose of the animal by adoption or by euthanasia or the animal may be turned over to any organization established for the purpose of caring for animals, such as the Humane Society.

(B) Notwithstanding subsection (C), a litter of unidentifiable dogs or cats four months of age or younger may be turned over to any organization established for the purpose of caring for animals immediately, so long as the litter is turned over for life-saving purposes.

(C) After any animal has been impounded for five calendar days and is unclaimed by its owner, and after the animal shelter employees have made a good faith effort to contact the identified owner as required by Section 47-3-540, the animal shelter employees, unless the animal must be kept pending disposition of a criminal or civil trial involving the animal or unless a hearing on the disposition of the animal is held prior to the trial, may dispose of the animal by adoption or by euthanasia or the animal may be turned over to any organization established for the purpose of caring for animals, such as the Humane Society.

(D) Complete records must be kept by shelter officials as to the disposition of all animals impounded.”

Animal cruelty, custody and care of animal after arrest

SECTION 4. Chapter 1, Title 47 of the 1976 Code is amended by adding:

“Section 47-1-145. (A) Any person, organization, or other entity that is awarded custody of an animal under the provisions of Section 47-1-150 because of the arrest of a defendant for a violation of any provision of Chapter 1, Title 47 or Chapter 27, Title 16 and that provides services to the animal without compensation may file a petition with the court requesting that the defendant, if found guilty, be ordered to deposit funds in an amount sufficient to secure payment of all the reasonable expenses incurred by the custodian in caring for and providing for the animal pending the disposition of the litigation. In the absence of a conviction, the county or municipality making the arrest shall pay the reasonable expenses of the custodian. For purposes of this section, ‘court’ refers to municipal or magistrates court, and ‘reasonable expenses’ includes the cost of providing food, water, shelter, and care, including medical care, but does not include extraordinary medical procedures.

(B) The court shall, at the time of adjudication, determine the actual cost of care for the animal that the custodian incurred pursuant to subsection (A). Either party may demand that the trial be given priority over other cases.

(C)(1) If the court makes a final determination of the charges or claims against the defendant in his favor, then the defendant may recover custody of his animal.

(2) If the defendant is found guilty, then the custodian of the animal may then determine if the animal is suitable for adoption and if adoption can be arranged for the animal. The animal may not be adopted by the defendant or by any person residing in the defendant's household if the defendant was found guilty. If no adoption can be arranged after the forfeiture or if the animal is unsuitable for adoption, then the custodian shall humanely euthanize the animal.

(D) Within thirty days of an animal's impoundment, the animal's custodian must provide a good faith estimate, pursuant to subsection (A), of the daily custodial cost of the impounded animal. Upon receipt of the good faith estimate, the court shall then issue a notice to the defendant about his impounded animal that includes:

(1) an estimate of the daily custodial costs required to care for the animal;

(2) a statement that the defendant, if found guilty, shall be required to pay for the animal's care during impoundment; and

(3) a statement that the defendant, at any time prior to final adjudication, has the right to forfeit ownership of the animal and avoid all future custodial costs related to the animal's care but not costs already accrued.

(E) The remedy provided for in this section is in addition to any other remedy provided by law."

Grants for spay and neuter programs

SECTION 5. Section 56-3-9600(B) of the 1976 Code is amended to read:

"(B)(1) Notwithstanding another provision of law, of the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be deposited in a special

account, separate and apart from the general fund, designated for use by the South Carolina Department of Agriculture to support local animal spaying and neutering programs. The South Carolina Department of Agriculture may use up to ten percent of the fees deposited in the special account for the administration of the program. Local private nonprofit tax exempt organizations offering animal spaying and neutering programs may apply for grants from this fund to further their tax exempt purposes.

(2) An agency may apply for up to two thousand dollars per grant application at the beginning of each fiscal year and may apply for multiple grants during a fiscal year. Total available grant funds shall be based on the amount of funds collected each previous fiscal year. Grants must specify how many surgeries will be performed and the species and gender of the animals undergoing surgery. Agencies may only apply for one grant at a time. Once a grant is fulfilled, an agency may apply for another grant, provided that funds are available. Grants must be fulfilled within six months of receiving funds. Once grants are completed, agencies must submit to No More Homeless Pets / South Carolina Animal Care and Control Association (SCACCA) a report identifying each person participating; the basis of eligibility for the program; whether animals are being spayed or neutered; dates of spaying or neutering and of rabies vaccines if applicable; descriptions of animals, including gender; and the appropriate amount charged toward the grant. Any unused funds must be returned. If a copay was charged to participating individuals, then that amount must also be included. The Department of Agriculture shall encourage participation from Tier 3 and Tier 4 counties.

(3) SCACCA or its successor organization, on behalf of the tax exempt organizations, shall coordinate the grant program, make the request for reimbursement from the Department of Agriculture, and distribute the individual grants to the participating tax exempt organizations.”

Veterinarian, emergency limited license

SECTION 6. Section 40-69-30 of the 1976 Code is amended to read:

“Section 40-69-30. (A) A person may not practice veterinary medicine without a license issued in accordance with this chapter, except as provided in subsection (B). A person who uses in connection with his name the words or letters ‘D.V.M.’, ‘V.M.D.’, ‘Doctor of Veterinary Medicine’, ‘Veterinary Medical Doctor’, or other letters, words, or

insignia indicating or implying that one is engaged in the practice of veterinary medicine or who in any other way, orally or in writing or in print or by sign directly or by implication, represents oneself as engaged in the practice of veterinary medicine without being licensed by the board is subject to the penalties provided for in this chapter.

(B)(1) During an emergency or natural disaster, a veterinarian or veterinary technician who is not licensed in accordance with this chapter, but is licensed and in good standing in another jurisdiction, may obtain an emergency limited license to practice veterinary medicine related to the response efforts in locations in this State if:

- (a) an official declaration of a state of emergency has been made by the Governor of this State or his delegated state official; and
- (b) an official invitation has been extended to the veterinarian or veterinary technician for a specified time by the Governor during emergencies.

(2) An applicant for an emergency limited license must submit documentation as may be acceptable to the board under the circumstances to demonstrate eligibility for the limited license, including documentation of an existing license in good standing.”

“Public or private rescue organization” defined

SECTION 7. Section 47-3-470(3) of the 1976 Code is amended to read:

“(3) ‘Public or private rescue organization’ means harborers of unwanted animals of any breed, including crossbreeds, who provide food, shelter, and confinement for a group of dogs, a group of cats, or a combination of dogs and cats.”

Sterilization of dogs, public or private rescue organization

SECTION 8. Section 47-3-480 of the 1976 Code is amended to read:

“Section 47-3-480. (A) A public or private animal shelter, animal control agency operated by a political subdivision of this State, humane society, or public or private rescue organization shall make provisions for the sterilization of all dogs or cats acquired from the shelter, agency, society, or rescue organization by:

- (1) providing sterilization by a licensed veterinarian before relinquishing custody of the animal; or
- (2) entering into a written agreement with the person acquiring the animal guaranteeing that sterilization will be performed by a licensed

veterinarian within thirty days after acquisition of a sexually mature animal or no later than six months of age except upon a written statement issued by a licensed veterinarian stating that such surgery would threaten the life of the animal.

(B) This section does not apply to a privately owned animal which the shelter, agency, society, or rescue organization may have in its possession for any reason if the owner of the animal claims or presents evidence that the animal is his property.

(C) All costs of sterilization pursuant to this section are the responsibility of the person acquiring the animal and, if performed before acquisition, may be included in the fees charged by the shelter, agency, society, or rescue organization for the animal.

(D) A person acquiring an animal from a shelter, an agency, a society, or a rescue organization which is not sterile at the time of acquisition shall submit to the shelter, agency, society, or rescue organization a signed statement from the licensed veterinarian performing the sterilization required by subsection (A) within seven days after sterilization attesting that the sterilization has been performed.”

Forfeiture of animal to a rescue organization

SECTION 9. Section 47-3-490 of the 1976 Code is amended to read:

“Section 47-3-490. A person who fails to comply with Section 47-3-480(A)(2) or 47-3-480(D) must forfeit ownership of the dog(s) or cat(s) acquired from the shelter, agency, society, or rescue organization which adopted the animal to the owner. In addition to forfeiting ownership, the person who acquired the animal must pay to the shelter, agency, society, or rescue organization the sum of two hundred dollars as liquidated damages. Such remedies shall be in addition to any other legal or equitable remedies as may be available to the shelter, agency, society, or rescue organization for breach of the written agreement as provided for in Section 47-3-480(A)(2) or failure to comply with Section 47-3-480(D).”

Findings

SECTION 10. The General Assembly finds it is the best practice for a shelter, public or private, to prepare and maintain records documenting the number of animals admitted to the facility and the method by which those animals exit the facility, whether by adoption, fostering, natural death, euthanasia, transfer to another state, or other means of discharge.

Time effective

SECTION 11. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 44

(R64, S281)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 47-3-980 AND 47-3-990 SO AS TO PROVIDE THAT INTENTIONAL MISREPRESENTATION OF A SERVICE ANIMAL IS UNLAWFUL, TO ESTABLISH PENALTIES, AND FOR OTHER PURPOSES; TO AMEND SECTION 56-7-10, RELATING TO OFFENSES FOR WHICH UNIFORM TRAFFIC TICKETS MUST BE USED, SO AS TO ADD THE OFFENSE OF MISREPRESENTING SERVICE ANIMALS; TO AMEND SECTIONS 47-3-920 AND 47-3-970, RELATING TO TERMS DEFINED IN LAYLA'S LAW AND RESTITUTION REQUIREMENTS, RESPECTIVELY, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 31-21-70, RELATING TO FAIR HOUSING APPLICATIONS, SO AS TO ALLOW LANDLORDS TO ASK CERTAIN QUESTIONS REGARDING A TENANT'S OR PROSPECTIVE TENANT'S ANIMAL FOR PURPOSES OF REASONABLE ACCOMMODATIONS.

Whereas, service animals that are properly trained to assist persons with disabilities play a vital role in establishing independence for such persons; and

Whereas, the term "service animal" has a distinct meaning in the law. A service animal means an animal that is trained for the purposes of assisting or accommodating the sensory, mental, or physical disability of a disabled person. Under the law, the provision of emotional support,

well-being, comfort, or companionship does not constitute the work or tasks of a service animal; and

Whereas, no vest, other marking, or documentation is required for an animal to qualify as a service animal, nor are such vests, markings, or documentation a reliable indication of whether an animal is, by law, a service animal. People sometimes erroneously think that a therapy animal, an emotional support animal, or any animal wearing a vest or having any other type of marking is a service animal as defined by law; and

Whereas, there is an increasing number of occurrences in which people exploit the confusion related to service animals and attempt to bring an animal into a place that it would otherwise not be allowed to enter by passing off the pet, therapy animal, or emotional support animal as a service animal, either by oral misrepresentation, placement of a vest or other marking on the animal, or presentation of a "certificate", despite knowing that it is not a service animal; and

Whereas, some companies mislead individuals into believing that they will be entitled to the rights or privileges for individuals with disabilities with service animals if they buy the company's vests or obtain some type of certificate. These misrepresentations, in some cases, are unlawful deceptive trade practices and compound the confusion around service animals; and

Whereas, commendably, federal and state laws require places of public accommodation, including airports, restaurants, theaters, stores, hospitals, and more, to allow any animal that is presented as a service animal into the place of public accommodation. These same places of public accommodation face a dilemma if someone enters the premises and intentionally misrepresents his animal as a service animal; and

Whereas, when people try to falsely represent a nonservice animal as a service animal, business owners and other places of public accommodation become increasingly distrustful that the animals being represented to them as service animals are, in fact, service animals. Misrepresentation of service animals delegitimizes the program and makes it harder for persons with disabilities to gain unquestioned acceptance of their legitimate, properly trained, and essential service animals. Now, therefore,

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

Intentional misrepresentation of a service animal

SECTION 1. Article 15, Chapter 3, Title 47 of the 1976 Code is amended by adding:

“Section 47-3-980. (A) It is unlawful for a person to intentionally misrepresent an animal in his possession as a service animal or service animal-in-training for the purpose of obtaining any right or privilege provided to a disabled person if the person knows that the animal in his possession is not a service animal or service animal-in-training.

(B) A person who is adjudicated to be in violation of the provisions of subsection (A) must be fined:

- (1) for a first offense, an amount not more than two hundred fifty dollars;
- (2) for a second offense, an amount not more than five hundred dollars; and
- (3) for a third or subsequent offense, an amount not more than one thousand dollars.

(C) Inquiries made in order to investigate and enforce the provisions of this section are limited to those inquiries allowed by the Department of Justice pursuant to 28 C.F.R. Section 36.302.

(D) A custodial arrest for a violation of subsection (A) must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of subsection (A) does not constitute a criminal offense.

Section 47-3-990. Places of public accommodation may establish rules and regulations related to access to such facilities by nonservice animals, including emotional support animals.”

Use of uniform traffic tickets

SECTION 2. Section 56-7-10(A) of the 1976 Code is amended to read:

“(A) There will be a uniform traffic ticket used by all law enforcement officers in arrests for traffic offenses and for the following additional offenses:

- (1) Interfering with Police Officer Serving Process Section 16-5-50;

- (2) Dumping Trash on Highway/Private Property Section 16-11-700;
- (3) Indecent Exposure Section 16-15-130;
- (4) Disorderly Conduct Section 16-17-530;
- (5) Damaging Highway Section 57-7-10;
- (6) Place Glass, Nails, etc. on Highway Section 57-7-20;
- (7) Obstruction of Highway by Railroad Cars, etc. Section 57-7-240;
- (8) Signs Permitted on Interstate Section 57-25-140;
- (9) Brown Bagging Section 61-5-20;
- (10) Drinking Liquors in Public Conveyance Section 61-13-360;
- (11) Poles Dragging on Highway Section 57-7-80;
- (12) Open Container Section 61-9-87;
- (13) Purchase or Possession of Beer or Wine by a Person Under Age Section 63-19-2440;
- (14) Purchase or Possession of Alcoholic Liquor by a Person Under Age Twenty-One Section 63-19-2450;
- (15) Unlawful Possession and Consumption of Alcoholic Liquors Section 61-5-30;
- (16) Sale of Beer or Wine on Which Tax Has Not Been Paid Section 61-9-20;
- (17) Falsification of Age to Purchase Beer or Wine Section 61-9-50;
- (18) Unlawful Purchase of Beer or Wine for a Person Who Cannot Legally Buy Section 61-9-60;
- (19) Unlawful Sale or Purchase of Beer or Wine, Giving False Information as to Age, Buying Beer or Wine Unlawfully for Another Section 61-9-85;
- (20) Employment of a Person Under the Age of Twenty-One as an Employee in Retail or Wholesale or Manufacturing Liquor Business Section 61-13-340;
- (21) Failure to Remove Doors from Abandoned Refrigerators Section 16-3-1010;
- (22) Malicious Injury to Animals or Personal Property Section 16-11-510;
- (23) Timber, Logs, or Lumber Cutting, Removing, Transporting Without Permission, Valued at Less Than Fifty Dollars Section 16-11-580;
- (24) Littering Section 16-11-700;
- (25) Larceny of a Bicycle Valued at Less Than One Hundred Dollars Section 16-13-80;
- (26) Shoplifting Section 16-13-110;

- (27) Cock Fighting Section 16-17-650;
- (28) Ticket Scalping Section 16-17-710;
- (29) Domestic Violence, second and third degree Section 16-25-20;
- (30) Glue Sniffing Section 44-53-1110;
- (31) Trespassing Section 16-11-755;
- (32) Trespassing Section 16-11-600;
- (33) Trespassing Section 16-11-610;
- (34) Trespassing Section 16-11-620;
- (35) Negligent Operation of Watercraft; Operation of Watercraft While Under Influence of Alcohol or Drugs Section 50-21-110;
- (36) Negligence of Boat Livery to Provide Proper Equipment and Registration Section 50-21-120;
- (37) Interference with Aids to Navigation or Regulatory Markers or Operation of Watercraft in Prohibited Area Section 50-21-170;
- (38) Operation of Watercraft Without a Certificate of Title Section 50-23-190;
- (39) Parking on Private Property without Permission Section 16-11-760;
- (40) Certificate of Veterinary Inspection; Requirement for Out-of-State Livestock or Poultry Section 47-4-60;
- (41) Inhibition of Livestock Inspection Section 47-4-120;
- (42) Imported Swine Section 47-6-50;
- (43) Operating Equine Sales Facility or Livestock Market Without Permit Section 47-11-20;
- (44) Liability of Person Removing Livestock for Slaughter Section 47-11-120;
- (45) Notice to Disinfect Section 47-13-310;
- (46) Quarantine of Livestock or Poultry Section 47-4-70;
- (47) Unlawful for Horse to Enter State Unless Tested Section 47-13-1350;
- (48) Quarantine of Exposed Horses Section 47-13-1360;
- (49) Proof of Test Required for Public Assembly of Horses Section 47-13-1370;
- (50) False Certificates Section 47-13-1390;
- (51) Unlawful to Feed Garbage to Swine Section 47-15-20;
- (52) Notification Required from Certain Persons Disposing of Garbage Section 47-15-40;
- (53) Sale of Uninspected Meat and Meat Products Section 47-17-60;
- (54) Sale of Uninspected Poultry and Poultry Product Section 47-19-70;
- (55) Misrepresenting Service Animals Section 47-3-980.”

Definition, service animal-in-training

SECTION 3. Section 47-3-920(4) of the 1976 Code is amended to read:

“(4)(a) ‘Service animal’ or ‘service animal-in-training’ means an animal that is trained or that is being trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. A service animal is not a pet and is limited to a dog or a miniature horse. The work done or tasks performed must be directly related to the individual’s disability and may include, but are not limited to:

- (i) guiding an individual who is visually impaired or blind;
 - (ii) alerting an individual who is deaf or hard of hearing;
 - (iii) pulling a wheelchair;
 - (iv) assisting with mobility or balance;
 - (v) alerting others and protecting an individual if the individual is having a seizure;
 - (vi) retrieving objects;
 - (vii) alerting an individual to the presence of allergens;
 - (viii) providing physical support and assistance with balance and stability to an individual with a mobility disability;
 - (ix) helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors;
 - (x) reminding an individual with a mental illness to take his prescribed medications;
 - (xi) calming an individual with post-traumatic stress disorder during an anxiety attack; or
 - (xii) doing other specific work or performing other special tasks.
- (b) The crime-deterrent effect of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.”

Definitions

SECTION 4. Section 47-3-920 of the 1976 Code is amended by adding appropriately numbered items to read:

“() ‘Emotional support animal’ means an animal intended to provide companionship and reassurance.

() ‘Places of public accommodation’ means airports, train stations, bus stations, and establishments defined in Section 45-9-10.”

Restitution

SECTION 5. Section 47-3-970 of the 1976 Code is amended to read:

“Section 47-3-970. (A) A defendant convicted of a violation of Sections 47-3-930, 47-3-940, 47-3-950, or 47-3-960 may be ordered to make full restitution for damages including incidental and consequential expenses incurred by the guide dog or service animal and its user, which arise out of or are related to the criminal offense.

(B) Restitution ordered pursuant to this section includes, but is not limited to:

(1) the value of the replacement of an incapacitated or deceased guide dog or service animal, the training of a replacement guide dog or service animal, or retraining of the affected guide dog or service animal and related veterinary and care expenses; and

(2) medical expenses of the guide dog or service animal user, training of the guide dog or service animal user, and compensation for wages or earned income lost by the guide dog or service animal user.

(C) This article does not affect civil remedies available for conduct punishable under this article. Restitution paid pursuant to this article must be set off against damages awarded in a civil action arising out of the same conduct that resulted in the restitution payment.”

Fair housing applications

SECTION 6. Section 31-21-70 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“() (1) A landlord may ask a tenant or prospective tenant the following questions to determine whether an animal that is not a service animal should be deemed a reasonable accommodation:

(a) ‘Does the person seeking to use and live with the animal have a disability that is a physical or mental impairment that substantially limits one or more major life activities?’

(b) ‘Does the person seeking to use and live with the animal have a disability-related need for the animal?’

(2) Landlords may request documentation to verify the tenant’s responses to the above questions. Such documentation shall be deemed sufficient if it establishes that an individual has a disability and that the

animal in question will provide some type of disability-related assistance or emotional support.”

Time effective

SECTION 7. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 45

(R65, S314)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3800 SO AS TO ALLOW AN INCOME TAX CREDIT FOR EACH CLINICAL ROTATION SERVED BY A PHYSICIAN, ADVANCED PRACTICE NURSE, OR PHYSICIAN ASSISTANT AS A PRECEPTOR FOR CERTAIN PROGRAMS; AND TO AMEND SECTION 12-6-1140, AS AMENDED, RELATING TO INCOME TAX DEDUCTIONS, SO AS TO ALLOW A DEDUCTION FOR CERTAIN ROTATIONS FOR WHICH NO INCOME TAX CREDIT IS AVAILABLE.

Whereas, the pipeline for primary care medical, advanced practice nursing, and physician assistant providers in South Carolina is vital to the State; and

Whereas, South Carolina is a largely rural state with a population of 4.8 million and is ranked forty-second nationally in overall health rankings; and

Whereas, South Carolina is ranked thirty-ninth nationally regarding patient access to health care services and forty-third for its total supply of primary care practicing physicians; and

Whereas, such health statistics, along with the shortage and maldistribution of health care professionals, are alarming, resulting in a

grade of "F" in health care according to the South Carolina Department of Health and Environmental Control; and

Whereas, according to the South Carolina Department of Health and Environmental Control, all forty-six South Carolina counties are federally designated as being total or partial Medically Underserved Areas/Populations, forty-three counties as Health Professional Shortage Areas (HPSA), with twenty-nine categorized as low income HPSAs and fifteen fulfilling the criteria as geographic HPSAs, the designation used for the most underserved counties. Now, therefore,

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

Income tax credit for service as a preceptor

SECTION 1. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12-6-3800. (A) For the purposes of this section:

(1) ‘Independent institution of higher learning’ has the same meaning as provided in Section 59-113-50.

(2) ‘Medical school-required clinical rotation’, ‘physician assistant program-required clinical rotation’, or ‘advanced practice nursing program-required clinical rotation’ means a clinical rotation for a public teaching institution or independent institution of higher learning that:

(a) is established for a student who is enrolled in a South Carolina public teaching institution or an independent institution of higher learning, including:

- (i) medical school;
- (ii) a physician assistant program; and
- (iii) an advanced practice nursing program; and

(b) includes a minimum of one hundred sixty hours of instruction in one of the following clinical settings:

- (i) family medicine;
- (ii) internal medicine;
- (iii) pediatrics;
- (iv) obstetrics and gynecology;
- (v) emergency medicine;
- (vi) psychiatry; or
- (vii) general surgery under the guidance of a physician, advanced practice registered nurse, or physician assistant.

(3) 'Preceptor' means a physician, advanced practice nurse practitioner, or physician assistant who provides supervision and instruction during student clinical training experiences, is otherwise not compensated for doing so, and provides a minimum of two required clinical rotations within a calendar year.

(B)(1) There is allowed an income tax credit for each clinical rotation a physician serves as the preceptor for a medical school-required clinical rotation, advanced practice nursing program-required clinical rotation, and physician assistant program-required clinical rotation.

(2) If at least fifty percent of the physician's practice consists of a combined total of Medicaid insured, Medicare insured, and self-pay patients, then the credit is equal to one thousand dollars for each rotation served, not to exceed four thousand dollars a year.

(3) If at least thirty percent of the physician's practice consists of a combined total of Medicaid insured, Medicare insured, and self-pay patients, then the credit is equal to seven hundred fifty dollars for each rotation served, not to exceed three thousand dollars a year.

(4) If less than thirty percent of the physician's practice consists of a combined total of Medicaid insured, Medicare insured, and self-pay patients, then the credit is disallowed.

(5) The credits allowed by this subsection are not cumulative and may not be combined.

(C)(1) There is allowed an income tax credit for each clinical rotation an advanced practice registered nurse or physician assistant serves as the preceptor for an advanced practice nursing or physician assistant-required clinical rotation.

(2) If at least fifty percent of the advanced practice registered nurse's or physician assistant's practice consists of a combined total of Medicaid insured, Medicare insured, and self-pay patients, then the credit is equal to seven hundred fifty dollars for each rotation served, not to exceed three thousand dollars a year.

(3) If at least thirty percent of the advanced practice registered nurse's or physician assistant's practice consists of a combined total of Medicaid insured, Medicare insured, and self-pay patients, then the credit is equal to five hundred dollars for each rotation served, not to exceed two thousand dollars a year.

(4) If less than thirty percent of the advanced practice registered nurse's or physician assistant's practice consists of a combined total of Medicaid insured, Medicare insured, and self-pay patients, then the credit is disallowed.

(5) The credits allowed by this subsection are not cumulative and may not be combined.

(D) A credit earned pursuant to this section is considered earned in the tax year in which the rotation is served. Fifty percent of the credit earned may be claimed in the tax year in which it is earned, and the remaining fifty percent may be claimed in the next tax year. However, the credit claimed in a tax year may not exceed fifty percent of the taxpayer's remaining tax liability after all other credits have been applied. Any unused credit may be carried over to the immediately succeeding taxable years, except that the credit carry-over may not be used for a taxable year that begins more than ten years from the year that the credit was earned.

(E) If a taxpayer earns the maximum annual credit amount allowed by this section and the taxpayer serves additional rotations that otherwise would have qualified for the credit, then the taxpayer may claim a deduction in an amount equal to the amount that the credit would have equaled. A taxpayer may earn the deduction allowed by this subsection up to six times a tax year.

(F) By March thirty-first of each year that the tax credit is allowed, the department shall report the number of taxpayers claiming the credit allowed by this section, the total amount of credits allowed, and the number of hours that the recipient taxpayers served as preceptors to the Senate Finance Committee, the House of Representatives Ways and Means Committee, and the Governor. The department must disaggregate taxpayers between physicians, advanced practice registered nurses, and physician assistants.

(G) The department may consult with a designated administrative entity to determine eligibility and may require any proof that it determines necessary to efficiently administer the credit allowed by this section. The department may promulgate regulations necessary to implement the provisions of this section.”

Income tax deduction for service as a preceptor

SECTION 2. Section 12-6-1140 of the 1976 Code, as last amended by Act 266 of 2018, is further amended by adding an appropriately numbered item at the end to read:

“(a) amounts earned pursuant to Section 12-6-3800(E) for each clinical rotation a physician serves as the preceptor for a medical school-required clinical rotation, advanced practice nursing program-required clinical rotation, and physician assistant program-required clinical rotation; or

(b) amounts earned pursuant to Section 12-6-3800(E) for each clinical rotation an advanced practice registered nurse or physician assistant serves as the preceptor for an advanced practice nursing or physician assistant-required clinical rotation.”

Phased-in benefits for service as a preceptor

SECTION 3. (A) Notwithstanding the credit amount for each rotation served and the annual credit limit set forth in Section 12-6-3800, as added by this act, the credit amounts and credit limits must be phased-in over five years in equal and cumulative installments. The first year of implementation is tax year 2020.

(B) In accordance with subsection (A), the amount of the deduction allowed for rotations served pursuant to Section 12-6-3800(E) and the item added to Section 12-6-1140 in this act, is subject to the phase-in and is equal to the amount the credit would have equaled in that particular tax year.

Time effective

SECTION 4. This act takes effect upon approval by the Governor and shall apply to tax years 2020 through 2025. Section 12-6-3800 and Section 12-6-1140() are repealed January 1, 2026.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 46

(R66, S323)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-54-265 SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO SUBMIT CERTAIN INFORMATION TO A FINANCIAL INSTITUTION REGARDING A DEBTOR THAT HAS BEEN NAMED ON A WARRANT FOR DISTRAINT, AND TO REQUIRE THE FINANCIAL INSTITUTION PROVIDE CERTAIN INFORMATION TO THE DEPARTMENT.

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

Information on debtor named on a warrant for distraint

SECTION 1. Chapter 54, Title 12 of the 1976 Code is amended by adding:

“Section 12-54-265. (A) Notwithstanding any other provision of law, the department may submit to a financial institution, as defined in Section 63-17-2310(A)(2), information that identifies a debtor named on a warrant for distraint that has been issued and filed by the department or whose debt has been submitted to the department for collection under the provisions of Section 12-4-580. For purposes of debts named on warrants for distraint, the debt must be at least one hundred eighty days old from the date of assessment. The department may submit the information to the financial institution on a quarterly basis or, with the agreement of the financial institution, on a more frequent basis. A financial institution that receives the information must conduct a data match. The financial institution must then provide to the department, in a manner and form prescribed by the department, information concerning the debtor for purposes of collecting outstanding debts. The information provided to the department must include, but is not limited to, the information required pursuant to Section 63-17-2320(A). The financial institution must be paid a reasonable fee out of the collected funds not to exceed actual cost.

(B) Notwithstanding any other provision of law, a financial institution is not liable to a person for disclosure of information to the department, its designee, or the department’s or its designee’s employees pursuant to subsection (A) or for encumbering or surrendering any deposits, credits, or other personal property in response to a notice of lien or levy by the department, or its designee, or for any other action taken in good faith to comply with the requirements of subsection (A).”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 47

(R67, S329)

AN ACT TO EXTEND THE TAX CREDITS FOR THE PURCHASE AND INSTALLATION OF GEOTHERMAL MACHINERY AND EQUIPMENT UNTIL JANUARY 1, 2022, BY RE-ENACTING PROVISIONS OF SECTION 12-6-3587.

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

Extension of tax credit on geothermal machinery and equipment

SECTION 1. SECTION 2.B. of Act 134 of 2016 is amended to read:

“B. The provisions contained in this section related to geothermal machinery and equipment are repealed January 1, 2022.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor and applies to tax years beginning after 2018. The provisions of Section 12-6-3587, as they existed on December 31, 2018, are re-enacted, and the tax credits earned pursuant to this act shall be earned and claimed under the same terms and conditions as they existed on December 31, 2018. This act shall continue to apply until such time as Section 12-6-3587, or parts thereof, are otherwise repealed, mutatis mutandis.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 48

(R68, S359)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 21 TO CHAPTER 71, TITLE 38 SO AS TO ESTABLISH A LICENSE REQUIREMENT FOR PHARMACY BENEFITS MANAGERS, TO PROHIBIT A PHARMACY BENEFITS MANAGER FROM RESTRICTING OR PENALIZING A PHARMACY FROM PERFORMING CERTAIN ACTIONS OR DISCLOSING CERTAIN INFORMATION, TO PROHIBIT A PHARMACY BENEFITS MANAGER FROM UNDERTAKING CERTAIN ACTIONS, TO SET CERTAIN REQUIREMENTS FOR A MAXIMUM ALLOWABLE COST LIST, AND TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO ENFORCE THE PROVISIONS OF THIS ARTICLE; TO AMEND SECTION 38-2-10, AS AMENDED, RELATING TO ADMINISTRATIVE PENALTIES, SO AS TO APPLY CERTAIN ADMINISTRATIVE PENALTIES TO PHARMACY BENEFITS MANAGERS; TO AMEND SECTION 38-71-1810, RELATING TO PHARMACY AUDIT RIGHTS, SO AS TO ALLOW A PHARMACY TO SUBMIT RECORDS IN AN ELECTRONIC FORMAT OR BY CERTIFIED MAIL AND TO PROHIBIT CERTAIN ERRORS FROM SERVING AS THE SOLE BASIS OF THE REJECTION OF A CLAIM; AND TO REPEAL ARTICLE 20 OF CHAPTER 71, TITLE 38 RELATING TO PHARMACY BENEFIT MANAGERS.

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

Pharmacy benefits managers

SECTION 1. Chapter 71, Title 38 of the 1976 Code is amended by adding:

“Article 21

Pharmacy Benefits Managers

Section 38-71-2200. As used in this article:

(1) 'Claim' means a request from a pharmacy or pharmacist to be reimbursed for the cost of administering, filling, or refilling a prescription for a drug or for providing a medical supply or device.

(2) 'Claims processing services' means the administrative services performed in connection with the processing and adjudicating of claims relating to pharmacist services that include:

(a) receiving payments for pharmacist services;

(b) making payments to pharmacists or pharmacies for pharmacist services; or

(c) both receiving and making payments.

(3) 'Health benefit plan' means any individual, blanket, or group plan, policy, or contract for health care services issued or delivered by a health care insurer in this State as defined in Section 38-71-670(6) and 38-71-840(14), including the state health plan as defined in Section 1-11-710. Notwithstanding this section, the state health plan is not subject to the provisions of this title unless specifically referenced.

(4) 'Health care insurer' means an entity that provides health insurance coverage in this State as defined in Section 38-71-670(7) and Section 38-71-840(16).

(5) 'Maximum Allowable Cost List' means a listing of generic drugs used by a pharmacy benefits manager to set the maximum allowable cost at which reimbursement to a pharmacy or pharmacist may be made.

(6) 'Other prescription drug or device services' means services other than claims processing services, provided directly or indirectly by a pharmacy benefits manager, whether in connection with or separate from claims processing services, including without limitation:

(a) negotiating rebates, discounts, or other financial incentives and arrangements with drug companies;

(b) disbursing or distributing rebates;

(c) managing or participating in incentive programs or arrangements for pharmacist services;

(d) negotiating or entering into contractual arrangements with pharmacists or pharmacies, or both;

(e) developing formularies;

(f) designing prescription benefit programs; or

(g) advertising or promoting services.

(7) 'Pharmacist' has the same meaning as provided in Section 40-43-30(65).

(8) 'Pharmacist services' means products, goods, and services, or any combination of products, goods, and services, provided as a part of the practice of pharmacy.

(9) 'Pharmacy' has the same meaning as provided in Section 40-43-30(67).

(10) 'Pharmacy benefits manager' means an entity that contracts with pharmacists or pharmacies on behalf of an insurer, third party administrator, or the South Carolina Public Employee Benefit Authority to:

(a) process claims for prescription drugs or medical supplies or provide retail network management for pharmacies or pharmacists;

(b) pay pharmacies or pharmacists for prescription drugs or medical supplies; or

(c) negotiate rebates with manufacturers for drugs paid for or procured as described in this article.

(11) 'Pharmacy benefits manager affiliate' means a pharmacy or pharmacist that directly or indirectly, through one or more intermediaries, owns or controls, is owned or controlled by, or is under common ownership or control with a pharmacy benefits manager.

Section 38-71-2210. (A)(1) A person or organization may not establish or operate as a pharmacy benefits manager in this State for health benefit plans without obtaining a license from the Director of the Department of Insurance.

(2) The director shall prescribe the application for a license to operate in this State as a pharmacy benefits manager and may charge an initial application fee of one thousand dollars and an annual renewal fee of five hundred dollars, provided the pharmacy benefits manager application form must collect the following information:

(a) the name, address, and telephone contact number of the pharmacy benefits manager;

(b) the name and address of the pharmacy benefits manager's agent for service of process in the State;

(c) the name and address of each person with management or control over the pharmacy benefits manager;

(d) the name and address of each person with a beneficial ownership interest in the pharmacy benefits manager;

(e) a signed statement indicating that, to the best of their knowledge, no officer with management or control of the pharmacy benefit manager has been convicted of a felony or has violated any of the requirements of state law applicable to pharmacy benefits managers, or, if the applicant cannot provide such a statement, a signed statement describing the relevant conviction or violation; and

(f) in the case of a pharmacy benefits manager applicant that is a partnership or other unincorporated association, limited liability

company, or corporation, and has five or more partners, members, or stockholders:

(i) the applicant shall specify its legal structure and the total number of its partners, members, or stockholders who, directly or indirectly, own, control, hold with the power to vote, or hold proxies representing ten percent or more of the voting securities of any other person; and

(ii) the applicant shall agree that, upon request by the department, it shall furnish the department with information regarding the name, address, usual occupation, and professional qualifications of any other partners, members, or stockholders who, directly or indirectly, own, control, hold with the power to vote, or hold proxies representing ten percent or more of the voting securities of any other person.

(3) An applicant or a pharmacy benefits manager that is licensed to conduct business in the State shall, unless otherwise provided for in this chapter, file a notice describing any material modification of this information.

(B) The director may promulgate regulations establishing the licensing and reporting requirements of pharmacy benefits managers consistent with the provisions of this article.

(C) The fees and penalties assessed pursuant to this article must be retained by the department for the administration of this chapter.

Section 38-71-2220. (A) In any participation contracts between pharmacy benefits managers and pharmacists or pharmacies providing prescription drug coverage for health benefit plans, no pharmacy or pharmacist may be prohibited, restricted, or penalized in any way from disclosing to any covered person any health care information that the pharmacy or pharmacist deems appropriate within their scope of practice.

(B) A pharmacy or pharmacist must not be proscribed by a pharmacy benefits manager from discussing information regarding the total cost for pharmacist services for a prescription drug or from selling a more affordable alternative to the insured if a more affordable alternative is available, but a pharmacy benefits manager may proscribe a pharmacy or pharmacist from sharing proprietary or confidential information.

(C) A pharmacy benefits manager contract with a participating pharmacist or pharmacy may not prohibit, restrict, or limit disclosure of information to the director investigating or examining a complaint or conducting a review of a pharmacy benefits manager's compliance with the requirements pursuant to this act. The information or data acquired during an examination or review pursuant to this section is considered

proprietary and confidential and is not subject to the South Carolina Freedom of Information Act.

Section 38-71-2230. (A) A pharmacy benefits manager or representative of a pharmacy benefits manager shall not:

(1) cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading;

(2) charge a pharmacist or pharmacy a fee related to the adjudication of a claim other than a reasonable fee for the receipt and processing of a pharmacy claim;

(3) engage, with the express intent or purpose of driving out competition or financially injuring competitors, in a pattern or practice of reimbursing independent pharmacies or pharmacists in this State consistently less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services;

(4) collect or require a pharmacy or pharmacist to collect from an insured a copayment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(a) the contracted copayment amount;

(b) the amount an individual would pay for a prescription drug if that individual was paying cash; or

(c) the contracted amount for the drug.

(5) require the use of mail order for filling prescriptions unless required to do so by the health benefit plan or the health benefit plan design;

(6) charge a fee related to the adjudication of a claim without providing the cause for each adjustment or fee;

(7) penalize or retaliate against a pharmacist or pharmacy for exercising rights provided pursuant to the provisions of this chapter;

(8) prohibit a pharmacist or pharmacy from offering and providing direct and limited delivery services including incidental mailing services, to an insured as an ancillary service of the pharmacy; or

(9) any combination thereof.

(B) A claim for pharmacist services may not be retroactively denied or reduced after adjudication of the claim unless the:

(1) original claim was submitted fraudulently;

(2) original claim payment was incorrect because the pharmacy or pharmacist had already been paid for the pharmacist services;

(3) pharmacist services were not properly rendered by the pharmacy or pharmacist; or

(4) adjustment was agreed upon by the pharmacy prior to the denial or reduction.

(C) This subsection may not be construed to limit overpayment recovery efforts as set forth in Section 38-59-250.

A pharmacy may not be subject to a charge-back or recoupment for a clerical or recordkeeping error in a required document or record, including a typographical or computer error, unless the error resulted in overpayment to the pharmacy.

(D) Termination of a pharmacy or pharmacist from a pharmacy benefits manager network does not release the pharmacy benefits manager from the obligation to make any payment due to the pharmacy or pharmacist for pharmacist services properly rendered according to the contract.

(E) A pharmacy benefits manager may maintain more than one network for different pharmacy services. Each individual network may require different pharmacy accreditation standards or certification requirements for participating in the network provided that the pharmacy accreditation standards or certification requirements are applied without regard to a pharmacy's or pharmacist's status as an independent pharmacy or pharmacy benefits manager affiliate. Each individual pharmacy location as identified by its National Council for Prescription Drug Program identification number may have access to more than one network so long as the pharmacy location meets the pharmacy accreditation standards or certification requirements of each network.

(F) Nothing in this article abridges the right of a pharmacist to refuse to fill or refill a prescription as referenced in Section 40-43-86(E)(6) of the South Carolina Pharmacy Practice Act.

(G) Nothing in this article may be construed to require a pharmacy benefits manager to allow participation in a network that would not be required by Section 38-71-147.

Section 38-71-2240. (A) Before a pharmacy benefits manager places or continues to place a particular drug on a Maximum Allowable Cost List, the drug must:

(1) be listed as 'A' or 'B' rated in the most recent version of the Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations, also known as the Orange Book, or has an 'NR' or 'NA' rating, or a similar rating, by a nationally recognized reference;

(2) be available for purchase in the State from national or regional wholesalers operating in this State; and

(3) not be obsolete.

(B) A pharmacy benefits manager shall:

(1) provide a process for network pharmacy providers to readily access the maximum allowable cost specific to that provider;

(2) update its Maximum Allowable Cost List at least once every seven calendar days;

(3) provide a process for each pharmacy subject to the Maximum Allowable Cost List to access any updates to the Maximum Allowable Cost List;

(4) ensure that dispensing fees are not included in the calculation of maximum allowable cost; and

(5) establish a reasonable administrative appeal procedure by which a contracted pharmacy can appeal the provider's reimbursement for a drug subject to maximum allowable cost pricing if the reimbursement for the drug is less than the net amount that the network provider paid to the suppliers of the drug. The reasonable administrative appeal procedure must include:

(a) a dedicated telephone number and email address or website for the purpose of submitting administrative appeals; and

(b) the ability to submit an administrative appeal directly to the pharmacy benefits manager regarding the pharmacy benefits plan or program or through a pharmacy service administrative organization if the pharmacy service administrative organization has a contract with the pharmacy benefits manager that allows for the submission of such appeals.

(C) A pharmacy must be allowed no less than ten calendar days after the applicable fill date to file an administrative appeal.

(D) If an appeal is initiated, the pharmacy benefits manager shall within ten calendar days after receipt of notice of the appeal either:

(1) if the appeal is upheld:

(a) notify the pharmacy or pharmacist or his designee of the decision;

(b) make the change in the maximum allowable cost effective as of the date the appeal is resolved;

(c) permit the appealing pharmacy or pharmacist to reverse and rebill the claim in question; and

(d) make the change effective for each similarly situated pharmacy as defined by the payor subject to the Maximum Allowable Cost List effective as of the date the appeal is resolved; or

(2) if the appeal is denied, provide the appealing pharmacy or pharmacist the reason for the denial, the National Drug Code number, and the name of the national or regional pharmaceutical wholesalers operating in this State.

(E) The provisions of this section:

(1) do not apply to the Maximum Allowable Cost List maintained by the State Medicaid Program, the Medicaid managed care organizations under contract with the South Carolina Department of Health and Human Services or the South Carolina Public Employee Benefit Authority; and

(2) apply to the pharmacy benefits manager employed by the South Carolina Public Employee Benefit Authority if, at any time, the South Carolina Public Employee Benefit Authority engages the services of a pharmacy benefits manager to maintain the Maximum Allowable Cost List.

Section 38-71-2250. (A) The director shall enforce this article.

(B)(1) The director may examine or audit the books and records of a pharmacy benefits manager providing claims processing services or other prescription drug or device services for a health benefit plan that are relevant to determining if the pharmacy benefits manager is in compliance with this act. The pharmacy benefits manager shall pay the charges incurred in the examination, including the expenses of the director or his designee and the expenses and compensation of his examiners and assistants. The director or his designee promptly shall institute a civil action to recover the expenses of examination against a pharmacy benefits manager which refuses or fails to pay.

(2) The information or data acquired during an examination pursuant to this section is considered proprietary and confidential and is not subject to the South Carolina Freedom of Information Act.

(C) Violations of this article are subject to the penalties provided in Sections 38-2-10 through 38-2-30.

(D) The director may promulgate regulations regarding pharmacy benefits managers that are not inconsistent with this article.

Section 38-71-2260. (A) Nothing in this act is intended or may be construed to be in conflict with existing relevant federal law.

(B) This article does not apply to the South Carolina Department of Health and Human Services in the performance of its duties in administering Medicaid under Titles XIX and XXI of the Social Security Act or to the Medicaid managed care organizations under contract with the South Carolina Department of Health and Human Services.”

Administrative penalties, pharmacy benefits managers

SECTION 2. Section 38-2-10 of the 1976 Code, as last amended by Act 219 of 2018, is further amended to read:

“Section 38-2-10. (A) Unless otherwise specifically provided by law, the following administrative penalties apply for each violation of the insurance laws of this State or federal insurance laws subject to enforcement by the Department of Insurance:

(1) If the violator is an insurer, pharmacy benefits manager, or a health maintenance organization licensed in this State, the director or his designee shall fine the violator in an amount not to exceed fifteen thousand dollars, suspend or revoke the violator’s authority to do business in this State, or both. If the violation is wilful, the director or his designee shall fine the violator in an amount not to exceed thirty thousand dollars, suspend or revoke the violator’s authority to do business in this State, or both.

(2) If the violator is a person, other than an insurer, pharmacy benefits manager, or a health maintenance organization, licensed by the director or his designee in this State, the director or his designee shall fine the person in an amount not to exceed two thousand five hundred dollars, suspend or revoke the license of the person, or both. If the violation is wilful, the director or his designee shall fine the person in an amount not to exceed five thousand dollars, suspend or revoke the license of the person, or both.

(B) The penalties in subsection (A) are in addition to any criminal penalties provided by law or any other remedies provided by law. The administrative proceedings in subsection (A) do not preclude civil or criminal proceedings from taking place before, during, or after the administrative proceeding.”

Pharmacy audits, electronic records and documentation

SECTION 3. A. Section 38-71-1810(B) of the 1976 Code is amended to read:

“(B) If a managed care organization, insurer, third-party payor, or any entity that represents a responsible party conducts an audit of the records of a pharmacy, then, with respect to this audit, the pharmacy has a right to:

(1) have at least fourteen days’ advance notice of the initial audit for each audit cycle with no audit to be initiated or scheduled during the

first five days of any month without the express consent of the pharmacy, which shall cooperate with the auditor to establish an alternate date if the audit would fall within the excluded days;

(2) have an audit that involves clinical judgment be conducted with a pharmacist who is licensed and employed by or working under contract with the auditing entity;

(3) not have clerical or record-keeping errors, including typographical errors, scrivener's errors, and computer errors, on a required document or record considered fraudulent in the absence of any other evidence or serve as the sole basis of rejection of a claim; however, the provisions of this item do not prohibit recoupment of fraudulent payments;

(4) have the auditing entity to provide the pharmacy, upon request, all records related to the audit in an electronic format or contained in digital media;

(5) submit records related to the audit in electronic format or by certified mail;

(6) have the properly documented records of a hospital or of a person authorized to prescribe controlled substances for the purpose of providing medical or pharmaceutical care for their patients transmitted by any means of communication approved by the auditing entity in order to validate a pharmacy record with respect to a prescription or refill for a controlled substance or narcotic drug pursuant to federal and state regulations;

(7) have a projection of an overpayment or underpayment based on either the number of patients served with a similar diagnosis or the number of similar prescription orders or refills for similar drugs; however, the provisions of this item do not prohibit recoupments of actual overpayments unless the projection for overpayment or underpayment is part of a settlement by the pharmacy;

(8) be free of recoupments based on either of the following subitems unless defined within the billing, submission, or audit requirements set forth in the pharmacy provider manual not inconsistent with current State Board of Pharmacy Regulations, except for cases of Food and Drug Administration regulation or drug manufacturer safety programs in accordance with federal or state regulations:

(a) documentation requirements in addition to, or exceeding requirements for, creating or maintaining documentation prescribed by the State Board of Pharmacy;

(b) a requirement that a pharmacy or pharmacist perform a professional duty in addition to, or exceeding, professional duties

prescribed by the State Board of Pharmacy unless otherwise agreed to by contract with the auditing entity;

(9) be subject, so long as a claim is made within the contractual claim submission time period, to recoupment only following the correction of a claim and to have recoupment limited to amounts paid in excess of amounts payable under the corrected claim unless a prescription error occurs. For purposes of this subsection, a prescription error includes, but is not limited to, wrong drug, wrong strength, wrong dose, or wrong patient;

(10) be subject to reversals of approval, except for Medicare claims, for drug, prescriber, or patient eligibility upon adjudication of a claim only in cases in which the pharmacy obtained the adjudication by fraud or misrepresentation of claim elements;

(11) be audited under the same standards and parameters as other similarly situated pharmacies audited by the same entity;

(12) have at least thirty days following receipt of the preliminary audit report to produce documentation to address any discrepancy found during an audit;

(13) have the option of providing documentation in electronic format or by certified mail;

(14) have the period covered by an audit limited to twenty-four months from the date a claim was submitted to, or adjudicated by, a managed care organization, an insurer, a third-party payor, or an entity that represents responsible parties, unless a longer period is permitted by or under federal law;

(15) have the preliminary audit report delivered to the pharmacy within one hundred twenty days after conclusion of the audit;

(16) have a final audit report delivered to the pharmacy within ninety days after the end of the appeals period; and

(17) not have the accounting practice of extrapolation used in calculating recoupments or penalties for audits, unless otherwise required by federal requirements or federal plans.”

B. The provisions of this section are effective upon approval by the Governor.

Pharmacy benefits managers, article repealed

SECTION 4. Article 20 of Chapter 71, Title 38 is repealed.

Severability

SECTION 5. 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.

Time effective

SECTION 6. Except for Section 38-71-2220 in SECTION 1 and SECTION 3, this act takes effect on January 1, 2021. The provisions of Section 38-71-2220 in SECTION 1 and SECTION 3 take effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 49

(R69, S408)

AN ACT TO AMEND SECTION 12-6-2295, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ITEMS INCLUDED AND EXCLUDED FROM THE TERMS "SALES" AND "GROSS RECEIPTS", SO AS TO PROVIDE THAT RECEIPTS FROM THE OPERATION OF A CABLE SYSTEM AND A VIDEO SERVICE ARE ATTRIBUTABLE TO THIS STATE IN PRO RATA PROPORTION OF THE COSTS OF PERFORMING THE SERVICE.

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

Taxation from sales of a cable system and a video service

SECTION 1. Section 12-6-2295(A)(7) of the 1976 Code, as added by Act 265 of 2018, is amended to read:

“(7) receipts from the operation of a cable system, as defined in Section 58-12-300, including receipts from cable service and including receipts from services provided over the network that are associated with or classified as noncable or nonvideo services under federal law, receipts from video service as defined in Section 58-12-300, or receipts from the provision of direct broadcast satellite service that are attributable to this State in pro rata proportion of the costs of performing the service, including the costs of acquiring programming distribution rights and constructing and maintaining distribution infrastructure, that the service provider incurs within this State. For purposes of this subsection, if a pass-through business operates a cable system or a direct broadcast satellite service, or if it has receipts from video service, then a corporation that owns an interest in that pass-through business, either directly or indirectly, must be treated as operating a cable system or a direct broadcast satellite service, or as having receipts from video service. As used in this subsection, the term ‘direct broadcast satellite service’ means the distribution or broadcasting of programming or services by satellite directly to the subscriber’s premises without the use of ground receiving or distribution equipment, except at the subscriber’s premises or in the uplink process to the satellite.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor and applies to all open tax periods excluding assessments under judicial review as of the date of the Governor’s approval.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 50

(R70, S440)

AN ACT TO AMEND SECTION 12-65-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA TEXTILES COMMUNITIES REVITALIZATION ACT, SO AS TO PROVIDE THAT A CERTAIN CAP ON REHABILITATION EXPENSES ONLY APPLIES TO CERTAIN REHABILITATED BUILDINGS ON CONTIGUOUS PARCELS; AND BY ADDING SECTION 12-67-170 SO AS TO PROVIDE FOR AN EXTENSION OF THE PLACED IN SERVICE DATE FOR A REHABILITATED ABANDONED BUILDING UNDER CERTAIN CIRCUMSTANCES.

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

South Carolina Textiles Communities Revitalization Act definitions

SECTION 1. Section 12-65-20(4) and (8) of the 1976 Code, as last amended by Act 265 of 2018, is further amended to read:

“(4)(a) ‘Textile mill site’ means the textile mill together with the land and other improvements on it which were used directly for textile manufacturing operations or ancillary uses. However, the area of the site is limited to the land located within the boundaries where the textile manufacturing, dying, or finishing facility structure is located and does not include land located outside the boundaries of the structure or devoted to ancillary uses.

(b) Notwithstanding the provisions of item (4)(a), with respect to (i) any site acquired by a taxpayer before January 1, 2008, (ii) a site located on the Catawba River near Interstate 77, or (iii) a site which, on the date the notice of intent to rehabilitate is filed, is located in a distressed area of a county in this State, as designated by the applicable council of government, ‘textile mill site’ means the textile mill structure, together with all land and improvements which were used directly for textile manufacturing operations or ancillary uses, or were located on the same parcel or a contiguous parcel within one thousand feet of any textile mill structure or ancillary uses. For purposes of this subitem, ‘contiguous parcel’ means any separate tax parcel sharing a common

boundary with an adjacent parcel or separated only by a private or public road.

(8)(a) ‘Rehabilitation expenses’ means the expenses or capital expenditures incurred in the rehabilitation, renovation, or redevelopment of the textile mill site, including without limitations, the demolition of existing buildings, environmental remediation, site improvements and the construction of new buildings and other improvements on the textile mill site, but excluding the cost of acquiring the textile mill site or the cost of personal property located at the textile mill site. For expenses associated with a textile mill site to qualify for the credit, the textile mill and buildings on the textile mill site must be either renovated or demolished.

(b) Notwithstanding subitem (a), for the purpose of calculating the credit with regard to new or rehabilitated buildings on ‘contiguous parcels’ pursuant to item (4)(b), ‘rehabilitation expenses’ do not include expenses that increase the amount of square footage of the buildings that existed on that contiguous parcel immediately preceding the time at which the textile mill became abandoned by more than two hundred percent.”

Placed in service date extension for rehabilitated abandoned buildings

SECTION 2. A. Notwithstanding Section 1 of Act 265 of 2018, and Section 1.B. of Act 57 of 2013, upon the repeal of Chapter 67, Title 12 of the 1976 Code, any carryforward credits shall continue to be allowed until the five or eight year time period in Section 12-67-140 is completed.

B. Chapter 67, Title 12 of the 1976 Code is amended by adding:

“Section 12-67-170. Notwithstanding any other provision of this chapter, if a taxpayer files a notice of intent to rehabilitate and has been rehabilitating an abandoned building continuously for the preceding year and is more than sixty percent complete, then the taxpayer must be allowed to extend the placed in service date until ninety days after completion of construction, provided construction continues diligently until that date. Nothing in this section may be construed to allow a taxpayer to earn a credit allowed by this chapter before the applicable phase or portion of the building site is placed in service.”

Time effective

SECTION 3. This act takes effect upon approval by the Governor and first applies to tax years beginning after 2017.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 51

(R71, S575)

AN ACT TO AMEND SECTION 50-11-544, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WILD TURKEY HUNTING AND TRANSPORTATION TAGS, SO AS TO DELETE THE TERM “WILD TURKEY TRANSPORTATION TAGS” AND REPLACE IT WITH THE TERM “WILD TURKEY TAG”, TO PROVIDE THE TAG WILL NO LONGER BE ISSUED AT NO COST, AND TO REVISE THE NUMBER OF TAGS RESIDENTS AND NONRESIDENTS MAY OBTAIN OR POSSESS; TO AMEND SECTION 50-11-580, RELATING TO THE SEASON FOR THE HUNTING AND TAKING OF MALE WILD TURKEY, THE ESTABLISHMENT OF YOUTH TURKEY HUNTING WEEKEND, BAG LIMITS, AND AN ANNUAL REPORT, SO AS TO REVISE THE SEASON FOR HUNTING AND TAKING A MALE WILD TURKEY, TO REVISE THE BAG LIMITS, TO DELETE THE PROVISION ESTABLISHING YOUTH TURKEY HUNTING WEEKEND, TO PROVIDE FOR THE TAKING OF FEMALE WILD TURKEYS, AND TO DELETE AN OBSOLETE PROVISION; BY ADDING SECTION 50-11-590 SO AS TO PROVIDE FOR YOUTH TURKEY HUNTING WEEKEND; TO AMEND SECTION 50-9-920, AS AMENDED, RELATING TO REVENUES FROM THE SALE OF PRIVILEGES, LICENSES, PERMITS, AND TAGS, SO AS TO PROVIDE THAT REVENUE GENERATED FROM RESIDENT AND NONRESIDENT WILD TURKEY TAGS SHALL BE USED FOR CERTAIN PURPOSES; BY ADDING SECTION 50-9-640 SO AS TO PROVIDE FEES FOR WILD TURKEY TAGS; BY ADDING SECTION 50-11-546 SO AS TO PROVIDE FOR AN

ELECTRONIC HARVEST REPORTING SYSTEM, AND REQUIREMENTS FOR REPORTING THE HARVEST OF A WILD TURKEY; TO AMEND SECTION 50-9-1120, RELATING TO THE POINT SYSTEM ESTABLISHED FOR VIOLATIONS OF CERTAIN PROVISIONS OF LAW, SO AS TO PROVIDE FAILING TO REPORT THE HARVEST OF WILD TURKEY IS A SIX POINT VIOLATION; TO REPEAL SECTION 50-11-520 RELATING TO WILD TURKEY SEASON AND THE DECLARATION OF OPEN OR CLOSED SEASONS; AND TO REPEAL SECTION 7 OF ACT 41 OF 2015 RELATING TO THE HUNTING AND TAKING OF WILD TURKEY.

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

Wild turkey tags

SECTION 1. Section 50-11-544 of the 1976 Code is amended to read:

“Section 50-11-544. A person who hunts wild turkeys is required to possess a wild turkey tag issued by the department. All turkeys taken must be tagged before being moved from the point of kill. All tags must be validated as prescribed by the department before a turkey is moved from the point of kill. No resident may obtain or possess more than three wild turkey tags, and no nonresident may obtain or possess more than two wild turkey tags.”

Wild turkey hunting season

SECTION 2. Section 50-11-580 of the 1976 Code is amended to read:

“Section 50-11-580. (A) The season for hunting and taking a male wild turkey is:

- (1) in Game Zones 1 and 2, April 1 through May 10; and
- (2) in Game Zones 3 and 4, March 22 through April 30.

(B) The season bag limit for male wild turkeys is three statewide for residents and two statewide for nonresidents. The daily bag limit is one, provided that:

- (1) only one male wild turkey may be taken from April 1 through April 10 from within Game Zones 1 and 2; and
- (2) only one male wild turkey may be taken from March 22 through March 31 from within Game Zones 3 and 4.

(C) It is unlawful for a person to take a female wild turkey unless authorized by the department pursuant to Section 50-11-500(3).

(D) The department shall provide an annual report on wild turkey resources in South Carolina to the Chairman of the Senate Fish, Game and Forestry Committee and the Chairman of the House Agriculture and Natural Resources Committee.”

Youth Turkey Hunting Weekend

SECTION 3. Article 3, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50-11-590. (A) The Saturday and Sunday preceding the start of a game zone turkey season is declared to be ‘Youth Turkey Hunting Weekend’ within the game zone for youth turkey hunters under eighteen years of age.

(B) A license or tag requirement is waived for a youth turkey hunter during Youth Turkey Hunting Weekend.

(C) The bag limit during Youth Turkey Hunting Weekend is one male wild turkey for the weekend that shall count toward the season bag limit. A turkey harvest must be reported to the electronic harvest reporting system pursuant to the provisions of Section 50-11-546.

(D) Youth turkey hunters who have not completed the hunter education program pursuant to Section 50-9-310, and who hunt during Youth Turkey Hunting Weekend, must be accompanied by an adult who is at least twenty-one years of age. An adult may not harvest or attempt to harvest turkeys during Youth Turkey Hunting Weekend but is permitted to call turkeys for a youth turkey hunter.”

Resident and nonresident wild turkey tags

SECTION 4. Section 50-9-920(B) of the 1976 Code is amended by adding a new item to read:

“(13) resident and nonresident wild turkey tags shall only be used for the following purposes:

(a) the funding of wild turkey scientific research on public lands and private lands with the consent of landowners;

(b) the improvement of the wild turkey habitat and hunting opportunities for wild turkeys on public lands;

(c) wild turkey predator control;

- (d) the enforcement of the wild turkey hunting laws and regulations; and
- (e) the printing and mailing of the wild turkey tags.”

Wild turkey tag fees

SECTION 5. Article 6, Chapter 9, Title 50 of the 1976 Code is amended by adding:

“Section 50-9-640. (A) For the privilege of hunting wild turkey, in addition to the required hunting license and big game permit, a person must possess a wild turkey tag issued in the person’s name. The fee for a:

(1) resident is five dollars for three tags, one dollar of which may be retained by the license sales vendor; and

(2) nonresident is one hundred dollars for two tags, one dollar of which may be retained by the license sales vendor.

(B) There is no cost for wild turkey tags for persons under the age of sixteen, lifetime licensees, and gratis licensees upon request to the department.”

Electronic harvest reporting system

SECTION 6. Article 3, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50-11-546. (A) In order to document the harvest of wild turkeys and to assist with the enforcement of seasons, methods of harvest, and bag limits, the department must implement an electronic harvest reporting system.

(B) A person who harvests a wild turkey must report the harvest to the electronic harvest reporting system as prescribed by the department. A harvest report must be submitted by midnight of the day a wild turkey is taken unless a person is incapable of accessing the reporting system, in which case a report must be submitted prior to the carcass leaving the person’s possession.

(C) Upon completion of the harvest reporting process, a harvest report confirmation number will be provided by the department, which must be recorded by the person submitting the harvest report.

(D) The department must promulgate regulations to implement the provisions of this section, including the methods of telephonic and

electronic reporting, contents of the report, and recording and maintenance of the harvest report confirmation number.

(E) The department is prohibited from requesting or acquiring the geolocation data of a person submitting a harvest report through electronic means and from requesting a person to self-report location information to the harvest reporting system more specific than the county in which a turkey is harvested.

(F) There is no cost to a person for reporting a harvest, and the department may exempt the harvest reporting requirement for persons who harvest wild turkeys under specific conditions or department programs.

(G) A person who violates this section or provisions established by the department for electronic harvest reporting is guilty of a misdemeanor and, upon conviction, must be fined not more than twenty-five dollars.”

Points assigned for failing to report wild turkey harvest

SECTION 7. Section 50-9-1120(2) of the 1976 Code is amended by adding an appropriately lettered item at the end to read:

“() failing to report the harvest of wild turkey as required by Section 50-11-546: 6.”

Repeal

SECTION 8. Section 50-11-520 of the 1976 Code is repealed.

Repeal

SECTION 9. SECTION 7 of Act 41 of 2015 is repealed.

Time effective

SECTION 10. (A) SECTIONS 1, 2, 3, 4, 5, 8, and 9 take effect on July 1, 2019.

(B) SECTION 6 of this act takes effect on July 1, 2020.

(C) SECTION 7 of this act takes effect on July 1, 2021.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 52

(R72, S595)

AN ACT TO AMEND SECTION 63-13-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BACKGROUND CHECKS FOR CHILDCARE FACILITY EMPLOYMENT, SO AS TO PROVIDE THAT CHILDCARE FACILITIES AND FEDERALLY SUBSIDIZED CHILDCARE PROVIDERS MAY NOT EMPLOY A CAREGIVER OR OTHER STAFF IF THAT PERSON IS REGISTERED OR REQUIRED TO REGISTER ON THE NATIONAL SEX OFFENDER REGISTRY, STATE SEX OFFENDER REGISTRY, OR CENTRAL REGISTRY OF CHILD ABUSE AND NEGLECT, OR HAS BEEN CONVICTED OF CERTAIN OFFENSES, TO REQUIRE EMPLOYEES TO UNDERGO CERTAIN BACKGROUND CHECKS, TO AUTHORIZE THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION AND THE FEDERAL BUREAU OF INVESTIGATION TO RETAIN, STORE, AND SHARE BACKGROUND CHECK RECORDS, TO PROVIDE A FEE FOR BACKGROUND CHECKS, AND FOR OTHER PURPOSES; TO AMEND SECTION 63-13-50, RELATING TO FINGERPRINT REVIEW EXEMPTIONS, SO AS TO CHANGE THE PERIOD OF TIME DURING WHICH THE EXEMPTION APPLIES; TO AMEND SECTIONS 63-13-420 AND 63-13-430, RELATING TO LICENSING OR RENEWAL REQUIREMENTS FOR PRIVATE CHILDCARE CENTERS AND GROUP CHILDCARE HOMES, SO AS TO MAKE CONFORMING CHANGES, TO REQUIRE CERTAIN BACKGROUND CHECKS FOR OLDER YOUTH RESIDING IN GROUP FAMILY CHILDCARE HOMES, AND FOR OTHER PURPOSES; TO AMEND SECTIONS 63-13-620 AND 63-13-630, RELATING TO ISSUANCE OR RENEWAL OF A STATEMENT OF APPROVAL FOR PUBLIC CHILDCARE CENTERS AND GROUP CHILDCARE HOMES, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 63-13-810, 63-13-820, AND 63-13-830, ALL RELATING TO

FAMILY CHILDCARE HOME REGISTRATION ISSUANCE OR RENEWAL REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES AND TO REQUIRE CERTAIN BACKGROUND CHECKS FOR OLDER YOUTH RESIDING IN FAMILY CHILDCARE HOMES; TO AMEND SECTION 63-13-1010, RELATING TO CHURCH AND RELIGIOUS CENTER REGISTRATION ISSUANCE OR RENEWAL REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES; BY ADDING ARTICLE 10 TO CHAPTER 13, TITLE 63 SO AS TO PROHIBIT INDIVIDUALS ON THE SEX OFFENDER REGISTRY FROM WORKING, WITH OR WITHOUT COMPENSATION, WITH MINORS, WITH EXCEPTIONS; AND FOR OTHER PURPOSES.

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

Childcare facility employee background check requirements

SECTION 1. Section 63-13-40 of the 1976 Code is amended to read:

“Section 63-13-40. (A)(1) A licensed, approved, or registered childcare facility, or any childcare provider that delivers services for which Child Care and Development Fund financial assistance is provided, may not employ a childcare caregiver or other staff member if that person is required to register or is registered with the National Crime Information Center National Sex Offender Registry, the state sex offender registry pursuant to Section 23-3-430, or the Central Registry of Child Abuse and Neglect or has been convicted of:

- (a) a crime listed in Chapter 3, Title 16, Offenses Against the Person;
- (b) a crime listed in Chapter 15, Title 16, Offenses Against Morality and Decency;
- (c) the crime of contributing to the delinquency of a minor, contained in Section 16-17-490;
- (d) unlawful conduct toward a child, as provided for in Section 63-5-70;
- (e) cruelty to children, as provided for in Section 63-5-80;
- (f) child endangerment, as provided for in Section 56-5-2947;
- (g)(i) the felonies classified in Section 16-1-10(A), except that this prohibition does not apply to Section 56-5-2930, the Class F felony of driving under the influence if the conviction occurred at least ten years

prior to the application for employment and the following conditions are met:

(A) the person has not been convicted in this State or any other state of an alcohol or drug violation during the previous ten-year period;

(B) the person has not been convicted of and has no charges pending in this State or any other state for a violation of driving while his license is canceled, suspended, or revoked during the previous ten-year period; and

(C) the person has completed successfully an alcohol or drug assessment and treatment program provided by the South Carolina Department of Alcohol and Other Drug Abuse Services or an equivalent program designated by that agency;

(ii) a person who has been convicted of a first-offense violation of Section 56-5-2930 must not drive a motor vehicle or provide transportation while in the official course of his duties as an employee of a childcare center, group childcare home, family childcare home, or church or religious childcare center;

(iii) if the person subsequently is convicted of, receives a sentence upon a plea of guilty or of nolo contendere, or forfeits bail posted for a violation of Section 56-5-2930 or for a violation of another law or ordinance of this State or any other state or of a municipality of this State or any other state that prohibits a person from operating a motor vehicle while under the influence of intoxicating liquor, drugs, or narcotics, the person's employment must be terminated;

(h) the offenses enumerated in Section 16-1-10(D) if the crime was a felony or if the victim was a minor;

(i) a violent crime listed in Section 16-1-60 if the crime was a felony or if the victim was a minor; or

(j) a criminal offense similar in nature to the crimes listed in this subsection committed in other jurisdictions or under federal law.

(2) This section does not prohibit employment or provision of caregiver services when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in this subsection has been pardoned. However, notwithstanding the entry of a pardon, an operator or the department may consider all information available, including the person's pardoned convictions or pleas and the circumstances surrounding them, to determine whether the applicant is unfit or otherwise unsuited for employment or to provide caregiver services.

(B) A person who has been convicted of a crime enumerated in subsection (A) who applies for employment with, is employed by, or is a caregiver at a childcare center, group childcare home, family childcare

home, or church or religious childcare center is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(C) Application forms for employment at childcare centers, group childcare homes, family childcare homes, or church or religious childcare centers must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of a crime enumerated in subsection (A) who applies for employment with, is employed by, or seeks to provide caregiver services or is a caregiver at a facility is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(D)(1) To be employed by or to provide caregiver services at a childcare facility licensed, registered, or approved under this subarticle, a person first shall undergo a state fingerprint-based background check to be conducted by the State Law Enforcement Division (SLED) to determine any state criminal history, a fingerprint-based background check to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430.

(2) The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years.

(3) However, a person may be provisionally employed or may provisionally provide caregiver services after the favorable completion of the State Law Enforcement Division name and date of birth-based background check and the SLED or Federal Bureau of Investigation fingerprint-based background checks, until such time as the remaining fingerprint-based background check and the Central Registry check are completed if the person executes a sworn statement on a form provided by the department that he or she has not been convicted of any crime enumerated in this section and that he or she is not on the Central Registry for having perpetrated abuse or neglect upon a child. A person provisionally employed must be directly supervised by, and in the presence of a nonprovisionally employed person at all times when providing direct care to children.

(4) Provisional status will be repealed if the requests for the Central Registry check and SLED and FBI fingerprint-based background

checks are not sent by facsimile, mail, or another manner approved by the department by the end of the next business day after the person was employed.

(5) If the director of a childcare facility violates the terms of provisional employment, for a first offense, the facility may not employ a person provisionally for twelve months. For a second or subsequent offense, the facility may not employ a person provisionally for twenty-four months. The penalty shall apply to any facility that may employ the director of the facility during the period of suspension. A childcare facility owner with five or more facilities that sustains violations in twenty-five percent or more of facilities owned in the State during a period of two years may not employ a person provisionally in any facility for twenty-four months. The department shall have authority to determine that a violation has occurred and shall notify the owner and the director in writing of the violation and the penalty. The owner or director under penalty may appeal this determination through the process provided in this subarticle for appeal of the revocation or denial of a childcare license. Authority to employ persons in provisional status must remain suspended while the appeal is pending. Upon disposition of the appeal in favor of the appellant, authority to use provisional status must be restored.

(6) The results of the fingerprint-based background checks are valid and reviews are to be repeated every five years. The fingerprint checks must be repeated if a person is not employed by or does not provide caregiver services in a childcare center, group childcare home, family childcare home, church or religious childcare center, or childcare provider that delivers services for which Child Care and Development Fund financial assistance is provided for six months or longer.

(7) For provisional employment under this section, the department must complete the Central Registry check within two business days of receipt of the request. For other employment under this section, the department must complete the Central Registry check within five business days of receipt of the request. If the department notifies the provider that research into other records is required, these deadlines may be extended for up to ten additional business days.

(8) The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to retain and store fingerprints for further use in the identification of persons, including, but not limited to, use in identifying unsolved latent prints.

(9) The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to provide the department with current and future information regarding the fingerprints stored,

including arrests, convictions, dispositions, warrants, and other information available to the South Carolina Law Enforcement Division and the Federal Bureau of Investigation, such as civil and criminal information.

(10) The prospective employee or childcare facility shall be responsible for any fees associated with any and all required background checks. Fees shall not exceed the actual cost of processing and administration.

(E) Unless otherwise required by law, this section applies to:

(1) an employee who provides care to the child or children with or without the direct personal supervision of a person licensed, registered, or approved, or who delivers services for which Child Care and Development Fund financial assistance is provided under this chapter; and

(2) any other employee at a facility licensed, registered, or approved, or who delivers services for which Child Care and Development Fund financial assistance is provided under this chapter who has direct access to a child outside the immediate presence of a person who has undergone the fingerprint review required under this chapter.”

Childcare facility employee fingerprint review exemptions

SECTION 2. Section 63-13-50 of the 1976 Code is amended to read:

“Section 63-13-50. The fingerprint reviews required by this chapter are not required of a certified education personnel who has undergone a fingerprint review pursuant to Section 59-26-40 or of a person licensed as a foster parent who has undergone a state and federal fingerprint review pursuant to Section 63-7-2340, and the results of these reviews have been submitted to the department and the person has remained employed since the review in certified education or licensed as a foster parent or the reviews have been conducted within the preceding six months.”

License issuance requirements, certain childcare facilities

SECTION 3. Section 63-13-420 of the 1976 Code is amended to read:

“Section 63-13-420. (A) Application for license must be made on forms supplied by the department and in the manner it prescribes.

(B) Before issuing a license the department shall conduct an investigation of the applicant and the proposed plan of care for children and for operating a private childcare center or group childcare home. If the results of the investigation verify that the provisions of this chapter and the applicable regulations promulgated by the department are satisfied, a license must be issued. The applicant shall cooperate with the investigation and related inspections by providing access to the physical plant, records, excluding financial records, and staff. Failure to comply with the regulations promulgated by the department within the time period specified in this chapter, if adequate notification of deficiencies has been made, is a ground for denial of application. The investigation and inspections may involve consideration of any facts, conditions, or circumstances relevant to the operation of the childcare center or group childcare home, including references and other information about the character and quality of the personnel.

(C) Each license must be conditioned by stating clearly the name and address of the licensee, the address of the childcare center or group childcare home, and the number of children who may be served.

(D) Failure of the department, except as provided in Section 63-13-200, to approve or deny an application within ninety days results in the granting of a provisional license.

(E)(1) No license may be issued to an operator who has been convicted of any of the offenses included in Section 63-13-40(A)(1).

(2) This section does not prohibit licensing when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in this subsection has been pardoned. However, notwithstanding the entry of a pardon, the department may consider all information available, including the person's pardoned convictions or pleas and the circumstances surrounding them, to determine whether the person is unfit or otherwise unsuited to be an operator.

(F) Application forms for licenses issued under this section must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of a crime enumerated in Section 63-13-40(A)(1) who applies for a license as an operator is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(G) A person eighteen years of age or older living in a group family childcare home, and any person eighteen years of age or older who moves into a group family childcare home after an initial application for licensing is approved, shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint review to be conducted by the Federal

Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years. The fingerprint reviews required by this subsection are required to be repeated every five years.

(H) A person fifteen through seventeen years of age living in a group family childcare home, and any person fifteen through seventeen years of age who moves into a group family childcare home after an initial application for licensing is approved, shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history. The fingerprint reviews required by this subsection are required to be repeated every five years.

(I) A person applying for a license as an operator under this section shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years. If a person is not employed or does not provide caregiver services for six months or longer, then the fingerprint reviews must be repeated. The fingerprint reviews required by this subsection are required to be repeated every five years.

(J) A person applying for a license as an operator under this section or seeking employment or seeking to provide caregiver services at a facility licensed under this section shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the

department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years. If a person is not employed or does not provide caregiver services for six months or longer, then the fingerprint reviews must be repeated. The fingerprint reviews required by this subsection are required to be repeated every five years.

(K) The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to retain and store fingerprints for further use in the identification of persons, including, but not limited to, use in identifying unsolved latent prints. The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to provide the department with current and future information regarding the fingerprints stored, including arrests, convictions, dispositions, warrants, and other information available to the South Carolina Law Enforcement Division and the Federal Bureau of Investigation, such as civil and criminal information. The prospective employee or childcare facility shall be responsible for any fees associated with any and all required background checks. Fees shall not exceed the actual cost of processing and administration.”

License renewal requirements, certain childcare facilities

SECTION 4. Section 63-13-430 of the 1976 Code is amended to read:

“Section 63-13-430. (A) Regular licenses may be renewed upon application and approval. Notification of a childcare center or group childcare home regarding renewal is the responsibility of the department.

(B) Application for renewal must be made on forms supplied by the department in the manner it prescribes.

(C) Before renewing a license the department shall conduct an investigation of the childcare center or group childcare home. If the results of the investigation verify that the provisions of this chapter and the applicable regulations promulgated by the department are satisfied, the license must be renewed. The licensee shall cooperate with the investigation and related inspections by providing access to the physical plant, records, and staff. Failure to comply with the regulations promulgated by the department within the time period specified in this

chapter, if adequate notification of deficiencies has been made, is a ground for revocation of the license. The investigation and inspections may involve consideration of any facts, conditions, or circumstances relevant to the operation of the childcare center or group childcare home.

(D)(1) No license may be renewed for any operator who has been convicted of any of the offenses included in Section 63-13-40(A)(1).

(2) This section does not prohibit renewal when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in this subsection has been pardoned. However, notwithstanding the entry of a pardon, the department may consider all information available, including the person's pardoned convictions or pleas and the circumstances surrounding them, to determine whether the person is unfit or otherwise unsuited to be an operator.

(E) Application forms for license renewals issued under this section must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of a crime enumerated in Section 63-13-40(A)(1) who applies for a license renewal as operator is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(F) A licensee seeking license renewal under this section, its employees, and its caregivers, who have not done so previously, on the first renewal after June 30, 1995, shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years.

(G) No facility may employ or engage the services of an employee or caregiver who has been convicted of one of the crimes included in Section 63-13-40(A)(1).

(H) The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to retain and store fingerprints for further use in the identification of persons, including, but not limited to, use in identifying unsolved latent prints. The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to provide the department with current and future information

regarding the fingerprints stored, including arrests, convictions, dispositions, warrants, and other information available to the South Carolina Law Enforcement Division and the Federal Bureau of Investigation, such as civil and criminal information. The prospective employee or childcare facility shall be responsible for any fees associated with any and all required background checks. Fees shall not exceed the actual cost of processing and administration.”

Statement of approval requirements, certain childcare facilities

SECTION 5. Section 63-13-620 of the 1976 Code is amended to read:

“Section 63-13-620. (A) Application for a statement of standard conformity or approval must be made on forms supplied by the department and in the manner it prescribes.

(B) Before issuing approval the department shall conduct an investigation of the applicant and the proposed plan of care for children and for operating a public childcare center or group childcare home. If the results of the investigation verify that the provisions of the chapter and the applicable regulations promulgated by the department are satisfied, approval must be issued. The applicant shall cooperate with the investigation and inspections by providing access to the physical plant, records, and staff. The investigation and related inspections may involve consideration of any facts, conditions, or circumstances relevant to the operation of the childcare center or group childcare home, including references and other information about the character and quality of the personnel. If the childcare center or group childcare home fails to comply with the regulations promulgated by the department within the time period specified in this chapter, if adequate notification regarding deficiencies has been given, the appropriate public officials of the state and local government must be notified.

(C) A person applying for approval under this section shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state

where the person has lived in the previous five years. The fingerprint reviews required by this subsection are required to be repeated every five years.

(D)(1) No approval may be granted under this section if the person applying for approval or the operator, an employee, or a caregiver of the facility has been convicted of any of the offenses included in Section 63-13-40(A)(1).

(2) This section does not prohibit approval when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in this subsection has been pardoned. However, notwithstanding the entry of a pardon, the department may consider all information available, including the person's pardoned convictions or pleas and the circumstances surrounding them, to determine whether the person is unfit or otherwise unsuited as an applicant or to be an operator, caregiver, or employee.

(E) Application forms for a statement of standard conformity or approval issued under this section must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of a crime enumerated in Section 63-13-40(A)(1) who applies for approval is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(F) Application forms for a statement of standard conformity or approval issued under this chapter by the department and application forms for employment at individual public childcare centers or group childcare homes must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of one of the offenses included in Section 63-13-40(A)(1) who applies for a license as operator, applies for employment with, is employed by, seeks to provide caregiver services with, or is a caregiver at a facility is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(G) The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to retain and store fingerprints for further use in the identification of persons, including, but not limited to, use in identifying unsolved latent prints. The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to provide the department with current and future information regarding the fingerprints stored, including arrests, convictions, dispositions, warrants, and other information available to the South Carolina Law Enforcement Division and the Federal Bureau of Investigation, such as civil and criminal information. The prospective employee or childcare facility shall be responsible for any fees

associated with any and all required background checks. Fees shall not exceed the actual cost of processing and administration.”

Statement of approval renewal requirements, certain childcare facilities

SECTION 6. A. Section 63-13-630(D), (E), (F), and (G) of the 1976 Code is amended to read:

“(D)(1) A person applying for approval renewal under this section, a person who will operate the facility, and its employees and caregivers, who have not done so previously, on the first approval renewal after June 30, 1995, shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years.

(2) No approval may be renewed under this section if the person applying for renewal, the operator of the facility, or an employee or a caregiver has been convicted of any of the offenses included in Section 63-13-40(A)(1).

(3) This section does not prohibit renewal when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in this subsection has been pardoned. However, notwithstanding the entry of a pardon, the department may consider all information available, including the person’s pardoned convictions or pleas and the circumstances surrounding them, to determine whether the person is unfit or otherwise unsuited as an applicant or to be an operator, caregiver, or employee.

(E) Application forms for renewal of a statement of standard conformity or approval issued under this section must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of a crime enumerated in Section 63-13-40(A)(1) who applies for approval renewal is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(F) No facility may employ or engage the services of an employee or a caregiver who has been convicted of one of the crimes listed in Section 63-13-40(A)(1).

(G) Application forms for renewal of a statement of standard conformity or approval issued under this article by the department for individual public childcare centers or group childcare homes must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of one of the crimes listed in Section 63-13-40(A)(1) who applies for a license as operator, applies for employment with, is employed by, seeks to provide caregiver services with, or is a caregiver at a facility is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.”

B. Section 63-13-630 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“() The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to retain and store fingerprints for further use in the identification of persons, including, but not limited to, use in identifying unsolved latent prints. The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to provide the department with current and future information regarding the fingerprints stored, including arrests, convictions, dispositions, warrants, and other information available to the South Carolina Law Enforcement Division and the Federal Bureau of Investigation, such as civil and criminal information. The prospective employee or childcare facility shall be responsible for any fees associated with any and all required background checks. Fees shall not exceed the actual cost of processing and administration.”

Registration requirements, certain childcare facilities

SECTION 7. Section 63-13-810(C) of the 1976 Code is amended to read:

“(C)(1)A family childcare home which elects to participate in a federal program which requires licensing as a prerequisite to participation may elect to be licensed under the procedures in Section 63-13-820. A family childcare home electing licensing shall demonstrate compliance with the suggested standards developed by the department under Section 63-13-180 and shall comply with provisions of Sections 63-13-420 and

63-13-430 relating to criminal history conviction records checks, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430 upon original licensing and upon renewal. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years.

(2) Operators and caregivers of licensed family childcare homes are held to the standards in Sections 63-13-420 and 63-13-430 regarding criminal convictions and Central Registry and sex offender checks.”

Registration requirements, certain childcare facilities

SECTION 8. Section 63-13-820 of the 1976 Code is amended to read:

“Section 63-13-820. (A) Registration must be completed on forms supplied by the department and in the manner it prescribes.

(B) Before becoming a registered operator the applicant shall:

(1) sign a statement that he has read the suggested standards developed by the department under Section 63-13-180;

(2) furnish the department with a signed statement by each consumer parent verifying that the operator has provided each consumer parent with a copy of the suggested standards for family childcare homes and the procedures for filing complaints;

(3) upon request, provide the department with any facts, conditions, or circumstances relevant to the operation of the family childcare home, including references and other information regarding the character of the family childcare home operator.

(C) A person applying to become a registered operator of a family childcare home under this section, a person eighteen years of age or older living in the family childcare home, and any person eighteen years of age or older who moves into the family childcare home after the initial application for registration is approved shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry

pursuant to Section 23-3-430. The fingerprint reviews required by this subsection are required to be repeated every five years.

(D) A person applying to become the registered operator of a family childcare home under this section, a person fifteen through seventeen years of age living in a family childcare home, and any person fifteen through seventeen years of age who moves into a family childcare home after an initial application for registration is approved shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history. The fingerprint reviews required by this subsection are required to be repeated every five years.

(E)(1) No applicant may be registered as an operator if the person, an employee, a caregiver, or a person fifteen years of age or older living in the family childcare home has been convicted of an offense included in Section 63-13-40(A)(1).

(2) This section does not operate to prohibit registration or renewal when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in this subsection has been pardoned. However, notwithstanding the entry of a pardon, the department may consider all information available, including the person's pardoned convictions or pleas and the circumstances surrounding them, to determine whether the person is unfit or otherwise unsuited to be an operator, caregiver, employee, or to be living in the family daycare home.

(F) Application forms for registration issued under this section must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of a crime included in Section 63-13-40(A)(1) who applies for registration as operator or a person who applies for registration as an operator who has a person fifteen years of age or older living in the family childcare home who has been convicted of a crime included in Section 63-13-40(A)(1) is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(G) Application forms for registration issued under this chapter by the department and application forms for employment at a family childcare home must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of one of the crimes listed in Section 63-13-40(A)(1) who applies for a license as operator, applies for employment with, is employed by, seeks to provide caregiver services with, or is a caregiver at a facility is guilty of a

misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(H) The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to retain and store fingerprints for further use in the identification of persons, including, but not limited to, use in identifying unsolved latent prints. The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to provide the department with current and future information regarding the fingerprints stored, including arrests, convictions, dispositions, warrants, and other information available to the South Carolina Law Enforcement Division and the Federal Bureau of Investigation, such as civil and criminal information. The prospective employee or childcare facility shall be responsible for any fees associated with any and all required background checks. Fees shall not exceed the actual cost of processing and administration.”

Statement of registration requirements, certain childcare facilities

SECTION 9. Section 63-13-830(C) and (D) of the 1976 Code is amended to read:

“(C)(1) A person applying for renewal of registration as an operator of a family childcare home registered under this article and a person employed or providing caregiver services at a family childcare home registered under this article, who has not done so previously, on the first renewal after June 30, 1996, shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years.

(2) Application forms for registration renewal issued under this section must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of a crime enumerated in Section 63-13-40(A)(1) who applies for registration as an operator or a person who applies for registration as an operator who has a person

fifteen years of age or older living in the home who has been convicted of a crime enumerated in Section 63-13-40(A)(1) is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(D) Application forms for registration renewal issued under this chapter by the department for a family childcare home must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of one of the crimes listed in Section 63-13-40(A)(1) who applies for a license as operator, applies for employment with, is employed by, seeks to provide caregiver services with, or is a caregiver at a facility is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.”

Registration requirements, certain childcare facilities

SECTION 10. Section 63-13-1010 of the 1976 Code is amended to read:

“Section 63-13-1010. (A) No church congregation or established religious denomination or religious college or university which does not receive state or federal financial assistance for childcare services may operate a childcare center or group childcare home unless it complies with the requirements for registration and inspection and the regulations for health and fire safety as set forth in this chapter and Section 63-13-110 and requirements applicable to private and public childcare centers and group childcare homes for floor space, child-staff ratios, and staff training. Application for registration must be made on forms supplied by the department and in the manner it prescribes. Registration expires two years from the date of issuance of the statement of registration. Registration may be renewed according to the procedures developed by the department.

(B) Before issuing a registration, the department shall conduct an investigation of the applicant. This investigation is limited to:

- (1) the results of the criminal history review required by subsection (G);
- (2) the requirements for registration and inspection and the regulations for health and fire safety provided for in this chapter and Section 63-13-110; and
- (3) requirements applicable to private and public childcare centers and group childcare homes for floor space, child-staff ratios, and staff training.

(C)(1) No license or registration may be issued to a church congregation, established religious denomination, or religious college or university if a person who provides service as an operator, caregiver, or employee at the childcare facility has been convicted of any of the offenses included in Section 63-13-40(A)(1).

(2) This section does not prohibit licensing, registration, or the renewal of a license or registration when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in this subsection has been pardoned. However, notwithstanding the entry of a pardon, the department may consider all information available, including the person's pardoned convictions or pleas and the circumstances surrounding them, to determine whether the person is unfit or otherwise unsuited to be an operator, caregiver, or employee.

(D) Application forms for licensure or registration issued under this chapter must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of a crime enumerated in Section 63-13-40(A)(1) who applies for a license or registration as operator is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(E) A person applying for a license or registration as an operator of a church or religious childcare center shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years. If a person is not employed or does not provide caregiver services for six months or longer, then the fingerprint reviews must be repeated. The fingerprint reviews required by this subsection are required to be repeated every five years.

(F) Application forms for licensure or registration issued under this chapter by the department and application forms for employment at a facility operated by a church congregation, established religious denomination, or religious college or university must include, at the top of the form in large bold type, a statement indicating that a person who

has been convicted of one of the crimes listed in Section 63-13-40(A)(1) who applies for a license as operator, applies for employment with, is employed by, seeks to provide caregiver services with, or is a caregiver at a facility is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(G) A person applying for a license or registration as an operator of a church or religious childcare center or seeking employment or seeking to provide caregiver services at a church or religious childcare center shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years. The fingerprint reviews required by this subsection are required to be repeated every five years.

(H) A person applying for renewal of a license or registration as an operator of a church or religious childcare center licensed or registered under this chapter and a person employed or registered under this chapter, who has not done so previously, on the first renewal after June 30, 1996, shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years.

(I) The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to retain and store fingerprints for further use in the identification of persons, including, but not limited to, use in identifying unsolved latent prints. The South Carolina Law

Enforcement Division and the Federal Bureau of Investigation are authorized to provide the department with current and future information regarding the fingerprints stored, including arrests, convictions, dispositions, warrants, and other information available to the South Carolina Law Enforcement Division and the Federal Bureau of Investigation, such as civil and criminal information. The prospective employee or childcare facility shall be responsible for any fees associated with any and all required background checks. Fees shall not exceed the actual cost of processing and administration.”

Sex offender employment prohibitions

SECTION 11. Chapter 13, Title 63 of the 1976 Code is amended by adding:

“Article 10

Miscellaneous Care Providers

Section 63-13-1110. (A) Notwithstanding another provision of law to the contrary, it is unlawful for a person required to register pursuant to Article 7, Chapter 3, Title 23 to work for any person or as a sole proprietor, with or without compensation, at any location where a minor is present and the person’s responsibilities or activities would include instruction, supervision, or care of a minor or minors, unless his employment or volunteer service is approved by a circuit court order and recorded in his sex offender registry file.

(B) All court costs and fees associated with the provisions contained in subsection (A) must be paid by the offender.

(C) A person who violates this provision is guilty of a felony and, upon conviction, must be imprisoned not more than five years.”

Time effective

SECTION 12. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 53

(R73, S621)

AN ACT TO AMEND SECTION 41-43-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF BONDS BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY, SO AS TO PROVIDE FOR CERTAIN NOTICE REQUIREMENTS BEFORE THE BONDS MAY BE ISSUED.

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

Public hearing on SC-JEDA bond issue

SECTION 1. Section 41-43-100 of the 1976 Code is amended to read:

“Section 41-43-100. In addition to other powers vested in the authority by existing laws, the authority has all powers granted the counties and municipalities of this State pursuant to the provisions of Chapter 29, Title 4, including the issuance of bonds by the authority and the refunding of bonds issued under that chapter. The authority may issue bonds pursuant to this section after a public hearing is held as required by federal law to enable interest on such bonds to be excluded from gross income for federal tax purposes. Notice of any required public hearing must be provided to the public and to the clerk of the county council or clerk of the municipal council in the county or municipality in which the project is or will be located at the times and in the manner permitted or required by federal tax law. Additionally, a copy of the public hearing notice must be published by the authority in a newspaper of general circulation in the county in which the project is located before the date of the public hearing, if such public hearing is required by federal law; provided, however, the notice posted by the authority as required by federal law shall control for the purpose of compliance with any federal law and not the notice published in the newspaper where the project is located. The authority may combine for the purposes of a single offering bonds to finance more than one project. The interest rate of bonds issued pursuant to this section is not subject to approval by the South Carolina Coordinating Council for Economic Development.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 54

(R74, H3035)

AN ACT TO AMEND SECTION 7-13-72, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANAGERS OF ELECTION, SO AS TO PROVIDE THAT A CLERK APPOINTED FROM AMONG THE MANAGERS FOR EACH POLLING PLACE MUST BE A RESIDENT AND REGISTERED ELECTOR OF THE RESPECTIVE COUNTY IN WHICH HE IS APPOINTED TO WORK OR IN AN ADJOINING COUNTY; TO AMEND SECTION 7-13-80, RELATING TO THE ORGANIZATION OF BOARDS OF VOTER REGISTRATION AND ELECTIONS AND MANAGERS AND CLERKS, SO AS TO PROVIDE THAT A CHAIRMAN OF A BOARD OF MANAGERS MUST BE A RESIDENT AND REGISTERED ELECTOR OF THE RESPECTIVE COUNTY IN WHICH HE IS APPOINTED TO WORK OR IN AN ADJOINING COUNTY; AND TO AMEND SECTION 7-13-110, RELATING TO POLL MANAGERS AND THEIR ASSISTANTS, SO AS TO PROVIDE THAT A CHAIRMAN OR CLERK APPOINTED FROM AMONG THE MANAGERS FOR THE VARIOUS POLLING PLACES MUST BE A RESIDENT AND REGISTERED ELECTOR OF THE RESPECTIVE COUNTY IN WHICH HE IS APPOINTED TO WORK OR IN AN ADJOINING COUNTY, TO PROVIDE THAT A MANAGER WHO IS NOT APPOINTED TO SERVE AS A CHAIRMAN OR CLERK MUST BE A RESIDENT AND A REGISTERED ELECTOR OF THE STATE OF SOUTH CAROLINA, AND TO REQUIRE THAT ANY PERSON QUALIFIED TO SERVE AS A MANAGER WHO REQUESTS TO WORK IN HIS RESIDENT COUNTY OR IN AN ADJOINING COUNTY MUST BE GIVEN PRIORITY OVER QUALIFIED

**PERSONS FROM OTHER COUNTIES FOR APPOINTMENT TO
WORK IN THE RESIDENT COUNTY OR IN AN ADJOINING
COUNTY.**

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

Managers of election

SECTION 1. Section 7-13-72 of the 1976 Code is amended to read:

“Section 7-13-72. For the general election held on the first Tuesday following the first Monday in November in each even-numbered year, the members of the county board of voter registration and elections must appoint three managers of election for each polling place in the county for which they must respectively be appointed for each five hundred electors, or portion of each five hundred electors, registered to vote at the polling place.

For primary elections held on the second Tuesday in June of each general election year, the members of the county board of voter registration and elections must appoint three managers of election for each polling place in the county for which they must respectively be appointed for the first five hundred electors registered to vote in each precinct in the county, and may appoint three additional managers for each five hundred electors registered to vote in the precinct above the first five hundred electors, or portion thereof. The members of the county board of voter registration and elections must also appoint from among the managers a clerk for each polling place in the county, and none of the officers may be removed from office except for incompetence or misconduct. All clerks appointed from among the managers must be residents and registered electors of the respective counties in which they are appointed to work or in an adjoining county.

For all other primary, special, or municipal elections, the authority charged by law with conducting the primary, special, or municipal elections must appoint three managers of election for the first five hundred electors registered to vote in each precinct in the county, municipality, or other election district and one additional manager for each five hundred electors registered to vote in the precinct above the first five hundred electors. The authority responsible by law for conducting the election must also appoint from among the managers a clerk for each polling place in a primary, special, or municipal election. All clerks appointed from among the managers must be residents and

registered electors of the respective counties in which they are appointed to work or in an adjoining county.

Forty-five days prior to any primary, except municipal primaries, each political party holding a primary may submit to the county board of voter registration and elections a list of prospective managers for each precinct. The county board of voter registration and elections must appoint at least one manager for each precinct from the list of names submitted by each political party holding a primary. However, the county board of voter registration and elections may refuse to appoint any prospective manager for good cause.

No person may be appointed as a manager in a primary, general, or special election who has not completed a training program approved by the State Election Commission concerning his duties and responsibilities as a poll manager and who has not received certification of having completed the training program. The training program and the issuance of certification must be carried out by the county board of voter registration and elections. After their appointment, the managers and clerks must take and subscribe, before any officer authorized to administer oaths, the following oath of office prescribed by Section 26 of Article III of the Constitution: 'I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God'.

The oath must be immediately filed in the office of the clerk of court of common pleas of the county in which the managers and clerks are appointed, or if there is no clerk of court, in the office of the Secretary of State. Before opening the polls, the managers of election must take and subscribe the oath provided for in Section 7-13-100. Upon the completion of the canvassing of votes, this oath must be filed with the members of the county board of voter registration and elections along with the ballots from that election precinct."

Organization of voter registration and elections, managers and clerks, oaths

SECTION 2. Section 7-13-80 of the 1976 Code is amended to read:

"Section 7-13-80. The board members, managers, and clerks at their first meeting, respectively, must proceed to organize as a board. The county board of voter registration and elections must appoint the

chairman of the board of managers. The chairman must be a resident and registered elector of the respective county in which he is appointed to work or in an adjoining county. The chairman, in each instance, may administer oaths.”

Residency requirements of chairmen, clerks, and managers of elections

SECTION 3. Section 7-13-110 of the 1976 Code is amended to read:

“Section 7-13-110. Each chairman and clerk appointed from among the managers of election for the various polling places must be a resident and registered elector of the respective county in which he is appointed to work or in an adjoining county. All managers of election who are not appointed to serve as chairmen or clerks for the various polling places in the State must be residents and registered electors of the State of South Carolina. Any person qualified to serve as a manager who requests to work in his resident county or an adjoining county must be given priority over qualified persons from other counties for appointment to work in the resident county or an adjoining county. Any person at least sixteen years of age who has completed the training required by Section 7-13-72 and who is not otherwise disqualified by law may be appointed as a poll manager’s assistant by the appropriate county board of voter registration and elections. A sixteen- or seventeen-year-old appointed as a poll manager’s assistant may not serve as chairman of the managers or clerk in the polling place to which he or she is appointed. Sixteen- and seventeen-year-olds must serve under supervision of the chairman of the managers of the polling place, and their specific duties must be prescribed by the county board of voter registration and elections. One sixteen- or seventeen-year-old assistant poll manager may be appointed for every two regular poll managers appointed to work in a precinct.”

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 55

(R75, H3036)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-37-35 SO AS TO REQUIRE NEONATAL TESTING FOR CERTAIN GENETIC DISORDERS AND DISEASES AND FOR OTHER PURPOSES; AND TO AMEND SECTION 44-37-30, RELATING TO NEONATAL TESTING OF CHILDREN, SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ESTABLISH A NEWBORN SCREENING ADVISORY COMMITTEE TO REVIEW THE DESIRABILITY AND ADVISABILITY OF INCLUDING ADDITIONAL METABOLIC, GENETIC, AND CONGENITAL DISORDERS IN CERTAIN NEONATAL TESTING.

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

Required neonatal genetic testing

SECTION 1. Chapter 37, Title 44 of the 1976 Code is amended by adding:

“Section 44-37-35. (A) Neonatal testing conducted pursuant to Section 44-37-30 must include testing for the following:

- (1) Krabbe disease;
- (2) Pompe disease; and
- (3) Hurler syndrome.

(B) The department shall require additional lysosomal storage disorders to be tested upon the recommendations of the Newborn Screening Advisory Committee and in accordance with Section 44-37-30 pursuant to a duly promulgated regulation as testing for such disorders becomes available.”

Newborn Screening Advisory Committee, creation and duties

SECTION 2. Section 44-37-30 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“() The department shall establish the Newborn Screening Advisory Committee to review the feasibility and advisability of including

additional metabolic, genetic, and congenital disorders in the neonatal testing conducted pursuant to this section. The committee must be multidisciplinary and composed of members deemed appropriate by the department.”

Time effective

SECTION 3. This act takes effect upon approval by the Governor. Implementation of the act is contingent upon available funding from public sources.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 56

(R76, H3145)

AN ACT TO AMEND SECTION 33-49-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTION OF COOPERATIVES AND FOREIGN CORPORATIONS FROM THE JURISDICTION AND CONTROL OF THE PUBLIC SERVICE COMMISSION, SO AS TO MODIFY THIS EXEMPTION; BY ADDING SECTION 33-49-150 SO AS TO VEST THE OFFICE OF REGULATORY STAFF WITH AUTHORITY AND JURISDICTION TO MAKE INSPECTIONS, AUDITS, AND EXAMINATIONS OF SPECIFIED ELECTRIC COOPERATIVES AND TO PROVIDE EXCEPTIONS AND A PROCESS RESOLVING DISPUTED ISSUES; TO AMEND SECTION 33-49-255, RELATING TO RESTRICTIONS ON THE INTERRUPTION OF ELECTRIC SERVICE TO RESIDENTIAL CUSTOMERS OF ELECTRIC COOPERATIVES AND COMPLAINTS BY CUSTOMERS FOR VIOLATION OF THESE PROVISIONS, SO AS TO PROVIDE THAT THESE COMPLAINTS MUST BE MADE TO THE OFFICE OF REGULATORY STAFF AND THEN, IF NECESSARY, TO COURTS OF APPROPRIATE JURISDICTION; TO AMEND SECTION 33-49-420, RELATING TO ANNUAL MEETINGS OF MEMBERS OF AN ELECTRIC COOPERATIVE, SO AS TO

REVISE THE NOTICE REQUIREMENTS FOR CERTAIN MEETINGS; TO AMEND SECTION 33-49-430, RELATING TO A QUORUM AT MEETINGS OF ELECTRIC COOPERATIVES, SO AS TO ALLOW PERSONS CASTING EARLY VOTING BALLOTS WHERE AN ELECTION IS TO BE HELD TO BE COUNTED FOR PURPOSES OF DETERMINING A QUORUM AT THE MEETING, AND TO PROHIBIT VOTING BY PROXY; TO AMEND SECTION 33-49-440, RELATING TO VOTING BY MEMBERS AND SECTION 33-49-620, RELATING TO VOTING DISTRICTS FROM WHICH SOME MEMBERS OF THE BOARD OF TRUSTEES MAY BE ELECTED, SO AS TO REQUIRE POLLING LOCATIONS TO BE OPEN FOR A MINIMUM OF FOUR HOURS AND TO PERMIT EARLY VOTING FOR MEETINGS AT WHICH TRUSTEES ARE TO BE ELECTED AND THE PROCEDURES FOR EARLY VOTING; TO AMEND SECTION 33-49-610, RELATING TO THE BOARD OF TRUSTEES OF A COOPERATIVE, SO AS TO PROVIDE THAT A TRUSTEE'S PRINCIPAL RESIDENCE MUST BE SERVED BY THE COOPERATIVE AND REVISE THE MANNER IN WHICH VACANCIES OCCURRING FOR ANY REASON OTHER THAN EXPIRATION OF A TERM ARE FILLED; BY ADDING SECTION 33-49-615 SO AS TO REQUIRE DISCLOSURE OF COMPENSATION AND BENEFITS OF MEMBERS OF THE BOARD OF TRUSTEES AND THE DATE WHEN THESE PROVISIONS ARE EFFECTIVE; BY ADDING SECTION 33-49-621 SO AS TO PROVIDE THAT WITHIN EIGHTEEN MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, EACH DISTRIBUTION COOPERATIVE MUST PUT THE QUESTION OF SINGLE-MEMBER VOTING DISTRICTS TO ITS MEMBERSHIP AT AN ANNUAL MEETING; BY ADDING SECTION 33-49-625 SO AS TO REQUIRE SPECIFIED NOTICE OF CERTAIN MEETINGS TO THE COOPERATIVE MEMBERSHIP, TO REQUIRE VOTES OF TRUSTEES TO BE TAKEN IN OPEN SESSION WITH CERTAIN EXCEPTIONS, TO REQUIRE VOTES TAKEN IN EXECUTIVE SESSION TO BE RATIFIED IN OPEN SESSION, AND TO REQUIRE MINUTES OF ALL MEETINGS TO BE PROVIDED TO COOPERATIVE MEMBERS; TO AMEND SECTION 33-49-630, RELATING TO COMPENSATION OR EMPLOYMENT OF TRUSTEES, SO AS TO PROHIBIT CERTAIN ACTIONS OR CONDUCT BY TRUSTEES WITH SPECIFIED EXCEPTIONS; TO AMEND SECTION 33-49-640, RELATING TO THE ANNUAL ELECTION

AND TERMS OF TRUSTEES, SO AS TO PROVIDE THAT INCUMBENT TRUSTEES SEEKING REELECTION SHALL NOT DIRECTLY OR INDIRECTLY INFLUENCE THE NOMINATION OR CREDENTIALS PROCESS; BY ADDING SECTION 33-49-645 SO AS TO FURTHER PROVIDE FOR THE MANNER IN WHICH TRUSTEE AND OTHER ELECTIONS MUST BE CONDUCTED; TO AMEND SECTION 58-4-50, RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE OFFICE OF REGULATORY STAFF, SO AS TO PROVIDE THAT WHEN CONSIDERED NECESSARY BY THE EXECUTIVE DIRECTOR OF THE OFFICE OF REGULATORY STAFF AND IN THE PUBLIC INTEREST, THE OFFICE OF REGULATORY STAFF SHALL CONDUCT INSPECTIONS AND AUDITS OF, AND EXAMINATIONS OF COMPLIANCE BY ELECTRIC COOPERATIVES; TO AMEND SECTION 58-4-55, RELATING TO THE PRODUCTION OF RECORDS TO THE OFFICE OF REGULATORY STAFF WHEN CONDUCTING INSPECTIONS, AUDITS, AND EXAMINATIONS, SO AS TO INCLUDE ELECTRIC COOPERATIVES WITHIN THE SECTION, AND TO PROVIDE FOR HOW THE EXPENSES OF THE OFFICE OF REGULATORY STAFF MUST BE CERTIFIED AND ASSESSED TO AUDITED ELECTRIC COOPERATIVES; TO AMEND SECTION 58-27-840, RELATING TO PREFERENCES AND UNREASONABLE DIFFERENCES IN RATES, SO AS TO PROVIDE FOR THE MANNER IN WHICH THIS PROHIBITION APPLIES TO DISTRIBUTION ELECTRIC COOPERATIVES; BY ADDING SECTION 33-49-160 SO AS TO PROVIDE THAT AN ASSOCIATION FORMED BY A GROUP OF ELECTRIC COOPERATIVES THAT MEETS THE REQUIREMENTS OF SECTION 501(C)(6) OF THE INTERNAL REVENUE CODE, IS ORGANIZED UNDER THE LAWS OF THIS STATE AND HAS AS ITS PURPOSE THE REPRESENTATION OF THE INTERESTS OF ELECTRIC COOPERATIVES IN THIS STATE, IS SUBJECT TO CERTAIN REQUIREMENTS, TO REQUIRE CERTAIN DISCLOSURES BY THE ASSOCIATION, TO AUTHORIZE THE ASSOCIATION TO COMPENSATE ITS BOARD OF TRUSTEES AND PROVIDE FOR SPECIFIC REQUIREMENTS IN REGARD TO THIS COMPENSATION, AND TO PROVIDE FOR SPECIFIED ETHICAL AND OTHER RULES OF CONDUCT, INCLUDING PROHIBITED ACTIONS BY TRUSTEES AND OFFICERS OF THE ASSOCIATION.

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

Exemption modified

SECTION 1. Section 33-49-50 of the 1976 Code is amended to read:

“Section 33-49-50. Cooperatives and foreign corporations transacting business in this State pursuant to this chapter, except for the provisions of Sections 58-27-40, 58-27-610 through 58-27-670, 58-27-820, 58-27-840, 58-27-1210, 58-27-1270, 58-27-1280, 58-27-210, and 33-49-150 are exempt from the jurisdiction and control of the Public Service Commission of this State.”

Authority vested

SECTION 2. Article 1, Chapter 49, Title 33 of the 1976 Code is amended by adding:

“Section 33-49-150. The Office of Regulatory Staff under the provisions of this section is hereby vested with the authority and jurisdiction to make inspections, audits, and examinations of electric cooperatives pursuant to the provisions of Chapter 4, Title 58 relating to the compliance of electric cooperatives with the provisions of Sections 33-49-255, 33-49-280, 33-49-420, 33-49-430, 33-49-440, 33-49-450, 33-49-610, 33-49-615, 33-49-620, 33-49-625, 33-49-630, 33-49-640, 33-49-645, 33-49-1410, 33-49-1420, 33-49-1430, 33-49-1440, 58-27-820, and 58-27-840. The Office of Regulatory Staff is granted authority and jurisdiction over electric cooperatives that provide only wholesale services with regard to any of the foregoing statutory provisions to the extent that those provisions are applicable to the wholesale electric cooperatives. The Office of Regulatory Staff does not have the authority or jurisdiction to make inspections, audits, or examinations of subsidiaries of an electric cooperative provided that the subsidiary is not subsidized by, or any financial credit risk to, electric cooperative ratepayers and that the subsidiary has not taken action, on behalf of the electric cooperative, on any of the electric cooperative’s duties as provided in the sections listed above. Where an electric cooperative board of trustees has exercised its business judgment in accordance with sound business and management practices and consistent with the long-term financial stability of the cooperative and the benefit of its members, the Office of Regulatory Staff is not

authorized to disturb the resulting decisions of the electric cooperative board of trustees. Upon completion of an authorized inspection, audit, or examination, the Office of Regulatory Staff must report its findings to the management and board of the electric cooperative and attempt to resolve with the management and board any compliance issues that are identified. The Public Service Commission is vested with the authority and jurisdiction to resolve any disputed issues arising from the inspections, audits, or examinations.”

Complaints

SECTION 3. Section 33-49-255 of the 1976 Code is amended to read:

“Section 33-49-255. (A) Except as provided in subsection (B) of this section, an electric cooperative must not interrupt electric service to any residential customer for nonpayment of a bill until twenty-five days have elapsed from the date of billing.

(B) An electric cooperative may interrupt electric service to a residential customer who has voluntarily enrolled in a prepay program if the prepay program allows the customer to monitor his consumption of electricity and his account balance on a daily basis and the balance of that customer’s prepay account is zero, provided that the following conditions are met:

(1) at the time the residential customer enrolls in the prepay program, the residential customer is informed and agrees that his electric service may be interrupted when the balance of his prepay account reaches zero;

(2) electric service must not be interrupted before 10:00 a.m. on the next business day following an attempt by the electric cooperative to give the customer notice of the impending interruption by telephone or electronically; and

(3) service must not be interrupted except during hours when the electric cooperative is accepting cash payments. For purposes of this subsection, a business day is any day in which the electric cooperative, or an agent, is accepting cash payments.

(C) Nothing contained in this section must be construed so as to relieve an electric cooperative of the requirements of Act 313 of 2006.

(D) A person aggrieved by a violation of this section must make a complaint to the Office of Regulatory Staff for redress in accordance with applicable law. If the matter is not resolved after making a complaint to the Office of Regulatory Staff, the person may petition the courts of this State for redress.”

Notice requirements revised

SECTION 4. Section 33-49-420 of the 1976 Code is amended to read:

“Section 33-49-420. An annual meeting of the members must be held at a time as provided in the bylaws. Special meetings of the members may be called by the board of trustees, by any three trustees, by not less than ten per cent of the members or by the president. Meetings of members must be held at a place as provided in the bylaws. In the absence of any such provision, all meetings must be held in the city or town in which the principal office of the cooperative is located.

Except as otherwise provided, written or printed notice stating the time and place of each meeting of members and, in the case of a special meeting, the purpose or purposes for which the meeting is called, must be given to each member, either personally or by mail, not less than ten nor more than forty-five days before the date of the meeting. However, for the annual meeting and for a special meeting where the stated purpose includes an election to be voted on by the general membership, at least thirty days notice of the meeting is required in order to permit early voting in the manner required by Section 33-49-440. For the purposes of calculating when notice should be given, the day of the meeting should not be included in the count.”

Quorum, no proxy voting, early voting

SECTION 5. A. Section 33-49-430 of the 1976 Code is amended to read:

“Section 33-49-430. Five percent of all members present in person shall constitute a quorum for the transaction of business at all meetings of the members unless the bylaws prescribe the presence of a greater percentage of the members for a quorum. If less than a quorum is present at any meeting a majority of those present in person may adjourn the meeting from time to time without further notice. A vote cast by a member at an early voting site counts for purposes of determining the presence of a quorum at the meeting where the election is to be held. Voting by proxy for any purpose is prohibited.”

B. Section 33-49-440 of the 1976 Code is amended to read:

“Section 33-49-440. A member is entitled to one vote on each matter submitted to a vote at a meeting. Voting must be in person. For meetings that include the election of cooperative trustees, polling locations must be open for a minimum of four hours.

When at least one of the races for cooperative trustee is contested prior to the annual meeting, each cooperative must provide a method by which members of the cooperative may cast a ballot in an election for trustees on a day other than, and before, the annual meeting day. The method for this alternative early voting should allow for voting by cooperative members from the hours of 7 a.m. to 7 p.m. and should include reasonable accommodations for elderly, disabled, or infirmed members as permitted by this section.”

C. Section 33-49-620 of the 1976 Code is amended to read:

“Section 33-49-620. Notwithstanding any other provision of this chapter, the bylaws may provide that the territory in which a cooperative supplies electric energy to its members shall be divided into two or more voting districts and that, in respect of each voting district:

(1) a designated number of trustees must be elected by the members residing therein;

(2) a designated number of delegates must be elected by the members; or

(3) both trustees and delegates must be elected by the members.

The bylaws shall prescribe the manner in which such voting districts, the members of them and the delegates and trustees, if any, elected from them shall function and the powers of the delegates, which may include the power to elect trustees. A member at a voting district meeting and a delegate at a meeting shall vote in person, at the meeting or an alternative early voting site.”

Principal residence, vacancies

SECTION 6. Section 33-49-610 of the 1976 Code is amended to read:

“Section 33-49-610. (A) The business and affairs of a cooperative must be managed by a board of not less than five trustees, each of whom must be a member of the cooperative or of another cooperative which is a member of the cooperative. Unless otherwise provided in the bylaws, each trustee’s principal residence, as determined by South Carolina voter registration law, must be served by the cooperative. The bylaws must prescribe the number of trustees, their qualifications, other than those

provided for in this chapter, the manner of holding meetings of the board, and the filling of vacancies on the board.

(B) The bylaws also may provide for the removal of trustees from office and for the election of their successors as follows:

(1)(a) A temporary suspension of a trustee for cause may occur upon the affirmative vote of at least two-thirds of the members of the board until the next annual or special meeting. At that meeting the membership may remove the suspended trustee for cause from the board by an affirmative vote of a majority of the members present and voting. In the event the membership refuses to vote to remove the trustee, he must be reinstated immediately with all the powers of his office and continue to serve for the remainder of his elected term.

(b) 'Cause' for removal of a trustee under this section means fraudulent or dishonest acts, or gross abuse of authority in the discharge of duties to the cooperative and must be established after written notice of specific charges and opportunity to meet and refute charges.

(2) A successor may be elected as provided by the bylaws of the cooperative.

This subsection does not apply to a cooperative when a majority of its members are other cooperatives. Cooperatives which are excluded from the removal provisions of this subsection may provide any terms and conditions for removal of trustees as may be authorized in their bylaws.

(C) If a husband and wife hold a joint membership in a cooperative, one, but not both, may be elected a trustee.

(D) The board of trustees may exercise all of the powers of a cooperative except those powers conferred upon the members by this chapter, its articles of incorporation, or bylaws.

(E) Notwithstanding any provisions in the bylaws to the contrary, a vacancy in the office of trustee occurring for any reason other than expiration of a term may be filled only for the remainder of the unexpired term by a vote of the membership at the next annual meeting.

(F) If a vacancy in the office of trustee occurs more than six months from the date of the next annual meeting, a new trustee may be appointed to fill the vacancy on an interim basis by the nominations committee of the cooperative provided:

(1) the new trustee is not a 'family member', as defined in Section 8-13-100(15), of the trustee whose departure created the vacancy;

(2) the new trustee is not 'an individual with whom he is associated', as defined in Section 8-13-100(21), of the trustee whose departure created the vacancy;

(3) the new trustee cannot continue to serve as a trustee past the date of the next annual meeting occurring after his appointment, subject

to annual meeting notice requirements, without being duly elected by the membership to fill the remainder of the unexpired term.”

Disclosure of compensation and benefits

SECTION 7. Article 7, Chapter 49, Title 33 of the 1976 Code is amended by adding:

“Section 33-49-615. (A) The board of trustees must disclose at a location accessible and visible to the cooperative membership on its website by May fifteenth of each year, all compensation or benefits by category paid to or provided for board members during the previous calendar year. For purposes of this section, categories include, but are not limited to:

- (1) daily per diem amount;
- (2) total per diem compensation for attendance at regular meetings of the board of trustees;
- (3) total per diem compensation for attendance at special meetings of the board, including board of trustee committee meetings;
- (4) total per diem compensation for attendance at meetings of cooperative service organizations;
- (5) total per diem compensation for trustee training and certification;
- (6) total expenses paid or reimbursed, including mileage, subsistence, entertainment or travel expenses paid in conjunction with subsection (A)(2) through (5);
- (7) the total value of and a description of any other fringe benefits provided; and
- (8) the total value of and a description of any goods or services required to be disclosed by Section 33-49-630(C)(3).

(B) The provisions of this section first apply to the 2019 calendar year with the unaudited disclosures required by this section to be made no later than May 15, 2020.”

Single-member voting districts

SECTION 8. Article 7, Chapter 49, Title 33 of the 1976 Code is amended by adding:

“Section 33-49-621. Within eighteen months of the effective date of this section, each distribution cooperative must put the question of single-member voting districts to its membership at an annual meeting.”

Notice, votes, and minutes

SECTION 9. Article 7, Chapter 49, Title 33 of the 1976 Code is amended by adding:

“Section 33-49-625. (A) Notwithstanding all other notice requirements, written notice of all nonemergency meetings of the board of trustees or the membership of the cooperative, including membership meetings pursuant to the provisions of Section 33-49-620, must be posted at a location accessible and visible to the cooperative membership on the cooperative’s website and at the cooperative’s principal place of business at least ten days before the meeting. The notice must state the time, place, location, and purpose of the meeting.

(B) Written notice of emergency meetings of the board of trustees must be posted at a location accessible and visible to the cooperative membership on the cooperative’s website and at the cooperative’s principal place of business at least twenty-four hours before the meeting. Emergency meetings of the board may be called when appropriate to deal with extraordinary circumstances, but the board of trustees must not make decisions regarding rates, fees, charges, board of trustees composition or board of trustees compensation at an emergency meeting.

(C) All votes cast by trustees at these meetings must be taken in open session except where discussions include:

- (1) matters related to employees of the cooperative;
- (2) matters related to contracts or agreements with vendors or suppliers;
- (3) matters related to particular cooperative members that involve account or personal information;
- (4) matters related to economic development that involve the discussion of potentially identifiable information about businesses or industries that might be locating or expanding in or near the cooperative’s service territory;
- (5) matters related to information or physical security measures;
- (6) matters related to legal advice; and
- (7) matters not specifically listed but determined by the board, on the advice of counsel, to constitute a reasonable risk of damage to the cooperative membership due to the release of proprietary, personnel, member, or account information.

(D) Where votes are taken in executive session, the vote then must be ratified in open session in a manner that does not compromise the purpose of the executive session.

(E) Approved board minutes detailing the actions taken at these meetings must be provided within ten days of their approval to cooperative members in the same manner that notice of the meeting was provided.”

Actions and conduct prohibited

SECTION 10. Section 33-49-630 of the 1976 Code is amended to read:

“Section 33-49-630. (A) The bylaws may make provision for the compensation of trustees; provided, however, that compensation shall not be paid except for actual attendance upon activities authorized by the board. The bylaws may also provide for the travel, expenses and other benefits of trustees, as set by the board. A trustee must not be employed by the cooperative in any other capacity involving compensation.

(B) A member of an electric cooperative’s board of trustees may not:

(1) knowingly use his position as a trustee to obtain an economic interest in addition to his compensation, if any, for serving as a member of the board of trustees for himself, a family member, an individual with whom he is associated, or a business with which he is associated;

(2) have a business relationship with the electric cooperative that is distinct from or in addition to the trustee’s mandatory cooperative membership pursuant to Section 33-49-610(A) or his service on the board of trustees; or

(3) appoint, direct, or cause a family member to become a member of a committee or an employee of the cooperative.

(C) A member of an electric cooperative board of trustees is not prohibited by this section from accepting goods or services such as lodging, transportation, entertainment, food, meals, beverages, or any other thing of value provided that:

(1) the value of the good or service is reasonable and the purpose relates to his duties as a trustee;

(2) the good or service is furnished on the same terms or at the same expense to a member of the general public or to general attendees of functions considered reasonable by the board for the fulfillment of his duties as a trustee; or

(3) if the good or service is of more than twenty-five dollars in value and is furnished to the trustee by a company that the trustee knows, has, or seeks a business relationship other than a cooperative membership with the cooperative, on whose board the trustee serves and

the cooperative is not an owner or a member of that company, the trustee must disclose the acceptance of the good or service to the board.

(D) For purposes of this section, ‘an individual with whom he is associated’ has the same meaning as provided in Section 8-13-100(21) and ‘family member’ has the same meaning as provided in Section 8-13-100(15).”

Incumbent trustees

SECTION 11. Section 33-49-640 of the 1976 Code is amended to read:

“Section 33-49-640. The trustees of a cooperative named in any articles of incorporation, consolidation, merger or conversion, as the case may be, shall hold office until the next following annual meeting of the members or until their successors have been elected and qualified. Incumbent trustees seeking reelection shall not directly or indirectly influence the nomination or credentials process. At each annual meeting or, in case of failure to hold the annual meeting as specified in the bylaws, at a special meeting called for that purpose, the members shall elect trustees to hold office until the next following annual meeting of the members, except as otherwise provided. Each trustee shall hold office for the term for which he is elected or until his successor is elected and qualified.”

Conduct of elections

SECTION 12. Article 7, Chapter 49, Title 33 of the 1976 Code is amended by adding:

“Section 33-49-645. (A) In the conduct of an election authorized by this chapter or in the bylaws of the cooperative, including the annual election of trustees, a cooperative must prohibit advocacy or campaigning within a distance of the polling place that reasonably ensures that cooperative members are able to vote without harassment, intimidation, or interference. The polling place, for purposes of this section, is the location where votes are collected for tabulation.

(B)(1) In the conduct of the annual election of trustees, to the extent that a cooperative’s bylaws provide for members to become candidates for the board of trustees by petition, the number of signatures required must not exceed one percent of the total cooperative membership.

(2) If the cooperative's bylaws providing for members to become candidates for the board of trustees by petition require the collection of more than 50 signatures of cooperative members, the cooperative bylaws must also provide for a process allowing those signatures to be collected electronically.

(C) In the conduct of the annual election of trustees, any member or district information provided to an incumbent trustee for use in campaigning for the board of trustees must be provided to all candidates for the board of trustees on the same terms and conditions."

Office of Regulatory Staff examinations and audits

SECTION 13. Section 58-4-50(A) of the 1976 Code is amended by adding an appropriately numbered item to read:

"() when considered necessary by the Executive Director of the Office of Regulatory Staff and in the public interest, make inspections, audits, and examination of the compliance by electric cooperatives with the provisions of law specified in Section 33-49-150."

Electric cooperatives included, expenses of Office of Regulatory Staff

SECTION 14. Section 58-4-55 of the 1976 Code, as last amended by Act 258 of 2018, is further amended to read:

"Section 58-4-55. (A) The regulatory staff, in accomplishing its responsibilities under Section 58-4-50, may require the production of books, records, and other information to be produced at the regulatory staff's office, that, upon request of the regulatory staff, must be submitted under oath and without the requirement of a confidentiality agreement or protective order being first executed or sought. The regulatory staff must treat the information as confidential or proprietary unless or until the commission rules such information is not entitled to protection from public disclosure or the public utility or electric cooperative agrees that such information is no longer confidential or proprietary. Unless the commission's order contains a finding to the contrary, all documents or information designated as confidential or proprietary pursuant to this subsection are exempt from public disclosure under Sections 30-4-10, et seq., and the regulatory staff shall not disclose such documents and information, or the contents thereof, to any member of the commission or to any other person or entity; provided, however,

that, if the commission determines that it is necessary to view such documents or information, it shall order the regulatory staff to file the documents or information with the commission under seal, and such documents or information shall not be available for public inspection unless otherwise ordered by the commission.

If the books, records, or other information provided do not appear to disclose full and accurate information and, if such apparent deficiencies are not cured after reasonable notice, the regulatory staff may require the attendance and testimony under oath of the officers, accountants, or other agents of the parties having knowledge thereof at such place as the regulatory staff may designate and the expense of making the necessary examination or inspection for the procuring of the information must be paid by the party examined or inspected, to be collected by the regulatory staff by suit or action, if necessary. If, however, the examination and inspection and the reports thereof disclose that full and accurate information had previously been made, the expense of making the examination and inspection must be paid out of the funds of the regulatory staff.

(B) If the regulatory staff initiates an inspection, audit, or examination of a public utility or electric cooperative, the public utility or electric cooperative that is the subject of the inspection, audit, or examination may petition the commission to terminate or limit the scope of such inspection, audit, or examination. The commission must grant such petition if it finds that such inspection, audit, or examination is arbitrary, capricious, unnecessary, unduly burdensome, or unrelated to the regulated operations of the public utility or electric cooperative.

(1) If such an inspection, audit, or examination is not part of a contested case proceeding, the public utility or electric cooperative may also raise objections or seek relief available under the South Carolina Rules of Civil Procedure to a party upon whom discovery is served or to a person upon whom a subpoena is served. The commission shall provide the regulatory staff reasonable notice to respond to any such objection or request. Absent the consent of the public utility or electric cooperative raising such an objection or request and the Office of Regulatory Staff, the commission must rule on such an objection or request within sixty days of the date it was filed. During the pendency of the commission's ruling, the public utility or electric cooperative making such an objection or request is not required to produce or provide access to any documents or information that is the subject of the objection or request.

(2) If such an inspection, audit, or examination is part of a contested case proceeding, the commission shall address objections to

information sought by the regulatory staff in the same manner in which it addresses objections to discovery issued by the parties to the contested case proceeding.

(C) Any public utility or electric cooperative that provides the regulatory staff with copies of or access to documents or information in the course of an inspection, audit, or examination that is not part of a contested case proceeding may designate any such documents or information as confidential or proprietary if it believes in good faith that such documents or information would be entitled to protection from public disclosure under the South Carolina Rules of Civil Procedure or any provision of South Carolina or federal law. The regulatory staff may petition the commission for an order that some or all of the documents so designated are not entitled to protection from public disclosure and it shall be incumbent on the utility to prove that such documents are entitled to protection from public disclosure under the South Carolina Rules of Civil Procedure or any provision of South Carolina or federal law. The commission shall rule on such petition after providing the regulatory staff and the utility an opportunity to be heard. Unless the commission's order on such a petition contains a finding to the contrary, all documents or information designated as confidential or proprietary pursuant to this subsection are exempt from public disclosure under Sections 30-4-10, et seq., and the regulatory staff shall not disclose such documents and information, or the contents thereof, to any member of the commission or to any other person or entity; provided, however, that, if the commission determines that it is necessary to view such documents or information in order to rule on such a petition, it shall order the regulatory staff to file the documents or information with the commission under seal, and such documents or information shall not be available for public inspection during the pendency of the petition.

(D) Nothing in this section restricts the regulatory staff's ability to serve discovery in a contested case proceeding that seeks the type of documents or information the regulatory staff has obtained in the course of any review, investigation, inspection, audit, or examination, nor does anything in this section restrict the ability of any public utility or electric cooperative to object to such discovery or to seek relief regarding such discovery, including without limitation, the entry of a protective order. The regulatory staff shall not be required to execute a confidentiality agreement or seek a protective order prior to accessing the documents or information of a public utility or electric cooperative, and such information or documents must be treated as confidential or proprietary unless or until the commission rules such information is not entitled to protection from public disclosure or the public utility or electric

cooperative agrees that such information is no longer confidential or proprietary. Unless the commission's order contains a finding to the contrary, all documents or information designated as confidential or proprietary pursuant to this subsection are exempt from public disclosure under Section 30-4-10, et seq., and the regulatory staff shall not disclose such documents and information, or the contents thereof, to any member of the commission or to any other person or entity. However, if the commission determines that it is necessary to view such documents or information, it shall order the regulatory staff to file the documents or information with the commission under seal, and such documents or information shall not be available for public inspection unless otherwise ordered by the commission.

(E) The Office of Regulatory Staff, in order to accomplish any of the responsibilities assigned to it by Chapter 4, Title 58 or any other provision of law, may apply to the circuit court for subpoenas to be issued to entities over which the Public Service Commission does not have jurisdiction. Such subpoenas will be issued by the circuit court in the same manner as subpoenas are issued to parties to proceedings before that court, and all rules applicable to the issuance of such subpoenas, including enforcement and penalties, shall apply to subpoenas issued at the request of the regulatory staff.

(F) The actual expenses of the Office of Regulatory Staff incurred in carrying out its duties under Section 58-4-50(A)(12) must be certified annually to the Public Utilities Review Committee in an itemized statement by the Office of Regulatory Staff, shown as a line item in the Office of Regulatory Staff budget, to be assessed directly to an audited electric cooperative by the Office of Regulatory Staff, and deposited with the State Treasurer to the credit of the Office of Regulatory Staff.”

Rate requirements applicable to electric cooperatives

SECTION 15. Section 58-27-840 of the 1976 Code is amended to read:

“Section 58-27-840. (A) No electrical utility, or consolidated political subdivision shall, as to rates or services, make or grant any unreasonable preference or advantage to any person, corporation, municipality or consolidated political subdivision to its unreasonable prejudice or disadvantage. No electrical utility, or consolidated political subdivision shall establish or maintain any unreasonable difference as to rates or service as between localities or as between classes of service. Subject to the approval of the Commission, however, electrical utilities,

and consolidated political subdivisions may establish classifications of rates and services and such classifications may take into account the conditions and circumstances surrounding the service, such as the time when used, the purpose for which used, the demand upon plant facilities, the value of the service rendered and any other reasonable consideration. The Commission may determine any question of fact arising under this section. The Commission shall not fix any rates charged by electric cooperatives or consolidated political subdivisions.

(B) No distribution electric cooperative shall, as to rates or services, make or grant any unreasonable preference or advantage to any person, corporation, municipality or consolidated political subdivision to its unreasonable prejudice or disadvantage. No distribution electric cooperative shall establish or maintain any unreasonable difference as to rates or service as between localities or as between classes of service. The Office of Regulatory Staff is granted the authority to audit, on its own initiative or in response to complaints, issues arising under this subsection, including the authority to review and examine whether the distribution electric cooperatives are maintaining any unreasonable differences as to rates or service as between localities or as between classes of service. Rate classifications established by distribution electric cooperatives may take into account the conditions and circumstances surrounding the service, such as the time when used, the purpose for which used, the demand upon plant facilities, the value of the service rendered, and any other reasonable consideration. Upon completion of an audit, review, or examination as provided in this section, the Office of Regulatory Staff must report its findings to the board of the distribution electric cooperative and attempt to resolve any compliance issues identified in the audit.

(C) The Commission is granted authority to resolve any disputed issues arising from the audit, review, or examination by the Office of Regulatory Staff of matters arising under subsection (B) of this section. The Commission shall not fix any rates charged by electric cooperatives.”

Provisions control

SECTION 16. Where the provisions of new or revised 1976 Code sections or subsections contained in this act conflict with provisions of the bylaws of an electric cooperative, the provisions of this act control and the cooperative, as permitted by Section 33-49-280, shall amend and conform its bylaw provisions accordingly.

Association requirements and conduct

SECTION 17. Article 1, Chapter 49, Title 33 of the 1976 Code is amended by adding:

“Section 33-49-160. (A) An association formed by a group of electric cooperatives that meets the requirements of Section 501(c)(6) of the Internal Revenue Code, is organized under the laws of this State and has as its purpose the representation of the interests of electric cooperatives in this State, must be subject to the requirements contained in this section.

(B) The board of trustees of the association must disclose at a location accessible and visible to its member cooperatives on its website by May fifteenth of each year, all compensation or benefits by category paid to or provided for board members during the previous calendar year. For purposes of this section, categories include, but are not limited to:

- (1) daily per diem amount;
- (2) total per diem compensation paid for attendance at regular meetings of the board of trustees;
- (3) total per diem compensation for attendance at special meetings of the board, including board of trustee committee meetings;
- (4) total per diem compensation for attendance at meetings of cooperative service organizations;
- (5) total per diem compensation for trustee training and certification;
- (6) total expenses paid or reimbursed, including mileage, subsistence, entertainment, or travel expenses paid in conjunction with subsection (B)(2) through (5);
- (7) the total value of and a description of any other fringe benefits provided; and
- (8) the total value of and a description of any goods or services required to be disclosed by subsection (D)(3)(c).

(C) The association must include on its annual IRS Form 990 filing, information on its revenue and expenses including, but not limited to, the total revenue and spending of the association by each of its departments.

(D)(1) The bylaws of the association may make provision for the compensation of trustees; provided, however, that compensation must not be paid except for actual attendance upon activities authorized by the board. The bylaws also may provide for the travel, expenses, and other benefits of trustees, as set by the board. A trustee of the association must

not be employed by the entity in any other capacity involving compensation.

(2) A member of the association's board of trustees, or one of the association's officers, may not:

(a) knowingly use his position as a trustee or an officer of the association to obtain an economic interest in addition to his compensation, if any, for serving as a member of the board of trustees or as an officer for himself, a family member, an individual with whom he is associated, or a business with which he is associated;

(b) have a business relationship with the association that is distinct from or in addition to his service on the board of trustees or as an officer; or

(c) appoint, direct, or cause a family member to become an employee of the association.

(3) A member of the association's board of trustees or an officer of the association is not prohibited by this section from accepting goods or services such as lodging, transportation, entertainment, food, meals, beverages, or any other thing of value from the association provided that:

(a) the value of the good or service is reasonable and the purpose relates to his duties as a trustee or an officer;

(b) the good or service is furnished on the same terms or at the same expense to a member of the general public or to general attendees of functions considered reasonable for the fulfillment of his duties as a trustee or as an officer of the association; or

(c) if the good or service is of more than twenty-five dollars in value and is furnished to the trustee or the officer of the association by a company that the trustee or officer knows, has, or seeks a business relationship with the association, and the company is not a member of the association, the trustee or officer must disclose the acceptance of the good or service to the board. These restrictions do not apply to the extent a cooperative has or seeks membership in the association.

(4) For purposes of this section, 'an individual with whom he is associated' has the same meaning as provided in Section 8-13-100(21) and 'family member' has the same meaning as provided in Section 8-13-100(15).

(E) The Office of Regulatory Staff under the provisions of this subsection is vested with the authority and jurisdiction to make inspections, audits, and examinations of the association pursuant to the provisions of Chapter 4, Title 58, relating to the compliance of the association with the provisions of this section and its bylaws. Where the board of trustees of the association has exercised its business judgment in accordance with sound business and management practices and

consistent with the long-term financial stability of the association and the benefit of its members, the Office of Regulatory Staff is not authorized to disturb the resulting decisions of board of trustees. Upon completion of an authorized inspection, audit, or examination, the Office of Regulatory Staff must report its findings to the management and board of the association and attempt to resolve with the management and board any compliance issues that are identified. The Public Service Commission is vested with the authority and jurisdiction to resolve any disputed issues arising from the inspections, audits, or examinations.”

Severability

SECTION 18. 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.

Time effective

SECTION 19. The provisions of this act take effect upon approval by the Governor, except that:

- (1) Sections 1, 2, 3, 13, 14, and 15 take effect January 1, 2020.
- (2) Section 7 takes effect May 1, 2020.
- (3) Sections 4, 5, 6, 9, and 11 take effect on the first day of the fifteenth calendar month after the month of signature by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 57

(R77, H3205)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-16-150 SO AS TO PROVIDE THAT THE TRIBE IS NOT REQUIRED TO PAY ANY FEE IN LIEU OF SCHOOL TAXES BEGINNING WITH SCHOOL YEARS AFTER 2007-2008; AND TO AMEND SECTION 27-16-130, RELATING TO THE TAXATION OF THE TRIBE, SO AS TO DELETE A CONTRARY PROVISION.

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

Tribe not required to pay fee in lieu of school taxes

SECTION 1. Chapter 16, Title 27 of the 1976 Code is amended by adding:

“Section 27-16-150. Notwithstanding any other provisions of law, the Tribe is not required to pay any fee in lieu of school taxes beginning with school years after 2007-2008.”

Deletion of fee in lieu of school taxes

SECTION 2. Section 27-16-130(I) of the 1976 Code is amended to read:

“(I) Reserved.”

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 58

(R78, H3243)

AN ACT TO AMEND SECTION 8-21-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A SCHEDULE OF SPECIFIED FILING AND RECORDING FEES, SO AS TO REVISE AND FURTHER PROVIDE FOR VARIOUS FILING FEES, INCLUDING A FLAT FEE FOR VARIOUS DOCUMENTS.

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

Fees revised

SECTION 1. Section 8-21-310 of the 1976 Code is amended to read:

“Section 8-21-310. (A) Except as otherwise expressly provided, the clerks of court, registers of deeds, or county treasurers, as may be determined by the governing body of a county, shall collect the following uniform filing fees:

- (1) fifteen dollars for a deed to real estate; and
- (2) twenty-five dollars for the following documents:
 - (a) a mortgage;
 - (b) a land sale installment contract;
 - (c) a real estate sales contract;
 - (d) any document required to be recorded pursuant to the Uniform Commercial Code;
 - (e) a plat or survey not part of or attached to another document to be recorded;
 - (f) a lease for real estate;
 - (g) an order for partition of real estate;
 - (h) an easement agreement or other document affecting title or possession of real property not otherwise provided for in this section;
 - (i) a power of attorney, provided, however, that upon presentation of a copy of deployment orders to a combat zone by or on behalf of a member of the armed forces of the United States, the filing fee for a power of attorney for the person deployed is waived;
 - (j) a notice of a mechanic's lien; or
 - (k) any other document affecting a title or the possession of real estate that is required by law to be recorded or filed, except judicial records, including restrictive covenants, bylaws, and amendments to restrictive covenants and bylaws.

(B) Except as otherwise expressly provided, the clerks of court, registers of deeds, or county treasurers, as may be determined by the governing body of a county, shall collect a uniform filing fee of ten dollars, unless otherwise stated, for the following documents or actions:

(1) a revocation of power of attorney, provided, however, that the filing fee is waived if it is filed by or on behalf of a member of the armed forces of the United States if the revocation is filed within three years from the date of filing the power of attorney and a copy of the deployment orders to a combat zone is presented. For the purposes of this item, 'combat zone' has the meaning provided in Internal Revenue Service Publication 3 and includes service in a qualified hazardous duty area;

(2) an assignment of leases and rents or the cancellation or release of an assignment of leases and rents;

(3) separate probates, acknowledgements, affidavits, or certificates that are not part of or attached to another document to be recorded;

(4) a mortgage satisfaction or release, including a partial release or entry in a public record;

(5) the recording of an instrument that assigns, transfers, or affects a single real estate mortgage or other instrument affecting a title to real property or a lien for the payment of money, unless it is part of the original instrument when initially filed, except if the instrument assigns, transfers, or affects more than one real estate mortgage, instrument, or lien, in which case the filing fee is seven dollars for each mortgage, instrument, or lien assigned, transferred, or affected and referred to in the instrument;

(6) taking and filing bond or security costs;

(7) filing a trustee qualification, memorandum of trust, or certification of trust;

(8) filing a notice of meter conservation charge as permitted by Section 58-37-50;

(9) the filing, enrolling, satisfaction, or expungement of state or federal liens. The clerk shall mark 'satisfied' upon receipt of the fees provided in this item for any lien or warrant for distraint issued by any agency of this State or of the United States upon receipt of a certificate duly signed by an authorized officer of any agency of this State or of the United States to the effect that the lien or warrant of distraint has been paid;

(10) the filing or recording of any commission of a notary public or other public office or any license or permit to practice a profession or

trade required to be filed in the county where the individual permanently resides;

(11) the filing of the charter of any public or private corporation or association required by law to be recorded;

(12) the filing or recording of the dissolution of any partnership or corporate document required to be filed in the county;

(13) the filing and enrolling of a judgment by confession;

(14) the taking and filing of an order for bail with or without bond;

(15) the filing of a notice of discharge in bankruptcy;

(16) the filing, recording, and indexing of a lis pendens if not accompanied by a summons and complaint. For cancellation of a lis pendens, a fee may be required as provided in Section 15-11-40;

(17) the recording of a release or discharge of a mechanic's lien, or notice of pendency of an action of suit to enforce a mechanic's lien in accordance with Chapter 5, Title 29; or

(18) the filing of a document relating to a title of an interest in a vacation time sharing plan organized under Chapter 32, Title 27, provided, however, that the document must include clear notice on the first page and be titled 'Vacation Time Sharing Ownership Deed', indicating that the document relates to a deeded interest in a vacation time share plan.

(C) Except as otherwise expressly provided, the clerks of court or county treasurers, as may be determined by the governing body of the county, shall:

(1) in addition to the fee imposed by Section 14-1-204(B)(1), collect one hundred dollars for filing a first complaint or petition, including an application for a remedial and prerogative writ and bond in a civil action or proceeding. There is no further fee for filing an amended or supplemental complaint or petition or for filing any other paper in the same action of the proceeding, with the exception of motions. An original application for post-conviction relief may be filed without a fee, upon the permission of the court to which the application is addressed. There is no further fee for entering and filing a verdict, judgment, final decree, or order of dismissal and enrolling judgment thereon; for the signing, sealing, and issuance of execution; or for entering satisfaction or partial satisfaction on a judgment;

(2) collect one hundred dollars for filing, indexing, enrolling, and entering a foreign judgment and an affidavit pursuant to Article 11, Chapter 35, Title 15;

(3) collect an amount set by the Chief Justice of the South Carolina Supreme Court for filing court documents by electronic means from an integrated electronic filing or e-filing system owned and operated by the

South Carolina Judicial Department. All fees must be remitted to the South Carolina Judicial Department to be dedicated to the support of court technology;

(4) collect thirty-five dollars for filing and processing an order for the Destruction of Arrest Records, and the fee must be for each order, regardless of the number of cases contained in the order. The fee under the provisions of this item does not apply to cases in which the defendant is found not guilty or in which the underlying charge is dismissed or nol prossed unless that dismissal or nol prossed is the result of the successful completion of a pretrial intervention program;

(5) collect thirty-five dollars for receiving and enrolling transcripts of judgment from magistrate courts and federal district courts;

(6) collect ten dollars for taking and filing an order for bail, whether or not surety must be justified;

(7) collect ten dollars for taking and filing bond or security costs, whether or not surety must be justified;

(8) collect ten dollars for issuing an official certificate under the seal of the court not otherwise specified in this section; or

(9) collect fifteen dollars as set forth in Section 29-5-23 for a Notice of Project Commencement.

(D) No fee may be charged to a defendant or respondent for filing an answer, return, or other papers in any civil action or proceeding in a court of record.”

Time effective

SECTION 2. This act takes effect August 1, 2019.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 59

(R79, H3383)

AN ACT TO AMEND SECTION 48-23-260, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SHARING STATE FOREST LAND REVENUES WITH COUNTIES, SO AS TO

**EXCLUDE THE PROCEEDS FROM LAND RENTALS FROM
THE PROCEEDS TO BE SHARED WITH THE COUNTIES.**

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

Exclusion of proceeds of land rentals

SECTION 1. Section 48-23-260 of the 1976 Code is amended to read:

“Section 48-23-260. The State Treasurer must pay to a county containing state forest lands an amount equal to twenty-five percent of the gross proceeds received by the State in each fiscal year from the sale of timber, pulpwood, poles, gravel, and other privileges on state forest lands within the county, except for the gross proceeds from land rentals. The provisions of this section are applicable to all state forest lands managed or operated by the State Commission of Forestry, whether they be owned in fee by the State or leased from the United States, but do not apply to state parks. The funds herein provided for must be spent for general school purposes. Where a particular state forest lies in more than one county or school district, the funds derived from the state forest and to be paid by the State Treasurer must be apportioned on the basis of land acreage involved. All funds distributed under the provisions of this section must be spent upon the approval of a majority of the county legislative delegation.”

Time effective

SECTION 2. This act takes effect July 1, 2019.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 60

(R80, H3586)

**AN ACT TO AMEND SECTION 23-47-10, CODE OF LAWS OF
SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS
AND THEIR DEFINITIONS REGARDING THE PUBLIC**

SAFETY COMMUNICATIONS CENTER, SO AS TO PROVIDE ADDITIONAL TERMS AND THEIR DEFINITIONS; TO AMEND SECTION 23-47-20, RELATING TO REQUIREMENTS THAT PERTAIN TO A 911 SYSTEM, SO AS TO PROVIDE THAT THE REVENUE AND FISCAL AFFAIRS OFFICE IS RESPONSIBLE FOR CREATING AND UPDATING A COMPREHENSIVE STRATEGIC 911 AND NEXTGEN 9-1-1 (NG9-1-1) SYSTEM, AND TO REVISE THE STANDARDS THAT GOVERN THE OPERATION OF 911 AND NG9-1-1 SYSTEMS; TO AMEND SECTION 23-47-40, RELATING TO 911 CHARGES THAT MAY BE IMPOSED UPON EACH LOCAL EXCHANGE ACCESS FACILITY SUBSCRIBED TO BY TELEPHONE SUBSCRIBERS WHOSE LOCAL EXCHANGE ACCESS LINES ARE IN THE AREA SERVED OR WHICH WOULD BE SERVED BY THE 911 SERVICE, SO AS TO REVISE THE LIST OF ITEMS THAT MAY BE FUNDED WITH THESE CHARGES; TO AMEND SECTION 23-47-50, RELATING TO SUBSCRIBER BILLING FOR THE PROVISION OF 911 SERVICE, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT THE "EMERGENCY TELEPHONE SYSTEM" FUND MUST BE INCLUDED IN THE ANNUAL AUDIT OF THE LOCAL GOVERNMENT, TO PROVIDE THAT UPON THE FINDING OF INAPPROPRIATE USE OF 911 FUNDS PURSUANT TO AN AUDIT, THE LOCAL GOVERNMENT MUST RESTORE THOSE FUNDS WITHIN NINETY DAYS, TO PROVIDE THAT THE LOCAL GOVERNMENT MUST PROVIDE THE REVENUE AND FISCAL AFFAIRS OFFICE A COPY OF THE AUDITED REPORT, TO PROVIDE THAT FUNDS MAY BE WITHHELD FROM A LOCAL GOVERNMENT THAT FAILS TO COMPLY WITH THE AUDIT PROVISIONS, AND TO REVISE THE PURPOSE FOR LEVYING A CMRS 911 CHARGE; TO AMEND SECTION 23-47-60, RELATING TO A LOCAL GOVERNMENT PROVIDING STANDARD ADDRESSES FOR THEIR RESIDENTS BEFORE ENHANCED 911 IS PLACED IN SERVICE, SO AS TO PROVIDE THAT THE REVENUE AND FISCAL AFFAIRS OFFICE SHALL DESIGNATE ONE OFFICE WITHIN EACH COUNTY AS THE ADDRESSING OFFICIAL; TO AMEND SECTION 23-47-65, AS AMENDED, RELATING TO THE CREATION AND RESPONSIBILITIES OF THE SOUTH CAROLINA 911 ADVISORY COMMITTEE, SO AS TO INCREASE ITS RESPONSIBILITIES, TO INCREASE THE SIZE OF ITS MEMBERSHIP, TO REVISE THE PROCESS OF

APPOINTING MEMBERS, TO PROVIDE ITS MEMBERS COMPENSATION FOR CERTAIN EXPENSES, TO INCREASE AND REVISE THE RESPONSIBILITIES OF THE REVENUE AND FISCAL AFFAIRS OFFICE AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23-47-75, RELATING TO CERTAIN 911 INFORMATION THAT IS NOT SUBJECT TO THE FREEDOM OF INFORMATION ACT OR DISCLOSURE, SO AS TO PROVIDE A LOCAL GOVERNMENT MAY EXEMPT CERTAIN INFORMATION FROM DISCLOSURE AND TO DEFINE THE TERM "IDENTIFYING INFORMATION"; AND TO AMEND SECTION 23-47-80, RELATING TO PENALTIES ASSOCIATED WITH UNLAWFULLY PLACING A 911 CALL, SO AS MAKE TECHNICAL CHANGES.

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

Definitions

SECTION 1. Section 23-47-10 of the 1976 Code, is amended by adding the following appropriately numbered items at the end to read:

() 'Board' means the board of the Revenue and Fiscal Affairs Office.

() 'Call' means any information, written communication, video, data, or voice that is delivered to the PSAP initiating an emergency response.

() 'IP-Enabled Services' means services and applications making use of Internet Protocol (IP) including, but not limited to, voice over IP and other services and applications provided through wireline, cable, wireless and satellite facilities, and any other facility that is capable of connecting users dialing or entering the digits 911 to public safety answering points.

() 'NextGen 9-1-1 (NG9-1-1)' includes the delivery of 911 calls over an IP-based network and provides multimedia data capabilities for PSAPs and other emergency service organizations.

() 'Communications service' means a service capable of accessing, connecting with, or interfacing with a 911 system by dialing, initializing, or otherwise activating the system exclusively through the digits 911 by means of a local telephone device or wireless communications device.

() 'Communications service provider' means a service provider, public or private, that transports information electronically via landline, wireless, Internet, cable, or satellite, including, but not limited to,

wireless communications service providers, personal communications service, telematics, and Voice over Internet Protocol (VoIP).

()‘Wireless communications service’ means commercial mobile radio service. ‘Wireless communications service’ includes any wireless two-way communications used in cellular telephone service, a personal communications service, or a network access line. ‘Wireless communications service’ does not include a service whose customers do not have access to 911 or 911-like services.

()‘Wireless communications provider’ means a company that offers wireless communication service to users of wireless devices including, but not limited to, cellular, personal communications services, mobile satellite services, and enhanced specialized mobile radio.

()‘ESInet’ means an Emergency Services IP Network. An ESInet can be one or many networks, including local, regional, statewide, nationwide, or international.

()‘VoIP Network’ or ‘Voice over Internet Protocol Network’ means a method in which voice communications are delivered via digital Internet connections.

()‘Legacy systems’ means any 911 system, whether basic or enhanced, operating in South Carolina prior to the board establishing an NG9-1-1 or subsequent systems.

()‘Strategic plan’ means the defined strategy of South Carolina’s 911 goals and objectives and the steps necessary to achieve those goals and objectives.”

Statewide 911 system

SECTION 2. Section 23-47-20 of the 1976 Code is amended to read:

“Section 23-47-20. (A)(1) The Revenue and Fiscal Affairs Office shall be responsible for creating, updating, and implementing a comprehensive strategic plan, including operating standards for a coordinated statewide 911 system to address changing technology, services, and operating efficiency and effectiveness. The standards must be developed and updated with comments and recommendations from the South Carolina 911 Advisory Committee, local officials, service providers, and the public. The plan must be approved by the board and may be amended as necessary.

Service available through a local 911 system includes law enforcement, fire, and emergency medical services. Other emergency and emergency personnel services may be incorporated into the 911 system at the discretion of the local government being served by the

system. Public safety agencies within a local government 911 system, in all cases, must be notified by the PSAP of a request for service in their area. Written guidelines must be established to govern the assignment of calls for assistance to the appropriate public safety agency. There must be written agreements among state, county, and local public safety agencies with concurrent jurisdiction for a clear understanding of which specific calls for assistance will be referred to individual public safety agencies.

(2) The Revenue and Fiscal Affairs Office may request written verification from PSAPs regarding compliance with current or updated standards and may develop policies to address noncompliance.

(B)(1) A 911 system must include all of the territory of the local government, either county, municipality, or multi-jurisdictional government. A 911 system may be an enhanced 911 system until the board establishes NG9-1-1 or another subsequent system.

(2) Public safety agencies that provide emergency service within the territory of a 911 system shall participate in the countywide system. Each PSAP must be operated twenty-four hours a day, seven days a week.

(C) At a minimum, the legacy 911 or NG9-1-1 systems implemented in South Carolina must include:

(1) for legacy, a minimum of two lines from each serving telephone central office to the enhanced 911 tandem (controlling central office) and a minimum of two lines from the enhanced 911 tandem to the PSAP. For both legacy and NG9-1-1, the grade of service must have sufficient lines to ensure no more than one busy signal per one hundred calls;

(2) for both legacy and NG9-1-1, equipment within the PSAP to connect the PSAP to all law enforcement, fire protection, and emergency medical or rescue agencies, as well as to emergency responders;

(3) for both legacy and NG9-1-1, first priority to answering 911 calls;

(4) for both legacy and NG9-1-1, electronic recording of all 911 calls that are retained for a minimum of sixty days;

(5) for both legacy and NG9-1-1, immediate playback capability of all 911 calls;

(6) for legacy, equipment connected by dedicated telephone lines to all adjacent PSAPs where there is a telephone exchange not covered by selective routing;

(7) for both legacy and NG9-1-1, necessary physical security to minimize the possibility of intentional disruption of the operation. This includes equipment safeguards such as key fobs and biometrics as well

as cyber security safeguards to prevent Denial of Service attacks and general 'hacking' of systems;

(8) for both legacy and NG9-1-1, standby emergency power to operate the PSAP during power failures;

(9) for both legacy and NG9-1-1, written operational procedures;

(10) for legacy and NG9-1-1, a minimum of one telecommunication device for the deaf (TDD) available in each PSAP;

(11) for both legacy and NG9-1-1, capability to answer ninety-five percent of calls within fifteen seconds and ninety-nine percent in forty seconds;

(12) for both legacy and NG9-1-1, coin-free dialing. Pay or coin telephones classified as such by a class of service code will be identified on the automatic location identification display in enhanced 911 systems;

(13) for both legacy and NG9-1-1, contingency plans for rerouting or relocating the PSAP in the event of a disaster or equipment failures;

(14) for both legacy and NG9-1-1, routing and capabilities to receive and process CMRS service and VoIP service capable of making 911 calls;

(15) for both legacy and NG9-1-1, telecommunication operators or dispatchers trained, or certified by the Law Enforcement Training Council (Criminal Justice Academy). The Law Enforcement Training Council shall promulgate regulations to provide for this training and/or certification. Expense of the training must be paid by the local government by which that person is employed. The Law Enforcement Training Council is authorized to establish, collect, and retain a fee not to exceed actual costs for this training or certification, or both;

(16) for both legacy and NG9-1-1, all 911 lines have both audio and visual indicators on incoming calls;

(17) for both legacy and NG9-1-1, a public safety agency whose services are available on the 911 system must maintain a separate secondary backup number for emergency calls and a separate number for nonemergency telephone calls;

(18) for both legacy and NG9-1-1, the primary published emergency number will be 911. The PSAP must have additional local telephone exchange service in addition to the 911 service. This nonemergency telephone number should be published directly below the 'emergency dial 911' listing;

(19) for both legacy and NG9-1-1, 911 is furnished for emergency reporting only. Nonemergency calls, whether by the general public or agency employees, should not be made to the 911 system;

(20) for both legacy and NG9-1-1, a designated person or 911 office staffed by a sufficient number of personnel to maintain databases and 911 network;

(21) for both legacy and NG9-1-1, an initial and continual plan for public education, which must include:

- (a) making the public aware 911 is available;
- (b) making the majority of emergency calls received on 911 rather than the seven-digit emergency number;
- (c) making the public aware of the definition of an emergency;
- (d) making the public aware of what is a nonemergency;
- (e) texting to 911 and other aspects of NG9-1-1 as they become available to the public; and

(22) for NG9-1-1, the requirements contained in this section shall apply to all manner of devices capable of communicating requests for emergency assistance to PSAPs.

(D) Enhanced 911 shall incorporate the following features:

(1) for legacy, automatic location identification (ALI) - automatically displays the addresses of the calling telephone during the course of the emergency call at the PSAP;

(2) for legacy, automatic number identification (ANI) - automatically displays the number of the caller's telephone at the PSAP;

(3) for legacy, central office identification - when a PSAP serves more than one central office, dedicated lines or trunks are used to identify each central office;

(4) for both legacy and NG9-1-1, called party hold - enables the PSAP to control the connection for confirmation and tracing of the call;

(5) for both legacy and NG9-1-1, distinct tone - tone generated by equipment which alerts the PSAP personnel that the calling party has disconnected;

(6) for legacy, selective routing - will automatically route calls from a predetermined geographical area to a PSAP serving that area regardless of municipal and wire center boundary alignments; and

(7) for legacy, all enhanced 911 systems must be configured so as to disallow subsequent search of the address database.

(E) All systems also must include applicable services identified in the strategic plan to ensure comprehensive and coordinated statewide operations in accordance with Section 23-47-20(A), including, but not limited to:

- (1) integration and standardization of local mapping data; and
- (2) aerial imagery services that will support the strategic plan and public safety on an on-going basis. Aerial imagery also may be shared

for other local and state governmental purposes including, but not limited to, South Carolina Code of Regulations R117-1740.2.C.5.”

Monthly 911 landline charge

SECTION 3. Section 23-47-40 of the 1976 Code is amended to read:

“Section 23-47-40. (A) The local government is authorized to adopt an ordinance to impose a monthly 911 landline charge upon each local exchange access facility subscribed to by telephone subscribers whose local exchange access lines are in the area served or which would be served by the 911 service. The 911 landline charge must be uniform and may not vary according to the type of local exchange access facility used.

The ordinance must be adopted in the same fashion as ordinances that levy taxes under South Carolina law. No collection of charges may be commenced before adoption of the ordinance.

(B) Landline funding must be used only to pay for the following enumerated items:

(1) the lease, purchase, lease-purchase, or maintenance of emergency telephone equipment, including necessary recording equipment, computer hardware, software and database provisioning, addressing, mapping, and nonrecurring costs of establishing a 911 system;

(2) the rates associated with the service supplier’s 911 service and other suppliers’ recurring charges;

(3) the cost of establishing and maintaining a county 911 office or maintaining as currently staffed a county 911 office for the purpose of operating and maintaining the database of the 911 system. Costs are limited to salaries and compensations and those items necessary in the operation of the 911 office and normal operating costs;

(4) items enumerated may be subscriber billed for a period not to exceed thirty months before activation of the 911 service;

(5) items necessary to meet the standards outlined in this chapter, specifically in Section 23-47-20(C);

(6) enhancements either currently available or available in the future offered by service suppliers and approved by the Public Service Commission;

(7) a local government may contract to implement and establish a 911 system as set forth in this chapter.

(C) Landline funding must not be used for:

(1) purchasing or leasing of real estate, cosmetic or remodeling of communications centers, except those building modifications necessary to maintain the security and environmental integrity of the PSAP;

(2) hiring or compensating dispatchers or call takers other than initial and in-service training;

(3) mobile communications vehicles, fire engines, law enforcement vehicles, ambulances, or other emergency vehicles, or other vehicles;

(4) communications, or other equipment used by first responders or other public safety agents, such as radios, radio towers, and computers; and

(5) consultants or consultant fees for studies of implementation not related to NG9-1-1.

(D) A local government may contract with a service supplier for any term negotiated by the service supplier and the local government and may make payments through subscriber billing to provide any payments required by the contract.”

Landline charges

SECTION 4. Section 23-47-50 of the 1976 Code is amended to read:

“Section 23-47-50. (A) The maximum 911 landline charge that a subscriber may be billed for an individual local exchange access facility must be in accordance with the following scale:

Tier I—1,000 to 40,999 access lines— \$1.50 for start-up costs, \$1.00 for on-going costs.

Tier II—41,000 to 99,999 access lines— \$1.00 for start-up costs, \$.60 for on-going costs.

Tier III—more than 100,000 access lines— \$.75 for start-up costs, \$.50 for on-going costs.

Start-up includes a combination of recurring and nonrecurring costs and up to a maximum of fifty local exchange lines per account. For bills rendered on or after the effective date of this act, for any individual local exchange access facility that is capable of simultaneously carrying multiple voice and data transmissions, a subscriber must be billed a number of 911 charges equal to: (a) the number of outward voice transmission paths activated on such a facility in cases where the number of activated outward voice transmission paths can be modified by the subscriber only with the assistance of the service supplier; or (b) five, where the number of activated outward voice transmission paths can be modified by the subscriber without the assistance of the service supplier.

The total number of 911 charges remains subject to the maximum of fifty 911 charges per account set forth above.

(B) Every local telephone subscriber served by the 911 system is liable for the 911 landline charge imposed. A service supplier has no obligation to take any legal action to enforce the collection of the 911 charges for which a subscriber is billed. However, a collection action may be initiated by the local government that imposed the charges. Reasonable costs and attorneys' fees associated with that collection action may be awarded to the local government collecting the 911 landline charges.

(C) The local government subscribing to 911 service is ultimately responsible to the service supplier for all 911 installation, service, equipment, operation, and maintenance charges owed to the service supplier. Upon request by the local government, the service supplier shall provide a list of amounts uncollected along with the names and addresses of telephone subscribers who have identified themselves as refusing to pay the 911 landline charges. Taxes due on a 911 system service provided by the service supplier must be billed to the local government subscribing to the service. State and local taxes do not apply to the 911 charge billed to the telephone subscriber.

(D) Service suppliers that collect 911 landline charges on behalf of the local government are entitled to retain two percent of the gross 911 landline charges remitted to the local government as an administrative fee. The service supplier shall remit the remainder of charges collected during the month to the fiscal offices of the local government. The 911 landline charges collected by the service supplier must be remitted to the local government within forty-five days of the end of the month during which such charges were collected and must be deposited by and accounted for by the local government in a separate restricted fund known as the 'emergency telephone system fund' maintained by the local government. The local government may invest the money in the fund in the same manner that other monies of the local government are invested and income earned from the investment must be deposited into the fund. Monies from this fund are totally restricted to use in the 911 system.

(E)(1) In order to ensure compliance with the provisions of this chapter and with generally accepted accounting standards, the 'emergency telephone system' fund must be included in the annual audit of the local government. The audit must include a review of the accounting controls over the collection, reporting, and disbursement of 911 funds and a supplementary schedule detailing revenue and expenses by category as authorized in this chapter. If the annual audit contains a

finding of any inappropriate use of 911 funds, the local government must restore these funds within ninety days of the completion of the audit.

(2) The local government must provide the Revenue and Fiscal Affairs Office a copy of the audit report regarding this compliance within sixty days of the completion of the audit. The Revenue and Fiscal Affairs Office shall review these audits on a regular basis and report to the board any findings or concerns. In conducting this review, the Revenue and Fiscal Affairs Office may request additional information from the local government. If a local government fails to provide a copy of the audit or any requested additional information, or correct any findings identified in the audit, the board may withhold funding pursuant to subsection (G).

(F) Fees collected by the service supplier pursuant to this section are not subject to any tax, fee, or assessment, nor are they considered revenue of the service supplier.

A monthly 911 charge is levied for each Commercial Mobile Radio Service (CMRS) connection with a place of primary use in South Carolina as defined by the Federal Mobile Telecommunications Sourcing Act (4 U.S.C. 124C8), to include: (a) the residential street address or the primary business street address of the customer, and (b) within the licensed service area of the home service provider. The amount of the levy must be approved annually by the Revenue and Fiscal Affairs Office at a level not to exceed the average monthly landline telephone (local exchange access facility) 911 charges paid in South Carolina. The Revenue and Fiscal Affairs Office and the committee may calculate the CMRS 911 charge based upon a review of one or more months during the year preceding the calculation of landline telephone (local exchange access facility) charges paid in South Carolina. The CMRS 911 wireless charge must have uniform application and must be imposed throughout the State; however, trunks or service lines used to supply service to CMRS providers shall not be subject to a CMRS 911 levy. Prepaid wireless telecommunications service is subject to the 911 charge set forth in Section 23-47-68 and not to the CMRS 911 wireless charge set forth in this subsection. On or before the twentieth day of the second month succeeding each monthly collection of the CMRS 911 wireless charges, every CMRS provider shall file with the Department of Revenue a return under oath, in a form prescribed by the department, showing the total amount of fees collected for the month and, at the same time, shall remit to the department the fees collected for that month. The department shall place the collected fees on deposit with the State Treasurer. The funds collected pursuant to this subsection are not general fund revenue of the State and must be kept by the State Treasurer in a

fund separate and apart from the general fund to be expended as provided in Section 23-47-65.

(G)(1) Fees collected by the service supplier pursuant to this section are not subject to any tax, fee, or assessment, nor are they considered revenue of the service supplier.

(2) Except as provided in Section 23-47-68(B), a 911 charge imposed under this chapter shall be added to the billing by the service supplier to the service subscriber and must be stated separately.

(3) A billed subscriber shall be liable for any 911 charge imposed under this chapter until it has been paid to the service supplier.”

Addressing official

SECTION 5. Section 23-47-60 of the 1976 Code is amended by adding the following appropriately lettered subsection at the end to read:

“() To help ensure these standards are implemented successfully throughout an entire county, the Revenue and Fiscal Affairs Office shall designate one office within each county as the addressing official.”

South Carolina 911 Advisory Committee

SECTION 6. Section 23-47-65 of the 1976 Code, as last amended by Act 246 of 2018, is further amended to read:

“Section 23-47-65. (A)(1) The South Carolina 911 Advisory Committee is created to assist the Revenue and Fiscal Affairs Office in carrying out its responsibilities in implementing, maintaining, and updating an efficient wireless 911 system. The committee must be comprised of twelve members and appointed as follows: eight members appointed by the Governor of which two must be employees of a local 911 system recommended by the South Carolina Association of Public Safety Communication Officials, two must be employees of a local 911 system recommended by the South Carolina National Emergency Number Association, two must be employees of CMRS providers licensed to do business in the State, one must be an employee of a telephone (local exchange access facility) service supplier licensed to do business in the State, and one consumer; and four members appointed by the Executive Director of the Revenue and Fiscal Affairs Office of which one must be its executive director or his designee, one must be an individual with GIS expertise, one must be an individual with knowledge of communication operations or technology, and one county

administrator recommended by the South Carolina Association of Counties. There is no expense reimbursement or per diem payment made to members of the committee for attendance in committee or subcommittee meetings. However, upon prior approval by the Executive Director of the Revenue and Fiscal Affairs Office, members of the committee may be reimbursed by the Revenue and Fiscal Affairs Office, pursuant to state travel guidelines, for travel associated with their service on the committee.

(2) All committee members, except the executive director or his designee, must be appointed for a three-year term. These eleven committee members may be appointed to one consecutive term. A member may not be reappointed in a different capacity in order to circumvent the two consecutive term limitation. A member who has served the maximum consecutive terms is eligible for reappointment to a subsequent term after three years absence from the committee.

(3) In the event a vacancy arises, it must be filled for the remainder of the term in the manner of the original appointment. A partial term does not count toward the term limits; however, service for three-fourths or more of a term constitutes service for a term.

(4) Any committee member who terminates his holding of the office or employment which qualified him for appointment shall cease immediately to be a member of the committee; the person appointed to fill the vacancy shall do so for the unexpired term of the member whom he succeeds.

(5) The committee shall establish its own procedures with respect to the selection of officers, quorum, place, and conduct of meetings. The committee may create special committees or subcommittees as it deems necessary and may invite other knowledgeable individuals to participate on these special committees or subcommittees. However, the committee may not delegate any statutory duty to such other committees.

(B) The responsibilities of the committee with respect to CMRS emergency telephone services are to:

(1) advise the Revenue and Fiscal Affairs Office on technical, operational, and training issues regarding the development, implementation, and continuing evolution of a comprehensive wireless 911 system, especially matters concerning appropriate systems and equipment to be acquired by CMRS providers and PSAPs to assure the compatibility of the systems and equipment and the ability of the systems and equipment to comply with the strategic plan and operating model approved by the board;

(2) recommend systems and equipment for which reimbursement may be allowed to CMRS providers and PSAPs under the provisions of

this chapter, which are compatible with each other as needed for the public's safety, and will not result in wasteful spending on inappropriate or redundant technology; and

(3) review and approve continuing education training courses for which reimbursement may be allowed to CMRS providers and PSAPs under the provisions of this chapter.

(C) The responsibilities of the Revenue and Fiscal Affairs Office with respect to CMRS emergency telephone services are to:

(1) develop and oversee a strategic plan and manage or contract up to ten years for a 911 operating system in accordance with the provisions of the strategic plan as outlined in this chapter and as approved by the board. In order to effectively manage the plan and system, the office in accordance with state procurement guidelines is authorized to:

(a) hire employees or contract for services and equipment to achieve all or parts of the model; and

(b) provide for statewide contracts for equipment and services identified in the plan for PSAPs to utilize;

(2) manage and disburse funds in and from an interest-bearing account in the following manner:

(a) hold and distribute not more than thirty-nine and eight-tenths percent of the total monthly revenues in the interest-bearing account to PSAP administrators based on CMRS 911 wireless call volume for expenses incurred for the answering, routing, and proper disposition of CMRS 911 calls;

(b) hold and distribute not more than fifty-eight and two-tenths percent of the total monthly revenues in the interest-bearing account solely for the purposes of complying with the provisions of this chapter and the strategic plan. These funds may be utilized by the office, the PSAPs, and the CMRS providers licensed to do business in this State for the following purposes in connection with compliance with this chapter and the strategic plan including, but not limited to: acquiring, upgrading, maintaining, programming, and installing necessary data, networks, services, hardware, and software. Invoices detailing specific expenses for these purposes must be presented for approval to the Revenue and Fiscal Affairs Office in connection with any request for reimbursement, and the request must be approved by the Revenue and Fiscal Affairs Office, upon recommendation of the committee. Any invoices presented to the Revenue and Fiscal Affairs Office for reimbursements of costs not described by this section may be considered by the board, but only upon unanimous approval of the committee, but in no event shall

reimbursement be made for costs inconsistent with the strategic plan;
and

(c) hold and distribute not more than two percent of the total monthly revenues in the interest-bearing account to compensate the independent auditor provided for herein and for expenses which the Revenue and Fiscal Affairs Office is authorized to incur by contract, or otherwise, for provision of any administrative, legal, support, or other services to assist the Revenue and Fiscal Affairs Office in fulfilling its responsibilities under this act;

(3) prepare annual reports outlining fees collected and monies disbursed to PSAP and CMRS providers, and monies disbursed for operations of the Revenue and Fiscal Affairs Office, and submit annual reports to the South Carolina 911 Advisory Committee and the State Treasurer's Office;

(4) retain an independent, private auditor, as necessary in carrying out its responsibilities and as provided in the Consolidated Procurement Code, such as for the purposes of receiving, maintaining, and verifying the accuracy of proprietary information submitted to the Revenue and Fiscal Affairs Office by CMRS providers or PSAPs, and assisting the committee in its duties including its annual calculation of the average 911 charges pursuant to Section 23-47-50(F) and in cost studies it may conduct. Due to the confidential and proprietary nature of the information submitted by CMRS providers, the information may not be released to a party other than the independent private auditor and is expressly exempt from disclosure pursuant to Chapter 4, Title 30. The information collected by the auditor may be released only in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual CMRS provider;

(5) conduct a cost study to be submitted to the House Ways and Means Committee and Senate Finance Committee one year from the effective date of this section and thereafter at the Revenue and Fiscal Affairs Office's discretion. The Revenue and Fiscal Affairs Office may include any information it considers appropriate to assist the General Assembly in determining whether future legislation is necessary or appropriate, but the report must include information to assist in determining whether to adjust the CMRS 911 charge to reflect actual costs incurred by PSAPs or CMRS providers for compliance with applicable requirements of the strategic plan;

(6) convene the committee and consult with it concerning the performance of the responsibilities assigned to the Revenue and Fiscal Affairs Office and to the committee in this chapter, and the development

and maintenance of the state's CMRS emergency telephone services and system;

(7) report as required or suggested by this chapter, promulgate any regulations, and take further actions as are appropriate in implementing it;

(8) work with the Department of Revenue to ensure all reporting requirements are being met; and

(9) act as the State 911 Coordinator for the purposes of any relevant state or federal law or program requirements.

(D) The Revenue and Fiscal Affairs Office and committee must:

(1) annually calculate the average 911 charge as provided in Section 23-47-50(F); and

(2) take appropriate measures to maintain the confidentiality of the proprietary information described in this section. This information may be disclosed to Revenue and Fiscal Affairs Office and committee members only in the event a dispute arises with respect to the Revenue and Fiscal Affairs Office's and committee's discharge of their responsibilities under Section 23-47-65(B)(2) which necessitates such disclosure. The information also shall be exempt from disclosure pursuant to Chapter 4, Title 30. Members of the Revenue and Fiscal Affairs Office may not disclose the information to any third parties, including their employers.

(E) CMRS providers are entitled to retain two percent of the fees collected as reimbursement for collection and handling of the CMRS 911 charge."

CMRS location information

SECTION 7. Section 23-47-75 of the 1976 Code is amended to read:

"Section 23-47-75. (A) CMRS location information obtained by safety personnel or for public safety personnel for public safety purposes is not public information under the Freedom of Information Act.

(B) A person may not disclose or use, for any purpose other than for the 911 or other emergency calling system, information contained in the database of the telephone network portion of a 911 or other emergency calling system established pursuant to this chapter.

(C) For all information not covered by subsections (A) and (B), a local government may exempt from disclosure:

(1) individual identifying information of an individual calling a 911 center, individual identifying information of a victim, or individual identifying information of a witness; or

(2) images or video from a place where the 911 caller would have a reasonable expectation of privacy as defined in Section 16-17-470(D)(1).

The local government is responsible for the release of its information.

(D) This section shall not apply if the local government or a court order determines that the public interest in disclosure outweighs the interest in nondisclosure.

(E) As used in this section, the term 'identifying information' includes name, telephone number, and home address. The term does not include:

(1) the location of the incident, unless the location is the caller's, victim's, or witness' home address or the disclosure of the location would compromise the identity of the caller, victim, or witness; or

(2) the street block identifier, the cross street, or the mile marker nearest the scene of the incident, which shall be public."

Unlawful conduct

SECTION 8. Section 23-47-80 of the 1976 Code is amended to read:

"Section 23-47-80. It is unlawful for a person anonymously or otherwise to:

(1) use any words or language of a profane, vulgar, lewd, lascivious, or indecent nature on an emergency 911 number with the intent to intimidate or harass a dispatcher;

(2) contact the emergency 911 number, whether or not conversation ensues for the purpose of annoying or harassing the dispatcher or interfering with or disrupting emergency 911 service;

(3) make contact with a 911 dispatcher and intentionally fail to hang up or disengage the connection for the purpose of interfering with or disrupting emergency service;

(4) contact the emergency 911 number and intentionally make a false report.

A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not more than two hundred dollars, or both."

Time effective

SECTION 9. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 61

(R81, H3621)

AN ACT TO AMEND SECTION 44-75-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE ATHLETIC TRAINERS' ACT OF SOUTH CAROLINA, SO AS TO CHANGE THE DEFINITION OF "ATHLETIC TRAINER"; TO AMEND SECTION 44-75-50, RELATING TO CERTIFICATION OF ATHLETIC TRAINERS, SO AS TO REVISE THE NAME OF THE REQUIRED EXAMINATION; TO AMEND SECTION 44-75-100, RELATING TO EMPLOYEES OF ORGANIZATIONS THAT ARE CONSIDERED ATHLETIC TRAINERS, SO AS TO ADD CERTAIN ORGANIZATIONS; AND TO AMEND SECTION 44-75-120, RELATING TO PENALTIES FOR VIOLATING A PROVISION OF THE ACT, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO TAKE CERTAIN DISCIPLINARY ACTIONS, INCLUDING THE IMPOSITION OF MONETARY PENALTIES.

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

Definition, athletic trainer

SECTION 1. Section 44-75-20(a) of the 1976 Code is amended to read:

“(a) ‘Athletic trainer’ means an allied health professional with specific qualifications as set forth in Section 44-75-50 who, upon the advice and consent of a licensed physician, carries out the practice of care, prevention, and physical rehabilitation of athletic injuries, and who, in carrying out these functions, may use physical modalities, including, but not limited to, heat, light, sound, cold, electricity, or mechanical devices related to rehabilitation and treatment.”

Certification requirements

SECTION 2. Section 44-75-50 of the 1976 Code is amended to read:

“Section 44-75-50. An applicant for an athletic trainer certification must pass the Board of Certification, Inc., (BOC) examination and have met the athletic training curriculum requirements of a college or university and give proof by means of a certified transcript.”

Certain organizations’ employees who constitute an athletic trainer

SECTION 3. Section 44-75-100 of the 1976 Code is amended to read:

“Section 44-75-100. For purposes of this chapter, a person is engaged as an athletic trainer if the person is employed on a salary or contractual basis by an educational institution, a hospital, a rehabilitation clinic, a physician’s office, an industry, a performing arts group, a professional athletic organization, the military, a governmental agency, or other bona fide organization which employs or serves a physically active population and performs the duties of athletic trainer as a major responsibility of this employment.”

Penalties

SECTION 4. Section 44-75-120 of the 1976 Code is amended to read:

“Section 44-75-120. The department is authorized to suspend, deny, or revoke an athletic trainer’s certificate, and impose a civil monetary penalty, against any person for a violation of a regulation promulgated pursuant to this chapter. Any person violating the provisions of this chapter is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not less than twenty-five nor more than two hundred dollars.”

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 62

(R82, H3659)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 41 TO TITLE 58 ENTITLED "RENEWABLE ENERGY PROGRAMS" SO AS TO DEFINE RELEVANT TERMS, TO PROVIDE REVIEW AND APPROVAL PROCEEDINGS BY THE PUBLIC SERVICE COMMISSION FOR ELECTRICAL UTILITIES' AVOIDED COST METHODOLOGIES, STANDARD OFFERS, FORM CONTRACTS, AND COMMITMENT TO SELL FORMS, AND TO ESTABLISH VOLUNTARY RENEWABLE ENERGY PROGRAMS; BY ADDING SECTION 58-27-845 SO AS TO ENUMERATE SPECIFIC RIGHTS OWED TO EVERY ELECTRICAL UTILITY CUSTOMER IN SOUTH CAROLINA; TO AMEND SECTION 58-40-10, RELATING TO DEFINITIONS APPLICABLE TO NET ENERGY METERING, SO AS TO REVISE THE DEFINITION OF "CUSTOMER-GENERATOR", AND TO DEFINE "SOLAR CHOICE METERING MEASUREMENT"; TO AMEND SECTION 58-40-20, RELATING TO NET ENERGY METERING RATES, SO AS TO DECLARE THE INTENT OF THE GENERAL ASSEMBLY, TO REQUIRE NET ENERGY METERING, AND TO ESTABLISH ADDITIONAL REQUIREMENTS FOR THE PUBLIC SERVICE COMMISSION; TO AMEND SECTION 58-27-2610, RELATING TO LEASES OF RENEWABLE ELECTRIC GENERATION FACILITIES, SO AS TO, AMONG OTHER THINGS, REMOVE THE SOLAR LEASING CAP; TO AMEND SECTION 58-37-40, RELATING TO INTEGRATED RESOURCE PLANS, SO AS TO, AMONG OTHER THINGS, ESTABLISH MANDATORY CONTENTS OF INTEGRATED RESOURCE PLANS AND PROVIDE FOR CERTAIN REPORTING REQUIREMENTS; BY ADDING SECTION 58-37-60 SO AS TO AUTHORIZE AN INDEPENDENT STUDY TO EVALUATE THE INTEGRATION OF RENEWABLE ENERGY AND EMERGING ENERGY

TECHNOLOGIES INTO THE ELECTRIC GRID; TO AMEND SECTION 58-33-110, RELATING TO REQUIRED PRECONSTRUCTION CERTIFICATIONS FOR MAJOR UTILITY FACILITIES, SO AS TO PROVIDE THAT A PERSON MAY NOT BEGIN CONSTRUCTION OF A MAJOR UTILITY FACILITY WITHOUT FIRST HAVING MADE A DEMONSTRATION THAT THE FACILITY TO BE BUILT HAS BEEN COMPARED TO OTHER GENERATION OPTIONS IN TERMS OF COST, RELIABILITY, AND OTHER REGULATORY IMPLICATIONS DEEMED LEGALLY OR REASONABLY NECESSARY FOR CONSIDERATION BY THE COMMISSION; TO AMEND SECTION 58-27-460, RELATING TO THE PROMULGATION OF STANDARDS FOR INTERCONNECTION OF RENEWABLE ENERGY, SO AS TO, AMONG OTHER THINGS, REQUIRE THE PUBLIC SERVICE COMMISSION TO PERIODICALLY REVIEW THE STANDARDS FOR INTERCONNECTION AND PARALLEL OPERATION OF GENERATING FACILITIES TO AN ELECTRICAL UTILITY'S DISTRIBUTION AND TRANSMISSION SYSTEM; BY ADDING SECTION 58-27-2660 SO AS TO REQUIRE THE OFFICE OF REGULATORY STAFF AND THE DEPARTMENT OF CONSUMER AFFAIRS TO DEVELOP CONSUMER PROTECTION REGULATIONS REGARDING THE SALE OR LEASE OF RENEWABLE ENERGY GENERATION FACILITIES; TO AMEND SECTION 58-4-10, AS AMENDED, RELATING TO THE OFFICE OF REGULATORY STAFF, SO AS TO PROVIDE THAT THE OFFICE OF REGULATORY STAFF MUST BE CONSIDERED A PARTY OF RECORD IN ALL FILINGS, APPLICATIONS, OR PROCEEDINGS BEFORE THE PUBLIC SERVICE COMMISSION; AND TO AMEND SECTION 58-4-100, RELATING TO THE EMPLOYMENT OF EXPERT WITNESSES, SO AS TO EXEMPT THE OFFICE OF REGULATORY STAFF FROM THE STATE PROCUREMENT CODE IN THE SELECTION AND EMPLOYMENT OF CERTAIN EXPERT WITNESSES AND THIRD-PARTY CONSULTANTS.

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

Renewable energy programs

SECTION 1. Title 58 of the 1976 Code is amended by adding:

“CHAPTER 41

Renewable Energy Programs

Section 58-41-05. The commission is directed to address all renewable energy issues in a fair and balanced manner, considering the costs and benefits to all customers of all programs and tariffs that relate to renewable energy and energy storage, both as part of the utility’s power system and as direct investments by customers for their own energy needs and renewable goals. The commission also is directed to ensure that the revenue recovery, cost allocation, and rate design of utilities that it regulates are just and reasonable and properly reflect changes in the industry as a whole, the benefits of customer renewable energy, energy efficiency, and demand response, as well as any utility or state-specific impacts unique to South Carolina which are brought about by the consequences of this act.

Section 58-41-10. As used in this chapter:

(1) ‘AC’ means alternating current as measured at the point of interconnection of the small power producer’s facility to the interconnecting electrical utility’s transmission or distribution system.

(2) ‘Avoided costs’ means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from the qualifying facility or qualifying facilities, such utility would generate itself or purchase from another source.

(3) ‘Commission’ means the South Carolina Public Service Commission.

(4) ‘Electrical utility’ is defined as set forth in Section 58-27-10(7), provided, however, that electrical utilities serving less than one hundred thousand customer accounts must be exempt from the provisions of this chapter. A renewable energy supplier participating in an electrical utility’s voluntary renewable energy program pursuant to this chapter must not be considered an electrical utility for purposes of this chapter.

(5) ‘Eligible customer’ means a retail customer with a new or existing contract demand greater than or equal to one megawatt at a single-metered location or aggregated across multiple-metered locations.

(6) 'Generation credit' means a credit applied by an electrical utility to the bill of a participating customer that is equal to the value of the energy and capacity avoided by the electrical utility as a result of procuring energy and capacity from a renewable energy facility.

(7) 'Participating customer' means an eligible customer that elects to have a portion or all of its electricity needs supplied by a voluntary renewable energy program.

(8) 'Participating customer agreement' means an agreement between a participating customer, its electrical utility, and the renewable energy supplier establishing each party's rights and obligations under the electrical utility's voluntary renewable energy program.

(9) 'Power purchase agreement' means an agreement between an electrical utility and a small power producer for the purchase and sale of energy, capacity, and ancillary services from the small power producer's qualifying small power production facility.

(10) 'PURPA' means the Public Utility Regulatory Policies Act of 1978, as amended.

(11) 'Renewable energy contract' means a power purchase agreement between an electrical utility and a renewable energy supplier that commits the parties to participating in an electrical utility's voluntary renewable energy program for the purchase and sale of energy and capacity.

(12) 'Renewable energy facility' means a facility for the production of electrical energy that utilizes a renewable generation resource as defined in Section 58-39-120(F), that is placed in service after the effective date of this chapter, and for which costs are not included in an electrical utility's rates.

(13) 'Renewable energy supplier' means the owner or operator of a renewable energy facility, including the affiliate of an electrical utility that contracts with a participating customer.

(14) 'Small power producer' means a person or corporation owning or operating a 'qualifying small power production facility' as defined in 16 U.S.C. Section 796, as amended.

(15) 'Standard offer' means the avoided cost rates, power purchase agreement, and terms and conditions approved by the commission and applicable to purchases of energy and capacity by electrical utilities as provided in this chapter from small power producers up to two megawatts AC in size.

(16) 'Voluntary renewable energy program' means a tariff filed with the commission by an electrical utility that enables a participating commercial or industrial customer to receive and pay for electric service, that reflects the program cost, and that includes the environmental

attributes specified in the participating customer agreement and renewable energy contract, including a generation credit for such renewable energy, from the electrical utility pursuant to the terms of the tariff.

Section 58-41-20. (A) As soon as is practicable after the effective date of this chapter, the commission shall open a docket for the purpose of establishing each electrical utility's standard offer, avoided cost methodologies, form contract power purchase agreements, commitment to sell forms, and any other terms or conditions necessary to implement this section. Within six months after the effective date of this chapter, and at least once every twenty-four months thereafter, the commission shall approve each electrical utility's standard offer, avoided cost methodologies, form contract power purchase agreements, commitment to sell forms, and any other terms or conditions necessary to implement this section. Within such proceeding the commission shall approve one or more standard form power purchase agreements for use for qualifying small power production facilities not eligible for the standard offer. Such power purchase agreements shall contain provisions, including, but not limited to, provisions for force majeure, indemnification, choice of venue, and confidentiality provisions and other such terms, but shall not be determinative of price or length of the power purchase agreement. The commission may approve multiple form power purchase agreements to accommodate various generation technologies and other project-specific characteristics. This provision shall not restrict the right of parties to enter into power purchase agreements with terms that differ from the commission-approved form(s). Any decisions by the commission shall be just and reasonable to the ratepayers of the electrical utility, in the public interest, consistent with PURPA and the Federal Energy Regulatory Commission's implementing regulations and orders, and nondiscriminatory to small power producers; and shall strive to reduce the risk placed on the using and consuming public.

(1) Proceedings conducted pursuant to this section shall be separate from the electrical utilities' annual fuel cost proceedings conducted pursuant to Section 58-27-865.

(2) Proceedings shall include an opportunity for intervention, discovery, filed comments or testimony, and an evidentiary hearing.

(B) In implementing this chapter, the commission shall treat small power producers on a fair and equal footing with electrical utility-owned resources by ensuring that:

(1) rates for the purchase of energy and capacity fully and accurately reflect the electrical utility's avoided costs;

(2) power purchase agreements, including terms and conditions, are commercially reasonable and consistent with regulations and orders promulgated by the Federal Energy Regulatory Commission implementing PURPA; and

(3) each electrical utility's avoided cost methodology fairly accounts for costs avoided by the electrical utility or incurred by the electrical utility, including, but not limited to, energy, capacity, and ancillary services provided by or consumed by small power producers including those utilizing energy storage equipment. Avoided cost methodologies approved by the commission may account for differences in costs avoided based on the geographic location and resource type of a small power producer's qualifying small power production facility.

(C) The avoided cost rates offered by an electrical utility to a small power producer not eligible for the standard offer must be calculated based on the avoided cost methodology most recently approved by the commission. In the event that a small power producer and an electrical utility are unable to mutually agree on an avoided cost rate, the small power producer shall have the right to have any disputed issues resolved by the commission in a formal complaint proceeding. The commission may require mediation prior to a formal complaint proceeding.

(D) A small power producer shall have the right to sell the output of its facility to the electrical utility at the avoided cost rates and pursuant to the power purchase agreement then in effect by delivering an executed notice of commitment to sell form to the electrical utility. The commission shall approve a standard notice of commitment to sell form to be used for this purpose that provides the small power producer a reasonable period of time from its submittal of the form to execute a power purchase agreement. In no event, however, shall the small power producer, as a condition of preserving the pricing and terms and conditions established by its submittal of an executed commitment to sell form to the electrical utility, be required to execute a power purchase agreement prior to receipt of a final interconnection agreement from the electrical utility.

(E)(1) Electrical utilities shall file with the commission power purchase agreements entered into pursuant to PURPA, resulting from voluntary negotiation of contracts between an electrical utility and a small power producer not eligible for the standard offer.

(2) The commission is authorized to open a generic docket for the purposes of creating programs for the competitive procurement of energy and capacity from renewable energy facilities by an electrical utility within the utility's balancing authority area if the commission determines such action to be in the public interest.

(3) In establishing standard offer and form contract power purchase agreements, the commission shall consider whether such power purchase agreements should prohibit any of the following:

(a) termination of the power purchase agreement, collection of damages from small power producers, or commencement of the term of a power purchase agreement prior to commercial operation, if delays in achieving commercial operation of the small power producer's facility are due to the electrical utility's interconnection delays; or

(b) the electrical utility reducing the price paid to the small power producer based on costs incurred by the electrical utility to respond to the intermittent nature of electrical generation by the small power producer.

(F)(1) Electrical utilities, subject to approval of the commission, shall offer to enter into fixed price power purchase agreements with small power producers for the purchase of energy and capacity at avoided cost, with commercially reasonable terms and a duration of ten years. The commission may also approve commercially reasonable fixed price power purchase agreements with a duration longer than ten years, which must contain additional terms, conditions, and/or rate structures as proposed by intervening parties and approved by the commission, including, but not limited to, a reduction in the contract price relative to the ten year avoided cost. Notwithstanding any other language to the contrary, the commission will make such a determination in proceedings conducted pursuant to subsection (A). The avoided cost rates applicable to fixed price power purchase agreements entered into pursuant to this item shall be based on the avoided cost rates and methodologies as determined by the commission pursuant to this section. The terms of this subsection apply only to those small power producers whose qualifying small power production facilities have active interconnection requests on file with the electrical utility prior to the effective date of this act. The commission may determine any other necessary terms and conditions deemed to be in the best interest of the ratepayers. This item is not intended, and shall not be construed, to abrogate small power producers' rights under PURPA that existed prior to the effective date of the act.

(2) Once an electrical utility has executed interconnection agreements and power purchase agreements with qualifying small power production facilities located in South Carolina with an aggregate nameplate capacity equal to twenty percent of the previous five-year average of the electrical utility's South Carolina retail peak load, that electrical utility shall offer to enter into fixed price power purchase agreements with small power producers for the purchase of energy and capacity at avoided cost, with the terms, conditions, rates, and terms of

length for contracts as determined by the commission in a separate docket or in a proceeding conducted pursuant to subsection (A). The commission is expressly directed to consider the potential benefits of terms with a longer duration to promote the state's policy of encouraging renewable energy.

(G) Nothing in this section prohibits the commission from adopting various avoided cost methodologies or amending those methodologies in the public interest.

(H) Unless otherwise agreed to between the electrical utility and the small power producer, a power purchase agreement entered into pursuant to PURPA may not allow curtailment of qualifying facilities in any manner that is inconsistent with PURPA or implementing regulations and orders promulgated by the Federal Energy Regulatory Commission.

(I) The commission is authorized to employ, through contract or otherwise, third-party consultants and experts in carrying out its duties under this section, including, but not limited to, evaluating avoided cost rates, methodologies, terms, calculations, and conditions under this section. The commission is exempt from complying with the State Procurement Code in the selection and hiring of a third-party consultant or expert authorized by this subsection. The commission shall engage, for each utility, a qualified independent third party to submit a report that includes the third party's independently derived conclusions as to that third party's opinion of each utility's calculation of avoided costs for purposes of proceedings conducted pursuant to this section. The qualified independent third party is subject to the same ex parte prohibitions contained in Chapter 3, Title 58 as all other parties. The qualified independent third party shall submit all requests for documents and information necessary to their analysis under the authority of the commission and the commission shall have full authority to compel response to the requests. The qualified independent third party's duty will be to the commission. Any conclusions based on the evidence in the record and included in the report are intended to be used by the commission along with all other evidence submitted during the proceeding to inform its ultimate decision setting the avoided costs for each electrical utility. The utilities may require confidentiality agreements with the independent third party that do not impede the third-party analysis. The utilities shall be responsive in providing all documents, information, and items necessary for the completion of the report. The independent third party shall also include in the report a statement assessing the level of cooperation received from the utility during the development of the report and whether there were any

material information requests that were not adequately fulfilled by the electrical utility. Any party to this proceeding shall be able to review the report including the confidential portions of the report upon entering into an appropriate confidentiality agreement. The commission and the Office of Regulatory Staff may not hire the same third-party consultant or expert in the same proceeding or to address the same or similar issues in different proceedings.

(J) Each electrical utility's avoided cost filing must be reasonably transparent so that underlying assumptions, data, and results can be independently reviewed and verified by the parties and the commission. The commission may approve any confidentiality protections necessary to allow for independent review and verification of the avoided cost filing.

Section 58-41-30. (A) Within one hundred and twenty days of the effective date of this chapter, subject to subsection (F), each electrical utility shall file a proposed voluntary renewable energy program for review and approval by the commission. The commission shall conduct a proceeding to review the program and establish reasonable terms and conditions for the program. Interested parties shall have the right to participate in the proceeding. The commission may periodically hold additional proceedings to update the program. At a minimum, the program shall provide that:

(1) the participating customer shall have the right to select the renewable energy facility and negotiate with the renewable energy supplier on the price to be paid by the participating customer for the energy, capacity, and environmental attributes of the renewable energy facility and the term of such agreement so long as such terms are consistent with the voluntary renewable program service agreement as approved by the commission;

(2) the renewable energy contract and the participating customer agreement must be of equal duration;

(3) in addition to paying a retail bill calculated pursuant to the rates and tariffs that otherwise would apply to the participating customer, reduced by the amount of the generation credit, a participating customer shall reimburse the electrical utility on a monthly basis for the amount paid by the electrical utility to the renewable energy supplier pursuant to the participating customer agreement and renewable energy contract, plus an administrative fee approved by the commission; and

(4) eligible customers must be allowed to bundle their demand under a single participating customer agreement and renewable energy

contract and must be eligible annually to procure an amount of capacity as approved by the commission.

(B) The commission may approve a program that provides for options that include, but are not limited to, both variable and fixed generation credit options.

(C) The commission may limit the total portion of each electrical utility's voluntary renewable energy program that is eligible for the program at a level consistent with the public interest and shall provide standard terms and conditions for the participating customer agreement and the renewable energy contract, subject to commission review and approval.

(D) A participating customer shall bear the burden of any reasonable costs associated with participating in a voluntary renewable energy program. An electrical utility may not charge any nonparticipating customers for any costs incurred pursuant to the provisions of this section.

(E) A renewable energy facility may be located anywhere in the electrical utility's service territory within the utility's balancing authority.

(F) If the commission determines that an electrical utility has a voluntary renewable energy program on file with the commission as of the effective date of this chapter, that conforms with the requirements of this section, the utility is not required to make a new filing to meet the requirements of subsection (A).

Section 58-41-40. (A) It is the intent of the General Assembly to expand the opportunity to support solar energy and support access to solar energy options for all South Carolinians, including those who lack the income to afford the upfront investment in solar panels or those who do not own their homes or have suitable rooftops. The General Assembly encourages all electric service providers in this State to consider offering neighborhood community solar programs.

(B)(1) Within sixty days after the effective date of this chapter, the commission shall open a docket for each electrical utility to review the community solar programs established pursuant to Act 236 of 2014 and to solicit status information on existing programs from the electrical utilities.

(2) Within one hundred and eighty days after the commission opens the docket pursuant to item (1), the electrical utilities shall update their report on their existing programs and may propose new programs.

(C) Subject to review by the commission, a public utility must be entitled to full and timely cost recovery for all reasonable and prudent

costs incurred in implementing and complying with this section. Participating customers shall bear the burden of any reasonable and prudent costs associated with participating in a neighborhood community solar program; however, the commission shall nonetheless promote access to solar energy projects for low and moderate income customers. An electrical utility may not charge any nonparticipating customers for any costs incurred pursuant to the provisions of this section.”

Findings and enumeration of electrical utility customer rights

SECTION 2. Article 7, Chapter 27, Title 58 of the 1976 Code is amended by adding:

“Section 58-27-845. (A) The General Assembly finds that there is a critical need to:

- (1) protect customers from rising utility costs;
- (2) provide opportunities for customer measures to reduce or manage electrical consumption from electrical utilities in a manner that contributes to reductions in utility peak electrical demand and other drivers of electrical utility costs; and
- (3) equip customers with the information and ability to manage their electric bills.

(B) Every customer of an electrical utility has the right to a rate schedule that offers the customer a reasonable opportunity to employ such energy and cost-saving measures as energy efficiency, demand response, or onsite distributed energy resources in order to reduce consumption of electricity from the electrical utility’s grid and to reduce electrical utility costs.

(C) In fixing just and reasonable utility rates pursuant to Section 58-3-140 and Section 58-27-810, the commission shall consider whether rates are designed to discourage the wasteful use of public utility services while promoting all use that is economically justified in view of the relationships between costs incurred and benefits received, and that no one class of customers are unduly burdening another, and that each customer class pays, as close as practicable, the cost of providing service to them.

(D) For each class of service, the commission must ensure that each electrical utility offers to each class of service a minimum of one reasonable rate option that aligns the customer’s ability to achieve bill savings with long-term reductions in the overall cost the electrical utility

will incur in providing electric service, including, but not limited to, time-variant pricing structures.

(E) Every customer of an electrical utility has a right to obtain their own electric usage data in a machine-readable, accessible format to the extent such is readily available. Electrical utilities shall allow customers an electronic means to assent to share the customer's energy usage data with a third-party vendor designated by the customer."

Definition of "customer-generator"

SECTION 3. Section 58-40-10(C) of the 1976 Code is amended to read:

"(C) 'Customer-generator' means the owner, operator, lessee, or customer-generator lessee of an electric energy generation unit which:

(1) generates or discharges electricity from a renewable energy resource, including an energy storage device configured to receive electrical charge solely from an onsite renewable energy resource;

(2) has an electrical generating system with a capacity of:

(a) not more than the lesser of one thousand kilowatts (1,000 kW AC) or one hundred percent of contract demand if a nonresidential customer; or

(b) not more than twenty kilowatts (20 kW AC) if a residential customer;

(3) is located on a single premises owned, operated, leased, or otherwise controlled by the customer;

(4) is interconnected and operates in parallel phase and synchronization with an electrical utility and complies with the applicable interconnection standards;

(5) is intended primarily to offset part or all of the customer-generator's own electrical energy requirements; and

(6) meets all applicable safety, performance, interconnection, and reliability standards established by the commission, the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, the federal Energy Regulatory Commission, and any local governing authorities."

Definition of "solar choice metering measurement"

SECTION 4. Section 58-40-10 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“() ‘Solar choice metering measurement’ means the process, method, or calculation used for purposes of billing and crediting at the commission determined value.”

Legislative intent and instructions

SECTION 5. Section 58-40-20 of the 1976 Code is amended to read:

“Section 58-40-20. (A) It is the intent of the General Assembly to:

(1) build upon the successful deployment of solar generating capacity through Act 236 of 2014 to continue enabling market-driven, private investment in distributed energy resources across the State by reducing regulatory and administrative burdens to customer installation and utilization of onsite distributed energy resources;

(2) avoid disruption to the growing market for customer-scale distributed energy resources; and

(3) require the commission to establish solar choice metering requirements that fairly allocate costs and benefits to eliminate any cost shift or subsidization associated with net metering to the greatest extent practicable.

(B) An electrical utility shall make net energy metering available to all customer-generators who apply before June 1, 2021, according to the terms and conditions provided to all parties in Commission Order No. 2015-194. Customer-generators who apply for net metering after the effective date of this act but before June 1, 2021, including subsequent owners of the customer-generator facility or premises, may continue net energy metering service as provided for in Commission Order No. 2015-194 until May 31, 2029.

(C) No later than January 1, 2020, the commission shall open a generic docket to:

(1) investigate and determine the costs and benefits of the current net energy metering program; and

(2) establish a methodology for calculating the value of the energy produced by customer-generators.

(D) In evaluating the costs and benefits of the net energy metering program, the commission shall consider:

(1) the aggregate impact of customer-generators on the electrical utility’s long-run marginal costs of generation, distribution, and transmission;

(2) the cost of service implications of customer-generators on other customers within the same class, including an evaluation of

whether customer-generators provide an adequate rate of return to the electrical utility compared to the otherwise applicable rate class when, for analytical purposes only, examined as a separate class within a cost of service study;

(3) the value of distributed energy resource generation according to the methodology approved by the commission in Commission Order No. 2015-194;

(4) the direct and indirect economic impact of the net energy metering program to the State; and

(5) any other information the commission deems relevant.

(E) The value of the energy produced by customer-generators must be updated annually and the methodology revisited every five years.

(F)(1) After notice and opportunity for public comment and public hearing, the commission shall establish a 'solar choice metering tariff' for customer-generators to go into effect for applications received after May 31, 2021.

(2) In establishing any successor solar choice metering tariffs, and in approving any future modifications, the commission shall determine how meter information is used for calculating the solar choice metering measurement that is just and reasonable in light of the costs and benefits of the solar choice metering program.

(3) A solar choice metering tariff shall include a methodology to compensate customer-generators for the benefits provided by their generation to the power system. In determining the appropriate billing mechanism and energy measurement interval, the commission shall consider:

(a) current metering capability and the cost of upgrading hardware and billing systems to accomplish the provisions of the tariff;

(b) the interaction of the tariff with time-variant rate schedules available to customer-generators and whether different measurement intervals are justified for customer-generators taking service on a time-variant rate schedule;

(c) whether additional mitigation measures are warranted to transition existing customer-generators; and

(d) any other information the commission deems relevant.

(G) In establishing a successor solar choice metering tariff, the commission is directed to:

(1) eliminate any cost shift to the greatest extent practicable on customers who do not have customer-sited generation while also ensuring access to customer-generator options for customers who choose to enroll in customer-generator programs; and

(2) permit solar choice customer-generators to use customer-generated energy behind the meter without penalty.

(H) The commission shall establish a minimum guaranteed number of years to which solar choice metering customers are entitled pursuant to the commission approved energy measurement interval and other terms of their agreement with the electrical utility.

(I) Nothing in this section, however, prohibits an electrical utility from continuing to recover distributed energy resource program costs in the manner and amount approved by Commission Order No. 2015-194 for customer-generators applying before June 1, 2021. Such recovery shall remain in place until full cost recovery is realized. Electrical utilities are prohibited from recovering lost revenues associated with customer-generators who apply for customer-generator programs on or after June 1, 2021.

(J) Nothing in the section prohibits the commission from considering and establishing tariffs for another renewable energy resource.”

Lease of renewable electric generation facility

SECTION 6. Section 58-27-2610 of the 1976 Code is amended to read:

“Section 58-27-2610. (A) An entity that owns a renewable electric generation facility, located on a premises or residence owned or leased by an eligible customer-generator lessee to serve the electric energy requirements of that particular premises or residence or to enable the customer-generator lessee to obtain a credit for or engage in the sale of energy from the renewable electric generation facility to that customer-generator lessee’s retail electric provider or its designee, shall be permitted to lease such facility exclusively to a customer-generator lessee under a lease, provided that the entity complies with the terms, conditions, and restrictions set forth within this article and holds a valid certificate issued by the Office of Regulatory Staff. An entity owning renewable electric generation facilities in compliance with the terms of this article shall not be considered an ‘electrical utility’ under Section 58-27-10 if the renewable electric generation facilities are only made available to a customer-generator lessee for the customer-generator lessee’s use on the customer-generator lessee’s premises or the residence where the renewable electric generation facilities are located, or for the sale of energy to that customer-generator lessee’s retail electric provider or its designee, and pursuant to a lease.

(B) All customer-generator lessees that interconnect renewable electric generation facilities to a retail electric provider's transmission or distribution system must enroll in the applicable rate schedules made available by that retail electric provider and the customer-generator lessee shall otherwise comply with all requirements of Section 58-40-10, et seq., or the policy adopted by the retail electric provider not subject to Section 58-40-10, et seq.

(C) To comply with the terms of this article, each customer-generator lessee renewable electric generation facility shall serve only one premises or residence, and shall not serve multiple customer-generator lessees or multiple premises or residences.

(D) Any lease of a renewable electric generation facility not entered into pursuant to this article is prohibited. The owner of a renewable electric generation facility subject to any lease entered into outside of this program shall be considered an 'electrical utility' under Section 58-27-10.

(E) This section shall not be construed as allowing any sales of electricity from renewable electric generation facilities directly to any customer of any retail electric provider by the owner. This article shall not be construed as abridging or impairing any existing rights or obligations, established by contract or statute, of retail electric providers to serve South Carolina customers. The electrical output from any renewable electric generation unit leased pursuant to this program shall be the sole and exclusive property of the customer-generator lessee.

(F) An entity and its affiliates that lawfully provide retail electric service to the public may offer leases of renewable generation facilities in those areas or territories where it provides retail electric service. No such provider or affiliate shall offer or enter into leases of renewable generation facilities in areas served by another retail electric provider.

(G) The costs an electrical utility incurs in marketing, installing, owning, or maintaining solar leases through its own leasing programs as a lessor shall not be recovered from other nonparticipating electrical utility customers through rates, provided, however, that an electrical utility and the customer-generator lessees which lease facilities from it may participate on an equal basis with other lessors and lessees in any applicable programs provided pursuant to Chapter 39 of this title and nothing in this section shall prevent the reasonable and prudent costs of a utility's distributed energy resource programs, including the provision of incentives to its own lessees and other allowable costs, from being reflected in a utility's rates as provided for in Chapter 39 or as otherwise permitted under generally applicable regulatory principles.

(H)(1) The provisions of this Article 23 related to leased generation facilities shall not apply to:

- (a) facilities serving a single premises that are not interconnected with a retail electric provider;
- (b) facilities owned by customer-generators but financed by a third party; or
- (c) facilities used exclusively for standby emergency service or participation in an approved standby generation program operated by a retail electric provider.

(2) The commission may promulgate regulations consistent with this section interpreting the scope of these exemptions as to electrical utilities.”

Integrated resource plans

SECTION 7. Section 58-37-40 of the 1976 Code is amended to read:

“Section 58-37-40. (A) Electrical utilities, electric cooperatives, municipally owned electric utilities, and the South Carolina Public Service Authority must each prepare an integrated resource plan. An integrated resource plan must be prepared and submitted at least every three years. Nothing in this section may be construed as requiring interstate natural gas companies whose rates and services are regulated only by the federal government or gas utilities subject to the jurisdiction of the commission to prepare and submit an integrated resource plan.

(1) Each electrical utility must submit its integrated resource plan to the commission. The integrated resource plan must be posted on the electrical utility’s website and on the commission’s website.

(2) Electric cooperatives and municipally owned electric utilities shall each submit an integrated resource plan to the State Energy Office. Each integrated resource plan must be posted on the State Energy Office’s website. If an electric cooperative or municipally owned utility has a website, its integrated resource plan must also be posted on its website. For distribution, electric cooperatives that are members of a cooperative that provides wholesale service, the integrated resource plan may be coordinated and consolidated into a single plan provided that nonshared resources or programs of individual distribution cooperatives are highlighted. Where plan components listed in subsection (B)(1) and (2) of this section do not apply to a distribution or wholesale cooperative or a municipally owned electric utility as a result of the cooperative or the municipally owned electric utility not owning or operating generation resources, the plan may state that fact or refer to the plan of

the wholesale power generator. For purposes of this section, a wholesale power generator does not include a municipally created joint agency if that joint agency receives at least seventy-five percent of its electricity from a generating facility owned in partnership with an electrical utility and that electrical utility:

- (a) generally serves the area in which the joint agency's members are located; and
- (b) is responsible for dispatching the capacity and output of the generated electricity.

(3) The South Carolina Public Service Authority shall submit its integrated resource plan to the State Energy Office. The integrated resource plan must be developed in consultation with the electric cooperatives and municipally owned electric utilities purchasing power and energy from the Public Service Authority and consider any feedback provided by retail customers and shall include the effect of demand-side management activities of the electric cooperatives and municipally owned electric utilities that directly purchase power and energy from the Public Service Authority or sell power and energy generated by the Public Service Authority. The integrated resource plan must be posted on the State Energy Office's website and on the Public Service Authority's website.

(B)(1) An integrated resource plan shall include all of the following:

- (a) a long-term forecast of the utility's sales and peak demand under various reasonable scenarios;
- (b) the type of generation technology proposed for a generation facility contained in the plan and the proposed capacity of the generation facility, including fuel cost sensitivities under various reasonable scenarios;
- (c) projected energy purchased or produced by the utility from a renewable energy resource;
- (d) a summary of the electrical transmission investments planned by the utility;
- (e) several resource portfolios developed with the purpose of fairly evaluating the range of demand-side, supply-side, storage, and other technologies and services available to meet the utility's service obligations. Such portfolios and evaluations must include an evaluation of low, medium, and high cases for the adoption of renewable energy and cogeneration, energy efficiency, and demand response measures, including consideration of the following:
 - (i) customer energy efficiency and demand response programs;
 - (ii) facility retirement assumptions; and

(iii) sensitivity analyses related to fuel costs, environmental regulations, and other uncertainties or risks;

(f) data regarding the utility's current generation portfolio, including the age, licensing status, and remaining estimated life of operation for each facility in the portfolio;

(g) plans for meeting current and future capacity needs with the cost estimates for all proposed resource portfolios in the plan;

(h) an analysis of the cost and reliability impacts of all reasonable options available to meet projected energy and capacity needs; and

(i) a forecast of the utility's peak demand, details regarding the amount of peak demand reduction the utility expects to achieve, and the actions the utility proposes to take in order to achieve that peak demand reduction.

(2) An integrated resource plan may include distribution resource plans or integrated system operation plans.

(C)(1) The commission shall have a proceeding to review each electrical utility's integrated resource plan. As part of the integrated resource plan filing, the commission shall allow intervention by interested parties. The commission shall establish a procedural schedule to permit reasonable discovery after an integrated resource plan is filed in order to assist parties in obtaining evidence concerning the integrated resource plan, including the reasonableness and prudence of the plan and alternatives to the plan raised by intervening parties. No later than three hundred days after an electrical utility files an integrated resource plan, the commission shall issue a final order approving, modifying, or denying the plan filed by the electrical utility.

(2) The commission shall approve an electrical utility's integrated resource plan if the commission determines that the proposed integrated resource plan represents the most reasonable and prudent means of meeting the electrical utility's energy and capacity needs as of the time the plan is reviewed. To determine whether the integrated resource plan is the most reasonable and prudent means of meeting energy and capacity needs, the commission, in its discretion, shall consider whether the plan appropriately balances the following factors:

(a) resource adequacy and capacity to serve anticipated peak electrical load, and applicable planning reserve margins;

(b) consumer affordability and least cost;

(c) compliance with applicable state and federal environmental regulations;

(d) power supply reliability;

(e) commodity price risks;

(f) diversity of generation supply; and
(g) other foreseeable conditions that the commission determines to be for the public interest.

(3) If the commission modifies or rejects an electrical utility's integrated resource plan, the electrical utility, within sixty days after the date of the final order, shall submit a revised plan addressing concerns identified by the commission and incorporating commission-mandated revisions to the integrated resource plan to the commission for approval. Within sixty days of the electrical utility's revised filing, the Office of Regulatory Staff shall review the electrical utility's revised plan and submit a report to the commission assessing the sufficiency of the revised filing. Other parties to the integrated resource plan proceeding also may submit comments. No later than sixty days after the Office of Regulatory Staff report is filed with the commission, the commission at its discretion may determine whether to accept the revised integrated resource plan or to mandate further remedies that the commission deems appropriate.

(4) The submission, review, and acceptance of an integrated resource plan by the commission, or the inclusion of any specific resource or experience in an accepted integrated resource plan, shall not be determinative of the reasonableness or prudence of the acquisition or construction of any resource or the making of any expenditure. The electrical utility shall retain the burden of proof to show that all of its investments and expenditures are reasonable and prudent when seeking cost recovery in rates.

(D)(1) An electrical utility shall submit annual updates to its integrated resource plan to the commission. An annual update must include an update to the electric utility's base planning assumptions relative to its most recently accepted integrated resource plan, including, but not limited to: energy and demand forecast, commodity fuel price inputs, renewable energy forecast, energy efficiency and demand-side management forecasts, changes to projected retirement dates of existing units, along with other inputs the commission deems to be for the public interest. The electrical utility's annual update must describe the impact of the updated base planning assumptions on the selected resource plan.

(2) The Office of Regulatory Staff shall review each electric utility's annual update and submit a report to the commission providing a recommendation concerning the reasonableness of the annual update. After reviewing the annual update and the Office of Regulatory Staff report, the commission may accept the annual update or direct the electrical utility to make changes to the annual update that the commission determines to be in the public interest.

(E) The commission is authorized to promulgate regulations to carry out the provisions of this section.”

Independent study to evaluate integration of emerging energy technologies

SECTION 8. Chapter 37, Title 58 of the 1976 Code is amended by adding:

“Section 58-37-60. (A) The commission and the Office of Regulatory Staff are authorized to initiate an independent study to evaluate the integration of renewable energy and emerging energy technologies into the electric grid for the public interest. An integration study conducted pursuant to this section shall evaluate what is required for electrical utilities to integrate increased levels of renewable energy and emerging energy technologies while maintaining economic, reliable, and safe operation of the electricity grid in a manner consistent with the public interest. Studies shall be based on the balancing areas of each electrical utility. The commission shall provide an opportunity for interested parties to provide input on the appropriate scope of the study and also to provide comments on a draft report before it is finalized. All data and information relied on by the independent consultant in preparation of the draft study shall be made available to interested parties, subject to appropriate confidentiality protections, during the public comment period. The results of the independent study shall be reported to the General Assembly.

(B) The commission may require regular updates from utilities regarding the implementation of the state’s renewable energy policies.

(C) The commission may hire or retain a consultant to assist with the independent study authorized by this section. The commission is exempt from complying with the State Procurement Code in the selection and hiring of the consultant authorized by this subsection.”

Mandatory demonstration before commencing construction of major utility facility

SECTION 9. Section 58-33-110 of the 1976 Code is amended by adding an item at the end to read:

“() (a) Notwithstanding the provisions of item (7), and not limiting the provisions above, a person may not commence construction of a major utility facility for generation in the State of South Carolina without

first having made a demonstration that the facility to be built has been compared to other generation options in terms of cost, reliability, and any other regulatory implications deemed legally or reasonably necessary for consideration by the commission. The commission is authorized to adopt rules for such evaluation of other generation options.

(b) The commission may, upon a showing of a need, require a commission-approved process that includes:

(i) the assessment of an unbiased independent evaluator retained by the Office of Regulatory Staff as to reasonableness of any certificate sought under this section for new generation;

(ii) a report from the independent evaluator to the commission regarding the transparency, completeness, and integrity of bidding processes, if any;

(iii) a reasonable period for interested parties to review and comment on proposed requests for proposals, bid instructions, and bid evaluation criteria, if any, prior to finalization and issuance, subject to any trade secrets that could hamper future negotiations; however, the independent evaluator may access all such information;

(iv) independent evaluator access and review of final bid evaluation criteria and pricing information for any and all projects to be evaluated in comparison to the request for proposal bids received;

(v) access through discovery, subject to appropriate confidentiality, attorney-client privilege or trade secret restrictions, for parties to this proceeding to documents developed in preparing the certificate of public convenience and necessity application;

(vi) a demonstration that the facility is consistent with an integrated resource plan approved by the commission; and

(vii) treatment of utility affiliates in the same manner as nonaffiliates participating in the request for proposal process.”

Promulgation and review of standards for interconnection of renewable energy facilities

SECTION 10. Section 58-27-460 of the 1976 Code is amended to read:

“Section 58-27-460. (A)(1) The commission shall promulgate and periodically review standards for interconnection and parallel operation of generating facilities to an electrical utility’s distribution and transmission system, where such interconnection is under the jurisdiction of the commission pursuant to Title 16, Chapter 12, Subchapter II of the United States Code, as amended, regulations and

orders of the Federal Energy Regulatory Commission, and the laws of South Carolina. Each electrical utility shall implement such standards in a fair, nondiscriminatory manner.

(2) The commission shall, within six months of the effective date of the amendments to this section, establish proceedings for the purpose of considering revisions to the standards promulgated pursuant to this section. In developing such revisions, the commission may consider any issue, which, in the exercise of its discretion, the commission deems relevant to improving the fairness and effectiveness of the procedures.

(3) In implementing item (1), the commission shall ensure such standards provide for efficient and timely processing of interconnection requests and take into account the impact of generator interconnection on electrical utility system assets, service reliability, and power quality. Such standards shall address the impact of the addition of energy storage and the interconnection processes for amending existing interconnection requests to include energy storage. The commission shall enact standards that are fair, reasonable, and nondiscriminatory with respect to interconnection applicants, other utility customers, and electrical utilities, and the standards shall serve the public interest in terms of overall cost and system reliability.

(B) No generating facility shall connect or operate in parallel phase and synchronization with any electrical utility without written approval by the electrical utility that all of the commission's requirements have been met. For a generating facility that violates this provision, an electrical utility immediately may and without notice disconnect the generating facility's electric service.

(C) In the event of a dispute between an interconnection customer and the electrical utility on an issue relating to interconnection service, the parties first shall attempt to resolve the claim or dispute using any dispute resolution procedures provided for pursuant to the applicable interconnection standards promulgated by the commission. If the parties are unable to resolve such claim or dispute using those procedures, then either party may petition the commission for resolution of the dispute including, but not limited to, a determination of the appropriate terms and conditions for interconnection. The commission shall resolve such disputes within six months from the filing of the petition in accordance with the terms of applicable state and federal law.

(D) Each electrical utility shall comply with the South Carolina generator interconnection procedures and all commission-approved agreements regarding interconnection practices and reporting requirements. The commission shall establish reasonable guidelines to ensure reasonable interconnection timelines, including time

requirements to deliver a final system impact study to all interconnection customers that execute a system impact study agreement prior to three months after the effective date of this act. The commission shall consider implementation of additional performance incentives and enforcement mechanisms for electrical utilities to ensure compliance with this requirement.

(E) The commission shall, as part of implementing subsection (A)(1), consider whether a comprehensive independent review of interconnection should be performed and consider whether to require each electrical utility to:

(1) conduct a study to determine the scope and cost of necessary transmission upgrades to support development of renewable energy resources in a manner that does not impact reliability;

(2) evaluate the cost of developing and maintaining hosting capacity maps to allow power producers to identify areas of the distribution grid that are more amenable to building and interconnecting their generation facilities and to avoid areas that are already saturated with distributed generation; and

(3) file a list of interconnected facilities with the commission each quarter, to include interconnections that are under the jurisdiction of the Federal Energy Regulatory Commission.”

Development of consumer protection regulations

SECTION 11. Article 23, Chapter 27, Title 58 of the 1976 Code is amended by adding:

“Section 58-27-2660. (A)(1) The Office of Regulatory Staff and the Department of Consumer Affairs are directed to develop consumer protection regulations regarding the sale or lease of renewable energy generation facilities pursuant to the distributed energy resource program in Chapter 40 of this title. These regulations shall provide for the appropriate disclosure provided by sellers and lessors. Sellers must comply with Title 37. Nothing herein alters existing protections afforded by Title 37.

(2) To fulfill the duties and responsibilities provided for in this section, the Office of Regulatory Staff shall develop a formal complaint process as part of the consumer protection regulations.

(B) The Office of Regulatory Staff is authorized to enforce any applicable consumer protection provision set forth in this title by:

- (1) conducting an investigation into an alleged violation;
- (2) issuing a cease and desist order against a further violation;

(3) imposing an administrative fine not to exceed two thousand five hundred dollars per violation on a solar company that materially fails to comply with the consumer protection requirements; and

(4) voiding the agreement if necessary to remedy the violation or violations.”

Office of Regulatory Staff, party of record in all commission filings, applications, or proceedings

SECTION 12. Section 58-4-10(B) of the 1976 Code, as last amended by Act 258 of 2018, is further amended to read:

“(B) Unless and until it chooses not to participate, the Office of Regulatory Staff must be considered a party of record in all filings, applications, or proceedings before the commission. The regulatory staff must represent the public interest of South Carolina before the commission. For purposes of this chapter only, ‘public interest’ means the concerns of the using and consuming public with respect to public utility services, regardless of the class of customer, and preservation of continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services.”

Employment of certain expert witnesses and third-party consultants exempted from State Procurement Code

SECTION 13. Section 58-4-100 of the 1976 Code is amended to read:

“Section 58-4-100. (A) To the extent necessary to carry out regulatory staff responsibilities, the executive director is authorized to employ expert witnesses and other professional expertise as the executive director may consider necessary to assist the regulatory staff in its participation in commission proceedings. The compensation paid to these persons may not exceed compensation generally paid by the regulated industry for such specialists. The compensation and expenses therefor must be paid by the public utility or utilities participating in the proceedings upon agreement between the public utility or utilities participating in the proceedings and the Office of Regulatory Staff or upon approval by the Review Committee or from the regulatory staff’s budget. If paid by the public utility or utilities, the compensation and expenses must be treated by the commission, for ratemaking purposes, in a manner generally consistent with its treatment of similar expenditures incurred by utilities in the presentation of their cases before

the commission. An accounting of compensation and expenses must be reported annually to the review committee, the Speaker of the House of Representatives, and the Chairman of the Senate Judiciary Committee.

(B) The Office of Regulatory Staff is exempt from the State Procurement Code in the selection and hiring of an expert or third-party consultant to conduct an independent study described in Section 58-37-60 and Section 58-41-20(H). However, the Office of Regulatory Staff and the commission may not hire the same expert or third-party consultant in the same proceeding or to address the same or similar issues in different proceedings.”

Interpretation and construction of certain provisions

SECTION 14. The provisions of Section 58-41-20 shall not be interpreted to supersede the conditions of any settlement entered into by an electrical utility and filed with the commission prior to the adoption of this act.

Recovery of certain costs

SECTION 15. All costs incurred by the utility necessary to effectuate this act, that are not precluded from recovery by other provisions of this act and that do not have a recovery mechanism otherwise specified in other provisions of the act or established by state law, shall be deferred for commission consideration of recovery in any proceeding initiated under Section 58-27-870, if deemed reasonable and prudent.

Certain costs and expenses must be excluded from electrical utility rates

SECTION 16. Notwithstanding another provision of this act, or another provision of law, no costs or expenses incurred nor any payments made by the electrical utility in compliance or in accordance with this act must be included in the electrical utility's rates or otherwise be borne by the general body of South Carolina retail customers of the electrical utility without an affirmative finding supported by the preponderance of evidence of record and conclusion in a written order by the Public Service Commission that such expense, cost, or payment was reasonable and prudent and made in the best interest of the electrical utility's general body of customers.

Severability

SECTION 17. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, 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 the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 18. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 63

(R83, H3662)

AN ACT TO ADOPT REVISED CODE VOLUMES 3 AND 4 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2019.

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

Revised Code volumes, authorization

SECTION 1. (A) Section 2-13-90 of the 1976 Code authorizes the Legislative Council and the Code Commissioner to contract to be prepared and published under their supervision and direction revised volumes of the Code of Laws.

(B) The Legislative Council and the Code Commissioner have determined that Volumes 3 and 4 are appropriate for revision.

(C) Section 2-13-90 of the 1976 Code also provides that the revised volumes must be submitted to the General Assembly for its consideration.

Revised Code volumes, adopted

SECTION 2. (A) Revised Volume 3 containing Title 7, Code of Laws of South Carolina, 1976, is substituted for original Volume 3 which contained Title 7.

(B) Revised Volume 4 containing Titles 8 and 9, Code of Laws of South Carolina, 1976, is substituted for original Volume 4 which contained Titles 8 and 9.

(C) Revised Volumes 3 and 4 are adopted as part of the Code of Laws and, to the extent of their contents, are the only general permanent statutory law of the State as of January 1, 2019.

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 64

(R84, H3703)

AN ACT TO AMEND SECTION 40-45-230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXAMINATION REQUIRED FOR LICENSURE BY THE BOARD OF PHYSICAL THERAPY EXAMINERS, SO AS TO INCREASE THE MAXIMUM NUMBER OF TIMES A PERSON MAY ATTEMPT TO PASS THE EXAMINATION FROM THREE TO SIX, TO PROVIDE A PERSON WHO FAILS THE EXAMINATION A FIFTH TIME FIRST MUST TAKE COURSES THE BOARD MAY REQUIRE AND FURNISH EVIDENCE OF COMPLETING THESE COURSES BEFORE TAKING THE

EXAMINATION A SIXTH TIME, AND TO PROVIDE A PERSON WHO FAILS THE EXAMINATION SIX OR MORE TIMES MAY NOT BE LICENSED BY THE BOARD; AND TO AMEND SECTION 40-45-260, RELATING TO THE PROHIBITION OF THE BOARD FROM GRANTING LICENSURE TO APPLICANTS WHO FAIL THE EXAMINATION THREE OR MORE TIMES, SO AS INCREASE THE NUMBER OF ALLOWED ATTEMPTS TO SIX.

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

Examination passage requirements

SECTION 1. Section 40-45-230(G) and (H) of the 1976 Code is amended to read:

“(G) If an applicant fails the examination, whether or not taken in South Carolina, the applicant may take the examination up to six times, each time upon payment of the examination fee and completion of an official application. If the applicant fails the examination for a fifth time, the applicant must take courses the board may require and furnish evidence of completing these courses before taking the examination for the sixth time.

(H) No person may be licensed under this chapter if the person has failed the examination six or more times, whether or not the exam was taken in South Carolina.”

Issue of licenses, conforming change

SECTION 2. Section 40-45-260(D) of the 1976 Code is amended to read:

“(D) The board must not issue a physical therapist or physical therapist assistant license to an applicant who has failed to achieve a passing score six or more times on a board-approved licensure examination.”

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 65

(R85, H3728)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-130-80 SO AS TO REQUIRE HEALTH CARE FACILITIES TO SUBMIT CERTAIN INFORMATION TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (DHEC) FOR INCLUSION IN THE PRESCRIPTION MONITORING PROGRAM WHEN A PERSON IS ADMINISTERED AN OPIOID ANTIDOTE; TO AMEND SECTION 44-130-60, RELATING TO THE AUTHORITY OF FIRST RESPONDERS TO ADMINISTER OPIOID ANTIDOTES, SO AS TO REQUIRE FIRST RESPONDERS TO SUBMIT CERTAIN INFORMATION TO DHEC FOR INCLUSION IN THE PRESCRIPTION MONITORING PROGRAM; TO AMEND SECTION 44-53-1640, RELATING TO THE PRESCRIPTION MONITORING PROGRAM, SO AS TO REQUIRE THE PROGRAM TO MONITOR THE ADMINISTERING OF OPIOID ANTIDOTES BY FIRST RESPONDERS AND IN EMERGENCY HEALTH CARE SETTINGS; TO AMEND SECTION 44-53-1645, RELATING TO THE REQUIREMENT OF PRACTITIONERS TO REVIEW A PATIENT'S CONTROLLED SUBSTANCE PRESCRIPTION HISTORY BEFORE PRESCRIBING A SCHEDULE II CONTROLLED SUBSTANCE, SO AS TO ALSO REQUIRE A REVIEW OF ANY INCIDENTS IN WHICH THE PATIENT HAS BEEN ADMINISTERED AN OPIOID ANTIDOTE BY A FIRST RESPONDER OR IN AN EMERGENCY HEALTH CARE SETTING; AND TO AMEND SECTION 44-53-360, AS AMENDED, RELATING TO PRESCRIPTIONS, SO AS TO PROVIDE FOR THE USE OF ELECTRONIC PRESCRIPTIONS.

Whereas, the South Carolina General Assembly is committed to combatting the opioid epidemic occurring within this State; and

Whereas, the South Carolina General Assembly has enacted and is working to enact legislation aimed at stemming the misuse of opioids in South Carolina; and

Whereas, collecting information related to opioid use and misuse helps those working to better understand the complexities of substance abuse disorders and enables those working with patients suffering from this disease to develop strategies for treatment, education, and care; and

Whereas, the purpose of this legislation is to provide data to health care professionals treating patients who have been diagnosed with an opioid overdose and received an antidote in response to that overdose; and

Whereas, the South Carolina General Assembly intends for the information collected pursuant to this law to be used by health care professionals to assist patients in getting appropriate treatment including, but not limited to, treatment for substance abuse disorder; and

Whereas, the General Assembly intends further that the information collected pursuant to this law should not be used as the sole determining factor in a decision regarding whether to treat or refuse to treat a patient suffering from an opioid misuse. Now, therefore,

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

Reporting, health care facility of administered opioid antidote

SECTION 1. Chapter 130, Title 44 of the 1976 Code is amended by adding:

“Section 44-130-80. (A) If a person is administered an opioid antidote in a hospital emergency department or other health care facility and the supervising physician diagnoses the patient as having experienced an opioid overdose, the health care facility, as defined in Section 44-7-130, shall report to the department’s Bureau of Drug Control information regarding the opioid antidote administered for inclusion in the prescription monitoring program. The information submitted must include:

- (1) date the opioid antidote was administered; and
- (2) name, address, and date of birth of the person to whom the opioid antidote was administered.

(B) The health care facility, as defined in Section 44-7-130, shall submit the information required pursuant to subsection (A) electronically or by facsimile to Drug Control within thirty days after a discharge diagnosis of an opioid overdose and administration of an opioid antidote.

(C)(1) After a health care facility, as defined in Section 44-7-130, submits the name, address, and date of birth of a person to whom an opioid antidote was administered as required by subsection (A), Drug Control shall verify whether any prescription history of the person appears in the prescription monitoring program and, if prescription history exists, shall document for review by a practitioner or an authorized delegate the date on which the opioid antidote was administered to the person.

(2) Drug Control also shall maintain data on the administering of opioid antidotes as required by this section including, but not limited to, the frequency with which opioid antidotes are administered in hospital emergency departments as required pursuant to subsection (A) and other health care facilities by geographic location.”

Reporting, first responder of administered opioid antidote

SECTION 2. Section 44-130-60 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“(1) A first responder who administers an opioid antidote as provided in this section shall report to the department’s Bureau of Emergency Medical Services information regarding the opioid antidote administered for inclusion in the prescription monitoring program. The information submitted must include:

- (a) date the opioid antidote was administered; and
- (b) name, address, and date of birth of the person to whom the opioid antidote was administered, if available.

(2) A first responder shall submit the information required pursuant to item (1) electronically or by facsimile to the Bureau of Emergency Services within thirty days of administration. The Bureau of Emergency Medical Services shall transmit the information to the department’s Bureau of Drug Control.

(3)(a) If a first responder submits the name, address, and date of birth of a person to whom an opioid antidote was administered, Drug Control shall verify whether any prescription history of the person appears in the prescription monitoring program and, if prescription history exists, shall document for review by a practitioner or an

authorized delegate the date on which the opioid antidote was administered to the person. If no history exists, then Drug Control shall confirm that the antidote was administered in response to a verified opioid overdose. If the antidote was administered in error, then Drug Control shall document the error.

(b) Drug Control also shall maintain data on the administering of opioid antidotes by first responders including, but not limited to, the frequency with which first responders administer opioid antidotes by geographic location, first responder, and dispenser.”

Prescription monitoring program

SECTION 3. Section 44-53-1640(A) of the 1976 Code is amended to read:

“(A)The Department of Health and Environmental Control, Bureau of Drug Control shall establish and maintain a program to monitor the prescribing and dispensing of all Schedule II, III, and IV controlled substances by professionals licensed to prescribe or dispense these substances in this State and the administering of opioid antidotes pursuant to Sections 44-130-60 and 44-130-80.”

Required review of patient’s opioid antidote history

SECTION 4. Section 44-53-1645(A) of the 1976 Code is amended to read:

“(A)A practitioner, or the practitioner’s authorized delegate, shall review a patient’s controlled substance prescription history and history of the administering of an opioid antidote to the patient pursuant to Section 44-130-60 or 44-130-80, as maintained in the prescription monitoring program, before the practitioner issues a prescription for a Schedule II controlled substance. If an authorized delegate reviews a patient’s controlled substance prescription history and history of the administering of an opioid antidote to the patient as provided in this subsection, the practitioner must consult with the authorized delegate regarding the prescription and opioid antidote administering history before issuing a prescription for a Schedule II controlled substance. The consultation must be documented in the patient’s medical record.”

Prescriptions

SECTION 5. Section 44-53-360(a), (b), and (d) of the 1976 Code is amended to read:

“(a) Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, or in emergency situations as prescribed by the department by regulation, no controlled substance included in Schedule II may be dispensed without the written or electronic prescription of a practitioner. Prescriptions shall be retained in conformity with the requirements of Section 44-53-340. No prescription for a controlled substance in Schedule II may be refilled.

(b) A pharmacist may dispense a controlled substance included in Schedule III, IV, or V pursuant to either a written or electronic prescription signed by a practitioner, or a facsimile of a written, signed prescription, transmitted by the practitioner or the practitioner’s agent to the pharmacy, or pursuant to an oral prescription, reduced promptly to writing and filed by the pharmacist. A prescription transmitted by facsimile must be received at the pharmacy as it was originally transmitted by facsimile and must include the name and address of the practitioner, the phone number for verbal confirmation, the time and date of transmission, and the name of the pharmacy intended to receive the transmission, as well as any other information required by federal or state law. Such prescription, when authorized, may not be refilled more than five times or later than six months after the date of the prescription unless renewed by the practitioner.

(d) Unless specifically indicated in writing on the face of the prescription or noted in the electronic prescription that it is to be refilled, and the number of times specifically indicated, no prescription may be refilled. The indication of ‘PRN’ or ‘ad lib’ or phrases, abbreviations, or symbols of like meaning shall not be construed as to exceed five refills or six months, whichever shall first occur. Preprinted refill instructions on the face of a prescription shall be disregarded by the dispenser unless an affirmative marking or other indication is made by the prescriber.”

Prescriptions

SECTION 6. Section 44-53-360(j) of the 1976 Code, as added by Act 201 of 2018, is amended by adding an appropriately numbered item at the end to read:

“() (A) Unless otherwise exempted by this subsection, a practitioner shall electronically prescribe any controlled substance included in Schedules II, III, IV, and V. This subsection does not apply to prescriptions for a controlled substance included in Schedules II through V issued by any of the following:

(i) a practitioner, other than a pharmacist, who dispenses directly to the ultimate user;

(ii) a practitioner who orders a controlled substance included in Schedules II through V to be administered in a hospital, nursing home, hospice facility, outpatient dialysis facility, or residential care facility;

(iii) a practitioner who experiences temporary technological or electrical failure or other extenuating technical circumstances that prevent a prescription from being transmitted electronically; however, the practitioner must document the reason for this exception in the patient’s medical record;

(iv) a practitioner who writes a prescription for a controlled substance included in Schedules II through V to be dispensed by a pharmacy located on federal property; however, the practitioner must document the reason for this exception in the patient’s medical record;

(v) a person licensed to practice veterinary medicine pursuant to Chapter 69, Title 40; or

(vi) a practitioner who writes a prescription for a controlled substance included in Schedules II through V for a patient who is being discharged from a hospital, emergency department, or urgent care.

(B) A prescription for a controlled substance included in Schedules II, III, IV, and V that includes elements that are not supported by the most recently implemented version of the National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard is exempt from this subsection.

(C) A dispenser is not required to verify that a practitioner properly falls under one of the exceptions specified in subsection (a) or (b) before dispensing a controlled substance included in Schedules II through V. A dispenser may continue to dispense a controlled substance included in Schedules II through V from valid written, oral, faxed, or electronic prescriptions that are otherwise consistent with applicable laws.

(D) A dispenser is immune from any civil or criminal liability or disciplinary action from the State Board of Pharmacy for dispensing a prescription written by a prescriber that is in violation of this subsection.”

Time effective

SECTION 7. This act takes effect January 1, 2021.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 66

(R86, H3754)

AN ACT TO AMEND SECTION 27-32-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN REGARD TO VACATION TIME SHARING PLANS, SO AS TO DEFINE THE TERM "TIMESHARE DECLARATION"; TO AMEND SECTION 27-32-410, RELATING TO TIMESHARE CLOSINGS, PROCEDURES, AND RELATED PROVISIONS, SO AS TO FURTHER PROVIDE FOR WHEN A TIMESHARE CLOSING IS CONSIDERED TO HAVE OCCURRED IN THE CASE OF AN INSTALLMENT SALES CONTRACT, AND OTHER REQUIREMENTS IN REGARD TO THE CLOSING; BY ADDING ARTICLE 5 TO CHAPTER 32, TITLE 27 SO AS TO ENACT THE "VACATION TIME SHARING PLAN EXTENSION AND TERMINATION ACT", INCLUDING PROVISIONS TO CLARIFY AND SUPPLEMENT THE PROCEDURES AND REQUIREMENTS AS TO HOW OWNERS OF VACATION TIME SHARING INTERESTS MAY TERMINATE VACATION TIME SHARING PLANS OR EXTEND THE TERMS OF THESE PLANS, WITH THE PROVISIONS OF ARTICLE 5 TO APPLY BOTH PROSPECTIVELY AND RETROACTIVELY; AND TO AMEND SECTION 27-30-120, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO HOMEOWNERS ASSOCIATIONS, SO AS TO REVISE THE DEFINITION OF "HOMEOWNERS ASSOCIATION".

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

Definition added

SECTION 1. Section 27-32-10 of the 1976 Code is amended by adding an appropriately numbered item to read:

“() ‘Timeshare declaration’ means the document or documents which provide the legal framework for the establishment of the method of interval ownership and which is or are recorded at the office of the Clerk of Court, Register of Mesne Conveyance, or the Register of Deeds as may be determined by the county in which the vacation time sharing property is located.”

Timeshare closings

SECTION 2. Section 27-32-410(A) of the 1976 Code is amended to read:

“(A)(1) The timeshare closing is considered to occur after the last of the following events:

(i) the deed and other applicable instruments are submitted for recordation, or

(ii) the closing date specified in the executed documents. Notwithstanding the above, in the case of an installment sales contract, the timeshare closing is considered to occur or have occurred on the closing date specified in the executed documents or six months after the execution of an installment sales contract in the event no closing date is specified in the executed documents.

(2) Simultaneously with the closing, a seller shall record each timeshare installment sales contract or evidence of each contract, if the installment sales contract promises the purchaser a deed evidencing ownership of a timeshare interest in real property. In the event the installment sales contract is fully performed, the recorded contract or evidence of it, is considered to have merged into the deed conveying the timeshare interest upon recording of the deed.

(3) The documents conveying rights and interests in timeshare real property must not be presented to a timeshare purchaser before the closing of an interest in a vacation time sharing plan in this State unless the form of the document is prepared under the supervision of an attorney licensed in this State who is not an employee of the seller of the timeshare interest. An attorney licensed in this State who is not an employee of the seller of the timeshare interest shall supervise the

timeshare closing of a sale of an interest in a vacation time sharing plan located in this State by:

- (i) supervising the examination of title to the interest;
- (ii) physically reviewing before closing the executed transaction documents including, but not limited to, the following, as applicable: the deed, installment sales contract, mortgage, and promissory note; and
- (iii) supervising the recording of all instruments involved in the timeshare closing.”

Extension or termination of vacation time sharing plans

SECTION 3. Chapter 32, Title 27 of the 1976 Code is amended by adding:

“Article 5

Extension or Termination of Vacation Time Sharing Plans

Section 27-32-500. This article may be cited as the ‘Vacation Time Sharing Plan Extension and Termination Act’.

Section 27-32-505. The General Assembly declares that the purposes of this article are to recognize that:

(A) Vacation time sharing plans are created as authorized by statute with most of the older vacation time sharing properties based on a horizontal property regime structure, and many of these older vacation time sharing properties are approaching the termination dates set forth in their governing documents, some of which governing documents address termination or extension of the vacation time sharing property and some of which do not address termination or extension.

(B) In order to provide the owners of vacation time sharing interests with the right to terminate vacation time sharing plans or to extend the terms of vacation time sharing plans and preserve the continued use, enjoyment, and tax values of these time sharing properties, the General Assembly further declares that the public policy of this State requires the creation of a statutory method to enable the owners of these vacation time sharing properties to either terminate their vacation time sharing plans or extend the terms of their vacation time sharing plans, notwithstanding contrary provisions in their governing documents which may create uncertainty for purchasers, prospective purchasers, owners, and lenders, and which may discourage the ongoing maintenance,

refurbishment, and improvement of these vacation time sharing properties.

Section 27-32-510. (A) Unless the timeshare declaration provides a lower percentage, the vote or written consent, or both, of sixty percent of all eligible voting interests in a vacation time sharing plan may extend the term of the vacation time sharing plan at any time. If the term of a vacation time sharing plan is extended pursuant to this section, all rights, privileges, duties, and obligations created under applicable law or the timeshare declaration continue in full force to the same extent as if the extended termination date of the vacation time sharing plan were the original termination date of the vacation time sharing plan.

(B) Unless the timeshare declaration specifically provides for a lower quorum, the quorum for a vacation time sharing association meeting to consider extension of the term of the vacation time sharing plan is fifty percent of all eligible voting interests in the vacation time sharing plan.

(C) A vacation time sharing association meeting held to consider extension of the term of the vacation time sharing plan may be held at any time before the termination of the vacation time sharing plan.

(D) The board of directors of the vacation time sharing association may determine that a voting interest that is delinquent in the payment of more than two years of assessments is ineligible to consent to or vote on an extension of the vacation time sharing plan unless the delinquency is paid in full before the consent or vote. A voting interest determined to be ineligible by the board of directors must be subtracted from the total percentage or number of all voting interests required to consent to or vote to approve the extension of the vacation time sharing plan and must not be considered for any purpose, including the percentage or number of voting interests necessary to constitute a quorum.

(E) A proxy for a vote to extend a vacation time sharing plan pursuant to this section is valid for up to three years and is revocable unless the proxy states it is irrevocable.

Section 27-32-520. (A) Unless the timeshare declaration provides a lower percentage, the vote or written consent, or both, of sixty percent of all eligible voting interests in a vacation time sharing plan may terminate the term of the vacation time sharing plan at any time. If a vacation time sharing plan is terminated pursuant to this section, the termination has immediate effect as if the effective date of the termination were the original date of termination.

(B) If the vacation time sharing property is managed by a vacation time sharing association that is separate from any underlying owners'

association, the termination of a vacation time sharing plan does not change the corporate status of the vacation time sharing association. The vacation time sharing association continues to exist only for the purposes of concluding its affairs, prosecuting and defending actions by or against it, collecting and discharging obligations, disposing of and conveying its property, collecting and dividing its assets, and otherwise complying with this section.

(C) After termination of a vacation time sharing plan, the board of directors of the vacation time sharing association shall serve as the termination trustee, as the entity empowered to implement the termination of the vacation time sharing plan, and in this fiduciary capacity may bring an action in partition on behalf of the tenants in common in each former vacation time sharing property or sell the former vacation time sharing property in a manner and to a person who is approved by a majority of all tenants in common. The termination trustee also has all other powers reasonably necessary to effect the partition or sale of the former vacation time sharing property, including the power to maintain the property during the pendency of a partition action or sale.

(D) All reasonable expenses incurred by the termination trustee relating to the performance of its duties pursuant to this section, including the reasonable fees of attorneys and other professionals, must be paid by the tenants in common of the former vacation time sharing property subject to partition or sale, proportionate to their respective ownership interests.

(E) The termination trustee shall adopt reasonable procedures to implement the partition or sale of the former vacation time sharing property and comply with the requirements of this section.

(F) If the terminated vacation time sharing plan is in an underlying subdivision that is not simultaneously terminated, a majority of the tenants in common in each former accommodation present and voting in person or by proxy at a meeting of the tenants in common conducted by the termination trustee, or conducted by the board of directors of the underlying owners' association, if the underlying owners' association managed the former vacation time sharing property, shall designate a voting representative for the former accommodation and file a voting certificate with the underlying owners' association. The voting representative may vote on all matters at meetings of the underlying owners' association, including termination of the underlying subdivision.

(G) Unless the timeshare declaration specifically provides for a lower quorum, the quorum for a vacation time sharing association meeting to

consider termination of the vacation time sharing plan is fifty percent of all eligible voting interests in the vacation time sharing plan.

(H) The board of directors of the vacation time sharing association may determine that a voting interest that is delinquent in the payment of more than two years of assessments is ineligible to consent to or vote on any termination of the vacation time sharing plan unless the delinquency is paid in full before the consent or vote. A voting interest determined to be ineligible by the board of directors must be subtracted from the total percentage or number of all voting interests required to consent to or vote to approve the termination of the vacation time sharing plan and must not be considered for any purpose, including the percentage or number of voting interests necessary to constitute a quorum.

(I) A proxy for a vote to terminate a vacation time sharing plan pursuant to this section is valid for up to three years and is revocable unless the proxy states it is irrevocable.

Section 27-32-530. The provisions of this article apply to all vacation time sharing plans in this State in existence on or after the effective date of this article and apply retroactively.”

Definition revised

SECTION 4. Section 27-30-120(6) of the 1976 Code, as added by Act 245 of 2018, is amended to read:

“(6) ‘Homeowners association’ or ‘association’ means an entity developed to manage and maintain a planned community or horizontal property regime for which there is a declaration requiring a person, by virtue of his ownership of a separate property within the planned community or horizontal property regime, to pay assessments for a share of real estate taxes, insurance premiums, maintenance, or improvement of, or services or other expenses related to, common elements and other real estate described in that declaration. A ‘homeowners association’ or ‘association’ does not include a vacation time sharing plan organized and subject to the provisions of Chapter 32.”

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 67

(R87, H3760)

AN ACT TO AMEND ARTICLE 3, CHAPTER 79, TITLE 38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA MEDICAL MALPRACTICE LIABILITY JOINT UNDERWRITING ASSOCIATION, SO AS TO MERGE THE JOINT UNDERWRITING ASSOCIATION WITH THE PATIENTS' COMPENSATION FUND AND TO RENAME THE SURVIVING ENTITY THE SOUTH CAROLINA MEDICAL MALPRACTICE ASSOCIATION, TO DEFINE NECESSARY TERMS, TO ALTER THE MEMBERSHIP OF THE ASSOCIATION, TO ESTABLISH CERTAIN REQUIREMENTS FOR THE INITIAL FILING OF POLICY FORMS, TO REQUIRE THE MEMBERS OF THE ASSOCIATION TO PAY AN ASSESSMENT EQUAL TO THE MEMBER'S PROPORTIONAL SHARE OF THE ACCUMULATED DEFICIT OF THE ASSOCIATION, TO INCREASE POLICY LIMITS FOR POLICIES ISSUED BY THE ASSOCIATION ON BEHALF OF ITS MEMBERS, TO REQUIRE THE ASSOCIATION TO SUBMIT ALL POLICY FORMS, CLASSIFICATIONS, RATES, RATING PLANS, OR RULES TO THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, TO ESTABLISH A UNIFORM ASSESSMENT ON THE MEMBERSHIP OF THE ASSOCIATION AND PROVIDE FOR AN ADDITIONAL SURCHARGE ON PREMIUMS THAT MUST BE ASSESSED ON ASSOCIATION POLICYHOLDERS, TO ESTABLISH CERTAIN OBLIGATIONS FOR TERMINATED MEMBERS OF THE ASSOCIATION, TO ESTABLISH CERTAIN CONDITIONS REGARDING THE ASSOCIATION'S ANNUAL FINANCIAL STATEMENT AND THE EXAMINATION OF THE ASSOCIATION BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, TO PROVIDE THE EFFECTIVE DATE OF THE MERGER OF THE PATIENTS' COMPENSATION FUND AND THE JOINT UNDERWRITING ASSOCIATION, TO PROVIDE FOR THE WINDING DOWN OF THE PATIENTS' COMPENSATION FUND, AND TO PROVIDE FOR THE

COMPOSITION OF THE BOARD AND THE DUTIES OF THE ASSOCIATION; AND BY ADDING SECTION 38-79-400 SO AS TO REPEAL ARTICLE 5, CHAPTER 79, TITLE 38 RELATING TO THE PATIENTS' COMPENSATION FUND, UPON THE MERGER OF THE PATIENTS' COMPENSATION FUND INTO THE JOINT UNDERWRITING ASSOCIATION.

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

Medical Malpractice Association created, Patients' Compensation Fund and Joint Underwriting Association merged

SECTION 1. Article 3, Chapter 79, Title 38 of the 1976 Code is amended to read:

“Article 3

South Carolina Medical Malpractice Liability
Joint Underwriting Association

Section 38-79-110. As used in this article:

(1) ‘Accumulated deficit’ means the amount that the association’s and the fund’s liabilities exceed their assets, as reported in the association’s and fund’s respective most recently reported financial statements on June 30, 2019.

(2) ‘Association’ means any joint underwriting association established by the General Assembly in 1987 and managed and operated pursuant to the provisions of this article.

(3) ‘Fund’ means the Patients’ Compensation Fund.

(4) ‘Future deficit’ means any deficit accumulated by the association and fund after the most recently reported financial statements as of June 30, 2019.

(5) ‘Licensed health care providers’ means physicians and surgeons, nurses, oral surgeons, dentists, pharmacists, podiatrists, hospitals, nursing homes, or any similar major category of licensed health care providers. The term ‘licensed health care provider’ also includes blood centers which collect, process, and distribute blood to hospitals and physicians for the care of patients if these blood centers as of July 1, 1997, were insured with the Joint Underwriting Association.

(6) ‘Medical malpractice insurance’ means medical professional liability insurance or insurance protection against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence

or malpractice in rendering or failing to render professional service by any licensed physician, licensed health care provider, or hospital.

(7) 'Net-direct premiums' means gross-direct premiums written on medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, and any other type of professional liability insurance covering risks of licensed health care providers and facilities as determined and computed by the director or his designee, less return premiums or the unused or unabsorbed portions of premium deposits. The net-direct premium calculation does not include premiums written by the fund.

Section 38-79-120. (1) A joint underwriting association (association) is created, containing as members all insurers authorized to write and report net-direct written premiums for medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, or any other type of professional liability insurance in this State covering the professional liability risks of licensed health care providers. Membership also includes foreign and domestic risk retention groups and captive insurers authorized to write and report net-direct premiums for medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, or any other type of professional liability insurance in this State covering the professional liability risk of licensed health care providers, and authorized to do business in accordance with the provisions of this title. The South Carolina Insurance Reserve Fund is not a member of the association. Each insurer described above is and must remain a member of the association as a condition of the authorization to transact the sale of insurance in this State. The membership of the association shall continue as members in the South Carolina Medical Malpractice Association upon its creation as provided in Section 38-79-300.

(2) The purpose of the association is to ensure the availability of medical malpractice and other types of professional liability insurance for health care providers on a self-supporting basis to the fullest extent possible. The intent of the General Assembly in enacting this section is to eliminate the accumulated deficit of the association and of the fund and to transition the association over time to a market of last resort so that it is no longer in competition with the private market. Specifically, the General Assembly does not intend that the South Carolina Joint Underwriting Association offer rates that are competitive to the private market.

Section 38-79-125. (1) As of January 1, 2020, all insurers authorized to write on a direct basis bodily injury liability insurance, other than automobile bodily injury insurance, homeowners liability insurance, an insurer which insures only churches and their property, and farmowners liability insurance including monoline farm liability insurance, including insurers covering such peril in multiple peril package policies and bodily injury insurance, must pay an assessment equal to their proportional share of twenty percent of the accumulated deficit of the association as contained in their most recently reported financial statements as of June 30, 2019, as determined by the director. Each insurer's share of the assessment must be calculated based upon the net-direct written premiums for the insurer's liability lines as identified in this subsection on the most recent year preceding the effective date of this section. All money collected from this assessment must be applied to the accumulated deficit of the association. Each insurer may pay the assessment in one lump sum or, at the insurer's option, in equal installments over a period not to exceed five years. The assessment may be incorporated into the rate filings of the insurer. Upon satisfaction of the assessment, each insurer may withdraw as members of the association upon submission of:

- (a) an application for withdrawal in the format prescribed by the director or his designee;
- (b) evidence that it has not written any medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, or any other type of professional liability insurance in this State covering the professional liability risks of licensed health care providers in the consecutive five years preceding the insurer's withdrawal application; and
- (c) certification by the association and the director or his designee that all obligations to the association have been fully satisfied.

Section 38-79-130. The association, pursuant to the provisions of this article and the approved plan of operation in respect to medical malpractice insurance, has the power on behalf of its members to:

- (1) issue, or cause to be issued, policies of insurance to applicants including incidental coverages including, but not limited to, premises or operations liability coverage on the premises where services are rendered, all subject to limits of liability as specified in the plan of operation but not to exceed one million dollars for each claim under one policy and three million dollars for all claims under one policy in any one year; provided, however, that the association may offer higher limits per claim and for all claims under one policy in any one year only upon

approval of the board of the association and with the written approval of the director;

(2) underwrite medical malpractice insurance and to adjust and pay losses with respect to it or to appoint service companies to perform those functions; and

(3) cede and assume reinsurance.

Section 38-79-140. (1) The association must operate pursuant to a plan of operation which shall provide for economic, fair, and nondiscriminatory administration and for the prompt and efficient provision of medical malpractice insurance and may contain other provisions including, but not limited to, preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities, management of the association, assessment of the members to defray losses and expenses, commissions arrangements, reasonable and objective underwriting standards, acceptance and cession of reinsurance, appointment of servicing carriers, and procedures for determining amounts of insurance to be provided by the association. The plan of operation must be amended within thirty days following the merger provided for in Section 38-79-300. The amended plan must address the orderly and expeditious winding down of the Patients' Compensation Fund.

(2) The plan of operation shall provide that any profit achieved by the association must be added to the reserves of the association or returned to the policyholders as a dividend. If there is no accumulated deficit, any profit achieved by the association must be added to the reserves of the association.

(3) The approved plan of operation may make provisions for combining insurers under common ownership or management into groups for voting, assessment, and all other purposes and may provide that no more than one of the officers or employees of a group may serve as a director at any one time.

(4) Amendments to the plan of operation may be made by the directors of the association with the approval of the director or his designee or must be made at the direction of the director or his designee after due notice and public hearing.

Section 38-79-150. Any licensed health care provider is entitled to apply to the association for coverage. The application may be made on behalf of the applicant by a licensed agent or broker authorized in writing by the applicant. If the association determines that the applicant meets the underwriting standards of the association as set forth in the approved

plan of operation and there is no unpaid, uncontested premium due from the applicant for any prior insurance of the same kind, the association, upon receipt of the premium, or a portion thereof as prescribed by the plan of operation, shall cause to be issued a policy of medical malpractice liability insurance for a term of one year.

The rates, rating plans, rating rules, rating classifications, territories, and policy forms applicable to insurance written by the association and the statistical and experience data relating thereto are subject to this article and to those provisions of Chapter 73 of this title which are not inconsistent with the purposes and provisions of this article.

Section 38-79-160. Reserved.

Section 38-79-170. In respect to the structuring of rates for medical malpractice liability insurance and the determination of the profit or loss of the association in respect to that insurance, due consideration must be given by the director or his designee to all investment income.

Section 38-79-180. The association shall submit, for the approval of the director or his designee, all policy forms, classifications, rates, rating plans, or rules applicable to its insurance product offerings to customers in this State. Such filings must be submitted for approval to the director no less than sixty days prior to their intended effective date. The director may extend the time for his review by an additional sixty days to allow the department sufficient time to evaluate the proposed form, classification, rate, rating plan, or rule to be used by the association. Rates must be actuarially sound, self supporting, and may not be excessive, inadequate, or unfairly discriminatory.

Section 38-79-190. (1) The board of directors shall specify whether policy forms and the rate structure must be on a 'claims-made' or 'occurrence' basis and coverage may be provided by the association only on the basis specified by the board of directors. The board of directors shall specify the 'claims-made' basis only if the contract makes provision for residual 'occurrence' coverage upon the retirement, death, disability, or removal from the State of the insured. Provision may be made for a premium charge allocable to any such residual 'occurrence' coverage and the premium charges for the residual coverage must be segregated and separately maintained for such purpose which may include the reinsurance of all or a part of that portion of the risk.

(2) The policy may not contain any limitation in relation to the existing law in tort as provided by the statute of limitations of the State of South Carolina.

(3) The policy form whether on a 'claims-made' or 'occurrence' basis may not require as a condition precedent to settlement or compromise of any claim the consent or acquiescence of the insured. However, such settlement or compromise may never be held or considered to be an admission of fault or wrongdoing by the insured.

(4) The premium rate charged for either or both 'claims-made' or 'occurrence' coverage must be at rates established on an actuarially sound basis, including consideration of trends in the frequency and severity of losses. After the accumulated deficit has been eliminated, the association must function as a residual market mechanism. After that time, the association may not offer rates competitive with the admitted market but the rates for policies issued by the association must be adequate and established at a level that permits the association to operate as a self-sustaining mechanism.

Section 38-79-200. The association is authorized to provide a rate increase or assessment on policyholders which is subject to the approval of the director or his designee.

Section 38-79-210. (1) Any future deficit must be recouped, pursuant to the plan of operation and the rating plan then in effect, by a rate increase applicable prospectively approved by the director or his designee pursuant to the provisions of Section 38-79-180.

Section 38-79-220. (1) All members of the association, excluding companies who have withdrawn from the association pursuant to Section 38-79-125, must contribute to the elimination of the association's and fund's accumulated deficit. Beginning on January 1, 2020, a uniform assessment of not less than two percent and not more than six percent of the net-direct written premium must be assessed against each member of the association in order to eliminate the accumulated deficits of the association and the fund. Association members must be notified of the assessment at least sixty days prior to each year end. After each quarter during the year following notification of the assessment, each member of the association must remit an amount equal to the assessment percentage of the previous quarter's direct written premiums. Monies derived from this assessment and collected must be distributed by the association to the accumulated deficits of the association and fund as determined appropriate by the director. Every member must directly

recover from each policyholder one percent of the assessment and is authorized to recoup up to the remaining amount if they so choose. Amounts recouped under this section are not premium and are not subject to premium taxes, fees, or commissions. If one deficit is eliminated before the other, all subsequent monies collected must be distributed to the remaining deficit until it is eliminated. Assessments must cease when both accumulated deficits have been fully eliminated or on December 31, 2035, or whichever occurs first. Funds received by the association under this section will not be considered revenue or considered part of their operating income and will only be used to reduce the accumulated deficit.

(2) Beginning on January 1, 2020, a surcharge on premium shall be assessed on association policyholders equal to the assessment percentage amount on members in any given year pursuant to the provisions of Section 38-79-220. Association policyholders will be notified of the surcharge percentage at least sixty days prior to each year end. Surcharges levied under this section are not premiums and are not subject to premium tax, any fees, or any commissions. Monies derived from this assessment and collected under this section must be distributed by the association to the accumulated deficits of the association and fund as determined appropriate by the director. Should one deficit be eliminated before the other deficit, all subsequent monies collected shall be distributed to the remaining deficit until it is eliminated. This surcharge shall cease when the accumulated deficits of both the association and the fund have been fully eliminated or on December 31, 2035, whichever occurs first. Funds received by the association under this section will not be considered revenue or considered part of their operating income and will only be used to reduce the accumulated deficit.

(3) Each member shall remit to the association payment in full of its assessed amount under this section within thirty days of the end of each quarter. If a member fails to remit its assessed amount by the deadline, the association shall report the failure to the director or designee who may immediately take action to suspend or revoke such insurer's certificate of authority to transact the business of insurance in the State of South Carolina or issue a fine on that member until such time as the association certifies to the director or his designee that such assessment has been paid in full. The issuance of a fine, suspension, or revocation of an insurer's certificate of authority to transact business in the State of South Carolina shall not affect the right of the association to proceed against such insurer in any court for any remedy provided by law or contract to the association, including the right to collect such insurer's

assessment. In addition to any other remedy, the association may offset assessments due from an insurer against any amounts in any account of such delinquent insurer. By mailing payment of its allocated amount of assessment, as provided herein, a member shall not waive any right it may have to contest the computation of its allocated amount of assessment. Such contest shall not, however, toll the time within which assessments must be paid or the report to be made to the director or his designee or affect or impede any action to be taken by the director or his designee upon receipt of such report.

(4) Beginning January 1, 2020, all surplus lines insurance producers or brokers placing insurance through nonadmitted insurers shall collect from the insured and remit to the department to be distributed to the association and fund a nonadmitted policy surcharge on all premiums for all insurance written by such surplus lines insurance producer or broker for a policy from a nonadmitted insurer for any and all medical malpractice risks in this State. By procuring or selling medical malpractice insurance in this State from a nonadmitted insurer, each surplus lines insurance producer or broker placing insurance through a nonadmitted insurer agrees to be bound by the provisions of this chapter and to collect and remit the nonadmitted policy surcharge provided for herein.

(a) The nonadmitted policy surcharge must be a percentage of the total policy premium, but the nonadmitted policy surcharge shall not be considered premium and is not subject to premium taxes or commissions. However, failure to pay the nonadmitted policy surcharge must be treated the same as failure to pay premium. 'Total policy premium' includes taxes and commissions.

(b) The nonadmitted policy surcharge percentage must be the same percentage as the assessment that has been approved by the board and director as applied to the insurers writing medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, or any other type of professional liability insurance in this State covering the professional liability risks of licensed health care providers as described in Section 38-79-220.

(5) Within thirty days of the end of the quarter, surplus lines insurance producers or brokers placing insurance through nonadmitted insurers shall remit to the department all nonadmitted policy surcharges collected in the preceding quarter. Surplus lines insurance producers or brokers placing insurance through nonadmitted insurers may designate another surplus lines insurance producer or broker that actually procured the insurance from the nonadmitted carrier to collect and remit the nonadmitted policy surcharges.

(6) Each insured in this State who directly procures or renews insurance with a nonadmitted insurer on medical malpractice insurance other than insurance procured through a surplus lines licensee, must be subject to the nonadmitted policy surcharge which must be paid by the insured according to the procedures provided for premium taxes in Chapter 45 of this title.

Monies derived from the nonadmitted policy surcharge collected under this section must exclusively be used to reduce the accumulated deficits of the association and fund by equal amounts unless the director or his designee determines that different proportions are appropriate. Once the accumulated deficit of the association or the fund is eliminated, whichever occurs first, all subsequent monies collected through the assessment shall exclusively be used to reduce the remaining deficit until it has also been eliminated. The nonadmitted policy surcharge must continue until the surcharge provided in subsection (1) is eliminated.

(7) The accumulated deficits of the association and the fund have accrued and persisted over a period of decades and being partially attributable to state agencies or institutions or their employees, until the director determines that the accumulated deficits of the association and the fund have been eliminated, he may receive appropriations that are explicitly provided for purposes of reducing the accumulated deficits of the association and fund.

Section 38-79-230. Beginning on January 1, 2021, an additional one percent surcharge on the premium must be assessed on association policyholders. The premium surcharge must increase by one additional percentage point annually until it reaches ten percent and does not sunset. Surcharges levied under this section are not premium and therefore not subject to premium taxes, fees, or commissions. Surcharges may not be considered when evaluating whether rates are excessive, adequate, or unfairly discriminatory.

Section 38-79-240. Every member of the association is bound by the approved plan of operation of the association, including any amendments made, and by any other rules the board of directors of the association lawfully prescribes.

Section 38-79-250.(1) If any member insurer ceases writing business in this State, voluntarily or involuntarily, or by order or authority of the director, the insurer shall continue to be a member of the association until all of its obligations have been satisfied and the director has certified the satisfaction to the association's board.

(2) If a member insurer merges into, acquires, or consolidates with another insurer transacting business subject to this article or if any other insurer or entity has reinsured or assumed a member insurer's entire liability business in this State, the surviving insurer, acquiring insurer, its legal successor, or its assuming reinsurer nonetheless remains liable for the member insurer's obligations in respect to the association.

(3) Any unsatisfied net liability of any insolvent member of the association must be assumed by and apportioned among the remaining members in the same manner in which assessments or gain and loss are apportioned and the association shall thereupon acquire and have all rights and remedies allowed by law on behalf of the remaining members against the estate or funds of the insolvent insurer for funds due the association.

(4) The State is not responsible for any costs, expenses, liabilities, judgments, or other obligations of the association.

Section 38-79-260. (1) The provisions of this section only apply until January 1, 2020.

(2) The association is governed by a board of thirteen directors, all of whom must be appointed by the Governor. The Governor shall appoint five health care providers after consultation with the South Carolina Medical Association, the South Carolina Dental Association, and the South Carolina Health Alliance; four insurance representatives after consultation with the insurance industry; one consumer representative who is unaffiliated with the insurance or health care industries or the medical or legal professions; and two licensed insurance agents or brokers. The professional associations listed and the insurance industry may nominate qualified individuals to the Governor for his consideration. The Governor may also receive nominations for appointments to the board from any other individual, group, or association. Notices of vacancies on the board must be published in newspapers of general statewide circulation. The director or his designee shall serve as an ex officio member of the board. The board shall develop a plan of operation which is subject to the approval of the director or his designee as provided in this article. The plan of operation shall provide for staggered terms of the members of the board. The approved plan of operation of the association may make provision for combining insurers under common ownership or management into groups for voting, assessment, and all other purposes and may provide that not more than one of the officers or employees of a group may serve as a director at any one time. The board shall elect a chairman and other necessary officers for two-year terms. A vacancy must be filled for the unexpired

portion of the term only. The Governor may receive recommendations from any individual, group, or association for any vacancy on the board. The board must meet at the call of the chairman or a majority of the members of the board, but in any event it must meet at least once a year.

Section 38-79-280. The association shall file a financial statement with the department by March first of each year detailing its transactions, financial condition, operations, and affairs during the previous calendar year. In addition, the director may require the association to file quarterly financial statements with the department on the fifteenth of May, August, and November of each year. The statement shall contain such matters and information as are prescribed by the director or his designee and must be prepared in the format the director prescribes. The director or his designee may require the association to furnish additional information with respect to its transactions, condition, or any matter connected therewith considered to be material and of assistance in evaluating the scope, operation, and experience of the association.

Section 38-79-290. The director or his designee shall conduct an examination into the financial condition and affairs of the association at least annually and shall file a report thereon with the department, the Governor, and the General Assembly. The expenses of the examination must be paid by the association. The director or his designee may accept an audit of the association performed by a qualified public accounting firm in lieu of conducting his own examination.

Section 38-79-300. (A) Effective on January 1, 2020, the Patients' Compensation Fund provided for in Article 5 of this chapter shall merge into the South Carolina Medical Malpractice Association as created by this article. The surviving entity is the Joint Underwriting Association and referred to herein as the South Carolina Medical Malpractice Association. The South Carolina Medical Malpractice Association shall assume all obligations and responsibilities of the Patients' Compensation Fund, while retaining all obligations and responsibilities of the Joint Underwriting Association. However, the accumulated deficits of the former Joint Underwriting Association and the Patients' Compensation Fund must be separately accounted for until such time as the director determines each of them is fully eliminated.

(B) On January 1, 2020, the Board of the Patients' Compensation Fund shall, with oversight of the Department of Insurance, exercise due diligence in providing for the orderly and expeditious winding down of the Patients' Compensation Fund. All outstanding affairs and existing

contractual obligations of the Patients' Compensation Fund shall contemporaneously become the responsibility of the South Carolina Medical Malpractice Association on January 1, 2020. After January 1, 2020, the Patients' Compensation Fund shall cease to exist except as required by law for purposes of winding down its affairs.

(C) The Board of Directors of the South Carolina Medical Malpractice Association must:

(1) be appointed on or before January 1, 2020, and is authorized to enter into contracts for the management of the South Carolina Joint Underwriting Association in accordance with governing law;

(2) have the right to attend any regular or special meeting of the Board of Directors of the Joint Underwriting Association or the Board of Governors of the Patients' Compensation Fund, but shall have no vote at these meetings;

(3) replace the existing Board of the Joint Underwriting Association as provided for in Section 38-79-260;

(4) consist of eleven members all appointed by the Governor, as follows:

(a) four medical providers after consultation with the South Carolina Medical Association, the South Carolina Hospital Association, the South Carolina Nurses Association, and the South Carolina Dental Association;

(b) four representatives from the medical malpractice insurance industry representing member companies of the association after consultation with the three largest members;

(c) two consumer representatives;

(d) one independent insurance agent or broker not affiliated with one of the three medical malpractice insurance companies already represented on the board; and

(e) the Director of the Department of Insurance, who serves ex-officio and does not have any voting privileges.

(5) elect other necessary officers for two-year terms after the accumulated deficits of the South Carolina Joint Underwriting Association and the Patients' Compensation Fund are eliminated. The director or his designee shall serve as chairman of the board.

(D) Upon consultation with and consent of the director, the Board of the South Carolina Medical Malpractice Association:

(1) must select a person or firm for the administration and management of the South Carolina Joint Underwriting Association using a competitive bidding process;

(2) is responsible for the negotiation of the administrator's contract including, without limitation, compensation, fees, and the length of the contract; and

(3) shall have the authority to terminate or retain the administrator.

(E) Each member of the Board of the South Carolina Medical Malpractice Association shall serve a term of four years; however, any board member may be reappointed for up to two additional four-year terms. The professional associations listed and the insurance industry may nominate qualified individuals to the Governor for his consideration. The Governor also may receive nominations for appointments to the board from any other individual, group, or association. The South Carolina Medical Malpractice Association and director must publicize all board vacancies to the general public. A vacancy must be filled for the unexpired portion of the term only. The Board of the South Carolina Medical Malpractice Association must meet at the call of the chairman or a majority of the members of the board, but in any event it must meet at least once a year. Any board members of the Joint Underwriting Association or the Patients' Compensation Fund serving at the time of this enactment may be reappointed by the Governor to the Board of the South Carolina Joint Underwriting Association. The prior service of a board member on the Board of the Joint Underwriting Association or Patients' Compensation Fund does not count toward the term limits on members of the Board of the South Carolina Medical Malpractice Association.

(F) Each member of the Board of the South Carolina Medical Malpractice Association has a fiduciary relationship to the organization and must discharge his duties accordingly."

Patients' Compensation Fund repealed

SECTION 2. Article 5, Chapter 79, Title 38 of the 1976 Code is amended by adding:

"Section 38-79-400. This article must be repealed upon the merger of the Patients' Compensation Fund for benefit of licensed health care providers into the South Carolina Joint Underwriting Association as provided for in Section 38-79-300 on January 1, 2020."

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 68

(R88, H3785)

AN ACT TO AMEND SECTION 40-2-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PURPOSES FOR WHICH MEETINGS OF THE BOARD OF ACCOUNTANCY MAY BE CLOSED TO THE PUBLIC, SO AS TO PROVIDE MEETINGS MAY BE CLOSED TO PROTECT CERTAIN CONFIDENTIAL INFORMATION; TO AMEND SECTION 40-2-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF CERTIFIED PUBLIC ACCOUNTANTS AND PUBLIC ACCOUNTANTS, SO AS TO REVISE A DEFINITION; TO AMEND SECTION 40-2-35, RELATING TO EXAMINATION REQUIREMENTS FOR LICENSURE BY THE BOARD, SO AS TO REMOVE THE REQUIREMENT THAT CERTAIN EXAMINATIONS BE COMPUTER BASED; TO AMEND SECTION 40-2-40, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR NONCERTIFIED PUBLIC ACCOUNTANT OWNERS OF CERTIFIED PUBLIC ACCOUNTING FIRMS, SO AS TO INCLUDE CERTAIN ETHICS REQUIREMENTS; TO AMEND SECTION 40-2-80, RELATING TO THE CONFIDENTIAL TREATMENT OF CERTAIN EVIDENCE OBTAINED DURING INVESTIGATIONS BY THE BOARD, SO AS TO PROVIDE ALL PROCEEDINGS AND INQUIRIES RELATED TO THE INVESTIGATIONS ARE CONFIDENTIAL EXCEPT WHEN THE SUBJECT OF AN INVESTIGATION WAIVES CONFIDENTIALITY OF THE EXISTENCE OF THE COMPLAINT; TO AMEND SECTION 40-2-90, RELATING TO INVESTIGATIONS BY THE BOARD, SO AS TO PROVIDE DISCIPLINARY HEARINGS BY THE BOARD MUST BE OPEN TO THE PUBLIC EXCEPT IN CERTAIN CIRCUMSTANCES AND ALL EVIDENCE MUST BE MADE PART OF THE RECORD IN THE PROCEEDINGS; TO AMEND SECTION 40-2-240, RELATING TO LICENSURE OF OUT-OF-STATE

PERSONS BY THE BOARD, SO AS TO PROVIDE ALTERNATIVE CRITERIA FOR SUCH LICENSURE; AND TO AMEND SECTION 40-2-340, RELATING TO DISCLAIMERS THAT ACCOUNTING PRACTITIONERS AND ACCOUNTING PRACTITIONER FIRMS MUST USE WHEN ASSOCIATING THEIR NAMES WITH CERTAIN COMPILED FINANCIAL STATEMENTS, SO AS TO REMOVE THE EXISTING BOILERPLATE LANGUAGE REQUIRED AND INSTEAD PROVIDE SUCH DISCLAIMERS MUST COMPLY WITH CERTAIN NATIONAL STANDARDS.

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

Closure of board meetings to public

SECTION 1. Section 40-2-10(B) of the 1976 Code is amended to read:

“(B) The board shall elect annually from among its members a chairman, a vice chairman, and a secretary. The board shall meet at least two times a year at places fixed by the chairman. Meetings of the board must be open to the public except those concerned with investigations under Section 40-2-80 and except as necessary to protect confidential information in accordance with board regulations, federal law, state law, or Section 40-2-90(C). A majority of the board members in office constitutes a quorum at any meeting of the board. A board member shall attend meetings or provide proper notice and justification of inability to attend. Unexcused absences from meetings may result in removal from the board as provided for in Section 1-3-240.”

Definitions

SECTION 2. Section 40-2-20(5) of the 1976 Code is amended to read:

“(5) ‘Compilation’ means providing a service to be performed in accordance with Statements on Standards for Accounting and Review Services (SSARS) in which the objective of the accountant is to apply accounting and financial reporting expertise to assist management in the presentation of financial statements and reports in accordance with this section without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements in order for them to be in accordance with the applicable financial reporting framework.”

Examinations, mandatory computer-based format removed

SECTION 3. Section 40-2-35 (F)(1) of the 1976 Code is amended to read:

“(1) A candidate may take the required test sections individually and in any order. Credit for any test section passed is valid for eighteen months from the actual date the candidate took that test section, without having to attain a minimum score on any failed test section and without regard to whether the candidate has taken other test sections.

(a) A candidate must pass all four test sections of the Uniform CPA Examination within a rolling eighteen-month period, which begins on the date that the first test section is passed. The board by regulation may provide additional time to an applicant on active military service. The board also may accommodate any hardship which results from the conditions of administration of the examination.

(b) A candidate cannot retake a failed test section in the same examination window. An examination window refers to a three-month period in which candidates have an opportunity to take the CPA examination. If all four test sections of the Uniform CPA Examination are not passed within the rolling eighteen-month period, credit for any test section passed outside the eighteen-month period expires and that test section must be retaken.

(c) A candidate who applies for a license more than three years after the date upon which the candidate passed the last section of the Uniform CPA Examination must document one hundred twenty hours of acceptable continuing professional education in order to qualify, in addition to all other requirements imposed by this section.”

Continuing education

SECTION 4. Section 40-2-40(C)(7)(b) of the 1976 Code is amended to read:

“(b) Noncertified public accountant owners must complete the same number of hours of continuing professional education as licensed certified public accountants in this State. However, in each three-year period, as established by the board, six of the hours must be in ethics, and at least two of these hours must be a board-approved South Carolina Accountancy Rules and Regulations course.”

Confidentiality of investigations, waivers

SECTION 5. Section 40-2-80(E) of the 1976 Code is amended to read:

“(E) The testimony and documents submitted in support of the complaint or gathered in the investigation must be treated as confidential information and must not be disclosed to any person except law enforcement authorities and, to the extent necessary in order to conduct the investigation, the subject of the investigation, persons whose complaints are being investigated, and witnesses questioned in the course of the investigation. All proceedings related to the investigations and inquiries during the investigation process undertaken pursuant to this chapter are confidential, unless the licensee or registrant who is the subject of the investigation or inquiry waives the confidentiality of the existence of the complaint.”

Disciplinary hearings, evidence

SECTION 6. Section 40-2-90(C) of the 1976 Code is amended to read:

“(C) If a hearing is to be held, the licensee or registrant has the right to be present, to present evidence and argument on all issues involved, to present and to cross-examine witnesses, and to be represented by counsel at the licensee’s or registrant’s expense. For the purpose of these hearings, the board may require by subpoena the attendance of witnesses, the production of documents and other evidence, and may administer oaths and hear testimony, either oral or documentary, for and against the accused licensee. All evidence, including the records that the board or the board’s hearing panel considers, must be made part of the record in the proceedings. These hearings must be open to the public, except:

- (1) as necessary to protect confidential information in accordance with federal or state law; and
- (2) as necessary to protect confidential information provided by a client for whom a licensee performs services, or the heirs, successors, or personal representatives of the client.”

Out-of-state licensure applicants, criteria

SECTION 7. Section 40-2-240(A) of the 1976 Code is amended to read:

“(A) The board may issue a license to a holder of a certificate, license, or permit issued under the laws of any state or territory of the United States or the District of Columbia or any authority outside the United States upon a showing of substantially equivalent education, examination, and experience upon the condition that the applicant:

(1)(a) received the designation, based on educational and examination standards substantially equivalent to those in effect in this State, at the time the designation was granted; and

(b) completed an experience requirement, substantially equivalent to the requirement provided for in Section 40-2-35(F), in the jurisdiction which granted the designation or has engaged in four years of professional practice, outside of this State, as a certified public accountant within the ten years immediately preceding the application; and

(c) passed a uniform qualifying examination in national standards and an examination on the laws, regulations, and code of ethical conduct in effect in this State acceptable to the board; and

(d) listed all jurisdictions, foreign and domestic, in which the applicant has applied for or holds a designation to practice public accountancy or in which any applications have been denied; and

(e) demonstrated completion of eighty hours of qualified CPE within the last two years; and

(f) filed an application and pays an annual fee sufficient to cover the cost of administering this section.

(2)(a) satisfies the requirements of item (1)(c), (d), (e), and (f);

(b) holds a valid license issued by any other state before January 1, 2012; and

(c) has engaged in four years of professional practice, outside of this State, as a certified public accountant within the ten years immediately preceding the application.”

Financial statement disclaimers

SECTION 8. Section 40-2-340 of the 1976 Code is amended to read:

“Section 40-2-340. An accounting practitioner or firm of accounting practitioners is permitted to associate his or the firm’s name with compiled financial statements as defined by Professional Standards for Accounting and Review Services, provided a disclaimer is used that complies with the most recent version of the statement on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants and a statement in the report that provides:

‘I (we) have not audited or reviewed the accompanying financial statements and I am (we are) prohibited by law from expressing an opinion on them’.”

Time effective

SECTION 9. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 69

(R89, H3916)

AN ACT TO AMEND SECTION 12-37-2615, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES FOR FAILURE TO REGISTER A MOTOR VEHICLE, SO AS TO PROVIDE THAT A PERSON WHO FAILS TO REGISTER A MOTOR VEHICLE IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, MUST BE FINED NOT MORE THAN FIVE HUNDRED DOLLARS OR IMPRISONED FOR A PERIOD NOT TO EXCEED THIRTY DAYS, OR BOTH.

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

Failure to register a motor vehicle fine

SECTION 1. Section 12-37-2615 of the 1976 Code is amended to read:

“Section 12-37-2615. Any person who violates the provisions of Section 12-37-2610 is guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned for a period not to exceed thirty days, or both.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 70

(R90, H3951)

AN ACT TO AMEND SECTION 23-11-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS THAT A SHERIFF MUST POSSESS, SO AS TO PROVIDE THESE QUALIFICATIONS ALSO APPLY TO CANDIDATES FOR SHERIFF, TO MAKE TECHNICAL CHANGES, TO PROVIDE A SHERIFF HOLDING OFFICE ON THE EFFECTIVE DATE OF THIS SECTION IS NOT REQUIRED TO BE AN EXPERIENCED CERTIFIED LAW ENFORCEMENT OFFICER OR BE ELIGIBLE TO OBTAIN A CLASS 1 LAW ENFORCEMENT OFFICER CERTIFICATE UPON THE COMMENCEMENT OF HIS TERM OF OFFICE, AND TO PROVIDE ADDITIONAL QUALIFICATIONS.

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

Sheriff and candidates for sheriff qualifications

SECTION 1. Section 23-11-110(A) of the 1976 Code is amended to read:

“(A) All sheriffs and candidates for sheriff in this State must have the following qualifications:

- (1) be a citizen of the United States;
- (2) be a resident of the county in which he seeks the office of sheriff for at least one year immediately preceding the date of the election for sheriff;
- (3) be a registered voter;
- (4) have attained the age of at least twenty-one years prior to the date of his qualifying for election to the office;
- (5) have:
 - (a) obtained a high school diploma, its recognized equivalent in educational training as established by the State Department of

Education, and have at least five years experience as a Class 1 certified law enforcement officer; or

(b) obtained a two-year associate degree and three years experience as a Class 1 certified law enforcement officer; or

(c) obtained a four-year baccalaureate degree and one year experience as a Class 1 certified law enforcement officer; or

(d) served as a summary court judge for at least ten years.

For purposes of this section, a 'Class 1 certified law enforcement officer' is a person who has been issued a certificate as a Class 1 law enforcement officer by the South Carolina Law Enforcement Training Council. A sheriff holding office on the effective date of this section is not required to have obtained the necessary experience as a certified law enforcement officer in this State;

(6) have not been convicted of or pled guilty to a violation of Section 56-1-460 or 56-5-2930, or both, within the past ten years or a felony in this State or another state;

(7) have not been convicted of or pled guilty to a felony or a crime of moral turpitude in this State or another state;

(8) be fingerprinted and have the State Law Enforcement Division make a search of local, state, and federal fingerprint files for any criminal record. Fingerprints are to be taken under the direction of any law enforcement agency and must be made available to SLED no later than one hundred thirty days prior to the general election. The results of the records search are to be filed with the county executive committee of the person's political party. A person seeking nomination by petition must file the records search with the county election commission in the county of his residence; and

(9) be eligible to be issued a certificate as a Class 1 law enforcement officer by the South Carolina Law Enforcement Training Council upon the commencement of the term of office. A sheriff holding office on the effective date of this section is exempt from the provisions in this item."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 71

(R91, H3973)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 3, TITLE 16 SO AS TO PROHIBIT GENITAL MUTILATION OF A FEMALE WHO IS UNDER THE AGE OF EIGHTEEN YEARS OR WHO IS UNABLE TO CONSENT, TO CREATE A FELONY OFFENSE OF FEMALE GENITAL MUTILATION, WITH EXCEPTIONS, AND FOR OTHER PURPOSES; AND TO AMEND SECTION 63-7-20, AS AMENDED, RELATING TO TERMS DEFINED IN THE CHILDREN'S CODE, SO AS TO ADD FEMALE GENITAL MUTILATION OF A MINOR TO THE DEFINITION OF "CHILD ABUSE OR NEGLECT" OR "HARM".

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

Female genital mutilation, prohibition and penalties

SECTION 1. Chapter 3, Title 16 of the 1976 Code is amended by adding:

"Article 20

Female Genital Mutilation

Section 16-3-2210. For purposes of this article:

(1) 'Facilitate' means to raise, solicit, collect, or provide material support or resources with intent that such will be used, in whole or in part, to plan, prepare, carry out, or aid in any act of female genital mutilation or hindering the prosecution of an act of female genital mutilation, or the concealment of an act of female genital mutilation.

(2) 'Female genital mutilation' or 'mutilation' means:

(a) the partial or total removal of the clitoris, prepuce, or labia minora, with or without excision of the labia majora; or

(b) the narrowing of the vaginal opening through the creation of a covering seal formed by cutting and repositioning the inner or outer labia, with or without the removal of the clitoris.

(3) 'Health care professional' means an individual who is licensed, certified, or otherwise authorized by the laws of this State to provide health care to members of the public.

(4) 'Hindering the prosecution of female genital mutilation' means actions to include, but not be limited to:

(a) harboring or concealing a person who is known or believed to be planning to commit an act of female genital mutilation;

(b) warning a person who is known or believed to be planning to commit an act of female genital mutilation of impending discovery or apprehension; or

(c) suppressing any physical evidence that might aid in the discovery or apprehension of a person who is known or believed to be planning to commit an act of female genital mutilation.

(5) 'Material support or resources' means currency or other financial securities, financial services, instruments of value, lodging, training, false documentation or identification, medical equipment, computer equipment, software, facilities, personnel, transportation, or other physical assets.

(6) 'Mutilate' means to commit female genital mutilation or mutilation.

(7) 'Unable to consent' means unable to appreciate the nature and implications of the patient's condition and proposed health care, to make a reasoned decision concerning the proposed health care, or to communicate that decision in an unambiguous manner. A patient's inability to consent must be certified by two licensed physicians, each of whom has examined the patient. However, in an emergency the patient's inability to consent may be certified by a health care professional responsible for the care of the patient if the health care professional states in writing in the patient's record that the delay occasioned by obtaining certification from two licensed physicians would be detrimental to the patient's health. A certifying physician or other health care professional shall give an opinion regarding the cause and nature of the inability to consent, its extent, and its probable duration. If a patient unable to consent is being admitted to hospice care pursuant to a physician certification of a terminal illness required by Medicare, that certification meets the certification requirements of this item.

Section 16-3-2220. (A) It is unlawful for a person to:

(1) knowingly mutilate or attempt to mutilate a female who is under eighteen years of age or who is unable to consent;

(2) knowingly facilitate the mutilation of a female who is under eighteen years of age or who is unable to consent; or

(3) knowingly transport or facilitate the transportation of a female who is under eighteen years of age or who is unable to consent from this State for the purpose of mutilation.

(B) Any person who violates the provisions of this article is guilty of a felony and, upon conviction, must be fined not more than twenty thousand dollars or imprisoned not more than twenty years, or both.

(C) Section 63-5-330 does not apply to this chapter.

Section 16-3-2230. (A) It is not a defense to prosecution for a violation of this article that a female genital mutilation procedure is:

(1) required as a matter of belief, custom, or ritual;

(2) consented to by the minor or female who is unable to consent on whom the procedure is performed; or

(3) consented to by the parent or legal guardian of the minor or female who is unable to consent on whom the procedure is performed.

(B) A procedure involving female genital mutilation is not a violation of this article if it is:

(1) necessary to the physical health of the minor or female who is unable to consent on whom it is performed; or

(2) performed on a minor or female who is unable to consent who is in labor or who has just given birth for medical purposes connected with that labor or birth.

(C) A physician, physician-in-training, nurse, certified nurse-midwife, or any other medical professional who performs, participates in, or facilitates a female genital mutilation procedure which does not fall under one of the exceptions listed in subsection (B), in addition to the criminal penalties provided in this article, shall have his professional license or certification permanently revoked.

Section 16-3-2240. The provisions of this article do not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction or occurrence as the violation of this article.”

Definition, child abuse or neglect

SECTION 2. Section 63-7-20(6)(a)(v) and (vi) of the 1976 Code, as last amended by Act 146 of 2018, is further amended to read:

“(v) encourages, condones, or approves the commission of delinquent acts by the child including, but not limited to, sexual

trafficking or exploitation, and the commission of the acts are shown to be the result of the encouragement, condonation, or approval;

(vi) commits or allows to be committed against the child female genital mutilation as defined in Section 16-3-2210 or engages in acts or omissions that present a substantial risk that the crime of female genital mutilation would be committed against the child; or

(vii) has committed abuse or neglect as described in subsubitems (i) through (vi) such that a child who subsequently becomes part of the person's household is at substantial risk of one of those forms of abuse or neglect; or"

Savings

SECTION 3. 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.

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 72

(R92, H4010)

AN ACT TO AMEND SECTION 51-17-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MAXIMUM

ACREAGE THAT MAY BE ACQUIRED UNDER THE HERITAGE TRUST PROGRAM, SO AS TO REMOVE THE MAXIMUM ACREAGE LIMITATION.

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

Heritage Trust Program, maximum acreage allowance removed

SECTION 1. Section 51-17-140 of the 1976 Code is amended to read:

“Section 51-17-140. No acquisition may be made under this chapter in any county without written approval of a majority of the county delegation in the county where Heritage Trust properties are to be acquired.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 73

(R93, H4011)

AN ACT TO AMEND SECTION 49-3-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES’ DUTIES IN REGARDS TO WATER RESOURCE PLANNING AND COORDINATION, SO AS TO MAKE STATUTORY CHANGES TO REFLECT THE DUTIES OF THE DEPARTMENT; AND TO AMEND SECTION 49-3-50, RELATING TO MATTERS TO BE CONSIDERED BY THE DEPARTMENT IN EXERCISING ITS AUTHORITY UNDER THE WATER RESOURCES PLANNING AND COORDINATION ACT, SO AS TO REVISE THESE MATTERS.

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

Department of Natural Resources duties

SECTION 1. Section 49-3-40(a), (d) and (f) of the 1976 Code is amended to read:

“(a) The department shall advise and assist the Governor and the General Assembly in:

(1) formulating and establishing a comprehensive water resources policy for the State, such as a State Water Plan, including coordination of policies and activities among the state departments and agencies;

(2) developing and establishing policies and proposals designed to meet and resolve special problems of water resource use and control within or affecting the State, including consideration of the requirements and problems of urban and rural areas;

(3) reviewing the actions and policies of state agencies with water resource responsibilities to determine the consistency of such actions and policies with the comprehensive water policy of the State and to recommend appropriate action where deemed necessary;

(4) reviewing any project, plan or program of federal aid affecting the use or control of any waters within the State and to recommend appropriate action where deemed necessary;

(5) developing policies and recommendations to assure that the long range interests of all groups, urban, suburban, and rural, are provided for in the state’s representation on interstate water issues;

(6) recommending to the General Assembly any changes of law or regulation required to implement the policy declared in this chapter; and

(7) such other water resources planning, policy formulation and coordinating functions as the Governor and the General Assembly may designate.

(d) The department shall encourage, assist and advise regional, metropolitan, and local governmental agencies, officials or bodies responsible for planning in relation to water aspects of their programs, and shall assist in coordinating local and regional water resources activities, programs, and plans.

(f) The department may receive and expend grants, gifts, and monies donated or given by any state, federal, or private agency, person, corporation, water or sewer authority, or political subdivision in connection with water resource investigations in which the results of such investigations will be made publicly available.”

Department of Natural Resources considerations

SECTION 2. Section 49-3-50 of the 1976 Code is amended to read:

“Section 49-3-50. In exercising its responsibilities under this chapter, the department shall take into consideration the need for:

(a) Adequate supplies of surface and groundwaters of suitable quality for all uses, including domestic, municipal, agricultural, and industrial.

(b) Water of suitable quality for all purposes.

(c) Water availability for recreational and commercial needs.

(d) Hydroelectric power.

(e) Flood damage control or prevention measures including zoning to protect people, property, and productive lands from flood losses.

(f) Land stabilization measures.

(g) Drainage measures, including salinity control.

(h) Watershed protection and management measures.

(i) Outdoor recreational and fish and wildlife opportunities.

(j) Studies on saltwater intrusion into groundwater and surface water.

(k) Measures to protect the state’s fisheries and other aquatic resources.

(l) Any other means by which development of water and related land resources can contribute to economic growth and development, the long-term preservation of water resources, and the general well-being of all the people of the State.”

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 74

(R94, H4012)

AN ACT TO AMEND SECTIONS 48-9-15 AND 48-9-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO DEFINITIONS APPLICABLE TO CHAPTER 9, TITLE 48, SO AS TO REDEFINE THE TERM "DIVISION", DEFINE THE TERM "BOARD", AND EXPAND THE DEFINITION OF "THE UNITED STATES"; TO AMEND SECTION 48-9-45, RELATING TO THE LAND, RESOURCES, AND CONSERVATION DISTRICTS DIVISION, SO AS TO UPDATE THE NAME OF THE DIVISION; TO AMEND SECTION 48-9-50, RELATING TO AGENCIES OPERATING PUBLIC LANDS, SO AS TO DELETE A REFERENCE TO CERTAIN LAND USE REGULATIONS; TO AMEND SECTION 48-9-220, RELATING TO GEOGRAPHIC AREAS FOR THE STATE LAND RESOURCES CONSERVATION COMMISSION, SO AS TO REFORMAT THE STATE LAND RESOURCES CONSERVATION COMMISSION INTO THE LAND, WATER, AND CONSERVATION DIVISION ADVISORY COMMITTEE; TO AMEND SECTION 48-9-310, RELATING TO ESTIMATES OF FINANCIAL NEEDS FOR SOIL AND WATER CONSERVATION DISTRICTS, SO AS TO REMOVE UNNECESSARY STATUTORY REQUIREMENTS THAT ARE NOW ACCOMPLISHED THROUGH THE BUDGETING PROCESS; TO AMEND SECTION 48-9-1220, RELATING TO THE NOMINATION AND ELECTION OF COMMISSIONERS, SO AS TO UPDATE AN EXISTING REFERENCE TO REFLECT THE ROLE OF THE STATE ELECTION COMMISSION TO DETERMINE ELECTORS; TO AMEND SECTION 48-9-1250, RELATING TO THE USE OF COUNTY AGRICULTURAL AGENTS, SO AS TO REMOVE REFERENCES TO DISCONTINUED PRACTICES; TO AMEND SECTION 48-11-10, RELATING TO DEFINITIONS APPLICABLE TO WATERSHED CONSERVATION DISTRICTS, SO AS TO ALTER THE DEFINITION OF THE TERM "DIVISION"; TO REPEAL SECTION 48-9-40 RELATING TO THE RENAMING OF THE STATE LAND RESOURCES CONSERVATION COMMISSION; TO REPEAL SECTION 48-9-230 RELATING TO ADVISORS TO THE LAND RESOURCES AND CONSERVATION DISTRICTS DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES; TO

REPEAL ARTICLE 13 OF CHAPTER 9, TITLE 48 RELATING TO LAND USE REGULATIONS; AND TO REPEAL ARTICLE 15 OF CHAPTER 9, TITLE 48 RELATING TO THE BOARD OF ADJUSTMENT FOR A NEWLY ORGANIZED SOIL AND WATER CONSERVATION DISTRICT.

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

Soil and Water Conservation Districts, definitions

SECTION 1. A. Section 48-9-15(2) of the 1976 Code is amended to read:

“(2) ‘Division’ means the Land, Water, and Conservation Division of the Department of Natural Resources.”

B. Section 48-9-30(8) of the 1976 Code is amended to read:

“(8) ‘United States’ or ‘agencies of the United States’ includes the United States of America, the Natural Resources Conservation Service of the United States Department of Agriculture and its successors, and any other agency or instrumentality, corporate or otherwise, of the United States of America;”

C. Section 48-9-30 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“() ‘Board’ means the governing body of the Department of Natural Resources.”

Land Resources and Conservation Districts renamed Land, Water, and Conservation Division

SECTION 2. Section 48-9-45 of the 1976 Code is amended to read:

“Section 48-9-45. The Land, Water, and Conservation Division, shall be directly accountable to and subject to the director of the department.”

Conforming amendment

SECTION 3. Section 48-9-50 of the 1976 Code is amended to read:

“Section 48-9-50. Agencies of this State which shall have jurisdiction over or be charged with the administration of any state-owned lands and agencies of any county or other governmental subdivision of the State which shall have jurisdiction over or be charged with the administration of any county owned or other publicly owned lands, lying within the boundaries of any district organized under this chapter, shall cooperate to the fullest extent with the commissioners of such districts in the effectuation of programs and operations undertaken by the commissioners under the provisions of this chapter. The commissioners of such districts shall be given free access to enter and perform work upon such publicly owned lands. ”

Conforming amendment, Advisory Committee

SECTION 4. A. Section 48-9-220 of the 1976 Code is amended to read:

“Section 48-9-220. For the purpose of selecting the five soil and water conservation district commissioners to serve as members of the Land, Water, and Conservation Division Advisory Committee, the State is divided into five areas, to wit:

(1) Area 1, the counties of Abbeville, Anderson, Cherokee, Greenville, Laurens, Oconee, Pickens, Spartanburg and Union;

(2) Area 2, the counties of Aiken, Calhoun, Edgefield, Greenwood, Lexington, McCormick, Newberry, Richland and Saluda;

(3) Area 3, the counties of Chester, Chesterfield, Darlington, Fairfield, Kershaw, Lancaster, Lee, Marlboro and York;

(4) Area 4, the counties of Berkeley, Clarendon, Dillon, Florence, Georgetown, Horry, Marion, Sumter and Williamsburg; and

(5) Area 5, the counties of Allendale, Bamberg, Barnwell, Beaufort, Charleston, Colleton, Dorchester, Hampton, Jasper and Orangeburg.”

B. Article 3, Chapter 9, Title 48 is redesignated as ‘Land, Water, and Conservation Division Advisory Committee’.

Reporting of financial needs to the Governor eliminated

SECTION 5. Section 48-9-310 of the 1976 Code is amended to read:

“Section 48-9-310. The department may require the commissioners of the respective soil and water conservation districts to submit to it such

statements, estimates, budgets and other information as it may deem necessary.”

Nomination and election of Commissioners, updated dates

SECTION 6. Section 48-9-1220 of the 1976 Code is amended to read:

“Section 48-9-1220. Effective November, 1982, and in November of the appropriate years thereafter, three commissioners from each district must be elected. The election must be nonpartisan and must be conducted by the county election commission at the same time as other county officers are elected in the general election.

To be placed on the ballot for county offices, each candidate shall submit to the county election commission a nominating petition with the signatures of one hundred qualified registered electors or one percent of the qualified registered electors of the district, whichever is lesser.

The nominees in the petition must be placed on the appropriate official ballot for the election if the petition is submitted to the county election commission not later than twelve noon on July fifteenth or, if July fifteenth falls on Sunday, no later than twelve noon on the following Monday. The form of the petition must comply with the requirements in Section 7-11-80 pertaining to the conduct of general elections not conflicting with this section. Candidates must be qualified registered electors and residents of the district in which elected.

The three candidates who receive the largest number of votes cast in the election are elected and shall assume office the following February first.

This election must be conducted pursuant to Title 7, *mutatis mutandis*, except as otherwise provided for in this section.

Effective with the 1990 election, the two candidates who receive the highest number of votes shall serve for terms of four years each and the other candidate who receives the next highest number of votes shall serve for a term of two years. Thereafter, their successors must be elected in a nonpartisan election to be held at the same time as the general election for terms of four years each.”

County agricultural agents, deleted discontinued practices

SECTION 7. Section 48-9-1250 of the 1976 Code is amended to read:

“Section 48-9-1250. The commissioners may employ such additional employees and agents, permanent and temporary, as they may require

and shall determine their qualifications, duties and compensation. The commissioners may delegate to their chairman or to one or more agents, or employees such powers and duties as they may deem proper. The commissioners may call upon the Attorney General of the State for such legal services as they may require or may employ their own counsel and legal staff.”

Conforming amendments

SECTION 8. Section 48-11-10(13) of the 1976 Code is amended to read:

“(13) ‘Division’ means Land, Water, and Conservation Division.”

Repeal

SECTION 9. Sections 48-9-40 and 48-9-230 of the 1976 Code are repealed. Articles 13 and 15 of Chapter 9, Title 48 of the 1976 Code are repealed.

Time effective

SECTION 10. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 75

(R95, H4013)

AN ACT TO AMEND SECTION 48-22-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE STATE GEOLOGICAL SURVEY UNIT, SO AS TO CHANGE CERTAIN REQUIREMENTS FOR THE STATE GEOLOGIST; TO AMEND SECTION 48-22-30, RELATING TO THE POWERS AND DUTIES OF THE STATE GEOLOGIST, SO AS TO REQUIRE THAT THE STATE GEOLOGIST BECOME FAMILIAR WITH GEOLOGIC HAZARDS THROUGHOUT

THE STATE; AND TO AMEND SECTION 48-22-40, RELATING TO THE DUTIES OF THE STATE GEOLOGICAL SURVEY UNIT, SO AS TO ESTABLISH NEW DUTIES FOR THE UNIT AND REMOVE CERTAIN MAPPING DUTIES.

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

State Geologist, requirements

SECTION 1. Section 48-22-10 of the 1976 Code is amended to read:

“Section 48-22-10. The South Carolina Geological Survey Unit is established under the Department of Natural Resources. The State Geologist must be hired by the Director of the Department of Natural Resources. He must have graduated from an accredited college or university with a full curriculum in geology and had at least eight years of practical work experience, academic, governmental, or industrial, in geology.”

State Geologist, powers and duties

SECTION 2. Section 48-22-30(A)(1) of the 1976 Code is amended to read:

“(1) travel throughout the State so as to make himself familiar with the geology, geologic hazards, and mineral resources of each section;”

Unit duties

SECTION 3. Section 48-22-40 of the 1976 Code is amended to read:

“Section 48-22-40. In addition to other duties assigned to it, the unit:

(1) shall conduct field and laboratory studies in geologic reconnaissance, mapping, evaluating mineral resources, and related gathering of surface and subsurface data. Investigative areas include offshore and onshore lands in this State;

(2) shall make surface and subsurface data available to governmental agencies, private business, and the public by disseminating published geologic information as bulletins, maps, economic reports, and related series and open-file reports;

(3) shall provide geologic advice and assistance to other state and local governmental agencies engaged in environmental protection or in

industrial or economic development projects. In addition, the unit must be involved actively in geologic aspects of regional planning and effective land use in the State;

(4) shall encourage economic development in the State by disseminating published geologic information as bulletins, maps, economic reports, and related series and open-file reports to appropriate governmental agencies and private industry. The unit is encouraged further to initiate and maintain appropriate industrial contacts to promote the extraction and conservation of South Carolina's earth raw materials and their manufacture to the economic improvement of the State;

(5) shall provide unsolicited advice, when appropriate, to the Mining Council and its associated state regulatory agency, on geologic and related mining matters in keeping with the intent of the South Carolina Mining Act;

(6) shall operate and maintain a central, statewide repository for rock cores, well cuttings and related subsurface samples, and all associated supplemental data. Private firms and public agencies are encouraged to notify the unit before exploratory or developmental drilling and coring;

(7) may conduct cooperative work with appropriate agencies of the United States Government in its geologic activities and investigations;

(8) shall provide a minerals research laboratory related to the identification, extraction, and processing of industrial minerals and minerals of economic potential wherever found throughout the onshore and offshore areas of the State. The minerals research laboratory is encouraged to accept mineral research projects from South Carolina businesses or citizens on a per cost, per unit basis and to encourage expended use of the raw materials of the State. The minerals research laboratory may accept public and private gifts or funds and may enter into cooperative agreements for the purpose of applied research in the metallic and nonmetallic minerals of this State;

(9) when appropriate, shall provide unsolicited advice to other state and governmental agencies concerning geologic hazards including, but not limited to, earthquakes, ground liquefaction, sinkhole development and collapse, landslide development, and coastal vulnerability.”

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 76

(R96, H4020)

AN ACT TO AMEND SECTION 51-1-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM, SO AS TO PROVIDE NEW DUTIES FOR THE DEPARTMENT; AND TO REPEAL ARTICLE 3 OF CHAPTER 1, TITLE 51 RELATING TO THE DIVISION OF COMMUNITY DEVELOPMENT.

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

Department of Parks, Recreation and Tourism, new duties added

SECTION 1. Section 51-1-60 of the 1976 Code is amended to read:

“Section 51-1-60. The department may contract, be contracted with, use a common seal, and make and adopt regulations. No regulation may be promulgated affecting hunting and fishing except as provided in Section 51-3-145. The department may accept gifts and acquire by gift, purchase, or otherwise real estate and other property, but no real estate may be purchased or disposed of by the department except on approval of the State Budget and Control Board. The department shall keep accurate records showing in full the receipts and disbursements and the records must be open at any reasonable time to inspection by the public. The department shall submit annually to the General Assembly and the Budget and Control Board reports the board requires. The department shall have the following duties and responsibilities in addition to such other functions as may, from time to time, be assigned by legislative action or by the State Budget and Control Board:

(a) to promote, publicize, and advertise the state’s tourist attractions;

(b) to promote the general health and welfare of the people of the State by developing and expanding new and existing recreational areas, including the existing State Park System;

(c) to develop a coordinated plan utilizing to best advantage the natural facilities and resources of the State as a tourist attraction, recognizing that the State has within its boundaries mountainous areas and coastal plains, each of unsurpassed beauty, which with the easy accessibility now existing and being provided, has the potential of attracting many visitors in all seasons to take advantage of the natural scenery, the outdoor sports, including hunting, fishing, and swimming, together with other recreational activities such as golfing, boating, and sightseeing;

(d) to include in its plan the preservation and perpetuation of our state's rich historical heritage by acquiring and owning, recognizing, marking, and publicizing areas, sites, buildings, and other landmarks and items of national and statewide historical interest and significance to the history of our State. No area, site, building, or other landmark shall be acquired for its historical significance without the approval of the Commission of Archives and History;

(e) to use all available services of the several agencies in the management of timber and game and such agencies when requested by the director shall render such cooperation and assistance as may be necessary; provided, that the State Forestry Commission shall continue the forestry program authorized under the provisions of Section 48-23-270;

(f) to lease or convey portions of lands under its jurisdiction to municipalities and other political subdivisions charged with the responsibility of providing parks and recreation facilities; provided, that all such leases shall contain a clause to the effect that if such property ceases to be used as a recreation or park facility, the lease shall be void and in the event of a conveyance, the deed shall contain a clause providing that if such property ceases to be used as a recreation or park facility, the title to such property shall revert to the department. All plans for the development of such lands shall be subject to the approval of the department and it shall retain the right to inspect such lands at such times as it considers necessary to determine if such lands are being used for parks and recreation;

(g) to borrow from time to time from any source available such sums of money as the department at its discretion deems advisable at interest rates approved by the State Fiscal Accountability Authority for the purposes of acquisition, construction, development, and maintenance of such lands and facilities as the director is empowered to operate and issue evidences of such indebtedness thereof in the form of notes or bonds as may be determined by the director. The department may secure any sums borrowed under the terms hereof by mortgage of any property

or facilities owned by it and it may pledge any and all income from any of its properties or facilities. The State is in no manner liable for any debt incurred under the terms hereof but all such obligations shall be met by the department out of monies coming into its hands from the property and facilities so pledged;

(h) to enter into contracts with the United States Government, its various departments, and agencies for the purpose of obtaining funds, property, or any other purpose which will assist the department in carrying out the provisions for which it has been created;

(i) to allocate funds made available to the department, other than funds specifically allocated to it by legislative appropriation or bond authorization, for development and improvement of park properties in the state system and historic sites approved by the Director of the Department of Parks, Recreation and Tourism and the South Carolina Archives and History Commission;

(j) to promote economic diversity in all areas of the State by extending to them the full benefits of tourism and recreational development; and

(k) to coordinate and act as a liaison with regional tourism organizations, local chambers of commerce, and development agencies.

The Department of Parks, Recreation and Tourism shall study and ascertain the state's present park, parkway, and outdoor recreational resources and facilities, the need for such resources and facilities, and the extent to which these needs are now being met. A survey shall be included to determine the land suitable and desirable to be acquired as a part of the state park and outdoor recreational system, due consideration being given to the scenic, recreational, archaeological, and other special features attractive to out-of-state visitors and to the people of the State. The results of this survey and study should be reported to the Governor and the General Assembly at the earliest practicable time."

Repeal

SECTION 2. Article 3 of Chapter 1, Title 51 of the 1976 Code is repealed.

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 77

(R97, H4133)

AN ACT TO AMEND SECTION 12-6-3530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMUNITY DEVELOPMENT TAX CREDITS, SO AS TO ALLOW A TAX CREDIT OF FIFTY PERCENT OF ANY CASH DONATION TO COMMUNITY DEVELOPMENT CORPORATIONS OR COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS, TO INCREASE AN AGGREGATE CREDIT PROVISION, TO ESTABLISH TAX CREDIT RESERVE ACCOUNTS FOR THE FIRST THREE QUARTERS OF EACH TAX YEAR SO AS TO AVOID THE DEPLETION OF CREDITS BY AN INDIVIDUAL TAXPAYER, TO DELETE THE PRO-RATA DISTRIBUTION OF TAX CREDITS, TO ALLOW FINANCIAL INSTITUTIONS WITH TAX LIABILITIES IN THIS STATE TO INVEST IN COMMUNITY DEVELOPMENT CORPORATIONS FOR THE PURPOSE OF RECEIVING A TAX CREDIT, AND TO PROVIDE THAT RETURNS ON INVESTMENTS IN CERTIFIED COMMUNITY DEVELOPMENT CORPORATIONS AND CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS MAY NOT EXCEED THE TOTAL AMOUNT OF THE INITIAL INVESTMENT; TO AMEND SECTION 4 OF ACT 314 OF 2000, AS AMENDED, RELATING TO COMMUNITY DEVELOPMENT CORPORATIONS AND FINANCIAL INSTITUTIONS, SO AS TO EXTEND THE PROVISIONS OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT UNTIL JUNE 30, 2023; AND BY ADDING SECTION 12-6-3775 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT TO AN INDIVIDUAL OR BUSINESS THAT CONSTRUCTS, PURCHASES, OR LEASES CERTAIN SOLAR ENERGY PROPERTY AND THAT PLACES IT IN SERVICE IN CERTAIN PLACES IN THIS STATE, AND TO DEFINE NECESSARY TERMS.

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

Community development tax credit

SECTION 1. Section 12-6-3530(A), (B), (C), (D), (E), (F), and (L) of the 1976 Code is amended to read:

“(A) A taxpayer may claim as a credit against his state income tax, bank tax, or premium tax liability thirty-three percent of all equity investments in a certified community development corporation or in a community development financial institution, as defined in Section 34-43-20(2) or (3). A taxpayer that makes a cash donation to a certified community development corporation or community development financial institution may claim a credit equal to fifty percent of the donation.

To qualify for this credit the taxpayer must obtain a certificate from the South Carolina Department of Commerce certifying that the entity into which the funds are invested is a community development corporation or a community development financial institution within the meaning of Section 34-43-20(2) or (3) and certifying that the credit taken or available to that taxpayer will not exceed the annual aggregate dollar limitation provided in subsection (B). A taxpayer who invested in good faith in a certified corporation or institution may claim the credit provided in this section, notwithstanding the fact that the certification is later revoked or not renewed by the department.

(B)(1) The total amount of credits allowed pursuant to this section may not exceed in the aggregate five million dollars for all taxpayers and all calendar years and one million dollars for all taxpayers in one calendar year.

(2) Notwithstanding item (1), the aggregate limit for all taxpayers in all tax years set forth in item (1) is increased by one million dollars. This additional one million dollars may only be used for credits earned and certificates issued in tax years beginning after 2018.

(C) The Department of Commerce shall authorize the tax credits each year on a first-come, first-served basis. A single community development corporation or community development financial institution may not receive more than twenty-five percent of the total annual tax credits authorized pursuant to this section. Twenty-five percent of annual tax credits must be held in a reserve account during the first three quarters of each tax year and made available exclusively to small, rural-based, community development corporations. During the first three quarters of any tax year, an individual community

development corporation or a community development financial institution must not be authorized to receive more than fifteen percent of the statewide total annual credits. During the fourth quarter of each tax year, all remaining tax credits are available to all certified community development corporations or community development financial institutions.

(D) The department shall monitor the investments made by taxpayers in community development corporations and community development financial institutions as permitted by this section and shall perform the functions as provided in subsections (A) and (C).

(E) If the amount of the credit determined, pursuant to subsection (A), exceeds the taxpayer's state tax liability for the applicable taxable year, the taxpayer may carry over the excess to the immediately succeeding taxable years. However, the credit carry-over may not be used for a taxable year that begins on or after three years from the date of the acquisition of stock or other equity interest that is the basis for a credit pursuant to this section. The amount of the credit carry-over from a taxable year must be reduced to the extent that the carry-over is used by the taxpayer to obtain a credit provided for in this section for a later taxable year.

(F) The department must not authorize any tax credits after the annual aggregate limitation set forth in subsection (B) has been reached.

(L) Banks and financial institutions with tax liabilities in this State may invest in community development corporations and community development financial institutions incorporated pursuant to the laws of this State, up to a maximum of ten percent of a chartered bank or financial institution's total capital and surplus."

Return on investments in community developments

SECTION 2. Section 12-6-3530 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

"() Returns on investments in certified community development corporations and certified community development financial institutions, including the value of any tax credits authorized pursuant to this section, may not exceed the total amount of initial investment in certified community development corporations and community development financial institutions."

Extension of community development tax credits

SECTION 3. Section 4 of Act 314 of 2000, as last amended by Act 46 of 2015, is further amended to read:

“SECTION 4. Unless reauthorized by the General Assembly, the provisions of this act shall terminate on June 30, 2023, and this act and all other laws and regulations governing, authorizing, and otherwise dealing with community development corporations and community development financial institutions are deemed repealed on that date.”

Solar energy tax credit

SECTION 4.A. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12-6-3775. (A) For the purposes of this section, ‘solar energy property’ means any nonresidential solar energy equipment with a nameplate capacity of at least one thousand nine hundred kilowatts (1,900 kw AC) that uses solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, daylighting, generating electricity, distillation, desalination, detoxification, or the production of industrial or commercial process heat. The term also includes related devices necessary for collecting, storing, exchanging, conditioning, or converting solar energy to other useful forms of energy.

(B)(1) A taxpayer is allowed an income tax credit equal to twenty-five percent of the cost, including the cost of installation, of a solar energy property if he constructs, purchases, or leases a solar energy property that is located in the State of South Carolina and if:

- (a) the property is located on:
 - (i) the Environmental Protection Agency’s National Priority List;
 - (ii) the Environmental Protection Agency’s National Priority List Equivalent Sites;
 - (iii) a list of related removal actions, as certified by the Department of Health and Environmental Control;
 - (iv) land that is subject to a Voluntary Cleanup Contract with the Department of Health and Environmental Control as of December 31, 2017 or to corrective action under the Federal Resource Conservation and Recovery Act of 1976; or

(v) land that is owned by the Pinewood Site Custodial Trust;
and

(b) he places it in service in this State during the taxable year.

(2) The credit is earned in the year in which the solar energy property is placed in service but must be taken in five equal annual installments, beginning in the year in which the solar energy property is placed in service. Unused credit may be carried forward for five taxable years from the year that the credit was able to be taken. A lessor shall give a taxpayer who leases solar energy property from him a statement that describes the solar energy property and states the cost of the property upon request. A credit is not allowed pursuant to this section if the cost of the solar energy property is provided by public funds. For the purposes of this section, 'public funds' does not include federal grants or tax credits.

(C) If the solar energy property with respect to which the credit was claimed is disposed of, taken out of service, or moved out of the State in a year in which the installment of a credit accrues, then the credit expires and the taxpayer may not take any remaining installments of the credit.

(D) A credit for each installation of solar energy property placed in service may not exceed two million five hundred thousand dollars. The credit is allowed on a first-come, first-served basis, and the total amount of credits available to be taken, pursuant to the five equal annual installments, for all taxpayers in a taxable year, may not exceed two million five hundred thousand dollars in the aggregate.

(E) A taxpayer who claims any other state credit allowed with respect to solar energy property may not take the credit allowed in this section with respect to the same property. A taxpayer may not take the credit allowed in this section for solar energy property that the taxpayer leases from another unless the taxpayer obtains the lessor's written certification that the lessor will not claim a credit pursuant to this section with respect to the property.

(F) The department may promulgate regulations necessary to implement the provisions of this section."

B. Upon approval by the Governor, this SECTION takes effect in income tax years beginning after 2018. The provisions of this SECTION are repealed on December 31, 2021, except that if the credit allowed by Section 12-6-3775, as added by this SECTION, is earned before the repeal, then the provisions of Section 12-6-3775 continue to apply until the credits have been fully claimed.

Time effective

SECTION 5. This act takes effect upon approval by the Governor and first applies to credits earned and certificates issued, and the administration thereof, after 2018. Any credits earned and certificates issued, and the administration thereof, before 2019 must be claimed in accordance with the provisions of Section 12-6-3530 as it existed on December 31, 2018. However, any credits earned and certificates issued before 2019 must count toward the aggregate credit limit for all taxpayers in all calendar years set forth in Section 12-6-3530(B).

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 78

(R98, H4239)

AN ACT TO AMEND SECTION 50-5-715, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAWLING RESTRICTION AREAS WITHIN THE GENERAL TRAWLING ZONE, SO AS TO PROVIDE THAT A CERTAIN AREA IS CLOSED TO TRAWLING FROM MAY FIRST THROUGH SEPTEMBER FIFTEENTH AND TO REMOVE LANGUAGE CONCERNING THIS AREA.

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

General trawling zone

SECTION 1. Section 50-5-715(B) and (C) of the 1976 Code is amended to read:

“(B) Those areas described in subsections (A)(1) through (11) are closed to trawling from May 1 through September 15, inclusive.

(C) Reserved.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 79

(R99, H4245)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 17, TITLE 47 SO AS TO PROVIDE IT IS UNLAWFUL TO ADVERTISE, SELL, LABEL, OR MISREPRESENT AS “MEAT” OR “CLEAN MEAT” ALL OR PART OF A CARCASS THAT IS CELL-CULTURED MEAT/PROTEIN, OR IS NOT DERIVED FROM HARVESTED PRODUCTION LIVESTOCK, POULTRY, FISH, OR CRUSTACEANS, TO PROVIDE THAT THIS PROVISION DOES NOT APPLY TO PLANT-BASED MEAT SUBSTITUTES, AND TO PROVIDE A PENALTY.

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

Cell-cultured meat

SECTION 1. Chapter 17, Title 47 of the 1976 Code is amended by adding:

“Article 5

Cell-Cultured Meat

Section 47-17-510. A person who advertises, offers for sale, or sells all or part of a carcass shall not engage in any misleading or deceptive practices, labeling, or misrepresenting a product as ‘meat’ or ‘clean meat’ that is cell-cultured meat/protein, or is not derived from harvested production livestock, poultry, fish, or crustaceans.

Section 47-17-520. The provisions of this article do not apply to plant-based meat substitutes.

Section 47-17-530. A person who violates this article is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year, or fined not more than one thousand dollars, or both.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 80

(R100, H4276)

AN ACT TO AMEND SECTION 7-7-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN DILLON COUNTY, SO AS TO ELIMINATE THE GADDY’S MILL PRECINCT AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

Designation of Dillon County voting precincts

SECTION 1. Section 7-7-220 of the 1976 Code is amended to read:

“Section 7-7-220. (A) In Dillon County there are the following voting precincts: Bermuda; Carolina; East Dillon; South Dillon; West Dillon; Floydale; Fork; Hamer; Kemper; Lake View; Latta; Little Rock; Manning; Minturn; Mt. Calvary; New Holly; Oak Grove; Oakland; and Pleasant Hill.

(B) The precinct lines defining these precincts are as shown on maps filed with the clerk of court of the county and also on file with the State

Election Commission as provided and maintained by the Revenue and Fiscal Affairs Office and designated as document P-33-19.

(C) Polling places for the precincts provided in this section must be determined by the Board of Voter Registration and Elections of Dillon County with the approval of a majority of the Senators and a majority of the members of the House of Representatives representing Dillon County.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 81

(R101, H4330)

AN ACT TO AMEND SECTION 7-7-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENWOOD COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

Greenwood County voting precincts map number redesignated

SECTION 1. Section 7-7-290(B) of the 1976 Code, as last amended by Act 136 of 2018, is further amended to read:

“(B) The precinct lines defining the precincts in subsection (A) are as shown on the official map designated as document P-47-19A on file with the Revenue and Fiscal Affairs Office and as shown on copies provided to the Board of Voter Registration and Elections of Greenwood County.

The official map may not be changed except by act of the General Assembly.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 82

(R102, H4380)

AN ACT TO AMEND SECTION 58-23-1640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SAFETY INSPECTION OF TRANSPORTATION NETWORK COMPANY (TNC) VEHICLES, SO AS TO REQUIRE TNC VEHICLES IN THIS STATE TO DISPLAY LICENSE PLATE NUMBERS FROM THE FRONT, TO ESTABLISH ADDITIONAL REQUIREMENTS REGARDING THE FRONT-DISPLAYED LICENSE PLATE NUMBERS, AND TO ESTABLISH MISDEMEANOR OFFENSES FOR MISREPRESENTING ONESELF AS AN AUTHORIZED TNC DRIVER AND KNOWINGLY USING TNC TRADE DRESS OR TNC RIDESHARING APPLICATIONS IN THE FURTHERANCE OF CRIMINAL ACTIVITY.

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

TNC vehicle must display license plate number from vehicle’s front, penalties

SECTION 1. Section 58-23-1640 of the 1976 Code is amended by adding appropriately lettered subsections at the end to read:

“() At the time of a pick up of a TNC passenger, a TNC vehicle must display the vehicle’s license plate number, which must be printed in a legible font of no less than two inches in height and displayed from the front of the TNC vehicle. The display of the license plate number shall

not be required to be permanent and shall not be required to be issued or approved by a TNC or the State, including the Department of Motor Vehicles or the Office of Regulatory Staff.

() A person who misrepresents himself as an authorized TNC driver is guilty of a misdemeanor and shall be fined not more than five hundred dollars, imprisoned not more than thirty days, or both.

() A person who knowingly engages in the use of a TNC trade dress or a TNC ridesharing application in the furtherance of a criminal activity is guilty of a misdemeanor and shall be fined not more than one thousand dollars, imprisoned for not more than two years, or both.”

Time effective

SECTION 2. This act takes effect thirty days after approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

No. 83

(R103, H4243)

AN ACT TO AMEND SECTION 12-6-3360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOB TAX CREDIT, SO AS TO PROVIDE FOR A PROFESSIONAL SPORTS TEAM AND TO PROVIDE REQUIREMENTS THAT SPECIFICALLY APPLY TO A PROFESSIONAL SPORTS TEAM, AND TO INCREASE JOBS TAX CREDIT AMOUNTS IN TIER IV AND TIER III COUNTIES; TO AMEND SECTION 4-9-30, RELATING TO THE DESIGNATION OF POWERS UNDER THE ALTERNATE FORMS OF GOVERNMENT, SO AS TO PROHIBIT THE LEVY OF COUNTY LICENSE FEES AND TAXES ON A PROFESSIONAL SPORTS TEAM; TO AMEND SECTION 5-7-30, RELATING TO POWERS OF A MUNICIPALITY, SO AS TO PROHIBIT THE LEVY OF A BUSINESS LICENSE TAX ON A PROFESSIONAL SPORTS TEAM; BY ADDING SECTION 5-3-20 SO AS TO PROVIDE THAT THE REAL PROPERTY OWNED BY A PROFESSIONAL

SPORTS TEAM MAY NOT BE ANNEXED BY A MUNICIPALITY WITHOUT PRIOR WRITTEN CONSENT OF THE PROFESSIONAL SPORTS TEAM; TO AMEND SECTIONS 11-9-805 AND 11-9-830, AS AMENDED, BOTH RELATING TO THE REVENUE AND FISCAL AFFAIRS OFFICE, SO AS TO REQUIRE THE OFFICE ANNUALLY TO SUBMIT TAX EXPENDITURE REPORTS TO THE GENERAL ASSEMBLY AND TO DEFINE “TAX EXPENDITURE”; AND BY ADDING SECTION 12-10-120 SO AS TO SPECIFY CERTAIN JOB DEVELOPMENT CREDIT REQUIREMENTS THAT APPLY TO A PROFESSIONAL SPORTS TEAM.

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

Tax credits for jobs definitions

SECTION 1. Section 12-6-3360(A) and (M) of the 1976 Code is amended to read:

“(A) Taxpayers that operate manufacturing, tourism, processing, agricultural packaging, warehousing, distribution, research and development, corporate office, qualifying service-related facilities, agribusiness operations, extraordinary retail establishment, professional sports teams, and qualifying technology intensive facilities, and banks as defined pursuant to this title are allowed an annual jobs tax credit as provided in this section. In addition, taxpayers that operate retail facilities and service-related industries qualify for an annual jobs tax credit in counties designated as ‘Tier IV’. As used in this section, ‘corporate office’ includes general contractors licensed by the South Carolina Department of Labor, Licensing and Regulation. Credits pursuant to this section may be claimed against income taxes imposed by Section 12-6-510 or 12-6-530, bank taxes imposed pursuant to Chapter 11 of this title, and insurance premium taxes imposed pursuant to Chapter 7, Title 38, and are limited in use to fifty percent of the taxpayer’s South Carolina income tax, bank tax, or insurance premium tax liability. In computing a tax payable by a taxpayer pursuant to Section 38-7-90, the credit allowable pursuant to this section must be treated as a premium tax paid pursuant to Section 38-7-20.

(M) As used in this section:

(1) ‘Taxpayer’ means a sole proprietor, partnership, corporation of any classification, limited liability company, or association taxable as

a business entity that is subject to South Carolina taxes as contained in Section 12-6-510, Section 12-6-530, Chapter 11, Title 12, or Chapter 7, Title 38.

(2) 'Appropriate agency' means the Department of Revenue, except that for taxpayers subject to the premium tax imposed by Chapter 7, Title 38, it means the Department of Insurance.

(3) 'New job' means a job created in this State at the time a new facility or an expansion is initially staffed. Except as otherwise provided in this item, the term does not include a job created when an employee is shifted from an existing location in this State to a new or expanded facility whether the transferred job is from, or to, a facility of the taxpayer or a related person. However, for a professional sports team, 'new job' means all jobs located at the professional sports team park regardless of whether an employee previously worked at an existing location in this State before 2019 as an employee of the same professional sports team. A related person includes any entity or person that bears a relationship to the taxpayer as described in Section 267 of the Internal Revenue Code. However, this exclusion of a new job created by employee shifting does not extend to a job created at a new or expanded facility located in a county in which is located an 'applicable federal facility' as defined in Section 12-6-3450(A)(1)(b). The term 'new job' also includes an existing job at a facility of an employer which is reinstated after the employer has rebuilt the facility due to:

(a) its destruction by accidental fire, natural disaster, or act of God;

(b) involuntary conversion as a result of condemnation or exercise of eminent domain by the State or any of its political subdivisions or by the federal government.

Destruction for purposes of this provision means that more than fifty percent of the facility was destroyed. For purposes of this section, involuntary conversion as a result of condemnation or exercise of eminent domain includes a legally binding agreement for the purchase of a facility of an employer entered into between an employer and the State of South Carolina or a political subdivision of the State under threat of exercise of eminent domain by the State or its political subdivision.

The year of reinstatement is the year of creation of the job. All reinstated jobs qualify for the credit pursuant to this section, and a comparison is not required to be made between the number of full-time jobs of the employer in the taxable year and the number of full-time jobs of the employer with the corresponding period of the prior taxable year.

(4) 'Full-time' means a job requiring a minimum of thirty-five hours of an employee's time a week for the entire normal year of

company operations or a job requiring a minimum of thirty-five hours of an employee's time for a week for a year in which the employee was hired initially for or transferred to the South Carolina facility. For members of a professional sports team, 'full-time' means a job requiring a minimum of one hundred eighty days of an employee's time a year of which at least eighty percent of such days must be spent at a professional sports team park located in South Carolina. For the purposes of this section, two half-time jobs are considered one full-time job. A 'half-time job' is a job requiring a minimum of twenty hours of an employee's time a week for the entire normal year of the company's operations or a job requiring a minimum of twenty hours of an employee's time a week for a year in which the employee was hired initially for or transferred to the South Carolina facility. For agricultural packaging and agribusiness operations, seasonal workers may be considered a full-time employee; however, a seasonal employee only counts as a fraction of a full-time worker, with the numerator being the number of hours worked a week multiplied by the number of weeks worked, and the denominator being the number one thousand eight hundred twenty.

(5) 'Manufacturing facility' means an establishment where tangible personal property is produced or assembled.

(6) 'Processing facility' means an establishment that prepares, treats, or converts tangible personal property into finished goods or another form of tangible personal property. The term includes a business engaged in processing agricultural, aquacultural, or maricultural products and specifically includes meat, poultry, and any other variety of food processing operations. It does not include an establishment in which retail sales of tangible personal property are made to retail customers.

(7) 'Warehousing facility' means an establishment where tangible personal property is stored but does not include any establishment where retail sales of tangible personal property are made to retail customers.

(8) 'Distribution facility' means an establishment where shipments of tangible personal property are processed for delivery to customers. The term does not include an establishment where retail sales of tangible personal property are made to retail customers on more than twelve days a year except for a facility which processes customer sales orders by mail, telephone, or electronic means, if the facility also processes shipments of tangible personal property to customers and if at least seventy-five percent of the dollar amount of goods sold through the facility are sold to customers outside of South Carolina. Retail sales made inside the facility to employees working at the facility are not considered for purposes of the twelve-day and seventy-five percent

limitation. For purposes of this definition, 'retail sale' and 'tangible personal property' have the meaning provided in Chapter 36 of this title.

(9) 'Research and development facility' means an establishment engaged in laboratory, scientific, or experimental testing and development related to new products, new uses for existing products, or improving existing products. The term does not include an establishment engaged in efficiency surveys, management studies, consumer surveys, economic surveys, advertising, promotion, banking, or research in connection with literary, historical, or similar projects.

(10) 'Corporate office facility' means a corporate headquarters that meets the definition of a 'corporate headquarters' contained in Section 12-6-3410(J)(1). The corporate headquarters of a general contractor licensed by the South Carolina Department of Labor, Licensing and Regulation qualifies even if it is not a regional or national headquarters as those terms are defined in Section 12-6-3410(J)(1).

(11) The terms 'retail sales' and 'tangible personal property' for purposes of this section are defined in Chapter 36 of this title.

(12) 'Tourism facility' means an establishment used for a theme park; amusement park; historical, educational, or trade museum; botanical garden; cultural center; theater; motion picture production studio; convention center; arena; auditorium; or a spectator or participatory sports facility; and similar establishments where entertainment, education, or recreation is provided to the general public. Tourism facility also includes new hotel and motel construction, except that to qualify for the credits allowed by this section and regardless of the county in which the facility is located, the number of new jobs that must be created by the new hotel or motel is twenty or more. It does not include that portion of an establishment where retail merchandise or retail services are sold directly to retail customers.

(13) 'Qualifying service-related facility' means:

(a) an establishment engaged in an activity or activities listed under the North American Industry Classification System Manual (NAICS) Section 62, subsectors 621, 622, and 623, or Sector 4881, subsector 488190; or

(b) a business, other than a business engaged in legal, accounting, banking, or investment services (including a business identified under NAICS Section 55) or retail sales, which has a net increase of at least:

(i) one hundred seventy-five jobs at a single location;

(ii) one hundred fifty jobs at a single location comprised of a building or portion of building that has been vacant for at least twelve consecutive months prior to the taxpayer's investment;

(iii) one hundred jobs at a single location and the jobs have an average cash compensation level of more than one and one-half times the lower of state per capita income or per capita income in the county where the jobs are located;

(iv) fifty jobs at a single location and the jobs have an average cash compensation level of more than twice the lower of state per capita income or per capita income in the county where the jobs are located; or

(v) twenty-five jobs at a single location and the jobs have an average cash compensation level of more than two and one-half times the lower of state per capita income or per capita income in the county where the jobs are located.

A taxpayer shall use the most recent per capita income data available as of the end of the taxable year in which the jobs are filled. Determination of the required number of jobs is in accordance with the monthly average described in subsection (F).

(14) 'Technology intensive facility' means:

(a) a facility at which a firm engages in the design, development, and introduction of new products or innovative manufacturing processes, or both, through the systematic application of scientific and technical knowledge. Included in this definition are the following North American Industrial Classification Systems Codes, NAICS, published by the Office of the Management and Budget of the federal government:

- (i) 5114 database and directory publishers;
- (ii) 5112 software publishers;
- (iii) 54151 computer systems design and related services;
- (iv) 541511 custom computer programming services;
- (v) 541512 computer systems design services;
- (vi) 541711 research and development in biotechnology;

2007 NAICS;

(vii) 541712 research and development in physical, engineering, and life sciences; 2007 NAICS;

(viii) 518210 data processing, hosting, and related services;

(ix) 9271 space research and technology; or

(b) a facility primarily used for one or more activities listed under the 2002 version of the NAICS Codes 51811 (Internet Service Providers and Web Search Portals).

(15) 'Extraordinary retail establishment' as defined in Sections 12-21-6520 and 12-21-6590.

(16) 'Agricultural packaging' means the technology of enclosing or protecting or preserving agricultural products for distribution, storage, sale, and use. Packaging also refers to the process of design, evaluation,

and production of packages used for agricultural products. Packaging can be described as a coordinated system of preparing agricultural goods for transport, warehousing, logistics, sale, and end use.

(17) 'Professional sports team' means a professional sports team or club included in a professional league, such as the National Football League, National Association for Stock Car Racing, or the National Basketball Association, primarily engaged in participating in live sporting events before a paying audience with an annual payroll for federal tax purposes of not less than one hundred ninety million dollars and not less than one hundred fifty full-time employees in this State.

(18) 'Professional sports team park' means a sports facility designed for use primarily as a professional park or stadium. Such a facility may include, without limitation, practice fields and features such as parking areas and facilities, office facilities for team use or other users of the facility as authorized by the professional sports team, and other ancillary facilities necessary for the sports facility. Such a facility also includes the landscaped grounds surrounding the park, stadium, and ancillary facilities.

(19) 'Members of a professional sports team' means active players, players on the disabled list, and any other persons required to travel and who do travel with and perform services on behalf of the professional sports team on a regular basis. This includes coaches, managers, and trainers."

County license tax

SECTION 2. Section 4-9-30(12) of the 1976 Code is amended to read:

“(12) to levy uniform license taxes upon persons and businesses engaged in or intending to engage in a business, occupation, or profession, in whole or in part, within the county but outside the corporate limits of a municipality except those persons who are engaged in the profession of teaching or who are ministers of the gospel and rabbis, except persons and businesses acting in the capacity of telephone, telegraph, gas and electric utilities, suppliers, or other utility regulated by the Public Service Commission and except an entity which is exempt from license tax under another law or a subsidiary or affiliate of any such exempt entity. No county license fee or tax may be levied on insurance companies. No county license fee or tax may be levied on a professional sports team as defined in Section 12-6-3360(M)(17). The license tax must be graduated according to the gross income of the person or business taxed. A business engaged in making loans secured by real

estate is subject to the license tax only if it has premises located in the county but outside the corporate limits of a municipality. If the person or business taxed pays a license tax to another county or to a municipality, the gross income for the purpose of computing the tax must be reduced by the amount of gross income taxed in the other county or municipality.”

Municipal license tax

SECTION 3. Section 5-7-30 of the 1976 Code is amended to read:

“Section 5-7-30. Each municipality of the State, in addition to the powers conferred to its specific form of government, may enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State, including the exercise of powers in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it, including the authority to levy and collect taxes on real and personal property and as otherwise authorized in this section, make assessments, and establish uniform service charges relating to them; the authority to abate nuisances; the authority to provide police protection in contiguous municipalities and in unincorporated areas located not more than three miles from the municipal limits upon the request and agreement of the governing body of such contiguous municipality or the county, including agreement as to the boundaries of such police jurisdictional areas, in which case the municipal law enforcement officers shall have the full jurisdiction, authority, rights, privileges, and immunities, including coverage under the workers’ compensation law, which they have in the municipality, including the authority to make arrests, and to execute criminal process within the extended jurisdictional area; provided, however, that this shall not extend the effect of the laws of the municipality beyond its corporate boundaries; grant franchises for the use of public streets and make charges for them; grant franchises and make charges for the use of public beaches; engage in the recreation function; levy a business license tax on gross income, but a wholesaler delivering goods to retailers in a municipality is not subject to the business license tax unless he maintains within the corporate limits of the municipality a warehouse or mercantile establishment for the distribution of wholesale goods; and a business engaged in making loans secured by real estate is not subject to the

business license tax unless it has premises located within the corporate limits of the municipality and no entity which is exempt from the license tax under another law nor a subsidiary or affiliate of an exempt entity is subject to the business license tax; and a business engaged in operating a professional sports team as defined in Section 12-6-3360(M)(17) is not subject to the business license tax; borrow in anticipation of taxes; and pledge revenues to be collected and the full faith and credit of the municipality against its note and conduct advisory referenda. The municipal governing body may fix fines and penalties for the violation of municipal ordinances and regulations not exceeding five hundred dollars or imprisonment not exceeding thirty days, or both. If the person or business taxed pays a business license tax to a county or to another municipality where the income is earned, the gross income for the purpose of computing the tax must be reduced by the amount of gross income taxed in the other county or municipality.

For the purpose of providing and maintaining parking for the benefit of a downtown commercial area, a municipality may levy a surtax upon the business license of a person doing business in a designated area in an amount not to exceed fifty percent of the current yearly business license tax upon terms and conditions fixed by ordinance of the municipal council. The area must be designated by council only after a petition is submitted by not less than two-thirds of the persons paying a business license tax in the area and who paid not less than one-half of the total business license tax collected for the preceding calendar year requesting the designation of the area. The business within the designated area which is providing twenty-five or more parking spaces for customer use is required to pay not more than twenty-five percent of a surtax levied pursuant to the provisions of this paragraph.”

Annexation

SECTION 4. Chapter 3, Title 5 of the 1976 Code is amended by adding:

“Section 5-3-20. No municipality may annex, under the provisions of this chapter, any real property owned by a professional sports team as defined in Section 12-6-3360(M)(17) without prior written consent of the professional sports team.”

Tax credits for jobs

SECTION 5. Section 12-6-3360 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“() If a professional sports team claims the credit allowed by this section, then the Department of Revenue shall report the net number of new full-time jobs created in this State by the professional sports team, the average cash compensation of the new full-time jobs created by the professional sports team, and the aggregated residency status of the employee or employees filling the new full-time jobs created by the professional sports team. The department shall provide the report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor beginning on May first of the year immediately following the year in which the first new full-time job is created by the professional sports team, and on May first each year thereafter. In reporting statistics pursuant to this subitem, the department must comply with the requirements of Section 12-54-240(B)(1).”

Definition

SECTION 6. Section 11-9-805 of the 1976 Code, as amended by Act 246 of 2018, is further amended by adding an appropriately numbered item to read:

“() ‘Tax expenditure’ means an amount of state revenue unavailable for general fund appropriation when the loss of revenue is attributable to a provision of the South Carolina Code of Laws which allow a special exclusion, exemption, or deduction from gross income, which provide a special credit, a preferential rate of tax, or a deferral of tax liability or which allocate or distribute state funds pursuant to an incentive program or fund.”

Tax expenditure report

SECTION 7. Section 11-9-830 of the 1976 Code, as last amended by Act 246 of 2018, is further amended by adding an appropriately numbered item to read:

“() compile and report to the General Assembly, not later than the first day of March each year, a list of each individual tax expenditure from the prior fiscal year and the estimated tax expenditure for the current fiscal year. The report must indicate the specific enactment and program which authorized the expenditure and apply to all tax expenditures in excess of one hundred thousand dollars.”

Tax credits for jobs

SECTION 8. Section 12-6-3360(C) of the 1976 Code is amended to read:

“(C)(1) Subject to the conditions provided in subsection (M) of this section, a job tax credit is allowed for five years beginning in year two after the creation of the job for each new full-time job created if the minimum level of new jobs is maintained. The credit is available to taxpayers that increase employment by ten or more full-time jobs, and no credit is allowed for the year or any subsequent year in which the net employment increase falls below the minimum level of ten. The amount of the initial job credit is as follows:

(a) twenty-five thousand dollars for each new full-time job created in ‘Tier IV’ counties.

(b) twenty thousand two hundred fifty dollars for each new full-time job created in ‘Tier III’ counties.

(c) two thousand seven hundred fifty dollars for each new full-time job created in ‘Tier II’ counties.

(d) one thousand five hundred dollars for each new full-time job created in ‘Tier I’ counties.

(2)(a) Subject to the conditions provided in subsection (M) of this section, a job tax credit is allowed for five years beginning in year two after the creation of the job for each new full-time job created if the minimum level of new jobs is maintained. The credit is available to taxpayers with ninety-nine or fewer employees that increase employment by two or more full-time jobs, and may be received only if the gross wages of the full-time jobs created pursuant to this section amount to a minimum of one hundred twenty percent of the county’s or state’s average per capita income, whichever is lower. No credit is allowed for the year or any subsequent year in which the net employment increase falls below the minimum level of two. The amount of the initial job credit is as described in subsection (C)(1).

(b) If the taxpayer with ninety-nine or fewer employees increases employment by two or more full-time jobs but the gross wages do not amount to a minimum one hundred twenty percent of the county’s or state’s average per capita income, whichever is lower, then the amount of the initial job credit is reduced by fifty percent.”

Tax credits for jobs

SECTION 9. A. Section 12-6-3360 of the 1976 Code is amended by adding a subsection at the end to read:

“(O) The provisions of this section that specifically apply to a professional sports team only apply if that specific professional sports team creates the new full-time jobs in this State as specified in subsection (M)(17) by July 1, 2022, and the professional sports team otherwise meets the requirements to claim the credit allowed by this section. However, this subsection does not apply to a professional sports team that entered into a revitalization agreement with the South Carolina Coordinating Council for Economic Development before July 1, 2022.”

B. The provisions of Sections 4-9-30 and 5-7-30 relating to a professional sports team, and the provisions of Section 5-3-20 only apply so long as the job and payroll provisions of Section 12-6-3360(M)(17) and (O) continue to be met by the professional sports team.

Tax credits for jobs

SECTION 10. Chapter 10, Title 12 of the 1976 Code is amended by adding:

“Section 12-10-120. No credit may be awarded pursuant to this chapter until the minimum job requirement set forth in Section 12-6-3360(M)(17) has been fully met. Further, the council may not award any partial credit if the same minimum job requirement is not fully met. The provisions of this section only apply to a professional sports team pursuant to Section 12-6-3360.”

Severability

SECTION 11. 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.

Time effective

SECTION 12. This act takes effect upon approval by the Governor.

Ratified the 21st day of May, 2019.

Approved the 22nd day of May, 2019.

No. 84

(R104, H3137)

AN ACT TO AMEND CHAPTER 27, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE AID TO SUBDIVISIONS ACT, SO AS TO DELETE THE REQUIREMENT THAT THE FUND RECEIVE NO LESS THAN FOUR AND ONE-HALF PERCENT OF THE GENERAL FUND REVENUES OF THE LATEST COMPLETED FISCAL YEAR, TO DELETE A PROVISION REGARDING MIDYEAR CUTS, TO PROVIDE THAT THE APPROPRIATION TO THE FUND MUST BE ADJUSTED BY THE SAME PERCENTAGE THAT GENERAL FUND REVENUES ARE PROJECTED TO INCREASE OR DECREASE, IF APPLICABLE, BUT NOT TO EXCEED FIVE PERCENT, TO REQUIRE THAT THE ADJUSTMENT, IF APPLICABLE, BE INCLUDED IN ALL STAGES OF THE BUDGET PROCESS, AND TO DELETE A PROVISION REQUIRING AMENDMENTS TO THE STATE AID TO SUBDIVISIONS ACT BE INCLUDED IN SEPARATE LEGISLATION.

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

State aid to subdivisions

SECTION 1. Chapter 27, Title 6 of the 1976 Code is amended to read:

“CHAPTER 27

State Aid to Subdivisions Act

Section 6-27-10. This chapter may be cited as the ‘State Aid to Subdivisions Act’.

Section 6-27-20. There is created the Local Government Fund administered by the State Treasurer. This fund is part of the general fund of the State. The Local Government Fund must be financed as provided in this chapter.

Section 6-27-30. (A) In the annual general appropriations act, the General Assembly must appropriate funds to the Local Government Fund.

(B)(1) In any fiscal year in which general fund revenues are projected to increase or decrease, the appropriation to the Local Government Fund for the upcoming fiscal year must be adjusted by the same projected percentage change, but not to exceed five percent, when compared to the appropriation in the current fiscal year. For purposes of this subsection, beginning with the initial forecast required pursuant to Section 11-9-1130, the percentage adjustment in general fund revenues must be determined by the Revenue and Fiscal Affairs Office by comparing the current fiscal year’s recurring general fund expenditure base with the Board of Economic Advisors’ most recent projection of recurring general fund revenue for the upcoming fiscal year. Upon the issuance of the initial forecast, the Executive Director of the Revenue and Fiscal Affairs Office, or his designee, shall notify the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor of the projected percentage adjustment. The executive director, or his designee, shall provide similar notice if subsequent modifications to the forecast change the projected percentage adjustment. However, the forecast in effect on February fifteenth of the current fiscal year is the final forecast for which the percentage adjustment is determined, and no subsequent forecast modifications shall have any effect on that determination.

(2) The Governor shall include the appropriation required by this chapter to the Local Government Fund in the Executive Budget.

(3) The Revenue and Fiscal Affairs Office shall determine the current fiscal year’s recurring general fund expenditure base, and determine any projected adjustment in general fund revenues. If a

change is projected, the appropriation for the upcoming fiscal year must be adjusted accordingly.

(C) For purposes of this section:

(1) 'Recurring general fund revenue' means the forecast of recurring general fund revenues pursuant to Section 11-9-1130 after the amount apportioned to the Trust Fund for Tax Relief, as required in Section 11-11-150, is deducted.

(2) 'Recurring general fund expenditure base' means the total recurring general fund appropriations authorized in the current general appropriations act less any reduced appropriations mandated by the General Assembly or the Executive Budget Office pursuant to Section 11-9-1140(B).

Section 6-27-40. (A) No later than thirty days after the end of the calendar quarter, the State Treasurer shall distribute the monies appropriated to the Local Government Fund as follows:

(1) Eighty-three and two hundred seventy-eight thousandths percent must be distributed to counties. Of the total distributed to counties, each county must receive an amount based on the ratio that the county's population is of the whole population of this State according to the most recent United States Census.

(2) Sixteen and seven hundred twenty-two thousandths percent must be distributed to municipalities. Of the total distributed to municipalities, each municipality must receive an amount based on the ratio that the municipality's population is of the population of all municipalities in this State according to the most recent United States Census.

(B) In making the quarterly distribution to counties, the State Treasurer must notify each county of the amount that must be used for educational purposes relating to the use of alcoholic liquors and for the rehabilitation of alcoholics and drug addicts. Counties may pool these funds with other counties and may combine these funds with other funds for the same purposes. The amount that must be used as provided in this subsection is equal to twenty-five percent of the revenue derived pursuant to Section 12-33-245 allocated on a per capita basis according to the most recent United States Census.

Section 6-27-55. From funds distributed to the county pursuant to Section 6-27-40, a county council shall provide a reasonable amount of funds for all county offices of state agencies for which the council is required to provide funding by state law."

Time effective

SECTION 2. This act takes effect upon approval by the Governor and first applies to the annual general appropriations bill process for Fiscal Year 2020-2021.

Ratified the 22nd day of May, 2019.

Approved the 24th day of May, 2019.

No. 85

(R106, H3602)

AN ACT TO AMEND SECTION 44-66-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS AUTHORIZED TO MAKE HEALTH CARE DECISIONS FOR A PATIENT WHO IS UNABLE TO CONSENT, SO AS TO ADD AN ADDITIONAL CATEGORY OF SUCH PERSONS AND FOR OTHER PURPOSES; AND TO AMEND SECTIONS 44-26-40, 44-26-50, AND 44-26-60, ALL RELATING TO HEALTH CARE DECISION MAKING FOR CLIENTS WITH INTELLECTUAL DISABILITIES OR WHO ARE MINORS, SO AS TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES.

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

Persons authorized to make health care decisions for a patient unable to consent

SECTION 1. Section 44-66-30(A) of the 1976 Code is amended to read:

“(A) Where a patient is unable to consent, decisions concerning his health care may be made by the following persons in the following order of priority:

(1) a guardian appointed by the court pursuant to Article 5, Part 3 of the South Carolina Probate Code, if the decision is within the scope of the guardianship;

(2) an attorney-in-fact appointed by the patient in a durable power of attorney executed pursuant to Section 62-5-501, if the decision is within the scope of his authority;

(3) a spouse of the patient unless the spouse and the patient are separated pursuant to one of the following:

(a) entry of a pendente lite order in a divorce or separate maintenance action;

(b) formal signing of a written property or marital settlement agreement; or

(c) entry of a permanent order of separate maintenance and support or of a permanent order approving a property or marital settlement agreement between the parties;

(4) an adult child of the patient, or if the patient has more than one adult child, a majority of the adult children who are reasonably available for consultation;

(5) a parent of the patient;

(6) an adult sibling of the patient, or if the patient has more than one adult sibling, a majority of the adult siblings who are reasonably available for consultation;

(7) a grandparent of the patient, or if the patient has more than one grandparent, a majority of the grandparents who are reasonably available for consultation;

(8) any other adult relative by blood or marriage who reasonably is believed by the health care professional to have a close personal relationship with the patient, or if the patient has more than one other adult relative, a majority of those other adult relatives who are reasonably available for consultation;

(9) a person given authority to make health care decisions for the patient by another statutory provision;

(10) if, after good faith efforts, the hospital or other health care facility determines that the persons listed in items (1) through (9) are unavailable to consent on behalf of the patient, a person who has an established relationship with the patient, who is acting in good faith on behalf of the patient, and who can reliably convey the patient's wishes but who is not a paid caregiver or a provider of health care services to the patient. For the purposes of this item, a person with an established relationship is an adult who has exhibited special care and concern for the patient, who is generally familiar with the patient's health care views and desires, and who is willing and able to become involved in the patient's health care decisions and to act in the patient's best interest. The person with an established relationship shall sign and date a notarized acknowledgement form, provided by the hospital or other

health care facility in which the patient is located, for placement in the patient's records, setting forth the nature and length of the relationship and certifying that he meets such criteria. Along with the notarized acknowledgment form, the hospital or other health care facility shall include in the patient's medical record documentation of its effort to locate persons with higher priority under this statute as required by subsection (B)."

Competency to consent to major medical treatment

SECTION 2. Section 44-26-40 of the 1976 Code is amended to read:

"Section 44-26-40. If a client resides in a facility operated by or contracted to by the department, the determination of that client's competency to consent to or refuse major medical treatment must be made pursuant to Section 44-66-20 of the Adult Health Care Consent Act. The department shall abide by the decision of a client found competent to consent."

Health care decisions of incompetent clients

SECTION 3. Section 44-26-50 of the 1976 Code is amended to read:

"Section 44-26-50. If the client is found incompetent to consent to or refuse major medical treatment, the decisions concerning his health care must be made pursuant to Section 44-66-30 of the Adult Health Care Consent Act. An authorized designee of the department may make a health care decision pursuant to Section 44-66-30(A)(9) of the Adult Health Care Consent Act. The person making the decision must be informed of the need for major medical treatment, alternative treatments, and the nature and implications of the proposed health care and shall consult the attending physician before making decisions. When feasible, the person making the decision shall observe or consult with the client found to be incompetent."

Health care decisions of minor clients

SECTION 4. Section 44-26-60(C) of the 1976 Code is amended to read:

"(C) Priority under this section must not be given to a person if a health care provider, responsible for the care of a client who is unable to

consent, determines that the person is not reasonably available, is not willing to make health care decisions for the client, or is unable to consent as defined in Section 44-66-20 of the Adult Health Care Consent Act.”

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 22nd day of May, 2019.

Approved the 24th day of May, 2019.

No. 86

(R107, H3789)

AN ACT TO AMEND SECTIONS 56-1-35, 56-1-40, 56-1-140, 56-1-210, 56-1-2100, 56-1-3350, AND 56-1-2080, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE, RENEWAL, AND EXPIRATION OF CERTAIN DRIVERS' LICENSES, BEGINNERS' PERMITS, COMMERCIAL DRIVER LICENSES, AND SPECIAL IDENTIFICATION CARDS, THE PLACEMENT OF A VETERAN DESIGNATION ON A DRIVER'S LICENSE OR SPECIAL IDENTIFICATION CARD, AND THE ISSUANCE OF COMMERCIAL DRIVER LICENSES AND COMMERCIAL DRIVER INSTRUCTION PERMITS, SO AS TO REVISE THE PERIOD IN WHICH DRIVERS' LICENSES, CERTAIN COMMERCIAL DRIVER LICENSES, AND COMMERCIAL DRIVER INSTRUCTION PERMITS ARE VALID, TO REVISE THE FEES TO OBTAIN DRIVERS' LICENSES, CERTAIN COMMERCIAL DRIVER LICENSES, AND SPECIAL IDENTIFICATION CARDS, TO REVISE THE DOCUMENTS THAT MUST BE PROVIDED TO THE DEPARTMENT OF MOTOR VEHICLES TO OBTAIN A VETERAN DESIGNATION ON A DRIVER'S LICENSE OR A SPECIAL IDENTIFICATION CARD, TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT A PERSON IS PERMITTED TO HAVE ONLY ONE DRIVER'S LICENSE OR IDENTIFICATION CARD, AND TO DELETE THE PROVISION

**THAT PERTAINS TO THE RENEWAL OR REISSUANCE OF A
COMMERCIAL DRIVER INSTRUCTION PERMIT.**

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

Driver's license

SECTION 1. Section 56-1-35 of the 1976 Code is amended to read:

“Section 56-1-35. A member of the armed services of the United States or his dependent who becomes a permanent resident of this State, has ninety days to apply for a South Carolina driver's license, and he must be issued a license without examination except for the visual test required by Section 56-1-210 if he has a valid driver's license from another state or territory of the United States. The license expires eight years from the date of issue.”

Driver's license

SECTION 2. Section 56-1-40(7) of the 1976 Code is amended to read:

“(7) who is not a resident of South Carolina. For purposes of determining eligibility to obtain or renew a South Carolina driver's license, the term ‘resident of South Carolina’ shall expressly include all persons authorized by the United States Department of Justice, the United States Immigration and Naturalization Service, or the United States Department of State to live, work, or study in the United States on a temporary or permanent basis who present documents indicating their intent to live, work, or study in South Carolina. These persons and their dependents are eligible to obtain a motor vehicle driver's license or have one renewed pursuant to this provision. A driver's license issued pursuant to this item to a person who is not a lawful permanent resident of the United States shall expire on the later of: (1) the expiration date of the driver's license applicant's authorized period of stay in the United States; or (2) the expiration date of the driver's license applicant's employment authorization document. However, a driver's license issued pursuant to this item is valid for at least one year but not more than eight years from the date of its issue. Under this provision, a driver's license valid for not more than four years must be issued upon payment of a fee of twelve dollars and fifty cents. A driver's license that is valid for more than four years must be issued upon payment of a fee of twenty-five dollars. In addition, a person pending adjustment of status who presents

appropriate documentation to the Department of Motor Vehicles shall be granted a one-year extension of his driver's license which is renewable annually;"

Driver's license

SECTION 3. Section 56-1-140 of the 1976 Code is amended to read:

"Section 56-1-140. (A) Upon payment of a fee of twenty-five dollars for a license that is valid for eight years, the department shall issue to every qualified applicant a driver's license as applied for by law. The license must bear on it a distinguishing number assigned to the licensee, the full name, date of birth, residence address, a brief description and laminated colored photograph of the licensee, any marking otherwise required or in compliance with law, and a facsimile of the signature of the licensee. No license is valid until it has been so signed by the licensee. The license authorizes the licensee to operate only those classifications of vehicles as indicated on the license.

(B) An applicant for a new, renewed, or replacement driver's license may apply to the department to obtain a veteran designation on the front of his driver's license by providing a:

(1) United States Department of Defense discharge certificate, also known as a DD Form 214, that shows a characterization of service, or discharge status of 'honorable' or 'general under honorable conditions' and establishes the person's qualifying military service in the United States armed forces;

(2) National Guard Report of Separation and Record of Service, also known as an NGB Form 22, that shows a characterization of service, or discharge status of 'honorable' or 'general under honorable conditions' and establishes the person's qualifying military service of at least twenty years in the National Guard; or

(3) Veterans Identification Card (VIC) or a letter from a Military Reserve component notifying the recipient of the person's eligibility for retirement pay at age sixty (twenty-year letter). A Veterans Health Identification Card (VHIC) may not be accepted.

(C) The department may determine the appropriate form of the veteran designation on the driver's license authorized pursuant to this section.

(D) The fees collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund."

Driver's license

SECTION 4. Section 56-1-210(A) of the 1976 Code is amended to read:

“(A) A license expires eight years from the date of issue.”

Commercial driver license

SECTION 5. Section 56-1-2100(E) of the 1976 Code is amended to read:

“(E) Upon payment of a fee of twenty-five dollars and any fee assessed by any associated federal agency, a commercial driver license for which there is no associated HAZMAT endorsement issued by the department expires eight years from the date of issue. Upon payment of a fee of fifteen dollars and any fee assessed by any associated federal agency, a commercial driver license for which there is an associated HAZMAT endorsement issued by the department expires five years from the date the applicant passed the Transportation Security Administration threat assessment.”

Identification card

SECTION 6. Section 56-1-3350(B), (C), and (D) of the 1976 Code is amended to read:

“(B) An applicant for a new, renewed, or replacement South Carolina identification card may apply to the Department of Motor Vehicles to obtain a veteran designation on the front of his identification card by providing a:

(1) United States Department of Defense discharge certificate, also known as a DD Form 214, that shows a characterization of service, or discharge status of ‘honorable’ or ‘general under honorable conditions’ and establishes the person’s qualifying military service in the United States armed forces;

(2) National Guard Report of Separation and Record of Service, also known as an NGB Form 22, that shows a characterization of service, or discharge status of ‘honorable’ or ‘general under honorable conditions’ and establishes the person’s qualifying military service of at least twenty years in the National Guard; or

(3) Veterans Identification Card (VIC) or a letter from a Military Reserve component notifying the recipient of the person's eligibility for retirement pay at age sixty (twenty-year letter). A Veterans Health Identification Card (VHIC) may not be accepted.

(C)(1) The fee for the issuance of the special identification card is fifteen dollars for a person between the ages of five and sixteen years.

(2) One identification card must be issued free to a person aged seventeen years or older per issuance cycle. A ten-dollar fee must be charged to replace a special identification card before its expiration date.

(D) The identification card expires eight years from the date of issuance. A person is not permitted to have more than one valid motor vehicle driver's license or identification card at any time."

Commercial driver instruction permit

SECTION 7. Section 56-1-2080(3) of the 1976 Code is amended to read:

"(3) The commercial driver instruction permit may not be issued for longer than one year."

Time effective

SECTION 8. This act takes effect six months after approval by the Governor.

Ratified the 22nd day of May, 2019.

Approved the 24th day of May, 2019.

No. 87

(R108, H3821)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "ADVANCED PRACTICE REGISTERED NURSE ACT"; AND TO AMEND SECTION 40-33-34, AS AMENDED, RELATING TO MEDICAL ACTS THAT ADVANCED PRACTICE REGISTERED NURSES MAY PERFORM, SO AS TO INCLUDE CERTIFYING THE

MANNER OF DEATH AND EXECUTING DO NOT RESUSCITATE ORDERS EXCEPT IN CERTAIN CIRCUMSTANCES, AND TO PERMIT THE PRESCRIBING OF SCHEDULE II NARCOTIC SUBSTANCES FOR PATIENTS RESIDING IN LONG-TERM CARE SETTINGS IN CERTAIN CIRCUMSTANCES.

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

Citation

SECTION 1. This act must be known and may be cited as the “Advanced Practice Registered Nurse Act”.

Allowed medical acts

SECTION 2. Section 40-33-34(D)(2) and (F)(1)(e) and (f) of the 1976 Code, as last amended by Act 234 of 2018, is further amended to read:

“(2) Notwithstanding any provisions of state law other than this chapter and Chapter 47, and to the extent permitted by federal law, an APRN may perform the following medical acts unless otherwise provided in the practice agreement:

- (a) provide noncontrolled prescription drugs at an entity that provides free medical care for indigent patients;
- (b) certify that a student is unable to attend school but may benefit from receiving instruction given in his home or hospital;
- (c) refer a patient to physical therapy for treatment;
- (d) pronounce death, certify the manner and cause of death, and sign death certificates pursuant to the provisions of Chapter 63, Title 44 and Chapter 8, Title 32;
- (e) issue an order for a patient to receive appropriate services from a licensed hospice as defined in Chapter 71, Title 44;
- (f) certify that an individual is handicapped and declare that the handicap is temporary or permanent for purposes of the individual’s application for a placard; and
- (g) execute a do not resuscitate order pursuant to the provisions of Chapter 78, Title 44.

(e) may include Schedule II narcotic substances if listed in the practice agreement and as authorized by Section 44-53-300, provided, however, that the prescription must not exceed a five-day supply and

another prescription must not be written without the written agreement of the physician with whom the nurse practitioner, certified nurse-midwife, or clinical nurse specialist has entered into a practice agreement, unless the prescription is written for patients in hospice or palliative care or for patients residing in long-term care facilities;

(f) may include Schedule II narcotic substances for patients in hospice or palliative care, or for patients in long-term care facilities, if listed in the practice agreement as authorized by Section 44-53-300, provided, however, that each such prescription must not exceed a thirty-day supply;”

Time effective

SECTION 3. This act takes effect sixty days after approval by the Governor.

Ratified the 22nd day of May, 2019.

Approved the 24th day of May, 2019.

No. 88

(R109, H3986)

AN ACT TO AMEND ARTICLE 3 OF CHAPTER 5, TITLE 11, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE “ABLE SAVINGS PROGRAM” SO AS TO RENAME THE PROGRAM THE “PALMETTO ABLE SAVINGS PROGRAM” AND TO MAKE CONFORMING CHANGES; TO AMEND SECTION 12-6-1140, AS AMENDED, RELATING TO INCOME TAX DEDUCTIONS, SO AS TO MAKE CONFORMING CHANGES; AND TO DIRECT THE CODE COMMISSIONER TO MAKE CERTAIN CONFORMING CHANGES.

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

Palmetto ABLE Savings Program

SECTION 1. Article 3, Chapter 5, Title 11 of the 1976 Code is amended to read:

“Article 3

Palmetto ABLE Savings Program

Section 11-5-400. There is established the ‘Palmetto ABLE Savings Program’. The purpose of the Palmetto ABLE Savings Program is to authorize the establishment of savings accounts empowering individuals with a disability and their families to save private funds which can be used to provide for disability related expenses in a way that supplements, but does not supplant, benefits provided through private insurance, the Medicaid program under Title XIX of the Social Security Act, the supplemental security income program under Title XVI of the Social Security Act, the beneficiary’s employment, and other sources; and to provide guidelines for the maintenance of these accounts.

Section 11-5-410. As used in this article:

(1) ‘Palmetto ABLE account’ or ‘account’ means an individual savings account established in accordance with the provisions of this article and pursuant to Section 529A of the federal Internal Revenue Code of 1986, as amended.

(2) ‘Account owner’ means the person who enters into a Palmetto ABLE account agreement pursuant to the provisions of this article. The account owner also must be the designated beneficiary; however, a trustee, guardian, or conservator may be appointed as an account owner for a designated beneficiary who is a minor or lacks capacity to enter into an agreement. Also, the agent of the designated beneficiary acting under durable power of attorney may open and manage an account on behalf of and in the name of a designated beneficiary who lacks capacity.

(3) ‘Designated beneficiary’ means an eligible individual whose qualified disability expenses may be paid from the account. The designated beneficiary must be an eligible individual at the time the account is established. The account owner may change the designated beneficiary so long as the new beneficiary is an eligible individual who is a qualified member of the family of the designated beneficiary at the time of the change.

(4) ‘Eligible individual’, as defined in Section 529A(e)(1) of the federal Internal Revenue Code of 1986, as amended, means:

(a) an individual who is entitled to benefits based on blindness or disability pursuant to 42 U.S.C. Section 401, et seq., or 42 U.S.C. Section 1381, as amended, and the blindness or disability occurred before the date on which the individual attained age twenty-six; or

(b) an individual with respect to which a disability certification, as defined in Section 529A(e)(2) of the federal Internal Revenue Code of 1986, as amended, to the satisfaction of the Secretary of the United States Treasury is filed with the Secretary for a taxable year and the blindness or disability occurred before the date on which the individual attained age twenty-six.

(5) 'Financial organization' means an organization authorized to do business in this State and is:

(a) licensed or chartered by the Director of Insurance;

(b) licensed or chartered by the State Commissioner of Banking;

(c) chartered by an agency of the federal government; or

(d) subject to the jurisdiction and regulation of the federal Securities and Exchange Commission.

(6) 'Management contract' means a contract executed by the State Treasurer and a program manager selected to act as a depository or manager of the program, or both.

(7) 'Member of the family' has the meaning defined in Section 529A of the federal Internal Revenue Code of 1986, as amended.

(8) 'Nonqualified withdrawal' means a withdrawal from an account which is not:

(a) a qualified withdrawal; or

(b) a rollover distribution.

(9) 'Program' means the Palmetto ABLE Savings Program established pursuant to this article.

(10) 'Program manager' means a financial organization or an agency or department of another state that has been designated to administer a qualified ABLE Program selected by the State Treasurer to act as a depository or manager of the program, or both.

(11) 'Qualified disability expense' means any qualified disability expense included in Section 529A of the federal Internal Revenue Code of 1986, as amended.

(12) 'Qualified withdrawal' means a withdrawal from an account to pay the qualified disability expenses of the designated beneficiary of the account.

(13) 'Rollover distribution' means a rollover distribution as defined in Section 529A of the federal Internal Revenue Code of 1986, as amended.

(14) 'Savings agreement' means an agreement between the program manager or the State Treasurer and the account owner.

(15) 'Secretary' means the Secretary of the United States Treasury.

Section 11-5-420. (A) The State Treasurer shall implement and administer the program under the terms and conditions established by this article. The State Treasurer has the authority and responsibility to:

(1) develop and implement the program in a manner consistent with the provisions of this article;

(2) engage the services of consultants on a contract basis for rendering professional and technical assistance and advice;

(3) seek rulings and other guidance from the Secretary and the federal Internal Revenue Service relating to the program;

(4) make changes to the program required for the participants in the program to obtain the federal income tax benefits or treatment provided by Section 529A of the federal Internal Revenue Code of 1986, as amended;

(5) charge, impose, and collect administrative fees and service charges in connection with any agreement, contract, or transaction relating to the program;

(6) develop marketing plans and promotional materials;

(7) establish the methods by which the funds held in accounts must be dispersed;

(8) establish the method by which funds must be allocated to pay for administrative costs;

(9) do all things necessary and proper to carry out the purposes of this article;

(10) adopt rules and promulgate regulations necessary to effectuate the provisions of this article;

(11) prepare an annual report of the Palmetto ABLE Savings Program to the Governor, the Senate, and the House of Representatives; and

(12) notify the Secretary when an account has been opened for a designated beneficiary and submit other reports concerning the program required by the Secretary.

(B) The State Treasurer may contract with other states in developing the program.

Section 11-5-430. (A) The State Treasurer may implement the program through use of program managers as account depositories or managers, or both. The State Treasurer may solicit proposals from program managers to act as depositories or managers of the program, or both. Program managers submitting proposals shall describe the investment instruments to be held in accounts. The State Treasurer may select more than one program manager and investment instrument for the program. The State Treasurer may select as program depositories or

managers the program managers, from among the bidding program managers, that demonstrate the most advantageous combination, both to potential program participants and this State, of the following factors:

- (1) financial stability and integrity of the program manager;
- (2) the safety of the investment instrument being offered;
- (3) the ability of the program manager to satisfy recordkeeping and reporting requirements;
- (4) the program manager's plan for promoting the program and the investment the organization is willing to make to promote the program;
- (5) the fees, if any, proposed to be charged to the account owners;
- (6) the minimum initial deposit and minimum contributions that the financial organization requires;
- (7) the ability of the program manager to accept electronic withdrawals, including payroll deduction plans; and
- (8) other benefits to the State or its residents included in the proposal, including fees payable to the State to cover expenses of the operation of the program.

(B) The State Treasurer may enter into contracts with program managers necessary to effectuate the provisions of this article. A management contract must include, at a minimum, terms requiring the program managers to:

- (1) take action required to keep the program in compliance with requirements of this article and take actions not contrary to its contract to manage the program to qualify as a 'qualified ABLE Program' as defined in Section 529A of the federal Internal Revenue Code of 1986, as amended;
- (2) keep adequate records of each account, keep each account segregated, and provide the State Treasurer with the information necessary to prepare the statements required by Section 11-5-440;
- (3) compile and total information contained in statements required to be prepared under Section 11-5-440 and provide compilations to the State Treasurer;
- (4) if there is more than one program manager, provide the State Treasurer with information as is necessary to determine compliance with Section 11-5-440;
- (5) provide the State Treasurer with access to the books and records of the program manager to the extent needed to determine compliance with the contract, this article, and Section 529A of the federal Internal Revenue Code of 1986, as amended;
- (6) hold all accounts for the benefit of the account owner, owners, or the designated beneficiary;

(7) be audited at least annually by a firm of certified public accountants selected by the program manager, with the approval of the State Treasurer, and provide the results of the audit to the State Treasurer;

(8) provide the State Treasurer with copies of all regulatory filings and reports made by the program manager during the term of the management contract or while the program manager is holding any accounts, other than confidential filings or reports that are not part of the program. The program manager shall make available for review by the State Treasurer the results of the periodic examination of the manager by any state or federal banking, insurance, or securities commission, except to the extent that a report or reports may not be disclosed under law; and

(9) ensure that any description of the program, whether in writing or through the use of any media, is consistent with the marketing plan developed pursuant to the provisions of this article.

(C) The State Treasurer may:

(1) enter into contracts as he considers necessary and proper for the implementation of the program;

(2) require that an audit be conducted of the operations and financial position of the program depository and manager at any time if the State Treasurer has any reason to be concerned about the financial position, the recordkeeping practices, or the status of accounts of the program depository and manager; and

(3) terminate or not renew a management agreement. If the State Treasurer terminates or does not renew a management agreement, the State Treasurer shall take custody of accounts held by the program manager and shall seek to promptly transfer the accounts to another financial organization that is selected as a program manager or depository and into investment instruments as similar to the original instruments as possible.

(D) The State Treasurer, the Department of Social Services, the Department of Health and Human Services, and the Department of Disability and Special Needs are authorized to exchange data regarding eligible individuals to carry out the purposes of this article.

Section 11-5-440. (A) A Palmetto ABLE account established pursuant to the provisions of this article must be opened by a designated beneficiary, a designated beneficiary's agent under a durable power of attorney, a trustee holding funds for the benefit of a designated beneficiary, or a court appointed guardian or conservator of a designated beneficiary. Each designated beneficiary may have only one account.

The State Treasurer may establish a nonrefundable application fee. An application for an account must be in the form prescribed by the State Treasurer and contain the following:

- (1) name, address, and social security number of the account owner;
- (2) name, address, and social security number of the designated beneficiary, if the account owner is the beneficiary's trustee or guardian;
- (3) certification relating to no excess contributions; and
- (4) additional information as the State Treasurer may require.

(B) A person may make contributions to a Palmetto ABLE account after the account is opened, subject to the limitations imposed by Section 529A of the federal Internal Revenue Code of 1986, as amended, or any adopted rules and regulations promulgated by the State Treasurer pursuant to this article.

(C) Contributions to a Palmetto ABLE account may be made only in cash. The State Treasurer or program manager shall reject or withdraw contributions promptly:

- (1) in excess of the limits established pursuant to subsection (B);
- or

- (2) the total contributions if the:
 - (a) value of the account is equal to or greater than the account maximum established by the State Treasurer. The account maximum must be equal to the account maximum for post secondary education savings accounts; or
 - (b) designated beneficiary is not an eligible individual in the current calendar year.

(D)(1) An account owner may:

- (a) change the designated beneficiary of an account to an individual who is a qualified member of the family of the prior designated beneficiary in accordance with procedures established by the State Treasurer; and
- (b) transfer all or a portion of an account to another ABLE account, the designated beneficiary of which is a member of the family as defined in Section 529A of the federal Internal Revenue Code of 1986, as amended.

(2) An account owner may not use an interest in an account as security for a loan. A pledge of an interest in an account is of no effect.

(E)(1) If there is any distribution from an account to an individual or for the benefit of an individual during a calendar year, the distribution must be reported to the federal Internal Revenue Service and each account owner, the designated beneficiary, or the distributee to the extent required by state or federal law.

(2) A statement must be provided to each account owner annually and at other increments established by the State Treasurer in the program guidelines. The statement must contain the information the State Treasurer requires to be reported to the account owner.

(3) A statement and information relating to an account must be prepared and filed to the extent required by this article and other state or federal law.

(F)(1) The program shall provide separate accounting for each designated beneficiary. An annual fee may be imposed upon the account owner for the maintenance of an account.

(2) Funds held in a Palmetto ABLE account:

(a) are exempt from attachment, execution, or garnishment for claims of creditors of the contributor and the designated beneficiary;

(b) to the fullest extent permissible under state and federal law, will be disregarded for the purposes of determining a designated beneficiary's eligibility to receive, or the amount of, any public assistance available to the designated beneficiary, including Medicaid; and

(c) following the death of a designated beneficiary, may be subject to recovery by the South Carolina Department of Health and Human Services up to an amount equal to the total of Medicaid benefits, if any, paid on behalf of the designated beneficiary by the state Medicaid program, but only to the extent recovery is required by state or federal law. Recovery by the State is subject to regulations imposed by the Secretary.

(3) The amount distributed from a Palmetto ABLE account for the purposes of paying qualified disability expenses:

(a) are exempt from attachment, execution, or garnishment for claims of creditors of the contributor and the designated beneficiary; and

(b) to the fullest extent permissible under state and federal law, will be disregarded for the purposes of determining a designated beneficiary's eligibility to receive, or the amount of, any public assistance available to the designated beneficiary, including Medicaid.

(G) To the extent earnings in an ABLE account and distributions from an ABLE account, or a qualified account under Section 529A located in another state, are not subject to federal income tax, they will not be subject to state income tax.

Section 11-5-450. (A) Nothing in this article may create or be construed to create any obligation of the State Treasurer, the State, or any agency or instrumentality of the State to guarantee for the benefit of an account owner or designated beneficiary with respect to the:

- (1) return of principal;
- (2) rate of interest or other return on an account; or
- (3) payment of interest or other return on an account.

(B) The State Treasurer may adopt rules and promulgate regulations to provide that each contract, application, or other similar document that may be used in connection with opening an account clearly indicates that the account is not insured by the State and that the principal deposited and the investment return are not guaranteed by the State.

Section 11-5-460. (A) The Palmetto ABLE Savings Program Trust Fund is established in the Office of the State Treasurer. The trust fund must be utilized if the State Treasurer elects to accept deposits from contributors rather than have deposits sent directly to the program manager. The trust fund must consist of any monies deposited by account owners and other contributors pursuant to the provisions of this article which are not deposited directly with the program manager. All interest derived from the deposit and investment of monies in the trust fund must be credited to the fund. At the end of each fiscal year, all unexpended and unencumbered monies in the trust fund must remain in the fund and not be credited or transferred to the state general fund or to another fund.

(B)(1) The Palmetto ABLE Savings Expense Fund is established in the Office of the State Treasurer. The expense fund must consist of monies received from the Palmetto ABLE Savings Program manager or managers, governmental or private grants, and state general fund appropriations, if any, for the program.

(2) All expenses incurred by the State Treasurer in developing and administering the Palmetto ABLE Savings Program must be payable from the Palmetto ABLE Savings Expense Fund.”

Palmetto ABLE Savings Expense Fund Income Tax Deduction

SECTION 2. Section 12-6-1140(12)(b) of the 1976 Code is amended to read:

“(b) Any interest, dividends, gains, property, or income accruing on the payments made to an investment trust agreement pursuant to Article 3, Chapter 5, Title 11, or on any account in the Palmetto ABLE Savings Expense Fund or a qualified fund under Section 529A located in another state, must be excluded from the gross income of any such account owner, contributor, or beneficiary for purposes of South Carolina income taxes, to the extent the amounts remain on deposit in the Palmetto ABLE

Savings Expense Fund or are withdrawn pursuant to a qualified withdrawal.”

Conforming changes

SECTION 3. The Code Commissioner is directed to change or correct all references to the “ABLE Savings Program” to the “Palmetto ABLE Savings Program.” References to the ABLE Savings Program in the 1976 Code or other provisions of law are considered to be and must be construed to mean the “Palmetto ABLE Savings Program.”

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 22nd day of May, 2019.

Approved the 24th day of May, 2019.

No. 89

(R112, H4004)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “PHYSICIAN ORDERS FOR SCOPE OF TREATMENT (POST) ACT” BY ADDING CHAPTER 80 TO TITLE 44 SO AS TO ENABLE CERTAIN PERSONS TO EXECUTE A POST FORM SIGNED BY A PHYSICIAN THAT SETS FORTH THE PATIENT’S WISHES AS TO HEALTH CARE WHERE THE PATIENT HAS BEEN DIAGNOSED WITH A SERIOUS ILLNESS OR MAY BE EXPECTED TO LOSE CAPACITY WITHIN TWELVE MONTHS; TO REQUIRE HEALTH CARE PROVIDERS AND HEALTH CARE FACILITIES TO ACCEPT A POST FORM AS A VALID MEDICAL ORDER AND TO COMPLY WITH THE ORDER, WITH EXCEPTIONS; TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PERFORM CERTAIN DUTIES WITH RESPECT TO OVERSEEING POST FORMS AND TO PROMULGATE REGULATIONS; TO PROVIDE IMMUNITY FROM CIVIL AND CRIMINAL

LIABILITY AND FROM DISCIPLINARY ACTION FOR CERTAIN PERSONS ACTING IN ACCORDANCE WITH PROVISIONS OF THE CHAPTER; TO ALLOW A POST FORM TO BE REVOKED BY THE PATIENT OR PATIENT'S LEGAL REPRESENTATIVE; AND FOR OTHER PURPOSES.

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

Citation

SECTION 1. This chapter may be cited as the "Physician Orders for Scope of Treatment (POST) Act".

Physician Orders for Scope of Treatment (POST) Act

SECTION 2. Title 44 of the 1976 Code is amended by adding:

“CHAPTER 80

Physician Orders for Scope of Treatment Act

Section 44-80-10. As used in this chapter:

(1) 'Advance care planning' or 'ACP' means the making of decisions by a person about the care the person wants to receive if the person becomes unable to communicate or consent to care and the documentation of those decisions by acceptable methods recognized by the State.

(2) 'Advance directive' means a written statement such as a health care power of attorney executed in accordance with Section 62-5-504, in which an individual expresses certain wishes relating to life-sustaining treatment, including resuscitative services.

(3) 'Department' means the South Carolina Department of Health and Environmental Control.

(4) 'Director' means the Director of the South Carolina Department of Health and Environmental Control.

(5) 'Emergency medical technician (EMT)' when used in general terms for emergency medical personnel, means an individual possessing a valid EMT, advanced EMT (AEMT), or paramedic certificate issued by the State pursuant to the provisions of Section 44-61-20.

(6) 'Health care facility' means any nonfederal public or private institution, building, agency, or portion thereof, whether for-profit or not-for-profit, that is used, operated, or designed to provide health

services; medical treatment; or nursing, rehabilitative or preventive care to any person or persons. This includes, but is not limited to, ambulatory surgical facilities, health maintenance organizations, home health agencies, hospices, hospitals, infirmaries, intermediate care facilities, kidney treatment centers, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatment facilities, skilled nursing facilities, and adult daycare centers. The term also includes, but is not limited to, the following related property when used for or in connection with the foregoing: laboratories; research facilities; pharmacies; laundry facilities; health personnel training and lodging facilities; patient, guest, and health personnel food service facilities; and offices or office buildings for persons engaged in health care professions or services.

(7) 'Health care provider' means a person, health care facility, organization, or corporation licensed, certified, or otherwise authorized or permitted by the laws of this State to administer health care.

(8) 'Legal representative' means a person with priority to make health care decisions for a patient pursuant to the Adult Health Care Consent Act.

(9) 'Patient' means an individual who presents or is presented to a health care provider for treatment.

(10) 'Physician' means a doctor of medicine or doctor of osteopathic medicine licensed by the South Carolina Board of Medical Examiners.

(11) 'Physician Orders for Scope of Treatment (POST) form' means a designated document designed for use as part of advance care planning, the use of which must be limited to situations where the patient has been diagnosed with a serious illness or, based upon medical diagnosis, may be expected to lose capacity within twelve months and consists of a set of medical orders signed by a patient's physician addressing key medical decisions consistent with patient goals of care concerning treatment at the end of life that is portable and valid across health care settings.

(12) 'Serious illness' means a condition which, based upon best medical judgment, is likely to result in death within a period of not to exceed twelve months.

Section 44-80-20. The department shall:

- (1) oversee the POST form and its future iterations;
- (2) display a printable sample of the POST form currently being used by the department on the department's or a designee's publicly accessible website, along with any related information the department chooses to post; however, if posted on a designee's website, the

department shall post a link on its website to the form and any related information;

(3) develop a statewide, uniform process for identifying a patient who has executed any advance directive, a POST form, or a combination of advance directives and a POST form;

(4) develop a process for collecting feedback to facilitate the periodic redesign of the POST form in accordance with current health care best practices;

(5) develop POST-related education efforts for health care professionals and the public; and

(6) promulgate regulations necessary to perform the duties assigned and ensure compliance with the provisions of this chapter.

Section 44-80-30. (A) The POST form must be a uniform document based on the standards recommended by the National Physician Orders for Life-Sustaining Treatment (POLST) paradigm and must include the information set forth in subsection (C).

(B) A copy, facsimile, or electronic version of a completed POST form is considered to be legal.

(C) The POST form must include the following information:

(1) patient name and contact information;

(2) date of birth;

(3) effective date of form;

(4) diagnosis;

(5) treatment plan;

(6) health care representative or health care agent contact information;

(7) CPR preference;

(8) medical intervention preferences;

(9) preferences for antibiotics; and

(10) assisted nutrition and hydration preferences.

Section 44-80-40. (A) A POST form executed in South Carolina as provided in this chapter, or a similar form executed in another jurisdiction in compliance with the laws of that jurisdiction, must be deemed a valid expression of a patient's wishes as to health care. A South Carolina health care provider or health care facility may accept a properly executed POST form as a valid expression of whether the patient consents to the provision of health care in accordance with Section 44-66-60 of the Adult Health Care Consent Act.

(B) A health care provider or health care facility that is unwilling to comply with an executed POST form based on policy, religious beliefs,

or moral convictions shall contact the patient's health care representative, health care agent, or the person authorized to make health care decisions for the patient pursuant to Section 44-66-30 of the Adult Health Care Consent Act, and the health care provider or health care facility shall allow the transfer of the patient to another health care provider or health care facility.

(C) A health care provider including, but not limited to, a physician, physician assistant, advance practice registered nurse, registered nurse, or emergency medical technician, who in good faith complies with a POST form, is not subject to criminal prosecution, civil liability or disciplinary penalty for complying with the POST form executed in accordance with this chapter and the Adult Health Care Consent Act.

Section 44-80-50. (A) A POST form may be revoked at any time by an oral or written statement by the patient or a patient's legal representative.

(B) A revocation is only effective upon communication to the health care provider or health care facility by the patient or the patient's legal representative.

(C) The execution of a POST form by a patient, or the patient's legal representative, pursuant to this chapter automatically revokes any previously executed POST form.

Section 44-80-60. (A) Any individual acting in good faith as a legal representative who executes a POST form on behalf of an incapacitated patient in accordance with this chapter, the Adult Health Care Consent Act, and regulations promulgated pursuant to those statutes is not subject to criminal prosecution or civil liability for executing the POST form.

(B) A health care provider, health care facility, or other person who has not received actual notice of the revocation of a POST form and complies with the wishes stated in the POST form is not subject to civil or criminal liability or professional disciplinary action for actions taken pursuant to this chapter which are in accordance with reasonable medical standards. This subsection provides an affirmative defense to any civil, criminal, or professional disciplinary action filed or instituted against a health care provider, health care facility, or other person for conduct authorized by this chapter.

Section 44-80-70. This chapter may not be construed to condone, authorize, or approve suicide, physician-assisted suicide, or euthanasia, or to permit any affirmative or deliberate act or omission of an act to end life other than to permit the natural process of dying. Death resulting

from the withholding or withdrawal of life-sustaining procedures pursuant to an executed POST form and in accordance with this chapter does not, for any purpose, constitute a suicide, homicide, or vulnerable adult abuse or neglect.

Section 44-80-80. (A) The executing of a POST form does not in any manner affect the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. A policy of life insurance is not legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining procedures pursuant to this chapter notwithstanding any term of the policy to the contrary.

(B) Execution of a POST form is voluntary. A health care provider, health care facility, health care service plan, insurer issuing disability insurance, self-insured employee benefit plan, or nonprofit hospital plan may not require any person to execute a POST form as a condition of being insured for, or receiving, health care services.

Section 44-80-90. (A) The absence of a POST form does not give rise to a presumption concerning the intent of a patient with respect to the consent to or refusal of life-sustaining procedures. A health care provider or health care facility must be guided by the patient's stated wishes, or if unable to consent or otherwise communicate, the wishes as stated by the patient's surrogate decision maker as provided in Section 44-66-30 of the Adult Health Care Consent Act, as well as the established standards of care.

(B) Nothing in this chapter may be interpreted to interfere with the right of an individual to make decisions regarding use of life-sustaining procedures as long as the individual is able to do so, or to impair or supersede any right or responsibility that any legal representative or other authorized person has to order the withholding or withdrawal of medical care in any lawful manner. In that respect, the provisions of this chapter are cumulative.

(C) The execution of a POST form is always voluntary and is for a person with an advanced illness. The POST form records a patient's wishes for medical treatment in the patient's current state of health. Preferred medical treatment as stated by the patient on the POST form may be changed at any time by the patient or a designated health care representative or health care agent of the patient to reflect the patient's new wishes. While no form can anticipate and address all medical treatment decisions that may need to be made, an advance health care directive applies regardless of health status. An advance directive allows

a patient to document in detail future health care instructions and to name a health care agent to speak on the patient's behalf if the patient is unable to communicate to ensure that the patient's advance directive wishes as to life-sustaining medical treatment are fulfilled.

Section 44-80-100. A POST form executed pursuant to this chapter remains effective until revoked or until a new POST form is executed pursuant to this chapter. Any physician who is responsible for the creation and execution of a POST form shall make reasonable efforts to periodically review and update the POST form with the patient as the patient's needs dictate but at least once per year.

Section 44-80-110. An advanced practice registered nurse (APRN) may create, execute, and sign a POST form if authorized to do so by his or her practice agreement. The POST form must be for a patient of the APRN, the physician with whom the APRN has entered into a practice agreement, or both.

Section 44-80-120. A physician assistant (PA) may create, execute, and sign a POST form if authorized to do so by his or her scope of practice guidelines. The POST form must be for a patient of that PA, the PA's supervising physician, or both."

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 22nd day of May, 2019.

Approved the 24th day of May, 2019.

No. 90

(R105, H3601)

AN ACT TO AMEND SECTION 16-17-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PUBLIC DISORDERLY CONDUCT, SO AS TO ALLOW AND PROVIDE PROCEDURES FOR CONDITIONAL DISCHARGE FOR FIRST-TIME OFFENDERS.

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

Public disorderly conduct, conditional discharge for first-time offenders

SECTION 1. Section 16-17-530 of the 1976 Code is amended to read:

“Section 16-17-530. (A) A person who is: (1) found on any highway or at any public place or public gathering in a grossly intoxicated condition or otherwise conducts himself in a disorderly or boisterous manner; (2) uses obscene or profane language on any highway or at any public place or gathering or in hearing distance of any schoolhouse or church; or (3) while under the influence or feigning to be under the influence of intoxicating liquor, without just cause or excuse, discharges any gun, pistol, or other firearm while upon or within fifty yards of any public road or highway, except upon his own premises, is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or be imprisoned for not more than thirty days. However, conditional discharge may be granted by the court in accordance with the provisions of this section upon approval by the circuit solicitor.

(B) When a person who has not previously been convicted of an offense pursuant to this section or any similar offense under any state or federal statute relating to drunk or disorderly conduct pleads guilty to or is found guilty of a violation of this section, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions as it requires, including the requirement that the person cooperate in a treatment and rehabilitation program of a state-supported facility, if available. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal pursuant to this section is without court adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. However, a nonpublic record must be forwarded to and retained by the South Carolina Law Enforcement Division solely for the purpose of use by the courts in determining whether or not a person has committed a subsequent offense pursuant to this section. Discharge and dismissal pursuant to this section may occur only once with respect to any person.

(C) Upon the dismissal of the person and discharge of the proceedings against him pursuant to subsection (B), the person may apply to the court for an order to expunge from all official records (other than the nonpublic records to be retained as provided in subsection (B)) all recordation relating to his arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this section. If the court determines, after a hearing, that the person was dismissed and the proceedings against him discharged, it shall enter the order. The effect of the order is to restore the person, in the contemplation of the law, to the status he occupied before the arrest or indictment or information. No person as to whom the order has been entered may be held pursuant to another provision of law to be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or acknowledge the arrest, or indictment or information, or trial in response to an inquiry made of him for any purpose.

(D) Before a person may be discharged and the proceedings dismissed pursuant to this section, the person must pay a fee to the summary court of one hundred fifty dollars. No portion of the fee may be waived, reduced, or suspended, except in cases of indigency. If the court determines that a person is indigent, the court may partially or totally waive, reduce, or suspend the fee. The revenue collected pursuant to this subsection must be retained by the jurisdiction that heard or processed the case and paid to the State Treasurer within thirty days of receipt. The State Treasurer shall transmit these funds to the Prosecution Coordination Commission which shall then apportion these funds among the sixteen judicial circuits on a per capita basis equal to the population in that circuit compared to the population of the State as a whole based on the most recent official United States census. The funds must be used for drug treatment court programs only. The amounts generated by this subsection are in addition to any amounts presently being provided for drug treatment court programs and may not be used to supplant funding already allocated for these services. The State Treasurer may request the State Auditor to examine the financial records of a jurisdiction which he believes is not timely transmitting the funds required to be paid to the State Treasurer pursuant to this subsection. The State Auditor is further authorized to conduct these examinations and the local jurisdiction is required to participate in and cooperate fully with the examination.”

Savings clause

SECTION 2. 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.

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 22nd day of May, 2019.

Vetoed by the Governor -- 5/28/19.

Veto overridden by House -- 6/25/19.

Veto overridden by Senate -- 6/25/19.

No. 91

(R110, H4000)

AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2019, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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

**PART IA
APPROPRIATIONS**

**SECTION 1
H630-DEPARTMENT OF EDUCATION**

	TOTAL FUNDS	GENERAL FUNDS
I. SUPERINTENDENT OF EDU		
STATE SUPERINTENDENT OF EDUCATION	92,007 (1.00)	92,007 (1.00)
CLASSIFIED POSITIONS	1,377,927 (25.00)	1,147,927 (21.25)
UNCLASSIFIED POSITIONS	123,247	123,247
OTHER PERSONAL SERVICES	60,000	
OTHER OPERATING EXPENSES	579,025	151,025
TOTAL I. SUPT OF EDUCATION	2,232,206 (26.00)	1,514,206 (22.25)
II. BOARD OF EDUCATION		
OTHER PERSONAL SERVICES	4,787	4,787
OTHER OPERATING EXPENSES	53,247	53,247
TOTAL II. BOARD OF EDU	58,034	58,034
III. ACCOUNTABILITY		
A. OPERATIONS		
CLASSIFIED POSITIONS	5,537,936 (84.02)	2,737,936 (34.25)
UNCLASSIFIED POSITIONS	122,868 (1.00)	122,868 (1.00)
OTHER PERSONAL SERVICES	439,672	15,709
OTHER OPERATING EXPENSES	11,438,454	210,254
TOTAL A. OPERATIONS	17,538,930 (85.02)	3,086,767 (35.25)
B. EDU ACCOUNTABILITY ACT		
CLASSIFIED POSITIONS	244,236	244,236
OTHER OPERATING EXPENSES	64,811	64,811
TOTAL B. EDUCATIONAL ACCOUNTABILITY ACT	309,047	309,047

OF SOUTH CAROLINA
General and Permanent Laws--2019
H630-DEPARTMENT OF EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
C. SCOICC		
CLASSIFIED POSITIONS	179,102	179,102
	(4.00)	(4.00)
OTHER PERSONAL SERVICES	44,882	44,882
OTHER OPERATING EXPENSES	112,973	112,973
TOTAL C. SCOICC	336,957	336,957
	(4.00)	(4.00)
TOTAL III. ACCOUNTABILITY	18,184,934	3,732,771
	(89.02)	(39.25)
IV. CHIEF INFO OFFICE		
CLASSIFIED POSITIONS	1,845,821	1,815,821
	(22.51)	(16.76)
OTHER OPERATING EXPENSES	2,024,656	2,019,656
TOT IV. CHIEF INFORMATION	3,870,477	3,835,477
OFFICE	(22.51)	(16.76)
V. SCHOOL EFFECTIVENESS		
& VIRTUALSC		
CLASSIFIED POSITIONS	5,788,807	3,748,807
	(104.49)	(79.05)
UNCLASSIFIED POSITIONS	1,817,025	1,817,025
	(15.00)	(15.00)
OTHER PERSONAL SERVICES	3,879,651	2,879,651
OTHER OPERATING EXPENSES	17,207,276	1,507,276
TOTAL V. SCHOOL	28,692,759	9,952,759
EFFECTIVENESS & VIRTUALSC	(119.49)	(94.05)
VI. CHIEF FINANCE OPER		
A. FINANCE & OPER		
CLASSIFIED POSITIONS	2,196,170	1,602,897
	(51.02)	(44.02)
OTHER PERSONAL SERVICES	139,201	94,201
OTHER OPERATING EXPENSES	1,211,655	856,655
AID TO OTHER ENTITIES	5,617	5,617
TOTAL A. FINANCE &	3,552,643	2,559,370
OPERATIONS	(51.02)	(44.02)

STATUTES AT LARGE
General and Permanent Laws--2019
H630-DEPARTMENT OF EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
B. INSTRUCTIONAL MATERIALS		
CLASSIFIED POSITIONS	161,064	
	(2.00)	
OTHER PERSONAL SERVICES	30,000	
OTHER OPERATING EXPENSES	1,336,838	
TOTAL B. INSTRUCTIONAL MATERIALS	1,527,902	
	(2.00)	
TOTAL VI. CHIEF FINANCE OPERATIONS	5,080,545	2,559,370
	(53.02)	(44.02)
VII. OPERATIONS AND SUPRT		
A. SUPPORT OPERATIONS		
CLASSIFIED POSITIONS	5,548,887	3,706,759
	(109.00)	(53.15)
OTHER PERSONAL SERVICES	787,681	634
OTHER OPERATING EXPENSES	18,845,842	718,609
AID SCHOOL DISTRICTS	23,698	23,698
TOT A. SUPPORT OPERATIONS	25,206,108	4,449,700
	(109.00)	(53.15)
B. BUS SHOPS		
CLASSIFIED POSITIONS	18,550,424	13,550,424
	(457.62)	(376.02)
OTHER PERSONAL SERVICES	485,624	98,102
OTHER OPERATING EXPENSES	45,085,935	38,410,935
AID TO DISTRICTS	500,000	500,000
AID SCHL DIST - BUS DRIVERS' WORKERS' COMP	2,996,195	2,996,195
AID SCH DISTRICT - DRIVER SALARY/F	56,611,213	56,611,213
AID SCH DISTRICT - CONTRACT DRIVERS	1,023,062	1,023,062
BUS DRV AIDE	129,548	129,548
AID OTHER STATE AGENCIES	69,751	69,751
TOTAL B. BUS SHOPS	125,451,752	113,389,230
	(457.62)	(376.02)

OF SOUTH CAROLINA
General and Permanent Laws--2019
H630-DEPARTMENT OF EDUCATION

	TOTAL FUNDS	GENERAL FUNDS
C. BUSES		
EAA TRANSPORTATION	3,153,136	3,153,136
EEDA TRANSPORTATION	608,657	608,657
BUS PURCHASES	5,015,506	5,015,506
BUS LEASES	3,000,000	3,000,000
TOTAL C. BUSES	11,777,299	11,777,299
 TOTAL VII. OPERATIONS AND SUPPORT	 162,435,159 (566.62)	 129,616,229 (429.17)
 VIII. EDU IMPROVEMENT ACT		
A. STANDARDS, TEACHING, LEARNING		
1. STUDENT LEARNING		
INDUSTRY CERTIFICATIONS/ CREDENTIALS	550,000	
ADULT EDUCATION	15,073,736	
AID TO DISTRICTS	24,401,779	
STUDENT AT RISK OF SCHOOL FAILURE	79,551,723	
ALLOC EIA - ARTS CURRICULA	1,487,571	
CAREER & TECHNOLOGY EDU	20,072,135	
SUMMER READING CAMPS	7,500,000	
READING COACHES	9,922,556	
EEDA	8,413,832	
TOT 1. STUDENT LEARNING	166,973,332	
 2. STUDENT TESTING		
CLASSIFIED POSITIONS	548,518	
	(9.00)	
OTHER OPERATING EXPENSES	678,748	
ASSESSMENT/TESTING	27,261,400	
TOTAL 2. STUDENT TESTING	28,488,666 (9.00)	
 3. CURRICULUM & STANDARDS		
CLASSIFIED POSITIONS	126,232	
	(2.00)	

STATUTES AT LARGE
General and Permanent Laws--2019
H630-DEPARTMENT OF EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	4,736	
OTHER OPERATING EXPENSES	41,987	
READING	3,271,026	
INSTRUCTIONAL MATERIALS	20,922,839	
TOTAL 3. CURRICULUM & STANDARDS	24,366,820	(2.00)
4. ASSIST, INTERVENTION & REWARD		
CLASSIFIED POSITIONS	1,236,436	(29.10)
OTHER OPERATING EXPENSES	1,374,752	
SCHOOL SAFETY PROGRAM	10,000,000	
EAA TECHNICAL ASSISTANCE	23,801,301	
POWER SCH/DATA COLLECTION	7,500,000	
SCH VALUE ADDED INSTRUMENT	1,400,000	
TOTAL 4. ASSIST, INTERVENTION & REWARD	45,312,489	(29.10)
TOTAL A. STANDARDS,TEACH,LEARNING	265,141,307	(40.10)
B. EARLY CHILDHOOD EDU		
CLASSIFIED POSITIONS	831,246	(13.50)
OTHER OPERATING EXPENSES	556,592	
ALLOC EIA - 4 YR EARLY CHILDHOOD	15,513,846	
CDEPP - SCDE	41,441,053	
TOTAL B. EARLY CHILDHOOD EDUCATION	58,342,737	(13.50)
C. TEACHER QUALITY		
1. CERTIFICATION		
CLASSIFIED POSITIONS	1,263,470	(27.25)
OTHER PERSONAL SERVICES	1,579	
OTHER OPERATING EXPENSES	638,999	

	TOTAL FUNDS	GENERAL FUNDS
TOTAL 1. CERTIFICATION	1,904,048	(27.25)
2. RETENTION & REWARD		
TEACHER OF THE YEAR	155,000	
TEACHER QUALITY COMMISSION	372,724	
CLASSIFIED POSITIONS	80,000	
	(1.00)	
ALLOC EIA - TEACHER SALARIES	181,230,766	
TEACHER SUPPLIES	14,721,500	
ALLOC EIA - EMPLOYER	39,524,934	
CONTRIBUTIONS		
NATIONAL BOARD CERT	44,500,000	
RURAL TEACHER RECRUITMENT	9,748,392	
TOT 2. RETENTION & REWARD	290,333,316	(1.00)
3. PROFESSIONAL DEVELOP		
PROFESSIONAL DEVELOPMENT	2,771,758	
ADEPT	873,909	
TOTAL 3. PROFESSIONAL	3,645,667	
DEVELOPMENT		
4. ADEPT		
CLASSIFIED POSITIONS	65,000	
	(1.00)	
TOTAL 4. ADEPT	65,000	(1.00)
TOT C. TEACHER QUALITY	295,948,031	(29.25)
D. LEADERSHIP		
CLASSIFIED POSITIONS	82,049	
	(10.77)	
OTHER PERSONAL SERVICES	83,121	
OTHER OPERATING EXPENSES	279,032	
TECHNOLOGY	12,271,826	

STATUTES AT LARGE
General and Permanent Laws--2019
H630-DEPARTMENT OF EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL D. LEADERSHIP	12,716,028	
	(10.77)	
E. EIA EMPLOYER CONTRIB		
EMPLOYER CONTRIBUTIONS	1,269,821	
TOTAL E. EIA EMPLOYER	1,269,821	
CONTRIBUTIONS		
F. PARTNERSHIPS		
ETV - K-12 PUBLIC EDUCATION (H670)	3,576,409	
ETV - INFRASTRUCTURE (H670)	2,150,000	
LITERACY & DISTANCE LEARNING (P360)	415,000	
REACH OUT & READ (A850)	1,000,000	
SC YOUTH CHALLENGE ACADEMY (E240)	1,000,000	
ARTS EDUCATION PROG (H910)	1,170,000	
EDUCATION OVERSIGHT COMMITTEE (A850)	1,793,242	
SCIENCE PLUS (A850)	563,406	
STEM CENTERS SC (H120)	1,750,000	
TEACH FOR AMERICA SC (A850)	3,000,000	
GOVERNOR'S SCHOOL FOR ARTS & HUMANITIES (H630)	1,619,531	
WIL LOU GRAY OPPORTUNITY SCHOOL (H710)	736,678	
SCHOOL FOR DEAF & BLIND (H750)	7,933,774	
DIABILITIES & SPECIAL NEEDS (J160)	408,653	
SC COUNCIL ON ECONOMIC EDUCATION (H270)	300,000	
JOHN DE LA HOWE SC (L120)	417,734	
CLEMSON AGRICULTURE EDUCATION TEACHERS (P200)	1,144,356	
CENTER FOR EDUCATIONAL PARTNERSHIPS (H270)	715,933	

OF SOUTH CAROLINA
General and Permanent Laws--2019
H630-DEPARTMENT OF EDUCATION

	TOTAL FUNDS	GENERAL FUNDS
CENTERS OF EXCELLENCE (H030)	1,137,526	
TEACHER RECRUIT PROGRAM (H030)	4,243,527	
TEACHER LOAN PROGRAM (E160)	5,089,881	
BABYNET AUTISM THERAPY (J020)	3,926,408	
CALL ME MISTER (H120)	500,000	
REGIONAL EDUCATION CENTERS (P320)	1,952,000	
FAMILY CONNECTION SC (H630)	300,000	
GOV SCHOOL FOR MATH & SCIENCE (H630)	1,207,122	
CENTER FOR EDUC RECRUIT, RETEN, & ADV (CERRA) (H470)	531,680	
TRANSFORM SC (A850)	400,000	
EOC PARTNERSHIPS FOR INNOVATION (NR)	500,000	
SDE GRANTS COMMITTEE	504,313	
TOTAL F. PARTNERSHIPS	49,987,173	
 G. TRANSPORTATION		
OTHER OPERATING EXPENSES	22,032,195	
TOTAL G. TRANSPORTATION	22,032,195	
 H. CHARTER SCH DISTRICT		
SOUTH CAROLINA PUBLIC CHARTER SCHOOLS	126,461,481	
TOT H. CHARTER SCHOOL DISTRICT	126,461,481	
 I. FIRST STEPS TO SCHOOL READINESS		
CLASSIFIED POSITIONS	2,179,885	
	(38.50)	
UNCLASSIFIED POSITIONS	121,540	
	(1.00)	
OTHER PERSONAL SERVICES	150,000	
OTHER OPERATING EXPENSES	1,906,225	
COUNTY PARTNERSHIPS	14,435,228	
CDEPP	9,767,864	

STATUTES AT LARGE
General and Permanent Laws--2019
H630-DEPARTMENT OF EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
EMPLOYER CONTRIBUTIONS	775,485	
TOTAL I. FIRST STEPS TO SCHOOL READINESS	29,336,227 (39.50)	
 TOTAL VIII. EDUCATION IMPROVEMENT ACT	 861,235,000 (133.12)	
 IX. GOVERNORS SCH SCIENCE & MATH		
CLASSIFIED POSITIONS	2,650,068	2,650,068
	(60.30)	(60.30)
NEW POSITION PROGRAM	70,000	70,000
COORDINATOR II	(2.00)	(2.00)
NEW POSITION PROGRAM	95,000	95,000
MANAGER II	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	3,748,211	3,638,211
	(32.79)	(32.02)
OTHER PERSONAL SERVICES	171,100	68,600
OTHER OPERATING EXPENSES	4,824,385	4,345,385
ALLOC OTHER ENTITIES	13,200	
EMPLOYER CONTRIBUTIONS	2,355,170	2,313,370
TOTAL IX. GOVERNORS SCH SCIENCE & MATH	13,927,134 (96.09)	13,180,634 (95.32)
 X. AID TO SCHOOL DISTRICTS		
A. DISTRIBUTION TO SUBDIV		
CDEPP - SCDE	5,983,049	5,983,049
ALLOC SCHOOL DIST	802,603,600	
ALLOC OTHER ST AGENCIES	15,041,000	
ALLOC OTHER ENTITIES	20,673,744	
TEACHER SUPPLY	600,000	600,000
ADULT ED	500,000	500,000
STUDENT HLTH AND FITNESS	26,297,502	26,297,502
READING COACHES	29,483,100	29,483,100
GUIDANCE/CAREER SPECIALIST	31,362,113	31,362,113
AID SCHOOL DISTRICT - RETIREE INS	186,910,640	186,910,640

OF SOUTH CAROLINA
General and Permanent Laws--2019
H630-DEPARTMENT OF EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
STATE AID TO CLASSROOMS	2,801,498,092	2,801,498,092
TOTAL A. DISTRIBUTION TO SUBDIVISIONS	3,920,952,840	3,082,634,496
 B. SPECIAL ALLOCATIONS		
STATE MUSEUM (H950)	275,000	275,000
VOCATIONAL EQUIPMENT (H710)	39,978	39,978
ARCHIVES AND HISTORY (H790)	22,377	22,377
STATUS OFFENDER (L120)	346,473	346,473
HANDICAPPED - PROFOUNDLY MENTALLY	85,286	85,286
STUDENT LOAN CORP - CAREER CHANGERS	1,065,125	1,065,125
SC COUNCIL ON HOLOCAUST	350,000	350,000
ARCHIBALD RUTLEDGE SCHOLARSHIPS	10,478	10,478
SCHOOL SAFETY PROGRAM	1,935,000	1,935,000
TOTAL B. SPECIAL ALLOC	4,129,717	4,129,717
 TOTAL X. AID TO SCHOOL DISTRICTS	 3,925,082,557	 3,086,764,213
 XI. GOV SCHL FOR ARTS & HUMANITIES		
CLASSIFIED POSITIONS	2,135,079	2,070,079
	(47.02)	(46.52)
UNCLASSIFIED POSITIONS	2,706,820	2,637,820
	(36.33)	(35.58)
OTHER PERSONAL SERVICES	845,106	526,835
OTHER OPERATING EXPENSES	1,624,826	1,174,826
EMPLOYER CONTRIBUTIONS	2,146,199	2,043,699
TOT XI. GOV SCHL FOR ARTS & HUMANITIES	9,458,030	8,453,259
	(83.35)	(82.10)
 XII. FIRST STEPS TO SCH READINESS		
CLASSIFIED POSITIONS	761,621	67,621
	(6.00)	(1.00)

STATUTES AT LARGE
General and Permanent Laws--2019
H630-DEPARTMENT OF EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
NEW POSITION ADMINISTRATIVE ASSISTANT	-	-
	(3.00)	(3.00)
NEW POSITION ATTORNEY III	-	-
	(1.00)	(1.00)
NEW POSITION PROJECT COORDINATOR	-	-
	(1.00)	(1.00)
NEW POSITION PUBLIC INFORMATION DIRECTOR I	-	-
	(1.00)	(1.00)
NEW POSITION EDUCATION ASSOCIATE	-	-
	(2.00)	(2.00)
NEW POSITION PARALEGAL	-	-
	(1.00)	(1.00)
NEW POSITION IT MANAGER II	-	-
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	275,000	
OTHER OPERATING EXPENSES	5,003,392	
EMPLOYER CONTRIBUTIONS	241,806	31,056
CDEPP-PRIVATE	6,424,200	6,424,200
TOTAL XII. FIRST STEPS TO SCH READINESS	12,706,019	6,522,877
	(16.00)	(11.00)
 XIII. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	19,488,203	13,677,433
TOTAL XIII. EMPLOYEE BENEFITS	19,488,203	13,677,433
 TOTAL DEPARTMENT OF EDUCATION	5,062,451,057	3,279,867,262
	(1,205.22)	(833.92)

SECTION 3
H660-LOTTERY EXPENDITURE ACCOUNT

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. LOTTERY EXPENDITURE ACCOUNT		
LOTTERY EXPENDITURES	490,100,000	
UNCLAIMED PRIZES	19,000,000	

H660-LOTTERY EXPENDITURE ACCOUNT

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL I. LOTTERY EXPENDITURE ACCOUNT	509,100,000	
TOT LOTTERY EXPENDITURE	509,100,00	

**SECTION 4
A850-EDUCATION OVERSIGHT COMMITTEE**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	99,600	
	(1.00)	
UNCLASSIFIED LEGISLATIVE	330,000	
MISC (P)	(9.00)	
TAXABLE SUBSISTENCE	2,000	
OTHER PERSONAL SERVICES	130,000	
OTHER OPERATING EXPENSES	1,101,642	
TOTAL I. ADMINISTRATION	1,663,242	
	(10.00)	
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	130,000	
TOT II. EMPLOYEE BENEFITS	130,000	
TOTAL EDU OVERSIGHT COMMITTEE	1,793,242	
	(10.00)	

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

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
SUPERINTENDENT	90,938	90,938
	(1.00)	(1.00)
CLASSIFIED POSITIONS	227,222	227,222
	(5.00)	(5.00)
OTHER PERSONAL SERVICES	4,085	4,085

H710-WIL LOU GRAY OPPORTUNITY SCHOOL

	TOTAL FUNDS	GENERAL FUNDS
OTHER OPERATING EXPENSES	24,419	24,419
TOTAL I. ADMINISTRATION	346,664	346,664
	(6.00)	(6.00)
 II. EDUCATIONAL PROGRAM		
A. ACADEMIC PROGRAM		
CLASSIFIED POSITIONS	609,773	609,773
	(15.62)	(15.36)
UNCLASSIFIED POSITIONS	489,426	394,426
	(11.55)	(6.45)
OTHER PERSONAL SERVICES	38,770	38,770
OTHER OPERATING EXPENSES	216,589	171,589
TOT A. ACADEMIC PROGRAM	1,354,558	1,214,558
	(27.17)	(21.81)
 B. VOCATIONAL EDUCATION		
UNCLASSIFIED POSITIONS	91,854	91,854
	(4.43)	(3.50)
OTHER OPERATING EXPENSES	127,040	102,040
TOTAL B. VOCATIONAL EDUCATION	218,894	193,894
	(4.43)	(3.50)
 C. LIBRARY		
UNCLASSIFIED POSITIONS	28,436	28,436
	(0.81)	(0.61)
OTHER OPERATING EXPENSES	2,837	2,837
TOTAL C. LIBRARY	31,273	31,273
	(0.81)	(0.61)
 TOTAL II. EDUCATIONAL PROGRAM	 1,604,725	 1,439,725
	(32.41)	(25.92)
 III. STUDENT SERVICES		
CLASSIFIED POSITIONS	1,426,301	1,426,301
	(41.39)	(41.39)
OTHER PERSONAL SERVICES	15,000	15,000
OTHER OPERATING EXPENSES	158,000	125,000
TOT III. STUDENT SERVICES	1,599,301	1,566,301
	(41.39)	(41.39)

H710-WIL LOU GRAY OPPORTUNITY SCHOOL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
IV. SUPPORT SERVICES		
CLASSIFIED POSITIONS	641,982	545,982
	(18.61)	(15.84)
OTHER PERSONAL SERVICES	55,000	25,000
OTHER OPERATING EXPENSES	1,969,233	1,122,912
TOTAL IV. SUPPORT SERVICES	2,666,215	1,693,894
	(18.61)	(15.84)
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,469,654	1,414,654
TOT V. EMPLOYEE BENEFITS	1,469,654	1,414,654
TOTAL WIL LOU GRAY	7,686,559	6,461,238
OPPORTUNITY SCHOOL	(98.41)	(89.15)

SECTION 6
H750-SCHOOL FOR THE DEAF AND THE BLIND

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
PRESIDENT	122,720	122,720
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,366,553	1,347,179
	(26.62)	(26.12)
UNCLASSIFIED POSITIONS	77,057	39,691
	(3.00)	(0.50)
OTHER PERSONAL SERVICES	134,084	1,200
OTHER OPERATING EXPENSES	5,202,807	2,673,144
S C ASSOC FOR THE BLIND	138,256	138,256
TOTAL I. ADMINISTRATION	7,041,477	4,322,190
	(30.62)	(27.62)
II. EDUCATION		
A. DEAF EDUCATION		
CLASSIFIED POSITIONS	432,980	432,980
	(9.20)	(9.20)
UNCLASSIFIED POSITIONS	282,618	
	(14.54)	

H750-SCHOOL FOR THE DEAF AND THE BLIND

	TOTAL FUNDS	GENERAL FUNDS
OTHER OPERATING EXPENSES	333,990	333,990
TOTAL A. DEAF EDUCATION	1,049,588	766,970
	(23.74)	(9.20)
 B. BLIND EDUCATION		
CLASSIFIED POSITIONS	402,386	402,386
	(7.90)	(7.90)
UNCLASSIFIED POSITIONS	229,258	
	(10.69)	
OTHER OPERATING EXPENSES	392,423	392,423
AID OTHER STATE AGENCIES	50,000	50,000
TOTAL B. BLIND EDUCATION	1,074,067	844,809
	(18.59)	(7.90)
 C. MULTIHANDICAPPED EDUCATION		
CLASSIFIED POSITIONS	543,857	543,857
	(16.90)	(16.90)
UNCLASSIFIED POSITIONS	320,679	
	(12.79)	
OTHER OPERATING EXPENSES	333,421	333,421
TOT C. MULTIHANDICAPPED EDUCATION	1,197,957	877,278
	(29.69)	(16.90)
 TOTAL II. EDUCATION	 3,321,612	 2,489,057
	(72.02)	(34.00)
 III. STUDENT SUPPORT SRVCS		
CLASSIFIED POSITIONS	546,236	257,194
	(27.15)	(13.35)
UNCLASSIFIED POSITIONS	576,924	513,110
	(24.05)	(7.76)
OTHER PERSONAL SERVICES	499,003	14,823
OTHER OPERATING EXPENSES	1,828,831	373,039
TOT III. STUDENT SUPPORT SERVICES	3,450,994	1,158,166
	(51.20)	(21.11)

H750-SCHOOL FOR THE DEAF AND THE BLIND

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
IV. RESIDENTIAL LIFE		
CLASSIFIED POSITIONS	1,496,580	1,496,580
	(69.67)	(69.67)
UNCLASSIFIED POSITIONS	61,520	61,520
	(4.36)	(2.10)
OTHER PERSONAL SERVICES	331,596	331,596
OTHER OPERATING EXPENSES	555,000	255,000
TOTAL IV. RESIDENTIAL LIFE	2,444,696	2,144,696
	(74.03)	(71.77)
V. OUTREACH SERVICES		
CLASSIFIED POSITIONS	1,706,329	116,144
	(33.02)	(2.50)
UNCLASSIFIED POSITIONS	579,504	
	(31.61)	
OTHER PERSONAL SERVICES	1,063,173	
OTHER OPERATING EXPENSES	1,781,910	
TOT V. OUTREACH SERVICES	5,130,916	116,144
	(64.63)	(2.50)
VI. PHYSICAL SUPPORT		
CLASSIFIED POSITIONS	925,387	925,387
	(22.88)	(22.88)
OTHER PERSONAL SERVICES	18,500	18,500
OTHER OPERATING EXPENSES	1,378,525	1,378,525
TOT VI. PHYSICAL SUPPORT	2,322,412	2,322,412
	(22.88)	(22.88)
VII. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	5,012,230	2,662,217
TOT VII. EMPLOYEE BENEFITS	5,012,230	2,662,217
TOT SCHOOL FOR THE DEAF AND THE BLIND	28,724,337	15,214,882
	(315.38)	(179.88)

SECTION 7
L120-JOHN DE LA HOWE SCHOOL

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
SUPERINTENDENT	109,010	109,010
	(1.00)	(1.00)
CLASSIFIED POSITIONS	171,470	171,470
	(4.00)	(4.00)
OTHER PERSONAL SERVICES	20,761	1,952
OTHER OPERATING EXPENSES	39,600	14,600
TOTAL I. ADMINISTRATION	340,841	297,032
	(5.00)	(5.00)
II. EDUCATION		
CLASSIFIED POSITIONS	81,845	47,508
	(3.35)	(1.90)
UNCLASSIFIED POSITIONS	444,143	418,924
	(15.82)	(6.56)
OTHER PERSONAL SERVICES	83,000	53,000
OTHER OPERATING EXPENSES	382,293	10,076
TOTAL II. EDUCATION	991,281	529,508
	(19.17)	(8.46)
III. CHILDREN'S SERVICES		
A. RESIDENTIAL SERVICES		
CLASSIFIED POSITIONS	942,686	942,686
	(28.48)	(28.48)
OTHER PERSONAL SERVICES	1,064	1,064
OTHER OPERATING EXPENSES	295,731	106,094
CASE SERVICES	2,000	
TOTAL A. RESIDENTIAL SERVICES	1,241,481	1,049,844
	(28.48)	(28.48)
B. BEHAVIORAL HEALTH		
CLASSIFIED POSITIONS	275,678	275,678
	(10.40)	(9.72)
OTHER OPERATING EXPENSES	102,516	44,641
TOT B. BEHAVIORAL HEALTH	378,194	320,319
	(10.40)	(9.72)

OF SOUTH CAROLINA
General and Permanent Laws--2019
L120-JOHN DE LA HOWE SCHOOL

	TOTAL FUNDS	GENERAL FUNDS
C. EXPERIMENTAL LEARNING		
CLASSIFIED POSITIONS	181,432	181,432
	(6.27)	(6.27)
OTHER OPERATING EXPENSES	50,000	5,000
TOTAL C. EXPERIMENTAL LEARNING	231,432	186,432
	(6.27)	(6.27)
D. WILDERNESS CAMP		
CLASSIFIED POSITIONS	382,176	382,176
	(11.07)	(11.07)
OTHER OPERATING EXPENSES	213,700	138,700
TOTAL D. WILDERNESS CAMP	595,876	520,876
	(11.07)	(11.07)
TOTAL III. CHILDREN'S SERVICES	2,446,983	2,077,471
	(56.22)	(55.54)
IV. SUPPORT SERVICES		
CLASSIFIED POSITIONS	412,464	412,464
	(18.00)	(17.75)
OTHER OPERATING EXPENSES	1,059,850	853,873
TOTAL IV. SUPPORT SERVICES	1,472,314	1,266,337
	(18.00)	(17.75)
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	739,115	682,912
TOTAL V. EMPLOYEE BENEFITS	739,115	682,912
TOT JOHN DE LA HOWE SCH	5,990,534	4,853,260
	(98.39)	(86.75)

SECTION 8
H670-EDUCATIONAL TELEVISION COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
I. INTERNAL ADMINISTRATION		
PRESIDENT & GEN MANAGER	173,800	
	(1.00)	

H670-EDUCATIONAL TELEVISION COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
CLASSIFIED POSITIONS	839,700	
	(18.00)	
OTHER PERSONAL SERVICES	225,000	
OTHER OPERATING EXPENSES	645,000	
TOTAL I. INTERNAL	1,883,500	
ADMINISTRATION	(19.00)	
 II. PROGRAM AND SERVICES		
A. TOWERNET		
1. ENGINEERING ADMIN		
CLASSIFIED POSITIONS	705,150	225,150
	(9.00)	(4.00)
OTHER OPERATING EXPENSES	27,000	13,500
TOTAL 1. ENGINEERING	732,150	238,650
ADMINISTRATION	(9.00)	(4.00)
 2. TRANSMISS & RECEPTION		
CLASSIFIED POSITIONS	2,010,000	110,000
	(38.00)	
OTHER PERSONAL SERVICES	55,000	
OTHER OPERATING EXPENSES	2,181,989	30,989
TOTAL 2. TRANSMISSIONS &	4,246,989	140,989
RECEPTION	(38.00)	
 3. COMMUNICATIONS		
CLASSIFIED POSITIONS	125,000	
	(4.00)	
OTHER PERSONAL SERVICES	60,000	
OTHER OPERATING EXPENSES	75,000	
TOTAL 3. COMMUNICATIONS	260,000	
	(4.00)	
 TOTAL A. TOWERNET	 5,239,139	 379,639
	(51.00)	(4.00)
 B. DIGITAL EDUCATION		
1. PRE-K EDUCATION		
CLASSIFIED POSITIONS	40,000	
	(1.00)	

H670-EDUCATIONAL TELEVISION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	60,000	
TOTAL 1. PRE-K EDUCATION	100,000	(1.00)
 2. K-12 EDUCATION		
CLASSIFIED POSITIONS	297,000	
		(12.00)
OTHER PERSONAL SERVICES	36,000	
OTHER OPERATING EXPENSES	1,055,000	
TOTAL 2. K-12 EDUCATION	1,388,000	(12.00)
 3. HIGHER EDUCATION		
CLASSIFIED POSITIONS	208,000	
		(6.00)
OTHER OPERATING EXPENSES	150,000	
TOTAL 3. HIGHER EDUCATION	358,000	(6.00)
 4. AGENCY, LOCAL & OTHER EDUCATION SERVICES		
CLASSIFIED POSITIONS	435,000	
		(8.00)
OTHER OPERATING EXPENSES	570,000	
TOTAL 4. AGENCY, LOCAL & OTHER EDUCATION SERVICES	1,005,000	(8.00)
 5. TRAINING AND ASSESSMENT		
CLASSIFIED POSITIONS	105,000	
		(3.00)
OTHER PERSONAL SERVICES	30,000	
OTHER OPERATING EXPENSES	50,000	
TOTAL 5. TRAINING AND ASSESSMENT	185,000	(3.00)
 TOT B. DIGITAL EDUCATION	 3,036,000	 (30.00)

H670-EDUCATIONAL TELEVISION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
C. RADIO CONTENT		
CLASSIFIED POSITIONS	300,000	
	(10.00)	
OTHER PERSONAL SERVICES	45,000	
OTHER OPERATING EXPENSES	1,150,000	
TOTAL C. RADIO CONTENT	1,495,000	
	(10.00)	
D. TELEVISION CONTENT		
1. NATIONAL		
CLASSIFIED POSITIONS	92,000	
	(2.00)	
OTHER OPERATING EXPENSES	2,000,000	
TOTAL 1. NATIONAL	2,092,000	
	(2.00)	
2. LOCAL & TRANSPARENCY		
CLASSIFIED POSITIONS	1,710,334	705,334
	(23.20)	(16.00)
OTHER PERSONAL SERVICES	150,000	45,000
OTHER OPERATING EXPENSES	1,483,600	55,000
TOTAL 2. LOCAL & TRANSPARENCY	3,343,934	805,334
	(23.20)	(16.00)
3. REGIONAL OPERATIONS		
CLASSIFIED POSITIONS	255,000	
	(9.00)	
OTHER PERSONAL SERVICES	25,000	
OTHER OPERATING EXPENSES	125,000	
TOT 3. REGIONAL OPERATIONS	405,000	
	(9.00)	
TOT D. TELEVISION CONTENT	5,840,934	805,334
	(34.20)	(16.00)
E. ENTERPRISE ACTIVITIES		
1. FUNDRAISING		
CLASSIFIED POSITIONS	120,000	
	(1.00)	

H670-EDUCATIONAL TELEVISION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	115,000	
TOTAL 1. FUNDRAISING	235,000	
	(1.00)	
2. UNDERWRITING		
CLASSIFIED POSITIONS	180,000	
	(5.00)	
OTHER OPERATING EXPENSES	20,000	
TOTAL 2. UNDERWRITING	200,000	
	(5.00)	
3. MARKETING		
OTHER OPERATING EXPENSES	60,000	
TOTAL 3. MARKETING	60,000	
TOTAL E. ENTERPRISE	495,000	
ACTIVITIES	(6.00)	
TOTAL II. PROGRAM AND	16,106,073	1,184,973
SERVICES	(131.20)	(20.00)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,623,863	513,463
TOT III. EMPLOYEE BENEFITS	2,623,863	513,463
IV. NON-RECURRING		
APPROPRIATIONS		
FCC REQUIRED CHANNEL	17,000,000	
REASSIGNMENT		
TOTAL IV. NON-RECURRING	17,000,000	
APPROPRIATIONS		
TOTAL EDUCATIONAL	37,613,436	1,698,436
TELEVISION COMMISSION	(150.20)	(20.00)

SECTION 11
H030-COMMISSION ON HIGHER EDUCATION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	170,572	170,572
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,419,490	1,419,490
	(37.00)	(26.95)
UNCLASSIFIED POSITIONS	-	-
	(1.70)	(1.15)
OTHER PERSONAL SERVICES	60,765	60,765
OTHER OPERATING EXPENSES	285,520	285,520
TOTAL I. ADMINISTRATION	1,936,347	1,936,347
	(39.70)	(29.10)
II. OTHER AGENCIES AND ENTITIES		
GREENVILLE TC - UNIVERSITY CNT	594,390	594,390
UNIVERSITY CNTR OF GRNVILLE-OPERATIONS	1,084,899	1,084,899
ACADEMIC ENDOWMENT	160,592	160,592
EPSCOR	161,314	161,314
AFRICAN AMERICAN LOAN PROG	119,300	119,300
PERFORMANCE FUNDING	1,397,520	1,397,520
STATE ELECTRONIC LIBRARY	4,350,866	164,289
TOTAL II. OTHER AGENCIES AND ENTITIES	7,868,881	3,682,304
III. LICENSING		
CLASSIFIED POSITIONS	239,534	47,972
	(3.00)	(0.60)
OTHER OPERATING EXPENSES	109,929	
TOTAL III. LICENSING	349,463	47,972
	(3.00)	(0.60)
IV. STATE APPROVING SECTION		
UNCLASSIFIED POSITIONS	32,788	
	(0.30)	
OTHER PERSONAL SERVICES	162,129	

H030-COMMISSION ON HIGHER EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	66,723	
TOTAL IV. STATE APPROVING SECTION	261,640	
	(0.30)	
V. CHE GRANT & OTHER HIGHER EDUC COLLABORA		
EEDA	1,180,576	1,180,576
IMPROVING TEACHER QUALITY (ITQ)	876,879	
GEAR UP	3,620,801	177,201
COLLEGE GOAL SUNDAY	41,000	
SMARTSTATE PROGRAM ADMINISTRATION	885,284	
TOT V. CHE GRANT & OTHER HIGHER EDUC COLLABORA	6,604,540	1,357,777
VI. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	835,450	632,901
TOTAL VI. EMPLOYEE BENEFITS	835,450	632,901
VII. SCHOLARSHIPS & ASSIST		
SREB CONTRACT PROGRAM & ASSESSMENTS	3,785,183	3,785,183
EDUCATIONAL ENDOWMENT	24,000,000	24,000,000
TOTAL VII. SCHOLARSHIPS & ASSISTANCE	27,785,183	27,785,183
TOTAL COMMISS ON HIGHER EDUCATION	45,641,504	35,442,484
	(43.00)	(29.70)

SECTION 12
H060-HIGHER EDUCATION TUITION GRANTS
COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	78,120	78,120
	(1.00)	(1.00)

**H060-HIGHER EDUCATION TUITION GRANTS
 COMMISSION**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
CLASSIFIED POSITIONS	137,592	137,592
	(4.00)	(4.00)
OTHER OPERATING EXPENSES	26,608	26,608
TOTAL I. ADMINISTRATION	242,320	242,320
	(5.00)	(5.00)
 II. TUITION GRANTS		
OTHER OPERATING EXPENSES	33,608,624	27,558,624
TOTAL II. TUITION GRANTS	33,608,624	27,558,624
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	92,410	92,410
TOT III. EMPLOYEE BENEFITS	92,410	92,410
 TOTAL HIGHER EDUCATION	 33,943,354	 27,893,354
TUITION GRANTS COMMISSION	(5.00)	(5.00)

**SECTION 13
 H090-THE CITADEL**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. EDUCATION & GENERAL		
A. E&G-UNRESTRICTED		
PRESIDENT	187,500	187,500
	(1.00)	(1.00)
CLASSIFIED POSITIONS	15,393,350	3,512,383
	(384.05)	(170.71)
UNCLASSIFIED POSITIONS	19,081,253	4,790,830
	(163.50)	(97.93)
OTHER PERSONAL SERVICES	5,521,551	
OTHER OPERATING EXPENSES	18,575,583	1,017,599
TOT A. E&G-UNRESTRICTED	58,759,237	9,508,312
	(548.55)	(269.64)
 B. E&G-RESTRICTED		
OTHER PERSONAL SERVICES	3,029,402	
OTHER OPERATING EXPENSES	51,019,116	

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL B. E&G-RESTRICTED	54,048,518	
TOT I. EDUC & GENERAL	112,807,755	9,508,312
	(548.55)	(269.64)
II. AUXILIARY ENTERPRISES		
CLASSIFIED POSITIONS	2,058,237	
	(95.20)	
UNCLASSIFIED POSITIONS	2,951,807	
	(28.00)	
OTHER PERSONAL SERVICES	1,301,054	
OTHER OPERATING EXPENSES	20,340,914	
TOTAL II. AUXILIARY	26,652,012	
ENTERPRISES	(123.20)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	14,696,972	2,592,152
TOT III. EMPLOYEE BENEFITS	14,696,972	2,592,152
TOTAL THE CITADEL	154,156,739	12,100,464
	(671.75)	(269.64)

SECTION 14

H120-CLEMSON UNIVERSITY - EDUCATION & GENERAL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. EDUCATION & GENERAL		
A. E&G-UNRESTRICTED		
PRESIDENT	312,530	312,530
	(1.00)	(1.00)
CLASSIFIED POSITIONS	91,896,964	1,649,570
	(1,753.66)	(1,003.85)
NEW POSITION RESEARCH	-	
ASSOCIATE	(2.00)	
NEW POSITION ADMINISTRATIVE	-	
ASSISTANT	(1.00)	
NEW POSITION SUPPLY	-	
SPECIALIST III	(1.00)	

H120-CLEMSON UNIVERSITY - EDUCATION & GENERAL

	TOTAL FUNDS	GENERAL FUNDS
NEW POSITION HUMAN RESOURCE	-	
MANAGER II	(4.00)	
NEW POSITION ADMINISTRATIVE	-	
COORDINATOR I	(1.00)	
NEW POSITION SENIOR	-	
CONSULTANT	(5.00)	
NEW POSITION PROGRAM	-	
MANAGER I	(2.50)	
NEW POSITION COMMUNICATIONS	-	
SPECIALIST I	(1.00)	
NEW POSITION STATISTICIAN III	-	
	(1.00)	
NEW POSITION PUBLIC	-	
INFORMATION DIRECTOR I	(2.00)	
NEW POSITION GRANTS	-	
ADMINISTRATOR I	(1.00)	
NEW POSITION GRAPHICS	-	
MANAGER I	(1.00)	
NEW POSITION GRAPHIC	-	
ARTIST I	(1.00)	
NEW POSITION MEDIA	-	
RESOURCES SPECIALIST II	(1.00)	
NEW POSITION STUDENT SVCS	-	
PROG COORD II	(3.00)	
NEW POSITION STUDENT	-	
SERVICES MANAGER I	(2.00)	
NEW POSITION REGISTERED	-	
NURSE I	(1.00)	
NEW POSITION INFORMATION	-	
SYSTEMS/BUSINESS ANALYST I	(1.00)	
NEW POSITION STAFF COUNSEL	-	
	(1.00)	
NEW POSITION IT MANAGER I	-	
	(1.00)	
UNCLASSIFIED POSITIONS	179,354,542	63,149,794
	(1,048.62)	(301.86)
NEW POSITION	-	
DIRECTOR/ADJUNCT FACULTY	(4.00)	

H120-CLEMSON UNIVERSITY - EDUCATION & GENERAL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
NEW POSITION ASSISTANT	-	
PROFESSOR	(32.00)	
NEW POSITION ASSOCIATE	-	
PROFESSOR	(6.00)	
NEW POSITION PROFESSOR	-	
	(2.00)	
NEW POSITION ACADEMIC	-	
PROGRAM DIRECTOR	(1.00)	
OTHER PERSONAL SERVICES	36,611,729	909,117
OTHER OPERATING EXPENSES	158,483,355	4,634,343
SCHOLARSHIPS	41,491,255	
TOT A. E&G-UNRESTRICTED	508,150,375	70,655,354
	(2,881.78)	(1,306.71)
 B. E&G-RESTRICTED		
CLASSIFIED POSITIONS	2,933,110	
	(60.33)	
UNCLASSIFIED POSITIONS	18,168,696	
	(117.83)	
OTHER PERSONAL SERVICES	27,112,572	
OTHER OPERATING EXPENSES	76,788,109	
SCHOLARSHIPS	120,273,957	
TOTAL B. E&G-RESTRICTED	245,276,444	
	(178.16)	
 TOT I. EDU & GENERAL	753,426,819	70,655,354
	(3,059.94)	(1,306.71)
 II. AUXILIARY ENTERPRISES		
CLASSIFIED POSITIONS	25,482,130	
	(366.59)	
UNCLASSIFIED POSITIONS	36,067,041	
	(143.38)	
OTHER PERSONAL SERVICES	9,906,551	
OTHER OPERATING EXPENSES	139,067,379	
DEBT SERVICE	6,879,163	
PRINCIPAL - LOAN NOTE	3,807,333	
INT PAYMENT - CLEMSON STOCK	5,540,024	

H120-CLEMSON UNIVERSITY - EDUCATION & GENERAL

	TOTAL FUNDS	GENERAL FUNDS
SCHOLARSHIPS	12,575,447	
TOTAL II. AUXILIARY ENTERPRISES	239,325,068 (509.97)	
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	172,897,049	21,694,999
TOT III. EMPLOYEE BENEFITS	172,897,049	21,694,999
 TOT CLEMSON UNIVERSITY - EDUCATION & GENERAL		
	1,165,648,936 (3,569.91)	92,350,353 (1,306.71)

SECTION 15
H150-UNIVERSITY OF CHARLESTON

	TOTAL FUNDS	GENERAL FUNDS
 I. EDUCATION & GENERAL		
PRESIDENT	205,296	205,296
	(1.00)	(1.00)
CLASSIFIED POSITIONS	34,973,429	6,211,750
	(746.94)	(248.47)
UNCLASSIFIED POSITIONS	56,565,100	15,644,979
	(562.49)	(238.91)
OTHER PERSONAL SERVICES	19,492,220	
OTHER OPERATING EXPENSES	77,373,320	979,175
LOWCOUNTRY GRAD CENTER	785,099	785,099
TOT I. EDU & GENERAL	189,394,464 (1,310.43)	23,826,299 (488.38)
 II. AUXILIARY SERVICES		
CLASSIFIED POSITIONS	3,017,553	
	(77.50)	
UNCLASSIFIED POSITIONS	2,974,443	
	(26.25)	
OTHER PERSONAL SERVICES	2,553,791	
OTHER OPERATING EXPENSES	37,732,732	
TOT II. AUXILIARY SERVICES	46,278,519 (103.75)	

OF SOUTH CAROLINA
General and Permanent Laws--2019
H150-UNIVERSITY OF CHARLESTON

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	36,698,331	5,982,249
TOT III. EMPLOYEE BENEFITS	36,698,331	5,982,249
TOTAL UNIVERSITY OF CHARLESTON	272,371,314 (1,414.18)	29,808,548 (488.38)

SECTION 16
H170-COASTAL CAROLINA UNIVERSITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. EDUCATION & GENERAL		
A. E&G-UNRESTRICTED		
PRESIDENT	210,246	210,246
	(1.00)	(1.00)
CLASSIFIED POSITIONS	30,664,801	1,384,009
	(796.20)	(55.83)
UNCLASSIFIED POSITIONS	47,913,201	9,034,629
	(554.56)	(140.91)
NEW POSITION LECTURER	-	
	(20.00)	
NEW POSITION ASSOCIATE PROFESSOR	345,000	
	(3.75)	
OTHER PERSONAL SERVICES	24,903,452	2,327,452
OTHER OPERATING EXPENSES	37,066,980	
SCHOLARSHIPS	12,000,000	
TOT A. E&G-UNRESTRICTED	153,103,680 (1,375.51)	12,956,336 (197.74)
B. E&G-RESTRICTED		
CLASSIFIED POSITIONS	248,500	
	(3.50)	
UNCLASSIFIED POSITIONS	80,585	
	(7.12)	
OTHER PERSONAL SERVICES	1,242,869	
OTHER OPERATING EXPENSES	10,332,589	

H170-COASTAL CAROLINA UNIVERSITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
SCHOLARSHIPS	18,060,000	
TOTAL B. E&G-RESTRICTED	29,964,543	
	(10.62)	
TOT I. EDU & GENERAL	183,068,223	12,956,336
	(1,386.13)	(197.74)
II. AUXILIARY ENTERPRISES		
CLASSIFIED POSITIONS	1,830,653	
	(85.92)	
OTHER PERSONAL SERVICES	3,530,000	
OTHER OPERATING EXPENSES	11,789,347	
TOTAL II. AUXILIARY	17,150,000	
ENTERPRISES	(85.92)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	48,248,562	3,052,836
TOT III. EMPLOY BENEFITS	48,248,562	3,052,836
TOTAL COASTAL CAROLINA	248,466,785	16,009,172
UNIVERSITY	(1,472.05)	(197.74)

SECTION 17

H180-FRANCIS MARION UNIVERSITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. EDUCATION AND GENERAL		
A. E&G-UNRESTRICTED		
PRESIDENT	185,477	185,477
	(1.00)	(1.00)
CLASSIFIED POSITIONS	11,162,040	3,529,123
	(237.07)	(163.19)
NEW POSITION ADMINISTRATIVE ASSISTANT	-	
	(2.00)	
UNCLASSIFIED POSITIONS	20,323,402	8,598,751
	(220.04)	(130.99)

OF SOUTH CAROLINA
General and Permanent Laws--2019
H180-FRANCIS MARION UNIVERSITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
NEW POSITION SENIOR	255,000	
INSTRUCTOR	(9.00)	
OTHER PERSONAL SERVICES	553,614	
OTHER OPERATING EXPENSES	5,405,762	2,116,448
TOT A. E&G-UNRESTRICTED	37,885,295	14,429,799
	(469.11)	(295.18)
 B. E&G-RESTRICTED		
CLASSIFIED POSITIONS	68,412	
	(1.25)	
UNCLASSIFIED POSITIONS	1,003,223	
	(5.00)	
OTHER PERSONAL SERVICES	832,842	
OTHER OPERATING EXPENSES	31,503,252	
TOTAL B. E&G-RESTRICTED	33,407,729	
	(6.25)	
 TOTAL I. EDUCATION AND GENERAL	71,293,024	14,429,799
	(475.36)	(295.18)
 II. AUXILIARY SERVICES		
CLASSIFIED POSITIONS	9,804	
	(7.00)	
OTHER PERSONAL SERVICES	4,864	
OTHER OPERATING EXPENSES	1,035,704	
TOT II. AUXILIARY SERVICES	1,050,372	
	(7.00)	
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	11,264,832	3,520,966
TOT III. EMPLOYEE BENEFITS	11,264,832	3,520,966
 TOTAL FRANCIS MARION UNIVERSITY	83,608,228	17,950,765
	(482.36)	(295.18)

SECTION 18
H210-LANDER UNIVERSITY

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
PRESIDENT	211,285	211,285
	(1.00)	(1.00)
CLASSIFIED POSITIONS	18,231,561	2,864,294
	(203.60)	(91.75)
NEW POSITION ELECTRONICS TECHNICIAN I	-	
	(1.00)	
NEW POSITION LAW ENFORCEMENT OFFICER I	-	
	(3.00)	
NEW POSITION SECURITY SPECIALIST III	-	
	(4.00)	
NEW POSITION IT MANAGER I	66,679	
	(1.00)	
NEW POSITION IT SERVICES SPECIALIST III	62,321	
	(1.00)	
UNCLASSIFIED POSITIONS	10,976,827	4,209,922
	(217.31)	(79.95)
NEW POSITION INSTRUCTOR	120,000	
	(3.00)	
NEW POSITION ASSISTANT PROFESSOR	504,000	
	(9.00)	
NEW POSITION ASSOCIATE PROFESSOR	57,000	
	(1.00)	
OTHER PERSONAL SERVICES	2,085,055	
OTHER OPERATING EXPENSES	26,667,516	146,376
TOT I. EDU & GENERAL	58,982,244	7,431,877
	(444.91)	(172.70)
II. AUXILIARY ENTERPRISES		
CLASSIFIED POSITIONS	644,415	
	(11.00)	
UNCLASSIFIED POSITIONS	70,500	
OTHER PERSONAL SERVICES	371,420	
OTHER OPERATING EXPENSES	15,683,654	
TOTAL II. AUXILIARY ENTERPRISES	16,769,989	
	(11.00)	

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	8,475,748	2,217,139
TOT III. EMPLOYEE BENEFITS	8,475,748	2,217,139
TOT LANDER UNIVERSITY	84,227,981	9,649,016
	(455.91)	(172.70)

SECTION 19
H240-SOUTH CAROLINA STATE UNIVERSITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. EDUCATION & GENERAL		
A. E&G-UNRESTRICTED		
PRESIDENT	195,000	195,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	6,984,730	3,275,169
	(11.51)	(10.16)
UNCLASSIFIED POSITIONS	13,017,772	7,665,464
	(299.47)	(203.12)
OTHER PERSONAL SERVICES	2,049,280	
OTHER OPERATING EXPENSES	13,227,103	387,493
TRANSPORTATION CENTER	1,334,489	
TEACHER TRAINING & DEVELOPMENT	51,506	
TOT A. E&G-UNRESTRICTED	36,859,880	11,523,126
	(311.98)	(214.28)
B. E&G-RESTRICTED		
CLASSIFIED POSITIONS	549,426	
	(0.07)	
UNCLASSIFIED POSITIONS	7,048,782	
	(0.20)	
OTHER PERSONAL SERVICES	4,676,603	
OTHER OPERATING EXPENSES	45,511,798	
EIA-TEACHER RECRUITMENT	467,000	
TOTAL B. E&G-RESTRICTED	58,253,609	
	(0.27)	

H240-SOUTH CAROLINA STATE UNIVERSITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT I. EDU & GENERAL	95,113,489 (312.25)	11,523,126 (214.28)
II. AUXILIARY ENTERPRISES		
CLASSIFIED POSITIONS	842,970 (62.73)	
OTHER PERSONAL SERVICES	1,094,336	
OTHER OPERATING EXPENSES	10,322,914	
TOTAL II. AUXILIARY ENTERPRISES	12,260,220 (62.73)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	14,490,948	4,084,229
TOT III. EMPLOYEE BENEFITS	14,490,948	4,084,229
TOT SOUTH CAROLINA STATE UNIVERSITY	121,864,657 (374.98)	15,607,355 (214.28)

SECTION 20A
H270-UNIVERSITY OF SOUTH CAROLINA

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. UNIV OF SOUTH CAROLINA		
A. USC-NON-MED UNRESTRICT E&G		
PRESIDENT	325,031 (1.00)	325,031 (1.00)
CLASSIFIED POSITIONS	106,909,444 (2,349.47)	22,793,143 (1,550.57)
NEW POSITION	-	
ACCTANT/FISCAL ANALYST I	(1.00)	
NEW POSITION	-	
ACCTANT/FISCAL ANALYST II	(1.00)	
NEW POSITION	-	
ACCTANT/FISCAL ANALYST II	(1.00)	
NEW POSITION ADMINISTRATIVE	-	
COORDINATOR I	(3.00)	

H270-UNIVERSITY OF SOUTH CAROLINA

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
NEW POSITION LAW	-	
ENFORCEMENT OFFICER I	(5.00)	
NEW POSITION LAW	-	
ENFORCEMENT OFFICER II	(4.00)	
NEW POSITION LAW	-	
ENFORCEMENT OFFICER III	(1.00)	
NEW POSITION ACADEMIC	-	
PROGRAM DIRECTOR	(3.00)	
NEW POSITION ACADEMIC	-	
PROGRAM MANAGER	(3.00)	
UNCLASSIFIED POSITIONS	178,773,974	77,480,187
	(1,463.89)	(923.81)
NEW POSITION ASSISTANT	-	
PROFESSOR	(30.00)	
NEW POSITION ASSOCIATE	-	
PROFESSOR	(15.00)	
OTHER PERSONAL SERVICES	90,620,863	
OTHER OPERATING EXPENSES	167,637,231	
LAW LIBRARY	344,076	344,076
SMALL BUSINESS DEVELOP CTR	791,734	791,734
PALMETTO POISON CENTER	351,763	351,763
TOTAL A. USC-NON-MED	545,754,116	102,085,934
UNRESTRICTED E&G	(3,881.36)	(2,475.38)
 B. USC-NON-MED-RESTRICTED		
E&G		
CLASSIFIED POSITIONS	2,163,925	
	(44.09)	
UNCLASSIFIED POSITIONS	18,617,643	
	(205.82)	
OTHER PERSONAL SERVICES	53,953,772	
OTHER OPERATING EXPENSES	188,240,354	
TOTAL B.	262,975,694	
USC-NON-MED-RESTRICT E&G	(249.91)	
 C. USC-NON-MED AUXILIARY		
CLASSIFIED POSITIONS	16,333,515	
	(251.08)	

H270-UNIVERSITY OF SOUTH CAROLINA

	TOTAL FUNDS	GENERAL FUNDS
NEW POSITION ADMINISTRATIVE	-	
COORDINATOR II	(3.00)	
NEW POSITION ADMINISTRATIVE	-	
MANAGER I	(5.00)	
UNCLASSIFIED POSITIONS	1,137,961	
	(112.00)	
OTHER PERSONAL SERVICES	34,692,182	
OTHER OPERATING EXPENSES	112,989,879	
TOTAL C. USC-NON-MED	165,153,537	
AUXILIARY	(371.08)	
 TOTAL I. UNIVERSITY OF	 973,883,347	 102,085,934
SOUTH CAROLINA	(4,502.35)	(2,475.38)
 II. USC-MEDICINE		
A. USC-MEDICINE UNRESTRICT		
CLASSIFIED POSITIONS	5,317,850	890,503
	(168.55)	(86.70)
UNCLASSIFIED POSITIONS	14,025,925	9,899,171
	(187.13)	(127.30)
OTHER PERSONAL SERVICES	6,015,541	
OTHER OPERATING EXPENSES	17,292,526	2,000,000
CHILD ABUSE & NEGLECT	3,200,000	3,200,000
MEDICAL RESPONSE PROG		
TOTAL A. USC-MEDICINE	45,851,842	15,989,674
UNRESTRICTED	(355.68)	(214.00)
 B. USC-MEDICINE RESTRICTED		
CLASSIFIED POSITIONS	1,956,700	
	(136.58)	
UNCLASSIFIED POSITIONS	8,179,419	
	(111.84)	
OTHER PERSONAL SERVICES	9,767,010	
OTHER OPERATING EXPENSES	22,316,490	
TOTAL B. USC-MEDICINE	42,219,619	
RESTRICTED	(248.42)	

H270-UNIVERSITY OF SOUTH CAROLINA

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
C. USC-MEDICINE:		
EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	13,992,768	3,102,159
TOTAL C. USC-MEDICINE:	13,992,768	3,102,159
EMPLOYEE BENEFITS		
TOTAL II. USC-MEDICINE	102,064,229	19,091,833
	(604.10)	(214.00)
III. USC GREENVILLE SCHOOL OF MEDICINE		
A. UNRESTRICTED		
CLASSIFIED POSITIONS	1,375,000	
	(15.00)	
UNCLASSIFIED POSITIONS	3,700,000	
	(30.00)	
OTHER PERSONAL SERVICES	1,300,000	
OTHER OPERATING EXPENSES	15,286,743	
TOTAL A. UNRESTRICTED	21,661,743	
	(45.00)	
B. RESTRICTED		
CLASSIFIED POSITIONS	120,000	
	(5.00)	
UNCLASSIFIED POSITIONS	-	
	(1.00)	
OTHER PERSONAL SERVICES	60,000	
OTHER OPERATING EXPENSES	2,990,000	
TOTAL B. RESTRICTED	3,170,000	
	(6.00)	
C. GREENVILLE-MEDICINE:		
EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,780,000	
TOTAL C.	1,780,000	
GREENVILLE-MED: EMPLO		
TOTAL III. USC GREENVILLE SCHOOL OF MEDICINE	26,611,743	
	(51.00)	

H270-UNIVERSITY OF SOUTH CAROLINA

	TOTAL FUNDS	GENERAL FUNDS
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	157,389,723	29,638,301
TOT IV. EMPLOYEE BENEFITS	157,389,723	29,638,301
TOT UNIVERSITY OF SOUTH CAROLINA	1,259,949,042 (5,157.45)	150,816,068 (2,689.38)

SECTION 20B
H290-USC - AIKEN CAMPUS

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
A. EDUCATION & GENERAL-UNRESTRICTED		
CLASSIFIED POSITIONS	5,659,543 (184.80)	654,543 (49.06)
UNCLASSIFIED POSITIONS	13,782,577 (166.42)	7,507,577 (106.82)
OTHER PERSONAL SERVICES	5,308,876	
OTHER OPERATING EXPENSES	5,428,739	
TOTAL A. EDUCATION & GENERAL-UNRESTRICTED	30,179,735 (351.22)	8,162,120 (155.88)
B. EDUC & GENERAL-RESTRICTED		
CLASSIFIED POSITIONS	64,471 (5.44)	
UNCLASSIFIED POSITIONS	587,302 (6.85)	
OTHER PERSONAL SERVICES	575,217	
OTHER OPERATING EXPENSES	18,680,364	
TOTAL B. EDUC & GENERAL-RESTRICTED	19,907,354 (12.29)	
TOT I. EDU & GENERAL	50,087,089 (363.51)	8,162,120 (155.88)

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
II. AUXILIARY SERVICES		
CLASSIFIED POSITIONS	524,713	
	(13.75)	
UNCLASSIFIED POSITIONS	20,000	
OTHER PERSONAL SERVICES	180,000	
OTHER OPERATING EXPENSES	3,002,789	
TOT II. AUXILIARY SERVICES	3,727,502	
	(13.75)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	8,329,925	2,025,034
TOT III. EMPLOYEE BENEFITS	8,329,925	2,025,034
TOTAL USC - AIKEN CAMPUS	62,144,516	10,187,154
	(377.26)	(155.88)

SECTION 20C
H340-USC - UPSTATE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. EDUCATION & GENERAL		
A. EDUC & GENERAL-UNRESTRICTED		
CLASSIFIED POSITIONS	10,910,036	1,298,799
	(252.72)	(53.81)
UNCLASSIFIED POSITIONS	20,277,607	10,977,607
	(249.21)	(131.01)
OTHER PERSONAL SERVICES	7,200,000	
OTHER OPERATING EXPENSES	15,666,227	
TOTAL A. EDUC & GENERAL-UNRESTRICTED	54,053,870	12,276,406
	(501.93)	(184.82)
B. EDUC & GENERAL-RESTRICT		
CLASSIFIED POSITIONS	67,000	
	(0.54)	
UNCLASSIFIED POSITIONS	64,858	
	(1.53)	

STATUTES AT LARGE
General and Permanent Laws--2019
H340-USC - UPSTATE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	748,397	
OTHER OPERATING EXPENSES	27,000,838	
TOTAL B. EDUC & GENERAL-RESTRICTED	27,881,093 (2.07)	
TOT I. EDU & GENERAL	81,934,963 (504.00)	12,276,406 (184.82)
 II. AUXILIARY SERVICES		
CLASSIFIED POSITIONS	525,000 (12.00)	
OTHER PERSONAL SERVICES	354,480	
OTHER OPERATING EXPENSES	3,430,750	
TOT II. AUXILIARY SERVICES	4,310,230 (12.00)	
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	13,626,070	2,767,877
TOT III. EMPLOYEE BENEFITS	13,626,070	2,767,877
 TOTAL USC - UPSTATE	 99,871,263 (516.00)	 15,044,283 (184.82)

SECTION 20D
H360-USC - BEAUFORT CAMPUS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. EDUCATION & GENERAL		
A. EDUC & GENERAL- UNRESTRICTED		
CLASSIFIED POSITIONS	4,358,681 (128.49)	225,552 (28.74)
UNCLASSIFIED POSITIONS	10,645,001 (108.60)	4,877,972 (22.75)
OTHER PERSONAL SERVICES	4,215,027	
OTHER OPERATING EXPENSES	3,364,185	

OF SOUTH CAROLINA
General and Permanent Laws--2019
H360-USC - BEAUFORT CAMPUS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL A. EDUC & GENERAL-UNRESTRICTED	22,582,894 (237.09)	5,103,524 (51.49)
B. EDUC & GENERAL-RESTRICT		
CLASSIFIED POSITIONS	52,532	
	(2.00)	
UNCLASSIFIED POSITIONS	346,918	
	(1.75)	
OTHER PERSONAL SERVICES	227,292	
OTHER OPERATING EXPENSES	9,543,157	
TOTAL B. EDUC & GENERAL-RESTRICTED	10,169,899 (3.75)	
TOT I. EDU & GENERAL	32,752,793 (240.84)	5,103,524 (51.49)
II. AUXILIARY SERVICES		
CLASSIFIED POSITIONS	-	
	(5.00)	
OTHER OPERATING EXPENSES	30,000	
TOT II. AUXILIARY SERVICES	30,000 (5.00)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	5,751,027	645,370
TOT III. EMPLOYEE BENEFITS	5,751,027	645,370
TOT USC - BEAUFORT CAMPUS	38,533,820 (245.84)	5,748,894 (51.49)

SECTION 20E
H370-USC - LANCASTER CAMPUS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. EDUCATION & GENERAL		
A. EDUC & GENERAL- UNRESTRICTED		
CLASSIFIED POSITIONS	1,243,069	77,080
	(53.03)	(5.41)

STATUTES AT LARGE
General and Permanent Laws--2019
H370-USC - LANCASTER CAMPUS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	4,152,455	2,806,930
	(45.50)	(21.25)
OTHER PERSONAL SERVICES	1,911,481	
OTHER OPERATING EXPENSES	3,683,780	
TOTAL A. EDUC &	10,990,785	2,884,010
GENERAL-UNRESTRICTED	(98.53)	(26.66)
 B. EDUC & GEN-RESTRICTED		
CLASSIFIED POSITIONS	11,376	
UNCLASSIFIED POSITIONS	10,000	
OTHER PERSONAL SERVICES	250,000	
OTHER OPERATING EXPENSES	7,667,375	
TOTAL B. EDUC &	7,938,751	
GENERAL-RESTRICTED		
 TOT I. EDU & GENERAL		
	18,929,536	2,884,010
	(98.53)	(26.66)
 II. AUXILIARY SERVICES		
OTHER OPERATING EXPENSES	15,000	
TOT II. AUXILIARY SERVICES	15,000	
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,677,568	563,593
TOT III. EMPLOYEE BENEFITS	2,677,568	563,593
 TOT USC - LANCASTER CAMPUS		
	21,622,104	3,447,603
	(98.53)	(26.66)

SECTION 20F
H380-USC - SALKEHATCHIE CAMPUS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. EDUCATION & GENERAL		
A. EDUC & GENERAL-UNRESTRICTED		
CLASSIFIED POSITIONS	963,416	
UNCLASSIFIED POSITIONS	331,576	

OF SOUTH CAROLINA
General and Permanent Laws--2019
H380-USC - SALKEHATCHIE CAMPUS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	1,021,818	
OTHER OPERATING EXPENSES	2,773,100	
CLASSIFIED POSITIONS	110,204	110,204
	(34.75)	(3.00)
UNCLASSIFIED POSITIONS	1,788,296	1,788,296
	(24.02)	(21.24)
SALKEHATCHIE LEADERSHIP CENTER	100,460	100,460
TOTAL A. EDUC & GENERAL-UNRESTRICTED	7,088,870 (58.77)	1,998,960 (24.24)
B. EDUC & GENERAL- RESTRICTED		
CLASSIFIED POSITIONS	20,779	
UNCLASSIFIED POSITIONS	175,265	
	(1.00)	
OTHER PERSONAL SERVICES	112,310	
OTHER OPERATING EXPENSES	5,436,801	
TOTAL B. EDUC & GENERAL-RESTRICTED	5,745,155 (1.00)	
TOT I. EDU & GENERAL	12,834,025 (59.77)	1,998,960 (24.24)
II. AUXILIARY		
CLASSIFIED POSITIONS	46,437	
OTHER PERSONAL SERVICES	15,000	
OTHER OPERATING EXPENSES	241,756	
TOTAL II. AUXILIARY	303,193	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,513,646	397,905
TOT III. EMPLOYEE BENEFITS	1,513,646	397,905
TOTAL USC - SALKEHATCHIE CAMPUS	14,650,864 (59.77)	2,396,865 (24.24)

SECTION 20G
H390-USC - SUMTER CAMPUS

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
A. EDUC & GEN-UNRESTRICT		
CLASSIFIED POSITIONS	1,297,967	423,484
	(33.00)	(12.29)
UNCLASSIFIED POSITIONS	2,850,237	2,604,375
	(34.10)	(14.11)
OTHER PERSONAL SERVICES	417,816	
OTHER OPERATING EXPENSES	4,164,898	
TOTAL A. EDUC &	8,730,918	3,027,859
GENERAL-UNRESTRICTED	(67.10)	(26.40)
B. EDUC & GEN-RESTRICTED		
CLASSIFIED POSITIONS	32,845	
	(1.46)	
OTHER PERSONAL SERVICES	254,534	
OTHER OPERATING EXPENSES	4,692,440	
TOTAL B. EDUC &	4,979,819	
GENERAL-RESTRICTED	(1.46)	
TOT I. EDU & GENERAL	13,710,737	3,027,859
	(68.56)	(26.40)
II. AUXILIARY SERVICES		
CLASSIFIED POSITIONS	67,342	
	(4.00)	
OTHER PERSONAL SERVICES	40,416	
OTHER OPERATING EXPENSES	412,089	
TOT II. AUXILIARY SERVICES	519,847	
	(4.00)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,185,308	761,930
TOT III. EMPLOY BENEFITS	2,185,308	761,930
TOT USC - SUMTER CAMPUS	16,415,892	3,789,789
	(72.56)	(26.40)

SECTION 20H
H400-USC - UNION CAMPUS

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
A. EDUC & GEN-UNRESTRICT		
CLASSIFIED POSITIONS	1,071,533	91,533
	(26.76)	(6.54)
UNCLASSIFIED POSITIONS	1,364,368	1,214,368
	(11.06)	(11.06)
OTHER PERSONAL SERVICES	1,300,000	
OTHER OPERATING EXPENSES	838,165	
TOTAL A. EDUC &	4,574,066	1,305,901
GENERAL-UNRESTRICTED	(37.82)	(17.60)
B. EDUC & GEN-RESTRICTED		
CLASSIFIED POSITIONS	11,416	
UNCLASSIFIED POSITIONS	134,456	
OTHER PERSONAL SERVICES	40,220	
OTHER OPERATING EXPENSES	2,432,454	
TOTAL B. EDUC &	2,618,546	
GENERAL-RESTRICTED		
TOT I. EDU & GENERAL	7,192,612	1,305,901
	(37.82)	(17.60)
II. AUXILIARY SERVICES		
CLASSIFIED POSITIONS	25,000	
	(1.00)	
OTHER PERSONAL SERVICES	5,000	
OTHER OPERATING EXPENSES	200,000	
TOT II. AUXILIARY SRVCS	230,000	
	(1.00)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,180,021	207,419
TOT III. EMPLY BENEFITS	1,180,021	207,419
TOTAL USC - UNION CAMPUS	8,602,633	1,513,320
	(38.82)	(17.60)

SECTION 21
H470-WINTHROP UNIVERSITY

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
PRESIDENT	183,313	183,313
	(1.00)	(1.00)
CLASSIFIED POSITIONS	16,414,378	4,437,378
	(353.67)	(215.73)
UNCLASSIFIED POSITIONS	29,803,424	9,661,924
	(390.00)	(226.23)
NEW POS ASSOC ACADEMIC	110,000	
PROGRAM DIRECTOR	(1.00)	
NEW POSITION ASSISTANT	198,000	
PROFESSOR	(3.25)	
NEW POSITION ASSOCIATE	156,000	
PROFESSOR	(1.75)	
NEW POSITION ACADEMIC	154,000	
PROGRAM DIRECTOR	(1.00)	
OTHER PERSONAL SERVICES	7,840,000	
OTHER OPERATING EXPENSES	83,123,076	1,238,076
ALLOC EIA-TCHR RECRUIT PROG	3,968,320	
TOT I. EDUCATION & GENERAL	141,950,511	15,520,691
	(751.67)	(442.96)
II. AUXILIARY ENTERPRISES		
CLASSIFIED POSITIONS	2,374,000	
	(60.11)	
UNCLASSIFIED POSITIONS	355,500	
	(3.00)	
OTHER PERSONAL SERVICES	760,500	
OTHER OPERATING EXPENSES	9,545,000	
TOTAL II. AUXILIARY	13,035,000	
ENTERPRISES	(63.11)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	17,037,518	3,988,283
TOT III. EMPLOY BENEFITS	17,037,518	3,988,283
TOT WINTHROP UNIVERSITY	172,023,029	19,508,974
	(814.78)	(442.96)

SECTION 23
H510-MEDICAL UNIVERSITY OF SOUTH CAROLINA

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. EDUCATIONAL & GENERAL		
A. E&G-UNRESTRICTED		
PRESIDENT	293,561	293,561
	(1.00)	(1.00)
CLASSIFIED POSITIONS	64,882,913	17,789,538
	(1,770.85)	(789.76)
NEW POSITION RESEARCH	-	
TECHNICIAN	(3.00)	
NEW POSITION INSTRUCTIONAL	-	
TECHNOLOGY SPECIALIST	(1.00)	
NEW POS ADMINISTRATIVE	-	
ASSISTANT	(10.00)	
NEW POSITION	-	
ACCTANT/FISCAL ANALYST I	(1.00)	
NEW POS ADMINISTRATIVE	-	
COORDINATOR I	(3.00)	
NEW POSITION PROGRAM	-	
COORDINATOR I	(6.00)	
NEW POSITION PROGRAM	-	
COORDINATOR II	(4.00)	
NEW POSITION PROGRAM	-	
MANAGER I	(1.00)	
NEW POSITION GRANTS	-	
COORDINATOR II	(2.00)	
NEW POSITION GRANTS	-	
ADMINISTRATOR I	(1.00)	
NEW POSITION GRANTS	-	
ADMINISTRATOR II	(1.00)	
NEW POSITION CURRICULUM	-	
COORDINATOR II	(1.00)	
NEW POSITION NURSE	-	
PRACTITIONER II	(1.00)	
NEW POSITION HEALTH	-	
EDUCATOR I	(1.00)	
NEW POSITION TECHNICAL	-	
MEDICAL ASSOC I	(1.00)	

H510-MEDICAL UNIVERSITY OF SOUTH CAROLINA

	TOTAL FUNDS	GENERAL FUNDS
NEW POSITION IT SERVICES	-	
SPECIALIST I	(1.00)	
NEW POSITION SYSTEMS	-	
ENGINEER II	(1.00)	
UNCLASSIFIED POSITIONS	110,954,839	29,323,852
	(1,311.82)	(328.93)
NEW POSITION ASSISTANT	-	
PROFESSOR	(65.00)	
NEW POSITION ASSOCIATE	-	
PROFESSOR	(6.00)	
NEW POSITION PROFESSOR	-	
	(14.00)	
NEW POSITION CLINICAL	-	
INSTRUCTOR	(5.00)	
OTHER PERSONAL SRVCS	12,420,020	
OTHER OPER EXPENSES	276,416,273	7,550,000
MUSC COLLEGE OF PHARMACY	1,500,000	1,500,000
DEBT SERVICE		
DIABETES CENTER	123,470	123,470
SCHOLARSHIPS & FELLOWSHIPS	1,356,224	
RURAL DENTISTS INCENTIVE	176,101	176,101
HYPERTENSION INITIATIVE	240,433	240,433
HOSPITAL AUTHORITY -	14,225,000	6,225,000
TELEMEDICINE PROGRAM		
HOSPITAL AUTHORITY -	3,000,000	3,000,000
PEDIATRIC BURN UNIT		
INSTITUTE OF MEDICINE	100,000	100,000
TOT A. E&G-UNRESTRICTED	485,688,834	66,321,955
	(3,212.67)	(1,119.69)
 B. E&G-RESTRICTED		
CLASSIFIED POSITIONS	21,056,961	
	(146.59)	
NEW POSITION PROGRAM	-	
MANAGER I	(2.00)	
NEW POSITION PROGRAM	-	
MANAGER II	(3.00)	
UNCLASSIFIED POSITIONS	57,541,880	
	(364.16)	

H510-MEDICAL UNIVERSITY OF SOUTH CAROLINA

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	24,775,629	
OTHER OPERATING EXPENSES	68,944,047	
SCHOLARSHIPS & FELLOWSHIPS	1,353,905	
TOT B. E&G-RESTRICTED	173,672,422	
	(515.75)	
TOTAL I. EDUCATIONAL & GENERAL	659,361,256	66,321,955
	(3,728.42)	(1,119.69)
II. AUXILIARY ENTERPRISES		
CLASSIFIED POSITIONS	1,259,562	
	(64.75)	
UNCLASSIFIED POSITIONS	6,924	
	(1.00)	
OTHER PERSONAL SERVICES	112,294	
OTHER OPERATING EXPENSES	11,531,678	
TOTAL II. AUXILIARY ENTERPRISES	12,910,458	
	(65.75)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	60,825,301	17,759,835
TOT III. EMPLOYEE BENEFITS	60,825,301	17,759,835
TOT MEDICAL UNIVERSITY OF SOUTH CAROLINA	733,097,015	84,081,790
	(3,794.17)	(1,119.69)

SECTION 24**H530-AREA HEALTH EDUCATION CONSORTIUM**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. CONSORTIUM		
A. CONSORTIUM-GENERAL		
CLASSIFIED POSITIONS	917,275	781,294
	(7.67)	(7.39)
NEW POSITION ADMINISTRATIVE ASSISTANT	35,000	35,000
	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	1,641,882	1,413,571
	(5.87)	(5.35)

H530-AREA HEALTH EDUCATION CONSORTIUM

	TOTAL FUNDS	GENERAL FUNDS
OTHER PERSONAL SERVICES	228,044	217,528
OTHER OPERATING EXPENSES	3,894,928	1,744,535
RURAL PHYSICIANS PROGRAM	868,847	868,847
NURSING RECRUITMENT	20,000	20,000
HEALTH PROFESSIONS RURAL INFRASTRUCTURE PROGRAM	400,000	400,000
TOT A. CONSORTIUM-GENERAL	8,005,976	5,480,775
	(14.54)	(13.74)
 B. CONSORTIUM-RESTRICTED		
CLASSIFIED POSITIONS	39,740	6,740
	(0.40)	
UNCLASSIFIED POSITIONS	134,631	44,831
	(1.35)	
OTHER OPERATING EXPENSES	694,100	
TOTAL B. CONSORTIUM-RESTRICTED	868,471	51,571
	(1.75)	
 TOTAL I. CONSORTIUM	 8,874,447	 5,532,346
	(16.29)	(13.74)
 II. FAMILY PRACTICE		
CLASSIFIED POSITIONS	269,863	269,863
	(2.77)	(2.77)
UNCLASSIFIED POSITIONS	1,728,383	1,728,383
	(8.26)	(8.26)
OTHER PERSONAL SERVICES	445	445
OTHER OPERATING EXPENSES	2,193,756	1,992,085
TOT II. FAMILY PRACTICE	4,192,447	3,990,776
	(11.03)	(11.03)
 III. GRADUATE DOCTOR EDU		
OTHER OPERATING EXPENSES	82,055	
TOT III. GRADUATE DOCTOR EDUCATION	82,055	
 IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,478,528	1,450,728

H530-AREA HEALTH EDUCATION CONSORTIUM

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT IV. EMPLOYEE BENEFITS	1,478,528	1,450,728
TOT AREA HEALTH EDU CONSORTIUM	14,627,477 (27.32)	10,973,850 (24.77)

**SECTION 25
H590-STATE BOARD FOR TECHNICAL
& COMPREHENSIVE EDUCATION**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
A. PRESIDENT'S OFFICE		
EXECUTIVE DIRECTOR	221,287	221,287
	(1.00)	(1.00)
CLASSIFIED POSITIONS	663,000	663,000
	(11.00)	(11.00)
UNCLASSIFIED POSITIONS	168,000	168,000
OTHER PERSONAL SERVICES	20,000	20,000
OTHER OPERATING EXPENSES	100,000	100,000
TOT A. PRESIDENT'S OFFICE	1,172,287 (12.00)	1,172,287 (12.00)
B. FINANCE AND HUMAN RESOURCES		
CLASSIFIED POSITIONS	987,490	987,490
	(18.00)	(18.00)
UNCLASSIFIED POSITIONS	265,763	265,763
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	10,000	10,000
OTHER OPERATING EXPENSES	1,311,027	836,027
TOT B. FINANCE AND HUMAN RESOURCES	2,574,280 (20.00)	2,099,280 (20.00)
C. INFO TECHNOLOGY		
CLASSIFIED POSITIONS	876,047	826,047
	(16.00)	(15.00)
UNCLASSIFIED POSITIONS	160,000	160,000
	(1.00)	(1.00)

STATUTES AT LARGE
General and Permanent Laws--2019
H590-STATE BOARD FOR TECHNICAL
& COMPREHENSIVE EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	25,000	25,000
OTHER OPERATING EXPENSES	1,771,500	335,500
TOTAL C. INFORMATION TECHNOLOGY	2,832,547 (17.00)	1,346,547 (16.00)
TOTAL I. ADMINISTRATION	6,579,114 (49.00)	4,618,114 (48.00)
 II. INSTRUCTIONAL PROG		
A. TECHNICAL COLLEGES		
CLASSIFIED POSITIONS	138,129,512	30,479,729
	(2,684.62)	(1,714.67)
UNCLASSIFIED POSITIONS	183,101,033	43,401,305
	(1,940.60)	(1,390.63)
OTHER PERSONAL SERVICES	48,111,487	9,732,349
OTHER OPERATING EXPENSES	203,774,490	14,801,268
CRITICAL NEEDS NURSING INITIATIVE	322,512	322,512
SPARTANBURG-CHEROKEE EXPANSION	906,816	906,816
MIDLANDS TECH NURSING PROG	370,943	370,943
FLORENCE DARLINGTON-OPER	302,271	302,271
TRIDENT TECH-CULINARY ARTS	468,522	468,522
FLORENCE DARLINGTON SIMT	906,817	906,817
LOWCOUNTRY TECH-MILITARY WORKFORCE INITIATIVE	500,000	500,000
TOT A. TECH COLLEGES	576,894,403 (4,625.22)	102,192,532 (3,105.30)
 B. SYSTEM WIDE PROGRAM INITIATIVES		
CLASSIFIED POSITIONS	592,855	547,855
	(18.00)	(16.00)
UNCLASSIFIED POSITIONS	167,754	167,754
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	91,691	
OTHER OPERATING EXPENSES	524,205	45,000
PATHWAYS TO PROSPERITY	604,545	604,545

OF SOUTH CAROLINA
General and Permanent Laws--2019
H590-STATE BOARD FOR TECHNICAL
& COMPREHENSIVE EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
WORKFORCE SCHOLARSHIPS AND GRANTS	2,642,000	2,642,000
TOTAL B. SYSTEM WIDE PROGRAM INITIATIVES	4,623,050 (19.00)	4,007,154 (17.00)
C. EMPLOYEE BENEFITS		
FORMULA FUNDING		
EMPLOYER CONTRIBUTIONS	116,291,368	38,868,373
TOT C. EMPLOYEE BENEFITS FORMULA FUNDING	116,291,368	38,868,373
TOTAL II. INSTRUCTIONAL PROGRAMS	697,808,821 (4,644.22)	145,068,059 (3,122.30)
III. ECONOMIC DEVELOPMENT		
A. ADMINISTRATION		
CLASSIFIED POSITIONS	846,733 (41.00)	846,733 (41.00)
UNCLASSIFIED POSITIONS	144,000 (1.00)	144,000 (1.00)
OTHER PERSONAL SERVICES	50,000	50,000
OTHER OPERATING EXPENSES	180,000	180,000
E&G STEM PROG: CRITICAL NEEDS WORKFORC DEV INIT	2,500,000	2,500,000
TOTAL A. ADMINISTRATION	3,720,733 (42.00)	3,720,733 (42.00)
B. SPECIAL SCHOOLS TRAINING		
OTHER PERSONAL SERVICES	1,460,000	1,460,000
CLASSIFIED POSITIONS	- (29.50)	- (29.50)
OTHER DIRECT TRAINING COSTS	5,779,253	5,779,253
TOTAL B. SPECIAL SCHOOLS TRAINING	7,239,253 (29.50)	7,239,253 (29.50)
TOTAL III. ECONOMIC DEVELOPMENT	10,959,986 (71.50)	10,959,986 (71.50)

STATUTES AT LARGE
General and Permanent Laws--2019
H590-STATE BOARD FOR TECHNICAL
& COMPREHENSIVE EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,001,043	1,957,939
TOT IV. EMPLOYEE BENEFITS	2,001,043	1,957,939
TOTAL STATE BOARD FOR	717,348,964	162,604,098
TECH & COMPREHENSIVE E	(4,764.72)	(3,241.80)

SECTION 26
H790-DEPARTMENT OF ARCHIVES & HISTORY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION & PLANNING		
DIRECTOR	98,409	98,409
	(1.00)	(1.00)
CLASSIFIED POSITIONS	173,383	173,383
	(4.00)	(4.00)
OTHER PERSONAL SERVICES	64,000	
OTHER OPERATING EXPENSES	762,398	613,488
TOTAL I. ADMINISTRATION & PLANNING	1,098,190	885,280
	(5.00)	(5.00)
II. ARCHIVES & RECORDS MANAGEMENT		
CLASSIFIED POSITIONS	1,019,953	996,953
	(26.00)	(26.00)
OTHER PERSONAL SERVICES	55,100	
OTHER OPERATING EXPENSES	496,000	
TOTAL II. ARCHIVES & RECORDS MANAGEMENT	1,571,053	996,953
	(26.00)	(26.00)
III. HISTORICAL SERVICES		
CLASSIFIED POSITIONS	430,000	50,000
	(9.00)	(1.00)
OTHER PERSONAL SERVICES	47,975	10,900
OTHER OPERATING EXPENSES	146,420	

H790-DEPARTMENT OF ARCHIVES & HISTORY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
ALLOC MUNICIPALITIES - RESTRICTED	50,000	
ALLOC OTHER ST AGENCIES	50,000	
ALLOC PRIVATE SECTOR	40,000	
STATE HISTORIC GRANT FUND	415,000	
**HISTORIC BUILDINGS PRESERVATION	200,000	200,000
AFRICAN AMERICAN HERITAGE HISTORY COMMISSION	25,000	25,000
TOTAL III. HISTORICAL SERVICES	1,404,395 (9.00)	285,900 (1.00)
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,034,251	748,015
TOT IV. EMPLOY BENEFITS	1,034,251	748,015
TOTAL DEPARTMENT OF ARCHIVES & HISTORY	5,107,889 (40.00)	2,916,148 (32.00)

**SECTION 27
H870-STATE LIBRARY**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	108,207	108,207
	(1.00)	(1.00)
CLASSIFIED POSITIONS	259,613	259,613
	(8.00)	(8.00)
OTHER PERSONAL SERVICES	2,302	2,302
OTHER OPERATING EXPENSES	793,248	754,248
TOTAL I. ADMINISTRATION	1,163,370 (9.00)	1,124,370 (9.00)
II. TALKING BOOK SERVICES		
CLASSIFIED POSITIONS	655,526	354,827
	(11.00)	(9.00)
OTHER OPERATING EXPENSES	130,397	

** See note at end of Act.

STATUTES AT LARGE
General and Permanent Laws--2019
H870-STATE LIBRARY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL II. TALKING BOOK SERVICES	785,923 (11.00)	354,827 (9.00)
III. LIBRARY RESOURCES		
CLASSIFIED POSITIONS	597,473 (13.00)	343,522 (5.00)
OTHER OPERATING EXPENSES	1,295,343	97,110
DISCUS PROGRAMS (H870)	2,520,452	2,520,452
TOT III. LIBRARY RESOURCES	4,413,268 (13.00)	2,961,084 (5.00)
IV. STATEWIDE DVLPMNT		
CLASSIFIED POSITIONS	276,735 (16.00)	136,375 (10.00)
OTHER OPERATING EXPENSES	580,793	76,866
ALLOC COUNTY LIBRARIES	100,000	
ALLOC OTHER ST AGENCIES	50,000	
ALLOC PRIVATE SECTOR	50,000	
AID COUNTY LIBRARIES	10,281,846	10,281,846
TOTAL IV. STATEWIDE DEVELOPMENT	11,339,374 (16.00)	10,495,087 (10.00)
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	628,498	426,919
TOT V. EMPLOYEE BENEFITS	628,498	426,919
TOTAL STATE LIBRARY	18,330,433 (49.00)	15,362,287 (33.00)

SECTION 28
H910-ARTS COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	102,003 (1.00)	56,171 (0.50)
TOT I. ADMINISTRATION	102,003 (1.00)	56,171 (0.50)

OF SOUTH CAROLINA
General and Permanent Laws--2019
H910-ARTS COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
II. STATEWIDE ARTS SRVCS		
CLASSIFIED POSITIONS	801,969	503,907
	(23.50)	(14.50)
OTHER OPERATING EXPENSES	410,608	45,000
DISTRIB TO SUBDIVISIONS	4,132,947	3,518,318
TOTAL II. STATEWIDE ARTS SERVICES	5,345,524	4,067,225
	(23.50)	(14.50)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	378,269	218,052
TOT III. EMPLOYEE BENEFITS	378,269	218,052
TOTAL ARTS COMMISSION	5,825,796	4,341,448
	(24.50)	(15.00)

SECTION 29
H950-STATE MUSEUM COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	108,464	108,464
	(1.00)	(1.00)
CLASSIFIED POSITIONS	149,370	148,674
	(6.00)	(6.00)
OTHER PERSONAL SERVICES	22,715	
OTHER OPERATING EXPENSES	2,364,675	1,483,831
TOTAL I. ADMINISTRATION	2,645,224	1,740,969
	(7.00)	(7.00)
II. PROGRAMS		
CLASSIFIED POSITIONS	1,368,783	1,227,875
	(37.00)	(36.00)
NEW POSITION CURATOR II	40,800	40,800
	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	73,000	
	(1.00)	
OTHER PERSONAL SERVICES	455,895	15,000
OTHER OPERATING EXPENSES	1,513,600	166,000

STATUTES AT LARGE
 General and Permanent Laws--2019
H950-STATE MUSEUM COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
TOTAL II. PROGRAMS	3,452,078 (39.00)	1,449,675 (37.00)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	876,756	683,414
TOT III. EMPLOYEE BENEFITS	876,756	683,414
TOTAL STATE MUSEUM COMMISSION	6,974,058 (46.00)	3,874,058 (44.00)

SECTION 30
H960-CONFEDERATE RELIC ROOM AND MILITARY
MUSEUM COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
I. CONFEDERATE RELIC ROOM & MILITARY MUSEUM		
EXECUTIVE DIRECTOR	89,625 (1.00)	89,625 (1.00)
CLASSIFIED POSITIONS	266,865 (7.00)	266,865 (7.00)
OTHER PERSONAL SERVICES	25,000	25,000
OTHER OPERATING EXPENSES	779,252	360,000
SOUTHERN MARITIME COLLECT	25,000	25,000
TOT I. CONFEDERATE RELIC ROOM & MILITARY MUSEUM	1,185,742 (8.00)	766,490 (8.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	154,788	154,788
TOT II. EMPLOYEE BENEFITS	154,788	154,788
TOT CONFEDERATE RELIC ROOM AND MILITARY MUSEUM COMMISSION	1,340,530 (8.00)	921,278 (8.00)

SECTION 32
H730-DEPARTMENT OF VOCATIONAL REHABILITATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
COMMISSIONERS	144,922	144,922
	(1.00)	(1.00)
CLASSIFIED POSITIONS	4,364,921	1,116,545
	(69.00)	(15.80)
UNCLASSIFIED POSITIONS	101,332	14,965
	(1.00)	(0.24)
OTHER PERSONAL SERVICES	439,275	15,000
OTHER OPERATING EXPENSES	4,250,000	
TOT I. ADMINISTRATION	9,300,450	1,291,432
	(71.00)	(17.04)
II. VOCATIONAL REHAB PROG		
A. BASIC SERVICE PROGRAM		
CLASSIFIED POSITIONS	35,517,916	8,405,681
	(827.57)	(182.54)
OTHER PERSONAL SERVICES	4,035,000	85,000
OTHER OPERATING EXPENSES	35,091,177	164,773
CASE SERVICES	14,143,948	1,888,348
PERMANENT IMPROVEMENTS	781,491	
TOTAL A. BASIC SERVICE PROGRAM	89,569,532	10,543,802
	(827.57)	(182.54)
B. SPECIAL PROJECTS		
CLASSIFIED POSITIONS	285,615	
	(16.50)	
OTHER PERSONAL SERVICES	373,000	
OTHER OPERATING EXPENSES	598,672	66,557
CASE SERVICES	261,889	
TOT B. SPECIAL PROJECTS	1,519,176	66,557
	(16.50)	
TOT II. VOCATIONAL REHAB PROGRAMS	91,088,708	10,610,359
	(844.07)	(182.54)
III. DISABILITY DETERM DIV		
CLASSIFIED POSITIONS	22,959,471	
	(440.51)	

H730-DEPARTMENT OF VOCATIONAL REHABILITATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	1,504,991	
	(16.00)	
OTHER PERSONAL SERVICES	2,036,000	
OTHER OPERATING EXPENSES	5,814,284	
CASE SERVICES	16,701,023	
TOTAL III. DISABILITY	49,015,769	
DETERMINATION DIV	(456.51)	
 IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	24,905,504	4,726,332
TOT IV. EMPLOYEE BENEFITS	24,905,504	4,726,332
 TOTAL DEPARTMENT OF	174,310,431	16,628,123
VOCATIONAL REHAB	(1,371.58)	(199.58)

SECTION 33**J020-DEPARTMENT OF HEALTH & HUMAN SERVICES**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	178,126	68,044
	(1.00)	(0.40)
CLASSIFIED POSITIONS	8,465,438	3,892,404
	(121.01)	(52.91)
UNCLASSIFIED POSITIONS	733,297	351,144
	(5.00)	(1.84)
OTHER PERSONAL SERVICES	695,000	300,000
OTHER OPERATING EXPENSES	28,409,823	11,676,832
TOTAL I. ADMINISTRATION	38,481,684	16,288,424
	(127.01)	(55.15)
 II. PROGRAM AND SERVICES		
A. HEALTH SERVICES		
1. MEDICAL ADMIN		
CLASSIFIED POSITIONS	20,970,141	6,865,652
	(534.13)	(188.99)
OTHER PERSONAL SERVICES	3,530,643	1,050,000

J020-DEPARTMENT OF HEALTH & HUMAN SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPER EXPENSES	5,499,499	2,514,922
TOTAL 1. MEDICAL	30,000,283	10,430,574
ADMINISTRATION	(534.13)	(188.99)
2. MEDICAL CONTRACTS		
PROVIDER SUPPORT	160,627,762	37,148,397
NURSING HOME CONTRACTS	5,386,432	994,669
CLTC CONTRACTS	9,818,143	2,161,168
ELIGIBILITY CONTRACTS	39,665,496	16,096,112
MMIS-MEDICAL MGMT INFO	140,128,078	17,694,028
TELEMEDICINE	7,000,000	7,000,000
RURAL HEALTH INITIATIVE	7,500,000	7,500,000
TOTAL 2. MED CONTRACTS	370,125,911	88,594,374
3. MEDICAL ASSISTANCE		
PAYMENTS		
HOSPITAL SERVICES	570,679,187	79,505,545
NURSING HOME SERVICES	652,042,013	185,379,630
PHARMACEUTICAL SERVICES	161,827,370	31,020,806
PHYSICIAN SERVICES	101,830,682	25,887,232
DENTAL SERVICES	154,521,932	39,571,342
CLTC-COMMUNITY		
LONG TERM CARE	194,404,049	56,874,938
PREMIUMS MATCHED	257,979,091	75,587,362
PREMIUMS 100% STATE	22,605,412	22,605,412
HOSPICE	15,813,290	4,630,368
OPTIONAL ST SUPPLEMENT	20,633,161	20,633,161
OSCAP	8,300,611	8,300,611
CLINICAL SERVICES	45,774,768	12,315,355
DURABLE MED EQUIPMENT	33,611,651	9,787,969
COORDINATED CARE	3,211,533,433	487,024,909
TRANSPORTATION SERVICES	93,817,099	27,477,263
MMA PHASED DOWN CONTRIB	114,156,884	112,656,884
HOME HEALTH SERVICES	13,042,685	3,817,648
EPSDT SERVICES	3,976,527	1,099,585
MED PROFESSIONAL SRVCS	27,515,628	7,680,358
LAB & X-RAY SERVICES	12,415,512	3,573,370
PACE	16,211,851	4,750,072

J020-DEPARTMENT OF HEALTH & HUMAN SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
CHILDREN'S COMMUN CARE	20,510,164	5,913,991
BEHAVIORAL HLTH SRVCS	75,212,140	22,922,462
TOT 3. MED ASSISTANCE	5,828,415,140	1,249,016,273
PAYMENTS		
4. ASST. PAYMENTS-STATE		
AGENCIES		
MENTAL HEALTH	54,937,749	
DISAB. & SPECIAL NEEDS	702,448,900	
DHEC	1,739,760	
MUSC	17,935,870	225,086
USC	510,321	
DEPT. OF EDUCATION	46,091,978	
TOTAL 4. ASST.	823,664,578	225,086
PAYMENTS-ST AGENCIES		
5. OTHER ENTITIES ASSIST		
PAYMENTS		
OTHER ENTITIES FUNDING	12,249,758	
DISPROPORTIONATE SHARE	551,388,621	18,628,621
TOTAL 5. OTHER ENTITIES	563,638,379	18,628,621
ASSIST PAYMENTS		
6. MEDICAID ELIGIBILITY		
CLASSIFIED POSITIONS	15,814,392	6,467,573
	(875.89)	(231.04)
NEW POSITION HUMAN SRVCS	2,069,568	
SPECIALIST II	(200.00)	(80.00)
NEW POSITION HUMAN SRVCS	328,380	
COORDINATOR I	(10.00)	
OTHER PERSONAL SERVICES	8,582,383	2,215,457
OTHER OPERATING EXPENSES	7,630,756	3,167,471
TOTAL 6. MEDICAID	34,425,479	11,850,501
ELIGIBILITY	(1,085.89)	(311.04)
7. BABYNET		
CLASSIFIED POSITIONS	2,700,000	750,000
	(63.00)	(1.00)
OTHER PERSONAL SERVICES	800,000	

J020-DEPARTMENT OF HEALTH & HUMAN SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	16,852,554	75,000
CASE SERVICES	14,404,419	11,402,071
TOTAL 7. BABYNET	34,756,973	12,227,071
	(63.00)	(1.00)
TOT A. HEALTH SERVICES	7,685,026,743	1,390,972,500
	(1,683.02)	(501.03)
TOT II. PROGRAM AND SERVICES	7,685,026,743	1,390,972,500
	(1,683.02)	(501.03)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	21,541,861	8,134,392
TOT III. EMPLOY BENEFITS	21,541,861	8,134,392
IV. NON-RECURRING APPROPRIATIONS		
MEDICAID MANAGEMENT INFORMATION SYSTEM	46,681,082	
TOT IV. NON-RECURRING APPROPRIATIONS	46,681,082	
TOT DEPT OF HEALTH & HUMAN SERVICES	7,791,731,370	1,415,395,316
	(1,810.03)	(556.18)

SECTION 34**J040-DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
COMMISSIONERS	178,126	178,126
	(1.00)	(1.00)
CLASSIFIED POSITIONS	12,038,215	5,472,571
	(240.50)	(104.90)
UNCLASSIFIED POSITIONS	18,385	18,385
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	545,182	290,265

**J040-DEPARTMENT OF HEALTH & ENVIRONMENTAL
CONTROL**

	TOTAL FUNDS	GENERAL FUNDS
OTHER OPERATING EXPENSES	13,767,572	403,504
PERMANENT IMPROVEMENTS	112,000	
TOTAL I. ADMINISTRATION	26,659,480	6,362,851
	(243.50)	(107.90)
 II. PROGRAMS AND SERVICES		
A. WATER QUALITY IMPROVEMENT		
1. UNDERGROUND STORAGE TANKS		
CLASSIFIED POSITIONS	1,376,141	
	(51.24)	
OTHER PERSONAL SERVICES	52,000	
OTHER OPERATING EXPENSES	943,778	
TOTAL 1. UNDERGROUND STORAGE TANKS	2,371,919	
	(51.24)	
 2. WATER MANAGEMENT		
CLASSIFIED POSITIONS	15,477,998	3,249,232
	(236.74)	(60.94)
UNCLASSIFIED POSITIONS	131,031	131,031
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	611,413	194,318
OTHER OPERATING EXPENSES	14,814,475	2,108,865
ALLOC MUNICIPALITIES - RESTRICTED	1,024,949	
ALLOC CNTIES - RESTRICTED	1,131,582	
ALLOC OTHER ST AGENCIES	273,762	
ALLOC OTHER ENTITIES	2,090,878	
ALLOCATIONS TO PLANNING DISTRICTS	271,563	
SYSTEM UPGRADES	3,000,000	3,000,000
TOT 2. WATER MANAGEMENT	38,827,651	8,683,446
	(237.74)	(61.94)
 3. ENVIRONMENTAL HLTH		
CLASSIFIED POSITIONS	24,555,274	13,045,340
	(543.41)	(311.34)

J040-DEPARTMENT OF HEALTH & ENVIRONMENTAL
CONTROL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
NEW POSITION	69,289	69,289
ENVIRMNTL/HLTH MGR III	(1.00)	(1.00)
OTHER PERSONAL SERVICES	1,704,920	717,498
OTHER OPERATING EXPENSES	12,120,254	4,591,863
ALLOC OTHER ST AGENCIES	73,924	
TOTAL 3. ENVIRONMENTAL HEALTH	38,523,661 (544.41)	18,423,990 (312.34)
 TOTAL A. WATER QUALITY IMPROVEMENT	 79,723,231 (833.39)	 27,107,436 (374.28)
 B. COASTAL RESOURCE IMPROVEMENT		
CLASSIFIED POSITIONS	1,995,482	643,925
	(34.30)	(11.40)
OTHER PERSONAL SERVICES	76,733	15,000
OTHER OPERATING EXPENSES	1,658,095	168,618
OCEAN OUTFALLS	2,000,000	2,000,000
TOT B. COASTAL RESOURCE IMPROVEMENT	5,730,310 (34.30)	2,827,543 (11.40)
 C. AIR QUALITY IMPROVEMENT		
CLASSIFIED POSITIONS	6,568,842	1,836,282
	(125.92)	(34.11)
OTHER PERSONAL SERVICES	128,025	90,125
OTHER OPERATING EXPENSES	1,501,632	354,182
ALLOC OTHER STATE AGENCIES	65,000	
ALLOC OTHER ENTITIES	1,727,344	
TOTAL C. AIR QUALITY IMPROVEMENT	9,990,843 (125.92)	2,280,589 (34.11)
 D. LAND & WASTE MGMT		
CLASSIFIED POSITIONS	9,484,563	1,008,988
	(128.82)	(18.33)
OTHER PERSONAL SERVICES	193,250	32,030
OTHER OPERATING EXPENSES	7,426,767	476,759

**J040-DEPARTMENT OF HEALTH & ENVIRONMENTAL
CONTROL**

	TOTAL FUNDS	GENERAL FUNDS
PERMANENT IMPROVEMENTS	500	
ALLOC MUNICIPALITIES - RESTRICTED	681,451	
ALLOC CNTIES - RESTRICTED	8,380,478	
ALLOC SCHOOL DIST	222,763	
ALLOC OTHER ST AGENCIES	32,239	
ALLOC OTHER ENTITIES	496,209	
ALLOC PRIVATE SECTOR	60,945	
ALLOCATIONS TO PLANNING DISTRICTS	487,909	
AID TO OTHER ENTITIES	4,931,000	4,931,000
TOTAL D. LAND & WASTE MANAGEMENT	32,398,074 (128.82)	6,448,777 (18.33)
 E. FAMILY HEALTH		
1. INFECTIOUS DISEASE PREVENTION		
CLASSIFIED POSITIONS	16,455,776 (326.82)	6,554,986 (144.71)
NEW POSITION REGISTERED NURSE II	138,074 (2.00)	138,074 (2.00)
NEW POSITION HEALTH EDUCATOR II	46,799 (1.00)	46,799 (1.00)
NEW POSITION MEDICAL ASSISTANT TECHN II	31,614 (1.00)	31,614 (1.00)
NEW POS HUMAN SRVCS COORDINATOR I	93,598 (2.00)	93,598 (2.00)
UNCLASSIFIED POSITIONS	324,303 (7.46)	312,467 (6.70)
OTHER PERSONAL SERVICES	2,304,594	632,232
OTHER OPERATING EXPENSES	56,654,437	5,923,567
CASE SERVICES	18,642,147	4,571,068
ALLOC CNTIES - RESTRICTED	5,000	
ALLOC OTHER ST AGENCIES	2,744,046	65,000
ALLOC OTHER ENTITIES	7,803,889	
PALMETTO AIDS LIFE SUPPORT	50,000	50,000
TOT 1. INFECTIOUS DISEASE PREVENTION	105,294,277 (340.28)	18,419,405 (157.41)

J040-DEPARTMENT OF HEALTH & ENVIRONMENTAL
CONTROL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
2. MATERNAL/INFANT HLTH		
CLASSIFIED POSITIONS	26,915,016	1,402,695
	(788.97)	(48.04)
UNCLASSIFIED POSITIONS	42,003	
	(0.40)	
OTHER PERSONAL SERVICES	3,857,123	89,701
OTHER OPERATING EXPENSES	18,284,338	232,097
CASE SERVICES	87,774,809	535,055
ALLOC CNTIES - RESTRICTED	108,000	
ALLOC SCHOOL DIST	310,271	
ALLOC OTHER ST AGENCIES	60,000	
ALLOC OTHER ENTITIES	2,896,945	
CONTINUATION TEEN PREG PREVENTION	546,972	546,972
NEWBORN HEARING SCREENINGS	421,750	421,750
ABSTINENCE UNTIL MARRIAGE EMERGING PROGRAMS	100,000	100,000
TOTAL 2. MATERNAL/INFANT HEALTH	141,317,227	3,328,270
	(789.37)	(48.04)
3. CHRONIC DISEASE PREVENTION		
CLASSIFIED POSITIONS	2,786,186	556,471
	(63.46)	(10.15)
OTHER PERSONAL SERVICES	1,861,258	57,412
OTHER OPERATING EXPENSES	4,362,396	706,429
PERMANENT IMPROVEMENTS	7,000	
CASE SERVICES	3,770,664	500,000
ALLOC OTHER ST AGENCIES	3,415,046	
ALLOC OTHER ENTITIES	3,873,010	
AID OTHER STATE AGENCIES	1,010,000	1,010,000
AID TO OTHER ENTITIES	134,220	134,220
SMOKING PREVENTION TRUST	6,124,341	
TOTAL 3. CHRONIC DISEASE PREVENTION	27,344,121	2,964,532
	(63.46)	(10.15)
4. ACCESS TO CARE		
CLASSIFIED POSITIONS	26,284,166	15,213,546
	(473.22)	(333.07)

**J040-DEPARTMENT OF HEALTH & ENVIRONMENTAL
CONTROL**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	1,203,798	639,721
	(7.69)	(5.16)
OTHER PERSONAL SERVICES	2,251,153	863,057
OTHER OPERATING EXPENSES	40,543,490	17,535,014
CASE SERVICES	2,934	1,920
ALLOC MUNICIPALITIES - RESTRICTED	32,847	
ALLOC CNTIES - RESTRICTED	149,712	
ALLOC OTHER ST AGENCIES	94,362	5,000
ALLOC OTHER ENTITIES	213,004	1,238
TOTAL 4. ACCESS TO CARE	70,775,466	34,259,496
	(480.91)	(338.23)
 5. DRUG CONTROL		
CLASSIFIED POSITIONS	2,378,970	
	(25.93)	
NEW POSITION ADMIN SPECIALIST II	35,458	35,458
	(1.00)	(1.00)
NEW POSITION PROGRAM COORDINATOR I	58,000	58,000
	(1.00)	(1.00)
NEW POSITION PROGRAM MANAGER II	112,000	112,000
	(1.00)	(1.00)
NEW POSITION IT TECHNICIAN III	88,000	88,000
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	126,948	
OTHER OPERATING EXPENSES	3,549,170	667,037
ALLOC OTHER STATE AGENCIES	160,948	
ALLOC OTHER ENTITIES	141,366	
TOTAL 5. DRUG CONTROL	6,650,860	960,495
	(29.93)	(4.00)
 6. RAPE VIOLENCE PREVENTION		
CLASSIFIED POSITIONS	98,743	
	(1.00)	
OTHER OPERATING EXPENSES	52,277	
CASE SERVICES	1,356,689	1,356,689
ALLOC OTHER STAGENCIES	14,752	

J040-DEPARTMENT OF HEALTH & ENVIRONMENTAL
CONTROL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
ALLOC OTHER ENTITIES	911,235	
TOTAL 6. RAPE VIOLENCE PREVENTION	2,433,696 (1.00)	1,356,689
7. INDEPENDENT LIVING		
CLASSIFIED POSITIONS	4,351,056 (61.53)	819,619 (15.73)
UNCLASSIFIED POSITIONS	96,082	
OTHER PERSONAL SERVICES	442,281	63,094
OTHER OPERATING EXPENSES	3,030,060	1,347,126
CASE SERVICES	6,554,366	3,053,996
ALLOC OTHER ST AGENCIES	23,646	
ALLOC OTHER ENTITIES	259,748	
AID OTHER STATE AGENCIES	1,395	1,395
SICKLE CELL PROF. EDUCATION	100,000	100,000
TOT 7. INDEPENDENT LIVING	14,858,634 (61.53)	5,385,230 (15.73)
TOTAL E. FAMILY HEALTH	368,674,281 (1,766.48)	66,674,117 (573.56)
F. HEALTH CARE STANDARDS		
1. RADIOLOGICAL MONITORING		
CLASSIFIED POSITIONS	1,502,986 (32.20)	750,426 (15.44)
OTHER PERSONAL SERVICES	42,000	15,000
OTHER OPERATING EXPENSES	511,683	178,648
TOTAL 1. RADIOLOGICAL MONITORING	2,056,669 (32.20)	944,074 (15.44)
2. FACILITY & SRVC DEVELOPMENT		
CLASSIFIED POSITIONS	1,244,909 (19.05)	787,850 (11.85)
OTHER PERSONAL SERVICES	31,570	8,600
OTHER OPERATING EXPENSES	1,386,423	367,592

**J040-DEPARTMENT OF HEALTH & ENVIRONMENTAL
CONTROL**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL 2. FACILITY & SRVC DEVELOPMENT	2,662,902 (19.05)	1,164,042 (11.85)
3. FACILITY LICENSING		
CLASSIFIED POSITIONS	2,985,749 (79.80)	1,286,195 (39.36)
UNCLASSIFIED POSITIONS	- (1.00)	- (1.00)
OTHER PERSONAL SERVICES	88,000	10,000
OTHER OPERATING EXPENSES	2,648,875	380,334
CASE SERVICES	1,500	
TOT 3. FACILITY LICENSING	5,724,124 (80.80)	1,676,529 (40.36)
4. CERTIFICATION		
CLASSIFIED POSITIONS	2,564,530 (59.00)	
OTHER PERSONAL SERVICES	224,700	
OTHER OPERATING EXPENSES	2,701,832	
TOT 4. CERTIFICATION	5,491,062 (59.00)	
5. EMERGENCY MEDICAL SERVICES		
CLASSIFIED POSITIONS	700,189 (17.70)	609,000 (16.15)
OTHER PERSONAL SERVICES	44,809	10,000
OTHER OPERATING EXPENSES	940,322	328,167
CASE SERVICES	9,077	9,077
ALLOC CNTIES - RESTRICTED	7,500	
ALLOC OTHER ENTITIES	376,501	350,001
ALLOC ENTITIES - AID TO EMS REGIONAL	216,877	
AID TO CNTIES - RESTRICTED	536,382	536,382
AID EMS - REGIONAL COUNCILS	164,579	164,579
AID TO OTHER ENTITIES	147,500	147,500
TRAUMA CENTER FUND	2,268,886	2,268,886

J040-DEPARTMENT OF HEALTH & ENVIRONMENTAL
CONTROL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT 5. EMERGENCY MED SERVICES	5,412,622 (17.70)	4,423,592 (16.15)
TOTAL F. HEALTH CARE STANDARDS	21,347,379 (208.75)	8,208,237 (83.80)
G. HLTH SURVEILLANCE SUPPORT		
1. HEALTH LABORATORY		
CLASSIFIED POSITIONS	4,145,981 (79.00)	807,886 (13.00)
OTHER PERSONAL SERVICES	814,501	41,716
OTHER OPERATING EXPENSES	12,429,429	202,791
ALLOC MUNICIPALITIES - RESTRICTED	329,777	
ALLOC CNTIES - RESTRICTED	205,275	
ALLOC OTHER ST AGENCIES	3,500	
ALLOC OTHER ENTITIES	277	
TOT 1. HLTH LABORATORY	17,928,740 (79.00)	1,052,393 (13.00)
2. VITAL RECORDS		
CLASSIFIED POSITIONS	3,647,583 (110.68)	95,086 (1.00)
OTHER PERSONAL SERVICES	1,432,453	10,172
OTHER OPERATING EXPENSES	8,081,871	116,312
TOTAL 2. VITAL RECORDS	13,161,907 (110.68)	221,570 (1.00)
TOT G. HLTH SURVEILLANCE SUPPORT	31,090,647 (189.68)	1,273,963 (14.00)
TOTAL II. PROGRAMS AND SERVICES	548,954,765 (3,287.34)	114,820,662 (1,109.48)

**J040-DEPARTMENT OF HEALTH & ENVIRONMENTAL
CONTROL**

	TOTAL FUNDS	GENERAL FUNDS
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	74,048,155	21,438,955
TOT III. EMPLOY BENEFITS	74,048,155	21,438,955
TOT DEPARTMENT OF HLTH & ENVIRONMENTAL CONTROL	649,662,400 (3,530.84)	142,622,468 (1,217.38)

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

	TOTAL FUNDS	GENERAL FUNDS
I. GENERAL ADMINISTRATION		
COMMISSIONERS	214,901 (1.00)	214,901 (1.00)
CLASSIFIED POSITIONS	2,896,023 (45.00)	2,862,828 (45.00)
UNCLASSIFIED POSITIONS	523,381 (3.50)	373,223 (3.50)
OTHER PERSONAL SERVICES	61,548	31,441
OTHER OPERATING EXPENSES	702,499	566,091
TOTAL I. GENERAL ADMINISTRATION	4,398,352 (49.50)	4,048,484 (49.50)
II. PROGRAMS AND SERVICES		
A. COMMUNITY MENTAL HEALTH		
1. MENTAL HEALTH CENTERS		
CLASSIFIED POSITIONS	84,051,377 (2,160.89)	50,072,198 (1,196.62)
UNCLASSIFIED POSITIONS	11,796,002 (108.76)	7,058,561 (65.74)
OTHER PERSONAL SERVICES	5,030,908	2,444,640
OTHER OPERATING EXPENSES	50,678,614	2,637,598
CASE SERVICES	8,508,545	5,473,892
TOT 1. MENTAL HEALTH CENTERS	160,065,446 (2,269.65)	67,686,889 (1,262.36)

J120-DEPARTMENT OF MENTAL HEALTH

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
2. PROJECTS & GRANTS		
CLASSIFIED POSITIONS	1,361,120	443,490
	(25.00)	(16.00)
UNCLASSIFIED POSITIONS	1,246,430	821,892
	(17.20)	(8.20)
OTHER PERSONAL SERVICES	1,361,088	120,930
OTHER OPERATING EXPENSES	10,934,914	2,676,396
CASE SERVICES	870,856	625,856
S. C. SHARE	250,000	
ALLIAN FOR THE MENTAL ILL	50,000	
TOTAL 2. PROJECTS & GRANTS	16,074,408	4,688,564
	(42.20)	(24.20)
TOT A. COMMUNITY MENTAL HEALTH	176,139,854	72,375,453
	(2,311.85)	(1,286.56)
B. INPATIENT MENTAL HLTH		
1. BRYAN PSYCHIATRIC HOS		
a. BRYAN CIVIL		
CLASSIFIED POSITIONS	10,941,075	5,840,059
	(378.84)	(211.95)
UNCLASSIFIED POSITIONS	2,062,710	260,000
	(15.71)	(6.08)
OTHER PERSONAL SERVICES	2,935,471	917,100
OTHER OPERATING EXPENSES	11,461,306	601,918
CASE SERVICES	171,202	136,655
TOTAL a. BRYAN CIVIL	27,571,764	7,755,732
	(394.55)	(218.03)
b. BRYAN FORENSICS		
CLASSIFIED POSITIONS	5,116,560	4,962,000
	(159.48)	(148.48)
UNCLASSIFIED POSITIONS	962,065	825,000
	(12.34)	(9.13)
OTHER PERSONAL SERVICES	708,791	650,000
OTHER OPERATING EXPENSES	5,584,112	4,565,000
CASE SERVICES	22,348,062	11,279,330
TOTAL b. BRYAN FORENSICS	34,719,590	22,281,330
	(171.82)	(157.61)

J120-DEPARTMENT OF MENTAL HEALTH

	TOTAL FUNDS	GENERAL FUNDS
c. BRYAN CHILD & ADOLESCENT (HALL INST)		
CLASSIFIED POSITIONS	5,360,172	3,921,389
	(189.98)	(133.71)
UNCLASSIFIED POSITIONS	853,070	
	(14.47)	(6.47)
OTHER PERSONAL SERVICES	1,437,801	446,477
OTHER OPERATING EXPENSES	3,159,735	
CASE SERVICES	75,534	12,000
TOTAL c. BRYAN CHILD & ADOLESCENT (HALL INST)	10,886,312	4,379,866
	(204.45)	(140.18)
TOTAL 1. BRYAN PSYCHIATRIC HOSPITAL	73,177,666	34,416,928
	(770.82)	(515.82)
2. HARRIS PSYCHIATRIC HOS		
CLASSIFIED POSITIONS	9,932,822	6,219,942
	(325.55)	(225.55)
UNCLASSIFIED POSITIONS	1,245,413	327,011
	(13.49)	(6.60)
OTHER PERSONAL SERVICES	1,268,339	430,000
OTHER OPERATING EXPENSES	6,179,371	909,851
CASE SERVICES	374,850	158,500
TOT 2. HARRIS PSYCHIATRIC HOSPITAL	19,000,795	8,045,304
	(339.04)	(232.15)
3. MEDICAL CLINICS		
CLASSIFIED POSITIONS	1,124,975	932,492
	(40.20)	(35.20)
UNCLASSIFIED POSITIONS	450,525	353,500
	(5.00)	(3.00)
OTHER PERSONAL SERVICES	68,863	13,898
OTHER OPERATING EXPENSES	637,196	359,762
CASE SERVICES	25,000	6,000
TOTAL 3. MEDICAL CLINICS	2,306,559	1,665,652
	(45.20)	(38.20)

J120-DEPARTMENT OF MENTAL HEALTH

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT B. INPATIENT MENTAL HEALTH	94,485,020 (1,155.06)	44,127,884 (786.17)
C. ADDICTIONS		
1. MORRIS VILLAGE		
CLASSIFIED POSITIONS	7,049,189 (193.39)	6,354,455 (161.88)
UNCLASSIFIED POSITIONS	506,213 (5.48)	180,783 (4.48)
OTHER PERSONAL SERVICES	1,977,507	898,507
OTHER OPERATING EXPENSES	2,543,843	
CASE SERVICES	90,250	35,000
TOTAL 1. MORRIS VILLAGE	12,167,002 (198.87)	7,468,745 (166.36)
TOTAL C. ADDICTIONS	12,167,002 (198.87)	7,468,745 (166.36)
D. CLINICAL & SPPRT SRVCS		
1. ADMINISTRATIVE SERVICES		
CLASSIFIED POSITIONS	13,279,013 (274.26)	12,300,890 (264.51)
UNCLASSIFIED POSITIONS	260,701 (4.00)	223,959 (4.00)
OTHER PERSONAL SERVICES	610,877	583,877
OTHER OPERATING EXPENSES	13,525,495	7,541,396
CASE SERVICES	125,000	
TOTAL 1. ADMINISTRATIVE SERVICES	27,801,086 (278.26)	20,650,122 (268.51)
2. PUBLIC SAFETY DIVISION		
CLASSIFIED POSITIONS	1,639,393 (49.00)	1,449,746 (39.00)
OTHER PERSONAL SERVICES	61,465	50,000
OTHER OPERATING EXPENSES	644,486	146,305
TOTAL 2. PUBLIC SAFETY DIVISION	2,345,344 (49.00)	1,646,051 (39.00)

J120-DEPARTMENT OF MENTAL HEALTH

	TOTAL FUNDS	GENERAL FUNDS
3. NUTRITIONAL		
CLASSIFIED POSITIONS	1,831,567	1,681,567
	(66.92)	(66.92)
OTHER PERSONAL SERVICES	328,361	78,361
OTHER OPERATING EXPENSES	3,234,526	1,994,950
TOTAL 3. NUTRITIONAL	5,394,454	3,754,878
	(66.92)	(66.92)
 4. TRAINING & RESEARCH		
CLASSIFIED POSITIONS	880,572	880,572
	(21.63)	(21.63)
OTHER PERSONAL SERVICES	20,000	20,000
OTHER OPERATING EXPENSES	1,408,079	1,208,079
TOT 4. TRAIN & RESEARCH	2,308,651	2,108,651
	(21.63)	(21.63)
 TOT D. CLINICAL & SUPPORT SERVICES	 37,849,535	 28,159,702
	(415.81)	(396.06)
 E. LONG TERM CARE		
1. STONE PAVILION		
CLASSIFIED POSITIONS	4,120,250	1,789,531
	(141.75)	(45.85)
UNCLASSIFIED POSITIONS	24,000	24,000
	(3.50)	(3.50)
OTHER PERSONAL SERVICES	1,762,962	302,533
OTHER OPERATING EXPENSES	3,305,800	1,615,029
CASE SERVICES	76,503	8,500
TOTAL 1. STONE PAVILION	9,289,515	3,739,593
	(145.25)	(49.35)
 2. CAMPBELL VETERANS HOME		
CLASSIFIED POSITIONS	55,000	55,000
	(1.05)	(1.05)
OTHER OPERATING EXPENSES	34,000	34,000
CASE SERVICES	20,362,280	7,174,286
TOTAL 2. CAMPBELL VETERANS HOME	20,451,280	7,263,286
	(1.05)	(1.05)

J120-DEPARTMENT OF MENTAL HEALTH

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
3. VETERANS' VICTORY HOUSE		
CLASSIFIED POSITIONS	57,000	57,000
	(1.05)	(1.05)
OTHER OPERATING EXPENSES	60,121	20,000
CASE SERVICES	20,125,465	7,839,856
TOTAL 3. VETERANS' VICTORY HOUSE	20,242,586	7,916,856
	(1.05)	(1.05)
4. RODDEY PAVILION (TUCKER CENTER)		
CLASSIFIED POSITIONS	10,210,919	3,968,847
	(296.85)	(119.67)
UNCLASSIFIED POSITIONS	908,521	133,521
	(7.88)	(4.88)
OTHER PERSONAL SERVICES	2,608,483	270,359
OTHER OPERATING EXPENSES	6,444,309	434,731
CASE SERVICES	320,353	8,700
TOTAL 4. RODDEY PAVILION (TUCKER CENTER)	20,492,585	4,816,158
	(304.73)	(124.55)
TOTAL E. LONG TERM CARE	70,475,966	23,735,893
	(452.08)	(176.00)
F. SEXUAL PREDATOR TREATMENT PGM		
CLASSIFIED POSITIONS	1,300,000	1,300,000
	(46.74)	(46.74)
OTHER PERSONAL SERVICES	30,000	30,000
OTHER OPERATING EXPENSES	500,000	500,000
CASE SERVICES	15,694,654	15,694,654
LEASE PAYMENT TO SFAA	2,763,472	2,763,472
TOT F. SEXUAL PREDATOR TREATMENT PGM	20,288,126	20,288,126
	(46.74)	(46.74)
TOTAL II. PROGRAMS AND SERVICES	411,405,503	196,155,803
	(4,580.41)	(2,857.89)

J120-DEPARTMENT OF MENTAL HEALTH

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	88,467,874	51,440,063
TOT III. EMPLOY BENEFITS	88,467,874	51,440,063
TOTAL DEPT OF MENTAL HEALTH	504,271,729 (4,629.91)	251,644,350 (2,907.39)

SECTION 36
J160-DEPARTMENT OF DISABILITIES
& SPECIAL NEEDS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
COMMISSIONERS	168,043 (1.00)	168,043 (1.00)
CLASSIFIED POSITIONS	4,794,448 (84.00)	4,546,311 (79.00)
OTHER PERSONAL SERVICES	262,637	100,000
OTHER OPERATING EXPENSES	3,031,871	
TOTAL I. ADMINISTRATION	8,256,999 (85.00)	4,814,354 (80.00)
II. PROGRAM & SERVICES		
A. PREVENTION PROGRAM		
OTHER OPERATING EXPENSES	657,098	400,000
GREENWOOD GENETIC CENTER	15,185,571	4,934,300
TOT A. PREVENTION PROG	15,842,669	5,334,300
B. INTELLECTUAL DISABILITY		
FAMILY SUPPORT		
1. CHILDREN'S SERVICES		
CLASSIFIED POSITIONS	119,262 (2.00)	119,262 (2.00)
OTHER OPERATING EXPENSES	24,770,332	4,377,606
TOT 1. CHILDREN'S SRVCS	24,889,594 (2.00)	4,496,868 (2.00)

OF SOUTH CAROLINA
General and Permanent Laws--2019
J160-DEPARTMENT OF DISABILITIES
& SPECIAL NEEDS

	TOTAL FUNDS	GENERAL FUNDS
2. IN-HOME FAMILY SUPPORTS		
CLASSIFIED POSITIONS	863,342	584,432
	(20.00)	(14.00)
OTHER OPERATING EXPENSES	90,412,089	47,646,588
CASE SERVICES	10,000	
TOTAL 2. IN-HOME FAMILY SUPPORTS	91,285,431	48,231,020
	(20.00)	(14.00)
3. ADULT DEVELOP & SPRT EMPLOYMENT		
CLASSIFIED POSITIONS	46,462	46,462
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	83,308,876	18,414,344
TOTAL 3. ADULT DEVELOP & SUPPORT EMPLOYMENT	83,355,338	18,460,806
	(1.00)	(1.00)
4. SERVICE COORDINATION		
CLASSIFIED POSITIONS	374,279	325,749
	(7.00)	(6.00)
OTHER OPERATING EXPENSES	22,229,861	6,139,098
CASE SERVICES	52,000	2,000
TOTAL 4. SERVICE COORDINATION	22,656,140	6,466,847
	(7.00)	(6.00)
TOT B. INTELLECTUAL DISABILITY FAMILY SPRT	222,186,503	77,655,541
	(30.00)	(23.00)
C. AUTISM FAMILY SUPPORT PROGRAM		
1. AUTISM FAMILY SUPPORT SERVICES		
CLASSIFIED POSITIONS	698,496	698,496
	(17.00)	(17.00)
OTHER PERSONAL SERVICES	10,000	10,000
OTHER OPERATING EXPENSES	25,630,330	4,683,358
CASE SERVICES	17,000	

STATUTES AT LARGE
General and Permanent Laws--2019
J160-DEPARTMENT OF DISABILITIES
& SPECIAL NEEDS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL 1. AUTISM FAMILY SUPPORT SRVCS	26,355,826 (17.00)	5,391,854 (17.00)
TOTAL C. AUTISM FAMILY SUPPORT PROGRAM	26,355,826 (17.00)	5,391,854 (17.00)
D. HEAD & SPINAL CORD INJURY FAM SUPP		
CLASSIFIED POSITIONS	142,380 (4.00)	142,380 (2.00)
OTHER OPERATING EXPENSES	29,141,670	10,975,836
CASE SERVICES	12,000	12,000
TOT D. HEAD & SPINAL CORD INJURY FAM SUPP	29,296,050 (4.00)	11,130,216 (2.00)
E. INTELLECTUAL DISABILITY COMM RESIDENTIAL		
CLASSIFIED POSITIONS	2,795,388 (49.00)	2,443,772 (39.00)
OTHER PERSONAL SERVICES	385,000	85,000
OTHER OPERATING EXPENSES	322,013,414	80,980,643
CASE SERVICES	7,863,063	900,800
INTELLECTUAL DISABILITY COMM RESIDENTIAL	2,258,408	2,258,408
TOT E. INTELLECTUAL DISABILITY COMM RESID	335,315,273 (49.00)	86,668,623 (39.00)
F. AUTISM COMMUNITY RESIDENTIAL PROGRAM		
CLASSIFIED POSITIONS	1,820,704 (49.00)	1,570,093 (44.00)
OTHER PERSONAL SERVICES	565,171	281,312
OTHER OPERATING EXPENSES	27,320,184	3,927,592
CASE SERVICES	33,025	
TOT F. AUTISM COMMUNITY RESIDENTIAL PROGRAM	29,739,084 (49.00)	5,778,997 (44.00)

OF SOUTH CAROLINA
General and Permanent Laws--2019
J160-DEPARTMENT OF DISABILITIES
& SPECIAL NEEDS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
G. HEAD & SPINAL CORD		
INJURY COMMUNITY RESID		
OTHER OPERATING EXPENSES	5,040,532	1,158,763
TOT G. HEAD & SPINAL CORD	5,040,532	1,158,763
INJURY COMMUNITY RESI		
H. REGIONAL CENTERS		
RESIDENTIAL PGM		
CLASSIFIED POSITIONS	63,414,004	38,064,502
	(1,888.90)	(1,257.85)
OTHER PERSONAL SERVICES	6,658,773	4,036,989
OTHER OPERATING EXPENSES	19,431,949	580,500
CASE SERVICES	441,222	
TOTAL H. REGIONAL CNTRS	89,945,948	42,681,991
RESIDENTIAL PGM	(1,888.90)	(1,257.85)
TOT II. PROGRAM & SRVCS	753,721,885	235,800,285
	(2,037.90)	(1,382.85)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	35,392,850	23,895,078
TOT III. EMPLOYEE BENEFITS	35,392,850	23,895,078
TOT DEPT OF DISABILITIES	797,371,734	264,509,717
& SPECIAL NEED	(2,122.90)	(1,462.85)

SECTION 37
J200-DEPARTMENT OF ALCOHOL &
OTHER DRUG ABUSE SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	120,406	88,162
	(1.00)	(0.50)
CLASSIFIED POSITIONS	231,408	103,398
	(3.00)	(1.20)

STATUTES AT LARGE
General and Permanent Laws--2019
J200-DEPARTMENT OF ALCOHOL &
OTHER DRUG ABUSE SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	54,500	15,000
TOTAL I. ADMINISTRATION	406,314	206,560
	(4.00)	(1.70)
 II. FINANCE & OPERATIONS		
CLASSIFIED POSITIONS	518,791	143,896
	(21.91)	(9.26)
OTHER OPERATING EXPENSES	5,833,101	2,181,723
ALLOC COUNTIES - RESTRICTED	20,000	
ALLOC OTHER ST AGENCIES	1,654,079	
ALCOHOL AND DRUG TREAT	32,207,098	
ALCOHOL & DRUG MATCH FNDS	1,611,599	
ALCOHOL & DRUG PREVENTION	6,565,343	
AID OTHER STATE AGENCIES	1,915,902	1,915,902
ALCOHOL & DRUG TREATMENT	2,696,716	2,696,716
AID TO ENTITIES - ALCOHOL & DRUG MATCH FUNDS	100,166	100,166
AID TO ENTITIES - ALCOHOL & DRUG PREVENTION	84,329	84,329
STATE BLOCK GRANT	139,015	139,015
LOCAL SALARY SUPPLEMENT	3,721,097	3,721,097
TOTAL II. FINANCE & OPERATIONS	57,067,236	10,982,844
	(21.91)	(9.26)
 III. SERVICES		
CLASSIFIED POSITIONS	-	
	(2.15)	
TOTAL III. SERVICES	(2.15)	
 IV. PROGRAMS		
CLASSIFIED POSITIONS	718,957	78,961
	(9.95)	(0.10)
OTHER PERSONAL SRVCS	797,897	44,000
OTHER OPER EXPENSES	6,336,713	7,500

OF SOUTH CAROLINA
General and Permanent Laws--2019
J200-DEPARTMENT OF ALCOHOL &
OTHER DRUG ABUSE SERVICES

	TOTAL FUNDS	GENERAL FUNDS
ALLOC OTHER ST AGENCIES	55,000	
ALCOHOL & DRUG PREVENTION	35,184	
TOTAL IV. PROGRAMS	7,943,751	130,461
	(9.95)	(0.10)
VI. INFO TECHNOLOGY		
CLASSIFIED POSITIONS	370,067	96,029
	(2.00)	
OTHER OPERATING EXPENSES	412,500	3,500
TOTAL VI. INFORMATION	782,567	99,529
TECHNOLOGY	(2.00)	
VII. LEGAL & COMPLIANCE		
CLASSIFIED POSITIONS	218,609	61,714
	(3.00)	(1.00)
OTHER PERSONAL SERVICES	81,350	8,100
OTHER OPERATING EXPENSES	97,925	15,500
TOTAL VII. LEGAL &	397,884	85,314
COMPLIANCE	(3.00)	(1.00)
VIII. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,111,001	257,594
TOTAL VIII. EMPLOYEE	1,111,001	257,594
BENEFITS		
TOT DEPT OF ALCOHOL &	67,708,753	11,762,302
OTHER DRUG ABUSE SRVCS	(43.01)	(12.06)

SECTION 38
L040-DEPARTMENT OF SOCIAL SERVICES

	TOTAL FUNDS	GENERAL FUNDS
I. STATE OFFICE		
A. AGENCY ADMINISTRATION		
COMMISSIONERS	168,043	168,043
	(1.00)	(1.00)
CLASSIFIED POSITIONS	8,305,435	3,160,938
	(183.92)	(69.90)
UNCLASSIFIED POSITIONS	230,372	80,378

L040-DEPARTMENT OF SOCIAL SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	534,051	186,330
OTHER OPERATING EXPENSES	15,584,419	1,485,288
TOTAL A. AGENCY	24,822,320	5,080,977
ADMINISTRATION	(184.92)	(70.90)
B. INFORMATION RESOURCE		
MANAGEMENT		
CLASSIFIED POSITIONS	4,634,425	1,662,196
	(80.00)	(26.91)
OTHER PERSONAL SERVICES	825,100	156,955
OTHER OPERATING EXPENSES	48,845,072	4,993,956
TOTAL B. INFORMATION	54,304,597	6,813,107
RESOURCE MANAGEMENT	(80.00)	(26.91)
C. COUNTY OFFICE		
ADMINISTRATION		
CLASSIFIED POSITIONS	12,778,606	4,785,824
	(379.11)	(148.02)
UNCLASSIFIED POSITIONS	120,000	43,416
	(0.99)	(0.38)
OTHER PERSONAL SERVICES	51,839	18,757
OTHER OPERATING EXPENSES	2,130,585	770,845
CASE SERVICES	336,001	121,565
TOTAL C. COUNTY OFFICE	15,417,031	5,740,407
ADMINISTRATION	(380.10)	(148.40)
D. COUNTY SUPPORT OF		
LOCAL DSS		
OTHER PERSONAL SERVICES	61,321	
OTHER OPERATING EXPENSES	390,758	
ALLOC CNTIES - UNRESTRICTED	3,900,703	
TOT D. COUNTY SUPPORT OF	4,352,782	
LOCAL DSS		
E. PROGRAM MANAGEMENT		
1. CHILDREN'S SERVICES		
CLASSIFIED POSITIONS	2,323,696	659,735
	(85.00)	(20.16)
OTHER PERSONAL SERVICES	341,974	8,028

L040-DEPARTMENT OF SOCIAL SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	5,263,878	490,827
CASE SERVICES	15,154,949	138,325
STRENGTHENING FAMILIES PROGRAM	700,000	700,000
TOT 1. CHILDREN'S SRVCS	23,784,497	1,996,915
	(85.00)	(20.16)
 2. ADULT SERVICES		
CLASSIFIED POSITIONS	377,169	
	(9.00)	
OTHER OPERATING EXPENSES	4,976,631	
TOTAL 2. ADULT SERVICES	5,353,800	
	(9.00)	
 3. FAMILY INDEPENDENCE		
CLASSIFIED POSITIONS	312,827	
	(11.00)	
OTHER PERSONAL SERVICES	986,228	
OTHER OPERATING EXPENSES	10,761,483	
CASE SERVICES	73,610	
TOT 3. FAMILY INDEPENDENCE	12,134,148	
	(11.00)	
 4. ECONOMIC SERVICES		
CLASSIFIED POSITIONS	2,530,518	29,045
	(172.01)	(18.22)
OTHER PERSONAL SERVICES	687,872	
OTHER OPERATING EXPENSES	5,733,347	1,653,863
TOT 4. ECONOMIC SERVICES	8,951,737	1,682,908
	(172.01)	(18.22)
 TOT E. PROGRAM MGMNT	50,224,182	3,679,823
	(277.01)	(38.38)
 TOTAL I. STATE OFFICE	149,120,912	21,314,314
	(922.03)	(284.59)

L040-DEPARTMENT OF SOCIAL SERVICES

	TOTAL FUNDS	GENERAL FUNDS
II. PROGRAMS AND SERVICES		
A. CHILD PROTECTIVE SRVCS		
1. CASE MANAGEMENT		
CLASSIFIED POSITIONS	47,571,484	26,824,316
	(1,338.02)	(706.52)
OTHER PERSONAL SERVICES	351,533	116,386
OTHER OPERATING EXPENSES	17,717,898	8,684,303
CASE SERVICES	1,500	495
TOT 1. CASE MANAGEMENT	65,642,415	35,625,500
	(1,338.02)	(706.52)
2. LEGAL REPRESENTATION		
CLASSIFIED POSITIONS	4,976,122	2,145,565
	(123.00)	(49.62)
OTHER PERSONAL SERVICES	40,873	8,003
OTHER OPERATING EXPENSES	1,980,032	509,896
TOTAL 2. LEGAL REPRESENTATION	6,997,027	2,663,464
	(123.00)	(49.62)
TOTAL A. CHILD PROTECTIVE SERVICES	72,639,442	38,288,964
	(1,461.02)	(756.14)
B. FOSTER CARE		
1. FOSTER CARE CASE MGMNT		
CLASSIFIED POSITIONS	26,156,594	10,476,126
	(820.20)	(379.26)
OTHER PERSONAL SERVICES	1,007,904	204,221
OTHER OPERATING EXPENSES	7,125,188	3,000,469
CASE SERVICES	16,925	3,649
TOTAL 1. FOSTER CARE CASE MANAGEMENT	34,306,611	13,684,465
	(820.20)	(379.26)
2. FOSTER CARE CASE SRVCS		
CASE SERVICES	48,542,193	13,987,956
TOTAL 2. FOSTER CARE CASE SERVICES	48,542,193	13,987,956
3. EDC CASE SERVICES		
CASE SERVICES	19,847,430	14,302,121

L040-DEPARTMENT OF SOCIAL SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
IMD GROUP HOMES PAYMNTS	20,676,781	20,676,781
TOT 3. EDC CASE SERVICES	40,524,211	34,978,902
TOTAL B. FOSTER CARE	123,373,015	62,651,323
	(820.20)	(379.26)
C. ADOPTIONS		
1. ADOPTIONS CASE MGMNT		
CLASSIFIED POSITIONS	4,141,159	1,749,519
	(123.00)	(49.25)
OTHER PERSONAL SERVICES	43,672	17,831
OTHER OPERATING EXPENSES	1,786,220	403,881
CASE SERVICES	700	240
TOTAL 1. ADOPTIONS CASE	5,971,751	2,171,471
MANAGEMENT	(123.00)	(49.25)
2. ADOPTIONS CASE SRVCS		
CASE SERVICES	25,275,121	12,616,719
TOTAL 2. ADOPTIONS CASE	25,275,121	12,616,719
SERVICES		
TOTAL C. ADOPTIONS	31,246,872	14,788,190
	(123.00)	(49.25)
D. ADULT PROTECTIVE SRVCS		
1. APS CASE MANAGEMENT		
CLASSIFIED POSITIONS	2,937,235	53,530
	(91.00)	(0.68)
OTHER PERSONAL SERVICES	26,821	
OTHER OPERATING EXPENSES	240,895	
TOTAL 1. APS CASE MGMNT	3,204,951	53,530
	(91.00)	(0.68)
2. APS CASE SERVICES		
CASE SERVICES	175,000	
CRIMINAL DOMESTIC	500,000	500,000
VIOLENCE-SCCADVASA		
TOT 2. APS CASE SERVICES	675,000	500,000

L040-DEPARTMENT OF SOCIAL SERVICES

	TOTAL FUNDS	GENERAL FUNDS
TOTAL D. ADULT PROTECTIVE SERVICES	3,879,951 (91.00)	553,530 (0.68)
 E. EMPLOYMENT AND TRAINING SERVICES		
1. CASE MANAGEMENT		
CLASSIFIED POSITIONS	11,957,686 (462.90)	627,626 (41.42)
OTHER PERSONAL SERVICES	1,816,289	
OTHER OPERATING EXPENSES	520,390	6,354
TOTAL 1. CASE MANAGEMENT	14,294,365 (462.90)	633,980 (41.42)
 2. EMPL & TRNG CASE SERVICES		
CASE SERVICES	7,520,582	2,500
TOTAL 2. EMPL & TRNG CASE SERVICES	7,520,582	2,500
 3. TANF CASE SERVICES		
CASE SERVICES	62,048,519	3,625,903
TOTAL 3. TANF CASE SERVICES	62,048,519	3,625,903
 TOTAL E. EMPLOYMENT AND TRAINING SERVICES	 83,863,466 (462.90)	 4,262,383 (41.42)
 F. CHILD SUPPORT ENFORCEMENT		
CLASSIFIED POSITIONS	7,712,120 (253.00)	2,181,145 (60.18)
OTHER PERSONAL SERVICES	489,162	
OTHER OPERATING EXPENSES	70,449,908	6,934,863
ALLOC OTHER ENTITIES	6,500	
TOTAL F. CHILD SUPPORT ENFORCEMENT	78,657,690 (253.00)	9,116,008 (60.18)
 G. FOOD STAMP ASSIST PROG		
1. ELIGIBILITY		
CLASSIFIED POSITIONS	12,689,043 (450.00)	5,940,583 (188.50)

L040-DEPARTMENT OF SOCIAL SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	1,896,128	36,654
OTHER OPERATING EXPENSES	2,007,654	551,652
TOTAL 1. ELIGIBILITY	16,592,825	6,528,889
	(450.00)	(188.50)
TOTAL G. FOOD STAMP ASSISTANCE PROGRAM	16,592,825	6,528,889
	(450.00)	(188.50)
H. FAMILY PRESERVATION		
CLASSIFIED POSITIONS	79,207	
	(24.00)	(5.25)
OTHER PERSONAL SERVICES	879,422	7,313
OTHER OPERATING EXPENSES	3,674,663	124,090
CASE SERVICES	1,783,245	
TOTAL H. FAMILY PRESERVATION	6,416,537	131,403
	(24.00)	(5.25)
I. HOMEMAKER		
CLASSIFIED POSITIONS	1,238,099	
	(73.00)	
OTHER OPERATING EXPENSES	276,400	
TOTAL I. HOMEMAKER	1,514,499	
	(73.00)	
J. BATTERED SPOUSE		
CLASSIFIED POSITIONS	-	
	(1.00)	
OTHER PERSONAL SERVICES	33,730	
OTHER OPERATING EXPENSES	23,875	
ALLOC OTHER ENTITIES	3,999,554	
AID TO OTHER ENTITIES	1,648,333	1,648,333
TOTAL J. BATTERED SPOUSE	5,705,492	1,648,333
	(1.00)	
K. PREGNANCY PREVENTION		
CLASSIFIED POSITIONS	91,228	
	(2.00)	
OTHER PERSONAL SERVICES	32,749	

L040-DEPARTMENT OF SOCIAL SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	26,200	
CONTINUATION OF TEEN PREGNANCY PREVENTION	546,972	546,972
TOTAL K. PREGNANCY PREVENTION	697,149 (2.00)	546,972
 L. FOOD SERVICE		
CASE SERVICES	36,036,715	
TOTAL L. FOOD SERVICE	36,036,715	
 M. CHILD CARE		
CLASSIFIED POSITIONS	5,041,682 (251.99)	
OTHER PERSONAL SERVICES	2,636,821	
OTHER OPERATING EXPENSES	14,808,846	16,377
CASE SERVICES	68,651,307	10,197,437
ALLOC PRIVATE SECTOR	450,000	
TOTAL M. CHILD CARE	91,588,656 (251.99)	10,213,814
 TOTAL II. PROGRAMS AND SERVICES	552,212,309 (4,013.11)	148,729,809 (1,480.68)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	64,302,368	30,967,001
TOT III. EMPLOYEE BENEFITS	64,302,368	30,967,001
 TOT DEPT OF SOCIAL SERVICES	765,635,589 (4,935.14)	201,011,124 (1,765.27)

SECTION 39
L240-COMMISSION FOR THE BLIND

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
COMMISSIONERS	98,826	98,826
	(1.00)	(1.00)
CLASSIFIED POSITIONS	564,594	564,594
	(13.77)	(13.77)
OTHER PERSONAL SERVICES	38,100	38,100
OTHER OPERATING EXPENSES	441,363	421,512
TOTAL I. ADMINISTRATION	1,142,883	1,123,032
	(14.77)	(14.77)
II. REHABILITATION SRVCS		
CLASSIFIED POSITIONS	3,229,360	766,839
	(91.56)	(15.33)
OTHER PERSONAL SERVICES	214,932	
OTHER OPERATING EXPENSES	2,171,476	120,787
CASE SERVICES	4,410,358	664,202
TOTAL II. REHABILITATION SERVICES	10,026,126	1,551,828
	(91.56)	(15.33)
III. PREVENTION OF BLINDNESS		
CLASSIFIED POSITIONS	348,858	121,300
	(7.63)	(1.52)
OTHER PERSONAL SERVICES	5,000	
OTHER OPERATING EXPENSES	106,000	16,000
CASE SERVICES	416,188	269,000
TOTAL III. PREVENTION OF BLINDNESS	876,046	406,300
	(7.63)	(1.52)
IV. COMMUNITY SERVICE		
CLASSIFIED POSITIONS	98,832	98,832
	(2.53)	(2.53)
OTHER OPERATING EXPENSES	30,000	30,000
CASE SERVICES	43,000	43,000
TOT IV. COMMUNITY SERVICE	171,832	171,832
	(2.53)	(2.53)

STATUTES AT LARGE
General and Permanent Laws--2019
L240-COMMISSION FOR THE BLIND

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,689,161	685,238
TOT V. EMPLOYEE BENEFITS	1,689,161	685,238
TOT COMMISSION FOR THE BLIND	13,906,048 (116.49)	3,938,230 (34.15)

SECTION 40
L060-DEPARTMENT ON AGING

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	125,000	125,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	2,012,436	748,454
	(39.50)	(16.15)
UNCLASSIFIED POSITIONS	85,000	85,000
OTHER PERSONAL SERVICES	62,090	35,840
OTHER OPERATING EXPENSES	1,803,757	594,284
TOT I. ADMINISTRATION	4,088,283 (40.50)	1,588,578 (17.15)
II. PROGRAMS AND SERVICES		
A. AGING ASSISTANCE		
CASE SERVICES	825,000	
ALLOC OTHER ST AGENCIES	100,000	
ALLOC OTHER ENTITIES	29,889,714	916,482
AGING ASSISTANCE	1,645,253	1,155,053
ALZHEIMERS	150,000	150,000
GERIATRIC PHYSICIAN LOAN PROGRAM	35,000	35,000
FAMILY CAREGIVERS	2,400,000	2,400,000
SILVER HAired LEGISLATURE	15,000	15,000
HOME AND COMMUNITY BASED SERVICES	10,972,000	10,972,000
TOT A. AGING ASSISTANCE	46,031,967	15,643,535

OF SOUTH CAROLINA
General and Permanent Laws--2019
L060-DEPARTMENT ON AGING

	TOTAL FUNDS	GENERAL FUNDS
B. ADULT GUARDIAN		
AD LITEM		
CLASSIFIED POSITIONS	470,774	470,774
	(8.00)	(8.00)
OTHER OPERATING EXPENSES	447,943	447,943
TOTAL B. ADULT GUARDIAN	918,717	918,717
AD LITEM	(8.00)	(8.00)
TOTAL II. PROGRAMS AND SERVICES	46,950,684	16,562,252
	(8.00)	(8.00)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,110,319	594,236
TOT III. EMPLOYEE BENEFITS	1,110,319	594,236
TOT DEPARTMENT ON AGING	52,149,286	18,745,066
	(48.50)	(25.15)

SECTION 41
L080-DEPARTMENT OF CHILDREN'S ADVOCACY

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	135,000	135,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	36,262	36,262
	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	105,000	105,000
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	108,840	108,840
TOTAL I. ADMINISTRATION	385,102	385,102
	(3.00)	(3.00)
II. PROGRAMS AND SRVCS		
A. GUARDIAN AD LITEM		
CLASSIFIED POSITIONS	4,368,125	2,193,125
	(122.00)	(55.05)

L080-DEPARTMENT OF CHILDREN'S ADVOCACY

	TOTAL FUNDS	GENERAL FUNDS
UNCLASSIFIED POSITIONS	190,000	190,000
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	438,880	40,000
OTHER OPERATING EXPENSES	3,406,728	1,526,686
TOT A. GUARDIAN AD LITEM	8,403,733	3,949,811
	(124.00)	(57.05)
 B. FOSTER CARE		
CLASSIFIED POSITIONS	976,807	256,807
	(25.00)	(6.58)
UNCLASSIFIED POSITIONS	64,241	14,241
	(1.00)	(0.23)
OTHER PERSONAL SERVICES	65,215	13,215
OTHER OPERATING EXPENSES	342,229	37,229
TOTAL B. FOSTER CARE	1,448,492	321,492
	(26.00)	(6.81)
 C. CONTINUUM OF CARE		
CLASSIFIED POSITIONS	2,233,000	933,000
	(68.00)	(26.00)
UNCLASSIFIED POSITIONS	77,000	77,000
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	400,000	
OTHER OPERATING EXPENSES	2,402,744	402,744
CASE SERVICES	363,031	142,885
TOT C. CONTINUUM OF CARE	5,475,775	1,555,629
	(69.00)	(27.00)
 TOTAL II. PROGRAMS AND SERVICES	 15,328,000	 5,826,932
	(219.00)	(90.86)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	3,458,130	1,479,830
TOT III. EMPLOYEE BENEFITS	3,458,130	1,479,830
 TOTAL DEPARTMENT OF CHILDREN'S ADVOCACY	 19,171,232	 7,691,864
	(222.00)	(93.86)

SECTION 42
L320-HOUSING FINANCE & DEVELOPMENT AUTHORITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
A. EXECUTIVE DIVISION		
EXECUTIVE DIRECTOR	107,201	
		(1.00)
CLASSIFIED POSITIONS	1,332,799	
		(15.00)
OTHER PERSONAL SERVICES	70,596	
OTHER OPERATING EXPENSES	828,271	
ALLOC MUNICIPALITIES - RESTRICTED	400,000	
ALLOC CNTIES - RESTRICTED	100,000	
ALLOC OTHER ST AGENCIES	3,700,000	
ALLOC OTHER ENTITIES	6,000,000	
TOT A. EXECUTIVE DIVISION	12,538,867	(16.00)
B. FINANCE DIVISION		
CLASSIFIED POSITIONS	622,138	
		(10.00)
OTHER PERSONAL SERVICES	40,675	
OTHER OPERATING EXPENSES	215,545	
TOT B. FINANCE DIVISION	878,358	(10.00)
C. SUPPORT SERVICES		
CLASSIFIED POSITIONS	1,327,566	
		(12.00)
OTHER PERSONAL SERVICES	104,322	
OTHER OPERATING EXPENSES	1,459,360	
TOT C. SUPPORT SERVICES	2,891,248	(12.00)
TOT I. ADMINISTRATION	16,308,473	(38.00)

L320-HOUSING FINANCE & DEVELOPMENT AUTHORITY

	TOTAL FUNDS	GENERAL FUNDS
II. HOUSING PROGRAMS		
A. CONTRACT ADMIN & COMPLIANCE		
CLASSIFIED POSITIONS	1,387,877	
	(27.00)	
OTHER PERSONAL SERVICES	147,264	
OTHER OPERATING EXPENSES	8,445,435	
CASE SERVICES	134,000,000	
TOT A. CONTRACT ADMIN & COMPLIANCE	143,980,576	
	(27.00)	
B. RENTAL ASSISTANCE		
CLASSIFIED POSITIONS	772,857	
	(17.00)	
OTHER PERSONAL SERVICES	28,644	
OTHER OPERATING EXPENSES	2,196,060	
CASE SERVICES	12,300,000	
TOT B. RENTAL ASSISTANCE	15,297,561	
	(17.00)	
C. HOUSING INITIATIVES		
CLASSIFIED POSITIONS	1,133,844	
	(16.00)	
OTHER PERSONAL SERVICES	56,143	
OTHER OPERATING EXPENSES	2,180,702	
ALLOC MUNICIPALITIES - RESTRICTED	1,700,000	
ALLOC CNTIES - RESTRICTED	600,000	
ALLOC OTHER STAGENCIES	1,500,000	
ALLOC OTHER ENTITIES	18,324,153	
TOT C. HOUSING INITIATIVES	25,494,842	
	(16.00)	
D. HOUSING CREDIT		
CLASSIFIED POSITIONS	268,971	
	(4.00)	
OTHER PERSONAL SERVICES	18,332	
OTHER OPERATING EXPENSES	350,485	

L320-HOUSING FINANCE & DEVELOPMENT AUTHORITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT D. HOUSING CREDIT	637,788	(4.00)
TOTAL II. HOUSING PROGRAMS	185,410,767	(64.00)
III. HOMEOWNERSHIP PROGRAMS		
A. MORTGAGE PRODUCTION		
CLASSIFIED POSITIONS	523,771	(7.00)
OTHER PERSONAL SERVICES	70,831	
OTHER OPERATING EXPENSES	681,739	
TOT A. MORTGAGE PRODUCT	1,276,341	(7.00)
B. MORTGAGE SERVICING		
CLASSIFIED POSITIONS	1,227,146	(21.00)
OTHER PERSONAL SERVICES	22,364	
OTHER OPERATING EXPENSES	894,434	
TOT B. MORTGAGE SERVICING	2,143,944	(21.00)
TOT III. HOMEOWNERSHIP PROGRAMS	3,420,285	(28.00)
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	3,924,561	
TOT IV. EMPLOYEE BENEFITS	3,924,561	
TOTAL HOUSING FINANCE & DEVELOPMENT AUTHORITY	209,064,086	(130.00)

SECTION 43
P120-FORESTRY COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
STATE FORESTER	115,000	115,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	560,076	560,076
	(14.20)	(14.20)
UNCLASSIFIED POSITIONS	88,000	88,000
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	10,000	10,000
OTHER OPERATING EXPENSES	141,520	141,520
TOTAL I. ADMINISTRATION	914,596	914,596
	(16.20)	(16.20)
II. FOREST PROTECTION AND DEVELOPMENT		
CLASSIFIED POSITIONS	11,982,716	10,872,198
	(316.55)	(289.25)
OTHER PERSONAL SERVICES	353,000	175,000
OTHER OPERATING EXPENSES	10,156,777	2,826,210
ALLOC MUNICIPALITIES - RESTRICTED	30,000	
ALLOC CNTIES - RESTRICTED	47,000	
ALLOC OTHER ENTITIES	183,475	
ALLOC PRIVATE SECTOR - REPORTABLE	545,000	
FOREST RENEWAL PROGRAM	1,000,000	200,000
TOT II. FOREST PROTECTION AND DEVELOPMENT	24,297,968	14,073,408
	(316.55)	(289.25)
III. STATE FORESTS		
CLASSIFIED POSITIONS	1,080,000	
	(28.60)	
OTHER PERSONAL SERVICES	150,000	100,000
OTHER OPERATING EXPENSES	1,047,713	
ALLOC COUNTIES - RESTRICTED	1,095,000	
TOTAL III. STATE FORESTS	3,372,713	100,000
	(28.60)	

OF SOUTH CAROLINA
General and Permanent Laws--2019
P120-FORESTRY COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
IV. EDUCATION		
CLASSIFIED POSITIONS	190,000	190,000
	(4.20)	(4.20)
OTHER PERSONAL SERVICES	5,000	5,000
OTHER OPERATING EXPENSES	29,925	29,925
TOTAL IV. EDUCATION	224,925	224,925
	(4.20)	(4.20)
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	7,095,033	6,150,033
TOT V. EMPLOYEE BENEFITS	7,095,033	6,150,033
TOT FORESTRY COMMISSION	35,905,235	21,462,962
	(365.55)	(309.65)

SECTION 44
P160-DEPARTMENT OF AGRICULTURE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. AGENCY OPERATIONS		
B. OPERATIONS		
COMMSNR OF AGRICULTURE	92,007	92,007
	(1.00)	(1.00)
CLASSIFIED POSITIONS	723,076	723,076
	(14.00)	(14.00)
OTHER OPERATING EXPENSES	193,272	103,272
TOTAL B. OPERATIONS	1,008,355	918,355
	(15.00)	(15.00)
C. MARKET SERVICES		
CLASSIFIED POSITIONS	265,242	
	(19.12)	
OTHER PERSONAL SERVICES	64,500	
OTHER OPERATING EXPENSES	877,900	300,000
TOTAL C. MARKET SERVICES	1,207,642	300,000
	(19.12)	
TOT I. AGENCY OPERATIONS	2,215,997	1,218,355
	(34.12)	(15.00)

STATUTES AT LARGE
 General and Permanent Laws--2019
P160-DEPARTMENT OF AGRICULTURE

	TOTAL FUNDS	GENERAL FUNDS
II. CONSUMER PROTECTION		
A. CONSUMER PROTECTION		
CLASSIFIED POSITIONS	1,953,692	1,814,587
	(55.00)	(39.00)
OTHER PERSONAL SERVICES	19,035	
OTHER OPERATING EXPENSES	3,329,460	1,194,913
TOT A. CONSUMER PROTECT	5,302,187	3,009,500
	(55.00)	(39.00)
B. INSPECTION SERVICES		
CLASSIFIED POSITIONS	1,337,963	
	(25.37)	
OTHER PERSONAL SERVICES	250,000	
OTHER OPERATING EXPENSES	921,200	
TOTAL B. INSPECTION SRVCS	2,509,163	
	(25.37)	
TOTAL II. CONSUMER PROTECTION	7,811,350	3,009,500
	(80.37)	(39.00)
III. MARKETING SERVICES		
A. MARKETING & PROMOTIONS		
CLASSIFIED POSITIONS	525,025	480,025
	(16.51)	(16.51)
OTHER OPERATING EXPENSES	4,907,345	3,913,341
TOTAL A. MARKETING & PROMOTIONS	5,432,370	4,393,366
	(16.51)	(16.51)
B. COMMODITY BOARDS		
CLASSIFIED POSITIONS	39,320	
	(3.00)	
OTHER PERSONAL SERVICES	50,280	
OTHER OPERATING EXPENSES	2,634,680	
OTHER OPERATING EXPENSES	875,000	
TOT B. COMMODITY BOARDS	3,599,280	
	(3.00)	

P160-DEPARTMENT OF AGRICULTURE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
C. MARKET BULLETIN		
CLASSIFIED POSITIONS	50,230	
	(4.00)	
OTHER OPERATING EXPENSES	111,500	
TOT C. MARKET BULLETIN	161,730	
	(4.00)	
D. AGRIBUSINESS		
DEVELOPMENT		
AGRIBUSINESS DEVELOPMENT	750,000	750,000
TOTAL D. AGRIBUSINESS	750,000	750,000
DEVELOPMENT		
E. AGRI CNTR RESEARCH & ENTREPRENEURSHIP		
AGRICULTURAL CENTER FOR RESEARCH AND ENTREPREN	1,250,000	1,250,000
TOT E. AGRI CNTR RESEARCH & ENTREPRENEURSHIP	1,250,000	1,250,000
F. INFRASTRUC GRANTS		
INFRASTRUCTURE GRANTS	2,000,000	2,000,000
TOT F. INFRASTRUCTURE GRANTS	2,000,000	2,000,000
TOTAL III. MARKETING SERVICES	13,193,380	8,393,366
	(23.51)	(16.51)
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,131,120	1,321,307
TOT IV. EMPLOYEE BENEFITS	2,131,120	1,321,307
TOTAL DEPARTMENT OF AGRICULTURE	25,351,847	13,942,528
	(138.00)	(70.51)

SECTION 45
P200-CLEMSON UNIVERSITY - PUBLIC SERVICE
ACTIVITIES

	TOTAL FUNDS	GENERAL FUNDS
I. REGULATORY & PUBLIC SERVICE		
A. REG & PUB SERV-GEN		
CLASSIFIED POSITIONS	2,127,653	317,726
	(57.00)	(13.00)
NEW POSITION PROGRAM	50,000	50,000
COORDINATOR II	(1.00)	(1.00)
NEW POSITION PROJECT	40,000	40,000
MANAGER I	(1.00)	(1.00)
NEW POS INVESTIGATOR IV	135,000	135,000
	(3.00)	(3.00)
UNCLASSIFIED POSITIONS	742,274	204,905
	(5.42)	(3.42)
OTHER PERSONAL SERVICES	389,204	
OTHER OPERATING EXPENSES	1,913,609	176,225
TOT A. REGULATORY & PUB SERV-GEN	5,397,740	923,856
	(67.42)	(21.42)
B. REGULATORY & PUB SERV-REST		
CLASSIFIED POSITIONS	308,881	
	(10.00)	
UNCLASSIFIED POSITIONS	18,500	
OTHER PERSONAL SERVICES	221,800	
OTHER OPERATING EXPENSES	404,068	
TOT B. REGULATORY & PUB SERV-REST	953,249	
	(10.00)	
TOTAL I. REGULATORY & PUBLIC SERVICE	6,350,989	923,856
	(77.42)	(21.42)
II. LIVESTOCK - POUL HLTH		
A. LIVESTOCK - POUL HLTH-GEN		
CLASSIFIED POSITIONS	1,382,136	1,215,280
	(43.00)	(42.00)

**P200-CLEMSON UNIVERSITY - PUBLIC SERVICE
ACTIVITIES**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	1,034,470	984,470
	(7.33)	(7.33)
OTHER PERSONAL SERVICES	172,403	
OTHER OPERATING EXPENSES	1,759,248	1,033,994
TOTAL A. LIVESTOCK -	4,348,257	3,233,744
POULTRY HLTH-GEN	(50.33)	(49.33)
 B. LIVESTOCK - POULTRY		
HLTH-REST		
CLASSIFIED POSITIONS	826,915	
	(21.00)	
UNCLASSIFIED POSITIONS	304,717	
	(4.50)	
OTHER PERSONAL SERVICES	77,219	
OTHER OPERATING EXPENSES	792,053	
TOTAL B. LIVESTOCK -	2,000,904	
POULTRY HLTH-REST	(25.50)	
 TOTAL II. LIVESTOCK -	 6,349,161	 3,233,744
POULTRY HEALTH	(75.83)	(49.33)
 III. AGRICULTURAL RESEARCH		
CLASSIFIED POSITIONS	5,092,004	3,876,440
	(165.42)	(119.99)
UNCLASSIFIED POSITIONS	11,759,514	7,882,924
	(91.14)	(69.61)
OTHER PERSONAL SERVICES	1,240,444	173,730
OTHER OPERATING EXPENSES	5,685,095	2,324,808
TOTAL III. AGRICULTURAL	23,777,057	14,257,902
RESEARCH	(256.56)	(189.60)
 IV. COOPERATIVE EXTENSION		
SERV		
CLASSIFIED POSITIONS	4,733,780	3,647,756
	(177.04)	(106.54)
UNCLASSIFIED POSITIONS	13,128,160	8,454,980
	(235.90)	(155.64)

**P200-CLEMSON UNIVERSITY - PUBLIC SERVICE
ACTIVITIES**

	TOTAL FUNDS	GENERAL FUNDS
NEW POS EXTENSION AGENT	495,000	495,000
	(11.00)	(11.00)
OTHER PERSONAL SERVICES	4,378,949	344,988
OTHER OPERATING EXPENSES	8,765,676	1,957,692
TOT IV. COOPERATIVE	31,501,565	14,900,416
EXTENSION SERV	(423.94)	(273.18)
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	18,213,545	12,205,831
TOT V. EMPLOYEE BENEFITS	18,213,545	12,205,831
TOT CLEMSON UNIVERSITY - PUBLIC SERVICE ACTIVITIES	86,192,317 (833.75)	45,521,749 (533.53)

SECTION 46

**P210-SOUTH CAROLINA STATE UNIVERSITY - PUBLIC
SERVICE ACTIVITIES**

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
CLASSIFIED POSITIONS	87,523	52,555
	(4.00)	(1.75)
UNCLASSIFIED POSITIONS	383,013	131,013
	(5.00)	(1.25)
OTHER PERSONAL SERVICES	73,787	
OTHER OPERATING EXPENSES	504,635	95,106
TOTAL I. ADMINISTRATION	1,048,958 (9.00)	278,674 (3.00)
II. RESEARCH & EXTENSION		
CLASSIFIED POSITIONS	763,801	83,076
	(12.00)	(1.00)
UNCLASSIFIED POSITIONS	814,733	309,226
	(28.00)	(5.00)
OTHER PERSONAL SERVICES	350,143	
OTHER OPERATING EXPENSES	5,047,360	3,622,985

P210-SOUTH CAROLINA STATE UNIVERSITY - PUBLIC
SERVICE ACTIVITIES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL II. RESEARCH & EXTENSION	6,976,037 (40.00)	4,015,287 (6.00)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,006,314	563,607
TOT III. EMPLOYEE BENEFITS	1,006,314	563,607
TOT SOUTH CAROLINA STATE UNIVERSITY - PUBLIC SRVC	9,031,309 (49.00)	4,857,568 (9.00)

SECTION 47

P240-DEPARTMENT OF NATURAL RESOURCES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	135,072 (1.00)	135,072 (1.00)
CLASSIFIED POSITIONS	2,341,339 (46.17)	1,034,995 (23.50)
UNCLASSIFIED POSITIONS	189,011 (2.00)	92,490 (1.00)
OTHER PERSONAL SERVICES	33,811	
OTHER OPERATING EXPENSES	237,742	60,956
ALLOC OTHER ENTITIES	50,000	
TOT I. ADMINISTRATION	2,986,975 (49.17)	1,323,513 (25.50)
II. PROGRAMS AND SRVCS		
A. CONSERVATION EDU		
1. OUTREACH PROGRAMS		
CLASSIFIED POSITIONS	624,940 (19.10)	569,099 (13.60)
UNCLASSIFIED POSITIONS	92,266	
OTHER OPERATING EXPENSES	689,250	650,500
TOT 1. OUTREACH PROGRAMS	1,406,456 (19.10)	1,219,599 (13.60)

P240-DEPARTMENT OF NATURAL RESOURCES

	TOTAL FUNDS	GENERAL FUNDS
2. MAGAZINE		
CLASSIFIED POSITIONS	268,379	
	(4.15)	
OTHER OPERATING EXPENSES	608,507	
TOTAL 2. MAGAZINE	876,886	
	(4.15)	
 3. WEB SVCS & TECHNOL. DEVEL.		
CLASSIFIED POSITIONS	1,444,098	729,352
	(20.18)	(12.83)
OTHER OPERATING EXPENSES	2,164,395	837,615
TOTAL 3. WEB SVCS & TECHNOL. DEVEL.	3,608,493	1,566,967
	(20.18)	(12.83)
 TOTAL A. CONSERVATION EDUCATION	 5,891,835	 2,786,566
	(43.43)	(26.43)
 B. TITLING & LICENSING SRVCS		
1. BOAT TITLING & REGISTRA		
CLASSIFIED POSITIONS	844,327	
	(27.00)	
NEW POS ADMINISTRATIVE SPECIALIST II	110,852	110,852
	(4.00)	(4.00)
NEW POS ADMINISTRATIVE COORDINATOR I	41,549	41,549
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	60,000	
OTHER OPERATING EXPENSES	405,312	88,712
TOTAL 1. BOAT TITLING & REGISTRATION	1,462,040	241,113
	(32.00)	(5.00)
 2. FISHING & HUNTING LICENSES		
CLASSIFIED POSITIONS	269,771	
	(7.60)	
OTHER PERSONAL SERVICES	44,887	
OTHER OPERATING EXPENSES	756,730	
TOTAL 2. FISHING & HUNTING LICENSES	1,071,388	
	(7.60)	

P240-DEPARTMENT OF NATURAL RESOURCES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL B. TITLING & LICENSING SERVICES	2,533,428 (39.60)	241,113 (5.00)
C. REGIONAL PROJECTS		
1. BOATING ACCESS		
CLASSIFIED POSITIONS	436,942 (6.50)	
OTHER PERSONAL SERVICES	32,000	
OTHER OPERATING EXPENSES	2,744,250	
ALLOC COUNTIES - RESTRICTED	100,000	
TOTAL 1. BOATING ACCESS	3,313,192 (6.50)	
2. COUNTY WATER RECREATION FUND		
OTHER OPERATING EXPENSES	263,000	
ALLOC MUNICIPALITIES - RESTRICTED	460,000	
ALLOC COUNTIES - RESTRICTED	575,000	
ALLOC OTHER ENTITIES	25,000	
TOTAL 2. COUNTY WATER RECREATION FUND	1,323,000	
3. COUNTY GAME & FISH FUND		
OTHER PERSONAL SERVICES	5,583	
OTHER OPERATING EXPENSES	425,000	
ALLOC COUNTIES - RESTRICTED	125,000	
TOT 3. COUNTY GAME & FISH FUND	555,583	
TOTAL C. REGIONAL PROJECTS	5,191,775 (6.50)	
D. WILDLIFE & FRESHWATER FISHERIES		
1. WILDLIFE OPERATIONS		
CLASSIFIED POSITIONS	2,777,619 (113.96)	82,190 (5.00)

P240-DEPARTMENT OF NATURAL RESOURCES

	TOTAL FUNDS	GENERAL FUNDS
UNCLASSIFIED POSITIONS	102,507	
	(1.00)	
OTHER PERSONAL SERVICES	986,694	450,000
OTHER OPERATING EXPENSES	12,712,579	1,982,477
TOT 1. WILDLIFE OPER	16,579,399	2,514,667
	(114.96)	(5.00)
2. WILDLIFE-STATEWIDE OPERATIONS		
CLASSIFIED POSITIONS	565,000	
	(16.25)	
OTHER PERSONAL SERVICES	11,300	
OTHER OPERATING EXPENSES	1,321,728	
ALLOC OTHER ENTITIES	20,000	
TOT 2. WILDLIFE-STATEWIDE OPERATIONS	1,918,028	
	(16.25)	
3. ENDANGERED SPECIES		
CLASSIFIED POSITIONS	335,914	25,625
	(9.15)	(0.50)
OTHER PERSONAL SERVICES	278,874	
OTHER OPERATING EXPENSES	559,173	84,173
TOT 3. ENDANGERED SPECIES	1,173,961	109,798
	(9.15)	(0.50)
4. FISHERIES-REGIONAL OPERATIONS		
CLASSIFIED POSITIONS	1,827,545	
	(42.34)	
OTHER PERSONAL SERVICES	821,174	
OTHER OPERATING EXPENSES	2,229,114	
TOT 4. FISHERIES-REGIONAL OPERATIONS	4,877,833	
	(42.34)	
5. FISHERIES-HATCHERY OPERATIONS		
CLASSIFIED POSITIONS	1,090,269	84,280
	(32.50)	(2.00)
OTHER PERSONAL SERVICES	379,827	

P240-DEPARTMENT OF NATURAL RESOURCES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	2,397,008	782,008
TOT 5. FISHERIES-HATCHERY OPERATIONS	3,867,104 (32.50)	866,288 (2.00)
TOTAL D. WILDLIFE & FRESHWATER FISHERIES	28,416,325 (215.20)	3,490,753 (7.50)
E. LAW ENFORCEMENT		
1. CONSERV ENFORCEMENT		
CLASSIFIED POSITIONS	16,694,943	12,577,721
	(281.14)	(257.40)
UNCLASSIFIED POSITIONS	105,924	105,924
OTHER PERSONAL SERVICES	36,000	
OTHER OPERATING EXPENSES	6,125,310	2,200,040
TOTAL 1. CONSERVATION ENFORCEMENT	22,962,177 (281.14)	14,883,685 (257.40)
2. BOATING SAFETY		
CLASSIFIED POSITIONS	834,000	
	(21.00)	
UNCLASSIFIED POSITIONS	106,000	
OTHER PERSONAL SERVICES	130,000	
OTHER OPERATING EXPENSES	1,300,789	
TOTAL 2. BOATING SAFETY	2,370,789 (21.00)	
3. HUNTER SAFETY		
CLASSIFIED POSITIONS	758,891	
	(18.75)	
OTHER PERSONAL SERVICES	226,974	
OTHER OPERATING EXPENSES	1,370,044	
TOTAL 3. HUNTER SAFETY	2,355,909 (18.75)	
TOT E. LAW ENFORCEMENT	27,688,875 (320.89)	14,883,685 (257.40)

P240-DEPARTMENT OF NATURAL RESOURCES

	TOTAL FUNDS	GENERAL FUNDS
F. MARINE RESOURCES		
1. MARINE CONSERV & MGMT		
CLASSIFIED POSITIONS	2,358,447	658,047
	(90.44)	(11.52)
UNCLASSIFIED POSITIONS	155,463	64,713
	(1.55)	(0.60)
OTHER PERSONAL SERVICES	1,107,622	
OTHER OPERATING EXPENSES	3,287,964	
ATLANTIC MARINE FISHERIES COMM	34,980	
TOTAL 1. MARINE CONSERVATION & MGMT	6,944,476 (91.99)	722,760 (12.12)
2. MARINE RESEARCH & MONITORING		
CLASSIFIED POSITIONS	1,028,096	430,415
	(71.04)	(4.00)
UNCLASSIFIED POSITIONS	466,449	329,949
	(14.45)	(3.90)
OTHER PERSONAL SERVICES	2,329,500	
OTHER OPERATING EXPENSES	2,450,781	137,044
TOT 2. MARINE RESEARCH & MONITORING	6,274,826 (85.49)	897,408 (7.90)
TOT F. MARINE RESOURCES	13,219,302 (177.48)	1,620,168 (20.02)
G. LAND, WATER & CONSERV		
1. EARTH SCIENCE		
CLASSIFIED POSITIONS	1,241,660	984,469
	(28.66)	(16.32)
NEW POSITION GEOLOGIC TECHNICIAN	53,976	53,976
	(2.00)	(2.00)
NEW POSITION GEOLOGIST/HYDROLOGIST II	39,960	39,960
	(1.00)	(1.00)
NEW POSITION CLIMATOLOGIST II	43,956	43,956
	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	150,989	105,965
	(1.00)	(1.00)

P240-DEPARTMENT OF NATURAL RESOURCES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	139,064	
OTHER OPERATING EXPENSES	1,516,147	930,357
TOTAL 1. EARTH SCIENCE	3,185,752	2,158,683
	(33.66)	(21.32)
 2. CONSERVATION		
CLASSIFIED POSITIONS	306,997	210,760
	(19.39)	(5.89)
OTHER PERSONAL SERVICES	319,000	
OTHER OPERATING EXPENSES	2,156,300	80,200
AID TO CONSERV DISTRICTS	690,000	690,000
TOTAL 2. CONSERVATION	3,472,297	980,960
	(19.39)	(5.89)
 3. HERITAGE TRUST		
CLASSIFIED POSITIONS	1,093,590	
	(15.16)	
OTHER PERSONAL SERVICES	332,772	
OTHER OPERATING EXPENSES	1,399,293	
TOTAL 3. HERITAGE TRUST	2,825,655	
	(15.16)	
 4. ENVIRONMENTAL REVIEW		
CLASSIFIED POSITIONS	280,036	
	(4.00)	
OTHER OPERATING EXPENSES	95,500	
TOTAL 4. ENVIRONMENTAL REVIEW	375,536	
	(4.00)	
 TOTAL G. LAND, WATER & CONSERVATION	 9,859,240	 3,139,643
	(72.21)	(27.21)
 TOTAL II. PROGRAMS AND SERVICES	 92,800,780	 26,161,928
	(875.31)	(343.56)

P240-DEPARTMENT OF NATURAL RESOURCES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	18,581,735	7,950,709
TOT III. EMPLOY BENEFITS	18,581,735	7,950,709
TOT DEPT OF NATURAL RESOURCES	114,369,490 (924.48)	35,436,150 (369.06)

SECTION 48
P260-SEA GRANT CONSORTIUM

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	92,817	92,817
	(1.00)	(1.00)
CLASSIFIED POSITIONS	641,623	336,459
	(13.00)	(6.26)
OTHER PERSONAL SERVICES	464,287	
OTHER OPERATING EXPENSES	702,382	140,873
ALLOC OTHER ST AGENCIES	1,698,275	
ALLOC OTHER ENTITIES	1,553,241	
ALLOC PRIVATE SECTOR - REPORTABLE	220,483	
TOT I. ADMINISTRATION	5,373,108 (14.00)	570,149 (7.26)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	363,388	166,347
TOT II. EMPLOYEE BENEFITS	363,388	166,347
TOT SEA GRANT CONSORTIUM	5,736,496 (14.00)	736,496 (7.26)

SECTION 49

P280-DEPARTMENT OF PARKS, RECREATION & TOURISM

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
A. EXECUTIVE OFFICES		
DIRECTOR	146,086	146,086
	(1.00)	(1.00)
CLASSIFIED POSITIONS	287,026	287,026
	(6.00)	(6.00)
UNCLASSIFIED POSITIONS	119,001	119,001
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	200,000	200,000
OTHER OPERATING EXPENSES	108,414	108,414
TOT A. EXECUTIVE OFFICES	860,527	860,527
	(9.00)	(9.00)
B. ADMINISTRATIVE SERVICES		
CLASSIFIED POSITIONS	1,120,130	1,095,130
	(25.00)	(24.75)
OTHER OPERATING EXPENSES	1,206,151	1,196,151
FIRST IN GOLF	75,000	
SPORTS DEVELOPMENT FUND	50,000	
PALMETTO TRAIL	300,000	300,000
TOTAL B. ADMINISTRATIVE SERVICES	2,751,281	2,591,281
	(25.00)	(24.75)
TOTAL I. ADMINISTRATION	3,611,808	3,451,808
	(34.00)	(33.75)
II. PROGRAMS AND SERVICES		
A. TOURISM SALES & MKTING		
CLASSIFIED POSITIONS	729,842	667,620
	(11.00)	(11.00)
OTHER PERSONAL SERVICES	21,389	
OTHER OPERATING EXPENSES	110,189	88,800
REGIONAL PROMOTIONS	2,525,000	2,525,000
ADVERTISING	15,014,793	13,214,793
DESTINATION-SPECIFIC ADVERTISING	14,000,000	14,000,000

P280-DEPARTMENT OF PARKS, RECREATION & TOURISM

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
**SPORTS MARKETING GRANT PROGRAM	6,500,000	6,500,000
TOTAL A. TOURISM SALES & MARKETING	38,901,213 (11.00)	36,996,213 (11.00)
 B. WELCOME CENTERS		
CLASSIFIED POSITIONS	1,714,393 (56.00)	1,164,393 (39.00)
OTHER PERSONAL SERVICES	247,771	175,000
OTHER OPERATING EXPENSES	3,514,669	111,200
TOT B. WELCOME CENTERS	5,476,833 (56.00)	1,450,593 (39.00)
 C. STATE PARKS SERVICE		
CLASSIFIED POSITIONS	10,014,016 (290.00)	2,867,631 (96.25)
NEW POS ADMINISTRATIVE ASSISTANT	96,651 (3.00)	
NEW POS PARK TECHNICIAN	22,393 (1.00)	
NEW POSITION PARK RANGER	25,956 (1.00)	
OTHER PERSONAL SERVICES	4,250,000	
OTHER OPER EXPENSES	15,060,875	
TOT C. ST PARKS SERVICE	29,469,891 (295.00)	2,867,631 (96.25)
 D. COMMUNICATIONS		
CLASSIFIED POSITIONS	349,613 (2.00)	349,613 (2.00)
OTHER OPER EXPENSES	18,000	18,000
TOT D. COMMUNICATIONS	367,613 (2.00)	367,613 (2.00)

** See note at end of Act.

P280-DEPARTMENT OF PARKS, RECREATION & TOURISM

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
E. RESEARCH & POLICY DEVELOPMENT		
CLASSIFIED POSITIONS	120,993	120,993
	(2.00)	(2.00)
OTHER OPERATING EXPENSES	20,000	20,000
TOTAL E. RESEARCH & POLICY DEVELOPMENT	140,993	140,993
	(2.00)	(2.00)
F. STATE FILM OFFICE		
CLASSIFIED POSITIONS	127,872	
	(2.00)	
OTHER PERSONAL SERVICES	50,000	
OTHER OPERATING EXPENSES	360,000	
ALLOC PRIVATE SECTOR	24,393,767	
TOT F. STATE FILM OFFICE	24,931,639	
	(2.00)	
G. RECREATION, GRANTS & POLICY		
CLASSIFIED POSITIONS	248,520	194,520
	(3.00)	(3.00)
OTHER OPERATING EXPENSES	154,480	25,000
ALLOC MUNICIPALITIES - RESTRICTED	1,376,000	
ALLOC COUNTIES - RESTRICTED	1,064,500	
ALLOC OTHER STATE AGENCIES	478,600	
ALLOC OTHER ENTITIES	968,530	
UNDISCOVERED SOUTH CAROLINA GRANTS	500,000	500,000
PARD GRANTS	500,000	500,000
SPORTS MARKETING GRANTS PROGRAM	500,000	500,000
TOT G. RECREATION, GRANTS & POLICY	5,790,630	1,719,520
	(3.00)	(3.00)
TOTAL II. PROGRAMS AND SERVICES	105,078,812	43,542,563
	(371.00)	(153.25)

P280-DEPARTMENT OF PARKS, RECREATION & TOURISM

	TOTAL FUNDS	GENERAL FUNDS
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	7,908,406	3,681,503
TOT III. EMPLOYEE BENEFITS	7,908,406	3,681,503
TOT DEPARTMENT OF PARKS, RECREATION & TOURISM	116,599,026 (405.00)	50,675,874 (187.00)

SECTION 50
P320-DEPARTMENT OF COMMERCE

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION & SPRT		
A. OFFICE OF SECRETARY		
DIRECTOR	195,938	195,938
	(1.00)	(1.00)
CLASSIFIED POSITIONS	260,000	260,000
	(3.00)	(3.00)
UNCLASSIFIED POSITIONS	145,000	145,000
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	113,000	113,000
TOT A. OFFICE OF SECRETARY	713,938 (5.00)	713,938 (5.00)
B. FINANCIAL SERVICES		
CLASSIFIED POSITIONS	541,660	541,660
	(8.21)	(8.21)
OTHER PERSONAL SERVICES	5,000	5,000
OTHER OPERATING EXPENSES	350,000	175,000
TOT B. FINANCIAL SERVICES	896,660 (8.21)	721,660 (8.21)
C. INFO TECHNOLOGY		
CLASSIFIED POSITIONS	290,000	175,000
	(4.00)	(2.50)
OTHER OPERATING EXPENSES	205,000	76,000
TOTAL C. INFORMATION TECHNOLOGY	495,000 (4.00)	251,000 (2.50)

	TOTAL FUNDS	GENERAL FUNDS
TOTAL I. ADMINISTRATION & SUPPORT	2,105,598 (17.21)	1,686,598 (15.71)
 II. PROGRAMS AND SERVICES		
A. GLOBAL BUSINESS DVLPMT		
CLASSIFIED POSITIONS	1,117,042 (19.00)	1,034,542 (18.00)
UNCLASSIFIED POSITIONS	127,000 (2.00)	127,000 (2.00)
OTHER PERSONAL SERVICES	100,000	100,000
OTHER OPERATING EXPENSES	1,892,000	1,867,000
PUBLIC-PRIVATE PARTNERSHIPS	101,065	101,065
LOCAL ECONOMIC DVLPMT	5,000,000	5,000,000
ALLIANCES		
LOCATE SC	9,000,000	9,000,000
TOTAL A. GLOBAL BUSINESS DEVELOPMENT	17,337,107 (21.00)	17,229,607 (20.00)
 B. SMALL BUSINESS/EXISTING INDUSTRY		
CLASSIFIED POSITIONS	821,000 (11.00)	656,000 (8.80)
NEW POSITION ECON DEVELOPMENT MGR III	100,000 (2.00)	100,000 (2.00)
OTHER PERSONAL SERVICES	180,000	170,000
OTHER OPERATING EXPENSES	403,000	235,000
ALLOC PRIVATE SECTOR	425,000	125,000
COUNCIL ON COMPETITIVENESS	250,000	250,000
SC SMALL BUSINESS DEVELOPMENT CENTERS	500,000	500,000
TOTAL B. SMALL BUSINESS/EXISTING INDUSTRY	2,679,000 (13.00)	2,036,000 (10.80)
 C. COMMUN & RURAL DVLPMT		
CLASSIFIED POSITIONS	390,000 (4.00)	
OTHER PERSONAL SERVICES	50,000	
OTHER OPERATING EXPENSES	245,000	

STATUTES AT LARGE
General and Permanent Laws--2019
P320-DEPARTMENT OF COMMERCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT C. COMMUN & RURAL DEVELOPMENT	685,000 (4.00)	
D. MKTG, COMMUNICATIONS & RESEARCH		
CLASSIFIED POSITIONS	690,000 (14.00)	690,000 (14.00)
OTHER PERSONAL SERVICES	25,000	25,000
OTHER OPERATING EXPENSES	215,000	215,000
BUS. DEVEL. MKTG.	750,000	750,000
SC MANUFAC EXTENSION PARTNERSHIP	1,582,049	1,582,049
TOTAL D. MKTG, COMMUNIC & RESEARCH	3,262,049 (14.00)	3,262,049 (14.00)
E. GRANT PROGRAMS		
1. COORD. COUNCIL ECO. DVLP		
CLASSIFIED POSITIONS	410,000 (7.00)	
UNCLASSIFIED POSITIONS	138,750 (1.00)	
OTHER PERSONAL SERVICES	16,250	
OTHER OPERATING EXPENSES	175,000	
ALLOC MUNICIPALITIES - RESTRICTED	4,000,000	
ALLOC CNTIES - RESTRICTED	46,266,000	
CLOSING FUND	21,300,000	21,300,000
TOT 1. COORD. COUNCIL ECO. DEVELOP	72,306,000 (8.00)	21,300,000
2. COMMUNITY GRANTS		
CLASSIFIED POSITIONS	658,036 (10.89)	218,036 (3.00)
OTHER PERSONAL SERVICES	50,000	25,000
OTHER OPERATING EXPENSES	465,000	215,000
ALLOC MUNICIPALITIES - RESTRICTED	14,850,000	
ALLOC CNTIES - RESTRICTED	4,469,015	

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT 2. COMMUNITY GRANTS	20,492,051	458,036
	(10.89)	(3.00)
TOT E. GRANT PROGRAMS	92,798,051	21,758,036
	(18.89)	(3.00)
F. REGIONAL EDU CENTERS		
CLASSIFIED POSITIONS	247,000	205,000
	(15.00)	(3.00)
OTHER PERSONAL SERVICES	5,000	5,000
OTHER OPERATING EXPENSES	750,000	375,000
APPLIED RESEARCH CENTERS	2,500,000	2,500,000
TOT F. REGIONAL EDUCATION	3,502,000	3,085,000
CENTERS	(15.00)	(3.00)
G. INNOVATION/EMERGING INDU		
CLASSIFIED POSITIONS	107,500	107,500
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	5,000	5,000
OTHER OPERATING EXPENSES	1,606,500	1,606,500
TOTAL G.	1,719,000	1,719,000
INNOVATION/EMERGING INDU	(2.00)	(2.00)
H. MILITARY BASE TASK FORCE		
NEW POSITION PROGRAM	40,000	40,000
COORDINATOR II	(1.00)	(1.00)
NEW POSITION PROJECT	80,000	80,000
MANAGER I	(1.00)	(1.00)
OTHER PERSONAL SERVICES	30,000	30,000
OTHER OPERATING EXPENSES	77,000	77,000
MILITARY CONNECTED CHILDREN	350,000	350,000
TOTAL H. MILITARY BASE TASK	577,000	577,000
FORCE	(2.00)	(2.00)
TOTAL II. PROGRAMS AND	122,559,207	49,666,692
SERVICES	(89.89)	(54.80)

STATUTES AT LARGE
General and Permanent Laws--2019
P320-DEPARTMENT OF COMMERCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,464,327	1,699,327
TOT III. EMPLOY BENEFITS	2,464,327	1,699,327
TOT DEPARTMENT OF COMMERCE	127,129,132 (107.10)	53,052,617 (70.51)

SECTION 51
P340-JOBS-ECONOMIC DEVELOPMENT AUTHORITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	110,000	
	(1.00)	
OTHER PERSONAL SERVICES	60,000	
OTHER OPERATING EXPENSES	200,500	
TOTAL I. ADMINISTRATION	370,500 (1.00)	
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	52,650	
TOTAL II. EMPLOYEE BENEFITS	52,650	
TOTAL JOBS-ECONOMIC DEVELOPMENT AUTHORITY	423,150 (1.00)	

SECTION 52
P360-PATRIOTS POINT DEVELOPMENT AUTHORITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. NAVAL & MARITIME MUSEUM		
EXECUTIVE DIRECTOR	126,880	
	(1.00)	
CLASSIFIED POSITIONS	3,442,120	
	(86.00)	
OTHER PERSONAL SERVICES	1,004,000	
OTHER OPERATING EXPENSES	7,339,012	

P360-PATRIOTS POINT DEVELOPMENT AUTHORITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
INTEREST - LOAN NOTE	174,000	
TOT I. NAVAL & MARITIME MUSEUM	12,086,012 (87.00)	
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,750,000	
TOT II. EMPLOYEE BENEFITS	1,750,000	
TOTAL PATRIOTS POINT DEVELOPMENT AUTHORITY	13,836,012 (87.00)	

**SECTION 53
P400-S.C. CONSERVATION BANK**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
CLASSIFIED POSITIONS	356,055	356,055
	(5.00)	(5.00)
OTHER OPERATING EXPENSES	85,335	85,335
OTHER OPERATING EXPENSES	2,564,400	
CONSERVATION BANK TRUST	8,500,000	8,500,000
TOTAL I. ADMINISTRATION	11,505,790 (5.00)	8,941,390 (5.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	114,529	114,529
TOT II. EMPLOY BENEFITS	114,529	114,529
TOTAL S.C. CONSERVATION BANK	11,620,319 (5.00)	9,055,919 (5.00)

**SECTION 54
P450-RURAL INFRASTRUCTURE AUTHORITY**

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR	128,092	
	(1.00)	
CLASSIFIED POSITIONS	241,908	
	(4.00)	
OTHER PERSONAL SERVICES	5,000	
OTHER OPERATING EXPENSES	170,000	
TOTAL I. ADMINISTRATION	545,000	
	(5.00)	
 II. SC RURAL INFRASTRUC AUTHORITY		
RURAL INFRASTRUC FUND	27,870,056	7,870,056
STWIDE WATER AND SEWER FUND	8,000,000	8,000,000
TOTAL II. SC RURAL INFRASTRUCTURE AUTHORITY	35,870,056	15,870,056
 III. OFFICE OF LOCAL GOVERNMENT		
CLASSIFIED POSITIONS	340,000	
	(6.00)	
OTHER PERSONAL SERVICES	10,000	
OTHER OPERATING EXPENSES	230,000	
LOANS	6,865,600	6,165,600
TOTAL III. OFFICE OF LOCAL GOVERNMENT	7,445,600	6,165,600
	(6.00)	
 IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	269,000	
TOT IV. EMPLOYEE BENEFITS	269,000	
 TOT RURAL INFRASTRUC AUTHORITY	 44,129,656	 22,035,656
	(11.00)	

SECTION 57
B040-JUDICIAL DEPARTMENT

	TOTAL FUNDS	GENERAL FUNDS
I. THE COURT		
A. SUPREME COURT		
CHIEF JUSTICE	208,000	208,000
	(1.00)	(1.00)
ASSOCIATE JUSTICE	792,380	792,380
	(4.00)	(4.00)
TAXABLE SUBSISTENCE	30,000	30,000
UNCLASSIFIED POSITIONS	2,315,000	2,315,000
	(50.00)	(47.00)
OTHER PERSONAL SERVICES	10,000	10,000
OTHER OPERATING EXPENSES	1,900,000	1,400,000
TOTAL A. SUPREME COURT	5,255,380	4,755,380
	(55.00)	(52.00)
 B. BOARD OF LAW EXAMINERS		
UNCLASSIFIED POSITIONS	314,000	
	(5.00)	
OTHER PERSONAL SERVICES	151,000	
OTHER OPERATING EXPENSES	405,000	
TOTAL B. BOARD OF LAW	870,000	
EXAMINERS	(5.00)	
 C. OFFICE OF DISCIPLINARY COUNSEL		
UNCLASSIFIED POSITIONS	1,000,000	
	(14.00)	
OTHER OPERATING EXPENSES	125,000	
TOTAL C. OFFICE OF	1,125,000	
DISCIPLINARY COUNSEL	(14.00)	
 D. COMMISSION ON CONDUCT		
UNCLASSIFIED POSITIONS	416,500	
	(8.00)	
OTHER PERSONAL SERVICES	2,000	
OTHER OPERATING EXPENSES	150,000	

STATUTES AT LARGE
General and Permanent Laws--2019
B040-JUDICIAL DEPARTMENT

	TOTAL FUNDS	GENERAL FUNDS
TOTAL D. COMMISSION ON CONDUCT	568,500 (8.00)	
TOTAL I. THE COURT	7,818,880 (82.00)	4,755,380 (52.00)
II. COURT OF APPEALS		
CHIEF APPEALS COURT JUDGE	196,114 (1.00)	196,114 (1.00)
ASSOC APPEALS COURT JUDGE	1,545,136 (8.00)	1,545,136 (8.00)
TAXABLE SUBSISTENCE	60,000	60,000
UNCLASSIFIED POSITIONS	3,015,000 (60.00)	2,890,000 (57.00)
NEW POS ADMINISTRATIVE SPECIALIST II	- (2.00)	
OTHER PERSONAL SERVICES	112,000	10,000
OTHER OPERATING EXPENSES	1,287,600	787,600
TOT II. COURT OF APPEALS	6,215,850 (71.00)	5,488,850 (66.00)
III. CIRCUIT COURT		
CIRCUIT COURT JUDGE	9,221,310 (49.00)	9,221,310 (49.00)
TAXABLE SUBSISTENCE	350,000	350,000
UNCLASSIFIED POSITIONS	6,470,000 (168.00)	4,320,000 (103.00)
OTHER PERSONAL SERVICES	80,000	40,000
OTHER OPERATING EXPENSES	1,780,000	1,280,000
REACTIVATED JUDGES DIFFERENTIAL	500,000	500,000
TOTAL III. CIRCUIT COURT	18,401,310 (217.00)	15,711,310 (152.00)
IV. FAMILY COURT		
FAMILY COURT JUDGE	10,994,240 (60.00)	10,994,240 (60.00)
TAXABLE SUBSISTENCE	450,000	450,000

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	3,925,000	3,925,000
	(125.00)	(125.00)
OTHER PERSONAL SERVICES	25,000	25,000
OTHER OPERATING EXPENSES	1,913,100	1,413,100
TOTAL IV. FAMILY COURT	17,307,340	16,807,340
	(185.00)	(185.00)
 V. ADMINISTRATION		
A. COURT ADMINISTRATION		
UNCLASSIFIED POSITIONS	1,260,000	65,000
	(20.00)	
OTHER OPER EXPENSES	1,899,893	175,000
TOTAL A. COURT	3,159,893	240,000
ADMINISTRATION	(20.00)	
 B. FINANCE & PERSONNEL		
UNCLASSIFIED POSITIONS	1,275,000	90,000
	(21.00)	(2.00)
OTHER OPERATING EXPENSES	1,110,000	10,000
TOT B. FINANCE & PERSONNEL	2,385,000	100,000
	(21.00)	(2.00)
 C. INFO TECHNOLOGY		
UNCLASSIFIED POSITIONS	2,700,000	80,000
	(43.00)	(2.00)
NEW POSITION PARALEGAL	-	
	(1.00)	
OTHER PERSONAL SERVICES	12,000	
OTHER OPERATING EXPENSES	4,088,000	2,505,000
CASE MGMNT TECH SUPPORT	3,000,000	
TOTAL C. INFORMATION	9,800,000	2,585,000
TECHNOLOGY	(44.00)	(2.00)
 TOTAL V. ADMINISTRATION	 15,344,893	 2,925,000
	(85.00)	(4.00)
 VII. LANGUAGE INTERPRETERS		
OTHER OPERATING EXPENSES	190,000	190,000

STATUTES AT LARGE
General and Permanent Laws--2019
B040-JUDICIAL DEPARTMENT

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL VII. LANGUAGE INTERPRETERS	190,000	190,000
VIII. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	26,330,599	22,772,599
TOTAL VIII. EMPLOYEE BENEFITS	26,330,599	22,772,599
TOT JUDICIAL DEPARTMENT	91,608,872	68,650,479
	(640.00)	(459.00)

SECTION 58
C050-ADMINISTRATIVE LAW COURT

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
CHIEF JUDGE	127,219	127,219
	(1.00)	(1.00)
ASSOCIATE JUDGE	565,420	565,420
	(5.00)	(5.00)
UNCLASSIFIED POSITIONS	1,906,095	1,084,864
	(38.00)	(14.50)
OTHER OPERATING EXPENSES	920,673	435,150
TOTAL I. ADMINISTRATION	3,519,407	2,212,653
	(44.00)	(20.50)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,119,952	870,720
TOT II. EMPLOYEE BENEFITS	1,119,952	870,720
TOT ADMINISTRATIVE LAW COURT	4,639,359	3,083,373
	(44.00)	(20.50)

SECTION 59
E200-ATTORNEY GENERAL'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. STATE LITIGATION		
ATTORNEY GENERAL	92,007	92,007
	(1.00)	(1.00)
CLASSIFIED POSITIONS	10,345,099	8,124,741
	(217.25)	(139.05)
NEW POSITION ATTORNEY III	216,000	216,000
	(3.00)	(3.00)
NEW POS INVESTIGATOR IV	120,000	120,000
	(2.00)	(2.00)
UNCLASSIFIED POSITIONS	125,000	
	(1.00)	
OTHER PERSONAL SERVICES	765,010	25,000
OTHER OPERATING EXPENSES	16,256,783	2,761,700
TOT I. STATE LITIGATION	27,919,899	11,339,448
	(224.25)	(145.05)
II. CRIME VICTIMS SERVICES		
CLASSIFIED POSITIONS	2,049,380	
	(56.00)	
NEW POSITION PROGRAM	75,000	75,000
MANAGER I	(1.00)	(1.00)
OTHER PERSONAL SERVICES	193,840	
OTHER OPERATING EXPENSES	32,423,966	15,000
ALLOC MUNICIPALITIES - RESTRICTED	2,050,000	
ALLOC CNTIES - RESTRICTED	2,690,000	
ALLOC OTHER ST AGENCIES	2,400,000	
ALLOC OTHER ENTITIES	26,675,000	
VICTIMS RIGHTS	120,000	120,000
TOTAL II. CRIME VICTIMS SERVICES	68,677,186	210,000
	(57.00)	(1.00)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	4,448,305	2,727,377

STATUTES AT LARGE
General and Permanent Laws--2019
E200-ATTORNEY GENERAL'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT III. EMPLOY BENEFITS	4,448,305	2,727,377
TOT ATTORNEY GENERAL'S OFFICE	101,045,390 (281.25)	14,276,825 (146.05)

SECTION 60
E210-PROSECUTION COORDINATION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	131,212	131,212
	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	316,076	316,076
	(5.00)	(5.00)
OTHER PERSONAL SERVICES	99,550	2,400
OTHER OPERATING EXPENSES	352,550	131,109
TOTAL I. ADMINISTRATION	899,388 (6.00)	580,797 (6.00)
II. OFFICES OF CIRCUIT SOLICITORS		
CIRCUIT SOLICITOR	3,011,040	3,011,040
	(16.00)	(16.00)
UNCLASSIFIED POSITIONS	587,462	587,462
	(16.00)	(16.00)
OTHER OPERATING EXPENSES	192,000	192,000
JUDICIAL CIRCUIT STATE SUPPORT	5,872,002	5,872,002
RICHLAND CNTY DRUG COURT	56,436	56,436
KERSHAW CNTY DRUG COURT	52,965	52,965
SALUDA CNTY DRUG COURT	38,000	38,000
DRUG COURT FUNDING	2,800,000	
FEE FOR MOTIONS	450,000	
LAW ENFORCEMENT FUNDING	4,000,000	
DUI PROSECUTION	1,179,041	1,179,041
COURT FEES	300,000	
CONDITIONAL DISCHARGE FEE - GENERAL SESSIONS	300,000	

E210-PROSECUTION COORDINATION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
CONDITIONAL DISCHARGE FEE - MAGISTRATE	200,000	
CONDITIONAL DISCHARGE FEE - MUNICIPALITY	175,000	
CRIMINAL DOMESTIC VIOLENCE PROSECUTOR	1,600,000	1,600,000
12TH JUDICIAL CIRCUIT DRUG COURT	150,000	150,000
TRAFFIC EDUCATION PROG-MAGISTRATES COURT	50,000	
TRAFFIC EDUCATION PROGRAM-MUNICIPAL COURT	50,000	
VIOLENT CRIME PROSECUTION	1,600,000	1,600,000
CASELOAD EQUALIZATION FUNDING	7,826,872	7,826,872
VICTIM'S ASSISTANCE PROGRAM	132,703	132,703
SC CENTER FOR FATHERS AND FAMILIES	400,000	400,000
SUMMARY COURT DOMESTIC VIOLENCE PROSECUTION	2,980,117	2,980,117
TOTAL II. OFFICES OF CIRCUIT SOLICITORS	34,003,638 (32.00)	25,678,638 (32.00)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,709,656	2,672,664
TOT III. EMPLOYEE BENEFITS	2,709,656	2,672,664
TOTAL PROSECUTION COORDINATION COMMISSION	37,612,682 (38.00)	28,932,099 (38.00)

**SECTION 61
E230-COMMISSION ON INDIGENT DEFENSE**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	135,700	135,700
	(1.00)	(1.00)
CLASSIFIED POSITIONS	567,918	400,950
	(9.50)	(5.50)

E230-COMMISSION ON INDIGENT DEFENSE

	TOTAL FUNDS	GENERAL FUNDS
OTHER PERSONAL SERVICES	1,234	1,234
OTHER OPERATING EXPENSES	300,000	
DEATH PENALTY TRIAL FUNDS	2,406,600	
CONFLICT FUND	2,500,000	
LEGAL AID FUNDING	1,700,000	
COURT FINE ASSESSMENT	665,060	
RULE 608 APPOINTMENT	9,115,374	9,115,374
PROFESSIONAL TRAINING AND DEVELOPMENT	286,414	
INFORMATION TECHNOLOGY SERVICES	127,192	127,192
CIVIL COMMITMENT VOUCHER PROCESSING	375,000	
TOTAL I. ADMINISTRATION	18,180,492	9,780,450
	(10.50)	(6.50)
 II. DIVISION OF APPELLATE DEFENSE		
CLASSIFIED POSITIONS	1,263,694	732,411
	(23.00)	(8.00)
OTHER OPERATING EXPENSES	352,600	
TOTAL II. DIVISION OF APPELLATE DEFENSE	1,616,294	732,411
	(23.00)	(8.00)
 III. OFFICE OF CIRCUIT PUBLIC DEFENDER		
CIRCUIT PUBLIC DEFENDER	3,011,040	3,011,040
	(16.00)	(16.00)
UNCLASSIFIED POSITIONS	427,552	427,552
	(16.00)	(16.00)
OTHER OPERATING EXPENSES	192,000	192,000
DEFENSE OF INDIGENTS/PER CAPITA	16,474,101	12,301,049
DUI DEFENSE OF INDIGENTS	976,593	976,593
CRIMINAL DOMESTIC VIOLENCE	1,377,185	1,377,185
TOTAL III. OFFICE OF CIRCUIT PUBLIC DEFENDER	22,458,471	18,285,419
	(32.00)	(32.00)

E230-COMMISSION ON INDIGENT DEFENSE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
IV. DEATH PENALTY TRIAL DIVISION		
UNCLASSIFIED POSITIONS	356,400	
	(5.00)	
OTHER OPERATING EXPENSES	115,200	
TOTAL IV. DEATH PENALTY TRIAL DIVISION	471,600	
	(5.00)	
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	3,297,861	2,929,566
TOT V. EMPLOYEE BENEFITS	3,297,861	2,929,566
TOTAL COMMISSION ON INDIGENT DEFENSE	46,024,718	31,727,846
	(70.50)	(46.50)

SECTION 62
D100-STATE LAW ENFORCEMENT DIVISION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
CHIEF	191,863	191,863
	(1.00)	(1.00)
CLASSIFIED POSITIONS	2,215,561	2,186,561
	(44.00)	(42.00)
UNCLASSIFIED POSITIONS	147,970	147,970
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	161,000	135,000
OTHER OPERATING EXPENSES	566,867	78,025
TOTAL I. ADMINISTRATION	3,283,261	2,739,419
	(46.00)	(44.00)
II. PROGRAMS AND SERVICES		
A. INVESTIGATIVE SERVICES		
CLASSIFIED POSITIONS	8,758,835	8,139,215
	(134.95)	(125.95)
NEW POSITION LAW ENFORCEMENT OFFICER II	-	-
	(5.00)	(5.00)
OTHER PERSONAL SERVICES	604,072	384,070

D100-STATE LAW ENFORCEMENT DIVISION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	9,447,995	3,510,745
AGENT OPERATIONS	92,625	92,625
METH LAB CLEAN UP	500,000	500,000
TOTAL A. INVESTIGATIVE SERVICES	19,403,527 (139.95)	12,626,655 (130.95)
 B. FORENSIC SERVICES		
CLASSIFIED POSITIONS	6,175,640	5,749,940
	(119.80)	(108.00)
OTHER PERSONAL SERVICES	920,862	205,862
OTHER OPERATING EXPENSES	5,056,516	539,601
CASE SERVICES	3,000	3,000
DNA DATABASE PROGRAM	370,000	
BREATH TESTING SITE	250,000	
VIDEOTAPING		
IMPLIED CONSENT	89,855	89,855
TOT B. FORENSIC SERVICES	12,865,873 (119.80)	6,588,258 (108.00)
 C. DATA CENTER		
CLASSIFIED POSITIONS	2,366,432	2,251,432
	(50.60)	(49.60)
NEW POSITION LAW ENFORCEMENT OFFICER III	65,000	65,000
	(1.00)	(1.00)
NEW POSITION INFORMATION SYS/BUSINESS ANALYST II	135,000	135,000
	(2.00)	(2.00)
NEW POSITION LIBRARY DEVELOPMENT CONSULTANT	110,000	110,000
	(1.00)	(1.00)
NEW POSITION IT SERVICES SPECIALIST III	147,250	147,250
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	509,751	31,601
OTHER OPERATING EXPENSES	6,003,817	1,302,830
TOTAL C. DATA CENTER	9,337,250 (56.60)	4,043,113 (55.60)
 D. REGULATORY		
CLASSIFIED POSITIONS	1,325,992	724,410
	(29.00)	(12.00)

D100-STATE LAW ENFORCEMENT DIVISION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	639,427	218,112
OTHER OPERATING EXPENSES	1,240,313	49,950
TOTAL D. REGULATORY	3,205,732	992,472
	(29.00)	(12.00)
 E. HOMELAND SECURITY		
CLASSIFIED POSITIONS	344,893	191,173
	(4.65)	(2.85)
OTHER PERSONAL SERVICES	541,276	8,841
OTHER OPERATING EXPENSES	804,502	15,650
ALLOC MUNICIPALITIES - RESTRICTED	1,614,177	
ALLOC CNTIES - RESTRICTED	4,267,213	
ALLOC OTHER ST AGENCIES	7,353,460	
ALLOC OTHER ENTITIES	200,000	
TOT E. HOMELAND SECURITY	15,125,521	215,664
	(4.65)	(2.85)
 F. CJIS/FUSION CENTER		
CLASSIFIED POSITIONS	4,249,771	3,143,747
	(84.00)	(53.00)
OTHER PERSONAL SERVICES	1,157,511	97,629
OTHER OPERATING EXPENSES	2,665,145	187,800
AMBER ALERT	65,000	65,000
TOT F. CJIS/FUSION CENTER	8,137,427	3,494,176
	(84.00)	(53.00)
 G. COUNTER-TERRORISM		
CLASSIFIED POSITIONS	4,295,827	4,244,827
	(56.00)	(55.00)
OTHER PERSONAL SERVICES	483,296	428,296
OTHER OPERATING EXPENSES	3,692,637	399,750
TOT G. COUNTER-TERRORISM	8,471,760	5,072,873
	(56.00)	(55.00)
 H. VICE		
CLASSIFIED POSITIONS	4,718,316	3,819,504
	(88.00)	(72.00)

D100-STATE LAW ENFORCEMENT DIVISION

	TOTAL FUNDS	GENERAL FUNDS
NEW POSITION LAW	-	-
ENFORCEMENT OFFICER II	(5.00)	(5.00)
OTHER PERSONAL SERVICES	830,404	650,000
OTHER OPERATING EXPENSES	1,133,862	360,695
TOTAL H. VICE	6,682,582	4,830,199
	(93.00)	(77.00)
 TOTAL II. PROGRAMS AND SERVICES	 83,229,672	 37,863,410
	(583.00)	(494.40)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	15,429,136	12,791,195
TOT III. EMPLOYEE BENEFITS	15,429,136	12,791,195
 IV. NON-RECURRING APPROPRIATIONS		
LAW ENFORCEMENT OPER	2,000,000	
TOTAL IV. NON-RECURRING APPROPRIATIONS	2,000,000	
 TOT ST LAW ENFORCEMENT DIVISION	 103,942,069	 53,394,024
	(629.00)	(538.40)

SECTION 63
K050-DEPARTMENT OF PUBLIC SAFETY

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATIVE SERVICES		
DIRECTOR	162,313	129,851
	(1.00)	(0.80)
CLASSIFIED POSITIONS	4,101,295	3,898,155
	(90.71)	(79.40)
OTHER PERSONAL SERVICES	257,261	164,700
OTHER OPERATING EXPENSES	3,280,504	125,481
TOTAL I. ADMINISTRATIVE SERVICES	7,801,373	4,318,187
	(91.71)	(80.20)

K050-DEPARTMENT OF PUBLIC SAFETY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
II. PROGRAMS AND SERVICES		
A. HIGHWAY PATROL		
1. HIGHWAY PATROL		
CLASSIFIED POSITIONS	50,373,917	44,616,752
	(1,136.70)	(1,018.30)
UNCLASSIFIED POSITIONS	120,897	120,897
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	4,038,835	2,406,160
OTHER OPERATING EXPENSES	28,018,129	6,708,511
TOTAL 1. HIGHWAY PATROL	82,551,778	53,852,320
	(1,137.70)	(1,019.30)
2. ILLEGAL IMMIGRATION		
CLASSIFIED POSITIONS	426,544	426,544
	(12.00)	(12.00)
OTHER OPERATING EXPENSES	118,525	118,525
TOT 2. ILLEGAL IMMIGRATION	545,069	545,069
	(12.00)	(12.00)
TOTAL A. HIGHWAY PATROL	83,096,847	54,397,389
	(1,149.70)	(1,031.30)
B. STATE TRANSPORT POLICE		
CLASSIFIED POSITIONS	7,400,225	2,070,001
	(147.01)	(45.90)
UNCLASSIFIED POSITIONS	105,220	105,220
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	126,003	25,000
OTHER OPERATING EXPENSES	4,492,214	
TOTAL B. STATE TRANSPORT POLICE	12,123,662	2,200,221
	(148.01)	(46.90)
C. BUREAU OF PROTECTIVE SERVICES		
CLASSIFIED POSITIONS	3,660,027	2,728,395
	(93.00)	(55.00)
OTHER PERSONAL SERVICES	258,633	196,231
OTHER OPERATING EXPENSES	475,870	350,000

K050-DEPARTMENT OF PUBLIC SAFETY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL C. BUREAU OF PROTECTIVE SERVICES	4,394,530 (93.00)	3,274,626 (55.00)
D. HALL OF FAME		
CLASSIFIED POSITIONS	137,000	
	(3.00)	
OTHER OPERATING EXPENSES	126,000	
TOTAL D. HALL OF FAME	263,000 (3.00)	
E. SAFETY AND GRANTS		
CLASSIFIED POSITIONS	1,523,834	523,490
	(26.58)	(6.40)
NEW POSITION PROGRAM	93,598	
COORDINATOR I	(2.00)	
OTHER PERSONAL SERVICES	456,780	3,000
OTHER OPERATING EXPENSES	7,708,124	31,819
ALLOC MUNICIPALITIES - RESTRICTED	2,746,800	
ALLOC CNTIES - RESTRICTED	3,713,627	
ALLOC OTHER ST AGENCIES	3,466,000	
ALLOC OTHER ENTITIES	1,240,000	
** LOCAL LAW ENFORC GRANTS	2,000,000	2,000,000
BODY CAMERAS	2,400,000	2,400,000
TOT E. SAFETY AND GRANTS	25,348,763 (28.58)	4,958,309 (6.40)
TOTAL II. PROGRAMS AND SERVICES	125,226,802 (1,422.29)	64,830,545 (1,139.60)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	33,790,249	27,100,896
TOT III. EMPLOYEE BENEFITS	33,790,249	27,100,896
TOTAL DEPARTMENT OF PUBLIC SAFETY	166,818,424 (1,514.00)	96,249,628 (1,219.80)

** See note at end of Act.

SECTION 64
N200-LAW ENFORCEMENT TRAINING COUNCIL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	102,155	
	(1.00)	
CLASSIFIED POSITIONS	3,002,807	510,178
	(61.00)	(7.00)
OTHER PERSONAL SERVICES	47,000	
OTHER OPERATING EXPENSES	2,199,910	1,259,600
TOTAL I. ADMINISTRATION	5,351,872	1,769,778
	(62.00)	(7.00)
II. TRAINING		
CLASSIFIED POSITIONS	3,494,173	2,676,309
	(63.00)	(43.00)
NEW POS ADMINISTRATIVE ASSISTANT	33,000	33,000
	(1.00)	(1.00)
NEW POS INSTRUCTOR/TNG COORDINATOR I	639,034	639,034
	(13.00)	(13.00)
NEW POSITION TRAINING & DEVELOPMENT DIR II	67,500	67,500
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	265,980	
OTHER OPERATING EXPENSES	2,993,734	1,718,706
TOTAL II. TRAINING	7,493,421	5,134,549
	(78.00)	(58.00)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	3,129,331	1,664,272
TOT III. EMPLOYEE BENEFITS	3,129,331	1,664,272
TOTAL LAW ENFORCEMENT TRAINING COUNCIL	15,974,624	8,568,599
	(140.00)	(65.00)

SECTION 65
N040-DEPARTMENT OF CORRECTIONS

	TOTAL FUNDS	GENERAL FUNDS
I. INTERNAL ADMIN & SPURT		
COMMISSIONERS	195,938	195,938
	(1.00)	(1.00)
CLASSIFIED POSITIONS	9,971,980	9,235,319
	(148.00)	(134.40)
UNCLASSIFIED POSITIONS	468,487	468,487
	(3.00)	(3.00)
OTHER PERSONAL SERVICES	425,102	337,893
OTHER OPERATING EXPENSES	5,741,200	4,141,000
TOTAL I. INTERNAL ADMIN & SUPPORT	16,802,707	14,378,637
	(152.00)	(138.40)
II. PROGRAMS AND SERVICES		
A. HOUSING, CARE, SECURITY, AND SUPERVISION		
CLASSIFIED POSITIONS	206,659,352	204,286,550
	(5,654.13)	(5,584.76)
NEW POSITION PROGRAM	58,880	58,880
MANAGER II	(1.00)	(1.00)
NEW POSITION SYSTEMS	150,000	150,000
SUPPORT TECHNICIAN	(2.00)	(2.00)
NEW POSITION SYSTEMS	595,370	595,370
PROGRAMMER II	(8.00)	(8.00)
NEW POSITION LICENSED	231,840	231,840
PRACTICAL NURSE	(3.00)	(3.00)
NEW POSITION REGISTERED	291,709	291,709
NURSE I	(2.00)	(2.00)
NEW POSITION PHARMACIST	65,209	65,209
	(1.00)	(1.00)
NEW POSITION PHYSICIAN II	139,840	139,840
	(1.00)	(1.00)
NEW POSITION MEDICAL	90,675	90,675
ASSISTANT	(1.00)	(1.00)
NEW POS HUMAN SERVICES	168,397	168,397
COORDINATOR I	(2.00)	(2.00)
NEW POS STAFF COUNSEL	448,774	448,774
	(6.00)	(6.00)

N040-DEPARTMENT OF CORRECTIONS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	543,375	543,375
	(3.00)	(3.00)
OTHER PERSONAL SERVICES	4,420,272	3,829,903
OTHER OPERATING EXPENSES	110,638,260	91,111,960
CASE SERVICES	27,292,683	24,242,683
TOTAL A. HOUSING, CARE, SECURITY, AND SUPERVISION	351,794,636	326,255,165
	(5,684.13)	(5,614.76)
B. QUOTA ELIMINATION		
QUOTA ELIMINATION	1,967,720	1,967,720
TOT B. QUOTA ELIMINATION	1,967,720	1,967,720
C. WORK & VOCATIONAL ACTIVITIES		
CLASSIFIED POSITIONS	7,557,183	1,784,491
	(153.52)	(42.00)
NEW POSITION PROGRAM	500,000	500,000
COORDINATOR I	(8.00)	(8.00)
OTHER PERSONAL SERVICES	9,902,681	351,131
OTHER OPERATING EXPENSES	17,218,845	357,638
TOT C. WORK & VOCATIONAL ACTIVITIES	35,178,709	2,993,260
	(161.52)	(50.00)
D. PALMETTO UNIFIED SCH DIST 1		
CLASSIFIED POSITIONS	1,277,512	1,165,012
	(16.90)	(10.70)
NEW POSITION TEACHER	146,785	
	(28.00)	
UNCLASSIFIED POSITIONS	3,348,500	1,858,500
	(49.44)	(24.01)
OTHER PERSONAL SERVICES	1,862,794	650,000
OTHER OPERATING EXPENSES	1,890,238	70,190
TOT D. PALMETTO UNIFIED SCH DIST 1	8,525,829	3,743,702
	(94.34)	(34.71)

STATUTES AT LARGE
General and Permanent Laws--2019
N040-DEPARTMENT OF CORRECTIONS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
E. INDIVIDUAL GROWTH & MOTIVATION		
CLASSIFIED POSITIONS	3,350,811	3,350,811
	(78.00)	(78.00)
OTHER PERSONAL SERVICES	692,157	545,907
OTHER OPERATING EXPENSES	433,497	84,747
TOTAL E. INDIVIDUAL GROWTH & MOTIVATION	4,476,465	3,981,465
	(78.00)	(78.00)
F. PENAL FACILITY INSPECTION SERVICE		
CLASSIFIED POSITIONS	111,477	111,477
	(2.00)	(2.00)
OTHER OPERATING EXPENSES	6,000	6,000
TOTAL F. PENAL FACILITY INSPECTION SERVICE	117,477	117,477
	(2.00)	(2.00)
TOTAL II. PROGRAMS AND SERVICES	402,060,836	339,058,789
	(6,019.99)	(5,779.47)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	96,698,811	92,141,933
TOT III. EMPLOYEE BENEFITS	96,698,811	92,141,933
TOTAL DEPARTMENT OF CORRECTIONS	515,562,354	445,579,359
	(6,171.99)	(5,917.87)

SECTION 66
N080-DEPARTMENT OF PROBATION, PAROLE
& PARDON SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	142,596	142,596
	(1.00)	(1.00)
CLASSIFIED POSITIONS	2,401,083	931,252
	(53.00)	(19.00)

N080-DEPARTMENT OF PROBATION, PAROLE
& PARDON SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	97,164	97,164
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	117,596	85,000
OTHER OPERATING EXPENSES	323,182	
TOTAL I. ADMINISTRATION	3,081,621	1,256,012
	(55.00)	(21.00)
 II. PROGRAMS AND SERVICES		
A. OFFENDER PROGRAM		
1. OFFENDER SUPERVISION		
CLASSIFIED POSITIONS	24,532,414	18,537,858
	(560.00)	(444.00)
UNCLASSIFIED POSITIONS	178,610	178,610
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	779,903	556,851
OTHER OPERATING EXPENSES	10,514,530	2,155,434
CASE SERVICES	32,425	
TOTAL 1. OFFENDER SUPERVISION	36,037,882	21,428,753
	(562.00)	(446.00)
 2. SEX OFFENDER MONITORING		
CLASSIFIED POSITIONS	2,323,664	2,323,664
	(54.00)	(54.00)
OTHER PERSONAL SERVICES	10,000	10,000
OTHER OPERATING EXPENSES	785,001	775,001
EMPLOYER CONTRIBUTIONS	1,131,511	1,115,511
TOTAL 2. SEX OFFENDER MONITORING	4,250,176	4,224,176
	(54.00)	(54.00)
 3. SENTENCING REFORM		
CLASSIFIED POSITIONS	1,826,846	1,826,846
	(52.00)	(52.00)
OTHER PERSONAL SERVICES	20,000	20,000
OTHER OPERATING EXPENSES	3,498,944	3,498,944
CASE SERVICES	340,000	340,000
TOT 3. SENTENCING REFORM	5,685,790	5,685,790
	(52.00)	(52.00)

**N080-DEPARTMENT OF PROBATION, PAROLE
& PARDON SERVICES**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL A. OFFENDER PROG	45,973,848	31,338,719
	(668.00)	(552.00)
 B. RE-ENTRY PROGRAMS		
CLASSIFIED POSITIONS	300,000	
	(6.00)	
OTHER PERSONAL SERVICES	320,000	
OTHER OPERATING EXPENSES	540,000	
CASE SERVICES	10,000	
ALSTON WILKES RE-ENTRY SERVICES	750,000	750,000
TOTAL B. RE-ENTRY PROG	1,920,000	750,000
	(6.00)	
 C. PAROLE BOARD OPERATIONS		
PROBATION, PAROLE & PARDON BOARD	155,230	155,230
CLASSIFIED POSITIONS	1,665,766	1,046,913
	(45.00)	(30.00)
OTHER PERSONAL SERVICES	59,853	
OTHER OPERATING EXPENSES	97,132	
CASE SERVICES	45,000	
TOTAL C. PAROLE BOARD OPERATIONS	2,022,981	1,202,143
	(45.00)	(30.00)
 TOTAL II. PROGRAMS AND SERVICES	 49,916,829	 33,290,862
	(719.00)	(582.00)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	13,042,875	10,244,060
TOT III. EMPLOYEE BENEFITS	13,042,875	10,244,060
 TOTAL DEPARTMENT OF PROB, PAROLE & PARDON	 66,041,325	 44,790,934
	(774.00)	(603.00)

SECTION 67
N120-DEPARTMENT OF JUVENILE JUSTICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. PAROLE DIVISION		
PROBATION, PAROLE & PARDON BOARD	12,272	12,272
CLASSIFIED POSITIONS	323,149	323,149
	(6.00)	(6.00)
UNCLASSIFIED POSITIONS	73,041	73,041
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	51,869	51,869
TOTAL I. PAROLE DIVISION	460,331	460,331
	(7.00)	(7.00)
II. ADMINISTRATION DIV		
COMMISSIONERS	136,339	136,339
	(1.00)	(1.00)
CLASSIFIED POSITIONS	3,441,064	3,382,999
	(76.00)	(75.00)
UNCLASSIFIED POSITIONS	109,750	109,750
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	95,784	95,784
OTHER OPERATING EXPENSES	1,390,839	1,217,539
TOTAL II. ADMINISTRATION DIVISION	5,173,776	4,942,411
	(78.00)	(77.00)
III. PROGRAMS AND SRVCS		
A. COMMUNITY SERVICES		
CLASSIFIED POSITIONS	13,395,677	13,348,762
	(394.58)	(393.58)
UNCLASSIFIED POSITIONS	103,694	103,694
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	247,777	160,717
OTHER OPERATING EXPENSES	1,707,693	1,428,819
CASE SERVICES	3,728,403	1,333,613
COMMUNITY ADVOCACY PRO	250,000	250,000
SEX OFFENDER MONITORING	27,410	27,410
TOT A. COMMUNITY SRVCS	19,460,654	16,653,015
	(395.58)	(394.58)

N120-DEPARTMENT OF JUVENILE JUSTICE

	TOTAL FUNDS	GENERAL FUNDS
B. LONGTERM FACILITIES		
CLASSIFIED POSITIONS	13,004,814	12,681,443
	(408.00)	(396.00)
UNCLASSIFIED POSITIONS	111,929	111,929
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	1,361,200	1,361,200
OTHER OPERATING EXPENSES	5,532,630	4,581,343
CASE SERVICES	2,516	2,516
TOT B. LONGTERM FACILITIES	20,013,089	18,738,431
	(409.00)	(397.00)
 C. RECEPTION & EVALUATION CENTER		
CLASSIFIED POSITIONS	7,547,513	6,068,355
	(242.90)	(194.00)
OTHER PERSONAL SERVICES	506,289	392,470
OTHER OPERATING EXPENSES	1,093,462	781,335
CASE SERVICES	5,695	4,945
TOTAL C. RECEPTION & EVALUATION CENTER	9,152,959	7,247,105
	(242.90)	(194.00)
 D. COUNTY SRVCS DETENTION CENTER		
CLASSIFIED POSITIONS	3,958,884	1,515,709
	(119.35)	(26.50)
OTHER PERSONAL SERVICES	163,269	
OTHER OPERATING EXPENSES	141,364	
CASE SERVICES	13,184	
TOTAL D. COUNTY SERVICES DETENTION CENTER	4,276,701	1,515,709
	(119.35)	(26.50)
 E. RESIDENTIAL OPERATIONS		
CLASSIFIED POSITIONS	603,775	558,775
	(12.00)	(11.00)
OTHER PERSONAL SERVICES	21,410	21,410
OTHER OPERATING EXPENSES	49,106	49,106
CASE SERVICES	27,876,494	26,092,147
TARGETED CASE MGMT	1,700,000	1,700,000

N120-DEPARTMENT OF JUVENILE JUSTICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL E. RESIDENTIAL OPERATIONS	30,250,785 (12.00)	28,421,438 (11.00)
F. JUVENILE HEALTH & SAFETY		
CLASSIFIED POSITIONS	4,204,435 (99.00)	4,004,193 (95.50)
UNCLASSIFIED POSITIONS	3,279	3,279
OTHER PERSONAL SERVICES	621,432	609,856
OTHER OPERATING EXPENSES	4,651,957	4,438,817
CASE SERVICES	2,623,757	2,187,687
TOTAL F. JUVENILE HLTH & SAFETY	12,104,860 (99.00)	11,243,832 (95.50)
G. PROG ANALYSIS/STAFF DEV & QUALITY		
CLASSIFIED POSITIONS	1,815,791 (39.00)	1,790,580 (39.00)
UNCLASSIFIED POSITIONS	88,578 (1.00)	88,578 (1.00)
OTHER PERSONAL SERVICES	156,300	79,000
OTHER OPERATING EXPENSES	448,489	129,106
CASE SERVICES	28,000	28,000
TOTAL G. PROG ANALYSIS/STAFF DEV & QUALIT	2,537,158 (40.00)	2,115,264 (40.00)
H. EDUCATION		
CLASSIFIED POSITIONS	717,230 (20.00)	267,413 (8.00)
UNCLASSIFIED POSITIONS	4,319,782 (68.10)	166,362 (3.10)
OTHER PERSONAL SERVICES	430,455	55,136
OTHER OPERATING EXPENSES	1,204,574	193,751
TOTAL H. EDUCATION	6,672,041 (88.10)	682,662 (11.10)

N120-DEPARTMENT OF JUVENILE JUSTICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL III. PROGRAMS AND SERVICES	104,468,247 (1,405.93)	86,617,456 (1,169.68)
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	26,523,411	22,612,868
TOT IV. EMPLOY BENEFITS	26,523,411	22,612,868
TOTAL DEPARTMENT OF JUVENILE JUSTICE	136,625,765 (1,490.93)	114,633,066 (1,253.68)

SECTION 70
L360-HUMAN AFFAIRS COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
COMMISSIONERS	115,000	115,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	351,064	351,064
	(8.00)	(8.00)
OTHER PERSONAL SERVICES	3,500	3,500
OTHER OPERATING EXPENSES	163,502	160,002
TOTAL I. ADMINISTRATION	633,066 (9.00)	629,566 (9.00)
II. CONSULTATIVE SERVICES		
CLASSIFIED POSITIONS	134,888	134,888
	(6.00)	(5.00)
NEW POSITION PROGRAM	40,000	40,000
COORDINATOR I	(1.00)	(1.00)
OTHER OPERATING EXPENSES	160,519	142,519
TOTAL II. CONSULTATIVE SERVICES	335,407 (7.00)	317,407 (6.00)
III. COMPLIANCE PROGRAMS		
CLASSIFIED POSITIONS	1,202,885	648,090
	(33.00)	(19.50)
NEW POSITION PROGRAM	40,000	40,000
COORDINATOR I	(1.00)	(1.00)

L360-HUMAN AFFAIRS COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	547,806	248,698
TOTAL III. COMPLIANCE PROGRAMS	1,790,691 (34.00)	936,788 (20.50)
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	877,317	666,495
TOT IV. EMPLOYEE BENEFITS	877,317	666,495
TOTAL HUMAN AFFAIRS COMMISSION	3,636,481 (50.00)	2,550,256 (35.50)

SECTION 71**L460-COMMISSION ON MINORITY AFFAIRS**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	95,337	95,337
	(1.00)	(1.00)
CLASSIFIED POSITIONS	682,134	592,134
	(14.00)	(12.00)
NEW POS ADMINISTRATIVE	28,000	28,000
SPECIALIST II	(1.00)	(1.00)
NEW POSITION PUBLIC	56,947	56,947
INFORMATION DIRECTOR I	(1.00)	(1.00)
OTHER OPERATING EXPENSES	564,264	416,450
TOTAL I. ADMINISTRATION	1,426,682 (17.00)	1,188,868 (15.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	322,826	298,826
TOT II. EMPLOYEE BENEFITS	322,826	298,826
TOTAL COMMISSION ON MINORITY AFFAIRS	1,749,508 (17.00)	1,487,694 (15.00)

SECTION 72
R040-PUBLIC SERVICE COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	129,646	
	(1.00)	
CHAIRMAN	131,393	
	(1.00)	
COMMISSIONERS	776,896	
	(6.00)	
CLASSIFIED POSITIONS	2,197,590	
	(31.00)	
NEW POSITION	-	
ACCNTING/FISCAL MANAGER II	(1.00)	
NEW POSITION PROGRAM	-	
MANAGER II	(1.00)	
NEW POSITION EXECUTIVE	-	
ASSISTANT II	(3.00)	
OTHER PERSONAL SERVICES	87,000	
OTHER OPERATING EXPENSES	985,017	
TOT I. ADMINISTRATION	4,307,542	
	(44.00)	
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,381,396	
TOT II. EMPLOYEE BENEFITS	1,381,396	
TOTAL PUBLIC SERVICE	5,688,938	
COMMISSION	(44.00)	

SECTION 73
R060-OFFICE OF REGULATORY STAFF

	TOTAL FUNDS	GENERAL FUNDS
I. OFFICE OF EXECUTIVE		
DIRECTOR		
DIRECTOR	175,117	
	(1.00)	
UNCLASSIFIED POSITIONS	959,961	
	(10.00)	

OF SOUTH CAROLINA
General and Permanent Laws--2019
R060-OFFICE OF REGULATORY STAFF

	TOTAL FUNDS	GENERAL FUNDS
OTHER OPERATING EXPENSES	1,738,347	
DUAL PARTY RELAY FUNDS	4,165,696	
TOTAL I. OFFICE OF EXECUTIVE DIRECTOR	7,039,121	(11.00)
 II. SUPPORT SERVICES		
UNCLASSIFIED POSITIONS	1,712,276	(29.00)
OTHER OPERATING EXPENSES	300,000	
TOT II. SUPPORT SERVICES	2,012,276	(29.00)
 III. TELECOM, TRANS, WATER/ WASTEWATER		
UNCLASSIFIED POSITIONS	1,101,238	(16.00)
TOTAL III. TELECOM, TRANS, WATER/ WASTEWATER	1,101,238	(16.00)
 IV. ELECTRIC AND GAS		
UNCLASSIFIED POSITIONS	1,505,024	(18.00)
TOT IV. ELECTRIC AND GAS	1,505,024	(18.00)
 V. ENERGY OFFICE		
A. ENERGY PROGRAMS		
UNCLASSIFIED POSITIONS	775,247	(13.33)
OTHER PERSONAL SERVICES	33,360	
OTHER OPERATING EXPENSES	375,331	
ALLOC OTHER ENTITIES	135,000	
TOT A. ENERGY PROGRAMS	1,318,938	(13.33)
 B. RADIOACTIVE WASTE		
UNCLASSIFIED POSITIONS	127,500	(4.67)

R060-OFFICE OF REGULATORY STAFF

	TOTAL FUNDS	GENERAL FUNDS
OTHER OPERATING EXPENSES	94,924	
TOT B. RADIOACTIVE WASTE	222,424	
	(4.67)	
TOTAL V. ENERGY OFFICE	1,541,362	
	(18.00)	
VI. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,267,818	
TOT VI. EMPLOYEE BENEFITS	2,267,818	
TOT OFFICE OF REGULATORY STAFF	15,466,839	
	(92.00)	

SECTION 74

R080-WORKERS' COMPENSATION COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR	135,967	135,967
	(1.00)	(1.00)
CLASSIFIED POSITIONS	839,077	47,092
	(22.00)	(1.00)
OTHER PERSONAL SERVICES	41,000	
OTHER OPERATING EXPENSES	2,700,713	75,000
TOT I. ADMINISTRATION	3,716,757	258,059
	(23.00)	(2.00)
II. JUDICIAL		
A. COMMISSIONERS		
CHAIRMAN	164,762	164,762
	(1.00)	(1.00)
COMMISSIONERS	959,769	959,769
	(6.00)	(6.00)
TAXABLE SUBSISTENCE	70,000	
CLASSIFIED POSITIONS	313,837	313,837
	(7.00)	(7.00)

R080-WORKERS' COMPENSATION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	230,700	
TOT A. COMMISSIONERS	1,739,068	1,438,368
	(14.00)	(14.00)
B. MANAGEMENT		
CLASSIFIED POSITIONS	331,561	29,267
	(8.00)	(1.00)
OTHER OPER EXPENSES	12,800	
TOTAL B. MANAGEMENT	344,361	29,267
	(8.00)	(1.00)
TOTAL II. JUDICIAL	2,083,429	1,467,635
	(22.00)	(15.00)
III. INSURANCE & MEDICAL SERVICES		
CLASSIFIED POSITIONS	486,095	26,632
	(9.00)	(1.00)
OTHER PERSONAL SERVICES	22,881	
OTHER OPERATING EXPENSES	54,500	
TOTAL III. INSURANCE & MEDICAL SERVICES	563,476	26,632
	(9.00)	(1.00)
IV. CLAIMS		
CLASSIFIED POSITIONS	358,073	77,223
	(9.00)	(1.00)
OTHER OPERATING EXPENSES	19,700	
TOTAL IV. CLAIMS	377,773	77,223
	(9.00)	(1.00)
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,368,846	672,887
TOT V. EMPLOYEE BENEFITS	1,368,846	672,887
TOT WORKERS' COMPENSAT COMMISSION	8,110,281	2,502,436
	(63.00)	(19.00)

SECTION 75
R120-STATE ACCIDENT FUND

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR	104,378	
	(1.00)	
CLASSIFIED POSITIONS	3,221,306	
	(76.00)	
OTHER OPERATING EXPENSES	3,116,914	
EDUCATIONAL TRAINING	5,000	
TOTAL I. ADMINISTRATION	6,447,598	
	(77.00)	
II. UNINSURED EMPLOYERS FUND		
CLASSIFIED POSITIONS	510,034	
	(11.00)	
OTHER OPERATING EXPENSES	403,074	
TOTAL II. UNINSURED EMPLOYERS FUND	913,108	
	(11.00)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,496,069	
TOT III. EMPLY BENEFITS	1,496,069	
TOTAL STATE ACCIDENT FUND	8,856,775	
	(88.00)	

SECTION 76
R140-PATIENTS' COMPENSATION FUND

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR	103,797	
	(1.00)	
CLASSIFIED POSITIONS	213,959	
	(4.00)	

R140-PATIENTS' COMPENSATION FUND

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	15,000	
OTHER OPERATING EXPENSES	661,244	
TOTAL I. ADMINISTRATION	994,000	
	(5.00)	
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	98,000	
TOT II. EMPLOYEE BENEFITS	98,000	
TOTAL PATIENTS'	1,092,000	
COMPENSATION FUND	(5.00)	

SECTION 78
R200-DEPARTMENT OF INSURANCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
CHIEF INSURANCE COMISNER	157,762	157,762
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,839,473	805,839
	(28.25)	(22.30)
UNCLASSIFIED POSITIONS	257,049	176,000
	(1.50)	(1.50)
OTHER PERSONAL SERVICES	194,959	143,642
OTHER OPERATING EXPENSES	1,186,920	394,830
TOTAL I. ADMINISTRATION	3,636,163	1,678,073
	(30.75)	(24.80)
II. PROGRAMS AND SERVICES		
A. SOLVENCY		
CLASSIFIED POSITIONS	608,933	141,319
	(16.00)	(1.00)
UNCLASSIFIED POSITIONS	83,856	544
	(0.50)	
OTHER PERSONAL SERVICES	217,042	29,150
OTHER OPERATING EXPENSES	469,296	13,257
TOTAL A. SOLVENCY	1,379,127	184,270
	(16.50)	(1.00)

STATUTES AT LARGE
General and Permanent Laws--2019
R200-DEPARTMENT OF INSURANCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
B. LICENSING		
CLASSIFIED POSITIONS	330,562	66,010
	(9.00)	(2.00)
NEW POSITION PROGRAM	52,000	52,000
COORDINATOR I	(1.00)	(1.00)
NEW POSITION PROJECT	62,000	62,000
MANAGER I	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	23,234	
	(0.50)	
OTHER PERSONAL SERVICES	56,371	297
OTHER OPERATING EXPENSES	329,884	4,981
TOTAL B. LICENSING	854,051	185,288
	(11.50)	(4.00)
C. TAXATION		
CLASSIFIED POSITIONS	248,538	92,523
	(3.00)	(0.50)
OTHER PERSONAL SERVICES	15,852	15,852
OTHER OPERATING EXPENSES	175,467	8,740
TOTAL C. TAXATION	439,857	117,115
	(3.00)	(0.50)
D. CONSUMER SERVICES/ COMPLAINTS		
CLASSIFIED POSITIONS	434,752	297,749
	(9.00)	(2.00)
UNCLASSIFIED POSITIONS	81,651	27,880
	(0.50)	(0.50)
OTHER PERSONAL SERVICES	46,954	29,728
OTHER OPERATING EXPENSES	164,107	28,907
TOTAL D. CONSUMER SERVICES/COMPLAINTS	727,464	384,264
	(9.50)	(2.50)
E. POLICY FORMS AND RATES		
CLASSIFIED POSITIONS	1,037,009	687,009
	(14.00)	(6.00)
UNCLASSIFIED POSITIONS	176,536	85,536
	(0.50)	(0.50)

OF SOUTH CAROLINA
General and Permanent Laws--2019
R200-DEPARTMENT OF INSURANCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	5,564	5,564
OTHER OPERATING EXPENSES	338,439	101,671
TOTAL E. POLICY FORMS AND RATES	1,557,548 (14.50)	879,780 (6.50)
F. LOSS MITIGATION		
CLASSIFIED POSITIONS	131,637 (2.75)	
OTHER PERSONAL SERVICES	72,363	
OTHER OPERATING EXPENSES	2,837,254	
TOTAL F. LOSS MITIGATION	3,041,254 (2.75)	
G. UNINSURED MOTORISTS		
ALLOC PRIVATE SECTOR	2,155,000	
TOT G. UNINSURED MOTOR	2,155,000	
H. CAPTIVES		
CLASSIFIED POSITIONS	665,913 (8.00)	
UNCLASSIFIED POSITIONS	67,002 (0.50)	
OTHER PERSONAL SERVICES	169,085	
OTHER OPERATING EXPENSES	1,249,655	
TOTAL H. CAPTIVES	2,151,655 (8.50)	
TOTAL II. PROGRAMS AND SERVICES	12,305,956 (66.25)	1,750,717 (14.50)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,107,355	989,930
TOT III. EMPLY BENEFITS	2,107,355	989,930
TOTAL DEPARTMENT OF INSURANCE	18,049,474 (97.00)	4,418,720 (39.30)

SECTION 79
R230-STATE BOARD OF FINANCIAL INSTITUTIONS

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
OTHER PERSONAL SERVICES	3,465	
OTHER OPERATING EXPENSES	30,912	
TOTAL I. ADMINISTRATION	34,377	
II. BANKING EXAMINERS		
COMMISSIONER OF BANKING	124,132	
	(1.00)	
CLASSIFIED POSITIONS	1,496,868	
	(21.00)	
OTHER OPERATING EXPENSES	462,000	
TOT II. BANKING EXAMINERS	2,083,000	(22.00)
III. CONSUMER FINANCE		
DIRECTOR	104,578	
	(1.00)	
CLASSIFIED POSITIONS	1,351,315	
	(26.00)	
NEW POSITION AUDITOR III	308,000	
	(7.00)	
OTHER PERSONAL SERVICES	2,600	
OTHER OPERATING EXPENSES	505,073	
TOT III. CONSUMER FINANCE	2,271,566	(34.00)
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,244,418	
TOT IV. EMPLOYEE BENEFITS	1,244,418	
TOTAL STATE BOARD OF FINANCIAL INSTITUTIONS	5,633,361	(56.00)

SECTION 80
R280-DEPARTMENT OF CONSUMER AFFAIRS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
ADMINISTRATOR	122,787	122,787
	(1.00)	(1.00)
CLASSIFIED POSITIONS	305,964	74,139
	(6.00)	(1.00)
OTHER PERSONAL SERVICES	5,000	
OTHER OPERATING EXPENSES	108,496	108,496
TOTAL I. ADMINISTRATION	542,247	305,422
	(7.00)	(2.00)
II. LEGAL		
CLASSIFIED POSITIONS	1,049,640	158,796
	(20.00)	(4.00)
OTHER PERSONAL SERVICES	15,000	
OTHER OPERATING EXPENSES	314,739	109,000
TOTAL II. LEGAL	1,379,379	267,796
	(20.00)	(4.00)
III. CONSUMER SERVICES		
CLASSIFIED POSITIONS	249,444	48,852
	(6.00)	(1.00)
OTHER PERSONAL SERVICES	33,000	
OTHER OPERATING EXPENSES	30,520	30,520
TOT III. CONSUMER SERVICES	312,964	79,372
	(6.00)	(1.00)
IV. CONSUMER ADVOCACY		
CLASSIFIED POSITIONS	140,064	140,064
	(3.00)	(3.00)
NEW POSITION ATTORNEY III	90,000	90,000
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	60,000	60,000
TOT IV. CONSUMER ADVOCACY	290,064	290,064
	(4.00)	(4.00)

R280-DEPARTMENT OF CONSUMER AFFAIRS

	TOTAL FUNDS	GENERAL FUNDS
V. PUBLIC INFORMATION & EDU		
CLASSIFIED POSITIONS	127,938	127,938
	(3.00)	(3.00)
OTHER PERSONAL SERVICES	3,000	
OTHER OPERATING EXPENSES	33,536	20,000
TOTAL V. PUBLIC INFORMATION & EDUCATION	164,474	147,938
	(3.00)	(3.00)
VI. ID THEFT UNIT		
CLASSIFIED POSITIONS	183,310	183,310
	(4.00)	(4.00)
OTHER OPERATING EXPENSES	53,250	53,250
TOTAL VI. ID THEFT UNIT	236,560	236,560
	(4.00)	(4.00)
VII. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	785,055	323,925
TOTAL VII. EMPLOYEE BENEFITS	785,055	323,925
TOTAL DEPARTMENT OF CONSUMER AFFAIRS	3,710,743	1,651,077
	(44.00)	(18.00)

SECTION 81
R360-DEPARTMENT OF LABOR, LICENSING & REGULATION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR	140,745	
	(1.00)	
CLASSIFIED POSITIONS	3,766,052	
	(79.09)	
OTHER PERSONAL SERVICES	500,000	
OTHER OPERATING EXPENSES	1,282,996	
TOTAL I. ADMINISTRATION	5,689,793	
	(80.09)	

R360-DEPARTMENT OF LABOR, LICENSING &
REGULATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
II. PROGRAMS & SERVICES		
A. OSHA VOLUNTARY PROG		
CLASSIFIED POSITIONS	669,312	38,243
	(18.98)	(6.26)
OTHER OPERATING EXPENSES	276,354	40,000
TOTAL A. OSHA VOLUNTARY PROGRAMS	945,666	78,243
	(18.98)	(6.26)
B. OCCUPATIONAL SAFETY & HEALTH		
CLASSIFIED POSITIONS	1,726,315	859,821
	(52.44)	(26.56)
OTHER PERSONAL SERVICES	8,397	4,302
OTHER OPERATING EXPENSES	700,355	191,562
TOTAL B. OCCUPATIONAL SAFETY & HEALTH	2,435,067	1,055,685
	(52.44)	(26.56)
C. FIRE ACADEMY		
CLASSIFIED POSITIONS	1,451,463	
	(42.76)	
OTHER PERSONAL SERVICES	1,789,100	
OTHER OPERATING EXPENSES	4,079,111	
TOTAL C. FIRE ACADEMY	7,319,674	
	(42.76)	
D. OFFICE OF STATE FIRE MARSHAL		
CLASSIFIED POSITIONS	1,650,841	
	(34.96)	
NEW POSITION PROGRAM	-	
MANAGER I	(1.00)	
OTHER PERSONAL SERVICES	305,622	
OTHER OPERATING EXPENSES	1,290,816	
TOTAL D. OFFICE OF STATE FIRE MARSHAL	3,247,279	
	(35.96)	

**R360-DEPARTMENT OF LABOR, LICENSING &
REGULATION**

	TOTAL FUNDS	GENERAL FUNDS
E. ELEVATORS & AMUSE RIDES		
CLASSIFIED POSITIONS	700,000	
	(8.55)	
OTHER OPERATING EXPENSES	215,000	
TOTAL E. ELEVATORS & AMUSEMENT RIDES	915,000	
	(8.55)	
F. PROF. & OCCUP LICENSING		
CLASSIFIED POSITIONS	7,154,295	
	(184.72)	
NEW POS ADMINISTRATIVE ASSISTANT	-	
	(4.00)	
UNCLASSIFIED POSITIONS	97,618	
	(1.00)	
OTHER PERSONAL SERVICES	411,514	
OTHER OPERATING EXPENSES	5,411,219	
RESEARCH AND EDUCATION	200,000	
TOTAL F. PROF. & OCCUPATIONAL LICENSING	13,274,646	
	(189.72)	
G. LABOR SERVICES		
OTHER OPERATING EXPENSES	85,000	
TOTAL G. LABOR SERVICES	85,000	
H. BUILDING CODES		
CLASSIFIED POSITIONS	445,000	
	(12.56)	
OTHER OPERATING EXPENSES	335,000	
TOTAL H. BUILDING CODES	780,000	
	(12.56)	
TOTAL II. PROGRAMS & SERVICES	29,002,332	1,133,928
	(360.97)	(32.82)

**R360-DEPARTMENT OF LABOR, LICENSING &
REGULATION**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	6,449,253	305,578
TOT III. EMPLOY BENEFITS	6,449,253	305,578
TOT DEPT OF LABOR, LICENSING & REGULATION	41,141,378 (441.06)	1,439,506 (32.82)

**SECTION 82
R400-DEPARTMENT OF MOTOR VEHICLES**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	140,676	140,676
	(1.00)	(1.00)
CLASSIFIED POSITIONS	3,767,330	3,767,330
	(105.00)	(105.00)
NEW POSITION FISCAL TECHNICIAN II	61,600	61,600
	(2.00)	(2.00)
UNCLASSIFIED POSITIONS	210,541	210,541
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	85,174	85,174
OTHER OPERATING EXPENSES	3,468,782	1,163,058
TOTAL I. ADMINISTRATION	7,734,103 (110.00)	5,428,379 (110.00)
II. PROGRAMS AND SERVICES		
A. CUSTOMER SERVICE		
1. CUSTOMER SRVC CENTERS		
CLASSIFIED POSITIONS	22,668,959	22,668,959
	(797.00)	(797.00)
OTHER PERSONAL SERVICES	1,476,149	1,476,149
OTHER OPERATING EXPENSES	16,073,340	11,423,340
TOTAL 1. CUSTOMER SRVC CENTERS	40,218,448 (797.00)	35,568,448 (797.00)

R400-DEPARTMENT OF MOTOR VEHICLES

	TOTAL FUNDS	GENERAL FUNDS
2. CUST SRVC DELIVERY		
CLASSIFIED POSITIONS	4,371,000	4,371,000
	(165.00)	(165.00)
NEW POS ADMINISTRATIVE ASSISTANT	92,400	92,400
	(3.00)	(3.00)
UNCLASSIFIED POSITIONS	101,515	101,515
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	331,037	331,037
OTHER OPERATING EXPENSES	2,959,624	2,957,624
PLATE REPLACEMENT	6,500,000	
TOT 2. CUSTOMER SERVICE DELIVERY	14,355,576	7,853,576
	(169.00)	(169.00)
TOT A. CUSTOMER SERVICE	54,574,024	43,422,024
	(966.00)	(966.00)
B. PROCEDURES AND COMPLIANCE		
CLASSIFIED POSITIONS	3,592,630	3,592,630
	(121.00)	(121.00)
UNCLASSIFIED POSITIONS	102,530	102,530
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	50,606	50,606
OTHER OPERATING EXPENSES	3,094,838	2,983,213
TOTAL B. PROCEDURES AND COMPLIANCE	6,840,604	6,728,979
	(122.00)	(122.00)
C. INSPECTOR GENERAL		
CLASSIFIED POSITIONS	2,477,787	2,477,787
	(66.00)	(66.00)
UNCLASSIFIED POSITIONS	101,515	101,515
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	28,500	28,500
OTHER OPERATING EXPENSES	704,458	642,557
FACIAL RECOGNITION PROG	245,000	245,000
TOT C. INSPECTOR GENERAL	3,557,260	3,495,359
	(67.00)	(67.00)

R400-DEPARTMENT OF MOTOR VEHICLES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
D. TECHNOLOGY & PROG DEVELOPMENT		
CLASSIFIED POSITIONS	3,208,747	3,208,747
	(50.00)	(50.00)
OTHER PERSONAL SERVICES	50,000	50,000
OTHER OPER EXPENSES	12,059,272	9,242,926
TOTAL D. TECHNOLOGY & PROGRAM DEVELOPMENT	15,318,019	12,501,673
	(50.00)	(50.00)
TOTAL II. PROGRAMS AND SERVICES	80,289,907	66,148,035
	(1,205.00)	(1,205.00)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	17,869,564	17,869,564
TOT III. EMPLOY BENEFITS	17,869,564	17,869,564
TOT DEPT OF MOTOR VEHICLES	105,893,574	89,445,978
	(1,315.00)	(1,315.00)

SECTION 83**R600-DEPARTMENT OF EMPLOYMENT AND WORKFORCE**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	161,507	
	(1.00)	
CLASSIFIED POSITIONS	5,682,279	
	(140.60)	
UNCLASSIFIED POSITIONS	214,480	
	(1.00)	
OTHER OPERATING EXPENSES	8,280,977	
TOTAL I. ADMINISTRATION	14,339,243	
	(142.60)	
II. EMPLOYMENT SERVICE		
CLASSIFIED POSITIONS	9,998,404	60,000
	(137.40)	(1.00)

R600-DEPARTMENT OF EMPLOYMENT AND WORKFORCE

	TOTAL FUNDS	GENERAL FUNDS
UNCLASSIFIED POSITIONS	31,928	
	(0.33)	
OTHER PERSONAL SERVICES	1,937,188	
OTHER OPERATING EXPENSES	17,062,372	422,000
ALLOC OTHER STATE AGENCIES	50,000	
TOT II. EMPLOYMENT SRVC	29,079,892	482,000
	(137.73)	(1.00)
 III. UNEMPLOYMENT INSURANCE		
CLASSIFIED POSITIONS	17,299,422	
	(362.58)	
UNCLASSIFIED POSITIONS	492,972	
	(1.34)	
OTHER PERSONAL SERVICES	5,448,781	
OTHER OPERATING EXPENSES	27,743,769	
TOTAL III. UNEMPLOYMENT INSURANCE	50,984,944	
	(363.92)	
 IV. WORKFORCE INVESTMENT ACT		
CLASSIFIED POSITIONS	1,271,712	
	(18.14)	
UNCLASSIFIED POSITIONS	45,128	
	(0.33)	
OTHER PERSONAL SERVICES	198,198	
OTHER OPERATING EXPENSES	1,056,964	
ALLOC CNTIES - RESTRICTED	4,657,226	
ALLOC SCHOOL DIST	29,193	
ALLOCATIONS TO PLANNING DISTRICTS	36,325,861	
TOTAL IV. WORKFORCE INVESTMENT ACT	43,584,282	
	(18.47)	
 V. TRADE ADJUSTMENT ASSIST		
CLASSIFIED POSITIONS	1,270,751	
	(75.05)	
UNCLASSIFIED POSITIONS	38,846	

R600-DEPARTMENT OF EMPLOYMENT AND WORKFORCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	41,045	
OTHER OPERATING EXPENSES	499,545	
ALLOC PRIVATE SECTOR	8,673,813	
TOT V. TRADE ADJUSTMENT ASSISTANCE	10,524,000	
	(75.05)	
VI. APPEALS		
CLASSIFIED POSITIONS	1,262,271	
	(37.50)	
UNCLASSIFIED POSITIONS	373,065	
	(1.00)	
OTHER PERSONAL SERVICES	372,584	
OTHER OPERATING EXPENSES	608,515	
TOTAL VI. APPEALS	2,616,435	
	(38.50)	
VII. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	16,378,972	20,036
TOT VII. EMPLOY BENEFITS	16,378,972	20,036
TOTAL DEPARTMENT OF EMPLOYMENT AND WORKFORCE	167,507,768	502,036
	(776.27)	(1.00)

SECTION 84
U120-DEPARTMENT OF TRANSPORTATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
A. GENERAL		
EXECUTIVE DIRECTOR	187,200	
	(1.00)	
CLASSIFIED POSITIONS	14,474,136	
	(307.00)	
UNCLASSIFIED POSITIONS	255,000	
	(2.00)	
OTHER PERSONAL SERVICES	255,000	
OTHER OPER EXPENSES	47,500,000	

U120-DEPARTMENT OF TRANSPORTATION

	TOTAL FUNDS	GENERAL FUNDS
DEBT SERVICE	1,303,586	
TOTAL A. GENERAL	63,974,922	
	(310.00)	
 B. LAND & BUILDINGS		
OTHER OPERATING EXPENSES	8,886,000	
PERMANENT IMPROVEMENTS	3,886,000	
TOT B. LAND & BUILDINGS	12,772,000	
 TOTAL I. ADMINISTRATION	 76,746,922	
	(310.00)	
 II. HIGHWAY ENGINEERING		
A. ENGR.-ADMIN. & PROJ. MGMT		
CLASSIFIED POSITIONS	79,775,810	
	(1,511.00)	
UNCLASSIFIED POSITIONS	158,294	
	(1.00)	
OTHER PERSONAL SERVICES	3,060,000	
OTHER OPER EXPENSES	17,598,904	
TOTAL A. ENGR.-ADMIN. & PROJ. MGMT	100,593,008	
	(1,512.00)	
 B. ENGINEERING CONSTRUCT		
OTHER OPERATING EXPENSES	41,350,000	
DEBT SERVICE	35,370,991	
PRINCIPAL - LOAN NOTE	2,288,848	
INTEREST - LOAN NOTE	2,690,903	
SIB ONE CENT EQUIVALENT	28,914,604	
DEBT SVC SIB RAVENEL BRIDGE PROJECT LOAN	8,000,000	
DEBT SVC SIB MULTIPROJECT LOAN	10,000,000	
OTHER OPERATING OTHER	47,628,000	
PERMANENT IMPROV BRIDGES	207,644,155	
PERM IMPR REHABILITAT & RESURFACING	663,179,010	

U120-DEPARTMENT OF TRANSPORTATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
PERM IMPR OPERATIONAL & SAFETY IMPROVEMENTS	255,077,242	
PERM IMPR WIDENINGS & NEW LOCATIONS	578,261,402	
PERM IMPR ENHANCEMENTS	15,750,419	
PERM IMPR PORT ACCESS RD	42,430,128	
TOTAL B. ENGINEERING CONSTRUCTION	1,938,585,702	
 C. HIGHWAY MAINTENANCE		
CLASSIFIED POSITIONS	98,620,294	
	(3,324.96)	
OTHER PERSONAL SERVICES	8,060,000	
OTHER OPERATING EXPENSES	194,250,000	
PERMANENT IMPROVEMENTS	150,000	
TOT C. HIGHWAY MAINTEN	301,080,294	
	(3,324.96)	
 TOTAL II. HIGHWAY ENGINEERING	2,340,259,004	
	(4,836.96)	
 III. TOLL OPERATIONS		
CLASSIFIED POSITIONS	110,266	
	(2.00)	
OTHER OPERATING EXPENSES	4,500,000	
DEBT SERVICE	3,086,921	
TOT III. TOLL OPERATIONS	7,697,187	
	(2.00)	
 IV. NON-FED AID HIGHWAY FD		
OTHER OPERATING BRIDGES	3,000,000	
MINOR REPAIR		
OTHER OPERATING	35,761,178	
REHAB & RESURFACING		
TOTAL IV. NON-FEDERAL AID HIGHWAY FUND	38,761,178	

U120-DEPARTMENT OF TRANSPORTATION

	TOTAL FUNDS	GENERAL FUNDS
V. MASS TRANSIT		
CLASSIFIED POSITIONS	5,549,937	
	(34.00)	
UNCLASSIFIED POSITIONS	140,000	
	(1.00)	
OTHER OPERATING EXPENSES	1,300,000	
ALLOC MUNICIPALITIES - RESTRICTED	100,000	
ALLOC OTHER ENTITIES	27,645,500	
V. MASS TRANSIT	57,270	57,270
TOTAL V. MASS TRANSIT	34,792,707	57,270
	(35.00)	
VI. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	96,897,132	
TOT VI. EMPLOY BENEFITS	96,897,132	
TOTAL DEPARTMENT OF TRANSPORTATION	2,595,154,130	57,270
	(5,183.96)	

SECTION 85
U150-INFRASTRUCTURE BANK BOARD

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
CLASSIFIED POSITIONS	400,000	
	(6.00)	
OTHER PERSONAL SERVICES	25,000	
OTHER OPERATING EXPENSES	282,870	
TRANSPORTATION INFRASTRU	130,090,000	
TOTAL I. ADMINISTRATION	130,797,870	
	(6.00)	

OF SOUTH CAROLINA
General and Permanent Laws--2019
U150-INFRASTRUCTURE BANK BOARD

	TOTAL FUNDS	GENERAL FUNDS
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	178,000	
TOT II. EMPLOYEE BENEFITS	178,000	
TOT INFRASTRUCTURE BANK BOARD	130,975,870	(6.00)

SECTION 86
U200-COUNTY TRANSPORTATION FUNDS

	TOTAL FUNDS	GENERAL FUNDS
I. COUNTY TRANSPORTATION FUNDS		
OTHER OPERATING EXPENSES	1,570,264	
PERMANENT IMPROVEMENTS	102,416,436	
ALLOC MUNICIPALITIES - RESTRICTED	4,137,949	
ALLOC CNTIES - RESTRICTED	85,356,066	
TOTAL I. COUNTY TRANSPORTATION FUNDS	193,480,715	
TOT CNTY TRANSPORTATION	193,480,715	

SECTION 87
U300-DIVISION OF AERONAUTICS

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
CLASSIFIED POSITIONS	750,000	600,000
	(13.00)	(8.80)
UNCLASSIFIED POSITIONS	115,000	115,000
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	115,000	100,000
OTHER OPERATING EXPENSES	3,520,937	493,598
ALLOC MUNICIPALITIES - RESTRICTED	1,545,000	

STATUTES AT LARGE
General and Permanent Laws--2019
U300-DIVISION OF AERONAUTICS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
ALLOC CNTIES - RESTRICTED	4,791,528	500,000
ALLOC OTHER ENTITIES	400,000	
TOTAL I. ADMINISTRATION	11,237,465	1,808,598
	(14.00)	(9.80)
 II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	333,836	283,836
TOT II. EMPLOYEE BENEFITS	333,836	283,836
 TOTAL DIVISION OF	 11,571,301	 2,092,434
AERONAUTICS	(14.00)	(9.80)

SECTION 91A
A010-LEG DEPT - THE SENATE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
SENATORS @ \$10,400	478,400	478,400
	(46.00)	(46.00)
PRESIDENT OF THE SENATE	1,575	1,575
PRESIDENT	11,000	11,000
UNCLASSIFIED POSITIONS	7,558,127	7,558,127
	(142.00)	(142.00)
OTHER OPERATING EXPENSES	2,635,609	2,635,609
JOINT CITIZENS & LEG COMM ON CHILDREN	300,000	
TOTAL I. ADMINISTRATION	10,984,711	10,684,711
	(188.00)	(188.00)
 II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	4,123,983	4,123,983
TOT II. EMPLOYEE BENEFITS	4,123,983	4,123,983
 TOT LEG DEPT - THE SENATE	 15,108,694	 14,808,694
	(188.00)	(188.00)

SECTION 91B
A050-LEG DEPT - HOUSE OF REPRESENTATIVES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
REPRESENTATIVES @ \$10,400	1,289,600	1,289,600
	(124.00)	(124.00)
THE SPEAKER	11,000	11,000
SPEAKER PRO TEMPORE	3,600	3,600
UNCLASSIFIED POSITIONS	5,303,640	5,303,640
	(127.00)	(127.00)
OTHER OPERATING EXPENSES	10,752,627	10,752,627
TOTAL I. ADMINISTRATION	17,360,467	17,360,467
	(251.00)	(251.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	5,345,455	5,345,455
TOT II. EMPLOYEE BENEFITS	5,345,455	5,345,455
TOTAL LEG DEPT - HOUSE OF REPRESENTATIVES	22,705,922	22,705,922
	(251.00)	(251.00)

SECTION 91C
A150-LEG DEPT - CODIFICATION OF LAWS &
LEGISLATIVE COUNCIL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
CODE COMMISSIONER & DIRECTOR (P)	159,492	159,492
	(1.00)	(1.00)
UNCLASS LEG MISC (P)	2,553,673	2,553,673
	(39.00)	(39.00)
OTHER OPERATING EXPENSES	600,676	600,676
PRINTING CODE SUPPLEMENT	400,000	100,000
PHOTOCOPYING EQUIPMENT	1,000	1,000
APPROVED ACCOUNTS	45,121	45,121
COMMIS ON UNIFORM ST LAWS	1,000	1,000
TOTAL I. ADMINISTRATION	3,760,962	3,460,962
	(40.00)	(40.00)

STATUTES AT LARGE (No. 91)
 General and Permanent Laws--2019
**A150-LEG DEPT - CODIFICATION OF LAWS &
 LEGISLATIVE COUNCIL**

	TOTAL FUNDS	GENERAL FUNDS
II. DEVELOP/PRINT STATE REGISTER		
UNCLASS LEG MISC (P)	85,893	85,893
	(1.00)	(1.00)
TOTAL II. DEVELOP/PRINT STATE REGISTER	85,893	85,893
	(1.00)	(1.00)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	916,437	916,437
TOT III. EMPLOYEE BENEFITS	916,437	916,437
TOTAL LEG DEPT - CODIFICA OF LAWS & LEGI	4,763,292	4,463,292
	(41.00)	(41.00)

SECTION 91D
A170-LEG DEPT - LEGISLATIVE SERVICES AGENCY

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR (P)	133,278	133,278
	(1.00)	(1.00)
UNCLASS LEG MISC - PRNT & ITR (P)	2,310,503	2,310,503
	(32.00)	(32.00)
UNCLASS - TEMP - LEGIS PRINT	80,000	80,000
OTHER OPERATING EXPENSES	2,901,697	2,901,697
TOTAL I. ADMINISTRATION	5,425,478	5,425,478
	(33.00)	(33.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	927,088	927,088
TOT II. EMPLOYEE BENEFITS	927,088	927,088
TOTAL LEG DEPT - LEGISLATIVE SRVCS AGENCY	6,352,566	6,352,566
	(33.00)	(33.00)

SECTION 91E
A200-LEG DEPT - LEGISLATIVE AUDIT COUNCIL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR (P)	109,976	109,976
	(1.00)	(1.00)
UNCLASSIFIED LEGISLATIVE	1,698,677	1,378,677
MISC - LAC (P)	(25.00)	(25.00)
OTHER PERSONAL SERVICES	1,225	1,225
OTHER OPERATING EXPENSES	152,000	152,000
TOTAL I. ADMINISTRATION	1,961,878	1,641,878
	(26.00)	(26.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	478,629	398,629
TOT II. EMPLOYEE BENEFITS	478,629	398,629
TOTAL LEG DEPT -	2,440,507	2,040,507
LEGIS AUDIT COUNCIL	(26.00)	(26.00)

SECTION 92A
D050-GOVERNOR'S OFFICE - EXECUTIVE
CONTROL OF STATE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
GOVERNOR	106,078	106,078
	(1.00)	(1.00)
LIEUTENANT GOVERNOR	46,545	46,545
	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	1,901,288	1,901,288
	(28.00)	(28.00)
OTHER PERSONAL SERVICES	15,749	15,749
OTHER OPERATING EXPENSES	141,382	141,382
TOTAL I. ADMINISTRATION	2,211,042	2,211,042
	(30.00)	(30.00)

STATUTES AT LARGE (No. 91)
General and Permanent Laws--2019
D050-GOVERNOR'S OFFICE - EXECUTIVE
CONTROL OF STATE

	TOTAL FUNDS	GENERAL FUNDS
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	830,566	830,566
TOT II. EMPLOYEE BENEFITS	830,566	830,566
TOTAL GOVERNOR'S OFFICE -	3,041,608	3,041,608
EXECUTIVE CONTROL OF ST	(30.00)	(30.00)

SECTION 92C
D200-GOVERNOR'S OFFICE - MANSION AND GROUNDS

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
CLASSIFIED POSITIONS	70,696	60,696
	(2.00)	(1.00)
UNCLASSIFIED POSITIONS	155,653	105,653
	(7.00)	(3.50)
OTHER PERSONAL SERVICES	23,260	23,260
OTHER OPER EXPENSES	193,284	60,867
TOTAL I. ADMINISTRATION	442,893	250,476
	(9.00)	(4.50)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	83,717	76,134
TOT II. EMPLOYEE BENEFITS	83,717	76,134
TOT GOVERNOR'S OFFICE -	526,610	326,610
MANSION AND GROUNDS	(9.00)	(4.50)

SECTION 93
D500-DEPARTMENT OF ADMINISTRATION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	213,375	213,375
	(1.00)	(1.00)
CLASSIFIED POSITIONS	2,235,624	567,811
	(40.52)	(12.37)

D500-DEPARTMENT OF ADMINISTRATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	951,321	127,011
	(7.50)	(0.90)
OTHER PERSONAL SERVICES	35,000	7,000
OTHER OPERATING EXPENSES	1,164,321	897,821
TECHNOLOGY INVEST COUNCIL	98,784	98,784
TOTAL I. ADMINISTRATION	4,698,425	1,911,802
	(49.02)	(14.27)
 II. STATEWIDE PROGRAMS & SERVICES		
A. EXECUTIVE BUDGET OFFICE		
CLASSIFIED POSITIONS	1,251,049	1,251,049
	(18.00)	(18.00)
UNCLASSIFIED POSITIONS	123,730	123,730
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	122,989	122,989
TOT A. EXECUTIVE BUDGET OFFICE	1,497,768	1,497,768
	(19.00)	(19.00)
 B. HUMAN RESOURCES DIV		
CLASSIFIED POSITIONS	1,381,608	1,250,000
	(21.00)	(19.00)
UNCLASSIFIED POSITIONS	130,611	130,611
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	60,000	60,000
OTHER OPERATING EXPENSES	1,069,942	700,000
TOT B. HUMAN RESOURCES DIVISION	2,642,161	2,140,611
	(22.00)	(20.00)
 C. GENERAL SRVCS DIVISION		
1. BUSINESS OPERATIONS		
CLASSIFIED POSITIONS	250,000	
	(4.50)	
UNCLASSIFIED POSITIONS	410,000	
	(3.50)	

D500-DEPARTMENT OF ADMINISTRATION

	TOTAL FUNDS	GENERAL FUNDS
OTHER OPERATING EXPENSES	390,000	
TOT 1. BUSINESS OPERATIONS	1,050,000	
	(8.00)	
 2. FACILITIES MANAGEMENT		
CLASSIFIED POSITIONS	4,795,305	
	(120.50)	
OTHER PERSONAL SERVICES	150,000	
OTHER OPERATING EXPENSES	14,570,195	
PERMANENT IMPROVEMENTS	6,353,781	3,353,781
CAPITOL COMPLEX & MANSION	3,150,000	3,150,000
TOTAL 2. FACILITIES MANAGEMENT	29,019,281	6,503,781
	(120.50)	
 3. SURPLUS PROPERTY		
CLASSIFIED POSITIONS	783,680	
	(22.85)	
OTHER PERSONAL SERVICES	69,000	
OTHER OPERATING EXPENSES	717,588	
TOT 3. SURPLUS PROPERTY	1,570,268	
	(22.85)	
 5. PARKING		
CLASSIFIED POSITIONS	108,000	
	(3.00)	
OTHER OPERATING EXPENSES	250,000	
TOTAL 5. PARKING	358,000	
	(3.00)	
 6. ST FLEET MANAGEMENT		
CLASSIFIED POSITIONS	975,500	
	(23.75)	
OTHER OPERATING EXPENSES	19,588,000	
DEBT SERVICE	7,631,000	
TOTAL 6. STATE FLEET MANAGEMENT	28,194,500	
	(23.75)	

D500-DEPARTMENT OF ADMINISTRATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
7. ST BUILDING & PROP SRVCS		
CLASSIFIED POSITIONS	286,600	
	(4.50)	
UNCLASSIFIED POSITIONS	36,406	
	(0.50)	
OTHER PERSONAL SERVICES	10,835	
OTHER OPERATING EXPENSES	335,000	
TOTAL 7. STATE BUILDING & PROPERTY SERVICES	668,841	
	(5.00)	
TOTAL C. GENERAL SRVCS DIVISION	60,860,890	6,503,781
	(183.10)	
D. SC ENTERPRISE INFO SYSTEM		
CLASSIFIED POSITIONS	4,417,929	4,417,929
	(80.00)	(80.00)
UNCLASSIFIED POSITIONS	227,381	227,381
	(2.50)	(2.50)
OTHER PERSONAL SERVICES	345,000	345,000
OTHER OPERATING EXPENSES	13,525,945	12,025,945
TOTAL D. SC ENTERPRISE INFORMATION SYSTEM	18,516,255	17,016,255
	(82.50)	(82.50)
E. DIVISION OF INFO SECURITY		
CLASSIFIED POSITIONS	1,450,676	1,331,939
	(20.00)	(17.00)
UNCLASSIFIED POSITIONS	946,378	946,378
	(7.00)	(7.00)
OTHER OPERATING EXPENSES	207,250	207,250
ENTERPRISE TECHNOLOGY & REMEDATION	14,811,366	14,811,366
TOTAL E. DIVISION OF INFORMATION SECURITY	17,415,670	17,296,933
	(27.00)	(24.00)

D500-DEPARTMENT OF ADMINISTRATION

	TOTAL FUNDS	GENERAL FUNDS
F. ENTERPRISE PRIVACY OFFICE		
CLASSIFIED POSITIONS	177,372	177,372
	(2.00)	(2.00)
UNCLASSIFIED POSITIONS	123,900	123,900
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	72,041	72,041
TOT F. ENTERPRISE PRIVACY OFFICE	373,313	373,313
	(3.00)	(3.00)
G. STATE TECHNOLOGY OPERATIONS		
CLASSIFIED POSITIONS	10,146,117	690,867
	(178.00)	(10.00)
UNCLASSIFIED POSITIONS	660,000	
	(7.00)	
OTHER PERSONAL SERVICES	400,000	
OTHER OPERATING EXPENSES	47,324,042	3,611,090
DEBT SERVICE	1,020,930	
SERVICE CONTRACT 800 MHZ	1,238,247	1,238,247
K-12 SCHOOL TECHNOLOGY	23,450,000	
TOT G. STATE TECHNOLOGY OPERATIONS	84,239,336	5,540,204
	(185.00)	(10.00)
H. SHARED SERVICES		
CLASSIFIED POSITIONS	1,050,000	1,050,000
	(15.00)	(15.00)
OTHER PERSONAL SERVICES	50,000	50,000
OTHER OPERATING EXPENSES	1,480,000	1,480,000
TOTAL H. SHARED SERVICES	2,580,000	2,580,000
	(15.00)	(15.00)
I. CDBG - DISASTER RECOVERY		
CLASSIFIED POSITIONS	560,000	
	(10.00)	
OTHER PERSONAL SERVICES	2,340,000	
OTHER OPERATING EXPENSES	94,465,000	
ALLOC CNTIES - RESTRICTED	1,500,000	

D500-DEPARTMENT OF ADMINISTRATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL I. CDBG - DISASTER RECOVERY	98,865,000 (10.00)	
TOTAL II. STATEWIDE PROGRAMS & SERVICES	286,990,393 (546.60)	52,948,865 (173.50)
III. EXECUTIVE POLICY & PRO		
B. CHILDREN'S SERVICES		
2. CHILDREN'S AFFAIRS		
UNCLASSIFIED POSITIONS	39,451 (0.50)	39,451 (0.50)
CHILDREN'S TRUST FUND	100,000	100,000
TOTAL 2. CHILDREN'S AFFAIRS	139,451 (0.50)	139,451 (0.50)
TOT B. CHILDREN'S SERVICES	139,451 (0.50)	139,451 (0.50)
C. CONSTITUENT SERVICES		
1. VETERANS' AFFAIRS		
a. VETERANS' AFFAIRS		
CLASSIFIED POSITIONS	520,000 (16.90)	520,000 (16.90)
UNCLASSIFIED POSITIONS	68,110 (1.00)	68,110 (1.00)
OTHER OPERATING EXPENSES	154,611	154,611
CASE SERVICES	300,000	
POW COMMISSION	2,080	2,080
VETERANS COUNSELING	65,279	65,279
TOT a. VETERANS' AFFAIRS	1,110,080 (17.90)	810,080 (17.90)
b. VETERANS' CEMETERY		
CLASSIFIED POSITIONS	274,280 (9.10)	274,280 (9.10)

D500-DEPARTMENT OF ADMINISTRATION

	TOTAL FUNDS	GENERAL FUNDS	
OTHER OPERATING EXPENSES	318,730	73,730	
TOT b. VETERANS' CEMETERY	593,010	348,010	
	(9.10)	(9.10)	
TOT 1. VETERANS' AFFAIRS	1,703,090	1,158,090	
	(27.00)	(27.00)	
2. OMBUDSMAN			
CLASSIFIED POSITIONS	134,460	134,460	
	(4.00)	(4.00)	
UNCLASSIFIED POSITIONS	100,291	100,291	
	(1.50)	(1.50)	
OTHER OPERATING EXPENSES	19,629	19,629	
TOTAL 2. OMBUDSMAN	254,380	254,380	
	(5.50)	(5.50)	
3. DEVELOPMENTAL DISABIL			
CLASSIFIED POSITIONS	215,495	15,495	
	(6.00)	(0.48)	
UNCLASSIFIED POSITIONS	68,251	10,238	
	(1.00)	(0.15)	
OTHER OPERATING EXPENSES	106,868	31,555	
ALLOC OTHER ENTITIES	1,248,320		
TOTAL 3. DEVELOPMENTAL	1,638,934	57,288	
DISABILITIES	(7.00)	(0.63)	
4. SMALL & MINORITY BUSINESS			
CLASSIFIED POSITIONS	104,289	104,289	
	(2.00)	(2.00)	
OTHER OPERATING EXPENSES	34,927	34,927	
TOTAL 4. SMALL & MINORITY	139,216	139,216	
BUSINESS	(2.00)	(2.00)	
5. ECONOMIC OPPORTUNITY			
CLASSIFIED POSITIONS	801,026		
	(16.00)		
UNCLASSIFIED POSITIONS	72,667		
	(1.00)		

D500-DEPARTMENT OF ADMINISTRATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	303,901	
OTHER OPERATING EXPENSES	905,860	
ALLOC OTHER ENTITIES	58,522,500	
TOTAL 5. ECONOMIC OPPORTUNITY	60,605,954 (17.00)	
TOTAL C. CONSTITUENT SERVICES	64,341,574 (58.50)	1,608,974 (35.13)
TOT III. EXECUTIVE POLICY & PROGRAMS	64,481,025 (59.00)	1,748,425 (35.63)
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	14,959,132	5,268,983
TOT IV. EMPLOY BENEFITS	14,959,132	5,268,983
TOTAL DEPARTMENT OF ADMINISTRATION	371,128,975 (654.62)	61,878,075 (223.40)

**SECTION 94
D250-OFFICE OF INSPECTOR GENERAL**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. OFFICE OF INSPECTOR GENERAL		
INSPECTOR GENERAL	122,542	122,542
	(1.00)	(1.00)
CLASSIFIED POSITIONS	344,394	344,394
	(6.00)	(6.00)
NEW POSITION PROGRAM	84,300	84,300
MANAGER II	(1.00)	(1.00)
OTHER OPERATING EXPENSES	69,572	69,572
FRAUD HOTLINE	321	321
TOTAL I. OFFICE OF INSPECTOR GENERAL	621,129 (8.00)	621,129 (8.00)

STATUTES AT LARGE
General and Permanent Laws--2019
D250-OFFICE OF INSPECTOR GENERAL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	193,574	193,574
TOT II. EMPLOYEE BENEFITS	193,574	193,574
TOT OFFICE OF INSPECTOR GENERAL	814,703 (8.00)	814,703 (8.00)

SECTION 96
E080-SECRETARY OF STATE'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
SECRETARY OF STATE	92,007 (1.00)	92,007 (1.00)
CLASSIFIED POSITIONS	1,486,274 (32.00)	734,341 (18.00)
OTHER PERSONAL SERVICES	65,000	
OTHER OPER EXPENSES	1,253,311	16,600
TOT I. ADMINISTRATION	2,896,592 (33.00)	842,948 (19.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	600,823	370,212
TOT II. EMPLOYEE BENEFITS	600,823	370,212
TOT SECRETARY OF STATE'S OFFICE	3,497,415 (33.00)	1,213,160 (19.00)

SECTION 97
E120-COMPTROLLER GENERAL'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATIVE SERVICES		
COMPTROLLER GENERAL	92,007 (1.00)	92,007 (1.00)
CLASSIFIED POSITIONS	134,981 (2.00)	134,981 (2.00)

E120-COMPTROLLER GENERAL'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	38,111	38,111
	(3.00)	(3.00)
OTHER PERSONAL SERVICES	17,000	2,000
OTHER OPERATING EXPENSES	59,301	1,500
TOTAL I. ADMINISTRATIVE SERVICES	341,400	268,599
	(6.00)	(6.00)
 II. STATEWIDE PAYROLL/ ACCOUNTS PAYABLE		
CLASSIFIED POSITIONS	817,797	707,316
	(17.00)	(11.50)
UNCLASSIFIED POSITIONS	35,500	35,500
OTHER OPERATING EXPENSES	75,779	2,000
TOTAL II. STATEWIDE PAYROLL/ACC PAYABLE	929,076	744,816
	(17.00)	(11.50)
 III. STATEWIDE FINANCIAL REPORTING		
CLASSIFIED POSITIONS	282,140	282,140
	(6.00)	(6.00)
UNCLASSIFIED POSITIONS	35,556	35,556
OTHER PERSONAL SERVICES	40,773	5,773
OTHER OPERATING EXPENSES	139,390	1,748
TOTAL III. STATEWIDE FINANCIAL REPORTING	497,859	325,217
	(6.00)	(6.00)
 IV. INFO TECHNOLOGY		
CLASSIFIED POSITIONS	228,381	119,889
	(2.00)	(1.00)
OTHER PERSONAL SERVICES	15,070	70
OTHER OPERATING EXPENSES	169,811	1,065
TOTAL IV. INFORMATION TECHNOLOGY	413,262	121,024
	(2.00)	(1.00)

E120-COMPROLLER GENERAL'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
V. STATEWIDE ACCOUNTING SERVICES		
CLASSIFIED POSITIONS	418,804	373,370
	(6.00)	(4.00)
UNCLASSIFIED POSITIONS	35,556	35,556
OTHER PERSONAL SERVICES	3,000	3,000
OTHER OPERATING EXPENSES	32,023	1,351
TOTAL V. STATEWIDE ACCOUNTING SERVICES	489,383	413,277
	(6.00)	(4.00)
VI. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	687,718	610,331
TOT VI. EMPLOYEE BENEFITS	687,718	610,331
TOT COMPROLLER GENERAL'S OFFICE	3,358,698	2,483,264
	(37.00)	(28.50)

SECTION 98
E160-STATE TREASURER'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
STATE TREASURER	92,007	92,007
	(1.00)	(1.00)
CLASSIFIED POSITIONS	66,122	66,122
	(2.00)	(2.00)
OTHER OPERATING EXPENSES	14,115	14,115
TOTAL I. ADMINISTRATION	172,244	172,244
	(3.00)	(3.00)
II. PROGRAMS AND SERVICES		
CLASSIFIED POSITIONS	3,883,758	1,239,371
	(74.07)	(38.00)
UNCLASSIFIED POSITIONS	221,340	
	(3.00)	
OTHER PERSONAL SERVICES	75,000	

OF SOUTH CAROLINA
General and Permanent Laws--2019
E160-STATE TREASURER'S OFFICE

	TOTAL FUNDS	GENERAL FUNDS
OTHER OPER EXPENSES	3,730,980	77,641
TOTAL II. PROGRAMS AND SERVICES	7,911,078 (77.07)	1,317,012 (38.00)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,858,547	561,552
TOT III. EMPLOY BENEFITS	1,858,547	561,552
 TOTAL STATE TREASURER'S OFFICE	 9,941,869 (80.07)	 2,050,808 (41.00)

SECTION 99

E190-RETIREMENT SYSTEM INVESTMENT COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR	230,000	
	(1.00)	
UNCLASSIFIED POSITIONS	4,508,745	
	(50.00)	
OTHER PERSONAL SERVICES	2,461,255	
OTHER OPERATING EXPENSES	6,103,000	
TOTAL I. ADMINISTRATION	13,303,000 (51.00)	
 II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,000,000	
TOT II. EMPLOYEE BENEFITS	2,000,000	
 TOT RETIREMENT SYSTEM INVESTMENT COMMISSION	 15,303,000 (51.00)	

SECTION 100
E240-ADJUTANT GENERAL'S OFFICE

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
ADJUTANT GENERAL	212,007	212,007
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,171,033	812,033
	(19.20)	(12.87)
OTHER PERSONAL SERVICES	85,000	70,000
OTHER OPERATING EXPENSES	188,800	187,800
BURIAL FLAGS	11,871	11,871
FUNERAL CAISSON	100,205	100,205
CIVIL AIR PATROL	55,000	55,000
TOTAL I. ADMINISTRATION	1,823,916	1,448,916
	(20.20)	(13.87)
 II. ARMORY OPERATIONS		
CLASSIFIED POSITIONS	21,424	
	(0.55)	
OTHER PERSONAL SERVICES	74,000	
OTHER OPERATING EXPENSES	4,504,580	2,000,004
ARMORY REVITALIZATIONS	6,100,000	1,550,000
TOT II. ARMORY OPERATIONS	10,700,004	3,550,004
	(0.55)	
 III. BUILDINGS & GROUNDS		
CLASSIFIED POSITIONS	256,583	115,088
	(13.75)	(8.25)
OTHER PERSONAL SERVICES	7,244	3,344
OTHER OPERATING EXPENSES	102,034	59,896
TOTAL III. BUILDINGS & GROUNDS	365,861	178,328
	(13.75)	(8.25)
 IV. ARMY CONTRACT SUPRT		
CLASSIFIED POSITIONS	1,138,975	62,226
	(8.75)	(0.25)
OTHER PERSONAL SERVICES	4,750,954	
OTHER OPERATING EXPENSES	13,120,685	154,000
PERMANENT IMPROVEMENTS	21,700,000	

OF SOUTH CAROLINA
General and Permanent Laws--2019
E240-ADJUTANT GENERAL'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
YOUTH CHALLENGE PROGRAM	800,000	800,000
TOTAL IV. ARMY CONTRACT SUPPORT	41,510,614 (8.75)	1,016,226 (0.25)
 V. ENTERPRISE OPERATIONS		
CLASSIFIED POSITIONS	98,857 (2.00)	
OTHER PERSONAL SERVICES	839,436	
OTHER OPERATING EXPENSES	3,500,000	
TOTAL V. ENTERPRISE OPERATIONS	4,438,293 (2.00)	
 VI. MCENTIRE ANG BASE		
CLASSIFIED POSITIONS	937,407 (20.75)	57,740 (2.81)
NEW POSITION PRINTING MANAGER I	- (1.00)	
NEW POSITION FIRE SAFETY OFFICER I	- (38.00)	
NEW POSITION FIRE SAFETY OFFICER II	- (7.00)	
NEW POSITION FIRE SAFETY OFFICER III	- (8.00)	
OTHER PERSONAL SERVICES	1,245,685	58,668
OTHER OPERATING EXPENSES	3,006,805	322,951
TOT VI. MCENTIRE ANG BASE	5,189,897 (74.75)	439,359 (2.81)
 VII. EMERGENCY PREPAREDNESS		
CLASSIFIED POSITIONS	2,496,975 (61.00)	868,111 (21.75)
NEW POSITION EMERGENCY PREPAR COORD II	120,000 (2.00)	120,000 (2.00)
OTHER PERSONAL SERVICES	330,448	10,326
OTHER OPERATING EXPENSES	4,663,452	981,999
ALLOC MUNICIPALITIES - RESTRICTED	4,500,000	

STATUTES AT LARGE
General and Permanent Laws--2019
E240-ADJUTANT GENERAL'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
ALLOC CNTIES - RESTRICTED	7,990,342	36,410
ALLOC OTHER ST AGENCIES	693,766	
ALLOC OTHER ENTITIES	60,000	
TOTAL VII. EMERGENCY	20,854,983	2,016,846
PREPAREDNESS	(63.00)	(23.75)
 VIII. STATE GUARD		
CLASSIFIED POSITIONS	72,034	72,034
	(2.50)	(2.50)
OTHER PERSONAL SERVICES	121,935	121,935
OTHER OPERATING EXPENSES	203,064	203,064
TOTAL VIII. STATE GUARD	397,033	397,033
	(2.50)	(2.50)
 IX. SC MILITARY MUSEUM		
CLASSIFIED POSITIONS	70,000	70,000
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	120,000	120,000
OTHER OPERATING EXPENSES	110,000	110,000
TOT IX. SC MILITARY MUSEUM	300,000	300,000
	(2.00)	(2.00)
 X. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	6,091,983	1,359,999
TOT X. EMPLOY BENEFITS	6,091,983	1,359,999
 TOT ADJUTANT GENERAL'S	 91,672,584	 10,706,711
OFFICE	(187.50)	(53.43)

SECTION 101
E280-ELECTION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	109,460	109,460
	(1.00)	(1.00)
CLASSIFIED POSITIONS	305,008	241,211
	(6.50)	(4.00)

OF SOUTH CAROLINA
General and Permanent Laws--2019
E280-ELECTION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	429,101	213,198
TOTAL I. ADMINISTRATION	843,569	563,869
	(7.50)	(5.00)
 II. VOTER SERVICES		
CLASSIFIED POSITIONS	807,160	807,160
	(16.00)	(16.00)
OTHER OPERATING EXPENSES	618,845	618,845
TOTAL II. VOTER SERVICES	1,426,005	1,426,005
	(16.00)	(16.00)
 III. PUBLIC INFO/TRAINING		
CLASSIFIED POSITIONS	206,610	206,610
	(3.00)	(3.00)
OTHER OPERATING EXPENSES	60,000	25,000
TOTAL III. PUBLIC INFORMATION/TRAINING	266,610	231,610
	(3.00)	(3.00)
 IV. DISTRIB TO SUBDIVISIONS		
AID TO COUNTIES - ELECTION COMMISSION	533,000	533,000
TOTAL IV. DISTRIBUTION TO SUBDIVISIONS	533,000	533,000
 V. STWIDE/SPECIAL PRIMARIES		
STATEWIDE PRIMARIES	4,500,000	3,300,000
SPECIAL PRIMARIES	100,000	
TOT V. STATEWIDE/SPECIAL PRIMARIES	4,600,000	3,300,000
 VI. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	538,569	512,569
TOT VI. EMPLOYEE BENEFITS	538,569	512,569
 TOT ELECTION COMMISSION	 8,207,753	 6,567,053
	(26.50)	(24.00)

SECTION 102
E500-REVENUE & FISCAL AFFAIRS OFFICE

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	180,491	180,491
	(1.00)	(1.00)
CHAIRMAN'S ALLOWANCE	10,000	10,000
APPOINTEE ALLOWANCE	16,000	16,000
TOTAL I. ADMINISTRATION	206,491	206,491
	(1.00)	(1.00)
II. PROGRAM SERVICES		
CLASSIFIED POSITIONS	4,822,730	2,635,573
	(79.25)	(44.25)
UNCLASSIFIED POSITIONS	130,621	130,621
	(2.00)	(1.70)
OTHER PERSONAL SERVICES	544,158	47,500
OTHER OPERATING EXPENSES	3,320,249	858,960
WIRELESS E911	32,000,000	
TOT II. PROGRAM SRVCS	40,817,758	3,672,654
	(81.25)	(45.95)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,154,683	1,205,513
TOT III. EMPLOY BENEFITS	2,154,683	1,205,513
TOTAL REVENUE & FISCAL AFFAIRS OFFICE	43,178,932	5,084,658
	(82.25)	(46.95)

SECTION 104
E550-STATE FISCAL ACCOUNTABILITY AUTHORITY

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	191,000	
	(1.00)	
CLASSIFIED POSITIONS	1,130,100	
	(23.50)	

E550-STATE FISCAL ACCOUNTABILITY AUTHORITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	187,000	
	(2.50)	
OTHER PERSONAL SERVICES	157,000	
OTHER OPERATING EXPENSES	745,786	
TOTAL I. ADMINISTRATION	2,410,886	
	(27.00)	
 II. PROCUREMENT SERVICES		
CLASSIFIED POSITIONS	3,755,393	1,085,393
	(57.50)	(17.50)
UNCLASSIFIED POSITIONS	316,293	66,293
	(3.50)	(1.00)
OTHER PERSONAL SERVICES	24,719	24,719
OTHER OPERATING EXPENSES	2,054,215	59,000
TOTAL II. PROCUREMENT SERVICES	6,150,620	1,235,405
	(61.00)	(18.50)
 III. INSURANCE SERVICES		
A. INSURANCE RESERVE FUND		
CLASSIFIED POSITIONS	2,425,000	
	(46.10)	
UNCLASSIFIED POSITIONS	245,000	
	(2.00)	
OTHER PERSONAL SERVICES	12,000	
OTHER OPERATING EXPENSES	3,598,000	
TOT A. INSURANCE RESERVE FUND	6,280,000	
	(48.10)	
 B. SECOND INJURY FD SUNSET		
CLASSIFIED POSITIONS	107,000	
	(1.90)	
OTHER OPERATING EXPENSES	223,000	
TOT B. SECOND INJURY FUND SUNSET	330,000	
	(1.90)	
 TOTAL III. INSURANCE SERVICES	 6,610,000	
	(50.00)	

E550-STATE FISCAL ACCOUNTABILITY AUTHORITY

	TOTAL FUNDS	GENERAL FUNDS
IV. BOND SERVICES AND TRANSFERS		
OTHER OPERATING EXPENSES	4,475	
DEBT SERVICE	2,760,019	
TOTAL IV. BOND SERVICES AND TRANSFERS	2,764,494	
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	3,294,266	414,247
TOT V. EMPLOYEE BENEFITS	3,294,266	414,247
TOTAL STATE FISCAL ACCOUNTABILITY AUTH	21,230,266 (138.00)	1,649,652 (18.50)

SECTION 105
F270-SFAA - STATE AUDITOR'S OFFICE

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
STATE AUDITOR	147,052	147,052
	(1.00)	(1.00)
CLASSIFIED POSITIONS	227,794	227,794
	(3.00)	(3.00)
OTHER OPERATING EXPENSES	261	261
TOT I. ADMINISTRATION	375,107 (4.00)	375,107 (4.00)
II. AUDITS		
CLASSIFIED POSITIONS	2,518,628	1,823,599
	(48.00)	(34.00)
UNCLASSIFIED POSITIONS	111,512	111,512
	(1.00)	(1.00)
OTHER OPER EXPENSES	2,146,229	531,229
TOTAL II. AUDITS	4,776,369 (49.00)	2,466,340 (35.00)

F270-SFAA - STATE AUDITOR'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
III. INTERNAL AUDIT SRVCS		
CLASSIFIED POSITIONS	438,773	438,773
	(6.00)	(6.00)
UNCLASSIFIED POSITIONS	123,324	123,324
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	27,245	27,245
TOTAL III. INTERNAL AUDIT SERVICES	589,342	589,342
	(7.00)	(7.00)
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,466,402	1,196,792
TOT IV. EMPLOY BENEFITS	1,466,402	1,196,792
TOTAL SFAA - STATE AUDITOR'S OFFICE	7,207,220	4,627,581
	(60.00)	(46.00)

SECTION 106
F300-STATEWIDE EMPLOYEE BENEFITS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ST EMPLOYEE BENEFITS		
A. BASE PAY INCREASE		
EMPLOYEE PAY INCREASE	41,400,000	41,400,000
TOT A. BASE PAY INCREASE	41,400,000	41,400,000
B. RATE INCREASES		
HLTH INSURANCE-EMPLOYER CONTRIBUTIONS	49,708,000	49,708,000
SCRS EMPLOYER CONTRIB	29,091,195	29,091,195
PORS EMPLOYER CONTRIB	3,320,641	3,320,641
TOTAL B. RATE INCREASES	82,119,836	82,119,836
TOTAL I. STATE EMPLOYEE BENEFITS	123,519,836	123,519,836
TOT STATEWIDE EMPLOYEE	123,519,836	123,519,836

SECTION 107
F310-CAPITAL RESERVE FUND

	TOTAL FUNDS	GENERAL FUNDS
I. RESERVE FUND		
CAPITAL RESERVE FUND	162,485,305	162,485,305
TOTAL I. RESERVE FUND	162,485,305	162,485,305
TOT CAP RESERVE FUND	162,485,305	162,485,305

SECTION 108
F500-PUBLIC EMPLOYEE BENEFIT AUTHORITY

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR	163,582	
	(1.00)	
PUBLIC EMPLOYEE BENEFIT AUTHORITY	132,000	
OTHER OPERATING EXPENSES	10,000,000	
TOTAL I. ADMINISTRATION	10,295,582	
	(1.00)	
II. PROGRAM AND SRVCS		
A. EMPLOYEE INSURANCE		
CLASSIFIED POSITIONS	6,508,826	
	(117.93)	
UNCLASSIFIED POSITIONS	341,064	
	(3.00)	
OTHER PERSONAL SERVICES	195,104	
OTHER OPERATING EXPENSES	3,945,263	
ADOPTION ASSIST PROGRAM	300,000	
TOT A. EMPLY INSURANCE	11,290,257	
	(120.93)	
B. SC RETIREMENT SYSTEMS		
CLASSIFIED POSITIONS	8,401,050	
	(155.50)	

F500-PUBLIC EMPLOYEE BENEFIT AUTHORITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	513,327	
	(5.00)	
OTHER PERSONAL SERVICES	303,835	
OTHER OPERATING EXPENSES	5,003,246	
TOTAL B. SC RETIREMENT SYSTEMS	14,221,458	
	(160.50)	
TOTAL II. PROGRAM AND SERVICES	25,511,715	
	(281.43)	
III. STATEWIDE EMPLOYER CONTRIBUTIONS		
RETIRE SUPP - ST EMPLOYEES	233,258	233,258
RETIRE SUPP - PUBLIC SCHOOL	199,855	199,855
RET - POLICE INSURANCE & ANNUITY FUND	960	960
RET SUPP - POLICE OFFICERS PENSIONS - RET NATIONAL GUARD	17,506	17,506
	5,289,727	5,289,727
OPEB TRUST FUND	2,375,300	2,375,300
SCRS TRUST FUND	88,230,143	88,230,143
PORS TRUST FUND	13,121,990	13,121,990
JSRS TRUST FUND	2,900,000	2,900,000
TOTAL III. STATEWIDE EMPLOYER CONTRIBUTIONS	112,368,739	112,368,739
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	6,222,794	
TOT IV. EMPLOY BENEFITS	6,222,794	
TOT PUBLIC EMPLOYEE BENEFIT AUTHORITY	154,398,830	112,368,739
	(282.43)	

SECTION 109
R440-DEPARTMENT OF REVENUE

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATIVE & PROGRAM SUPPORT		
DIRECTOR	192,462	192,462
	(1.00)	(1.00)
CLASSIFIED POSITIONS	207,846	207,846
	(10.00)	(10.00)
UNCLASSIFIED POSITIONS	123,375	123,375
	(2.00)	(2.00)
OTHER OPERATING EXPENSES	35,000	35,000
TOTAL I. ADMINISTRATIVE & PROGRAM SUPPORT	558,683	558,683
	(13.00)	(13.00)
II. PROGRAMS AND SERVICES		
A. SUPPORT SERVICES		
CLASSIFIED POSITIONS	7,528,362	5,954,161
	(159.75)	(116.75)
UNCLASSIFIED POSITIONS	-	-
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	150,000	100,000
OTHER OPERATING EXPENSES	36,872,089	6,996,060
TOT A. SUPPORT SERVICES	44,550,451	13,050,221
	(160.75)	(117.75)
B. REVENUE & REGULATORY		
CLASSIFIED POSITIONS	19,135,362	18,766,008
	(618.50)	(589.50)
OTHER PERSONAL SERVICES	350,000	
OTHER OPERATING EXPENSES	6,431,052	5,376,963
TOTAL B. REVENUE & REGULATORY	25,916,414	24,142,971
	(618.50)	(589.50)
C. LEGAL, POLICY & LEGIS		
CLASSIFIED POSITIONS	505,992	505,992
	(12.00)	(12.00)

OF SOUTH CAROLINA
General and Permanent Laws--2019
R440-DEPARTMENT OF REVENUE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	80,000	80,000
TOTAL C. LEGAL, POLICY & LEGISLATIVE	585,992 (12.00)	585,992 (12.00)
TOTAL II. PROGRAMS AND SERVICES	71,052,857 (791.25)	37,779,184 (719.25)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	13,261,848	12,358,428
TOT III. EMPLOYEE BENEFITS	13,261,848	12,358,428
TOT DEPT OF REVENUE	84,873,388 (804.25)	50,696,295 (732.25)

SECTION 110
R520-STATE ETHICS COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	106,302	106,302
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,030,065	802,017
	(17.00)	(14.00)
OTHER PERSONAL SERVICES	18,187	3,187
OTHER OPERATING EXPENSES	424,202	194,202
TOTAL I. ADMINISTRATION	1,578,756 (18.00)	1,105,708 (15.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	380,703	336,243
TOT II. EMPLOYEE BENEFITS	380,703	336,243
TOTAL STATE ETHICS COMMISSION	1,959,459 (18.00)	1,441,951 (15.00)

SECTION 111
S600-PROCUREMENT REVIEW PANEL

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
CLASSIFIED POSITIONS	89,002	89,002
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	3,771	3,771
OTHER OPERATING EXPENSES	44,910	42,376
TOTAL I. ADMINISTRATION	137,683	135,149
	(2.00)	(2.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	39,882	39,882
TOT II. EMPLOYEE BENEFITS	39,882	39,882
TOT PROCUREMENT REVIEW	177,565	175,031
PANEL	(2.00)	(2.00)

SECTION 112
V040-DEBT SERVICE

	TOTAL FUNDS	GENERAL FUNDS
I. GENERAL OBLIGATION		
BONDS		
CAPITAL IMPROVEMENT BONDS	49,343,728	49,343,728
AIR CARRIER HUB BONDS	4,308,400	4,308,400
STATE SCH FACILITIES BONDS	49,215,821	49,215,821
ECONOMIC DVLPMNT BONDS	63,976,984	63,976,984
RESEARCH UNIVERS BONDS	24,220,344	24,220,344
TOT I. GEN OBLIGATION	191,065,277	191,065,277
BONDS		
II. SPECIAL BONDS/STOCKS/		
OTHER		
INT PAYMENT - AGRIC COLLEGE	11,508	11,508
STOCK		
INT PAYMENT - CLEMSON STOCK	3,513	3,513
RICHARD B RUSSELL PROJECT	550,000	550,000

No. 91)

OF SOUTH CAROLINA
General and Permanent Laws--2019
V040-DEBT SERVICE

701

	TOTAL FUNDS	GENERAL FUNDS
TOTAL II. SPECIAL BONDS/STOCKS/OTHER	565,021	565,021
TOTAL DEBT SERVICE	191,630,298	191,630,298

SECTION 113
X220-AID TO SUBDIVISIONS - STATE TREASURER

	TOTAL FUNDS	GENERAL FUNDS
I. AID TO SUBDIV-FORMULA FUNDED		
AID TO FIRE DISTRICTS	16,496,453	16,496,453
AID - LOCAL GOVMT FUND	233,740,696	233,740,696
AID PLANNING DISTRICTS	556,253	556,253
AID TO COUNTY VETERANS' OFFICES	271,167	271,167
TOTAL I. AID TO SUBDIV-FORMULA FUNDED	251,064,569	251,064,569
II. AID TO SUBDIV-CATEGORICAL GRANTS		
AID TO COUNTIES - CLERKS OF COURT	72,450	72,450
AID TO COUNTIES - PROBATE JUDGES	72,450	72,450
AID TO COUNTIES - SHERIFFS	72,450	72,450
AID TO COUNTIES - REGISTER OF DEEDS	33,075	33,075
AID TO COUNTIES - CORONERS	72,450	72,450
AID TO COUNTIES - AUDITORS	1,412,094	1,412,094
AID TO CNTIES - TREASURERS	1,412,093	1,412,093
CORONERS - LOCAL CHILD FATALITY REVIEW TEAM	1	1
TOTAL II. AID TO SUBDIV-CATEGORICAL GRANTS	3,147,063	3,147,063

X220-AID TO SUBDIVISIONS - STATE TREASURER

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	52,878	52,878
TOT III. EMPLOYEE BENEFITS	52,878	52,878
TOT AID TO SUBDIVISIONS - STATE TREASURER	254,264,510	254,264,510

SECTION 114
X440-AID TO SUBDIV-DEPT OF REVENUE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. AID TO SUBDIVISIONS		
AID TO COUNTIES - HOMESTEAD EXEMPTION FUND	20,421,270	20,421,270
TOT I. AID TO SUBDIVISIONS	20,421,270	20,421,270
TOT AID TO SUBDIV-DEPT OF REVENUE	20,421,270	20,421,270

SECTION 115
X500-TAX RELIEF TRUST FUND

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. AID TO SUBDIVISIONS		
HOMESTEAD EXEMPTION- DIST TO SCHOOL DISTRICTS	329,962,479	
HOMESTEAD EXEMPTION REIMB-65YRS/DISABLED	147,598,098	
MANUFACTURERS' DEPRECA REIMBURSEMENT	82,014,348	
MERCHANTS' INVENTORY TAX EXEMPTION	40,557,257	
MANUFACTURING EXEMPTION OF ASSESSED VALUE	13,920,818	
TOT I. AID TO SUBDIVISIONS	614,053,000	
TOT TAX RELIEF TRUST FUND	614,053,000	

RECAPITULATION

AGENCY	TOTAL FUNDS	GENERAL FUNDS
H630 DEPARTMENT OF EDUCATION	5,062,451,057	3,279,867,262
H660 LOTTERY EXPENDITURE ACCOUNT	509,100,000	
A850 EDUCATION OVERSIGHTCOMMITTEE	1,793,242	
H710 WIL LOU GRAY OPPORTUNITYSCHOOL	7,686,559	6,461,238
H750 SCHOOL FOR THE DEAF AND THE BLIND	28,724,337	15,214,882
L120 JOHN DE LA HOWE SCHOOL	5,990,534	4,853,260
H670 EDUCATIONAL TELEVISIONCOMMISSION	37,613,436	1,698,436
H030 COMMISSION ON HIGHEREDUCATION	45,641,504	35,442,484
H060 HIGHER EDUCATION TUITION GRANTS	33,943,354	27,893,354
H090 THE CITADEL	154,156,739	12,100,464
H120 CLEMSON UNIVERSITY (EDU & GEN)	1,165,648,936	92,350,353
H130 UNIVERSITY OF CHARLESTON	272,371,314	29,808,548
H170 COASTAL CAROLINA UNIVERSITY	248,466,785	16,009,172
H180 FRANCIS MARION UNIVERSITY	83,608,228	17,950,765
H210 LANDER UNIVERSITY	84,227,981	9,649,016
H240 SOUTH CAROLINA STATE UNIVERSITY	121,864,657	15,607,355
H270 UNIVERSITY OF SOUTH CAROLINA	1,259,949,042	150,816,068
H290 USC - AIKEN CAMPUS	62,144,516	10,187,154
H340 USC - UPSTATE	99,871,263	15,044,283
H360 USC - BEAUFORT CAMPUS	38,533,820	5,748,894
H370 USC - LANCASTER CAMPUS	21,622,104	3,447,603
H380 USC - SALKEHATCHIE CAMPUS	14,650,864	2,396,865
H390 USC - SUMTER CAMPUS	16,415,892	3,789,789
H400 USC - UNION CAMPUS	8,602,633	1,513,320
H470 WINTHROP UNIVERSITY	172,023,029	19,508,974
H510 MEDICAL UNIVERSITY OF SC	733,097,015	84,081,790
H530 AREA HEALTH EDUCATION CONSORT	14,627,477	10,973,850
H590 TECHNICAL & COMPREHENSIVE EDUC	717,348,964	162,604,098
H790 DEPARTMENT OF ARCHIVES & HISTORY	5,107,889	2,916,148
H870 STATE LIBRARY	18,330,433	15,362,287
H910 ARTS COMMISSION	5,825,796	4,341,448
H950 STATE MUSEUM COMMISSION	6,974,058	3,874,058
H960 CONFEDERATE RELIC ROOM AND MIL	1,340,530	921,278
H730 DEPARTMENT OF VOCATIONAL	174,310,431	16,628,123
J020 DEPARTMENT OF HEALTH & HUMAN SERV	7,791,731,370	1,415,395,316
J040 DEPARTMENT OF HEALTH & ENVIRO	649,662,400	142,622,468
J120 DEPARTMENT OF MENTAL HEALTH	504,271,729	251,644,350
J160 DEPT OF DISABILITIES & SPECIAL NEEDS	797,371,734	264,509,717
J200 DEPARTMENT OF ALCOHOL & OTHER DRUG A	67,708,753	11,762,302
L040 DEPARTMENT OF SOCIAL SERVICES	765,635,589	201,011,124
L240 COMMISSION FOR THE BLIND	13,906,048	3,938,230
L060 DEPARTMENT ON AGING	52,149,286	18,745,066
L080 DEPARTMENT OF CHILDREN'S ADVOCACY	19,171,232	7,691,864
L320 HOUSING FINANCE & DEVELOP	209,064,086	
P120 FORESTRY COMMISSION	35,905,235	21,462,962
P160 DEPARTMENT OF AGRICULTURE	25,351,847	13,942,528
P200 CLEMSON UNIV (PUBLIC SERVOCE ACTIV)	86,192,317	45,521,749
P210 SC STATE UNIV(PUBLIC SERVOCE ACTIV)	9,031,309	4,857,568
P240 DEPARTMENT OF NATURAL RESOURCES	114,369,490	35,436,150
P260 SEA GRANT CONSORTIUM	5,736,496	736,496
P280 DEPT OF PARKS, RECREATION & TOURISM	116,599,026	50,675,874
P320 DEPARTMENT OF COMMERCE	127,129,132	53,052,617
P340 JOBS-ECONOMIC DEVELOPMENT AUTH	423,150	

STATUTES AT LARGE
General and Permanent Laws--2019
RECAPITULATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
P360 PATRIOTS POINT DEVELOP AUTH	13,836,012	
P400 S.C. CONSERVATION BANK	11,620,319	9,055,919
P450 RURAL INFRASTRUCTURE AUTH	44,129,656	22,035,656
B040 JUDICIAL DEPARTMENT	91,608,872	68,650,479
C050 ADMINISTRATIVE LAW COURT	4,639,359	3,083,373
E200 ATTORNEY GENERAL'S OFFICE	101,045,390	14,276,825
E210 PROSECUTION COORDINATION COMM	37,612,682	28,932,099
E230 COMMISSION ON INDIGENT DEFENSE	46,024,718	31,727,846
D100 STATE LAW ENFORCEMENT DIVISION	103,942,069	53,394,024
K050 DEPARTMENT OF PUBLIC SAFETY	166,818,424	96,249,628
N200 LAW ENFORCEMENT TRAINING COUNCIL	15,974,624	8,568,599
N040 DEPARTMENT OF CORRECTIONS	515,562,354	445,579,359
N080 DEPT OF PROBATION, PAROLE & PARD	66,041,325	44,790,934
N120 DEPARTMENT OF JUVENILE JUSTICE	136,625,765	114,633,066
L360 HUMAN AFFAIRS COMMISSION	3,636,481	2,550,256
L460 COMMISSION ON MINORITY AFFAIRS	1,749,508	1,487,694
R040 PUBLIC SERVICE COMMISSION	5,688,938	
R060 OFFICE OF REGULATORY STAFF	15,466,839	
R080 WORKERS' COMPENSATION COMM	8,110,281	2,502,436
R120 STATE ACCIDENT FUND	8,856,775	
R140 PATIENTS' COMPENSATION FUND	1,092,000	
R200 DEPARTMENT OF INSURANCE	18,049,474	4,418,720
R230 STATE BOARD OF FINANCIAL INSTITUTIONS	5,633,361	
R280 DEPARTMENT OF CONSUMER AFFAIRS	3,710,743	1,651,077
R360 DEPT OF LABOR, LICENSING & REG	41,141,378	1,439,506
R400 DEPARTMENT OF MOTOR VEHICLES	105,893,574	89,445,978
R600 DEPT OF EMPLOYMENT AND WORKFORCE	167,507,768	502,036
U120 DEPARTMENT OF TRANSPORTATION	2,595,154,130	57,270
U150 INFRASTRUCTURE BANK BOARD	130,975,870	
U200 COUNTY TRANSPORTATION FUNDS	193,480,715	
U300 DIVISION OF AERONAUTICS	11,571,301	2,092,434
A010 LEG DEPT - THE SENATE	15,108,694	14,808,694
A050 LEG DEPT - HOUSE OF REPRESENTATIVES	22,705,922	22,705,922
A150 LEG DEPT - CODIFICATION OF LAWS	4,763,292	4,463,292
A170 LEG DEPT - LEGISLATIVE SRVCS	6,352,566	6,352,566
A200 LEG DEPT - LEG AUDIT COUNCIL	2,440,507	2,040,507
D050 GOVERNOR'S OFFICE - EXECUTIVE CONTR	3,041,608	3,041,608
D200 GOVERNOR'S OFFICE - MANSION AND GRO	526,610	326,610
D500 DEPARTMENT OF ADMINISTRATION	371,128,975	61,878,075
D250 OFFICE OF INSPECTOR GENERAL	814,703	814,703
E080 SECRETARY OF STATE'S OFFICE	3,497,415	1,213,160
E120 COMPTROLLER GENERAL'S OFFICE	3,358,698	2,483,264
E160 STATE TREASURER'S OFFICE	9,941,869	2,050,808
E190 RETIREMENT SYS INVESTMENT COMM	15,303,000	
E240 ADJUTANT GENERAL'S OFFICE	91,672,584	10,706,711
E280 ELECTION COMMISSION	8,207,753	6,567,053
E500 REVENUE & FISCAL AFFAIRS OFFICE	43,178,932	5,084,658
E550 STATE FISCAL ACCOUNTABILITY AUTH	21,230,266	1,649,652
F270 SFAA - STATE AUDITOR'S OFFICE	7,207,220	4,627,581
F300 STATEWIDE EMPLOYEE BENEFITS	123,519,836	123,519,836
F310 CAPITAL RESERVE FUND	162,485,305	162,485,305
F500 PUBLIC EMPLOYEE BENEFIT AUTH	154,398,830	112,368,739
R440 DEPARTMENT OF REVENUE	84,873,388	50,696,295
R520 STATE ETHICS COMMISSION	1,959,459	1,441,951

OF SOUTH CAROLINA
General and Permanent Laws--2019
RECAPITULATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
S600 PROCUREMENT REVIEW PANEL	177,565	175,031
V040 DEBT SERVICE	191,630,298	191,630,298
X220 AID TO SUBDIVISIONS - ST TREAS	254,264,510	254,264,510
X440 AID TO SUBDIV-DEPT OF REV	20,421,270	20,421,270
X500 TAX RELIEF TRUST FUND	614,053,000	
GRAND TOTAL	29,536,939,428	
STATE OF SOUTH CAROLINA		8,737,012,313
SOURCE OF FUNDS		
APPROP GENERAL FUNDS	8,737,012,313	
FEDERAL FUNDS	8,856,439,244	
OTHER FUNDS	11,943,487,871	
GRAND TOTAL	29,536,939,428	

STATEMENT OF REVENUES

ESTIMATE OF GENERAL, SCHOOL, TRANSPORTATION,
EDUCATION IMPROVEMENT ACT AND
EDUCATION LOTTERY REVENUES
FISCAL YEAR 2019-20

General Fund	
Sales And UseTax	3,294,402,000
Individual Income Tax	4,661,029,000
Corporation Income Tax	400,997,000
Insurance Tax	266,000,000
Admissions Tax	32,429,000
Aircraft Tax	2,500,000
Alcoholic Liquor Tax	85,920,000
Bank Tax	54,851,000
Beer and Wine Tax	110,764,000
Bingo Tax	362,000
Business Filing Fees	7,750,000
Circuit & Family Court Fines	6,917,000
Corporation License Tax	105,162,000
Documentary Tax	84,652,000
Earned on Investments	60,000,000
Indirect Cost Recoveries	16,500,000
Motor Vehicle Licenses	11,476,000
Nursing Homes Fees	3,600,000
Parole & Probation Supervision Fees	3,393,000
Private Car Lines Tax	6,596,000
Public Service Authority	17,000,000
Purchasing Card Rebates	3,147,000

STATUTES AT LARGE
General and Permanent Laws--2019
STATEMENT OF REVENUES

Record Search Fees	4,461,000
Savings & Loan Association Tax	803,000
Security Dealer Fees	27,300,000
Surcharge on Vehicle Rentals	870,000
Tobacco Tax	23,142,000
Uncashed Checks	2,000,000
Unclaimed Property Fund	15,000,000
Workers' Compensation Insurance Tax	11,137,000
Other Sources of Revenue	<u>10,502,000</u>
Total General Fund Revenues	9,330,662,000
Less: Revenue Transferred to Tax Relief Trust Funds (§11-11-150)	614,053,000
Add: Non-Recurring Revenues and Transfers	20,403,313
Net General Fund Revenue	8,737,012,313
Education Improvement Act Revenue	861,235,000
Transportation Fund Revenue	2,595,096,860
Education Lottery Revenue	463,200,000
Prior Year Estimated Lottery Surplus	45,900,000
Total Estimated Revenue (§11-11-410)	<u>13,316,497,173</u>

END OF PART IA

PART IB**OPERATION OF STATE GOVERNMENT****SECTION 1 - H630 - DEPARTMENT OF EDUCATION**

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

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

1.3. (SDE: State Aid to Classrooms) To the extent possible within available funds, it is the intent of the General Assembly to provide for one hundred percent of full implementation of the Education Finance Act via an allocation from the State Aid to Classrooms appropriation. The funds appropriated for State Aid to Classrooms shall be allocated as follows: 65.59 percent must be allocated based on the Education Finance Act formula and the differentiated student weightings in this Act; 28.72 percent must be allocated based on the manner of distribution of EFA employer contributions in the prior fiscal year; and 5.68 percent must be allocated to fully implement the State Minimum Teacher Salary Schedule with a minimum starting teacher salary of \$35,000. The department is authorized to adjust the percentage allocation related to EFA employer contributions to accommodate for the disbursement of the state retirement funds and any other related employee allocation sent to districts. For the current fiscal year, the total pupil count is projected to be 720,316. These funds represent an average per pupil of \$3,889 in State Aid to Classrooms. The average per pupil funding is projected to be \$6,556 state, \$1,315 federal, and 6,406 local. This is an average total funding level of \$14,227 excluding revenues of local bond issues. It is the intent of the General Assembly that the consolidation of the

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

Education Finance Act and Education Finance Act - Employer Contributions appropriations, and the subsequent allocation of the State Aid to Classrooms appropriation back to these categories, should not significantly alter the application of funding formulas or maintenance of effort requirements referencing the Education Finance Act and Education Finance Act - Employer Contributions.

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

	CLASS 8 DR YRS DEGREE EXP	CLASS 7 MASTERS DEGREE +30 HRS	CLASS 1 MASTERS DEGREE	CLASS 2 BACHELORS DEGREE +18 HRS	CLASS 3 BACHELORS DEGREE
0	47,076 8.6%	43,576 9.8%	40,076 9.4%	36,576 9.3%	35,000 9.4%
1	47,593 9.8%	43,813 10.4%	40,377 10.2%	36,838 10.1%	35,119 9.7%
2	47,924 10.6%	43,888 10.6%	40,525 10.6%	36,994 10.6%	35,313 10.4%
3	48,236 8.3%	43,957 8.3%	40,664 8.3%	37,107 8.3%	35,462 8.3%
4	48,578 6.1%	44,058 6.1%	40,831 6.1%	37,280 6.1%	35,667 6.1%
5	48,870 4.0%	44,125 4.0%	40,961 4.0%	37,388 4.0%	35,806 4.0%
6	50,134 4.0%	45,074 4.0%	41,911 4.0%	38,273 4.0%	36,691 4.0%
7	51,400 4.0%	46,022 4.0%	42,859 4.0%	39,127 4.0%	37,546 4.0%
8	52,665 4.0%	46,972 4.0%	43,808 4.0%	40,012 4.0%	38,431 4.0%
9	53,930 4.0%	47,921 4.0%	44,757 4.0%	40,867 4.0%	39,285 4.0%
10	55,196 4.0%	48,870 4.0%	45,707 4.0%	41,753 4.0%	40,171 4.0%
11	56,461 4.0%	49,818 4.0%	46,655 4.0%	42,607 4.0%	41,025 4.0%
12	57,726	50,768	47,604	43,492	41,911

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

	4.0%	4.0%	4.0%	4.0%	4.0%
13	58,991	51,716	48,553	44,346	42,765
	4.0%	4.0%	4.0%	4.0%	4.0%
14	60,257	52,665	49,502	45,233	43,650
	4.0%	4.0%	4.0%	4.0%	4.0%
15	61,522	53,614	50,450	46,087	44,504
	4.0%	4.0%	4.0%	4.0%	4.0%
16	62,787	54,564	51,400	46,972	45,391
	4.0%	4.0%	4.0%	4.0%	4.0%
17	64,053	55,511	52,348	47,825	46,245
	4.0%	4.0%	4.0%	4.0%	4.0%
18	64,693	56,066	52,873	48,305	46,706
	4.0%	4.0%	4.0%	4.0%	4.0%
19	65,339	56,628	53,401	48,786	47,173
	4.0%	4.0%	4.0%	4.0%	4.0%
20	65,993	57,195	53,934	49,275	47,646
	4.0%	4.0%	4.0%	4.0%	4.0%
21	66,654	57,766	54,474	49,767	48,122
	4.0%	4.0%	4.0%	4.0%	4.0%
22	67,320	58,343	55,019	50,264	48,603
	4.0%	4.0%	4.0%	4.0%	4.0%
23	67,993	58,926	55,569	50,768	49,089
	4.0%	4.0%	4.0%	4.0%	4.0%

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

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

For the current fiscal year the South Carolina Public Charter School District and any institution of higher education sponsoring a public charter school shall receive and distribute state EFA funds to the charter

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

school as determined by one hundred percent of the current year's base student cost, as funded by the General Assembly multiplied by the weighted pupils enrolled in the charter school, which must be subject to adjustment for student attendance.

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

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

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

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

- (2) Weights for students with disabilities as prescribed in Section 59-20-40(1)(c) Special Programs

- (3) Precareer and Career Technology 1.29

- (4) Additional weights for personalized instruction:

- | | |
|---------------------------------|------|
| (A) Gifted and Talented | 0.15 |
| (B) Academic Assistance | 0.15 |
| (C) Limited English Proficiency | 0.20 |
| (D) Pupils in Poverty | 0.20 |
| (E) Dual Credit Enrollment | 0.15 |

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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

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

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

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

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

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

technical assistance with regard to student count changes in PowerSchool.

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

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

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

1.5. (SDE: Employer Contributions/Allocations) It is the intent of the General Assembly that the appropriation contained herein for "Public School Employee Benefits" shall not be utilized to provide employer

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

contributions for any portion of a school district employee's salary that is federally funded.

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

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

1.6. (SDE: Employer Contributions/Obligations) In order to finalize each school district's allocations of Employer Contributions funds for retiree insurance from the prior 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 prior fiscal year. In the event the Department of Education is notified that an educational subdivision has failed to remit proper payments to cover Employee Fringe Benefit obligations, the Department of Education is directed to withhold the educational subdivision's state funds until such obligations are met.

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

1.8. (SDE: Educational Responsibility/Foster Care) The responsibility for providing a free and appropriate public education program for all children including disabled students is vested in the public school district wherein a child of lawful school age resides in a foster home, group home, orphanage, or a state operated health care facility including a facility for treatment of mental illness or chemical dependence and habilitation centers for persons with intellectual disabilities or persons with related conditions located within the jurisdiction of the school district or alternative residences. The districts concerned may agree upon acceptable local cost reimbursement. If no agreement is reached, districts providing education shall receive from the district where the child last resided before placement in a facility an

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. If a child from out of state is residing in a facility owned and/or operated by a for profit entity, the district providing educational services shall be reimbursed by the for profit entity the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. This also applies to John de la Howe School who also has the authority to seek reimbursement in any situation that the school district has participation in the placement of the student. John de la Howe School shall be reimbursed the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. Participation will be evidenced by a written agreement from the IEP team or 504 team, written referral, or the school district initiating the placement process. School districts providing the education shall notify the nonresident district in writing within forty-five calendar days that a student from the nonresident district is receiving education services pursuant to the provisions of the proviso. The notice shall also contain the student's name, date of birth, and disabling condition if available. If appropriate financial arrangements cannot be effected between institutions of the state, including independent school districts under the authority of the Department of Disabilities and Special Needs, and school districts, institutions receiving educational appropriations shall pay the local base student cost multiplied by the appropriate pupil weighting. Children residing in institutions of state agencies shall be educated with nondisabled children in the public school districts if appropriate to their educational needs. Such institutions shall determine, on an individual basis, which children residing in the institution might be eligible to receive appropriate educational services in a public school setting. Once these children are identified, the institution shall convene an IEP meeting with officials of the public school district in which the institution is located. If it is determined by the committee that the least restrictive environment in which to implement the child's IEP is a public school setting, then the school district in which the institution is located must provide the educational services. However, that school district may enter into contractual agreements with any other school district having schools located within a forty-five mile radius of the institution. The cost for educating such

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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

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

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

Upon discharge or release from the treatment facility, the agency placing the child in the receiving school must work with the school district where the student will reside after treatment to assure continuity of the student's education.

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

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

1.11. (SDE: School District Bank Accounts) 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 hereby authorized to transfer such amount as needed, upon receipt of a written order certified by the district governing body or their designee. Such order shall contain a statement that such amount is for immediate disbursement for the payment of correct and legal obligation of the school district.

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

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

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

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

1.15. (SDE: School Bus Insurance) The Department of Education shall maintain comprehensive and collision insurance or self-insure 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 1 - H630 - DEPARTMENT OF EDUCATION

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

1.17. (SDE: School Bus Driver CDL) From funds provided in Part IA, Section 1, VII.B., 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 shall be treated as a charitable organization for purposes of the fee charged for the criminal records search.

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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

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

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

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

1.23. (SDE: School Board Meetings) Of the funds appropriated through the Department of Education for technology related expenses, 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 shall 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.

1.24. (SDE: Proviso Allocations) In the event an official General Fund revenue shortfall is declared by the Board of Economic Advisors, the Department of Education may reduce any allocation in Section 1 specifically designated by proviso in accordance with the lower Board of Economic Advisors revenue estimate as directed by the Executive

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

Budget Office, except the additional EFA allocation to the South Carolina Public Charter School District. The reduction may not be greater than the total percentage of reduction of the Section 1 appropriation. Should the department hold back funds in excess of the total percentage reduction those funds must be allocated per the proviso. No allocation for teacher salaries shall be reduced as a result of this proviso.

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

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

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

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, restructuring administrative staffing, and expanding virtual instruction.

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

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

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

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

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

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

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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

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

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

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

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

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

1.28. (SDE: Governor's School for the Arts and Humanities Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

year of funds appropriated to or generated by the Governor's School for the Arts and Humanities may be carried forward and expended in the current fiscal year pursuant to the discretion of the Board of Trustees of the School.

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

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

The local school district board of trustees may implement a furlough of personnel once certification to the State Superintendent documents all funding flexibility has been exhausted and continued year-end deficits exist. Local school boards of trustees shall have the authority to authorize furloughs of these employees in the manner in which it sees fit. However, instructional personnel may be furloughed for up to five non-instructional days if not prohibited by an applicable employment contract with the district and provided district administrators are furloughed for twice the number of days. District administrators may only be furloughed on non-instructional days and may not be furloughed for a period exceeding ten days. District administrators shall be defined by the Department of Education using the Professional Certified Staff

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

(PCS) System. For individuals not coded in PCS, the determination shall be made based upon whether the individual performs the functions outlined in position codes identified by the department as administration. Educators who would have received a year's experience credit had a furlough not been implemented, shall not have their experience credit negatively impacted because of a furlough implementation.

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

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

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

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

1.32. (SDE: SCGSAH Certified Teacher Designation) Because of the unique nature of the South Carolina 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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.

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

1.34. (SDE: Medicaid Cash Match Accounting) The department is granted authority 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.

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

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

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

1.38. (SDE: Prohibit Advertising on School Buses) The Department of Education and local school districts are prohibited from selling space

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

for or the placement of advertisements on the outside or inside of state-owned school buses.

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

A facility school district must provide the necessary educational programs and services directly to the student at the RTF's facility, provided that the RTF facility provides and maintains comparable adequate space for the educational programs and services consistent with all federal and state least restrictive environment requirements. Adequate space shall include appropriate electrical support and Internet accessibility. Unless the parent or legal guardian of the student seeks to continue the student's enrollment in the resident school district under a medical homebound instruction program and the district approves, if appropriate, then, under these circumstances, the facility school district shall enroll the student and assume full legal and financial responsibility for the educational services including enrolling the student, approving the student's entry into a medical homebound instructional program, if appropriate, and receiving and expending funds, unless the resident school district undertakes to carry out its educational responsibilities for the student directly. Alternatively, a facility school district may choose

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

to provide the necessary educational programs and services by contracting with the RTF provided that the RTF agrees to provide educational services to the student at the RTF's facility. Under these circumstances, the facility school district must enroll the student and pay the RTF for the educational services provided. If the facility school district determines the educational program being offered by the RTF does not meet the educational standards outlines in the contract, the facility district shall be justified in terminating the contract.

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

notice of dispute. If the issue of reasonable cost differences should remain unresolved, a facility school district shall have the right to file a complaint in a Circuit Court. Should a resident school district fail to distribute the entitled funding to the facility school district by the one hundred thirty-five day count, the Department of Education is authorized to withhold the equivalent amount of EFA funds and transfer those funds to the facility school district.

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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

If a child is placed in a RTF by the child's parent or guardian and is not referred, authorized, or placed by the State, the facility school district may choose to provide the educational program to the child, and upon doing so, must negotiate with the resident school district for services through medical homebound procedures. A facility school district is responsible for compliance with all child find requirements under Section 504 of the Rehabilitation Act of 1973 and Individuals with Disabilities Act of 2004 (IDEA).

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

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

RTFs shall notify the facility school district as soon as practical, and before admission to the RTF if practical, of a student's admission to the

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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

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

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

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

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

1.44. (SDE: Governor's Schools Residency Requirement) Of the funds appropriated, the Governor's School for the Arts and the Humanities and the Governor's School for Science and Mathematics are to ensure that a parent(s) or guardian(s) of a student attending either the Governor's School for the Arts and the Humanities or the Governor's School for Science and Mathematics must prove that they are a legal resident of the state of South Carolina at the time of application and must remain so throughout time of attendance. The Governor's School for the

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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

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

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

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

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

1.49. (SDE: Health Education) (1) Each school district is required to ensure that all comprehensive health education, reproductive health education, and family life education conducted within the district, whether by school district employees or a private entity, must utilize curriculum that complies with the provisions contained in Chapter 32, Title 59 and aligns to all standards and regulations adopted by the South Carolina State Board of Education. Each district shall publish on its

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

website the title and publisher of all health education materials it has approved, adopted, and used in the classroom. If the department determines that a district is non-compliant with mandated health education upon review of the district's annual CHE Compliance Survey or if the district fails to publish the title and publisher of materials on its website, then the Department of Education shall withhold one percent of the district's funds allocated in Part IA, Section 1, X - Student Health and Fitness Act until the department determines the district is in compliance.

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

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

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

1.52. (SDE: School Enrollment Policy) For the current fiscal year, any school district with an open enrollment policy for all schools or certain schools which had previously accepted certain students residing outside of the district to an academic magnet school in the district must continue to accept these students and their siblings for enrollment at the

* See note at end of Act.

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

academic magnet school under the same terms and conditions these students were previously permitted to attend the school.

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

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

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

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

1.57. (SDE: Full-Day 4K) Eligible students residing in a school district that met the poverty level for participation in the prior school year are eligible to participate in the South Carolina Early Reading Development and Education Program in the current school year. Public and private providers shall be funded for instructional costs at a rate of \$4,600 per student enrolled. Eligible students enrolling during the school year or withdrawing during the school year shall be funded on a pro rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall also be eligible for a reimbursement of \$574 per eligible child transported. All providers who are reimbursed are required to retain records as required by their fiscal agent. New providers participating for the first time in the current fiscal year and enrolling between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment funding, with providers enrolling seven or more such children eligible for funding not to exceed \$10,000. Providers receiving equipment funding are expected to participate in the program and

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps. The Department of Education shall only provide funding for public school students whose complete records have been entered into PowerSchool based on the one hundred and thirty-five day student average daily membership. For the current fiscal year, providers may enroll pay-lunch children who score at or below the twenty-fifth national percentile on two of the three DIAL-3 subscales by July 1 if at least seventy-five percent of the total number of children eligible or the Child Early Reading Development and Education Program in a district or county are projected to be enrolled in that program, Head Start, or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, Child Early Reading Development and Education Program. Providers may receive reimbursement for these children if funds are available.

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

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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

1.58. (SDE: Summer Reading Camps) For the current fiscal year, funds appropriated for summer reading camps must be allocated as follows: (1) up to twenty percent to the Department of Education to provide bus transportation for students attending the camps; (2) \$700,000 allocated to the department to provide grants to support community partnerships whereby community organizations shall partner with local school districts to provide enrichment activities as part of after school programs or summer reading camps that utilize volunteers, mentors or tutors to provide instructional support to struggling readers in elementary schools that have a poverty index of forty percent or greater. All mentors and tutors that are a part of these after school programs or summer reading camps must have passed a SLED criminal background check. Participant to volunteer or teacher ratio must conform to that of the school district in which the program is located; and (3) the remainder on a per pupil allocation to each school district based on the number of students who substantially failed to demonstrate third-grade reading proficiency as indicated on the prior year's state assessment as defined by Section 59-155-120 (10) of the 1976 Code. Summer reading camps must be at least six weeks in duration with a minimum of four days of instruction per week and four hours of instruction per day, or the equivalent minimum hours of instruction in the summer. School transportation shall be provided. The camps must be taught by compensated teachers who have at least an add-on literacy endorsement or who have documented and demonstrated substantial success in helping students comprehend grade-level texts. The Department of Education shall assist districts that cannot find qualified teachers to work in the summer camps. Districts may also choose to

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

contract for the services of qualified instructors or collaborate with one or more districts to provide a summer reading camp. Schools and school districts are encouraged to partner with county or school libraries, institutions of higher learning, community organizations, faith-based institutions, businesses, pediatric and family practice medical personnel, and other groups to provide volunteers, mentors, tutors, space, or other support to assist with the provision of the summer reading camps. In the current school year, any student in third grade who substantially fails to demonstrate third-grade reading proficiency by the end of the school year must be offered the opportunity to attend a summer reading camp at no cost to the parent or guardian. The purpose of the reading camp is to provide students who are significantly below third-grade reading proficiency with the opportunity to receive quality, intensive instructional services and support. A district may also include in the summer reading camps students who are not exhibiting reading proficiency at any grade and may charge fees for these students to attend the summer reading camps based on a sliding scale pursuant to Section 59-19-90, except where a child is found to be reading below grade level in the first, second or third grade. A parent or guardian of a student who does not substantially demonstrate proficiency in comprehending texts appropriate for his grade level must make the final decision regarding the student's participation in the summer reading camp.

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

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

(2) (a) guarantees that private or charter schools are afforded the same rights and privileges that are enjoyed by all other members of the association, body, or entity. A private or charter school may not be expelled from or have its membership unreasonably withheld by the association, body, or entity or restricted in its ability to participate in interscholastic athletics including, but not limited to, state playoffs or

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

championships based solely on its status as a private school or charter school. The association, body, or entity shall set reasonable standards for private or charter school admission. A private or charter school denied membership must be provided, in writing within five business days, the reason or reasons for rejection of its application for membership;

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

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

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

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

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

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

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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

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

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

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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

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

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

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

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

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

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

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

(H) For the current school year, the Department of Education shall screen and approve the hiring of any reading/literacy coach serving in a school in which one third or more of its third grade students scoring at the lowest achievement level on the statewide summative English/language arts assessment. No funds shall be disbursed to the district to fund the reading/literacy coach until the department has screened and approved the coach. Schools in which at least sixty percent of students scored at meets or exceeds expectations on the state

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

summative assessment in English/language arts may submit, as part of their reading plan, a request to the department for flexibility to utilize their allocation to provide literacy support to students, which may include, but is not limited to: a reading coach, a literacy interventionist, or other supplemental services directed to students in need of interventions. This plan must be approved by the department annually as part of the district reading plan.

(I) The Department of Education shall require:

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

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

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

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

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

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

1.64. (SDE: South Carolina Community Block Grants for Education Pilot Program) There is created the South Carolina Community Block Grants for Education Pilot Program. The purpose of this matching grants program is to encourage and sustain partnerships between a community and its local public school district or school for the implementation of innovative, state-of-the-art education initiatives and models to improve student learning. The initiatives and models funded by the grant must

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

be well designed, based on strong evidence of effectiveness, and have a history of improved student performance.

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

As used in this proviso:

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

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

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

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

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

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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

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

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

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

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

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

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

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

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

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

For the current fiscal year, funds allocated to the Community Block Grant for Education Pilot Program must be used to provide or expand high-quality early childhood programs for a targeted population of at-risk four-year-olds. High-quality is defined as meeting the minimum program requirements of the Child Early Reading Development and Education Program and providing measurable high-quality child-teacher

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

interactions, curricula and instruction. Priority will be given to applications that involve public-private partnerships between school districts, schools, Head Start, and private child care providers who collaborate to: (1) provide high-quality programs to four-year-olds to maximize the return on investment; (2) assist in making the transition to kindergarten; (3) improve the early literacy, social and emotional, and numeracy readiness of children; and (4) engage families in improving their children's readiness.

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

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

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

1.68. (SDE: Digital Instructional Materials) The Department of Education shall continue to create an instructional materials list composed of those items (print and/or digital) that have received State Board of Education approval through the normal adoption process. The department shall continue to work with the publishers of instructional materials to ensure that districts have options for print/digital student

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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

1.69. (SDE: CDEPP Unexpended Funds) For Fiscal Year 2019-20, the Office of First Steps to School Readiness is permitted to retain the first \$1,000,000 of any unexpended CDEPP funds of the prior fiscal year and expend these funds to enhance the quality of the full-day 4K program in private centers and provide professional development opportunities. By August first, the Office of First Steps is directed to allocate any additional unexpended CDEPP funds from the prior fiscal year and any CDEPP funds carried forward from prior fiscal years that were transferred to the restricted account for the following purpose: Education Oversight Committee - \$1,000,000 for the South Carolina Community Block Grants for Education Pilot Program.

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

If by August first, the Department of Education or the Office of First Steps determines there will be funds available, funds shall be allocated on a per pupil basis for districts eligible for participation first, who have a documented waiting list, and funded an extended program per this proviso in the prior school year, then to districts to increase the length of the program to a maximum of eight and a half hours per day or two hundred and twenty days per year or to fund summer programs. The department and the Office of First Steps are authorized to target funds to ensure that the schools in which more than one third of third graders scored "Does Not Meet Expectations" on the state English/language arts assessment are serving all eligible four year olds. By August 1, the Department of Education and the Office of First Steps must collect the documented waiting lists and determine a process to notify parents of

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

eligible students of available slots in all approved providers. If a district chooses to fund summer enrollment the program funding shall conform to the funding in this act for full year programs, however shall be reduced on a pro rata basis to conform with the length of the program. A summer program shall be no more than eight and a half hours per day and shall be not more than ten weeks in length. The per pupil allocation and classroom grant must conform with the appropriated amount contained in this Act and end of year adjustments shall be based on the one hundred and thirty five day student average daily membership or later student average daily membership for districts choosing to extend the program past one hundred and eighty days. Funds may also be used to provide parent engagement, professional development and quality evaluations of programs.

For Fiscal Year 2019-20, the Office of First Steps may pilot a program to provide higher reimbursement rates to high quality centers in order to increase the numbers of First Steps participants. Utilizing up to \$1,000,000 of carry-forward funding, the reimbursement rate for students enrolled by private providers rated B or higher in the ABC Quality System operated by the Department of Social Services may be increased by up to 10% of the per-student base following guidelines developed by the Office of First Steps.

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

1.70. (SDE: Technology Technical Assistance) Of the funds appropriated for the K-12 Technology Initiative, the department is authorized to withhold up to \$350,000 in order to develop a statewide technology plan for schools and districts. The plan must address, at a minimum, infrastructure and connectivity needs, online testing requirements, equipment, educational technology, digital literacy and a statewide learning management system to connect teachers and students. The plan must take into account the need for some districts to utilize a regional approach to services that may include, but is not limited to, purchasing, training and support services. This plan, including cost projections, shall be presented to the Governor, the Chairman of the

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

House Ways and Means Committee, and the Chairman of the Senate Finance Committee by February 1, 2020. Remaining funds shall be used to provide technology technical assistance to school districts.

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

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

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

1.74. DELETED

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

1.76. (SDE: First Steps 4K Underserved Communities) Using funds appropriated for the Child Early Reading and Development Education Program, South Carolina First Steps shall develop a pilot program to expand four-year-old kindergarten enrollment within underserved communities eligible for participation during the most recent fiscal year. Newly created and/or newly approved private providers proposing to

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

expand service to ten or more CERDEP eligible children in communities unable to enroll all of eligible students in a public, private, or Head Start setting during the prior fiscal year, may apply for up to \$30,000 in one-time supplemental, needs-based incentives designed to address building renovations, documented as necessary to bring proposed classrooms into compliance with licensing regulations, materials and staffing costs, and/or other obstacles currently preventing their participation in the First Steps 4K program. The First Steps Board of Trustees shall develop and approve an application process that incorporates formal review and fiscal safeguards designed to ensure grant funds are used solely to address documented barriers to program participation. Providers receiving this one-time supplement are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the supplemental allocation at a level determined by the Office of First Steps to School Readiness. First Steps shall submit a report detailing its process, expenditures and expanded enrollment to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee by March 15, 2020.

For Fiscal Year 2019-20, the Office of First Steps may pilot a program to provide CERDEP services in underserved communities serving multi counties and multi-districts. 4K centers served by this pilot may provide CERDEP-funded services to eligible children from non-CERDEP districts but must also offer services to students from at least one school district eligible to participate in the CERDEP program. Utilizing up to \$1,000,000 of carry-forward funding, First Steps may provide grants to participants in this pilot if they are public-private partnerships to address building renovations and designs necessary to get the building and classrooms into compliance with licensing regulations and other obstacles that prevent participation in the CERDEP program following guidelines developed by SC First Steps. Providers participating in this pilot are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the supplemental allocation at a level determined by the Office of First Steps to School Readiness.

1.77. (SDE: School Leadership) Of the funds appropriated to and retained by the department for Professional Development, \$400,000 shall be used to contract with a non-profit statewide K-12 professional

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

association located in South Carolina whose membership provides for the development and support of current and future school leaders. The provider must specialize in multiple assessments, executive coaching, and leadership development that provides the skills necessary for a progressive career path in school leadership.

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

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

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

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

1.82. (SDE: Safe Schools Initiative) (A) For the current fiscal year, the Department of Education and the State Law Enforcement Division shall continue to support, through the state level Threat Assessment Team, school threat assessment teams and training in school districts. By August 15, 2019, each school in the state must have identified key staff to serve on a threat assessment team. The department shall work with stakeholders to provide professional development to staff who will serve on the team. The state level Threat Assessment Team shall

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

continue to coordinate, collect and compile Threat Assessment & School Safety Plans from each school district with their input. These plans shall be exempt from the provisions of Section 30-4-10, et seq. of the 1976 Code. The Department of Education and the State Law Enforcement Division shall continue to provide the Governor and the General Assembly with recommendations regarding school safety which shall include any projected costs or necessary statute changes.

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

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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

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

1.87. (SDE: Exceptional Needs Sports Participation) A student who meets the definition of 'Exceptional needs child' in Section 12-6-3790

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

(A)(2) and the definition of 'Qualifying Student' in Section 12-6-3790 (A)(5) of the 1976 Code shall be eligible to participate in any sport offered at the public school for which the child is zoned to attend.

1.88. (SDE: School Districts Capital Improvement) The funds appropriated for school district capital improvements in Proviso 112.1, shall be prioritized by the Department of Education pursuant to subsections (A) and (B).

(A) Twenty-five percent of the funds shall be made available first to a local school district or districts with an average daily membership that is less than one thousand five hundred, based on the most recent student count received by the department, and that is located within a county ranked as Tier IV pursuant to Section 12-6-3360(B) for 2018 which chooses to consolidate with another school district located in the same county. The funds may be used to support costs directly related to the consolidation which shall include, but are not limited to, salary adjustments, facilities, debt mitigation, millage rate adjustments, transportation, technology and other factors for which the district demonstrates are necessary to complete consolidation. Furthermore, the department is eligible to carry forward these funds and use them for the same purpose. On or before August 1, the eligible districts must submit a preliminary plan and timeline for pursuing consolidation, including the use of the consolidation funds requested, to the Department of Education for review and approval. When the department has approved the final plan, the districts shall forward the plan to the local legislative delegation outlining the specific request that local legislation be enacted to effect the consolidation. The legislation may include, but is not limited to, composition of the consolidated board, transition procedures, and disposition and/or assumption of district assets and liabilities. Upon approval of a consolidation plan, the department shall make an initial allocation to the impacted districts and shall allocate remaining funds upon enactment of legislation formally consolidating the districts for the benefit of the consolidated district.

(B) Any funds not used for the purposes of assisting districts eligible in (A) shall be distributed by the department to eligible districts for the purpose of funding shared school facility construction and upgrades in districts with a poverty index of seventy percent or higher or an index of taxpayer ability less than .009. For the purpose of this provision, "school facility" means only facilities necessary for instructional and related supporting purposes including, but not limited to, classrooms, libraries, media centers, laboratories, cafeterias, physical education spaces, related

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

interior and exterior facilities, and the conduit, wiring, and powering of hardware installations for classroom computers or for area network systems. Eligible school facility projects shall include and be prioritized as follows: construction of shared high school and career and technology education facilities with priority given to districts that submit a plan for a facility that serves multiple school districts with average daily membership counts of less than one thousand five hundred and then for the following purposes: (a) health and safety upgrades; (b) technology upgrades inside school facilities; (c) upgrades associated with career and technology education programs; and (d) deferred maintenance needs as described in the district's capital improvement plan. For purposes of this provision, school facilities shall not include unimproved real property, centralized district administration facilities, or other facilities, including those normally identified with interscholastic sports activities.

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

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

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

1.89. (SDE: Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers' salaries of the southeastern states as projected by the Revenue and Fiscal Affairs Office. For the current school year the Southeastern average teacher salary is projected to be \$52,830. The General Assembly remains desirous of raising the average teacher salary in South

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all eligible certified teachers employed by the district by no less than one year of experience credit using the district salary schedule utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all eligible certified teachers. For Fiscal Year 2019-20, the requirement that school districts maintain local salary supplements per teacher no less than their prior fiscal year level is suspended if additional State funds fill the gap.

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

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

1.90. (SDE: School District Hold Harmless) If there is not an increase in state support for school districts that is disbursed through the Education Finance Act formula pursuant to Proviso 1.3 in this Act, any district that must use reserve funds to pay for teacher pay raises, to include step increases, shall be held harmless from the local school district's reserve fund requirement provisions in the Fiscal Accountability Act for Fiscal Year 2019-20 and upon approval by the Department of Education.

1.91. DELETED

1.92. (SDE: Educational Services for Children with Disabilities) In order to determine whether educational services provided to children with disabilities are delivered effectively and efficiently and whether services or funding should be reformed, the Department of Education, in coordination with the Department of Health and Human Services, shall provide data to the Joint Legislative and Citizens Committee on Children, Chairman of the Senate Finance Committee, Chairman of the Senate Education Committee, Chairman of the House Ways and Means

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

Committee and Chairman of the House Education and Public Works Committee regarding services to exceptional needs children served by public schools and BabyNet as follows: (1) summary reports on the identification of students in need of services through IDEA Parts C and B to include the number of students qualifying for services by district; (2) information on services provided to students with IEPs in the least restrictive environment; (3) recommendations on updates to student weightings and funding in the current Education Finance Act; (4) how are these services funded with federal, state and local funds at the district level; and (5) prior school year outcome data for students with disabilities. The findings shall be submitted by January 15, 2020.

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

1.94. (SDE: Standards-Based Assessments Suspended) In Fiscal Year 2019-20, the provisions of Section 59-18-325(C)(3) requiring science standards-based assessments of students in grade eight and social studies standards-based assessments of students in grades five and seven are suspended. Of the funds available due to the suspension of these assessments, \$500,000 must be used by the Department of Education to fund educator professional development regarding the South Carolina Computer Science and Digital Literacy Standards. The remainder of the funds shall be used to pay for industry certification/credentials as approved to measure College/Career Readiness for purposes of the state accountability system.

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

1.96. (SDE: Master's Plus Thirty) For school year 2019-20, the department shall continue to process the master's plus thirty certificate classification in the same manner as the prior school year. Educators earning a master's degree with sixty or more semester hours of graduate coursework will remain eligible for the master's plus thirty credential classification.

** See note at end of Act.

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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

1.98. DELETED

1.99. DELETED

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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

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

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

1A.4. (SDE-EIA: Teacher Salaries/State Agencies) Each state agency which does not contain a school district but has instructional personnel shall receive an appropriation as recommended by the Department of Education and funded by the General Assembly for teacher salaries based on the following formula: Each state agency shall

* See note at end of Act.

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

receive such funds as are necessary to adjust the pay of all instructional personnel to the appropriate salary provided by the salary schedules of the school district in which the agency is located. Instructional personnel may include all positions which would be eligible for EIA supplements in a public school district, and may at the discretion of the state agency, be defined to cover curriculum development specialists, educational testing psychologists, psychological and guidance counselors, and principals. The twelve-month agricultural teachers located at Clemson University are to be included in this allocation of funds for base salary increases. The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to increase the salaries of instructional personnel by an amount equal to the percentage increase given by the School District in which they are both located.

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

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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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

With the funds appropriated CERRA shall also appoint and maintain the South Carolina Teacher Loan Advisory Committee. The Committee shall be composed of one member representing each of the following: (1) Commission on Higher Education; (2) State Board of Education; (3) Education Oversight Committee; (4) Center for Educator Recruitment, Retention, and Advancement; (5) South Carolina Student Loan Corporation; (6) South Carolina Association of Student Financial Aid

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

Administrators; (7) a local school district human resources officer; (8) a public higher education institution with an approved teacher education program; and (9) a private higher education institution with an approved teacher education program. The members of the committee representing the public and private higher education institutions shall rotate among those institutions and shall serve a two-year term on the committee. The committee must be staffed by CERRA, and shall meet at least twice annually. The committee's responsibilities are limited to: (1) establishing goals for the Teacher Loan Program; (2) facilitating communication among the cooperating agencies; (3) advocating for program participants; and (4) recommending policies and procedures necessary to promote and maintain the program.

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

1A.8. (SDE-EIA: Arts in Education) Funds appropriated in Part IA, Section 1, VIII.A.1. Arts Curricula shall be used to support innovative

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

practices in arts education curriculum, instruction, and assessment in the visual and performing arts including dance, music, theatre, and visual arts which incorporates strengths from the Arts in Education sites. They shall also be used to support the advancement of the implementation of the visual and performing arts academic standards. These funds shall be distributed to schools and school districts under a competitive grants program; however, up to thirty-three percent of the total amount of the grant fund shall be made available as "Aid to Other Agencies" to facilitate the funding of professional development arts institutes that have been approved by the State Department of Education for South Carolina arts teachers, appropriate classroom teachers, and administrators. Arts Curricular Grants funds may be retained and carried forward into the current fiscal year to be expended in accordance with the proposed award.

1A.9. (SDE-EIA: Teacher Supplies) All certified and non-certified public school teachers identified in PCS, certified special school classroom teachers, certified media specialists, certified guidance counselors, and career specialists who are employed by a school district, a charter school, or lead teachers employed in a publically funded full day 4K classroom approved by the South Carolina First Steps to School Readiness, as of November thirtieth of the current fiscal year, based on the public decision of the school board may receive reimbursement of two hundred seventy-five dollars each school year to offset expenses incurred by them for teaching supplies and materials. Funds shall be disbursed by the department to School districts by July fifteenth based on the last reconciled Professional Certified Staff (PCS) listing from the previous year. With remaining funds for this program, any deviation in the PCS and actual teacher count will be reconciled by December thirty-first or as soon as practicable thereafter. Based on the public decision of the school district and no later than May fifteenth annually, the district shall notify all individuals entitled to receive these funds the manner in which the funds will be dispersed. Funds may be disbursed to each teacher via check in a manner separate and distinct from their payroll check on the first day teachers, by contract, are required to be in attendance at school for the current contract year, or the funds may be disbursed to each teacher via direct deposit as long as the funds are handled in a manner to be separate and distinct from their payroll check. This reimbursement shall not be considered by the state as taxable income. Special schools include the Governor's School for Science and Math, the Governor's School for the Arts and Humanities, Wil Lou Gray

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice, and Palmetto Unified School District. Funds distributed to school districts or allocated to schools must not supplant existing supply money paid to teachers from other sources. If a school district requires receipts for tax purposes the receipts may not be required before December thirty-first. Districts that do not wish to require receipts may have teachers retain the receipts and certify for the district they have received the allocation for purchase of teaching supplies and/or materials and that they have purchased or will purchase supplies and/or materials during the fiscal year for the amount of the allocation. Districts shall not have an audit exception related to non-retention of receipts in any instances where a similar instrument is utilized. Any district requiring receipts must notify any teacher from whom receipts have not been submitted between November twenty-fifth and December sixth that receipts must be submitted to the district. Districts may not add any additional requirement not listed herein related to this reimbursement.

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

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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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

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

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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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

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

Reconstitution means the redesign or reorganization of the school, which may include the declaration that all positions in the school are considered vacant. Certified staff currently employed in priority schools must undergo an evaluation in the spring following the school's identification as a priority school and must meet determined goals to be rehired and continue their employment at that school. Educators who were employed at a school that is being reconstituted prior to July 2009, and to whom the employment and dismissal laws apply will not lose their rights in the reconstitution. If they are not rehired or are not assigned to another school in the school district they have the opportunity for a hearing. However, employment and dismissal laws shall not apply to educators who are employed in the district and assigned to the priority

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

schools July 1, 2009, in the event of a reconstitution of the school in which the educator is employed. Those rights are only suspended in the event of a reconstitution of the entire school staff. Additionally, the rights and requirements of the employment and dismissal laws do not apply to educators who on July 1, 2009, were on an induction or annual contract, that subsequently were offered continuing contract status after the effective date of this proviso, and are employed at a school that is subject to reconstitution under this proviso.

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

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

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

1A.14. (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues,

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

Education Improvement Act funds, and Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated specifically for state level maintenance of effort requirements under IDEA, funds allocated specifically for state level maintenance of effort requirement for federal program, funds provided for the Education and Economic Development Act, funds provided for Career and Technology Education, nor funds required for debt service or bonded indebtedness. All school districts must report the student teacher ratio for every classroom to the Department of Education at the ninety and one hundred and eighty day mark. The department shall report this information to the General Assembly.

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

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

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

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

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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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

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

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

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

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

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

Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

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

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

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

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

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

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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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

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

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

1A.22. (SDE-EIA: 4K Targeting) EIA funds allocated for the provision of four-year-old kindergarten shall be utilized for the provision of services to age-eligible children in poverty, as defined in Proviso 1.3 of this Act. Children with developmental delays documented through state approved screening assessments or children with medically documented disabilities who do not already qualify for special need services should also be considered for enrollment. In the event that more

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

students seek to enroll than available space permits, districts shall prioritize students (at the time of acceptance) on the basis of family income expressed as a percentage of the federal poverty guidelines, with the lowest family incomes given the highest enrollment priority.

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

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

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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

professional development standards. The department is authorized to carry forward and expend professional development funds for the same purpose.

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

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

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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

funds remain, Clemson University PSA may utilize such funds for a Regional Coordinator.

1A.29. (SDE-EIA: Full-Day 4K) Eligible students residing in a school district that met the poverty level for participation in the prior school year are eligible to participate in the South Carolina Early Reading Development and Education Program in the current school year. Public and private providers shall be funded for instructional costs at a rate of \$4,600 per student enrolled. Eligible students enrolling during the school year or withdrawing during the school year shall be funded on a pro rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall also be eligible for a reimbursement of \$574 per eligible child transported. All providers who are reimbursed are required to retain records as required by their fiscal agent. New providers participating for the first time in the current fiscal year and enrolling between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment funding, with providers enrolling seven or more such children eligible for funding not to exceed \$10,000. Providers receiving equipment funding are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps. The Department of Education shall only provide funding for public school students whose complete records have been entered into PowerSchool based on the one hundred and thirty-five day student average daily membership.

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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

providers are not accurate, the Office of First Steps must adjust the allocations for the current fiscal year to account for the findings.

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

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

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

1A.32. (SDE-EIA: IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section VIII.A.1. Aid to Districts according to Proviso 1A.30 for the current fiscal year, in the event that there is a reduction in state funds or there are changes in the Education Finance Act/Base Student Cost formula that would reduce support for children with disabilities, the Department of Education is authorized to

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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

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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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

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

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

1A.36. (SDE-EIA: Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

teachers' salaries of the southeastern states as projected by the Revenue and Fiscal Affairs Office. For the current school year the Southeastern average teacher salary is projected to be \$52,830. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all eligible certified teachers employed by the district by no less than one year of experience credit using the district salary schedule utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all eligible certified teachers. For Fiscal Year 2019-20, the requirement that school districts maintain local salary supplements per teacher no less than their prior fiscal year level is suspended if additional State funds fill the gap.

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

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

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

1A.38. (SDE-EIA: Assisting, Developing and Evaluating Professional Teaching -ADEPT) With funds appropriated in the current fiscal year,

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

the Department of Education, school districts, the Department of Juvenile Justice and special schools of the state may continue implementation of the ADEPT program. Governing boards of public institutions of higher education may provide by policy or regulation for a tuition waiver for the tuition for one three-hour course at that institution for those public school teachers who serve as supervisors for full-time students completing education degree requirements. Unexpended funds appropriated for this purpose may be carried forward from the prior fiscal year into the current fiscal year and expended for the same purposes.

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

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

1A.41. (SDE-EIA: EOC Partnerships for Innovation) Of the funds appropriated or carried forward from the prior fiscal year, the Education Oversight Committee is directed to participate in public-private partnerships to promote innovative ways to transform the assessment of public education in South Carolina that support increased student achievement in reading and college and career readiness. The Education Oversight Committee may provide financial support to districts and to public-private partnerships for planning and support to implement, sustain and evaluate the innovation and to develop a matrix and measurements of student academic success based on evidence-based models. These funds may also be used to support the innovative delivery of science, technology, and genetic education and exposure to career opportunities in science, including mobile science laboratory programs, to students enrolled in the Abbeville equity school districts and students

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

in high poverty schools. These funds may also focus on creating public-private literacy partnerships utilizing a 2:1 matching funds provision when the initiative employs research-based methods, has demonstrated success in increasing reading proficiency of struggling readers, and works directly with high poverty schools and districts. The committee will work to expand the engagement of stakeholders including state agencies and boards like the Educational Television Commission, businesses, and higher education institutions. The committee shall annually report to the General Assembly on the measurement results.

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

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

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

1A.45. (SDE-EIA: Teach for America SC) Because Teach For America SC receives EIA funds in the current fiscal year, school districts that partner with Teach For America SC are required to provide to Teach For America SC by September first annually, information on the prior

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

year's academic achievement of students who were directly taught by Teach For America corps members. The information must be in a format that protects the identity of individual students and must include state assessment data as appropriate.

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

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

1A.48. DELETED

1A.49. (SDE-EIA: Public Charter Pupil Counts) With funds appropriated to charter schools sponsored by either the South Carolina Public Charter School District or a registered Institution of Higher Education, the sponsor must require each charter school to submit a student attendance report for the 5th, 45th, 90th and 135th days. Reporting requirements shall include both Average Daily Membership and Weighted Pupil Unit membership. The South Carolina Public Charter School District or a registered Institution of Higher Education shall then provide the data for each charter school to the Department of Education. Quarterly, the department will submit the information to the House Ways

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

and Means Committee, the House Education and Public Works Committee, the Senate Finance Committee and the Senate Education Committee.

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

1A.50. (SDE-EIA: South Carolina Public Charter School Funding) The funds appropriated in Part IA, Section VIII.H.- South Carolina Public Charter School Statewide Sponsor must be allocated in the following manner to students at charter schools within the South Carolina Public Charter School District or within a registered Institution of Higher Education: Pupils enrolled in virtual charter schools sponsored by the South Carolina Public Charter School District or a registered Institution of Higher Education shall receive \$1,900 per weighted pupil and pupils enrolled in brick and mortar charter schools sponsored by the South Carolina Public Charter School District or a registered Institution of Higher Education shall receive \$3,600 per weighted pupil. Three and four year old students with a disability, who are eligible for services under IDEA and enrolled in brick and mortar charter schools sponsored by the South Carolina Public Charter School District or registered IHE, shall receive \$3,600 per student for brick and mortar charter schools. Three and four year old students with a disability, who are eligible for serves under IDEA and enrolled in charter schools sponsored by the South Carolina Public Charter School District or a registered IHE, shall be included in student counts for the South Carolina Public Charter School District and registered IHE's solely for purposes of funding under this proviso. Any unexpended funds, not to exceed ten percent of the prior year appropriation, must be carried forward from the prior fiscal year and expended for the same purpose. Any unexpended funds exceeding ten percent of the prior year

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

appropriation must be transferred to the Charter School Facility Revolving Loan Program established in Section 59-40-175. For Fiscal Year 2019-20, the timelines set forth for ruling on charter school applications are extended for sixty calendar days for all applications submitted to the South Carolina Public Charter School District if the district determines that an applicant should be permitted to amend its application to meet the requirements of Section 59-40-60 and Section 59-40-70, of the 1976 Code, based on an applicant's proposal to address an existing achievement gap utilizing an evidence-based educational program in an underserved geographical area of the state including, but not limited to, charter schools proposed to be located in any school district that is a plaintiff in the Abbeville law suit. The South Carolina Public Charter School District shall report to the Senate Finance Committee and the House Ways and Means Committee on the outcomes of this extended time for a hearing at the end of the application cycle.

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

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

1A.51. DELETED

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA**1A.52. DELETED**

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

1A.54. (SDE-EIA: Rural Teacher Recruiting Incentive) (A) There is created a program within the South Carolina Center for Educator Recruitment, Retention, and Advancement (CERRA) to recruit and retain classroom educators in rural and underserved districts experiencing excessive turnover of classroom teachers on an annual basis.

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

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

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

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

(4) Any incentives requiring individuals to relocate into an eligible district to provide instructional services shall not be made

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

available to individuals providing instructional services in other eligible districts.

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

At a minimum, the incentives shall include:

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

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

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

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

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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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

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

1A.55. (SDE-EIA: Project Read) Of the funds appropriated in Section 1A. VIII.A.3. for Reading, \$500,000 must be used for teacher in-service training and professional development related to Project Read. The department may set accountability guidelines to ensure that funds are spent in accordance with the proviso.

1A.56. (SDE-EIA: Reading/Literacy Coaches) (A) Funds appropriated for Reading/Literacy Coaches must be allocated to school districts by the Department of Education as follows: for each primary and elementary school, the school district shall be eligible to receive up to \$62,730 or the actual cost of salary and benefits for a full-time reading/literacy coach.

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

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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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

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

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

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

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

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

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

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

(H) For the current school year, the Department of Education shall screen and approve the hiring of any reading/literacy coach serving in a school in which one third or more of its third grade students scoring at the lowest achievement level on the statewide summative English/language arts assessment. No funds shall be disbursed to the district to fund the reading/literacy coach until the department has screened and approved the coach. Schools in which at least sixty percent of students scored at meets or exceeds expectations on the state

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

summative assessment in English/language arts may submit, as part of their reading plan, a request to the department for flexibility to utilize their allocation to provide literacy support to students, which may include, but is not limited to: a reading coach, a literacy interventionist, or other supplemental services directed to students in need of interventions. This plan must be approved by the department annually as part of the district reading plan.

(I) The Department of Education shall require:

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

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

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

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

1A.57. (SDE-EIA: Digital Instructional Materials) The Department of Education shall continue to create an instructional materials list composed of those items (print and/or digital) that have received State Board of Education approval through the normal adoption process. The department shall continue to work with the publishers of instructional materials to ensure that districts have options for print/digital student materials to include class sets of print student editions, if needed. Funds appropriated for the purchase of instructional materials (print/digital) may be used for reimbursing school districts to offset the costs of refurbishing science kits on the state-adopted instructional materials inventory, purchasing new kits or those adopted as supplemental from the central textbook depository, or a combination of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs, equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs. Funds provided for Instructional Materials may be carried forward from the prior fiscal year into the current fiscal year to

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

be expended for the same purposes by the department, school districts, and special schools. These funds are not subject to flexibility.

1A.58. (SDE-EIA: 4K Early Literacy Competencies Assessments) Of the funds carried forward from the full-day 4K program from the previous fiscal year, the Department of Education is authorized to expend up to \$800,000 on assessments and professional development to analyze the early literacy competencies of children in publicly funded prekindergarten. If these funds are not available, funds appropriated and/or authorized for assessment shall be used to administer the prekindergarten assessments. The department shall manage the administration of assessments that analyze the early literacy and language development of children in publicly funded prekindergarten as done in the prior fiscal year. Each school district and private provider participating in a publicly funded prekindergarten program will administer one of the formative assessments selected by the department to each child eligible for and enrolled in a publicly funded prekindergarten program during the first forty-five days of the school year and during the last forty-five days of the school year. Accommodations that do not invalidate the results of these assessments must be provided in the manner set forth by the student's Individualized Education Program or 504 Accommodations Plan and for students who are Limited English Proficient according to their LEP Plan. The department will provide the assessment data to the Education Oversight Committee. The results of the assessment and the developmental intervention strategies recommended or services needed to address the child's identified needs must also be provided, in writing, to the parent or guardian. The assessment may not be used to deny a student to admission to prekindergarten.

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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

results of these assessments must be provided in the manner set forth by the student's Individualized Education Program, 504 Accommodations Plan, or LEP Plan. Districts are given the option of designating up to two days of the one hundred eighty day school calendar to administer the assessment to kindergarten students. The department will also provide the results of the assessment of kindergarten students to the Education Oversight Committee. With available funds, the department will also provide or secure training for appropriate educators in how to administer the assessment.

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

1A.59. (SDE-EIA: CDEPP Unexpended Funds) For Fiscal Year 2018-19, the Office of First Steps to School Readiness is permitted to retain the first \$1,000,000 of any unexpended CDEPP funds of the prior fiscal year and expend these funds to enhance the quality of the full-day 4K program in private centers and provide professional development opportunities.

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

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

If by August first, the Department of Education or the Office of First Steps determines there will be funds available, funds shall be allocated on a per pupil basis for districts eligible for participation first, who have a documented waiting list, and funded an extended program per this proviso in the prior school year, then to districts to increase the length of the program to a maximum of eight and a half hours per day or two hundred and twenty days per year or to fund summer programs. By

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

August 1, the Department of Education and the Office of First Steps must collect the documented waiting lists and determine a process to notify parents of eligible students of available slots in all approved providers. If a district chooses to fund summer enrollment the program funding shall conform to the funding in this act for full year programs, however shall be reduced on a pro rata basis to conform with the length of the program. A summer program shall be no more than eight and a half hours per day and shall be not more than ten weeks in length. The per pupil allocation and classroom grant must conform with the appropriated amount contained in this Act and end of year adjustments shall be based on the one hundred and thirty five day student average daily membership or later student average daily membership for districts choosing to extend the program past one hundred and eighty days. Funds may also be used to provide professional development and quality evaluations of programs.

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

1A.60. (SDE-EIA: Industry Certifications/Credentials) Of the funds appropriated for Industry Certifications/Credentials, \$3,000,000 must be allocated to school districts based upon the number of national industry exams administered in the prior school year with each district receiving a base amount of \$10,000. The department will identify the national industry exams that will be funded based upon the job availability in the state. School districts may carry forward funds from the prior fiscal year into the current fiscal year and expend the funds for the cost of national industry exams. The department shall work with the Department of Commerce, the Department of Employment and Workforce, state and local chambers of commerce and economic development offices and the Tech Board to ensure that students are aware of the industry required credentials for current job availability in the state organized by region. Any additional funds appropriated must be allocated to school districts based upon the number of national industry exams/credentials earned in the prior school year, and districts must expend these funds to pay for

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

the cost of industry exams or to support students in preparing for the exams in the current fiscal year.

1A.61. (SDE-EIA: Career and Technology Education) Funds appropriated for Career and Technology Education will be distributed to school districts and multi-district career centers based on the prior year actual student enrollment for career and technology education courses, with no district or multi-district career center receiving less than \$50,000. Funds may be expended for the purchase of career and technical equipment, the up fitting of facilities and the purchase of consumables, regional career specialists, and such evidence-based initiatives like High Schools that Work and Project Lead the Way. Each district must include in the district plan submitted to the Office of Career and Technology Education information on other career and technical equipment available. The district must include, at a minimum, equipment located at the career center and at the technical college, information on the alignment of equipment to current industry jobs and needs in the state as recommended by career and technical program advisory committees. District plans must include charter schools within the school district offering at least one career and technical education completer program. School districts and career centers may carry forward unexpended funds to be used for the same intended purposes to up fit career and technical facilities and replace career and technical program consumables. In addition, \$125,000 of the funds appropriated shall be allocated to the Palmetto Partners for Science and Technology for robotics competition, curriculum, and support.

1A.62. DELETED

1A.63. (SDE-EIA: Family Connection South Carolina) Funds appropriated in Part IA, Section 1, VIII.F, Partnerships, for Family Connection South Carolina (H63), shall be transferred in quarterly installments from the Department of Education to Family Connection South Carolina. Funds shall be used to provide support to families of children with disabilities. Support shall include, home visits, transition assistance, education assistance, parent support and parent training. The department shall establish guidelines through which Family Connection South Carolina shall provide planning documents to the department not later than July fifteenth of the current fiscal year, and quarterly reporting of expenditures thereafter; and a performance report submitted annually.

1A.64. (SDE-EIA: Low Achieving Schools) Of the funds appropriated to the Education Oversight Committee for Partnerships for

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

Innovation, \$500,000 shall be allocated to parent support initiatives and afterschool programs in historically underachieving communities.

1A.65. DELETED

1A.66. DELETED

1A.67. (SDE-EIA: Assistance Funding) For the current fiscal year, any funds appropriated to the Department of Education to assist districts that are or were Plaintiffs in the Abbeville law suit and funding appropriated to the department to provide technical assistance to underperforming districts may not be transferred to any other program, are not subject to flexibility, and may be carried forward and expended for the same purposes.

1A.68. (SDE-EIA: National Board Certification Incentive) Public school classroom teachers, to include teachers employed at the special schools or classroom teachers who work with classroom teachers, to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first in the year following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governors School for Science and Math, Governors School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teachers FTE and paid to the teacher in accordance with the districts payroll procedure. In addition, teachers who have applied prior to July 1, 2010 and are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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

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

1A.69. (SDE-EIA: Value-Added Accountability) With the funds appropriated for School Value Added Instrument in the current fiscal year the Department of Education shall use the education value-added assessment system that was procured and administered in the prior fiscal year to calculate the magnitude of student progress or growth at the school level for purposes of state and federal accountability. At the discretion of the local school district, a district may use the education value-added assessment system to evaluate classroom teachers using student progress or growth. The estimates of specific teacher effects on the educational progress of students will not be a public record and shall be made available only to the specific teacher, principal and superintendent. In the current fiscal year, the Department of Education is directed to procure a value-added assessment system, which calculates student growth and includes the measurement of magnitude of growth, to be used in future school years that meets the requirements of the state and federal accountability system as defined in Chapter 18 of Title 59 of the 1976 Code.

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

1A.70. DELETED

1A.71. (SDE-EIA: Educator Preparation Provider) Of the funds carried forward from the prior fiscal year, the department is authorized to use up to \$300,000 to develop a data system to house post-certification data and employment for Education Preparation Provider (EPP) completers in accordance with S.C. Code Reg. 43-90. The system must provide the department with the ability to collect, store, and disseminate data elements needed for national accreditation of providers. Such data shall be exempted from disclosure under Section 30-4-40 of the 1976 Code, the South Carolina Freedom of Information Act.

1A.72. DELETED**1A.73. DELETED****1A.74. DELETED****1A.75. DELETED**

1A.76. (SDE-EIA: Alternative Commitment to Truancy) As part of its plan for an alternative school, a school district receiving funds from the Department of Education for an alternative school shall identify available alternatives to commitment for children whose truancy is approaching the level of being referred to family court. When proceeding under Section 59-65-50 of the 1976 Code to bring an individual case before the family court, the school district must present this plan as well as the district's efforts with respect to the individual child to the court. Each school district's plan under this proviso shall include possible assignment to alternative school for a non-attending child before petitioning the court.

1A.77. DELETED**1A.78. DELETED**

**** 1A.79. (SDE-EIA: McCormick County Schools)** *The Department of Revenue must directly allocate the funds appropriated under VIII. F. Partnerships for John de la Howe for teacher salaries to McCormick County School District to create a school within a school program to educate at-risk students, including students at John de la Howe who attend McCormick County schools. The program must use an accelerated curriculum which utilizes multimedia/ multimodal learning activities to ensure academic success and development of leadership and communication skills.*

1A.80. DELETED

1A.81. (SDE-EIA: Grants Committee) Of the funds appropriated to the Department of Education for Innovation Grants, the grants

** See note at end of Act.

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

committee, in Fiscal Year 2019-20, shall give priority to funding projects funded by the Education Oversight Committee Partnerships of Innovation in the prior fiscal year while keeping with its established criteria. Additionally, the committee shall accept applications per the established process for new grantees not to exceed the amount appropriated by the General Assembly.

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

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

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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

report to the Governor, the Chairman of House Ways and Means and the Chairman of Senate Finance by June 30, 2020.

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

1A.82. (SDE-EIA: Teacher Loan Program) With the funds appropriated for the Teacher Loan Program and with funds in the revolving fund, in the current fiscal year the annual maximum award for eligible juniors, seniors and graduate students is \$7,500 per year and the aggregate maximum loan amount is \$27,500.

1A.83. (SDE-EIA: Digital Learning Plan) The Education Oversight Committee is responsible for implementing the second year of a pilot program for alternative methods of instruction for make-up days. The five school districts that participated in the initial pilot program in the prior fiscal year shall have the option of continuing to participate during the current fiscal year. As a condition of their continued participation, these five school districts shall assist the committee in reviewing and approving additional school districts to participate in the second year of the pilot program and shall provide technical assistance and support to new districts participating in the pilot. From funds available to the committee, the committee is authorized to allocate funds to the five districts for providing technical support to the new districts participating in the pilot program.

All districts participating in the pilot in the current fiscal year shall utilize alternative methods of instruction which may include, but are not limited to, online or virtual instruction for scheduled make up time. All make up time must reflect the number of hours of the make-up days the instruction will cover. All make up time must meet state requirements for elementary and secondary school days. All districts shall continue to report to the Department of Education all days missed, reasons for the absences, days made up, and now the alternative method of instruction used. The Education Oversight Committee shall work with the Educational Television Commission (ETV) and the State Library to utilize and coordinate available ETV and State Library resources and explore alternative means of delivery to districts that may lack proper access to online instruction. All school districts shall report the following information to the Education Oversight Committee by April 1, 2020: method(s) of implementation utilized, advantages and disadvantages of the method(s) used, any feedback received from

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

administrators, teachers, parents or guardians, and recommendations for how the program can be implemented statewide.

By June 1, 2020 the Education Oversight Committee shall report to the Governor, the General Assembly, the Department of Education, and the State Board of Education a plan for implementing the eLearning program for make-up days statewide.

1A.84. (SDE-EIA: School Safety Program) Funds appropriated for the School Safety Program and School Resource Officers shall be utilized by the department for the purpose of hiring certified law enforcement officers to serve as a school resource officer for school districts that otherwise would lack the adequate resources to hire their own school resource officers. In making determinations of eligibility the department shall use the most recent index of taxpaying ability as the district's indicator of ability to pay, with districts of the lowest index of taxpaying ability receiving priority consideration. Districts must apply for funding through the department and no districts shall receive an award of more than four certified school resource officer positions. In making awards the department shall provide funding directly to the local law enforcement agency to pay for the cost of the law enforcement officer that will serve as a full-time school resource officer. The department is authorized to carry forward funds and utilize these funds for the same purpose.

1A.85. (SDE-EIA: Teacher Recruitment Program) On or before September 30th of Fiscal Year 2019-20 following the development of accountability metrics, \$750,000 of the funds appropriated in this Act to the Department of Education for "Rural Teacher Recruitment" shall be allocated to the University of South Carolina's College of Education (COE) for the development and implementation of a new teacher recruitment pilot program to be administered by the COE in partnership with the Center for Teaching Quality (CTQ). The purpose of the pilot program shall be the employment of innovative and cost-effective teacher recruitment strategies, customized training for new teachers, and dedicated, ongoing mentoring support. The pilot program shall compliment and/or enhance the state's ongoing rural teacher recruitment initiatives such as those supported pursuant to Part 1A.54 of this Act. At minimum, the pilot program must assist no fewer than ten school districts to include at least four districts along the I-95 corridor and serve no fewer than 250 teacher candidates. The pilot program shall stipulate reasonable fees for participating candidates and districts and districts shall agree to release time for required on site mentors who shall be

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

experienced, practicing teachers within the district for the purposes of co-teaching with and supporting candidates' development. Within participating districts, the pilot program shall emphasize high-need schools and within selected schools, the emphasis shall be on developing teacher candidates teaching in high-need subject areas to include, but not be limited to, STEM and special education with all candidates receiving training in literacy skills. The pilot program design shall be based on emerging empirical evidence of effective teacher education as well as best practices from recent innovations in university-based and alternative certification and residency programs for the dual purpose of recruiting needed candidates with equal focus on retaining accomplished, experienced teachers utilizing, in part, a model which contains intensive mentoring and support for candidate teachers. Before any funds are disbursed to the COE, the COE and CTQ shall develop accountability metrics for the pilot program that must include, at minimum, employment outcome indicators such as job placement and retention statistics as well as survey instrumentation in order to measure candidate, mentor, and principal satisfaction with the pilot program. No later than June 30th, program data and evidence collected as a result of this accountability requirement must be shared in report form with the Department of Education, the Education Oversight Committee, the South Carolina Center for Educator Recruitment, Retention, and Advancement, the Commission on Higher Education, the Chairman of the Senate Education Committee, the Chairman of the House Education and Public Works Committee, the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee.

1A.86. (SDE: Bridge Program) Of the funds appropriated for "Rural Teacher Recruitment" in Fiscal Year 2019-20, \$1,400,000 shall be transferred to South Carolina State University for the implementation and enhancement of a BRIDGE program to recruit minority high school students along the I-95 corridor into the teaching profession by offering them, while still in high school, access to counseling, mentoring, on campus summer enrichment programs, and opportunities for dual enrollment credits at South Carolina State University for the purpose of preparing these students to major in education and to become future teachers along the I-95 corridor. South Carolina State University must utilize \$400,000 of these funds to partner with one or more institutions of higher education to establish a similar bridge program.

1A.87. DELETED

1A.88. DELETED

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

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

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

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

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

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

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

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

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

3.4. DELETED

3.5. (LEA: FY 2019-20 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Executive Budget Office as directed below. These appropriations must be used to supplement and not supplant existing funds for education. For cash flow purposes, the Executive Budget Office may facilitate limited transfers from the general deposits of the state for the exclusive purpose of ensuring the timely distribution of scholarships and tuition assistance payments as provided below. Any use of this transfer allowance must include full reimbursement from the Education Lottery Account to the general deposit accounts of the state prior to the close of the fiscal year.

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

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

For Fiscal Year 2019-20, certified net lottery proceeds and investment earnings for the current fiscal year, Fiscal Year 2018-19 certified surplus, and Fiscal Year 2017-18 surplus are appropriated as follows:

- | | |
|---|----------------|
| (1) Commission on Higher Education--
LIFE Scholarships as provided in
Chapter 149, Title 59 | \$240,102,429; |
| (2) Commission on Higher Education--
HOPE Scholarships as provided in
Section 59-150-370 | \$ 14,557,008; |
| (3) Commission on Higher Education--
Palmetto Fellows Scholarships
as provided in Section 59-104-20 | \$ 61,809,959; |

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

(4) Commission on Higher Education and State Board for Technical and Comprehensive Education-- Tuition Assistance	\$ 51,100,000;
(5) Commission on Higher Education-- Need-Based Grants	\$ 20,000,000;
(6) Higher Education Tuition Grants Commission--Tuition Grants	\$ 10,000,000;
(7) Commission on Higher Education-- National Guard Tuition Repayment Program as provided in Section 59-111-75	\$ 2,631,129;
(8) State Board for Technical and Comprehensive Education-- South Carolina Workforce Industry Needs Scholarship	\$ 17,000,000;
(9) South Carolina State University	\$ 2,500,000;
(10) State Board for Technical and Comprehensive Education-- ReadySC Direct Training	\$ 10,000,000;
(11) State Board for Technical and Comprehensive Education-- High Demand Job Skill Training Equipment	\$ 12,500,000;
(12) Commission on Higher Education-- Technology-Public Four-Year Institutions, Two-Year Institutions, and State Technical Colleges as provided in Section 59-150-356	\$ 8,000,000;
(13) Commission on Higher Education-- SREB Program and Assessments	\$ 236,195;
(14) Department of Education-- Instructional Materials	\$ 20,000,000;
(15) Department of Alcohol and Other Drug Abuse Services--Gambling Addiction Services	\$ 50,000;
(16) Department of Education--School Bus Lease/Purchase	\$ 19,363,280;

and

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

(17) Department of Education--
Reading Partners \$ 250,000.

For Fiscal Year 2019-20, net lottery proceeds and investment earnings above the Fiscal Year 2018-19 certified surplus are appropriated pro-rata as follows:

- | | |
|---|---------------|
| (1) Commission on Higher Education--
Higher Education Excellence
Enhancement Program | \$ 2,927,527; |
| (2) State Board for Technical and
Comprehensive Education--
SPICE Program | \$ 250,000; |
| (3) State Board for Technical and
Comprehensive Education--
Midlands Technical College-Quick
Jobs/Dual Credit Funding | \$ 2,500,000; |
| (4) State Board for Technical and
Comprehensive Education--
Orangeburg-Calhoun Technical
College-Truck Driving Certificate | \$ 350,000; |
| (5) Commission on Higher Education--
Career Clusters | \$ 450,000; |
| (6) Commission on Higher Education--
Memorial Professorships | \$ 1; |
| (7) South Carolina State University--
School of Business | \$ 200,000; |
| (8) Commission on Higher Education--
University Center of Greenville--
Debt Service | \$ 1; |
| (9) USC - Union Campus-Nursing Program
Technology Upgrades | \$ 37,000; |
| (10) State Board for Technical and
Comprehensive Education--
Spartanburg Community College--
Cherokee Campus | \$ 200,000; |
| (11) Department of Education -
Innovation Grants | \$ 2,800,000; |
| (12) Education Oversight Committee -
After School Pilot Program
and Clemson Forest Initiative | \$ 1,500,000; |

and

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

- (13) Department of Education--Instructional Materials \$ All Remaining.

For Fiscal Year 2019-20, funds certified from unclaimed prizes are appropriated as follows:

- | | |
|--|----------------|
| (1) State Board for Technical and Comprehensive Education--
Workforce Scholarships and Grants | \$ 11,000,000; |
| (2) Commission on Higher Education--
Higher Education
Excellence Enhancement Program | \$ 6,072,473; |
| (3) Department of Alcohol and Other
Drug Abuse Services--
Gambling Addiction Services | \$ 50,000; |
| (4) Commission on Higher Education--
SREB Program
and Assessments | \$ 377,526; |
| (5) Commission on Higher Education--
PASCAL | \$ 1,500,000; |
| (6) Commission on Higher Education--
Need-Based Grants | \$ 1; |

and

- (7) Department of Education--School Bus Lease/Purchase \$ All Remaining.

If the lottery revenue received from certified unclaimed prizes for Fiscal Year 2019-20 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis.

Fiscal Year 2019-20 funds appropriated to the Commission on Higher Education and the State Board for Technical and Comprehensive Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided in Section 59-150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher Education shall develop the Tuition Assistance distribution of funds.

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

The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full time students.

Fiscal Year 2019-20 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for Fiscal Year 2019-20 are fully funded.

If the lottery revenue received for Fiscal Year 2019-20 certified net lottery proceeds and investment earnings for the current fiscal year, Fiscal Year 2018-19 certified surplus, and Fiscal Year 2017-18 surplus are less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

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

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

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

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

(B) Grants shall be awarded from the fund in an amount not exceeding five thousand dollars or the total cost of attendance, whichever is less, for students to attend the program of their choice, including a professional certification program, at a South Carolina public technical

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

college. Priority for grant awards shall be given to students seeking a degree, professional certificate, or industry-recognized credential (IRC) in an industry sector with critical workforce needs as identified and recommended by the SBTCE and ratified by the Coordinating Council for Workforce Development.

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

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

(1) The Citadel	\$ 267,228;
(2) University of Charleston	\$ 607,631;
(3) Coastal Carolina University	\$ 591,366;
(4) Francis Marion University	\$ 260,984;
(5) Lander University	\$ 224,174;
(6) South Carolina State University	\$ 224,476;
(7) USC - Aiken Campus	\$ 243,662;
(8) USC - Upstate	\$ 330,928;
(9) USC - Beaufort Campus	\$ 183,437;
(10) USC - Lancaster Campus	\$ 145,010;
(11) USC - Salkehatchie Campus	\$ 145,010;
(12) USC - Sumter Campus	\$ 145,010;
(13) USC - Union Campus	\$ 145,010;
(14) Winthrop University	\$ 362,400;

and

(15) State Technical Colleges and State Board for Technical and Comprehensive Education	\$ 4,123,674.
---	---------------

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

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

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

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

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

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

Of the funds appropriated to the Commission on Higher Education for Carolina Careers Cluster Grant (1:1 match), upon application by an eligible institution as defined in this paragraph, the commission shall disburse \$350,000 to Voorhees College and \$50,000 each to Benedict College and Claflin University provided that each were recipients of a single competitive grant from a private sector endowment of not less than \$1,000,000, the proceeds of which are intended to better prepare students for employment in high paying job clusters across the State. Funds must be spent on students and/or student support services directly related to the private sector grantor's initiative and for no other purpose. Prior to disbursement, the commission shall verify that an eligible institution will provide no less than a 1 to 1 match of the funds to be disbursed.

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

(A) (1) In the current fiscal year, a student attending a two year public technical college and majoring in a critical workforce area program, as defined and recommended by the State Board for Technical and Comprehensive Education (SBTCE) and ratified by the South Carolina Coordinating Council for Workforce Development, and who is

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

receiving a Lottery Tuition Assistance Program Scholarship (LTAP) for the current fiscal year, shall receive an additional South Carolina Workforce Industry Needs Scholarship (SC WINS). A student who is attending a two-year public technical college, who meets the income eligibility guidelines for free and reduced-priced meals as established by the United States Department of Agriculture (USDA) and who is receiving a LTAP scholarship for the current fiscal year, shall receive a SC WINS scholarship regardless of the student's major. The SC WINS scholarship is equal to the cost of tuition and mandatory fees after applying all other scholarships or grants, not to exceed two thousand five hundred dollars.

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

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

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

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

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

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

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

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

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

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

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

5.1. (WLG: Truants) 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

STATUTES AT LARGE
General and Permanent Laws--2019
SECTION 5 - H710 - WIL LOU GRAY
OPPORTUNITY SCHOOL

students to the Opportunity School when such students can be served appropriately by the Opportunity School's program.

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

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

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

5.5. (WLG: Lease Revenue) Wil Lou Gray Opportunity School is authorized to 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 current fiscal year and used for the same purposes.

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

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

**SECTION 6 - H750 - SCHOOL FOR THE
DEAF AND THE BLIND****6.1. DELETED**

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

6.3. DELETED**6.4. DELETED**

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

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

6.7. DELETED

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

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

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

6.11. (SDB: USC-Upstate Visual Impairment Master of Education Program) Of the funds appropriated to the South Carolina School for

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

the Deaf and the Blind, \$50,000 shall be used to fund the Master of Education Program In Visual Impairment at the University of South Carolina - Upstate.

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

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

6.14. DELETED

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

SECTION 7 - L120 - JOHN DE LA HOWE SCHOOL

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

7.2. (JDLHS: Campus Private Residence Leases) John de la Howe School is authorized to 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.

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

SECTION 7 - L120 - JOHN DE LA HOWE SCHOOL

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

SECTION 8 - H670 - EDUCATIONAL TELEVISION COMMISSION

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

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

8.3. (ETV: Antenna and Tower Placement) 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.

8.4. (ETV: Wireless Communications Tower) The Educational Television Commission is directed to 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

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

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

8.5. DELETED**SECTION 11 - H030 - COMMISSION ON HIGHER
EDUCATION**

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

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

11.3. (CHE: GEAR-UP) Funds appropriated for GEAR-UP shall be used for state grants programs to reach disadvantaged middle school students to improve their preparation for college. Eligible South Carolina public schools and public institutions of higher education shall cooperate with the Commission on Higher Education in the provision of

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

services under the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR-UP) grant.

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

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

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

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

11.8. (CHE: Need-Based Grants for Foster Youth) For the current academic year, youth in the custody of the Department of Social Services and attending a higher education institution in South Carolina are eligible for additional need-based grants funding of up to \$2,000 above the \$2,500 maximum. Foster youth must apply for these funds no later than May first, of the preceding year. All other grants, both state and federal, for which these foster youth are eligible must be applied first to the cost of attendance prior to using the additional need-based grant funding. If the cost of attendance for a foster youth is met with other

SECTION 11 - H030 - COMMISSION ON HIGHER
EDUCATION

grants and scholarships, then no additional need-based grant may be used. The Department of Social Services, in cooperation with the Commission on Higher Education will track the numbers of recipients of this additional need-based grant to determine its effectiveness in encouraging more foster youth to pursue a secondary education. No more than \$100,000 may be expended from currently appropriated need-based grants funding for this additional assistance.

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

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

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

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

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

participating institutions, in cooperation with the Commission on Higher Education, shall track the number of grant recipients and other information determined necessary to evaluate the effectiveness of these grants in assisting students with intellectual disabilities in college transition programs.

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

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

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

SECTION 11 - H030 - COMMISSION ON HIGHER
EDUCATION

Section 59-101-620. The Commission on Higher Education is directed to compile the information received from the state-supported institutions of higher learning into a comprehensive report and submit such report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January fifth each year.

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

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

11.18. (CHE: Suspend Governor's Professor of the Year Award) The requirements of Section 59-104-220 of the 1976 Code pertaining to the Governor's Professor of the Year Award shall be suspended for Fiscal Year 2019-20.

11.19. (CHE: Prohibition of Discriminatory Practices) (A) In the current fiscal year and from the funds appropriated to the Commission

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

on Higher Education, the commission shall print and distribute to all South Carolina public colleges and universities the definition of anti-Semitism.

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) South Carolina public colleges and universities shall take into consideration the definition of anti-Semitism for purposes of determining whether the alleged practice was motivated by anti-Semitic

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

intent when reviewing, investigating, or deciding whether there has been a violation of a college or university policy prohibiting discriminatory practices on the basis of religion.

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

SECTION 17 - H180 - FRANCIS MARION UNIVERSITY

17.1. DELETED

SECTION 18 - H210 - LANDER UNIVERSITY

18.1. DELETED

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

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

SECTION 20 - H450 - UNIVERSITY OF SOUTH CAROLINA

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

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

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

20.4. DELETED

SECTION 23 - H510 - MEDICAL UNIVERSITY
OF SOUTH CAROLINA

23.1. (MUSC: Rural Dentist Program) The Rural Dentist Program, in coordination with the Department of Health and Environmental Control's Public Health 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 shall be administered by the South Carolina Area Health Education Consortium physician recruitment office. The costs associated with administering this program are to be paid from the funds appropriated to the Rural Dentist Program and shall 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 shall be permitted to 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. 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. The board will be composed of the following: the Dean, or his designee, of the MUSC College of Dental Medicine; three members from the South Carolina Dental Education Foundation Board who represent rural areas; and the President, or his designee, of the South Carolina Dental Association. 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 vote. This board shall serve without compensation.

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

23.3. DELETED

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

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

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

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

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

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

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

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

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

25.2. (TEC: Training of New & Expanding Industry Carry Forward) In addition to the funds appropriated in this section, any of the funds

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

appropriated under this section for the prior fiscal year which are not expended during that fiscal year may be carried forward and expended for direct training of new and expanding industry in the current fiscal year.

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

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

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

25.6. DELETED

25.7. DELETED

25.8. (TEC: Florence Darlington Fund Repurpose) Funds remaining of the \$1,000,000 appropriated in Act No. 91 of 2015, by proviso 118.14, Item (B)(19)(f) to the State Board for Technical and Comprehensive Education for the Florence-Darlington Technical College - Academic and Workforce Development Building, the \$3,500,000 appropriated in Act No. 284 of 2016, by proviso 118.16, Item (B)(23)(j) to the State Board for Technical and Comprehensive Education for the Florence-Darlington Technical College - Academic Building, and the \$2,000,000 appropriated in Act No. 285 of 2016, Section 1, Item (24) to the State Board for Technical and Comprehensive Education for the Florence-Darlington Technical College Academic Building shall be redirected to be used for campus renovations and improvements.

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

Unexpended funds may be carried forward to be expended for the same purpose.

25.9. DELETED

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

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

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

25.13. DELETED**SECTION 26 - H790 - DEPARTMENT OF
ARCHIVES AND HISTORY**

26.1. (AH: Use of Proceeds) The proceeds of facilities rentals, gift shop operations, training sessions, sales of publications, reproductions

** See note at end of Act.

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

of documents, repair of documents, research fees, handling charges, and the proceeds of sales of National Register of Historic Places certificates and plaques by the Archives Department shall be deposited in a special account in the State Treasury, and may be used by this department to cover the cost of facility operations and maintenance, gift shop inventory, additional training sessions, publication, reproduction expenses, repair expenses, and National Register of Historic Places certificates and plaques, and selected Historic Preservation Grants.

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

SECTION 27 - H870 - STATE LIBRARY

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

27.2. (LIB: Information Service Fees) 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.

27.3. (LIB: Continuing Education Fees) 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.

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

SECTION 27 - H870 - STATE LIBRARY

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

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

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

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

27.9. DELETED

SECTION 28 - H910 - ARTS COMMISSION

28.1. (ARTS: Professional Artists Contract) 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 shall 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 shall be in accord with the provisions of Section 8-11-35 of the 1976 Code.

SECTION 28 - H910 - ARTS COMMISSION

28.2. (ARTS: Special Revolving Account) 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 remaining at the end of the prior fiscal year, shall 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 shall be subject to the review procedures as set forth in Act 651 of 1978.

28.3. (ARTS: Partial Indirect Cost Waiver) 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.

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

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

SECTION 29 - H950 - STATE MUSEUM COMMISSION

29.1. (MUSM: Removal From Collections) 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; funds from the sale of such objects will be placed in a special revolving account for the commission

SECTION 29 - H950 - STATE MUSEUM COMMISSION

to use solely for the purpose of purchasing objects for the collections of the State Museum.

29.2. (MUSM: Museum Store) 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 shall 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 Appropriation Act.

29.3. (MUSM: Retention of Revenue) 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 Appropriation Act. Any unexpended revenue from these sources may be carried forward into the current fiscal year to be expended for the same purposes.

29.4. (MUSM: School Tour Fee Prohibition) 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.

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

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

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

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

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

32.1. (VR: Production Contracts Revenue) 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 State Agency of Vocational Rehabilitation and used in the facilities for Client Wages and any other production costs; and further, any excess funds derived from these production contracts may be used for other operating expenses and/or permanent improvements of these facilities.

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

32.3. (VR: User/Service Fees) 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.

32.4. (VR: Meal Ticket Revenue) 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.

32.5. DELETED

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

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

32.7. RESERVED

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

33.1. (DHHS: Recoupment/Restricted Fund) The Department of Health and Human Services shall recoup all refunds and identified program overpayments and all such overpayments shall be recouped in accordance with established collection policy. Further, the Department of Health and Human Services 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 will 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 will be remitted to the general fund.

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

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

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

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

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

33.5. (DHHS: Medicaid State Plan) 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 of Health and Human Services to be used as the state share when certified public expenditures are not allowed for those state agency Medicaid services. The department will keep a record of all services affected and submit periodic reports to the Senate Finance and House Ways and Means Committees.

33.6. (DHHS: Medically Indigent Assistance Fund) 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.

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

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

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

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

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

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

33.11. (DHHS: Program Integrity Efforts) The Department of Health and Human Services is instructed to 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.

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

33.13. (DHHS: Long Term Care Facility Reimbursement Rates) The department shall direct staff to complete and submit its Medicaid State

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

Plan Amendment for long term care facility reimbursement rates to the Director of the Department of Health and Human Services by August first of each year. The director shall review the plan and submit to the Federal Government on or before August fifteenth of each year provided the State Appropriations Act has been enacted by that date. All additional requests for information from CMS concerning the plan shall be promptly submitted to CMS by the Department of Health and Human Services.

33.14. (DHHS: Nursing Services to High Risk/High Tech Children) The Department of Health and Human Services 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 shall recognize the skill level that these nurses caring for these Medically Fragile Children must have over and above normal home-care or school-based nurses.

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

33.16. (DHHS: Carry Forward) The Department of Health and Human Services is authorized to carry forward and expend any General Fund balance and any cash balances from the prior fiscal year into the current fiscal year for any earmarked or restricted trust and agency, or special revenue account or subfund. The department shall submit a comprehensive reporting of all cash balances brought forward from the prior fiscal year. The report shall, at a minimum, for each account or

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

subfund include the following: the statutory authority that allows the funds to be carried forward, the maximum authorized amount that can be carried forward, the general purpose or need for the carry forward, the specific source(s) of funding or revenue that generated the carry forward, and a detailed description of any pending obligations against the carry forward. The report must be submitted to the President of the Senate, Chairman of the Senate Finance Committee, Speaker of the House of Representatives, and Chairman of the House Ways and Means Committee, within fifteen days after the Comptroller General closes the fiscal year.

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

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

33.19. (DHHS: Contract Authority) The Department of Health and Human Services is authorized to contract with 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 contracts and to assure fairness and accountability in the award and administration of these contracts. The department may require a match from contract recipients. The department shall report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committees on the contracts administered.

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

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

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

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

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

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

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

services provided through this proviso. Any newly established Community Health Center/FQHC shall receive an amount equivalent to the average disbursement made to all centers/FQHCs.

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

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

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

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

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

33.22. (DHHS: Rural Health Initiative) From the funds appropriated to the Department of Health and Human Services for the Rural Health Initiative in the current fiscal year, the department shall partner with the following state agencies, institutions, and other key stakeholders to implement these components of a Rural Health Initiative to better meet the needs of medically underserved communities throughout the state. The department may leverage any and all available federal funds to

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

implement this initiative. Recurring and non-recurring funding for the Rural Health Initiative may be carried forward by the department and expended for the same purpose.

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

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

(2) Rural Healthcare Coverage and Education - The USC School of Medicine, in consultation with the South Carolina Office of Rural Health, shall continue to operate a Center of Excellence to support and develop rural medical education and delivery infrastructure with a statewide focus, through clinical practice, training, and research, as well as collaboration with other state agencies and institutions. The center's activities must be centered on efforts to improve access to care and expand healthcare provider capacity in rural communities. The department shall authorize at least \$1,000,000 to support center staffing as well as the programs and collaborations delivering rural health research, the ICARED program, workforce development scholarships and recruitment, rural fellowships, health education development, and/or rural practice support and education. Funding released by the department pursuant to this section must not be used by the recipient(s)

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

to supplant existing resources already used for the same or comparable purposes. No later than February first of the current fiscal year, the USC School of Medicine shall report to the Chairman of the House Ways and Means Committee, the Chairman of the Senate Finance Committee, and the Director of the Department of Health and Human Services on the specific uses of funds budgeted and/or expended pursuant to this provision.

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

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

(B) The department shall continue to investigate the potential use of DSH and/or any other allowable and appropriate source of funds in order to improve access to emergency medical services in one or more

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

communities identified by the department in which such access has been degraded due to a hospital's closure during the past five years.

(1) In the current fiscal year, the department is authorized to establish a DSH pool, or carry forward DSH capacity from a previous period as federally permissible, for this purpose and/or if deemed necessary to implement transformation plans for which conforming applications were filed with the department pursuant to this or a previous hospital transformation or rural health initiative proviso, but for which additional negotiations or development were required. An emergency department that is established within 35 miles of its sponsoring hospital pursuant to this or a previous hospital transformation or rural health initiative proviso and which receives dedicated funding pursuant to this proviso shall be exempt from any Department of Health and Environmental Control Certificate of Need requirements or regulations. Any such facility shall participate in the South Carolina Telemedicine Network.

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

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

SECTION 33 - J020 - DEPARTMENT OF HEALTH
AND HUMAN SERVICES

Health Clinics, and to the extent applicable to funding received by the state, free clinics.

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

****33.24.** *(DHHS: Personal Emergency Response System) With funds appropriated and authorized to the Department of Health and Human Services for Fiscal Year 2019-20, the department shall develop one or more Requests for Proposals, to provide for Personal Emergency Response Systems (PERS) to be issued to Medicaid recipients pursuant to the department's Medicaid Home and Community-based waiver. The PERS devices must include in addition to emergency response services, unlimited twenty-four hour, seven-day a week live phone contact with experienced registered nurses for triage services. A PERS nurse triage call center must be accredited and must be separate from the PERS emergency response call center. The PERS device must have a wireless radio transmitter and a console that is cellular and does not require a traditional land line. A PERS device that includes nurse triage services also must comply with the requirements of Federal Communications Commission rules, 47 C.F.R. Part 68; and be approved by the Underwriters Laboratory or Equipment Testing Laboratories as a health care signaling product. The Department of Health and Human Services shall apply for any waiver necessary under the department's Medicaid Home and Community-based waiver to implement these provisions.*

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

** See note at end of Act.

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

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

**SECTION 34 - J040 - DEPARTMENT OF HEALTH AND
ENVIRONMENTAL CONTROL**

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

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

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

34.2. (DHEC: County Health Units) General funds made available to the Department of Health and Environmental Control for the allocation to the counties of the State for operation of county health units be allotted on a basis approved by the Board of the Department of Health

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

and Environmental Control. The amount of general funds appropriated herein for Access to Care shall be allocated on a basis such that no county budget shall receive less than the amount received in the prior 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.

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

34.4. (DHEC: Children's Rehabilitative Services) The Children's Rehabilitative Services shall be required to utilize any available financial resources including insurance benefits and/or governmental assistance programs, to which the child may otherwise be entitled in providing and/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.

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

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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

agencies or departments for maintenance and operations, exclusive of salaries and fringe benefits, a like reduction shall be made in funds appropriated for the operating expenses of the local health department.

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

34.8. (DHEC: Emergency Medical Services) Funds appropriated herein for Emergency Medical Services, shall be allocated for the purpose of improving and upgrading the EMS system throughout the state. The monies allocated to the Counties are for the purpose of improving or upgrading the local EMS system through the licensed ambulance services, the monies allocated to the EMS Regional Councils are for the administration of training programs and technical assistance to local EMS organizations and county systems. All additional funds are to be allocated as follows: to the counties at the ratio of eighty-one percent of the additional funds appropriated herein, to the EMS Regions at a ratio of twelve percent of the additional funds appropriated herein and to the state EMS Office at the ratio of seven percent of the additional funds appropriated herein. The Department of Health and Environmental Control shall develop criteria and guidelines and administer the system to make allocations to each region and county within the state, based on demonstrated need and local match. Funds appropriated to Emergency Medical Services shall not be transferred to other programs within the department's budget. Unexpended funds appropriated to the program may be carried forward to succeeding fiscal years, and fifty percent may be expended for administrative and operational support and for temporary and contract employees to assist with duties related to improving and upgrading the EMS system throughout the state, including training of EMS personnel and administration of grants to local EMS providers. After January 1st of the current fiscal year, the remaining fifty percent of unexpended funds carried forward shall be transferred to the South Carolina EMS Association to promote and encourage education of emergency medical technicians and directors of emergency medical services; to collect, analyze, and distribute information about emergency medical services; to promote the improvement of patient care; to cooperate with other organizations; and to effect more efficient administration of emergency medical services in the State of South Carolina. In addition, when

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

instructed by the Executive Budget Office or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds appropriated for EMS Regional Councils or Aid to Counties greater than such stipulated percentage.

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

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

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

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

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

The funds shall be used for providing prevention programs, educational programs, testing, counseling and newborn screening. The existing Community Based Sickle Cell Programs will provide counseling for families of newborns who test positive for sickle cell trait or other similar blood traits upon referral from DHEC. The balance of the total appropriation must be used for Sickle Cell Services operated by the Independent Living program of DHEC. The funds appropriated to the community based sickle cell centers shall be reduced to reflect any percent reduction assigned to the Department of Health and Environmental Control by the Executive Budget Office; provided, however, that the department may not act unilaterally to reduce the funds for the Sickle Cell program greater than such stipulated percentage. The department shall not be required to undertake any treatment, medical

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

management or health care follow-up for any person with sickle cell disease identified through any neonatal testing program, beyond the level of services supported by funds now or subsequently appropriated for such services. No funds appropriated for ongoing or newly established sickle cell services may be diverted to other budget categories within the DHEC budget. For the current fiscal year, the department shall not reduce these funds below the current funding level.

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

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

34.14. (DHEC: Medicaid Nursing Home Bed Days) Pursuant to Section 44-7-84(A) of the 1976 Code, the maximum number of Medicaid patient days for which the Department of Health and

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Environmental Control is authorized to issue Medicaid nursing home permits is 4,452,015.

34.15. (DHEC: Health Licensing Fee) Funds resulting from an increase in the Health Licensing Fee Schedule shall be retained by the department 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 \$75 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 and/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.

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

34.17. (DHEC: Nursing Home Medicaid Bed Day Permit) 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 shall 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.

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

34.19. (DHEC: Per Visit Rate) The SC DHEC 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 will 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.

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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.

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

34.21. (DHEC: Permitted Site Fund) The South Carolina Department of Health and Environmental Control 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.

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

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

34.24. (DHEC: Health Facilities Licensing Monetary Penalties) In the course of regulating health care facilities and services, the Bureau of Health Facilities Licensing (BHFL) assesses civil monetary penalties against nonconforming providers. BHFL shall retain up to the first \$100,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce the provisions of regulations applicable to that division. These funds shall be separately accounted for in the department's fiscal records. Regulations for nursing home staffing for the current fiscal year must (1) provide a minimum of one and sixty-three hundredths (1.63) hours of direct care per resident

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

per day from the non-licensed nursing staff; and (2) maintain at least one licensed nurse per shift for each staff work area. All other staffing standards and non-staffing standards established in Standards for Licensing Nursing Homes: R61-17, Code of State Regulations, must be enforced.

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

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

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

34.28. (DHEC: Compensatory Payment) 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.

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

34.30. (DHEC: South Carolina State Trauma Care Fund) Of the funds appropriated to the South Carolina State Trauma Care Fund,

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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

34.31. (DHEC: Pandemic Influenza) The Department of Health and Environmental Control 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, 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.

34.32. (DHEC: Pharmacist Services) For the current fiscal year, provisions requiring that all department facilities distributing or dispensing prescription drugs be permitted by the Board of Pharmacy

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

and that each pharmacy have a pharmacist-in-charge are suspended. Each Department of Health and Environmental Control Public Health Region shall be required to have a permit to distribute or dispense prescription drugs. A department pharmacist may serve as the pharmacist-in-charge without being physically present in the pharmacy. The department is authorized to designate one pharmacist-in-charge to serve more than one department facility. Only pharmacists, nurses, or physicians are allowed to dispense and provide prescription drugs/products/vaccines for conditions or diseases that the department treats, monitors, or investigates. In the event of a public health emergency or upon activation of the strategic national stockpile, other medications may be dispensed as necessary.

34.33. DELETED

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

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

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

34.37. (DHEC: Fetal Pain Awareness) (A) The department must utilize at least one hundred dollars to prepare printed materials

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

concerning information that unborn children at twenty weeks gestation and beyond are fully capable of feeling pain and the right of a woman seeking an abortion to ask for and receive anesthesia to alleviate or eliminate pain to the fetus during an abortion procedure. The materials must be provided to each abortion provider in the State and must be placed in a conspicuous place in each examination room at the doctor's office. The materials must contain only the following information:

"Fetal Pain Awareness

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

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

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

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

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

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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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

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

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

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

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

(1) if the case is at a school, the principal, and the Superintendent of the school district if the school is a public school; and

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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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

(1) an update addressing the:

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

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

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

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

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

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

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

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

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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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

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

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

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

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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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

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

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

34.46. (DHEC: Birth Center Inspections) With the funds appropriated and authorized to the Department of Health and Environmental Control for this fiscal year, the department shall ensure that all licensed birth centers must register an on-call agreement and any transfer policies with the Department of Health and Environmental Control. The on-call agreement shall contain provisions which provide that the on-call physician, or another physician designated by the on-call physician, is readily available to provide medical assistance either in person or by telecommunications or other electronic means, which means the physician must be within a thirty minute drive of the birth center or hospital, must be licensed in the State of South Carolina, and have hospital admitting or consulting privileges, and shall provide consultation and advice to the birth center at all times it is serving the public. Furthermore, a birth center shall document in its practice guidelines and policies the ability to transfer care to an acute care hospital with obstetrical and newborn services and must demonstrate this by: (A) coordinated transfer care plans, protocols, procedures, arrangements, or through collaboration with one or more acute care hospitals with appropriate obstetrical and newborn services; and (B)

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

admitting or consulting privileges at one or more hospitals with appropriate obstetrical and newborn services by a birth center's consulting physician. The department shall require a \$25.00 registration fee upon receipt and review of the agreements containing these provisions. Acute care hospitals licensed by the department must negotiate in good faith and fair dealing effort with any birth center licensed by the department within a 50 mile radius to establish a written transfer agreement pursuant to this proviso. Birth centers registering on-call and transfer policies in accordance with this proviso shall be deemed by the department to be in compliance with Section 44-89-60(3) of the South Carolina Code and any implementing regulations for this fiscal year.

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

34.48. (DHEC: Data Center Migration) Of the funds appropriated to the Department of Health and Environmental Control for Data Center Migration, the department must utilize the Department of Administration, Division of Technology Operations for shared services, including but not limited to, mainframe services, application hosting, servers, managed servers, storage, network services and disaster recovery services. Unexpended funds appropriated for the data center

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

migration may be carried forward from the prior fiscal year and used for the same purpose.

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

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

***34.51. (DHEC: Greenwood Sewer Extension Line) Funds remaining from the \$990,000 appropriated in Act 117 of 2007, by Proviso 73.12, Item 65(S) to the Department of Health and Environmental Control for the Greenwood Sewer Extension Line shall be redirected for any project on the Eagles Harbor priority list, less any outstanding expenses associated with the Greenwood Sewer Extension Line. Unexpended funds may be carried forward into the current fiscal year to be expended for the same purpose.**

34.52. (DHEC: Ocean Water Quality Outfall Initiative) In the current fiscal year, funds appropriated and authorized to the Department of Health and Environmental Control in the department's Beach

* See note at end of Act.

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Renourishment Fund shall be made available as state matching funds for Horry County Ocean Water Quality Outfall Initiatives. The department is authorized to retain and carry forward these funds into the current fiscal year to be used for the same purpose. Any interest generated by the account must be credited and deposited into this account, to be used as state matching funds for either local or federal funding, and utilized for Ocean Water Quality Outfall Initiatives in Horry County.

34.53. RESERVED

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

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

34.56. DELETED

34.57. (DHEC: HIV/AIDS Treatment and Prevention) From the funds appropriated to the Department of Health and Environmental Control in the current fiscal year for HIV and AIDS prevention and treatment, the department shall develop partnerships with the Joseph H. Neal Health Collaborative and CAN Community Health, Inc. to provide comprehensive medical, psychological and educational services to all patients, regardless of their financial situation, insurance status, or ability to pay. In addition, CAN Community Health, Inc. shall develop a plan for the treatment and prevention of Hepatitis C. The department shall ensure the funds are expended solely for testing, treatment, and follow-up services of HIV/AIDS and Hepatitis C. Funds may be used to enhance the services provided through a combination of Ryan White Part

** See note at end of Act.

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

B Grant funds and other federal funds or the state's AIDS Drug Assistance Program rebate funds.

34.58. (DHEC: State Trauma Registry) From the funds appropriated or authorized in the current fiscal year, the Department of Health and Environmental Control, through the State Trauma Registry, shall direct that all state verified trauma centers are required to submit relevant patient care data. The department shall develop appropriate policies or regulations no later than January 1, 2020, to ensure data is collected by all trauma centers.

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

34.60. DELETED

SECTION 35 - J120 - DEPARTMENT OF MENTAL HEALTH

35.1. (DMH: Patient Fee Account) The Department of Mental Health is hereby authorized to retain and expend its Patient Fee Account funds. In addition to funds collected for the maintenance and medical care for patients, Medicare funds collected by the department from patients' Medicare benefits and funds collected by the department from its veteran facilities shall be considered as patient fees. The department is authorized to expend these funds for departmental operations, for capital improvements and debt service under the provisions of Act 1276 of 1970, and for the cost of patients' Medicare Part B premiums. The department shall remit \$290,963 to the General Fund, \$400,000 to the Continuum of Care, \$50,000 to the Alliance for the Mentally Ill, and \$250,000 to S.C. Share Self Help Association Regarding Emotions.

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

SECTION 35 - J120 - DEPARTMENT OF MENTAL HEALTH

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

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

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

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

35.7. (DMH: Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) The Department of Mental Health is authorized to establish an interest bearing fund with the State Treasurer to deposit funds for deferred maintenance and other one-time funds from any source. The department is also authorized to retain and deposit into the fund proceeds from the sale of excess real property owned by, under the control of, or assigned to the department. After receiving any required approvals, the department is authorized to expend these funds

SECTION 35 - J120 - DEPARTMENT OF MENTAL HEALTH

for the purpose of deferred maintenance, capital projects, and ordinary repair and maintenance. These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.

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

35.9. (DMH: Commitments to Treatment Facilities) The authorization for continued implementation of Article 7, Chapter 17, Title 44 of the 1976 Code, Chapter 24, Title 44 of the 1976 Code, and Chapter 52, Title 44 of the 1976 Code, relating to commitments, admissions and discharges to mental health facilities, or treatment facility for the purpose of alcohol and drug abuse treatment, shall be expended for the compensation of court appointed private examiners, guardians ad litem, and attorneys for proposed patients, and related costs arising from the filing, service and copying of legal papers and the transcription of hearings or testimony. Court appointed private examiners, guardians ad litem and attorneys shall be paid at such rates or schedules as are jointly determined to be reasonable by the South Carolina Association of Probate Judges, the Office of Court Administration, and the Department of Mental Health with the approval of the Attorney General. The Department of Mental Health shall notify the Senate Finance Committee and the House Ways and Means Committee of any fee adjustment or change in schedule before implementation and may enter into an agreement with the Commission on Indigent Defense solely for the purpose of processing vouchers for the payment of above fees and costs.

35.10. (DMH: Judicial Commitment) Except as otherwise provided in Proviso 117.5, no money authorized to be expended for the purposes set forth in Proviso 35.9 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.

**SECTION 36 - J160 - DEPARTMENT OF DISABILITIES
AND SPECIAL NEEDS**

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

36.2. (DDSN: Sale of Excess Real Property) The department is authorized to 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 DDSN 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.

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

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

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

36.6. (DDSN: Transfer of Capital/Property) The department may transfer capital to include property and buildings to local DSN providers with State Fiscal Accountability Authority approval.

36.7. (DDSN: Unlicensed Medication Providers) 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

**SECTION 36 - J160 - DEPARTMENT OF DISABILITIES
AND SPECIAL NEEDS**

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 and/or related disability.

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

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

36.10. (DDSN: Traumatic Brain Injury) Funds appropriated to the agency for Traumatic Brain Injury/Spinal Cord Injury Post-Acute

SECTION 36 - J160 - DEPARTMENT OF DISABILITIES
AND SPECIAL NEEDS

Rehabilitation shall be used for that purpose only. In the event the department receives a general fund reduction in the current fiscal year, any reductions to the post-acute rehabilitation funding shall not exceed reductions in proportion to the agency as a whole.

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

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

36.13. (DDSN: Service Providers Expenditure Requirement) For the current fiscal year, in order to accommodate service provider infrastructure needs resulting from the reductions in the department's waiting lists, service providers including local disabilities and special needs boards are authorized to carry forward from the prior fiscal year unexpended funds based on a ninety percent expenditure requirement for capitated services. Service providers shall not withhold services in order to generate funds to be carried forward. The expenditure requirement shall not affect the department's three month reserve limitation policy. If the department's Medicaid allowable costs, in the aggregate, do not meet the level of certified public expenditures (CPEs) reported to the Department of Health and Human Services, the department is allowed to recoup funds necessary to remain in compliance with federal Medicaid CPE rules.

36.14. (DDSN: Beaufort DSN Facility) For Fiscal Year 2018-19, the Department of Disabilities and Special Needs is authorized to retain the

**SECTION 36 - J160 - DEPARTMENT OF DISABILITIES
AND SPECIAL NEEDS**

full amount of proceeds from the sale of the local Disabilities and Special Needs Board of Beaufort County property. The funds retained from this sale must be used by the department to purchase a new property for the local Disabilities and Special Needs Board in Beaufort County that more appropriately meets the needs of the individuals served. Unexpended funds may be carried forward into the current fiscal year and used for the same purpose. The department must provide a status report to the Beaufort County Legislative Delegation by June 30, 2019, detailing the retention of any sale proceeds and/or the expenditures of those funds.

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

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

37.2. (DAODAS: Gambling Addiction Services) In that gambling is a serious problem in South Carolina, 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.

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

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

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

38.1. (DSS: Fee Retention) The Department of Social Services shall recoup all refunds and identified program overpayments and all such overpayments shall be recouped in accordance with established collection policy. Funds of \$800,000 collected under the Child Support Enforcement Program (Title IV-D) which are state funds shall be remitted to the State Treasurer and credited to the General Fund of the State. All state funds above \$800,000 shall be retained by the department to fund Self-Sufficiency and Family Preservation and Support initiatives.

38.2. (DSS: Recovered State Funds) The 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 shall be remitted to the appropriate state governmental entity to further child support collection efforts.

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

38.4. (DSS: Battered Spouse Funds) Appropriations included in Subprogram II.J. entitled Battered Spouse shall be allocated through contractual agreement to providers of this service. These appropriations may also 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

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

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.

38.5. (DSS: Court Examiner Service Exemption) 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 will be exempt from serving as court examiners.

38.6. (DSS: TANF Advance Funds) 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 herein, the Comptroller General is authorized to process the July voucher for the funding of benefit checks.

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

Day Care

Family Child Care Homes (up to six children)	\$15
Group Child Care Homes (7-12 children)	\$30
Registered Church Child Care (13+)	\$50
Licensed Child Care Centers (13-49)	\$50
Licensed Child Care Centers (50-99)	\$75
Licensed Child Care Centers (100-199)	\$100
Licensed Child Care Centers (200+)	\$125

Central Registry Checks

Nonprofit Entities	\$8
For-profit Agencies	\$25
State Agencies	\$8
Schools	\$8
Day Care	\$8
Other – Volunteer Organizations	\$8

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

Other Children's Services

Services Related to Adoption of Children from Other Countries	\$225
Court-ordered Home Studies in non-DSS Custody Cases	\$850
Licensing Residential Group Homes Fee for an Initial License	\$250
For Renewal	\$75
Licensing Child Caring Institutions Fee for an Initial License	\$500
For Renewal	\$100
Licensing Child Placing Agencies Fee for an Initial License	\$500
For Renewal	\$60
For Each Private Foster Home Under the Supervision of a Child Placing Agency	\$15
Responsible Father Registry Registry Search	\$50

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

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

38.10. (DSS: County Directors' Pay) With respect to the amounts allocated to the Department of Social Services for Employee Pay Increase in this act, the Department of Social Services is authorized to allot funds for pay increases to individual county directors and regional directors in classified positions without uniformity. Pay increases for DSS county directors and regional directors shall 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 paragraph shall not be eligible for any other compensation increases provided in this act.

38.11. (DSS: Use of Funds Authorization) Department investigative units shall be authorized to receive and expend funds awarded to these

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

units as a result of a donation, contribution, prize, grant, and/or court order. These funds shall be retained by the department on behalf of the investigative units and deposited in a separate, special account and shall 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, and/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 be used to supplant operating funds in the current or future budgets. The agency shall report to the Senate Finance Committee and Ways and Means Committee by January thirtieth of the current fiscal year on the amount of funds received and how expended.

38.12. (DSS: Use of Funds Authorization) Unless specifically directed by the General Assembly, when DSS is directed to provide funds to a not-for-profit or 501(c)(3) organization, that organization must use the funds to serve persons who are eligible for services in one or more DSS programs.

38.13. (DSS: Grant Authority) 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 DSS 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.

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

ages	0 - 5	\$500	per month
ages	6 - 12	\$523	per month
ages	13 +	\$589	per month

These specified amounts are for the basic needs of the foster children to include kinship care assistance. Basic needs within this proviso are identified as food (at home and away), clothing, housing, transportation, education and other costs as defined in the U.S. Department of Agriculture study of "Annual Cost of Raising a Child to Age Eighteen". Further, each agency shall identify and justify, as another line item, all material and/or services, in excess of those basic needs listed above, which were a direct result of a professional agency evaluation of

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

clientele need. Legitimate medical care in excess of Medicaid reimbursement or such care not recognized by Medicaid may be considered as special needs if approved by the sponsoring/responsible agency and shall be reimbursed by the sponsoring agency in the same manner of reimbursing other special needs of foster children.

38.15. (DSS: Penalty Assessment) 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 State 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.

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

38.17. (DSS: Child Support Enforcement System) From the funds appropriated in Part IA, Section 38 (II.F.), the Department of Social Services shall prepare a detailed report on the status of the Child Support Enforcement System. The report shall include, but not be limited to, actions currently being undertaken to become compliant with federal government requirements; the cost required to meet minimum federal guidelines; total funds spent so far on the system; the amount of fines

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

assessed by the federal government associated with noncompliance; how much has been spent to satisfy actions taken by the state judicial system; and how much has been spent related to actions taken by any other entity which may have altered the amount required for meeting minimum federal guidelines. The report shall be submitted to the General Assembly by August thirty-first of the current fiscal year.

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

38.19. (DSS: Meals in Emergency Operations) The cost of meals may be provided 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.

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

38.21. (DSS: Foster Care Goals) To comply with the requirements of 42 U.S.C. Section 671(a)(14) and 45 C.F.R. Section 1356.21(n), it shall be the goal of the state that the maximum number of Title IV-E funded children who will remain in foster care for more than twenty-four months will not exceed a total of 2,617 during the fiscal year. The Department of Social Services shall develop appropriate plans for timely permanency and use appropriate data benchmarks and targets that will achieve this goal.

38.22. (DSS: Comprehensive Teen Pregnancy Prevention Funding)

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

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

(C) The monies appropriated must be paid over a twelve month basis for services rendered. Unexpended funds shall be carried forward for the purpose of fulfilling the department's contractual agreement.

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

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

38.23. (DSS: SNAP Coupons) The Department of Social Services shall continue the “Healthy Bucks” program established to provide coupons that allow Supplemental Nutrition Assistance Program (SNAP) recipients to obtain additional fresh fruits and vegetables when purchasing fresh produce at grocery stores or farmers markets with SNAP benefits through their EBT cards. Each coupon shall allow the beneficiary to double the amount of produce purchased, up to ten dollars per month. The agency shall utilize all funds received in the prior and current fiscal years from the U.S. Department of Agriculture as a bonus for reducing the error rate in processing SNAP applications to fund the program. The agency shall work to identify and utilize funds as matching dollars for the continued success of the “Healthy Bucks” program and shall report semi-annually to the General Assembly on the status of the program. The report shall include, at a minimum, the number of recipients, counties served, and cumulative expenditure data for the program.

38.24. (DSS: Internal Child Fatality Review Committees) For Fiscal Year 2019-20, the Director of the Department of Social Services shall create and fund Internal Child Fatality Review Committees (internal committees) pursuant to the authority granted in Sections 43-1-60(3), 43-1-80, and 63-7-910(E) of the 1976 Code to allow for the rapid and expeditious review of reported child fatalities that are reported to the Department of Social Services on suspicion of abandonment, child abuse, neglect or harm as defined in Section 63-7-20. This review process will enable the department to respond to the safety needs of any surviving siblings and will lead to improvement in the department’s efforts to prevent child fatalities caused by abandonment, child abuse, neglect or harm. Each internal committee shall be composed of a board-certified child abuse pediatrician, an agent from the State Law Enforcement Division, a local law enforcement officer, a representative from the local coroner’s office, and representatives from the Department of Social Services. The internal committee may invite other service provider organizations as deemed necessary. The department is authorized to provide reasonable compensation for board-certified child

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

abuse pediatricians serving on an internal committee. Internal committees shall have access to information and records maintained by a provider of medical care regarding a child whose death is being reviewed by the internal committee, including information on prenatal care; all information and records maintained by any state, county, or local government agency, including, but not limited to, birth certificates, law enforcement investigation data, county coroner or medical examiner investigation data, parole and probation information and records, and information and records of health agencies that provided services to the child or family. The meetings, information obtained by, reports prepared by, and statements made before the internal committees are confidential and protected from disclosure pursuant to the Freedom of Information Act, criminal and civil proceedings, and subpoenas as set forth in Sections 63-7-940 and 63-7-1990.

38.25. (DSS: Tuition Reimbursement/Student Loan Repayment) The Department of Social Services is allowed to spend state, federal, and other sources of revenue to provide tuition reimbursement and/or student loan repayment to aid in retaining caseworkers and critical needs department jobs based on objective guidelines established by the State Director of the Department of Social Services.

The department may also provide paid educational leave for any employees in an FTE position to attend class while enrolled in programs that are related to the agency's mission. All such leave is at the agency head's discretion.

The department may enter into an agreement with staff employed in critical need departments to repay them for their outstanding student loans and/or reimburse tuition expenses. The employee must be employed in a critical needs area, which would be identified at the agency head's discretion, be in a covered FTE, and not have any disciplinary actions. Participants in this program must agree to remain at the department for a period of five years. The department may pay these employees up to \$7,500 each year over a five-year period in accordance with a program developed by the department. Payments will be made directly to the employee at the end of each year of employment. Payments cannot exceed the balance of the student loan or the cost of tuition.

38.26. (DSS: Federally Certified Child Support Enforcement System Project) In order to expedite the completion and certification of the Automated Child Support Enforcement System required by the Social Security Act (42 U.S.C. Section 654a), the Department of Social

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

Services is authorized to adopt, to the fullest extent possible, the system and operating procedures of the Delaware Transfer System. To the extent the Transfer System operating processes deviate from, or are incompatible with, current South Carolina practice, the department is authorized to determine the most effective and efficient practice to comply with federal requirements. The department shall work with Clerks of Court to identify and prepare for the changes involved in the implementation of the Transfer System which may impact their current operating practices with regards to performance of required child support functions. Pursuant to the Social Security Act and S.C. Code Section 63-17-610, Clerks of Court shall utilize the federally certifiable child support system and the state disbursement unit developed by the department to perform required child support functions.

38.27. (DSS: Wilderness Therapeutic Camps) The Department of Social Services shall make and promulgate such rules and regulations relating to licensing standards and other matters as may be necessary to carry out the purposes of Title 63, Chapter 11, Article 1 of the 1976 Code as applied to Wilderness Therapeutic Camps. For this purpose, a "Wilderness Therapeutic Camp" is a therapeutic camp organization or facility with an outdoor or wilderness focus that is engaged in receiving children for care and maintenance, either part or full time, but shall not include any summer camp, day camp, or after school program, and shall also not include any other outdoor education or youth development program or facility where participants usually attend for less than 15 days, and does not include any licensed residential group care organization, child caring institution or group home or facility that meets the facility requirements of S.C. Code of Regulations Section 114-590.

38.28. (DSS: Group Home Transition) For the current fiscal year, the Department of Social Services shall provide financial and administrative support and flexibility to Group Homes in order to best enable any necessary transition of services or the development of new service models for children and young adults. Group Homes with young adults between the ages of 18 to 23 years residing in approved and supervised independent living programs shall not be required to provide 24 hours per day face to face supervision for the resident. Regulatory and contractual requirements must not be different for supervision and staff ratios when a young adult aged 18 to 23 is a resident in an approved and supervised independent living program.

38.29. DELETED

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

**** 38.30. (DSS: Foster Care Child Placements)** *With funds appropriated and authorized to the Department of Social Services for Fiscal Year 2018-19, the department shall ensure that the following provisions are implemented related to child placements. The department shall promulgate any necessary rules or regulations to implement these provisions:*

(A) If a child in foster care has been placed within the same foster home for at least 9 consecutive months and if the foster parents are willing to provide permanency through adoption for the child, the department must obtain an attachment assessment, as defined through rules or regulations promulgated by the agency, of the child and current foster parents before selecting a different adoptive placement or other alternative setting. The attachment assessment must be conducted by a qualified attachment expert. Qualified attachment experts may include individuals who can demonstrate training and or education in attachment theory, developmental psychology, and other qualifications defined through rules or regulations promulgated by the agency.

(B) If a child's permanency plan includes reunification with a parent or caregiver, the department shall develop a transition plan for the child, with input from the Guardian ad Litem and a child-focused or other appropriate mental health professional. The department's proposed transition plan must include sufficient visitation with the permanent guardian to promote a successful and emotionally healthy transition for the child, facilitate a positive relationship between caregiver and child, and lessen trauma that may result from the move. If the department pursues placement with a natural parent, relative, or other adult with whom the child has never lived, as determined to be in the child's best interest, the department's proposed transition plan must be progressive and include increased overnight visitation with ongoing assessment of the plan and the child's adjustment by the Guardian ad Litem and child focused or other appropriate mental health professional. Modifications to the plan must be driven by the child's adjustment to the transition.

(C) The department must file a Termination of Parental Rights petition if a child has been in foster care for 15 of the last 22 months unless there are extenuating circumstances as defined in Section 63-7-1710 as follows:

** See note at end of Act.

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

(1) When the child is over the age of 16 and the department has identified another planned permanent living arrangement.

(2) The department asserts to the court that the child may be safely returned to the parent because the parent has remedied the conditions that caused the removal, with or without supervision by the department for up to 12 months.

(3) The department's proposed treatment plan can be extended up to 18 months but only if: (a) the department presents compelling and persuasive evidence of how the parent has demonstrated due diligence in completing the plan; (b) the department can articulate for the court specific reasons to believe the parent will timely remedy the conditions which led to the removal; (c) the department affirms that the return of child to the parent would not cause unreasonable risk of harm; (d) the department has compelling reasons to assert that a Termination of Parental Rights is not in the best interests of the child; (e) the department has compelling reasons to assert the best interests of the child will be served by the extension.

(4) If the department assesses the viability of adoption and determines that adoption is not a viable option and has compelling reasons to assert that Termination of Parental Rights is not in the best interests of the child, then the department may pursue a permanent plan of custody or legal guardianship to relative or other person.

(D) In accordance with Sections 63-7-1640(G) and 1700(E), the department must file the petition for a Termination of Parental Rights within sixty days of the family court order designating the child's permanent plan or concurrent plan as Termination of Parental Rights and adoption.

38.31. (DSS: Comprehensive Child Welfare Information System) A portion of the recurring funds appropriated to the department shall be used to issue a request for proposal, no later than September 30, 2018, for a vendor to implement a comprehensive case management data and analysis system.

38.32. (DSS: SNAP Eligibility) The Department of Social Services shall not seek, apply for, accept, or renew any waiver of the requirements established pursuant to 7 U.S.C. Section 2015(o), relating to the mandatory work requirements of the Supplemental Nutrition Assistance Program.

38.33. (DSS: Pro Bono Program) From the funds appropriated to the Department of Social Services the director shall be authorized to utilize the funds appropriated to the department to establish a pro bono program

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

for private attorneys to represent the department in hearings. Attorneys that volunteer for the program must meet the same qualifications as the attorney's hired by the department. The department shall provide training for the pro bono attorneys.

SECTION 39 - L240 - COMMISSION FOR THE BLIND

39.1. (BLIND: Matching Federal Funds) For the current fiscal year the amount appropriated in this section under Program II for Rehabilitative Services is conditioned upon matching by federal funds to the maximum amount available under the Federal Vocational Rehabilitation Program.

SECTION 40 - L060 - DEPARTMENT ON AGING

40.1. (AGING: State Matching Funds Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year of the required state matching funds appropriated in Part IA, Section 40, Distribution to Subdivisions, shall be carried forward into the current fiscal year to be used as required state match for federal funds awarded to subdivisions on or before September thirtieth of the current fiscal year.

40.2. (AGING: State Match Funding Formula) Of the state funds appropriated under "Distribution to Subdivisions," the first allocation by the Department on Aging shall be for the provision of required State matching funds according to the Department on Aging formula for distributing Older Americans Act funds. The balance of this item shall be distributed to the planning and service areas of the State. In the event state appropriations are reduced, reductions to the planning and service areas shall be based on amounts distributed in accordance with the previous requirements.

40.3. (AGING: Registration Fees) The Department on Aging is authorized to receive and expend registration fees for educational, training and certification programs.

40.4. (AGING: Council Meeting Requirements) The duties and responsibilities, including the statutory requirement to hold meetings of the Coordinating Council established pursuant to Section 43-21-120 and of the Long Term Care Council established pursuant to Section 43-21-130, both under the Department on Aging, are suspended for the current fiscal year.

SECTION 40 - L060 - DEPARTMENT ON AGING

40.5. (AGING: Home and Community-Based Services) State funds appropriated for Home and Community-Based Services shall be used to fund those services that most directly meet the goal of allowing seniors to live safely and independently at home. Allowable services as defined in the Department on Aging's State Plan include: group dining, home delivered meals, transportation to group dining sites, transportation for essential trips, personal care (formerly Home Care Level I), homemaker (formerly Home Care Level II), Home Chore, Home Modification, Legal Assistance, and Assessments. Area Agencies on Aging (AAAs) may expend no more than ten percent for administrative services and one-quarter of one percent shall be retained by the Department on Aging to provide monitoring and oversight of the program. However, up to three percent of the annual state appropriation for Home and Community-Based Services may be retained at the Department on Aging to be allocated by the department to the affected regions in cases of an emergency and/or natural disaster recognized by the Governor. If these funds are not utilized in the fiscal year allocated, they are to be treated as carry forward funds and reallocated to the AAAs. The Interstate Funding Formula shall be used as a guideline for the allocation of state funds appropriated for Home and Community-Based Services. The Department on Aging shall develop and implement a structured methodology to allocate the state Home and Community-Based Services funding. The methodology shall include flexibility to reallocate funds amongst the AAAs, and be composed of, at a minimum, the following factors: a minimum base amount, the fiscal year's federally allocated funds, federal and state carry forwards funds, and an appropriate weighted proportion that will achieve the mission of the Department on Aging to provide as many services as possible to the citizens of South Carolina. Each AAA shall submit a budget for approval by the Department on Aging indicating the services to be provided. Any unexpended Home and Community-Base Services funds in this program shall be carried forward by the Department on Aging and used for the same purposes. Funds may not be transferred from the Home and Community-Based special line item for any other purpose.

40.6. (AGING: Geriatric Loan Forgiveness Program) In lieu of quarterly payments to a recipient of the Geriatric Physician Loan Program, the Department on Aging is authorized to make a single lump sum payment to the lending institution of up to \$35,000 or the loan balance, whichever is less.

SECTION 40 - L060 - DEPARTMENT ON AGING

Any unexpended balance on June thirtieth of the prior fiscal year of funds appropriated in Part IA, Section 40, Geriatric Physician Loan Program, shall be carried forward and used for the same purpose as originally appropriated.

40.7. (AGING: Caregivers Carry Forward) Unexpended funds from appropriations to the Department on Aging for caregivers shall be carried forward from the prior fiscal year and used for the same purpose.

40.8. (AGING: Vulnerable Adult Guardian ad Litem Carry Forward) Any unexpended funds from appropriation to the Department on Aging for the Vulnerable Adult Guardian ad Litem Program shall be carried forward from the prior fiscal year and used for the same purpose.

SECTION 41 - L080 - DEPARTMENT OF CHILDREN'S ADVOCACY

41.1. (DCA: Foster Care-Private Foster Care Reviews) The Department of Children's Advocacy, Foster Care Program is authorized to restructure its programs, including but not limited to, suspending reviews of children privately placed in private foster care and/or changing the location of reviews of children in public foster care, to maintain continuous operations within existing resources as dictated by recent budget reductions. These decisions must be based upon the availability of existing funds. This provision supersedes any previous statutory or regulatory mandate.

41.2. (DCA: Guardian Ad Litem Program) Both the program and the funds appropriated to the Department of Children's Advocacy, Guardian ad Litem Program must be administered separately from other programs within the Department of Children's Advocacy and must be expended for the exclusive use of the Guardian ad Litem Program.

For the current fiscal year, the Department of Revenue is directed to reduce the rate of interest paid on eligible refunds by two percentage points. The revenue resulting from this reduction must be used exclusively for operations of the Guardian ad Litem program and be deposited in the State Treasury in a separate and distinct fund known as the "South Carolina Guardian ad Litem Trust Fund." Unexpended revenues in this fund carry forward to succeeding fiscal years, and earnings in this fund must be credited to it. The Guardian ad Litem program may carry forward the other funds authorized herein for its operations from the prior fiscal year into the current fiscal year.

**SECTION 41 - L080 - DEPARTMENT OF
CHILDREN'S ADVOCACY**

41.3. (DCA: Continuum of Care Carry Forward) The Department of Children's Advocacy, Continuum of Care Program may carry forward funds appropriated herein to continue services.

41.4. DELETED

41.5. DELETED

**SECTION 42 - L320 - HOUSING FINANCE AND
DEVELOPMENT AUTHORITY**

42.1. (HFDA: Federal Rental Assistance Administrative Fee Carry Forward) All federal rental assistance administrative fees shall be carried forward to the current fiscal year for use by the authority in the administration of the federal programs under contract with the authority.

42.2. (HFDA: Program Expenses Carry Forward) For the prior fiscal year monies withdrawn from the authority's various bond-financed trust indentures and resolutions, which monies are deposited with the State Treasurer to pay program expenses, may be carried forward by the authority into the current fiscal year.

42.3. (HFDA: Advisory Committee Mileage Reimbursement) Members of the nine member South Carolina Housing Trust Fund Advisory Committee are eligible for mileage reimbursement at the rate allowed for state employees as established in Proviso 117.20(J) (Travel-Subsistence Expenses & Mileage) in this act.

42.4. (HFDA: Allocation of Indirect Cost Recoveries) The authority shall deposit in the state general fund indirect cost recoveries for the authority's portion of the Statewide Central Services Cost Allocation Plan (SWCAP). The authority shall retain recoveries in excess of the SWCAP amount to be deposited in the state general fund.

42.5. (HFDA: Housing Trust Fund Disaster Initiative) Funds allocated, granted, or awarded under the Housing Trust Fund's Disaster Initiative shall not be included when calculating the percentage of trust fund expenditures per county.

SECTION 43 - P120 - FORESTRY COMMISSION

43.1. (FC: Grant Funds Carry Forward) The Forestry Commission is authorized to use unexpended federal grant funds in the current year to pay for expenditures incurred in the prior year.

SECTION 43 - P120 - FORESTRY COMMISSION

43.2. (FC: Retention of Emergency Expenditure Refunds) 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.

43.3. (FC: Commissioned Officers' Physicals) 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.

43.4. (FC: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the Forestry Commission 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 - P160 - DEPARTMENT OF AGRICULTURE

44.1. (AGRI: Market Bulletin) The Market Bulletin shall be mailed only to those persons who request it in writing and a record of each request shall be maintained by the department. Provided further, that the Department of Agriculture is authorized to charge a yearly subscription fee to each person requesting the bulletin and may charge for classified advertisements printed in the bulletin. The funds collected pursuant to this provision shall be retained by the department to defray the costs of publication and related incidental expenses.

44.2. (AGRI: Fruit/Vegetable Inspectors Subsistence) A daily subsistence allowance of up to \$30.00 may be allowed for temporarily employed fruits and vegetables inspectors from funds generated by fruits and vegetables inspection fees and budgeted under other funds in Program III. Marketing Services, D. Inspection Services, in lieu of reimbursements for meals and lodging expense.

44.3. (AGRI: Warehouse Receipts Guaranty Fund) The Department of Agriculture may retain and expend fifty thousand dollars from the Warehouse Receipts Guaranty Fund established by Section 39-22-150 of the 1976 Code as is necessary for the department to administer the funding of the program.

44.4. (AGRI: Weights & Measures Registration) All servicepersons required to be registered with the Department of Agriculture pursuant to the provisions of Section 39-9-65 of the 1976 Code shall pay to the department a registration fee of \$25.00. Revenues generated by this

SECTION 44 - P160 - DEPARTMENT OF AGRICULTURE

provision shall be for use by the Department of Agriculture to offset expenses incurred in administering this registration program.

44.5. (AGRI: Sale of Property Revenue) The department may retain revenues associated with the sale of the property titled to or utilized by the department, except for the State Farmers Market property, and must expend these funds on capital improvements approved by the Joint Bond Review Committee and the State Fiscal Accountability Authority. The department must continue to occupy any property until replacement capital improvements are completed.

44.6. (AGRI: Export Certification) The Department of Agriculture is allowed to charge up to \$250 for each export certification of agricultural products and to retain revenues to offset expenses incurred in performing certifications.

44.7. (AGRI: Feed Label Registration) The Department of Agriculture is authorized to require the annual registration of feed labels by manufacturers and to charge a fee of \$15.00 for such registrations. Revenues generated by these fees shall be retained and used by the department to offset expenses incurred in operating the Feed Inspection Program.

44.8. (AGRI: Commodity Boards) In the current fiscal year, the provisions of the Consolidated Procurement Code related to a commodity board's expenditure of assessments collected from producers, as those terms are defined in Section 46-17-40 of the 1976 Code, are suspended.

44.9. (AGRI: Agribusiness Infrastructure Carry Forward) The Department of Agriculture is authorized to carry forward any revenues, accrued interest, and unexpended Agribusiness Infrastructure funds from the prior fiscal year into the current fiscal year to be expended for the same purpose.

44.10. DELETED

SECTION 45 - P200 - CLEMSON UNIVERSITY - PSA

45.1. (CU-PSA: Phytosanitary Certificates) Revenues collected from the issuance of phytosanitary certificates shall be retained by the Division of Regulatory and Public Service for the purpose of carrying out phytosanitary inspections.

45.2. (CU-PSA: Witness Fee) The Public Service Activities of Clemson University are hereby authorized to charge a witness fee of \$100.00 per hour up to \$400.00 per day for each PSA employee

SECTION 45 - P200 - CLEMSON UNIVERSITY - PSA

testifying as a fact witness regarding matters related to his or her professional expertise, or the exercise of his or her employment duties, in civil matters which do not involve the State as a party in interest. This fee shall be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances and deposited into a designated revenue account.

45.3. (CU-PSA: Nursery/Nursery Dealer Registration Fee) The Division of Regulatory and Public Service Programs is authorized to retain up to \$92,000 of revenue collected from the issuance of Nursery/Nursery Dealer Fees for the purpose of carrying out nursery/nursery dealer inspections. Revenue collected from this fee above \$92,000 shall be deposited into the general fund.

45.4. (CU-PSA: Retention of Fees) 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/inspection fees must be retained by Clemson University PSA regulatory programs.

45.5. (CU-PSA: Pesticide Registration) 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.

45.6. (CU-PSA: Lime Inspection Fee) The Public Service Activities of Clemson University are hereby authorized to charge an inspection fee of \$0.50 per ton on Agricultural Liming Materials sold or distributed in this state. Clemson University-PSA may retain, expend, and carry forward these funds to maintain its programs.

45.7. (CU-PSA: Livestock-Poultry Health Programs) For the current fiscal year Clemson University Public Service Activities shall maintain operation of the state Meat Inspection Program. All revenues and recoveries from USDA Food Safety Inspection Services and from USDA Animal and Plant Health Inspection Services for Clemson University PSA's Livestock-Poultry Health Programs and its departments shall be retained by Clemson University-PSA's Livestock-Poultry Health Program for purposes of carrying out the operation of its programs.

SECTION 45 - P200 - CLEMSON UNIVERSITY - PSA

45.8. (CU-PSA: Boll Weevil Eradication) For the current fiscal year Clemson University Public Services Activities shall maintain operation of the Boll Weevil Eradication Program. In the calculation of any across-the-board budget reduction mandated by the Executive Budget Office or the General Assembly, the amount appropriated for the Boll Weevil Eradication Program shall be excluded from Clemson PSA's base budget. In the event of such a reduction Clemson PSA may reduce the amount of funds appropriated for this program by an amount not to exceed the percentage associated with the mandated reduction.

45.9. (CU-PSA: Landplaster Inspection Fee) For the purpose of regulating its use as applied to land for crop production, landplaster (gypsum), shall be defined as a product consisting chiefly of calcium sulfate with two combined water ($\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$) and is incapable of neutralizing soil acidity. It shall contain not less than seventy percent $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$. All registrants of landplaster who sell or distribute in this state that previously were required to pay an inspection fee of \$1.50 per ton shall now pay to Clemson University Regulatory Services an inspection fee of fifty cents for each ton sold. Clemson University-PSA may retain, expend, and carry forward these funds from the prior fiscal year into the current fiscal year to maintain its programs.

**SECTION 47 - P240 - DEPARTMENT OF
NATURAL RESOURCES**

47.1. (DNR: Publications Revenue) For the current fiscal year all revenue generated from the sale of the "South Carolina Wildlife" magazine, its by-products and other publications, shall be retained by the department and used to support the production of 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.

47.2. (DNR: Casual Sales Tax Collection) 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

OF SOUTH CAROLINA
General and Permanent Laws--2019
SECTION 47 - P240 - DEPARTMENT OF
NATURAL RESOURCES

reimbursement shall be paid from revenues generated by the casual sales tax.

47.3. (DNR: Proportionate Funding) Each of South Carolina's forty-six soil and water conservation districts shall receive a proportionate share of funding set aside for Aid to Conservation Districts at \$15,000 per district for general assistance to the district's program. Available funding above \$15,000 for each district will be apportioned by the Department of Natural Resources based upon local needs and priorities as determined by the board. During the fiscal year, the districts' funding may only be reduced in an amount not to exceed the percentage of each agency budget reduction. No district shall receive any funds under this provision unless the county or counties wherein the district is located shall have appropriated no less than three hundred dollars to the district from county funds for the same purposes.

47.4. (DNR: Carry Forward - Contract for Goods & Services) 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 during the preceding fiscal years, such funds may be carried forward and expended for the costs associated with the provision of such goods and services.

47.5. (DNR: Revenue Carry Forward) 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 shall annually 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.

47.6. (DNR: Clothing Allowance) The Department of Natural Resources is hereby authorized to provide Natural Resource Enforcement Officers on special assignment with an annual clothing allowance (on a prorata basis) not to exceed \$600 per officer for required clothing used in the line of duty.

47.7. (DNR: Commissioned Officers' Physicals) 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.

47.8. DELETED

STATUTES AT LARGE
General and Permanent Laws--2019
SECTION 47 - P240 - DEPARTMENT OF
NATURAL RESOURCES

47.9. (DNR: Web Services and Technology Development) The department may carry forward any unexpended general fund balance remaining on the Other Operating Expenses line, identified in the “Web Services and Technology Development” program of the department appropriations from Part IA in this Act. Balances carried forward from the prior fiscal year are only authorized to be expended to support technology operating expenses within the department.

47.10. (DNR: Predator Control Program) Of the funds authorized and appropriated in this Act, the Department of Natural Resources is directed to develop and implement a coyote tagging and reward program within this state. They must tag and release four coyotes in each of the four game zones and apply a reward of a complimentary lifetime hunting license per tagged coyote to the hunter/trapper, or his designee.

47.11. (DNR: Triploid Grass Carp) For the current fiscal year, no water recreation funds or any other funding source may be used to fund the stocking of triploid grass carp on Lake Marion and Lake Moultrie.

47.12. (DNR: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the Department of Natural Resources 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.

47.13. (DNR: Exempted Fishing Permits) The Department of Natural Resources shall explore the feasibility of employing exempted fishing permits (EFPs) within the South Atlantic region as a mechanism to allow limited state-level management of the federally managed snapper-grouper complex. The department shall work cooperatively with natural resources management agencies from the states of North Carolina, Georgia and Florida, the South Atlantic Fishery Management Council (SAFMC) and NOAA Fisheries to determine interest in and the possibility of jointly pursuing individual state EFPs as well as an overarching EFP that might allow for a new management approach for the South Atlantic snapper-grouper complex.

47.14. (DNR: Funds Transfer to Forestry Commission) For the current fiscal year, the Department of Natural Resources shall transfer \$100,000 of the funds appropriated for operating expenses of Wildlife and Freshwater Fisheries (Wildlife Management Areas) to the Forestry Commission.

47.15. DELETED

SECTION 48 - P260 - SEA GRANT CONSORTIUM

48.1. (SGC: Publications Revenue) Funds generated by the sale of pamphlets, books, and other promotional materials, the production of which has been paid for by non-state 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.

**SECTION 49 - P280 - DEPARTMENT OF PARKS,
RECREATION, AND TOURISM**

49.1. (PRT: Tourism and Promotion) The funds appropriated in this act for Regional Promotions shall be distributed equally to the eleven Regional Tourism groups, except that the Grandstrand Tourism Region's funds shall be divided, with \$50,000 distributed to the Myrtle Beach Chamber of Commerce, \$115,000 distributed to the Georgetown Chamber of Commerce, \$30,000 distributed to the City of Georgetown, and \$30,000 distributed to the Williamsburg Chamber of Commerce for tourism related activities. In addition, \$50,000 shall be distributed to the Lake Wylie Chamber of Commerce. The Myrtle Beach Chamber of Commerce and the Georgetown Chamber of Commerce shall submit a report to the Senate Finance Committee and the House Ways and Means Committee by December first each year describing how these funds were expended in the prior fiscal year.

49.2. (PRT: Destination Specific Tourism Marketing) The minimum grant awarded by the Destination Specific Tourism Program shall be \$250,000. Each state dollar must be matched with two dollars of private funds. An organization receiving a state grant must certify that, as of the date of the application: (i) the private funds are new dollars specifically designated for the purpose of matching state funds; (ii) the private funds have not been previously allocated or designated for tourism-related destination marketing; (iii) the organization has on hand or has an approved line of credit of not less than the amount of private funds needed to provide the required match. Organizations applying for a grant must include in the grant application, information on how the organization proposes to measure the success of the marketing and public relations program, including the estimated return on investment to the state. Promotional programs proposed by an applicant must be based on research-based outcomes. Grants must be made only to organizations that have a proven record of success in creating and

**SECTION 49 - P280 - DEPARTMENT OF PARKS,
RECREATION, AND TOURISM**

sustaining new and repeat visitation to its area and must have sufficient resources to create, plan, implement, and measure the marketing and promotional efforts undertaken as a part of the program. The department must award a grant only to one qualified destination marketing organization within their tourism region where the organization's private funds are raised. An organization receiving a grant must use the public and private funds only for the purpose of destination specific marketing and public relations designed to target international and/or domestic travelers outside the state to destinations within the state. All grants that qualify under the program must be funded if funds are available. Funding of all qualified grants will be on a first come first served basis with such basis retained throughout the term of this proviso. No organization shall receive in the first quarter more than fifty percent of the state dollars allocated to the program. If by the end of the third quarter matching funds are still available with no other organizations meeting the criteria for funding, the funds will be distributed to the organization or organizations that have and can meet all of the requirements of this proviso. Grant recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee and the director of the Department of Parks, Recreation and Tourism on the expenditure of the grants funds and on the proposed outcome measures.

49.3. (PRT: Advertising Funds Carry Forward) The Department of Parks, Recreation and Tourism may carry forward any unexpended funds appropriated on the Advertising line within Program II. A. Tourism Sales and Marketing from the prior fiscal year into the current fiscal year to be used for the same purposes which include the Tourism Partnership Fund, Destination Specific Marketing Grants and the agency advertising fund.

49.4. (PRT: Film Marketing) From the funds authorized to the Department of Parks, Recreation and Tourism in Section 49, Part IA of this Act 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 49 - P280 - DEPARTMENT OF PARKS,
RECREATION, AND TOURISM**

49.5. (PRT: Motion Picture Administration Application Fee) 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.

49.6. (PRT: Gift Shops) At the discretion of the Department of Parks, Recreation and Tourism, the State House Gift Shop may close on weekends.

49.7. (PRT: PARD Interest) The department is hereby prohibited from utilizing the interest generated in the PARD program for anything other than the uses authorized by the law creating PARD. Should the PARD account not reach the required amount of \$920,000 to activate the minimum \$20,000 per county distribution, the department shall carry forward the funding until such time as the funds are sufficient to distribute as originally intended.

49.8. (PRT: Wage and Supplier Rebate Funds) From the funds set aside pursuant to the Motion Picture Incentive Act, any funds committed to film projects shall be carried forward from the prior fiscal year and used for the same purpose. Any uncommitted funds shall be carried forward from the prior fiscal year and must be used solely for wage and supplier rebate funds pursuant to the Motion Picture Incentive Act and may not be used for any other purpose.

49.9. (PRT: Funds Exempt from Budget Cut) In the calculation of any across the board cut mandated by the Executive Budget Office or the General Assembly, any amounts appropriated for pass through, special items, or other items specified in any general proviso, which are exempt from reduction, shall be excluded from the Department of Parks, Recreation and Tourism's base budget.

49.10. (PRT: PARD) The Department of Parks, Recreation, and Tourism shall be authorized to expend restricted funds for the Parks and Recreation Development Fund (PARD) in accordance with the Section 51-23-20 of the 1976 Code, Regulations, and generally accepted accounting standards. The department is allowed to reimburse PARD grantees from current year funds for prior year expenditures as allowed in Section 51-23-30 of the 1976 Code.

For the current fiscal year, funds placed in a County Area account as allowed in Section 51-23-30 of the 1976 Code may remain unexpended

**SECTION 49 - P280 - DEPARTMENT OF PARKS,
RECREATION, AND TOURISM**

in the account indefinitely, any regulation or provision to the contrary notwithstanding. However, once an application is approved by a county delegation, the project must be completed and funds expended within three years of the approved application.

49.11. (PRT: Admission Fees and Charges) The department may impose reasonable fees and charges for admission to and/or use of park and recreational facilities and the revenues from such fees and charges must be used for park and recreational uses.

49.12. (PRT: Vending Services) The State Park Service, an office within the Department of Parks, Recreation, and Tourism shall be granted an exemption requiring the State Park Service to use the Commission for the Blind for vending services. All revenues earned by vending and retail operations at the State Parks shall be retained by the department to support the operational costs of the South Carolina State Parks. These funds may be carried forward from the prior fiscal year and must be used for the same purpose. This exemption does not apply to vending services at the State Welcome Centers.

49.13. (PRT: State Funded Grant Programs) Any unexpended general funds appropriated for the PARD Grants, Undiscovered SC, and Sports Marketing Grants Programs shall be carried forward from the prior fiscal year into the current fiscal year and used for the same purpose.

49.14. (PRT: Beach Access) Of the funds appropriated for state parks, the department shall utilize such funds to open pedestrian, non-motorized vehicular and golf cart ingress and egress to Myrtle Beach State Park at the intersection of US Highway 17 and Center South Road in Myrtle Beach, and/or at other location(s) which legally and safely affords such ingress and egress. Said access shall be subject to the rules and regulations of the department governing uniform closure of park ingress during periods of peak usage.

49.15. (PRT: SC Film Office Rebate Funds) From the funds authorized pursuant to the Motion Picture Incentive Act, any rebates awarded by the SC Film Office may be paid without distinction of the source of funds.

49.16. RESERVED

49.17. (PRT: Compensatory Payment) In the event the Governor declares a State of Emergency, employees of the Department of Parks, Recreation and Tourism may be paid for actual hours worked in lieu of

**SECTION 49 - P280 - DEPARTMENT OF PARKS,
RECREATION, AND TOURISM**

accruing compensatory time, at the discretion of the agency director, and providing funds are available.

49.18. (PRT: State Parks Maintenance) The Department of Parks, Recreation, and Tourism shall utilize the \$1,000,000 appropriated in Act No. 91 of 2015, by proviso 118.14, Item (41)(h) and the \$3,000,000 appropriated in Act No. 284 of 2016, by proviso 118.16, Item (39)(g) for the Medal of Honor Museum for state parks maintenance needs.

SECTION 50 - P320 - DEPARTMENT OF COMMERCE

50.1. (CMRC: Development - Publications Revenue) The proceeds from the sale of publications may be retained in the agency's printing, binding, and advertising account to offset increased costs.

50.2. (CMRC: Economic Dev. Coordinating Council - Set Aside Fund) From the amount set aside in Section 12-28-2910, the council is authorized to use up to ten percent of such amount for actual operating expenses in support of administrative program costs and business recruitment and retention and up to \$60,000 to support the Geographic Information Systems (GIS) program, as approved by council. Any balance on June thirtieth of the prior fiscal year may be carried forward and expended for the same purposes in the current fiscal year.

50.3. (CMRC: Coordinating Council Funds) In order to provide maximum flexibility to encourage the creation of new jobs and capital investment, the Coordinating Council for Economic Development has the authority to transfer economic development funds at its disposal to the Closing Fund, provided the transfer is approved by a majority vote of the Coordinating Council members in a public meeting. Any unexpended balance on June thirtieth, of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of Commerce for the same purpose.

50.4. (CMRC: Export Trade Show Funds) Funds collected from South Carolina companies for offsetting costs associated with participation in future trade shows may be carried forward from the prior fiscal year to the current fiscal year and used for that purpose.

50.5. (CMRC: Special Events Advisory Committee) The Department of Commerce is required to establish a Special Events Advisory Committee to provide oversight to the department as it relates to the department's Special Events Fund. The Advisory Committee shall be made up of contributors to the Fund appointed by the Secretary of

SECTION 50 - P320 - DEPARTMENT OF COMMERCE

Commerce and shall consist of no fewer than eight members, including a chairman. The Advisory Committee shall establish guidelines for the use of these funds. The Department of Commerce shall prepare a detailed report and have an independent audit of all expenditures of the fund during the previous calendar year. None of these funds shall be used for operating expenses. The report shall be submitted to the Governor, the Speaker of the House, the President of the Senate, the Chairman of the House Ways and Means Committee, and Chairman of the Senate Finance Committee.

50.6. (CMRC: Development-Rental Revenue) 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.

50.7. (CMRC: Development-Ad Sales Revenue) 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 shall be remitted to the General Fund.

50.8. (CMRC: Foreign Offices) The Secretary of Commerce shall be authorized to appoint the staff of the department's foreign offices on a contractual basis on such terms as the Secretary deems appropriate, subject to review by the Department of Administration.

50.9. (CMRC: Funding For I-73) Of the funds authorized for the Coordinating Council Economic Development, \$500,000 shall be made available for the routing, planning and construction of I-73.

50.10. (CMRC: Closing Fund) In order to encourage and facilitate economic development, funds appropriated for the Closing Fund for competitive recruitment purposes shall be used as approved by the Coordinating Council for Economic Development. Any unexpended at the end of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of Commerce for the same purposes.

50.11. (CMRC: Coordinating Council - Application Fee Deposits) Application fees received by the department must be deposited within five business days from the Coordinating Council application approval date.

50.12. (CMRC: Recycling Advisory Council Reporting) The Recycling Market Development Advisory Council must submit an annual report outlining recycling activities to the Governor and members of the General Assembly by March fifteenth each year.

SECTION 50 - P320 - DEPARTMENT OF COMMERCE

50.13. (CMRC: Regional Economic Development Organizations) The Department of Commerce shall utilize \$5,000,000 appropriated in the current fiscal year for Regional Economic Development Organizations to provide funds to the following economic development organizations and must be disbursed as follows:

- (1) Upstate Alliance \$ 750,000;
- (2) Central SC Economic Development Alliance \$ 750,000;
- (3) North Eastern Strategic Alliance (NESA) \$ 745,000;
- (4) Charleston Regional Development Alliance \$ 660,000;
- (5) I-77 Alliance \$ 660,000;
- (6) Economic Development Partnership \$ 450,000;
- (7) Southern Carolina Alliance \$ 600,000; and
- (8) The LINK Economic Alliance \$ 385,000.

Each dollar of state funds must be matched with one dollar of private funds. The organization receiving state funds must certify that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously allocated or designated for economic development. No funds appropriated in this proviso may be used for routine operating costs of the organization as defined by the Department of Commerce.

Upon receipt of the request for the funds and certification of the matching funds, the Department of Commerce shall disburse the funds to the requesting organization.

Funds recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee and the Secretary of Commerce on the expenditure of the funds and on the outcome measures. Fund recipients shall also provide electronic copies of the annual report to the General Assembly by November first. The Department of Commerce shall post these reports on their website.

Any unexpended, unallocated, or undistributed funds appropriated in prior fiscal years for Regional Economic Development Organizations shall first be made available to Regional Economic Development Organizations and any remainder shall be transferred to the Rural Infrastructure Fund at the Department of Commerce. If more than one alliance applies for the same funds, the funds will be distributed pro-rata.

50.14. (CMRC: SC Mfg Extension Partnership) No funds appropriated to the department that are designated for the SC Manufacturing Extension Partnership may be utilized to compensate employees or individuals who engage in lobbying services on behalf of

SECTION 50 - P320 - DEPARTMENT OF COMMERCE

the department or the partnership. In addition, the department shall prepare an annual report on the SC Manufacturing Extension Partnership's expenditures for the prior fiscal year and shall submit the report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by November first.

50.15. (CMRC: Business Incubator/Innovation Program) Any funds appropriated to the department for the Business Incubator/Innovation Program shall be used for eligible projects that address one or more of the goals in the South Carolina Innovation Plan and any investments must be accompanied by a dollar-for-dollar match from non-state appropriated funds. Up to \$300,000 may be used by the department for administrative costs associated with this program.

50.16. (CMRC: Council on Competitiveness) The Department of Commerce shall utilize the funds appropriated in the current fiscal year for the South Carolina Council on Competitiveness to provide funds for existing business economic development activities. Each dollar of state funds disbursed must be matched equally with non-state appropriated funds and prior to the disbursement of funds, the Council on Competitiveness must certify that these funds are new dollars specifically designated for the purpose of matching state funds and have not been previously allocated or designated for economic development. The Council on Competitiveness shall provide a report on the expenditure of the funds and on the outcome measures by January first, to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee and the Secretary of Commerce.

50.17. (CMRC: Grant Funds Carry Forward) The Department of Commerce may carry forward any unexpended balance on June thirtieth of the prior fiscal year of grant funds appropriated and/or authorized for Innovation, Research/Applied Research Centers, SCOPE, and LocateSC and expend such funds in the current fiscal year for the same purpose.

50.18. (CMRC: Road Closures Related to Navy Base Intermodal Facility) The Division of Public Railways is authorized to close any street or road on or in the vicinity of the former Charleston Navy Base to the extent necessary to implement the Navy Base Intermodal Facility. Such closure shall not deny access to any property owners abutting the closed section of the street or road, or in the event access is denied, alternate access shall be provided.

50.19. (CMRC: Funding for Rail Infrastructure) Of the funds authorized for the Coordinating Council for Economic Development under Section 12-10-85 (B) of the 1976 Code, the Secretary of

SECTION 50 - P320 - DEPARTMENT OF COMMERCE

Commerce may utilize these funds toward state-owned rail infrastructure projects.

50.20. (CMRC: Distribution Facility) The Navy Base Intermodal Facility owned by Palmetto Railways, a division of the Department of Commerce, shall be considered a distribution facility for the purpose of sales tax exemptions associated with the purchase of equipment and construction materials.

50.21. (CMRC: Development - Funding for Rural Infrastructure) There is established within the Department of Commerce the Rural School District and Economic Development Closing Fund. (A)The Secretary of Commerce shall use the fund to facilitate economic development and infrastructure improvements in counties that contain a school district that has been defined by the Department of Education as having a poverty rate greater than or equal to 86%. (B)The Secretary of Commerce shall use the fund to facilitate economic development and infrastructure improvements in counties that meet each of the following criteria: (1) one of the top twelve counties in South Carolina with the highest population decline (by percentage) since 2010; (2) one of the top twelve counties with the highest average unemployment rate for 2018; and (3) according to the US Census 2017 - a county with a poverty rate in excess of twenty percent. Funds are to be used on, but not limited to, economic development projects, water and sewer infrastructure, and school building infrastructure. Once a project is committed, the funds may be utilized to finish that specified project, even if the county does not remain an eligible county in subsequent years. This plan must be reviewed by the Joint Bond Review Committee before these funds may be expended. Of the funds transferred to the fund, up to \$15,000,000 may be used in any county that is contiguous to an eligible county as long as that contiguous county has one county-wide consolidated public school district. Any unexpended funds at the end of the fiscal year shall be carried forward and expended in the current fiscal year by the Department of Commerce for the same purposes.

50.22. DELETED

**SECTION 52 - P360 - PATRIOTS POINT
DEVELOPMENT AUTHORITY**

52.1. (PPDA: USS Laffey Overnight Stays) From the funds authorized or appropriated to Patriots Point Development Authority as "other operating expenses" members of the USS Laffey Association who

**SECTION 52 - P360 - PATRIOTS POINT
DEVELOPMENT AUTHORITY**

are temporarily present at Patriots Point to perform voluntary maintenance on the USS Laffey may remain onboard the vessel overnight if the Executive Director approves and has deemed it safe to do so.

****52.2. (PPDA: Clamagore Reef) *The Patriots Point Development Authority shall utilize the \$1,000,000 appropriated in Act No. 286 of 2014 by Proviso 118.16, Item (9) for the Medal of Honor Museum for the USS Clamagore Veteran Memorial Reef.***

**SECTION 54 - P450 - RURAL INFRASTRUCTURE
AUTHORITY**

54.1. (RIA: Rural Infrastructure Fund Carry Forward) The Rural Infrastructure Authority may carry forward from the prior fiscal year into the current fiscal year, funds appropriated to the Rural Infrastructure Fund. The authority shall retain any unexpended funds at the close of the fiscal year and these funds shall be carried forward from the prior fiscal year into the current fiscal year.

54.2. (RIA: Carry Forward - Local Government Assistance) The Rural Infrastructure Authority may carry forward from prior fiscal years to the current fiscal year funds appropriated for the purpose of providing financial assistance and for matching federal funds for financial assistance to local governments with water, wastewater, and sewer projects.

54.3. (RIA: Carry Forward Calculation) 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 shall be excluded from the calculation of the carry forward authorized by provision elsewhere in this act.

54.4. (RIA: State Water Pollution Control Revolving Fund) 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.

54.5. (RIA: Statewide Water and Sewer Fund) The Rural Infrastructure Authority shall use the funds allocated for the Statewide

** See note at end of Act.

**SECTION 54 - P450 - RURAL INFRASTRUCTURE
AUTHORITY**

Water and Sewer Fund to assist qualified infrastructure projects not eligible for the Rural Infrastructure Fund. The authority shall utilize the same procedures and guidelines established for the Rural Infrastructure Fund to select qualified projects for the Statewide Water and Sewer Fund. The authority may carry forward from the prior fiscal year into the current fiscal year, funds appropriated to the Statewide Water and Sewer Fund.

SECTION 57 - B040 - JUDICIAL DEPARTMENT

57.1. (JUD: Prohibit County Salary Supplements) County salary supplements of Judicial Department personnel shall be prohibited.

57.2. (JUD: County Offices For Judges) 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.

57.3. DELETED

57.4. DELETED

57.5. (JUD: Judicial Expense Allowance) Each Supreme Court Justice, Court of Appeals Judge, Family Court Judge and Circuit Court Judge and any retired judge who receives payment for performing full-time judicial duties pursuant to Section 9-8-120 of the South Carolina Code of Laws, shall receive one thousand dollars per month as expense allowance.

57.6. (JUD: Special Judge Compensation) In the payment of funds from "Contractual Services", and "Administrative Fund", that no special judge shall be paid for more than a two week term within a fiscal year except that this restriction will not apply in case of an ongoing trial.

57.7. (JUD: BPI/Merit) Judicial employees shall receive base and average merit pay in the same percentages as such pay are granted to classified state employees.

57.8. (JUD: Supreme Court Bar Admissions) 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.

57.9. (JUD: Travel Reimbursement) State employees of the Judicial Department traveling on official state business must be reimbursed in accordance with Section 117.20(J) of this act.

SECTION 57 - B040 - JUDICIAL DEPARTMENT

57.10. (JUD: Interpreters) The funds appropriated in this section for “Interpreters” shall be used to offset costs associated with interpreters appointed in judicial proceedings under Sections 17-1-50, 15-27-155, and 15-27-15. The selection, use, and reimbursement of interpreters shall be determined under such guidelines as may be established by the Chief Justice of the Supreme Court.

57.11. (JUD: Reimbursement Receipt Deposit) Amounts received as payment for reproducing, printing, and distributing copies of court rules and other department documents shall be retained for use by the department.

57.12. (JUD: Surplus Property Disposal) Technology equipment that has been declared surplus may be donated directly to counties for use in court-related activities.

57.13. (JUD: Judicial Carry Forward) In addition to the funds appropriated in this section, the funds appropriated for the Judicial Department in the prior fiscal year which are not expended during that fiscal year may be carried forward to be expended in the current fiscal year.

57.14. (JUD: Case Management Services) 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.

57.15. (JUD: Magistrates’ Training) From the funds appropriated to the Judicial Department, the department shall provide magistrates annual continuing education on domestic violence, which may include, but is not limited to:

- (1) the nature, extent, and causes of domestic and family violence;
- (2) issues of domestic and family violence concerning children;
- (3) prevention of the use of violence by children;
- (4) sensitivity to gender bias and cultural, racial, and sexual issues;
- (5) the lethality of domestic and family violence;
- (6) legal issues relating to domestic violence and child custody;
- (7) procedures, penalties, programs, and other issues relating to criminal domestic violence, including social and psychological issues relating to such violence, the vulnerability of victims and volatility of perpetrators, and the court’s role in ensuring that the parties have appropriate and adequate representation;
- (8) procedures and other matters relating to issuing orders of protection from domestic violence.

SECTION 57 - B040 - JUDICIAL DEPARTMENT

57.16. (JUD: Judges Salary Exemption) For the current fiscal year, judges' salaries and related employer contributions in Part IA, Section 57, are exempt from mid-year across-the-board reductions.

57.17. (JUD: Judicial Department Applicability) For purposes of this act and any other provision of law that would have any effect on the expenditure of state revenue through the applicability of the particular provision or through compliance with a mandate or requirement of the provision, the terms "state agency" or "agency" do not include any component of the Judicial Department unless the provision of law specifically includes these entities and the inclusion only applies for purposes of the particular provision.

57.18. (JUD: Court Costs Carry Forward) The Judicial Department shall retain the funds collected from costs related to court proceedings (including the cost of hearings, investigations, prosecution, service of process and court reporter services) under Rules 413 or 502 of the SC Appellate Court Rules, or from costs related to the appointment of a receiver or an attorney to assist the receiver under Rule 413, that are assessed against a party. The department is authorized to receive, expend, retain, and carry forward these funds which shall be used for the same purpose.

57.19. (JUD: Appellate Court Fee) The Judicial Department shall retain the funds collected as required by the SC Appellate Court Rules. The department is authorized to receive, expend, retain, and carry forward these funds which shall be used by the department.

57.20. (JUD: Interpreter Training and Certification) The Judicial Department shall collect and retain funds received from applicants for interpreter training and certification tests. These funds shall be used to offset expenses incurred for the SC Court Interpreter Certification Program. The department is authorized to receive, expend, retain, and carry forward these funds.

SECTION 58 - C050 - ADMINISTRATIVE LAW COURT

58.1. (ALC: Copying Costs Revenue Deposit) The Administrative Law Court shall retain and expend, for the same purpose for which it is generated, all revenue received during the current fiscal year as payment for printing and distributing copies of court rules and other agency documents.

58.2. (ALC: County Office Space for Judges) Every county shall provide for each Administrative Law Judge residing therein, upon their

SECTION 58 - C050 - ADMINISTRATIVE LAW COURT

request, an office within the existing physical facilities if space is available, to include all utilities and a private telephone. The request shall only 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.

58.3. (ALC: ALJ Travel) While holding court or on other official business outside the county in which he resides, within fifty miles of his residence, an Administrative Law Judge is entitled to a subsistence allowance in the amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of the State. While holding court or on other official business at a location fifty miles or more from his residence, an Administrative Law Judge is entitled to a subsistence allowance in the amount as provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other employees of the State. However, notwithstanding any other provision of law, the allowance as provided shall not exceed \$8,000 per judge in a fiscal year.

SECTION 59 - E200 - OFFICE OF THE ATTORNEY GENERAL

59.1. (AG: Prior Year Expenditures) The Office of the Attorney General is authorized to use unexpended federal funds in the current fiscal year to pay for expenditures incurred in the prior fiscal year.

59.2. (AG: Other Funds Carry Forward) Any balance of unexpended funds, not including general fund appropriations, may be carried forward for the operation of the Office of Attorney General.

59.3. (AG: Reimbursement for Expenditures) The Office of the Attorney General may retain for general operating purposes, any reimbursement of funds for expenses incurred in a prior fiscal year.

59.4. (AG: Donation Carry Forward) All revenue derived from donations received at the Office of the Attorney General shall be retained, carried forward, and expended according to agreement reached between the donor, or donors, and the Attorney General.

59.5. (AG: Securities Fee Revenue) After the provisions of Section 35-1-702(b) of the 1976 Code have been satisfied, and upon notification to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee that such provisions have been satisfied, the next \$20,500,000 of Securities Fee revenues collected during the current fiscal year by the Office of the Attorney General shall be remitted to the General Fund of the State. The

SECTION 59 - E200 - OFFICE OF THE ATTORNEY GENERAL

Office of the Attorney General may retain the next \$400,000 collected and may utilize these funds for operations to include expert witness expenses, investigative costs, trial preparation, and other related expenses associated with the increase in licensed securities agents. These funds may be carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose. Remaining Securities Fee revenues collected during the current fiscal year shall be remitted to the General Fund of the State.

59.6. (AG: Savannah River Maritime Commission Funds) The Office of the Attorney General is authorized to use funds appropriated for litigation expenses related to the Savannah River Maritime Commission to reimburse litigation expenditures incurred by the Office of the Attorney General on behalf of the Savannah River Maritime Commission, the State, or other state agency during the current fiscal year for any proposed or existing federal project on the Savannah River related to construction in navigable waters or water quality. Following the conclusion of these litigation matters any remaining funds shall be deposited in the General Fund.

59.7. (AG: Gang Violence Prevention/Youth Mentor) The Office of the Attorney General may expend other funds to implement and maintain gang prevention and youth mentoring programs in conjunction with Section 63-19-1430 of the 1976 Code, the Youth Mentor Act.

59.8. (AG: Litigation Recovery Account) During the current fiscal year, when there is a recovery or an award in any litigation managed by the Attorney General, any funds received that would have otherwise been credited to the General Fund shall be deposited to the credit of a special account created in the Office of State Treasurer entitled "Litigation Recovery Account." The funds deposited in this account must be expended only as prescribed by law.

59.9. (AG: Public Official Attorney Fees) The Executive Director of the State Fiscal Accountability Authority shall pay from the Insurance Reserve Fund, up to \$50,000 of opposing attorney's fees and court costs as ordered by the court in those cases in which the Attorney General defends one or more public officers in their official capacities.

The Attorney General must certify to the Executive Director the amount the court has ordered the Attorney General to pay for opposing attorney's fees and court costs and upon receipt of the certification, the Executive Director shall pay up to \$50,000 of the amount certified to the appropriate individual or entity. The Attorney General must report any court ordered payment of attorney's fees and court costs that exceed

SECTION 59 - E200 - OFFICE OF THE ATTORNEY GENERAL

\$50,000 to the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee for consideration by the General Assembly.

59.10. (AG: Victim/Witness Program Formula Distribution) If funds in the South Carolina Victims' Compensation Fund exceed the amount required to operate the State Crime Victim Compensation Department and pay claims of crime victims, the first \$650,000 of such excess must be used for Victim/Witness programs by distribution to Judicial Circuits based on a formula and criteria developed by the policy committee, and otherwise subject to requirements of Proviso 60.8.

59.11. (AG: Physical Abuse Examinations) Of the funds appropriated in this section for Victims' Rights, up to \$120,000 may be expended for physical abuse examinations.

59.12. (AG: Procuring Services) In order to maximize services for victims of crime, if the fulfilling of requirements pursuant to Section 16-3-1410 of the 1976 Code, necessitates hiring any outside entities, the State Crime Victim Compensation Department must follow procedures established by the SC Consolidated Procurement Code. Any entity contracting with the agency will submit an annual report by August first to the Governor's Office and to the Chairmen of the Senate Finance Committee and House Ways and Means Committee detailing expenditures from the prior fiscal year in accordance with the State Office of Victims' Assistance. The Attorney General's Office is directed to transfer \$122,032 of the funds carried forward from the prior fiscal year in the Victims' Compensation Fund, and up to \$41,892 from general funds from Victim's Assistance to pay for any contracts or services procured.

59.13. (AG: Crime Victims Ombudsman) For the current fiscal year, the State Crime Victim Compensation Department shall transfer \$116,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.

59.14. (AG: State Crime Victim Compensation Department) For the current fiscal year, The State Crime Victim Compensation Department may enter into memoranda of agreement with third-party victim service providers to secure emergency medical, transportation, or other crisis stabilization services on a reimbursable basis. Such agreements shall not allow for more than eight percent of the total reimbursement to cover a provider's administrative, marketing, and advocacy costs. Annually, and no later than October first of each year, the State Crime Victim

SECTION 59 - E200 - OFFICE OF THE ATTORNEY GENERAL

Compensation Department shall report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of House Ways and Means Committee on the performance of third-party providers and the use of funds authorized pursuant to this provision in the prior fiscal year.

59.15. (AG: State Crime Victim Compensation) A county or municipality may retain carry forward funds that were collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208 (B) and (D), and 14-1-211 (B) of the 1976 Code, but no more than \$25,000 or ten percent of funds collected in the prior fiscal year, whichever is higher. If a county or municipality does not spend at least ninety percent of the funds collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208 (B) and (D), and 14-1-211 (B) on Article 16, Chapter 3, Title 16 first priority and/or second priority programs during the fiscal year that the funds are received then the county or municipality shall remit any unspent funds that are greater than the allowed carried forward funds, regardless of the year collected, to the State Victim Assistance Program (SVAP) with the Office of the Attorney General within 120 days after the end of the fiscal year. All funds must be accounted for in the annual audit for each county or municipality.

The State Crime Victim Compensation Department shall offer training and technical assistance to each municipality and county annually on acceptable use of both priority one and priority two funds and funds available for competitive bid.

The State Crime Victim Compensation Department is authorized to transfer to the State Victim Assistance Program any state funds deemed available under Crime Victims Compensation authority to the State Victim Assistance Programs be placed in the competitive bid process.

The State Victim Assistance Program shall offer any funds remitted to it to non-profit organizations that provide direct victim services on a competitive bid process. These funds may be used by the non-profit for administrative costs and victim services.

A county or municipality may be exempt from the remittance requirements of this proviso upon submission of a plan to the State Crime Victim Compensation Department that meets the statutory requirements for the use of funds. A county or municipality must submit the report within 60 days after the end of the fiscal year. The State Crime Victim Compensation Department shall review the submitted plan and advise the county or municipality of plan compliance with statutory requirements.

SECTION 59 - E200 - OFFICE OF THE ATTORNEY GENERAL

59.16. (AG: Crime Victim Training Certification and Statistical Analysis) Of the funds appropriated and/or authorized for the State Crime Victim Compensation Fund, \$75,000 may be used to support the State Crime Victim Training, Certification and Statistical Analysis Division.

59.17. (AG: Crime Victim Services Funeral and Burial Compensation) The Department of Crime Victim Compensation shall set a funeral and burial compensation maximum of \$6,500.

**SECTION 60 - E210 - PROSECUTION
COORDINATION COMMISSION**

60.1. (PCC: Solicitor Salary) The amount appropriated in this section for salaries of solicitors shall 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.

60.2. (PCC: Solicitor Expense Allowance) Each solicitor shall receive one thousand dollars (\$1,000.00) per month as expense allowance.

60.3. (PCC: Judicial Circuits State Support) The amount appropriated and authorized in this section for Judicial Circuits (16) State Support shall be apportioned among the circuits. The first \$4,692,961 shall be distributed on a per capita basis based upon the current official census. The next \$1,179,041 shall be distributed on a pro-rata basis. Payment shall be made as soon after the beginning of each quarter as practical.

60.4. (PCC: Solicitor Carry Forward) Any unexpended balance on June thirtieth, of the prior fiscal year, may be carried forward into the current fiscal year and expended for the operation of the solicitor's office relating to operational expenses.

60.5. (PCC: Solicitor's Office - County Funding Level) It is the intent of the General Assembly that the amounts appropriated for solicitors' offices shall be in addition to any amounts presently being provided by the county for these services and may not be used to supplant funding already allocated for such services without any additional charges. If the county reduces the amount of support provided to solicitors' offices below the level provided in the prior fiscal year, the Solicitor shall notify the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee of the amount of such reduced support.

60.6. (PCC: Solicitors Victim/Witness Assistance Programs) When funds are available, the amount appropriated and authorized in Part IA,

OF SOUTH CAROLINA
General and Permanent Laws--2019
SECTION 60 - E210 - PROSECUTION
COORDINATION COMMISSION

Section 60 for Solicitors Victim/Witness Assistance Programs shall be apportioned among the circuits on a per capita basis and based upon the current official census. Payment shall be made as soon after the beginning of each quarter as practical.

60.7. (PCC: CDV Prosecution) The amount appropriated and authorized in this section for Criminal Domestic Violence Prosecution shall be apportioned among the circuits on a pro-rata basis. If not privileged information, the Prosecution Coordination Commission shall collect and retain information and data regarding Criminal Domestic Violence Prosecution and shall include: the number of dispositions, types of dispositions and county in which the disposition took place and shall provide the General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year.

60.8. (PCC: Establish Victim/Witness Program) The funds appropriated in this section for Victim/Witness Program must be equally divided among the judicial circuits, less any adjustments made for budget reductions. The funds for each circuit must be distributed to the solicitor's office of that circuit and only used by the solicitor for the purpose of establishing a Victim/Witness Program in the circuit which shall provide, but not be limited to, the following services:

(1) Make available to victims/witnesses information concerning their cases from filing in general sessions court through disposition.

(2) Keep the victim/witness informed of his rights and support his right to protection from intimidation.

(3) Inform victims/witnesses of and make appropriate referrals to available services such as medical, social, counseling, and victims' compensation services.

(4) Assist in the preparation of victims/witnesses for court.

(5) Provide assistance and support to the families or survivors of victims where appropriate.

(6) Provide any other necessary support services to victims/witnesses such as contact with employers or creditors.

(7) Promote public awareness of the program and services available for crime victims.

The funds may not be used for other victim-related services until the above functions are provided in an adequate manner.

It is the intent of the General Assembly that the amounts appropriated in this section for victim assistance programs in solicitors' offices shall be in addition to any amounts presently being provided by the county for

STATUTES AT LARGE
General and Permanent Laws--2019
SECTION 60 - E210 - PROSECUTION
COORDINATION COMMISSION

these services and may not be used to supplant funding already allocated for such services. Any reduction by any county in funding for victim assistance programs in solicitors' offices shall result in a corresponding decrease of state funds provided to the solicitors' office in that county for victim assistance services. Each solicitor's office shall submit an annual financial and programmatic report which describes the use of these funds. The report shall be submitted to the Governor, the Attorney General, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on October first, for the preceding fiscal year.

60.9. (PCC: DUI Prosecution) The amount appropriated and authorized in this section for Driving Under the Influence Prosecution shall be apportioned among the circuits on a pro-rata basis. If not privileged information, the Prosecution Coordination Commission shall collect and retain information and data regarding Driving Under the Influence Prosecution and shall include: the number of dispositions, types of dispositions and county in which the disposition took place and shall provide the General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year.

60.10. (PCC: Violent Crime Prosecution) The amount appropriated and authorized in this section for Violent Crime Prosecution shall be apportioned pro rata among the circuits. Payment shall be made as soon after the beginning of each quarter as practical.

60.11. (PCC: Caseload Equalization Funding) The amount appropriated in this Act and authorized for Caseload Equalization will have the first \$3,450,000 distributed at an amount of \$75,000 per county. The remaining \$4,376,872 shall be distributed based upon the average incoming caseload for each county as reported by the Judicial Department for the prior three fiscal years.

60.12. (PCC: Summary Court Domestic Violence Fund Distribution) The Summary Court Domestic Violence Prosecution funding shall be distributed based upon ten percent of the average incoming caseload for each county as reported by the South Carolina Judicial Department for the prior 3 fiscal years.

SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE

61.1. (INDEF: Defense of Indigents Formula) The amount appropriated in this act for "Defense of Indigents" shall be apportioned

SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE

among counties in accord with Section 17-3-330 of the 1976 Code, but on a per capita basis and based upon the most current official decennial census of the United States; provided that no county shall receive funding in an amount less than the amount apportioned to it as of July 1, 2005. The level of contribution of each county as of July 1, 2001, must be maintained. No county shall be permitted to contribute less money than the amount the county contributed in the prior fiscal year. Within the amount of money established for indigent defense services, the State shall set aside \$3,000,000 (Death Penalty Trial Fund) annually for use of the defense in capital cases pursuant to Section 16-3-26 of the 1976 Code, for juveniles facing the possibility of a sentence of life without parole, and for the expenses of the operation of the Commission on Indigent Defense to include salaries and operations expenses of the Death Penalty Trial Division. The State also shall set aside \$2,500,000 annually to pay fees and expenses of private counsel appointed in noncapital cases pursuant to Section 17-3-50 (Conflict Fund). Of the funds generated from the fees imposed under Sections 14-1-206(C)(4), 14-1-207(C)(6) and 14-1-208(C)(6) and the application fee provided in Section 17-3-30(B), on a monthly basis, fifty percent must be deposited into the Death Penalty Trial Fund, fifteen percent must be deposited into the Conflict Fund, and the remaining funds each month must be apportioned among the counties' public defender offices pursuant to Section 17-3-330. At the end of each fiscal year any leftover funds shall carryover to the next fiscal year. All applications for the payment of fees and expenses in capital cases shall be applied for from the Death Penalty Trial Fund which shall be administered by the Commission on Indigent Defense. All applications for the payment of fees and expenses of private counsel or expenses of public defenders pursuant to Section 17-3-50 shall be applied for from the Conflict Fund administered by the Commission on Indigent Defense. Reimbursement in excess of the hourly rate and limit set forth in Section 17-3-50 is authorized only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained, no additional fees shall be paid under any circumstances.

Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the representation of the

SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE

defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall be made from funds appropriated for this purpose from the Commission of Indigent Defense. If prior approval by written order of the court is not obtained, no additional expenses shall be paid under any circumstances.

Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the Senate Finance Committee and the House Ways and Means Committee.

61.2. (INDEF: State Employee Compensation Prohibited) Except as otherwise provided in Section 117.5, no money appropriated pursuant to Defense of Indigents 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.

61.3. (INDEF: Appellate Conflict Fund) The purpose of the Appellate Conflict Fund is to provide money to pay attorneys for representing indigent defendants on appellate review when the Office of Appellate Defense is unable to do so. Funds designated for appellate use in conflict cases shall be administered by the Commission on Indigent Defense. The Office of Appellate Defense must first determine that it is unable to provide representation. Fees shall be \$40 per hour for out of court work and \$60 for in court work, with a maximum of \$3,500 per case for noncapital appeals. Fees shall be \$50 per hour for out of court work and \$75 per hour for in court work in capital appeals with a maximum of \$10,000 per capital appeal. The appropriate appellate court shall review and approve vouchers for payment for appellate conflict cases. The Office of Appellate Defense shall continue to provide printing and other support functions currently provided from their resources. On June thirtieth of each year, the Commission on Indigent Defense shall review all outstanding obligations in this fund. Any

SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE

unspent and unobligated money shall be used to pay outstanding vouchers in the Death Penalty Trial Fund or the Conflict Fund, provided the designated fund has become exhausted during the year.

61.4. (INDEF: SC Appellate Court Rule 608 Appointments) The funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate Court Commitments, Sexually Violent Predator Act, and Post-Conviction Relief (PCR) and Criminal Conflict appointments to reimburse court appointed private attorneys and for other expenditures as specified in this provision. SC Appellate Court Rule 608 Appointments funds may not be transferred or used for any other purpose.

A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for “Termination of Parental Rights” cases and “Abuse and Neglect” cases to reimburse private attorneys who are appointed by the Family Court to represent guardians ad litem, children, or parents under the provisions of S.C. Code Sections 20-7-110 et seq., 20-7-1570 et seq., 20-7-1695 (A)(2) et seq., 20-7-7205 et seq., and 20-7-8705 (4)(a) et seq.; for “Probate Court Commitment” cases to reimburse private attorneys who are appointed by the Probate Court to represent indigent persons; and for “Sexually Violent Predator” cases to reimburse private attorneys who are appointed by the Circuit Court pursuant to Sections 44-48-10, et seq., to represent indigent persons. When private counsel is appointed pursuant to these provisions, counsel shall be reimbursed a reasonable fee to be determined on the basis of fifty dollars per hour or reimbursement may also be made on the basis of a set (flat) fee. The method of payment and the amount of the set fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed two thousand dollars for any case under which such private attorney is appointed.

A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for noncapital Post Conviction Relief Cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed one thousand dollars in any single case.

A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for noncapital criminal cases pursuant

SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE

to Section 17-3-50 (Conflict Fund). Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed three thousand five hundred dollars in any single felony case or one thousand dollars in any single misdemeanor case.

Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained, no additional fees shall be paid under any circumstances.

Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall be made from funds appropriated for this purpose from the Commission of Indigent Defense. If prior approval by written order of the court is not obtained, no additional expenses shall be paid under any circumstances.

Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the Senate Finance Committee and the House Ways and Means Committee.

A portion of the funds appropriated under "SC Appellate Court Rule 608 Appointments" may be used by the Commission on Indigent Defense to retain, on a contractual basis, the services of attorneys

SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE

qualified to handle civil and criminal court appointments, to be reimbursed in accordance with applicable provisos and statutes.

61.5. (INDEF: Carry Forward) To offset budget reductions, the Commission on Indigent Defense may carry forward and utilize any unencumbered balances available in the Appellate Conflict Fund and the SC Appellate Court Rule 608 Appointment Fund at the end of the prior fiscal year.

61.6. (INDEF: Public Defender Fee) Every person placed on probation on or after July 1, 2003, who was represented by a public defender or appointed counsel, shall be assessed a fee of five hundred dollars. The revenue generated from this fee must be collected by the clerk of court and sent on a monthly basis to the Commission on Indigent Defense. However, if a defendant fails to pay this fee, this failure alone is not sufficient basis for incarceration for a probation violation. This assessment shall be collected and paid over before any other fees.

61.7. (INDEF: Defense of Indigents Civil Action Application Fee) (A) A person requesting appointment of counsel in any termination of parental rights (TPR), abuse and neglect, or any other civil court action in this state shall execute an affidavit that the person is financially unable to employ counsel and that affidavit shall set forth all of the person's assets. This affidavit must be completed before counsel may be appointed. If it appears that the person has some assets but they are insufficient to employ private counsel, the court, in its discretion, may order the person to pay these assets or a portion thereof to the Commission on Indigent Defense.

(B) A forty dollar application fee for appointed counsel services must be collected from every person who executes an affidavit that they are financially unable to employ counsel. The person may apply to the court, the clerk of court, or other appropriate official for a waiver or reduction in the application fee. If it is determined that the person is unable to pay the application fee, the fee may be waived or reduced, provided that if the fee is waived or reduced, the clerk or appropriate official shall report the amount waived or reduced to the trial judge and the trial judge shall order the remainder of the fee paid by a time payment method or such method as the trial judge deems appropriate. The clerk of court or other appropriate official shall collect the application fee imposed by this section and remit the proceeds to the Commission on Indigent Defense on a monthly basis. The monies must be deposited in an interest-bearing account separate from the general fund and used only to provide for indigent defense services. The monies shall be

SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE

administered by the Commission on Indigent Defense. The clerk of court or other appropriate official shall maintain a record of all persons applying for representation and the disposition of the application and shall provide this information to the Commission on Indigent Defense on a monthly basis as well as reporting the amount of funds collected or waived.

(C) In matters in which a juvenile is brought before a court, the parents or legal guardian of such juvenile shall execute the above affidavit based upon their financial status and shall be responsible for paying any fee. In matters concerning juveniles, the parents or legal guardians of said juvenile, shall be advised in writing of this requirement at the earliest stage of the proceedings against said juvenile.

(D) Nothing contained above shall restrict or hinder a court from appointing counsel in any emergency proceedings or where existing statutes do not provide sufficient time for an individual to complete the application process.

(E) The appointment of counsel, as herein before provided, creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in an amount equal to the costs of representation as determined by a voucher submitted by the appointed counsel and approved by the court, less that amount that the person pays to the appointed counsel.

(F) Such claim shall be filed in the office of the clerk of court in the county where the person is assigned counsel, but the filing of a claim shall not constitute a lien against real or personal property of the person unless, in the discretion of the court, part or all of such claim is reduced to judgment by appropriate order of the court, after serving the person with at least thirty days' notice that judgment will be entered. When a claim is reduced to judgment, it shall have the same effect as judgments, except as modified by this provision.

61.8. (INDEF: Exemption for Pass Through Funding) The funds distributed by the Commission on Indigent Defense to the Legal Services Corporation in accordance with Section 14-1-204 of the 1976 Code shall not be considered part of the commission's budget for purposes of calculating budget reductions.

61.9. (INDEF: Reporting Requirement) Circuit Public Defenders shall provide, in a manner and form as the agency head requires, information and data concerning caseloads, dispositions, and other information as required by the agency head or General Assembly. The agency shall withhold payments and transfers to Circuit Public

SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE

Defenders who are not in compliance with the agency reporting requirements.

61.10. (INDEF: Donation Carry Forward) The Commission on Indigent Defense may accept donations for the publication of "The South Carolina Juvenile Collateral Consequences Checklist." All revenue derived from donations received at the Commission on Indigent Defense shall be retained, carried forward and expended according to agreement reached between the donor, or donors, and the Commission on Indigent Defense.

61.11. (INDEF: Capital Case Contract Attorneys) Funds appropriated from the Death Penalty Trial Fund may be used by the commission to retain, on a contractual basis, the service of attorneys qualified to provide representation in capital proceedings to include: capital trials, post-conviction relief actions, re-sentencing, appeals or any other capital litigation proceeding.

The commission shall establish all policies, procedures and contract provisions as it deems appropriate for the implementation of the system, including but not limited to the selection and compensation of contract awardees.

61.12. (INDEF: Optional Courts and Indigent Representation) If a municipality has or elects to have an optional municipal court system, it must provide adequate funds for representation of indigents. No public defender shall be appointed in any such court unless the municipality and the office of the circuit public defender have reached an agreement for indigent representation and no funds allocated to the commission shall be used to provide compensation for appointed counsel in municipal courts.

SECTION 62 - D100 - STATE LAW ENFORCEMENT DIVISION

62.1. (SLED: Special Account Carry Forward) Funds awarded to the State Law Enforcement Division by either court order or from donations or contributions shall be deposited in a special account with the State Treasurer, and shall 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 annually reported by October first to the Senate Finance Committee and the Ways and Means Committee.

SECTION 62 - D100 - STATE LAW ENFORCEMENT DIVISION

62.2. (SLED: Computer/Communications Center Carry Forward) Revenue generated from the operation of the division's criminal justice computer/communications center and not expended during the prior fiscal year may be carried forward and expended for the same purpose during the current fiscal year.

62.3. (SLED: Agents Operations Carry Forward) Any unexpended balance on June thirtieth, of the prior fiscal year, in Part IA, Section 62 of the section "Agents Operations" may be carried forward and expended for the same purpose in the current fiscal year.

62.4. (SLED: Match for Federal Grants Carry Forward) State appropriations to SLED that are required to provide match for federal grant programs in the prior fiscal year may be carried forward into the current fiscal year and expended for the same purpose as originally appropriated.

62.5. (SLED: Clothing Allowance) The State Law Enforcement Division is hereby authorized to provide agents and criminalists with an annual clothing allowance (on a pro rata basis) not to exceed \$600 per agent/criminalist for required clothing used in the line of duty.

62.6. (SLED: Witness Fee) The State Law Enforcement Division is hereby authorized to charge a witness fee of \$130.00 per hour up to \$1,000 per day for each employee testifying in civil matters which do not involve the State as a part in interest. This fee shall be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances and deposited into a designated revenue account.

62.7. (SLED: Commissioned Officers' Physicals) 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.

62.8. (SLED: Meals in Emergency Operations) 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.

62.9. (SLED: Hazardous Materials Security Detail) 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

SECTION 62 - D100 - STATE LAW ENFORCEMENT DIVISION

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.

62.10. (SLED: Sex Offender Registry Fee) Each Sheriff is authorized to charge and collect an annual amount of one hundred fifty dollars from each sex offender required to register by law. If such sex offender has been declared indigent by the Sheriff of the county in which the offender must register and provides proof of the declaration at the time of registration, the fee will automatically be waived. If an offender is not declared indigent and fails to pay the fee, he is officially declared unregistered. This fee shall be divided between the Sheriffs and the State Law Enforcement Division with one hundred dollars of the fee retained by the Sheriffs and the remaining fifty dollars remitted by the Sheriffs to SLED on a quarterly basis. These funds must be used to support the Statewide Sex Offender Registry.

62.11. (SLED: Private Detective Fees Criminal History Checks) The State Law Enforcement Division is authorized to charge private detective companies, individual private detectives, private security companies, armed security guards, and proprietary security companies a fee of twenty-five dollars to process state criminal history checks and fifty dollars for federal fingerprint based criminal history checks. These funds shall be collected, retained, expended and carried forward by the State Law Enforcement Division.

62.12. (SLED: CWP Instructors Certification) The State Law Enforcement Division is authorized to charge one hundred dollars for the issuance of a Certified Concealable Weapons Permit Instructor certificate, and one hundred dollars every three years for each renewal. These funds shall be collected, retained, expended and carried forward by the State Law Enforcement Division.

62.13. (SLED: Expungement Requests) The State Law Enforcement Division is authorized to collect a twenty-five dollar expungement fee for each request to expunge criminal records. These funds shall be used to offset the operational and research expenses associated with processing these expungement requests. SLED is authorized to collect, retain, expend, and carry forward these funds. Persons found not guilty by a court of competent jurisdiction or where charges have been dismissed or nolle prossed shall be excluded from the fee requirement.

62.14. (SLED: Retention of Funds Reimbursed by State or Federal Agencies) The State Law Enforcement Division is authorized to collect,

SECTION 62 - D100 - STATE LAW ENFORCEMENT DIVISION

expend, retain, and carry forward all funds received from other state or federal agencies in the current fiscal year as reimbursement of expenditures incurred in the current or prior fiscal year.

62.15. (SLED: Monies Associated with Illegal Gaming Devices) 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.

62.16. (SLED: Private Detective/Security Fee) The license and registration fees set by the State Law Enforcement Division for private detective businesses, private security businesses, including employees of these businesses, and companies which provide private security on their own premises must not exceed those fees set by regulation as of January 1, 2011, unless otherwise approved by the General Assembly. From the funds collected from these fees, the State Law Enforcement Division must transfer \$480,000 to the Department of Public Safety which shall be used for the purpose of providing security in the Capitol Complex area.

62.17. (SLED: Criminal Record Search Fees) The State Law Enforcement Division is authorized to charge and collect a fee of eight dollars for a criminal record search for local park and recreation volunteers through a commission, municipality, county, or the South Carolina Department of Parks, Recreation, and Tourism. Any organization that is authorized to receive the reduced fee must not charge the volunteer, mentor, member, or employee more than the eight dollars or any additional fee that is not required by the State Law Enforcement Division. All criminal record searches conducted under this provision must be for a volunteer, mentor, member or employee performing in an official capacity of the organization and must not be resold.

62.18. (SLED: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the State Law Enforcement Division may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the Chief, and providing funds are available.

62.19. (SLED: Meth Lab Clean Up Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year, in the special line "Meth Lab Clean Up" may be carried forward and expended for agency law enforcement operations in the current fiscal year.

62.20. (SLED: CWP Renewal and Replacement) A concealed weapons permit may not be suspended by a state official, agent, or

SECTION 62 - D100 - STATE LAW ENFORCEMENT DIVISION

employee supported by state funds if the permit holder has initiated a renewal or replacement application and the processing and issuance of a renewal or replacement permit is delayed for administrative reasons. A concealed weapons permit remains valid during the pendency of the renewal or replacement process so long as the application for replacement renewal is submitted prior to the expiration of the permit.

62.21. (SLED: Drug Lab Electronic Mandatory Reporting System) Of the funds appropriated for Meth Lab Clean Up, the State Law Enforcement Division is authorized to expend such funds for the development and implementation of a statewide electronic mandatory reporting system for municipal, county and state governmental entities to report information, as directed by the State Law Enforcement Division, pertaining to the discovery or seizure of methamphetamine laboratories and dumpsites.

62.22. (SLED: Mandatory Meth Lab Reporting) If a municipal, county, or state governmental entity locates, finds, or seizes a methamphetamine laboratory or dumpsite within the State, the governmental entity shall report the incident within three business days to the State Law Enforcement Division.

The State Law Enforcement Division shall determine the reporting mechanism and is authorized to request, receive, catalogue, classify, and maintain all information it determines necessary pertaining to the laboratory or dumpsite including, but not limited to, the location, the type of manufacturing method used, and suspect information. The State Law Enforcement Division shall maintain information related to these governmental reports on its website, which must be made available to the public, and is authorized to use funds appropriated for Meth Lab Clean Up towards the prudent maintenance of information reported.

A governmental entity that fails to report information to the State Law Enforcement Division pursuant to this proviso is ineligible to receive public safety grants that are funded through the South Carolina Public Safety Coordinating Council pursuant to Section 23-6-520(2) of the 1976 Code.

62.23. DELETED

SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY

63.1. (DPS: Special Events Traffic Control) The highway patrol must not charge any fee associated with special events for maintaining traffic control and ensuring safety on South Carolina public roads and

SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY

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.

63.2. (DPS: Retention of Private Detective Fees) The Department of Public Safety is hereby authorized to receive, expend, retain, and carry forward all funds transmitted from SLED related to fees charged and collected by SLED from license and registration fees for private detective businesses, private security businesses, including employees of these businesses, and companies which provide private security on their own premises. The funds transferred are to be used in the Bureau of Protective Services Program to provide security for state agencies and the Capitol Complex.

63.3. (DPS: Motor Carrier Advisory Committee) From the funds appropriated and/or authorized to the Department of Public Safety and the Department of Motor Vehicles, the departments are directed to jointly establish a Motor Carrier Advisory Committee to solicit input from the Trucking Industry and other interested parties in developing policies and procedures for the regulation of this industry. The members of the advisory committee shall serve without compensation.

63.4. (DPS: CMV Driver Rest Areas) A joint working group is to be established between the Department of Transportation, Department of Public Safety, State Transport Police and the South Carolina Trucking Association to review and evaluate where critical rest areas may be made available for commercial motor vehicle drivers to park and obtain their federally mandated required rest.

63.5. (DPS: SC Law Enforcement Officers Hall of Fame Scholarships) The Department of Public Safety is hereby authorized to accept donations from the public in order to provide scholarships to the children of law enforcement officers killed in the line of duty. The South Carolina Law Enforcement Officers Hall of Fame Advisory Committee is authorized to set the criteria for awarding such scholarships. All revenue received for this purpose shall be used to provide scholarships and shall be retained, carried forward, and expended for the same purpose.

63.6. (DPS: Body Cameras) The Department of Public Safety is authorized to retain and carry forward unexpended funds associated with body cameras from the prior fiscal year into the current fiscal year and expend those funds for the same purpose.

SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY

63.7. (DPS: Overtime Pay) For Fiscal Year 2019-20, the department is authorized and required to pay current non-exempt law enforcement officers by October 1st for any compensatory time earned and not used in the prior fiscal year. The funds for this compensation must be provided from available personal services, appropriated overtime funding, and/or employer contributions funds carried forward from the prior fiscal year. If the amount of carried forward funds is not sufficient to pay all the non-exempt law enforcement officers accrued compensatory time, the department shall pay the officers on a percentage distribution based on the hours owed per officer up to the total amount that the department has carried forward.

**SECTION 64 -N200 - LAW ENFORCEMENT
TRAINING COUNCIL**

64.1. (LETC: CJA-Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Law Enforcement Training Council, Criminal Justice Academy is authorized to expend federal and earmarked funds in the current fiscal year for expenditures incurred in the prior fiscal year.

64.2. (LETC: CJA-Retention of Emergency Expenditure Refunds) 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 in the current fiscal year as reimbursement of expenditures incurred in the current or prior fiscal year when personnel and equipment are mobilized and expenses incurred due to an emergency.

64.3. DELETED

64.4. DELETED

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

65.1. (CORR: Canteen Operations) 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 65 - N040 - DEPARTMENT OF CORRECTIONS

65.2. (CORR: E.H. Cooper Trust Fund) 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, shall be deposited into the Inmate Welfare Fund.

65.3. (CORR: Instructional Salaries) The certified instructional personnel of the Department of Corrections shall receive a percentage increase in their annual salary for the current fiscal year equal to the percentage allocated to the instructional personnel throughout the State.

65.4. (CORR: Funding Through State Criminal Assistance Program) 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 shall be retained by the South Carolina Department of Corrections to offset incurred expenses.

65.5. (CORR: Remedial Education Funding) 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. Funds appropriated to the Department of Corrections for educational programs shall be prioritized to assure such remedial services are provided.

65.6. (CORR: Tire Retreading Program Restriction) The tire retreading program at the Lieber Correctional Institution shall be limited to the marketing and sale of retreads to state governmental entities.

65.7. (CORR: Social Security Administration Funding) 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, shall 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.

65.8. (CORR: Medical Expenses) The Department of Corrections shall be 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 co-pay shall be charged for prescribed medications. Inmates shall not be charged for psychological or mental health visits.

65.9. (CORR: Prison Industry Funds) The Director of the Department of Corrections, at his discretion, is hereby authorized to

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

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 from the prior fiscal year into the current fiscal year to be used for the same purpose.

65.10. (CORR: Reimbursement for Expenditures) The Department of Corrections may retain for general operating purposes any reimbursement of funds for expenses incurred in a prior fiscal year.

65.11. (CORR: Sale of Real Property) Funds generated from the sale of real property owned by the Department of Corrections shall be retained by the department to offset renovation and maintenance capital expenditures.

65.12. (CORR: Funds From Vehicle Cleaning) Monies generated by inmates engaged in the cleaning and waxing of private vehicles, or any other adult work activity center, shall be placed in a special account and utilized for the welfare of the inmate population.

65.13. (CORR: Release of Inmates) The Director of the Department of Corrections and other persons having charge of prisoners who are required to serve a period of six months or more, may release all such prisoners, including prisoners to whom Section 24-13-150(A) of the 1976 Code applies, on the first day of the month in which their sentences expire, and if the first day of the month falls on a Saturday, Sunday, or a legal holiday, such prisoners may be released on the last weekday prior to the first of the month which is not a holiday.

65.14. (CORR: Western Union Funding) 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, shall 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.

65.15. (CORR: Monitoring Fees) 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.

65.16. (CORR: Inmate Insurance Policies) 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 will be provided in

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

accordance with law and standards regardless of whether or not an inmate is covered by insurance.

65.17. (CORR: Work Release Transportation Fee) The South Carolina Department of Corrections is authorized to charge a \$4.00 per day transportation fee to participants in the work release program only when such transportation is provided by the department. Monies collected shall be credited to the South Carolina Department of Corrections, and utilized solely to fund transportation of work release participants and vehicle replacement for the work release program.

65.18. (CORR: Special Assignment Pay Level 2 & 3 Facilities) Funds appropriated for special assignment pay at the Department of Corrections are for the purpose of addressing vacancies and turnover of staff by providing a pay differential for certain employees assigned to institutions with a Level II or Level III security designation. The funds are to be used for special assignment pay only and may not be transferred to any other program. If the employee leaves one of the qualifying job classes or leaves a Level II or Level III institution for a non-Level II or non-Level III facility, they shall no longer be eligible for this special assignment pay. Only employees in full-time equivalent positions are eligible for this special assignment pay.

The special assignment pay is not a part of the employee's base salary and is as determined by the Director of the Department of Corrections at Level II and Level III institutions:

- (1) Cadets;
- (2) Correctional Officers, including Class Code JD-30 (Officer I and II positions);
- (3) Corporals I and II;
- (4) Sergeants and Lieutenants;
- (5) Captains and Majors;
- (6) Nursing Staff;
- (7) Food Services Staff; and
- (8) Warden.

65.19. (CORR: Quota Elimination) Pursuant to Section 24-3-60 of the 1976 Code, upon notification by the county, the Department of Corrections shall accept newly sentenced inmates from each local jail and detention center.

For sentenced inmates who the county is willing to transport, the department may limit the acceptance at the Kirkland Correctional Institution to the hours of 8:00 a.m. to 1:00 p.m., Monday through Friday, excluding holidays, and at the Perry and Lieber Correctional

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

Institutions to the hours of 8:00 a.m. to 10:30 a.m., Monday through Friday, excluding holidays.

By mutual agreement between the Department of Corrections and a local jail or detention center, the department may establish an alternate admissions schedule for receiving inmates at the Reception and Evaluation Center.

At the time of transfer of the inmate to the department, the county shall provide the sentencing order, and if available copies of medical screening records, booking reports, and other documents to assist the department in its intake processing. Counties that have not completed medical screenings at the time of transfer shall not be required to do so.

In the event there are inadequate beds within the Reception and Evaluation Center, the Department of Corrections may create a "jail" within the Kirkland Correctional Institution using one or more of the available 192-bed housing units to accept newly sentenced state inmates who are awaiting R & E processing. The department may operate such "jail," to the extent feasible, in accordance with standards applicable to the local jails.

The department shall use the funds appropriated in this act for "Quota Elimination" to accomplish this initiative and to open a 96-bed unit at the MacDougall Correctional Institution and the 192-bed housing units at Kirkland Correctional Institution. The funds may not be transferred to any other program or used for any other purpose.

65.20. (CORR: Public/Private Partnerships for Construction) Funds appropriated in Act 407 of 2006, item 23, shall be used to construct as many multi-purpose buildings at Department of Corrections institutions as possible. For such facilities at Lieber, McCormick, Leath, Perry, or Allendale Correctional Institution, at least \$150,000 in matching funds and/or construction materials or services must be donated before construction of the facility may begin. At other Department of Corrections locations, the Director may require that donated funds and/or materials or services equal one-half of the cost of construction, including design and engineering costs.

65.21. (CORR: Inmate Barbering Program) Inmate barbers in the Inmate Barbering Program at the Department of Corrections, shall not be subject to the licensing requirement of Section 40-7-30 of the 1976 Code.

65.22. (CORR: Executed Inmate Autopsy) For the current fiscal year, the autopsy requirements of Section 17-7-10 of the 1976 Code are

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

suspended when an inmate is executed by the Department of Corrections pursuant to a valid order of the Supreme Court of South Carolina.

65.23. (CORR: Recoupment of Expenses Associated with Inmate Cremation) If the Department of Corrections incurs expenses for cremating and disposing of an unclaimed deceased inmate, the department may recoup all associated costs of cremation, including transportation, through the deceased inmate's E.H. Cooper account, providing funds are available.

65.24. (CORR: Credited Jail Time; DNA Sample Collection) Inmates committed to the Department of Corrections for sentences greater than ninety days, but who have credit for jail time in excess of their sentence to incarceration are not required to be transported to the Reception and Evaluation Center of the Department of Corrections. Cities and counties housing inmates who have credit for jail time in excess of their sentence may, through written agreement with the Department of Corrections, transfer required commitment records to the department electronically or by other means. The Department of Corrections must establish reasonable documentation requirements to facilitate the implementation of this cost savings measure. Employees of the Department of Probation, Parole and Pardon Services assigned to the court or employees of the Department of Corrections, as applicable, shall obtain DNA samples from the offenders who are required to submit DNA samples. This provision does not exempt the above referenced inmates from the \$250 DNA fee as required by Section 23-3-670 of the 1976 Code. The \$250 fee shall be collected in the same manner as other fines and fees and submitted to the State Treasurer for remittance to SLED.

65.25. (CORR: Cell Phone Interdiction) The Director of the Department of Corrections is granted the right to add a surcharge to all inmate pay phone calls to offset the cost of equipment and operations of cell phone interdiction measures. The surcharge will be added to the cost per call, collected by chosen telephone vendor and paid to the department on a monthly basis. The department is authorized to retain the funds to pay, either directly or through the State lease program, for equipment required to enact cell phone interdiction or retrieval or for critical security needs. When the equipment has been paid in full, the surcharge amount will be reviewed and adjusted to cover the cost of ongoing operational expenses of the interdiction equipment. Any unexpended balance may be carried forward from the prior fiscal year

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

into the current fiscal year and be used for the same purpose or for critical security needs.

65.26. (CORR: Correctional Institution Maintenance and Construction) For maintenance and construction activities funded in the current fiscal year, the Department of Corrections may utilize inmate labor to perform any portion of the work on its own grounds and facilities. The provisions of Section 40-11-360(A)(9) of the 1976 Code shall apply to any such project, including new construction.

65.27. (CORR: Meals in Emergency Operations) The Department of Corrections may provide meals to public employees who are not permitted to leave their stations and are required to work during actual emergencies, emergency simulation exercises, or when the Governor declares a state of emergency.

65.28. (CORR: Prohibition on Funding Certain Surgery) (A) The Department of Corrections is prohibited from using state funds or state resources to provide a prisoner in the state prison system sexual reassignment surgery; however, if a person is taking hormonal therapy at the time the person is committed to the Department of Corrections, the department shall continue to provide this therapy to the person as long as medically necessary for the health of the person.

(B) As used in this provision:

(1) 'Hormonal therapy' means the use of hormones to stimulate the development or alteration of a person's sexual characteristics in order to alter the person's physical appearance so that the person appears more like the opposite gender;

(2) 'Sexual reassignment surgery' means a surgical procedure to alter a person's physical appearance so that the person appears more like the opposite gender.

65.29. RESERVED

65.30. (CORR: Video Bond Conferencing) In the current fiscal year, and from the funds appropriated to the Department of Corrections, the video conferencing bond system shall be used for all bond hearings for inmates incarcerated at facilities with video conferencing capabilities that are compatible with county video conferencing equipment, network, firewalls, etc. and charged with criminal offenses that require a bond hearing. The Department of Corrections shall not be responsible for recording any of these proceedings or for providing the counties with any equipment.

**SECTION 66 - N080 - DEPARTMENT OF PROBATION,
PAROLE AND PARDON SERVICES**

66.1. (DPPP: Sale of Equipment) All revenue generated by the Department of Probation, Parole and Pardon Services from the sale of various equipment in excess of \$575, less the cost of disposition incurred by the Department of Administration, may be retained and carried forward into the current fiscal year and expended for the purpose of purchasing like items.

66.2. (DPPP: Interstate Compact Application Fee) The department may charge offenders an application fee set by the department, not to exceed the department's actual costs, to offenders applying for transfers out of or into the state under the Interstate Compact Act. The application fee shall be retained by the department to offset the cost of the Interstate Compact Act. All unexpended funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

66.3. (DPPP: GED Learn and Earn Program) From the funds appropriated in Part IA, the department may enter into agreements with statewide colleges, technical colleges, and school districts for the purpose of providing GED and GED Prep education to offenders. Offenders of the department enrolled in the program must repay the department the cost of the course and materials within six months of obtaining their GED.

66.4. (DPPP: Sex Offender Monitoring Carry Forward) The Department of Probation, Parole and Pardon Services 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, Sex Offender Monitoring program funds carried forward by this provision shall be excluded from the calculation of the carry forward authorized by provision elsewhere in this act.

66.5. (DPPP: Offender Drug Testing Fee) The department may charge offenders a fee set by the department, not to exceed \$50, for the purpose of drug testing. If it is determined that the offender is indigent, this fee must be waived. The fee shall be retained by the department to offset the cost of drug testing. All unexpended funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

66.6. (DPPP: Public Service Employment Set-Up Fee) In addition to any other fee, the department may charge an adult offender placed

**SECTION 66 - N080 - DEPARTMENT OF PROBATION,
PAROLE AND PARDON SERVICES**

under the jurisdiction of the department, who is ordered to public service employment by the court, a twenty-five dollar Public Service Employment set-up fee. The fee must be retained by the department and applied to the department's supervision process.

SECTION 67 - N120 - DEPARTMENT OF JUVENILE JUSTICE

67.1. (DJJ: Meal Ticket Revenue) The revenue generated from sale of meal tickets by the Department of Juvenile Justice shall be retained and carried forward into the current fiscal year by the agency and expended for the operation of the agency's cafeterias and food service programs.

67.2. (DJJ: Interstate Compact Revenue) The revenue returned to the Interstate Compact Program shall be retained and carried forward into the current fiscal year by the agency and expended for the operation of the program.

67.3. (DJJ: Children's Projects Revenue) Funds generated from the projects undertaken by children under the supervision of the Department of Juvenile Justice 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.

67.4. (DJJ: Instructional Salaries) The certified instructional personnel of the Department of Juvenile Justice shall receive a percentage increase in their annual salary for the current fiscal year equal to the percentage allocated to the instructional personnel throughout the State.

67.5. (DJJ: Reimbursements for Expenditures) The Department of Juvenile Justice may retain for general operating purposes any reimbursement of funds for expenses incurred in a prior fiscal year.

67.6. (DJJ: Juvenile Arbitration/Community Advocacy Program) The amount appropriated and authorized in this section for the Juvenile Arbitration Program shall be retained and expended by the Department of Juvenile Justice for the purpose of providing juvenile arbitration services through the sixteen Judicial Circuit Solicitors' offices in the state and used to fund necessary administrative and personnel costs for the programs.

The Department of Juvenile Justice shall contract with Solicitors to administer the Juvenile Arbitration Program and disburse up to \$60,000 per Judicial Circuit based on services rendered. The amount payable to

SECTION 67 - N120 - DEPARTMENT OF JUVENILE JUSTICE

Solicitors may vary based on consistent adherence to established statewide program guidelines to assess program performance.

The \$250,000 appropriated for the Community Advocacy Program in the first Judicial Circuit, will be used to fund necessary administrative and personnel costs for this status offender diversion program. The Department of Juvenile Justice shall monitor and provide support to this program.

All unexpended funds may be retained and carried forward from the prior fiscal year to be used for the same purposes.

67.7. (DJJ: Sale of Real Property) 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.

67.8. (DJJ: Sale of Timber) The Department of Juvenile Justice is hereby authorized to sell mature trees and other timber suitable for commercial purposes from lands owned by the department. Prior to 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 shall 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.

67.9. (DJJ: Drug Free Workplace) The critical mission of the Department of Juvenile Justice requires a safe and drug free work environment. In order to accomplish this, the department may conduct and pay for the cost of pre-employment drug testing and random employee drug testing. The department is authorized to expend funds in order to provide or procure these services.

67.10. (DJJ: Definition of Juveniles) The Department of Juvenile Justice 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 67 - N120 - DEPARTMENT OF JUVENILE JUSTICE

67.11. (DJJ: Adult Education - GED) 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, at the discretion of the local school district, upon release from the department shall be allowed to enroll in either the juvenile's local school district's regular education program, in their appropriate grade placement, or allowed to 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 shall 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.

67.12. (DJJ: Local District Effort) Upon commitment or confinement to a Department of Juvenile Justice facility, the school district in which that child resides shall pay an amount equivalent to the statewide average of the local base student cost (thirty percent), multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to out-of-district students to the Department of Juvenile Justice for the time period in which the child is committed or confined to a department facility. EFA funding for school districts is provided for a one hundred eighty day school year. The billing provided by the department shall be calculated by dividing the local base student cost by two hundred twenty-five days to determine the daily rate. The department shall notify the school district in writing within forty-five calendar days that a student from the nonresident district is receiving education services pursuant to this provision. The notice shall also contain the student's name, date of birth, disabling condition if available, and dates of service.

The invoice shall be paid within sixty days of billing, provided the department has provided a copy of the invoice to both the superintendent and the finance office of the school district being invoiced. Should the school district fail to pay the invoice within sixty days, the department can seek relief from the Department of Education. The Department of Education shall withhold EFA funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the department. If adequate funding is not received, the department shall have the flexibility to use funds from other programmatic areas to maintain an appropriate level of service.

67.13. (DJJ: Early Release Authorization) In order to avoid unconstitutional levels of overcrowding and other unconstitutional conditions from occurring in facilities operated by the department and in

SECTION 67 - N120 - DEPARTMENT OF JUVENILE JUSTICE

residential programs operated for the department, the number of children housed in residential placements (either committed to the custody of the Department of Juvenile Justice or who are under the department's supervision) shall not exceed the number of beds available to the department to house them. Should appropriation reductions necessitate that the department close any additional facility, program, or housing unit it operates, or to be unable to fund any additional residential program operated for its benefit, the department is authorized and empowered to release from its residential placements sufficient numbers of children committed to its custody or supervision for a status offense, a misdemeanor offense, other than Assault and Battery of a High and Aggravated Nature and Assault with Intent to Kill, or for violation of probation/contempt of a status offense or a misdemeanor offense, other than Assault and Battery of a High and Aggravated Nature and Assault with Intent to Kill, so that the number of children in its custody or under its supervision and placed in these residential placements does not exceed the number of housing units/beds available to properly house those children. No child adjudicated delinquent for a violent crime as defined in Section 16-1-60 of the 1976 Code, a felony offense as defined in Section 16-1-90 of the 1976 Code, or a sexual offense shall be released pursuant to this proviso.

67.14. (DJJ: Raise the Age) The department must use carry forward funds to implement Act 268 of 2016 by contracting in the current fiscal year with local child-serving non-profit organizations and Judicial Circuit Solicitor's offices for community-based diversion and intervention services. The department shall give preference to multi-agency and organizational collaborations that include stakeholders from the Family Court, Department of Education, Public Defenders' Offices, the Department of Mental Health, the Department of Social Services, and community based non-profits that utilize best practices.

SECTION 70 - L360 - HUMAN AFFAIRS COMMISSION

70.1. (HAC: Human Affairs Forum Carry Forward) All revenue derived from donations and registration fees received for attendance at Human Affairs Forums shall be retained and carried forward and expended for the purpose of general operations of the Human Affairs Commission.

70.2. (HAC: Training Revenue) All revenue derived from fees received from training and technical assistance provided by the Human

SECTION 70 - L360 - HUMAN AFFAIRS COMMISSION

Affairs Commission to entities other than state agencies shall be retained, carried forward, and expended for the purpose of general operations of the Human Affairs Commission.

70.3. (HAC: Revenue from Copying Fees) All revenue derived from providing requested copies of commission files, final opinions, orders, and determinations shall be retained, carried forward, and expended for the purpose of general operations of the Human Affairs Commission.

**SECTION 71 - L460 - COMMISSION FOR MINORITY
AFFAIRS**

71.1. (CMA: Private Contributions and Sponsorship) Monies derived from private sources for agency research, forums, training, and institutes may be retained and expended by the commission for the said purpose. Any remaining balance may be carried forward and expended for the same purpose.

71.2. (CMA: Carry Forward Registration Fees) Revenue derived from registration fees received from training and institutes may be retained and carried forward for the purpose of conducting future training and institutes.

71.3. (CMA: Carry Forward Grant Awards) 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.

71.4. (CMA: Carry Forward Bingo Revenues) Bingo revenues received by the commission in the prior fiscal year pursuant to Section 12-21-4200(3) of the 1976 Code which are not expended during that fiscal year may be carried forward to be expended in the current fiscal year.

71.5. (CMA: Retention of Photocopy Fees) 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.

SECTION 73 - R060 - OFFICE OF REGULATORY STAFF

73.1. (ORS: Transportation Fee Refund) The Transportation Department of the Office of Regulatory Staff is hereby authorized to make refunds of fees which were erroneously collected.

SECTION 73 - R060 - OFFICE OF REGULATORY STAFF

73.2. (ORS: Assessment Certification) Office of Regulatory Staff shall certify to the Department of Revenue the amounts to be assessed to cover appropriations in this section as follows: (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, Code of Laws of 1976, (2) the amount to be assessed against gas utility companies as provided for in Section 58-5-940, Code of Laws of 1976, (3) the amount to be assessed against electric light and power companies as provided for in Sections 58-4-60 and 58-27-50, Code of Laws of 1976, and (4) the 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, Code of Laws of 1976. 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 of this act as set forth in Section 58-4-60, Code of Laws of 1976.

73.3. (ORS: Assessment Adjustments) If the Office of Regulatory Staff determines that a person or entity subject to Title 58 of the 1976 Code has been assessed an amount greater than that authorized by Sections 58-4-60, 58-3-100 and 58-3-540, the Office of Regulatory Staff shall, at its discretion:

- (a) refund the person or entity the amount of over collection using funds from the current fiscal year;
- (b) refund the person or entity the amount of over collection 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 over collection; 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.

73.4. (ORS: SSEB Annual Dues) The annual dues of the Southern States Energy Board shall be paid from the Radioactive Waste Operating Fund.

73.5. DELETED

SECTION 73 - R060 - OFFICE OF REGULATORY STAFF

73.6. (ORS: Energy Efficient Manufactured Homes) The Energy Efficient Manufactured Homes Incentive Program shall be extended into the current fiscal year and the Office of Regulatory Staff Energy Office shall administer the program, including incentives for qualifying taxpayers, in the same manner as it was administered in the prior fiscal year.

73.7. DELETED

**SECTION 74 - R080 - WORKERS' COMPENSATION
COMMISSION**

74.1. (WCC: Educational Seminar Revenue) All revenue earned from educational seminars shall be retained by the agency to be used for the printing of educational materials and other expenses related to conducting the seminar.

74.2. (WCC: Retention of Filing Fees) The Workers' Compensation Commission is authorized to retain and expend all revenues received as a result of a \$50.00 filing fee for each requested hearing, settlement, or motion. If it is determined that the individual is indigent, this filing fee must be waived.

74.3. DELETED

SECTION 75 - R120 - STATE ACCIDENT FUND

75.1. (SAF: Educational Seminar Revenue) The State Accident Fund is authorized to set and collect fees for educational seminars. All revenue earned from educational seminars shall be retained by the agency and used for supplies, materials, and other expenses relating to the seminars.

75.2. (SAF: Military Disability) (A) From the funds credited to the State Accident Fund in the current fiscal year, there is established within the State Accident Fund a military disability program that provides a settlement for any such member of the National Guard that became permanently disabled while serving during the catastrophic weather event in October 2015. The settlement must be based upon that which persons under similar circumstances in the military service of the United States receive from the United States. The director may seek assistance in establishing the program from the Adjutant General or any other agency or entity with such expertise.

SECTION 75 - R120 - STATE ACCIDENT FUND

(B) A National Guard member may only participate in this program if the member permanently waives any right to claim benefits pursuant to Section 25-1-100 and releases the State from any potential liability pursuant to Section 25-1-100, and further agrees that any amounts due under this proviso are subject to appropriate offsets to avoid compensation in excess of what the member would have received from the federal government if permanently disabled while performing federally paid duty. Offsets include benefits received, or to be received, under Title 42 of the 1976 Code as a result of these injuries (State Workers' Compensation), benefits received, or to be received, pursuant to Chapter 10 of Title 9 of the 1976 Code (SC National Guard Retirement System), as well as any benefits received, or to be received, from the federal government such as severance pay, military retirement pay, or VA benefits relating to the same disabilities at issue in the State military disability claim.

(C) From the funds credited and authorized to the State Accident Fund in the current fiscal year, the director of the State Accident Fund is authorized to offer a onetime lump sum settlement to members of the military disability program, subject to eligibility and the other requirements set forth in the proviso.

SECTION 78 - R200 - DEPARTMENT OF INSURANCE

78.1. (INS: Examiners Travel/Subsistence Reimbursement) Notwithstanding the limitations in this act as to amounts payable or reimbursable for lodging, meals, and travel, the Department of Insurance is authorized to reimburse department examiners in accordance with guidelines established by the National Association of Insurance Commissioners only when the State is reimbursed by an insurance company for the travel and subsistence expenses of Insurance Department examiners pursuant to Section 38-13-10 of the 1976 Code.

78.2. (INS: Reimbursement Carry Forward) Reimbursements received for Data Processing Services, Revenue, Miscellaneous Revenue and Sale of Listings and Labels shall be retained for use by the department. These funds may be carried forward in the current fiscal year.

78.3. (INS: Fees for Licenses) The Department of Insurance shall be authorized to charge a twenty-five dollar initial producer license fee; a twenty-five dollar biennial producer license renewal fee; and a two hundred-fifty dollar penalty fee for late appointment renewals. The

SECTION 78 - R200 - DEPARTMENT OF INSURANCE

director shall specify the time and manner of payment of these fees. These fees shall be retained by the department for the administration of Title 38.

SECTION 79 - R230 - BOARD OF FINANCIAL INSTITUTIONS

79.1. (FI: Supervisory Fees) The Board of Financial Institutions shall fix supervisory fees of banks, savings and loan associations and credit unions on a scale which, together with fees collected by the Consumer Finance Division will fully cover the total funds expended under this section.

**SECTION 80 - R280 - DEPARTMENT OF
CONSUMER AFFAIRS**

80.1. (CA: Consumer Protection Code Violations Revenue) Funds, paid to the department in resolution of cases involving violations of the South Carolina Consumer Protection Code and other statutes enforced by the department be retained and expended within the agency's budget to help offset the costs of investigating, prosecuting, and the administrative costs associated with these violations, may be carried forward and expended for the same purposes in the current fiscal year.

80.2. DELETED

80.3. (CA: Expert Witness/Assistance Carry Forward) Unexpended encumbered appropriated funds for the Consumer Advocacy expert witness/assistance program (under Section 37-6-603) may be carried forward into the next fiscal year to meet contractual obligations existing at June thirtieth and not paid by July thirty-first.

80.4. (CA: Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention) The Department of Consumer Affairs may retain all filing fees collected under Chapters 2, 3 and 6, Title 37 of the 1976 Code. These fees shall be used to offset the cost of administering and enforcing Title 37 and may be applied to the cost of operations. Unexpended balances may be carried forward for the prior fiscal year into the current fiscal year and be utilized for the same purposes.

80.5. (CA: Retention of Fees) For the current fiscal year, the department may retain all fees collected pursuant to Sections 39-61-80, 39-61-120, 40-39-120, and 44-79-80 of the 1976 Code. The funds retained shall be utilized to implement the requirements of the programs mandated by those sections of the code.

**SECTION 81 - R360 - DEPARTMENT OF LABOR,
LICENSING AND REGULATION**

81.1. (LLR: Fire Marshal - Authorization to Charge Fees for Training) 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 to the current fiscal year and utilized for the same purposes.

81.2. (LLR: Real Estate - Special Account) Revenue in the Real Estate Appraisal Registry account shall not be subject to fiscal year limitations and shall carry forward each fiscal year for the designated purpose.

81.3. (LLR: POLA - Ten Percent, Other Funds) The Professional and Occupational Offices in Program II.F. Professional and Occupational Licensing must remit annually an amount equal to ten percent of the expenditures to the general fund. The Contractor's Licensing Board must remit all revenues above their expenditures to the general fund. The revenue remitted by the Contractor's Licensing Board to the general fund includes the ten percent.

81.4. (LLR: Fire Marshal Fallen Firefighters Memorial) The Department of Labor, Licensing and Regulation - Division of 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 are to be placed in a fund for upkeep and maintenance. Any later contributions are to be used for upkeep and maintenance.

81.5. (LLR: Firefighter Mobilization Project) The department is directed to utilize \$165,000 of the funds derived under Section 2 of Act 1377 of 1968, as amended by Act 60 of 2001 from the tax of thirty-five one-hundredths percent imposed annually on the gross premium receipts less premiums returned on canceled policy contracts and less dividends and returns of unabsorbed premium deposits of all fire insurance companies doing business in the State to fund the Firefighter Mobilization Project.

81.6. (LLR: Match for Federal Funds) State appropriations to the Department of Labor, Licensing, and Regulation that are required to provide match for federal grant programs in the prior fiscal year may be carried forward into the current fiscal year and expended for the same purpose as originally appropriated.

**SECTION 81 - R360 - DEPARTMENT OF LABOR,
LICENSING AND REGULATION**

81.7. (LLR: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions to the OSHA and OSHA Voluntary Programs, the Department of Labor, Licensing, and Regulation shall be authorized to spend agency earmarked and restricted accounts to maintain these critical programs previously funded with general fund appropriations. Any increase in spending authorization for these purposes must receive the prior approval of the Executive Budget Office.

81.8. (LLR: Immigration Bill Funding Report) Prior to any funds carried forward from the prior fiscal year in Subfund 3135 being transferred to fund any other purpose, \$250,000 must be retained by the Department of Labor, Licensing, and Regulation to fund the department's responsibilities under the South Carolina Illegal Immigration Reform Act. The department shall compile an accountability report outlining expenditures of the Immigration Bill funding to be issued to the President of the Senate, the Chairman of the Senate Finance Committee, the Chairman of the Senate Finance Natural Resources and Economic Development Subcommittee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, and the Chairman of the House Ways and Means Transportation and Regulatory Subcommittee. Said report must be issued on the first Tuesday of February in the current fiscal year.

81.9. (LLR: Authorized Reimbursement) The Director of the Department of Labor, Licensing, and Regulation cannot authorize reimbursement under Section 40-1-50(A) of the 1976 Code to members of any board listed in Section 40-1-40(B) for meetings held at any location other than the offices of the department unless there has been a determination that the department is unable to provide space for the meeting in a state-owned or leased facility in Richland or Lexington County.

81.10. (LLR: Illegal Immigration Hotline Assistance) Upon the request of the Commission on Minority Affairs, the Department of Labor, Licensing, and Regulation shall provide assistance to establish and maintain a twenty-four hour toll free telephone number and electronic website to receive, record, collect, and report allegations of violations of federal immigration laws or related provisions of South Carolina law by any non-United States citizen or immigrant, and allegations of violations of any federal immigration laws or related

**SECTION 81 - R360 - DEPARTMENT OF LABOR,
LICENSING AND REGULATION**

provisions in South Carolina law against any non-United States citizen or immigrant.

Such violations shall include, but are not limited to, E-Verify or other federal work authorization program violations, violations of Chapter 83, Title 40 of the 1976 Code relating to immigration assistance services, or any regulations enacted governing the operation of immigration assistance services, false or fraudulent statements made or documents filed in relation to an immigration matter, as defined by Section 40-83-20, violation of human trafficking laws, as defined in Section 16-3-930, landlord tenant law violations, or violations of any law pertaining to the provision or receipt of public assistance benefits or public services.

81.11. (LLR: Board of Pharmacy) The Board of Pharmacy must accept affidavits of practical experience from interns whose practical experience internships occurred in this State. The affidavit must provide that the supervising pharmacist and the site of experience is licensed and in good standing with the board and that the internship falls within the criteria for internships set by the board. The affidavit must be accompanied by a ten dollar fee to cover administrative costs associated with compliance with this proviso.

81.12. (LLR: Office of State Fire Marshal - Clothing) The Department of Labor, Licensing, and Regulation is authorized to purchase and issue clothing to the non-administrative staff of the Office of the State Fire Marshal that are field personnel working in a regulatory aspect and/or certified to be a resident state fire marshal.

81.13. RESERVED

SECTION 82 - R400 - DEPARTMENT OF MOTOR VEHICLES

82.1. (DMV: Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Department of Motor Vehicles is authorized to expend federal and earmarked funds in the current fiscal year for expenditures incurred in the prior fiscal year.

82.2. (DMV: Cost Recovery Fee/Sale of Photos or Digitized Images) The Department of Motor Vehicles may collect processing fees and fees to recover the costs of the production, purchase, handling and mailing of documents, publications, records and data sets. The amount charged by the Department of Motor Vehicles for any fees collected pursuant to this proviso may not exceed the rates that the department

SECTION 82 - R400 - DEPARTMENT OF MOTOR VEHICLES

charged as of February 1, 2001. The Department of Motor Vehicles may not sell, provide or otherwise furnish to private parties, copies of photographs, whether digitized or not, taken for the purpose of a driver's license or personal identification card. Photographs and digitized images from a driver's license or personal identification card are not considered public records. Funds derived from these sources shall be retained by the department.

82.3. (DMV: DPPA Compliance Audit) The Department of Motor Vehicles may charge fees to defray the costs associated with auditing and enforcing compliance of all Federal or State statutes and regulations pertaining to personal information for customers receiving information disseminated by the department as allowed by law. This provision does not pertain to state agencies. The Comptroller General shall place the funds into a special restricted account to be used by the department.

82.4. (DMV: Underutilized Offices) The Director of the Department of Motor Vehicles is authorized to develop and implement a plan to reduce the hours of operation in underutilized DMV field offices; however the legislative delegation of the county in which the affected field office is located must be notified prior to implementation of the plan. In addition, the director shall review field offices which have a high volume of traffic to determine whether it would be beneficial to expand the hours of operation.

82.5. (DMV: Activities Allowed on Special Restricted Driver's License) In the current fiscal year, employing funds authorized or appropriated to the Department of Motor Vehicles pursuant to Section 82, Part IA of this act, the department must include employment, school, church-related or sponsored activities, and parentally approved sports activities in the categories for which it may waive or modify restrictions in the special restricted driver's license for certain minors. The licensee must provide the department a statement of the purpose of the waiver or modification of restrictions executed by the parents or legal guardian of the licensee and documents executed by church representatives and/or representatives of the sports entity for which the waiver is being requested.

82.6. (DMV: Fund Balance Carry Forward) The Department of Motor Vehicles may carry forward any unexpended general fund balance or other funds not designated for REAL ID and/or Phoenix III from the prior fiscal year and expend those funds in the current fiscal year for expenditures as needed.

SECTION 82 - R400 - DEPARTMENT OF MOTOR VEHICLES

82.7. (DMV: Phoenix III Migration Pilot) In Fiscal Year 2019-20, the department shall be authorized to expend the remainder of the \$1,000,000 authorized in the prior fiscal year from any available other earmarked cash balances to conduct a proof-of-concept pilot for Phoenix III development and data migration. Funds may be expended only upon review and approval of the Department of Administration through the IT project governance process established by Proviso 117.117.

82.8. (DMV: Real ID) For Fiscal Year 2019-20, the Department of Motor Vehicles may expend any available earmarked cash reserves, with the exception of the funds designated for the Phoenix III pilot, on the implementation of Real ID.

82.9. (DMV: Electronic Verification Processing Fees) In the current fiscal year, the Department of Motor Vehicles is exempt from paying fees to the Department of Health and Environmental Control associated with the use of the Electronic Verification of Vital Events (EVVE) system to verify or certify birth certificates during the driver's license or identification card issuance process.

82.10. (DMV: Minor Identification Card Fees) In the current fiscal year, the Department of Motor Vehicles may waive the five dollar fee associated with issuing an identification card to someone less than 17-years-old if the card issuance is through an established partnership with a state or federal agency.

**SECTION 83 - R600 - DEPARTMENT OF
EMPLOYMENT AND WORKFORCE**

83.1. (DEW: Business Intelligence Division Program Contracts) All earmarked funds collected for the Business Intelligence Division Program Contracts through the Department of Employment and Workforce may be retained by the agency to be used for the exclusive purpose of operating these programs. All funds not expended in the prior fiscal year may be carried forward for use in the current fiscal year.

83.2. (DEW: Federal and Earmarked Prior Year Payments) The Department of Employment and Workforce shall be allowed to pay federal and earmarked prior year obligations with current year funds.

83.3. (DEW: Transparency of Funding Appropriation) In order to promote accountability and transparency, the Department of Employment and Workforce must provide and release to the public via the agency's website, a report of all aggregate amounts of taxes, fees and payments that were charged, collected and paid by that state agency in

**SECTION 83 - R600 - DEPARTMENT OF
EMPLOYMENT AND WORKFORCE**

the prior fiscal year. For the purpose of efficiency and conservation of resources, this report shall be incorporated into the Trust Fund Report due by October first as required by Section 41-33-45 of the 1976 Code. In addition to the requirements of Section 41-33-45, the Trust Fund Report shall include, but not be limited to: (1) SUTA taxes collected per Tier; (2) unemployment benefit claims paid; (3) how many unemployment claims were made in error; (4) loan repayments made to the federal government; and (5) the amount of funds left in the agency's account at the end of the fiscal year. The report must be posted online by October first of the current fiscal year. Additionally, the report must be delivered to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by October first. Funds appropriated to and/or authorized for use by the department shall be used to accomplish this directive.

83.4. (DEW: Negotiation of Interest) For the current fiscal year and upon final repayment of all Title XII advances from the Federal Unemployment Account received by the state beginning in December of 2008, any interest assessment funds received by the Department of Employment and Workforce Interest Assessment Fund pursuant to Section 41-33-810 of the 1976 Code shall be transferred to the Unemployment Compensation Fund.

83.5. (DEW: UI Tax System Modernization) The Department of Employment and Workforce is authorized to expend up to \$2,749,690 of funds made available to the State under Section 903 of the United States Social Security Act, as amended. The funds must be used under the direction of the Department of Employment and Workforce, for the purpose of acquiring software, equipment, and necessary services to replace the agency's unemployment tax information system with a modern technology solution. No part of the funds herein authorized may be obligated after a two-year period beginning on July 1, 2018. The amount obligated pursuant to this provision shall not at any time exceed the amount by which (a) the aggregate of amounts transferred to the accounts of the State pursuant to Section 903 of the Social Security Act exceeds (b) the aggregate of the amounts obligated for administration and paid out for administration and paid out for benefits and required by law to be charged against the amounts transferred to the account of this State.

83.6. (DEW: Employment Training Outcomes Data Sharing) The Workforce Innovation and Opportunity Act (WIOA) (P.L. 113-128),

**SECTION 83 - R600 - DEPARTMENT OF
EMPLOYMENT AND WORKFORCE**

requires integration of training and employment data for the purposes of improving assessment of employment outcomes for the various training providers eligible to receive funding appropriated or authorized by this Act.

(A) The department must enter into a data-sharing agreement with eligible training providers (ETPs) prior to the ETP entering student data into the Palmetto Academic Training Hub (PATH). ETPs will submit data related to the types of training programs offered, individual student coursework, including personal identifying information (PII) to match training, employment data and performance outcomes, program completion and time to complete, and program costs, as outlined in federal guidance.

(B) State agencies needing data from the Department of Employment and Workforce must meet an exception permitting disclosure, pursuant to 20 C.F.R. Part 603. Prior to providing data to a state agency, the department must enter into a data sharing agreement with the requesting agency, as described in 20 C.F.R. Part 603. Requesting state agencies must identify a need in the administration of the official duties for department data, as required by 20 C.F.R. Part 603. The department shall charge state agencies, excluding the Department of Commerce, for costs, as described in federal and state law, for the data sharing requests. The Department of Commerce shall not be charged for costs associated with this provision.

SECTION 84 - U120 - DEPARTMENT OF TRANSPORTATION

84.1. (DOT: Expenditure Authority Limitation) The Department of Transportation is hereby authorized to expend all cash balances brought forward from the previous year and all income including all federal funds, unexpended general funds and proceeds from bond sales accruing to the Department of Transportation, but in no case shall the expenditures of the Department of Transportation exceed the amount of cash balances brought forward from the preceding year plus the amount of all income including federal funds, general funds and proceeds from bond sales.

84.2. (DOT: Special Fund Authorization) The Department of Transportation with the approval of the State Treasurer, is hereby authorized to set up with the State Treasurer such special funds out of

SECTION 84 - U120 - DEPARTMENT OF TRANSPORTATION

the Department of Transportation funds as may be deemed advisable for proper accounting purposes.

84.3. (DOT: Secure Bonds & Insurance) The Department of Transportation is hereby authorized to secure bonds and insurance covering such activities of the department as may be deemed proper and advisable, due consideration being given to the security offered and the service of claims.

84.4. (DOT: Benefits) Employees of the Department of Transportation shall receive equal compensation increases, health insurance benefits and employee bonuses provided in this act for employees of the State generally. The amount will be funded from Department of Transportation funding sources.

84.5. (DOT: Document Fees) The Department of Transportation is hereby authorized to establish an appropriate schedule of fees to be charged for copies of records, lists, bidder's proposals, plans, maps, etc. based upon approximate actual costs and handling costs of producing such copies, lists, bidder's proposals, plans, maps, etc.

84.6. (DOT: Meals in Emergency Operations) The Department of Transportation may provide meals to employees of the department 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.

84.7. (DOT: Rest Area Water Rates) For the current fiscal year, rest areas of the Department of Transportation shall 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.

84.8. (DOT: Shop Road Farmers Market Bypass Carry Forward) Unexpended funds appropriated for the Shop Road Farmers Market Bypass may be carried forward into the current fiscal year and expended for the matching requirement for the widening and expansion of Leesburg Road from Fairmont to Wildcat Road (Lower Richland roads-Phase I).

84.9. DELETED

84.10. (DOT: Project Priority List) From the funds appropriated to the department, the Department of Transportation Commission project priority lists, as required under Act 114 of 2007, shall be published in a conspicuous place on the department's website in a manner easily accessible to the public. The priority lists shall be accompanied by the associated engineering directives explaining the ranking process and methodology for applying the commission approved criteria.

SECTION 84 - U120 - DEPARTMENT OF TRANSPORTATION

84.11. (DOT: General Fund Balance Carry Forward) The Department of Transportation may carry forward any unexpended general fund balance from the prior fiscal year and expend those funds in the current fiscal year.

84.12. (DOT: Reimbursement for Vehicle Damage) Of the funds appropriated to the Department of Transportation, the department must develop direct internet access from the department's home page to any document or claim form that may be used by the public to seek reimbursement for vehicle damages caused by poor road conditions. The department must post a link to the documents or claim forms on the department's home page in a prominent, easily viewed location.

84.13. (DOT: Preventative Maintenance Credit) The Department of Transportation is authorized to transfer a portion of proceeds of the motor fuel user fee received from Section 12-28-310(D) to the Department of Revenue in order to satisfy the requirements of the preventive maintenance credit in Section 12-6-3780(B)(2).

84.14. (DOT: Emergency Meetings) The Department of Transportation Commission is authorized to use funds under this Act in order to convene a meeting in cases of emergency as determined by the Secretary of Transportation when a natural disaster or other dire situation requires immediate action. Notice shall be given to the press and the public as soon as a decision is made to convene an emergency meeting. Only emergency matters may be considered in such a meeting. The meeting shall be open to the public, and may be conducted over a conference call if necessary.

84.15. (DOT: CTC Donor Bonus) The Department of Transportation is authorized, in order to meet the requirements of Act 40 of 2017, to transfer a portion of the proceeds of the motor fuel user fee received from Section 12-28-310(D) of the 1976 Code to satisfy the donor bonus for County Transportation Committees in Section 12-28-2740(H).

84.16. DELETED

84.17. DELETED

84.18. DELETED

SECTION 85 - U150 - INFRASTRUCTURE BANK BOARD

85.1. (IBB: Board Meeting Coverage) Of the funds authorized for the State Transportation Infrastructure Bank Board, the Bank must provide live-streamed coverage of all Board meetings to ensure transparency and access for the public. The board meetings shall be

SECTION 85 - U150 - INFRASTRUCTURE BANK BOARD

recorded and archived and made available on the South Carolina Transportation Infrastructure Bank's website.

SECTION 86 - U200 - COUNTY TRANSPORTATION FUNDS

86.1. (CTC: Increased Funding) The requirement of Section 13 of Act 40 of 2017 for increased funding to the County Transportation Committees shall come from the proceeds of Section 12-28-310(D), and shall be used exclusively for repairs, maintenance, and improvements to the state highway system.

SECTION 87 - U300 - DIVISION OF AERONAUTICS

87.1. (AERO: Reimbursement for Services Carry Forward) The Division of Aeronautics may retain and expend reimbursements derived from charges to other government agencies for service and supplies for operating purposes and that a reserve not to exceed \$300,000 may be carried forward to the current fiscal year for the replacement of time limit aircraft components.

87.2. (AERO: Office Space Rental) Revenue received from rental of Division of Aeronautics office space may be retained and expended to cover the cost of building operations.

87.3. (AERO: Funding Sequence) All General Aviation Airports will receive funding prior to the four air carrier airports (i.e. Columbia, Charleston, Greenville-Spartanburg, Myrtle Beach Jetport) as these qualify for special funding under the DOT/FAA appropriations based on enplanements in South Carolina.

87.4. (AERO: Hangar/Parking Facilities) The Division of Aeronautics will provide hangar/parking facilities for government owned and/or operated aircraft on a first come basis. Funds shall be retained by the division for the purpose of hangar and parking facility maintenance. The Hangar Fee Schedule shall be determined by the division and shall not exceed local average market rates.

Personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.

87.5. (AERO: Aviation Grants) The funds appropriated for Aviation Grants, in this bill or any bill supplemental thereto, shall be credited to the State Aviation Fund within the Division of Aeronautics for the following purposes:

SECTION 87 - U300 - DIVISION OF AERONAUTICS

(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 or

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

Sponsors of publicly owned airports for public use are eligible to receive grants pursuant to this provision, 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.

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 provision. The Commission also shall have discretion consistent with Section 55-5-170 of the 1976 Code 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 shall be submitted to the Senate Finance Committee and the House Ways and Means Committee.

Unspent funds from the prior fiscal year may be carried forward to the current fiscal year and spent for like purposes.

SECTION 88 - Y140 - STATE PORTS AUTHORITY

88.1. (SPA: Charleston Cooper River Bridge Project) The State Ports Authority shall, from other general fund or operating fund surplus available and any funds appropriated to the authority in prior fiscal years and left unexpended as of July 1, 2019, pay to the State Transportation Infrastructure Bank one million dollars before June 30, 2020, to continue the Charleston Cooper River Bridge Project.

88.2. (SPA: Georgetown Port Marketing) The State Ports Authority will continue its cargo diversification strategy which enhances the

SECTION 88 - Y140 - STATE PORTS AUTHORITY

marketing of all terminal capabilities in Charleston and Georgetown highlighting cruise, breakbulk, bulk, and roll on/roll-off.

88.3. (SPA: Harbor Deepening Reserve Fund) The State Ports Authority shall maintain the Harbor Deepening Reserve Fund. This fund shall be separate and distinct from the General Fund and interest accrued by the fund must remain in the fund. This fund must be used exclusively by the South Carolina Ports Authority for the activities associated with deepening the state's harbors. Prior to expending any amount from the fund, the State Ports Authority must present a comprehensive plan for the use of the fund for harbor deepening to the Joint Bond Review Committee for review and comment. These funds shall be carried forward from the prior fiscal year into the current fiscal year and must be used for the same purpose.

88.4. (SPA: Georgetown Port Maintenance Dredging Fund) The State Ports Authority shall maintain the Georgetown Port Maintenance Dredging Fund and any funds appropriated in this act for this purpose shall be deposited into this account. This fund shall be separate and distinct from the General Fund and the Harbor Deepening Reserve Fund and interest accrued by the fund must remain in the fund. This fund must be used exclusively by the South Carolina Ports Authority for the activities associated with the maintenance dredging of the Port of Georgetown. Prior to expending any amount from the fund, the State Ports Authority must present a comprehensive plan for the use of the fund for maintenance dredging to the Joint Bond Review Committee for review and comment. These funds shall be carried forward from the prior fiscal year into the current fiscal year and must be used for the same purpose.

88.5. (SPA: Jasper Ocean Terminal Permitting) From funds specifically appropriated to the State Ports Authority (SPA) for the Jasper Ocean Terminal, not more than \$5,000,000 shall be spent on the purchase of real property as may be available for purchase through that certain Option Agreement by and between Sherwood Plantation, Inc., and Southern Carolina Regional Development Alliance (SCRDA) dated September 20, 2017, as may be amended, so long as SCRDA secures the right to and assigns said Option Agreement to the SPA no later than September 30, 2019. In no event and under no circumstance shall the cost, expense, purchase price, payments, fees, or any associated charges for the acquisition of such property cause the SPA to expend more than the \$5,000,000 appropriated for this purpose. It is understood that this

SECTION 88 - Y140 - STATE PORTS AUTHORITY

limitation shall result in less than the full acreage currently under option being purchased by the SPA.

Should the Option Agreement be exercised by the SPA, then SPA shall take title and include in the deed language providing that such property purchased pursuant to the Option Agreement shall be transferred to Jasper County by operation of law in the event that upon the fifth anniversary of the closing on such property the property has not been sold, leased, or otherwise utilized for an economic development project that will utilize port facilities. The intent of such condition is to develop the property in a manner that highlights the necessity of the Jasper Ocean Terminal.

Any funds appropriated to the (SPA) for the Jasper Ocean Terminal remaining after the exercise of and purchase of real property pursuant to the Option Agreement or in the event the SCRDA does not assign the Option Agreement by September 30, 2019, shall be utilized by the SPA to pay for activities approved and directed by the joint venture governing board and associated with advancing the Project during FY 2019-20. In connection with activities that are approved and directed by the joint venture, SPA shall comply with the directive of Section 54-3-115 of the South Carolina Code in regard to taking "all action necessary to expeditiously develop a port in Jasper County." Activities undertaken during FY 2019-20 may include, but are not limited to, the following:

1. working on a corporate governance model for the joint venture as an operating port;
2. working on terminal simulation for design and operation;
3. working on plans, studies, and modeling in conjunction with the respective South Carolina and Georgia Departments of Transportation and the metropolitan planning organization to identify and assess supporting road and rail infrastructure for the terminal footprint including, but not limited to, supporting infrastructure that may have independent utility;
4. working on sedimentation modeling for impacts on construction and dredging;
5. taking actions in furtherance of obtaining: (a) a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act; (b) a permit pursuant to Section 404 of the Clean Water Act, to prepare a Channel Modification Feasibility Study; and (c) studies necessary in connection with developing an Environmental Impact Statement for the Project; and

SECTION 88 - Y140 - STATE PORTS AUTHORITY

6. discharging its obligations pursuant to its Joint Venture Agreement with the Georgia Ports Authority.

The funds appropriated to SPA for the Jasper Ocean Terminal Permitting may not be used for reimbursement of SPA expenditures made in a prior fiscal year and must be used only for one or more of the purposes set forth above.

SPA shall provide a detailed report in writing to the members of the South Carolina General Assembly on or before the first day of the 2020 legislative session and another such report on or before June 30, 2020, describing the progress made as of the dates of those reports in regard to the Jasper Ocean Terminal, such to include a description of the ongoing and planned work.

88.6. (SPA: Jasper Ocean Terminal Port Facility Infrastructure Fund) There is created within the State Ports Authority the Jasper Ocean Terminal Port Facility Infrastructure Fund. The State Ports Authority shall maintain the Jasper Ocean Terminal Port Facility Infrastructure Fund and any funds appropriated in this act for this purpose shall be deposited into this account. This fund shall be separate and distinct from the General Fund and interest accrued by the fund must remain in the fund. This fund must be used exclusively by the State Ports Authority for activities associated with the development of the Jasper Ocean Terminal Port facility and infrastructure necessary to support the facility. These funds shall be carried forward from the prior fiscal year into the current fiscal year and must be used for the same purpose.

SECTION 91 - A990 - LEGISLATIVE DEPARTMENT

91.1. (LEG: Legislative Employee Designations) The positions included in this section designated (P) shall denote a permanent employee and the salary is an annual rate. The positions designated (T) shall denote a temporary employee and the salary is for a period of six months to be paid at that rate only while the General Assembly is in session. The positions designated as (Interim) shall denote a temporary employee and the salary is for a period of six months to be paid at that rate while the General Assembly is not in session. The positions designated (PTT) shall denote part-time temporary employees on a twelve-months basis. The positions designated (PPT) shall denote permanent part-time employees retained for full-time work for a period of months or the duration of the legislative session.

SECTION 91 - A990 - LEGISLATIVE DEPARTMENT

91.2. (LEG: Legislative Employee BPI/Merit) Legislative employees designated (P) or (PPT) shall receive base pay and average merit pay in the same manner as such pay is granted to classified state employees, but for purposes of this paragraph, the term “legislative employees” does not include employees of the House of Representatives. From the funds appropriated for Employee Pay Increases, the Speaker of the House and the President of the Senate shall determine the amount necessary for compensation of the employees of the House and Senate.

91.3. (LEG: Interim Expenses Allowance) The Chairman of the Standing House and Senate Committees shall each be allowed the sum of six hundred and fifty dollars for expenses during the interim, between sessions of the General Assembly, to be paid from the House or Senate approved accounts, with each body paying the expense allowance of the chairman in its membership. The Speaker of the House is authorized to approve not more than six hundred and fifty dollars for expenses during the interim for Chairmen of the Standing Committees of the House.

91.4. (LEG: Subsistence/Travel Regulations) (A) Members of the General Assembly shall receive subsistence for each legislative day that the respective body is in session and in any other instance in which a member is allowed subsistence expense. No member of the General Assembly except those present are eligible for subsistence on that day. Legislative day is defined as those days commencing on the regular annual convening day of the General Assembly and continuing through the day of adjournment sine die, excluding Friday, Saturday, Sunday, and Monday.

(B) Standing Committees of the Senate and House of Representatives are authorized to continue work during the interim; however, House members must receive advanced approval by the Speaker of the House and Senate members must receive advanced approval by the President of the Senate or Standing Committee Chairman to meet. If such advanced approval is not received, the members of the General Assembly shall not be paid the per diem authorized in this provision. When certified by the Speaker of the House, President of the Senate, or Standing Committee Chairman, the members serving on such committees shall receive a subsistence and mileage at the rate provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees while attending scheduled meetings. Members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The

SECTION 91 - A990 - LEGISLATIVE DEPARTMENT

funds for allowances specified in this proviso shall be paid to the members of the Senate or House of Representatives from the Approved Accounts of the respective body except as otherwise may be provided.

(C) Joint Study Committees created pursuant to Acts and Resolutions of the General Assembly are authorized to continue work during the interim to secure such information and complete such investigations as may be assigned to the respective committees; however, House members must receive advanced approval by the Speaker of the House and Senate members must receive advanced approval by the President of the Senate or Standing Committee Chairman to meet. If such advanced approval is not received, the House and Senate members of the Joint Study Committee shall not be paid the per diem authorized in this provision. When certified by the appropriate authority, the members appointed to such committees shall receive a subsistence and mileage at the rate provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees while attending scheduled meetings. Members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The allowances specified in this proviso shall be paid from funds appropriated to the respective committees for such purposes, or from Approved Accounts of the respective body of the General Assembly if no funds have been appropriated to such a committee for these purposes.

(D) Members of the Senate and the House of Representatives when traveling on official State business shall be allowed a subsistence and transportation expenses as provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees upon approval of the appropriate chairman. When traveling on official business of the Senate or the House of Representatives not directly associated with a committee of the General Assembly, members shall be paid the same allowance upon approval of the President of the Senate or the Speaker of the House of Representatives. In either instance, the members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The funds for the allowances specified in this proviso shall be paid from the Approved Accounts of the Senate or the House of Representatives or from the appropriate account of the agency, board, commission, task force or committee upon which the member serves.

(E) Members of the House of Representatives shall not be reimbursed for per diem, subsistence, or travel in connection with any

SECTION 91 - A990 - LEGISLATIVE DEPARTMENT

function held outside of the regular session of the General Assembly unless prior approval has been received from the Speaker of the House.

(F) Notwithstanding any other provision of law, subsistence and mileage reimbursement for members of the General Assembly shall be the level authorized by the Internal Revenue Service for the Columbia area. Provided, in calculating the subsistence reimbursement for members of the General Assembly the reimbursement rate for the lodging component shall be the average daily rate for hotels in the Columbia Downtown area as defined by the Columbia Metro Convention and Visitor's Bureau for the preceding fiscal year.

91.5. (LEG: Senate Voucher Approval) All payroll vouchers, disbursement vouchers, and interdepartmental transfers of the Senate shall only require the approval of the Clerk of the Senate.

91.6. (LEG: Supplies Approval) All supplies for the Senate shall be purchased only upon the authority of the Clerk of the Senate and all supplies for the House of Representatives shall be purchased only upon the authority of the Clerk of the House.

91.7. (LEG: House Pages) Up to one hundred forty-four Pages may be appointed pursuant to House policies and procedures and they shall be available for any necessary service to the House of Representatives.

91.8. (LEG: Senate Research Personnel Compensation) Senate Research personnel other than Directors of Research and the committee research staff shall be paid from funds appropriated for Senate Research at the direction of the Clerk of the Senate.

91.9. (LEG: Contract for Services) The Standing Committees of the Senate may, upon approval of the President of the Senate, contract with state agencies and other entities for such projects, programs, and services as may be necessary to the work of the respective committees. Any such projects, programs, or services shall be paid from funds appropriated for contractual services.

91.10. (LEG: Jt. Leg. Committee Operational Authorization) Only the Joint Legislative Committees for which funding is provided herein are authorized to continue operating during the current fiscal year under the same laws, resolutions, rules or regulations which provided for their operations during the prior fiscal year.

91.11. (LEG: Legislative Carry Forward) In addition to the funds appropriated in this section, the funds appropriated under Part IA, Sections 91A, 91B, 91C, 91D, and 91E for the prior fiscal year which are not expended during that fiscal year may be carried forward to be expended for the same purposes in the current fiscal year.

SECTION 91 - A990 - LEGISLATIVE DEPARTMENT

91.12. (LEG: Senate Expenditures/O&M Committee) Notwithstanding any limitation or other provisions of law to the contrary, funds expended by the Senate for salary adjustments, professional fees and dues, and necessary expenses, supplies, and equipment for Senate employees, must be paid from funds appropriated to the Senate Operations and Management Committee and funds available in approved accounts of the Senate, and shall be authorized and allocated in such manner as determined by the Senate Operations and Management Committee. From the funds annually allocated to each Senator and Representative for postage and telephone, \$250 may be used to purchase American and State flags.

91.13. (LEG: In-District Compensation) All members of the General Assembly shall receive an in-district compensation of \$1,000 per month.

91.14. (LEG: Additional House Support Personnel) The House Operations and Management Committee shall determine procedures and policies for the administration and operation of the Legislative Aide program and the House Operations and Management Committee shall manage the program. Appropriations to the House of Representatives in Part IA shall fund the program.

91.15. (LEG: House Postage) The Speaker of the House is authorized to approve no more than \$1,200 per member per fiscal year for postage.

91.16. (LEG: Legislative Dual Employment) Each committee and joint legislative committee provide a list to the members of the General Assembly of all employees who hold dual positions of state employment.

91.17. (LEG: Code of Law Reimbursement) The Legislative Council may require reimbursement from public sector recipients except for the General Assembly of its cost of acquiring codes of law, supplements, or replacement volumes distributed to them.

91.18. (LEG: Statewide Acts Availability) From the funds appropriated in Part IA, Section 91D of this act, for the current fiscal year the clerks of the House of Representatives and the Senate are to make all statewide Acts available to the public electronically. The provisions of this section are in lieu of the House and Senate Clerks' duties related to the printing and mailing of acts as set forth in Sections 2-13-190, 2-13-210, and 11-25-640 through 11-25-680 of the 1976 Code.

91.19. (LEG: LAC Matching Federal Funds) The Legislative Audit Council is authorized to use funds appropriated in this act as state matching funds for federal funds available for audits and reviews. The council is also authorized to charge state agencies for federal funds, if

SECTION 91 - A990 - LEGISLATIVE DEPARTMENT

available, for the costs associated with audits and reviews. Agencies shall remit the federal funds to the Legislative Audit Council as reimbursement for the costs of audits and reviews.

91.20. (LEG: Other Funds Oversight Committee) There is created a joint committee of the Senate and of the House of Representatives entitled the Other Funds Oversight Committee. The committee shall consist of eight members as follows: the Chairman of the Senate Finance Committee, or his designee; one member of the Senate Finance Committee appointed by the Chairman of the Senate Finance Committee; the Chairman of the House of Representatives Ways and Means Committee, or his designee; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means Committee; the Senate Majority Leader, or his designee; the Senate Minority Leader, or his designee; the House Majority Leader, or his designee; and the House Minority Leader, or his designee.

The committee shall review and examine the source of other funds in this State and recommend to the General Assembly the appropriate policy for the receipt, appropriation, expenditure, and reporting of other funds. In making its determination, the committee shall solicit and receive testimony from state agencies, departments, boards or commissions regarding the status of the receipt of other funds, the conditions of receipt, the expenditure of other funds, and any relevant statistic or measurement. The committee shall make recommendations to the General Assembly regarding any necessary action.

The Executive Budget Office must notify the committee of any request for an increase in interim budget authorization resulting from other funds collections that is made by any state agency, department, board, or commission. The committee shall review each request and recommend appropriate action.

Members of the committee shall serve without compensation, but are allowed the usual per diem and mileage as provided by law for members of boards, commissions, and committees while on official business.

For purposes of the proviso, 'other funds' means any revenues received by an agency which are not federal funds and are not general funds appropriated by the General Assembly in the appropriations act.

91.21. (LEG: DMV Audit Review) For the current fiscal year, the provisions of Section 56-1-5(F) are suspended. Any savings generated by not conducting the review shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.

SECTION 91 - A990 - LEGISLATIVE DEPARTMENT

91.22. (LEG: Electronic Correspondence) For the current fiscal year, the House of Representatives may not expend any funds for the printing or mailing of bills, summaries, committee agendas, etc. to committee members. The House of Representatives shall send all relevant information concerning committee meetings to committee members via electronic means.

91.23. (LEG: Technology Panel) Of the funds appropriated in the Department of Education's program VIII.D. for Technology the K-12 Technology Initiative partnership shall provide a report to the House Education and Public Works Committee, the House Ways and Means Committee, the Senate Education Committee and the Senate Finance Committee, describing the state's efforts to facilitate the cost effective provision of connectivity and internet bandwidth to schools and libraries on a statewide basis, regardless of location, activities to assist schools and libraries in minimizing and detecting internet security threats, the development and utilization of technological and online resources to support student development and achievement, the development and utilization of curriculum and professional training to support the use of instructional technology in schools and libraries, and other educational technology related activities engaged in by the partnership. Further, the report must detail information on the expenditure of the K-12 Technology funds by each district as well as a list of the districts requesting flexibility in the use of those funds. The report shall be submitted no later than June 1, 2020.

91.24. (LEG: Legislative Department Applicability) For purposes of this act and any other provision of law that would have any effect on the expenditure of state revenue through the applicability of the particular provision or through compliance with a mandate or requirement of the provision, the terms "state agency" or "agency" do not include any component of the Legislative Department unless the provision of law specifically includes these entities and the inclusion only applies for purposes of the particular provision.

91.25. (LEG: Requested Information) The departments, bureaus, officers, commissions, institutions, and other agencies or undertakings of the State, upon request, shall immediately furnish to President of the Senate or the Speaker of the House of Representatives in such form as he may require, any information requested in relation to their respective affairs or activities.

91.26. (LEG: Lawsuit Intervention by Legislature) The President of the Senate, on behalf of the Senate, and the Speaker of the House of

SECTION 91 - A990 - LEGISLATIVE DEPARTMENT

Representatives, on behalf of the House of Representatives have an unconditional right to intervene on behalf of their respective bodies in a state court action and may provide evidence or argument, written or oral, if a party to that court action challenges:

- (a) the constitutionality of a state statute;
- (b) the validity of legislation; or
- (c) any action of the Legislature.

In a federal court action that challenges the constitutionality of a state statute, the validity of legislation, or any action of the Legislature, the Legislature may seek to intervene, to file an amicus brief, or to present argument in accordance with federal rules of procedure.

Intervention by the Legislature pursuant to this provision does not limit the duty of the Attorney General to appear and prosecute legal actions or defend state agencies, officers or employees as otherwise provided.

In any action in which the Legislature intervenes or participates, the Senate and the House of Representatives shall function independently from each other in the representation of their respective clients.

The Attorney General shall notify the President of the Senate and the Speaker of the House of Representatives of a claim that challenges the constitutionality of a state statute, the validity of legislation, or any action of the Legislature.

SECTION 92 - D210 - OFFICE OF THE GOVERNOR

92.1. (GOV: Governor's Office Budget) All other provisions of law notwithstanding, the Executive Control of State section and Mansion and Grounds section shall be treated as a single budget section for the purpose of transfers and budget reconciliation.

92.2. (GOV: Mansion and Grounds Budget) The Governor's Office of Mansion and Grounds shall not exceed ten percent of its quarterly allocation of funds so as to provide for agency operations on a uniform basis throughout the fiscal year.

92.3. (GOV: Mansion and Grounds Maintenance and Complex Facilities) Revenue collected from rental of Mansion Complex facilities and grounds must be retained and expended by the Governor's Office, Mansion and Grounds to support its operations. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.

SECTION 92 - D210 - OFFICE OF THE GOVERNOR

92.4. (GOV: Use of Funds Report) In order to ensure transparency and accountability, the Governor's Office of Executive Control of State shall report quarterly to the Senate Finance Committee and House Ways and Means Committee on financial transactions that have taken place between Executive Control of State and Mansion and Grounds. These transactions shall include, but are not limited to, any transfer of funds or payments or reimbursements for services rendered. For each transfer, payment, or reimbursement the report must specify the amount, the reason for, or circumstance that necessitated the transaction, and the source of funds used. In the event federal or other funds were utilized, the source from which the revenue was generated must also be included. The report must be submitted as soon after the end of each quarter as practicable.

SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION

93.1. (DOA: Developmental Disabilities Council) Of the funds appropriated to the Department of Administration, Office of Executive Policy and Programs, \$50,000 must be used as state match for the Developmental Disabilities Council federal grant. These funds shall be excluded from the Department of Administration's base budget calculation of any across-the-board agency base reductions mandated by the Executive Budget Office or General Assembly.

93.2. DELETED

93.3. DELETED

93.4. DELETED

93.5. DELETED

93.6. DELETED

93.7. (DOA: M.J. "Dolly" Cooper Veterans Cemetery Carry Forward) The Department of Administration, Office of Executive Policy and Programs, Veterans' Affairs Program may carry forward unexpended funds appropriated and/or authorized for the M.J. "Dolly" Cooper Veterans Cemetery from the prior fiscal year and shall use such funds for the same purpose. In addition, any unexpended funds in the Veterans' Affairs Program, including Special Line Items, shall be carried forward from the prior fiscal year into the current fiscal year and used for operation of the M.J. "Dolly" Cooper Veterans Cemetery. Funds carried forward in excess of the amount needed for the operation of the Cemetery may be used for other expenses of the Veterans' Affairs

SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION

Program. Funds carried forward may not be transferred to any other Department of Administration programs.

93.8. (DOA: Veterans' Affairs Budget Reduction Exemption) Funds appropriated for the Department of Administration, Office of Executive Policy and Program, Veterans' Affairs Program shall be excluded from the Department of Administration's base budget in the calculation of any across-the-board agency base reductions mandated by the Executive Budget Office or General Assembly.

93.9. (DOA: State House Operation & Maintenance Account) Funds appropriated to the Department of Administration - for State House Maintenance & Operations & Renovations must be set aside in a separate account for the operation and maintenance of the State House. The department shall report annually to the State House Committee on the amount expended from this fund.

93.10. (DOA: Compensation - Reporting of Supplemental Salaries) No supplement shall be paid to an agency's employee unless the agency head or designated official of the employing agency, or in the case of supplements paid to college and university presidents, their board of trustees, has approved the conditions and amount of salary supplement. Any compensation, excluding travel reimbursement, from an affiliated public charity, foundation, clinical faculty practice plan, or other public source or any supplement from a private source to the salary appropriated for a state employee and fixed by the State must be reported by the employing agency to the Department of Administration. The report must include the employee's base salary, amount of the supplement, source of the supplement, and any condition of the supplement. The employing agency must report this information on or before August thirty-first of each year and must include the total amount and source of the salary supplement received by the employee during the preceding fiscal year (July first through June thirtieth). The Department of Administration shall formulate policies and procedures to ensure compliance with the reporting provisions of this proviso. Copies of the reports shall be made available to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, upon request.

93.11. (DOA: Compensation Increase - Appropriated Funds Ratio) Appropriated funds may be used for compensation increases for classified and unclassified employees and agency heads only in the same ratio that the employee's base salary is paid from appropriated sources.

SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION

93.12. (DOA: Local Provider Health Insurance) The local health care providers of the Department of Disabilities and Special Needs shall be awarded funding increases as prescribed for state agencies to cover the employer's share for the cost of providing health and dental insurance to their employees.

93.13. (DOA: Military Service) Notwithstanding the provisions of Section 8-11-610 of the 1976 Code, a permanent full-time state employee who serves on active duty as a result of an emergency or conflict declared by the President of the United States, and performs such duty, may use up to forty-five days of accumulated annual leave and may use up to ninety days of accumulated sick leave in a calendar year as if it were annual leave.

93.14. (DOA: First Responder Interoperability) 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. First Responder Interoperability administration and coordination shall be funded as provided in this act. The cost-proportional funds shall 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. 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 shall be reduced in a proportional amount. The funds shall also 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 shall 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. 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 proviso. Each fiscal year the Department of

SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION

Administration shall establish the level of match required based upon funding provided by this act. These entities shall be 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. All funds shall 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.

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

93.15. (DOA: Sale of Surplus Real Property) Up to fifty percent of the proceeds, net of selling expenses, from the sale of surplus real properties shall be retained by the Department of Administration and used for the deferred maintenance of state-owned buildings. The remaining fifty percent of the net proceeds shall be returned to the agency that the property is owned by, under the control of, or assigned to and shall be used by that agency for nonrecurring purposes. This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority; the Ports Authority; the MUSC Hospital Authority; the Myrtle Beach Air Force Redevelopment Authority; the Department of Transportation; the Columbia State Farmers Market; the Department of Agriculture's Columbia Metrology Lab building and property; the Charleston Naval Complex Redevelopment Authority; the Department of Commerce's Division of Public Railways; the Midlands Technical College Enterprise Campus Authority; the Trident Technical College Enterprise Campus Authority; the Commissioners residence at the Department of

SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION

Corrections and the Educational Television Commission's Key Road property.

The Educational Television Commission shall be authorized to retain the net proceeds from the sale of its property on Key Road, and such proceeds may be used for the renovation of the ETV Telecommunications Center and other maintenance and operating expenses. If it is determined that sufficient net proceeds are not to be derived from the sale of its property on Key Road to cover the cost of all renovations of the Telecommunications Center, the property on Key Road shall not be sold. Any proposed sale hereunder shall, prior to said sale, be submitted to the Department of Administration for approval as being in compliance with the requirements of this subsection.

The Department of Corrections shall be authorized to retain the net proceeds from the sale of the residence provided for the Commissioner of the Department of Corrections and use such proceeds for deferred maintenance needs at the Department of Corrections.

The Forestry Commission shall be authorized to retain the net proceeds from the sale of surplus land for use in firefighting operations and replacement of firefighting equipment.

The Department of Natural Resources shall be authorized to retain the net proceeds from the sale of existing offices originally purchased with a federal grant or with restricted revenue from hunting and fishing license sales for the improvement, consolidation, and/or establishment of regional offices and related facilities.

The Department of Agriculture, the Educational Television Commission, the Department of Corrections, the Department of Natural Resources, and the Forestry Commission shall annually submit a report, within sixty days after the close of the fiscal year, to the Senate Finance Committee and the House Ways and Means Committee on the status of the sale of the identified property and a detailed accounting on the expenditure of funds resulting from such sale.

This provision is comprehensive and supersedes any conflicting provisions concerning disposition of state-owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

Any unused portion of these funds may be carried forward into succeeding fiscal years and used for the same purposes.

93.16. (DOA: Cyber Security) All state agencies must adopt and implement cyber security policies, guidelines and standards developed by the Department of Administration. The department may conduct audits on state agencies except public institutions of higher learning,

SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION

technical colleges, political subdivisions, and quasi-governmental bodies as necessary to monitor compliance with established cyber security policies, guidelines and standards. Upon request, public institutions of higher learning, technical colleges, political subdivisions, and quasi-governmental bodies shall submit sufficient evidence that their cyber security policies, guidelines and standards meet or exceed those adopted and implemented by the department. In addition, while agencies retain the primary responsibility and accountability for ensuring responses to breach incidents comply with federal and state laws, the department shall be informed of all agency cyber security breaches, and is authorized to oversee incident responses in a manner determined by the department to be the most prudent. Upon request of the Department of Administration for information or data, all agencies must fully cooperate with and furnish the department with all documents, reports, assessments, and any other data and documentary information needed by the department to perform its mission and to exercise its functions, powers and duties. The Judicial and Legislative Branches are specifically exempt from the requirements set forth herein.

93.17. (DOA: Holidays) When a legal holiday specified in Section 53-5-10 of the 1976 Code falls on Sunday, the following Monday and when a holiday specified in that section falls on Saturday, the preceding Friday next preceding is deemed a public holiday for all of the purposes. If either the following Monday or the preceding Friday is also a legal holiday, then the State Human Resources Director will designate the day upon which the legal holiday will be observed by state employees. To insure that no more than the legal holidays specified in Section 53-5-10 are observed in the calendar year, a New Year's Day that falls on Saturday must be observed on the following Monday. All bills of exchange, checks, and promissory notes which would otherwise be presentable for acceptance or payment on a Monday or Friday observed as a holiday pursuant to this section are deemed presentable for acceptance or payment on the secular or business day succeeding the holiday.

93.18. (DOA: Nuclear Advisory Council) The Office of Regulatory Staff shall reimburse the Department of Administration for travel expenses associated with the Governor's Nuclear Advisory Council from the SC Energy Office's radioactive waste funds.

93.19. RESERVED

93.20. (DOA: QECB Allocation) From the funds appropriated to the department, the director of the Department of Administration shall

SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION

develop and implement a plan to utilize the state's remaining Qualified Energy Conservation Bond allocation to fund energy conservation projects on state-owned buildings and other eligible capital expenditures that benefit state agencies.

93.21. DELETED

93.22. DELETED

SECTION 94 - D250 - OFFICE OF INSPECTOR GENERAL

94.1. (OIG: Coordination with State Auditor) The State Inspector General will prepare an annual report to the Chairmen of the House Ways and Means Committee and the Senate Finance Committee and the Governor detailing all written referrals of fraud, waste, and abuse from the State Auditor and all corresponding actions taken by the State Inspector General.

**SECTION 95 - E040 - OFFICE OF THE
LIEUTENANT GOVERNOR**

95.1. DELETED

95.2. DELETED

95.3. DELETED

95.4. DELETED

95.5. DELETED

95.6. DELETED

95.7. DELETED

95.8. DELETED

SECTION 96 - E080 - OFFICE OF SECRETARY OF STATE

96.1. (SS: UCC Filing Fees) Revenues from the fees raised pursuant to Section 36-9-525(a), not to exceed \$180,000, may be retained by the Secretary of State for purposes of UCC administration.

96.2. (SS: Charitable Funds Act Disclosure Violations) The Secretary of State shall refer to the Attorney General for investigation under Section 33-56-145 of the Solicitation of Charitable Funds Act any person who is alleged to have violated the mandatory disclosure requirements of Section 33-56-90 of the Act, and who has been fined \$10,000 or more for those violations.

SECTION 96 - E080 - OFFICE OF SECRETARY OF STATE

96.3. (SS: Charitable Funds Act Misrepresentation Violations) The Secretary of State shall refer to the Attorney General for investigation under Section 33-56-145 of the Solicitation of Charitable Funds Act any person who is alleged to have violated the misrepresentation provisions of Section 33-56-120 of the Act, and who has been fined \$10,000 or more for those violations.

SECTION 97 - E120 - OFFICE OF COMPTROLLER GENERAL

97.1. (CG: Signature Authorization) The Comptroller General is hereby authorized to designate certain employees to approve, in his stead, disbursement documents authorizing payment, and the State Treasurer is hereby authorized to accept such approved disbursement documents when notified by the Comptroller General. This provision shall in no way relieve the Comptroller General of responsibility.

97.2. (CG: GAAP Implementation & Refinement) It is the intent of the General Assembly that the State of South Carolina issue financial statements in conformance with Generally Accepted Accounting Principles (GAAP). To this end, the Comptroller General is directed, as the State Accounting Officer, to maintain an Enterprise Information System for State Government (SCEIS) that will result in proper authorization and control of agency expenditures, including payroll transactions, and in the preparation and issuance of the official financial reports for the State of South Carolina. Under the oversight of the General Assembly, the Comptroller General is given full power and authority to issue accounting policy directives to state agencies in order to comply with GAAP. The Comptroller General is also given full authority to conduct surveys, acquire consulting services, and implement new procedures required to implement fully changes required by GAAP.

97.3. (CG: Payroll Deduction Processing Fee) There shall be a fee for processing payroll deductions, not to exceed twenty-five cents, for insurance plans, credit unions, deferred compensation plans, benefit providers, and professional associations per deduction per pay day. This fee shall not be applied to charitable deductions. Vendors and other third parties receiving payroll deductions shall bear the entire cost of this fee, at no cost to state employees. The revenues generated from these fees and those provided for child support deductions in accordance with Section 63-17-1460(C), South Carolina Code of Laws, 1976, as amended, may be used to support the operations of the Office of Comptroller General and any unexpended balance may be carried

forward from the prior fiscal year to the current fiscal year and utilized for the same purposes.

97.4. (CG: Unemployment Compensation Fund Administration) The lesser of two percent or \$200,000 of the fund balance of the Unemployment Compensation Fund shall be paid out annually to the Office of Comptroller General to be used by that agency to recover the costs of administering the fund. The Unemployment Compensation Fund is provided for in Section 41-31-820, South Carolina Code of Laws, 1976, as amended. Any unexpended balance may be carried forward from the prior fiscal year to the current fiscal year and used for the same purposes.

97.5. (CG: Purchasing Card Rebate Program) The Office of Comptroller General is authorized to retain the first \$100,000 of rebate associated with the Purchasing Card Program and \$200,000 of agency incentive rebates.

The funds retained may be used to support the operations of the Office of Comptroller General and any unexpended balance may be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.

SECTION 98 - E160 - OFFICE OF STATE TREASURER

98.1. (TREAS: Nat'l. Forest Fund - Local Govt. Compliance) In order to conform to federal requirements local governments receiving distributions of National Forest Fund revenues are required to report annually to the State Treasurer indicating compliance with authorized purposes.

98.2. (TREAS: STARS Approval) Decisions relating to the Statewide Accounting and Reporting System (STARS) and the South Carolina Enterprise Information System (SCEIS) which involve the State Treasurer's Banking Operations and other functions of the State Treasurer's Office shall require the approval of the State Treasurer.

98.3. (TREAS: Investments) 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.

98.4. (TREAS: Management Fees) The State Treasurer is authorized to charge a fee for the operating and management costs associated with the Local Government Investment Pool, the Deferred Compensation Program, the Tuition Prepayment Program, and the College Investment Program and is further authorized to retain and

SECTION 98 - E160 - OFFICE OF STATE TREASURER

expend the fees to provide these services. The fees assessed may not exceed the cost of the provision of such services.

98.5. (TREAS: Investment Management Fees) Unless otherwise prohibited by law, the State Treasurer may charge a fee for the operating and management costs associated with the investment management and support operations of various state funds and programs, and further, may retain and expend the fees to provide these services. The fees assessed may not exceed the actual cost of the provision of these services or the earnings on these investments.

98.6. (TREAS: Debt Management Cost Allocation) Unless otherwise prohibited by law, the State Treasurer may charge actual costs associated with the administration and management of the indebtedness of the State, its agencies and institutions, and further, may retain and expend any amounts so allocated to provide these services. Costs associated with the original issuance of bonds and other indebtedness must be assessed on an hourly basis, must be taken from the costs of issuance of any bond issue or other indebtedness, and must not exceed the actual cost of providing these services. Ongoing costs of administration and maintenance must be assessed against expenses of debt service, and must not exceed the actual costs of providing these services.

98.7. (TREAS: Withheld Accommodations Tax Revenues) Before noncompliant expenditures and penalties withheld pursuant to Sections 6-4-35(B)(1)(a) and (b) are reallocated, the Tourism Expenditure Review Committee must certify to the Office of State Treasurer that the time period for an appeal of the committee's action to the Administrative Law Court has expired or that the action of the committee has been upheld or overturned by the Administrative Law Court. Noncompliant expenditures and penalties withheld must be reallocated annually after August first. Allocations withheld must be reallocated proportionately based on the most recent completed fiscal year's total statewide collections of the accommodations tax revenue according to the Office of State Treasurer records. Each annual reallocation of withheld funds to non-offending counties and municipalities must be calculated separately then combined if necessary. Each reallocation to a county or municipality calculated less than a dollar must be transferred to the General Fund of the State.

98.8. (TREAS: Tuition Prepayment Program) The South Carolina Tuition Prepayment Program shall not accept any new enrollment in the current fiscal year. The annual increase in tuition for the purposes of the

SECTION 98 - E160 - OFFICE OF STATE TREASURER

Tuition Prepayment Program, for an institution cannot exceed seven percent per year from the 2006-07 level. To the extent that actual tuition for an institution exceeds an annual growth of seven percent per year since Fiscal Year 2006-07, colleges and universities must grant a waiver of the difference to the designated beneficiary and shall not pass along this difference to any student.

98.9. (TREAS: Penalties for Non-reporting) If a municipality fails to submit the audited financial statements required under Section 14-1-208 of the 1976 Code to the State Treasurer within thirteen months of the end of their fiscal year, the State Treasurer must withhold all state payments to that municipality until the required audited financial statement is received.

If the State Treasurer receives an audit report from either a county or municipality that contains a significant finding related to court fine reports or remittances to the Office of State Treasurer, the requirements of Proviso 117.50 shall be followed if an amount due is specified, otherwise the State Treasurer shall withhold twenty-five percent of all state payments to the county or municipality until the estimated deficiency has been satisfied.

If a county or municipality is more than ninety days delinquent in remitting a monthly court fines report, the State Treasurer shall withhold twenty-five percent of state funding for that county or municipality until all monthly reports are current.

After ninety days, any funds held by the Office of State Treasurer will be made available to the State Auditor to conduct an audit of the entity for the purpose of determining an amount due to the Office of State Treasurer, if any.

98.10. (TREAS: Signature Authorization) The State Treasurer is hereby authorized to designate certain employees to sign payments for the current fiscal year in accordance with Section 11-5-140 of the 1976 Code to meet the ordinary expenses of the State. This provision shall in no way relieve the State Treasurer of responsibility.

98.11. (TREAS: Unclaimed Property) The State Treasurer may not expend funds to retain a third party, private sector auditor, or auditing firms to fulfill his duties pursuant to the South Carolina Uniform Unclaimed Property Act on a contingency basis or any basis other than an hourly basis, with the exception that the State Treasurer may join other state(s) in multi-state contingent fee auditors' examinations, not to include companies whose parent company is headquartered or incorporated in South Carolina, when there is a reason to believe that

SECTION 98 - E160 - OFFICE OF STATE TREASURER

those companies being audited are holding funds belonging to South Carolina citizens. The Office of State Treasurer shall retain \$200,000 from the Unclaimed Property Program for the sole purpose of employing internal compliance auditors to enforce the Unclaimed Property Act.

98.12. (TREAS: Municipality Accommodations Tax Withholdings) If the State Treasurer is withholding accommodations tax revenue distributions to a municipality due to an expenditure the Tourism Expenditure Review Committee determined to be in noncompliance, then the municipality may refund an amount equivalent to the amount determined to be in noncompliance to the municipality's accommodations tax fund from the municipality's general fund. If the municipality certifies to the Tourism Expenditure Review Committee that the amount has been refunded, the State Treasurer shall refund the withheld funds to the municipality's general fund. The expenditure of funds refunded to the municipality's accommodations tax fund and any subsequent expenditures are subject to review by the Tourism Expenditure Review Committee. Prior to notification to the State Treasurer of noncompliance by a municipality, the Tourism Expenditure Review Committee must notify the municipality if an expenditure is found to be in noncompliance. If the committee informs the municipality of an expenditure determined to be in noncompliance and the municipality does not refund the noncompliant amount, the committee shall certify the noncompliance to the State Treasurer. If the committee determines an expenditure of any refunded amount to be in noncompliance, the municipality may not refund an equivalent amount in order to avoid future withholdings.

98.13. (TREAS: Investment Earnings and Interest) In accordance with the requirements of Section 11-13-125 of the 1976 Code, the State Treasurer shall remit earnings and interest from investments of general deposit funds into the General Fund of the State. Nothing in this provision shall be construed to limit the State Treasurer from incurring and paying fees, expenses, losses, statutory commitments, salaries, and other costs associated with the routine investment of funds pursuant to Section 11-9-660 of the 1976 Code.

SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

100.1. (ADJ: Unit Maintenance Funds) The funds appropriated as unit maintenance funds shall be distributed to the various National Guard units at the direction of the Adjutant General.

SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

100.2. (ADJ: Use of Agency Property and Revenue Collections) The Adjutant General is authorized to rent, lease, or sub-lease any area under his ownership or control including facilities, unimproved real-estate, and parking areas. The Adjutant General is authorized to collect funds received from any sources including, but not limited to, county and city appropriations, short or long-term lease or rental payments, revenues from vending machines, military justice fines or other monetary penalties, federal reimbursements under cooperative agreements, and gifts to the agency. These revenues shall be retained and expended as authorized by the Adjutant General.

100.3. (ADJ: Rental Fee for Election Purposes) The maximum fee that an armory may charge for the use of its premises for election purposes shall be the cost of providing custodial services, utilities and maintenance.

100.4. (ADJ: Event Parking Contracts) Notwithstanding other provisions of this act, the Adjutant General may execute agreements addressing event-parking related services, sub-leases or licenses, or other appropriate subject in order to generate revenue from parking areas under his ownership or control near the University of South Carolina's Williams-Brice Stadium. The Adjutant General's authority to enter such agreements applies to the headquarters building parking facilities currently owned by the Department of Administration, whether or not those are subject of a current lease to the Adjutant General. The agreements may relate to parking for specific events, a series of events (USC home football games), or for all events. The Adjutant General may enter agreements with a state chartered and federally recognized tax exempt 501(c)(4) agency employees' association which may then sub-lease or sub-license individual parking spaces for use during an event, or a series of events (USC home football games). The agreements must require the employees association to obtain either event coverage, general liability coverage against wrongful death or injury, or similar coverage that is suitable to the Adjutant General. All agreements must obligate the employees association to hold harmless, indemnify, and defend the Office of the Adjutant General, the Department of Administration, the State of South Carolina, and their respective officers and employees from any liability resulting from parking patrons or their guests activities or presence during these events. The agreements must specify that the Office of the Adjutant General shall receive no less than thirty-three percent of the gross profits from sub-leasing, licensing, or

SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

other grants of use for parking. The agreements must also allow the State to audit the employees association's funds.

100.5. DELETED

100.6. (ADJ: Meals in Emergency Operations Centers) The cost of meals, or the advanced purchase of food products to be stored and prepared for meals, may be provided to state employees who are required to work at the State Emergency Operations Centers during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

100.7. (ADJ: Educational Seminar Revenue) All revenue earned from educational seminars shall be retained by the agency to be used for the printing of materials and other expenses related to conducting the seminars. The balance of funds shall be reported annually to the General Assembly.

100.8. DELETED

100.9. (ADJ: Billeting Operations) All revenues collected by the Billeting operations at the R.L. McCrady Training Center shall be retained and expended in its budgeted operations. Expenditures from these funds shall be determined by the Billeting Committee for Billeting operations.

100.10. (ADJ: EMD Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the Emergency Management Division 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.

100.11. (ADJ: Civil Air Patrol) The funds appropriated in this section for the Civil Air Patrol shall be expended by the Civil Air Patrol so as to discharge the state's obligations in conjunction with the Civil Air Patrol as outlined in the SARDA Plan, the South Carolina Operational Radiological Emergency Response Plan, and to assist county and local authorities and other state agencies as permitted by the regulations governing the Civil Air Patrol. All expenditures for equipment and services shall be in accordance with state fiscal policies.

100.12. DELETED

100.13. (ADJ: Emergency Commodities) The Emergency Management Division shall be allowed to rotate and replace water, Meals Ready to Eat (MREs), and other essential emergency commodities housed in the state's Logistic Center through the provision of said commodities to neighboring states, counties, municipalities and other state agencies, and shall be allowed to accept compensation for

SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

said commodities not to exceed replacement costs. Revenues from this exchange shall be utilized solely for the replacement of state emergency commodities.

100.14. (ADJ: Funeral Caisson) In the event of a mandated general fund budget reduction, the Adjutant General's Office is prohibited from reducing the funds appropriated for the Funeral Caisson. In addition, these funds shall not be transferred to any other program or be used for any other purpose by the Office of Adjutant General.

100.15. (ADJ: Behavioral Health Care Facilitator/Coordinator) The funds appropriated and or authorized to the Office of the Adjutant General may be utilized to hire a Behavioral Health Care Facilitator/Coordinator who shall act as a liaison to provide mental health care coordination for mental health services to all members of the South Carolina National Guard. The responsibilities of the position shall include, but are not limited to, focusing on individuals without health insurance or without adequate health insurance; facilitating Memorandum of Understanding with mental health facilities across the state to provide assistance to National Guard Service Members; assisting in coordinating Yellow Ribbon and Beyond and other post deployment and mental health events; coordinating treatment for Service Members for conditions that may or may not result in their being medically non deployable; and participating in staff meetings to discuss care of Service Members. The individual hired must be knowledgeable of state and federal privacy laws, including the HIPAA privacy regulations. In addition, it is preferred that the individual have a previous background in Social Work. A national security background check must be performed on the individual prior to a job offer being tendered.

100.16. (ADJ: National or State Guard State Active Duty) In the event of the activation of the South Carolina National Guard or State Guard to State Active Duty in response to a declared emergency or in response to an imminent or anticipated emergency, including support provided under Section 25-9-420 of the 1976 Code, the Emergency Management Assistance Compact, the State Treasurer and the Comptroller General are hereby authorized and directed to pay from the general fund of the State such funds as necessary, not to exceed \$500,000, to cover the actual costs incurred. Any funds reimbursed to the state shall be deposited in the state general fund, up to the amount of funds advanced to the Office of Adjutant General for these activities.

100.17. (ADJ: National Guard Association and Foundation Support) From the funds authorized or appropriated for State Military Department

SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

operations, the Adjutant General may authorize National Guard personnel to support and assist the National Guard Association of South Carolina and the South Carolina National Guard Foundation in their missions to promote the health, safety, education, and welfare of South Carolina National Guard personnel and their families.

100.18. (ADJ: State Guard Activation) In the event of activation of the State Guard of the South Carolina National Guard to State Active Duty, the Office of the Adjutant General is authorized to compensate State Guard personnel at a rate of \$150 per day and to also compensate such personnel for meal per diem as authorized by National Guard and State policy.

100.19. (ADJ: Disasters Expenditure Status Report) The Emergency Management Division of the Office of the Adjutant General shall prepare a quarterly report on the status of the expenditure of the funds appropriated in the current fiscal year or in a previous fiscal year for FEMA Match for the 2015 Flooding, for Hurricane Matthew, and for the Pinnacle Mountain Fire. The quarterly report must include, but is not limited to, expenditure by category of work by state/local and by county and shall be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee beginning September 30, 2018.

100.20. (ADJ: Armory Revitalizations Carry Forward) The funds appropriated for Armory Revitalizations may be carried forward from the prior fiscal year and expended for the same purpose in the current fiscal year.

100.21. (ADJ: Natural Disaster FEMA Match) The Office of Adjutant General, Emergency Management Division shall be authorized to utilize existing fund balances to provide the non-federal cost share to state and local government entities for work that is eligible under the Federal Emergency Management Agency Public Assistance Program for Hurricane Irma and Hurricane Florence. Existing fund balances may not be used to provide the non-federal cost share to private non-profit entities.

The Office of Adjutant General, Emergency Management Division is directed to use existing fund balances for the 2015 Flood disaster (Presidential Disaster Declaration DR-4241) to reimburse counties and municipalities with unreimbursed non-federal cost share from the 2014 Ice Storm disaster for storm cleanup expenses incurred during and after states of emergency declared by Executive Orders 2014-06 and 2014-11 and Presidential Disaster Declaration DR-4166. Counties and

SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

municipalities must submit an application for such funds by July 31, 2018.

The \$500,000 authorized by Proviso 100.21 in Act 264 of 2018 for grants for non-profit entities may be carried forward and used for the same purpose in Fiscal Year 2019-20. The Emergency Management Division shall prepare a report listing the name of the grant recipient and the amount received and submit the report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 15, 2020.

100.22. DELETED

100.23. DELETED

100.24. (ADJ: Salary Adjustment) The Adjutant General is subject to all provisions related to agency heads covered by the Agency Head Salary Commission. The Adjutant General's salary shall be immediately adjusted to match the recommendation from the commission upon its receipt.

SECTION 101 - E280 - ELECTION COMMISSION

101.1. (ELECT: County Boards of Voter Registration and Elections Compensation) The amounts appropriated in this section for "County Boards of Voter Registration and Elections Board Members," shall be disbursed annually to the County Treasurer at the rate of \$1,500 for each member, not to exceed \$13,500 per county. The County Treasurer shall use these funds only for the compensation of County Boards of Voter Registration and Elections Board Members. Any funds not used for this purpose shall be returned to the State Treasurer. These funds are exempted from mandated budget 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 compensation of County Boards of Voter Registration and Elections Board Members shall be excluded from the agency's base budget. Unexpended funds shall be carried forward from the prior fiscal year and shall be utilized for special primaries, runoffs, and elections.

101.2. (ELECT: Elections Managers & Clerks Per Diem) Managers and clerks of state and county elections shall receive a per diem of \$75.00 for the day of work and \$60.00 for training and paperwork. Managers shall not be paid for more than two days for any election and clerks for not more than three days for any election. The commission may adjust

SECTION 101 - E280 - ELECTION COMMISSION

the per diem of \$75.00 for the managers and clerks of the statewide election to a higher level only to the extent that the appropriation for the statewide election is sufficient to bear the added cost of increasing the per diem and the cost of the statewide election. Up to three additional managers per county may be appointed to assist county boards of voter registration and elections with the absentee/fail safe voting process prior to, on Election Day, and immediately following statewide elections. Managers assisting the county boards of voter registration and elections in the absentee/fail safe process may receive a per diem of \$75.00 per day for not more than a total of fifteen days regardless of whether one, two, or three additional managers are used.

101.3. (ELECT: Board of State Canvassers Compensation) \$100.00 additional compensation per day may be paid to each member of the Board of State Canvassers up to a total of fifteen days that may be required for hearings held by the members of the Board of State Canvassers.

101.4. (ELECT: Sale of Lists Revenue Carry Forward) Any revenue generated from the sale of election lists may be retained and expended by the South Carolina Election Commission to reimburse the Department of Administration, for the printing of such lists and to pay expenses of postage and shipment of these lists to electors who purchase them. After such reimbursement has been made an amount, not to exceed \$400,000, shall be used for nonrecurring expenses in conjunction with extraordinary special election and legal costs and costs for upgrading the Statewide Voter Registration System. Any balance in the Sale of Lists Account on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year.

101.5. (ELECT: Budget Reduction Exemption) Funds appropriated for recurring and nonrecurring general and primary election expenses are exempted 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 shall be excluded from the agency's base budget.

101.6. (ELECT: Primary and General Election Carry Forward) Filing fees received from candidates filing to run in statewide or special primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary elections. Any balance in the filing fee accounts on June thirtieth, of the prior fiscal year may

SECTION 101 - E280 - ELECTION COMMISSION

be carried forward and expended for the same purposes during the current fiscal year. In addition, any balance in the Primary and General Election Accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In addition, the aforementioned funds may also be utilized to conduct the Presidential Preference Primary elections.

101.7. (ELECT: Training & Certification Program) All members and staff of County Boards of Voter Registration and Elections will receive a common curriculum to include core courses on the duties and responsibilities of county boards of voter registration and elections and electives to promote quality service and professional development. The State Election Commission shall make these courses available in various locations, including but not be limited to, the upstate, coastal, and midlands areas of the state. Up to \$35,000 of revenue generated by charging a fee to attend these courses may be retained and expended by the South Carolina Election Commission to help cover the cost of providing the training. Any balance in the training and certification account on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purpose during the current fiscal year.

The State Election Commission is required to withhold the stipend of members who do not complete the training and certification program as required in Section 7-5-10 of the 1976 Code. Additionally, funds will also be withheld if a board member completes the training and certification program, but fails to complete at least one training course per year. The board member and members of that county's legislative delegation will be notified of the withholding of the stipend and the requirements needed to bring the member into compliance with the law. If a board member cannot complete the program or complete the required continuing education due to extenuating circumstances, the board member must submit a written request to the county legislative delegation for approval or funds will continue to be withheld as described in this proviso. If a board member does not become compliant with the law within eighteen months of initial notification of stipend withholding, the county's legislative delegation must replace that person on the board.

101.8. (ELECT: Penalty for Late Submission of Reimbursable Expenses) In the event that a county submits reimbursable election expenses to the Commission for payment more than thirty days after the election is held, the Commission may deduct a penalty of ten percent of the late-submitted amount. The county is responsible for payment of this

SECTION 101 - E280 - ELECTION COMMISSION

amount. If the Commission finds good reason for such late submission, the penalty may be waived. The Election Commission shall be authorized to expend funds appropriated/authorized in the current fiscal year to pay election expenses incurred by a county in the prior fiscal year. If a county submits a request for reimbursement of election expenses through any means other than the Voter Registration and Election Management System (VREMS), the Commission may deduct a penalty of ten percent of the amount submitted.

101.9. (ELECT: HAVA Carry Forward) The Election Commission shall be authorized to carry forward unexpended Help America Vote Act funds into the current fiscal year and to use these funds for the same purpose.

101.10. (ELECT: HAVA Match Funds) Funds appropriated through the General Fund for the purpose of providing a match for federal funds received through the Help America Vote Act (HAVA) shall 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 shall be carried forward from the prior fiscal year and shall be utilized for special primaries, runoffs, and elections. These funds may also be used to reimburse local governmental entities for expenses incurred in the prior fiscal year associated with special primaries, runoffs, and general elections.

101.11. (ELECT: Use of Election Funds) Funds appropriated to the Election Commission for the purpose of conducting elections shall not be used for any other purpose unless specifically authorized in this act. However, up to \$200,000 may be transferred to other operating accounts from General Election accounts upon approval from the Executive Budget Office, which shall then notify the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor of such transfer of funds.

101.12. DELETED

101.13. (ELECT: Match for Additional HAVA Funds) In the event that additional Help America Vote Act federal funds become available, the commission shall be authorized to utilize funds appropriated for primary and general elections and for voting system refurbishment to provide a match for the federal funds.

****101.14. (ELECT: Third-Party Consultant) In the current fiscal year and from the funds appropriated, the Election Commission must**

** See note at end of Act.

SECTION 101 - E280 - ELECTION COMMISSION

expend funds to contract for a third-party consultant to advise the Richland County Election Commission on the conduct of elections.

**SECTION 102 - E500 - REVENUE AND
FISCAL AFFAIRS OFFICE**

102.1. (RFAO: Geodetic Mapping Program) Funds appropriated or authorized to the Revenue and Fiscal Affairs Office for Mapping, shall be used to clarify county boundary determinations as directed by Section 27-2-105, of the 1976 Code and resolution of the boundary between the states of South Carolina and North Carolina.

An affected party disagreeing with a county boundary certified by the Revenue and Fiscal Affairs Office may appeal the certification to the South Carolina Administrative Law Court, which is vested with jurisdiction to hear and decide the case subject to the provisions of Section 1-23-380 of the 1976 Code, except that the case must be heard 'de novo.' Additionally, for purposes of determining the timelines of an appeal, notice is deemed to have been provided on the date of the written notice to affected parties. An affected party has sixty calendar days from the date of a written notice sent to the affected party to file an appeal with the Administrative Law Court.

102.2. (RFAO: Election File Merge) In order to assist the County Registration and Election Commissions to ensure that registered voters are assigned to proper election districts, the Revenue and Fiscal Affairs Office, in conjunction with the South Carolina Election Commission, shall merge the voter registration file with the office's Geocoded Address List and the district boundaries of the Congress, South Carolina Senate, South Carolina House of Representatives, county councils, and such other districts as the office possesses official district boundary records in electronic format. The merged systems will allow the Revenue and Fiscal Affairs Office to provide the respective county officials with a list of potential voters who are possibly assigned to the wrong election district. File merger is required only for those districts in which elections are scheduled. Counties and municipalities shall release GIS to the Revenue and Fiscal Affairs Office upon the office's written request. Written request must be sent to the chief administrative officer of the county or municipality and advise the county or municipality that failure to comply within thirty days of request may result in the withholding of ten percent of the county's or municipality's state aid. The Executive Director of the Revenue and Fiscal Affairs

STATUTES AT LARGE
General and Permanent Laws--2019
SECTION 102 - E500 - REVENUE AND
FISCAL AFFAIRS OFFICE

Office may grant additional time for good cause and must waive release if the county or municipality does not possess GIS data. For counties and municipalities that possess GIS data but do not release it, the Executive Director of the Revenue and Fiscal Affairs Office shall notify the State Treasurer of the failure to comply with this provision after the required notice. Notification shall result in the withholding of ten percent of subsequent payments of state aid to the entity until the GIS data is provided. Municipal and county data acquired by the Revenue and Fiscal Affairs Office in the course of performing its responsibilities may be used for other functions of the office as well as shared with other state agencies. For this provision GIS data includes, but is not limited to, road centerlines; orthophotography; parcel boundaries; address points; political boundaries; and administrative boundaries.

102.3. (RFAO: SC Health & Human Services Data Warehouse)

There is hereby established within the Revenue and Fiscal Affairs Office, the South Carolina Health and Human Services Data Warehouse. The purpose of the Warehouse is to ensure that the operation of health and human services agencies may be enhanced by coordination and integration of client information. Client data is defined as person-level data that is created, received, and/or maintained by state agencies and other entities required to report client information to the Revenue and Fiscal Affairs Office under this provision. To integrate client information, client data from health and human services state agencies will be linked to improve client outcome measures, enabling state agencies to analyze coordination and continuity of care issues. The addition of these data will enhance existing agency systems by providing client data from other state agency programs to assist in the provision of client services. Certain client information shall be delivered to the Revenue and Fiscal Affairs Office in order to assist in the development and maintenance of this Warehouse. The following agencies shall report client information:

- Departments of:
 - (1) Health and Human Services;
 - (2) Health and Environmental Control;
 - (3) Mental Health;
 - (4) Alcohol and Other Drug Abuse Services;
 - (5) Disabilities and Special Needs;
 - (6) Social Services;
 - (7) Vocational Rehabilitation;

OF SOUTH CAROLINA
General and Permanent Laws--2019
SECTION 102 - E500 - REVENUE AND
FISCAL AFFAIRS OFFICE

- (8) Education;
- (9) Juvenile Justice;
- (10) Corrections;
- (11) Probation, Parole and Pardon Services;
- Department of Children's Advocacy:
 - (1) Children's Foster Care Review Board;
 - (2) Continuum of Care;
- Department on Aging;
- South Carolina School for the Deaf and the Blind;
- Commission for the Blind; and
- Other entities as deemed necessary by the Revenue and Fiscal Affairs Office.

These agencies and departments shall collect and provide client data in formats and schedules to be specified by the Revenue and Fiscal Affairs Office (Office). The Office shall establish a Memorandum of Agreement with each agency, department or division. These Memorandums of Agreement shall specify, but are not limited to, the confidentiality of client information, the conditions for the release of data that may identify agencies, departments, divisions, programs and services, or clients, any restrictions on the release of data so as to be compliant with state and federal statutes and regulations on confidentiality of data, conditions under which the data may be used for research purposes, and any security measures to be taken to insure the confidentiality of client information.

To ensure accountability and the coordinated, efficient delivery of health and human services, the Office shall implement, in consultation with state health and human services agencies and other entities as deemed necessary by the Office, an integrated data system that includes client data from all participating agencies.

In order to provide for inclusion of other entities into the South Carolina Health and Human Services Data Warehouse and other research and analytic-oriented applications that will assist the state in the efficient and effective provision of services, the Office shall have the authority to enter into agreements or transactions with any federal, state or municipal agency or other public institution or with any private individual, partnership, firm, corporation, association or other entity to provide statistical, research and information dissemination services including, but not limited to, program and outcomes evaluation, program monitoring/surveillance, projects to determine the feasibility of data

STATUTES AT LARGE (No. 91)
General and Permanent Laws--2019
SECTION 102 - E500 - REVENUE AND
FISCAL AFFAIRS OFFICE

collection and/or analyses, information dissemination and research. The confidentiality of data collected under these initiatives shall comply with applicable state and federal laws governing the privacy of data. The Office shall have the power to promulgate regulations, policies and procedures, in consultation with the participating agencies, for the development, protection and operation of the Data Warehouse, other research and analytic-oriented applications, and their underlying processes.

The Office shall develop internet-accessible secure analytic query tools (such as analytic cubes) using integrated client data from the Warehouse. All agencies shall cooperate with the Office in the development of these analytic tools. It is the intent of this provision that the analytic tools developed under this provision shall be made available to members of the South Carolina General Assembly and their research staff members, state agencies, and researchers. To that end, the Office shall, in consultation with the participating agencies, promulgate regulations addressing access to and use and release of information generated through use of the query tools.

All state agencies participating in the Warehouse shall utilize it and its associated software applications in the day-to-day operation of their programs and for coordination, collaboration, program evaluation and outcomes analysis. The Department of Health and Environmental Control shall be exempt from usage of the integrated client management system and the analytic query tools in the day-to-day operation of their Client Automated Record and Encounter System and their South Carolina Community Assessment Network, but shall provide the Warehouse with client data from the system and network.

No state agency shall duplicate any of the responsibilities of this provision.

For purposes of this subsection, all state laws, regulations, or any rule of any state agency, department, board, or commission having the effect or force of law that prohibits or is inconsistent with any provision of this subsection is hereby declared inapplicable to this subsection.

102.4. (RFAO: E911 PSAPs) The Revenue and Fiscal Affairs Office, utilizing the funds appropriated and or authorized herein for the E911 program, must ensure that any new plans or proposed amendments to existing plans maintain comprehensive coverage for the full Public Safety Answering Points area as well as improve cost effectiveness. No new plans or amendments may be considered by Revenue and Fiscal

**SECTION 102 - E500 - REVENUE AND
FISCAL AFFAIRS OFFICE**

Affairs that do not include the written agreement of all jurisdictions affected by the new plan or proposed change as well as provide cost savings on the state and local level. Local Public Safety Answering Points are encouraged to cooperate to find ways to continue to improve cost effectiveness and efficiencies for all affected entities.

102.5. (RFAO: Revenue for Goods and Services) The respective sections of the Revenue and Fiscal Affairs Office are authorized to provide and receive from other governmental entities, including other divisions, state and local agencies and departments, and the private sector, goods and services, as will in its opinion promote efficient and economical operations. The sections may charge and pay the entities for the goods and services, the revenue from which shall be deposited in the state treasury in a special account and expended only for the costs of providing the goods and services, and such funds may be retained and be expended for the same purposes.

102.6. RESERVED

102.7. (RFAO: NG9-1-1 Strategic Plan) The Revenue and Fiscal Affairs Office shall be authorized to use up to \$150,000 of the funds from the 58.2 percent compliance cost portion of the wireless 9-1-1 fund for costs associated with the further planning, development, and implementation of the comprehensive statewide NG9-1-1 system as outlined in the South Carolina NG9-1-1 strategic plan. Associated costs include, but are not limited to, the hiring of consultants, technical experts, or other professionals for assistance in defining, developing, or implementing the operating model and standards, system or technical requirements, or other elements of the system as outlined in the strategic plan.

**SECTION 104 - E550 - STATE FISCAL
ACCOUNTABILITY AUTHORITY**

104.1. (SFAA: Procurement of Art Objects) Before any governmental body, with the exception of the South Carolina Museum Commission, the Confederate Relic Room and Military Museum Commission, and the South Carolina Hunley Commission as defined under the South Carolina Consolidated Procurement Code, procures any art objects such as paintings, antiques, sculptures, or similar objects above \$1,000, the head of the Purchasing Agency shall prepare a written determination specifying the need for such objects and benefits to the

**SECTION 104 - E550 - STATE FISCAL
ACCOUNTABILITY AUTHORITY**

State. The South Carolina Arts Commission shall review such determination for approval prior to any acquisition.

104.2. (SFAA: Lawsuit Funding) The Executive Director shall pay from the Insurance Reserve Fund the defense costs of the State, which are incurred in the current fiscal year, in the Abbeville school funding litigation and the prisoner mental health care litigation. The appropriate official from the House of Representatives and the Senate must certify to the Executive Director on a monthly basis the costs incurred in defense of this litigation. Upon receipt of the certification, the Executive Director shall pay the provider of these services the amount certified.

104.3. (SFAA: Public Procurement Unit) For purposes of participation in the Minnesota Multi State Contracting Alliance for Pharmacy (MMCAP), a private, nonprofit corporation that provides only free medical care may be allowed to participate as a local public procurement unit in the MMCAP cooperative purchase. The participation of nonprofit corporations in the program is contingent upon approval of the Minnesota Multi-State Contracting Alliance for Pharmacy. Participating nonprofit corporations must comply with all applicable federal laws or regulations for participation in the MMCAP cooperative purchase. The state shall not be liable for any action or inaction of such a nonprofit corporation.

104.4. (SFAA: Insurance Coverage for Aging Entity Authorized) The State Fiscal Accountability Authority, through the Insurance Reserve Fund, for the current fiscal year, is also authorized to offer insurance coverage to an aging entity and its employees serving clients countywide which previously obtained its tort liability insurance coverage through the board. The Insurance Reserve Fund and the State of South Carolina shall not be liable to any person or entity, including an insured, for any insufficiencies of coverage provided hereunder.

104.5. (SFAA: IRF Report) The State Fiscal Accountability Authority shall prepare a report on prior fiscal year utilization of the Insurance Reserve Fund to include for each transaction the amount, the recipient of the funds, the date of the transfer or payment, and the action or reason that necessitated the transfer. The report shall be submitted to the President of the Senate, the Chairman of the Senate Finance Committee, the Speaker of the House of Representatives, and the Chairman of the House Ways and Means Committee by October fifteenth, of the current fiscal year.

**SECTION 104 - E550 - STATE FISCAL
ACCOUNTABILITY AUTHORITY**

104.6. (SFAA: Second Injury Fund Closure Plan) The State Fiscal Accountability Authority is authorized and empowered to take all necessary actions to administer the closure plan for the Second Injury Fund, as adopted pursuant to Section 42-7-320(A) of the 1976 Code, as amended, and to use the separate and distinct trust and administrative accounts established for this purpose.

104.7. (SFAA: IT Planning Transfer) The State Fiscal Accountability Authority shall transfer \$400,000 from revenue generated from contract administration fees on information technology contracts to the Department of Administration to support the state's information technology planning program.

104.8. (SFAA: Attorneys) For the current fiscal year, during the transition of the Insurance Reserve Fund from the Budget and Control Board to the State Fiscal Accountability Authority, the Insurance Reserve Fund shall continue to approve the attorneys-at-law retained to defend those it insures. In addition, the authority of the former Budget and Control Board under Section 1-7-170(A) is devolved upon the State Fiscal Accountability Authority.

104.9. (SFAA: Compensation - Agency Head Salary) In the event of an agency head or technical college president vacancy, the governing board of the agency or the Governor, or the appointing authority of a technical college president, must have the prior favorable recommendation of the Agency Head Salary Commission to set, discuss, offer, or pay a salary for the agency head or technical college president at a rate that exceeds the minimum of the range established by the Agency Head Salary Commission. No agency head or technical college president shall be paid a salary higher than that recommended by the commission. Boards and commissions, or the Governor if he is the appointing authority, of newly created agencies or technical colleges shall not offer or pay a salary to a prospective agency head until a salary range has been established and the salary approved by the Agency Head Salary Commission. The funding of the salaries of any agency head or technical college president should come from resources within the agency. The State Fiscal Accountability Authority shall contract every four years for a study of agency head and technical college president compensation. The cost of the study must be shared by the participating agencies. The staff of the State Fiscal Accountability Authority shall serve as the support staff to the Agency Head Salary Commission. Limited only by the maximum of the respective salary range, the General

**SECTION 104 - E550 - STATE FISCAL
ACCOUNTABILITY AUTHORITY**

Assembly authorizes the respective appointing authority for an agency head or technical college president to provide salary increases for an agency head or technical college president not to exceed that recommended by the Agency Head Salary Commission. No agency head or technical college president shall be paid less than the minimum of the pay range nor receive an increase that would have the effect of raising the salary above the maximum of the pay range.

104.10. (SFAA: Continuation of Authority) The respective divisions of the State Fiscal Accountability Authority are authorized to provide to and receive from other governmental entities, including other divisions and state and local agencies and departments, goods and services, as will in its opinion promote efficient and economical operations. The divisions may charge and pay the entities for the goods and services, the revenue from which shall be deposited in the state treasury in a special account and expended only for the costs of providing the goods and services, and such funds may be retained and expended for the same purposes.

SECTION 105 - F270 - SFAA, OFFICE OF STATE AUDITOR

105.1. (SFAA-AUD: Annual Audit of Federal Programs) Each state agency receiving federal funds subject to the audit requirements of the Single Audit Act Amendments of 1996 and Title 2 U.S. Code of Federal Regulations (C.F.R) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) shall remit to the State Auditor an amount representing an equitable portion of the expense of contracting with a nationally recognized CPA firm to conduct a portion of the audit of the State's federal financial assistance.

Each state agency's equitable portion of the expense will be determined by a schedule developed by the State Auditor. Such remittance will be based upon invoices provided by the State Auditor. The audit shall be re-bid every five years. The State Auditor shall retain and expend the funds received and shall carry forward any unexpended funds from the prior fiscal year into the current fiscal year for the same purpose.

105.2. (SFAA-AUD: Medical Assistance Audit Carry Forward) The State Auditor's Office shall retain and expend the funds received from the Department of Health and Human Services for the Medical

SECTION 105 - F270 - SFAA, OFFICE OF STATE AUDITOR

Assistance Audit Program pursuant to Proviso 33.3 of this act and shall carry forward any unexpended funds from the prior fiscal year into the current fiscal year for the same purpose.

105.3. (SFAA-AUD: Coordination with Inspector General) In the event the State Auditor's Office identifies instances of fraud, waste, and abuse during any state agency audit, the State Auditor shall refer such instances to the State Inspector General for examination. The State Auditor shall prepare and submit an annual report to the Chairmen of the House Ways and Means Committee and the Senate Finance Committee and the Governor detailing all written referrals of fraud, waste, and abuse submitted to the State Inspector General.

105.4. (SFAA-AUD: Annual Audit of Court Fees and Fines Reports) The State Auditor shall conduct a minimum of fifteen audits annually of county treasurers, municipal treasurers, county clerks of court, magistrates and/or municipal courts as required by Section 14-1-210 of the 1976 Code and allowed by Section 14-1-240; however, the State Auditor shall not be required to spend more than the annual amount of \$250,000, received from the State Treasurer to conduct the said audits pursuant to Section 14-1-210 of the 1976 Code. The State Auditor may contract with one or more CPA/accounting firms to conduct the required audits. The State Auditor shall consult with the State Treasurer to determine the jurisdictions to be audited in the current fiscal year. Jurisdictions may be selected randomly or based on an instance in the current or previous fiscal year of failing to report, incorrectly reporting or under remitting amounts owed. The funds transferred to the State Auditor by the State Treasurer shall not be used for any purpose other than to conduct the described audits and report whether or not the assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed and/or mandated are properly collected and remitted to the State. Any unexpended balance on June thirtieth of the prior fiscal year shall be carried forward and must be expended for the same purpose during the current fiscal year. The State Auditor shall annually report by October first, its findings of the jurisdictions audited to the Senate Finance Committee and the House Ways and Means Committee.

SECTION 106 - F300 - STATEWIDE EMPLOYEE BENEFITS

106.1. (SEB: SCRS & PORS Allocation) The funds appropriated in the current fiscal year for SCRS Employer Contributions and PORS

SECTION 106 - F300 - STATEWIDE EMPLOYEE BENEFITS

Employer Contributions shall be allocated to state agencies and school districts by the Department of Administration, Executive Budget Office for SCRS and PORS rate increases.

**SECTION 108 - F500 - PUBLIC EMPLOYEE
BENEFIT AUTHORITY**

108.1. (PEBA: Lottery, Infrastructure Bank, and Magistrates Health Insurance) South Carolina Lottery Commissioners and South Carolina Transportation Infrastructure Bank Board members and their eligible dependents are eligible to participate in the State Health and Dental Insurance Plan, upon paying the full premium costs as determined by the Public Employee Benefit Authority. If a county is participating in the State Health and Dental Insurance Plan, magistrates and their eligible dependents are eligible to participate in the State Health and Dental Insurance Plan, upon the magistrate paying the full premium costs as determined by the Public Employee Benefit Authority.

108.2. (PEBA: Adoption Assistance Program) The Employee Adoption Assistance Program is established to provide grants to eligible employees to assist them with the direct costs of adoption. The program shall be an employee benefit through the Public Employee Benefit Authority (PEBA) and shall be funded from the appropriation for the State Health Plan as provided in this act. Total funding for the Adoption Program shall not exceed the amount authorized by the General Assembly in the annual appropriations act. Employees are eligible for the Adoption Program if they participate in PEBA insurance benefits, have adopted a child during the prior fiscal year, apply for the grant during the annual application period, and meet any other Adoption Program criteria. The application period shall be July first through September thirtieth of the current fiscal year for an adoption in the prior fiscal year. The maximum grant amounts shall be \$10,000 in the case of the adoption of a special needs child and \$5,000 for all other child adoptions. Should the total amount needed to fund grants at the maximum level exceed the amount authorized, the amount of a grant to an eligible employee shall be determined by dividing the authorized amount evenly among qualified program applicants, with the adoption of a special needs child qualifying for two times the benefit of a non-special needs child.

108.3. (PEBA: Health Plan Tobacco User Differential) For health plans adopted under the authority of Section 1-11-710 of the 1976 Code

**SECTION 108 - F500 - PUBLIC EMPLOYEE
BENEFIT AUTHORITY**

by the Public Employee Benefit Authority during the current fiscal year, the board is authorized to differentiate between tobacco users and nonusers regarding rates charged to enrollees in its health plans by imposing a surcharge on enrollee rates based upon tobacco use. The surcharge for tobacco use may not exceed \$40 per month per subscriber or \$60 per month per subscriber and dependent(s).

108.4. (PEBA: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases of rape, incest or where the mother's medical condition is one which, on the basis of the physician's good faith judgment, so complicates the pregnancy as to necessitate an immediate abortion to avert the risk of her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function, and the State Health Plan may not offer coverage for abortion services, including ancillary services provided contemporaneously with abortion services. The Public Employee Benefit Authority must determine the amount of the total premium paid for health coverage necessary to cover the risks associated with reimbursing participants in the plan for obtaining an abortion in the circumstances covered by this provision. The determination must be based on actuarial data and empirical study in the same manner and by the same method that other risks are adjusted for in similar circumstances. The plan must report this determination annually to the respective Chairmen of the Senate Finance Committee and the House Ways and Means Committee.

108.5. (PEBA: TRICARE Supplement Policy) The Public Employee Benefit Authority (PEBA) shall offer a group TRICARE Supplement policy or policies to its TRICARE-eligible subscribers through its flexible benefits program to provide that subscribers may pay premiums for such policies on a pretax basis, in accordance with federal law and regulations. PEBA may charge TRICARE Supplement subscribers an amount not to exceed \$2 per subscriber per month for any associated administrative costs.

108.6. (PEBA: State Health Plan) Of the funds authorized for the State Health Plan pursuant to Section 1-11-710(A)(2) of the 1976 Code, employer and subscriber premiums for Plan Year 2020 shall remain the same as in Plan Year 2019. Copayments for participants of the State Health Plan shall remain the same in Plan Year 2020 as in Plan Year 2019. Notwithstanding the foregoing, pursuant to Section 1-11-710(A)(3), the Public Employee Benefit Authority may adjust the

STATUTES AT LARGE (No. 91)
General and Permanent Laws--2019
SECTION 108 - F500 - PUBLIC EMPLOYEE
BENEFIT AUTHORITY

plan, benefits, or contributions of the State Health Plan during Plan Year 2020 to ensure the fiscal stability of the Plan.

108.7. (PEBA: Exempt National Guard Pension Fund) In the calculation of any across-the-board cut mandated by the Executive Budget Office or General Assembly, the amount of the appropriation for the National Guard Pension Fund shall be excluded.

108.8. (PEBA: Inactive SCRS Account Transfer) A current employee or teacher who is an active participant in the State Optional Retirement Program but who has an inactive account in the South Carolina Retirement Program due to previous service in that system, shall be allowed to transfer previous contributions to the employee's or teacher's active State Optional Retirement Program account.

108.9. (PEBA: Network Pharmacy Publications) All pharmacy publications or lists must include independent retail pharmacies. Abridged pharmacy lists are prohibited.

108.10. (PEBA: Covered Contraceptives) For the Plan year beginning in January of the current fiscal year, the State Health Plan shall not apply patient cost sharing provisions to covered contraceptives. This provision does not alter the current approved list of contraceptives and complies with the requirements of Proviso 108.4.

108.11. (PEBA: Former Spouses on the State Health Plan) For the Plan Year beginning in January of the current fiscal year, the State Health Plan shall cover a subscriber's former spouse, who is eligible to be covered pursuant to a court order, on the former spouse's own individual policy and at the full amount of the premium for the coverage elected, with such rates, billing, and other administrative policies to be determined by the Public Employee Benefit Authority. The former spouses may only elect such health, dental, and vision coverage as required by the court order. The former spouse's individual coverage may continue under the State Health Plan as long as authorized under the court order and the subscriber remains a participant in the State Health Plan. This proviso does not affect a subscriber's ability to cover a current spouse on an employee/retiree and spouse or full family policy when the subscriber's former spouse is covered on a separate policy.

108.12. RESERVED

108.13. RESERVED

108.14. RESERVED

108.15. DELETED

**SECTION 108 - F500 - PUBLIC EMPLOYEE
BENEFIT AUTHORITY**

108.16. DELETED

108.17. DELETED

SECTION 109 - R440 - DEPARTMENT OF REVENUE

109.1. (DOR: Subpoenaed Employee Expense Reimbursement) If any employee of the Department of Revenue is subpoenaed to testify during litigation not involving the Department of Revenue, the party subpoenaing the employee(s) to testify shall reimburse the State for expenses incurred by the employee(s) requested to testify. Expenses shall include but are not limited to the cost of materials and the average daily salary of the employee or employees.

109.2. (DOR: Court Order Funds Carry Forward) Funds awarded to the Department of Revenue by court order shall be retained in a special account and shall 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.

109.3. (DOR: Rural Infrastructure Fund Transfer) Notwithstanding Section 12-10-85, the Department of Revenue is authorized to deposit revenues from the Rural Infrastructure Fund in excess of \$12 million dollars to the Rural Infrastructure Fund under the Rural Infrastructure Authority. Any revenues in excess of \$17 million shall be deposited in the Rural Infrastructure Fund under the Department of Commerce, Coordinating Council.

109.4. (DOR: SCBOS Funds) The Department of Revenue shall share equally the collection assistance fees imposed on overdue tax debt with the South Carolina Business One Stop program. The funds received by the department from this fee shall be used for continued administration of the revenue laws in a fair and impartial manner. Any unexpended funds generated by the fee shall be carried forward from the prior fiscal year into the current fiscal year and shall also be shared equally between the Department of Revenue and the South Carolina Business One Stop program.

109.5. (DOR: Across the Board Cut Exemption) Whenever the Executive Budget Office or General Assembly implements an across the board budget reduction, the funds appropriated to the Department of Revenue shall be exempt from any such mandated budget reduction.

SECTION 109 - R440 - DEPARTMENT OF REVENUE

109.6. (DOR: Candidate Tax Return Programs) (A) From the funds appropriated in this act, the department must develop a program to process inquiries from a candidate for an office of this State or its political subdivisions or any gubernatorial appointee concerning whether that candidate or appointee has filed annual state income tax returns that he was required to file during the past ten years, regardless of the source of income, has paid all income taxes due during that time period, and has satisfied all judgments, liens, or other penalties for failure to pay income taxes when due. The department may only respond to an inquiry if the inquiry is made by a candidate or appointee concerning that candidate's or appointee's own income tax returns.

(B) Unless a candidate or appointee requests otherwise, the department must post the results of all inquiries from candidates or appointees in a prominent place on its internet website. The information must be organized in the following manner: (1) the candidate's name as it will appear on the ballot or the appointee's name as it appears on his income tax returns; (2) identify the years that the candidate or appointee was required to file income tax returns and identify the years, if any, that the candidate or appointee was not required to file income tax returns; (3) state whether the candidate or appointee filed income tax returns in each year that the candidate or appointee was required to file income tax returns; (4) state whether the candidate or appointee paid income taxes due each year that the candidate or appointee was required to file income tax returns; and (5) state whether the candidate or appointee had a judgment, lien, or other penalty levied against him for failure to pay income taxes when due, the year of the levy, and whether that judgment, lien, or other penalty has been satisfied. The department may not post a candidate's complete income tax return when fulfilling its obligations under this proviso.

(C) (1) Participation in this program by a candidate or appointee is voluntary.

(2) A candidate's or appointee's inquiry constitutes a waiver of confidentiality with the department concerning the information posted.

109.7. (DOR: Fraudulent Tax Return Program) The Department of Revenue may establish a Fraudulent Tax Return Detection Program to prevent payment of fraudulent tax refunds. To implement the program the department may contract with information and technology entities to provide the necessary detection capabilities. The department shall pay for the program from the savings realized by implementation.

SECTION 109 - R440 - DEPARTMENT OF REVENUE

109.8. (DOR: Treasury Offset Program) The Department of Revenue is authorized to retain up to \$140,000 of mailing and associated administrative costs incurred as a result of the State's participation in and the notice requirements of the Federal Treasury Offset Program. Retained expenses shall be from tax offset revenue received from the federal government. Remaining revenue shall be deposited in the General Fund.

109.9. (DOR: May Events) Of the accommodation tax returned to Horry County or the municipalities therein, excluding municipalities that have enacted a Tourism Development Fee up to one third of the total allocation may be set aside and used for direct policing activities during events held in May within Horry County. By October thirty-first, the local government must inform the Department of Revenue the percentage of accommodation tax to withhold, not to exceed one third of the estimated yearly return, which will be dedicated to direct policing activities. These funds shall be sent by the Department of Revenue to the local governing entity upon request of the local entity. A report on the expenditure of these funds, which must include the amount and purpose for which the funds were expended shall be submitted by the county or municipalities to the Governor, the Chairman of Senate Finance Committee and the Chairman of House Ways and Means Committee no later than ninety days after the end of any event in which these funds are expended.

109.10. RESERVED

109.11. (DOR: Tourist Safety) Of the accommodation tax returned to any municipality in Horry County that has a Tourism Development Fee, up to fifty percent of the allocation designated under Section 6-4-10(3) of the 1976 Code may be set aside and used for direct policing purposes related to tourism. Direct policing purposes include temporary personnel, equipment, and the installation and maintenance of infrastructure related thereto. These funds may not exceed sixty-five percent of the total new funds dedicated to the additional policing purposes implemented. Each municipality utilizing this provision shall include expenditures and revenue sources in its annual report to the Tourism Expenditure Review Committee and shall submit copies of the report to the Governor, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

109.12. (DOR: Notification of Protest) In the current fiscal year and from the funds appropriated, if a taxpayer, other than an individual, files a written protest pursuant to Section 12-60-2120 of the 1976 Code, the

SECTION 109 - R440 - DEPARTMENT OF REVENUE

department shall notify any affected county and school district of the written protest.

****109.13. (DOR: Food Manufacturing Equipment) Clothing required by Current Good Manufacturing Practices pursuant to 21 C.F.R. Section 111.10, as it may be amended, at perishable prepared food manufacturing facilities defined by the North American Industry Classification System 311991 to prevent health hazards, including outer garments, gloves of an impermeable material, hairnets, headbands, beard covers, caps, hair covers or other effective hair restraints, and other attire required pursuant to 21 C.F.R. Section 110.10 for persons working in direct contact with food, food contact services, and food packaging materials to protect against contamination of food in perishable prepared food manufacturing facilities shall be exempt from all sales and use taxes.**

109.14. (DOR: Collection of Business License Taxes) Except for business license taxes collected pursuant to Article 20, Chapter 9, of Title 58, and Chapters 7 and 45 of Title 38, of the 1976 Code, a private, third party entity is prohibited from assessing or collecting business license taxes or requiring a business entity to remit confidential business license tax data to that private third party on behalf of counties or municipalities. This proviso shall not prohibit a county or municipality from contracting with a third party entity in assisting in the collection of business license taxes. For purposes of this proviso, assisting in the collection of business license taxes is defined as identification of businesses that do not have a business license, providing that identification to a county or municipality and/or providing by United States mail official municipality or county business license forms, along with a self-addressed envelope containing the county or municipality address, to identified businesses on behalf of the county or municipality; but does not include collecting personal or proprietary information from the identified business. A third party assisting in the collection of business license taxes as defined in this proviso is prohibited from any further contact with the business. This proviso shall not prohibit a county or municipality from contracting with a third party entity solely for the purpose of providing payment processing services for the acceptance of business license tax payments.

A study committee shall be established to study reform and implementation of a third party collection system. The study committee shall be composed of the following:

** See note at end of Act.

SECTION 109 - R440 - DEPARTMENT OF REVENUE

- (1) One member appointed by the Chairman of the Senate Finance Committee;
 - (2) One member appointed by the Chairman of the House Ways and Means Committee;
 - (3) One member appointed by the Chairman of the Senate Labor, Commerce and Industry Committee;
 - (4) One member appointed by the Chairman of the House Labor, Commerce and Industry Committee;
 - (5) One member of the Municipal Association of South Carolina;
 - (6) One member of the South Carolina Chamber of Commerce;
 - (7) One member of the South Carolina Manufacturers Alliance;
 - (8) One member of the South Carolina Association of Realtors;
- and
- (9) One member of the South Carolina Association of Counties.

Staff support for the study committee shall be provided by the relevant standing committees of the Senate and the House of Representatives, as appropriate.

109.15. (DOR: Cigarette Stamps) The Department of Revenue must extend the date by which a person must file a report with the department stating the quantity of such unstamped packages of cigarettes that were in the person's possession as of January 1, 2019, to until October 1, 2019. If a person files the report by October 1, 2019, then the person is deemed to have filed the report by March 31, 2019. Upon application, in the current fiscal year, the department must refund any fine collected in contravention of this proviso.

109.16. DELETED

SECTION 110 - R520 - STATE ETHICS COMMISSION

110.1. (ETHICS: Ethics Commission Website Changes) In the current fiscal year, prior to approving or adopting any changes to the State Ethics Commission Public Disclosure and Accountability Reporting System, the State Ethics Commission shall submit the proposed changes to the Senate Ethics Committee and House of Representatives Ethics Committee for their review and approval. As third party beneficiaries to any agreement between the State Ethics Commission and a vendor relating to the State Ethics Commission Public Disclosure and Accountability Reporting System, the General Assembly through its respective Ethics Committees can submit suggested changes to any proposed agreement or contract relating to the

SECTION 110 - R520 - STATE ETHICS COMMISSION

State Ethics Commission Public Disclosure and Accountability Reporting System and the State Ethics Commission shall be required to incorporate those suggestions into any contractual negotiation.

110.2. (ETHICS: Commission Meeting) The Ethics Commission must meet at least one time each month and post notice of meeting at least twenty-four hours in advance on the agency website.

SECTION 111 - S600 - PROCUREMENT REVIEW PANEL

111.1. (PRP: Filing Fee) Requests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the S.C. Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6), 11-35-4330, and/or 11-35-4410. The funds generated by the filing fee shall be retained by the panel and carried forward to be used for the operation of the panel. Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of financial hardship, the party shall submit a completed Request for Filing Fee Waiver form at the same time the request for review is filed. The panel shall make the Request for Filing Fee Waiver forms available to the chief procurement officers to provide to parties along with notice of right to appeal to the panel. If the filing fee is not waived, the party must pay the filing fee within fifteen days of the date of receipt of the order denying waiver of the filing fee. Requests for administrative review will not be accepted unless accompanied by the filing fee or a completed Request for Filing Fee Waiver form at the time of filing.

SECTION 112 - V040 - DEBT SERVICE

112.1. (DS: Excess Debt Service) The Office of State Treasurer shall transfer, from debt service that exceeds the principal and interest due in the current fiscal year, \$65,000,000 to the Department of Commerce for the Rural School District and Economic Development Closing Fund, \$50,000,000 to the Department of Education for school district capital improvements, and \$20,000,000 to F300-Statewide Employee Benefits for Bonus Pay. From such funds, effective on the first pay date that occurs on or after October 16, 2019, the Department of Administration shall allocate to state agencies \$20,000,000 to provide for a one-time

SECTION 112 - V040 - DEBT SERVICE

lump sum bonus. Each permanent state employee, in a full-time equivalent position, who has been in continuous state service for at least six months prior to July 1, 2019, and who earns \$70,000 or less shall receive a \$600 one-time lump sum payment. This payment is not a part of the state employee's base salary and is not earnable compensation for purposes of employer or employee contributions to respective retirement systems. This appropriation may be used for payments to employees only in the same ratio as the employee's base salary is paid from appropriated sources and the employing agency shall pay the bonus for federal and other funded full-time equivalent positions employees from federal or other funds available to the agency in the proportion that such funds are the source of the employee's salary. Any additional excess debt service funds available in Fiscal Year 2019-20 may be expended in the fiscal year to pay down general obligation bond debt for which the State (1) is paying the highest rate of interest, (2) will achieve relief in constrained debt capacity, or (3) reduce the amount of debt issued. Up to \$5,552,123 of excess debt service funds from the prior fiscal year may be carried forward and expended for debt service purposes in the current fiscal year. Should excess debt service be less than \$135,000,000, the Rural School District and Economic Development Closing Fund shall be reduced proportionately.

112.2. (DS: Ports Authority Loan) Upon receipt of the federal government's share of the Charleston Harbor Deepening Project, the State Ports Authority shall reimburse the General Fund the amount of the loan received pursuant to Proviso 112.2 of Act 264 of 2018 for cash flow needs related to the Charleston Harbor Deepening Project, together with interest accrued to the date of reimbursement, calculated at the rate earned on the General Fund for the period during which the loan remains outstanding.

**SECTION 113 - X220 - AID TO SUBDIVISIONS,
STATE TREASURER**

113.1. (AS-TREAS: Veterans' Affairs-Aid to Counties) In the allocation of the appropriation in Part IA, Section 113, as adjusted for "Aid to County Veteran Offices," each county shall receive an effective annual amount equal to one hundred percent of the amount allocated to it for the prior fiscal year plus an amount equivalent to base pay increases for state employees, less any adjustments made for budget reductions. This allocation shall be distributed on a quarterly basis to the County Treasurer who will handle and distribute these monies for the sole benefit and use of the County Veterans' Affairs Offices.

**SECTION 113 - X220 - AID TO SUBDIVISIONS,
STATE TREASURER**

113.2. (AS-TREAS: Quarterly Distributions) For Fiscal Year 2019-20, one quarter of the amount appropriated in Part IA for Aid to Subdivisions-Local Government Fund shall be distributed as soon after the beginning of each quarter as practical with the four distributions together totaling the Fiscal Year 2019-20 Part IA appropriation for the Local Government Fund.

113.3. (AS-TREAS: Salary Supplements) The amounts appropriated in Part IA, Section 113, for Aid Cnty-Clerks of Court, Aid Cnty-Probate Judges, Aid Cnty-Coroners, and Aid Cnty-Sheriffs shall be distributed by the State Treasurer to each county treasurer equally on a quarterly basis, and shall be used as a salary supplement for each clerk of court, probate judge, county coroner, and county sheriff. The amounts appropriated in Part IA, Section 113 for Aid Cnty-Register of Deeds, shall be equally distributed by the State Treasurer to the appropriate county treasurer on a quarterly basis, and shall be used as a salary supplement for registers of deeds.

The amount appropriated in Part IA, Section 113, for Aid Cnty-Auditors and Aid Cnty-Treasurers, shall be equally distributed to each county auditor and county treasurer as a salary supplement in addition to any amounts presently being provided by the county for these positions. It is the intent of the General Assembly that the amount appropriated by the county as salaries for these positions shall not be reduced as a result of the appropriation and that such appropriation shall not disqualify each county auditor and each county treasurer for salary increases that they might otherwise receive from county funds in the future. The salary supplement for each county auditor and county treasurer shall be paid in accordance with the schedule and method of payment established for state employees.

The amounts appropriated in Part IA, Section 113 for Clerks of Court, Probate Judges, Sheriffs, Register of Deeds, Coroners, Auditors, and Treasurers shall be exempt from any across the board cut mandated by the Executive Budget Office or General Assembly. However, the governing body of a county may reduce the expenditures in the operation of the offices of these officials without any required corresponding reduction in the county's state aid to subdivisions distribution. However, any reduction in these officials' budgets must be made in consultation with the affected official.

113.4. (AS-TREAS: Legislative Delegations) In the current fiscal year, a county government must fund its legislative delegation budget

**SECTION 113 - X220 - AID TO SUBDIVISIONS,
STATE TREASURER**

pursuant to Section 3, Act No. 283 of 1975. If a county council does not meet that funding level, the amount of the shortfall must be deducted from the responsible county's Aid to Subdivisions allocation and forwarded to the legislation delegation of the county. Additionally, the responsible county's remaining Aid to Subdivisions allotment must be reduced by twenty-five percent of the shortfall amount, which sum must be forwarded to the legislative delegation to be used for its administrative costs.

113.5. (AS-TREAS: LGF) For Fiscal Year 2019-20, the provisions of Section 6-27-30 and Section 6-27-50 of the 1976 Code are suspended.

113.6. (AS-TREAS: Transparency-Political Subdivision Appropriation of Funds) (A) A political subdivision receiving aid from the Local Government Fund may not:

(1) appropriate money to any entity unless that appropriation appears as a separate and distinct line item in the political subdivision's budget or in an amendment to the political subdivision's budget;

(2) except in cases of emergency or unforeseen circumstances, donate funds to a nonprofit organization unless the amounts donated are appropriated on a separate and distinct line item in the political subdivision's budget or an amendment to the political subdivision's budget that includes the names of the entities to which the donations are being made. In the case of an emergency or unforeseen circumstances, a political subdivision may donate funds to a nonprofit organization if the amount and purpose of the proposed donation and the nature of the emergency or unforeseen circumstances necessitating the donation are announced in open session at a public meeting held by the governing body of the political subdivision and the funds are not delivered to the organization for five days following the announced intent to make the donation; or

(3) accept any funds from nongovernmental and inter-governmental organizations as defined in Agenda 21, adopted by the United Nations in 1992 at its Conference on Environment and Development, accredited and enlisted by the United Nations to assist in the implementation of its policies relative to Agenda 21 around the world without posting the following on the political subdivision's website for ten days:

(a) a full and detailed list of the funding program, including a designation that the funding program is associated with Agenda 21,

(b) the amount of funds involved,

**SECTION 113 - X220 - AID TO SUBDIVISIONS,
STATE TREASURER**

(c) every mandate or requirement or action that will result from the grant or funding program's implementation,

(d) any and all projected costs to the political subdivision, business, or individual associated with the grant or funding program, and

(e) the stated goals and expected results of the grant or funding program.

(B) A political subdivision receiving aid from the Local Government Fund may not appropriate money to any entity without the requirement that the entity provides at the end of the fiscal year a detailed description of the purposes for which the money was used.

113.7. (AS-TREAS: Political Subdivision Flexibility) For Fiscal Year 2019-20, a political subdivision receiving aid from the Local Government Fund may reduce its support to any state mandated program or requirement, by up to a percentage equal to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the amount required to be appropriated pursuant to Section 6-27-30. Excluded from said reductions are Administrative Law Judges and their offices, Court of Appeals and their offices, Circuit and Family Courts and their offices, Magistrates and their offices, Masters-in-Equity and their offices, Probate Courts and their offices, Public Defenders and their offices, Solicitors and their offices, and the Supreme Court and their offices, and assessment for indigent medical care pursuant to Section 44-6-146 of the 1976 Code.

113.8. (AS-TREAS: Agricultural Use Exemption) A county shall have its portion of the Aid to Subdivisions, Local Government Fund withheld if the county imposes any additional requirements for an agricultural use exemption for a landowner's timberland beyond what is required by Section 12-43-230(a) and Section 12-43-232 of the 1976 Code.

SECTION 117 - X900 - GENERAL PROVISIONS

117.1. (GP: Revenues, Deposits Credited to General Fund) For the current fiscal year, except as hereinafter specifically provided, all general state revenues derived from taxation, licenses, fees, or from any other source whatsoever, and all institutional and departmental revenues or collections, including income from taxes, licenses, fees, the sale of commodities and services, and income derived from any other departmental or institutional source of activity, must be remitted to the

SECTION 117 - X900 - GENERAL PROVISIONS

State Treasurer at least once each week, when practical, and must be credited, unless otherwise directed by law, to the General Fund of the State. Each institution, department or agency, in remitting such income to the State Treasurer, shall attach with each such remittance a report or statement, showing in detail the sources itemized according to standard budget classification from which such income was derived, and shall, at the same time, forward a copy of such report or statement to the Comptroller General and the Executive Budget Office. In order to facilitate the immediate deposit of collections, refunds of such collections by state institutions where properly approved by the authorities of same, may be made in accordance with directions from the State Comptroller General and State Treasurer. General fund appropriations herein made for the support of the public school system of the State must be greater than or equal to the revenues derived from the General Retail Sales Tax, the Soft Drinks Tax, and the state's portion of the Alcoholic Liquors Tax and Cable Television Fees as forecasted in the general fund revenue estimate of the Board of Economic Advisors as accounted for in the Statement of Revenues of this act. Appropriations in this act for the support of the public school system shall include the following:

- Department of Education;

- State Board for Technical and Comprehensive Education;

- Educational Television Commission;

- Wil Lou Gray Opportunity School;

- School for the Deaf and the Blind;

- John de la Howe School;

- Debt Service on Capital Improvement Bonds Applicable to Above Agencies;

- Debt Service on School Bonds;

- Other School Purposes.

Nothing contained herein shall be construed as diminishing the educational funding requirements of this section.

117.2. (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year 2019-20, and for other purposes specifically designated.

SECTION 117 - X900 - GENERAL PROVISIONS

117.3. (GP: Fiscal Year Definitions) For purposes of the appropriations made by this part, “current fiscal year” means the fiscal year beginning July 1, 2019, and ending June 30, 2020, and “prior fiscal year” means the fiscal year beginning July 1, 2018, and ending June 30, 2019.

117.4. (GP: Descriptive Proviso Titles) Descriptive proviso titles listed in this act are for purposes of identification only and are not to be considered part of the official text.

117.5. (GP: Judicial & Involuntary Commitment, Defense of Indigents) It is the responsibility of all agencies, departments and institutions of state government, to provide at no cost and as a part of the regular services of the agency, department or institutions such services as are necessary to carry out the provisions of Chapter 52, Title 44 (Involuntary Commitment), Article 7, Chapter 17, Title 44 of the 1976 Code (Judicial Commitment), Chapter 3, Title 17 of the 1976 Code (Defense of Indigents), and Article 1, Chapter 3, Title 16 of the 1976 Code (Death Penalty), as amended, upon request of the Judicial Department and/or the appropriate court. To this end, state agencies are directed to furnish to the Judicial Department a list of their employees who are competent to serve as court examiners. The Judicial Department shall forward a copy of this list to the appropriate courts, and the courts shall utilize the services of such state employees whenever feasible. State employees shall receive no additional compensation for performing such services. For the purpose of interpreting this section, employees of the Medical University of South Carolina and individuals serving an internship or residency as an academic requirement or employees who are not full-time state employees and who are not performing duties as state employees are not considered state employees.

117.6. (GP: Case Service Billing Payments Prior Year) Agencies appropriated case services funds who routinely receive prior year case service billings after the old fiscal year has been officially closed are authorized to pay these case service obligations with current funds. This authorization does not apply to billings on hand that have been through a timely agency payment approval process when the old fiscal year closes.

117.7. (GP: Fee Increases) (A) No state agency, department, board, committee, commission, or authority, may increase an existing fee for performing any duty, responsibility, or function unless the fee for performing the particular duty, responsibility, or function is authorized

SECTION 117 - X900 - GENERAL PROVISIONS

by statutory law and set by regulation except as provided in this paragraph.

(B) This paragraph does not apply to:

- (1) state-supported governmental health care facilities;
- (2) state-supported schools, colleges, and universities;
- (3) educational, entertainment, recreational, cultural, and training programs;
- (4) the State Board of Financial Institutions;
- (5) sales by state agencies of goods or tangible products produced for or by these agencies;
- (6) charges by state agencies for room and board provided on state-owned property;
- (7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;
- (8) court fees or fines levied in a judicial or adjudicatory proceeding;
- (9) the South Carolina Public Service Authority or the South Carolina Ports Authority.

(C) This paragraph does not prohibit a state agency, department, board, committee, or commission from increasing fees for services provided to other state agencies, departments, boards, committees, commissions, political subdivisions, or fees for health care and laboratory services regardless of whether the fee is set by statute.

(D) Statutory law for purposes of this paragraph does not include regulations promulgated pursuant to the State Administrative Procedures Act.

117.8. (GP: State Institutions - Revenues & Income) (A) The University of South Carolina, Clemson University, the Medical University of South Carolina (including the Medical University Hospital), The Citadel, Winthrop University, South Carolina State University, Francis Marion University, University of Charleston, Lander University, Coastal Carolina University, and the Wil Lou Gray Opportunity School shall remit all revenues and income, collected at the respective institutions, to the State Treasurer according to the terms of Section 117.1 of this act, but all such revenues or income so collected, except fees received as regular term tuition, matriculation, and registration, shall be carried in a special continuing account by the State Treasurer, to the credit of the respective institutions, and may be requisitioned by said institutions, in the manner prescribed in Section 11-3-185 of the 1976 Code, and expended to fulfill the purpose for which

SECTION 117 - X900 - GENERAL PROVISIONS

such fees or income were levied, but no part of such income shall be used for permanent improvements without the express written approval of the State Fiscal Accountability Authority and the Joint Legislative Capital Bond Review Committee; and it is further required that no such fee or income shall be charged in excess of the amount that is necessary to supply the service, or fulfill the purpose for which such fee or income was charged. Notwithstanding other provisions of this act, funds at state institutions of higher learning derived wholly from athletic or other student contests, from the activities of student organizations, and from the operations of canteens and bookstores, and from approved Private Practice plans at institutions and affiliated agencies may be retained at the institution and expended by the respective institutions only in accord with policies established by the institution's Board of Trustees. Such funds shall be audited annually by the State but the provisions of this act concerning unclassified personnel compensation, travel, equipment purchases and other purchasing regulations shall not apply to the use of these funds.

117.9. (GP: Transfers of Appropriations) Agencies and institutions shall be authorized to transfer appropriations within programs and within the agency with notification to the Executive Budget Office and Comptroller General. No such transfer may exceed twenty percent of the program budget. Upon request, details of such transfers may be provided to members of the General Assembly on an agency by agency basis. Transfers of appropriations from personal service accounts to other operating accounts or from other operating accounts to personal service accounts may be restricted to any established standard level set by the State Fiscal Accountability Authority upon formal approval by a majority of the members of the State Fiscal Accountability Authority.

117.10. (GP: Federal Funds - DHEC, DSS, DHHS - Disallowances) 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 fiscal 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 shall 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 117 - X900 - GENERAL PROVISIONS

117.11. (GP: Fixed Student Fees) During the current fiscal year, student fees at the state institutions of higher learning shall 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 shall 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 shall deem reasonable and necessary.

117.12. (GP: Tech Educ. Colleges Student Activity Fees) Notwithstanding any other provisions of this act, 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.

117.13. (GP: Discrimination Policy) It is the policy of the State of South Carolina to recruit, hire, train, and promote employees without discrimination because of race, color, sex, national origin, age, religion or physical disability. This policy is to apply to all levels and phases of personnel within state government, including but not limited to recruiting, hiring, compensation, benefits, promotions, transfers, layoffs, recalls from layoffs, and educational, social, or recreational programs. It is the policy of the State to take affirmative action to remove the disparate effects of past discrimination, if any, because of race, color, sex, national origin, age, religion or physical disability.

Each state agency shall submit to the State Human Affairs Commission employment and filled vacancy data by race and sex by October thirty-first, of each year.

In accordance with Section 1-13-110 of the 1976 Code, as amended, the Human Affairs Commission shall submit a report on the status of state agencies' Affirmative Action Plans and Programs to the General Assembly by February first each year. This report shall contain the total number of persons employed in each job group, by race and sex, at the end of the preceding reporting period, a breakdown by race and sex of those hired or promoted from within the agency during the reporting period, and an indication of whether affirmative action goals were achieved. For each job group referenced in the Human Affairs report,

SECTION 117 - X900 - GENERAL PROVISIONS

where the hiring of personnel does not reflect the percentage goals established in the agency's affirmative action plan for the year in question, the state agency shall submit a detailed explanation to the Human Affairs Commission by February fifteenth, explaining why goals were not achieved.

The Human Affairs Commission shall review the explanations and notify the Department of Administration of any agency not in satisfactory compliance with meeting its stated goals.

The Department of Administration shall notify any agency not in compliance that their request for additional appropriations for the current appropriation cycle, may not be processed until such time as the Department of Administration, after consultation with the Human Affairs Commission, is satisfied that the agency is making a good faith effort to comply with its affirmative action plan, and that the compliance must be accomplished within a reasonable length of time to be determined by the mission and circumstances of the agency. This requirement shall not affect additional appropriation requests for public assistance payments or aid to entities. This section does not apply to those agencies that have been exempted from the reporting requirements of the Human Affairs Commission.

117.14. (GP: FTE Management) In order to provide the necessary control over the number of employees, the Executive Budget Office is hereby directed to maintain close supervision over the number of state employees, and to require specifically the following:

(1) That no state agency exceed the total authorized number of full-time equivalent positions and those funded from state sources as provided in each section of this act except by majority vote of the State Fiscal Accountability Authority.

(2) That the Executive Budget Office shall maintain and make, as necessary, periodic adjustments thereto, an official record of the total number of authorized full-time equivalent positions by agency for state and total funding sources.

(a) That within thirty days of the passage of the Appropriation Act or by August first, whichever comes later, each agency of the State must have established on the Executive Budget Office records all positions authorized in the Act. Each agency may, upon notification to the Executive Budget Office, change the funding source of state FTE positions established on the Executive Budget Office records as necessary to expend federal and other sources of personal service funds to conserve or stay within the state appropriated personal

SECTION 117 - X900 - GENERAL PROVISIONS

service funds. No agency shall change funding sources that will cause the agency to exceed the authorized number of state or total full-time equivalent positions. Each agency may transfer FTEs between programs as needed to accomplish the agency mission.

(b) That by September thirtieth, the office shall prepare a FTE analysis, by agency, which shows the number of authorized, filled, and vacant positions by source of funds for the current and two previously completed fiscal years. The office shall provide a copy of each agency's FTE analysis to the Senate Finance and House Ways and Means Committees.

(3) That full-time equivalent (FTE) positions shall be determined under the following guidelines:

(a) The annual work hours for each FTE shall be the agency's full-time standard annual work hours.

(b) The state FTE shall be derived by multiplying the state percentage of budgeted funds for each position by the FTE for that position.

(c) All institutions of higher education shall use a value of 0.75 FTE for each position determined to be full-time faculty with a duration of nine months.

The FTE method of accounting shall be utilized for all authorized positions.

(4) That the number of positions authorized in this act shall be reduced in the following circumstances:

(a) Upon request by an agency.

(b) When anticipated federal funds are not made available.

(c) When the Executive Budget Office, through study or analysis, becomes aware of any unjustifiable excess of positions in any state agency.

(5) That no new permanent positions in state government shall be funded by appropriations in acts supplemental to this act but temporary positions may be so funded.

(6) That the provisions of this section shall not apply to personnel exempt from the State Classification and Compensation Plan under item I of Section 8-11-260 of the 1976 Code.

The Governor, in making his appropriation recommendations to the Ways and Means Committee, must provide that the level of personal service appropriation recommended for each agency is at least ninety-seven percent of the funds required to meet one hundred percent

SECTION 117 - X900 - GENERAL PROVISIONS

of the funds needed for the full-time equivalents positions recommended by the Governor (exclusive of new positions).

117.15. (GP: Allowance for Residences & Compensation Restrictions) That salaries paid to officers and employees of the State, including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of office or of employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or employee. The charge for these items may be payroll deducted at the discretion of the Comptroller General or the chief financial officer at each agency maintaining its own payroll system. This shall not apply to the Governor's Mansion, nor to guards at any of the state's penal institutions and nurses and attendants at the Department of Disabilities and Special Needs, and registered nurses providing clinical care at the MUSC Medical Center, nor to the Superintendent and staff of John de la Howe School, nor to the cottage parents and staff of Wil Lou Gray Opportunity School, nor to full-time or part-time staff who work after regular working hours in the SLED Communications Center or Maintenance Area, nor to adult staff at the Governor's School for Science and Mathematics and the Governor's School for Arts and Humanities who are required to stay on campus by the institution because of job requirements or program participation. Any state institution of higher learning may provide complimentary membership privileges to employees who work at their wellness centers. The presidents of those state institutions of higher learning authorized to provide on-campus residential facilities for students may be permitted to occupy residences on the grounds of such institutions without charge.

Any state institution of higher learning may provide a housing allowance to the president in lieu of a residential facility, the amount to be approved by the State Fiscal Accountability Authority.

That the following may be permitted to occupy residences owned by the respective departments without charge: the Farm Director, Farm Managers, and Specialists employed at the Wateree River Correctional Institution; the South Carolina State Commission of Forestry fire tower operators, forestry aides, and caretaker at central headquarters; the Department of Natural Resources' Wildlife Management Area Personnel, Fish Hatchery Personnel, and Heritage Trust Personnel; the Department of Parks, Recreation and Tourism field personnel in the State Parks Division; Director of Wil Lou Gray Opportunity School;

SECTION 117 - X900 - GENERAL PROVISIONS

President of the School for the Deaf and the Blind; houseparents for the Commission for the Blind; South Carolina Department of Health and Environmental Control personnel at the State Park Health Facility and Camp Burnt Gin; Residence Life Coordinators at Lander University; Residence Life Directors, temporary and transition employees, student interns, and emergency personnel at Winthrop University; Farm Superintendent at Winthrop University; Residence Hall Directors at the College of Charleston; the Department of Disabilities and Special Needs' physicians and other professionals at Whitten Center, Clemson University Off-Campus Agricultural Staff and Housing Area Coordinators; and TriCounty Technical College's Bridge to Clemson Resident and Area Directors; and housing maintenance night supervisors, residence life directors, temporary and transition employees, and emergency medical personnel occupying residences owned by the University of South Carolina. Except in the case of elected officials, the fair market rental value of any residence furnished to a state employee shall be reported by the state agency furnishing the residence to the Agency Head Salary Commission, and the Department of Administration by October first of each fiscal year.

All salaries paid by departments and institutions shall be in accord with a uniform classification and compensation plan, approved by the Department of Administration, applicable to all personnel of the State Government whose compensation is not specifically fixed in this act. Such plan shall include all employees regardless of the source of funds from which payment for personal service is drawn. The Department of Administration is authorized to approve temporary salary adjustments for classified and unclassified employees who perform temporary duties which are limited by time and/or funds. When approved, a temporary salary adjustment shall not be added to an employee's base salary and shall end when the duties are completed and/or the funds expire. Academic personnel of the institutions of higher learning and other individual or group of positions that cannot practically be covered by the plan may be excluded therefrom but their compensations as approved by the Department of Administration shall, nevertheless, be subject to review by the State Fiscal Accountability Authority. Salary appropriations for employees fixed in this act shall be in full for all services rendered, and no supplements from other sources shall be permitted or approved by the State Fiscal Accountability Authority. With the exception of travel and subsistence, legislative study committees shall not compensate any person who is otherwise employed

SECTION 117 - X900 - GENERAL PROVISIONS

as a full-time state employee. Salaries of the heads of all agencies of the State Government shall be specifically fixed in this act and no salary shall be paid any agency head whose salary is not so fixed. As long as there is no impact on appropriated funds, state agencies and institutions shall be allowed to spend public funds and/or other funds for designated employee award programs which shall have written criteria approved by the agency governing board or commission. For purposes of this section, monetary awards, if any, shall not be considered a part of an employee's base salary, a salary supplement, or a perquisite of employment. The names of all employees receiving monetary awards and the amounts received shall be reported annually to the Department of Administration.

In the case of lodging furnished by certain higher education institutions to employees, the prevailing local rate does not apply if the institution meets the exceptions for inadequate rent described in the current Internal Revenue Code Section 119(d)(2). To meet the exception, rental rates must equal the lesser of five percent of the appraised value of the qualified campus lodging, or the average of the rentals paid by individuals (other than employees or students of the educational institution) during the calendar year for lodging provided by the educational institution which is comparable to the qualified campus lodging provided to the employee, over the rent paid by the employee for the qualified campus lodging during the calendar year. The appraised value shall be determined as of the close of the calendar year in which the taxable year begins, or, in the case of a rental period not greater than one year, at any time during the calendar year in which the period begins.

117.16. (GP: Universities & Colleges - Allowance for Presidents) 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.

117.17. (GP: Replacement of Personal Property) The Department of Juvenile Justice, Department of Corrections, Department of Probation, Parole and Pardon Services, Department of Mental Health,

SECTION 117 - X900 - GENERAL PROVISIONS

Department of Disabilities and Special Needs, Continuum of Care, Department of Social Services and School for the Deaf and the Blind may replace the personal property of an employee which has been damaged or destroyed by a client while in custody of the agency. The replacement of personal property may be made only if the loss has resulted from actions by the employee deemed to be appropriate and in the line of duty by the agency head and if the damaged or destroyed item is found by the agency head to be reasonable in value, and necessary for the employee to carry out the functions and duties of his employment. Replacement of damaged or destroyed items shall not exceed \$250 per item, per incident. Each agency must have guidelines to insure the reasonableness of the replacement payments.

117.18. (GP: Business Expense Reimbursement) 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.

117.19. (GP: Per Diem) The per diem allowance of all boards, commissions and committees shall be at the rate of \$35 per day. No full-time officer or employee of the State shall draw any per diem allowance for service on such boards, commissions or committees.

117.20. (GP: Travel - Subsistence Expenses & Mileage) Travel and subsistence expenses, whether paid from state appropriated, federal, local or other funds, shall be allowed in accordance with the following provisions:

(A) Unless otherwise provided in paragraphs B through H of this section, all employees of the State of South Carolina or any agency thereof including employees and members of the governing bodies of each technical college while traveling on the business of the State shall, upon presentation of a paid receipt, be allowed reimbursement for actual expenses incurred for lodging, not to exceed the current maximum lodging rates, excluding taxes, established by the U.S. General Services Administration. The lodging reimbursement for employees of a school district must also conform to these rates when that employee's travel reimbursement is paid by state funds that are transferred to the school district. Agencies may contract with lodging facilities to pay on behalf of an employee. Failure to maintain proper control of direct payments

SECTION 117 - X900 - GENERAL PROVISIONS

for lodging may result in the revocation of the agency's authority by the Comptroller General or the State Auditor. The employee shall also be reimbursed for the actual expenses incurred in the obtaining of meals except that such costs shall not exceed \$35 per day within the State of South Carolina. For travel outside of South Carolina the maximum daily reimbursement for meals shall not exceed \$50. Agencies may contract with food or dining facilities to pay for meals on behalf of employees in accordance with rules and regulations established by the Office of Comptroller General. It shall be the responsibility of the agency head to monitor the charges for lodging which might be claimed by his employees in order to determine that such charges are following maximum lodging rates as established by the U.S. General Services Administration. Any exceptions must have the written approval of the agency head, taking into consideration location, purpose of travel or other extenuating circumstances. The provisions of this item shall not apply to Section 42-3-40 of the 1976 Code, and when pertaining to institutions of higher learning, for travel paid with funds other than General Funds.

(B) That employees of the State, when traveling outside the United States, Canada, and Puerto Rico upon promotional business for the State of South Carolina shall be entitled to actual expenses for both food and lodging.

(C) The Governor, Lieutenant Governor, Secretary of State, Comptroller General, Attorney General, State Treasurer, Adjutant General, Superintendent of Education and the Commissioner of Agriculture shall be reimbursed actual expenses for subsistence.

(D) Non-legislative members of committees appointed pursuant to Acts and Resolutions of the General Assembly whose membership consists solely of members of the General Assembly or members of the General Assembly and other personnel who are not employees of the State of South Carolina shall be allowed subsistence expenses of \$42 per day while traveling on official business, unless otherwise designated by law. Members of such committees may opt to receive actual expenses incurred for lodging and actual expenses incurred in the obtaining of meals in lieu of the allowable subsistence expense.

(E) Members of the state boards, commissions, or committees whose duties are not full-time and who are paid on a per diem basis, shall be allowed reimbursement for actual expenses incurred at the rates provided in paragraph A and I of this section while away from their places of residence on official business of the State. One person accompanying a

SECTION 117 - X900 - GENERAL PROVISIONS

handicapped member of a state board, commission, or committee on official business of the State shall be allowed the same reimbursement for actual expenses incurred at the rates provided in paragraph A through I of this section.

(F) No subsistence reimbursement shall be allowed to a Justice of the Supreme Court or Judge of the Court of Appeals while traveling in the county of his official residence. When traveling on official business of said court within fifty miles outside the county of his official residence, a Supreme Court Justice and a Judge of the Court of Appeals shall be allowed subsistence expenses in the amount of \$42 per day plus such mileage allowance for travel as is provided for other employees of the State. When traveling on official business of said court fifty or more miles outside the county of his official residence, each Justice and Judge of the Court of Appeals shall be allowed subsistence expenses in the amount as provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other employees of the State. The Chief Justice, or such other person as the Chief Justice designates, while attending the Conference of Chief Justices and one member of the Supreme Court while attending the National Convention of Appellate Court Judges, and three Circuit Judges while attending the National Convention of State Trial Judges shall be allowed actual subsistence and travel expenses.

Upon approval of the Chief Justice, Supreme Court Justices, Judges of the Court of Appeals, Circuit Judges, and Family Court Judges shall be reimbursed for actual expenses incurred for all other official business requiring out-of-state expenses at the rate provided in paragraph A of this section.

(G) No subsistence reimbursements are allowed to a Circuit Judge, a Family Court Judge, or an Administrative Law Judge while holding court within the county in which he resides. While holding court or on other official business outside the county, within fifty miles of his residence, a Circuit Court Judge, Family Court Judge, or an Administrative Law Judge is entitled to a subsistence allowance in the amount of \$42 per day plus such mileage allowance for travel as is provided for other employees of the State. While holding court or on other official business at a location fifty miles or more from his residence, a Circuit Court, Family Court or Administrative Law Judge is entitled to a subsistence allowance in the amount as provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other employees of the State.

SECTION 117 - X900 - GENERAL PROVISIONS

(H) Any retired Justice, Circuit Court Judge or Family Court Judge or Master-in-Equity appointed by the Supreme Court to serve as a Special Circuit Judge, Family Court Judge, Appeals Court Judge, or Acting Associate Justice shall serve without pay but shall receive the same allowance for subsistence, expenses, and mileage as provided in Part I for Circuit Court Judges.

(I) No expense shall be allowed an employee either at his place of residence or at the official headquarters of the agency by which he is employed except as provided in paragraph E, of this section. When an employee is assigned to work a particular territory or district, and such territory or district and his official headquarters are in different localities or sections of the State, expenses may be allowed for the necessary travel to his official headquarters. The members of the Workers' Compensation Commission may be reimbursed at the regular mileage rate of one round trip each week from their respective homes to Columbia. No subsistence reimbursement shall be allowed to a member of the Workers' Compensation Commission while traveling in the county of his official residence. When traveling on official business of the commission outside the county of his official residence, a member of the Workers' Compensation Commission shall be allowed subsistence expenses in the amount of \$42 per day. When traveling on official business of the commission fifty or more miles outside the county of his official residence, each member shall be allowed a subsistence allowance in the amount as provided in this act for members of the General Assembly. When out-of-state, members of the Workers' Compensation Commission and the members of the Appellate Panel of the Department of Employment and Workforce may claim the established amount of per diem, as stated in the General Appropriation Act, or actual expenses as deemed reasonable by the Comptroller General. The members of the Appellate Panel of the Department of Employment and Workforce may be reimbursed at the regular mileage rate when the member is on official business fifty miles or more outside of Columbia. The members of the Appellate Panel of the Department of Employment and Workforce shall be allowed subsistence allowance in the amount as provided in this act for members of the General Assembly when the member is on official business fifty miles or more outside of Columbia.

(J) When an employee of the State shall use his or her personal automobile in traveling on necessary official business, a charge to equal the standard business mileage rate as established by the Internal Revenue

SECTION 117 - X900 - GENERAL PROVISIONS

Service will be allowed for the use of such automobile and the employee shall bear the expense of supplies and upkeep thereof. The standard business mileage rate used in this calculation shall be the current rate established by the Internal Revenue Service. Whenever state provided motor pool vehicles are reasonably available and their use is practical and an employee of the State shall request for his own benefit to use his or her personal vehicle in traveling on necessary official business, a charge of four cents per mile less than the standard business mileage rate as established by the Internal Revenue Service will be allocated for the use of such vehicle and the employee shall bear the expense of supplies and upkeep thereof. The standard business mileage rate used in this calculation shall be the current rate established by the Internal Revenue Service. When such travel is by a state-owned automobile, the State shall bear the expense of supplies and upkeep thereof but no mileage will be allowed. Agencies and employees are directed to use state fueling facilities to the maximum extent possible, when such use is cost beneficial to the State. When using commercial fueling facilities, operators of State-owned vehicles are directed to use self-service pumps. In traveling on the business of the State, employees are required to use the most economical mode of transportation, due consideration being given to urgency, schedules and like factors.

Mileage between an employee's home and his/her place of employment is not subject to reimbursement. However, when an employee leaves on a business trip directly from his/her home, and does not go by the employee's headquarters, the employee shall be eligible for reimbursement for actual mileage beginning at his/her residence.

(K) That a state agency may advance travel and subsistence expense monies to employees of that agency for the financing of ordinary and necessary travel required in the conducting of the business of the agency. The Office of Comptroller General is directed to develop and publish rules and regulations pertaining to the advancing of travel expenses and no state agency shall make such advances except under the rules and regulations as published. All advances for travel and subsistence monies shall be repaid to the agency within thirty days after the end of the trip or by July fifteenth, whichever comes first.

(L) That the state institutions of higher learning are authorized to reimburse reasonable relocation expenses for new employees when such reimbursements are considered by the agency head to be essential to successful recruitment of professionally competent staff members.

SECTION 117 - X900 - GENERAL PROVISIONS

(M) The Office of Comptroller General is authorized to promulgate and publish rules and regulations governing travel and subsistence payments.

(N) No state funds may be used to purchase first class airline tickets.

117.21. (GP: Organizations Receiving State Appropriations Report) Each organization receiving a contribution in this act shall render to the state agency making the contribution by November first of the fiscal year in which funds are received, an accounting of how the state funds will be spent, goals to be accomplished, proposed measures to evaluate success in implementing and meeting the goals, a copy of the adopted budget for the current year, and also a copy of the organization's most recent operating financial statement. The funds appropriated in this act for contributions shall not be expended until the required financial statements are filed with the appropriate state agency. No funds in this act shall be disbursed to organizations or purposes which practice discrimination against persons by virtue of race, creed, color or national origin. The State Auditor shall review and audit, if necessary, the financial structure and activities of each organization receiving contributions in this act and make a report to the General Assembly of such review and/or audit, when requested to do so by the State Fiscal Accountability Authority. From the funds an organization receives from a state agency, for accountability purposes, by June thirtieth organizations receiving contributions in this act shall submit a report to the state agency making the contribution that includes an accounting of how the funds were spent and the outcome measures used to determine the success of the stated goals. State agencies receiving such data from organizations shall forward the information to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

117.22. (GP: State-Owned Aircraft - Flight Logs) Each agency having in its custody one or more aircraft shall maintain a continuing log on all flights, which in order to promote accountability and transparency shall be open for public inspection and shall also be posted online. Any and all aircraft owned or operated by agencies of the State Government shall be used only for official business. The Division of Aeronautics and other agencies owning and operating aircraft may furnish transportation to the Governor, Constitutional Officers, members of the General Assembly, members of state boards, commissions, and agencies and their invitees for official business only; no member of the General Assembly, no member of a state board, commission, or committee, and

SECTION 117 - X900 - GENERAL PROVISIONS

no state official shall use any state-owned or operated aircraft unless the member or official files within twenty-four hours after the completion of the flight with the agency that provided the flight a sworn statement certifying and describing the official nature of his trip; and no member of the General Assembly, no member of a state board, commission or committee, and no state official shall be furnished air transportation by a state agency unless such agency prepares and maintains in its files a sworn statement from the highest ranking official of the agency or its designee certifying that the member's or state official's trip was in conjunction with the official business of the agency. Official business shall not include routine transportation to and from meetings of the General Assembly or committee meetings for which mileage is authorized. Official business also does not include attending a press conference, bill signing, or political function.

All logs shall be signed by the parties using the flight and the signatures shall be maintained as part of the permanent record of any agency. All passengers shall be listed on the flight log by their legal name; passengers flying with an appropriate official of SLED or the Department of Commerce whose confidentiality must, in the opinion of SLED or the department, be protected shall be listed in writing on the flight log as "Confidential Passenger SLED or the Department of Commerce (strike one)" and the appropriate official of SLED or the department shall certify to the agency operating the aircraft the necessity for such confidentiality. The Division of Aeronautics shall post its flight logs on its website within one working day of completion of trips.

Violation of the above provisions of this section is prima facie evidence of a violation of Section 8-13-700(A) of the 1976 Code and shall subject a violating member of the General Assembly to the ethics procedure of his appropriate house and shall subject a violating member of a state board, commission or committee, or a state official to the applicable ethics procedure relating to them as provided by law. The above provisions do not apply to state-owned or operated aircraft when used by the Medical University of South Carolina, nor to aircraft of the athletic department or the educational foundations of any state-supported institution of higher education, nor to law enforcement officers when flying on state-owned aircraft in pursuit of fugitives, missing persons, or felons or for investigation of gang, drug, or other violent crimes.

Aircraft owned by agencies of state government shall not be leased to individuals for their personal use.

SECTION 117 - X900 - GENERAL PROVISIONS

117.23. (GP: Carry Forward) Each agency is authorized to carry forward unspent general fund appropriations from the prior fiscal year into the current fiscal year, up to a maximum of ten percent of its original general fund appropriations less any appropriation reductions for the current fiscal year. Agencies shall not withhold services in order to carry forward general funds.

This provision shall be suspended if necessary to avoid a fiscal year-end general fund deficit. For purposes of this proviso, the amount of the general fund deficit shall be determined after first applying the Capital Reserve Fund provisions in Section 11-11-320(D) of the 1976 Code, and before any transfers from the General Reserve. The amount of general funds needed to avoid a year-end deficit shall be reduced proportionately from each agency's carry forward amount.

Agencies which have separate general fund carry forward authority must exclude the amount carried forward by such separate authority from their base for purposes of calculating the ten percent carry forward authorized herein. Any funds that are carried forward as a result of this provision are not considered part of the base of appropriations for any succeeding years.

117.24. (GP: TEFRA-Tax Equity and Fiscal Responsibility Act) It is the intent of the General Assembly that the State Medicaid Plan be amended to provide benefits for disabled children as allowed by the Tax Equity and Fiscal Responsibility Act (TEFRA) option. State agencies, including but not limited to, the Department of Social Services - the Continuum of Care, the Department of Health and Environmental Control, the Department of Mental Health, the Department of Disabilities and Special Needs, and the Department of Health and Human Services shall collectively review and identify existing state appropriations within their respective budgets that can be used as state match to serve these children. Such funds shall be used effective January 1, 1995 to implement TEFRA option benefits. Agencies providing services under the provisions of this paragraph must not spend less in the current fiscal year than expended in the previous fiscal year.

117.25. (GP: Prison Industries) All agencies funded in this act, when procuring goods and services, shall first consider contracting for services or purchasing goods and services through the Department of Corrections' Prison Industries Program. The Department of Corrections shall furnish, upon request, to all agencies a catalogue of goods and services provided by Prison Industries. The department is hereby

SECTION 117 - X900 - GENERAL PROVISIONS

directed to develop and market a catalogue of Prison Industries products for nationwide circulation.

117.26. (GP: Travel Report) Annually on November first, the Comptroller General shall issue a report on travel expenditures for the prior fiscal year which shall be distributed to the Senate Finance Committee, the House Ways and Means Committee, and the Statehouse Press Room. The Comptroller General may use up to \$500 of general fund appropriations for the purpose of providing copies to the media or the public upon request. The report must contain a listing for every agency receiving an appropriation in the annual General Appropriations Act. The listing must show at a minimum the top ten percent of employees for whom travel expenses and registration fees were paid within each agency, not to exceed twenty-five employees per agency. Agencies should include position titles for each of the top twenty-five travelers for each agency. Expenditures must include state, federal and other sources of funds. Expenditures for in-state and out-of-state registration fees (fees to attend conferences, teleconferences, workshops, or seminars for training on a per person basis) must be shown as a separate subtotal within the grand total for the individual employees and the agency as a whole. The list for each agency must be in rank order with the largest expenditure first and the name of the employee must be shown with each amount. Agencies should include a brief summary of the type of travel the agency incurs. The Comptroller General may provide additional information as deemed appropriate. The Comptroller General shall provide no exceptions to this report in that the information contained is not considered confidential or restricted for economic development purposes. However, further disclosure of detailed information shall be restricted as provided for by law.

117.27. (GP: School Technology Initiative) From the funds appropriated/authorized for the K-12 technology initiative, the Department of Education, in consultation with the Department of Administration, the State Library, the Educational Television Commission, and a representative from the Education Oversight Committee, shall administer the K-12 technology initiative funds. These funds are intended to provide technology, encourage effective use of technology in K-12 public schools throughout the state, conduct cost/benefit analyses of the various technologies, and should, to the maximum extent possible, involve public-private sector collaborative efforts. Funds may also be used to establish pilot projects for new technologies with selected school districts as part of the evaluation

SECTION 117 - X900 - GENERAL PROVISIONS

process. K-12 technology initiative funds shall be retained and carried forward to be used for the same purpose.

117.28. (GP: State-Operated Day Care Facilities Fees) Any state agency receiving funding in this act and any higher education institution, including four-year institutions, two-year institutions, and technical colleges, that operates 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; nor shall fees be set at a lower level for faculty, staff, or students of the institution or agency.

117.29. (GP: Base Budget Analysis) Agencies' annual accountability reports for the prior 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 on or before September fifteenth, 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.

117.30. (GP: Collection on Dishonored Payments) In lieu of 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 has an incorrect or insufficient signature on it. Such funds shall be retained and expended by the agency in accordance with this purpose and any unused amount shall carry forward to the following fiscal year.

117.31. (GP: State DNA Database) Funds collected by the South Carolina Department of Corrections, the Department of Probation,

SECTION 117 - X900 - GENERAL PROVISIONS

Parole and Pardon, and Department of Juvenile Justice to process DNA samples must be remitted to the State Law Enforcement Division to offset the expenses incurred to operate the State DNA Database program. SLED may retain, expend, and carry forward these funds. Any carry forward funds resulting from the DNA Database program must be used solely to operate the DNA Database program.

117.32. (GP: Voluntary Separation Incentive Program) State agencies may implement, in consultation with the Department of Administration, a program to realign resources to include provisions for a separation incentive payment for employees which may include the employer portion of health and dental benefits not to exceed one year. Employees participating in such program shall be considered to have voluntarily quit their employment without good cause and be subject to the provisions of Section 41-35-120(1) of the South Carolina Employment Security Law. Any program developed under this provision will involve voluntary participation from employees and will be funded within existing appropriations. The program must be approved by the agency head and the Director of the Human Resources Division based on ability to demonstrate recurring cost savings for realignment and/or permanent downsizing. State agencies shall report the prior year's results to the Department of Administration by August fifteenth, of the current fiscal year. The Department of Administration, upon request, shall report to the Senate Finance Committee and the House Ways and Means Committee on these results.

117.33. (GP: Debt Collection Reports) Each state agency shall provide to the Chairmen of the Senate Finance and House of Representatives Ways and Means Committees and the Inspector General a report detailing the amount of its outstanding debt and all methods it has used to collect that debt. This report is due by the last day of February for the previous calendar year. For purposes of this provision, outstanding debt means a sum remaining due and owed to a state agency by a nongovernmental entity for more than sixty calendar days.

117.34. (GP: State-Funded Libraries - Web Filters) (A) A library receiving state funds, directly, indirectly, by grant, or otherwise, other than a library at an institution of higher learning, that has computers available for use by the public or students, or both, must equip these computers with software incorporating web-filtering technology designed to eliminate or reduce the ability of the computer to access sites displaying pornographic pictures or text. However, up to ten percent, and at least one, of the library's computers must be unfiltered. Each

SECTION 117 - X900 - GENERAL PROVISIONS

library's governing officials shall determine the physical location of any unfiltered computer(s). The library also must have a written policy providing sanctions against a person who instructs or demonstrates to another person how to bypass this web-filtering technology.

(B) State funds intended for a library not in compliance with subsection (A) must be reduced by fifty percent. Funds resulting from this reduction must be distributed among other libraries that are in compliance with subsection (A).

117.35. (GP: Tobacco Settlement Funds Carry Forward) State agencies are hereby authorized to retain and carry forward any unexpended Tobacco Settlement Agreement funds from the prior fiscal year into the current fiscal year and to expend such funds for the same purpose.

117.36. (GP: Use Tax Exemption) For the current fiscal year there is exempt from the use tax imposed pursuant to Chapter 36, Title 12 of the 1976 Code 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. For the purposes of this item, the Internal Revenue Code means Internal Revenue Code as described in Section 12-6-40 of the 1976 Code. This exemption applies for sales occurring after 1995. No refund is due any taxpayer of use tax paid on sales exempted by this paragraph.

117.37. (GP: Personal Property Tax Relief Fund) 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 of the 1976 Code to provide the reimbursement to offset such a shortfall in the manner provided in Section 4-10-540(A) of the 1976 Code.

117.38. (GP: COG Annual Report) Each Council of Government shall submit a report to the Senate Finance Committee and the House Ways and Means Committee by December first each year describing how the funds which they received from the State in the prior fiscal year were expended.

117.39. (GP: Department of Administration, OEPP, Veterans Affairs) Of the funds appropriated for the Department of Administration, Office of Executive Policy and Programs, Division of Veterans Affairs, the Director of the Division shall appoint an additional

SECTION 117 - X900 - GENERAL PROVISIONS

claims representative within the Division of Veterans Affairs, who, in addition to being charged with the duty of assisting all ex-servicemen, regardless of the wars in which their service may have been rendered, in filing, presenting, and prosecuting to final determination all claims which they have for money compensation, hospitalization, training, and insurance benefits under the terms of federal legislation, shall also specialize in the specific needs and diseases associated with veterans of the Vietnam era. The person appointed as a claims representative under this section must be versed in federal legislation relating to these matters and the rules, regulations, and practice of the Veterans Administration as created by Congress and his appointment must be approved by the Governor.

Subject to the direction of the director, and in addition to other duties prescribed in this section, the claims representative appointed pursuant to this section may represent the Division of Veterans Affairs on the South Carolina Agent Orange Advisory Council and on the Hepatitis C Coalition established by the South Carolina Department of Health and Environmental Control, assist the Division of Veterans Affairs in carrying out its duties in connection with the Agent Orange Information and Assistance program, represent the director in connection with functions relating to Vietnam veterans, and perform other duties as may be assigned by the director.

117.40. (GP: South Carolina Recycling Initiative) To protect the public health and safety, protect and preserve the environment of this State, and to recover resources which have the potential for usefulness in the most environmentally safe, economically feasible and cost effective manner, state agencies shall purchase recycled steel unless the item cannot be acquired competitively at a reasonable price.

117.41. (GP: Life and Palmetto Fellows Scholarships Waiver Exemption) Any provision in permanent law or in Part IB, Section 117 of this act, except that which is specified for LIFE and Palmetto Fellows Scholarships, that would require general fund appropriations other than what is specified in Part IA of this act is waived for the current fiscal year.

117.42. (GP: Sole Source Procurements) The State Fiscal Accountability Authority shall evaluate and determine whether the written determinations, explanations, and basis for sole source procurements, pursuant to South Carolina Code Section 11-35-1560, and emergency procurements, pursuant to South Carolina Code Section

SECTION 117 - X900 - GENERAL PROVISIONS

11-35-1570, are legitimate and valid reasons for awarding noncompetitive contracts.

117.43. (GP: DMV Data) The Department of Motor Vehicles shall provide access, in compliance with all state and federal privacy protection statutes, to the following data and reports without charge to the South Carolina Department of Transportation:

- (1) all collision data and collision reports;
- (2) registration information used for toll enforcement; and
- (3) driver records of employees or prospective employees.

117.44. (GP: Parking Fees) State agencies shall not impose additional parking fees or increases in current fees for state employees during the current fiscal year. This provision does not apply to any college or university.

117.45. (GP: Facility Rental Fee) The Governor's School for the Arts and Humanities, Governor's School for Science and Mathematics, Wil Lou Gray Opportunity School, and John de la Howe School are authorized to charge, collect, expend and carry forward fees charged for facility and equipment rental and registration.

117.46. (GP: Insurance Claims) 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.

117.47. (GP: Organizational Charts) 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 the current fiscal 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. The organizational chart shall 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. In addition, the organizational chart shall clearly identify those employees who are exempt from the State Employee Grievance Procedure Act.

117.48. (GP: Agencies Affected by Restructuring) Upon restructuring of state agencies by the General Assembly the Department of Administration is directed to work with affected State agencies in order to phase-in operations of restructured organizations during the current fiscal year. Restructured organizations should be operating entirely under the revised structure no later than December thirty-first, of the current fiscal year, unless otherwise directed by law. The

SECTION 117 - X900 - GENERAL PROVISIONS

department is further directed to work with the affected agencies in order to identify and facilitate the transfer of any portion of their operations, including transfer of funds during the current fiscal year, which is affected by the restructured organization adopted by the General Assembly, but which has not already been accomplished herein. Until sufficient changes can be made to the State's accounting system and the appointment of appropriate agency heads, the Comptroller General and the State Treasurer shall allow those agencies affected by restructuring to continue processing documents within the account structure existing on June thirtieth, of the prior fiscal year. Restructured agencies shall make all the necessary accounting adjustments to complete the transition to the new account structure as soon as possible, but no later than December thirty-first, of the current fiscal year, unless otherwise directed by law. The Executive Budget Office is directed to prepare the subsequent detail budget to conform Part IA and corresponding provisos in this act to any restructuring changes that are ratified.

117.49. (GP: Agency Administrative Support Collaboration) It is the intent of the General Assembly that state agencies continue to actively pursue cost savings measures through collaborative efforts and where feasible may combine administrative support functions with other agencies in order to maximize efficiency and effectiveness.

117.50. (GP: Assessment Audit / Crime Victim Funds) If the State Auditor finds that any county treasurer, municipal treasurer, county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B) and (D), 14-1-207(B) and (D), 14-1-208(B) and (D), and 14-1-211(B) of the 1976 Code, the State Auditor shall notify the State Department of Crime Victim Compensation. The State Department of Crime Victim Compensation is authorized to conduct an audit which shall include both a programmatic review and financial audit of any entity or nonprofit organization receiving victim assistance funding based on the referrals from the State Auditor or complaints of a specific nature received by the State Department of Crime Victim Compensation to ensure that crime victim funds are expended in accordance with the law. Guidelines for the expenditure of these funds shall be developed by the Victim Services Coordinating Council. The Victim Services Coordinating Council shall develop these guidelines to ensure any expenditure which meets the parameters of Article 15, Chapter 3, Title 16 is an allowable expenditure. Any local entity or

SECTION 117 - X900 - GENERAL PROVISIONS

nonprofit organization that receives funding from revenue generated from crime victim funds is required to submit their budget for the expenditure of these funds to the State Department of Crime Victim Compensation within thirty days of the budget's approval by the governing body of the entity or nonprofit organization. Failure to comply with this provision shall cause the State Department of Crime Victim Compensation to initiate a programmatic review and a financial audit of the entity's or nonprofit organization's expenditures of victim assistance funds. Additionally, the Department of Crime Victim Compensation will place the name of the noncompliant entity or nonprofit organization on their website where it shall remain until such time as they are in compliance with the terms of this proviso. Any entity or nonprofit organization receiving victim assistance funding must cooperate and provide expenditure/program data requested by the State Department of Crime Victim Compensation. If the State Department of Crime Victim Compensation finds an error, the entity or nonprofit organization has ninety days to rectify the error. An error constitutes an entity or nonprofit organization spending victim assistance funding on unauthorized items as determined by the State Department of Crime Victim Compensation. If the entity or nonprofit organization fails to cooperate with the programmatic review and financial audit or to rectify the error within ninety days, the State Department of Crime Victim Compensation shall assess and collect a penalty in the amount of the unauthorized expenditure plus \$1,500 against the entity or nonprofit organization for improper expenditures. This penalty plus \$1,500 must be paid within thirty days of the notification by the State Department of Crime Victim Compensation to the entity or nonprofit organization that they are in noncompliance with the provisions of this proviso. All penalties received by the State Department of Crime Victim Compensation shall be credited to the General Fund of the State. If the penalty is not received by the State Department of Crime Victim Compensation within thirty days of the notification, the political subdivision will deduct the amount of the penalty from the entity or nonprofit organization's subsequent fiscal year appropriation.

117.51. (GP: H.L. Hunley Museum Location) The General Assembly approves the Patriots Point Development Authority as the permanent site of the H.L. Hunley Museum. This approval is contingent upon the negotiation and execution of necessary contracts between the State of South Carolina and the Patriots Point Development Authority.

SECTION 117 - X900 - GENERAL PROVISIONS

The Hunley Commission is directed to expend funds from its account to negotiate and execute contracts on behalf of the State of South Carolina.

117.52. (GP: Secure Juvenile Confinement) The Attorney General shall review the interpretation of the current policies of the Department of Public Safety and the Department of Corrections regarding secure juvenile confinement that the departments indicate may jeopardize federal grant funds. The departments may not implement any changes to the current policies regarding secure juvenile confinement until the Attorney General considers the departments' interpretation of the federal Juvenile Justice and Delinquency Prevention Act in regard to the secure holding of juveniles for more than six hours in adult detention facilities that also serve as forty-eight-hour juvenile holdover facilities. The Attorney General will determine if the departments' interpretation is fair and equitable and how the local governments and the Department of Juvenile Justice would be impacted, to include any financial considerations.

117.53. (GP: ISCEDC Funding Transfer) The departments of Mental Health, Disabilities and Special Needs, and Juvenile Justice are directed to transfer a total of \$1,199,456 in funds to the Department of Social Services for the support of the Interagency System for Caring for Emotionally Disturbed Children. Funding transfers shall be in the following amounts: Department of Mental Health - \$595,000, Department of Disabilities and Special Needs - \$379,456, and Department of Juvenile Justice - \$225,000. The transfer of funds shall be accomplished by September thirtieth of the current fiscal year.

117.54. (GP: Employee Bonuses) State agencies and institutions are allowed to spend state, federal, and other sources of revenue to provide selected employees lump sum bonuses, not to exceed three thousand dollars per year, based on objective guidelines established by the Department of Administration. Payment of these bonuses is not a part of the employee's base salary and is not earnable compensation for purposes of employee and employer contributions to respective retirement systems. Employees earning \$100,000 or more shall not be eligible to receive bonuses under this provision. The employing agency must report this information on or before August thirty-first of each year and must include the total amount and source of the bonus received by the employee during the preceding fiscal year (July first through June thirtieth). The Human Resources Division of the Department of Administration shall formulate policies and procedures to ensure compliance with the reporting provisions of this proviso. Copies of the

SECTION 117 - X900 - GENERAL PROVISIONS

reports shall be made available to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, upon request.

117.55. (GP: FEMA Flexibility) Any appropriation designated as the state share for a federally declared disaster may be carried forward and used for the same purpose by the Emergency Management Division of the Adjutant General's Office in the event of additional federally declared disasters. Unallocated funds from established state accounts may be used as the state share in any federally declared disaster. These funds may also be used during a Governor's state of emergency to augment existing state appropriations of the South Carolina Emergency Management Division (SCEMD). When these funds are used during a Governor's state of emergency, the allocation of those funds following the event will be determined by the Governor based on the recommendation of the Adjutant General and the Director of the South Carolina Emergency Management Division.

In the event there is a federally declared disaster and state match funds are unavailable, the State Fiscal Accountability Authority may borrow from any internal account or accounts necessary to maximize federal matching funds through the Emergency Management Division. Any such borrowing must be reported to the General Assembly within five days. Funds borrowed from accounts shall be replenished by the General Assembly as soon as practicable.

117.56. (GP: Respiratory Syncytial Virus Prescription Sales and Use Tax Exemption) The effective date of the exemption from sales and use tax of prescription medicines used to prevent respiratory syncytial virus shall be January 1, 1999. No refund of sales and use taxes may be claimed as a result of this provision.

117.57. (GP: Year-End Financial Statements - Penalties) Agencies, institutions, and other reporting entities required to submit annual audited financial statements for inclusion in the State's Comprehensive Annual Financial Report must submit final audited financial statements to the Comptroller General not later than October first for those with fiscal year-end June thirtieth. The South Carolina Retirement Systems, Insurance Benefits, and Other Post-Employment Benefits Trust Funds administered by the South Carolina Public Employee Benefit Authority must submit their final audited financial statements no later than October fifteenth. For institutions and reporting entities with fiscal year-ends other than June thirtieth, final audited financial statements must be submitted to the Comptroller General within 120 days of that fiscal

SECTION 117 - X900 - GENERAL PROVISIONS

year-end. The Comptroller General shall provide a written report of each agency, institution, or other reporting entity not in compliance with this provision to the State Fiscal Accountability Authority by November thirtieth.

117.58. (GP: Purchase Card Incentive Rebates) 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.

117.59. (GP: Sex Offender Monitoring and Supervision) The funds appropriated to the Department of Probation, Parole and Pardon Services in Part IA, Section 66, Program II.A.2. for the Sex Offender Monitoring Program and to the Department of Juvenile Justice in Part IA, Section 67, Program III.A. Special Item: Sex Offender Monitoring are to be used and expended only for GPS monitoring programs of the departments. In cases of limited funds, monitoring of "Jessie's Law" offenders shall take precedence over all other GPS programs of the departments. Funds appropriated for this program may not be used for any other purpose or transferred to any other program. Unexpended funds appropriated for Sex Offender Monitoring may be carried forward and used for the same purpose. The departments are directed to submit a report to the General Assembly by January fifteenth each year accounting for the expenditure of the funds including any carry-forward funding; the total costs and per-day costs for equipment, supervision, and monitoring; the total number of staff assigned to the activity and the average agent caseloads; the amount of funds collected from sex offenders for both intensive supervision and electronic monitoring; and the anticipated fiscal needs for the upcoming fiscal year. The report shall also include, but not be limited to, data regarding the number of offenders sentenced to electronic monitoring, including the number sentenced for life; the number of alert notifications received, investigated, and prosecuted; and the number of offenders returned to prison as a result of electronic monitoring violations.

117.60. (GP: Viscosupplementation Therapies Sales and Use Tax Exemption) For the current fiscal year only, sales and use taxes on viscosupplementation therapies shall be suspended. No refund or forgiveness of tax may be claimed as a result of this provision.

117.61. (GP: CID & PCC Agency Head Salaries) All hiring salaries and salary increases for the agency heads of the Commission on Indigent Defense and the Prosecution Coordination Commission shall be subject

SECTION 117 - X900 - GENERAL PROVISIONS

to all provisions related to agency heads covered by the Agency Head Salary Commission.

117.62. (GP: Prosecutors and Defenders Public Service Incentive Program) The Office of Attorney General, the Commission on Prosecution Coordination, and the Commission on Indigent Defense shall develop and implement a Prosecutors and Defenders Public Service Incentive Program for attorneys employed by the Office of Attorney General, the Commission on Prosecution Coordination, the Commission on Indigent Defense, a Circuit Solicitor's Office or a Circuit Public Defender's Office.

After more than three years of continuous service as a full-time attorney with any of these entities, qualifying attorneys may be reimbursed up to \$1,000 for payments made in the prior calendar year on outstanding law school loans. Reimbursements for law school loan payments may be increased by up to \$1,000 for each additional year of continuous service; however, such reimbursements shall not exceed \$5,000 in any year. The amount of law school loan payment reimbursement in any calendar year shall not exceed the amount of principal and interest paid on the loan in the prior calendar year. Reimbursements under the program may continue until all outstanding law school loans are satisfied; however, such reimbursements shall not exceed \$40,000 per qualifying attorney. Reimbursements shall be adjusted if necessary so as not to exceed appropriations for the program.

The Prosecutors and Defenders Public Service Incentive Program must be administered by the Commission on Prosecution Coordination, which shall pay for the cost of administration within the funds appropriated.

The Office of Attorney General, the Commission on Prosecution Coordination, and the Commission on Indigent Defense shall each compile a report that includes, but is not limited to, the number of applicants and the impact of the program on attracting and retaining attorneys. The Commission on Prosecution Coordination shall also compile a report that includes, but is not limited to, the cost of administering the program as well as the amount of reimbursements per agency or entity. Such reports shall be submitted to the Senate Finance Committee and the House Ways and Means Committee by April first.

Unexpended program funds from the prior fiscal year may be carried forward into the current fiscal year to be used for the same purpose.

117.63. (GP: Attorney Dues) Agencies and offices of the State of South Carolina that employ attorneys are authorized, if they so decide,

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.64. (GP: Critical Employee Recruitment and Retention) State agencies are allowed to spend state, federal, and other sources of revenue to provide lump sum bonuses to aid in recruiting and retaining workers in critical needs jobs which provide services that directly impact the health, safety, and welfare of the public. The employee bonus amount shall be approved by the State Human Resources Director based on State Human Resources guidelines, and shall not exceed \$10,000 per year. Payment of these bonuses is not a part of the employee's base salary and is not earnable compensation for purposes of employee and employer contributions to respective retirement systems. These bonuses shall, however, be considered earnings for determining if an employee who has returned to work after retirement is subject to the earning limitation imposed in either Section 9-1-1790(A)(1) or Section 9-11-(4)(a)(i).

These agencies may also provide paid educational leave for any employee in a FTE position deemed critical by the Department of Administration to attend class while enrolled in degree programs that are related to the agency's mission. All such leave is at the agency head's discretion.

These agencies may enter into an agreement with individuals employed in critical needs positions to repay them for their outstanding student loans associated with completion of a relevant degree. Agencies may pay these employees up to twenty percent or \$7,500, whichever is less, of their outstanding student loan each year over a five-year period. Payments will be made directly to the employee at the end of each year of employment. The agency will be responsible for verifying the principal balance of the employee's student loan prior to issuing payments.

Agencies are also authorized to allow tuition reimbursement from a maximum of ten credit hours per semester; allow probationary employees to participate in tuition programs; and provide tuition prepayment instead of tuition reimbursement for employees willing to pursue a degree in a healthcare program. An agency may pay up to fifty percent of an employee's tuition through tuition prepayment. The remaining tuition could be reimbursed to the employee after successful completion of the class.

The Department of Administration shall approve of the designation of critical needs positions applicable to this provision using guidelines that

SECTION 117 - X900 - GENERAL PROVISIONS

include, but are not limited to: 1) the difficulty recruiting for the positions as reflected by data such as the vacancy rate maintained, the average time to fill, the lack of sufficient qualified applicants, and other objective factors; 2) the difficulty retaining employees in the positions as shown by turnover data; 3) justification by the state agency that the position is critical to the core mission of the agency and directly impacts the health, safety and welfare of the public; and 4) assurances from the state agency that there are sufficient existing funds available to pay for items under this provision.

Healthcare employees in approved critical needs positions working on a practicum or required clinical experience towards completion of a healthcare degree may be allowed to complete these requirements at their state agency or another state agency at the discretion of the agency head. This field placement at another state agency may be considered work time for participating employees.

State agencies must report to the Department of Administration by August 31st of each year any expenditure under this provision. The Department of Administration shall compile a report of the responses and submit them to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by October 1st of each year.

117.65. (GP: Governor's Budget Certification) 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 budget bill are certified.

117.66. DELETED

117.67. (GP: Voluntary Furlough) Agency heads may institute a voluntary employee furlough program of not more than ninety days per fiscal year. During this voluntary furlough, the state employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agencies, institutions and departments will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. In the event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

SECTION 117 - X900 - GENERAL PROVISIONS

117.68. (GP: Governor's Security Detail) The State Law Enforcement Division, the Department of Public Safety, and the Department of Natural Resources shall provide a security detail to the Governor in a manner agreed to by the State Law Enforcement Division, the Department of Public Safety, the Department of Natural Resources, and the Office of Governor. Reimbursement to the State Law Enforcement Division, the Department of Public Safety, and the Department of Natural Resources to offset the cost of the security detail for the Governor shall be made in an amount agreed to by the State Law Enforcement Division, the Department of Public Safety, the Department of Natural Resources, and the Office of Governor from funds appropriated to the Office of Governor for this purpose. Law enforcement officers assigned to security detail for the Governor shall only perform services related to security and shall not provide any unrelated service during the assignment.

117.69. (GP: Reduction in Force Antidiscrimination) In the event of a reduction in force implemented by a state agency or institution, the state agency or institution must comply with Title VII of the Civil Rights Act of 1964 or any other applicable federal or state antidiscrimination laws.

117.70. (GP: Reduction in Force/Agency Head Furlough) In the event a reduction in force is implemented by a state agency or institution of higher learning, the agency head shall be required to take five days furlough in the current fiscal year. If more than one reduction in force plan is implemented in a fiscal year, the mandatory agency head furlough is only required for the initial plan. The agency head will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be retained by that agency and expended at the discretion of the agency head. During this furlough, the agency head shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agency will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the agency head remains solely responsible for making those contributions.

Placement of an agency head on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Procedure Act. In the event the reduction for the state agency or institution of higher learning is due solely to the General Assembly

SECTION 117 - X900 - GENERAL PROVISIONS

transferring or deleting a program, this provision does not apply. Agencies may allocate the agency head's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. The Department of Administration shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso. State agencies shall report information regarding furloughs to the Department of Administration.

For purposes of this provision, agency head includes the president of a technical college as defined by Section 59-103-5 of the 1976 Code.

The agency head of the State Board for Technical and Comprehensive Education shall not be required to take this mandatory furlough based solely on the implementation of a reduction in force plan by a technical college.

An agency head shall not be required to take this mandatory furlough based solely on reductions in force implemented as a result of federal budget cuts or reorganization to accomplish organizational efficiencies.

117.71. (GP: Printed Report Requirements) (A) For Fiscal Year 2019-20, state supported institutions of higher learning shall not be required to submit printed reports mandated by Sections 2-47-40, 2-47-50, and 59-103-110 of the 1976 Code, and shall instead only submit the documents electronically.

Submission of the plans or reports required by Sections 59-101-350, 59-103-30, 59-103-45(4), and 59-103-160(D) shall be waived for the current fiscal year, except institutions of higher learning must continue to report student pass rates on professional examinations, and data elements otherwise required for the Commission on Higher Education Management Information System. The commission, in consultation with institutions, shall take further action to reduce data reporting burdens as possible.

(B) For Fiscal Year 2019-20, the Department of Agriculture shall not be required to submit printed reports mandated by Section 46-49-10 of the 1976 Code. The department shall provide these reports electronically and shall use any monetary savings for K5-12 agricultural education programs.

(C) For Fiscal Year 2019-20, the Department of Health and Human Services shall not be required to provide printed copies of the Medicaid Annual Report required pursuant to Section 44-6-80 of the 1976 Code and shall instead only submit the documents electronically.

SECTION 117 - X900 - GENERAL PROVISIONS

(D) For Fiscal Year 2019-20, the Department of Transportation shall not be required to submit printed reports or publications mandated by Sections 1-11-58, 2-47-55, and 58-17-1450 of the 1976 Code.

The Department of Transportation may combine their Annual Report and Mass Transit Report into their Annual Accountability Report.

117.72. (GP: IMD Operations) The Department of Health and Human Services shall produce an annual report on Medicaid-funded out-of-home placements and associated expenditures which shall be provided to the Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, and the Governor no later than November first each year.

117.73. (GP: Fines and Fees Report) In order to promote accountability and transparency, each state agency must provide and release to the public via the agency's website, a report of all aggregate amounts of fines and fees that were charged and collected by that state agency in the prior fiscal year. The report shall include, but not be limited to: (1) the code section, regulation, or proviso that authorized the fines and fees to be charged, collected, or received; (2) the amount of the fine or fee; (3) the amount received by source; (4) the purpose for which the funds were expended by the agency; (5) the amount of funds transferred to the general fund, if applicable, and the authority by which the transfer took place; and (6) the amount of funds transferred to another entity, if applicable, and the authority by which the transfer took place, as well as the name of the entity to which the funds were transferred. The report must be posted online by September first. Additionally, the report must be delivered to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by September first. Funds appropriated to and/or authorized for use by each state agency shall be used to accomplish this directive.

117.74. (GP: Mandatory Furlough) In a fiscal year in which the general funds appropriated for a state agency are less than the general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Executive Budget Office implements a midyear across-the-board budget reduction, and agency heads institute a mandatory employee furlough program, in determining which employees must participate in the program, agency heads should give consideration to furloughs for contract employees, post-TERI employees, and TERI employees before other employees. During this mandatory furlough, the state employees shall be entitled to participate in the same state benefits as otherwise available to them except for

SECTION 117 - X900 - GENERAL PROVISIONS

receiving their salaries. As to those benefits which require employer and employee contributions, the state agencies, institutions, and departments will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. In the event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

117.75. (GP: Reduction In Force) In a fiscal year in which the general funds appropriated for a state agency are less than the general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Executive Budget Office implements a midyear across-the-board budget reduction, and agency heads must make reductions in force, agency heads should give consideration to reductions of contract employees, post-TERI employees, and TERI employees before other employees. In the event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

117.76. (GP: Cost Savings When Filling Vacancies Created by Retirements) During the current fiscal year, whenever classified FTEs become vacant because of employee retirements, it is the intent of the General Assembly that state agencies should realize personnel costs savings of at least twenty-five percent in the aggregate when managing these vacant positions. Prior to filling a classified FTE which has become vacant because of a retirement, an agency must review and determine the appropriate salary for the position as well as determine whether the agency can manage without filling the position or by delay in filling the position. Prior to filling the vacant FTE, agencies must follow all laws and regulations concerning posting and competitive solicitation and consideration of applicants. No agency shall enter into any agreement with any employee that violates the terms of this proviso.

117.77. (GP: Information Technology for Health Care) From the funds appropriated and awarded to the South Carolina Department of Health and Human Services for the Health Information Technology for Economic and Clinical Health Act of 2009, the department shall advance the use of health information technology and health information exchange to improve quality and efficiency of health care and to decrease the costs of health care. In order to facilitate the qualification of Medicare and/or Medicaid eligible providers and hospitals for incentive payments for meaningful health information technology (HIT)

SECTION 117 - X900 - GENERAL PROVISIONS

use, a health care organization participating in the South Carolina Health Information Exchange (SCHIEEx) or a Regional Health Information Organization (RHIO) or a hospital system health information exchange (HIE) that participates in SCHIEEx may release patient records and medical information, including the results of any laboratory or other tests ordered or requested by an authorized health care provider within the scope of his or her license or practice act, to another health information organization that requests the information via a HIE for treatment purposes with or without express written consent or authorization from the patient. A health information organization that receives or views this information from a patient's electronic health record or incorporates this information into the health information organization's electronic medical record for the patient in providing treatment is considered an authorized person for purposes of 42 C.F.R. 493.2 and the Clinical Laboratory Improvement Amendments.

117.78. (GP: Broadband Spectrum Lease) The General Assembly must approve any exercise of the Middle Band Segment Channel recapture provisions contained in the Educational Broadband Service Spectrum Lease Agreements if the exercise of the recapture provisions would result in a decrease in payments received by the State. The Educational Television Commission assumes management and administration of the lease and receives lease payments directly. The Educational Television Commission shall retain and expend funds received pursuant to the lease for agency operations. The commission shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year. In the event of a default by the current lease holder, the Educational Television Commission is authorized to use contingent funds up until such time as a new lease can be negotiated by the State and the Educational Television Commission.

117.79. (GP: Reduction in Compensation) For the current fiscal year, no state agency or political subdivision of this state may decrease the compensation of an employee, including dismissal, suspension, or demotion, solely because the employee gave sworn testimony regarding alleged wrongdoing to a standing committee, subcommittee of a standing committee, or study committee of the Senate or the House of Representatives. This proviso shall apply regardless of when the alleged wrongdoing occurred.

117.80. (GP: Deficit Monitoring) It is the responsibility of each state agency, department, and institution to operate within the limits of its authorized appropriations. All agencies, departments, and institutions

SECTION 117 - X900 - GENERAL PROVISIONS

are to budget, allocate and manage its authorized appropriations in a way to avoid an operating deficit for the fiscal year.

If at the end of each quarterly deficit monitoring review by the Executive Budget Office, it is determined by either the Executive Budget Office or a state agency, department, or institution that the likelihood of a deficit for the current fiscal year exists, the state agency shall notify the General Assembly within fifteen days of this determination and shall further request the Executive Budget Office to work with it to develop a plan to avoid the deficit. Within fifteen days of the deficit avoidance plan being completed, the Executive Budget Office shall either request the General Assembly to recognize the deficit if it determines the deficit avoidance plan will not be sufficient to avoid a deficit or notify the General Assembly of how the deficit will be avoided based on the deficit avoidance plan if the Executive Budget Office determines the plan will be sufficient to avoid a deficit.

Upon notification from the Executive Budget Office that an agency will run a deficit and requesting that it be recognized, the General Assembly, by joint resolution, may make a finding that the cause of, or likelihood of, a deficit is unavoidable due to factors which are outside the control of the state agency, department, or institution, and recognize the deficit. Any legislation to recognize a deficit must be in a separate joint resolution enacted for the sole purpose of recognizing the deficit of a particular state agency, department, or institution. A deficit may only be recognized by an affirmative vote of each branch of the General Assembly.

If the General Assembly recognizes the deficit, then the actual deficit at the close of the fiscal year must be reduced as necessary from surplus revenues or surplus funds available at the close of the fiscal year in which the deficit occurs and from funds available in the General Reserve Fund and the Capital Reserve Fund, as required by the Constitution of this State.

Once a deficit has been recognized by the General Assembly, the state agency, department, or institution shall limit travel and conference attendance to that which is deemed essential by the director of the agency, department, or institution. In addition, the General Assembly, when recognizing a deficit may direct that any pay increases and purchases of equipment and vehicles must be approved by the Executive Budget Office.

117.81. (GP: Commuting Costs) State government employees who use a permanently assigned agency or state-owned vehicle to commute

SECTION 117 - X900 - GENERAL PROVISIONS

from their permanently assigned work location to and from the employee's home must reimburse the agency in which they are employed for commuting use in accordance with IRS regulations based on guidance from the Office of Comptroller General which must use the Cents per mile Rule, unless they are exempted from such reimbursement by applicable IRS regulations. These permanently assigned vehicles must be clearly marked as a state or agency vehicle through the use of permanent state-government license plates and either state or agency seal decals unless the vehicle is used primarily in undercover operations. This requirement does not apply to a vehicle used by an employee for the purpose of a special travel assignment, for active certified law enforcement officers authorized to carry firearms, execute warrants, and make arrests, for Constitutional Officers, or for Department of Transportation employees on call for emergency maintenance.

117.82. (GP: Bank Account Transparency and Accountability) Each state agency, except state institutions of higher learning, which has composite reservoir bank accounts or any other accounts containing public funds which are not included in the Comptroller General's South Carolina Enterprise Information System shall prepare a report for each account disclosing every transaction of the account in the prior fiscal year. The report shall be submitted to the State Fiscal Accountability Authority by October first of each fiscal year. The report shall include the name(s) and title(s) of each person authorized to sign checks or make withdrawals from each account, the name and title of each person responsible for reconciling each account, the beginning and year-end balance of funds in each account, and data related to both deposits and expenditures of each account. The report shall include, but not be limited to, the date, amount, and source of each deposit transaction and the date, name of the payee, the transaction amount, and a description of the goods or services purchased for each expenditure transaction. To facilitate review, the State Fiscal Accountability Authority shall prescribe a common format for the report which agencies must use. In order to promote accountability and transparency, a link to the report shall be posted on the Comptroller General's website as well as the agency's homepage.

When the State Auditor conducts or contracts for an audit of a state agency, accounts of the agency subject to this proviso must be included as part of the review.

If an agency determines that the release of the information required in this provision would be detrimental to the state or the agency, the agency

SECTION 117 - X900 - GENERAL PROVISIONS

may petition the State Fiscal Accountability Authority to grant the agency an exemption from the reporting requirements for the detrimental portion. The meeting to determine whether an exemption should be granted shall be closed. However, the exemption may only be granted upon a majority vote of the State Fiscal Accountability Authority in a public meeting.

117.83. (GP: Websites) All agencies, departments, and institutions of state government shall be responsible for providing on its Internet website a link to the Internet website of any agency, other than the individual agency, department, or institution, that posts on its Internet website that agency, department, or institution's monthly state procurement card statements or monthly reports containing all or substantially all the same information contained in the monthly state procurement card statements. The link must be to the specific webpage or section on the website of the agency where the state procurement card information for the state agency, department, or institution can be found. The information posted may not contain the state procurement card number. Any information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any posting required by this section.

117.84. (GP: Regulations) For the current fiscal year, if a state agency proposes a regulation that levies or increases a fee, fine, or that otherwise generates revenues, the title to the Joint Resolution which proposes the regulation must indicate that a fee, fine, or revenue source is being proposed.

117.85. (GP: Joint Children's Committee) For the current fiscal year, the Department of Revenue is directed to reduce the rate of interest paid on eligible refunds by one percentage point. Of the revenue resulting from this reduction, \$300,000 shall be transferred to the Senate for the Joint Citizens and Legislative Committee on Children to provide the report, research, and other operating expenses as directed in Section 63-1-50 of the 1976 Code. Funds transferred to the University of South Carolina for the Joint Citizens and Legislative Committee on Children shall be maintained in a separate and distinct account. A detailed report of all expenditures shall be made to the Executive Budget Office within thirty days of the close each fiscal quarter, and the Executive Budget Office shall distribute this information to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. The remaining revenue resulting from this reduction shall be transferred to the Department of Juvenile Justice to be used for

SECTION 117 - X900 - GENERAL PROVISIONS

mentoring or alternatives to incarceration programs. Unexpended funds authorized by this provision may be retained and carried forward by the Senate or the Department of Juvenile Justice, respectively, and used for the same purposes. The rate of reduction authorized in this provision shall be in addition to the reduction authorized in Proviso 41.2.

117.86. (GP: Civil Conspiracy Defense Costs) For the current fiscal year, for any claim that has not reached a judgment, if a state or local government employee or former state or local government employee (“government employee”) is personally sued for civil conspiracy based in part upon a personnel or employment action or decision regarding an employee, the court must, prior to trial, make a final determination whether the action or decision giving rise to the suit was made by the government employee within the scope of their official duty. If the court finds that the government employee was acting outside the scope of the employee’s official duties, the government shall not thereafter expend any funds to pay or defend the claim. If the court finds the government employee was acting within the scope of their official duties, the employee is immune from suit, liability, and damages with respect to the civil conspiracy claim. The government may only expend funds to defend the claim if the determination is that the employee was acting within the scope of their official duties. Nothing in this proviso prevents an insurance provider from defending and paying, respectively, any claims that the provider has contractually agreed to defend and pay.

117.87. (GP: Recovery Audits) The State Fiscal Accountability Authority shall contract with one or more firms to conduct recovery audits of payments made by all state agencies to vendors for goods and services. The audits must be designed to detect, document, and recover overpayments and erroneous payments to the vendors and to recommend improved financial and operational practices and procedures. A state agency shall pay, from recovered monies received, the recovery audit firm responsible for obtaining for the agency a reimbursement or payment from a vendor a negotiated fee not to exceed twenty percent of the funds recovered by that firm.

Unless otherwise restricted by law, funds recovered, less the cost of recovery, shall be remitted to a special fund subject to appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation of this provision.

Recovery audits apply only to payments made more than one hundred eighty days prior to the date the audit is initiated and shall cover at least three complete fiscal years.

SECTION 117 - X900 - GENERAL PROVISIONS

All information provided under a contract must be treated as confidential by the recovery audit firm. A violation of this provision shall result in the forfeiture by the firm of all compensation under the contract and to the same sanctions and penalties that would apply to that disclosure.

Each state agency shall participate in this recovery audit program and shall cooperate and provide the recovery audit firm with all information necessary for the audit in a timely manner. All vendors that provide goods or services to a state agency shall cooperate with the recovery audit firm in its audit.

A state agency shall expend or return to the federal government any federal money that is recovered through a recovery audit conducted under this provision. Payments to the recovery audit firm from the federal share of recovered funds shall be solely from the federal portion as allowed by the federal agency.

In addition to performing the recovery audits, the recovery audit firm may conduct an analysis of contracts and pricing structures, as determined and directed by the Executive Director of the State Fiscal Accountability Authority or her or his designee, to identify and recommend future cost-savings and improved state agency financial operations going forward. A state agency shall pay the recovery audit firm responsible for obtaining the agency actual cost-savings a fee as authorized by the contract with the recovery audit firm.

The recovery audit firm shall provide reports to the State Fiscal Accountability Authority detailing its findings, the causes for the overpayments and erroneous payments, future cost-savings opportunities and its recommendations for strengthening state operations and/or state contracts to prevent improper payments in the future.

For purposes of this proviso, the term "vendor" or "vendors" includes, but is not limited to, sellers, suppliers, service providers, other providers, contractors and third party administrators; the term "overpayments and erroneous payments" includes, but is not limited to, overpayments, duplicate payments, erroneous payments, and rebates, discounts and credits not received; and the term "state agency" or "state agencies" includes all state agencies, boards, commissions, institutions and institutions of higher education.

The State Fiscal Accountability Authority shall provide copies, including electronic form copies, of final reports received from a firm under contract to: the Governor; the Chairman of the Senate Finance Committee; the Chairman of the House Ways and Means Committee;

SECTION 117 - X900 - GENERAL PROVISIONS

and the state auditor's office. Not later than January first of each year, the board shall issue a report to the General Assembly summarizing the contents of all reports received under this provision during the prior fiscal year.

117.88. DELETED

117.89. (GP: Means Test) All agencies providing Healthcare Services are directed to identify standards and criteria for means testing on all programs provided, where allowed by Federal guidelines. Once a consistent criteria has been established within an agency, they shall implement their respective plans. Each agency shall report all criteria and fiscal data to the Chairman of the Senate Finance Committee and to the Chairman of the House Ways and Means Committee no later than January first.

117.90. (GP: Agency Reduction Management) The General Assembly encourages state agencies, in the event agencies are assessed a base reduction, to endeavor to realize savings through: (1) payroll management, including, but not limited to, furloughs, reductions in employee compensation, and instituting a hiring freeze; (2) eliminate administrative overhead cost that does not directly impact the agency's mission; and as a final option (3) reductions to programmatic funding.

117.91. (GP: WIA Service Advertising) For the current fiscal year, the Workforce Investment Boards may promote outreach for their services via billboard, bus placard, newspapers, or radio in all workforce investment areas. This outreach may not be limited to e-mail, online, or other internet-based outreach, publicity, or other promotions. Workforce investment boards must adhere to all state procurement policies and procedures when utilizing outreach for the services provided by the Workforce Investment Act.

117.92. (GP: WIA Training Marketability Evaluation) (A) For the current fiscal year, the Department of Employment and Workforce shall submit a report that demonstrates how funds were expended in the prior fiscal year to provide marketable work skills training. The report shall include, but not be limited to the total number of local training recipients, a description of the training area in which each recipient participated, and the number and percentage of participants in each training area that, upon completion of training, have become employed in the field in which they were trained. The report shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the Senate Labor, Commerce and Industry Committee, the Chairman of the House Ways

SECTION 117 - X900 - GENERAL PROVISIONS

and Means Committee, and the Chairman of the House Labor, Commerce and Industry Committee on or before November sixteenth.

(B) Also, the report must specifically describe any restructuring or realignment of agency functions, and any changes in staffing levels or service. The report must detail information on employees terminated, hired, re-hired, reassigned, or reclassified by program area and location. Further, the report must describe efforts made by the agency to reassign or retrain employees who were terminated for positions for which the department hired new employees.

117.93. (GP: Victims Assistance Transfer) The Department of Corrections shall transfer \$20,500 each month to the Office of Attorney General for distribution through the State Victims Assistance Program.

117.94. (GP: DOC & PPP Potential Consolidation Plan) From the funds appropriated to the Department of Corrections and the Department of Probation, Parole and Pardon Services, the directors of the departments may collaborate and develop a plan to consolidate the functions of the departments.

117.95. (GP: USC Greenville Medical School) It is the intent of the General Assembly that during the current fiscal year, no general funds shall be appropriated for the new medical school at the University of South Carolina in Greenville. In addition, no state funds may be transferred from state earmarked or restricted funds held by the University of South Carolina to the medical school except for grants, contributions, contractual payments, and tuition and required fees for students attending the new medical school at the University of South Carolina in Greenville that are specifically designated for the medical school at the University of South Carolina in Greenville.

117.96. (GP: BabyNet Quarterly Reports) The School for the Deaf and Blind, the Department of Disabilities and Special Needs, the Department of Health and Human Services, the Department of Mental Health and the Department of Social Services shall each provide on a common template, a quarterly report to the Chairman of the House Ways and Means Committee and the Chairman of Senate Finance outlining all programs provided by them for BabyNet; all federal funds received and expended on BabyNet and all state funds expended on BabyNet. Each entity and agency shall report on its share of the state's ongoing maintenance of effort as defined by the US Department of Education under IDEA Part C.

117.97. (GP: Single Audit Schedule of Federal Expenditures) To ensure timely completion of the of the Statewide Single Audit, state

SECTION 117 - X900 - GENERAL PROVISIONS

agencies which do not receive a separate audit of federal expenditures, must submit to the Office of the State Auditor a schedule of federal program expenditures in a format prescribed by the Office of the State Auditor, no later than August fifteenth of each year.

117.98. (GP: Prohibits Local Government Fund Public Funded Lobbyists) All local governmental entities including, but not limited to, counties, municipalities, and associations are prohibited from using taxpayer funds received from the Local Government Fund to compensate employees for lobbying activities engaged in on behalf of such governmental entity.

117.99. (GP: School Construction Development Impact Fee Assessment Prohibition) Governmental entities are prohibited from assessing South Carolina Development Impact Fees on the construction of new elementary, middle, or secondary schools. If a governmental entity violates this prohibition it shall have its Aid to Subdivisions Allocation reduced by the amount of the impact fee.

117.100. (GP: Prohibit Use of State Aircraft for Athletic Recruitment) Institutions of higher learning may use the state aircraft operated by the Division of Aeronautics for the purpose of athletic recruiting, provided that they reimburse the Division of Aeronautics for all flight hours on an at cost basis, using non-general funds.

To ensure availability of the aircraft for purposes of economic development, the Department of Commerce shall have first right of refusal in the event of scheduling conflicts with athletic recruiting flights.

117.101. (GP: Recreational Activities) Two counties that receive an allocation from the Local Government Fund may enter into a Memorandum of Understanding in order to provide recreational activities and projects that benefit the citizens of both counties.

117.102. (GP: Technology and Remediation) The funds appropriated to the Department of Administration for the Division of Information Security shall be used to develop and implement a statewide information security program. A portion of the nonrecurring funds may be used for enterprise technology and remediation, and distributed to state agencies to address the State's most serious information security vulnerabilities as determined by the Division of Information Security and the Division of Technology Operations. Funds appropriated for Enterprise Technology and Remediation shall be excluded from the Department of Administration's base budget calculation of any across-the-board agency base reduction mandated by the Executive Budget Office or the

SECTION 117 - X900 - GENERAL PROVISIONS

General Assembly. Unexpended Enterprise Technology and Remediation funds may be carried forward from the prior fiscal year and used for the same purpose.

117.103. (GP: Data Breach Notification) (A) An agency of this State owning or licensing computerized data or other data that includes personal identifying information shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of this State whose personal identifying information was, or is reasonably believed to have been, acquired by an unauthorized person. In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the agency may consider the following factors, among others:

(1) indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information;

(2) indications that the information has been viewed, downloaded, or copied; or

(3) indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of reported identity theft.

(B) An agency maintaining computerized data or other data that includes personal identifying information that the agency does not own shall notify the owner or licensee of the information of a breach of the security of the data immediately following discovery, if the personal identifying information was, or is reasonably believed to have been, acquired by an unauthorized person.

(C) The disclosure requirements of subsections (A) and (B) must be made in the most expedient time possible and without unreasonable delay; however, the notification required by this section may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation and must be made after the law enforcement agency determines that it no longer compromises the investigation. A delay in notification shall not exceed seventy-two hours after discovery, unless the agency requests and the attorney general grants, in writing, additional delays of up to seventy-two hours each upon a determination that such notification impedes a criminal investigation.

(D) For purposes of this section:

SECTION 117 - X900 - GENERAL PROVISIONS

(1) "Agency" means any agency, department, board, commission, committee, or institution of higher learning of the State or a political subdivision of it.

(2) "Breach of the security of the system" means unauthorized access to and acquisition of computerized data that was not rendered unusable through encryption, redaction, or other methods that compromise the security, confidentiality, or integrity of personal identifying information maintained by the agency, when illegal use of the information has occurred or is reasonably likely to occur or use of the information creates a material risk of harm to the consumer. Good faith acquisition of personal identifying information by an employee or agent of the agency for the purposes of the agency is not a breach of the security of the system if the personal identifying information is not used or subject to further unauthorized disclosure.

(3) "Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies shall be compiled by the Department of Consumer Affairs and furnished upon request to the agency required to make a notification under this section.

(4) "Personal identifying information" means the first name or first initial and last name in combination with and linked to any one or more of the following data elements that relate to a resident of this State, when the data elements are neither encrypted nor redacted or when the data elements are encrypted with an encryption key and the encryption key that has also been acquired:

(a) social security number;

(b) driver's license number or state identification card number issued instead of a driver's license;

(c) financial account number, or credit card or debit card number in combination with any required security code, access code, or password that would permit access to a resident's financial account; or

(d) other numbers or information which may be used to access a person's financial accounts or numbers or information issued

SECTION 117 - X900 - GENERAL PROVISIONS

by a governmental or regulatory entity that uniquely will identify an individual.

The term does not include information that is lawfully obtained from publicly available information, or from federal, state, or local government records lawfully made available to the general public.

(E) The notice required by this section may be provided by:

(1) written notice;

(2) electronic notice, if the agency's primary method of communication with the individual is by electronic means, the person to whom notice is required has expressly consented to receiving said notice in electronic form, or is consistent with the provisions regarding electronic records and signatures set forth in Section 7001 of Title 15 USC and Chapter 6, Title 26 of the 1976 Code;

(3) telephonic notice; or

(4) substitute notice, if the agency demonstrates that the cost of providing notice exceeds two hundred fifty thousand dollars or that the affected class of subject persons to be notified exceeds five hundred thousand or the agency has insufficient contact information. Substitute notice consists of:

(a) e-mail notice when the agency has an e-mail address for the subject persons;

(b) conspicuous posting of the notice on the agency's website page, if the agency maintains one; or

(c) notification to major statewide media.

Regardless of the method by which notice is provided, such notice shall include contact information for the agency making the notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

(F) A resident of this State who is injured by a violation of this section, in addition to and cumulative of all other rights and remedies available at law, may:

(1) institute a civil action to recover damages;

(2) seek an injunction to enforce compliance; and

(3) recover attorney's fees and court costs, if successful.

(G) An agency that knowingly and willfully violates this section is subject to an administrative fine up to one thousand dollars for each

SECTION 117 - X900 - GENERAL PROVISIONS

resident whose information was accessible by reason of the breach, the amount to be decided by the Department of Consumer Affairs.

(H) If the agency provides notice to more than one thousand persons at one time pursuant to this section, the agency shall notify, without unreasonable delay, the Consumer Protection Division of the Department of Consumer Affairs and all consumer reporting agencies that compile and maintain files on a nationwide basis, as defined in 15 USC Section 1681a(p), of the timing, distribution, and content of the notice.

117.104. (GP: State Ports Authority Property) If the State Ports Authority has not completed the sale of its real property on Daniel Island, except for the dredge disposal cells that are needed in connection with the construction of the North Charleston terminal on the Charleston Naval Complex and for harbor deepening and for channel and berth maintenance, by June 30, 2020, the authority must transfer the property to the Department of Administration. The authority shall sell the real property under terms and conditions it considers most advantageous to the authority and the State of South Carolina.

117.105 (GP: Remittance of Court Fee and Fine Money) County and city treasurers are required to remit to the State Treasurer set percentages of revenues generated by assessments imposed by 14-1-206(A), 14-1-207(A), 14-1-208(A). This remittance is required on a monthly basis by the 15th day of each month.

Should a county and/or city treasurer fail to make the required remittance, the SC Criminal Justice Academy shall cease providing services to all law enforcement officers of all law enforcement agencies encompassed within the political subdivision if they have failed to make remittance for two consecutive months in a fiscal year. The finance director shall certify by July first, under oath, that the county and/or city has remitted all funds or the SC Criminal Justice Academy shall withhold services until such time as remittance is made.

117.106. (GP: Detailed Expenditure/Revenue Reports PCC/CID) The Prosecution Coordination Commission and the Commission on Indigent Defense shall provide detailed expenditure reports and associated revenue streams for each individual circuit, revenue streams shall include, but not be limited to, state funds, local funds, Federal funds, and also nongovernmental sources of funds, by no later than September first, on the prior fiscal year, to the appropriate commission. The commissions shall then provide the Chairman of the House Ways and

SECTION 117 - X900 - GENERAL PROVISIONS

Means Committee and Chairman of the Senate Finance Committee with a combined report by September fifteenth of the current fiscal year.

117.107. (GP: South Carolina Welcome Centers) The Department of Parks, Recreation and Tourism and the Department of Transportation shall maintain a Memorandum of Understanding (MOU) that provides that the Department of Parks, Recreation and Tourism shall control operations of all South Carolina Welcome Centers. The MOU shall include replacement, renovation and maintenance of the facilities, daily operations, and grounds maintenance and upkeep and shall clearly define responsibility for additional portions of Welcome Centers to include paving and sidewalks. The Department of Transportation shall transfer to the Department of Parks, Recreation and Tourism the amount of \$3,563,560 less any state funds appropriated by the General Assembly for the same purpose. The Department of Parks, Recreation and Tourism assumes responsibility for this amount and the timing of the transfer of these funds shall be defined as part of the MOU. The funds transferred to the Department of Parks, Recreation and Tourism shall be placed in a separate and distinct fund and these funds shall be carried forward from the prior fiscal year into the current fiscal year and be expended for the same purposes.

117.108. (GP: Continuation of Teen Pregnancy Prevention Project Accountability) Qualifying organizations applying for General Funds provided as a special item in this act and titled Continuation of Teen Pregnancy Prevention must include in its application a proposed annual budget and agreement to provide quarterly reports to the grantor state agency detailing the expenditure of funds and the project's accomplishments which shall include:

(1) Financial:

(a) Personnel costs, including employer contributions, by position for each of the following areas: administration, training, and education, as well as for other positions as identified;

(b) Operational costs identified in the application;

(c) One-time costs over \$500 for such items as supplies;

Administration costs may not exceed ten percent of the total project budget. For purposes of this provision, "Administration" is defined as expenses other than educational.

(2) Description of program and curriculum to be used;

(3) Description of training;

(4) Schedule and brief description of project activities for each quarter;

SECTION 117 - X900 - GENERAL PROVISIONS

- (5) Participation reports on the following:
 - (a) Number of persons who participated;
 - (b) Total number of hours provided;
 - (c) Number of train the trainer events;
 - (d) Other data regarding the activities of the project;
- (6) Description of the project evaluation to be used;
- (7) Copy of latest completed independent financial audit and agency's response to any audit exceptions;
- (8) Qualifications of project personnel;
- (9) Best Practices to be used; and
- (10) Evidence Based Curriculum.

An organization awarded a grant must provide these quarterly reports to the grantor state agency within fifteen days of the end of each quarter. Grantees failing to submit reports with thirty days of the end of each quarter shall have their grant terminated.

Unexpended funds for Continuation of Teen Pregnancy Prevention projects under the Department of Social Services or under the Department of Health and Environmental Control shall be carried forward for the purpose of fulfilling the department's contractual agreement.

117.109. (GP: Charleston & Dorchester County Sound Barriers) From the funds authorized to the Department of Transportation, the department shall take the appropriate measures to allow the counties of Charleston and Dorchester to construct sound barriers in the department's easements along Interstate 26 within the borders of Charleston County and along Dorchester Road within Dorchester County, provided, no funds appropriated or authorized in Part IA to the Department of Transportation, any other section of this act, any Federal Funds, unless otherwise agreed to by the local Metropolitan Planning Organization or Council or Governments for use of a portion of their annual federal allocation, or any Other Funds, shall be used in the construction of the sound barriers, and only local dollars shall be used in the construction of sound barriers. The sound barriers must meet the state and federal noise abatement guidelines and must be constructed to meet any and all state and federal regulations. Consistent with the requirements of Section 57-25-190 (E) of the 1976 Code, or regulations adopted pursuant thereto, including construction by a local government in a state right of way, the owner of a legally erected and maintained billboard shall have the option to relocate such billboard sign to another location as close as practicable to the sign being relocated or adjust the

SECTION 117 - X900 - GENERAL PROVISIONS

height or angle of the billboard sign to a height or angle that restores the visibility of the billboard sign to the same or comparable visibility as before construction of a sound barrier. Costs for re-location or alteration of a billboard due to sound barrier installation by a local government in a state right of way shall be paid by the local government. The provisions of Section 39-14-10 et seq. of the 1976 Code will apply regarding any compensation to be paid by local governments for billboard signs which cannot be relocated or altered.

117.110. (GP: Information Technology and Information Security Plans) (A) By August first of the current fiscal year, all state agencies must submit an information technology plan and an information security plan to the Department of Administration. State agencies must submit updates to their plans if there are changes following initial submission. Changes that would necessitate an updated plan include, but are not limited to, changes in response to technological advancements, changes in legislation, regulation or compliance requirements, newly identified funding sources, or new issues relating to information technology management or business requirements.

The information technology plans required by this section shall be in the form and level of detail required by the department and shall include at least: (1) the information technology objectives of the state agency; (2) an inventory of the state agency's information technology; (3) any performance measures used by the state agency for implementing its information technology objectives; (4) how the state agency's development of information technology coordinates with other governmental entities; (5) the state agency's budget plans for information technology for the coming fiscal year which must include: (a) all fixed, recurring information technology costs, regardless of funding sources; (b) new information technology expenditures for services, hardware upgrades/replacements and software purchases, regardless of funding sources; (c) new information technology projects, regardless of funding sources; and (d) FTE counts, temporary personnel counts, and salary information and position descriptions for all information technology personnel, regardless of funding sources; and (6) the state agency's need for appropriations for information technology.

The information security plans required by this section shall be in the form and level of detail required by the division and shall include at least: (1) the information security objectives of the state agency; (2) an inventory of the state agency's information security technology; (3) a profile of the state agency's compliance with security policies

SECTION 117 - X900 - GENERAL PROVISIONS

established by the division; (4) a profile of the state agency's sensitive data and a description of applicable state and federal privacy requirements; (5) a profile of risk management and other measures taken by the state agency to protect its data from unauthorized access and disclosure; (6) the state agency's budget plans for information security for the coming fiscal year which must include: (a) all fixed, recurring information security technology costs, regardless of funding sources; (b) new information security expenditures for services hardware upgrades/replacements and software purchases, regardless of funding sources; (c) new information security projects, regardless of funding sources; and (d) FTE counts, temporary personnel counts, and salary information and position descriptions for all information security personnel, regardless of funding sources; and (7) the state agency's need for appropriations for information security.

(B) The director of the Department of Administration should seek advice from private and public sector resources on the efficient use of information technology and best practices.

(C) The Judicial Department, Legislative Department, public institutions of higher learning, technical colleges, political subdivisions and quasi-governmental bodies are specifically exempt from the requirements as provided in this proviso.

117.111. (GP: SCOIS Transfer) For the current fiscal year, the South Carolina Occupational Information System, its authority and responsibilities, to include the collections of user fees that must be used to operate the program, shall continue to be transferred from the Department of Employment and Workforce to the Department of Education.

117.112. (GP: Employee Compensation) The amounts appropriated to F300-Statewide Employee Benefits for Employee Pay Increases must be allocated by the Department of Administration, Executive Budget Office to the various state agencies to provide for employee pay increases in accordance with the following plan:

(1) With respect to classified and non-judge judicial classified employees, effective on the first pay date that occurs on or after July first of the current fiscal year, the compensation of all classified employees shall be increased by two percent, except that employees of institutions of higher education and technical colleges that earn a base salary of \$100,000 or more shall not be eligible to receive the increase in compensation.

SECTION 117 - X900 - GENERAL PROVISIONS

(2) With respect to unclassified and non-judge judicial unclassified employees or unclassified executive compensation system employees not elsewhere covered in this act, effective on the first pay date that occurs on or after July first of the current fiscal year the compensation of all unclassified employees shall be increased by two percent, except that employees of institutions of higher education and technical colleges that earn a base salary of \$100,000 or more shall not be eligible to receive the increase in compensation. Any employee subject to the provisions of this paragraph shall not be eligible for compensation increases provided in paragraphs 1, 3, 4, 5, or 6.

With respect to unclassified employees of institutions of higher education and technical colleges eligible in this item, institutions and technical colleges are authorized to allot the total funds for compensation increases among individual employees without uniformity. The funds provided for compensation increases for any employee subject to the provisions of this item are based on an annual average two percent increase and may be based on performance.

(3) Effective on the first pay date that occurs on or after July first of the current fiscal year, agency heads not covered by the Agency Head Salary Commission, shall receive an annualized base pay increase of two percent.

(4) With respect to local health care providers compensation increases shall be two percent effective on the first pay date that occurs on or after July first of the current fiscal year. With respect to Area Agencies on Aging funded by the Department on Aging, compensation shall be increased by two percent effective on the first pay date that occurs on or after July first of the current fiscal year. With respect to local councils on aging or local providers of services funded by the Department on Aging through Area Agencies on Aging, no pay increases will be allowed. School Bus Driver salary and fringe funding to school districts shall be increased by two percent.

(5) Effective on the first pay date that occurs on or after July first of the current fiscal year, the Chief Justice and other judicial officers shall receive an annualized base pay increase of two percent.

(6) Effective on the first pay date that occurs on or after July first of the current fiscal year, county auditors and county treasurers shall receive an annualized base pay increase of two percent.

(7) For Fiscal Year 2019-20, the Executive Budget Office is directed to review Executive Branch agencies to determine whether their budgets warrant an other fund authorization increase due to the two

SECTION 117 - X900 - GENERAL PROVISIONS

percent compensation increase for all full-time employees. If so warranted, the Executive Budget Office shall work with the Office of the Comptroller General to increase such authorization for the affected agencies.

The Department of Administration shall allocate associated compensation increases for retirement employer contributions based on the retirement rate of the retirement system in which individual employees participate.

The Executive Director of the State Fiscal Accountability Authority is authorized to use excess appropriations for the current fiscal year designated for statewide employer contributions for other statewide purposes. At the discretion of the Executive Director of the State Fiscal Accountability Authority, such action may be considered a permanent transfer into the receiving agency's base budget.

Funds appropriated in Part IA, F300, Section 106, Statewide Employee Benefits may be carried forward from the prior fiscal year into the current fiscal year.

117.113. (GP: Child Fatality Review) The agencies specified shall implement the following recommendations contained in the Legislative Audit Council's October 2014 report "A Review of Child Welfare Services at the Department of Social Services":

(1) Annually, the Department of Social Services and the State Child Fatality Advisory Committee shall jointly report statistics on child deaths from maltreatment and the number of those with prior Department of Social Services involvement;

(2) The Department of Social Services and the State Child Fatality Advisory Committee shall use their child fatality review findings to make recommendations to revise Department of Social Services policy or practice where appropriate;

(3) The Department of Social Services shall ensure that it includes child fatality statistics from all relevant sources when reporting to the National Child Abuse and Neglect Data System. These sources shall include, but not be limited to, law enforcement agencies and the Department of Health and Environmental Control;

(4) The State Law Enforcement Division and the Department of Health and Environmental Control shall establish a system for cross checking child fatalities in the state to ensure that all fatalities are being properly reported to the State Law Enforcement Division;

(5) The State Law Enforcement Division and the State Child Fatality Advisory Committee shall review the training provided to

SECTION 117 - X900 - GENERAL PROVISIONS

coroners on the reporting of child fatalities to ensure that information is provided on which fatalities are to be reported and what procedure is to be followed for reporting the fatalities;

(6) The Department of Public Safety shall report statistics on all child fatalities to the State Child Fatality Advisory Committee; and

(7) The State Child Fatality Advisory Committee shall evaluate the feasibility of adopting the Child Death Review Case Reporting System developed by the National Center for the Review and Prevention of Child Deaths and shall submit a report on their findings to the General Assembly by December 1, 2016.

Pursuant to Section 63-11-1930 (E) of the 1976 Code, the director of each agency specified in this provision shall ensure that sufficient staff and administrative support is provided to the State Child Fatality Advisory Committee to accomplish the requirements of this provision.

117.114. (GP: Refugee Resettlement Program) No state funds shall be expended to assist in the United States Refugee Resettlement Program unless the county council of the county where the resettlement is to occur approves the relocation.

117.115. RESERVED

117.116. (GP: Family Planning Funds) (A) Notwithstanding any other law, federal family planning funds and state family planning funds shall be awarded to eligible individuals, organizations, or entities applying to be family planning contractors in the following order of descending priority:

(1) public entities that provide family planning services, including state, county, and local community health clinics and federally qualified health centers;

(2) nonpublic entities that provide comprehensive primary and preventive health services, as described in 42 U.S.C. 254b(b)(1)(A), in addition to family planning services; and

(3) nonpublic entities that provide family planning services but do not provide comprehensive primary and preventive health services.

(B) Family planning funds must be distributed in compliance with federal law to ensure distribution in a manner that does not severely limit or eliminate access to family planning services in any region of the State.

(C) Any department, agency, board, commission, office, or other instrumentality of the State that distributes family planning funds shall submit an annual report to the General Assembly listing any family planning contractors that fall under item (A)(3), and the amount of

SECTION 117 - X900 - GENERAL PROVISIONS

federal or state family planning funds they received. The report shall provide a detailed explanation of how it was determined that there were an insufficient number of eligible individuals, organizations, or entities in items (A)(1) and (A)(2) to prevent a significant reduction in family planning services in each region of the State where (A)(3) contractors are located.

117.117. (GP: Statewide Strategic Information Technology Plan Implementation) To ensure the uniform implementation of the Statewide Strategic Information Technology Plan developed pursuant to the Restructuring Act of 2014 and designed to improve the State's ability to provide reliable, secure, cost-efficient, and innovative information technology services and infrastructure, state agencies are directed as follows:

(1) Agencies shall use the shared services from the Department of Administration, Division of Technology Operations as those services become available and in a sequence to be determined by the division. Agencies shall coordinate with the division to accomplish a strategic transition to the shared services environment. Shared services include, but are not limited to, mainframe services, application hosting, servers, storage, network services, desktop services, and disaster recovery services. The State Chief Information Officer may grant an exception, to be revisited on a periodic basis, if the division determines that it cannot immediately satisfy the technical or security capabilities required to support the agency in question;

(2) With regard to information technology governance, standards, and enterprise architecture, agencies shall comply with the rules, standards, plans, policies, and directives of the Division of Technology Operations;

(3) With regard to information technology governance, standards, and enterprise architecture, agencies shall participate and comply with decisions determined by the information technology governance advisory groups.

(4) With regard to the annual Appropriations Act budget submission, agencies shall submit all information technology budget requests to the Executive Budget Office and the Division of Technology Operations. The Executive Budget Office and the Division of Technology Operations shall jointly review the budget requests and recommend for funding consideration only those proposals that fit into the overall Statewide Strategic Information Technology Plan.

SECTION 117 - X900 - GENERAL PROVISIONS

(5) With the consultation and approval of the Division of Technology Operations, agencies must create an information technology plan for purchases that exceed \$50,000 to ensure compliance with the Statewide Strategic Information Technology Plan and the standards defined by the division.

(6) Agencies shall develop a three-year strategic plan for information technology, updated annually, for the Division of Technology Operations, that shall be approved by the Chief Information Officer, that sets forth: (a) operational and project priorities; (b) budget summaries; (c) planned projects and procurements; (d) staffing plans; (e) security initiatives; and (f) risks, issues, and concerns with the agency's information technology.

(7) Agencies shall enter information technology costs into the South Carolina Enterprise Information System (SCEIS) as directed by the Division of Technology Operations and SCEIS.

The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding agency compliance no later than December thirty-first of each calendar year.

The Legislative Branch, the Judicial Branch, public institutions of higher learning, technical colleges, political subdivisions and quasi-governmental bodies are specifically exempt from the requirements as provided in this provision.

117.118. (GP: Sentencing Reform Oversight Committee Reauthorization) There is established for the current fiscal year the South Carolina Sentencing Reform Oversight Committee. The oversight committee shall be composed of eleven members, two of whom shall be members of the Senate, both appointed by the Chair of the Senate Judiciary Committee and one being the Chair of the Senate Judiciary Committee or his designee; two of whom shall be members of the Senate, one appointed by the President of the Senate and one appointed by the Chairman of the Senate Finance Committee; two of whom shall be members of the House of Representatives, both appointed by the Chair of the House Judiciary Committee and one being the Chair of the House Judiciary Committee or his designee; two of whom shall be members of the House of Representatives, one appointed by the Speaker of the House and one appointed by the Chairman of the House Ways and Means Committee; one of whom shall be appointed by the Chair of the Senate Judiciary Committee from the general public at large; one of whom shall be appointed by the Chair of the House Judiciary Committee

SECTION 117 - X900 - GENERAL PROVISIONS

from the general public at large; and one of whom shall be appointed by the Governor. Provided, however, that in making appointments to the oversight committee, race, gender, and other demographic factors should be considered to assure nondiscrimination, inclusion, and representation to the greatest extent of all segments of the population of the State. The members of the general public appointed by the chairs of the House and Senate Judiciary Committees must be representative of all citizens of this State and must not be members of the General Assembly.

The oversight committee must meet as soon as practicable after appointment and organize itself by electing one of its members as chair and such other officers as the oversight committee may consider necessary. Thereafter, the oversight committee must meet at the call of the chair or by a majority of the members. A quorum consists of seven members.

The oversight committee shall have the following powers and duties:

(1) to review the implementation of the recommendations made in the Sentencing Reform Commission report of February 2010, including, but not limited to:

(a) the plan required from the Department of Probation, Parole and Pardon Services on the parole board training and other goals identified in Section 24-21-10;

(b) the report from the Department of Probation, Parole and Pardon Services on its goals and the development of assessment tools consistent with evidence-based practices;

(c) the report from the Office of Pretrial Intervention Coordinator in the Commission on Prosecution Coordination on diversion programs required by the provisions of Article 11, Chapter 22, Title 17; and

(d) the report from the Department of Probation, Parole and Pardon Services on:

(i) the number and percentage of individuals placed on administrative sanctions and the number and percentage of individuals who have earned compliance credits; and

(ii) the number and percentage of probationers and parolees whose supervision has been revoked for violations of conditions or for convictions of new offenses;

(2) to request data similar to the information contained in the report required by Section 17-22-1120 from private organizations for which programs are operated through a court and that divert individuals from prosecution, incarceration, or confinement, such as diversion from

SECTION 117 - X900 - GENERAL PROVISIONS

incarceration for failure to pay child support, and for which programs are sanctioned by, coordinated with, or funded by federal, state, or local governmental agencies;

(3) (a) to calculate:

(i) any state expenditures that have been avoided by reductions in the revocation rate as calculated by the Department of Probation, Parole and Pardon Services and reported under Sections 24-21-450 and 24-21-680; and

(ii) any state expenditures that have been avoided by reductions in the new felony offense conviction rate as calculated by the Department of Probation, Parole and Pardon Services and reported under Sections 24-21-450 and 24-21-680;

(b) to develop rules and regulations for calculating the savings in item (3)(a), which shall account at a minimum for the variable costs averted, such as food and medical expenses, and also to consider fixed expenditures that are avoided if larger numbers of potential inmates are avoided;

(c) on or before December first, to report the calculations made pursuant to item (3)(a) to the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the South Carolina Supreme Court, and the Governor. The report also shall recommend whether or not to appropriate up to thirty-five percent of any state expenditures that are avoided as calculated in item (3)(a) to the Department of Probation, Parole and Pardon Services. With respect to the recommended appropriations in this item (c), none of the calculated savings shall be recommended for appropriation for that fiscal year if there is an increase in the percentage of individuals supervised by the Department of Probation, Parole and Pardon Services who are convicted of a new felony offense as calculated in subitem (3)(a)(ii);

(d) any funds appropriated during this fiscal year pursuant to the recommendations in item (c) shall be used to supplement, not replace, any other state appropriations to the Department of Probation, Parole and Pardon Services;

(e) funds received through appropriations pursuant to this item shall be used by the Department of Probation, Parole and Pardon Services for the following purposes:

(i) implementation of evidence-based practices;

(ii) increasing the availability of risk reduction programs and interventions, including substance abuse treatment programs, for supervised individuals; or

SECTION 117 - X900 - GENERAL PROVISIONS

(iii) grants to nonprofit victim services organizations to partner with the Department of Probation, Parole and Pardon Services and courts to assist victims and increase the amount of restitution collected from offenders;

(4) to submit to the General Assembly, on an annual basis, the oversight committee's evaluation of the implementation of the recommendations of the Sentencing Reform Commission report of February 2010;

(5) to make reports and recommendations to the General Assembly on matters relating to the powers and duties set forth in this section, including recommendations on transfers of funding based on the success or failure of implementation of the recommendations; and

(6) to undertake such additional studies or evaluations as the oversight committee considers necessary to provide sentencing reform information and analysis.

The oversight committee members are entitled to such mileage, subsistence, and per diem as authorized by law for members of boards, committees, and commissions while in the performance of the duties for which appointed. These expenses shall be paid from the general fund of the State on warrants duly signed by the chair of the oversight committee and payable by the authorities from which a member is appointed.

The oversight committee is encouraged to apply for and may expend grants, gifts, or federal funds it receives from other sources to carry out its duties and responsibilities.

The oversight committee must use clerical and professional employees of the General Assembly for its staff, who must be made available to the oversight committee.

The oversight committee may employ or retain other professional staff, upon the determination of the necessity for other staff by the oversight committee.

The oversight committee may employ consultants to assist in the evaluations and, when necessary, the implementation of the recommendations of the Sentencing Reform Commission report of February 2010.

117.119. (GP: State Employee Leave Donation) In the event of a medical emergency, a state employee may make a written request to the employing agency that a specified number of hours of his accrued annual and/or sick leave be transferred from his annual and/or sick leave account to a specific leave recipient rather than to a leave pool account, subject to the approval of the agency director. An employee with less

SECTION 117 - X900 - GENERAL PROVISIONS

than fifteen days in his sick leave account may not transfer any sick leave to the recipient, and an employee with more than fifteen days in his sick leave account may transfer sick leave to the recipient if he retains a minimum of fifteen days in his own sick leave account. Once leave of an employee has been transferred to the recipient, it may not be restored or returned to the leave donor. For purposes of this provision, a medical emergency is defined under IRS Revenue Ruling 90-29 as a medical condition of the employee or a family member that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the leave-sharing plan.

117.120. (GP: State Engineer) The State Engineer is an office located within the State Fiscal Accountability Authority, all references to the contrary notwithstanding.

117.121. (GP: Retail Facilities Revitalization Act Repeal Suspension) The repeal of Chapter 34 of Title 6 of the 1976 Code as specified in Act 285 of 2006 as to sites for which written notification of election of mode of credit has been provided to the Department of Revenue prior to July 1, 2016 and for which a building permit has been issued prior to July 1, 2016, is suspended for Fiscal Year 2019-20.

117.122. RESERVED

117.123. RESERVED

117.124. (GP: Funds Exempt from Budget Reduction Calculations) The funds designated in F310, Section 107, Capital Reserve Fund, funds designated in V040, Section 112, Debt service, funds designated in X220, Section 113, Aid to Subdivisions - State Treasurer for the Local Government Fund, and funds designated in X500, Section 115, Tax Relief Trust Fund shall be excluded from the calculation of any across-the-board base reduction mandated by the Department of Administration, Executive Budget Office or the General Assembly and shall not be subject to any such reduction.

117.125. (GP: BabyNet) From funds available in the current fiscal year for budgetary analysis and oversight, the Executive Budget Office shall conduct an inventory of all BabyNet-related spending, which shall be submitted to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee no later than July 15, 2019. All affected agencies shall support the Executive Budget Office in this effort by providing information upon request, so that the first recommendation of the Legislative Audit Council's 2011 report on BabyNet may be implemented.

SECTION 117 - X900 - GENERAL PROVISIONS

117.126. (GP: South Carolina Telemedicine Network) From the funds appropriated to the Medical University of South Carolina for the MUSC Hospital Authority for Telemedicine and the funds appropriated and authorized for the Department of Health and Human Services, the agencies must continue the development of the South Carolina Statewide Telemedicine Network. The South Carolina Telehealth Alliance shall submit a proposal to the MUSC Hospital Authority and the Department of Health and Human Services to determine which hospitals, clinics, schools or other entities are best suited for Telemedicine partnerships.

(A) The Department of Health and Human Services shall develop or continue a program to leverage the use of teaching hospitals to provide rural physician coverage by expanding the use of Telemedicine, to include new applications such as School Based Telehealth, and Tele-ICU. The department shall also amend its policy related to reimbursement for telemedicine to add Act 301 Behavioral Health Centers as a referring site for covered telemedicine services.

(B) During the current fiscal year the Department of Health and Human Services shall contract with the MUSC Hospital Authority in the amount of \$5,000,000 to lead the development and operation of a statewide, open access South Carolina Telemedicine Network. The MUSC Hospital Authority shall contract with each Regional Support Hub to ensure funding and support of strategic plans submitted by the Regional Support Hubs and approved by both the MUSC Hospital Authority and the Department of Health and Human Services. Institutions and other entities participating in the network must be afforded the opportunity to meaningfully participate in the development of any annual refining to the initiative's strategic plan. Working with the department, the MUSC Hospital Authority shall collaborate with Palmetto Care Connections to pursue this goal. No less than \$1,000,000 of these funds shall be allocated toward support of Palmetto Care Connections and other hospitals in South Carolina. The MUSC Hospital Authority must provide the department with quarterly reports regarding the funds allocation and progress of telemedicine transformation efforts and networks. These reports must include an itemization of the ultimate recipients of these funds, whether vendors, grantees, specific participating institutions, or the Medical University of South Carolina, and must distinguish between funds allocation to the university as a participating institution as opposed to those retained and used by the university in its capacity as the administering entity for the network.

SECTION 117 - X900 - GENERAL PROVISIONS

(C) The Department of Health and Human Services and the Public Employee Benefit Authority shall each review federal additions to telehealth coverage established under the Bipartisan Budget Act of 2018, the SUPPORT for Patients and Communities Act, and other recent federal legislation and/or regulation. No later than October 1, 2019, both of these agencies shall submit a report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on how they intend to broaden their service-based coverage to align with these federal changes and to improve the sustainability of telehealth services.

117.127. (GP: Distribution Facility) The State Ports Authority shall be considered a distribution facility for the purpose of sales tax exemptions associated with the purchase of equipment and construction materials.

117.128. (GP: Catastrophic Weather Event) (A) Any improvements made to real property or personal property used as a residence, such as a mobile home or manufactured housing unit, damaged during the catastrophic weather event in October 2015, Hurricane Matthew of 2016, or Hurricane Florence of 2018, after the event and before June 30, 2020, is not considered an improvement and does not require a re-appraisal. This provision only applies if as a result of the catastrophic weather event, the improvements made to the property were funded by the United States Department of Housing and Urban Development Block Grant - Disaster Recovery program. This provision also applies if, at the discretion of the county and using qualifications determined by the county, the improvements were made with the assistance of a volunteer organization active in disaster, or a similar volunteer organization.

(B) During the current fiscal year, the property tax value of an eligible property shall remain the same unless an assessable transfer of interest occurs. No refund is allowed on account of values adjusted as provided in this provision.

117.129. DELETED

117.130. (GP: Prohibited Funding for Aborted Fetus Research) Notwithstanding any other provision of this act, general funds appropriated in this act may not be used to purchase fetal tissue obtained from an abortion to perform scientific or laboratory research or other kinds of investigation conducted on fetal tissue.

117.131. (GP: SCRS & PORS Trust Fund) Unless otherwise provided in Paragraphs A through D of this provision, the funds appropriated to the Public Employee Benefit Authority (PEBA) for the

SECTION 117 - X900 - GENERAL PROVISIONS

South Carolina Retirement System Trust Fund and the Police Officers' Retirement System Trust Fund in Part IA, Section 108 of this act shall be credited toward the contributions due from participating employers in SCRS and PORS for Fiscal Year 2019-20. Each employer's credit shall be determined at the same rate as calculated by PEBA for the pension funding allocation credit for Fiscal Year 2017-18. A participating employer shall not receive a credit that exceeds the employer contributions due from the employer.

(A) From the funds available for allocation pursuant to this provision, no credits shall be issued for covered employees of special purpose districts, joint authorities, or non-profit corporations; however, this provision does not apply to the South Carolina State Ports Authority and the South Carolina Public Service Authority.

(B) From the funds available for allocation pursuant to this provision, no credits shall be issued for covered employees of hospitals; however this provision does not apply to the Medical University Hospital Authority.

(C) From the funds available for allocation pursuant to this provision, no credits shall be issued for covered employees of participating associations or service organizations as defined in Section 9-1-10(11)(e) of the 1976 Code.

(D) From the funds available for allocation pursuant to this provision, no credits shall be issued for state employees who are funded with federal funds. The Public Employee Benefits Authority shall collaborate with the Department of Administration, Executive Budget Office and the Revenue and Fiscal Affairs Office to determine the amount of credit exclusion for federally-funded employees of state agencies.

117.132. (GP: Retirement System Assets and Custodial Banking Relationship Transfer) In order to facilitate the transfer of custodianship of the assets of the Retirement System to the Public Employee Benefit Authority and governance of the custodial banking relationship to the Retirement System Investment Commission, all portions of contracts, agreements, and exemptions from the Consolidated Procurement Code providing for and relating to custodial banking, general banking, accounting, or any other ancillary services are transferred to, and devolved upon, the Public Employee Benefit Authority and the Retirement System Investment Commission in accordance with the authority transferred to the respective agency.

117.133. (GP: Opioid Abuse Prevention and Treatment Plan) From the funds appropriated and authorized to the Department of Alcohol and

SECTION 117 - X900 - GENERAL PROVISIONS

Other Drug Abuse Services and the Department of Health and Human Services in the current fiscal year, the agencies shall establish a coalition of state agencies, providers and other related entities to combat the opioid epidemic in a collaborative manner and ensure that appropriate services and treatments are made available statewide. This initiative should include efforts to coordinate funding for the provision of treatment with an assessment of current programs and funding levels, to enhance available prevention, treatment and recovery services; expand provider capacity; and enable workforce development for substance use disorder services. General Funds appropriated to any state agency for Opioid Abuse Prevention and Treatment may be carried forward and expended for the same purpose.

(A) The Department of Alcohol and Other Drug Abuse Services, the State Law Enforcement Division, and the Department of Health and Human Services shall establish an advisory board with representation from both agencies, to provide both oversight and administrative direction to the coalition. The advisory board may also include representation from the Department of Health and Environmental Control, the Department of Mental Health, the Medical University of South Carolina, the University of South Carolina's School of Medicine, the Department of Labor Licensing and Regulation, the Department of Corrections, state and local law enforcement agencies, the judicial branch, the South Carolina Hospital Association, the South Carolina Medical Association, the South Carolina Primary Health Care Association, Behavioral Health Centers and other related entities. The advisory board must consider recommendations made in the 2018 report by the South Carolina House of Representatives Opioid Abuse Prevention Study Committee, as well as any recommendations made by the South Carolina Behavioral Health Coalition related to substance use disorders and create a plan to ensure implementation of appropriate recommendations.

(B) The Department of Health and Human Services may leverage any and all available federal funds to implement enhanced treatment services and resources for this coalition.

(C) In consultation with the Department of Alcohol and Other Drug Abuse Services and the Medical University of South Carolina Hospital Authority, the Department of Health and Human Services shall review and evaluate outcomes data from the program for MAT services for prescription opioid dependency and addiction established by Act 97 of 2017 and expanded by Act 264 of 2018. Based on the success rate

SECTION 117 - X900 - GENERAL PROVISIONS

and ability to continue expansion of this model, the department may provide funding not to exceed \$2,500,000 to continue and expand the program to additional providers that are necessary to ensure greater impact in geographical areas of critical need. All medications proven to be effective in treating opioid addiction shall be considered as viable options on a case by case basis to ensure the greatest level of success for individuals in the program.

(D) In consultation with the Department of Alcohol and Other Drug Abuse Services, the Department of Health and Human Services shall identify at least one county with a disproportionately high number and incidence of opioid-related overdoses and deaths to provide up to \$500,000 to develop a local continuum of substance and behavioral health service coordination within the target county and across the region.

(E) The Department of Alcohol and Other Drug Abuse Services and the Department of Health and Human Services shall assist the Department of Health and Environmental Control with any funding required to implement necessary programmatic enhancements to the Prescription Monitoring Program. The departments must consider changes to strengthen risk assessments and patient support tools, as well as the potential integration of Electronic Health Record systems. To the extent possible, the program must be expanded to include the administration of naloxone and other opioid overdose antidotes.

(F) In order to provide comprehensive treatment, from the point of incarceration, to individuals charged with criminal offenses who suffer from any substance use disorder that is treatable with medication, the Department of Alcohol and Other Drug Abuse Services must solicit potential cooperation from law enforcement, the state's solicitors, Magistrate Courts and Circuit Courts, to establish a diversion program in at least one judicial circuit. This program shall provide both behavioral and medical treatment, consultations with peer support specialists, and continued supervision of participants who are released, which may include electronic monitoring.

(G) The Department of Alcohol and Other Drug Abuse Services and the Department of Health and Human Services shall also coordinate with at least one four-year college or university and one two-year technical college with on-campus dormitories to establish pilot programs for Collegiate Recovery Programs to target intervention and the retention of students. These programs must offer academic support in designated

SECTION 117 - X900 - GENERAL PROVISIONS

spaces that provide for group meetings, clinical support, technology access, and academic advising, to assist students in recovery.

(H) The advisory board shall provide a report on the success of the development of the plan and the implementation of recommendations to the Chairman of the Senate Finance Committee, the Chairman of the House Ways & Means Committee, and the Governor no later than January 31, 2020. The report may also include proposals for amending existing recommendations or the establishment of new policies to combat the opioid epidemic.

117.134. (GP: SCEIS Data Entry Compliance) The Department of Administration shall develop and issue written SCEIS data entry standards and guidelines for agency compliance. To ensure uniform compliance with these standards and guidelines, state agencies shall comply with all SCEIS data entry rules, standards, plans, policies, directives, and guidelines established by the Department of Administration.

The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding agency compliance no later than December thirty-first of each calendar year.

117.135. (GP: Statewide Real Estate Plan Implementation) Pursuant to legislative intent expressed in Proviso 118.2 (Titling of Real Property) of this Act to establish a comprehensive central real property and office facility management process to plan for the needs of state government agencies; and to achieve maximum efficiency and economy in the use of state-owned, state-leased, and commercial leased facilities, all state agencies are directed as follows:

(1) In the current occupation of state-owned and commercial facilities or prior to incurring an obligation to expend funds through entering or renewing a lease for state-owned or commercial facilities, state agencies shall work in conjunction with the Department of Administration to achieve uniform space standards in state-owned, state-leased, and commercial leased facilities resulting over time in an overall target density of 210 square feet per person unless otherwise approved by the department.

(2) Prior to entering or renewing any contract for leasing real property, state agencies shall comply with the Department of Administration's site selection criteria for state-owned, state-leased, or commercial leased space,

SECTION 117 - X900 - GENERAL PROVISIONS

(3) State agencies shall record into the South Carolina Enterprise Information System (SCEIS) all maintenance and operations expenditures for state-owned and state-leased facilities in the manner prescribed by the Department of Administration.

(4) State agencies shall provide to the Department of Administration a list of all contracts related to facilities management, maintenance, and support, and shall not renew or enter into any new contracts related to facilities management, maintenance or support without prior approval from the Department of Administration.

(5) Under guidance and direction of the Department of Administration, state agencies shall annually report on and submit plans to address ongoing and deferred maintenance for all state-owned real property.

(6) State agencies shall annually update and submit an inventory of state-owned facilities and land to the Department of Administration by June 30 of each fiscal year in the manner prescribed by the department. Each submission shall include a portfolio assessment with recommendations for any dispositions.

The Legislative Branch, the Judicial Branch, public institutions of higher learning, technical colleges, political subdivisions and quasi-governmental bodies are generally exempt from the requirements of this proviso; provided, however, that public institutions of higher learning and technical colleges shall be subject to the provisions of paragraph (6) in its entirety, and the provisions of paragraph (1) with respect to any facility or portion thereof used for administrative and office space.

The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding compliance with this proviso no later than December 31 of each calendar year, beginning December 31, 2018.

117.136. (GP: Statewide Administrative Services) The Department of Administration may provide consolidated administrative services to all agencies to promote cost savings, process integrity and other efficiencies, and to reduce duplication, overlap and redundancies, or any combination thereof and to provide for consistency in transactions and processes and to advance a statewide approach to agency administration. Consolidated administrative services may include, but are not limited to: 1) financial and accounting support, such as accounts payable and receivable processing, procurement processing, journal entry processing

SECTION 117 - X900 - GENERAL PROVISIONS

and financial reporting assistance; 2) human resources administrative support, such as transaction processing and reporting, payroll processing, and human resources training; and 3) budget support, such as budget transaction processing and budget reporting assistance.

Agencies that receive twenty million dollars or less in total appropriations in the current fiscal year shall consult with the Department of Administration to determine whether the use of consolidated administrative services offered by the department would be beneficial to the agency. The Legislative Branch, the Judicial Branch, public institutions of higher learning and technical colleges shall be exempt from the requirements of this provision.

The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding agency utilization of administrative services offered by the department no later than December 31, 2019.

117.137. (GP: Mobile Device Protection Plan) With funds appropriated and authorized in the current fiscal year, the Department of Administration in the current fiscal year, shall implement updated policies for protecting mobile devices including, but not limited to, cellular phones, tablets and laptops. The department must also consider the potential consolidation of existing protection plans as established by other state agencies, to ensure an effective and efficient statewide approach to a protection plan that covers all state owned devices.

(A) The following factors shall be considered by the department as it reviews options for providing this protection, and to the extent possible, the following components must be included in the updated plan:

- (1) Protective cases and screens for all devices;
- (2) Multi-year insurance coverage for both the device and the protective case;
- (3) Zero deductible if possible to ensure cost savings to the department;
- (4) Multiple claims per device should be allowable;
- (5) Replacement policy if devices cannot be repaired; and
- (6) Local pickup and delivery service for efficient repair and replacement where possible.

(B) Upon development of these policies and to follow the new mobile device purchasing policy for state agencies, the State Fiscal Accountability Authority must establish a statewide contract for

SECTION 117 - X900 - GENERAL PROVISIONS

protecting all state owned, mobile devices that can be included in one combined contract.

(C) The State Fiscal Accountability Authority must ensure that any contract developed for this purpose is awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code.

117.138. RESERVED

117.139. (GP: State Flag Study Committee) There is created the South Carolina State Flag Study Committee charged with proposing an official, uniform design for the state flag based on historically accurate details and legislative adoptions. Membership of the study committee shall be comprised of five members as follows:

- (1) the Director of the Department of Archives and History, or his designee, who shall serve as chairman;
- (2) the Director of the Department of Administration, or his designee;
- (3) one member appointed by the President Pro Tempore of the Senate;
- (4) one member appointed by the Speaker of the House of Representatives; and
- (5) one member appointed by the Governor.

The study committee shall provide a report including a proposed design to the General Assembly by June 30, 2020, at which time the study committee shall dissolve. Members of the study committee shall receive mileage, per diem, and subsistence as provided by law.

117.140. (PSA: Board Meeting Coverage) The South Carolina Public Service Authority must provide live-streamed coverage whenever practicable of all meetings of the Board of Directors to ensure transparency and access for the public. The board meetings shall be recorded and archived and made available on the South Carolina Public Service Authority's website. If a meeting cannot be live-streamed, then the authority must make transcripts available on the authority's website within three business days.

117.141. DELETED

117.142. (GP: Criminal History Investigations) (A) State agencies, state institutions and political subdivisions of the state are authorized, as necessary to comply with internal revenue service Publication 1075, including amendments thereto and publications replacing Publication 1075, to obtain state and national criminal history background checks and investigations performed by the State Law Enforcement Division and the Federal Bureau of Investigation on all employees and contractors

SECTION 117 - X900 - GENERAL PROVISIONS

with access to federal tax information. The State Law Enforcement Division is authorized to conduct fingerprint-based state and national background checks for state agencies, state institutions and political subdivisions of the state which have access to federal tax information in order to comply with Publication 1075.

(B) An employee or contractor of a state agency, state institution and political subdivision of the state with access to or that uses federal tax information must:

(1) agree to a national background check and the release of all investigative records to the state agency, state institution or political subdivision of the state for the purpose of verifying criminal history information for non-criminal justice purposes; and

(2) supply a fingerprint sample and submit to a state criminal history background check and investigation to be conducted by the State Law Enforcement Division, and then submit to a national criminal history background check to be conducted by the Federal Bureau of Investigation.

(C) Except as otherwise provided in this section, a state agency, state institution or political subdivision of the state shall pay any costs incurred to conduct background checks and investigations requested by the state agency. The state agency, state institution or political subdivision of the state may require a person or entity contracting with the agency to pay the costs associated with the background investigations for all employees of the contractor. The requirement may be a condition of the contract with the agency, state institution or political subdivision of the state.

(D) Each state agency, state institution or political subdivision of the state required to conduct background checks and investigations pursuant to this provision shall establish written policies concerning the implementation and use of the background checks and investigations conducted pursuant to this provision.

117.143. (GP: Medical Marijuana Research) With funds provided in this fiscal year, the University of South Carolina College of Pharmacy and the Medical University of South Carolina are authorized, to the extent permitted by and in accordance with federal laws and regulations, to undertake the following actions: acquire pharmaceutical grade marijuana, marijuana extracts, semi-pure isolates, and purified compounds, including, but not limited to, THC, CBD, CBO, cannabitol, and cannabigerol for use in research and clinical trials to develop potential therapeutic agents for epilepsy, Dravet's Syndrome, chronic

SECTION 117 - X900 - GENERAL PROVISIONS

pain, cancer, reduction of nausea, and vomiting induced by chemotherapy, glaucoma, obesity, multiple sclerosis, drug abuse, inflammation, and autoimmune disorders, including encephalomyelitis.

The University of South Carolina and the Medical University of the South Carolina are further authorized to form collaborations, agreements, and partnerships with other public and private entities in order to conduct this research and clinical trials, to the extent permitted by and in accordance with federal laws and regulations, as well as to pursue both public and private funding. Further, the University of South Carolina and the Medical University of South Carolina are directed to provide to the members of the South Carolina General Assembly, on or before the first day of the 2020 legislative session, with a written summary of the actions they have undertaken pursuant to this proviso and the material findings, if any, resulting from such activities.

117.144. (GP: Immigration Compliance Report) From the funds appropriated to the South Carolina Law Enforcement Division (SLED), the agency shall publish the Immigration Compliance Report (ICR). SLED may conduct investigations necessary to ensure the accuracy of information provided by counties and municipal governments within the ICR. Every agency of this State, and political subdivisions thereof, shall provide documentation that SLED considers necessary for the publication of the ICR. The ICR shall contain a list of county and municipal governments that SLED has certified to be compliant with Sections 17-13-170(E) and 23-3-1100 of the 1976 Code as well as compliance with any federal laws related to the presence of an unlawful person in the United States in the previous fiscal year. The ICR must be provided to the General Assembly, the Governor, and the State Treasurer by December thirty-first of the current fiscal year.

The State Treasurer shall withhold any remaining disbursement from the Local Government Fund to any county or municipality that is not certified as "compliant" in the ICR; however, this requirement may not be imposed until the first publication of the ICR.

117.145. (GP: School Resource Officer Critical Needs) Any Class 1 law enforcement officer who retired under the Police Officers Retirement System on or before December 31, 2017, may return to employment with a public school district as a critical needs School Resource Officer without affecting the monthly retirement allowance that they are receiving from the Police Officers Retirement System. The Law Enforcement Training Council must develop guidelines and curriculum for these officers to be recertified and must not require

SECTION 117 - X900 - GENERAL PROVISIONS

recertification through basic training for those that have been inactive for a year or more.

117.146. DELETED

117.147. DELETED

117.148. DELETED

117.149. (GP: Georgetown County Boat Ramps) The Department of Transportation shall transfer the remaining funds appropriated for the Sandy Island Boat Ramp in Proviso 118.17 (B), item 43(f), Act 101 of 2013 to the Department of Natural Resources. The Department of Natural Resources shall credit the transfer to the Water Recreation Resource fund for use in Georgetown County and the transfer amount is not to be considered part of the annual allocation formula for Water Recreation Resource funds.

117.150. DELETED

117.151. DELETED

117.152. (GP: CDBG-DR Flexibility) The Department of Commerce is directed to transfer any funds remaining from the appropriation it received through Act 97 of 2017 for 2015 - Non-CDBG - Disaster Recovery to the Department of Administration which shall utilize these funds for any disaster recovery program.

117.153. (GP: Secure Area Duty Officers Program) The Office of Adjutant General, the State Law Enforcement Division, and other law enforcement authorities are authorized to conduct security-related activities as prescribed by the Governor in Executive Order 2015-18. Activities carried out under this program shall be considered state or federal training for purposes of Section 15-78-60(19) of the 1976 Code and the agency and its personnel shall be exempt from liability as described therein. State agencies involved in the Secure Area Duty Officers Program (SADOP) may expend state and federal funds in support of the program.

117.154. DELETED

117.155. (GP: Higher Education Tuition Mitigation) The following recurring funds have been appropriated in Part IA to institutions of higher education to mitigate tuition and mandatory fee increases for in-state undergraduate students:

(1) The Citadel	\$ 764,651;
(2) Clemson University	\$ 5,716,806;
(3) University of Charleston	\$ 2,659,523;
(4) Coastal Carolina University	\$ 2,145,346;
(5) Francis Marion University	\$ 1,464,038;

SECTION 117 - X900 - GENERAL PROVISIONS

(6) Lander University	\$ 1,200,335;
(7) South Carolina State University	\$ 919,875;
(8) University of South Carolina-Columbia	\$ 8,313,496;
(9) University of South Carolina-Aiken	\$ 1,262,954;
(10) University of South Carolina-Upstate	\$ 2,498,567;
(11) University of South Carolina-Beaufort	\$ 780,527;
(12) University of South Carolina-Lancaster	\$ 649,998;
(13) University of South Carolina-Salkehatchie	\$ 384,972;
(14) University of South Carolina-Sumter	\$ 454,205;
(15) University of South Carolina-Union	\$ 471,844;
(16) Winthrop University	\$ 1,958,372;

and

(17) Medical University of South Carolina	\$ 4,523,265.
---	---------------

In order to retain the above appropriations, each institution of higher education listed above must certify to the Commission on Higher Education by August 1, 2019, that, excluding tuition increases due to pension increases required by the provisions of Sections 9-1-1085 and 9-11-225 of the 1976 Code and any state health plan increase, there is no in-state tuition or mandatory fee increase for the 2019-2020 academic year.

The Commission on Higher Education shall develop the process by which institutions provide the certification. Any institution unable to provide such certification to the commission shall remit their respective above recurring allocation to the General Fund by September 1, 2019.

By October 1, 2019, the Commission on Higher Education shall report to the House Ways and Means Committee, the Senate Finance Committee, and the Executive Budget Office the institutions that failed to certify that the in-state tuition increase met the guidelines outlined in this provision. The Executive Budget Office is directed to reduce the recurring appropriation of any institution found to be non-compliant with the certification.

117.156. DELETED

117.157. (GP: Magistrates Compensation) Notwithstanding Proviso 117.112 (Employee Compensation), in the current fiscal year, the salary for each magistrate must be calculated using the same schedule and same circuit judge salary, at a minimum, as was in effect in Fiscal Year 2018-19.

117.158. (GP: Voting System Funds Transfer) The State Election Commission is directed to transfer any funds which have been appropriated to the commission for the purchase of a new statewide

SECTION 117 - X900 - GENERAL PROVISIONS

voting system or for the refurbishment of the current statewide voting system to the Department of Administration. The Department of Administration shall hold these funds and any other funds appropriated to the department for the same purpose in a separate account. This transfer requirement shall not apply to any federal funds granted to the State Election Commission. Any funds available to the State Election Commission or the Department of Administration shall be used in Fiscal Year 2019-20 to purchase a new statewide voting system.

117.159. (GP: New Savannah Bluff Lock and Dam) The Department of Health and Environmental Control is prohibited from using any appropriated funds to process and approve any license, permit, authorization, or certification related to the New Savannah Bluff Lock and Dam inconsistent with the State's policy and the General Assembly's intent of maintaining the existing water quality and navigability conditions of that portion of the Savannah River in and around the New Savannah Bluff Lock and Dam. Consistency may occur by including conditions on any proposed project for the maintenance of the New Savannah Bluff Lock and Dam pool at elevation 114.5 NAVD88 for the preservation of adequate and sufficient water quality, navigation, water supply, and recreational activities.

117.160. DELETED

117.161. (GP: Diverse Student Recruitment and Retention) Institutions of higher learning shall utilize a portion of the funds appropriated to or authorized for the institution to develop enrollment and retention programs to promote diversity in their student population, to include African Americans, Hispanics and other underrepresented minorities. Institutions are directed to report the effectiveness of these enrollment and retention programs to the Commission on Higher Education for inclusion in their annual report.

117.162. (GP: Bridge Stabilization and Repair) The Department of Transportation and Santee Cooper are jointly directed to develop a detailed plan and cost estimate for stabilizing and repairing the US 15/US 301 bridge over Lake Marion for public pedestrian and bicycle traffic based on a study conducted by the Palmetto Conservation Foundation using the bridge as a connector route for the Palmetto Trail. In developing this plan and cost estimate, the Department of Transportation and Santee Cooper shall include input from the Santee Cooper Counties Promotion Commission, the Department of Parks, Recreation and Tourism, Clarendon and Orangeburg Counties, the Cities of Summerton and Santee and the Palmetto Conservation Foundation.

SECTION 117 - X900 - GENERAL PROVISIONS

117.163. DELETED

117.164. DELETED

117.165. (GP: Intrastate Motor Carrier Fee Collections) In the current fiscal year, the Department of Motor Vehicles shall consult with the Department of Revenue and any association representing taxpayers subject to, or entities imposing, the road use fee pursuant to Article 23, Chapter 37, Title 12 of the 1976 Code, to determine the most efficient manner to implement a standardized system whereby the Department of Motor Vehicles collects all fees owed by commercial motor vehicles operating solely intrastate, including fees imposed by local government. The system must allow a payment plan option to allow these commercial motor vehicles to pay the infrastructure maintenance fee in multiple installments. The plan must include a fiscal impact statement, prepared by the Revenue and Fiscal Affairs Office, detailing the costs associated with the plan. The Department of Motor Vehicles shall submit the plan for the standardized system by December 1, 2019, to the Chairman of the Senate Finance Committee, the Chairman of the Senate Transportation Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee.

117.166. (GP: Offshore Oil) For the current fiscal year, no funds appropriated or authorized to the Department of Health and Environmental Control, or to local governmental entities, including but not limited to counties, municipalities and special purpose districts, may be expended to approve a plan, permit, license application or other authorization for:

(1) the construction or use of infrastructure for which the principal purpose is to facilitate the transportation of unrefined or unprocessed oil or gas into the territorial waters of South Carolina, or onto the lands of South Carolina, from offshore oil and gas production platforms and related infrastructure in the Atlantic Ocean;

(2) activities for which the principle purpose is the exploration, development, or production of unrefined or unprocessed oil or gas from within the territorial waters of South Carolina; or

(3) activities for which the principle purpose is the exploration, development, or production of unrefined or unprocessed oil or gas in the Atlantic Ocean.

For purposes of this proviso:

SECTION 117 - X900 - GENERAL PROVISIONS

(1) 'Development' means the design, planning, permitting, licensing, authorization or construction of infrastructure for which the principal purpose is the production of oil or gas.

(2) 'Exploration' means any activity for which the principal purpose is to define, characterize, test for or evaluate oil or gas resources for possible commercial development or production.

(3) 'Production' means any activity for which the principal purpose is to engage in, monitor, or conduct operations or maintenance related to the active extraction of unrefined or unprocessed oil or gas.

(4) 'Territorial waters of South Carolina' means waters located within the state of South Carolina and waters of the Atlantic Ocean extending out to three nautical miles from the mean low-water mark of South Carolina's naturally occurring coastline.

117.167. (GP: PSA Contracts for Contributions) In the current fiscal year, the South Carolina Public Service Authority may not enter into any new contracts for contributions to the Executive Defined Benefit Plan or the Executive Retention Defined Contribution Plan.

117.168. DELETED

117.169. DELETED

****117.170.** (GP: *Early Childhood Education Study Committee*) *There is established the Early Childhood Education Study Committee to make recommendations to the General Assembly regarding the best structure for coordinated early childhood services provided to children from birth to age 5 currently operating across multiple systems and funding streams for the purpose of improving the delivery of services, maximizing the number of children served, ensuring that all children are ready to enter school, and delivering cohesive high quality early childhood education, care and parental support to all children in South Carolina. The committee must solicit input from and consider the recommendations of affected constituencies, such as the report of the Office of First Steps Study Committee established pursuant to Act 287 of 2014, in the development of its report.*

Programs to be included in the study must include, but are not limited to: Head Start Collaboration Office, Office of Early Learning, ABC Childcare Program, Childcare Licensing Office, Childcare Resource and Referral Network, Child Early Reading Development & Education Program, BabyNet, Women, Infants and Children Supplemental Food Program (WIC), and the Postpartum Newborn Home Visitation Program.

** See note at end of Act.

SECTION 117 - X900 - GENERAL PROVISIONS

The study committee shall be comprised of the following:

1) Chairman of the Senate Family & Veterans' Services Committee, or their designee, who shall serve as Co-Chair;

2) Chairman of the House of Representatives Education & Public Works Committee, or their designee, who shall serve as Co-Chair;

3) Two members of the Senate, appointed by the Chairman of the Family & Veterans' Services Committee;

4) Two members of the House of Representatives, appointed by the Education & Public Works Committee;

5) Four members appointed by the Governor who must be representative of the population of the State and have skills, knowledge and interest in early childhood care, education and improving the school readiness of young children for success; and

6) Chairman of the Joint Citizens and Legislative Committee on Children, or their designee.

Staff support shall be provided by the Senate Family & Veterans' Services Committee and the House of Representatives Education & Public Works Committee. Findings and recommendations shall be submitted to the General Assembly and the Governor by December 1, 2019.

117.171. DELETED

117.172. DELETED

117.173. DELETED

117.174. DELETED

SECTION 118 - X910 - STATEWIDE REVENUE

118.1. (SR: Year End Cutoff) Unless specifically authorized herein, the appropriations provided in Part IA of this act as ordinary expenses of the State Government shall lapse on July 31, 2020. State agencies are required to submit all current fiscal year input documents and all electronic workflow for accounts payable transactions to the Office of Comptroller General by July 14, 2020. Appropriations for Permanent Improvements, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the State Fiscal Accountability Authority and Joint Bond Review Committee, toward the accomplishment of the purposes for which the appropriations were provided. Appropriations for other specific purposes aside from ordinary operating expenses, now

SECTION 118 - X910 - STATEWIDE REVENUE

outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the State Fiscal Accountability Authority, toward the accomplishment of the purposes for which the appropriations were provided.

118.2. (SR: Titling of Real Property) It is the intent of the General Assembly to establish a comprehensive central property and office facility management process to plan for the needs of state government agencies and to achieve maximum efficiency and economy in the use of state owned or state leased real properties. The Department of Administration is directed to identify all state owned properties whether titled in the name of the state or an agency or department, and all agencies and departments of state government are upon request to provide the department all documents related to the title and acquisition of the real properties that are occupied or used by the agency or titled in the name of the agency. Except for any properties where the department determines title should not be in the name of the State because the properties are subject to reverter clauses or other restraints on the property, or where the department determines the state would be best served by not receiving title, and with the exception of properties, highways and roadways owned by the Department of Transportation, title of any property held by or acquired by a state agency or department shall be titled in the name of the state under the control of the Department of Administration. Titling in the name of the state shall not affect the operation or use of real property by an agency.

This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority; the Ports Authority; the South Carolina Division of Public Railways; the MUSC Hospital Authority; the Myrtle Beach Air Force Redevelopment Authority; the Department of Transportation; the Midlands Technical College Enterprise Campus Authority, the Trident Technical College Enterprise Campus Authority; the Area Commission of Tri-County Technical College; and the Charleston Naval Complex Redevelopment Authority.

With respect to any past or future acquisition of real property, the application of this provision and prior comparable titling provisions to the South Carolina Department of Natural Resources and real property under its ownership or control is subject to the exemption adopted by the South Carolina Budget and Control Board on March 21, 2006.

SECTION 118 - X910 - STATEWIDE REVENUE

This provision is comprehensive and supersedes any conflicting provisions concerning title and acquisition and disposition of state owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

The Department of Administration is directed to provide to the Department of Education, funds equal to the amount realized from the sale of the Greenville Halton Road Bus Shop property for school bus maintenance shop relocations, construction, and shop equipment.

118.3. (SR: Contingency Reserve Fund) (A) There is created in the State Treasury a fund separate and distinct from the general fund of the State, the Capital Reserve Fund, and all other funds entitled the Contingency Reserve Fund. All general fund revenues accumulated in a fiscal year in excess of general appropriations and supplemental appropriations must be credited to this fund. Revenues credited to this fund in a fiscal year may be appropriated by the General Assembly. Upon determination by the Comptroller General as to the amount to be deposited in the Contingency Reserve Fund, the Comptroller General shall notify the Board of Economic Advisors and the board shall recognize that amount as surplus funds. Revenues in this fund may be appropriated only for the purposes provided in subsection (B).

(B) (1) If the balance in the general reserve fund established pursuant to Section 36, Article III of the Constitution of this State and Section 11-11-310 of the 1976 Code is less than the required balance, there must be appropriated to it all amounts in the Contingency Reserve Fund up to the total necessary to replenish the general reserve fund. This amount does not replace or supplant the minimum replenishment amount otherwise required to be made to the general reserve fund.

(2) After the appropriation of amounts required pursuant to item (1) of this subsection, any remaining balance may be appropriated by the General Assembly as it deems appropriate.

118.4. (SR: Increased Enforced Collections Carry Forward) Unexpended funds appropriated pursuant to Proviso 90.16 in Part IB of Act 291 of 2010 may be carried forward from the prior fiscal year into the current fiscal year and shall be expended for the same purposes.

118.5. (SR: Health Care Maintenance of Effort Funding) The revenue collected from the fifty cent cigarette surcharge and deposited into the South Carolina Medicaid Reserve Fund established by Act 170 of 2010 and any other funds deposited into the fund shall be deemed appropriated for use by the Department of Health and Human Services for the Medicaid program. Unexpended funds appropriated pursuant to

SECTION 118 - X910 - STATEWIDE REVENUE

this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

118.6. (SR: Prohibits Public Funded Lobbyists) All state agencies and institutions are prohibited from using general fund appropriations to compensate employees who engage in lobbying on behalf of the state agency or institution. The State Ethics Commission shall require state agencies and institutions that report lobbying activities to the commission to certify that the lobbying activities were not funded by general fund appropriations.

All state agencies and institutions are prohibited from entering into contracts using general fund appropriations to provide lobbying services to the agency or institution.

118.7. (SR: Admissions Tax) For the current fiscal year, up to one hundred fourteen thousand dollars in admissions tax revenue collected annually from all events held at a NASCAR sanctioned motor speedway or racetrack that hosts at least one race each year featuring the preeminent NASCAR cup series must be rebated to the motorsports entertainment complex facility in the current fiscal year to keep a NASCAR race at the motorsports entertainment complex facility. In addition, any sports facility that hosts at least one preeminent Women's Tennis Association-sanctioned tournament or any sports facility that operates as the home venue for a professional soccer team that participates in the United Soccer Leagues, second division or higher, must be rebated to the facility half of its admissions tax revenue for the fiscal year and used by that facility for marketing the events held at the facility.

118.8. (SR: Agency Deficit Notice) The Comptroller General or the Executive Budget Office shall (1) provide written notice to each member of the General Assembly when it makes a report concerning an agency, department, or institution that is expending authorized appropriations at a rate which predicts or projects a general fund deficit for the agency, department, or institution, and (2) make monthly progress reports concerning an agency's, department's, or institution's plan to reduce or eliminate the deficit.

118.9. (SR: Tax Relief Reserve Fund) (A) There is created the Tax Relief Reserve Fund, which shall be separate and distinct from the General Fund. Interest accrued by the fund must remain in the fund. Notwithstanding any other provision of law, on December 31, 2019, the State Treasurer shall transfer funds identified in this act from the General Fund to the Tax Relief Reserve Fund. These funds may only be used to

SECTION 118 - X910 - STATEWIDE REVENUE

provide tax relief to businesses and individuals as provided by law. Funds within the Tax Relief Reserve Fund shall be retained and carried forward to be used for the same purpose.

118.10. (SR: Tax Deduction for Consumer Protection Services) (A) In addition to the deductions allowed in Section 12-6-1140 of the 1976 Code, there is allowed a deduction in computing South Carolina taxable income of an individual the actual costs, but not exceeding three hundred dollars for an individual taxpayer, and not exceeding one thousand dollars for a joint return or a return claiming dependents, incurred by a taxpayer in the taxable year to purchase a monthly or annual contract or subscription for identity theft protection and identity theft resolution services. The deduction allowed by this item may not be claimed by an individual if the individual deducted the same actual costs as a business expense or if the taxpayer is enrolled in the identity theft protection and identity theft resolution services offered free of charge by the State of South Carolina. For purposes of this item, 'identity theft protection' means products and services designed to prevent an incident of identify fraud or identity theft or other protect the private of a person' personal identifying information, as defined in Section 16-13-510(D), by precluding a third party from gaining unauthorized acquisition of another's personal identifying information to obtain financial resources or other products, benefits or services; and identity theft resolution services means products and services designed to assist persons whose personal identifying information, as defined by Section 16-13-510(D), was obtained by a third party, whereby minimizing the effects of the identity fraud or identity theft incident and restoring the person's identity to pre-theft status.

(B) The deduction provided in (A) is only allowed for taxpayers that filed a return with the Department of Revenue for any taxable year after 1997 and before 2013, whether by paper or electronic transmission, or any person whose personally identifiable information was contained on the return of another eligible person, including minor dependents.

(C) By March fifteenth of each year, the department shall issue a report to the Governor and the General Assembly detailing the number of taxpayers claiming the deduction allowed by this item in the most recent tax year for which there is an accurate figure, and the total monetary value of the deductions claimed pursuant to this item in that same year.

(D) The department shall prescribe the necessary forms to claim the deduction allowed by this section. The department may require the

SECTION 118 - X910 - STATEWIDE REVENUE

taxpayer to provide proof of the actual costs and the taxpayer's eligibility.

118.11. (SR: Tobacco Settlement) (A) To the extent funds are available from payments received on behalf of the State by the Tobacco Settlement Revenue Management Authority from the Tobacco Master Settlement Agreement ("MSA") in the current fiscal year, the State Treasurer is authorized and directed, after transferring funds sufficient to cover the operating expenses of the Authority, to transfer the remaining funds as follows:

(1) \$1,253,000 to the Attorney General's Office for Diligent Enforcement and Arbitration Litigation; \$450,000 to the State Law Enforcement Division for Diligent Enforcement; and \$325,000 to the Department of Revenue for Diligent Enforcement, all to enforce Chapter 47 of Title 11, the Tobacco Escrow Fund Act;

**** (2) *The Attorney General's Office shall maintain a balance of \$1,253,000 in a fund for future tobacco arbitration. Attorney General funds in excess of \$1,253,000 may be utilized for information technology expenses and building infrastructure upgrades. These funds may be carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose; and***

(3) The remaining balance shall be transferred to a restricted account authorized solely for use by the Department of Health and Human Services for the Medicaid program. Earnings on this fund must be credited to the fund and balances may be carried forward from the prior fiscal year for the same purpose.

(B) The requirements of Section 11-11-170 of the 1976 Code shall be suspended for the current fiscal year.

118.12. (SR: One Dollar Appropriations) Funds appropriated in the amount of one dollar by this act shall not be disbursed. The Comptroller General shall adjust the affected agency's chart of accounts accordingly, if necessary.

118.13. DELETED

**** 118.14. (SR: Non-recurring Litigation Recovery Revenue) *During the current fiscal year, if there is a recovery or an award in any litigation managed by the State through a party other than the Attorney General, or if a state tax audit results in a collection, any funds received in excess of twenty-five million dollars that are not likely to continue as recurring revenue and would have otherwise been credited***

** See note at end of Act.

SECTION 118 - X910 - STATEWIDE REVENUE

to the General Fund shall be credited to the Litigation Recovery Account. The amount credited to this Litigation Recovery Account pursuant to this provision is deemed non-recurring revenue and must be expended only in the manner prescribed by law.

118.15. (SR: Taxpayer Rebate) In the event that amounts in excess of the Fiscal Year 2018-19 unobligated general fund revenue as certified by the Board of Economic Advisors become available due to increased income tax collections resulting from the lottery ticket redemption associated with the October 24, 2018 Mega Millions contest, the Comptroller General shall transfer such amounts in excess of the total certified unobligated general fund revenue up to \$61,400,000 to a Taxpayer Rebate Fund after the close of Fiscal Year 2018-19. To the extent sufficient funds are available, the Department of Revenue shall provide a fifty dollar refund to each individual income tax return filed for tax year 2018 that has at least a state individual income tax liability of fifty dollars, after credits, for returns filed on or before October 15, 2019. The Department of Revenue may prorate this amount based upon actual funds and eligible returns and is directed to issue these checks on December 2, 2019.

118.16. (SR: Nonrecurring Revenue) (A) The source of revenue appropriated in subsection (B) is nonrecurring revenue generated from the following sources:

- (1) \$169,541,926 from Fiscal Year 2017-18 Contingency Reserve Fund;
- (2) \$158,650,000 from projected Fiscal Year 2018-19 unobligated general fund revenue as certified by the Board of Economic Advisors;
- (3) \$9,598,318 from the Litigation Recovery Account; and
- (4) \$6,442,108 from Fiscal Year 2018-19 Debt Service Lapse.

Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers shall occur no later than thirty days after the close of the books on Fiscal Year 2018-19 and shall be available for use in Fiscal Year 2019-20.

This revenue is deemed to have occurred and is available for use in Fiscal Year 2019-20 after September 1, 2019, following the Comptroller General's close of the state's books on Fiscal Year 2018-19.

(B) The appropriations in this provision are listed in priority order. Item (1) must be funded first and each remaining item must be fully funded before any funds are allocated to the next item. Provided,

SECTION 118 - X910 - STATEWIDE REVENUE

however, that any individual item may be partially funded in the order in which it appears to the extent that revenues are available.

The State Treasurer shall disburse the following appropriations by September 30, 2019, for the purposes stated:

- | | | |
|-------|--|----------------|
| (1) | F310 - General Reserve Fund | |
| | General Reserve Fund Contribution | \$ 27,089,778; |
| (2) | Part 1A General Fund | \$ 20,403,313; |
| (3) | E240 - Office of Adjutant General | |
| | Emergency Management Division - | |
| | FEMA State Match | |
| | Hurricane Florence | \$ 22,000,000; |
| (4) | D500 - Department of Administration | |
| | (a) New Statewide Voting System | \$ 40,000,000; |
| | (b) Professional Services | \$ 5,000,000; |
| (4.1) | From the funds appropriated to the Department of Administration in Item(4)(b) for Professional Services, the department is authorized to procure such professional services that are necessary to qualify bids and proposals; receipt and evaluation of bids received for a sale, management proposals, and Santee Cooper's proposal; and, negotiate contracts for the consummation of a sale or a management proposal, and related activities. These professional services shall include, but may not be limited to, financial institutions, investment bankers, legal counsel, industry consultants and utility consultants. In the event these funds are not used for this purpose, the funds shall revert to the General Fund. The provisions of the Consolidated Procurement Code in Chapter 35, Title 11 of the 1976 Code and any other provisions of the general law of this State in conflict with the provisions of this proviso are hereby suspended with regard to the activities undertaken pursuant herein. | |
| (5) | E280 - Election Commission | |
| | 2020 Presidential Primary | \$ 2,166,500; |
| (6) | N040 - Department of Corrections | |
| | Detention Services and | |
| | Equipment Upgrades | \$ 10,000,000; |
| (7) | U120 - Department of Transportation | |
| | (a) Rest Areas | \$ 4,000,000; |
| | (b) T-Bridge Repair and Rehabilitation | \$ 1; |
| (8) | A010 - The Senate | |
| | Operating | \$ 1,250,000; |

SECTION 118 - X910 - STATEWIDE REVENUE

(9) R600 - Department of Employment and Workforce		
Be Pro Be Proud	\$	642,500;
(10) U300 - Division of Aeronautics		
State Aviation Fund	\$	1,000,000;
(11) P280 - Department of Parks, Recreation, and Tourism		
(a) Advertising	\$	1,200,000;
(b) Saluda River Greenway	\$	1,500,000;
(c) Special Olympics	\$	250,000;
(d) SC Aquarium	\$	1,500,000;
(e) SC Association of Tourism Regions	\$	550,000;
** (f) <i>Parks Revitalization</i>	\$	6,500,000;
(g) Morris Island Lighthouse	\$	175,000;
(12) J020 - Department of Health and Human Services		
(a) Medicaid Management Information System	\$	7,409,009;
** (b) <i>Medical Contracts</i>	\$	3,500,000;
(c) Cervical Cancer Awareness	\$	150,000;
(13) J120 - Department of Mental Health Certification of State Match - VA Nursing Homes		\$ 37,065,450;
(13.1) Of the funds appropriated to the Department of Mental Health in Item (13), unexpended funds are to be retained in the department's Deferred Maintenance/Capital Project account and such funds, and the interest earned thereon, may only be expended by the department for additional State Veterans Nursing Home construction projects.		
(14) J200 - Department of Alcohol and Other Drug Abuse Services		
(a) Infrastructure Improvement/ Substance Abuse Provider System	\$	3,000,000;
(b) Opioid Response and Addiction Efforts	\$	3,000,000;
(15) L040 - Department of Social Services		
(a) Child Support Enforcement System	\$	28,600,000;

** See note at end of Act.

SECTION 118 - X910 - STATEWIDE REVENUE

(b) Criminal Domestic Violence - SCCADVASA	\$ 800,000;
(c) Epworth Children's Home	\$ 350,000;
(d) Florence Crittenton	\$ 150,000;
(16) J040 - Department of Health and Environmental Control	
(a) Murrells Inlet Channel Clearing	\$ 2,000,000;
(b) M.A.D. USA Men Against Domestic Violence	\$ 250,000;
(17) B040 - Judicial Department	
** (a) Case Management System Modernization	\$ 11,000,000;
(b) Digital Courtroom Recording	\$ 1;
(18) E240 - Office of Adjutant General	
(a) SCEMD - State Emergency Operations Center Improvements	\$ 250,000;
(b) Armory Construction and Revitalizations	\$ 4,000,000;
(c) McEntire Joint National Guard Base - Land Management	\$ 2,200,000;
(19) J160 - Department of Disabilities and Special Needs	
South Carolina Genomic Medicine Initiative - TGEM	\$ 2,000,000;
(20) P160 - Department of Agriculture	
(a) Laboratory/Inspection Equipment	\$ 800,000;
(b) Regional Farmers Market	\$ 1,000,000;
(c) Farmers - Flood Relief	\$ 1;
(d) Farm Aid	\$ 25,000,000;
(21) H790 - Department of Archives and History	
(a) Replacement Microfilm Scanner	\$ 102,000;
(b) African American Heritage Commission - Greenbook of SC	\$ 100,000;
** (c) Historic Preservation	\$ 3,400,000;
** (d) Community Development Grants	\$ 2,000,000;
(22) P120 - Forestry Commission	
Firefighting Equipment	\$ 1,000,000;

** See note at end of Act.

SECTION 118 - X910 - STATEWIDE REVENUE

- (23) Y140 - State Ports Authority
Jasper Ocean Terminal Port Facility
Infrastructure Fund \$ 8,000,000;
- (24) K050 - Department of Public Safety
(a) Vehicles \$ 500,000;
**** (b) Local Law Enforcement Grants \$ 2,000,000;**
- (25) P320 - Department of Commerce
(a) Closing Fund \$ 3,700,000;
(b) Military Base Task Force \$ 750,000;
(c) LocateSC \$ 4,000,000;
- (26) N12 - Department of Juvenile Justice
(a) Electrical Grid Conversion \$ 1,120,000;
**** (b) Child Advocacy Centers \$ 170,000;**
(c) Payment of Comp Time \$ 379,583;
(d) Payment of Overtime \$ 2,300,000;
- (26.1) Of the funds appropriated to the Department of Juvenile Justice in Item (26)(d) for Payment of Overtime, the department is authorized and required to pay current non-exempt correctional officers by October 1st for any overtime earned in the prior fiscal year as represented by any compensatory time reflected in SCEIS on August 1, 2019, that was earned from September 2, 2018 to June 30, 2019. The funds for this compensation must be provided from appropriated overtime funding. If the amount of appropriated funds is not sufficient to pay all the non-exempt correctional officers accrued overtime, the department shall pay the officers on a percentage distribution based on the hours owed per officer up to the total amount that has been appropriated and any remaining hours shall be compensated as compensatory time.
- (27) H630 - Department of Education
(a) Governor's School for Arts
and Humanities Shingled
Roof Replacement \$ 120,000;
(b) Governor's School for the Arts
and Humanities Repave
Parking Lot and Roads \$ 235,000;
(c) Governor's School for the Arts
and Humanities Safety Repair \$ 155,000;
(d) First Steps - Outcome and
Accountability System \$ 1;

** See note at end of Act.

SECTION 118 - X910 - STATEWIDE REVENUE

- (e) Lakes and Bridges Charter School -
Capital Improvements \$ 200,000;
- (28) H950 - State Museum Commission
 - (a) Exhibit Renovations \$ 3,000,000;
 - (b) Point of Sale Upgrade \$ 71,900;
 - (c) Bishopville Military Museum \$ 75,000;
- (29) H960 - Confederate Relic Room and
Military Museum Commission
 - (a) Uniform Collection \$ 75,000;
 - (b) Security Upgrades \$ 25,000;
- (30) L240 - Commission for the Blind
Bathroom Renovations for
ADA Compliance \$ 30,000;
- (31) L360 - Human Affairs Commission
SC Pregnancy Accommodations
Act Training - Act 244 \$ 70,100;
- (32) R080 - Workers' Compensation
Commission IT System Legacy
Modernization Project \$ 1,800,000;
- (33) R400 - Department of Motor Vehicles
End-to-End Encryption \$ 400,000;
- (34) E500 - Revenue and Fiscal Affairs Office
Statewide Aerial Imagery Project \$ 2,000,000;
- (35) E210 - Prosecution Coordination
Commission
 - (a) Centers for Fathers and Families \$ 700,000;
 - (b) Student Loan Forgiveness \$ 1;
- (36) D100 - State Law Enforcement
Division - SLED
 - (a) SC Critical Infrastructure
Cybersecurity Program
Equipment \$ 126,475;
 - (b) Vehicle Replacement Plan \$ 1;
 - (c) First Responder PTSD Treatment \$ 500,000;

(36.1) Of the funds appropriated to the State Law Enforcement Division in Item (36)(c) for First Responder PTSD Treatment, the State Law Enforcement Division shall distribute fifty percent to the South Carolina Law Enforcement Assistance Program to reimburse law enforcement officers who incur mental injury as a result of a critical incident during the scope of employment for actual out-of-pocket

SECTION 118 - X910 - STATEWIDE REVENUE

expenses not covered through workers' compensation claims and/or other insurance and can also be utilized to provide services through the South Carolina Law Enforcement Assistance Program. The State Law Enforcement Division shall distribute fifty percent to the South Carolina State Firefighters Association for the South Carolina Firefighter Assistance Support Team to reimburse firefighters and emergency medical technicians who incur mental injury as a result of a critical incident during the scope of employment for actual out-of-pocket expenses not covered through workers' compensation claims and/or other insurance and can also be utilized to provide services through the South Carolina Firefighter Assistance Support Team. The State Law Enforcement Division shall promulgate any administrative regulations necessary to carry out the provisions of this section.

(37) R440 - Department of Revenue	
Taxpayer Rebate	\$ 6,000,000;
(38) P200 - Clemson - PSA	
Facility Renovation for Water Research	\$ 1;
(39) R360 - Department of Labor, Licensing & Regulation	
(a) Urban Search and Rescue - SC Task Force 1 Equipment	\$ 150,593;
** (b) Local Fire Department Grants	\$ 280,000;
(40) D500 - Department of Administration	
State Owned Building Deferred Maintenance	\$ 800,000;
(41) H910 - Arts Commission	
(a) Greenville Cultural and Arts Center	\$ 7,000,000;
** (b) Cultural Arts & Theater Center Renovation	\$ 450,000;
(42) P240 - Department of Natural Resources	
(a) Ft. Johnson Boat Slip Renovations	\$ 2,000,000;
(b) Watercraft Registration Conversion - Act 233	\$ 1,795,680;
(c) Hunter Education - Sporting Event Range	\$ 750,000;
(d) Law Enforcement Officer Class - Equipment	\$ 1;
(e) State Water Planning	\$ 1,350,000;

** See note at end of Act.

SECTION 118 - X910 - STATEWIDE REVENUE

(42.1) Of the funds appropriated to the Department of Natural Resources in Item (42)(e) for State Water Planning, the department shall designate \$400,000 to complete the Edisto River Basin Study.

(43) P400 - Conservation Bank

Conservation Grants \$ 3,431,954;

(44) H710 - Wil Lou Gray Opportunity School

(a) Infrastructure Upgrades \$ 100,000;

(b) HVAC Upgrade \$ 100,000;

**** (45) P360 - Patriots Point Development**

Authority

USS Clamagore Veteran Memorial

Reef

\$ 1,700,000;

(46) H730 - Vocational Rehabilitation

(a) Information Technology/

Security - Computer

Purchases \$ 659,000;

and

(b) VR Center Capital Improvements

- State Match

\$ 808,509.

(C) Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

118.17. (SR: Farm Aid) There is created the 'South Carolina Farm Aid Fund'. This fund is separate and distinct from the general fund of the State and all other funds. Earnings on this fund must be credited to it. Revenues credited to this fund in a fiscal year must be used in that fiscal year to operate a grant program that provides financial assistance to farmers.

To be eligible for a grant, the person must have:

(1) experienced a verifiable loss of agricultural commodities of at least thirty percent as a result of the flooding occurring in the aftermath of Hurricanes Michael and Florence for which:

(a) the Governor declared a state of emergency in the State for the county in which the farm is located; and

(b) the United States Secretary of Agriculture issued a Secretarial Disaster Declaration for the county in which the farm is located;

(2) a farm number issued by the Farm Service Agency;

** See note at end of Act.

SECTION 118 - X910 - STATEWIDE REVENUE

(3) signed an affidavit, under penalty of perjury, certifying that each fact of the loss presented by the person is accurate; and

(4) a signed affidavit, under penalty of perjury, certifying that no federal funds have been received for these specific disasters, and in the event that federal funds are received, the person will return all state monies received under this program.

The Department of Agriculture (department) shall administer the grant program authorized by this proviso. The Department of Revenue shall assist the Department of Agriculture in the administration of the grant program by providing auditing services, accounting services, and review and oversight of all financial aspects of the grant program. There is created the Farm Aid Advisory Board to make recommendations to the department regarding the duties of the department in administering the grant program. The Commissioner of Agriculture, or his designee, shall serve ex officio, as chairman of the board. Also, the Director of the Department of Revenue, or his designee, the Vice President for Public Service and Agriculture of Clemson Public Service Activities, or his designee, and the Vice President for Land Grant Services of South Carolina State Public Service Activities, or his designee, shall serve on the board. The following additional members shall be appointed to the board:

(1) the Commissioner of Agriculture shall appoint one member representing the South Carolina Farm Bureau;

(2) the Commissioner of Agriculture shall appoint one member representing a farm credit association;

(3) the Director of the Department of Revenue shall appoint one member representing the crop insurance industry; and

(4) the Director of the Department of Revenue shall appoint one member who is an agricultural commodities producer.

By July twentieth of the current fiscal year, the board shall hold its initial meeting to recommend an application process by which a person with a loss resulting from the flooding occurring in the aftermath of Hurricanes Michael and Florence may apply for a grant. Upon adoption of an application process, the Department of Agriculture shall provide the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee with a written copy of its application process within ten days after its adoption. A person shall apply not later than forty-five days after the adoption of the application process. The department must ensure every person interested in applying for a grant has access to adequate resources to submit his

SECTION 118 - X910 - STATEWIDE REVENUE

application in a timely manner, and upon request, the department must assist a person with the preparation of his application.

Each grant awarded by the department may not exceed twenty percent of the person's verifiable loss of agricultural commodities. However, a person, including any grant made to a related person, may not receive grants aggregating more than one hundred thousand dollars. Also, a person, including any grant made to a related person, may not receive grants that when combined with losses covered by insurance, exceed one hundred percent of the actual loss. If a grant is made to a related person, the amount to be included in the limits set by this proviso must be the amount of the grant multiplied by the person's ownership interest in the related person. However, a person who shares an ownership interest with another person or entity may not be refused a grant solely because the other person or related person has otherwise received the maximum grant amount, but in this case, the person's grant amount is limited by the person's ownership interest.

If the total amount of grants allowed pursuant to this proviso exceeds the monies in the fund, then each person's grant must be reduced proportionately.

To determine loss, the department:

(1) must measure the person's cumulative total loss of all affected agricultural commodities for the year in which the flooding occurred against the person's expected production of all agricultural commodities affected by the flooding occurring in the aftermath of Hurricanes Michael and Florence;

(2) shall use the person's applicable actual production history yield, as determined by the Federal Crop Insurance Corporation, to determine loss for insured agricultural commodities. In determining loss for uninsured agricultural commodities, the department shall use the most recent year's county price and county yield, as applicable, as determined by the National Agriculture Statistics Service, United States Department of Agriculture; and

(3) may require any documentation or proof it considers necessary to efficiently administer the grant program, including the ownership structure of each entity and the social security numbers of each owner. Minimally, in order to verify loss, the department shall require the submission of dated, signed, and continuous records. These records may include, but are not limited to, commercial receipts, settlement sheets, warehouse ledger sheets, pick records, load summaries, contemporaneous measurements, truck scale tickets, contemporaneous

SECTION 118 - X910 - STATEWIDE REVENUE

diaries, appraisals, ledgers of income, income statements of deposit slips, cash register tape, invoices for custom harvesting, u-pick records, and insurance documents.

Grant awards must be used for agricultural production expenses and losses due to the flooding which demonstrate an intent to continue the agricultural operation; however, awards may not be used to purchase new equipment. The department shall develop guidelines and procedures to ensure that funds are expended in the manner outlined in grant applications, and may require any documentation it determines necessary to verify the appropriate use of grant awards including receipts.

If the department determines that a person who received a grant provided inaccurate information, then the person shall refund the entire amount of the grant. If the department determines that a person who received a grant used the funds for ineligible expenses, then the person must refund the amount of the ineligible expenses. If the person does not refund the appropriate amount, the Department of Revenue shall utilize the provisions of the Setoff Debt Collection Act to collect the money from the person.

The department shall coordinate the exchange of information between the USDA and the Department of Revenue to identify any person that received a Farm Aid grant for the flooding occurring in the aftermath of Hurricanes Michael and Florence and also received federal aid relief for the same disaster. Any person that is determined to have received grant funds from both the state and federal government, must immediately repay the state grant they received.

If the department determines that a person knowingly provided false information to obtain a grant pursuant to this proviso or knowingly used funds for ineligible expenses, the person shall be subject to prosecution pursuant to Section 16-13-240.

Within forty-five days of the completion of the awarding of grants, but no later than the end of the fiscal year, the Farm Aid Advisory Board is dissolved. Any funds remaining in the fund upon dissolution shall lapse to the general fund.

The department may accept private funds, grants, and property to be used to make financial awards from the grant program.

The Department of Agriculture must administer the grant program authorized by this proviso using existing resources and funds.

If federal funds are allocated for persons that are otherwise eligible for a grant pursuant to this proviso before the current fiscal year begins, then

SECTION 118 - X910 - STATEWIDE REVENUE

the provisions of this proviso are not effective and no funds may be credited to the South Carolina Farm Aid Fund.

For purposes of this proviso:

(1) 'Agricultural commodities' means wheat, cotton, flax, corn, dry beans, oats, barley, rye, tobacco, rice, peanuts, soybeans, sugar beets, sugar cane, tomatoes, grain sorghum, sunflowers, raisins, oranges, sweet corn, dry peas, freezing and canning peas, forage, apples, grapes, potatoes, industrial hemp, timber and forests, nursery crops, citrus, and other fruits and vegetables, nuts, tame hay, native grass, aquacultural species including, but not limited to, any species of finfish, mollusk, crustacean, or other aquatic invertebrate, amphibian, reptile, or aquatic plant propagated or reared in a controlled or selected environment, excluding stored grain;

(2) 'Person' means any individual, trust, estate, partnership, receiver, association, company, limited liability company, corporation, or other entity or group;

(3) 'Related person' means any person, joint venture, or entity that has a direct or indirect ownership interest of a person or legal entity; and

(4) 'Department' means the Department of Agriculture.

END OF PART IB

All acts or parts of acts inconsistent with any of the provisions of Part IA or Part IB of this act are suspended for Fiscal Year 2019-20.

If any part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other parts, sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Except as otherwise specifically provided, this act takes effect July 1, 2019.

----XX----

Ratified the 22nd day of May 2019.

PLEASE NOTE

Text printed in *italic*, **boldface** indicates sections vetoed by the Governor on May 28, 2019.

*Indicates those vetoes sustained by the General Assembly on June 25, 2019.

**Indicates those vetoes overridden by the General Assembly on June 25, 2019.

Provisions not vetoed by the Governor took effect May 22, 2019, and generally apply for the fiscal year beginning July 1, 2019.

PART II
LOCAL AND TEMPORARY LAWS

No. 92

(R111, H4001)

**A JOINT RESOLUTION TO APPROPRIATE MONIES FROM
THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2018-2019,
AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO
BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS
AND EXPENDED FOR THE SAME PURPOSES.**

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

Capital Reserve Fund appropriations

SECTION 1. In accordance with the provisions of Section 36(B)(2) and (3), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(C) and (D) of the 1976 Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2018-2019 the following amounts for Higher Education Facilities Repairs and Renovations:

- | | |
|--|--------------|
| (1) H150 - University of Charleston
Stern Center Renovation | \$ 7,000,000 |
| (2) H240 - South Carolina State University
Student Center Renovation | \$ 3,361,000 |
| (3) H290 - USC - Aiken Campus
Business and Education
Building Renovation | \$ 3,500,000 |
| (4) H340 - USC - Upstate
Smith Science Building Renovation | \$ 3,000,000 |
| (5) H370 - USC - Lancaster Campus
Critical Maintenance and Repair | \$ 3,500,000 |
| (6) H380 - USC - Salkehatchie Campus
Critical Maintenance and Repair | \$ 1,391,500 |

- | | | |
|-----|---|--------------|
| (7) | H390 - USC - Sumter Campus
Critical Maintenance and Repair | \$ 1,345,000 |
| (8) | H390 - USC - Sumter Campus
Science Building Renovation | \$ 2,250,000 |
| (9) | H400 - USC - Union Campus
Critical Maintenance and Repair | \$ 1,360,000 |

Capital Reserve Fund appropriations

SECTION 2. In accordance with the provisions of Section 36(B)(2) and (3), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(C) and (D) of the 1976 Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2018-2019 the following amounts:

- | | | |
|-----|---|---------------|
| (1) | D500 - Department of Administration
State-Owned Building
Deferred Maintenance | \$ 24,324,137 |
| (2) | P280 - Department of Parks,
Recreation and Tourism
State Parks Deferred
Maintenance | \$ 8,475,000 |
| (3) | H090 - The Citadel
Capers Hall | \$ 7,500,000 |
| (4) | H120 - Clemson University
Clemson University Health
Innovation-Extension
Programming | \$ 2,100,000 |
| (5) | H120 - Clemson University
Center for Advanced
Manufacturing | \$ 4,000,000 |
| (6) | H120 - Clemson University
Safety and Security
Infrastructure/Enhancements | \$ 5,900,000 |

(7)	H170 - Coastal Carolina University Academic Enrichment Center	\$ 5,000,000
(8)	H180 - Francis Marion University Freshwater Ecology Center	\$ 5,000,000
(9)	H210 - Lander University Roof Replacements	\$ 3,313,400
(10)	H210 - Lander University Campus Safety and Security Upgrades	\$ 1,361,800
(11)	H240 - South Carolina State University Information Technology Upgrades	\$ 1,690,000
(12)	H240 - South Carolina State University Speech Pathology Program Updates	\$ 310,000
(13)	H270 - University of South Carolina Columbia School of Medicine Relocation	\$ 15,000,000
(14)	H340 - USC - Upstate Laboratory and Technology for Exercise Science	\$ 517,555
(15)	H360 - USC - Beaufort Campus Instructional Technology Upgrades	\$ 500,000
(16)	H360 - USC - Beaufort Campus Library/Classroom Building Expansion	\$ 4,500,000
(17)	H470 - Winthrop University Strategic Risk Management	\$ 7,500,000
(18)	H510 - Medical University of South Carolina Renovation/Innovation Projects	\$ 12,000,000

(19)	H590 - Board for Technical and Comprehensive Education readySC Direct Training	\$ 9,200,000
(20)	P200 - Clemson University-PSA Facility Renovation for Water Research	\$ 2,000,000
(21)	H170 - Coastal Carolina University Belle W. Baruch Institute for South Carolina Studies - Renovations	\$ 1
(22)	H240 - South Carolina State University Demolition of Mayes Hall and Queen Village	\$ 750,000
(23)	H590 - State Board for Technical and Comprehensive Education Central Carolina Tech - Capital Needs - Sumter	\$ 1,000,000
(24)	H590 - State Board for Technical and Comprehensive Education Spartanburg Community College STEM Training Facility	\$ 1,000,000
(25)	H590 - State Board for Technical and Comprehensive Education Piedmont Technical College - O'Dell Upstate Center for Manufacturing Excellence	\$ 2,000,000

Regulation of expenditure of appropriations to the University of South Carolina

SECTION 3. Prior to expending the \$15,000,000 appropriated in Section 2, item (13) H270 - University of South Carolina Columbia School of Medicine Relocation, the funds must be matched 1:1 by a private entity or irrevocable escrow by the university.

Posting of appropriations

SECTION 4. The Comptroller General shall post the appropriations contained in this joint resolution as provided in Section 11-11-320(D) of the 1976 Code. Unexpended funds appropriated pursuant to this joint resolution may be carried forward to succeeding fiscal years and expended for the same purposes.

Time effective

SECTION 5. This joint resolution takes effect thirty days after the completion of the 2018-2019 Fiscal Year in accordance with the provisions of Section 36(B)(3)(a), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(D)(1) of the 1976 Code.

Ratified the 22nd day of May, 2019.

Approved the 28th day of May, 2019.

No. 93

(R61, H4413)

A JOINT RESOLUTION TO PROVIDE FOR THE CONTINUING AUTHORITY TO PAY THE EXPENSES OF STATE GOVERNMENT IF THE 2019-2020 FISCAL YEAR BEGINS WITHOUT A GENERAL APPROPRIATIONS ACT FOR THAT YEAR IN EFFECT, AND TO PROVIDE EXCEPTIONS.

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

Continuing authority to pay government expenses

SECTION 1. (A) If the 2019-2020 state fiscal year begins with no annual general appropriations act in effect for that year, the authority to pay the recurring expenses of state government continues at the level of amounts appropriated in Act 264 of 2018 for the recurring expenses of state government for Fiscal Year 2019-2020 except as provided in subsection (B).

The effective dates of Parts IA and IB of Act 264 of 2018 are extended until the effective date for appropriations made in a general appropriations act for Fiscal Year 2019-2020, after which appropriations made pursuant to this joint resolution are deemed to have been made pursuant to the general appropriations act for Fiscal Year 2019-2020.

(B) Notwithstanding debt service appropriations in Act 264 of 2018 and until the effective date of the appropriations made in a general appropriations act for Fiscal Year 2019-2020, there is appropriated from the general fund of the State whatever amount is necessary for timely debt service on state obligations and other amounts constitutionally required to be appropriated, including the Capital Reserve Fund. The General Reserve Fund is established in the amount required by law.

Time effective

SECTION 2. This joint resolution takes effect July 1, 2019, and applies as provided in SECTION 1.

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

No. 94

(R8, S326)

A JOINT RESOLUTION TO DIRECT THE STATE LAW ENFORCEMENT DIVISION TO DISTRIBUTE TWO HUNDRED FIFTY THOUSAND DOLLARS TO THE SOUTH CAROLINA STATE FIREFIGHTERS ASSOCIATION TO PROVIDE FOR POST TRAUMATIC STRESS DISORDER INSURANCE AND PROGRAMS.

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

Post Traumatic Stress Disorder Insurance and Programs Funding

SECTION 1. From the funds appropriated to it in Act 264 of 2018, the Fiscal Year 2018-2019 Appropriations Act, the State Law Enforcement Division shall distribute two hundred fifty thousand dollars to the South

Carolina State Firefighters Association for the South Carolina Firefighter Assistance Support Team to reimburse firefighters and emergency medical technicians who incur mental injury as a result of a critical incident during the scope of their employment, for actual out-of-pocket expenses not covered through workers' compensation claims or other insurance. The funds can also be utilized to provide services through the South Carolina Firefighters Assistance Support Team.

Time effective

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 19th day of March, 2019.

Approved the 20th day of March, 2019.

No. 95

(R113, H4287)

A JOINT RESOLUTION TO PROVIDE THAT THE DEPARTMENT OF ADMINISTRATION SHALL ESTABLISH A PROCESS TO CONDUCT A COMPETITIVE BIDDING PROCESS FOR THE SALE OF SOME OR ALL OF THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY AND TO RECEIVE MANAGEMENT PROPOSALS THAT DO NOT INVOLVE A SALE OF SANTEE COOPER, BUT ARE DESIGNED TO IMPROVE THE EFFICIENCY AND COST-EFFECTIVENESS OF SANTEE COOPER'S ELECTRIC OPERATIONS, AND TO PROVIDE THAT SANTEE COOPER ALSO MUST SUBMIT A PROPOSAL TO THE DEPARTMENT FOR REFORM, RESTRUCTURING, AND CHANGES IN ITS OPERATION AS AN ALTERNATIVE TO A SALE OR MANAGEMENT PROPOSAL; TO PROVIDE THAT THE DEPARTMENT SHALL CONDUCT A THOROUGH EVALUATION OF ALL BIDS FOR THE SALE OF SANTEE COOPER RECEIVED THROUGH THE COMPETITIVE BIDDING PROCESS, TO PROVIDE THAT THE DEPARTMENT

SHALL CONDUCT A THOROUGH EVALUATION OF ALL MANAGEMENT PROPOSALS FOR SANTEE COOPER, AND TO PROVIDE THAT THE DEPARTMENT SHALL CONDUCT AN ANALYSIS OF SANTEE COOPER'S REFORM PROPOSAL TO DETERMINE IF IT IS A FEASIBLE ALTERNATIVE, AND TO PROVIDE THE CRITERIA FOR THESE EVALUATIONS; TO PROVIDE FOR THE VARIOUS REQUIREMENTS, CONDITIONS, AND PROCEDURES WHICH MUST BE COMPLIED WITH IN REGARD TO THIS JOINT RESOLUTION, INCLUDING PROVISIONS THAT REQUIRE THE DEPARTMENT TO ESTABLISH A PROCESS IN WHICH ITS PROFESSIONAL SERVICES EXPERTS CONDUCT CONFIDENTIAL NEGOTIATIONS BETWEEN THE CENTRAL ELECTRIC POWER COOPERATIVE AND EACH ENTITY THAT SUBMITTED A QUALIFIED BID OR PROPOSAL, INCLUDING SANTEE COOPER, AFTER ALL THE BIDS AND PROPOSALS HAVE BEEN SUBMITTED; TO PROVIDE THAT IN THE EVENT OF THE SUCCESSFUL SALE OF SANTEE COOPER AND THE PURCHASING ENTITY'S CONTRACT CONTAINS PROJECTIONS OF FUTURE RATES, THE GENERAL ASSEMBLY'S APPROVAL OF SUCH SALE ON SUCH TERMS DOES NOT INDICATE ITS INTENT TO BIND THE PUBLIC SERVICE COMMISSION OR OFFICE OF REGULATORY STAFF TO THE PROJECTED RATE FIGURES, AND TO PROVIDE THAT THE SUCCESSFUL BIDDER SHALL BE SUBJECT TO THE SAME STATUTORY AND REGULATORY AUTHORITY OF THE PUBLIC SERVICE COMMISSION AND OFFICE OF REGULATORY STAFF, AS ARE ALL OTHER INVESTOR-OWNED ELECTRICAL UTILITIES; TO PROVIDE THAT FOLLOWING THE NEGOTIATIONS BETWEEN CENTRAL AND EACH ENTITY WHICH SUBMITTED A BID OR PROPOSAL, THE PROFESSIONAL SERVICES EXPERTS SHALL REVIEW THE PROJECTED FINANCIAL IMPACT ON SANTEE COOPER'S RETAIL CUSTOMERS TO ENSURE THAT ANY INCREASES OR DECREASES TO CURRENT RATES FOR THE RETAIL AND WHOLESALE CUSTOMERS ARE INITIALLY PROPORTIONATE; TO PROVIDE THAT INFORMATION RECEIVED DURING THIS PROCESS AND ENSUING NEGOTIATIONS MUST BE KEPT CONFIDENTIAL WITH CERTAIN LIMITED EXCEPTIONS, TO REQUIRE NONDISCLOSURE AGREEMENTS, AND TO PROVIDE THAT

MEMBERS OF THE GENERAL ASSEMBLY, THE GOVERNOR, AND THEIR RESPECTIVE STAFFS MUST NOT BE PROVIDED WITH OR HAVE ACCESS TO THE INFORMATION OBTAINED DURING THIS PROCESS, WITH CERTAIN EXCEPTIONS; TO PROVIDE THAT AT THE CONCLUSION OF THE EVALUATION OF THE BIDS, PROPOSALS, AND NEGOTIATIONS, BUT NO LATER THAN JANUARY 15, 2020, WITH A ONE-TIME EXTENSION PERMITTED, THE DEPARTMENT CONCURRENTLY SHALL PRESENT A RECOMMENDATION OF ONE PREFERRED BID FOR SALE AND ONE PREFERRED MANAGEMENT PROPOSAL THAT THE PROFESSIONAL SERVICES EXPERTS CONSIDER TO BE IN THE BEST INTERESTS OF THE STATE, ITS TAXPAYERS, AND THE CUSTOMERS OF SANTEE COOPER, AS WELL AS A RECOMMENDATION CONCERNING SANTEE COOPER'S PROPOSAL FOR REFORM; TO PROVIDE THAT EACH RECOMMENDATION MUST INCLUDE CERTAIN MATERIALS AND JUSTIFICATIONS, AND THE RECOMMENDATION IN REGARD TO THE SALE AND MANAGEMENT PROPOSAL MUST INCLUDE A CONTRACT FOR EACH RECOMMENDED BIDDER OBLIGATING THE BIDDER TO COMPLY WITH THE TERMS OF ITS BID IN THE EVENT IT IS APPROVED BY THE GENERAL ASSEMBLY, ALONG WITH A PROPOSED CONTRACT TO EXECUTE THE SALE OR MANAGEMENT PROPOSAL AND ANY SUPPORTING DOCUMENTS; AND TO PROVIDE FOR THE MANNER IN WHICH THE DEPARTMENT SHALL PRESENT TO THE GENERAL ASSEMBLY ITS PREFERRED SALE AND MANAGEMENT PROPOSAL, AS WELL AS A RECOMMENDATION AS TO SANTEE COOPER'S REFORM PROPOSAL, AND THE MANNER IN WHICH THE GENERAL ASSEMBLY SHALL CONSIDER AND MAY APPROVE A PROPOSAL.

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

Bidding process for sale or for management proposals, reform proposal

SECTION 1. (A)(1) The Department of Administration shall establish a process to conduct a competitive bidding process for the sale of some or all of the Public Service Authority ("Santee Cooper") and to receive

management proposals that do not involve a sale of Santee Cooper but are designed to improve the efficiency and cost-effectiveness of Santee Cooper's electric operations including, but not limited to, a management arrangement, joint venture, or alternative arrangement. This process shall not be limited to the individuals or entities that responded to ICF's Requests for Expressions of Interest for its February 1, 2019, report to the Public Service Authority Evaluation and Recommendation Committee. Santee Cooper shall also submit a proposal to the department, as an alternative to a sale or management proposal, setting forth its plans for reform, restructuring, and changes in operation. Santee Cooper's proposal shall be given to the department simultaneously with the sale and management proposal deadline set by the department. This process must be established in accordance with commercially reasonable terms that are customary in connection with bids and proposals of this type. Nothing in this joint resolution precludes the department, through its professional services experts, from negotiating with entities offering bids or management proposals, or Santee Cooper, to improve their proposal. The department shall determine the date when the bids and proposals must be received; however, the process to receive bids, management proposals, and Santee Cooper's proposal shall be concurrent.

(2)(a) The department shall procure such professional services that are necessary to qualify bids and proposals; conduct a sale; evaluate bids received for a sale, management proposals, and Santee Cooper's proposal; negotiate contracts for the consummation of a sale or a management proposal; and related activities. These professional services shall include, but may not be limited to, financial institutions, investment bankers, legal counsel, industry consultants, and utility consultants.

(b) The department must not utilize the professional services of an entity with whom the House of Representatives, the Senate, or the Governor has previously engaged to consider the possible sale of Santee Cooper; however, the department or its professional services experts may request information collected by ICF and any reports requested by the Public Service Authority Evaluation and Recommendation Committee regarding ICF's Requests for Expressions of Interest prior to the effective date of this joint resolution. In addition, the department must not utilize the professional services of an individual or entity that would have a financial interest in the outcome of this process, nor may the department contract or otherwise employ an individual or entity based upon a contingency fee due to the outcome of this process.

(B) Staff from the State Fiscal Accountability Authority's Procurement Services Division shall assist the department in conducting

the competitive bidding process and reviewing management proposals and procuring necessary professional services.

(C) Santee Cooper is directed to provide any and all resources necessary to assist in the process for competitive bids and management proposals, as well as the evaluation of the bids and management proposals received by the department. The department shall have the authority to consult with Santee Cooper's bondholders, underwriters, financial institutions, and any other advisors to gather information to assist the department in carrying out its responsibilities, and Santee Cooper shall be cooperative in providing the department with access to the bondholders, underwriters, financial institutions, and other advisors. Santee Cooper shall ensure that the bidders have full access to due diligence materials and fair opportunity for access to Santee Cooper staff, and shall ensure that its responses to any inquiries are timely.

Evaluating bids for sale

SECTION 2. (A) The department shall conduct a thorough evaluation of all bids for the sale of Santee Cooper received through the competitive bidding process. The evaluation must take into account at least the following:

- (1) the financial capability of each bidder;
- (2) the bidder's plan to address Santee Cooper's bonds and other indebtedness, to include, but not be limited to:
 - (a) satisfaction of any or all of Santee Cooper's existing debt, to include an opinion letter from a bond attorney as to whether or not the bidder's plan to satisfy the existing debt would violate any bond provisions or otherwise impact the State;
 - (b) issuance of new bonds and plans to finance other indebtedness;
 - (c) the projected financial impact on all customer classes of Santee Cooper's retail customers for the satisfaction of existing debt and issuance of new bonds and finance of other indebtedness; and
 - (d) the bidder's projected capital to debt ratio for the five years following the acquisition of Santee Cooper;
- (3) consideration, in cash, to be paid by the bidder to the State for the benefit of South Carolina and its taxpayers;
- (4) the amount of projected rates and revenue requirements for each customer class of Santee Cooper's retail customers over the next twenty years and plans demonstrating how these rates can be achieved, and the bidder's willingness to contractually agree to those rates;

(5) the bidder's plans for generation, power purchases, and other resources over the next twenty years including, but not limited to:

- (a) the forecasted demand;
- (b) a timeline of when those plans would be put in place;
- (c) the projected financial impact to Santee Cooper's retail customers; and

(d) the assumptions underlying its plans including, but not limited to, additional infrastructure required to support any generating unit, the projected rate base, debt-to-equity ratios, authorized return on equity, inflation and cost escalation rates, fuel costs, tax rates, assumed tax abatements, credits and payments in lieu of taxes, and projected GAAP accounting financial statements of the rate projections;

(6) the bidder's plans for transmission investment over the next twenty years including, but not limited to:

- (a) a timeline of when those investments will be needed;
- (b) the projected financial impact to Santee Cooper's retail customers; and

(c) the assumptions underlying those plans including, but not limited to, projected rate base, debt-to-equity ratios, authorized return on equity, inflation and cost escalation rates, fuel costs, tax rates, assumed tax abatements, credits and payments in lieu of taxes, and projected GAAP accounting financial statements of the rate projections;

(7) the bidder's willingness to bear any costs required by the Federal Energy Regulatory Commission to mitigate market power resulting from an acquisition of Santee Cooper;

(8) the bidder's provision of reasonable financial and other protections for Santee Cooper employees and retirees in a manner that would not impact South Carolina's pension system liability or the liability associated with providing health insurance coverage to employees who have retired from employment at Santee Cooper;

(9) a projection of the jobs the bidder expects to eliminate within five years if it acquires Santee Cooper;

(10) the bidder's proposed location for its headquarters post-acquisition;

(11) whether the bid included or excluded the assets collectively included under FERC License 199, the wholesale water systems operated by Santee Cooper, undeveloped lands, other natural resources, and recreational assets of Santee Cooper. In the event that the bid excludes the assets listed herein, each bidder shall provide for revenue streams, including the purchase of hydroelectric power generated from Project 199, to provide for the continued operation of Lakes Marion and Moultrie with no loss of quality or access;

(12) the bidder's capacity and willingness to partner with the State for future economic development projects;

(13) a comparison of the bidder's service territory in South Carolina, if the bid is successful, with investor-owned utilities serving South Carolina; and

(14) any terms or conditions the bidder would require to complete the purchase of Santee Cooper.

The bidder must also submit its regulatory filings within the past seven years from each state where the bidder provides electric service that are related to the bidder's forecasts for electric generation, transmission, and distribution; requests for generation and/or transmission projects; electric rate requests made by the bidder; and requests to acquire, merge with, or manage another electric utility, and the final disposition of each request.

(B) The department must:

(1) verify the information provided by the bidder, to the extent possible, and may request additional information from the bidder if needed to conduct its verification;

(2) for each bid, compile a list of items that would be excluded from the sale of Santee Cooper's electric utility assets including, but not limited to, the wholesale water systems operated by Santee Cooper, undeveloped lands, other natural resources, and recreational assets of Santee Cooper;

(3) conduct an analysis as to the potential risks to South Carolina taxpayers, Santee Cooper's retail customers, and Santee Cooper's bondholders, that could result from the sale of Santee Cooper, either in whole or in part. This analysis must include, but is not limited to, the loss of tax-exempt status of a buyer, impact on economic development, and whether the bid would preclude South Carolina from recovering the full value of Santee Cooper;

(4) compare the bidder's financing options for anticipated projects with the financing options currently available to Santee Cooper;

(5) require that the bidder's projected ratebase for all of Santee Cooper's retail customers exclude any portion of debt attributed to V.C. Summer nuclear units 2 and 3 that is not considered to be used and useful, as determined by the professional services experts and the Office of Regulatory Staff;

(6) consider if the bidder is committed to keeping its headquarters in South Carolina post-acquisition;

(7) consider if the bidder intends to, and has the capability to, provide electric services in South Carolina for at least twenty years; and

(8) designate a third party to administer the procurement and dissemination of information from Santee Cooper to third-party bidders in order to ensure consistency, proper characterization, and accuracy of information provided.

Evaluating proposals for management

SECTION 3. (A) The department shall conduct a thorough evaluation of all management proposals for Santee Cooper. The evaluation must take into account at least the following:

(1) terms and conditions of the proposal, including the proposed time period for the management proposal;

(2) the amount of projected rates for each customer class of Santee Cooper's retail customers over the next twenty years and plans demonstrating how these rates can be achieved;

(3) fees and costs to be paid by Santee Cooper retail customers for the management proposal, as well as any other benefits to that entity resulting from the proposal;

(4) projected needs for generation, transmission, and distribution during the period of the proposal and how those needs would be met;

(5) an opinion letter from a bond attorney that the management proposal would neither violate nor alter the terms of Santee Cooper's bonds and other indebtedness;

(6) an opinion letter from a tax attorney that the proposal would not impact Santee Cooper's current tax status;

(7) the proposing entity's experience with the type of arrangement as proposed with an investor-owned utility and a publicly owned utility;

(8) the impact the management proposal would have on Santee Cooper's employees including, but not limited to, any projected elimination of positions within the next five years, if any;

(9) the financial capability of the entity offering the proposal;

(10) a comparison of the service territory in South Carolina of the entity offering the proposal, if the proposal is successful, with investor-owned utilities serving South Carolina; and

(11) an agreement that if the management proposal is awarded, the entity offering the proposal will submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the implementation of the management plan including, but not limited to, plans for the next calendar year and accomplishments and challenges for the prior calendar year.

(B) The department must:

(1) verify the information provided by the entity submitting the management proposal, to the extent possible, and may request additional information if needed to conduct its verification;

(2) conduct an analysis as to the potential risks to South Carolina taxpayers, Santee Cooper's retail customers, and Santee Cooper's bondholders, that could result from the management proposal;

(3) compare the proposing entity's financing options for anticipated projects with the financing options currently available to Santee Cooper; and

(4) consider if the proposing entity offers to pay a franchise fee or another form of consideration to the State of South Carolina as a condition of the management proposal.

Reform proposal

SECTION 4. (A) Santee Cooper must submit a proposal to the department for reform, restructuring, and changes in operation that must include, but is not limited to:

(1) its plans for generation, power purchases, and other resources over the next twenty years including, but not limited to:

(a) the forecasted demand;

(b) a timeline of when those plans would be put in place;

(c) the projected financial impact to all customer classes of ratepayers;

(d) the assumptions underlying its plans including, but not limited to, additional infrastructure required to support any generating unit, projected financial ratios including debt-to-equity and debt service coverage ratios, projected contribution percentages to the Capital Improvement Fund, inflation and cost escalation rates, fuel costs, payments to the State and other sums in lieu of taxes, and projected GAAP accounting financial statements of the rate projections; and

(e) the amount of projected rates and revenue requirements for each customer class of Santee Cooper's retail customers over the next twenty years and plans demonstrating how these rates can be achieved;

(2) its plans for transmission investment over the next twenty years including, but not limited to:

(a) a timeline of when those investments will be needed;

(b) the projected financial impact to all classes of its retail customers; and

(c) the assumptions underlying its plans including, but not limited to, projected financial ratios, including debt-to-equity and debt service coverage ratios, projected contribution percentages to the Capital

Improvement Fund, inflation and cost escalation rates, fuel costs, payments to the State and other sums in lieu of taxes, and projected GAAP accounting financial statements of the rate projections;

(3) its plans to address the V.C. Summer debt and the projected impact to all customer classes of its ratepayers;

(4) a proposal for Santee Cooper reform, restructuring, and operational changes;

(5) any other information Santee Cooper deems relevant as to future operations as a state asset;

(6) the projected financial impact on all customer classes of Santee Cooper's retail customers for the satisfaction of existing debt and issuance of new bonds and finance of other indebtedness; and

(7) a projection of the jobs Santee Cooper expects to eliminate within five years.

(B) The department must verify the information provided by Santee Cooper, to the extent possible, and may request additional information if needed to conduct its verification. The department must also conduct an analysis to determine if the proposal is feasible.

As part of the analysis, the department will:

(1) compare Santee Cooper's rate projections with all other proposals on a comparable basis and assess the risks associated with Santee Cooper's projections of revenue requirements and consumer rates; and

(2) conduct an analysis as to the potential risk to South Carolina taxpayers, Santee Cooper's retail customers, and Santee Cooper's bondholders.

(C) If Santee Cooper's proposal to reform its operations is accepted by the General Assembly, Santee Cooper will submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the implementation of its plan.

Negotiations with Central Electric Power Cooperative

SECTION 5. The department shall establish a process in which its professional services experts conduct confidential negotiations between Central Electric Power Cooperative, Inc. ("Central") and each entity that submitted a qualified bid or qualified proposal after all the bids and proposals have been submitted. No negotiations or any form of discussion regarding potential terms or conditions for an agreement with Central can occur outside of the process established by the department. The department shall require that the parties enter into a contract to negotiate in good faith, as well as any other conditions for negotiation as

determined by the department. Each entity that submitted a qualified bid or qualified proposal, as well as Santee Cooper, must individually negotiate with Central to determine terms for a binding contract between Central and that entity in the event the entity's bid or proposal is successful. If the professional services experts conducting the negotiations determine that one or more parties, including Central, is not negotiating in good faith, that negotiation shall be terminated and the professional services experts may submit terms they determine to be reasonable and in the best interests of Santee Cooper's customers and of the State of South Carolina and its taxpayers to the General Assembly. The General Assembly may consider a party's failure to negotiate in good faith as a disqualification of the bid or proposal.

Effect of sale on future rates

SECTION 6. In the event of the successful sale of Santee Cooper and the purchasing entity's contract contains projections of future rates, the General Assembly's approval of such sale on such terms does not indicate its intent to bind the Public Service Commission or Office of Regulatory Staff to the projected rate figures. The successful bidder shall be subject to the same statutory and regulatory authority of the Public Service Commission and Office of Regulatory Staff as all other investor-owned electrical utilities.

Review of financial impact on customers

SECTION 7. Following the negotiations between Central and each entity which submitted a bid or proposal, the professional services experts shall review the projected financial impact on Santee Cooper's retail customers to ensure that any increases or decreases to current rates for the retail and wholesale customers are initially proportionate.

Confidentiality required, exceptions, nondisclosure agreement, no information provided to General Assembly, Governor, or their staffs

SECTION 8. To protect the integrity of the process, information received during this process and ensuing negotiations must be confidential prior to the department providing its professional services experts' recommendations to the General Assembly. Each individual and entity involved in the process shall handle the information with sufficient care to prevent disclosure of information submitted, received,

or reviewed during the process. After the department has provided its professional services experts' recommendations to the General Assembly, only information regarding those recommendations shall be released in accordance with the provisions of the Freedom of Information Act, provided that information described in Section 30-4-40 must not be released without the written permission of the entity whose bid or proposal was recommended. In order to effectuate the purposes of this section, the department shall require nondisclosure agreements which must be entered into by each individual or entity involved in the process including, but not limited to, an individual or entity that submits a bid or proposal, or receives or reviews any part of the submission. The nondisclosure agreement must also contain a provision in which the signer agrees that neither it nor its agents, servants, officers, directors, or employees shall advocate for or against, directly or indirectly, a recommendation provided by the department to the General Assembly pursuant to SECTION 9. Members of the General Assembly, the Governor, and their respective staff must not be provided with, or have access by any means to, the information obtained during this process except as provided in this section.

Recommendation of one sale bid, one management bid, and reform proposal to the General Assembly, approval process by the General Assembly

SECTION 9. (A)(1) At the conclusion of the evaluation of the bids and proposals, and negotiations, as required by this joint resolution, but no later than January 15, 2020, and subject to a one-time sixty-day extension upon written notice from the department to the Chairman of House Ways and Means and the Chairman of Senate Finance for the need of this extension, the department shall concurrently present a recommendation by its professional service experts of one bid for sale and one management proposal that the professional service experts consider to be in the best interests of the State, its taxpayers, and the customers of Santee Cooper, as well as the recommendation for Santee Cooper's proposal. Each recommendation must include justifications for the recommendation; also, the recommendations in regard to the sale and management proposal must include a contract for each recommended bidder obligating the bidder to comply with terms of its bid in the event it is approved by the General Assembly, along with a proposed contract to execute the sale or management proposal, and any supporting documents. The proposed contracts must include covenants that the bidder will abide by the terms of its bid for sale or its proposal, as

applicable. The department must also present a full evaluation of each recommendation and for Santee Cooper's proposal. An evaluation must include, but not be limited to: (a) a description of each item listed in SECTIONS 2, 3, or 4, as applicable, along with a copy of an opinion letter submitted by a bond attorney and/or tax attorney; (b) a proposed contract with Central Electric Power Cooperative, Inc., including a statement from the professional service experts involved in the negotiations that each party did or did not negotiate in good faith; (c) any recommendations or concerns from the department's professional services; and (d) any supporting documents.

(2) The department must enter into a contract with each entity that submitted a bid for sale or management proposal that establishes penalties for failure to proceed with finalizing the sale or management proposal in the event the bid or proposal is selected by the General Assembly. This contract must include, but is not limited to, earnest money to be paid upon a recommendation of that entity being made to the General Assembly and penalties for failure to finalize the terms of the bid or proposal upon selection by the General Assembly.

(B) The department shall present to the Chairman of the Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee the documents described in (A). The Finance Committee and the Ways and Means Committee shall each meet as soon as practicable to review each recommendation presented by the department. Each committee shall make a recommendation within thirty days of receipt of the recommendations presented by the department. However, nothing in this joint resolution shall be construed as a waiver of any House or Senate Rules. Upon receipt of the recommendation from their respective committees, the President of the Senate and the Speaker of the House shall convene their respective bodies to consider any legislation to effectuate the sale or management proposal or to implement reform, restructuring, and changes in operation at Santee Cooper. Such legislation shall be in the form of a resolution approving the contract for sale or management or a bill to implement reform at Santee Cooper.

(C)(1) In the event that the General Assembly approves the sale of Santee Cooper, the department must execute any documents necessary in order to effectuate the sale upon the enactment of a joint resolution approving the sale. The net proceeds of the sale shall be deposited in a distinctly numbered account separate from General Fund revenues in which such amount shall not be appropriated in a general appropriations bill. Disposition of those funds shall be made by further actions of the

General Assembly. These amounts shall never be recoverable in rates or otherwise by the purchaser.

(2) In the event that the General Assembly approves a management proposal, the department must execute any documents necessary in order to effectuate the proposal upon the enactment of a joint resolution approving the proposal.

Suspension

SECTION 10. The provisions of the Consolidated Procurement Code in Chapter 35, Title 11 of the 1976 Code and any other provisions of the general law of this State in conflict with the provisions of this joint resolution are hereby suspended with regard to the activities undertaken pursuant to this joint resolution.

Severability

SECTION 11. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this joint resolution 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 joint resolution, the General Assembly hereby declaring that it would have passed this joint resolution, 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.

Time effective

SECTION 12. This joint resolution takes effect upon approval by the Governor.

Ratified the 22nd day of May, 2019.

Approved the 22nd day of May, 2019.

No. 96

(R5, H3630)

A JOINT RESOLUTION TO DELAY THE PROPERTY TAX PENALTY SCHEDULE BY THREE MONTHS ON REAL PROPERTY OWNED BY CERTAIN INDIVIDUALS AFFECTED BY THE SHUTDOWN OF THE FEDERAL GOVERNMENT.

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

Delay of Property Tax Penalty Schedule

SECTION 1. (A) For property tax year 2018 for which property taxes are due on January 15, 2019, the penalty schedule for unpaid property taxes and assessments set forth in Section 12-45-180, including the commencement of a tax execution, must be delayed by three months in each portion of the schedule.

(B)(1) This section only applies if the owner of the real property is employed by the federal government and did not receive his federal salary on the normal schedule during the shutdown that began on December 22, 2018. This section also applies if the owner of the real property contracts with the federal government and the federal shutdown has caused him to lose at least fifty percent of his income during the shutdown, as determined by the county treasurer.

(2) The burden of proof of eligibility for the delay is on the taxpayer. The taxpayer must provide the county treasurer with whatever proof the treasurer determines necessary to determine eligibility.

(C) Nothing in this section may be construed to mean that real property taxes and assessments are not still due on or before January 15, 2019, or thirty days after the mailing of tax notices, whichever occurs later. Also, nothing in this section may be construed to affect the procedure for appealing real property taxes and assessments.

Time effective

SECTION 2. This joint resolution takes effect upon approval by the Governor. If penalties have been added before the effective date of this joint resolution, the auditor shall adjust the penalties in conformity with the provisions of this joint resolution. If penalties have been paid before the effective date of this act, the taxpayer is entitled to a refund of penalties paid.

Ratified the 20th day of February, 2019.

Approved the 21st day of February, 2019.

No. 97

(R20, H3849)

A JOINT RESOLUTION TO PROVIDE A GRACE PERIOD ON THE ENFORCEMENT OF SECTION 12-21-735 OF THE 1976 CODE, RELATING TO THE STAMP TAX ON CIGARETTES, AGAINST UNSTAMPED PACKAGES OF CIGARETTES FOR WHICH APPLICABLE TAXES HAVE BEEN PAID.

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

Stamp tax on cigarettes

SECTION 1. For the period beginning January 1, 2019, and ending October 1, 2019, unstamped packages of cigarettes subject to the provisions of Section 12-21-735 for which applicable taxes have been paid are not contraband goods subject to seizure by the Department of Revenue or any peace officer of the State, and any fines associated with such seizure, provided, however, that such person files a report with the Department of Revenue by March 31, 2019, on a form established by the Department of Revenue, stating the quantity of such unstamped packages of cigarettes that were in the person's possession as of January 1, 2019.

Time effective

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 19th day of March, 2019.

Approved the 20th day of March, 2019.

No. 98

(R31, H4157)

**A JOINT RESOLUTION TO EXTEND THE DEADLINE TO
SUBMIT OFFERS FOR A SOLICITATION FOR A STATEWIDE
VOTING SYSTEM SOLUTION FOR THE STATE ELECTION
COMMISSION AND TO CREATE A SPECIAL EVALUATION
PANEL TO EVALUATE AND SCORE EACH PROPOSAL.**

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

Statewide voting system

SECTION 1. (A) The General Assembly finds:

(1) The State of South Carolina desires to contract for a statewide voting system solution. It is intended that the contract for the statewide voting system solution shall provide a turnkey solution to the State Election Commission and the forty-six counties of South Carolina. It is further intended that the contract shall provide, to the extent possible, for all necessary software, hardware, equipment, supplies, support, and services necessary for a complete and comprehensive solution that meets South Carolina's requirements for a statewide voting system in a manner that is most advantageous to the State. It is imperative that the statewide voting system solution selected is procured, installed, and tested in the most expeditious manner possible so it is operational by January 1, 2020.

(2) To meet the intentions set forth in item (1), the State Fiscal Accountability Authority (SFAA) issued on December 7, 2018, a Request for Proposal soliciting offers to "Provide a Statewide Voting System Solution for the South Carolina State Election Commission" (Solicitation No. 5400016872). According to the terms of the solicitation, offerors desiring to submit a proposal must do so by 11:00 a.m. on March 4, 2019.

(B) To ensure competition and maximize accountability in the process, the General Assembly directs the State Fiscal Accountability Authority to extend the deadline to submit offers pursuant to Solicitation No. 5400016872 until 11:00 a.m. on April 4, 2019. Unless inconsistent with the provisions of this joint resolution, all other instructions, requirements, conditions, statements of work, specifications, terms, etc. contained in the solicitation shall remain in full force and effect.

(C)(1) A special evaluation panel is hereby created to evaluate the proposals received as a result of the request for proposal contained in Solicitation No. 5400016872. The special evaluation panel is composed of the five members of the State Election Commission appointed pursuant Section 7-3-10 of the 1976 Code. During the period between publication of the solicitation and final award, members of the special evaluation panel must not communicate, directly or indirectly, with any offeror or employees, agents, or officials of any offeror. Before assuming any role in the evaluation of proposals/offerors, members of the special evaluation panel must certify in writing that they will, among other things, avoid conflicts of interests, abide by certain integrity obligations and rules of conduct, and comply with the applicable provisions of the State Ethics Act of the 1976 Code. The integrity obligations and rules of conduct that the special evaluation panel members must agree to abide by shall include, but not be limited to, conducting themselves in such a way as not to adversely affect the confidence of the public or competing offerors in this procurement process, avoiding any action that could result in the appearance that the member lacks independence or impartiality, and avoiding any activity or financial transaction that involves or appears to involve the direct or indirect use of "inside information" to further a private gain for themselves or others. Before assuming any role in the evaluation of proposals/offerors, members of the special evaluation panel must receive such training on their integrity obligations, the required rules of conduct, and the State Ethics Act as the Department of Administration may direct.

(2) The Executive Director of the South Carolina Department of Administration shall coordinate the process used by the special evaluation panel to evaluate and score proposals received by the time specified in this joint resolution and which have been determined to be responsive to Solicitation No. 5400016872 by the procurement officer. The State Fiscal Accountability Authority and the State Election Commission shall assign such personnel as requested by the Executive Director of the Department of Administration to assist the Department of Administration in carrying out its duties under this joint resolution. Additionally, the State Fiscal Accountability Authority and the State Election Commission shall assign such personnel as requested by the Executive Director of the Department of Administration to assist the special evaluation panel. The Department of Administration may contract with an outside expert or experts, including attorneys, to provide consultation and advice to the Department of Administration and to the special evaluation panel in evaluating and scoring proposals. Procurements by the Department of Administration of any expert or

experts, including attorneys, pursuant to this joint resolution are exempt from the purchasing procedures of the South Carolina Consolidated Procurement Code.

(3) The special evaluation panel shall evaluate and score all proposals and offerors based on the evaluation criteria included in the request for proposal contained in Solicitation No. 5400016872. The State Fiscal Accountability Authority shall award the contract to the highest-ranking proposal/offeror based on the scoring of the special evaluation panel subject to the Discussions and Negotiations provision in the solicitation and Section 11-35-1530(8) of the 1976 Code.

(D)(1) The State Fiscal Accountability Authority shall continue to serve as the procuring officer for the solicitation. The State Fiscal Accountability Authority is also responsible for administrative duties related to the request for proposals including, but not limited to, required publications, postings, conferences, receipt of proposals, amendments, dissemination of materials to evaluators, instructing/charging evaluators, issuing notifications of award, etc.

(2) Once a contract is awarded pursuant to Solicitation No. 5400016872, the State Election Commission shall manage the contract with the State Fiscal Accountability Authority maintaining all responsibilities vested in it by the South Carolina Consolidated Procurement Code. The State Election Commission shall be the party in interest for any disputes or controversies that arise subsequent to the execution of the contract. The provisions of Sections 11-35-4210, 11-35-4310, and 11-35-4410(1)(b) of the 1976 Code, South Carolina Consolidated Procurement Code shall not apply to the procurement of a Statewide Voting System Solution pursuant to Solicitation No. 5400016872 or pursuant to any other source selection method authorized by this joint resolution. All other provisions of Article 17 of the South Carolina Consolidated Procurement Code related to contract and breach of contract controversies shall apply, including the provisions of Section 11-35-4230 giving the chief procurement officer exclusive authority to resolve contract controversies.

(E) If it is determined that a contract cannot be awarded pursuant to Solicitation No. 5400016872 as it currently exists, the Executive Director of the Department of Administration may direct that the solicitation be amended as needed or may direct that an alternate source selection method be used; provided that, should an alternate source selection method be used, the selected method must allow for as much competition as is practicable under the circumstances. If an alternate source selection method is employed, the Executive Director of the Department of Administration may direct the State Election Commission

and the State Fiscal Accountability Authority, as is applicable, to develop an appropriate scope of work and specifications, to prepare the appropriate solicitation documentation, to develop award criteria, to administer the procurement process, to assist in the scoring and evaluation of any offers, to manage the contract and to be responsible for any contract controversies that may arise as either the using governmental unit (State Election Commission) or as the chief procurement officer (SFAA). Additionally, the special evaluation panel shall evaluate and score all proposals and offerors received in the time provided in the alternative source selection method and which proposals are responsive to the alternative source selection method based on the evaluation criteria developed during the process. The State Fiscal Accountability Authority shall award the contract to the highest-ranking proposal/offeror based on the scoring of the special evaluation panel subject to negotiations as provided in Section 11-35-1530(8) of the 1976 Code.

Time effective

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 3rd day of April, 2019.

Approved the 3rd day of April, 2019.

No. 99

(R2, S168)

A JOINT RESOLUTION TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL DEVELOP RECOMMENDATIONS FOR REDUCING AND STREAMLINING THE AMOUNT OF PAPERWORK AND REPORTING REQUIREMENTS OF TEACHERS, SCHOOLS, AND SCHOOL DISTRICTS, TO PROVIDE REQUIREMENTS FOR THE CONTENT OF THESE RECOMMENDATIONS, AND TO PROVIDE THE DEPARTMENT SHALL REPORT ITS RECOMMENDATIONS TO THE GENERAL ASSEMBLY BEFORE AUGUST 1, 2019.

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

Development of streamlining recommendations

SECTION 1. The State Department of Education shall develop recommendations for reducing and streamlining the amount of paperwork and reporting required of teachers, schools, and school districts. These recommendations must include information on required reporting and administrative paperwork at the classroom, school, district, and state levels, the entity requiring the data or report, the method of reporting, and frequency of the report. The department also must include information on federal reporting requirements and include information on the potential loss of funding at the state and district levels if the reports are not completed. Before August 1, 2019, the department shall report its recommendations to the Chairman of the Senate Education Committee and the Chairman of the House Education and Public Works Committee.

Time effective

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 20th day of February, 2019.

Approved the 21st day of February, 2019.

No. 100

(R42, H3929)

A JOINT RESOLUTION TO PROVIDE THAT DURING THE 2018-2019 SCHOOL YEAR, LOCAL SCHOOL DISTRICTS MAY WAIVE MAKEUP DAYS IN ADDITION TO THE THREE DAYS FORGIVEN PURSUANT TO SECTION 59-1-425 BY THE LOCAL SCHOOL DISTRICT FOR ANY DAYS MISSED DURING THE 2018-2019 SCHOOL YEAR BECAUSE OF SNOW, EXTREME WEATHER CONDITIONS, OR OTHER DISRUPTIONS REQUIRING SCHOOLS TO CLOSE; AND TO

PROVIDE THE PROVISIONS OF THIS JOINT RESOLUTION APPLY NOTWITHSTANDING THE PROVISIONS OF SECTION 59-1-425 OR ANOTHER PROVISION OF LAW THAT REQUIRES SCHOOL DISTRICTS TO REQUEST A WAIVER FROM THE STATE BOARD OF EDUCATION.

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

Local district granting authority for the 2018-2019 School Year

SECTION 1. During the 2018-2019 School Year, a local school district may waive additional makeup days in addition to the three days forgiven pursuant to Section 59-1-425 by the local school district for any days missed during the 2018-2019 School Year because of snow, extreme weather conditions, or other disruptions requiring schools to close. The provisions of this joint resolution apply notwithstanding the provisions of Section 59-1-425 or another provision of law that requires school districts to request a waiver from the State Board of Education.

Time effective

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 25th day of April, 2019.

Approved the 26th day of April, 2019.

No. 101

(R7, S80)

A JOINT RESOLUTION TO AMEND SECTIONS 1 AND 3 OF ACT 289 OF 2018, RELATING TO THE SOUTH CAROLINA AMERICAN REVOLUTION SESTERCENTENNIAL COMMISSION, SO AS TO PROVIDE THE OBSERVANCE MUST INCLUDE THE ROLE OF PERSONS OF AFRICAN-AMERICAN DESCENT IN THE AMERICAN REVOLUTION AND TO MAKE SIMILAR CHANGES TO THE MEMBERSHIP OF THE COMMISSION, RESPECTIVELY.

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

Creation and purpose

SECTION 1. SECTION 1 of Act 289 of 2018 is amended to read:

“SECTION 1. There is hereby created a South Carolina American Revolution Sestercentennial Commission, which shall have the authority and responsibility to plan and execute, insofar as authorized and funded by the General Assembly, a proper observance of the Sestercentennial of the American Revolution in South Carolina, and in cooperation with the South Carolina Battleground Preservation Trust; a national organization, if any; and other similar commemorative organizations in other states. This proper observance of the Sestercentennial must include the role of persons of African-American descent in the Revolutionary War.”

Membership revised

SECTION 2. SECTION 3 of Act 289 of 2018 is amended to read:

“SECTION 3. (A) Membership of the South Carolina American Revolution Sestercentennial Commission shall consist of fifteen persons as follows:

- (a) the Governor, ex officio, or his designee;
- (b) the Chairman of the Archives and History Commission, ex officio;
- (c) the Director of the Department of Parks, Recreation and Tourism, ex officio;
- (d) four members to be appointed by the President of the Senate, at least one of whom must be of African-American descent;
- (e) four members to be appointed by the Speaker of the House of Representatives, at least one of whom must be of African-American descent; and
- (f) four members to be appointed by the Governor, at least one of whom must be of African-American descent, who shall serve initial terms of one, two, and three years, respectively, and whose successors shall serve for terms of four years.

(B) Any member who was appointed by the Lieutenant Governor shall be deemed to have been appointed by the President of the Senate and may continue to serve on the commission.”

Time effective

SECTION 3. This joint resolution takes effect upon approval by the Governor.

Ratified the 19th day of March, 2019.

Approved the 20th day of March, 2019.

No. 102

(R18, H3697)

A JOINT RESOLUTION TO PROVIDE THAT NOTWITHSTANDING THE PROVISIONS OF REGULATION 62-6-(D), SOUTH CAROLINA CODE OF REGULATIONS, RELATING TO THE REQUIREMENT THAT AT LEAST TWENTY-FIVE PERCENT OF CURRICULUM REQUIREMENTS FOR CERTAIN ACADEMIC PROGRAMS MUST BE EARNED THROUGH INSTRUCTION BY THE INSTITUTION AWARDING THE DEGREE, THE COMMISSION ON HIGHER EDUCATION MAY GRANT ALTERNATE PROGRAM COMPLETION OPTIONS TO STUDENTS IMPACTED BY THE CLOSURE OF SIX EDUCATION CORPORATION OF AMERICA, INC., HIGHER EDUCATION PROVIDERS IN SOUTH CAROLINA IN 2018.

Whereas, on December 4, 2018, the Accrediting Council for Independent Colleges and Schools (ACICS) announced its withdrawal of accreditation from Education Corporation of America, Inc. (ECA), effective December 19, 2018, and extended to December 22, 2018; and

Whereas, on December 5, 2018, in response ECA announced the closure of all but one of its higher education providers nationwide effective no later than December 21, 2018; and

Whereas, the decision resulted in the closure of six ECA locations in South Carolina consisting of five campuses of Virginia College located

respectively in Charleston, Columbia, Florence, Greenville, and Spartanburg, and the Golf Academy of America in Myrtle Beach; and

Whereas, the closure of the six campuses instantly left approximately one thousand South Carolina students without an opportunity to complete their Virginia College or Golf Academy academic programs; and

Whereas, most or many of the students were within a single course to one year of program completion; and

Whereas, in response to this crisis, institutions in this State, including technical and community colleges, are actively pursuing all options to help affected students; and

Whereas; states including South Carolina and accrediting agencies usually require member institutions to ensure they have delivered at least twenty-five percent of their program curriculum to degree holders, consequently prohibiting teach-out options for these former ECA students who cannot complete their academic programs through no fault of their own; and

Whereas, legislative redress is necessary and appropriate to mitigate the harm suffered by the victims of this unfortunate and unusual set of circumstances. Now, therefore,

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

Flexibility to assist students of closed institutions

SECTION 1. Notwithstanding the provisions of Regulation 62-6-(D), South Carolina Code of Regulations, that require a student to earn at least twenty-five percent of a higher education institution's program curriculum requirements through instruction by the institution awarding the degree, the Commissioner on Higher Education may grant institutions of higher learning in this State the flexibility to use teach-out options as needed in rare circumstances to facilitate program completion by students who attended any of the six education providers of the Education Corporation of America, Inc., that were located in this State which closed in 2018 before the students could complete program requirements. These teach-out options are intended for use in rare circumstances for any of these former Education Corporation of

America, Inc., students who are close to program completion and otherwise would be impeded in their completion efforts by the provisions of Regulation 62-6-(D).

Time effective

SECTION 2. This joint resolution takes effect upon approval of the Governor and expires July 1, 2020, unless extended by the General Assembly.

Ratified the 19th day of March, 2019.

Approved the 20th day of March, 2019.

No. 103

(R26, S540)

AN ACT TO PROVIDE THAT THE STATE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE MAY NOMINATE LESS THAN THREE QUALIFIED CANDIDATES FOR THE POSITION OF EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE FOR THE GOVERNOR'S CONSIDERATION UNTIL THE CURRENT VACANCY IN THE POSITION OF EXECUTIVE DIRECTOR IS FILLED OR JULY 1, 2019, WHICHEVER OCCURS FIRST.

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

Nominating requirements waived

SECTION 1. Notwithstanding Section 41-29-35(B), the Department of Employment and Workforce Review Committee may submit less than three applicants to serve as Executive Director of the Department of Employment and Workforce until that position is filled or July 1, 2019, whichever occurs first.

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 3rd day of April, 2019.

Approved the 3rd day of April, 2019.

No. 104

(R4, S335)

AN ACT TO AMEND ACT 516 OF 1976, RELATING TO THE ELECTION OF COMMISSIONERS OF THE BATH, LANGLEY, AND CLEARWATER WATER AND SEWER DISTRICTS IN AIKEN COUNTY, SO AS TO CHANGE THE COMMENCEMENT DATE OF EACH COMMISSIONER'S TERM OF OFFICE TO JANUARY FIRST IN THE YEAR FOLLOWING THE COMMISSIONER'S ELECTION AND TO CHANGE THE TERM EXPIRATION DATE TO DECEMBER THIRTY-FIRST OF EACH EVEN-NUMBERED YEAR; AND TO AMEND ACT 1006 OF 1958, RELATING TO THE ELECTION OF COMMISSIONERS OF THE BATH, LANGLEY, AND CLEARWATER WATER AND SEWER DISTRICTS IN AIKEN COUNTY, SO AS TO CHANGE THE COMMENCEMENT DATE OF EACH COMMISSIONER'S TERM TO JANUARY FIRST IN THE YEAR FOLLOWING THE COMMISSIONER'S ELECTION, TO CHANGE THE ELECTION DATE FOR COMMISSIONERS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER AND TO PROVIDE FOR STAGGERED TERMS, TO REVISE THE PROCEDURES FOR ADVERTISING ELECTIONS FOR COMMISSIONERS IN A NEWSPAPER OF GENERAL CIRCULATION, TO REQUIRE COMMISSION CANDIDATES TO FILE STATEMENTS OF INTENTION OF CANDIDACY WITH THE AIKEN COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS, AND TO ESTABLISH THE FILING PERIOD FOR THE ELECTION OF COMMISSIONERS.

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

**Bath, Langley, and Clearwater Water and Sewer Districts,
commissioners' terms' commencement and expiration dates**

SECTION 1. SECTION 1 of Act 516 of 1976 is amended to read:

“Section 59-627. (1) Notwithstanding the provisions of Article 1 of this chapter, the terms of all commissioners elected for the Langley Water and Sewer District, the Bath Water and Sewer District and the Clearwater Water and Sewer District shall commence on January first of the year after such commissioners are elected and extend for a term of six years, the terms being so staggered that the term of one commissioner for each district shall expire on December thirty-first of each even-numbered year.

(2) Notwithstanding the provisions of Article 1 of this chapter, in the event of a vacancy on the commissions of any of the above districts, it shall be filled for the remainder of the unexpired term by appointment of the Governor upon the recommendation of a majority of the members of the Aiken County Legislative Delegation.”

**Bath, Langley, and Clearwater Water and Sewer Districts,
commissioners' terms' commencement date**

SECTION 2. SECTION 1 of Act 1006 of 1958 is amended to read:

“SECTION 1. Notwithstanding the provisions of Chapter 4 of Title 59, Code of Laws of South Carolina, 1952, the terms of all commissioners elected for the Langley Water and Sewer District, the Bath Water and Sewer District and the Clearwater Water and Sewer District shall, from and after the effective date of this act, commence on January first of the year after such commissioners are elected and extend for the term prescribed by law, except for elections as hereinafter provided for the year 1958.”

**Bath, Langley, and Clearwater Water and Sewer Districts election
date**

SECTION 3. SECTION 2 of Act 1006 of 1958 is amended to read:

“SECTION 2. (A) Beginning in 2020, elections for water commissioners of each of the three water and sewer districts herein before specified shall be held on the first Tuesday after the first Monday

in November, and such elections thereafter shall be held on the first Tuesday after the first Monday in November of each even-numbered year thereafter.

(B) The term of office for each commissioner serving as of January 1, 2019, whose term in office expires before the date for the next election, as provided in subsection (A), shall continue to serve until the date of the next election. The term of office for the commissioner elected to fill such a seat at the next election shall be such a term as shall ensure that the terms of all commissioners are staggered, as required by Section 59-627(1) of Section 1 of Act 516 of 1976.”

**Bath, Langley, and Clearwater Water and Sewer Districts,
candidates to file statements of intention of candidacy**

SECTION 4. SECTION 3 of Act 1006 of 1958 is amended to read:

“SECTION 3. It shall be the responsibility of the Aiken County Board of Voter Registration and Elections to cause such elections to be called and to conduct such elections, which latter responsibility shall include, among other things, the designation of voting places, the appointment of election managers, the preparation of ballots, the declaring of results of such elections and the certifying of the results thereof to the Secretary of State of South Carolina. Such elections shall be conducted in accordance with the General Election Law of this State, except as such general election law is herein modified. It shall be the responsibility of the Aiken County Board of Voter Registration and Elections to cause to be prepared and delivered, not less than three days prior to the date set herein for the holding of such elections, two suitable books or lists of persons entitled to vote in the Langley Water and Sewer District, the Bath Water and Sewer District and the Clearwater Water and Sewer District. The Aiken County Board of Voter Registration and Elections shall cause to be advertised in a newspaper of general circulation in the water and sewer districts herein specified, on at least two different days during the week immediately preceding the date set for any election, a notice of the election to be held in each water and sewer district, each of which notices shall specify the time and place of the holding of such election, the nature and purpose of such election, the hours of voting, and a resumé of qualifications required for voting in such election. In all elections held as herein specified, only those persons who are duly qualified and registered electors and who are bona fide residents of the water and sewer district in which such election is being held shall be eligible to vote. Persons desiring to be candidates shall be duly qualified

and registered electors and bona fide residents of the district from which they are seeking election and shall qualify as candidates for election by filing a statement of intention of candidacy with the Aiken County Board of Voter Registration and Elections. Candidate filing shall open on July first and close on July fifteenth of each even-numbered year. Within five days after election, the county board of election commissioners shall meet, canvass the votes cast, and certify to the Secretary of State of South Carolina the names of the person or persons elected as commissioners of the water and sewer district, and the term for which elected. Thereafter, the person or persons so elected shall file with the Secretary of State of South Carolina the appropriate oath of office and shall comply with other formalities as are generally required of persons holding office in the State of South Carolina.”

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 20th day of February, 2019.

Vetoed by the Governor -- 2/26/19.

Veto overridden by Senate -- 2/27/19.

Veto overridden by House -- 3/7/19.

No. 105

(R41, H3819)

AN ACT TO AMEND ACT 755 OF 1988, RELATING TO ABBEVILLE COUNTY SCHOOL DISTRICT NO. 60, SO AS TO PROVIDE THAT THE SCHOOL DISTRICT BOARD OF TRUSTEES SHALL HAVE TOTAL FISCAL AUTONOMY.

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

Abbeville County School District No. 60 fiscal autonomy

SECTION 1. Section 2 of Act 755 of 1988 is amended to read:

“Section 2. Notwithstanding another provision of law, commencing with the Abbeville County School District fiscal year next following the effective date of this act, the Abbeville County School District Board of Trustees is vested with total fiscal autonomy. In order to obtain funds for school purposes the board is authorized to impose an annual tax levy, exclusive of any millage imposed for bond debt service. Upon certification by the board to the county auditor of the tax levy to be imposed, the auditor shall levy and the county treasurer shall collect the millage so certified upon all taxable property in the district.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 25th day of April, 2019.

Approved the 1st day of May, 2019.

No. 106

(R15, S504)

AN ACT TO AMEND ACT 372 OF 2008, RELATING TO THE ALLENDALE COUNTY AERONAUTICS AND DEVELOPMENT COMMISSION, SO AS TO ABOLISH THE EXISTING NINE-MEMBER COMMISSION, TO TERMINATE THE TERMS OF ITS MEMBERS, TO RECONSTITUTE THE COMMISSION AS THE ALLENDALE COUNTY AERONAUTICS COMMISSION, AND TO REVISE THE COMPOSITION OF THE COMMISSION'S MEMBERSHIP.

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

Allendale County Aeronautics and Development Commission reconstituted

SECTION 1. SECTION 1 of Act 372 of 2008 is amended to read:

“SECTION 1. (A) On the effective date of this section:

(1) the existing nine-member Allendale County Aeronautics and Development Commission is abolished, and the terms of its members then serving are terminated; and

(2) the Allendale County Aeronautics and Development Commission is reconstituted as the Allendale County Aeronautics Commission and shall consist of five members who must be appointed by the governing body of Allendale County as follows: one member must be appointed from each of the same five defined single-member election districts as are members of the Allendale County Council, and these five members' numeric seat designations shall correspond to that of the county council election district from which the member is appointed.

(B) Pursuant to SECTION 2 of Act 372 of 2008, the terms of office of the members must be for four years and until their successors are appointed and qualify, except that of the five members initially appointed to the reconstituted commission, the members appointed from Allendale County Council election districts two and four shall serve two-year terms and until their successors are appointed and qualify. Following the expiration of these members' initial two-year terms, their successors must be appointed for full four-year terms and until their successors are appointed and qualify."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 19th day of March, 2019.

Vetoed by the Governor -- 3/21/2019.

Veto overridden by Senate -- 4/11/2019.

Veto overridden by House -- 4/30/2019.

No. 107

(R56, S712)

**AN ACT TO AMEND ACT 549 OF 1973, AS AMENDED,
RELATING TO THE BROADWAY WATER AND SEWERAGE
DISTRICT IN ANDERSON COUNTY, SO AS TO RATIFY A 2001
EXPANSION OF THE DISTRICT'S SERVICE AREA**

**PURSUANT TO A TRANSFER OF TERRITORY FROM THE
BELTON-HONEA PATH WATER AUTHORITY.**

Whereas, the Broadway Water and Sewerage District of Anderson County was created by Act 549 of 1973, which had an effective date of February 15, 1973; and

Whereas, following the passage of Home Rule, the General Assembly enacted several statutes supporting the continued viability of preexisting special purpose districts, including, but not limited to, Section 6-11-410(a), Code of Laws of South Carolina, 1976, which defines a special purpose district as “any district created by act of the General Assembly prior to March 7, 1973, and to which has been committed prior to March 7, 1973, any local governmental function”; and

Whereas, although the general law, in Section 6-11-420, provides a mechanism whereby the service areas of special purpose districts created prior to March 7, 1973, may be enlarged, diminished, or consolidated by action of the appropriate county council, the South Carolina Supreme Court recognized a certain degree of latitude regarding special legislation to facilitate an orderly transition from legislative control of local matters to local control. See, e.g., Duncan v. The County of York et al., 267 S.C. 327, 228 S.E.2d 92 (1976); and

Whereas, in 2001 the Belton-Honea Path Water Authority granted a portion of its service district to the Broadway Water and Sewerage District, ostensibly expanding the latter’s service area; however, this transfer appears never to have been approved either by the governing body of Anderson County pursuant to the aforesaid provisions of Article 3, Chapter 11, Title 6 or by the General Assembly pursuant to transitional local legislation; and

Whereas, because the 2001 expansion of the Broadway Water and Sewerage District’s service area preceded by six years the South Carolina Supreme Court’s ruling in Davis v. Richland County Council, 372 S.C. 497, 642 S.E.2d 740 (2007), which cast significant doubt on future application of the transitional legislation exception, the General Assembly finds that if it had enacted local legislation in 2001 to enlarge the district’s service area, the resulting act would have constituted permissible transitional legislation under Duncan v. County of York et al. Now, therefore,

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

Broadway Water and Sewerage District, ratification of previous service area expansion

SECTION 1. Section 2 of Act 549 of 1973, as last amended by Act 709 of 1990, is amended by adding at the end to read:

“The South Carolina General Assembly ratifies and confirms the October 22, 2001, action of the Belton-Honea Path Water Authority granting to the Broadway Water and Sewerage District that portion of the Belton-Honea Path Water Authority’s service district described in the Authority’s minutes dated October 22, 2001, as the area ‘starting on the north side at Rice Cemetery Road and proceeding in a southerly direction down Jones Chapel Road intersecting at S.C. State Route 20, Due West Hwy. at the Abbeville County Line. All territory from this boundary to Lake Secession and proceeding along the boundary of Abbeville County to Hwy 20’.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

No. 108

(R57, H3346)

AN ACT TO AMEND ACT 205 OF 1993, AS AMENDED, RELATING TO THE DISTRICT BOARD OF EDUCATION OF THE CHESTERFIELD COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE FILING PERIOD FOR DECLARATIONS OF CANDIDACY.

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

Board of Education of the Chesterfield County School District, filing period revised

SECTION 1. Section 1(B) of Act 205 of 1993, as last amended by Act 97 of 2015, is further amended to read:

“(B) In the event of a vacancy on the board occurring for any reason other than expiration of a term, the board shall call a special election to fill the unexpired term, so long as the vacancy does not occur within ten months of a regular trustee election. In this case, the vacancy must be filled for the unexpired term or for a full term, as appropriate, at the next regular election.

Each member of the board must be elected by the qualified electors of the respective district from which the candidate seeks election. All persons desiring to qualify as a candidate shall file written notice of candidacy with the county election commission, or with the clerk of court on forms furnished by the commission. These forms must be transmitted to the commission by the clerk of court. This notice of candidacy must be a sworn statement and must include the candidate’s name, age, residence address, voting precinct, period of residence in the election district from which election is sought, and other information the county election commission requires. The filing period opens at 12:00 p.m. on August first or, if August first falls on Saturday or Sunday, then 12:00 p.m. on the following Monday and shall run until 12:00 p.m. on August fifteenth or, if August fifteenth falls on Saturday or Sunday, no later than 12:00 p.m. on the following Monday.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

No. 109

(R35, S735)

AN ACT TO ABOLISH THE CLARENDON COUNTY BOARD OF EDUCATION; TO AMEND ACT 593 OF 1986, AS AMENDED, RELATING TO THE BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 1 AND SCHOOL DISTRICT NO. 2 IN CLARENDON COUNTY, SO AS TO PROVIDE THAT THE CLARENDON COUNTY LEGISLATIVE DELEGATION MAKES FOUR APPOINTMENTS TO THE BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 1 IN CLARENDON COUNTY AND NINE APPOINTMENTS TO THE BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 2 IN CLARENDON COUNTY; AND TO REPEAL CERTAIN LOCAL PROVISIONS INCONSISTENT WITH THIS ACT.

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

Clarendon County Board of Education abolished and its functions, duties, and powers devolved

SECTION 1. The Clarendon County Board of Education is abolished on July 1, 2019. Its functions, duties, and powers are devolved upon the Clarendon County Election Commission, and its remaining functions, duties, and powers are devolved upon the respective boards of trustees of the school districts of Clarendon County.

Composition of Board of Trustees of School District No. 1 in Clarendon County

SECTION 2. Act 593 of 1986, as amended by Act 768 of 1988 and Act 421 of 2002, is further amended to read:

“SECTION 1. The Board of Trustees of School District No. 1 in Clarendon County shall consist of nine members. Five members of the Board of Trustees of School District 1 in Clarendon County must be elected in nonpartisan elections to be held and conducted in the manner provided in this act. Four members of the Board of Trustees of School District 1 in Clarendon County must be appointed by the Clarendon County Legislative Delegation.

SECTION 2. The elected members of the board of trustees must be elected from the school district at large in a nonpartisan election to be conducted at the same time as the general election in the manner provided in this act.

Members must be elected for terms of office of four years each. The members shall serve until their successors are elected or appointed and qualify.

Vacancies occurring on the board of trustees must be filled for the remainder of the unexpired term by appointment by the county legislative delegation.

SECTION 3. The members of the board of trustees must be residents of the school district and must be elected from the district at large by the qualified electors of the district. All persons desiring to qualify as candidates and be elected to the board of trustees shall file written notice of candidacy with the Clarendon County Board of Voter Registration and Elections at least sixty days before the date set for the election but not earlier than ninety days prior to the election. This notice of candidacy must be a sworn statement and must include the candidate's name, age, voting precinct, period of residence in the district, and other information the Clarendon County Board of Voter Registration and Elections requires. No filing fee may be required of any person desiring to qualify as a candidate.

The Clarendon County Board of Voter Registration and Elections shall conduct and supervise the elections in the manner governed by the election laws of this State *mutatis mutandis*. The Clarendon County Board of Voter Registration and Elections shall prepare the necessary ballots, appoint managers for the voting precincts, and do all things necessary to carry out the elections, including the counting of ballots and declaring the results of the elections. The Clarendon County Board of Voter Registration and Elections shall advertise the date of the election ninety days preceding the election in a newspaper of general circulation published in the district and shall publish a second notice thirty days before the election. The costs of the election must be borne by the Clarendon County Board of Voter Registration and Elections.

The results of the election must be determined in accordance with the nonpartisan plurality method prescribed by Section 5-15-61 of the 1976 Code.

The members elected in the nonpartisan elections and the members appointed by the county legislative delegation shall take office at the first official meeting of the board of trustees in the month of January following their election or appointment. The current members continue

to serve in office until their present terms expire and their successors are elected or appointed and qualify.”

Composition of Board of Trustees of School District No. 2 in Clarendon County

SECTION 3. The Board of Trustees of School District No. 2 in Clarendon County shall consist of nine members who must be appointed by the Clarendon County Legislative Delegation for a term of three years and until successors are appointed and qualify. Vacancies occurring on the board of trustees must be filled for the remainder of the unexpired term by appointment by the Clarendon County Legislative Delegation.

Local provisions repealed

SECTION 4. Act 236 of 1981 and SECTION 3 of Act 593 of 1986, both relating to the Clarendon County Board of Education making appointments to Clarendon County school district boards of trustees, are repealed. SECTION 3 of Act 768 of 1988, relating to the Clarendon County Board of Education, is repealed.

Continuity and succession of members

SECTION 5. All members of the Board of Trustees of School Districts 1 and 2 in Clarendon County as of the effective date of this act shall continue to serve until their successors are elected or appointed and qualify.

Time effective

SECTION 6. This act takes effect upon approval by the Governor.

Ratified the 25th day of April, 2019.

Vetoed by the Governor -- 5/1/19.

Veto overridden by Senate -- 5/2/19.

Veto overridden by House -- 5/7/19.

No. 110

(R55, S675)

AN ACT TO AMEND ACT 745 OF 1967, AS AMENDED, RELATING TO RENEWABLE WATER RESOURCES (REWA), FORMERLY KNOWN AS THE WESTERN CAROLINA REGIONAL SEWER AUTHORITY, TO ADD THE "SOUTHERN GREENVILLE" AREA OF GREENVILLE COUNTY TO REWA'S SERVICE TERRITORY, TO EXPRESS THE GENERAL ASSEMBLY'S INTENT TO DESIGNATE A MAP AS THE DOCUMENT OF RECORD ON WHICH REWA'S AMENDED BOUNDARY LINES ARE DELINEATED, TO PROVIDE THAT NO RESIDENTIAL OR COMMERCIAL ENTITY LOCATED WITHIN THE SOUTHERN GREENVILLE EXTENDED TERRITORY IS REQUIRED TO TAP INTO THE SERVICES PROVIDED BY REWA UNLESS THE ENTITY DOES SO VOLUNTARILY OR HAS NO OTHER DHEC-APPROVED METHOD FOR DISPOSAL, AND TO REVISE THE CONDITIONS UNDER WHICH A RESIDENTIAL OR COMMERCIAL ENTITY LOCATED IN THE NORTHERN GREENVILLE AREA OF REWA MAY TAP INTO THE SERVICES PROVIDED BY REWA.

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

Territory expanded

SECTION 1. Act 745 of 1967, as last amended by Act 284 of 2018, is further amended by adding:

"Section 2.9. Notwithstanding another provision of law, the boundary lines that define the service territory of the Renewable Water Resources are hereby expanded so as to include an area labeled the 'Southern Greenville' area of Greenville County, which is shown on a map filed with the Renewable Water Resources Commission as provided and maintained by the Revenue and Fiscal Affairs Office and designated as document 'ReWa Service Area - 2019A'. The General Assembly intends for this document to serve as the document of record delineating the service territory of the Renewable Water Resources. No residential or commercial entity in the 'Southern Greenville' extended territory is required to tap into the services provided by the Renewable Water

Resources unless the residential or commercial entity voluntarily seeks such access.”

Tap conditions revised

SECTION 2. Section 2.7 of Act 745 of 1967, as added by Act 298 of 2016, is amended to read:

“Section 2.7. Notwithstanding another provision of law, the boundary lines that define the service territory of the Renewable Water Resources are hereby expanded so as to include an area labeled the ‘Northern Greenville’ area of Greenville County, which is shown on a map filed with the Renewable Water Resources Commission as provided and maintained by the Revenue and Fiscal Affairs Office and designated as document ‘ReWa Service Area - 2016A’. The General Assembly intends for this document to serve as the document of record delineating the service territory of the Renewable Water Resources. No residential or commercial entity in the ‘Northern Greenville’ extended territory is required to tap into the services provided by the Renewable Water Resources unless the residential or commercial entity voluntarily seeks such access.”

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

No. 111

(R30, H4112)

A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF VETERINARY MEDICAL EXAMINERS, RELATING TO VETERINARY MEDICINE AND ANIMAL SHELTERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4859, PURSUANT TO THE

**PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE
1976 CODE.**

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

**Department of Labor, Licensing and Regulation, veterinary
medicine and animal shelters, regulations approved**

SECTION 1. The regulations of the Department of Labor, Licensing and Regulation - Board of Veterinary Medical Examiners, relating to Veterinary Medicine and Animal Shelters, designated as Regulation Document Number 4859, and submitted to the General Assembly pursuant to the provisions of Article 1, Chapter 23, Title 1 of the 1976 Code, are approved.

Time effective

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 3rd day of April, 2019.

Approved the 3rd day of April, 2019.

No. 112

(R16, H3127)

**A JOINT RESOLUTION TO ESTABLISH THE MOLD
ABATEMENT AND REMEDIATION STUDY COMMITTEE TO
STUDY THE IMPACT OF MOLD IN PUBLIC AREAS AND TO
ASCERTAIN THE BEST METHOD OF ABATEMENT FOR
MOLD IN PUBLIC AREAS; TO PROVIDE FOR THE
MEMBERSHIP OF THE STUDY COMMITTEE, TO
ESTABLISH CERTAIN GOALS FOR THE STUDY
COMMITTEE, TO REQUIRE THE STUDY COMMITTEE TO
PREPARE A REPORT FOR THE GENERAL ASSEMBLY, AND
TO DISSOLVE THE STUDY COMMITTEE.**

Whereas, there is not a state agency that regulates mold remediation; and

Whereas, mold presents a public health issue when present in older public buildings; and

Whereas, aging infrastructure in South Carolina presents an ever-growing opportunity for exposure, especially to young children in public schools; and

Whereas, it is the intent of the General Assembly of South Carolina to study the issue of mold to ascertain policy initiatives to protect the health, safety, and welfare of its most vulnerable citizens. Now, therefore,

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

Mold Abatement and Remediation Study Committee established

SECTION 1. (A) There is created the Mold Abatement and Remediation Study Committee to study the health effects of mold in public areas and to ascertain the best method of abatement for the mold. The study committee shall:

- (1) examine public policy issues relative to mold in public buildings in South Carolina;
- (2) ascertain the impacts on public health with a focus on children in public schools;
- (3) propose policy initiatives to remediate or abate problems with mold, if necessary;
- (4) determine proactive steps to prevent the growth of mold;
- (5) identify best practices regarding how to make public buildings more resilient with regards to flooding events and mold growth; and
- (6) identify best practices regarding mold remediation.

(B) The study committee must be comprised of three members of the Senate appointed by the President of the Senate and three members of the House of Representatives appointed by the Speaker of the House. Staff from the Senate and House of Representatives shall assist the study committee.

(C) The members of the study committee shall seek assistance from state agencies and members of the private sector including, but not limited to, the Department of Health and Environmental Control, the State Department of Education, the Association of Counties, the Municipal Association, the University of South Carolina Arnold School

of Public Health, and the Associations of General Contractors, Realtors, and Home Builders.

(D) The study committee shall provide a report to the General Assembly by December 31, 2019, at which time the study committee shall dissolve.

Time effective

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 19th day of March, 2019.

Approved the 20th day of March, 2019.

REGULATIONS OF STATE AGENCIES
August 24, 2018 - July 26, 2019

Index

The regulations contained in this index have been filed in the office of the Legislative Council and processed in accordance with the provisions of Article 1, Chapter 23, Title 1, *Code of Laws of South Carolina, 1976*, and became effective August 24, 2018 through July 26, 2019.

The texts of all regulations listed in this index have been published in the volume and issue of the *South Carolina State Register* noted opposite each entry and are available on the South Carolina General Assembly Home Page: www.scstatehouse.gov. If you do not have access to the Internet, the regulations are available for public inspection in the office of the promulgating agency, the Legislative Council, the State Library and the Department of Archives and History.

An explanation of abbreviations opposite regulations contained in this index, e.g. "SR43-1", means *South Carolina State Register*, Volume 43, Issue 1. Page numbers can be determined from the table of contents in the issue concerned. The number in parenthesis is the filing Document Number.

CLEMSON UNIVERSITY**State Livestock-Poultry Health Commission**

State Meat Inspection Regulation (4827)	SR42-12
State Poultry Products Inspection Regulation (4826).....	SR42-12

CONSUMER AFFAIRS, DEPARTMENT OF

Employee's Revocable Authorization of a Deduction of Earnings (4811)	SR43-5
---	--------

CRIMINAL JUSTICE ACADEMY, SOUTH CAROLINA

Denial of Certification for Misconduct (4813).....	SR43-5
Withdrawal of Certification of Law Enforcement Officers (4812).....	SR43-5

EDUCATION, STATE BOARD OF

Accounting and Reporting (4832)	SR43-5
Medical Homebound Instruction (4819).....	SR43-5
Operation of Public Pupil Transportation Services (4833).....	SR43-5
School Resource Officers (4831).....	SR43-5

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Air Pollution Control Regulations and Standards (Exempt) (4870).....	SR43-1
Hazardous Waste Management Regulations (4840).....	SR42-12
Hazardous Waste Management Regulations (4841).....	SR43-5
Requirements for State Water Pollution Control Revolving Fund Loan Assistance (4838)	SR43-5
Retail Food Establishments; and Retail Food Establishment Inspection Fees (4842).....	SR43-5
South Carolina Immunization Registry (4837).....	SR43-5
Standards for Licensing Crisis Stabilization Unit Facilities (4809).....	SR43-5

HIGHER EDUCATION, COMMISSION ON

Palmetto Fellows Scholarship Program (4816)	SR43-5
---	--------

HUMAN AFFAIRS COMMISSION, SOUTH CAROLINA

Guidelines Established (4829).....	SR43-5
Hearing Procedures (Review and Enforcement) (4830).....	SR43-5
Notices to be Posted (4828).....	SR43-5

INSURANCE, DEPARTMENT OF

Annual Audited Financial Reporting Regulation (4835).....	SR43-5
Corporate Governance Annual Disclosure Regulation (4836)	SR43-5

LABOR, LICENSING AND REGULATION, DEPARTMENT OF

Board of Examiners for Licensure of Professional Counselors and Marital and Family Therapists (4862).....	SR43-5
Long Term Health Care Administrators Board (4844).....	SR43-5

Auctioneers' Commission

Auctioneers' Commission (Repeal Specific
Regulations) (4846) SR43-5

Building Codes Council

International Building Code (4847)..... SR43-5
International Fire Code (4865)..... SR43-5
International Fuel Gas Code (4866)..... SR43-5
International Mechanical Code (4869) SR43-5
International Residential Code (4868)..... SR43-5
National Electrical Code (4867) SR43-5

Contractor's Licensing Board

Surety Bond Claims (4849) SR43-5

Counselors, Marriage and Family Therapists, Addiction

**Counselors, and Psycho-Educational Specialists,
Board of Examiners for Licensure of Professional**
Board of Examiners for Licensure of Professional
Counselors, Marriage and Family Therapists,
Addiction Counselors, and Psycho-Educational
Specialists (4850) SR43-5

Dietetics, Panel for

Licensure by Registration; and Licensure by
Endorsement (4851)..... SR43-5

Manufactured Housing Board

Manufactured Home Installation Requirements (4824).. SR43-5

Medical Examiners, Board of

Requirements to Take Step 3 of the United States
Medical Licensing Examination (4853)..... SR43-5

Nursing, Board of

Code of Ethics (4863) SR43-5

Occupational Safety and Health, Office of

Occupational Safety and Health Standards (Article 1,
Subarticle 6, Subpart Z) (4825)..... SR42-10
Occupational Safety and Health Standards (Article 1,
Subarticles 6 and 7) (4877) SR43-2

Occupational Therapy, Board of

Reactivation of Inactive or Lapsed Licenses; and
Code of Ethics (4854) SR43-5

Optometry, Board of Examiners in

Licensure Requirements; Continuing Education; and
Licensure By Endorsement (4855) SR43-5

Pharmacy, Board of

Administrative Citations and Penalties (4822) SR43-5

Physical Therapy Examiners, Board of

Amend Regulations to Conform to Requirements

Established by 2018 Act 226, Physical Therapy

Licensure Compact (4856)..... SR43-5

Real Estate Appraisers Board

Education and Experience Requirements for Licensure;

and Minor Corrections (4857)..... SR43-5

Social Work Examiners, Board of

Continuing Education Advisory Committee (4864) SR43-5

Speech-Language Pathology and Audiology,**Board of Examiners in**

General Licensing Provisions; Speech-Language

Pathology Assistants; and Continuing

Education (4858)..... SR43-5

Veterinary Medical Examiners, Board of

Veterinary Medicine and Animal Shelters (4859) SR43-4

NATURAL RESOURCES, DEPARTMENT OF

Additional Regulations Applicable to Specific

Properties (4860) SR43-5

Seasons, Limits, Methods of Take and Special Use

Restrictions on Wildlife Management Areas (4834) SR43-5

TRANSPORTATION, DEPARTMENT OF

Transportation Project Prioritization (4839)..... SR43-5

ACTS CITED BY**POPULAR NAME**

Advanced Practice Registered Nurse Act, 480
 Hemp Farming Act, 087
 Panthers' Bill, 458
 Physician Orders for Scope of Treatment (POST) Act, 491
 Procurement Code; revisions and update of code language; deletion of obsolete language, 178
 SC Servicemembers Civil Relief Act, 106
 Santee Cooper, 1099
 Solar Bill; Renewable Energy, 368
 Tucker Hipps Transparency Act; permanently authorize the act and repeal the three-year sunset provision, 110
 Vacation Time-Sharing Plan Extension and Termination Act, 403

ABBEVILLE COUNTY

Abbeville County School District No. 60; provide school board trustees shall have total fiscal autonomy, 1128
 Abbeville County, voting precincts; redesignate map number, 085

ACCOUNTANTS

Accountants; remove certain exam requirements, revise confidentiality of evidence and investigations, revise criteria for out-of-state

licensure; other provisions, 423

ACTS AND JOINT**RESOLUTIONS****AMENDED**

1958

Act No. 1006, Election of the Commissioners of the Bath, Langley, and Clearwater Water and Sewer Districts; change commencement of office and expiration of term; other provisions, 1125

1967

Act No. 745, Renewable Water Resources (REWA); add Southern Greenville District, 1137

1973

Act No. 549, Broadway Water and Sewer District; ratify a 2001 expansion of the district's service area pursuant to transfer of territory from Belton-Honea Path Water Authority, 1130

1976

Act No. 516, Election of the Commissioners of the Bath, Langley, and Clearwater Water and Sewer Districts; change commencement of office and expiration of term; other provisions, 1125

1986

Act No. 593, Clarendon County Board of Education; provide Legislative Delegation makes four appointments to the Board of Trustees in district 1 and nine appointments in district 2; repeal certain provisions, 1134

1988

Act No. 755, Abbeville County School District No. 60; provide school board trustees shall have total fiscal autonomy, 1128

1993

Act No. 205, Chesterfield County School District; revise filing period for declaring candidacy, 1132

2000

Act No. 314, Community Development Corporations and Financial Institutions; extend provisions until June 30, 2023, 448

2008

Act No. 372, Allendale County Aeronautics and Development Commission; abolish existing commission and reconstitute commission as Allendale County Aeronautics

Commission and revise composition of membership, 1129

2016

Act No. 134, Tax credits; provide that tax credits for purchase of geothermal machinery and equipment shall be repealed on January 1, 2022, 276

Act No. 265, Tucker Hipps Transparency Act; permanently authorize the act and repeal the three-year sunset provision, 110

2018

Act No. 289, Sec. 003, SC American Revolution Sestercentennial Commission; provide for membership, 1120

ACTS AND JOINT**RESOLUTIONS****REPEALED**

2015

Act No. 041, Sec. 007, Hunting and taking of wild turkey, 292

Act No. 124, Speech-Language Pathologists Assistants exemptions, 161

2016

Act No. 138, Sec. 003, Automatic repeal of statutory provisions requiring certain coal combustion residuals to be placed in class 3 landfill, 138

ADJUTANT GENERAL

See Also Veterans and
Military Affairs
(this index)

Appropriations, 988

Budget Provisos, 929, 0964,
1022, 1068, 1080, 1082

SC Servicemembers Civil
Relief Act, 106

**ADMINISTRATION,
DEPARTMENT**

Aging, Department on

Appropriations, 594

Budget Provisos, 873, 0975,
1048

Appropriations, 676

Budget Provisos, 852, 0924,
0953, 1013, 1015, 1016,
1021, 1025, 1026, 1028,
1039, 1046, 1047, 1049,
1051, 1062, 1063, 1064,
1065, 1070, 1074, 1075,
1080, 1085

Fiscal Accountability

Authority

Appropriations, 692

Budget Provisos, 924, 0977,
1022, 1033, 1035, 1056,
1064, 1065, 1073, 1074

Procurement Code;

revisions and update of
code language; deletion
of obsolete language,
178

Revenue and Fiscal Affairs

911; provide that RFA is
responsible for
creating and
updating
comprehensive
strategic 911 and
nextgen 9-1-1; revise

standards and other
911 provisions, 349

Abbeville County, voting
precincts;

redesignate map

number, 085

Anderson County; delete

Grove School and

Anderson 5/A

precincts and add

South Fant precinct;

redesignate map

number and names,
078

Appropriations, 692

Berkeley County, voting

precincts; add

sixteen precincts and

redesignate map

number, 174

Budget Provisos, 829,

0835, 0847, 0973,

1079, 1084

Dillon County, voting

precincts; eliminate

Gaddy's Mill

precinct and

redesignate map

number, 455

Dorchester County, voting

precincts;

redesignate map

number, 082

Greenwood county, voting

precincts;

redesignate map

number, 081, 0456

Oconee County, voting

precincts;

redesignate map

numbers, 174

- Pickens County, voting precincts; redesignate map number, 084
- Professional sports team; provide for tax credit, prohibit levy of county fees and taxes, and provide real property owned by team may not be annexed without prior written consent; other provisions, 458
- Procurement Code; revisions and update of code language; deletion of obsolete language, 178
- ADMINISTRATIVE LAW COURT**
- Appropriations, 628
- AERONAUTICS DIVISION**
- Appropriations, 671
- Budget Provisos, 941, 1010, 1039, 1081
- AGENCIES, STATE**
- See Also Specific Agency or Department (this index)
- Procurement Code; revisions and update of code language; deletion of obsolete language, 178
- AGING, DEPARTMENT ON**
- Appropriations, 594
- Budget Provisos, 873, 0975, 1048
- AGRICULTURE**
- Cigarette stamp tax; provide grace period against unstamped packages for which applicable taxes have been paid, 1114
- Cigarettes; provide cigarettes found to not have stamps affixed are considered contraband in certain circumstances, 164
- Department**
- Appropriations, 601
- Budget Provisos, 877, 1028, 1082, 1086, 1087, 1088, 1089, 1090
- Industrial hemp cultivation; remove references to industrial hemp program, define terms, prohibit cultivation without license, expand operations and other provisions, 087
- Farm Aid Fund**
- Budget Provisos, 1086
- Meat; provide unlawful to advertise, sell, label, or misrepresent meat or clean meat all or part of a carcass that is cell-cultured meat/protein and other provisions, 454**
- Tobacco or alternative nicotine products; prohibit minors from entering establishments that primarily sell products and create penalties; prohibit on school campuses and events, eliminate exclusions; other provisions, 111**
- AID TO SUBDIVISIONS**
- Appropriations, 701

AIKEN COUNTY

Bath, Langley, and
Clearwater Water and
Sewer Districts
Commissioner elections;
change commencement of
office and expiration of
term; other provisions,
1125

**ALCOHOL AND OTHER
DRUG ABUSE SERVICES
DEPARTMENT**

Appropriations, 583
Budget Provisos, 798, 0800,
0861, 0974, 1060, 1061,
1081

ALLENDALE COUNTY

Allendale County Aeronautics
and Development
Commission; abolish
existing commission and
reconstitute commission as
Allendale County
Aeronautics Commission
and revise composition of
membership, 1129

ANDERSON COUNTY

Anderson County Disabilities
Board
Budget Provisos, 859
Broadway Water and Sewer
District; ratify a 2001
expansion of the district's
service area pursuant to
transfer of territory from
Belton-Honea Path Water
Authority, 1130
Voting precincts, Anderson
County; delete Grove
School and Anderson 5/A
precincts and add South
Fant precinct; redesignate

map number and names,
078

ANIMALS

See Also Fish and Game
(this index)

See Also Natural
Resources
Department (this
index)

Animal cruelty and care;
authorize shelter to turn
over litter of unidentifiable
dogs or cats under certain
circumstances; establish
grants for spay and neuter
programs; provide care and
custody when owner
charged; other provisions,
256

Hunting and Fishing

Deer hunting; revise number
of antlerless deer tags
that may be issued by
DNR under certain
circumstances, 099

Trawling restriction areas;
provide that certain
areas are closed to
trawling from May 1
through September 15,
453

Wild turkey hunting;
provide season for
hunting and taking male
wild turkeys, provide
bag limits, establish
youth turkey hunting
weekend; provide for
use of revenues for tags;
provide for electronic
reporting; other
provisions, 292

Meat; provide unlawful to advertise, sell, label, or misrepresent meat or clean meat all or part of a carcass that is cell-cultured meat/protein and other provisions, 454

Service animals; provide that intentional misrepresentation of a service animal is a misdemeanor and establish penalties; provide landlords to ask questions for reasonable accommodations, 263

Veterinarians; require continuing education related to prescribing and monitoring controlled substances, 098

APPROPRIATION ACTS

Appropriation Bill 2019-2020, 501

Capital Reserve Fund
Capital Reserve Fund, appropriations 2019-2020, 1093

Continuing Resolution; authority to pay expenses of state government without a general appropriations bill and provide exceptions, 1097

State Aid to Subdivisions Act; provide fund must be adjusted at the same percentage as the General Fund revenues not to exceed 5 percent and other provisions; delete certain provisions, 470

ARCHIVES AND HISTORY

Appropriations, 557
Budget Provisos, 820, 1065, 1082

ARTS COMMISSION

Appropriations, 558
Budget Provisos, 822, 1085

ATTORNEY GENERAL

Appropriations, 629
Budget Provisos, 896, 1021, 1024, 1078
Crime Victims Compensation Department
Budget Provisos, 898, 1019
Procurement Code; revisions and update of code language; deletion of obsolete language, 178

AUDITOR'S OFFICE

Appropriations, 694
Budget Provisos, 959, 0980, 1019, 1038

BANKS AND SAVINGS AND LOAN ASSOCIATIONS

DOR; allow DOR to submit certain information to a financial institution regarding a debtor that has been named on a warrant for distraint; other provisions, 274

BEAUFORT COUNTY

Beaufort Disabilities and Special Needs Department
Budget Provisos, 860

BERKELEY COUNTY

Voting precincts, Berkeley County; add sixteen precincts and redesignate map number, 174

BONDS OR NOTES

Bonds, issuance by SC Jobs-Economic Development Authority; provide for certain notice requirements before the bonds may be issued, 318

BUSINESSES AND CORPORATIONS

See Also Advertisements (this index)

See Also Consumer Affairs (this index)

Bonds, issuance by SC Jobs-Economic Development Authority; provide for certain notice requirements before the bonds may be issued, 318

Community development tax credit; allow tax credit of 50 percent of any cash donation; delete aggregate credit provision and set annual limit; other provisions, 448

Industry Partnership Fund tax credit; increase the aggregate annual credit amount, 093

Professional sports team; provide for tax credit, prohibit levy of county fees and taxes, and provide real property owned by team may not be annexed without prior written consent; other provisions, 458

Property and casualty insurance guaranty

association; apply to provide to claim or loss covered by self-insurance that occurred prior to acquisition of a block, 065

SC Alarm System Business Act; add definition for electric fence and make technical corrections, 142

Sales tax definitions; further inform marketplace facilitators of their requirements, 101

Tax credit, port cargo volume increase; increase maximum amount and provide for a port transportation credit; other provisions, 169

Tobacco or alternative nicotine products; prohibit minors from entering establishments that primarily sell products and create penalties; prohibit on school campuses and events, eliminate exclusions; other provisions, 111

Transportation Network Company, safety inspection; require TNC vehicles to display license plates from the front, establish additional requirements, establish offenses for misrepresentation and other provisions, 457

Workers' comp insurance requirements; prohibit a self-insurer from

participating in or
obtaining benefit from
property and casualty
insurance guaranty
association and other
provisions, 065

**CHARITABLE
ORGANIZATIONS**

Childcare facilities,
background checks;
provide facility may not
employ a person if
registered or required to
register on sex offender
registry or abuse registry
or for other convictions;
other provisions, 297

CHARLESTON COUNTY

Sound Barriers
Budget Provisos, 104

CHESTERFIELD COUNTY

Chesterfield County School
District; revise filing
period for declaring
candidacy, 1132

**CHILDREN'S ADVOCACY
DEPARTMENT**

Appropriations, 595
Budget Provisos, 875, 0975

CLARENDON COUNTY

Clarendon County Board of
Education; abolish
Clarendon County Board
of Ed; provide Legislative
Delegation makes four
appointments to the Board
of Trustees in district 1 and
nine appointments in
district 2; repeal certain
provisions, 1134

**CODE SECTIONS OF 1976
ADDED, REENACTED OR
REDESIGNATED**

Title 01

01-011-0190, Procurement
Code; provide
responsibilities for the
Dept of Administration,
178

01-030-0130, Veterans'
Affairs Division;
enumerate the assets,
rights and obligations
transferred to Dept of
Veterans' Affairs, 118

Title 05

05-003-0020, Municipality,
powers; provide that
real property owned by
a professional sports
team may not be
annexed without prior
written consent, 458

Title 11

11-035-1535, Procurement
Code; provide for
competitive
negotiations and
provide certain
requirements, 178

11-035-1610, Procurement
Code; provide that
change or modification
in a contract may not
alter a contract in a
manner inconsistent
with procurement code,
178

11-035-1840, Procurement
Code; provide Fiscal
Accountability
Authority may

- promulgate regulations, 178
- 11-035-2015, Procurement Code; provide that a contract or amendment is not effective against a governmental body unless the contract or amendment is in writing and signed by a certain officer, 178
- 11-035-2040, Procurement Code; provide that certain laws are inapplicable to contracts for the procurement code, 178
- 11-035-2050, Procurement Code; provide that certain terms or conditions in a contract are void, 178
- 11-035-3305, Procurement Code; provide that a procurement officer may establish contracts providing for an indefinite quantity of certain supplies, services or information technology, 178
- 11-035-3320, Procurement Code; define task order contract and provide when a governmental body may enter into a task order contract, 178
- 11-035-4315, Procurement Code; provide that the Fiscal Accountability Authority may provide by regulation
- appropriate action where a contract award or modification is in violation of procurement code, 178
- 11-035-4340, Procurement Code; provide that there is no remedy against the state other than those provided in this chapter, 178
- 11-035-4425, Procurement Code; provide that if a final order is not appealed the Chief Procurement Officer may file a certified copy of the final ruling, 178
- 11-035-4430, Procurement Code; provide that the panel members may not communicate in connection with any issue of fact or issue of law, 178
- 11-036-0027, Procurement Code; provide that no part of chapter may be considered impliedly repealed by subsequent legislation, 178
- Title 12
- 12-006-3587, (Re-enacted) Tax credits; provide that tax credits for purchase of geothermal machinery and equipment shall be repealed on January 1, 2022, 276
- 12-006-3800, Income tax credit; allow for credit

- for each clinical rotation served by a physician as a preceptor for certain programs, 270
- 12-010-0120, Job development tax credit; specify requirements that apply to a professional sports team, 458
- 12-036-0071, Sales tax definitions; define marketplace facilitator, 101
- 12-036-2140, Sales tax exemptions; provide port facility is a distribution facility for certain purposes of exemptions, 169
- 12-054-0265, DOR; allow DOR to submit certain information to a financial institution regarding a debtor that has been named on a warrant for distraint; other provisions, 274
- 12-067-0170, Rehabilitated abandoned building; provide for extension of the placed in service date under certain circumstances, 290
- Title 16
- 16-003-2210 through 16-003-2240, Female genital mutilation; prohibited under age of 18 and create offense, 431
- 16-017-0506, E-liquid containers; establish limitations on sale and create criminal penalties, 111
- Title 16, Chap. 003, Art. 020, Female genital mutilation; prohibited under age of 18 and create offense, 431
- Title 25
- 25-001-4010 through 25-001-4080, SC Servicemembers Civil Relief Act, 106
- Title 25, Chap. 001, Art. 021, SC Servicemembers Civil Relief Act, 106
- Title 27
- 27-016-0150, Catawba Tribe; provide the tribe is not required to pay any fee in lieu of school taxes, 344
- 27-032-0500 through 27-032-0530, Vacation Time-Sharing Plan Extension and Termination Act; clarify procedures and requirements; other provisions, 403
- Title 27, Chap. 032, Art. 005, Vacation Time-Sharing Plan Extension and Termination Act; clarify procedures and requirements; other provisions, 403

Title 33

- 33-049-0150, Electric
coops, audits; provide
Regulatory Staff Office
is vested with authority
to audit, make
inspections, and
examine specified
coops; provide
exceptions and process
for disputes, 324
- 33-049-0160, Electric
coops; provide that
association formed by a
group of coops that
meets requirements of
IRS code is organized
under the laws of SC
and other provisions,
324
- 33-049-0615, Electric
coops, board of trustees;
require annual public
disclosure of
compensation and
benefits paid to board of
trustees, 324
- 33-049-0621, Electric
coops; provide that each
distribution coop must
put the question of
single-member voting
districts to its
membership at an
annual meeting, 324
- 33-049-0625, Electric
coops, meeting notice;
require all meetings to
be public meetings with
certain exceptions and
require votes to be

taken in open session;
other provisions, 324

- 33-049-0645, Electric
coops, elections; further
provide for the manner
in which trustee and
other elections must be
conducted, 324

Title 38

- 38-013-1000 through 38-
013-1080, Insurance;
insurer or group
required to submit a
corporate governance
annual disclosure and
establish certain
requirements for the
disclosure; other
provisions, 052
- 38-021-0010, Insurance;
define terms, 052
- 38-021-0295, International
insurance group;
authorize director to act
as supervisor under
certain circumstances;
other provisions, 052
- 38-047-0055, Food spoilage;
clarify individuals
authorized to adjust
food spoilage claims
without adjuster's
license, 068
- 38-071-2200 through 38-
071-2260, Pharmacy
benefits managers;
establish license
requirements and other
provisions, 277
- 38-072-0075, Long-term
care insurance
providers; require

- providers to submit all premium rate schedules to DIO and establish procedures for approval process, 068
- 38-079-0400, Patients' Compensation Fund; repeal article 5 of chapter 79 upon merger of fund with Joint Underwriting Association, 409
- Title 38, Chap. 013, Art. 009, Insurance; insurer or group required to submit a corporate governance annual disclosure and establish certain requirements for the disclosure; other provisions, 052
- Title 38, Chap. 071, Art. 021, Pharmacy benefits managers; establish license requirements and other provisions, 277
- Title 40
- 40-067-0075, Speech-Language Pathologists and Assistants; shall adhere to certain guidelines under supervisions, 161
- 40-069-0255, Veterinarians; require continuing education related to prescribing and monitoring controlled substances, 098
- Title 44
- 44-037-0035, Neonatal testing; require testing for certain genetic disorders and diseases and for other purposes, 323
- 44-080-0010 through 44-080-0120, Physician Orders for Scope of Treatment (POST) Act; enable certain persons to execute a post form signed by a physician and other provisions, 491
- 44-130-0080, Prescription monitoring program; require health care facilities to submit information to DHEC for inclusion in monitoring program when person given opioid antidote, 397
- Title 44, Chap. 080, Physician Orders for Scope of Treatment (POST) Act; enable certain persons to execute a post form signed by a physician and other provisions, 491
- Title 47
- 47-001-0145, Animal custody; provide for custody and care of animal after arrest of owner for charges related to animal cruelty, 256

- 47-001-0225, Animal cruelty; Magistrates, continuing education; require 2 hours in area relating to animal cruelty every 4 years, 256
- 47-003-0980, Service animals; provide that intentional misrepresentation of a service animal is a misdemeanor and establish penalties, 263
- 47-003-0990, Service animals; provide that intentional misrepresentation of a service animal is a misdemeanor and establish penalties, 263
- 47-017-0510 through 47-017-0520, Meat; provide unlawful to advertise, sell, label, or misrepresent meat or clean meat all or part of a carcass that is cell-cultured meat/protein and other provisions, 454
- Title 47, Chap. 017, Art. 005, Meat; provide unlawful to advertise, sell, label, or misrepresent meat or clean meat all or part of a carcass that is cell-cultured meat/protein and other provisions, 454
- Title 50
- 50-009-0640, Wild turkey tags; provide fees, 292
- 50-011-0546, Wild turkeys; provide for an electronic harvest reporting system, requirements for reporting, 292
- 50-011-0590, Youth turkey weekend; provide for weekend, 292
- Title 53
- 53-003-0225, Barbers Day designated as the third Wednesday in February of each year, 141
- Title 56
- 56-003-9600, Spay and Neuter programs, local funding; establish certain procedures for the award of grants to programs, 256
- Title 57
- 57-005-0880, Highway system construction; provide that entity undertaking transportation improvement project shall bear costs related to relocating water and sewer lines and other provisions, 165
- Title 58
- 58-027-0845, Electric utilities; enumerate specific rights owed to electrical utility customers, 368

- 58-027-2660, Renewable energy; require Regulatory Staff Office and Consumer Affairs to develop consumer protection regulations regarding sale or lease of renewable generation facilities, 368
- 58-037-0060, Renewable energy; authorize an independent study to evaluate integration and emerging energy technologies into the electric grid, 368
- 58-041-0010 through 58-041-0040, Renewable Energy Programs; define terms, provide review and approval proceedings by PSC for electrical utilities' avoided cost methodologies, standard offers, form contracts, and other provisions, 368
- Title 58, Chap. 041, Renewable Energy Programs; define terms, provide review and approval proceedings by PSC for electrical utilities' avoided cost methodologies, standard offers, form contracts, and other provisions, 368
- Title 59
- 59-001-0380, Tobacco and alternative nicotine product use on school campuses; require schools to adopt, implement, and enforce policies prohibiting use on school grounds or at school events, 111
- Title 63
- 63-013-1110, Miscellaneous care providers; prohibit individuals on sex offender registry from working with minors, provide exceptions and other provisions, 297
- CODE SECTIONS OF 1976 AMENDED, SUSPENDED OR REDESIGNATED**
- Title 01
- 01-023-0600, Procurement Code; provide that an appeal from the Procurement Review is to the Court of Appeals, 178
- 01-025-0060, Interagency Planning and Evaluation Advisory Committee; redesignate the Senate General Committee as the Family Veterans' Service Committee, 065
- 01-030-0010, Departments of State Government; include Dept of Veterans' Affairs, 118
- Title 04
- 04-009-0030, Alternate forms of government; prohibit levy of county license fees and taxes

- on professional sports teams, 458
- Title 05
- 05-007-0030, Municipality, powers; provide that real property owned by a professional sports team may not be annexed without prior written consent, 458
- Title 06
- 06-027-0010 through 06-027-0055, State Aid to Subdivisions Act; provide fund must be adjusted at the same percentage as the General Fund revenues not to exceed 5 percent and other provisions; delete certain provisions, 470
- Title 06, Chap. 027, State Aid to Subdivisions Act; provide fund must be adjusted at the same percentage as the General Fund revenues not to exceed 5 percent and other provisions; delete certain provisions, 470
- Title 07
- 07-007-0030, Voting precincts, Abbeville County; redesignate map number, 085
- 07-007-0080, Voting precincts, Anderson County; delete Grove School and Anderson 5/A precincts and add South Fant precinct; redesignate map number and names, 078
- 07-007-0120, Voting precincts, Berkeley County; add sixteen precincts and redesignate map number, 174
- 07-007-0220, Voting precincts, Dillon County; eliminate Gaddy's Mill precinct and redesignate map number, 455
- 07-007-0230, Voting precincts, Dorchester County; redesignate map number, 082
- 07-007-0290, Voting precincts, Greenwood County; redesignate map number, 081, 0456
- 07-007-0430, Voting precincts, Oconee County; redesignate map number, 174
- 07-007-0450, Voting precincts, Pickens County; redesignate map number, 084
- 07-013-0072, Poll managers; provide a clerk appointed from among the managers for each polling place must be a resident and registered elector in that county or an adjoining county, 319
- 07-013-0080, Boards of voter registration,

- organization of; provide that a chairman of a board of managers must be a resident and registered elector of the county or in adjoining county, 319
- 07-013-0110, Poll managers and assistants; provide that chairman or clerk appointed from various polling places must be a resident or registered elector in SC and county or adjoining county; other provisions, 319
- Title 08
- 08-021-0310, Filing and recording fees; revise and provide for further fees including a flat fee for various documents, 345
- Title 11
- 11-005-0400 through 11-005-0460, ABLE Account renamed Palmetto Able Savings Program; make conforming changes and update references, 482
- 11-009-0805, Revenue and Fiscal Affairs; require office to annually submit tax expenditure reports to the General Assembly, 458
- 11-009-0830, Municipality, powers; provide that real property owned by a professional sports team may not be annexed without prior written consent, 458
- 11-035-0020, Procurement Code; provide code must be construed and applied to promote underlying purposes and policies, 178
- 11-035-0035, Surety bonds; recodify, 178
- 11-035-0040, Procurement Code; provide that certain failures to comply are not subject to review, 178
- 11-035-0055, Purchase of goods or services from an entity employing prison inmates; recodify, 178
- 11-035-0070, Procurement Code; change reference to Office of General Services to Division of Procurement Services, 178
- 11-035-0070, School districts subject to the procurements code; recodify, 178
- 11-035-0210, Procurement Code; provide that all findings, determinations, decisions, policies and procedures allowed by chapter are exempt from certain requirements, 178

- 11-035-0310, Procurement Code; revise definitions and add definition of business day, person, and public funds, 178
- 11-035-0410, Procurement Code; provide that a governmental body may keep portions of a solicitation confidential and provide for certain written disclosures, 178
- 11-035-0510, Procurement Code; provide that vesting authority is also subject to certain code sections, 178
- 11-035-0530, Procurement Code; remove certain requirements of the Fiscal Accountability Authority working in accordance with regulations, 178
- 11-035-0540, Procurement Code; remove certain requirements of the CEO in relation to a designated Board Office, 178
- 11-035-0710, Procurement Code; require the Fiscal Accountability Authority to maintain and post publicly a running list of currently effective actions taken by board, 178
- 11-035-0810, Procurement Code; change office of General Services to Division of Procurement Services, 178
- 11-035-0820, Procurement Code; provide Information Technology Management Office is responsible for administering all procurement and contracting activities, 178
- 11-035-1210, Procurement Code; provide that up to a certain dollar amounts an individual governmental body may make direct procurements not under term contracts, 178
- 11-035-1230, Procurement Code; remove requirement that Division of Budget Analysis with the Comptroller General shall assume responsibility for certain fiscal reporting procedures, 178
- 11-035-1410, Procurement Code; add definition for commercial product and commercially available off-the-shelf product, 178
- 11-035-1510, Procurement Code; add to list of exceptions, 178
- 11-035-1520, Procurement Code; remove certain requirements for

- discussion with bidders, 178
- 11-035-1525, Procurement Code; remove certain provisions for discussion with responsive bidders and remedies, 178
- 11-035-1528, Procurement Code; remove certain provisions for discussion with responsive bidders, 178
- 11-035-1529, Procurement Code; provide for public notice, 178
- 11-035-1530, Procurement Code; provide offerors must be accorded fair and equal treatment with respect to any opportunity for discussions, 178
- 11-035-1540, Negotiations after unsuccessful sealed bidding; provide that procurement officer, not the agency, shall consider if bid is unreasonable, 178
- 11-035-1550, Procurement Code; amend certain dollar amount caps, 178
- 11-035-1560, Procurement Code; provide for adequate public notice, 178
- 11-035-1570, Procurement Code; provide certain notice of the award, 178
- 11-035-1810, Procurement Code; provide that certain communications are privileged, 178
- 11-035-1830, Procurement Code; add competitive negotiations pursuant to certain sections, 178
- 11-035-2030, Procurement Code; provide that every contract with a potential duration exceeding 7 years must be approved by Fiscal Accountability Authority, 178
- 11-035-2410, Procurement Code; add certain sections, 178
- 11-035-2420, Procurement Code; provide that certain communications to the AG are privileged, 178
- 11-035-3010, Procurement Code; provide that the use of certain project delivery methods must be approved by Fiscal Accountability Authority, 178
- 11-035-3015, Procurement Code; add references to certain sections, 178
- 11-035-3020, Procurement Code; provide that adequate notice must be given, 178
- 11-035-3023, Procurement Code; remove certain requirements for a request for qualifications, 178

- 11-035-3024, Procurement Code; provide certain provisions do not apply if competitive negotiations are conducted, 178
- 11-035-3030, Procurement Code; provide that certain solicitations may provide for certain bond and security requirements, 178
- 11-035-3040, Procurement Code; provide that certain contracts may include clauses providing for the unilateral right of a governmental body to order in writing certain changes within the general scope of contract, 178
- 11-035-3070, Procurement Code; provide that a governmental body may approve certain amendments consistent with any applicable regulation of Fiscal Accountability Authority, 178
- 11-035-3220, Procurement Code; provide that adequate notice of the invitation must be given, 178
- 11-035-3230, Procurement Code; provide that a governmental body may not negotiate with a firm unless any unsuccessful negotiations with a different firm have been concluded in writing, 178
- 11-035-3310, Indefinite Quantity Contracts, redesignated, 178
- 11-035-3310, Procurement Code; remove provisions relating to construction services, 178
- 11-035-3410, Procurement Code; provide that certain contracts may include clauses providing for the unilateral right of a governmental body to order in writing certain changes with the general scope of the contract, 178
- 11-035-3820, Procurement Code; change references to the Division of General Services to Department of Administration, 178
- 11-035-3830, Procurement Code; change references to the Board to Department of Administration, 178
- 11-035-3840, Procurement Code; change references to the Division of General Services to the Division of Procurement Services, 178

- 11-035-3850, Procurement Code; change references to the Board to Department of Administration, 178
- 11-035-4210, Procurement Code; provide an actual bidder, offeror, contractor, or subcontractor who is aggrieved shall notify the appropriate officer in writing, 178
- 11-035-4215, Procurement Code; provide that the amount recovered may not exceed 15,000 dollars, 178
- 11-035-4220, Procurement Code; provide that a violation of Ethics, Government Accountability, and Campaign Reform Act of 1991 is a cause for debarment, 178
- 11-035-4230, Procurement Code; provide that the Division of Procurement Services may initiate and pursue resolution of certain contract controversies, 178
- 11-035-4310, Procurement Code; provide that certain remedies may be granted only after review, 178
- 11-035-4410, Procurement Code; provide that an appeal only may be made to Court of Appeals, 178
- 11-035-4610, Procurement Code; expand definition of public procurement unit, 178
- 11-035-4810, Procurement Code; provide that certain cooperative purchasing with other states must be through contracts awarded through full and open competition, 178
- 11-035-4830, Procurement Code; provide that public procurement unit may sell to, acquire from, or use any supplies belonging to another public procurement unit independent of certain requirements, 178
- 11-035-4840, Procurement Code; provide that any public procurement unit may enter into an agreement independent of certain requirements, 178
- 11-035-4860, Procurement Code; provide that proceeds from certain sales must be placed in a revenue account, 178
- 11-035-4870, Procurement Code; provide that certain payments must be deposited in a special revenue account, 178

- 11-035-4880, Procurement Code; remove reference to external procurement activity, 178
- Title 11, Chap. 005, Art. 003, ABLE Account renamed Palmetto Able Savings Program; make conforming changes and update references, 482
- Title 12
- 12-006-0040, IRS Code; update references, 095
- 12-006-1140, ABLE Account renamed Palmetto Able Savings Program; make conforming changes and update references, 482
- 12-006-1140, Income tax, deductions; allow a deduction for certain rotations for which no income tax credit is available, 270
- 12-006-2295, Sales and Gross receipts, items included; provide that receipts from operation of cable system are attributable to SC in pro rata proportion of costs of performing service, 288
- 12-006-3360, Job tax credit; provide for professional sports team and other provisions, 458
- 12-006-3375, Tax credit, port cargo volume increase; increase maximum amount and provide for a port transportation credit; other provisions, 169
- 12-006-3530, Community development tax credit; allow tax credit of 50 percent of any cash donation; delete aggregate credit provision and set annual limit; other provisions, 448
- 12-006-3585, Industry Partnership Fund tax credit; increase the aggregate annual credit amount, 093
- 12-021-2870, Cigarettes; provide cigarettes found to not have stamps affixed are considered contraband in certain circumstances, 164
- 12-036-0070, Sales tax definitions; further inform marketplace facilitators of their requirements, 101
- 12-036-0090, Sales tax definitions; further inform marketplace facilitators of their requirements, 101
- 12-036-0130, Sales tax definitions; further inform marketplace facilitators of their requirements, 101
- 12-036-1340, Sales tax collection by retailers;

- further inform marketplace facilitators of their requirements, 101
- 12-037-2615, Vehicle registration, penalties for failing to register; provide that a person who fails to register is guilty of a misdemeanor and shall be fined not more than 500 dollars or imprisoned not more than 30 days, 428
- 12-054-0122, Tax liens; allow DOR to implement a system of filing and indexing lien which is accessible to the public, 086
- 12-065-0020, SC Textiles Communities Revitalization Act; provide certain cap on rehabilitation expenses only applies to certain buildings and contiguous parcels, 290
- Title 16
- 16-017-0500, Youth Access to Tobacco Prevention Act of 2006; prohibit minors from entering retail establishments that primarily sell tobacco and other provisions, 111
- 16-017-0501, Youth Access to Tobacco Prevention Act of 2006, definitions; change definition for alternative nicotine product and adding definition for electronic smoking device, e-liquid, and vapor product, 111
- 16-017-0530, Disorderly conduct; allow and provide procedures for conditional discharge for first time offenders, 497
- Title 23
- 23-011-0110, Sheriff qualifications; provide qualifications must also apply to candidates, provide sheriff holding office on effective date is not required to be experience certified officer; other provisions, 429
- 23-047-0010, Public Safety Communications Center; provide additional terms and definitions, 349
- 23-047-0020, 911; provide that RFA is responsible for creating and updating comprehensive strategic 911 and nextgen 9-1-1; revise standards and other provisions, 349
- 23-047-0040, 911, charges; revise the list of items that may be funded with these charges, 349
- 23-047-0050, 911, subscriber billing; make technical changes,

- provide emergency telephone system fund must be included in annual audit of local government and other provisions, 349
- 23-047-0060, 911, local government providing addresses; provide that RFA shall designate one office within each county as the addressing official, 349
- 23-047-0065, 911 Advisory Committee; increase responsibilities, membership and revise process for appointing members; other provisions, 349
- 23-047-0075, FOIA; make technical changes, 349
- 23-047-0080, 911, unlawful calls; make technical changes, 349
- Title 25
- 25-011-0010 through 25-011-0570; Veterans' Affairs Divisions redesignated as Veterans' Affairs Department; establish dept within executive branch, provide for Governor to appoint Secretary and other provisions, 118
- Title 25, Chap. 011, Veterans' Affairs Divisions redesignated as Veterans' Affairs Department; establish dept within executive branch, provide for Governor to appoint Secretary and other provisions, 118
- Title 27
- 27-016-0130, Catawba Tribe, taxation; delete contrary provisions, 344
- 27-030-0120, Homeowner Associations, definitions; revise definition Homeowners Association, 403
- 27-032-0010, Time shares, definitions; define timeshare declaration, 403
- 27-032-0410, Timeshare closings; further provide for timeshare closing is considered to have occurred and other closing requirements, 403
- Title 31
- 31-021-0070, Fair housing applications; allow landlords to ask certain questions regarding a tenant's animal for purposes of reasonable accommodations, 263
- Title 32
- 32-008-0325, Advanced Practice Registered Nurse Act; provide nurse may sign death certificates, 480
- 32-008-0340, Advanced Practice Registered Nurse Act; provide

- nurse may sign death certificates, 480
- Title 33
- 33-049-0050, Electric coops, exemption from PSC jurisdiction and control; modify exemption, 324
- 33-049-0255, Electric coops, restrictions on interruption of service and complaints; provide complaints must be made to Regulatory Staff Office and then to court is necessary, 324
- 33-049-0420, Electric coops, annual meetings; revise notice requirements for meetings, 324
- 33-049-0430, Electric coops, meeting quorums; allow for early voting to be counted as quorum and prohibit voting by proxy, 324
- 33-049-0440, Electric coops, voting districts; permit early voting, 324
- 33-049-0610, Electric coops, board of trustees; revise manner in which vacancies are filled; provide trustee's principal residence must be served by the coop, 324
- 33-049-0620, Electric coops, voting districts; permit early voting, 324
- 33-049-0630, Electric coop, trustee compensation; prohibit certain actions or conduct by trustees with specified exceptions, 324
- 33-049-0640, Electric coops, annual election and terms of trustees; provide that incumbent trustees seeking reelection shall not directly or indirectly influence the nomination or credentials process, 324
- Title 38
- 38-002-0010, Administrative penalties; apply certain penalties to pharmacy benefits managers, 277
- 38-003-0110, DOI Director, duties; alter public hearing requirements, 068
- 38-007-0020, Insurance premium taxes; exclude certain factors from total premium computation, 068
- 38-007-0060, Return of premiums, submissions; require submission of a return or premiums collected, 068
- 38-031-0030, Property and casualty insurance guaranty association; apply to provide to claim or loss covered by self-insurance that

- occurred prior to acquisition of a block, 065
- 38-043-0247, Criminal prosecutions, reporting; only require reporting of convictions, 068
- 38-044-0050, Managing general agent, review; alter submission date, 068
- 38-046-0060, Reinsurance intermediary-broker; alter submission date of certain documents, 068
- 38-046-0090, Reinsurance intermediary-broker; alter submission date of certain documents, 068
- 38-057-0130, Prohibited trade practices; clarify certain practices are prohibited, 068
- 38-057-0140, Prohibited trade practices; clarify certain practices are prohibited, 068
- 38-057-0150, Prohibited trade practices; clarify certain practices are prohibited, 068
- 38-071-1810, Pharmacy audit rights; allow a pharmacy to submit records in an electronic format and other provisions, 277
- 38-075-0730, Cancellation of property, casualty and title insurance policies; extend when insurer can cancel a policy without cause; prohibit cancellation if they had notice of a change in risk; other provisions, 068
- 38-075-1200, Cancellation of property, casualty and title insurance policies; extend when insurer can cancel a policy without cause; prohibit cancellation if they had notice of a change in risk; other provisions, 068
- 38-079-0110 through 38-079-0300, Medical Malpractice Liability Joint Underwriting Association; merge Joint Underwriting Assoc. with Patients' Compensation Fund and rename SC Medical Malpractice Assoc.; other provisions, 409
- 38-090-0160, Captive insurance companies; apply SC Insurance Data Security Act to captive companies, 068
- 38-099-0070, Licensees exempt from certain data security questions; only exempt licensees from certain provision, 068
- Title 38, Chap. 079, Art. 003, Medical Malpractice Liability Joint Underwriting Association; merge

- Joint Underwriting Assoc. with Patients' Compensation Fund and rename SC Medical Malpractice Assoc.; other provisions, 409
- Title 40
- 40-002-0010, Accountancy Board; remove obsolete reference and provide meetings may be closed in certain instances, 423
- 40-002-0020, CPA definitions; revise a definition, 423
- 40-002-0035, Licensure examination requirements; remove requirement that certain exams be computer based, 423
- 40-002-0040, CPA firms, continuing education of noncertified owners; include certain ethics requirements, 423
- 40-002-0080, Confidentiality of evidence; provide all proceedings and inquiries related to investigations are confidential except otherwise provided, 423
- 40-002-0090, Investigations; provide disciplinary hearing by board must be open to public except in certain circumstances and all evidence must be made part of the record, 423
- 40-002-0240, Accounting licensure, out-of-state persons; provide alternative criteria for licensure, 423
- 40-002-0340, Accounting practitioners disclaimers; remove existing boilerplate language and instead provide such disclaimers must comply with certain national standards, 423
- 40-033-0044, Advanced Practice Registered Nurse Act; include certifying manner of death, executing DNR, provide prescriptions for schedule II drugs for patients in long term care facilities and other provisions, 480
- 40-043-0086, Pharmacists and prescriptions; provide a pharmacist may use professional judgement to dispense up to a 90 day supply per refill, provide requirements and exceptions, 172
- 40-045-0230, Physical Therapy Examiners Board, licensure; increase maximum number of times a person may attempt to pass licensure exams, 395

- 40-045-0260, Physical Therapy Examiners Board, licensure; increase maximum number of times a person may attempt to pass licensure exams, 395
- 40-047-0195, Physician supervision of certain practitioners; make various changes concerning scope of practice guidelines, 144
- 40-047-0905 through 40-047-1020, SC Physicians Assistants Practice Act, 144
- 40-067-0005 through 40-067-0350, Speech-Language Pathologists and Audiologists, redesignated, 161
- 40-067-0030, Speech-Language Pathology interns and assistants; make technical changes, 161
- 40-067-0260, Speech-Language Pathologists and Assistants, continuing ed for license renewal; allow for completion education units as an alternative, 161
- 40-067-0280, Speech-Language Pathologists and Assistants, continuing ed for inactive licenses; allow for completing of units as an alternative, 161
- 40-067-0300, Speech-pathologists and audiologists; revise certain exemptions for chapter applicability, 161
- 40-069-0030, Vets, licensing; vets and techs licensed in other jurisdictions and in good standing may practice during times of emergency in jurisdictions not licensed in, 256
- 40-079-0020, SC Alarm System Business Act; add definition for electric fence and make technical corrections, 142
- Title 40, Chap. 047, Art. 007, SC Physicians Assistants Practice Act; revise article, 144
- Title 40, Chap. 067, Speech Pathologists and Audiologist, redesignated, 161
- Title 41
- 41-043-0100, Bonds, issuance by SC Jobs-Economic Development Authority; provide for certain notice requirements before the bonds may be issued, 318

- Title 42
42-005-0020, Workers' comp insurance requirements; prohibit a self-insurer from participating in or obtaining benefit from property and casualty insurance guaranty association and other provisions, 065
- Title 43
43-039-0080, Coastal management program development; deem certain coastal zone consistency certifications approved within thirty days of an administratively complete application, 139
- Title 44
44-001-0310, Maternal Morbidity and Mortality Review Committee; change the operation of the committee by assigning certain responsibilities to staff of DHEC, provide funding and other provisions, 250
44-036-0320, Alzheimer's disease and related disorders resource coordination center; provide for an additional duty to facilitate and coordinate early detection educational initiatives for health care providers, 100
44-037-0030, Neonatal testing; require DHEC to establish a Newborn Screening Advisory Committee to review and other provisions, 323
44-053-0360, Controlled substance prescriptions; require the use of electronic prescriptions and provide exceptions, 397
44-053-1640, Prescription monitoring program; require program to monitor opioid antidotes given by emergency health care settings and first responders, 397
44-053-1645, Controlled substance history; require review of any incidents in which patient administered opioid antidote by first responder or emergency health care setting, 397
44-063-0074, Advanced Practice Registered Nurse Act; conforming changes and provide nurses who fail to comply with certain limits may be subject to penalties, 480
44-063-0163, Birth certificates prepared after a paternity

- determination; make conforming changes, 250
- 44-066-0030, Health care decisions for unable to consent persons; add additional category of persons who can make them, 473
- 44-075-0020, Athletic Trainers' Act, definitions; change definition of athletic trainer, 366
- 44-075-0050, Athletic trainers, certification; revise name of the required examination, 366
- 44-075-0100, Athletic trainers; add certain organizations, 366
- 44-075-0120, Athletic trainers, penalties for violations; authorize DHEC to take disciplinary action, 366
- 44-078-0015, Advanced Practice Registered Nurse Act; revise definition of health care provider, 480
- 44-078-0030, Advanced Practice Registered Nurse Act; make conforming changes to DNR, 480
- 44-095-0020, Smoking in schools; eliminate exclusion for private offices and teachers lounges, 111
- 44-130-0060, First responders, opioid antidote administered; require first responders to submit information to DHEC for monitoring program, 397
- Title 46
- 46-055-0010 through 46-055-0060, Industrial hemp cultivation; remove references to industrial hemp program, define terms, prohibit cultivation without license, expand operations and other provisions, 087
- Title 46, Chap. 055, Industrial hemp cultivation; remove references to industrial hemp program, define terms, prohibit cultivation without license, expand operations and other provisions, 087
- Title 47
- 47-003-0010, Domestic pets; define term litter, 256
- 47-003-0060, Impounded animals; authorize shelter to turn over a litter of unidentifiable dogs or cats under certain circumstances, 256
- 47-003-0470, Sterilization of cats and dogs; replace animal refuge

- with rescue organization, 256
- 47-003-0480, Sterilization of cats and dogs; replace animal refuge with rescue organization, 256
- 47-003-0490, Sterilization of cats and dogs; replace animal refuge with rescue organization, 256
- 47-003-0920, Layla's Law; make conforming changes, 263
- 47-003-0970, Layla's Law; make conforming changes, 263
- Title 48
 - 48-009-0015, Definitions; redefine divisions, define board, and expand definition of United States, 438
 - 48-009-0030, Definitions; redefine divisions, define board, and expand definition of United States, 438
 - 48-009-0045, Land, resources and conservation districts divisions; update name of division, 438
 - 48-009-0050, Agencies operating public lands; delete references to certain land use regulations, 438
 - 48-009-0220, Geographic areas for Land Resources Conservation Commission; reformat commission into Land, Water and Conservation Division Advisory Committee, 438
- 48-009-0310, Financial needs for soil and water conservation districts; remove unnecessary requirements accomplished through budget process, 438
- 48-009-1220, Land Resources Conservation Commissioners, elections; update references to reflect role of Election Commission to determine electors, 438
- 48-009-1250, County agriculture agents; remove references to discontinued practices, 438
- 48-011-0010, Watershed Conservation Districts, definitions; alter definition of division, 438
- 48-022-0010, Geological Survey Unit; change certain requirements for State Geologists, 442
- 48-022-0030, State Geologists, duties; require geologists become familiar with geologic hazards, 442
- 48-022-0040, Geological Survey Unit; establish new duties for the unit

- and remove certain mapping duties, 442
- 48-023-0260, State forest land revenues shared with counties; exclude the proceeds from land rentals, 348
- 48-039-0145, Critical area altering, permits and fees; provide that DHEC shall defer to US Army Corps of Engineers in determining size of private recreational dock constructed on intracoastal waterway, 140
- Title 49
- 49-003-0040, Water resource planning and coordination, DNR; make changes to reflect duties of DNR, 435
- 49-003-0050, Water resource planning and coordination, DNR; require DNR to consider the need for measures to prevent saltwater intrusion on groundwater and surface water, 435
- Title 50
- 50-005-0715, Trawling restriction areas; provide that certain areas are closed to trawling from May 1 through September 15, 453
- 50-009-0650, Deer hunting; revise number of antlerless deer tags that may be issued by DNR under certain circumstances, 099
- 50-009-0920, Wild turkey hunting tag revenues; provide revenue shall be used for certain purposes, 292
- 50-009-1120, Violation point system; provide for failing to report harvest of wild turkey as 6 points, 292
- 50-011-0390, Deer, taking regulated by DNR; delete provisions that requires DNR to establish minimum number of antlerless days in state game zones, 099
- 50-011-0544, Wild turkey hunting and transportation tags; delete term wild turkey transportation tags and replace it with wild turkey tag; revise number of tags obtained or possessed; provide tag will no longer be issued at no cost, 292
- 50-011-0580, Wild turkey hunting; provide season for hunting and taking male wild turkeys, provide bag limits, delete youth turkey hunting weekend,

- provide for taking of female turkeys, and delete obsolete provisions, 292
- Title 51
- 51-001-0060, PRT, powers and duties; provide new duties for PRT, 445
- 51-017-0140, Heritage Trust program, maximum acreage acquired; remove maximum limitation, 434
- Title 56
- 56-001-0035, Driver's license; revise period in which a license and certain commercial licenses are valid, revise fee to obtain licenses, revise documents that must be provided to DMV and other provisions, 476
- 56-001-0040, Driver's permit; revise period in which a license and certain commercial licenses are valid, revise fee to obtain licenses, revise documents that must be provided to DMV and other provisions, 476
- 56-001-0140, Driver's license; revise period in which a license and certain commercial licenses are valid, revise fee to obtain licenses, revise documents that must be provided to DMV and other provisions, 476
- 56-001-0210, Driver's license; revise period in which a license and certain commercial licenses are valid, revise fee to obtain licenses, revise documents that must be provided to DMV and other provisions, 476
- 56-001-2100, Commercial driver's license; revise period in which a license and certain commercial licenses are valid, revise fee to obtain licenses, revise documents that must be provided to DMV and other provisions, 476
- 56-001-3350, Veteran designation; revise period in which a license and certain commercial licenses are valid, revise fee to obtain licenses, revise documents that must be provided to DMV and other provisions, 476
- 56-003-14010, Special License Plates; Clemson University 2016 and 2018 Football National Champions issued, 104
- 56-007-0010, Uniform traffic tickets; add offense of

- misrepresenting service animal, 263
- 56-019-0480, Transfer and surrender of vehicles; provide a procedure for an insurance company to obtain a certificate of title from DMV when claimant fails to deliver title to company, 096
- Title 57
- 57-001-0490, Procurement Code; remove requirement that DOT Internal Procurement Operation must be audited annually, 178
- Title 58
- 58-004-0010, Regulatory Staff Office; provide that the office must be considered a party of record in all filings, applications, or proceedings before PSC, 368
- 58-004-0050, Regulatory Staff Office; provide that when necessary the office shall conduct inspections, audits and examinations of compliance by electric coops, 324
- 58-004-0055, Regulatory Staff Office, records of audits and inspections; include electric coops in section and provide for how the expenses must be certified and assessed to the audited coop, 324
- 58-004-0100, Expert witnesses; exempt the Regulatory Staff Office from the state procurement code in selection and employment of certain expert witnesses and consultants, 368
- 58-023-1640, Transportation Network Company, safety inspection; require TNC vehicles to display license plates from the front, establish additional requirements, establish offenses for misrepresentation and other provisions, 457
- 58-027-0460, Interconnection of renewable energy standards; require PSC to review standards and parallel operation of generating facilities to an electrical utility's distribution and transmission system, 368
- 58-027-0840, Rates, preferences and unreasonable differences; provide for manner in which this prohibition applies to electric coops, 324
- 58-027-2610, Renewable electric generation facilities, leases;

- remove solar leasing cap, 368
- 58-033-0110, Preconstruction certifications of utility facilities; provide construction may not begin without first having made a demonstration that the facility had been compared to other generation options; other provisions, 368
- 58-037-0040, Integrated resource plans; establish mandatory contents of integrated resource plans and provide for certain reporting requirements, 368
- 58-040-0010, Net energy metering; revise definition of customer-generated and define solar choice metering, 368
- 58-040-0020, Energy metering rates; declare intent of General Assembly to require net energy metering and establish additional requirements for PSC, 368
- Title 59
 - 59-053-2410, Technical College Enterprise Campus Authorities; create the Tri-County Tech College Enterprise Campus Authority, 051
 - 59-112-0050, Tuition rates, military personnel and their dependents; expand categories of persons covered to conform with federal law, 083
- Title 63
 - 63-007-0020, Definitions; add female genital mutilation of a minor to definition of abuse, 431
 - 63-013-0040, Childcare facilities, background checks; provide facility may not employ a person if registered or required to register on sex offender registry or abuse registry or for other convictions; other provisions, 297
 - 63-013-0050, Childcare facilities, fingerprint exemptions; change period of time during which exemption applies, 297
 - 63-013-0420, Childcare facility licensure and renewal; make conforming changes; require certain background checks for older youth residing in group family childcare homes, 297
 - 63-013-0430, Childcare facility licensure and renewal; make conforming changes; require certain

- background checks for older youth residing in group family childcare homes, 297
- 63-013-0620, Childcare facility, issuance or renewal of statement of approval for public centers or homes; make conforming changes, 297
- 63-013-0630, Childcare facility, issuance or renewal of statement of approval for public centers or homes; make conforming changes, 297
- 63-013-0810, Family childcare home registration issuance or renewal requirements; make conforming changes and require certain background checks for older youth residing in homes, 297
- 63-013-0820, Family childcare home registration issuance or renewal requirements; make conforming changes and require certain background checks for older youth residing in homes, 297
- 63-013-0830, Family childcare home registration issuance or renewal requirements; make conforming changes and require certain background checks for older youth residing in homes, 297
- 63-013-1010, Childcare facility, church and religious center registration; make conforming changes, 297
- 63-017-0070, Court orders determining a putative father is the legal father; require that the child's birth certificate be amended, 250
- CODE SECTIONS OF 1976 REPEALED**
- Title 11
- 11-035-1580, Information technology information procurements, 178
- Title 20
- 20-001-0300, License issuance to an unmarried female and male under 18 when the female is pregnant or had a child, 160
- Title 38
- 38-071-2110 through 38-071-2150, Pharmacy Benefit Managers, 277
- Title 38, Chap. 071, Art. 020, Pharmacy Benefit Managers, 277
- Title 48
- 48-009-0040, Renaming of the State Land Resources Conservation Commission, 438
- 48-009-0230, Advisors to the Land Resources and

- Conservation Districts
 - Division of DNR, 438
- 48-009-1510 through 48-009-1630, Land-Use Regulations, 438
- 48-009-1810 through 48-009-1870, Board of Adjustment for newly organized Soil and Water Conservation District, 438
- Title 48, Chap. 009, Art. 013, Land-Use regulations, 438
- Title 48, Chap. 009, Art. 015, Board of Adjustment for newly organized Soil and Water Conservation District, 438
- Title 50
 - 50-011-0520, Wild Turkey Season, 292
- Title 51
 - 51-001-0300 through 51-001-310, Division of Community Development, 445
 - Title 51, Chap. 001, Art. 003, Division of Community Development, 445
- COLLEGES AND UNIVERSITIES**
 - See Also Technical Education (this index)
- Area Health Education Consortium
 - Appropriations, 551
- Benedict College
 - Budget Provisos, 803
- Charleston, University of
 - Appropriations, 530
 - Budget Provisos, 802, 0997, 1068
- Citadel, The
 - Appropriations, 526
 - Budget Provisos, 802, 0997, 1068
- Clafin University
 - Budget Provisos, 803
- Clemson University
 - Appropriations, 527
 - Budget Provisos, 997, 1068
 - Public Service Activities
 - Appropriations, 604
 - Budget Provisos, 878, 1085
- Coastal Carolina University
 - Appropriations, 531
 - Budget Provisos, 802, 0997, 1068
- Degree curriculum
 - requirements;
 - Commissioner on Higher Education may grant alternate program completion options to students impacted by closure of 6 higher education schools, 1122
- Francis Marion University
 - Appropriations, 532
 - Budget Provisos, 802, 0997, 1068
- Higher Education
 - Commission
 - Appropriations, 524
 - Budget Provisos, 777, 0797, 0798, 0799, 0800, 0803, 0810, 1028

- Higher Education Tuition
Grants Commission
Appropriations, 525
Budget Provisos, 798, 0799
- Lander University
Appropriations, 534
Budget Provisos, 802, 0997,
1069
- Medical University of South
Carolina
Appropriations, 549
Budget Provisos, 817, 0997,
1057, 1060, 1066, 1067,
1069
- South Carolina State
University
Appropriations, 535
Budget Provisos, 798, 0799,
0802, 0816, 0997, 1069
- Public Service Activities
Appropriations, 606
- State Board for Technical and
Comprehensive Education
Appropriations, 553
Budget Provisos, 798, 0800,
0802, 0803, 0818, 0995,
1028
- Technical College Enterprise
Campus Authorities; create
the Tri-County Tech
College Enterprise
Campus Authority, 051
- Tucker Hipps Transparency
Act; permanently authorize
the act and repeal the
three-year sunset
provision, 110
- Tuition rates, military
personnel and their
dependents; expand
categories of persons
covered to conform with
federal law, 083
- University of South Carolina
Aiken Campus
Appropriations, 540
Budget Provisos, 802,
1069
Appropriations, 536
- Beaufort Campus
Appropriations, 542
Budget Provisos, 802,
1069
Budget Provisos, 816, 0997,
1069
- Lancaster Campus
Appropriations, 543
Budget Provisos, 802,
1069
- Salkehatchie Campus
Appropriations, 544
Budget Provisos, 802,
1069
- School of Medicine
Budget Provisos, 1060
- Sumter Campus
Appropriations, 546
Budget Provisos, 802,
1069
- Union Campus
Appropriations, 547
Budget Provisos, 799,
0802, 1069
- Upstate Campus
Appropriations, 541
Budget Provisos, 802,
0807, 1069
- Voorhees College
Budget Provisos, 803
- Winthrop University
Appropriations, 548
Budget Provisos, 802, 0997,
1069

COMMERCE**DEPARTMENT**

Appropriations, 618
 Budget Provisos, 887, 1039,
 1068, 1083

**COMMISSIONS,
COMMITTEES OR
BOARDS**

See Also Agencies, State
 (this index)

See Also Specific
 Agency,
 Commission, or
 Committee (this
 index)

Arts Commission

Appropriations, 558
 Budget Provisos, 822, 1085

Blind, Commission for the

Appropriations, 593
 Budget Provisos, 873, 0975,
 1084

Confederate Relic Room and
Military Museum

Commission
 Appropriations, 560
 Budget Provisos, 825, 0977,
 1084

Created

Mold Abatement and
 Remediation Study
 Committee, created;
 study the impact of
 mold in public areas
 and ascertain the best
 method of abatement;
 provide for
 membership, establish
 goals and other
 provisions, 1139

Newborn Screening

Advisory Committee,

created; to review
 neonatal testing for
 genetic disorders and
 other provisions, 323

Tri-County Tech College

Enterprise Campus
 Authority, created, 051

Early Childhood Education

Study Committee
 Budget Provisos, 1072

Education Oversight
Committee

Appropriations, 513
 Budget Provisos, 773, 0775,
 0779, 0786, 0799, 1013

Election Commission

Appropriations, 690
 Budget Provisos, 969, 0973,
 1069, 1080

Ethics Commission

Appropriations, 699
 Budget Provisos, 989, 1076

Forestry Commission

Appropriations, 600
 Budget Provisos, 876, 0957,
 1082

Higher Education

Commission
 Appropriations, 524
 Budget Provisos, 777, 0797,
 0798, 0799, 0800, 0803,
 0810, 1028

Higher Education Tuition

Grants Commission
 Appropriations, 525
 Budget Provisos, 798, 0799

Human Affairs Commission

Appropriations, 648
 Budget Provisos, 926, 1084

Hunley Commission

Budget Provisos, 977, 1020

- Indigent Defense Commission
Appropriations, 631
Budget Provisos, 902, 0996,
1023, 1024
- Interagency Planning and
Evaluation Advisory
Committee; redesignate
the Senate General
Committee as the Family
Veterans' Service
Committee, 065
- Land Resources Conservation
Commission; reformat
commission into Land,
Water and Conservation
Division Advisory
Committee, update
definitions and references,
and other provisions, 438
- Lottery Commission
Budget Provisos, 982
- Maternal Morbidity and
Mortality Review
Committee; change the
operation of the committee
by assigning certain
responsibilities to staff of
DHEC, provide funding
and other provisions, 250
- Military Museum
Commission
Budget Provisos, 977
- Minority Affairs Commission
Appropriations, 649
Budget Provisos, 927, 0933
- Prosecution Coordination
Commission
Appropriations, 630
Budget Provisos, 900, 1023,
1024, 1053, 1084
- Retirement System
Investment Commission
Appropriations, 687
State Museum Commission
Appropriations, 559
Budget Provisos, 823, 0977,
1083
- COMPTROLLER
GENERAL'S OFFICE**
Appropriations, 684
Budget Provisos, 863, 0960,
1013, 1019, 1022, 1033,
1073, 1075, 1076, 1078
- CONSERVATION**
Automatic repeal of statutory
provisions requiring
certain coal combustion
residuals to be placed in
class 3 landfill; repealed,
138
Budget Provisos, 844, 0853,
0881, 0888, 1017
Coastal management program
development; deem certain
coastal zone consistency
certifications approved
within thirty days of an
administratively complete
application, 139
Conservation Bank
Appropriations, 623
Budget Provisos, 1086
Critical area altering, permits
and fees; provide that
DHEC shall defer to US
Army Corps of Engineers
in determining size of
private recreational dock
constructed on intracoastal
waterway, 140
Geological Survey Unit;
establish new duties for the
unit and remove certain
mapping duties, change

requirements for geologists and require geologists to become familiar with geologic hazards, 442

Land Resources Conservation

Commission; reformat commission into Land, Water and Conservation Division Advisory Committee, update definitions and references, and other provisions, 438

Water resource planning and coordination, DNR; make changes to reflect duties of DNR and require DNR to consider measures to prevent saltwater intrusion on ground and surface water, 435

CONSUMER AFFAIRS

Department

Appropriations, 659

Budget Provisos, 931, 1043

Solar and renewable energy; provide for review and approval proceedings by PSC; establish voluntary renewable energy programs; enumerate rights owed to electrical utility customers; provide for regulation; other provisions, 368

CORRECTIONS

DEPARTMENT

Appropriations, 640

Budget Provisos, 915, 0957, 0975, 1012, 1014, 1021, 1038, 1060, 1080

COSMETOLOGY

Barbers Day designated as the third Wednesday in February of each year, 141

COURTS

Administrative Law Court

Appropriations, 928

Budget Provisos, 895

Animal cruelty and care;

authorize shelter to turn over litter of unidentifiable dogs or cats under certain circumstances; establish grants for spay and neuter programs; provide care and custody when owner charged; other provisions, 256

Appeal Court

Procurement Code;

revisions and update of code language; deletion of obsolete language, 178

Court orders determining a putative father is the legal father; require that the child's birth certificate be amended, 250

Disorderly conduct; allow and provide procedures for conditional discharge for first time offenders, 497

Filing and recording fees;

revise and provide for further fees including a flat fee for various documents, 345

Judicial Department

Appropriations, 625

Budget Provisos, 716, 0857, 0893, 0996, 1047, 1082

- Magistrates
 Magistrates, continuing education; require 2 hours in area relating to animal cruelty every 4 years, 256
- CRIMES AND OFFENSES**
 Disorderly conduct; allow and provide procedures for conditional discharge for first time offenders, 497
 Female genital mutilation; prohibited under age of 18 and create offense, 431
 Tobacco or alternative nicotine products; prohibit minors from entering establishments that primarily sell products and create penalties; prohibit on school campuses and events, eliminate exclusions; other provisions, 111
 Transportation Network Company, safety inspection; require TNC vehicles to display license plates from the front, establish additional requirements, establish offenses for misrepresentation and other provisions, 457
 Vehicle registration, penalties for failing to register; provide that a person who fails to register is guilty of a misdemeanor and shall be fined not more than 500 dollars or imprisoned for not more than 30 days or both, 428
- DAYCARE CENTERS**
 See Also Minors (this index)
 Childcare facilities, background checks; provide facility may not employ a person if registered or required to register on sex offender registry or abuse registry or for other convictions; other provisions, 297
- DEAF AND BLIND, SCHOOL FOR THE**
 Appropriations, 515
 Budget Provisos, 807, 0808, 0975, 0995, 1038
- DEBT SERVICE**
 Appropriations, 700
 Budget Provisos, 990, 1056
- DILLON COUNTY**
 Voting precincts, Dillon County; eliminate Gaddy's Mill precinct and redesignate map number, 455
- DISABILITIES AND SPECIAL NEEDS DEPARTMENT**
 Appropriations, 580
 Budget Provisos, 858, 0974, 1012, 1038, 1082
- DOMESTIC RELATIONS**
 Abuse
 Female genital mutilation; prohibited under age of 18 and create offense, 431
 Court orders determining a putative father is the legal

father; require that the child's birth certificate be amended, 250

DORCHESTER COUNTY

School District 2

Budget Provisos, 754

Sound Barriers

Budget Provisos, 1045

Voting precincts, Dorchester County; redesignate map number, 082

DRUGS

See Also Crimes and Offenses (this index)

See Also Pharmacies and Pharmacists (this index)

Prescription monitoring program; require health care and emergency facilities and first responders to submit information to DHEC for inclusion in monitoring program when person given opioid antidote; DHEC to monitor; other provisions, 397

ECONOMIC

DEVELOPMENT

AUTHORITY

Appropriations, 622

EDUCATION

See Also Schools and School Districts (this index)

Athletics

Athletic trainers; revise definition of athletic trainer, add organizations, revise

name of exam, and allow DHEC to enforce disciplinary action for violations, 366

Calendar

Waived school days; SDE may waive make up days forgiven by the local school district due to weather, 1119

Catawba Tribe; provide the tribe is not required to pay any fee in lieu of school taxes, 344

Department

Appropriations, 502

Budget Provisos, 707, 0798, 0799, 0800, 0975, 1013, 1047, 1075, 1083

EFA Budget Provisos, 707, 0712, 0725, 0731, 0925

EIA Budget Provisos, 755, 0995

Lee County School Bus Shop

Budget Provisos, 732

Reporting requirements;

Dept of Ed shall develop

recommendations for streamlining the amount of paperwork and reporting requirements of schools; provide requirements for the content and report to General Assembly, 1118

Early Childhood Education

Study Committee

Budget Provisos, 1072

- McCormick County Schools
Budget Provisos, 791
- Teachers
Budget Provisos, 743, 0748,
0749, 0752, 0766, 0773,
0787, 0789, 0793, 0794
- Tobacco or alternative
nicotine products; prohibit
minors from entering
establishments that
primarily sell products and
create penalties; prohibit
on school campuses and
events, eliminate
exclusions; other
provisions, 111
- EDUCATION OVERSIGHT
COMMITTEE**
Appropriations, 513
Budget Provisos, 773, 0775,
0779, 0786, 1013
- ELECTIONS**
See Also Ethics (this
index)
- Candidates
Sheriff qualifications;
provide qualifications
must also apply to
candidates, provide
sheriff holding office on
effective date is not
required to be
experience certified
officer; other
provisions, 429
- Commission
Appropriations, 690
Budget Provisos, 969, 0973,
1069, 1080
- Poll managers and assistants;
provide that chairman or
clerk appointed from
various polling places must
be a resident or registered
elector in SC and county or
adjoining county; other
provisions, 319
- Voting Precincts
Abbeville County, voting
precincts; redesignate
map number, 085
Anderson County; delete
Grove School and
Anderson 5/A precincts
and add South Fant
precinct; redesignate
map number and names,
078
Berkeley County, voting
precincts; add sixteen
precincts and
redesignate map
number, 174
Dillon County, voting
precincts; eliminate
Gaddy's Mill precinct
and redesignate map
number, 455
Dorchester County, voting
precincts; redesignate
map number, 082
Greenwood county, voting
precincts; redesignate
map number, 081, 0456
Oconee County, voting
precinct; redesignate
map numbers, 174
Pickens County, voting
precincts; redesignate
map number, 084
- Voting machines; extend
deadline for Election
Commission to submit
offers for solutions and

create special evaluation panel to evaluate and score each proposal, 1115

EMPLOYMENT AND WORKFORCE,

DEPARTMENT OF

Appropriations, 665

Budget Provisos, 936, 1037, 1047, 1081

DEW Director; provide review committee may nominate less than three candidates for Executive Director for Governor's consideration until vacancy is filled or by July 1, 2019, whichever comes first, 1124

ETHICS

Commission

Appropriations, 699

Budget Provisos, 989, 1076

FINANCIAL

INSTITUTIONS, STATE

BOARD OF

Appropriations, 658

Budget Provisos, 931

FIRE

SLED; distribute 250,000 dollars to the SC State Firefighters Association to provide PTSD insurance and programs, 1098

FISH AND GAME

Deer hunting; revise number of antlerless deer tags that may be issued by DNR under certain circumstances, 099

Meat; provide unlawful to advertise, sell, label, or misrepresent meat or clean

meat all or part of a carcass that is cell-cultured
meat/protein and other provisions, 454

Trawling restriction areas; provide that certain areas are closed to trawling from May 1 through September 15, 453

Wild turkey hunting; provide season for hunting and taking male wild turkeys, provide bag limits, establish youth turkey hunting weekend; provide for use of revenues for tags; provide for electronic reporting; other provisions, 292

FORESTRY

Forestry Commission

Appropriations, 600

Budget Provisos, 876, 0957, 1082

State forest land revenues shared with counties; exclude the proceeds from land rentals, 348

GENERAL ASSEMBLY

See Also

Ethics/Campaign Practices (this index)

Appropriations Act

Appropriation Bill 2019-2020, 501

Capital Reserve Fund, appropriations 2019-2020, 1093

Continuing Resolution; authority to pay expenses of state

- government without a general appropriations bill and provide exceptions, 1097
- State Aid to Subdivisions Act; provide fund must be adjusted at the same percentage as the General Fund revenues not to exceed 5 percent and other provisions; delete certain provisions, 470
- House
- Appropriations, 673
 - Budget Provisos, 946, 0947, 0948, 0949, 0950, 0951, 0952
- Legislative Department
- Budget Provisos, 945
- Professional sports team; provide for tax credit, prohibit levy of county fees and taxes, and provide real property owned by team may not be annexed without prior written consent; other provisions, 458
- Santee Cooper; authorize PSA Evaluation and Recommendation Committee may use state funds to retain experts, legal counsel, banking institution or other financial entity to review potential sale; other provisions, 1099
- Senate
- Appointments and Reports, received; make technical and conforming changes to substitute President of the Senate for President Pro Tempore; substitute President of the Senate for Lieutenant Governor or strike references, 002
 - Appropriations, 672
 - Budget Provisos, 946, 0947, 0948, 0949, 0950, 0951, 0952, 1080
- GEORGETOWN COUNTY**
- Georgetown County Boat Ramps
 - Budget Provisos, 1068
- GOVERNOR**
- Appointments
 - DEW Director; provide review committee may nominate less than three candidates for Executive Director for Governor's consideration until vacancy is filled or by July 1, 2019, whichever comes first, 1124
 - Veterans' Affairs Divisions redesignated as Veterans' Affairs Department; establish dept within executive branch, provide for Governor to appoint Secretary and other provisions, 118
 - Office of
 - Appropriations, 675
 - Budget Provisos, 952, 1026, 1027

- Santee Cooper; authorize
PSA Evaluation and
Recommendation
Committee may use state
funds to retain experts,
legal counsel, banking
institution or other
financial entity to review
potential sale; other
provisions, 1099
- GREENVILLE COUNTY**
Renewable Water Resources
(REWA); add Southern
Greenville District, 1137
- GREENWOOD COUNTY**
Greenwood Sewer Extension
Line
Budget Provisos, 853
Voting precincts, Greenwood
County; redesignate map
number, 081, 0456
- HANDICAPPED**
ABLE Account renamed
Palmetto Able Savings
Program; make
conforming changes and
update references, 482
Budget Provisos, 728
Service animals; provide that
intentional
misrepresentation of a
service animal is a
misdemeanor and establish
penalties; provide
landlords to ask questions
for reasonable
accommodations, 263
- HEALTH AND
ENVIRONMENTAL
CONTROL**
Appropriations, 565
- Athletic trainers; revise
definition of athletic
trainer, add organizations,
revise name of exam, and
allow DHEC to enforce
disciplinary action for
violations, 366
Budget Provisos, 707, 0837,
0974, 0998, 1012, 1049,
1060, 1061, 1070, 1071,
1082
Coastal management program
development; deem certain
coastal zone consistency
certifications approved
within thirty days of an
administratively complete
application, 139
Critical area altering, permits
and fees; provide that
DHEC shall defer to US
Army Corps of Engineers
in determining size of
private recreational dock
constructed on intracoastal
waterway, 140
Greenwood Sewer Extension
Line
Budget Provisos, 853
Hazardous Waste Fund
County Account
Budget Provisos, 854
Horry County
Storm Water and Ocean
Outfalls
Budget Provisos, 855
Maternal Morbidity and
Mortality Review
Committee; change the
operation of the committee
by assigning certain
responsibilities to staff of

DHEC, provide funding and other provisions, 250

Neonatal testing; require testing for certain genetic disorders and diseases and for other purposes; require DHEC to establish a Newborn Screening Advisory Committee to review and other provisions, 323

Renewable Water Resources (REWA); add Southern Greenville District, 1137

HEALTH AND HUMAN SERVICES

Appropriations, 562

Budget Provisos, 826, 0847, 0860, 0861, 0974, 0998, 1012, 1028, 1029, 1030, 1038, 1057, 1058, 1060, 1061, 1075, 1081

HIGHER EDUCATION

See Also Colleges and Universities (this index)

Commission

Appropriations, 524

Budget Provisos, 777, 0797, 0798, 0799, 0800, 0803, 0810, 1028

Degree curriculum requirements;

Commissioner on Higher Education may grant alternate program completion options to students impacted by closure of 6 higher education schools, 1122

Technical College Enterprise Campus Authorities; create

the Tri-County Tech College Enterprise Campus Authority, 051

Tucker Hipps Transparency Act; permanently authorize the act and repeal the three-year sunset provision, 110

Tuition rates, military personnel and their dependents; expand categories of persons covered to conform with federal law, 083

HORRY COUNTY

Budget Provisos, 987

Storm Water and Ocean Outfalls

Budget Provisos, 855

HOUSING FINANCE AND DEVELOPMENT AUTHORITY

Appropriations, 597

Budget Provisos, 876

HUMAN AFFAIRS COMMISSION

Appropriations, 648

Budget Provisos, 926, 1084

INDIGENT DEFENSE COMMISSION

Appropriations, 631

Budget Provisos, 902, 0996, 1023, 1024

INSPECTOR GENERAL OFFICE

Appropriations, 983

Budget Provisos, 959

INSURANCE

- See Also Workers' Compensation (this index)
- ABLE Account renamed Palmetto Able Savings Program; make conforming changes and update references, 482
- Cancellation of property, casualty and title insurance policies; extend when insurer can cancel a policy without cause; prohibit cancellation if they had notice of a change in risk; other provisions, 068
- Captive insurance companies; apply SC insurance data security act to captive companies, 068
- Department
 - Appropriations, 655
 - Budget Provisos, 930
 - DOI Director, duties; alter public hearing requirements, 068
- Medical Malpractice
 - Liability Joint Underwriting Association; merge Joint Underwriting Assoc. with Patients' Compensation Fund and rename SC Medical Malpractice Assoc.; other provisions, 409
- Insurance premium taxes; exclude certain factors from total premium computation; require submission of return premiums collected, 068
- Insurance; insurer or group required to submit a corporate governance annual disclosure and establish certain requirements for the disclosure; other provisions, 052
- Long-term care insurance providers; require providers to submit all premium rate schedules to DOI and establish procedures for approval process, 068
- Prohibited trade practices; clarify certain practices are prohibited, 068
- Property and casualty insurance guaranty association; apply to provide to claim or loss covered by self-insurance that occurred prior to acquisition of a block, 065
- Transfer and surrender of vehicles; provide a procedure for an insurance company to obtain a certificate of title from DMV when claimant fails to deliver title to company, 096
- Workers' comp insurance requirements; prohibit a self-insurer from participating in or obtaining benefit from property and casualty insurance guaranty

- association and other provisions, 065
- JOHN DE LA HOWE SCHOOL**
- Appropriations, 518
- Budget Provisos, 808, 0995
- JUDICIAL DEPARTMENT**
- Appropriations, 625
- Budget Provisos, 716, 0857, 0893, 0996, 1047, 1082
- JUVENILE JUSTICE DEPARTMENT**
- Appropriations, 645
- Budget Provisos, 923, 0975, 1015, 1021, 1035, 1083
- LABOR, LICENSING AND REGULATION DEPARTMENT**
- Accountants; remove certain exam requirements, revise confidentiality of evidence and investigations, revise criteria for out-of-state licensure; other provisions, 423
- Appropriations, 660
- Budget Provisos, 932, 1060, 1085
- Pharmacy benefits managers; establish license requirements and other provisions, 277
- Physical Therapy Examiners Board, licensure; increase maximum number of times a person may attempt to pass licensure exams, 395
- Regulations
 - Veterinary Medical Examiners Board
 - Veterinary medicine and animal shelters (D. No. 4859), 1138
- SC Physicians Assistants Practice Act; revise article, 144
- Speech-Language Pathologists and Assistants; shall adhere to certain guidelines under supervisions, penalties, and other provisions, 161
- LAW ENFORCEMENT**
- Criminal Justice Academy
 - Budget Provisos, 1043
- Law Enforcement Training Council
 - Appropriations, 639
 - Budget Provisos, 915, 1067
- Prescription monitoring program; require health care and emergency facilities and first responders to submit information to DHEC for inclusion in monitoring program when person given opioid antidote; DHEC to monitor; other provisions, 397
- Public Safety Department
 - Appropriations, 636
 - Budget Provisos, 912, 0913, 0955, 1021, 1027, 1050, 1083
- SLED**
- Appropriations, 633
- Budget Provisos, 909, 0914, 0955, 1015, 1027, 1049, 1060, 1065, 1066, 1067, 1068, 1084

Childcare facilities,
 background checks;
 provide facility may not
 employ a person if
 registered or required to
 register on sex offender
 registry or abuse
 registry or for other
 convictions; other
 provisions, 297

SLED; distribute 250,000
 dollars to the SC State
 Firefighters Association
 to provide PTSD
 insurance and programs,
 1098

Sheriff qualifications; provide
 qualifications must also
 apply to candidates,
 provide sheriff holding
 office on effective date is
 not required to be
 experience certified
 officer; other provisions,
 429

LEE COUNTY
 School Bus Shop
 Budget Provisos, 732

**LEGISLATIVE AUDIT
 COUNCIL**
 Appropriations, 675
 Budget Provisos, 949, 1049,
 1056

LEGISLATIVE COUNCIL
 Appropriations, 673
 Revised Volumes
 To adopt revised Code
 Volumes 3 and 4, 394

**LEGISLATIVE
 DEPARTMENT**
 Budget Provisos, 945, 1047

LEGISLATIVE SERVICES**AGENCY**

Appropriations, 674

LIBRARIES

State Library

Appropriations, 557

Budget Provisos, 821, 1013

LIEUTENANT GOVERNOR

Budget Provisos, 959

Senate Appointments and

Reports, received; make
 technical and conforming

changes to substitute

President of the Senate for

President Pro Tempore;

substitute President of the

Senate for Lieutenant

Governor or strike

references, 002

LOTTERY EXPENDITURE**ACCOUNT**

Appropriations, 512

Budget Provisos, 796

MCCORMICK COUNTY

McCormick County Schools

Budget Provisos, 791

MEDICAL

911; provide that RFA is

responsible for creating

and updating

comprehensive strategic

911 and nextgen 9-1-1;

revise standards and other

911 provisions, 349

ABLE Account renamed

Palmetto Able Savings

Program; make

conforming changes and

update references, 482

Advanced Practice Registered

Nurse Act, 480

- Alzheimer's disease and related disorders resource coordination center; provide for an additional duty to facilitate and coordinate early detection educational initiatives for health care providers, 100
- Athletic trainers; revise definition of athletic trainer, add organizations, revise name of exam, and allow DHEC to enforce disciplinary action for violations, 366
- Female genital mutilation; prohibited under age of 18 and create offense, 431
- Health care decisions for unable to consent persons; add additional category of persons who can make them, 473
- Maternal Morbidity and Mortality Review Committee; change the operation of the committee by assigning certain responsibilities to staff of DHEC, provide funding and other provisions, 250
- Medical Malpractice Liability Joint Underwriting Association; merge Joint Underwriting Assoc. with Patients' Compensation Fund and rename SC Medical Malpractice Assoc.; other provisions, 409
- Neonatal testing; require testing for certain genetic disorders and diseases and for other purposes; require DHEC to establish a Newborn Screening Advisory Committee to review and other provisions, 323
- Pharmacists and prescriptions; provide a pharmacist may use professional judgement to dispense up to a 90 day supply per refill, provide requirements and exceptions, 172
- Pharmacy benefits managers; establish license requirements and other provisions, 277
- Physical Therapy Examiners Board, licensure; increase maximum number of times a person may attempt to pass licensure exams, 395
- Physician Orders for Scope of Treatment (POST) Act, 491
- Physicians
Income tax credit; allow for credit for each clinical rotation served by a physician as a preceptor for certain programs, 270
- Prescription monitoring program; require health care and emergency facilities and first responders to submit information to DHEC for inclusion in monitoring program when person

given opioid antidote;
DHEC to monitor; other
provisions, 397

SC Physicians Assistants
Practice Act; revise article,
144

**MENTAL HEALTH
DEPARTMENT**
Appropriations, 574
Budget Provisos, 855, 0974,
1012, 1038, 1060, 1081

MILITARY AFFAIRS
See Also Veterans and
Military Affairs
(this index)
Budget Provisos, 740, 0746,
0890, 0891, 0929, 0930,
0955, 0961, 0967, 0968
Driver's license; revise period
in which a license and
certain commercial
licenses are valid, revise
fee to obtain licenses,
revise documents that must
be provided to DMV and
other provisions, 476
SC Servicemembers Civil
Relief Act, 106
Tuition rates, military
personnel and their
dependents; expand
categories of persons
covered to conform with
federal law, 083
Veterans' Affairs Divisions
redesignated as Veterans'
Affairs Department;
establish dept within
executive branch, provide
for Governor to appoint
Secretary and other
provisions, 118

**MINORITY AFFAIRS
COMMISSION**

Appropriations, 649
Budget Provisos, 927, 0933

MINORS

See Also Juvenile Justice
Department (this
index)

Abuse

Female genital mutilation;
prohibited under age of
18 and create offense,
431

Childcare facilities,

background checks;
provide facility may not
employ a person if
registered or required to
register on sex offender
registry or abuse registry
or for other convictions;
other provisions, 297

Children's Advocacy

Department
Appropriations, 595
Budget Provisos, 875, 0975

Court orders determining a
putative father is the legal
father; require that the
child's birth certificate be
amended, 250

Neonatal testing; require
testing for certain genetic
disorders and diseases and
for other purposes; require
DHEC to establish a
Newborn Screening
Advisory Committee to
review and other
provisions, 323

Tobacco or alternative
nicotine products; prohibit

minors from entering establishments that primarily sell products and create penalties; prohibit on school campuses and events, eliminate exclusions; other provisions, 111

MOTOR VEHICLES

Department

Appropriations, 663

Budget Provisos, 934, 1018, 1071, 1084

Driver's Licenses

Driver's license; revise period in which a license and certain commercial licenses are valid, revise fee to obtain licenses, revise documents that must be provided to DMV and other provisions, 476

License Plates

Special License Plates; Clemson University 2016 and 2018 Football National Champions issued, 104

Transfer and surrender of vehicles; provide a procedure for an insurance company to obtain a certificate of title from DMV when claimant fails to deliver title to company, 096

Transportation Network

Company, safety inspection; require TNC vehicles to display license plates from the front,

establish additional requirements, establish offenses for misrepresentation and other provisions, 457

Vehicle registration, penalties for failing to register; provide that a person who fails to register is guilty of a misdemeanor and shall be fined not more than 500 dollars or imprisoned for not more than 30 days or both, 428

MUSEUMS

Confederate Relic Room and Military Museum Commission

Appropriations, 560

Budget Provisos, 825, 0977, 1084

Hunley Commission

Budget Provisos, 977, 1020

Military Museum

Commission

Budget Provisos, 977

State Museum Commission

Appropriations, 559

Budget Provisos, 823, 0977, 1084

NATIVE AMERICANS

Catawba Tribe; provide the tribe is not required to pay any fee in lieu of school taxes, 344

NATURAL RESOURCES

DEPARTMENT

Appropriations, 607

Budget Provisos, 880, 0957, 1027, 1074, 1085

Geological Survey Unit;

establish new duties for the

- unit and remove certain mapping duties, change requirements for geologists and require geologists to become familiar with geologic hazards, 442
 - Hunting and Fishing
 - Deer hunting; revise number of antlerless deer tags that may be issued by DNR under certain circumstances, 099
 - Wild turkey hunting; provide season for hunting and taking male wild turkeys, provide bag limits, establish youth turkey hunting weekend; provide for use of revenues for tags; provide for electronic reporting; other provisions, 292
 - Land Resources Conservation Commission; reformat commission into Land, Water and Conservation Division Advisory Committee, update definitions and references, and other provisions, 438
 - State forest land revenues shared with counties; exclude the proceeds from land rentals, 348
 - Trawling restriction areas; provide that certain areas are closed to trawling from May 1 through September 15, 453
 - Water resource planning and coordination, DNR; make changes to reflect duties of DNR and require DNR to consider measures to prevent saltwater intrusion on ground and surface water, 435
- OCONEE COUNTY**
- Voting Precincts, Oconee County; redesignate map numbers, 174
- PARKS, RECREATION AND TOURISM**
- Appropriations, 615
 - Budget Provisos, 883, 0912, 1044, 1081
 - Heritage Trust program, maximum acreage acquired; remove maximum limitation, 434
 - PRT, powers and duties; provide new duties for PRT, 445
- PATRIOTS POINT DEVELOPMENT AUTHORITY**
- Appropriations, 622
 - Budget Provisos, 891, 1086
- PHARMACIES AND PHARMACISTS**
- Pharmacists and prescriptions; provide a pharmacist may use professional judgement to dispense up to a 90 day supply per refill, provide requirements and exceptions, 172
 - Pharmacy benefits managers; establish license requirements and other provisions, 277

PICKENS COUNTY

Voting precincts, Pickens County; redesignate map number, 084

POLITICAL**SUBDIVISIONS**

See Also Specific County (this index)

911; provide that RFA is responsible for creating and updating comprehensive strategic 911 and nextgen 9-1-1; revise standards and other 911 provisions, 349

Aid to Subdivisions

Appropriations, 701

Budget Provisos, 991, 1056

Community development tax credit; allow tax credit of 50 percent of any cash donation; delete aggregate credit provision and set annual limit; other provisions, 448

Counties

Filing and recording fees; revise and provide for further fees including a flat fee for various documents, 345

Hazardous Waste Fund

County Account

Budget Provisos, 854

Poll managers and

assistants; provide that chairman or clerk appointed from various polling places must be a resident or registered elector in SC and county or adjoining

county; other provisions, 319

Professional sports team; provide for tax credit, prohibit levy of county fees and taxes, and provide real property owned by team may not be annexed without prior written consent; other provisions, 458

State forest land revenues shared with counties; exclude the proceeds from land rentals, 348

Municipalities

Professional sports team; provide for tax credit, prohibit levy of county fees and taxes, and provide real property owned by team may not be annexed without prior written consent; other provisions, 458

Procurement Code; revisions and update of code language; deletion of obsolete language, 178

SC Textiles Communities

Revitalization Act; provide certain cap on rehabilitation expenses only applies to certain buildings and contiguous parcels; extend placed in service date and other provisions, 290

State Aid to Subdivisions Act; provide fund must be adjusted at the same percentage as the General

- Fund revenues not to exceed 5 percent and other provisions; delete certain provisions, 470
- Voting machines; extend deadline for Election Commission to submit offers for solutions and create special evaluation panel to evaluate and score each proposal, 1115
- PORTS AUTHORITY**
Budget Provisos, 942, 0991, 0997, 1043, 1058, 1059, 1074, 1083
- PROBATION, PAROLE AND PARDON SERVICES DEPARTMENT**
Appropriations, 642
Budget Provisos, 920, 0922, 0975, 1004, 1014, 1023, 1038, 1053, 1054, 1055
- PROCUREMENT REVIEW PANEL**
Appropriations, 700
Budget Provisos, 990
- PROPERTY**
See Also Taxation (this index)
- Filing and recording fees; revise and provide for further fees including a flat fee for various documents, 345
- Property Tax
Property tax penalty schedule; delay by 3 months for individuals affected by the Federal Government shutdown, 1112
- Property and casualty insurance guaranty association; apply to provide to claim or loss covered by self-insurance that occurred prior to acquisition of a block, 065
- SC Textiles Communities Revitalization Act; provide certain cap on rehabilitation expenses only applies to certain buildings and contiguous parcels; extend placed in service date and other provisions, 290
- Service animals; provide that intentional misrepresentation of a service animal is a misdemeanor and establish penalties; provide landlords to ask questions for reasonable accommodations, 263
- Vacation Time-Sharing Plan Extensions and Termination Act; clarify procedures and requirements; other provisions, 403
- PROSECUTION COORDINATION COMMISSION**
Appropriations, 630
Budget Provisos, 900, 1023, 1024, 1053, 1084
- PUBLIC EMPLOYEE BENEFITS AUTHORITY**
Appropriations, 696
Budget Provisos, 982, 1059

- Employee Benefits, Statewide Appropriations, 695
Budget Provisos, 981, 1047
- PUBLIC SAFETY**
- DEPARTMENT**
Appropriations, 636
Budget Provisos, 912, 0913, 0955, 1021, 1027, 1050, 1083
- PUBLIC SERVICE**
- AUTHORITY**
Budget Provisos, 997, 1059, 1065, 1072, 1074
Santee Cooper; authorize PSA Evaluation and Recommendation Committee may use state funds to retain experts, legal counsel, banking institution or other financial entity to review potential sale; other provisions, 1099
- PUBLIC SERVICE COMMISSION**
Appropriations, 650
Electric coops; vest authority and jurisdiction of audits, inspections and examinations with Regulatory Staff Office; revise elections and other provisions, 324
Solar and renewable energy; provide for review and approval proceedings by PSC; establish voluntary renewable energy programs; enumerate rights owed to electrical utility customers; provide for regulation; other provisions, 368
- PUBLIC UTILITIES**
See Also Public Service Commission (this index)
See Also Specific Utility Commission (this index)
- Automatic repeal of statutory provisions requiring certain coal combustion residuals to be placed in class 3 landfill; repealed, 138
Electric coops; vest authority and jurisdiction of audits, inspections and examinations with Regulatory Staff Office; revise elections and other provisions, 324
Highway system construction; provide that entity undertaking transportation improvement project shall bear costs related to relocating water and sewer lines and other provisions, 165
Santee Cooper; authorize PSA Evaluation and Recommendation Committee may use state funds to retain experts, legal counsel, banking institution or other financial entity to review potential sale; other provisions, 1099
Solar and renewable energy; provide for review and

- approval proceedings by PSC; establish voluntary renewable energy programs; enumerate rights owed to electrical utility customers; provide for regulation; other provisions, 368
- Transportation Network Company, safety inspection; require TNC vehicles to display license plates from the front, establish additional requirements, establish offenses for misrepresentation and other provisions, 457
- REGULATIONS**
- Labor, Licensing and Regulation
- Veterinary Medical Examiners Board
- Veterinary medicine and animal shelters (D. No. 4859), 1138
- REGULATORY STAFF, OFFICE OF**
- Appropriations, 650
- Budget Provisos, 927
- Electric coops; vest authority and jurisdiction of audits, inspections and examinations with Regulatory Staff Office; revise elections and other provisions, 324
- Solar and renewable energy; provide for review and approval proceedings by PSC; establish voluntary renewable energy programs; enumerate rights owed to electrical utility customers; provide for regulation; other provisions, 368
- RETIREMENT SYSTEM INVESTMENT COMMISSION**
- Appropriations, 987
- REVENUE DEPARTMENT**
- Aid to Subdivisions
- Appropriations, 702
- Budget Provisos, 1056
- Appropriations, 698
- Budget Provisos, 875, 0928, 0985, 1056, 1077, 1079, 1085, 1087, 1088, 1089
- DOR; allow DOR to submit certain information to a financial institution regarding a debtor that has been named on a warrant for distraint; other provisions, 274
- Tax liens; allow DOR to implement a system of filing and indexing lien which is accessible to the public, 086
- RURAL INFRASTRUCTURE AUTHORITY**
- Appropriations, 624
- Budget Provisos, 891, 0892, 0985
- SCHOOLS AND SCHOOL DISTRICTS**
- See Also Education (this index)
- Athletics
- Athletic trainers; revise definition of athletic

- trainer, add
 organizations, revise
 name of exam, and
 allow DHEC to enforce
 disciplinary action for
 violations, 366
- Calendar**
 Waived school days; SDE
 may waive make up
 days forgiven by the
 local school district due
 to weather, 1119
- Catawba Tribe; provide the
 tribe is not required to pay
 any fee in lieu of school
 taxes, 344
- Chesterfield County School
 District; revise filing
 period for declaring
 candidacy, 1132
- Clarendon County Board of
 Education; abolish
 Clarendon County Board
 of Ed; provide Legislative
 Delegation makes four
 appointments to the Board
 of Trustees in district 1 and
 nine appointments in
 district 2; repeal certain
 provisions, 1134
- Procurement Code; revisions
 and update of code
 language; deletion of
 obsolete language, 178
- Reporting requirements; Dept
 of Ed shall develop
 recommendations for
 streamlining the amount of
 paperwork and reporting
 requirements of schools;
 provide requirements for
- the content and report to
 General Assembly, 1118
- Tobacco or alternative
 nicotine products; prohibit
 minors from entering
 establishments that
 primarily sell products and
 create penalties; prohibit
 on school campuses and
 events, eliminate
 exclusions; other
 provisions, 111
- SECRETARY OF STATE**
 Appropriations, 684
 Budget Provisos, 959
- SOCIAL SERVICES**
 See Also Health and
 Human Services
 Department (this
 index)
- Appropriations, 585
 Budget Provisos, 713, 0811,
 0829, 0862, 0974, 0998,
 1012, 1038, 1049, 1081
- Childcare facilities,
 background checks;
 provide facility may not
 employ a person if
 registered or required to
 register on sex offender
 registry or abuse registry
 or for other convictions;
 other provisions, 297
- Foster Care
 Budget Provisos, 871, 0875
- SPEECH PATHOLOGY
 AND AUDIOLOGY**
 Speech-Language
 Pathologists and
 Assistants; shall adhere to
 certain guidelines under

- supervisions, penalties,
 and other provisions, 161
- STATE SYMBOLS AND EMBLEMS**
- Barbers Day designated as the
 third Wednesday in
 February of each year, 141
- TAXATION**
- ABLE** Account renamed
 Palmetto Able Savings
 Program; make
 conforming changes and
 update references, 482
- Catawba Tribe; provide the
 tribe is not required to pay
 any fee in lieu of school
 taxes, 344
- Cigarette stamp tax; provide
 grace period against
 unstamped packages for
 which applicable taxes
 have been paid, 1114
- Cigarettes; provide cigarettes
 found to not have stamps
 affixed are considered
 contraband in certain
 circumstances, 164
- IRS Code; update references,
 095
- Income Tax**
Credits
 Community development
 tax credit; allow tax
 credit of 50 percent
 of any cash donation;
 delete aggregate
 credit provision and
 set annual limit;
 other provisions, 448
- Income tax credit; allow
 for credit for each
 clinical rotation
- served by a physician
 as a preceptor for
 certain programs,
 270
- Job tax credit; provide for
 professional sports
 team; other
 provisions, 458
- Tax credit, port cargo
 volume increase;
 increase maximum
 amount and provide
 for a port
 transportation credit;
 other provisions, 169
- Tax credits; provide that
 tax credits for
 purchase of
 geothermal
 machinery and
 equipment shall be
 repealed on January
 1, 2022; re-enact
 provisions of 12-6-
 3587, 276
- Industry Partnership Fund tax
 credit; increase the
 aggregate annual credit
 amount, 093
- Property Tax**
 Property tax penalty
 schedule; delay by 3
 months for individuals
 affected by the Federal
 Government shutdown,
 1112
- SC Textiles Communities
 Revitalization Act; provide
 certain cap on
 rehabilitation expenses
 only applies to certain
 buildings and contiguous

parcels; extend placed in service date and other provisions, 290
 Sales and Gross receipts, items included; provide that receipts from operation of cable system are attributable to SC in pro rata proportion of costs of performing service, 288

Sales and Use Tax

Exemptions

Sales tax exemptions; provide port facility is a distribution facility for certain purposes of exemptions, 169

Sales tax definitions; further inform marketplace facilitators of their requirements, 101

Tax Relief Trust Fund

Appropriations, 702

Tax liens; allow DOR to implement a system of filing and indexing lien which is accessible to the public, 086

TELEVISION

Educational Television

Commission

Appropriations, 519

Budget Provisos, 773, 0809, 0957, 0995, 1013, 1031

Sales and Gross receipts, items included; provide that receipts from operation of cable system are attributable to SC in pro rata proportion of costs of performing service, 288

TORTS

Medical Malpractice Liability
 Joint Underwriting
 Association; merge Joint Underwriting Assoc. with Patients' Compensation Fund and rename SC Medical Malpractice Assoc.; other provisions, 409

TRANSPORTATION

DEPARTMENT

See Also Motor Vehicles
 (this index)

Appropriations, 667

Budget Provisos, 927, 0938, 1029, 1044, 1068, 1070, 1074, 1080

County Transportation Funds
 Appropriations, 671

Budget Provisos, 941

Highway system construction; provide that entity undertaking transportation improvement project shall bear costs related to relocating water and sewer lines and other provisions, 165

Infrastructure Bank Board

Appropriations, 670

Budget Provisos, 940, 0982

Procurement Code; revisions and update of code language; deletion of obsolete language, 178

TREASURERS

State

ABLE Account renamed Palmetto Able Savings Program; make conforming changes

and update references,
482

Aid to Subdivisions

Appropriations, 701

Budget Provisos, 991,
1056

Appropriations, 686

Budget Provisos, 876, 0938,
0961, 0994, 1019, 1067,
1080

UTILITIES

See Also Public Service
Commission (this
index)

See Also Specific Utility
Commission (this
index)

Automatic repeal of statutory
provisions requiring
certain coal combustion
residuals to be placed in
class 3 landfill; repealed,
138

Electric coops; vest authority
and jurisdiction of audits,
inspections and
examinations with
Regulatory Staff Office;
revise elections and other
provisions, 324

Highway system construction;
provide that entity
undertaking transportation
improvement project shall
bear costs related to
relocating water and sewer
lines and other provisions,
165

Renewable Water Resources
(REWA); add Southern
Greenville District, 1137

Santee Cooper; authorize
PSA Evaluation and
Recommendation
Committee may use state
funds to retain experts,
legal counsel, banking
institution or other
financial entity to review
potential sale; other
provisions, 1099

Solar and renewable energy;
provide for review and
approval proceedings by
PSC; establish voluntary
renewable energy
programs; enumerate
rights owed to electrical
utility customers; provide
for regulation; other
provisions, 368

VETERANS' AND MILITARY AFFAIRS

See Also Adjutant
General (this
index)

Budget Provisos, 740, 0746,
0812, 0890, 0891, 0929,
0930, 0953, 0954, 0955,
0961, 0967, 0968, 0991,
1016, 1017, 1073

Driver's license; revise period
in which a license and
certain commercial
licenses are valid, revise
fee to obtain licenses,
revise documents that must
be provided to DMV and
other provisions, 476

Interagency Planning and
Evaluation Advisory
Committee; redesignate
the Senate General

- Committee as the Family Veterans' Service Committee, 065
- Tuition rates, military personnel and their dependents; expand categories of persons covered to conform with federal law, 083
- Veterans' Affairs Divisions redesignated as Veterans' Affairs Department; establish dept within executive branch, provide for Governor to appoint Secretary and other provisions, 118
- VETERINARY MEDICINE**
See Also Animals (this index)
- Veterinarians; require continuing education related to prescribing and monitoring controlled substances, 098
- Vets and Vet techs; provide vets and techs may practice outside of licensed jurisdiction during declared state of emergency if in good standing with board, 256
- VOCATIONAL REHABILITATION DEPARTMENT**
Appropriations, 561
Budget Provisos, 825, 0974, 1086
- WATER AND SEWER**
Bath, Langley, and Clearwater Water and Sewer Districts
- Commissioner elections; change commencement of office and expiration of term; other provisions, 1125
- Broadway Water and Sewer District; ratify a 2001 expansion of the district's service area pursuant to transfer of territory from Belton-Honea Path Water Authority, 1130
- Highway system construction; provide that entity undertaking transportation improvement project shall bear costs related to relocating water and sewer lines and other provisions, 165
- Renewable Water Resources (REWA); add Southern Greenville District, 1145
- Water resource planning and coordination, DNR; make changes to reflect duties of DNR and require DNR to consider measures to prevent saltwater intrusion on ground and surface water, 1137
- WIL LOU GRAY OPPORTUNITY SCHOOL**
Appropriations, 513
Budget Provisos, 805, 0995, 0997, 1086
- WORKERS' COMPENSATION**
Commission
Appropriations, 651
Budget Provisos, 929, 1084

Patients' Compensation Fund
Appropriations, 654
State Accident Fund
Appropriations, 654
Budget Provisos, 929
Workers' comp insurance
requirements; prohibit a
self-insurer from
participating in or
obtaining benefit from
property and casualty
insurance guaranty
association and other
provisions, 065