
**ACTS
AND
JOINT RESOLUTIONS
SOUTH CAROLINA
2021**

Volume I

**REGULAR
SESSION**

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Acts 1-116**

ACTS and JOINT RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE of SOUTH CAROLINA

2021 REGULAR SESSION

VOLUME I

First Part
Of Eighty-Third Volume of Statutes at Large

(The Acts and Joint Resolutions of 2022
Constitute the Second Part)

Passed at the regular session which was begun
And held at the City of Columbia on the 12th
Day of January, A.D., 2021, and was
Adjourned on the 29th day of
June, A.D., 2021

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ASHLEY HARWELL-BEACH
CODE COMMISSIONER

Notice

The first regular session of the 124th South Carolina General Assembly has adjourned under the provisions of H. 4285, the Sine Die Resolution.

The following act was passed during the 2021 regular session of the General Assembly; however, it was vetoed by the Governor and action on this veto is pending by the General Assembly.

(R3, S478) AN ACT TO AMEND SECTION 2 OF ACT 183 OF 2020, RELATING TO THE CONSOLIDATION OF CLARENDON COUNTY SCHOOL DISTRICTS ONE AND THREE INTO CLARENDON COUNTY SCHOOL DISTRICT NO. 4, SO AS TO INCREASE THE INITIAL MEMBERSHIP OF THE CLARENDON COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES FROM SEVEN TO NINE MEMBERS, TO PROVIDE THAT THE BOARD OF TRUSTEES SHALL BE COMPRISED OF SEVEN MEMBERS BEGINNING WITH THE 2024 GENERAL ELECTION, AND TO MAKE CONFORMING CHANGES.

TABLE OF CONTENTS

Notice.....	ii
Ratification number to act number	iv
General and permanent laws.....	2
Local and temporary laws.....	995
Index to regulations of state agencies	1060
Index to acts and joint resolutions	1064

RATIFICATION NUMBERS

With Act Numbers Assigned

Ratification No.	Act No.	Ratification No.	Act No.
1	96	29	114
2	1	30	21
3	*PENDING	31	19
4	2	32	22
5	4	33	102
6	5	34	23
7	6	35	24
8	111	36	20
9	8	37	25
10	3	38	26
11	7	39	99
12	110	40	27
13	106	41	28
14	9	42	29
15	116	43	30
16	10	44	31
17	11	45	32
18	12	46	33
19	13	47	34
20	14	48	35
21	15	49	36
22	100	50	37
23	112	51	38
24	97	52	39
25	16	53	40
26	17	54	41
27	18	55	42
28	101	56	43

Ratification No.	Act No.	Ratification No.	Act No.
57	44	88	72
58	45	89	73
59	46	90	74
60	47	91	75
61	48	92	76
62	49	93	77
63	50	94	78
64	51	95	79
65	52	96	80
66	53	97	81
67	103	98	113
68	54	99	82
69	55	100	115
70	56	101	89
71	57	102	83
72	58	103	84
73	59	104	85
74	60	105	86
75	61	106	87
76	62	107	107
77	63	108	88
78	98	109	108
79	109	110	90
80	64	111	91
81	65	112	92
82	66	113	105
83	67	114	93
84	68	115	104
85	69	116	94
86	70	117	95
87	71		

*This act or joint resolution was vetoed by the Governor. Action on this act or joint resolution is pending by the General Assembly.

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;
CHARLES F. REID, Clerk of the House of Representatives**

PART I

GENERAL AND PERMANENT LAWS

No. 1

(R2, S1)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT" BY ADDING ARTICLE 6 TO CHAPTER 41, TITLE 44 SO AS TO REQUIRE TESTING FOR A DETECTABLE FETAL HEARTBEAT BEFORE AN ABORTION IS PERFORMED ON A PREGNANT WOMAN, TO PROHIBIT THE PERFORMANCE OF AN ABORTION IF A FETAL HEARTBEAT IS DETECTED, TO PROVIDE MEDICAL EMERGENCY AND OTHER EXCEPTIONS, TO REQUIRE CERTAIN DOCUMENTATION AND RECORDKEEPING BY PHYSICIANS PERFORMING ABORTIONS, TO REQUIRE PHYSICIANS TO NOTIFY LAW ENFORCEMENT AFTER PERFORMING AN ABORTION IN CERTAIN CIRCUMSTANCES, TO CREATE A CIVIL ACTION FOR A PREGNANT WOMAN UPON WHOM AN ABORTION IS PERFORMED, TO CREATE CRIMINAL PENALTIES, AND FOR OTHER PURPOSES; TO AMEND SECTION 44-41-460, RELATING TO THE REQUIRED REPORTING OF ABORTION DATA TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO ADD REPORTING OF FETAL HEARTBEAT TESTING AND PATIENT MEDICAL CONDITION DATA; TO AMEND SECTION 44-41-330, RELATING TO A PREGNANT WOMAN'S RIGHT TO KNOW CERTAIN PREGNANCY INFORMATION, SO AS TO REQUIRE NOTIFICATION OF THE DETECTION OF A FETAL HEARTBEAT; AND TO AMEND SECTION 44-41-60, RELATING TO ABORTION REPORTING REQUIREMENTS, SO AS TO ADD REPORTING REQUIREMENTS.

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

Citation

SECTION 1. This act shall be known and may be cited as the "South Carolina Fetal Heartbeat and Protection from Abortion Act".

Findings

SECTION 2. The General Assembly hereby finds, according to contemporary medical research, all of the following:

- (1) as many as thirty percent of natural pregnancies end in spontaneous miscarriage;
- (2) fewer than five percent of all natural pregnancies end in spontaneous miscarriage after the detection of a fetal heartbeat;
- (3) over ninety percent of in vitro pregnancies survive the first trimester if a fetal heartbeat is detected;
- (4) nearly ninety percent of in vitro pregnancies do not survive the first trimester if a fetal heartbeat is not detected;
- (5) a fetal heartbeat is a key medical predictor that an unborn human individual will reach live birth;
- (6) a fetal heartbeat begins at a biologically identifiable moment in time, normally when the fetal heart is formed in the gestational sac;
- (7) the State of South Carolina has legitimate interests from the outset of a pregnancy in protecting the health of the pregnant woman and the life of the unborn child who may be born; and
- (8) in order to make an informed choice about whether to continue a pregnancy, a pregnant woman has a legitimate interest in knowing the likelihood of the human fetus surviving to full-term birth based upon the presence of a fetal heartbeat.

Fetal Heartbeat and Protection from Abortion Act

SECTION 3. Chapter 41, Title 44 of the 1976 Code is amended by adding:

“Article 6

Fetal Heartbeat and Protection from Abortion

Section 44-41-610. As used in this article:

- (1) ‘Conception’ means fertilization.
- (2) ‘Contraceptive’ means a drug, device, or chemical that prevents conception.
- (3) ‘Fetal heartbeat’ means cardiac activity, or the steady and repetitive rhythmic contraction of the fetal heart, within the gestational sac.

(4) 'Gestational age' means the age of an unborn human individual as calculated from the first day of the last menstrual period of a pregnant woman.

(5) 'Gestational sac' means the structure that comprises the extraembryonic membranes that envelop the human fetus and that is typically visible by ultrasound after the fourth week of pregnancy.

(6) 'Human fetus' or 'unborn child' each means an individual organism of the species homo sapiens from fertilization until live birth.

(7) 'Intrauterine pregnancy' means a pregnancy in which a human fetus is attached to the placenta within the uterus of a pregnant woman.

(8) 'Medical emergency' means a condition that, by any reasonable medical judgment, so complicates the medical condition of a pregnant woman that it necessitates the immediate abortion of her pregnancy to avert her death without first determining whether there is a detectable fetal heartbeat or for which the delay necessary to determine whether there is a detectable fetal heartbeat will create serious risk of a substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. A condition must not be considered a medical emergency if based on a claim or diagnosis that a woman will engage in conduct that she intends to result in her death or in a substantial and irreversible physical impairment of a major bodily function.

(9) 'Physician' means any person licensed to practice medicine and surgery, or osteopathic medicine and surgery, in this State.

(10) 'Reasonable medical judgment' means a medical judgment that would be made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(11) 'Spontaneous miscarriage' means the natural or accidental termination of a pregnancy and the expulsion of the human fetus, typically caused by genetic defects in the human fetus or physical abnormalities in the pregnant woman.

Section 44-41-620. (A) A court judgment or order suspending enforcement of any provision of this chapter is not to be regarded as tantamount to repeal of that provision.

(B) If the United States Supreme Court issues a decision overruling *Roe v. Wade*, 410 U.S. 113 (1973), any other court issues an order or judgment restoring, expanding, or clarifying the authority of states to prohibit or regulate abortion entirely or in part, or an amendment is ratified to the Constitution of the United States restoring, expanding, or clarifying the authority of states to prohibit or regulate abortion entirely

or in part, then the Attorney General may apply to the pertinent state or federal court for either or both of the following:

(1) a declaration that any one or more of the statutory provisions specified in subsection (A) are constitutional; or

(2) a judgment or order lifting an injunction against the enforcement of any one or more of the statutory provisions specified in subsection (A).

(C) If the Attorney General fails to apply for relief pursuant to subsection (B) within a thirty-day period after an event described in that subsection occurs, then any solicitor may apply to the appropriate state or federal court for such relief.

Section 44-41-630. An abortion provider who is to perform or induce an abortion, a certified technician, or another agent of the abortion provider who is competent in ultrasonography shall:

(1) perform an obstetric ultrasound on the pregnant woman, using whichever method the physician and pregnant woman agree is best under the circumstances;

(2) during the performance of the ultrasound, display the ultrasound images so that the pregnant woman may view the images; and

(3) record a written medical description of the ultrasound images of the unborn child's fetal heartbeat, if present and viewable.

Section 44-41-640. If a pregnancy is at least eight weeks after fertilization, then the abortion provider who is to perform or induce an abortion, or an agent of the abortion provider, shall tell the woman that it may be possible to make the embryonic or fetal heartbeat of the unborn child audible for the pregnant woman to hear and shall ask the woman if she would like to hear the heartbeat. If the woman would like to hear the heartbeat, then the abortion provider shall, using whichever method the physician and patient agree is best under the circumstances, make the fetal heartbeat of the unborn child audible for the pregnant woman to hear.

Section 44-41-650. (A) Except as provided in Section 44-41-660, no person shall perform, induce, or attempt to perform or induce an abortion on a pregnant woman before a physician determines in accordance with Section 44-41-630 whether the human fetus the pregnant woman is carrying has a detectable fetal heartbeat.

(B) A person who violates subsection (A) is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned not more than two years, or both.

Section 44-41-660. (A) Section 44-41-650 does not apply to a physician who performs or induces an abortion if the physician determines according to standard medical practice that a medical emergency exists that prevents compliance with the section.

(B) A physician who performs or induces an abortion on a pregnant woman based on the exception in subsection (A) shall make written notations in the pregnant woman's medical records of the following:

(1) the physician's belief that a medical emergency necessitating the abortion existed;

(2) the medical condition of the pregnant woman that assertedly prevented compliance with Section 44-41-650; and

(3) the medical rationale to support the physician's conclusion that the pregnant woman's medical condition necessitated the immediate abortion of her pregnancy to avert her death.

(C) For at least seven years from the date the notations are made, the physician shall maintain in his own records a copy of the notations.

Section 44-41-670. A physician is not in violation of Section 44-41-650 if the physician acts in accordance with Section 44-41-630 and the method used to test for the presence of a fetal heartbeat does not reveal a fetal heartbeat.

Section 44-41-680. (A) Except as provided in subsection (B), no person shall perform, induce, or attempt to perform or induce an abortion on a pregnant woman with the specific intent of causing or abetting the termination of the life of the human fetus the pregnant woman is carrying and whose fetal heartbeat has been detected in accordance with Section 44-41-630.

(B) A physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman after a fetal heartbeat has been detected in accordance with Section 44-41-630 only if:

(1) the pregnancy is the result of rape, and the probable post-fertilization age of the fetus is fewer than twenty weeks;

(2) the pregnancy is the result of incest, and the probable post-fertilization age of the fetus is fewer than twenty weeks;

(3) the physician is acting in accordance with Section 44-41-690;
or

(4) there exists a fetal anomaly, as defined in Section 44-41-430.

(C) A physician who performs or induces an abortion on a pregnant woman based on the exception in either subsection (B)(1) or (2) must report the allegation of rape or incest to the sheriff in the county in which the abortion was performed. The report must be made no later than

twenty-four hours after performing or inducing the abortion, may be made orally or otherwise, and shall include the name and contact information of the pregnant woman making the allegation. Prior to performing or inducing an abortion, a physician who performs or induces an abortion based upon an allegation of rape or incest must notify the pregnant woman that the physician will report the allegation of rape or incest to the sheriff. The physician shall make written notations in the pregnant woman's medical records that the abortion was performed pursuant to the applicable exception, that the doctor timely notified the sheriff of the allegation of rape or incest, and that the woman was notified prior to the abortion that the physician would notify the sheriff of the allegation of rape or incest.

(D) A person who violates subsection (A) is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned not more than two years, or both.

Section 44-41-690. (A) Section 44-41-680 does not apply to a physician who performs a medical procedure that, by any reasonable medical judgment, is designed or intended to prevent the death of the pregnant woman or to prevent the serious risk of a substantial and irreversible impairment of a major bodily function of the pregnant woman.

(B) A physician who performs a medical procedure as described in subsection (A) shall declare, in a written document, that the medical procedure was necessary, by reasonable medical judgment, to prevent the death of the pregnant woman or to prevent the serious risk of a substantial and irreversible physical impairment of a major bodily function of the pregnant woman. In the document, the physician shall specify the pregnant woman's medical condition that the medical procedure was asserted to address and the medical rationale for the physician's conclusion that the medical procedure was necessary to prevent the death of the pregnant woman or to prevent the serious risk of a substantial and irreversible impairment of a major bodily function of the pregnant woman.

(C) A physician who performs a medical procedure as described in subsection (A) shall place the written document required by subsection (B) in the pregnant woman's medical records. For at least seven years from the date the document is created, the physician shall maintain a copy of the document in his own records.

Section 44-41-700. A physician is not in violation of Section 44-41-680 if the physician acts in accordance with Section 44-41-630

and the method used to test for the presence of a fetal heartbeat does not reveal a fetal heartbeat.

Section 44-41-710. This article must not be construed to repeal, by implication or otherwise, Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion. An abortion that complies with this article but violates the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law must be considered unlawful as provided in such provision. An abortion that complies with the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion but violates this article must be considered unlawful as provided in this article. If some or all of the provisions of this article are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of South Carolina law regulating or restricting abortion must be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.

Section 44-41-720. Nothing in this article prohibits the sale, use, prescription, or administration of a drug, device, or chemical that is designed for contraceptive purposes.

Section 44-41-730. A pregnant woman on whom an abortion is performed or induced in violation of this article may not be criminally prosecuted for violating any of the provisions of this article or for attempting to commit, conspiring to commit, or acting complicitly in committing a violation of any of the provisions of the article and is not subject to a civil or criminal penalty based on the abortion being performed or induced in violation of any of the provisions of this article.

Section 44-41-740. (A) A woman who meets any one or more of the following criteria may file a civil action in a court of competent jurisdiction:

- (1) a woman on whom an abortion was performed or induced in violation of this article; or
- (2) a woman on whom an abortion was performed or induced who was not given the information provided in Section 44-41-330.

(B) A woman who prevails in an action filed pursuant to subsection (A) shall receive the following from the person who committed the act or acts described in subsection (A):

- (1) damages in an amount equal to ten thousand dollars or an amount determined by the trier of fact after consideration of the evidence; and
- (2) court costs and reasonable attorney's fees.

(C) If the defendant in an action filed pursuant to subsection (A) prevails and the court finds that the commencement of the action constitutes frivolous conduct and that the defendant was adversely affected by the frivolous conduct, then the court shall award reasonable attorney's fees to the defendant; provided, however, that a conclusion of frivolousness cannot rest upon the unconstitutionality of the provision that was allegedly violated."

Abortion reporting requirements, Pain-Capable Unborn Child Protection Act

SECTION 4. Section 44-41-460(A) of the 1976 Code is amended by adding appropriately numbered new items at the end to read:

"() The information related to fetal heartbeat testing required pursuant to Sections 44-41-630, 44-41-660, and 44-41-690, as applicable.

() Whether the reason for the abortion was to preserve the health of the pregnant woman and, if so, the medical condition that the abortion was asserted to address and the medical rationale for the conclusion that an abortion was necessary to address that condition. If the reason for the abortion was other than to preserve the health of the pregnant woman, then the report must specify that maternal health was not the purpose of the abortion. This information must also be placed in the pregnant woman's medical records and maintained for at least seven years thereafter."

Fetal heartbeat determination, Woman's Right to Know Act

SECTION 5. Section 44-41-330(A)(1) of the 1976 Code is amended to read:

"(1)(a) The woman must be informed by the physician who is to perform the abortion or by an allied health professional working in conjunction with the physician of the procedure to be involved and by

the physician who is to perform the abortion of the probable gestational age of the embryo or fetus at the time the abortion is to be performed. If an ultrasound is performed, an abortion may not be performed sooner than sixty minutes following completion of the ultrasound. The physician who is to perform the abortion or an allied health professional working in conjunction with the physician must inform the woman before the ultrasound procedure of her right to view the ultrasound image at her request during or after the ultrasound procedure.

(b) If the physician who intends to perform or induce an abortion on a pregnant woman has determined pursuant to Section 44-41-630 that the human fetus the pregnant woman is carrying has a detectable fetal heartbeat, then that physician shall inform the pregnant woman in writing that the human fetus the pregnant woman is carrying has a fetal heartbeat. The physician shall further inform the pregnant woman, to the best of the physician's knowledge, of the statistical probability, absent an induced abortion, of bringing the human fetus possessing a detectable fetal heartbeat to term based on the gestational age of the human fetus or, if the director of the department has specified statistical probability information, shall provide to the pregnant woman that information. The department may promulgate regulations that specify information regarding the statistical probability of bringing an unborn child possessing a detectable fetal heartbeat to term based on the gestational age of the unborn child. Any regulations must be based on available medical evidence."

Abortion reporting requirements

SECTION 6. Section 44-41-60 of the 1976 Code is amended to read:

"Section 44-41-60. Any abortion performed in this State must be reported by the performing physician on the standard form for reporting abortions to the State Registrar, Department of Health and Environmental Control, within seven days after the abortion is performed. The names of the patient and physician may not be reported on the form or otherwise disclosed to the State Registrar. The form must indicate from whom consent was obtained, circumstances waiving consent, and, if an exception was exercised pursuant to Section 44-41-660, which exception the physician relied upon in performing or inducing the abortion."

Severability clause

SECTION 7. 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.

Savings clause

SECTION 8. The repeal or amendment by this act of any law, whether temporary, permanent, 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 9. This act takes effect upon approval by the Governor.

Ratified the 18th day of February, 2021.

Approved the 18th day of February, 2021.

No. 2

(R4, H3707)

A JOINT RESOLUTION TO MAKE APPROPRIATIONS FOR THE STATE'S PUBLIC HEALTH RESPONSE TO THE COVID-19 VIRUS, INCLUDING VACCINATIONS, AND TO FURTHER PROVIDE FOR THE RESPONSE TO THE COVID-19 VIRUS.

Whereas, the COVID-19 virus has caused untold damage on South Carolina's citizens and its economy, particularly in rural and underserved areas, and vaccinating South Carolinians is of the utmost importance to returning the State and its citizens to their everyday lives; and

Whereas, there are now multiple versions of a highly effective vaccine available to combat COVID-19; and

Whereas, the State must endeavor to assist with the development and success of the vaccine delivery infrastructure that will help South Carolina make full use of its federal allocation of vaccines and maximize the number of inoculations delivered. Now, therefore,

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

SECTION 1. (A) From the Contingency Reserve Fund, there is appropriated:

(1) \$63,000,000 to the Department of Health and Environmental Control (DHEC); and

(2) \$45,000,000 to the Medical University of South Carolina (MUSC).

(B) From the funds appropriated in this section, DHEC and MUSC shall, in consultation, cooperation, and collaboration with the South Carolina Hospital Association, the South Carolina Primary Care Association and any other Federally Qualified Health Centers, and other appropriate entities and associations: (1) expand statewide vaccination capacity; and (2) continue to administer the statewide COVID-19 testing plan. Such funds must be used in a manner that most effectively and efficiently uses the resources available for vaccinations from hospitals and other COVID-19 vaccination providers, enrolled and activated by DHEC, across the State. The use of these funds includes costs related to

COVID-19, but are not limited to, vaccination, continued testing and contact tracing, personal protective equipment and medical supplies, personnel costs, education and marketing campaigns, quarantine, transportation and storage, mobile health units including the purchase, upfitting, staffing, and operations thereof, general operations, technology, and staff support.

(C) The funds expended for statewide vaccinations must be used expeditiously to contract with entities set forth in this item that are administering COVID-19 vaccines to the public. Eligible costs include, but are not limited to, those vaccination costs associated with staffing, security, traffic control, storage, transportation, mobile health units including the purchase, upfitting, staffing, and operations thereof, and technology that have not been reimbursed by an insurer's administration fee.

(D) Additionally, from the funds appropriated in this section, DHEC, in coordination with MUSC, the South Carolina Hospital Association, the South Carolina Center for Rural and Primary Healthcare, and other relevant stakeholders, shall implement a plan to reach rural and underserved populations who are eligible to be vaccinated.

(E) The funds appropriated in this section may be utilized to support the monitoring of positive COVID-19 cases, which may include contact tracing. However, participation by individuals in the contact-tracing program shall be solely on a voluntary basis. The Department of Health and Environmental Control and any individual conducting contact-tracing collection are prohibited from using any applications created for such purpose on a cellular device. Any contact-tracing technologies utilized for data collection must be restricted for the collection of public health information only and must be carried and maintained in a decentralized manner. Access to any information collected will be used for public health information purposes only and will comply with all confidentiality requirements contained in the Health Insurance Portability and Accountability Act. Contact tracers must be properly trained and certified by the Department of Health and Environmental Control. The department shall conduct a public awareness campaign to explain the use of contact tracing and that individuals may decline to participate.

(F) An entity that is identified in SECTION 1(A) as a recipient of appropriations from the Contingency Reserve Fund shall not be eligible to receive additional funds pursuant to SECTION 2.

SECTION 2. (A) The Executive Budget Office shall establish the COVID-19 Vaccine Reserve account to be maintained by the Executive Budget Office and administered as set forth in this section.

(B) From the Contingency Reserve Fund, there is appropriated \$100,000,000 to the COVID-19 Vaccine Reserve account. The Executive Budget Office only may release funds in the account upon receipt of a letter signed by the Director of DHEC. DHEC shall allocate funds to eligible COVID-19 vaccine providers in support of statewide vaccination efforts. DHEC shall reimburse eligible providers only after affirming the recipient is a COVID-19 vaccination provider enrolled and activated by DHEC, that DHEC has determined that the request will assist the State in its effort to achieve statewide vaccination, and that the enrolled and activated provider has the vaccine implementation capacity to justify the request.

(C)(1) From the funds appropriated in this section, the Executive Budget Office shall allocate up to \$75,000,000 to hospitals, or a political subdivision of the State partnering with the same, to pay for the costs of administering the COVID-19 vaccine.

(2) From the funds appropriated in this section, the Executive Budget Office shall allocate up to \$25,000,000 to other COVID-19 vaccination providers, or a political subdivision of the State partnering with the same, that are enrolled and activated by DHEC, to pay for the costs of administering the COVID-19 vaccine.

(3) For purposes of this section, eligible costs of administering the COVID-19 vaccine include, but are not limited to, those vaccination costs associated with staffing, facility rental, security, traffic control, storage, transportation, mobile health units including the purchase, upfitting, staffing, and operations thereof, and technology that have not been reimbursed by an insurer's administration fee.

(D) In approving expenses, DHEC must give priority to hospitals and other COVID-19 vaccine providers that are enrolled and activated by DHEC that can prove or have proven a high demand for the vaccine and the ability to meet the demand.

(E) Notwithstanding any other provision of this section, the Director of DHEC may not authorize the Executive Budget Office to release any funds from the COVID-19 Vaccine Reserve account to any vaccine provider that is not offering vaccine appointments to the general public.

(F) On the first day of each month, the Executive Budget Office shall provide a detailed accounting of the expenditure of all funds appropriated pursuant to this section. The report shall be transmitted to the Governor, the General Assembly, and made available on the website of the Executive Budget Office. Additionally, any recipient must provide

an accounting of the expenditures to DHEC and DHEC must post the accounting on its website.

SECTION 3. (A) Where appropriate and feasible, hospitals, medical providers, and other stakeholders receiving distributions pursuant to this joint resolution also shall seek reimbursement from an individual's public or private health insurer.

(B) To maximize the benefit of all funds received by the State, DHEC and MUSC shall work with the Department of Administration to assure that available federal funds are utilized for the purposes of this joint resolution appropriately and minimize the use of state funds where possible.

(C) If hospitals, medical providers, and other stakeholders receive distributions pursuant to this joint resolution also receive reimbursements from insurers or federal funds for the same purposes, then the distributions pursuant to this joint resolution exceeding the actual costs of vaccine administration must be remitted back to the agency or fund that distributed the funds.

(D) The provisions of this joint resolution shall apply to the extent permitted by federal law.

SECTION 4. A. (A) Notwithstanding any professional scope of practice or unauthorized practice of law provision in this State, the following individuals have the authority to administer premeasured doses of the COVID-19 vaccine:

(1) unlicensed personnel with current certification by the certifying boards of the American Association of Medical Assistants (AAMA), the National Center for Competency Testing (NCCT), National Association for Health Professionals (NAHP), the National Certification Medical Association (NCMA), National Healthcare Association (NHA), American Medical Technologists (AMT), or any other certifying body approved by the South Carolina Board of Medical Examiners, and documented training in intermuscular injections; and who administer the vaccine at a site in which a Physician, Physician Assistant, Advanced Practice Registered Nurse, and/or a Registered Nurse licensed in good standing in South Carolina and capable of appropriate evaluation and response to medical emergencies, including resuscitation and treatment of anaphylaxis, is present;

(2) students of an accredited medical school, physician assistant school or program, or a nursing school or program with appropriate instruction and documented training in intramuscular injections and who administer the vaccine at a site in which a Physician, Physician Assistant,

Advanced Practice Registered Nurse, and/or a Registered Nurse licensed in good standing in South Carolina and capable of appropriate evaluation and response to medical emergencies, including resuscitation and treatment of anaphylaxis, is present;

(3) Registered Nurses and Licensed Practical Nurses who have retired, become inactive, or whose licenses have lapsed within the last five years, provided their licenses were in good standing at the time of retirement/inactivation/lapse; and who submit the appropriate documentation to the Board of Nursing to confirm licensure within the last five years and that such license was in good standing at the time of retirement/inactivation/lapse; and who administer the vaccine at a site in which a Physician, Physician Assistant, Advanced Practice Registered Nurse, and/or a Registered Nurse licensed in good standing in South Carolina and capable of appropriate evaluation and response to medical emergencies, including resuscitation and treatment of anaphylaxis, is present;

(4) Physicians and Physician Assistants who have retired, become inactive, or whose licenses have lapsed within the last five years, provided their licenses were in good standing at the time of retirement/inactivation/lapse; and who submit the appropriate documentation to the Board of Medical Examiners to confirm licensure within the last five years and that such license was in good standing at the time of retirement/inactivation/lapse; and who administer the vaccine at a site in which a Physician, Physician Assistant, Advanced Practice Registered Nurse, and/or a Registered Nurse licensed in good standing in South Carolina and capable of appropriate evaluation and response to medical emergencies, including resuscitation and treatment of anaphylaxis, is present;

(5) Dentists licensed in good standing by the South Carolina State Board of Dentistry who have successfully completed the following COVID-19 training programs available through the Centers for Disease Control and Prevention:

(a) "COVID-19 Vaccine Training; General Overview of Immunization Best Practices for Healthcare Providers";

(b) "What Every Clinician Should Know about COVID-19 Vaccines Safety";

(c) "What Clinicians Need to Know About the Pfizer-BioNTech and Moderna COVID-19 Vaccines"; and

(d) "Pfizer-BioNTech COVID-19 Vaccine: What Healthcare Professionals Need to Know"; and who administer the vaccine at a site dedicated to the administration of the COVID-19 vaccine, which does not include the office in which the Dentist typically practices dentistry,

in which a Physician, Physician Assistant, Advanced Practice Registered Nurse, and/or a Registered Nurse licensed in good standing in South Carolina and capable of appropriate evaluation and response to medical emergencies, including resuscitation and treatment of anaphylaxis, is present; and

(6) Optometrists licensed in good standing by the South Carolina Board of Examiners in Optometry who have successfully completed the following COVID-19 training programs available through the Centers for Disease Control and Prevention:

(a) "COVID-19 Vaccine Training; General Overview of Immunization Best Practices for Healthcare Providers";

(b) "What Every Clinician Should Know about COVID-19 Vaccines Safety";

(c) "What Clinicians Need to Know About the Pfizer-BioNTech and Moderna COVID-19 Vaccines"; and

(d) "Pfizer-BioNTech COVID-19 Vaccine: What Healthcare Professionals Need to Know"; and who administer the vaccine at a site dedicated to the administration of the COVID-19 vaccine, which does not include the office in which the Optometrist typically practices optometry, in which a Physician, Physician Assistant, Advanced Practice Registered Nurse, and/or a Registered Nurse licensed in good standing in South Carolina and capable of appropriate evaluation and response to medical emergencies, including resuscitation and treatment of anaphylaxis, is present.

(B) Notwithstanding any professional scope of practice or unauthorized practice provision in this State, South Carolina-licensed Advanced Practice Registered Nurses, Physician Assistants, and Registered Nurses in good standing may delegate COVID-19 vaccine dose administration to any individual authorized by South Carolina law to administer vaccines or identified in this section as authorized to administer COVID-19 vaccines.

B. This section terminates and is no longer effective when South Carolina is no longer under a declared public health emergency concerning COVID-19.

SECTION 5. A. (A) Beginning fourteen days after the effective date of this joint resolution, all first dose vaccines received by the State which have not already been set for distribution must be allocated to the four DHEC public health regions in a per-capita manner with considerations taken into account for factors including, but not limited to, poverty level, infection rates, age, and high-risk populations. From

the funds appropriated in this act or from other COVID-19-related appropriations, MUSC shall coordinate with DHEC and partner with local healthcare providers to ensure that gaps in statewide vaccination delivery are covered, with priority given to rural and underserved areas.

(B) DHEC shall allocate vaccines so that they are distributed in a manner that ensures that each of its four public health regions shall receive a per-capita allocation, as described in subsection (A). DHEC's allocations to specific vaccine providers must:

(1) take into consideration recommendations from affected stakeholders and vaccine providers within the region including, but not limited to, hospitals, primary care practices, pharmacies, rural health clinics, and the South Carolina Primary Care Association and any other federally qualified health centers; and

(2) be based upon the following priorities:

(a) rural and underserved communities must have equitable access to receiving the COVID-19 vaccine;

(b) available vaccines must be administered to South Carolinians as rapidly as possible, to ensure that no doses are permitted to expire and to position South Carolina favorably in the event that any future federal allocations to states may be based in part upon a state's ability to expeditiously administer the vaccine;

(c) which providers are best equipped to handle specific manufacturers' forms of the vaccine, such as those requiring ultra-cold storage; and

(d) the most current and comprehensive data available concerning how vaccines have already been administered within each region, including how the vaccination rate varies by geography, race, age, income, or other relevant factors.

(C) Notwithstanding any other provisions of this joint resolution, DHEC may retain up to five percent of each weekly dose allocation in inventory to maximize its ability to quickly and efficiently respond to changes in need throughout the week.

B. This SECTION terminates and is no longer effective when the Director of the Department of Health and Environmental Control determines that the demands for the vaccine no longer exceed the supply of the vaccine.

SECTION 6. A. (A) Beginning fourteen days after the effective date of this joint resolution, the Department of Health and Environmental Control shall provide a daily report, detailing:

(1) the total number of COVID-19 vaccine doses in inventory as of that day;

(2) the total number of COVID-19 vaccine doses received that day itemized by manufacturer;

(3) the total number of COVID-19 vaccine doses that the State is presently eligible to receive but has not yet drawn, itemized by manufacturer;

(4) the total number of COVID-19 vaccine doses in inventory as of that day that are intended to be administered as a first dose and the number that are intended to be administered as a second dose; and

(5) the total number of COVID-19 vaccine doses that are distributed or redistributed to each administering entity that day, itemized by manufacturer.

The daily report also shall provide a cumulative report detailing the same.

(B) DHEC also shall tabulate the reports required by subsection (C), and include in the daily report required by subsection (A), the cumulative total of vaccines administered. The cumulative totals of vaccines administered also must be shown, numerically and graphically, as a percentage of the State as a whole, and demonstrate how many more vaccines must be given until the next category of individuals are eligible for the vaccine. The cumulative totals of vaccines administered also must be shown, numerically and graphically, by the zip code of the patient.

(C) Each administering entity shall provide a daily report to the Department of Health and Environmental Control detailing:

(1) the total number of COVID-19 vaccine doses in inventory as of that day, itemized by manufacturer;

(2) the total number of COVID-19 vaccines administered that day;

(3) the total number of upcoming appointments for a COVID-19 vaccine scheduled as of that day; and

(4) the total number of COVID-19 vaccines administered that day as a first dose and the number administered that day as a second dose, if applicable.

The daily report also shall provide a cumulative report for the entity detailing the same.

An administering entity may satisfy the reporting requirements of this subsection, subject to DHEC approval, if it makes such information available through the Vaccine Administration Management System or another existing reporting mechanism approved by DHEC.

(D) Each administering entity also must establish a tracking process to ensure that individuals either receive their first and second dose from

the same entity or receive information necessary for obtaining their second dose from another entity.

(E) The reports required by this section must be posted daily on the department's website.

B. This SECTION terminates and is no longer effective when South Carolina is no longer under a declared public health emergency concerning COVID-19.

SECTION 7. This joint resolution takes effect upon approval by the Governor.

Ratified the 18th day of February, 2021.

Approved the 19th day of February, 2021.

No. 3

(R10, H3609)

A JOINT RESOLUTION TO RESTORE TEACHER STEP INCREASES THAT WERE SUSPENDED BY ACT 135 OF 2020 DUE TO FINANCIAL UNCERTAINTIES CAUSED BY THE COVID-19 VIRUS, BY APPROPRIATING FIFTY MILLION DOLLARS TO PROVIDE FOR TEACHER STEP INCREASES FOR THE 2020-2021 SCHOOL YEAR.

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

SECTION 1. (A) From the 2018-2019 Contingency Reserve Fund, and notwithstanding Act 135 of 2020, Part II, Section (4)(D), there is appropriated \$50,000,000 to the Executive Budget Office to provide teacher step increases, including fringe, for the 2020-2021 School Year in accordance with Act 91 of 2019, Part 1.B. Proviso 1.A.36. The funds must be held in a separate account and disbursed to school districts in accordance with subsection (B). Any funds remaining in the account after June 30, 2021, must be remitted to the Contingency Reserve Fund.

(B)(1) The Department of Education shall distribute the funds to each school district in an amount, determined by the Revenue and Fiscal Affairs Office, equal to the increased cost of salaries to the school

district, including fringe, due to the step increase in the state minimum salary schedule.

(2) The Department of Education shall provide the Revenue and Fiscal Affairs Office the number of full-time equivalent state-funded positions that were eligible for the step increase pursuant to Section 59-20-50(4)(b) in School Years 2019-2020 and 2020-2021 that each district has in each cell of the state minimum teacher salary schedule. For School Year 2019-2020, the department shall provide the number of positions as of the end of the school year. For School Year 2020-2021, the department shall provide the number of positions as of March 1, 2021.

(3) The Revenue and Fiscal Affairs Office shall determine the actual increased cost of the step increase, including fringe, in the state minimum salary schedule by determining the increase in the amount of total salaries of such positions in School Year 2020-2021 when compared to School Year 2019-2020 due to the change in the salaries of eligible positions for the step increase that are in the same school district in School Year 2020-2021 as they were in School Year 2019-2020 due to moving up one year of experience on the state minimum salary schedule. The Revenue and Fiscal Affairs Office shall include in the cost of the step increase calculation position codes eligible for the step increase that have no experience rating or credentials associated with their respective position codes. The Revenue and Fiscal Affairs Office shall notify the Executive Budget Office and the Department of Education of its determination for each school district. Then, the Executive Budget Office shall distribute the cumulative amount to the Department of Education to be distributed to each school district that experienced an increase in the manner determined by the Revenue and Fiscal Affairs Office.

(C) For each position that is eligible for the step increase for the 2020-2021 School Year, each school district shall provide a one-time lump sum payment of the entire step increase due to the employee, including any amounts in arrears, by June 15, 2021, or the school district may utilize its current payroll system to pay the step increase as long as the first payment retroactively includes all previous payments that would have been due the eligible employee. A position is eligible for the step increase if that position was fulfilling the requirements of their School Year 2020-2021 contract as of March 1, 2021. In order for any amounts in arrears to be considered earnable compensation for the purposes of the South Carolina Retirement System, the amounts in arrears and the contributions thereon must be reported by allocating the amounts in arrears to the affected employees by quarter for the periods during which

the amounts would have been earned. The Department of Education, the Revenue and Fiscal Affairs Office, and the Public Employee Benefit Authority must collaborate so that retirement reporting for any amounts in arrears can be submitted in a consolidated, electronic format.

SECTION 2. Pursuant to the intent and appropriation set forth in SECTION 1, the provisions of Act 135 of 2020, Part II, Section (4)(D) relating to step increases, are deleted. The step increases required and authorized by SECTION 1 for the 2020-2021 School Year are permanent.

SECTION 3. This joint resolution takes effect upon approval by the Governor.

Ratified the 11th day of March, 2021.

Approved the 11th day of March, 2021.

No. 4

(R5, S160)

AN ACT TO AMEND SECTION 59-53-1784, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MIDLANDS TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY EXEMPTIONS FROM SURPLUS GOVERNMENT PROPERTY DISPOSAL LAWS, SO AS TO CLARIFY AND REVISE THE SCOPE OF THE EXEMPTIONS, AND TO PROVIDE THE AUTHORITY SHALL FILE CERTAIN DOCUMENTS CONCERNING THE SALE OF EXEMPT REAL PROPERTY WITH THE DEPARTMENT OF ADMINISTRATION AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY.

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

Surplus property disposal law exemptions

SECTION 1. Section 59-53-1784(C) of the 1976 Code is amended to read:

“(C)(1) The authority is exempt from all regulations and general laws including, but not limited to, Sections 1-11-58 and 1-11-65, governing disposal of surplus government property, whether real, personal, or mixed.

(2) The exemption provided in item (1) includes an exemption for the sale of real property but only if the sale is for a price not less than a market value determined by an appraisal conforming to the Department of Administration’s appraisal standards and the transfer of title is by quit claim deed. After the recording of the deed for the sold real property, the authority shall file with the Department of Administration and the State Fiscal Accountability Authority a copy of the recorded deed and a copy of the appraisal.”

Time effective

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

Ratified the 11th day of March, 2021.

Approved the 15th day of March, 2021.

No. 5

(R6, S242)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 147 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “DRIVERS FOR A CURE” SPECIAL LICENSE PLATES.

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

‘Drivers for a Cure’ special license plates

SECTION 1. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 147

‘Drivers For a Cure’ Special License Plates

Section 56-3-14710. (A) The Department of Motor Vehicles may issue ‘Drivers For a Cure’ special license plates to owners of private passenger-carrying motor vehicles, as defined in Section 56-3-630, or motorcycles registered in their names. Each special license plate must be issued or revalidated for a biennial period that expires twenty-four months from the month the special license plate is issued.

(B) This special license plate must be the same size and general design as regular motor vehicle license plates.

(C) The requirements for production, collection, and distribution of fees for the plate are those set forth in Section 56-3-8100. The biennial fee for each special license plate is thirty dollars plus the regular motor vehicle license fee set forth in Article 5, Chapter 3, Title 56. Any portion of the thirty-dollar fee in excess of the costs of production and distribution of the license plates must be distributed evenly between the Medical University of South Carolina Hollings Cancer Center and the Duke Cancer Institute.”

Time effective

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

Ratified the 11th day of March, 2021.

Approved the 15th day of March, 2021.

No. 6

(R7, S287)

AN ACT TO AMEND SECTION 40-45-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO QUALIFICATIONS FOR LICENSURE BY THE BOARD OF PHYSICAL THERAPY EXAMINERS, AND SECTION 40-45-240, RELATING TO APPLICANTS FOR LICENSURE BY ENDORSEMENT FOR LICENSEES FROM OTHER JURISDICTIONS, BOTH SO AS TO REQUIRE CERTAIN FINGERPRINT-SUPPORTED STATE

AND NATIONAL CRIMINAL RECORDS CHECKS FOR INITIAL LICENSURE APPLICANTS, TO PROVIDE THE RESULTS OF THESE RECORDS CHECKS MUST BE PROVIDED TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO AUTHORIZE THE STATE LAW ENFORCEMENT DIVISION TO RETAIN FINGERPRINTS FOR CERTAIN PURPOSES, TO PROVIDE APPLICANTS MUST BARE RELATED COSTS, AND TO PROVIDE THE DEPARTMENT SHALL KEEP INFORMATION RECEIVED PURSUANT TO THIS ACT CONFIDENTIAL, SUBJECT TO AN EXCEPTION.

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

Licensure requirements, background checks added

SECTION 1. Section 40-45-220 of the 1976 Code is amended to read:

“Section 40-45-220. (A)(1) To be eligible for licensure as a physical therapist an applicant must:

(a)(i) be a graduate of a physical therapy educational program approved by the board;

(ii) pass an examination administered or approved by the board; and

(iii) speak the English language as a native language or demonstrate an effective proficiency of the English language in the manner prescribed by and to the satisfaction of the board; or

(b)(i) provide satisfactory evidence that his or her education is equivalent to the requirements of physical therapists educated in United States educational programs as determined by the board. If the board determines that an applicant’s education is not equivalent, it may require completion of additional course work before proceeding with the application process;

(ii) speak the English language as a native language or demonstrate an effective proficiency of the English language in the manner prescribed by and to the satisfaction of the board;

(iii) pass an examination administered or approved by the board;

(iv) submit evidence satisfactory to the board on a form approved by the board of not less than one thousand clinical practice hours under the on-site supervision of a licensed physical therapist in

this State or in a state with licensure requirements equal to or more stringent than this State.

(2) In addition to other requirements established by law and for the purpose of determining an applicant's eligibility for initial licensure as a physical therapist, the department may require a state criminal records check, supported by fingerprints, by the South Carolina 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 South Carolina Law Enforcement Division is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges. Costs of conducting a criminal history background check must be borne by the applicant. The department shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed as may be necessary to support the administrative action. The results of these criminal records checks must not be shared outside the department.

(B)(1) To be eligible for licensure as a physical therapist assistant an applicant must:

(a) be a graduate of a physical therapist assistant program approved by the board;

(b) pass an examination administered or approved by the board;
and

(c) speak the English language as a native language or demonstrate an effective proficiency of the English language in the manner prescribed by and to the satisfaction of the board.

(2) In addition to other requirements established by law and for the purpose of determining an applicant's eligibility for initial licensure as a physical therapist assistant, the department may require a state criminal records check, supported by fingerprints, by the South Carolina 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 South Carolina Law Enforcement Division is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges. Costs of conducting a criminal history background check must be borne by the applicant. The department shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed as may be necessary to support the

administrative action. The results of these criminal records checks must not be shared outside the department.

(C) The burden is upon the applicant to demonstrate to the satisfaction of the board and in the manner prescribed by the board that the applicant has the qualifications and is eligible for licensure.”

Licensure by endorsement requirements, background checks added

SECTION 2. Section 40-45-240(B) of the 1976 Code is amended by adding an item at the end to read:

“() when applying for initial licensure, submit to a state criminal records check, supported by fingerprints, by the South Carolina 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 South Carolina Law Enforcement Division is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges. Costs of conducting a criminal history background check must be borne by the applicant. The department shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed as may be necessary to support the administrative action. The results of these criminal records checks must not be shared outside the department.”

Time effective

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

Ratified the 11th day of March, 2021.

Approved the 15th day of March, 2021.

No. 7

(R11, H3691)

**AN ACT TO ADOPT REVISED CODE VOLUMES 1A AND 14A
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, 2021.**

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 1A and 14A 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 1A containing Titles 3 and 4, Code of Laws of South Carolina, 1976, is substituted for original Volume 1A which contained Titles 3 and 4.

(B) Revised Volume 14A containing Title 41, Code of Laws of South Carolina, 1976, is substituted for original Volume 14A which contained Title 41.

(C) Revised Volumes 1A and 14A 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, 2021.

Time effective

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

Ratified the 11th day of March, 2021.

Approved the 15th day of March, 2021.

No. 8

(R9, H3608)

A JOINT RESOLUTION TO ADDRESS A FUNDING SHORTFALL FOR THE PUBLIC CHARTER SCHOOL DISTRICT AS A RESULT OF THE GENERAL ASSEMBLY ENACTING ACT 135 OF 2020 DUE TO FINANCIAL UNCERTAINTIES CAUSED BY THE COVID-19 VIRUS, BY APPROPRIATING NINE MILLION DOLLARS TO THE DEPARTMENT OF EDUCATION FOR DISTRIBUTION TO THE PUBLIC CHARTER SCHOOL DISTRICT, INCLUDING THE CHARTER INSTITUTE AT ERSKINE, FOR PER PUPIL FUNDING FOR THE 2020-2021 SCHOOL YEAR.

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

SECTION 1. From the 2018-2019 Contingency Reserve Fund, there is appropriated \$9,000,000 to the Department of Education for distribution to the Public Charter School District, including the Charter Institute at Erskine, for per pupil funding in accordance with Act 91 of 2019, Part 1.B. Proviso 1.A.50. This funding shall not be used for administrative salary increases.

SECTION 2. Notwithstanding Section 59-40-55 of the 1976 Code, in the current fiscal year, a charter school sponsor may, but is not required to, approve charter applications that meet the requirements specified in Sections 59-40-50 and 59-40-60.

SECTION 3. This joint resolution takes effect upon approval by the Governor.

Ratified the 11th day of March, 2021.

Approved the 16th day of March, 2021.

No. 9

(R14, H3059)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING ARTICLE 3 OF CHAPTER 17, TITLE 51 RELATING TO THE HERITAGE TRUST REVENUE BONDS.

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

Heritage Trust Revenue Bonds, article repealed

SECTION 1. Article 3, Chapter 17, Title 51 of the 1976 Code is repealed.

Time effective

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

Ratified the 8th day of April, 2021.

Approved the 12th day of April, 2021.

No. 10

(R16, H3264)

AN ACT TO AMEND SECTION 7-9-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIRED NOTICES OF COUNTY CONVENTIONS, SO AS TO ELIMINATE THE REQUIREMENT THAT A COUNTY COMMITTEE PUBLISH CERTAIN NOTICES REGARDING COUNTY CONVENTIONS IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE COUNTY.

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

County conventions, time

SECTION 1. Section 7-9-70 of the 1976 Code is amended to read:

“Section 7-9-70. A county convention must be held during a twelve-month period ending March thirty-first of each general election year during a month determined by the state committee as provided in Section 7-9-100. The county committee shall set the date, time, and location during the month designated by the state committee for the county convention to be held. The date set by the county committee for the county convention must be at least two weeks before the state convention. When a month in a nongeneral election year is chosen for the county convention, it must be held for the purpose of reorganization only. The date, time, and location that the county convention must be reconvened during the general election year to nominate candidates for public office to be filled in the general election must be set by county committee.”

Time effective

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

Ratified the 8th day of April, 2021.

Approved the 12th day of April, 2021.

No. 11

(R17, H3501)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 148 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE TWO HUNDRED FIFTY YEAR ANNIVERSARY REVOLUTIONARY WAR COMMEMORATIVE SPECIAL LICENSE PLATES.

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

Special license plates

SECTION 1. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 148

Two Hundred Fifty Year Anniversary Revolutionary War
Commemorative Special License Plates

Section 56-3-14810. (A) The Department of Motor Vehicles may issue special commemorative motor vehicle license plates commemorating the two hundred fiftieth anniversary of the American Revolution to owners of private passenger carrying motor vehicles or motorcycles registered in their names. The biennial fee for this commemorative license plate is the same as the fee provided in Article 5, Chapter 3 of this title.

(B) The South Carolina Revolutionary War Sestercentennial Commission shall submit to the department for approval the design, emblem, seal, logo, or other symbols it desires to be used for this special license plate.

(C) This special license plate is exempt from the provisions contained in Section 56-3-8100.

(D) The production of this special license plate will cease January 1, 2033.”

Time effective

SECTION 2. This act takes effect January 1, 2022.

Ratified the 8th day of April, 2021.

Approved the 12th day of April, 2021.

No. 12

(R18, H3549)

AN ACT TO AMEND SECTION 50-9-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HUNTING AND FISHING LICENSES, SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO OFFER A

LICENSE, PERMIT, OR TAG MADE OF A DURABLE MATERIAL AND TO ESTABLISH A FEE; AND TO AMEND SECTION 50-9-50, RELATING TO THE POSSESSION OF A HUNTING OR FISHING LICENSE, PERMIT, OR STAMP, SO AS TO ALLOW FOR A PERSON HUNTING OR FISHING TO DISPLAY THEIR LICENSE, PERMIT, OR STAMP ELECTRONICALLY.

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

Hunting and fishing licenses, durable material

SECTION 1. Section 50-9-40 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“() The department may offer to fulfill any privilege for applicants on a card made of durable materials such as plastic or a similar product. The fee is six dollars of which the issuing vendor may retain one dollar.”

Electronic proof of license, permit, or stamp

SECTION 2. Section 50-9-50 of the 1976 Code is amended to read:

“Section 50-9-50. (A) Licenses, permits, tags, and stamps issued pursuant to this title must be carried on the person while exercising the privileges of the license, permit, tag, or stamp, and the person shall produce the license, permit, tag, or stamp to a law enforcement officer upon demand.

(B) A person exercising the privileges of a license, permit, or stamp may provide proof of the license, permit, or stamp to a law enforcement officer upon demand by use of a mobile electronic device in a format prescribed by the department. A person carrying a mobile electronic device with access to electronic proof of a license, permit, or stamp is deemed to be carrying the license, permit, or stamp on his person.

(C) A person who has been issued a license, permit, tag, or stamp but who fails to keep it in possession or provide electronic proof of the license, permit, or stamp while exercising the privileges granted under it is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty nor more than five hundred dollars or imprisoned not more than thirty days.”

Time effective

SECTION 3. This act takes effect July 1, 2021.

Ratified the 8th day of April, 2021.

Approved the 12th day of April, 2021.

No. 13

(R19, H3585)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-61-80 SO AS TO PROVIDE THE PROCEDURE FOR AN INSURER TO CANCEL, NONRENEW, OR TERMINATE ALL OR SUBSTANTIALLY ALL OF AN ENTIRE LINE OR CLASS OF BUSINESS; BY ADDING SECTION 38-77-400 SO AS TO REQUIRE AN INSURER TO PROVIDE A LISTING OF UNDERWRITING RESTRICTIONS UPON THE REQUEST OF THE DIRECTOR; TO AMEND SECTION 38-13-30, RELATING TO ORDERS RESULTING FROM EXAMINATIONS, SO AS TO ALLOW THE DIRECTOR OR HIS DESIGNEE TO SERVE AN ORDER UPON THE INSURER BY ELECTRONIC MAIL; TO AMEND SECTION 38-53-110, RELATING TO FINANCIAL STATEMENT REQUIREMENTS, SO AS TO PROVIDE A DEADLINE FOR SUBMISSION; TO AMEND SECTION 38-71-340, RELATING TO REQUIRED POLICY PROVISIONS, SO AS TO ADD A TIME OF PAYMENT OF CLAIMS REQUIREMENT FOR HEALTH INSURANCE COVERAGE; TO AMEND SECTION 38-75-730, AS AMENDED, RELATING TO RESTRICTIONS ON THE CANCELLATION OF POLICIES, SO AS TO DISTINGUISH THE CANCELLATION PROVISIONS FOR WORKERS' COMPENSATION INSURANCE POLICIES; TO AMEND SECTION 38-75-740, RELATING TO RESTRICTIONS ON THE NONRENEWAL OF POLICIES, SO AS TO REMOVE SPECIFIC DEADLINES; TO AMEND SECTION 38-75-1160, RELATING TO THE NOTICE REQUIREMENT PRIOR TO CANCELLATION OR REFUSAL TO RENEW, SO AS TO REMOVE SPECIFIC DEADLINES; AND TO AMEND SECTION 38-75-1240,

RELATING TO THE PROVISIONS TO THE DIRECTOR OF UNDERWRITING RESTRICTIONS BASED UPON GEOGRAPHY, SO AS TO REQUIRE AN INSURER TO PROVIDE A LIST OF UNDERWRITING RESTRICTIONS ONLY UPON THE REQUEST OF THE DIRECTOR REGARDLESS OF GEOGRAPHY.

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

Withdrawing from the market

SECTION 1. Chapter 61, Title 38 of the 1976 Code is amended by adding:

“Section 38-61-80. (A) An insurer must not cancel, nonrenew, or otherwise terminate all or substantially all of an entire line or class of business for the purpose of withdrawing from the market in this State unless:

(1) the insurer notified the director, in writing, of the action, including the reasons for such action, and plans for the orderly cessation of business at least one year before the completion of the withdrawal. This item must not be construed to prevent an insurer from canceling, nonrenewing, or terminating policies in the ordinary course of business that are not part of a plan to withdraw from an entire line or class of business or where the insurer, by contract, statute, or otherwise, has the right to take such action; or

(2) the insurer filed a plan of action for the orderly cessation of the insurer’s business within a period of time shorter than one year and the plan of action is approved by the director or his designee.

(B) An insurer’s rates, rules, and forms filed with the department are considered no longer on file for use with any new business in the market affected by the insurer’s withdrawal plan on and after the date the withdrawal plan goes into effect.

(C) This section does not apply to health insurance issuers offering health insurance coverage as defined in Article 3 or Article 5, Chapter 71, Title 38. Health insurance issuers must comply with other applicable provisions of Chapter 71, Title 38 regarding the discontinuance of all or a significant block of business or withdrawal from the market in this State.”

Underwriting restrictions, at the request of the director

SECTION 2. Article 3, Chapter 77, Title 38 of the 1976 Code is amended by adding:

“Section 38-77-400. Upon request of the director, an insurer must provide a listing of underwriting restrictions. These restrictions do not require approval of the director or his designee and are not public information.”

Review and order of director

SECTION 3. Section 38-13-30(D)(1) of the 1976 Code is amended to read:

“(1) Orders entered pursuant to subsection (C)(1) must be accompanied by findings and conclusions resulting from the director’s or his designee’s consideration and review of the examination report, relevant examiner work papers, and written submissions or rebuttals. The order must be considered a final administrative decision and may be appealed to the Administrative Law Court as provided by law. The order may be served upon the insurer by certified mail or electronic mail, with a copy of the adopted examination report. Within thirty days of the issuance of the adopted report, the insurer shall file affidavits executed by each of its directors stating under oath that they have received a copy of the adopted report and related orders.”

Financial statement required

SECTION 4. Section 38-53-110 of the 1976 Code is amended to read:

“Section 38-53-110. In addition to the other requirements of this chapter, every year, by March first, an applicant for a professional bondsman’s license shall furnish a detailed financial statement under oath and in a form as the director or his designee may require. The statement is subject to the same examination as is prescribed by law for domestic insurance companies.”

Required provisions

SECTION 5. Section 38-71-340(8) of the 1976 Code is amended to read:

“(8) A provision as follows:

TIME OF PAYMENT OF CLAIMS:

After receiving written proof of loss, the Company will pay _ [insert period for payment which may not be less frequently than monthly] all benefits then due for _ [insert applicable term for type of benefits].

Notwithstanding the above, the time of payment of claims provision in health insurance coverage as defined in Section 38-71-670(6) must read as follows:

TIME OF PAYMENT OF CLAIMS:

After receiving written proof of loss, the Company will pay _ [insert period for payment which may not be less prompt than those set forth in Section 38-59-230] all benefits then due for _ [insert applicable term for type of benefits].”

Restrictions on cancellation of policies and renewals

SECTION 6. Section 38-75-730 of the 1976 Code, as amended by Act 6 of 2019, is further amended to read:

“Section 38-75-730. (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.

(b) Cancellation under subsection (a)(1) of this section is not effective unless written notice of cancellation has been delivered or mailed to the insured and the agent of record, if any, not less than ten days prior to the proposed effective date of cancellation. Cancellation under subsection (a)(2) through (5) is not effective unless written notice

of cancellation has been delivered or mailed to the insured and the agent of record, if any, not less than thirty days prior to the proposed effective date of cancellation. The notice must be given or mailed to the insured and the agent at their addresses shown in the policy or, if not reflected therein, at their last known addresses. Any notice of cancellation shall state the precise reason for cancellation. Proof of mailing is sufficient proof of notice.

(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.

(d) For purposes of subsection (a)(3), substantial change in the risk assumed, if based upon changes in climatic conditions, must be based on statistical data relative to South Carolina that has been approved by the director or his designee as a basis for substantial change in the risk assumed.

(e) Cancellation of a workers' compensation insurance policy under this section is not effective unless written notice of cancellation is delivered or mailed to the South Carolina Workers' Compensation Commission, and to the insured, not less than the time frame required for notice to the insured under this section."

Restrictions on nonrenewal of policies

SECTION 7. Section 38-75-740 of the 1976 Code is amended to read:

"Section 38-75-740. (a) No insurance policy may be nonrenewed by an insurer except in accordance with the provisions of this section or Section 38-75-730, and any nonrenewal attempted which is not in compliance with this section or Section 38-75-730 is ineffective.

(b) A policy written for a term of one year or less may be nonrenewed by the insurer at its expiration date by giving or mailing written notice of nonrenewal to the insured and the agent of record, if any, not less than sixty days prior to the expiration date of the policy.

(c) Subject to subsection (c) of Section 38-75-760, a policy written for a term of more than one year or for an indefinite term may be

nonrenewed by the insurer at its anniversary date by giving or mailing written notice of nonrenewal to the insured and the agent of record, if any, not less than sixty days prior to the anniversary date of the policy.

(d) The notice required by this section must be given or mailed to the insured and the agent at their addresses shown in the policy or, if not reflected therein, at their last known addresses. Proof of mailing is sufficient proof of notice.

(e) Any notice of nonrenewal shall state the precise reason for nonrenewal.”

Notice requirement prior to cancellation or refusal to renew, exceptions

SECTION 8. Section 38-75-1160(A) of the 1976 Code is amended to read:

“(A)(1) Except for a cancellation pursuant to Section 38-75-730, a cancellation or refusal to renew by an insurer of a policy of insurance covered in this article is not effective unless the insurer delivers or mails to the named insured at the address shown in the policy a written notice of the cancellation or refusal to renew. This notice must:

(a) be approved as to form by the director or his designee before use;

(b) state the date not less than sixty days for any cancellation or refusal to renew after the date of the mailing or delivering on which the cancellation or refusal to renew becomes effective;

(c) state the specific reason of the insurer for cancellation or refusal to renew and provide for the notification required by Section 38-75-1180(B);

(d) inform the insured of his right to request in writing within thirty days of the receipt of notice that the director review the action of the insurer. The notice of cancellation or refusal to renew must contain the following statement in bold print to inform the insured of this right:

‘IMPORTANT NOTICE: Within thirty days of receiving this notice, you or your attorney may request in writing that the director review this action to determine whether the insurer has complied with South Carolina laws in canceling or nonrenewing your policy. If this insurer has failed to comply with the cancellation or nonrenewal laws, the director may require that your policy be reinstated. However, the director is prohibited from making underwriting judgments. If this insurer has complied with the cancellation or nonrenewal laws, the director does not have the authority to overturn this action.’

(e) inform the insured of the possible availability of other insurance which may be obtained through his agent, or through another insurer; and

(f) state that the Department of Insurance has available a buyer's guide regarding property insurance shopping and availability, and provide applicable mailing addresses and telephone numbers, including a toll-free number, if available, for contacting the Department of Insurance.

(2) Nothing in this subsection prohibits any insurer or agent from including in the notice of cancellation or refusal to renew, any additional disclosure statements required by state or federal laws, or any additional information relating to the availability of other insurance.”

Provision to director of underwriting restrictions

SECTION 9. Section 38-75-1240 of the 1976 Code is amended to read:

“Section 38-75-1240. An insurer shall provide upon the request of the director a listing of underwriting restrictions. These restrictions do not require approval of the director or his designee and are not public information.”

Time effective

SECTION 10. This act takes effect upon approval of the Governor.

Ratified the 8th day of April, 2021.

Approved the 12th day of April, 2021.

No. 14

(R20, H3587)

AN ACT TO AMEND SECTION 38-77-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF “REDUCTION IN COVERAGE”, SO AS TO PROHIBIT AN INSURER FROM TREATING A CORRECTION OF A TYPOGRAPHICAL OR SCRIVENER’S ERROR AS A REDUCTION IN COVERAGE; AND TO AMEND SECTION

38-77-120, RELATING TO NOTICE REQUIREMENTS FOR CANCELLATION OR THE REFUSAL TO REVIEW A POLICY, SO AS TO MAKE CONFORMING CHANGES.

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

Definitions

SECTION 1. Section 38-77-30(12.5) of the 1976 Code, as last amended by Act 174 of 2020, is further amended to read:

“(12.5) ‘Reduction in coverage’ means a change made by the insurer which results in a removal of coverage, diminution in scope or less coverage, or the addition of an exclusion. Reduction in coverage does not include any change, reduction, or elimination of coverage made at the request of the insured. The correction of a typographical or scrivener’s error or the application of mandated legislative changes is not a reduction in coverage.”

Requirements for notice of cancellation or refusal to renew policy

SECTION 2. Section 38-77-120(b) of the 1976 Code, as last amended by Act 174 of 2020, is further amended to read:

“(b) Subsection (a) does not apply if the:

(1) insurer has manifested to the insured its willingness to renew or to renew with a reduction in coverage by actually issuing or offering to the insured to issue a renewal policy, certificate, or other evidence of renewal, or has manifested such intention to the insured by any other means; provided, however, that in the case of a reduction in coverage, the insurer provides notice of a reduction in coverage to the named insured in a separate document entitled the ‘Notice of Reduction in Coverage’ no less than fifteen days prior to the effective date of the renewal that includes the proposed reduction in coverage. This notice must:

- (i) inform the insured of the reduction or elimination by the coverage section in the renewal policy or certificate; and
- (ii) provide that it is a notice of coverage changes.

The Notice of Reduction in Coverage does not amend, extend, or alter coverage provided in a policy. An insurer’s Notice of Reduction in Coverage must be provided to the director or his designee upon request when investigating a consumer complaint or when otherwise requested.

The director or his designee may direct the insurer to provide the renewal without the reduction in coverage if the insurer fails to meet the requirements of this section. The director or his designee may issue guidance to an insurer or to the industry regarding the form and contents of the Notice of Reduction in Coverage in response to consumer inquiries or complaints;

(2) named insured has demonstrated by some overt action to the insurer or its agent that he expressly intends that the policy be canceled or that it not be renewed.”

Time effective

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

Ratified the 8th day of April, 2021.

Approved the 12th day of April, 2021.

No. 15

(R21, H3684)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-5-1713 SO AS TO PROVIDE LIMITS FOR COBIA CAUGHT IN THE WATERS OF THIS STATE AND PROHIBIT THE TAKING OR POSSESSION OF COBIA WHEN FEDERAL REGULATIONS PROVIDE FOR THE CLOSURE OF A RECREATIONAL OR COMMERCIAL COBIA FISHERY IN THE WATERS OF THE SOUTH ATLANTIC OCEAN; AND TO AMEND SECTION 50-5-2730, AS AMENDED, RELATING TO THE APPLICATION OF FEDERAL FISHING REGULATIONS IN THE WATERS OF THIS STATE, SO AS TO REMOVE THE EXCEPTION FOR COBIA.

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

Cobia limits established

SECTION 1. Article 17, Chapter 5, Title 50 of the 1976 Code is amended by adding:

“Section 50-5-1713. (A) The following limits to cobia (*Rachycentron canadum*) are:

(1) one per person per day and no more than three per boat per day taken or possessed recreationally within the Southern Cobia Management Zone from June first to April thirtieth subject to a minimum size requirement of thirty-six inches in fork length. It is unlawful to take or possess cobia in the Southern Cobia Management Zone from May first to May thirty-first;

(2) one per person per day and no more than six per boat per day taken or possessed recreationally in the waters of this State outside of the Southern Cobia Management Zone subject to a minimum size requirement of thirty-six inches in fork length;

(3) two per licensed commercial fisherman per day and no more than six per boat per day taken or possessed commercially subject to a minimum size requirement of thirty-three inches in fork length.

(B) It is unlawful to sell cobia taken from the waters of this State. All cobia taken commercially from waters outside of this State must be sold to a licensed wholesale dealer who also is a federally permitted dealer.

(C) It is unlawful to take or possess cobia when federal regulations provide for the closure of the recreational or commercial cobia fishery in the waters of the South Atlantic Ocean.”

Cobia exception removed

SECTION 2. Section 50-5-2730(B) of the 1976 Code, as last amended by Act 210 of 2018, is further amended to read:

“(B) This provision does not apply to black sea bass (*Centropristis striata*) whose lawful catch limit is five fish per person per day or the same as the federal limit for black sea bass, whichever is higher. The lawful minimum size is thirteen inches total length. Additionally, there is no closed season on the catching of black sea bass (*Centropristis striata*).”

Time effective

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

Ratified the 8th day of April, 2021.

Approved the 12th day of April, 2021.

No. 16

(R25, H3548)

AN ACT TO AMEND SECTION 50-13-670, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POSSESSION OF NONGAME DEVICES, SO AS TO DELETE THE PROHIBITION ON THE POSSESSION OF A GAME FISH DEVICE WHILE POSSESSING OR USING A NONGAME DEVICE.

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

Nongame Device, game fish device prohibition removed

SECTION 1. Section 50-13-670 of the 1976 Code is amended to read:

“Section 50-13-670. It is unlawful for a person to have in possession game fish, except live bream on those water bodies where permitted as live bait, while possessing or using nongame devices. The provisions of this section do not apply to a person using a cast net.”

Time effective

SECTION 2. This act takes effect on July 1, 2021.

Ratified the 15th day of April, 2021.

Approved the 16th day of April, 2021.

No. 17

(R26, H3770)

A JOINT RESOLUTION TO AUTHORIZE THE USE OF FEDERAL FUNDS DISBURSED TO THE STATE PURSUANT TO THE FEDERAL “CONSOLIDATED APPROPRIATIONS

ACT, 2021” FOR THE EMERGENCY RENTAL ASSISTANCE PROGRAM; TO CREATE THE SOUTH CAROLINA EMERGENCY RENTAL ASSISTANCE PROGRAM AND TO PROVIDE THE MANNER IN WHICH THE FUNDS MUST BE DISTRIBUTED; TO PROVIDE THAT CERTAIN COLLEGES AND UNIVERSITIES MAY CONTRACT WITH PRIVATE PARTIES TO PROVIDE SERVICES RELATED TO CERTAIN FEDERAL EMPLOYMENT TAX CREDITS; AND TO PROVIDE THAT THE SOUTH CAROLINA STATE HOUSING FINANCING AND DEVELOPMENT AUTHORITY SHALL TAKE CERTAIN ACTIONS TO ENSURE THAT ELIGIBLE HOUSEHOLDS AND LANDLORDS ARE AWARE OF THE PROGRAM.

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

Authorization to expend funds

SECTION 1. (A) The federal funds disbursed to the State pursuant to the federal “Consolidated Appropriations Act, 2021” for the Emergency Rental Assistance Program, are hereby authorized to be expended as set forth in this Joint Resolution.

(B) In accordance with the provisions of the Consolidated Appropriations Act, 2021, applications for funding can be made by a utility, landlord, or tenant on behalf of the eligible household.

South Carolina Emergency Rental Assistance Program

SECTION 2. (A)(1) There is created the South Carolina Emergency Rental Assistance Program (program) administered by the South Carolina State Housing Financing and Development Authority (SC Housing), under the direction of its board of commissioners, with the funds appropriated in SECTION 1, to assist eligible households that are unable to pay rent, utilities, and other expenses incurred related to housing due to the COVID-19 pandemic, as defined by the Secretary of the Treasury.

(2) SC Housing shall obligate all the funds authorized in SECTION 1 for the program by September 30, 2021.

(B) SC Housing shall secure professional grant management services to assist with disbursing the federal funds authorized in SECTION 1 in an expeditious manner. SC Housing shall use the contract awarded pursuant to the procurement process established by Section 2(A) of Act

135 of 2020, for professional grant management services that provided for services including, but not limited to, understanding the requirements and funding streams related to federal COVID-19 relief funds; creating a framework for distribution management from application for funds to disbursement of funds to include the development of processes and controls, data collection, evaluation of requests, and reporting; and creating a system of monitoring for compliance and detecting possible fraud, waste, and abuse.

(C)(1) An “eligible household” means a renter household in which at least one individual:

(a) qualifies for unemployment or has experienced a reduction in household income, incurred significant costs, or experienced a financial hardship due to COVID-19;

(b) demonstrates a risk of experiencing homelessness or housing instability; and

(c) has a household income at or below eighty percent of the area median.

(2) Rental assistance provided to an eligible household should not be duplicative of any other federally funded rental assistance provided to such household.

(3) Eligible households that include an individual who has been unemployed for the ninety days or more before applying for assistance and households with income at or below fifty percent of the area median are to be prioritized for assistance.

(4) Household income is determined as either the household’s total income for calendar year 2020 or the household’s monthly income at the time of application. For household incomes determined using the latter method, income eligibility must be redetermined every three months.

(5) If the eligibility requirements of the federal Emergency Rental Assistance Program are amended, the eligibility requirements contained in this subsection are amended to conform to the federal amendments.

(D) SC Housing may not award funds to residents of Anderson, Berkeley, Charleston, Greenville, Horry, Richland, or Spartanburg counties unless there are additional funds remaining after obligating funds to all other eligible residents in the State.

(E)(1) There is created the South Carolina Emergency Rental Assistance Program Advisory Panel. The panel consists of:

(a) the Director of the Department of Administration, or his designee;

(b) the Director of the Office of Regulatory Staff, or his designee;

(c) one representative recommended by the Association of Counties appointed by the Board of Directors of SC Housing;

(d) one representative from the Affordable Housing Coalition of South Carolina appointed by the Board of Directors of SC Housing;

(e) one representative from the South Carolina Association for Community Economic Development appointed by the Board of Directors of SC Housing; and

(f) one representative from a utility provider appointed by the Public Service Commission.

(2) The panel shall review and monitor the implementation and evaluation of the program and funding.

Federal employment tax credits

SECTION 3. Colleges, universities, and entities that provide medical and hospital care, whose employees are employees of the State of South Carolina or any political subdivision thereof, are authorized to contract directly with private parties to provide services related to federal employment tax credits pursuant to the Federal CARES Act of 2020 as extended to such state employees under Section 207 of the Taxpayer Certainty and Disaster Tax Relief Act of 2020.

Notice of eligibility

SECTION 4. SC Housing must take action, to include working with the judicial department, to ensure that eligible households and landlords are aware of the program and that program information is distributed in rental deferrals and evictions cases.

Time effective

SECTION 5. This joint resolution takes effect upon approval by the Governor.

Ratified the 15th day of April, 2021.

Approved the 16th day of April, 2021.

No. 18

(R27, H3726)

AN ACT TO AMEND SECTION 12-36-90, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF “GROSS PROCEEDS OF SALES”, SO AS TO EXCLUDE AMOUNTS RECEIVED FROM A BUYDOWN.

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

Gross proceeds of sales

SECTION 1. Section 12-36-90(2) of the 1976 Code is amended by adding an appropriately lettered subitem at the end to read:

“() amounts received from a buydown. For purposes of this subitem, ‘buydown’ means an agreement between a retailer and a manufacturer or wholesaler in which the retailer receives a payment from the manufacturer or wholesaler that requires the retailer to reduce the sales price of the manufacturer’s or wholesaler’s product to the retail purchaser. This subitem does not apply to amounts received by a retailer from a retail sales transaction in which a retail purchaser uses a manufacturer’s or wholesaler’s coupon.”

Time effective

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

Ratified the 15th day of April, 2021.

Approved the 16th day of April, 2021.

No. 19

(R31, S454)

AN ACT TO AMEND SECTION 40-33-43, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORIZED PROVISION OF MEDICATIONS BY UNLICENSED PERSONS

**IN COMMUNITY RESIDENTIAL FACILITIES, SO AS TO
EXTEND THESE PROVISIONS TO CORRECTIONAL
FACILITIES.**

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

Unauthorized persons may administer

SECTION 1. Section 40-33-43 of the 1976 Code is amended to read:

“Section 40-33-43. In community residential care facilities and correctional facilities, the provision of medications may be performed by selected unlicensed persons with documented medication training and skill competency evaluation. The provision of medications by selected unlicensed persons is limited to oral and topical medications, and regularly scheduled insulin, and prescribed anaphylactic treatments under established medical protocol and does not include sliding scale insulin or other injectable medications. Licensed nurses may train and supervise selected unlicensed persons to provide medications and, after reviewing their competency evaluations, may approve selected unlicensed persons for the provision of medications.”

Time effective

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

Ratified the 22nd day of April, 2021.

Approved the 22nd day of April, 2021.

No. 20

(R36, H3589)

**AN ACT TO AMEND SECTION 59-19-350, CODE OF LAWS OF
SOUTH CAROLINA, 1976, RELATING TO THE
ESTABLISHMENT OF SCHOOLS OF CHOICE EXEMPT
FROM CERTAIN STATUTES AND REGULATIONS, SO AS TO
REDESIGNATE THESE SCHOOLS AS BEING SCHOOLS OF
INNOVATION, TO CLARIFY THAT PUBLIC SCHOOL**

DISTRICTS MAY ESTABLISH MULTIPLE SCHOOLS OF INNOVATION, AND TO PROVIDE PROCEDURES FOR OBTAINING AND RENEWING STATUS AS A SCHOOL OF INNOVATION.

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

Schools of Choice redesignated as Schools of Innovation, procedures

SECTION 1. Section 59-19-350(A) of the 1976 Code is amended to read:

“(A)(1) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district, may create one or more schools of innovation within the district that are exempt from applicable state statutes and regulations which govern other schools in the district. To achieve the status of a school of innovation and have exemption from specific statutes and regulations, the local board of trustees, at a public meeting, shall identify specific statutes and regulations which will be considered for exemption and shall disclose the financial model to be used. The exemption may be granted by the governing board of the district only if there is a two-thirds affirmative vote of the board for each exemption and the proposed exemption is approved by the State Board of Education, provided a district may not designate all schools in the district as schools of innovation.

(2) To achieve the status of exemption:

(a) A school district must identify each state statute, regulation, and local district policy from which the school is requesting exemption and specify how this flexibility will support academic achievement for students and the Profile of the Graduate. No district is permitted to request flexibility from all state regulations and statutes for any school or schools.

(b) The district superintendent must submit a request containing the information in subitem (a) to the local board of trustees for approval, which must be considered in a public meeting and requires a two-thirds vote of the board for approval. Any change in the request must be approved by the local board by a two-thirds vote.

(c) Once approved by a local school board, the district superintendent must submit the request to the State Board of Education for approval, which requires a two-thirds vote of the State Board. Any change in a request that is pending approval by, or has been approved

by, the State Board of Education must be made in the same manner as provided in subitem (b) and this subitem for initial requests.

(3) Each school of innovation annually before July first shall:

(a) demonstrate compliance with the financial model identified in item (1);

(b) provide full financial statements detailing how it receives and expends funds; and

(c) report the academic achievement of its students as indicated by the performance of its students on the same assessments and matrices required of all other public schools, based on grade level.

(4) Nothing in this section permits a local school district board of trustees to relinquish control or oversight of the schools created pursuant to this section, and the local school district board must ensure transparent and timely reporting of fiscal and academic performance for each school of innovation.”

Time effective

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

Ratified the 22nd day of April, 2021.

Approved the 22nd day of April, 2021.

No. 21

(R30, S271)

AN ACT TO AMEND SECTION 12-65-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE TEXTILE COMMUNITIES REVITALIZATION ACT, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE DEFINITION OF “CONTIGUOUS PARCEL”; AND TO EXTEND THE PROVISIONS OF THE SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT, AS CONTAINED IN CHAPTER 67, TITLE 12 OF THE 1976 CODE, UNTIL DECEMBER 31, 2025.

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

Abandoned Buildings Revitalization Act extension

SECTION 1. Notwithstanding SECTION 1.B. of Act 57 of 2013, the provisions of Chapter 67, Title 12 of the 1976 Code are repealed on December 31, 2025.

Textiles Communities Revitalization Act

SECTION 2. A. Section 12-65-20(4)(b) of the 1976 Code, as last amended by Act 50 of 2019, is further amended to read:

“(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 private or public roads and railroad rights of way.”

B. This SECTION takes effect upon approval by the Governor and first applies to tax years beginning after 2020.

Time effective

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

Ratified the 22nd day of April, 2021.

Approved the 26th day of April, 2021.

No. 22

(R32, S571)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-53-361 SO AS TO REQUIRE PRESCRIBERS TO OFFER A PRESCRIPTION FOR NALOXONE HYDROCHLORIDE OR OTHER APPROVED DRUG TO A PATIENT UNDER CERTAIN CIRCUMSTANCES, AND FOR OTHER PURPOSES.

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

Prescriptions, opioid antidote

SECTION 1. Article 3, Chapter 53, Title 44 of the 1976 Code is amended by adding:

“Section 44-53-361. (A) A prescriber shall:

(1) offer a prescription for naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression to a patient if one or more of the following conditions are present:

(a) the prescription dosage for the patient is fifty or more morphine milligram equivalents of an opioid medication per day;

(b) an opioid medication is prescribed concurrently with a prescription for benzodiazepine; or

(c) the patient presents with an increased risk for overdose, including a patient with a history of overdose, a patient with a history of substance use disorder, or a patient at risk for returning to a high dose of opioid medication to which the patient is no longer tolerant;

(2) consistent with the existing standard of care, provide education to patients receiving a prescription pursuant to item (1) on overdose prevention and the use of naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression; and

(3) consistent with the existing standard of care, provide education on overdose prevention and the use of naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression to one or more persons designated by the patient or, for a patient who is a minor, to the patient’s parent or guardian.

(B) A prescriber who fails to offer a prescription, as required by subsection (A)(1), or fails to provide the education and use information required by subsections (A)(2) and (3) may be subject to discipline by the appropriate licensing board. This section does not create a private right of action against a prescriber and does not limit a prescriber's liability for negligent failure to diagnose or treat a patient."

Time effective

SECTION 2. This act takes effect ninety days after approval by the Governor.

Ratified the 22nd day of April, 2021.

Approved the 26th day of April, 2021.

No. 23

(R34, H3179)

AN ACT TO AMEND SECTION 44-53-360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRESCRIPTIONS, SO AS TO EXEMPT SURGICALLY IMPLANTED DRUG DELIVERY SYSTEMS FROM THE THIRTY-ONE-DAY SUPPLY LIMITATION.

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

Schedule II prescription supply limitation, exceptions

SECTION 1. Section 44-53-360(e) of the 1976 Code is amended to read:

“(e) Prescriptions for controlled substances in Schedule II with the exception of transdermal patches and surgically implanted drug delivery systems, must not exceed a thirty-one-day supply. Prescriptions for Schedule II substances must be dispensed within ninety days of the date of issue, after which time they are void. Prescriptions for controlled substances in Schedules III through V, inclusive, must not exceed a ninety-day supply.”

Time effective

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

Ratified the 22nd day of April, 2021.

Approved the 26th day of April, 2021.

No. 24

(R35, H3567)

AN ACT TO AMEND SECTION 63-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE CHILDREN'S CODE, SO AS TO ADD A DEFINITION FOR "QUALIFIED RESIDENTIAL TREATMENT PROGRAM" AND OTHER TERMS; TO AMEND SECTIONS 63-7-1210 AND 63-7-2350, AS AMENDED, RELATING TO INVESTIGATIONS OF INSTITUTIONAL ABUSE AND RESTRICTIONS ON FOSTER CARE PLACEMENTS, RESPECTIVELY, SO AS TO MAKE CONFORMING CHANGES; BY ADDING SECTIONS 63-7-1730 AND 63-7-1740 SO AS TO REQUIRE ASSESSMENT, CASE PLANNING, AND JUDICIAL REVIEW FOR CHILDREN PLACED IN QUALIFIED RESIDENTIAL TREATMENT PROGRAMS; AND TO AMEND SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO MAKE CONFORMING CHANGES.

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

Definitions

SECTION 1. Section 63-7-20(7)-(27) of the 1976 Code is amended to read:

“(7) ‘Childcare institution’ means a private childcare institution, or a public childcare institution which accommodates no more than twenty-five children, that is licensed by the department. ‘Childcare institution’ does not include wilderness camps or training schools, nor

does it include any facility that exists primarily for the detention or correction of children.

(8) 'Child protective investigation' means an inquiry conducted by the department in response to a report of child abuse or neglect made pursuant to this chapter.

(9) 'Child protective services' means assistance provided by the department as a result of indicated reports or affirmative determinations of child abuse or neglect, including assistance ordered by the family court or consented to by the family. The objectives of child protective services are to:

(a) protect the child's safety and welfare; and

(b) maintain the child within the family unless the safety of the child requires placement outside the home.

(10) 'Court' means the family court.

(11) 'Department' means the Department of Social Services.

(12) 'Emergency protective custody' means the right to physical custody of a child for a temporary period of no more than twenty-four hours to protect the child from imminent danger.

Emergency protective custody may be taken only by a law enforcement officer pursuant to this chapter.

(13) 'Guardianship of a child' means the duty and authority vested in a person by the family court to make certain decisions regarding a child, including:

(a) consenting to a marriage, enlistment in the armed forces, and medical and surgical treatment;

(b) representing a child in legal actions and to make other decisions of substantial legal significance affecting a child; and

(c) rights and responsibilities of legal custody when legal custody has not been vested by the court in another person, agency, or institution.

(14) 'Indicated report' means a report of child abuse or neglect supported by facts which warrant a finding by a preponderance of evidence that abuse or neglect is more likely than not to have occurred.

(15) 'Institutional child abuse and neglect' means situations of known or suspected child abuse or neglect where the person responsible for the child's welfare is the employee of a public or private residential home, institution, or agency.

(16) 'Legal custody' means the right to the physical custody, care, and control of a child; the right to determine where the child shall live; the right and duty to provide protection, food, clothing, shelter, ordinary medical care, education, supervision, and discipline for a child and in an emergency to authorize surgery or other extraordinary care. The court may in its order place other rights and duties with the legal custodian.

Unless otherwise provided by court order, the parent or guardian retains the right to make decisions of substantial legal significance affecting the child, including consent to a marriage, enlistment in the armed forces, and major nonemergency medical and surgical treatment, the obligation to provide financial support or other funds for the care of the child, and other residual rights or obligations as may be provided by order of the court.

(17) 'Mental injury' means an injury to the intellectual, emotional, or psychological capacity or functioning of a child as evidenced by a discernible and substantial impairment of the child's ability to function when the existence of that impairment is supported by the opinion of a mental health professional or medical professional.

(18) 'Party in interest' includes the child, the child's attorney and guardian ad litem, the natural parent, an individual with physical or legal custody of the child, the foster parent, and the local foster care review board.

(19) 'Person responsible for a child's welfare' includes the child's parent, guardian, foster parent, an operator, employee, or caregiver, as defined by Section 63-13-20, of a public or private residential home, institution, agency, or childcare facility or an adult who has assumed the role or responsibility of a parent or guardian for the child, but who does not necessarily have legal custody of the child. A person whose only role is as a caregiver and whose contact is only incidental with a child, such as a babysitter or a person who has only incidental contact but may not be a caretaker, has not assumed the role or responsibility of a parent or guardian. An investigation pursuant to Section 63-7-920 must be initiated when the information contained in a report otherwise sufficient under this section does not establish whether the person has assumed the role or responsibility of a parent or guardian for the child.

(20) 'Physical custody' means the lawful, actual possession and control of a child.

(21) 'Physical injury' means death or permanent or temporary disfigurement or impairment of any bodily organ or function.

(22) 'Preponderance of evidence' means evidence which, when fairly considered, is more convincing as to its truth than the evidence in opposition.

(23) 'Probable cause' means facts and circumstances based upon accurate and reliable information, including hearsay, that would justify a reasonable person to believe that a child subject to a report under this chapter is abused or neglected.

(24) 'Protective services unit' means the unit established within the Department of Social Services which has prime responsibility for state

efforts to strengthen and improve the prevention, identification, and treatment of child abuse and neglect.

(25) 'Qualified individual' means a trained professional or licensed clinician. A 'qualified individual' may be an employee of the department or affiliated with the placement setting, but the individual must maintain objectivity in determining the appropriate placement for the child.

(26) 'Qualified residential treatment program' means a childcare institution that:

(a) has a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and, with respect to a child, is able to implement the treatment identified for the child by the assessment of the child required pursuant to Section 63-7-1730;

(b) has registered or licensed nursing staff and other licensed clinical staff who:

(i) provide care within the scope of their practice as defined by state law;

(ii) are on-site according to the treatment model referred to in subitem (a); and

(iii) are available twenty-four hours a day and seven days a week;

(c) to the extent appropriate, and in accordance with the child's best interests, facilitates participation of family members in the child's treatment program;

(d) facilitates outreach to the family members of the child, including siblings; documents how the outreach is made, including contact information; and maintains contact information for any known biological family and fictive kin of the child;

(e) documents how family members are integrated into the treatment process for the child, including postdischarge, and how sibling connections are maintained;

(f) provides discharge planning and family-based aftercare support for at least six months postdischarge; and

(g) is licensed by the department and is accredited by any of the following independent, not-for-profit organizations:

(i) Commission on Accreditation of Rehabilitation Facilities (CARF);

(ii) Joint Commission on Accreditation of Health Care Organizations (JCAHO);

(iii) Council on Accreditation (COA);

(iv) Teaching Family Association;

(v) Educational Assessment Guidelines Leading Toward Excellence (EAGLE); or

(vi) another organization approved by the department.

(27) ‘Reasonable and prudent parent standard’ means the standard of care characterized by careful and sensible parental decisions that maintain the health, safety, and best interest of a child while at the same time encouraging the growth and development of the child, that a caregiver shall use when determining whether to allow a child in foster care to participate in age or developmentally appropriate activities.

(28) ‘Subject of the report’ means a person who is alleged or determined to have abused or neglected the child, who is mentioned by name in a report or finding.

(29) ‘Suspected report’ means all initial reports of child abuse or neglect received pursuant to this chapter.

(30) ‘Unfounded report’ means a report made pursuant to this chapter for which there is not a preponderance of evidence to believe that the child is abused or neglected. For the purposes of this chapter, it is presumed that all reports are unfounded unless the department determines otherwise.”

Institutional abuse investigations

SECTION 2. Section 63-7-1210(A) of the 1976 Code is amended to read:

“(A) The Department of Social Services is authorized to receive and investigate reports of abuse and neglect of children who reside in or receive care or supervision in residential institutions, foster homes, qualified residential treatment programs, and childcare facilities. Responsibility for investigating these entities must be assigned to a unit or units not responsible for selecting or licensing these entities. In no case does the Department of Social Services have responsibility for investigating allegations of abuse and neglect in institutions operated by the Department of Social Services.”

Foster care placement restrictions

SECTION 3. Section 63-7-2350(A) of the 1976 Code, as last amended by Act 140 of 2020, before the numbered items, is further amended to read:

“(A) No child in the custody of the Department of Social Services may be placed in a foster home, adoptive home, qualified residential treatment program, or residential facility with a person if the person or anyone eighteen years of age or older residing in the home or a person working in the qualified residential treatment program or residential facility:”

Qualified residential treatment program placement

SECTION 4. Subarticle 11, Article 3, Chapter 7, Title 63 of the 1976 Code is amended by adding:

“Section 63-7-1730. (A) A child in the department’s custody who is placed in a qualified residential treatment program is subject to assessment, case planning, and documentation requirements as outlined in this section.

(B) Within thirty days of the start of each placement in a qualified residential treatment program, a qualified individual shall:

(1) assess the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool approved by the department;

(2) determine whether the needs of the child can be met with family members or through placement in a foster family home or, if not, which placement setting would provide the most effective and appropriate level of care for the child in the least restrictive environment and would be consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and

(3) develop a list of child-specific short- and long-term mental and behavioral health goals.

(C) The department shall assemble a child and family team for the child. The qualified individual conducting the assessment required pursuant to this section shall work in conjunction with the child and family team while conducting and making the assessment.

(D) The child and family team shall consist of all appropriate biological family members, relatives, and fictive kin of the child, as well as, appropriate professionals who are a resource to the family of the child, such as teachers, medical or mental health providers who have treated the child, or clergy. In the case of a child who has attained age fourteen, the child and family team shall include the members of the permanency team selected by the child.

(E) The department shall document in the child’s case plan:

(1) the reasonable and good faith efforts of the department to identify and include all the individuals described in subsection (D) on the child and family team;

(2) all contact information for members of the child and family team, as well as contact information for other family members and fictive kin who are not part of the child and family team;

(3) evidence that meetings of the child and family team, including meetings relating to the assessment required pursuant to subsection (B), are held at a time and place convenient for family;

(4) if reunification is the goal, evidence demonstrating that the parent from whom the child was removed provided input on the members of the child and family team;

(5) evidence that the assessment required pursuant to subsection (B) is determined in conjunction with the child and family team;

(6) the placement preferences of the child and family team relative to the assessment that recognizes children should be placed with their siblings unless there is a finding by the court that such placement is contrary to their best interest; and

(7) if the placement preferences of the child and family team and child are not the placement setting recommended by the qualified individual conducting the assessment pursuant to subsection (B), the reasons why the preferences of the team and of the child were not recommended.

(F) In the case of a child who the qualified individual conducting the assessment pursuant to subsection (B) determines should not be placed in a foster family home, the qualified individual shall specify in writing the reasons why the needs of the child cannot be met by the family of the child or in a foster family home. A shortage or lack of foster family homes is not an acceptable reason for determining that the needs of the child cannot be met in a foster family home. The qualified individual also shall specify in writing why the recommended placement in a qualified residential treatment program is the setting that will provide the child with the most effective and appropriate level of care in the least restrictive environment and how that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child.

Section 63-7-1740. (A) The court shall review the status of a child placed in a qualified residential treatment program as prescribed in this section.

(B) Within sixty days of the start of each placement in a qualified residential treatment program, the court independently, shall:

(1) consider the assessment, determination, and documentation of the qualified individual conducting the assessment pursuant to Section 63-7-1730;

(2) determine whether the needs of the child can be met through placement in a foster family home or, if not, whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and

(3) approve or disapprove the placement in a written court order.

(C) The written documentation required pursuant to Section 63-7-1730(E) and the court's approval or disapproval of the placement in a qualified residential treatment program must be included in the case plan for the child and must be incorporated in the court order.

(D) As long as a child remains in a qualified residential treatment program, the department shall submit evidence at any subsequent hearing:

(1) demonstrating that ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home;

(2) that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment;

(3) that the placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child;

(4) documenting the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and

(5) documenting the efforts made by the department to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, an adoptive parent, or in a foster family home.

(E) The evidence required pursuant to subsection (D) must be included in the case plan for the child. The order of the court must address the evidence and must state whether the court approves or disapproves the placement in a qualified residential treatment program.”

Permanency planning, qualified residential treatment program placement

SECTION 5.A. Section 63-7-1700(B) of the 1976 Code is amended by adding:

“(7) that information necessary to support the determinations required pursuant to Section 63-7-1740.”

B. Section 63-7-1700 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“() In the case of a child who remains in a qualified residential treatment program, the court in its order shall address the evidence presented pursuant to subsection (B)(7) and shall state whether the court approves or disapproves the placement in a qualified residential treatment program.”

Time effective

SECTION 6. This act takes effect upon approval by the Governor.

Ratified the 22nd day of April, 2021.

Approved the 26th day of April, 2021.

No. 25

(R37, H3664)

AN ACT TO AMEND SECTION 40-57-115, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL BACKGROUND CHECKS REQUIRED FOR INITIAL LICENSURE BY THE REAL ESTATE COMMISSION, SO AS TO REQUIRE SOCIAL SECURITY NUMBER-BASED CRIMINAL RECORDS CHECKS IN ADDITION TO EXISTING REQUIREMENTS.

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

Initial licensure background check criteria, social security numbers

SECTION 1. Section 40-57-115 of the 1976 Code is amended to read:

“Section 40-57-115. In addition to other requirements established by law and for the purpose of determining an applicant’s eligibility for licensure as a salesman, broker, broker-in-charge, property manager, and property manager-in-charge, the commission shall require initial applicants and applicants for licensure renewal to submit to a state fingerprint-based criminal records check, to be conducted by the State Law Enforcement Division (SLED); a national criminal records check, supported by fingerprints, by the FBI; and a social security number-based criminal records check from a source approved by the commission. Costs of conducting a criminal records check must be borne by the applicant. The commission shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed as necessary to support the administrative action.”

Time effective

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

Ratified the 22nd day of April, 2021.

Approved the 26th day of April, 2021.

No. 26

(R38, S38)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “REINFORCING COLLEGE EDUCATION ON AMERICA’S CONSTITUTIONAL HERITAGE ACT” OR THE “REACH ACT”; TO AMEND SECTION 59-29-120, RELATING TO THE STUDY OF THE UNITED STATES CONSTITUTION REQUIRED FOR GRADUATION, SO AS TO PROVIDE PUBLIC HIGH SCHOOLS SHALL PROVIDE INSTRUCTION CONCERNING THE UNITED STATES CONSTITUTION, THE DECLARATION OF INDEPENDENCE, THE EMANCIPATION PROCLAMATION, AND THE FEDERALIST PAPERS TO EACH STUDENT FOR AT LEAST ONE YEAR; TO AMEND SECTION 59-29-130, RELATING TO THE DURATION OF INSTRUCTION IN THE

ESSENTIALS OF THE UNITED STATES CONSTITUTION, SO AS TO PROVIDE PUBLIC INSTITUTIONS OF HIGHER LEARNING SHALL REQUIRE STUDENTS TO COMPLETE AT LEAST THREE CREDIT HOURS OF INSTRUCTION THAT PROVIDES A COMPREHENSIVE OVERVIEW OF THE MAJOR EVENTS AND TURNING POINTS OF AMERICAN HISTORY AND GOVERNMENT, TO INCLUDE SPECIFIC REQUIREMENTS FOR SUCH INSTRUCTION, TO PROVIDE PUBLIC INSTITUTIONS OF HIGHER LEARNING MAY NOT GRANT CERTIFICATES OF GRADUATION FOR BACCALAUREATE DEGREE PROGRAMS TO STUDENTS WHO FAIL TO SUCCESSFULLY COMPLETE THIS INSTRUCTION REQUIREMENT, TO PROVIDE EXEMPTIONS, TO PROVIDE RELATED IMPLEMENTATION REQUIREMENTS OF THE GOVERNING BOARDS OF PUBLIC INSTITUTIONS OF HIGHER LEARNING, TO PROVIDE RELATED OVERSIGHT AND COMPLIANCE REPORTING REQUIREMENTS OF THE COMMISSION OF HIGHER EDUCATION, AND TO SPECIFY THE STUDENTS TO WHICH THESE PROVISIONS APPLY; TO REPEAL SECTION 59-29-140 RELATING TO THE ENFORCEMENT OF THE PROGRAM OF STUDY OF THE UNITED STATES CONSTITUTION BY THE STATE SUPERINTENDENT OF EDUCATION; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE BEGINNING WITH THE 2021-2022 SCHOOL YEAR.

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

Public high schools, required instruction

SECTION 1. Section 59-29-120(A) of the 1976 Code is amended to read:

“(A) All public high schools must give instruction in the essentials of the United States Constitution, the Declaration of Independence, the Emancipation Proclamation, and the Federalist Papers. No student in any such school may receive a certificate of graduation without previously passing a course that includes instruction in the provisions and principles of the United States Constitution, the Declaration of Independence, the Emancipation Proclamation, and the Federalist Papers.”

Public institutions of higher learning, required instruction, applicability

SECTION 2. A. Section 59-29-130 of the 1976 Code is amended to read:

“Section 59-29-130. (A)(1)(a) A public institution of higher learning, as defined in Section 59-103-5, that offers classes which may fulfill general education or liberal arts requirements shall require each undergraduate student, except a student eligible for the exemption provided in item (2), to complete no fewer than three semester credit hours or their equivalent in American history, American government, or another equivalent course of instruction that provides a comprehensive overview of the major events and turning points of American history and government which includes, at a minimum, reading:

- (i) the United States Constitution in its entirety;
- (ii) the Declaration of Independence in its entirety;
- (iii) the Emancipation Proclamation in its entirety;
- (iv) a minimum of five essays in their entirety from the Federalist Papers as selected by an instructor; and
- (v) one or more documents that are foundational to the African American Freedom struggle.

(b) No public institution of higher learning may grant a certificate of graduation for a baccalaureate degree program to a student unless he successfully completes the requirements of this subsection.

(2) A public institution of higher learning may exempt a student who has completed three semester credit hours, or their equivalent, in an Advanced Placement, International Baccalaureate (IB), or dual-credit course with a passing grade in the subject of American government or American history, provided the completed three semester credit hours, or their equivalent, in an Advanced Placement, International Baccalaureate, or dual-credit course must satisfy the requirements of item (1).

(B) The board of trustees of a public institution of higher learning shall ensure that the requirements of this section are incorporated into the degree requirements of all undergraduate degree programs in a manner that does not:

- (1) add to the total number of credit hours for any degree; and
- (2) conflict with any school accreditation process.

(C) The Commission on Higher Education shall ensure the compliance of each public institution of higher learning with all provisions of this section. The commission annually shall collect

information necessary to ensure that a public institution of higher learning is in compliance with this section. This information annually must be reported to the Chairman of the House of Representatives Ways and Means Committee, the Chairman of the House of Representatives Education and Public Works Committee, the Chairman of the Senate Finance Committee, and the Chairman of the Senate Education Committee.”

B. Section 59-29-130, as amended by this act, applies to the first incoming undergraduate freshman class entering a public institution of higher learning after the effective date of this act and each subsequent undergraduate class thereafter. Nothing contained in Section 59-29-130 may be construed to prevent an undergraduate student enrolled in a public institution of higher learning on the effective date of this act from receiving a certificate of graduation.

Repeal

SECTION 3. Section 59-29-140 of the 1976 Code, relating to the enforcement of the program of study of the United States Constitution by the State Superintendent, is repealed.

Severability

SECTION 4. 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 5. This act takes effect beginning with the 2021-2022 School Year.

Ratified the 28th day of April, 2021.

Approved the 28th day of April, 2021.

No. 27

(R40, H3101)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 40 TO CHAPTER 5, TITLE 56 SO AS TO DEFINE THE TERM "SALVAGE POOL OPERATOR" AND PROVIDE FOR THE DISPOSITION OF A MOTOR VEHICLE IN THE POSSESSION OF A SALVAGE POOL OPERATOR WHO, UPON THE REQUEST OF AN INSURANCE COMPANY, TAKES POSSESSION OF A MOTOR VEHICLE THAT IS THE SUBJECT OF AN INSURANCE CLAIM AND SUBSEQUENTLY THE INSURANCE COMPANY DENIES MOTOR VEHICLE INSURANCE COVERAGE OR DOES NOT TAKE OWNERSHIP OF THE MOTOR VEHICLE; TO AMEND SECTION 56-1-10, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS CONTAINED IN THE PROVISIONS THAT PERTAIN TO THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO CREATE ADDITIONAL TERMS AND DEFINITIONS RELATING TO SALVAGE, JUNK, AND OFF-ROAD-USE VEHICLES; TO AMEND SECTION 56-19-480, AS AMENDED, 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 DELETE AN OBSOLETE TERM, MAKE TECHNICAL CHANGES, TO PROVIDE THIS SECTION APPLIES ALSO TO SALVAGE FLOOD AND SALVAGE FIRE VEHICLES, AND TO DELETE THE PROVISION THAT REQUIRES CERTAIN

VEHICLES TO UNDERGO AN INSPECTION; AND TO AMEND SECTION 56-19-485, RELATING TO THE TITLE-BRAND DESIGNATION OF VEHICLES AS “WRECKAGE” OR “SALVAGE”, SO AS TO DELETE THESE DESIGNATIONS AND TO PROVIDE THE TITLE-BRAND DESIGNATION MUST BE ONE THAT IS CONTAINED IN SECTION 56-1-10.

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

Disposition of a motor vehicle by a salvage pool operator

SECTION 1. Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Article 40

Disposition of Motor Vehicles by a Salvage Pool
Operator Subject to an Insurance Claim

Section 56-5-5710. (A) As contained in this section, ‘salvage pool operator’ means a person who engages in the business of selling salvage motor vehicles at auction, including wholesale auction.

(B) This section applies only to a salvage pool operator who, on request of an insurance company, takes possession of a motor vehicle that is the subject of an insurance claim and the insurance company subsequently:

- (1) denies coverage with respect to the motor vehicle; or
- (2) does not otherwise take ownership of the motor vehicle.

An insurance company described in this subsection shall notify the salvage pool operator of the denial of the claim regarding the motor vehicle or other disposition of the motor vehicle. The insurance company must include in the notice the name and address of the owner of the motor vehicle and the lienholder, if any.

(C) Before the thirty-first day after receiving notice under subsection (B), a salvage pool operator shall notify the owner of the motor vehicle and any lienholder that:

- (1) the owner or lienholder must remove the motor vehicle from the salvage pool operator’s possession at the location specified in the notice to the owner and any lienholder no later than the thirtieth day after

the date the notice is mailed and if removed during this time period, there will be no charges assessed against the owner of the vehicle save the actual costs of providing the notice described herein; and

(2) if the motor vehicle is not removed within the time specified in the notice, the salvage pool operator will sell the motor vehicle and retain from the proceeds any costs actually incurred by the operator in obtaining, handling, and disposing of the motor vehicle as described in subsection (D).

(D) The salvage pool operator may include in the costs described in subsection (C)(2) only costs actually incurred by the salvage pool operator that have not been reimbursed by a third party or are not subject to being reimbursed by a third party, such as costs of notices, title searches, and towing and other costs incurred with respect to the motor vehicle. The costs described in subsection (C)(2):

(1) may not include charges for storage or impoundment of the motor vehicle for the first thirty days that the vehicle is stored with the salvage pool operator but may include a reasonable fee for every day of storage thereafter until the vehicle is disposed of; and

(2) may be deducted only from the proceeds of a sale of the motor vehicle.

(E) The notice required of a salvage pool operator under this section must be sent by registered or certified mail, return receipt requested or by a private delivery service which is acceptable to the Internal Revenue Service.

(F) If a motor vehicle is not removed from a salvage pool operator's possession before the thirty-first day after the date notice is mailed to the motor vehicle's owner and any lienholder under subsection (C), the salvage pool operator may obtain from the department:

(1) a salvage vehicle title for a salvage motor vehicle; or

(2) a nonreparable vehicle title for a nonreparable motor vehicle.

(G) An application for a title under subsection (F) must:

(1) be submitted to the department on a form prescribed by the department; and

(2) include evidence that the notice was sent as required by subsection (C) to the motor vehicle owner and any lienholder.

(H) A title issued under this section must be issued in the name of the salvage pool operator.

(I) The department shall issue the appropriate title to a person authorized to apply for the title under this section if the department determines that the application is complete and complies with applicable law.

(J) On receipt of a title under this section, the salvage pool operator shall sell the motor vehicle and retain from the proceeds of the sale the costs incurred by the salvage pool operator as permitted by subsection (D) along with the cost of titling and selling the motor vehicle. The salvage pool operator shall pay any excess proceeds from the sale, first to lienholders in order of priority to satisfy the liens and the remainder, if any, must be sent to the owner in the same manner as provided for in subsection (E).

(K) If the previous owner of the motor vehicle and the lienholder, if any, cannot be identified or located, or the owner does not respond to the notice sent to the owner in the manner provided for in subsection (E), any excess proceeds from the sale of the motor vehicle under subsection (J) shall escheat to the State of South Carolina. The proceeds shall be administered by the Comptroller General and must be disposed of in the manner provided by law.”

Definitions

SECTION 2. Section 56-1-10 of the 1976 Code, as last amended by Act 114 of 2020, is further amended by adding the following appropriately numbered items at the end to read:

“() ‘Salvage’ means a brand added to a vehicle’s title by the department to designate a vehicle that has been declared a total loss by an insurance company, has repairs that exceed seventy-five percent of the value of the vehicle before the damage occurred, or has damage to the body, unibody, or frame to the extent that it is unsafe for operation.

() ‘Salvage Rebuilt’ means a brand added to a vehicle’s title by the department to designate a vehicle with a salvage brand that has been transferred to a new owner who has repaired the vehicle pursuant to Section 56-19-480(E).

() ‘Salvage Flood’ means a brand added to a vehicle’s title by the department to designate that an insurance company has paid a total loss claim on a vehicle due to damage caused by:

(a) having been submerged in water to a point the level of the water was higher than the door sill of the vehicle or having had water enter the passenger, trunk, or engine compartment of the vehicle; or

(b) having had water come into contact with the electrical or computer components of the vehicle.

() ‘Salvage Flood Rebuilt’ means a brand added to a vehicle’s title by the department to designate a vehicle with a salvage flood brand that

has been transferred to a new owner who has repaired the vehicle pursuant to Section 56-19-480(E).

() ‘Salvage Fire’ means a brand added to a vehicle’s title by the department to designate an insurance company has paid a total loss claim on a vehicle due to damage caused by fire.

() ‘Salvage Fire Rebuilt’ means a brand added to a vehicle’s title by the department to designate a vehicle with a salvage fire brand that has been transferred to a new owner who has repaired the vehicle pursuant to Section 56-19-480(E).

() ‘Junk’ means a brand added to a vehicle’s title by the department to designate an insurance company has determined a vehicle has been damaged to the extent that it cannot be repaired for operation, or that it is only of value as a source of parts or scrap metal.

() ‘Off Road Use Only’ means a brand added to a vehicle’s title by the department to designate a vehicle’s Manufacturer Certificate of Origin or equivalent document of origin designating a vehicle is not manufactured for use on public roads. The department shall not register and license the vehicle pursuant to Section 56-3-350. Vehicles brought into this State from a foreign jurisdiction without a title that clearly says ‘Off Road Use Only’, or its equivalent, which do not meet Federal Motor Vehicle Safety Standards may be subject to this brand at the department’s discretion.”

Transfer and surrender of vehicle documents and plates

SECTION 3. Section 56-19-480 of the 1976 Code, as last amended by Act 17 of 2019, is further amended to read:

“Section 56-19-480. (A) An owner who scraps, dismantles, destroys, or in any manner disposes to another, except to a demolisher or secondary metals recycler, as salvage, a motor vehicle otherwise required to be titled in this State immediately shall mail or deliver to the Department of Motor Vehicles the vehicle’s certificate of title notifying the department to whom the vehicle is delivered together with a report indicating the type and severity of any damage to the vehicle. A person or entity who disposes of a vehicle to a demolisher or secondary metals recycler shall provide the vehicle’s title certificate to the demolisher or secondary metals recycler so that the demolisher or secondary metals recycler can surrender the title certificate to the Department of Motor Vehicles pursuant to Sections 56-5-5670 and 56-5-5945.

(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 prescribed by the department, may submit an application to the department for a salvage, salvage flood, or salvage fire, as defined in Section 56-1-10, 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. When an insurance company obtains a title to a vehicle from settling a total loss claim, the insurance company may obtain a title to the vehicle designated as 'salvage', 'salvage flood', or 'salvage fire', as defined in Section 56-1-10. The insurance company must pay the title fee contained in Section 56-19-420.

(C) All insurance companies which make payments on liability, collision, fire, theft, or comprehensive policies for damaged motor vehicles in this State shall allow department officials to examine all records of the company which pertain to payments made pursuant to the policies during normal working hours.

(D) Vehicles acquired by insurance companies as outlined above are exempt from ad valorem property taxes and inventory taxes, and the transfers of the vehicles to and from insurance companies exempt from sales taxes.

(E) If a salvage, salvage flood, or salvage fire vehicle is rebuilt, a regular certificate of title may not again be issued except upon submission of an application stating that the vehicle has been rebuilt and containing the information ordinarily required by the department for the issuance of a certificate of title as well as any information the department may require about the identity of the vehicle, the source and cost of any parts used in, and the extent of any repairs or other work done to the vehicle. The owner shall follow the procedure prescribed by the department if he is seeking a rebuilt brand on a title. Any regular certificate of title issued by the department for a previously salvaged vehicle must be annotated to show that the vehicle was 'salvaged rebuilt'

and the reason why the vehicle was ‘salvage rebuilt’, ‘salvage flood rebuilt’, or ‘salvage fire rebuilt’.

(F) The manufacturer’s serial plate or vehicle identification number (VIN) plate must remain with the vehicle at all times until the vehicle is shredded, crushed, melted, or otherwise destroyed.

(G) For purposes of this section, a ‘salvage vehicle’, and a ‘vehicle declared to be a total loss’ are all synonyms and are defined to be any motor vehicle which is damaged to the extent that the cost of repairing the motor vehicle, including both parts and reasonable market charges for labor, equal or exceed seventy-five percent of the fair market value of the motor vehicle. The provisions contained in this section do not apply to a motor vehicle that has a fair market value of two thousand dollars or less, or an antique motor vehicle as defined by Section 56-3-2210. When an insurance company is involved, the fair market value of the vehicle must be determined as of the date immediately before the event which gave rise to the claim. When an insurance company is not involved, then the fair market value must be determined as of the last day on which the vehicle was lawfully operated on a public highway or the last day on which it was registered, whichever is later.

(H) A person violating any provision of this section is guilty of a misdemeanor and, upon conviction, for a first offense, must be fined not less than two nor more than five hundred dollars, or imprisoned for not more than thirty days, or both. For a second or subsequent offense, the fine must not be less than five hundred dollars and not more than one thousand dollars or imprisonment for not more than one year, or both.”

Vehicle title-brand designations

SECTION 4. Section 56-19-485 of the 1976 Code is amended to read:

“Section 56-19-485. (A) Notwithstanding any other provision of law, whenever any motor vehicle with a vehicle title brand as defined in Section 56-1-10 is transferred in this State pursuant to Section 56-19-480, whether the vehicle was, immediately before such transfer, titled in this State or in another state, the vehicle title shall maintain the designated brand to inform the transferee of the exact condition of the vehicle. No out-of-state vehicle or South Carolina registered vehicle shall be registered under the laws of this State without such designation, and this designation must be applied to all subsequent transfers of the vehicle. If the title-brand designation of a vehicle titled in another jurisdiction does not match exactly the definitions contained in Section 56-1-10, the department shall determine which of the title branding

definitions in Section 56-1-10 most nearly describes the condition of the vehicle when titling it in South Carolina. The department shall apply that brand to the vehicle and it should remain on the vehicle through any subsequent transfers in South Carolina. The department may add other nonsalvage brands, outside of those defined in Section 56-1-10, to vehicle titles to properly classify vehicles and the use of those vehicles as it pertains to vehicle operation in South Carolina. Any vehicle previously title-branded in another state must be title-branded as the department deems appropriate pursuant to this section without regard to whether the vehicle was subsequently titled in a jurisdiction without a title brand.

The provisions of this section apply to transfers of vehicles in all of the circumstances described in Section 56-19-480.

(B) Notwithstanding the provisions of this section, the owner of a vehicle whose total cost of repair, including all labor and parts, is estimated to be seventy-five percent or more of the fair market value of the vehicle must provide the Department of Motor Vehicles an affidavit from a person who reconstructs or rebuilds a vehicle indicating the cost of repair along with other data the department may prescribe to obtain a certificate of title. The provisions contained in this section do not apply to a motor vehicle that has a fair market value of two thousand dollars or less, or an antique motor vehicle as defined by Section 56-3-2210. A certificate of title issued for a vehicle described in this paragraph must be annotated to indicate the motor vehicle is designated 'salvage' as applicable to the extent necessary to inform the transferee of the exact condition of the vehicle. A salvaged out-of-state vehicle or South Carolina registered vehicle may not be registered in this State without this designation, and this designation must be applied to subsequent transfer of the vehicle.

(C) If a vehicle's Manufacturer's Certificate of Origin is branded with a designation, the department shall apply that same brand to the vehicle and it should remain with the vehicle through any subsequent transfers in South Carolina. If the title-brand designation of the Manufacturer's Certificate of Origin does not match exactly the definitions in Section 56-1-10, the department shall determine which title branding definition in Section 56-1-10 most nearly describes the condition of the vehicle when titling it in South Carolina."

Time effective

SECTION 5. This act takes effect one hundred eighty days after approval by the Governor.

Ratified the 28th day of April, 2021.

Approved the 28th day of April, 2021.

No. 28

(R41, S229)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA CHILD ABUSE RESPONSE PROTOCOL ACT” BY ADDING ARTICLE 24 TO CHAPTER 11, TITLE 63 SO AS TO REQUIRE MULTIDISCIPLINARY TEAMS INVOLVED IN CHILD ABUSE INVESTIGATION AND PROSECUTION TO FOLLOW CERTAIN CHILD ABUSE RESPONSE PROTOCOL, TO PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY COMMITTEE TO REVIEW AND UPDATE THE PROTOCOL, AND FOR OTHER PURPOSES; AND TO AMEND SECTION 63-11-310, RELATING TO CHILDREN’S ADVOCACY CENTERS, SO AS TO REQUIRE CHILDREN’S ADVOCACY CENTERS TO HOLD CERTAIN ACCREDITATION STATUS OR BE ACTIVELY PURSUING ACCREDITATION, AND FOR OTHER PURPOSES.

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 “South Carolina Child Abuse Response Protocol Act”.

South Carolina Child Abuse Response Protocol

SECTION 2. Chapter 11, Title 63 of the 1976 Code is amended by adding:

“Article 24

South Carolina Child Abuse Response Protocol

Section 63-11-2400. In the investigation of a known or suspected crime against a child, a multidisciplinary team must follow the South Carolina Child Abuse Response Protocol as developed by the South Carolina Children's Justice Act Task Force and the South Carolina Network of Children's Advocacy Centers. Failure to comply with the South Carolina Child Abuse Response Protocol may not be used by the defense in any prosecution and is not grounds for dismissal of any criminal charge, nor does it provide any cause of action against any state agency, political subdivision, member of a multidisciplinary team, member of any prosecutor's office, member of any law enforcement agency, or law enforcement officer.

Section 63-11-2410. (A) The South Carolina Children's Justice Act Task Force and the South Carolina Network of Children's Advocacy Centers shall develop and provide initial training on the protocol and updated training as needed for this purpose. The protocol must be publicly available and must be annually reviewed and updated as needed by an advisory committee known as the Child Abuse Protocol Review Committee.

(B)(1) The Governor shall appoint the members of the Child Abuse Protocol Review Committee and may consult with the South Carolina Children's Justice Act Task Force and the South Carolina Network of Children's Advocacy Centers in making his appointments. The committee shall consist of thirteen members as follows:

- (a) the Executive Director of the South Carolina Network of Children's Advocacy Centers, or his designee;
- (b) one member from state law enforcement;
- (c) one member from county law enforcement;
- (d) one member from a solicitor's office;
- (e) the Executive Director of the Department of Social Services, or his designee;
- (f) one member who is the Medical Director of the South Carolina Children's Advocacy Medical Response System, or his designee;
- (g) one member from the State Guardian Ad Litem Program or Richland County Court Appointed Special Advocates;
- (h) one member from a school district;
- (i) one member from a statewide organization experienced in working with children with all disabilities;
- (j) the Executive Director of the South Carolina Police Chief's Association, or his designee;

(k) the Executive Director of the South Carolina Sheriff's Association, or his designee; and

(1) two at-large members.

(2) The Department of Children's Advocacy shall convene the first meeting of the committee for the purpose of electing a chair and shall thereafter provide staff support to the committee. Members of the committee shall serve for terms of four years and may serve in a holdover capacity for up to six months after the expiration of their term, should a qualified successor not be appointed.

Section 63-11-2420. The Department of Children's Advocacy shall maintain the protocol and the committee's updates to the protocol."

Children's Advocacy Centers

SECTION 3. Section 63-11-310(B)(1), (C), and (D) of the 1976 Code is amended to read:

"(1) Children's Advocacy Centers must establish memoranda of agreement with governmental entities charged with the investigation and prosecution of child abuse. Children's Advocacy Centers must be fully accredited by the National Children's Alliance or must be an associate/developing or affiliate member of the South Carolina Network of Children's Advocacy Centers and be actively pursuing full accreditation with the National Children's Alliance within the next two years.

(C) The South Carolina Network of Children's Advocacy Centers must coordinate and facilitate the exchange of information among statewide centers and provide technical assistance to communities in the establishment, growth, and certification of local centers. The network must also educate the public and legislature regarding the needs of abused children and provide or coordinate multidisciplinary training opportunities which support the comprehensive response to suspected child maltreatment."

Time effective

SECTION 4. SECTION 1 and Section 63-11-2410(B), as added by this act, take effect upon approval by the Governor. The remaining provisions take effect one year after approval by the Governor.

Ratified the 4th day of May, 2021.

Approved the 6th day of May, 2021.

No. 29

(R42, S241)

AN ACT TO AMEND SECTION 59-112-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF “COVERED INDIVIDUAL” FOR THE PURPOSES OF TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS, SO AS TO ELIMINATE THE REQUIREMENT THAT A VETERAN OR DEPENDENT ENROLL IN A PUBLIC INSTITUTION OF HIGHER EDUCATION WITHIN THREE YEARS OF THE VETERAN’S DISCHARGE IN ORDER TO RECEIVE EDUCATIONAL ASSISTANCE.

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

Covered individuals expanded

SECTION 1. Section 59-112-50(C) of the 1976 Code, as last amended by Act 10 of 2019, is further 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;

(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);

(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.”

Time effective

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

Ratified the 4th day of May, 2021.

Approved the 6th day of May, 2021.

No. 30

(R43, S467)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-1-150 SO AS TO PROVIDE REQUIREMENTS FOR AN APPLICANT SEEKING PERMISSION TO ORGANIZE A BANK; BY ADDING SECTION 34-1-160 SO AS TO PROVIDE CONDITIONS THAT MUST BE MET IN ORDER TO AUTHORIZE THE ORGANIZATION OF A PROPOSED BANK; BY ADDING SECTION 34-1-170 SO AS TO PROVIDE FOR THE REQUIREMENTS OF THE ARTICLES OF INCORPORATION OF A PROPOSED BANK; BY ADDING SECTION 34-1-180 SO AS TO PROVIDE THE REQUIREMENTS FOR THE BOARD OF FINANCIAL INSTITUTIONS TO APPROVE A CHARTER FOR A PROPOSED BANK; BY ADDING SECTION 34-1-190 SO AS TO PROVIDE THAT THE BOARD SHALL DECIDE WHETHER TO UPHOLD OR OVERTURN ITS APPROVAL OR DENIAL OF AN APPLICATION; BY ADDING SECTION 34-1-200 SO AS TO PROVIDE THE REQUIREMENTS FOR ISSUING A BANK

CHARTER; BY ADDING SECTION 34-1-210 SO AS TO PROVIDE THAT A REMOTE SERVICE UNIT IS NOT CONSIDERED A BRANCH OF A BANK; BY ADDING SECTION 34-1-220 SO AS TO ALLOW CERTAIN DELEGATIONS TO THE COMMISSIONER OF BANKING, TO AMEND SECTION 34-3-350, RELATING TO THE REVIEW OF REPORTS OF EXAMINATIONS, SO AS TO PROVIDE THAT THE COMMISSIONER OF BANKING SHALL FORWARD A COPY OF THE REPORT TO THE CHIEF EXECUTIVE; TO AMEND SECTION 34-3-360, RELATING TO THE FORM OF NOTICE TO A CASHIER, SO AS TO REPLACE "STATE BOARD OF BANK CONTROL" WITH "COMMISSIONER OF BANKING" AND TO REPLACE "CASHIER" WITH "CHIEF EXECUTIVE"; TO AMEND SECTION 34-3-370, RELATING TO THE FORM OF REPORT TO THE STATE BOARD, SO AS TO REPLACE "STATE BOARD OF BANK CONTROL" WITH "COMMISSIONER OF BANKING" AND TO REPLACE "PRESIDENT OR CASHIER" WITH "CHIEF EXECUTIVE"; TO AMEND SECTION 34-3-380, RELATING TO REPORTS OF CONDITION, SO AS TO REPLACE "PRESIDENT OR CASHIER" WITH "CHIEF EXECUTIVE OR CHIEF FINANCIAL OFFICER" AND TO PROVIDE THAT TWO DIRECTORS SHALL VERIFY THE REPORT; TO AMEND SECTION 34-3-810, RELATING TO THE CONVERSION OF A NATIONAL BANK OR NON-SOUTH CAROLINA STATE BANK INTO A SOUTH CAROLINA STATE BANK, SO AS TO PERMIT ANOTHER STATE'S BANK TO CONVERT INTO A SOUTH CAROLINA STATE BANK AND TO REQUIRE BOARD APPROVAL AND TO REQUIRE A NATIONAL OR OTHER STATE BANKING CORPORATION TO FILE AN APPLICATION OF CONVERSION; TO AMEND SECTION 34-3-820, RELATING TO THE TIMING OF THE CORPORATE EXISTENCE OF THE STATE BANK, SO AS TO INCLUDE REFERENCES TO A NON-SOUTH CAROLINA STATE BANK CONVERTING TO A SOUTH CAROLINA STATE BANK; TO AMEND SECTION 34-3-830, RELATING TO THE TRANSFER OF ASSETS TO THE SOUTH CAROLINA STATE BANK, SO AS TO INCLUDE REFERENCES TO A NON-SOUTH CAROLINA STATE BANK CONVERTING TO A SOUTH CAROLINA STATE BANK; TO AMEND SECTION 34-3-840, RELATING TO THE DIRECTORS AND ORGANIZATION OF A NATIONAL BANKING CORPORATION OR STATE BANKING

CORPORATION, SO AS TO PROVIDE THAT UNLESS OTHERWISE ELECTED BY THE SHAREHOLDERS OF THE NATIONAL BANKING CORPORATION OR STATE BANKING CORPORATION, THE DIRECTORS AND OFFICERS IN OFFICE AT THE TIME OF ITS DISSOLUTION ARE THE DIRECTORS AND OFFICERS OF THE BANK CREATED; TO AMEND SECTION 34-9-10, RELATING TO THE AMOUNT OF CAPITAL STOCK TO BE PAID IN CASH, SO AS TO PROVIDE PAYMENT OF UNITED STATES CURRENCY AND TO DELETE A PROVISION THAT REQUIRES NO AUTHORIZED BUT UNISSUED CAPITAL STOCK MAY BE ISSUED WITHOUT APPROVAL BY THE BOARD; TO AMEND SECTION 34-9-40, RELATING TO MINIMUM CAPITAL STOCK REQUIREMENTS, SO AS TO PROVIDE THAT A BANKING COMPANY OR CORPORATION MUST HAVE MINIMUM CAPITAL IN THE AMOUNT REQUIRED BY THE STATE BOARD OF FINANCIAL INSTITUTIONS; TO AMEND SECTION 34-11-60, RELATING TO FRAUDULENT CHECKS, SO AS TO REMOVE THE REQUIREMENT THAT A HOME TELEPHONE NUMBER IS NECESSARY TO ESTABLISH PRIMA FACIE EVIDENCE AGAINST A DEFENDANT; TO AMEND SECTION 34-13-140, RELATING TO THE RESTRICTIONS ON LOAN OR DISCOUNT ON OR PURCHASE OF A BANK'S OWN STOCK, SO AS TO PROVIDE AN EXCEPTION TO THE RESTRICTION IF THE PURCHASE IS APPROVED BY THE BOARD OF FINANCIAL INSTITUTIONS OR IF THE BANKING ASSOCIATION HOLDS THE OUTSTANDING SHARES AS TREASURY STOCK; TO AMEND SECTION 34-26-350, RELATING TO THE PRINCIPAL PLACE OF BUSINESS OF A CREDIT UNION, SO AS TO PROVIDE THAT THE MAINTENANCE OF THE FACILITY MUST BE REASONABLY NECESSARY TO FURNISH SERVICE TO ITS MEMBERS OR POTENTIAL MEMBERS; TO AMEND SECTION 34-26-530, RELATING TO AN APPLICATION FOR MEMBERSHIP TO A CREDIT UNION, SO AS TO REMOVE A REQUIREMENT FOR MEMBERSHIP OFFICERS TO APPROVE APPLICATIONS; TO AMEND SECTION 34-26-640, RELATING TO BOARD MEETINGS, SO AS TO PROVIDE THAT THE BOARD MUST MEET AT LEAST QUARTERLY; TO AMEND SECTION 34-26-645, RELATING TO THE DUTIES OF THE BOARD, SO AS TO REMOVE THE DUTY TO ESTABLISH TITLES FOR SENIOR MANAGEMENT POSITIONS; TO

AMEND SECTION 34-26-1220, RELATING TO THE CONVERSION OF A CREDIT UNION, SO AS TO PROVIDE THAT THE ASSETS AND LIABILITIES OF THE CREDIT UNION WILL VEST IN AND BECOME THE PROPERTY OF THE SUCCESSOR CREDIT UNION; TO REPEAL CHAPTERS 12 AND 27 OF TITLE 34 RELATING TO COUNTY AND MULTICOUNTY CHECK CLEARING HOUSES; TO REPEAL SECTION 34-1-70 RELATING TO THE APPROVAL OF CHARTERS OF BANKS, BUILDING AND LOAN ASSOCIATIONS, SAVINGS AND LOAN ASSOCIATIONS, AND SAVINGS BANKS; TO REPEAL SECTION 34-3-60 RELATING TO BRANCH BANK IDENTIFICATION; TO REPEAL SECTION 34-9-70 RELATING TO CERTAIN PAID-IN CAPITAL REQUIREMENTS AND EXCEPTIONS; TO REPEAL SECTION 34-9-80 RELATING TO THE ISSUANCE OF PREFERRED STOCK; TO REPEAL SECTION 34-11-40 RELATING TO THE DUPLICATE FOR LOST OR DESTROYED TIME CERTIFICATE OF DEPOSITS; AND TO REPEAL SECTION 34-11-50 RELATING TO THE DUPLICATE FOR ANY LOST OR DESTROYED CERTIFICATE OF DEPOSIT OR SAVINGS ACCOUNT BOOK.

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

Bank organization

SECTION 1. Chapter 1, Title 34 of the 1976 Code is amended by adding:

“Section 34-1-150. (A) An applicant for permission to organize a bank, building and loan association, savings and loan association, or savings bank and for a charter shall file an application with the Board of Financial Institutions. The application must be in the form required by the board and must contain information as the board requires, set forth in sufficient detail to enable the board to evaluate the applicant’s satisfaction of the criteria set forth in Section 34-1-180. The applicant shall pay a nonrefundable application fee as prescribed by the board at the time of filing the application.

(B) An applicant for permission to establish a branch bank, branch building and loan association, branch savings and loan association, or branch savings bank shall file an application with the board. The application must be in the form required by the board and must contain

information, set forth in sufficient detail, to enable the board to evaluate whether the establishment of a branch would serve the public interest, taking into consideration local circumstances and conditions at the place where the applicant proposes to do business.

(C) Upon receipt of an application to organize or to establish a branch of a bank, building and loan association, savings and loan association, or savings bank, the board shall conduct an examination of the applicant and any other matters considered relevant by the board. The board may require additional information and may require the amendment of the application in the course of the examination. An applicant's failure to furnish all required information or to pay any required fee within thirty days after filing the application may be considered an abandonment of the application.

Section 34-1-160. (A) With the approval of the board, the organizers may file articles of incorporation for the proposed bank, building and loan association, savings and loan association, or savings bank with the Secretary of State. The board shall authorize the organization of the proposed bank, building and loan association, savings and loan association, or savings bank if the commissioner is satisfied that each of the following conditions are met:

- (1) the application is complete;
- (2) the examination as provided for in Section 34-1-150(C) indicates that the requirements for the issuance of a charter to the applicant as described in Section 34-1-180 are reasonably likely to be satisfied; and

- (3) the proposed name of the proposed bank, building and loan association, savings and loan association, or savings bank is not likely to mislead the public as to its character or purpose and is not the same as a name already adopted by an existing depository institution or trust institution operating in this State.

(B) If the board approves the organization of the proposed bank, building and loan association, savings and loan association, or savings bank, the board shall issue a certificate to the Secretary of State. The Secretary of State shall transmit to the board a certified copy of the filed articles of incorporation of the proposed bank, building and loan association, savings and loan association, or savings bank.

(C)(1) Unless and until the board approves and issues a charter to the proposed bank, building and loan association, savings and loan association, or savings bank, it may not transact any business except as is incidental and necessary to its organization or the application for a charter or preparation for commencing the business of banking.

(2) All funds, other than its operational expense fund from which to pay organizational expenses, and paid-for shares of the proposed bank, building and loan association, savings and loan association, or savings bank must be placed in escrow under a written escrow agreement with a third-party escrow agent satisfactory to the commissioner.

(3) All funds for shares placed into escrow and all dividends or interest on the funds may be removed from escrow only with the commissioner's approval except to the extent that the funds are refunded to subscribers or as otherwise required by law.

(D) A proposed bank, building and loan association, savings and loan association, or savings bank is subject to the jurisdiction of the commissioner and the board.

Section 34-1-170. (A) The articles of incorporation of a proposed bank, building and loan association, savings and loan association, or savings bank must be signed and acknowledged by or on behalf of an organizer and must contain the following:

(1) the information required to be set forth in articles of incorporation under Title 33;

(2) any provision consistent with Title 33 and other applicable law that the organizers elect to set forth for the regulation of the internal affairs of the proposed bank, building and loan association, savings and loan association, or savings bank and that the board authorizes or requires; and

(3) any provision the board requires or authorizes as a substitute for a provision that otherwise would be required by Title 33.

(B) Before the chartering of a proposed bank, building and loan association, savings and loan association, or savings bank, the articles of incorporation filed under the provisions of Section 34-1-160 must be sufficiently certified to the FDIC or any other applicable regulatory agencies that the proposed bank, building and loan association, savings and loan association, or savings bank is a legal entity.

Section 34-1-180. (A) The board may approve a charter for a proposed bank, building and loan association, savings and loan association, or savings bank only when the board determines that all of the following requirements have been satisfied or are reasonably probable to be satisfied within a reasonable period of time specified by the board in the order of approval:

(1) The proposed bank, building and loan association, savings and loan association, or savings bank has solicited or will solicit subscriptions for purchases of shares sufficient to provide an amount of

required capital satisfactory to the board for the commencement of the business of banking.

(2) All prior public solicitations for purchases of shares and all future solicitations will be solicited with appropriate disclosure, taking into account all the circumstances of the public solicitation, including a prominent statement in any solicitation document to the effect that the solicitation has not been approved by the board and that a representation to the contrary is a criminal offense.

(3) All payments for purchases of shares in a bank, building and loan association, savings and loan association, or savings bank in organization are made in United States currency.

(4) The proposed bank, building and loan association, savings and loan association, or savings bank has an operational expense fund from which to pay organizational expenses, in an amount determined by the board to be sufficient for the safe and sound operation of the proposed bank, building and loan association, savings and loan association, or savings bank while the charter application is pending.

(5) The proposed bank, building and loan association, savings and loan association, or savings bank has been formed for legitimate and lawful business purposes.

(6) The character, competence, and experience of the organizers, proposed directors, proposed officers, and initial holders of more than ten percent of the voting securities of the proposed bank, building and loan association, savings and loan association, or savings bank will command the confidence of the public.

(7) The proposed officers and directors, as a group, have degrees of character, competence, and experience sufficient to justify a belief that the proposed bank, building and loan association, savings and loan association, or savings bank is free from improper or unlawful influence and otherwise will operate safely, soundly, and in compliance with law.

(8) The anticipated volume and nature of business of the proposed bank, building and loan association, savings and loan association, or savings bank projected in the application are reasonable and indicate a reasonable probability of safe, sound, and profitable operation of the proposed bank, building and loan association, savings and loan association, or savings bank.

(9) If the proposed bank, building and loan association, savings and loan association, or savings bank intends to conduct 'trust business', trust powers should be granted based on consideration of the various factors set forth in Chapter 21, Title 34 for considering applications and setting capital for a trust institution.

(B) The board's determination that the requirements described in subsection (A) are reasonably probable of satisfaction may be based on partial satisfaction of the requirements at a level set by the board as a prerequisite for approval of the charter, and also may be based on presentation of a plan for the full satisfaction of the requirements.

(C) If the board determines that the proposed bank, building and loan association, savings and loan association, or savings bank has satisfied or is reasonably probable to satisfy the requirements for issuance of a charter, the board shall issue an order approving the application for a charter. The board may, in the order approving the proposed bank, building and loan association, savings and loan association, or savings bank's charter, impose other reasonable conditions or restrictions upon the proposed bank, building and loan association, savings and loan association, or savings bank or the new bank, building and loan association, savings and loan association, or savings bank, consistent with this chapter.

(D) If the board determines that the proposed bank, building and loan association, savings and loan association, or savings bank has not satisfied and is not reasonably probable of satisfying the requirements for issuance of a charter or if the board determines that the application to establish a branch does not meet the requirements, the board shall issue an order denying approval of the application, pending a request for a hearing by the applicant. The applicant may, within ten days of issuance of the order, give notice of appeal of this decision to the board.

Section 34-1-190. (A) The board shall decide whether to uphold or overturn its denial of an application within sixty days after receipt of the applicant's request for a hearing. However, if the board requests additional information from the applicant following receipt, the time limit for decision by the board must be the later of:

- (1) the date set forth in this subsection; or
- (2) thirty days after the board's receipt of the requested additional information.

(B) The board shall consider oral testimony and any other information and evidence it considers appropriate, either written or oral. The board's review must be limited to a determination of whether the criteria pursuant to Section 34-1-180 has been met and whether the provisions of this chapter have been followed.

(C) The board in its discretion may hold a public hearing in connection with its review if a significant issue of law or fact has been raised with respect to the proposed applicant.

(D) If the board holds a public hearing within ninety days after receipt of the applicant's request for a hearing, the time limit specified in subsection (A) must be extended to thirty days after the conclusion of the public hearing.

(E) If the board denies an application for a charter, the applicant may appeal the denial or approval containing the conditions to the Administrative Law Court pursuant to the rules of that court.

Section 34-1-200. (A) A proposed bank, building and loan association, savings and loan association, or savings bank may not engage in business except as allowed under Section 34-1-160 until the board approves the charter. In addition to the requirements set forth in Section 34-1-180, the board may not issue the charter until the board is satisfied that the proposed bank, building and loan association, savings and loan association, or savings bank has done each of the following:

(1) received payment in United States currency for the purchase of shares and will have required satisfactory capital upon commencing business, in each case in at least the amount required by the board's order approving the application;

(2) elected the proposed officers and directors named in the application or other officers and directors approved by the board;

(3) secured deposit insurance from the FDIC;

(4) complied with all requirements of the board's order approving the application for a charter; and

(5) made preparations that would indicate readiness to commence the business of banking in the reasonable discretion of the board upon a preopening examination.

(B) The charter approved by the board must set forth any trust powers of the bank, building and loan association, savings and loan association, or savings bank that may be full or partial trust powers.

(C) If a bank, building and loan association, savings and loan association, or savings bank does not open and engage in the business of banking within six months after the date its charter is issued or within such longer period as may be permitted by the board, the board shall revoke the charter.

(D) If the board determines that a charter should not be issued following board approval, the board shall issue an order revoking the charter, and the applicant may appeal that decision to the board. If the board upholds the revocation, the applicant may appeal the revocation to the Administrative Law Court pursuant to the rules of that court.

(E) Following the exhaustion of all appeals, the board may dissolve and liquidate the proposed bank, building and loan association, savings

and loan association, or savings bank, or order the organizers to dissolve and liquidate the proposed bank, building and loan association, savings and loan association, or savings bank, if any one of the following occurs:

- (1) the board does not issue a charter;
- (2) the board denies approval of a charter; or
- (3) the charter is revoked by the board pursuant to subsection (C)

or other applicable law.

Section 34-1-210. A remote service unit as defined in Section 34-28-30 is not considered a branch of a bank, building and loan association, savings and loan association, or a savings bank and is not subject to any of the provisions of this chapter applicable to branch applications.

Section 34-1-220. For purposes of the provisions of this chapter, the board may delegate to the Commissioner of Banking its authority to receive applications, develop necessary forms, issue certificates or correspondence on behalf of the board, conduct examinations, request additional information or documentation from applicants, approve articles of incorporation, and establish capital requirements and other standards for the safety and soundness of bank operations. Any such delegation may be revoked by the board at any time.”

Commissioner of Banking

SECTION 2. Section 34-3-350 of the 1976 Code is amended to read:

“Section 34-3-350. Upon the examination of any state banking institution, the Commissioner of Banking shall, as soon as he can conveniently do so, forward a copy of the report of the examination to the chief executive of the bank who shall, within thirty days of receipt of the report, call a meeting of the directors of the bank for the purpose of reviewing the report and taking such action as is necessary. In forwarding such report to the chief executive, the commissioner shall use the form of notice contained in Section 34-3-360 and in certifying that such reports have been reviewed by the directors, the banking institution shall use the form contained in Section 34-3-370, and all directors who were present at the meeting shall sign the form contained in Section 34-3-370, certifying that they have received the report of the commissioner.”

Conforming changes

SECTION 3. Section 34-3-360 of the 1976 Code is amended to read:

“Section 34-3-360. The form of notice from the Commissioner of Banking to the chief executive of the bank referred to in Section 34-3-350 must be as follows:

To the Chief Executive: In accordance with the law I enclose a copy of the report of examination of your bank made _____, 20____, by the Commissioner of Banking, _____, with the request that it be considered at a meeting of your directors to be held within thirty days from this date and a record of the action taken thereon entered upon the minutes. Please also fill out and return the form attached.

Commissioner of Banking.”

Conforming changes

SECTION 4. Section 34-3-370 of the 1976 Code is amended to read:

“Section 34-3-370. The form of report to the Commissioner of Banking referred to in Section 34-3-350 shall be as follows:

To the Commissioner of Banking:

The report of the recent examination of this bank has been received, was submitted to the directors at a board meeting held _____ and was duly considered and a record of the action taken made upon the minutes.

(Chief Executive)

Name and location of bank.

We, the undersigned directors of _____ bank, have reviewed the report of the Commissioner of Banking under date of _____.”

Reporting requirements

SECTION 5. Section 34-3-380 of the 1976 Code is amended to read:

“Section 34-3-380. All institutions doing business in this State in lending money and receiving deposits, under acts of incorporation granted by the State, under penalty of a forfeiture of their charters, shall provide when and as called for by the State Board of Financial Institutions, without previous notice, a correct report of the condition and business of the institution. The report must contain a statement under oath by the chief executive or chief financial officer of the institution of the amount of the capital stock paid in, the institution’s total capital as compared to the minimum capital set forth in Section 34-9-40, deposits, discounts, property, and liabilities of the institution verified by two of the directors. This section applies to all private banking institutions whether chartered or not. The board shall accept in lieu of the report required by this section a report of condition filed with the federal banking agencies.”

National banks

SECTION 6. Section 34-3-810 of the 1976 Code is amended to read:

“Section 34-3-810. (A) Subject to approval by the board, any banking corporation organized under the laws of the United States or under the laws of any other state and doing business in this State may become an incorporated bank of this State with all the powers and subject to all the obligations and duties of banks incorporated under the laws of this State, provided such banking corporation has authority by virtue of the laws of the United States to dissolve its organization as a national banking corporation or of the laws of the other state to dissolve its organization as a state banking corporation of such state.

(B) A national banking corporation or a banking corporation of another state desiring to become such an incorporated bank under the laws of this State shall proceed in the following manner:

- (1) file an application of conversion to a state bank with the board;
- (2) take such action in the manner prescribed or authorized by the laws of the United States or other such state as shall make its dissolution as a national banking corporation or as a state banking corporation effective at a specified future date; and

- (3) A majority of its directors shall thereafter and before the time when its dissolution becomes effective execute under their hands and seals in duplicate, upon the authority of a resolution adopted by the owners of at least two-thirds of its capital stock at a meeting held after ten days’ notice thereof given to each stockholder by registered mail, a certificate setting forth the following facts:

(a) its name and place of business as a national banking association or a state banking association and the name that it proposes to use as its corporate name after becoming a banking corporation under the laws of this State;

(b) the principal place of business in South Carolina for the state banking association;

(c) the amount of its capital stock and the number of shares into which it is divided and the par value of each;

(d) the names of its directors and of its officers at the date of its dissolution as a national bank and who will constitute its directors and officers as a state bank; and

(e) the date upon which its dissolution as a national banking association or state banking association shall become effective and upon which date it shall commence business as a bank under the laws of this State.

(C) Such certificate in duplicate must be thereupon lodged with the Secretary of State, who shall endorse on the certificate in duplicate the date of its filing in his office. One duplicate of the certificate must be filed in the office of the Secretary of State and the other so endorsed must be issued to the bank and be recorded in the office of the register of deeds in the county in which the principal place of business of the bank is located.”

Conforming changes

SECTION 7. Section 34-3-820 of the 1976 Code is amended to read:

“Section 34-3-820. After the issuance of such certificate by the Secretary of State and the payment to him of the same fees as would be payable for the incorporation of a bank under the laws of this State with a similar capital stock, the corporate existence of such bank as a state bank shall begin as soon as its dissolution as a national banking corporation or state banking corporation becomes effective.”

Conforming changes

SECTION 8. Section 34-3-830 of the 1976 Code is amended to read:

“Section 34-3-830. At the time the corporate existence of such state bank begins all the property of the former national banking corporation or state banking corporation, including all of its right, title, and interest in and to all property of whatsoever kind, whether real, personal or

mixed, and things in action and every right, privilege, interest, and asset of any conceivable value or benefit then existing, belonging, or appertaining to it or which would inure to it shall immediately by act of law and without any conveyance or transfer and without any further act or deed be vested in and become the property of such state bank, which shall have, hold, and enjoy them in its own right as fully and to the same extent as they were possessed, held, and enjoyed by the national banking corporation or state banking corporation. The State bank shall be deemed to be a continuation of the entity and of the identity of the national banking corporation or state banking corporation operating under and pursuant to the laws of this State, and all the rights, obligation, and relations of the national banking corporation or state banking corporation to or in respect to any person, estate, creditor, depositor, trustee, or beneficiary of any trust and in or in respect to any executorship or trusteeship or other trust or fiduciary function shall remain unimpaired, and such state bank, as of the beginning of its corporate existence, shall by operation of this section succeed to all such rights, obligations, relations, and trust and the duties and liabilities connected therewith and shall execute and perform each and every such trust or relation in the same manner as if such state bank had itself assumed the trust or relation, including the obligations and liabilities connected therewith. If such national banking corporation or such state banking corporation is acting as administrator, coadministrator, executor, coexecutor, or cotrustee of or in respect to any estate or trust being administered under the laws of this State such relation, as well as any other similar fiduciary relation, and all rights, privileges, duties, and obligations connected therewith shall remain unimpaired and shall continue into and in the state bank, from and as of the beginning of its corporate existence, irrespective of the date when such relation may have been created or established and irrespective of the date of any trust agreement relating thereto or the date of the death of any testator or decedent whose estate is being so administered. Neither the act of the national banking corporation or state banking corporation, under Section 34-3-810 in fixing the date of or providing for its liquidation or dissolution, nor its liquidation or dissolution under the national banking laws or other state banking laws, nor any other thing done in connection with the change from a national bank or other state bank to a state bank shall, in respect to any such executorship, trusteeship, or similar fiduciary relation, be deemed to be or to effect, under the laws of this State, a renunciation or revocation of any letters of administration or letters testamentary to such relation, nor a removal or resignation for any such executorship or trusteeship, nor

shall they be deemed to be of the same effect as if the executor or trustee had died or otherwise become incompetent to act.”

Conforming changes

SECTION 9. Section 34-3-840 of the 1976 Code is amended to read:

“Section 34-3-840. Unless otherwise elected by the shareholders of the national banking corporation or state banking corporation, the directors and officers of the national banking corporation or state banking corporation in office at the time of its dissolution shall be the directors and officers of the bank created in pursuance of this article until the first annual election of directors and officers thereafter and may take all necessary measures to perfect its organization and to adopt such bylaws and regulations concerning its business and management as may be proper and not inconsistent with law.”

Conforming changes

SECTION 10. Section 34-9-10 of the 1976 Code is amended to read:

“Section 34-9-10. No bank may be organized as a banking corporation or company under the laws of this State unless there has been first paid in United States currency the full subscription price of so much of the authorized capital stock as required by the State Board of Financial Institutions. Notes of stockholders, and other notes and mortgages on property, real, personal or mixed, may not be considered and accepted as cash in payment for shares of capital stock of any such bank.”

Minimum capital

SECTION 11. Section 34-9-40 of the 1976 Code is amended to read:

“Section 34-9-40. Every banking company or corporation hereafter organized shall have a minimum capital in the amount required by the State Board of Financial Institutions. In determining the minimum amount the State Board of Financial Institutions shall give due consideration to the location of the proposed bank, the proposed bank’s business plan, and the economic environment in which the proposed bank will operate.”

Conforming changes

SECTION 12. Section 34-11-60(b)(1) of the 1976 Code is amended to read:

“(1) To establish this prima facie evidence, the full name, residence address, and telephone number of the person presenting the check, draft, or other written order must be obtained by the party receiving the instrument. This information may be provided by having the information recorded on the check or instrument itself, or the number of a check-cashing identification card issued by the receiving party may be recorded on the check. The check-cashing identification card must be issued only after the full name, residence address, and telephone number of the person presenting the check, draft, or other written order has been placed on file by the receiving party.”

Board approval

SECTION 13. Section 34-13-140 of the 1976 Code is amended to read:

“Section 34-13-140. (A) It is unlawful for any banking institution to make any loan or discount on the security of the shares of its own capital stock or to be the purchaser or holder of any such shares unless such security or purchase is necessary to prevent loss upon a debt previously contracted in good faith, unless the purchase is approved by the board, or except as permitted in subsection (B).

(B) Subject to the approval of the board, a South Carolina state-chartered banking association may acquire its own outstanding shares and hold them as treasury stock in the same manner as a corporation pursuant to Title 33.”

Potential members

SECTION 14. Section 34-26-350(2) of the 1976 Code is amended to read:

“(2) A credit union may maintain and dispose of other service facilities, including automated terminals, at locations other than its principal office upon approval of the commissioner. The maintenance of such facilities must be reasonably necessary to furnish service to its members or potential members.”

Applications

SECTION 15. Section 34-26-530 of the 1976 Code is amended to read:

“Section 34-26-530. Persons wishing to join a credit union must do so by written application which shall be acted upon in accordance with credit union procedure. A person denied membership may appeal the denial to the credit union board.”

Board meetings

SECTION 16. Section 34-26-640(A) of the 1976 Code is amended to read:

“(A)The board of directors shall meet as often as necessary and at least quarterly.”

Conforming changes

SECTION 17. Section 34-26-645(13) of the 1976 Code is amended to read:

“(13) establish titles for all elected officers; and”

Assets and liabilities of credit unions

SECTION 18. Section 34-26-1220 of the 1976 Code is amended to read:

“Section 34-26-1220. (1) A credit union incorporated under the laws of this State may be converted to a credit union organized under the laws of any state or under the laws of the United States, or a credit union organized under the laws of the United States or of any other state may convert to a credit union incorporated under the laws of this State.

(2) To effect such a conversion, a credit union must receive the approval of a majority of the members voting in accordance with the credit union’s bylaws on the question of a charter conversion and upon the approval of the credit union’s current and future regulator.

(3) The assets and liabilities of the predecessor credit union will vest in and become the property of the successor credit union subject to all existing liabilities against the predecessor credit union. Members of the

predecessor credit union may become members of the successor credit union pursuant to this chapter.”

Repeals

SECTION 19. Chapters 12 and 27 of Title 34, and Sections 34-1-70, 34-3-60, 34-9-70, 34-9-80, 34-11-40, and 34-11-50 of the 1976 Code are repealed.

Time effective

SECTION 20. This act takes effect upon approval by the Governor.

Ratified the 4th day of May, 2021.

Approved the 6th day of May, 2021.

No. 31

(R44, S510)

AN ACT TO AMEND SECTION 56-15-10, AS AMENDED CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR THE REGULATION OF MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SO AS TO REVISE THE DEFINITION OF CERTAIN TERMS AND PROVIDE ADDITIONAL TERMS AND THEIR DEFINITIONS; BY ADDING SECTION 56-15-35, SO AS TO PROVIDE FOR THE HANDLING OF CERTAIN CONSUMER DATA BY FRANCHISORS, MANUFACTURERS, DISTRIBUTORS, OR THIRD PARTY AFFILIATES; TO AMEND SECTION 56-15-40, RELATING TO SPECIFIC ACTS DEEMED UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES REGARDING MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SO AS TO DEFINE CERTAIN TERMS, REVISE THE PROVISIONS RELATING TO CERTAIN ENTITIES TAKING ADVERSE ACTIONS AGAINST A DEALER FOR OFFERING OR DECLINING TO OFFER PROMOTIONS, SERVICE CONTRACTS, DEBT CANCELLATION AGREEMENTS,

MAINTENANCE AGREEMENTS, OR OTHER SIMILAR PRODUCTS, TERMINATING OR CANCELING A FRANCHISE OR SELLING AGREEMENTS TO A DEALER WITHOUT DUE CAUSE, AND PROVIDE THAT CERTAIN ADDITIONAL CONDUCT CONSTITUTES A VIOLATION OF THIS SECTION; TO AMEND SECTION 56-15-45, RELATING TO OWNERSHIP, OPERATION OR CONTROL OF COMPETING DEALERSHIPS BY MANUFACTURERS OR FRANCHISORS, SO AS TO PROVIDE FOR A DATE CHANGE, TO DELETE QUALIFICATIONS FOR AN EXEMPTION, AND TO PROVIDE A MANUFACTURER MAY NOT LEASE OR ENTER INTO SUBSCRIPTION AGREEMENTS EXCEPT TO A NEW DEALER HOLDING FRANCHISES IN THE LINE MAKE THAT INCLUDES THE VEHICLES; TO AMEND SECTION 56-15-46, RELATING TO THE NOTICE OF INTENT TO ESTABLISH OR RELOCATE COMPETING DEALERSHIPS, SO AS TO REVISE THE RADIUS THAT PERTAINS TO THE AREA IN WHICH FRANCHISORS INTEND TO ESTABLISH NEW DEALERSHIPS NEAR AN EXISTING DEALERSHIP, ADD A TIME REQUIREMENT FOR NOTICE, AND REVISE THE CIRCUMSTANCES FOR WHICH THIS SECTION DOES NOT APPLY; TO AMEND SECTION 56-15-50, RELATING TO THE REQUIREMENT THAT MANUFACTURERS MUST SPECIFY DELIVERY AND PREPARATION OBLIGATIONS OF DEALERS, FILING OF COPY OF OBLIGATIONS, AND SCHEDULE OF COMPENSATION, SO AS TO PROVIDE MANUFACTURERS AND FRANCHISORS SHALL INDEMNIFY AND HOLD HARMLESS ITS FRANCHISED DEALERS UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56-15-60, RELATING TO THE FULFILLMENT OF WARRANTY AGREEMENTS AND A DEALER'S CLAIMS FOR COMPENSATION, SO AS TO REVISE THE PROVISIONS RELATING TO WARRANTY AGREEMENTS THAT AFFECT CERTAIN MOTOR VEHICLE MANUFACTURERS, DEALERS, DISTRIBUTORS, FACTORY BRANCHES, AND DISTRIBUTOR BRANCHES; TO AMEND SECTION 56-15-65, RELATING TO REQUIREMENTS FOR CHANGES OF LOCATION OR ALTERATION OF DEALERSHIPS, SO AS TO PROVIDE CERTAIN CONDUCT BY MANUFACTURERS, DISTRIBUTORS, FACTORY REPRESENTATIVES, OR DISTRIBUTOR REPRESENTATIVES IS A VIOLATION OF THIS SECTION; TO AMEND SECTION 56-15-70, RELATING

TO CERTAIN UNREASONABLE RESTRICTIONS ON DEALERS OR FRANCHISEES THAT ARE UNLAWFUL, SO AS TO PROVIDE ADDITIONAL RESTRICTIONS THAT ARE UNLAWFUL; TO AMEND SECTION 56-15-90, RELATING TO THE FAILURE TO RENEW, THE TERMINATION OR RESTRICTION OF TRANSFERS OF A FRANCHISE, AND DETERMINING REASONABLE COMPENSATION FOR THE VALUE OF DEALERSHIP FRANCHISES, SO AS TO REVISE THE PROVISIONS RELATING TO THE DETERMINATION OF FAIR AND REASONABLE COMPENSATION FOR BUSINESSES; AND TO AMEND SECTION 56-15-140, RELATING TO VENUE FOR ACTIONS RELATING TO THE REGULATION OF VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SO AS TO PROVIDE THE VENUE IS IN THE STATE COURTS IN SOUTH CAROLINA.

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

Definitions

SECTION 1. Section 56-15-10(h)(1), as last amended by Act 255 of 2018, and (j), and (l) of the 1976 Code is amended to read:

“(1) manufacturers, distributors, or wholesalers;

(j) ‘Franchisor’ a manufacturer, distributor, or wholesaler who grants a franchise to a motor vehicle dealer.

(l) ‘Sale’, shall include the issuance, transfer, agreement for transfer, exchange, pledge, hypothecation, mortgage in any form, whether by transfer in trust or otherwise, of any motor vehicle or interest therein or of any franchise related thereto; and any option, lease, subscription or other contract, or solicitation, looking to a sale, or offer or attempt to sell in any form, whether spoken or written. A gift or delivery of any motor vehicle or franchise with respect thereto with, or as, a bonus on account of the sale of anything shall be deemed a sale of such motor vehicle or franchise.”

Definitions

SECTION 2. Section 56-15-10 of the 1976 Code, as last amended by Act 255 of 2018, is further amended by adding appropriately lettered items to read:

“() ‘Consumer data’ has the same meaning as ‘nonpublic personal information’, as defined in 15 U.S.C. Section 6809(4), and that is collected by a dealer and provided directly to a manufacturer or third party acting on behalf of a manufacturer. ‘Consumer data’ does not include the same or similar data obtained by a manufacturer from any source other than the dealer or dealer’s data management system.

() (1) ‘Data management system’ means a computer hardware or software system that:

- (a) is owned, leased, or licensed by a dealer, including a system of web-based applications, computer software, or computer hardware;
- (b) is located at the dealership or hosted remotely; and
- (c) stores and provides access to consumer data collected or stored by a dealer.

(2) ‘Data management system’ includes, but shall not be limited to, dealership management systems and customer relations management systems.

() ‘New motor vehicle dealer’ means a dealer that:

- (1) buys, sells, exchanges, offers, or attempts to negotiate a sale or exchange of an interest in new, or new and used, motor vehicles; or
- (2) engages, wholly or in part, in the business of selling new, or new and used, motor vehicles.

() ‘Relevant market area’ means:

- (1) an area within a ten mile radius around an existing dealer, for purposes of the relocation of an existing dealership; and
- (2) an area within a fifteen mile radius around an existing dealer, for purposes of the addition of a new dealer to the market.

() ‘Stop-Sale Order’ means a notification issued by a manufacturer to its franchised new motor vehicle dealers stating that certain used vehicles in inventory may not be sold or leased, at either retail or wholesale, due to a federal safety recall for a defect or noncompliance, or a federal emissions recall.”

Consumer data

SECTION 3. Article 1, Chapter 15, Title 56 of the 1976 Code is amended by adding:

“Section 56-15-35. (A) If a franchisor, manufacturer, distributor, or third party acting on behalf of a franchisor, manufacturer, or distributor handles consumer data, then the franchisor, manufacturer, distributor, or third party:

(1) must comply with and shall not cause a dealer to violate applicable restrictions regarding reuse or consumer data disclosure established by federal or state law;

(2) upon a dealer’s written request, must provide a statement to the dealer describing procedures that meet or exceed any federal or state consumer data protection requirements;

(3) upon a dealer’s written request, must provide a written list of the consumer data obtained from the dealer and all persons to whom any consumer data has been furnished during the preceding six months. The dealer may make such a request no more than once every six months. The list must indicate the specific fields of consumer data that were provided to each person. Notwithstanding the foregoing, such a list may not be required to include:

(a) a person to whom consumer data was provided, or the specific consumer data provided to such person, if the person was, at the time the consumer data was provided, a service provider or subcontractor acting in the course of performance of services on behalf of or for the benefit of the franchisor, manufacturer, or distributor, provided that the franchisor, manufacturer, or distributor has entered into an agreement with the person requiring that the person comply with the safeguard requirements of applicable state and federal law including, but not limited to, those established in the Gramm-Leach-Bliley Act, 15 U.S.C. Section 6801, et seq.; or

(b) a person to whom consumer data was provided, or the specific consumer data provided to the person, if the dealer has previously consented in writing to the person receiving the consumer data and the dealer has not withdrawn the consent in writing;

(4)(a) may not require a dealer to provide direct or indirect access to the dealer’s data management system for obtaining consumer data. A dealer may furnish consumer data in a widely accepted file format, such as comma delimited, and through a third-party vendor selected by the dealer;

(b) may directly access or obtain consumer data from a dealer’s data management system with the express written consent from the dealer. The consent must be a separate document executed by the dealer principal and may be withdrawn by the dealer upon providing a thirty-day written notice to the manufacturer or distributor. Consent is not required as a condition of a new motor vehicle dealer’s participation

in an incentive program, unless consent is necessary to obtain consumer data to implement the program; and

(5) must indemnify the dealer for any third-party claims or damages incurred by the dealer to the extent the damage is caused by access to, use of, or disclosure of consumer data in violation of this section by the franchisor, manufacturer, distributor, or a third party to whom the franchisor, manufacturer, or distributor has provided consumer data.

(B) This section is not a limitation on a franchisor's, manufacturer's, or distributor's ability to require the dealer to provide or use customer information exclusively related to the manufacturer or distributor's own vehicle makes to the extent necessary to:

(1) satisfy safety, recall, warranty, or other legal notice obligations required of the manufacturer;

(2) complete the sale and delivery of a new motor vehicle to a customer;

(3) validate and pay customer or dealer incentives;

(4) submit claims for any services supplied by the dealer for any claim for warranty parts or repair;

(5) perform market analysis;

(6) perform sales or service consumer satisfaction surveys; or

(7) perform reasonable marketing that benefits the dealer.”

Unfair methods of competition and unfair or deceptive acts

SECTION 4. Section 56-15-40 of the 1976 Code is amended to read:

“Section 56-15-40. (A) For the purposes of this section:

(1) ‘Goods’ does not include moveable displays, brochures, or promotional materials containing information subject to a manufacturer's or distributor's intellectual property rights; special tools as reasonably required by the manufacturer; or repair parts under a manufacturer's or distributor's warranty obligations.

(2) ‘Financial services company’ or ‘captive finance source’ means any finance source that provides automotive-related loans, or purchases retail installment contracts or lease contracts for motor vehicles and is, directly or indirectly, owned, operated, or controlled, in whole or in part, by a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesale branch or division.

(B) It shall be deemed a violation of Section 56-15-30(a) for any manufacturer, factory branch, factory representative, distributor, or

wholesaler, distributor branch, distributor representative or motor vehicle dealer to engage in any action which is arbitrary, in bad faith, or unconscionable and which causes damage to any of the parties or to the public.

(C) It shall be deemed a violation of Section 56-15-30(a) for a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesale branch or division, or an officer, agent or other representative, to require, coerce, or attempt to coerce, any motor vehicle dealer:

(1) to order or accept delivery of any motor vehicle or vehicles, appliances, equipment, parts or accessories, or any other commodity or commodities which such motor vehicle dealer has not voluntarily ordered;

(2) to order or accept delivery of any motor vehicle with special features, appliances, accessories, or equipment not included in the list price of said motor vehicles as publicly advertised by the manufacturer thereof;

(3) to order for any person any parts, accessories, equipment, machinery, tools, appliances, or any commodity whatsoever;

(4) to offer or promote service contracts, debt cancellation agreements, maintenance agreements, or other similar products approved, endorsed, sponsored, or offered by the manufacturer, distributor, affiliate, or captive finance source. This does not prohibit a manufacturer, distributor, affiliate, or captive finance source from offering voluntary incentives to the motor vehicle dealer;

(5) to sell, assign, or transfer any retail installment sales contract or lease obtained by the motor vehicle dealer in connection with the sale or lease of a new motor vehicle manufactured by the manufacturer to a specified finance company, class of finance companies, leasing company, class of leasing companies, or to any other specified person.

(D) It shall be deemed a violation of Section 56-15-30(a) for a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesale branch or division, or officer, agent or other representative thereof:

(1) to refuse to deliver in reasonable quantities and within a reasonable time after receipt of dealer's order, to any motor vehicle dealer having a franchise or contractual arrangement for the retail sale of new motor vehicles sold or distributed by such manufacturer, distributor branch or division, factory branch or division, or wholesale branch or division, any such motor vehicles as are covered by such franchise or contract specifically publicly advertised by such manufacturer, distributor, wholesaler, distributor branch or division,

factory branch or division, or wholesale branch or division to be available for immediate delivery; provided, however, the failure to deliver any motor vehicle shall not be considered a violation of this chapter if such failure be due to an act of God, work stoppage or delay due to a strike or labor difficulty, shortage of materials, freight embargo or other cause over which the manufacturer, distributor, or wholesaler, or any agent thereof, shall have no control;

(2) to coerce, or attempt to coerce, any motor vehicle dealer to enter into any agreement with such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, or officer, agent or other representative thereof, or to do any other act prejudicial to such dealer by threatening to cancel any franchise or any contractual agreement existing between such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, and such dealer; provided, however, that notice in good faith to any motor vehicle dealer of such dealer's violation of any terms or provisions of such franchise or contractual agreement shall not constitute a violation of this chapter;

(3) to terminate or cancel the franchise or selling agreement of any such dealer without due cause. The nonrenewal of a franchise or selling agreement, without due cause, shall constitute an unfair termination or cancellation, regardless of the terms or provisions of such franchise or selling agreement. Such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, or officer, agent or other representatives thereof shall notify a motor vehicle dealer in writing of the termination or cancellation of the franchise or selling agreement of such dealer at least ninety days before the effective date thereof, stating the specific grounds for such termination or cancellation, except that such notification may not be provided less than fifteen days before the effective date of the termination, cancellation, or nonrenewal with respect to any of the following: (a) insolvency of the new motor vehicle dealer, or filing of any petition by or against the new motor vehicle dealer under any bankruptcy or receivership law; (b) failure of the new motor vehicle dealer to conduct its customary sales and service operations during its customary business hours for seven consecutive business days, except for acts of God or circumstances beyond the direct control of the new motor vehicle dealer; (c) revocation of any license which the new motor vehicle dealer is required to have to operate a dealership; or (d) conviction of a felony involving moral turpitude, under the laws of this State or any other state, territory, or the District of Columbia; and such

manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, or officer, agent or other representative thereof shall notify a motor vehicle dealer in writing by registered or certified mail with a return receipt requested at least ninety days before the contractual term of his franchise or selling agreement expires that the same will not be renewed, stating the specific grounds for such nonrenewal in those cases where there is no intention to renew, and in no event shall the contractual term of any such franchise or selling agreement expire, without the written consent of the motor vehicle dealer involved, prior to the expiration of at least ninety days following such written notice, or before the expiration of at least fifteen days following written notice of termination, cancellation, or nonrenewal for any of the following: (a) insolvency of the new motor vehicle dealer, or filing of any petition by or against the new motor vehicle dealer under any bankruptcy or receivership law; (b) failure of the new motor vehicle dealer to conduct its customary sales and service operations during its customary business hours for seven consecutive business days, except for acts of God or circumstances beyond the direct control of the new motor vehicle dealer; (c) revocation of any license which the new motor vehicle dealer is required to have to operate a dealership; or (d) conviction of a felony involving moral turpitude, under the laws of this State or any other state, territory, or the District of Columbia. During a termination, cancellation, or nonrenewal requiring the ninety-day notification period, either party may in appropriate circumstances petition a court to modify such ninety-day stay or to extend it pending a final determination of such proceedings on the merits. The court shall have authority to grant preliminary and final injunctive relief. A dealer who receives notice of franchise termination, cancellation, or nonrenewal as provided herein shall continue to have the right to assign, sell, or transfer the franchise to a third party under the franchise and pursuant to Section 56-15-70 unless otherwise ordered by a court and until franchise termination, cancellation, or nonrenewal is effective;

(4) to resort to or use any false or misleading advertisement in connection with his business as such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, or officer, agent or other representative thereof;

(5) to offer to sell or to sell any new motor vehicle to any motor vehicle dealer at a lower actual price therefor than the actual price offered to any other motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device including, but not limited to,

a sales promotion plan or a program which results in such lesser actual price; provided, however, the provisions of this paragraph shall not apply to sales to a motor vehicle dealer for resale to any unit of the United States Government, the State or any of its political subdivisions; and provided, further, the provisions of this paragraph shall not apply to sales to a motor vehicle dealer of any motor vehicle ultimately sold, donated or used by such dealer in a driver education program; and provided, further, that the provisions of this paragraph shall not apply so long as a manufacturer, distributor, or wholesaler, or any agent thereof, offers to sell or sells new motor vehicles to all motor vehicle dealers at an equal price. This provision shall not apply to sales by manufacturer, distributor, or wholesaler to the United States Government or any agency thereof;

(6) to wilfully discriminate, either directly or indirectly, in price between different purchasers of a commodity of like grade or quality where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly or to injure or destroy the business of a competitor;

(7) to offer to sell or to sell parts or accessories to any new motor vehicle dealer for use in his own business for the purpose of repairing or replacing the same on a comparable part or accessory, at a lower actual price therefor than the actual price charged to any other new motor vehicle dealer for similar parts or accessories for use in his own business; provided, however, in those cases where motor vehicle dealers operate and serve as wholesalers of parts and accessories to retail outlets or other dealers, whether or not such dealer is regularly designated as a wholesaler, nothing herein contained shall be construed to prevent a manufacturer, distributor, or wholesaler, or any agent thereof, from selling to such motor vehicle dealer who operates and services as a wholesaler of parts and accessories, such parts and accessories as may be ordered by such motor vehicle dealer for resale to retail outlets, at a lower actual price than the actual price charged a motor vehicle dealer who does not operate or serve as a wholesaler of parts and accessories;

(8) to prevent or attempt to prevent by contract or otherwise, any motor vehicle dealer from changing the capital structure of his dealership or the means by or through which he finances the operation of his dealership, provided the dealer at all times meets any reasonable capital standards agreed to between the dealership and the manufacturer, distributor, or wholesaler, and provided such change by the dealer does not result in a change in the executive management of the dealership;

(9) to prevent or attempt to prevent by contract or otherwise, any motor vehicle dealer or any officer, partner or stockholder of any motor

vehicle dealer from selling or transferring any part of the interest of any of them to any other person or persons or party or parties; provided, however, that no dealer, officer, partner or stockholder shall have the right to sell, transfer or assign the franchise or power of management or control thereunder without the consent of the manufacturer, distributor, or wholesaler except that such consent shall not be unreasonably withheld. If a manufacturer or distributor objects, then the objection must state the reasons for the denial of the request. A copy must be provided to the motor vehicle dealer by certified mail, return receipt requested, within forty-five days of the receipt of the dealer candidate's application and all documents reasonably required by the manufacturer, distributor, or wholesaler;

(10) to obtain money, goods, services, anything of value, or any other benefit from any other person with whom the motor vehicle dealer does business, on account of or in relation to the transactions between the dealer and such other person, unless such benefit is promptly accounted for and transmitted to the motor vehicle dealer;

(11) to require a motor vehicle dealer to assent to a release, assignment, novation, waiver, or estoppel which would relieve any person from liability imposed by this chapter;

(12) to allocate its products within this State in a manner that provides any of its franchised dealers an unfair, unreasonable, and inequitable supply of products and vehicles by series, product line, and model, based on each dealer's historical selling pattern as compared to other same line-make dealers. Additionally, a manufacturer or distributor may not establish a specific sales performance standard that does not take into account the actual vehicle allocation offered to the dealer by the manufacturer or distributor, as well as the dealer's inventory levels relevant to achieve any minimum performance standards to which the manufacturer or distributor holds the dealer accountable; provided, however, the failure to provide allocation of any products or vehicles, including by series, product line, or model, may not be considered a violation of this chapter if such failure is due to an act of God, natural disaster, force majeure, work stoppage or delay due to a strike or labor difficulty, shortage of materials, production limitation, freight embargo, or other cause over which the manufacturer, distributor, or wholesaler, or any agent thereof, has no control, including the dealer's refusal or declination to accept product allocation offered; or

(13) to require, coerce, or attempt to coerce a dealer that is constructing, renovating, or substantially altering its dealership facility to purchase goods or services from a vendor selected, identified, or designated by a manufacturer, distributor, affiliate, or captive finance

source if the dealer may obtain goods or services, that are of substantially similar material, quality, and design to those required by the manufacturer, distributor, affiliate, or captive finance source from a vendor selected by the dealer. Prior to selecting a vendor, the dealer must obtain approval from the manufacturer, distributor, affiliate, or captive finance source. Approval may not be unreasonably withheld. If the manufacturer, distributor, affiliate, or captive finance source claims that a vendor selected by the dealer cannot supply substantially similar goods or services, then the dealer may file a protest with the court of common pleas. The court shall conduct a hearing on the merits of the protest within ninety days following the filing of a response to the protest. The manufacturer, distributor, affiliate, or captive finance source shall bear the burden of proving that the goods or services chosen by the dealer are not of substantially similar material, quality, and design to those required by the manufacturer, distributor, affiliate, or captive finance source. Nothing in this item may be construed to allow a dealer to impair or eliminate a manufacturer, distributor, affiliate, or captive finance source's intellectual property or trademark rights and trade dress usage guidelines or impair other intellectual property interests owned or controlled by the manufacturer, distributor, affiliate, or captive finance source, including the design and use of signs. This section does not apply to any facility or premise improvement or alteration that is voluntarily agreed to by the new motor vehicle dealer and for which the dealer receives facilities-related compensation from the manufacturer or distributor for the facility improvement or alteration equivalent to at least a majority of the cost incurred by the dealer for the facility improvement or alteration."

Ownership, operating, or control of competing dealerships

SECTION 5. Section 56-15-45(A)(3) and (D) of the 1976 Code is amended to read:

“(3) at the same location at which the manufacturer or franchisor has been continuously engaged in the retail sale of new motor vehicles as the owner, operator, or controller of the dealership since January 1, 1998.

(D) Except as may be provided otherwise in subsections (A) and (B) of this section, a manufacturer or franchisor may not sell, or lease, directly or indirectly, a motor vehicle to a consumer in this State, except through a new motor vehicle dealer holding a franchise for the line make that includes the motor vehicle. This subsection does not apply to

manufacturer or franchisor sales of new motor vehicles to the federal government, nor to manufacturer or franchisor leases of new motor vehicles to employees of the manufacturer or franchisor. Nothing in this subsection prohibits a manufacturer or franchisor or any parent, affiliate, wholly or partially owned subsidiary, officer, or representative of a manufacturer or franchisor operating as a motor vehicle lessor from selling a motor vehicle to the lessee at the conclusion of a lease agreement between the two parties. Nothing in this subsection prevents a manufacturer or franchisor from establishing an e-commerce website for the purpose of referring prospective customers to motor vehicle dealers holding a franchise for the same line make of the manufacturer or franchisor.”

Notice

SECTION 6. Section 56-15-46 of the 1976 Code is amended to read:

“Section 56-15-46. (A) A franchisor that intends to establish a new dealership or to relocate a current dealership for a particular line-make motor vehicle within the relevant market area of an existing dealership of the same line-make motor vehicle shall give at least sixty-days’ prior written notice of that intent by certified mail to the existing dealership. The notice must include the:

- (1) specific location of the additional or relocated dealership;
- (2) date of commencement of operation of the additional or relocated dealership at the new location;
- (3) identities of all existing dealerships located in the market area of the new or relocated dealership; and
- (4) names and addresses of the dealer and principals in the new or relocated dealership.

(B) If a franchisor intends to establish a new dealership or to relocate an existing dealership within the relevant market area of an existing dealership, then that existing dealership may petition the court, within sixty days of the receipt of the notice, to enjoin or prohibit the establishment of the new or relocated dealership within the relevant market area of the existing dealership. The court shall enjoin or prohibit the establishment of the new or relocated dealership within the relevant market area of the protesting dealership unless the franchisor shows by a preponderance of the evidence that the existing dealership is not providing adequate representation of the line-make motor vehicle and that the new or relocated dealership is necessary to provide the public with reliable and convenient sales and service within that area. The

burden of proof in establishing adequate representation is on the franchisor. In determining if the existing dealership is providing adequate representation and if the new or relocated dealership is necessary, the court may consider, but is not limited to, considering:

(1) the impact the establishment of the new or relocated dealership will have on consumers, the public interest, and the protesting dealership, except that financial impact may be considered only with respect to the protesting dealership;

(2) the size and permanency of investment reasonably made and the reasonable obligations incurred by the protesting dealership to perform its obligation pursuant to the dealership's franchise agreement;

(3) the reasonably expected market penetration of the line-make motor vehicle, after consideration of all factors which may affect the penetration including, but not limited to, demographic factors such as age, income, education, size class preference, product popularity, retail lease transactions, and other factors affecting sales to consumers;

(4) actions by the franchisor in denying its existing dealership of the same line make the opportunity for reasonable growth, market expansion, or relocation, including the availability of line-make motor vehicles in keeping with reasonable expectations of the franchisor in providing an adequate number of dealerships;

(5) attempts by the franchisor to coerce the protesting dealership into consenting to an additional or relocated dealership of the same line make within a ten-mile radius of the protesting dealership;

(6) distance, travel time, traffic patterns, and accessibility between the protesting dealership of the same line make and the location of the proposed new or relocated dealership;

(7) the likelihood of benefits to consumers from the establishment or relocation of the dealership, which benefits may not be obtained by other geographic or demographic changes or other expected changes within a ten-mile radius of the protesting dealership;

(8) if the protesting dealership is in substantial compliance with its franchise agreement;

(9) if there is adequate interbrand and intrabrand competition with respect to the line-make motor vehicles, including the adequacy of sales and service facilities;

(10) if the establishment or relocation of the proposed dealership appears to be warranted and justified based on economic and market conditions pertinent to dealerships competing within a ten-mile radius of the protesting dealership, including anticipated changes; and

(11) the volume of registrations and service business transacted by the protesting dealership.

(C) This section does not apply to the:

(1) relocation of an existing new motor vehicle dealer within two miles of the existing site of the new motor vehicle dealership if the franchise has been operating on a regular basis from the existing site for a minimum of three years immediately preceding the relocation; or

(2) relocation of an existing new motor vehicle dealer if the proposed site of the relocated new motor vehicle dealership is further away from all other new motor vehicle dealers of the same line make in that relevant market area.”

Delivery and preparation obligations of dealers

SECTION 7. Section 56-15-50 of the 1976 Code is amended to read:

“Section 56-15-50. (A) Every manufacturer shall specify to the dealer the delivery and preparation obligations of its motor vehicle dealers prior to delivery of new motor vehicles to retail buyers. A copy of the delivery and preparation obligations of its motor vehicle dealers and a schedule or statement of the compensation to be paid or credited to its motor vehicle dealers for the work and services they shall be required to perform in connection with such delivery and preparation obligations shall be filed with the Department of Motor Vehicles by every motor vehicle manufacturer and shall constitute any such dealer’s only responsibility for product liability as between such dealer and such manufacturer. The compensation as set forth on such schedule or statement shall be reasonable and paid or credited as set out in Section 56-15-60.

(B) Every manufacturer and franchisor shall indemnify and hold harmless its franchised dealers licensed in this State against any judgment for damages or settlements agreed to by the manufacturer or franchisor including, but not limited to, court costs and reasonable attorneys’ fees of the motor vehicle dealer arising out of complaints, claims, or lawsuits including, but not limited to, strict liability, negligence, misrepresentation, express or implied warranty, or rescission or revocation of acceptance of the sale of a motor vehicle to the extent that the judgment or settlement relates to the alleged defective negligent manufacture, assembly, or design of new motor vehicles, parts, or accessories or other functions by the manufacturer or franchisor, but excluding any judgment or settlement that is the result, in whole or in part, of the dealer’s negligence or wrong doing.”

Warranty agreements

SECTION 8. Section 56-15-60 of the 1976 Code is amended to read:

“Section 56-15-60. (A) It is unlawful for a new motor vehicle manufacturer to recover any portion of its costs for compensating dealers for recalls or warranty parts and service, either by reduction in the amount due to the dealer, or by separate charge, surcharge, or other imposition.

(B) A manufacturer or distributor shall specify in writing to each of its dealers operating in this State the dealer’s obligations for preparation, delivery, and warranty services related to the manufacturer or distributor’s products. The manufacturer or distributor shall compensate the dealer for the warranty services the manufacturer or distributor requires the dealer to provide, including warranty and recall obligations related to repairing and servicing motor vehicles of the manufacturer or distributor and all parts and components authorized by the manufacturer to be installed in or manufactured for installation in such motor vehicles.

(C)(1) The manufacturer or distributor shall provide to the dealer a schedule of compensation that specifies reasonable compensation the manufacturer or distributor will pay to the dealer for the warranty services, including for parts, labor, and diagnostics. For parts and labor warranty reimbursement, reasonable compensation shall not be less than the rate charged by the dealer for like services to nonwarranty customers for nonwarranty parts, service, and repairs if the dealer has submitted a request for retail reimbursement pursuant to item (4).

(2) If the dealer has requested retail reimbursement pursuant to item (4), the schedule of compensation for parts must be determined by multiplying the price paid by the dealer for warranty parts by the sum of one and the dealer’s average percentage markup. The dealer’s average percentage markup is calculated by subtracting one from the result of dividing the total amounts charged by the dealer for parts used in warranty-like repairs by the total cost to the dealer for the parts in the retail service orders submitted pursuant to item (4).

(3) If the dealer has requested retail reimbursement pursuant to item (4), the schedule of compensation for labor-related warranty services must be determined by dividing the total amount of retail sales attributable to labor for warranty-like services by the number of hours of labor spent to generate the retail sales in the retail service orders submitted pursuant to item (4).

(4)(a) The dealer may establish its retail average percentage markup for parts or its labor rate by submitting to the manufacturer copies of one hundred sequential retail service orders paid by the dealer’s

customers, or all of the dealer's retail service orders paid by the dealer's customers in a ninety-day period, whichever is less, for services provided within the previous one hundred eighty-day period. The manufacturer or distributor may not consider retail service orders or portions of retail service orders attributable to the following types of repairs:

- (i) repairs to motor vehicles owned by the dealer;
- (ii) repairs made pursuant to manufacturer special events and manufacturer discounted service campaigns;
- (iii) parts sold at wholesale or discounted by a dealer for repairs made to government vehicles or insurance work for which volume discounts have been negotiated;
- (iv) tires;
- (v) routine maintenance such as alignments, flushes, oil changes, brake pads or rotors, lightbulbs, fluids, filters, batteries, belts, and hoses;
- (vi) nuts, bolts, fasteners, and similar items that do not have an individual part number.

(b) Within thirty days of receiving the dealer's submission, the manufacturer or distributor may request additional necessary documentation to support the submitted orders. If the manufacturer or distributor requests additional documentation to support the submission, then the time period in which the manufacturer or distributor must approve or deny the establishment of the franchise motor vehicle dealer's average percentage markup must be extended by thirty days. The manufacturer or distributor then shall approve or deny the establishment of the dealer's average percentage markup or labor rate. If the manufacturer or distributor approves the establishment of the dealer's average percentage markup or labor rate, the markup or rate calculated under this subitem goes into effect thirty days after the date of the manufacturer's or distributor's approval.

(c) A manufacturer or distributor may not require a dealer to establish an average percentage markup or labor rate by a methodology, or by requiring the submission of information, that is unduly burdensome or time-consuming to the dealer including, but not limited to, requiring part-by-part or transaction-by-transaction calculations.

(d) A dealer may not request a change in the dealer's average percentage markup or labor rate more than once in any twelve-month period.

(D)(1) If a manufacturer or distributor provides a part or component to a dealer at reduced or no cost for repairs completed because of a recall, campaign service action, or warranty repair, then the manufacturer or

distributor shall compensate the dealer for the part or component in the same manner as compensation for warranty parts based on the dealer's average markup less the cost for the part or component as listed in the manufacturer's or distributor's price schedule.

(2) A manufacturer may not take or threaten to take any adverse action against a dealer seeking to obtain compensation pursuant to this subsection including, but not limited to, creating or implementing an obstacle or process that is inconsistent with the manufacturer's obligations to the dealer.

(3) Within thirty days of receiving a manufacturer's notice of denial of the dealer's parts or labor submission, a new motor vehicle dealer may file a protest with the court of common pleas to protest a manufacturer's denial. If a protest is filed, then the manufacturer possesses the burden of proof to establish that the dealer's submission did not meet the respective submission requirements contained within this subsection or is inaccurate or unreasonable. If a dealer prevails in a protest filed under this subsection, then the dealer's increased parts or labor reimbursement must be provided retroactively as of the date the submission would have been effective but for the manufacturer's denial.

(E) It is a violation of this section for any new motor vehicle manufacturer to fail to:

(1) perform any warranty obligations; or

(2) compensate any new motor vehicle dealer for repairs effected by a recall.

(F)(1) All claims made by a new motor vehicle dealer pursuant to this section for labor and parts shall be paid within thirty days following approval; provided, however, that the manufacturer may audit claims for up to one year after payment and charge the dealer for fraudulent claims, work done unnecessarily, or work not properly performed. All claims must be approved or disapproved within thirty days after receipt on forms and in the manner specified by the manufacturer. Any claim not specifically disapproved in writing within thirty days after receipt shall be construed to be approved and payment must follow within thirty days.

(2) The manufacturer or distributor shall not disapprove a reimbursement claim if the dealer can substantiate the claim, in accordance with the manufacturer's reasonable policies and procedures. A claim may not be denied or charged back due to a dealer's unintentional administrative error if the claim meets the requirements of this subsection. The one-year limitation on the manufacturer's right to audit a claim shall not be in effect in the case of fraudulent claims.

(G)(1) Any audit for warranty or recall parts, service compensation, or compensation for a qualifying used motor vehicle in accordance with

subsection (I) only may be conducted once within any twelve-month period and only must be for the twelve-month period immediately following the date of the payment of the claim by the manufacturer, factory branch, distributor, or distributor branch.

(2) Any audit for sales incentives, service incentives, rebates, or other forms of incentive compensation only may be conducted once within any twelve-month period and only must be for the twelve-month period immediately following the date of the payment of the claim by the manufacturer, factory branch, distributor, or distributor branch pursuant to a sales incentives program, service incentives program, rebate program, or other form of incentive compensation program.

(3) The limitations of this subsection do not apply to fraudulent claims.

(H) A manufacturer or distributor shall not charge a dealer back for sales incentives, service incentives, rebates, or other forms of incentive compensation subsequent to the payment of the claim unless it can be shown that the claim was false, fraudulent, or that the dealer failed to reasonably substantiate the claim in accordance with the manufacturer's reasonable written procedures.

(I)(1) A manufacturer shall compensate its new motor vehicle dealers for all labor and parts required by the manufacturer to perform recall repairs. Compensation for recall repairs must be reasonable. If parts or a remedy are not reasonably available to perform a recall service or repair on a used vehicle held for sale by a dealer authorized to sell and service new vehicles of the same line make within thirty days of the manufacturer issuing the initial notice of recall, and the manufacturer has issued a Stop-Sale or Do-Not-Drive order on the vehicle, the manufacturer shall compensate the dealer at a prorated rate of at least one percent of the value of the vehicle each month beginning on the date that is thirty days after the date on which the Stop-Sale or Do-Not-Drive order was provided to the dealer until the earlier of either of the following:

(a) The date the recall or remedy parts are made available.

(b) The date the dealer sells, trades, or otherwise disposes of the affected used motor vehicle.

(2) The value of a used vehicle must be the average trade-in value for used vehicles as indicated in an independent third-party guide for the year, make, and model of the recalled vehicle.

(3) This subsection only applies to used vehicles subject to safety or emissions recalls pursuant to and recalled in accordance with federal law and regulations and where a Stop-Sale or Do-Not-Drive order has been issued and repair parts or remedy remain unavailable for thirty days

or longer. This subsection further applies only to new motor vehicle dealers holding an affected used vehicle for sale:

(a) in inventory at the time the Stop-Sale or Do-Not-Drive order was issued;

(b) which was taken in the used vehicle inventory of the dealer as a consumer trade in incident to the purchase of a new vehicle from the dealer after the Stop-Sale or Do-Not-Drive order was issued; and

(c) that is a line make that the dealer is franchised to sell or on which the dealer is authorized to perform recall repairs.

(4) Subject to the audit provisions of subsection (G)(1), it is a violation of this section for a manufacturer to reduce the amount of compensation otherwise owed to an individual new motor vehicle dealer, whether through a chargeback, removal of the individual dealer from an incentive program, or reduction in amount owed under an incentive program solely because the new motor vehicle dealer has submitted a claim for reimbursement under this section. This item does not apply to an action by a manufacturer that is applied uniformly among all dealers of the same line-make in the State.

(5) All reimbursement claims made by new motor vehicle dealers pursuant to this section for recall remedies or repairs, or for compensation where no part or repair is reasonably available and the vehicle is subject to a Stop-Sale or Do-Not-Drive order, is subject to the same limitations and requirements as a warranty reimbursement claim made under this section. In the alternative, a manufacturer may compensate its franchised dealers under a national recall compensation program, provided the compensation under the program is equal to or greater than that provided under this subsection; or as the manufacturer and dealer otherwise agree.

(6) A manufacturer may direct the manner and method in which a dealer shall demonstrate the inventory status of an affected used motor vehicle to determine eligibility under this section, provided that the manner and method may not be unduly burdensome and may not require information that is unduly burdensome to provide.

(7) Nothing in this section requires a manufacturer to provide total compensation to a dealer which would exceed the total average trade-in value of the affected used motor vehicle as originally determined under item (2).

(8) Any remedy provided to a dealer under this subsection is exclusive and may not be combined with any other state or federal recall compensation remedy.”

Change of location or alteration of a dealership

SECTION 9. Section 56-15-65 of the 1976 Code is amended to read:

“Section 56-15-65. (A) It is unlawful for any manufacturer, distributor, factory representative, or distributor representative to require, coerce, or attempt to coerce any motor vehicle dealer to change the location of the motor vehicle dealership or to make any substantial alterations to the dealer’s premises or facilities unless:

(1) the manufacturer demonstrates that such change or alteration is reasonable in light of the current market and economic conditions; and

(2) the motor vehicle dealer has been provided written assurance from the manufacturer or distributor of a sufficient supply of motor vehicles to justify such change or alteration.

(B)(1) It is unlawful for any manufacturer, distributor, factory representative, or distributor representative to require, coerce, or attempt to coerce any motor vehicle dealer to change the location of the dealership, or to make any substantial alterations to its dealership premises or facilities if:

(a) the dealer changed the location of the dealership or made substantial alterations to the same signs, franchisor image elements, or other improvements to its premises or facilities within the preceding ten years; and

(b) the change in location or alteration was made pursuing compliance with a facility initiative or program that was sponsored or supported by the manufacturer, factory branch, distributor, or distributor branch, with the approval of the manufacturer, factory branch, distributor, or distributor branch.

(2) This subsection does not apply if the required facility alteration or improvement is necessary to comply with health and safety requirements or are necessary in order to sell and service a motor vehicle offered for sale by the dealer.”

Unreasonable restrictions on dealers or franchisees

SECTION 10. Section 56-15-70 of the 1976 Code is amended to read:

“Section 56-15-70. It is unlawful to directly or indirectly impose unreasonable restrictions on the motor vehicle dealer or franchisee relative to transfer, sale, relocation, right to renew, termination, discipline, noncompetition covenants, site-control (whether by sublease, collateral pledge of lease, or otherwise), or to exercise a right of first

refusal to purchase, option to purchase, or compliance with subjective standards and assertion of legal or equitable rights.”

Reasonable compensation

SECTION 11. Section 56-15-90 of the 1976 Code is amended to read:

“Section 56-15-90. (A) It is unlawful for a manufacturer, wholesaler, distributor, or franchisor, without due cause, to fail to renew on terms then equally available to all its motor vehicle dealers of the same line-make, to terminate a franchise or to unreasonably restrict the transfer of a franchise. In the event of a termination for due cause, the dealer must receive fair and reasonable compensation for the value of the business and compensation for its dealership facilities or location as provided in subsection (C).

(B)(1) In determining the fair and reasonable compensation for a business, pursuant to subsection (A) or (D), the value of the business shall include, but not be limited to:

(a) the dealer cost for all new untitled, undamaged, and unaltered motor vehicles in the dealer’s inventory with less than one thousand miles on the odometer, purchased from the manufacturer or from another same line-make dealer in the ordinary course of business within twenty-four months of termination;

(b) the dealer cost for all new, unused, and undamaged parts and motor vehicle supplies listed in the manufacturer’s or distributor’s current parts catalog and still in the original, resalable merchandising package and in unbroken lots, purchased from the manufacturer or distributor;

(c) the fair market value of equipment, furnishings, and signage bearing a trademark or trade name of the manufacturer or line make which are in useable and good condition, normal wear and tear excepted, that have not been substantially altered or damaged, required by the manufacturer or distributor and purchased from the manufacturer, distributor, or their approved sources, provided the manufacturer is entitled to an offset for any monetary compensation provided to the dealer at the original purchase of the items;

(d) the fair market value of special tools and automotive service equipment owned by the dealer that were designated as special tools or equipment required by and purchased from the manufacturer or distributor, if the tools and equipment are in useable and good condition, normal wear and tear excepted; and

(e) the reasonable cost of return shipping and handling charges incurred as a result of returning such items.

(2) Provided that a new motor vehicle dealer has clear title to the inventory and other items and is in a position to convey that title to the manufacturer, the payments required under this section shall be paid by the manufacturer, wholesaler, distributor, or franchisor within ninety days of the effective date of the termination, nonrenewal, or cancellation of a franchise. If the inventory or other items are subject to a security interest, the manufacturer, wholesaler, distributor, or franchisor may make payment jointly to the dealer and the holder of the security interest.

(C)(1) Within ninety days of the termination, cancellation, or nonrenewal of a franchise by a manufacturer, wholesaler, distributor, or franchisor, due to a dealer's poor sales and service performance, or due to the discontinuation of a line-make, the party shall pay the franchisee an amount equal to:

(a) the franchisee's reasonable cost to rent or lease its dealership facility or location for one year or the unexpired term of the lease or rental period, whichever is less; or

(b) the reasonable rental value of the facilities or location for one year if the franchisee owns the facility or location.

(2) If more than one franchise is being terminated, canceled, or not renewed, then the reimbursement shall be prorated equally among the different manufacturers, wholesalers, distributors, and franchisors. If the facility is used for the operations of more than one franchise and only one is being terminated, then the reasonable rent shall be paid based upon the prorated portion of new vehicle sales for the previous year attributable to the line make being terminated, canceled, or nonrenewed for the prior one-year period.

(D) In the event a franchisee terminates the franchise agreement with the manufacturer, wholesaler, distributor, or franchisor, it is unlawful for the manufacturer, wholesaler, distributor, or franchisor to not abide by the provisions included in subsection (B) in determining fair and reasonable compensation to the dealer. However, the requirements of subsection (B) do not apply to a termination, cancellation, or nonrenewal due to the sale of the assets or stock of a motor vehicle franchisee.

(E)(1) If a termination, cancellation, or nonrenewal occurs pursuant to item (2), then the manufacturer or distributor shall compensate the dealer in an amount at least equivalent to the fair market value of the franchise as of:

(a) the date the franchisor announces the action that results in termination, cancellation, or nonrenewal;

(b) the date the action that results in termination, cancellation, or nonrenewal first became general knowledge; or

(c) the day eighteen months before the date on which the notice of termination, cancellation, or nonrenewal is issued, whichever amount is higher.

(2) The provisions of this subsection apply if a termination, cancellation, or nonrenewal occurs as a result of:

(a) any change in ownership, operation, or control of all or any part of the business of the manufacturer or distributor, whether by sale or transfer of assets, corporate stock or other equity interest, assignment, merger, consolidation, combination, joint venture, redemption, operation of law or otherwise;

(b) the termination, suspension, or cessation of a part or all of the business operations of the manufacturer or distributor; or

(c) the discontinuance of the sale of the line make or brand, or a change in distribution system by the manufacturer, whether through a change in distributors or the manufacturer's decision to cease conducting business through a distributor altogether.”

Venue

SECTION 12. Section 56-15-140 of the 1976 Code is amended to read:

“Section 56-15-140. In an action brought pursuant to this article, venue is in the state courts of South Carolina. A provision of a franchise or other agreement with contrary provisions is void and unenforceable.”

Severability clause

SECTION 13. 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 14. This act takes effect ninety days after approval by the Governor and applies to all current and future franchises and other agreements in existence between any franchisee located in this State and a franchisor as of the effective date of this act.

Ratified the 4th day of May, 2021.

Approved the 6th day of May, 2021.

No. 32

(R45, S607)

AN ACT TO AMEND SECTION 59-40-75, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REMOVAL OF CHARTER SCHOOL DISTRICT BOARD MEMBERS FOR CAUSE OR DUE TO INCAPACITY, SO AS TO REVISE THE GROUNDS FOR REMOVAL, TO PROVIDE RESULTING MEMBERSHIP VACANCIES MUST BE FILLED PURSUANT TO CERTAIN BYLAWS OF THE CHARTER SCHOOL, AND TO REMOVE THE SOUTH CAROLINA CHARTER SCHOOL DISTRICT FROM THESE PROVISIONS.

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

Removal grounds, vacancies

SECTION 1. Section 59-40-75(B) of the 1976 Code is amended to read:

“(B) Notwithstanding another provision of law to the contrary, members of a charter school board of directors who wilfully commit or engage in an act of malfeasance, misfeasance, absenteeism, conflicts of interest, misconduct, or persistent neglect of duty in office, or are deemed incompetent or incapacitated, may be removed from office by the Governor upon any of the forgoing causes being made to the satisfaction of the Governor. Before removing the officer, the Governor

shall inform him in writing of the specific charges brought against him and give him an opportunity on reasonable notice to be heard. Vacancies occurring in the membership of any board of directors as a result of removal pursuant to this subsection must be filled in the manner provided in the charter school's bylaws.”

Time effective

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

Ratified the 4th day of May, 2021.

Approved the 6th day of May, 2021.

No. 33

(R46, S623)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-73-905 SO AS TO ALLOW FOR RATE INCREASES FOR CERTAIN TYPES OF INSURANCE WITHOUT PRIOR APPROVAL; AND TO AMEND SECTION 38-73-910, RELATING TO REQUIREMENTS FOR A PREMIUM RATE INCREASE, SO AS TO DIFFERENTIATE THE REQUIREMENTS FOR A PREMIUM RATE INCREASE FOR CERTAIN TYPES OF INSURANCE.

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

Prior approval not required for certain rate changes

SECTION 1. Article 9, Chapter 73, Title 38 of the 1976 Code is amended by adding:

“Section 38-73-905. (A) Overall average rate level increases or decreases, for all coverages combined, of seven percent above or below the insurer's current rates in effect may take effect without prior approval on a file and use basis with respect to rates for automobile insurance policies as set forth in this section. The seven percent cap does not apply on an individually insured basis. Insurers are limited to two rate

increases during any twelve-month period as set forth in subsections (B) and (C).

(B)(1) Notwithstanding any other provision of this chapter, for any policies governed by this section, filings that produce rate level changes based on the limitation specified in subsection (A) become effective without prior approval; provided, that no more than one rate increase of seven percent above or below the insurer's current rates in effect may be implemented during any twelve-month period on a file and use basis. Any other increase request is subject to prior approval. A rate increase may not be implemented until the onset of the new policy period.

(2) A rate increase or decrease falling within the limitation in subsection (A) may become effective no less than thirty days after the date of the filing with the director. The filing is considered to meet the requirements of this chapter unless the director or his designee notifies the insurer that the filing does not comply with this chapter within that thirty-day time period. If, after the filing becomes effective, the director finds the filing does not comply with the requirements of this chapter, the director shall issue a written order specifying in detail the provisions with which the insurer has not complied and state a reasonable period thereafter in which the filing is considered no longer effective. Any order by the director pursuant to this section that is issued more than thirty days from the date on which the director received the rate filing must be on a prospective basis only and may not affect any contract issued or made before the effective date of the order.

(C) Rate filings for automobile insurance also may be made outside the limitation specified in subsection (A), however those filings are subject to the prior approval of the director. The director shall approve or disapprove these filings in accordance with the provisions of Sections 38-73-960 and 38-73-990. No more than two rate increases may be implemented during a twelve-month period. If the two rate increases fall above or below seven percent as specified in subsection (B), the second rate increase request within a twelve-month period is subject to prior approval. The limitation provided in Section 38-73-920 relating to the number of permissible filings within a twelve-month period does not apply to automobile filings made pursuant to the provisions of this section.

(D) Individual automobile insurance companies and member companies of an affiliated group of automobile insurers may utilize different filed rates for automobile insurance coverages in accordance with rating plans filed with and approved by the director. These rating plans may provide for different rates, rating tiers, and rating plans among affiliated companies. For the purposes of this subsection, an affiliated

group of automobile insurers includes a group of automobile insurers under common ownership, management, or control.

(E) The Director of the Department of Insurance or his designee may promulgate regulations to implement the provisions of this section.

(F) This section does not apply to rate or rule filings of insurers who write only exempt commercial policies. Rate or rule filings for exempt commercial policies must comply with the requirements of S.C. Code Ann. Regs. Section 69-64, Section 38-73-920, and other applicable provisions of this title.”

Notice of hearing as a prerequisite to granting rate increases for certain types of insurance

SECTION 2. Section 38-73-910 of the 1976 Code is amended to read:

“Section 38-73-910. (A) This section applies to all types of property and casualty insurance coverage except as set forth in this section. Overall rate level increases or decreases for all property and casualty insurance coverages except for property insurance filings governed by Sections 38-73-220 and 38-73-260 and automobile insurance filings governed by Section 38-73-905 are subject to prior approval as set forth in this section. Every filing must state the proposed effective date and must indicate the type of coverage to which it applies. The director shall approve or disapprove these filings in accordance with the applicable provisions of this chapter.

(B) An increase in the premium rates may not be granted for workers’ compensation insurance, nor for any other line or type of insurance with respect to which the director or his designee has, by order, made a finding that (a) legal or other compulsion upon the part of the insured to purchase the insurance interferes with competition, or (b) under prevailing circumstances there does not exist substantial competition, unless notice is given in all newspapers of general, statewide circulation at least thirty days in advance of the insurer’s proposed effective date of the increase in premium rates. The notice must state the amount of increase, the type and line of coverage, and the proposed effective date and must allow any insured or affected party to request within fifteen days a public hearing upon the propriety of the rate increase request before the Administrative Law Court. A copy of the notice must be sent to the Consumer Advocate.

(C) However, the requirements of public notices and public hearings in this section do not apply to applications for rate increases when the applicant insurer had earned premiums in this State in the previous

calendar year of less than two million dollars for the line or type of insurance for which the rate increase is sought or, if the rate increase is sought by a modeling organization, the earned premiums in this State for all members and subscribers of the organization for whom an increase is sought were less than two million dollars for the previous calendar year for the line or type of insurance for which the rate increase is sought. The two million dollars must be increased by a factor equal to the increase in the consumer price index, all items, every three years.

(D) If the director finds that a filing is not in compliance with this chapter, he shall issue a written notice of disapproval in accordance with the provisions of Section 38-73-990.

(E) The Director of the Department of Insurance or his designee may promulgate regulations to implement the provisions of this section.

(F) This section does not apply to rate or rule filings of insurers who write only exempt commercial policies. Rate or rule filings for exempt commercial policies must comply with the requirements of S.C. Code Ann. Regs. Section 69-64, Section 38-73-920, and other applicable provisions of this title.”

Time effective

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

Ratified the 4th day of May, 2021.

Approved the 6th day of May, 2021.

No. 34

(R47, S667)

AN ACT TO AMEND SECTION 57-25-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RELOCATION AND ADJUSTMENT OF SIGNS BY THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE OPTIONS AND PARAMETERS TO ADJUST OR RELOCATE OUTDOOR ADVERTISING SIGNS TO RESTORE VISIBILITY, AND PROVIDE FOR THE COSTS OF ADJUSTMENT OR RELOCATION.

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

Relocation and adjustment of outdoor advertising signs

SECTION 1. Section 57-25-190 of the 1976 Code is amended to read:

“Section 57-25-190. (A) The Department of Transportation may acquire by purchase, gift, or condemnation and shall pay just compensation upon the removal of the following outdoor advertising signs:

(1) those lawfully in existence on November 3, 1971;

(2) those lawfully erected after November 2, 1971.

(B) Compensation may be paid only for the taking from the owner of:

(1) a sign of all right, title, leasehold, and interest in it;

(2) the real property on which the sign is located of the right to erect and maintain a sign on it.

(C) No sign may be removed until the owner of the property on which it is located has been compensated fully for a loss which may be suffered by him as a result of the removal of the sign through the termination of a lease or other financial arrangement with the owner of the sign. The compensation must include damage to the landowner's property occasioned by the removal of the sign. The Department of Transportation is limited to an expenditure of five million dollars for the state's part of just compensation.

(D) Tourist oriented directional signs must be the last to be removed under the terms of this article.

(E) Notwithstanding a county or municipal zoning plan, ordinance, or resolution, the owner of an outdoor advertising sign conforming to Section 57-25-110, et seq., whose property interests are acquired by a state highway project shall have the option to relocate the sign to a position within five hundred feet of the original sign site or alter the sign so that no portion of the sign overhangs the right of way pursuant to the following conditions:

(1) The relocation and alteration shall be pursuant to the federal uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.).

(2) The relocated site shall be in accordance with federal and state laws.

(3) If the relocated site meets federal and state laws, the relocation shall be allowed under the existing permit and no new local zoning or

state permit shall be required; provided, that the relocated site is within the same county as the original sign site.

(4) Permission from the property owner, if different, at the relocated site shall be required.

(F)(1) Notwithstanding a county or municipal zoning plan, ordinance, or resolution, the owner of an outdoor advertising sign conforming to Section 57-25-110, et seq., whose property interests in the sign are acquired by a local highway project shall have the option to relocate the sign to a position within five hundred feet of the original sign site or alter the sign so that no portion of the sign overhangs the right of way, pursuant to the following conditions:

(a) The relocated site shall be in accordance with federal and state laws.

(b) If the relocated site meets federal and state laws, the relocation shall be allowed under the existing permit and no new local zoning or state permit shall be required; provided, that the relocated site is within the same county as the original sign site.

(c) Permission from the property owner, if different, at the relocated site shall be required.

(2) Alteration or relocation costs, as determined by the South Carolina Department of Transportation Relocation Assistance Manual, for an outdoor advertising sign whose property interests in the sign are acquired by a local highway project pursuant to this section shall be paid by the political subdivision that is responsible for the local highway project, pursuant to the following conditions:

(a) If the owner of an outdoor advertising sign whose property interests in the sign are acquired by a local highway project cannot relocate or alter the sign as permitted in this section despite the owner's best efforts to do so, then the political subdivision requiring the outdoor advertising sign's removal shall compensate the owner.

(b) Compensation paid by the political subdivision requiring an outdoor advertising sign's removal shall be paid pursuant to Section 39-14-10, et seq. The political subdivision is limited to an expenditure of five million dollars for its part of just compensation pursuant to this section.

(G)(1) Notwithstanding a county or municipal zoning plan, ordinance, or resolution, the owner of an outdoor advertising sign conforming to Section 57-25-110, et seq., in which its visibility from the main-traveled way has been obscured by a state or local highway project shall have the option to:

(a) without relocating the sign, alter only the height and angle of the sign to a position to restore the visibility and readability of the sign

to the same or a comparable visibility and readability that existed prior to the state or local highway project; or

(b) if such alteration is not practical, or is more expensive than relocating, then relocate the sign within five hundred feet of the original sign site, pursuant to the following conditions:

(i) The relocated site shall be in accordance with federal and state laws.

(ii) If the relocated site meets federal and state laws, the relocation will be allowed under the existing permit and no new local zoning or state permit will be required; provided, that the relocated site is within the same county as the original sign site.

(iii) Permission from the property owner, if different, at the relocated site shall be required.

(2) The sign owner shall be responsible for all costs associated with the alteration and relocation of the sign under this subsection.”

Time effective

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

Ratified the 4th day of May, 2021.

Approved the 6th day of May, 2021.

No. 35

(R48, S685)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 158 TO TITLE 59 SO AS TO PROVIDE FOR THE COMPENSATION OF INTERCOLLEGIATE ATHLETES FOR THE USE OF THEIR NAME, IMAGE, OR LIKENESS; TO AMEND SECTION 59-102-20, RELATING TO DEFINITIONS IN THE UNIFORM ATHLETE AGENTS ACT OF 2018, SO AS TO REVISE A DEFINITION; TO AMEND SECTION 59-102-70, RELATING TO MEASURES THE DEPARTMENT OF CONSUMER AFFAIRS MAY TAKE AGAINST REGISTERED ATHLETE AGENTS FOR CERTAIN CONDUCT, SO AS TO REQUIRE CERTAIN CONTINUING EDUCATION FOR ATHLETE AGENTS; BY

ADDING SECTION 59-102-85 SO AS TO PROVIDE THE DEPARTMENT SHALL MAINTAIN A PUBLIC DIRECTORY OF ALL REGISTERED ATHLETE AGENTS IN GOOD STANDING; TO AMEND SECTION 59-102-90, RELATING TO REGISTRATION AND RENEWAL APPLICATION FEES, SO AS TO REVISE THE FEES; TO AMEND SECTION 59-102-100, RELATING TO ATHLETE AGENCY CONTRACTS, SO AS TO PROVIDE LIMITS ON AGENCY COMPENSATION FOR INTERCOLLEGIATE ATHLETE NAME, IMAGE, OR LIKENESS COMPENSATION CONTRACTS; TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE FOR EACH INSTITUTION OF HIGHER LEARNING UPON THE EARLIER OF JULY 1, 2022, OR CERTIFICATION BY THE ATTORNEY GENERAL TO THE GOVERNOR OF THE ENACTMENT OF RULES CONSISTENT WITH THE PROVISIONS CONTAINED IN THIS ACT BY THE COLLEGIATE GOVERNING BODY OF THE INSTITUTION OF HIGHER LEARNING; AND TO PROVIDE UPON CERTIFICATION BY THE ATTORNEY GENERAL THE PROVISIONS OF THIS ACT ARE SUSPENDED UNTIL THE GENERAL ASSEMBLY TAKES FURTHER ACTION.

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

Compensation of intercollegiate athletes

SECTION 1. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 158

Intercollegiate Athletes’ Compensation for Name, Image, or Likeness

Section 59-158-10. For the purposes of this chapter:

(1) ‘Athlete agent’ means a person who is registered with the Department of Consumer Affairs pursuant to Section 59-102-60 or Section 59-102-80. If an athlete agent is an attorney, then he must also be a member in good standing of a state bar association.

(2) ‘Athletic booster’ means a person or entity that has participated in or has been a member of an organization promoting an institution of higher learning’s intercollegiate athletics program.

(3) ‘Compensation’ means any remuneration, in cash or in kind, whether provided at the time or at any subsequent date, to a student

athlete. 'Compensation' does not mean any grant, scholarship, fellowship, tuition assistance, or other form of financial aid provided to a student for pursuing a post-secondary education.

(4) 'Institution of higher learning' means any post-secondary educational institution, including a technical or comprehensive educational institution.

(5) 'Intercollegiate athlete' means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in an intercollegiate sport. If an individual is permanently ineligible to participate in a particular intercollegiate sport, then the individual is not an intercollegiate athlete for the purposes of that sport.

(6) 'Intercollegiate sport' means a sport played at the collegiate level for which eligibility requirements for participation by an intercollegiate athlete are established by a national association that promotes or regulates collegiate athletics.

(7) 'Name, image, or likeness activities', 'name, image, or likeness contract', 'NIL activities', or 'NIL contract' means an agreement in which an intercollegiate athlete participating in intercollegiate sports authorizes a person to use his name, image, or likeness and, in return, receives consideration. This term shall include, but is not limited to, endorsement contracts.

(8) 'Recruit or solicit' means an attempt to influence the choice of an athlete agent by an intercollegiate athlete or, if the intercollegiate athlete is a minor, a parent or guardian of the intercollegiate athlete. 'Recruit or solicit' does not mean giving advice on the selection of a particular athlete agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the athlete agent.

(9) 'Team contract' means any agreement between an intercollegiate athlete and an institution of higher learning that could impact the intercollegiate athlete's eligibility to participate in an intercollegiate sport, including, but not limited to, scholarship agreements or participation agreements.

(10) 'Third party' means, with respect to an intercollegiate athlete, any entity other than the institution of higher learning in which the intercollegiate athlete is enrolled.

(11) 'Third-party endorsement' means an intercollegiate athlete's public support for, approval of, or recommendation of a product or service, including, but not limited to, social media influencer marketing opportunities; personal appearances; and digital content creation, distribution, and promotion of athletic-related business activities.

‘Third-party endorsement’ does not mean the use of an intercollegiate athlete’s name, image, or likeness in news reports, commentary, entertainment, or advertisements that is incidental to such uses; the broadcast of a sports contest; the rebroadcast of a sports contest; a brief video or audio clip of a sports contest; or anything that violates a registered or licensed copyright or trademark.

Section 59-158-20. (A)(1) An intercollegiate athlete at an institution of higher learning may earn compensation for the use of his name, image, or likeness as provided for in this chapter.

(2) Compensation earned by an intercollegiate athlete for the use of his name, image, or likeness must represent a genuine payment for the use of his name, image, or likeness, independent of, rather than as a payment for, his athletic participation or performance. Compensation may only be provided by a third party.

(3) Compensation may not be provided in exchange for an intercollegiate athlete’s athletic performance or attendance at a particular institution of higher learning and may only be provided by a third party unaffiliated with the intercollegiate athlete’s institution of higher learning.

(4) A name, image, or likeness contract in conflict with the provisions of this chapter is voidable.

(B) An intercollegiate athlete may receive compensation only for the use of his name, image, or likeness for third-party endorsements, the intercollegiate athlete’s non-athletic work product, or activities related to a business that the intercollegiate athlete owns.

(C) An institution of higher learning or its athletic conference cannot directly or indirectly create or facilitate compensation opportunities for the use of an intercollegiate athlete’s name, image, or likeness.

(D) An institution of higher learning may not use or allow boosters to directly or indirectly create or facilitate compensation opportunities for the use of an intercollegiate athlete’s name, image, or likeness as a recruiting inducement or as a means of paying for athletics participation.

(E) An intercollegiate athlete at an institution of higher learning may not use the institution of higher learning’s facilities, uniforms provided by the institution of higher learning, or the institution of higher learning’s intellectual property, including, but not limited to, the unauthorized use of a registered trademark or product protected by copyright, in connection with the use of the intercollegiate athlete’s name, image, or likeness activities.

(F) Activities related to an intercollegiate athlete’s use of his name, image, or likeness for compensation are prohibited from taking place

during the intercollegiate athlete's participation in academic, athletic, or team-mandated activities as defined by the institution of higher learning.

(G) Activities related to an intercollegiate athlete's use of his name, image, or likeness for compensation cannot be contingent on a prospective intercollegiate athlete's enrollment at a particular institution of higher learning or its athletic conference and cannot otherwise be used as an inducement by an institution of higher learning or a booster.

(H) An institution of higher learning; an entity with a purpose that includes supporting or benefiting an institution of higher learning or its athletic programs; or an officer, director, or employee of an institution of higher learning or such an entity may not directly or indirectly compensate a current or prospective intercollegiate athlete for the use of the intercollegiate athlete's name, image, or likeness.

(I) A grant in aid, including the cost of attendance, awarded to an intercollegiate athlete by an institution of higher learning is not compensation for the purposes of this chapter and may not be revoked or reduced as a result of an intercollegiate athlete earning compensation or obtaining professional representation under this chapter. Name, image, or likeness compensation shall not be used to limit athletic grant in aid but may be used in the calculation for need-based financial aid available to the general student population.

Section 59-158-30. Earning compensation in compliance with the provisions contained in Section 59-158-40 does not affect an intercollegiate athlete's grant in aid or athletic eligibility.

Section 59-158-40. (A) Notwithstanding athletic conference or collegiate athletic association rules, bylaws, regulations, and policies to the contrary, an institution of higher learning is prohibited from adopting or maintaining a contract, rule, regulation, standard, or other requirement that prevents or unduly restricts an intercollegiate athlete from:

(1) earning compensation for the use of his name, image, or likeness; or

(2) obtaining an athlete agent for the purpose of securing compensation for the use of his name, image, or likeness.

(B)(1) An institution of higher learning may prohibit an intercollegiate athlete from using his name, image, or likeness for compensation if the proposed use of his name, image, or likeness conflicts with:

(a) existing institutional sponsorship agreements or other contracts; or

(b) institutional values as defined by the institution of higher learning.

(2) An intercollegiate athlete may not earn compensation for the use of his name, image, or likeness for the endorsement of tobacco, alcohol, illegal substances or activities, banned athletic substances, or gambling including, but not limited to, sports betting.

(C) An institution of higher learning must disclose known prohibitions for the use of an intercollegiate athlete's name, image, or likeness at the time that an intercollegiate athlete is admitted to the institution of higher learning or when the intercollegiate athlete signs a financial aid agreement or team contract.

Section 59-158-50. An intercollegiate athlete participating in name, image, or likeness activities must abide by his institution of higher learning and its athletic department's policies with respect to missed class time and good academic standing. Good academic standing includes meeting both grade point average and course hour requirements. An intercollegiate athlete must also meet all academic requirements of the athletic association and conference that his institution of higher learning is a member of in order to participate in name, image, or likeness activities.

Section 59-158-60. (A) A prospective intercollegiate athlete who enters into a name, image, or likeness contract shall disclose the name, image, or likeness contract to his institution of higher learning and its athletic department prior to enrollment or signing a financial aid agreement with the institution of higher learning or a team contract.

(B) A current intercollegiate athlete must disclose the terms of a name, image, or likeness contract prior to signing the name, image, or likeness contract, in a manner designated by the institution of higher learning.

(C) The disclosures required by this section must:

(1) describe the proposed use of the intercollegiate athlete's name, image, or likeness, compensation arrangements, the name of the athlete agent, and a list of all parties to the name, image, or likeness contract; and

(2) be made in the manner designated by the institution of higher learning.

(D) An institution of higher learning may fund, through its athletic department, an independent, third-party administrator to support education, monitoring, disclosures, and reporting concerning name, image, or likeness activities authorized pursuant to this chapter. A

third-party administrator cannot be a registered athlete agent. An athlete agent is prohibited from having any affiliation with a third-party administrator.

Section 59-158-70. (A) Name, image, or likeness contracts authorized by this chapter must have a prominent disclosure at the beginning and end of the name, image, or likeness contract that an intercollegiate athlete must acknowledge separately. The disclosure required pursuant to this section shall be worded to warn the intercollegiate athlete of potential eligibility issues that may exist under current rules and policies of athletic conferences or collegiate athletic associations concerning the use of the intercollegiate athlete's name, image, or likeness and shall clearly set forth the reporting requirements contained in Section 59-158-60.

(B) All name, image, or likeness contracts must provide for an unequivocal ten-day revocation period for the intercollegiate athlete.

(C) At least five days prior to the execution of a name, image, or likeness contract authorized by this chapter, the third party proposing to enter into the name, image, or likeness contract with the intercollegiate athlete must disclose, in writing, to the intercollegiate athlete any prior or existing association, either formally or informally, with any institution of higher learning or any prior or existing financial involvement with respect to athletics.

(D) A name, image, or likeness contract may not extend beyond an intercollegiate athlete's participation in an athletic program at an institution of higher learning.

(E) A name, image, or likeness contract shall be void if an intercollegiate athlete is convicted of a felony pursuant to Section 16-1-90.

Section 59-158-80. (A) If there is a conflict between the provisions contained in this chapter and those contained in Chapter 102, Title 59, then the provisions of this chapter shall govern. An athlete agent representing an intercollegiate athlete in a transaction authorized pursuant to this chapter must also comply with all provisions contained in Chapter 102, Title 59 that do not conflict with the provisions contained in this chapter.

(B) An athlete agent shall comply with the federal Sports Agent Responsibility and Trust Act, 15 U.S.C. Sections 7801-7807.”

Uniform Athlete Agents Act, definitions

SECTION 2. Section 59-102-20(1) of the 1976 Code is amended to read:

“(1) ‘Agency contract’ means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional sports services contract; an endorsement contract; or a name, image, or likeness contract, as defined in Chapter 158, Title 59.”

Uniform Athlete Agents act, continuing education

SECTION 3. Section 59-102-70 of the 1976 Code is amended by adding:

“(C) The department may suspend, refuse to renew, or revoke a person’s registration if that person fails to complete at least twenty hours of continuing athlete agent education coursework biennially. The department may promulgate regulations necessary for the approval of credit hours.”

Uniform Athlete Agents Act, online registry

SECTION 4. Chapter 102, Title 59 of the 1976 Code is amended by adding:

“Section 59-102-85. The Department of Consumer Affairs shall maintain an online, public directory of all registered athlete agents in good standing. The directory shall include each athlete agent’s registration application information that is required pursuant to this chapter.”

Uniform Athlete Agents Act, registration fees

SECTION 5. Section 59-102-90 of the 1976 Code is amended to read:

“Section 59-102-90. An application for registration or renewal of registration must be accompanied by a fee of:

- (1) one thousand five hundred dollars for an initial application for registration;
- (2) two thousand five hundred dollars for registration based on a certificate of registration issued by another state;

(3) seven hundred dollars for an application for renewal of registration; or

(4) one thousand dollars for renewal of registration based on a renewal of registration in another state.”

Uniform Athlete Agents Act, agent compensation limits

SECTION 6. Section 59-102-100 of the 1976 Code is amended by adding:

“(H)An agency contract for name, image, or likeness activities, as defined in Chapter 158, Title 59, may not provide for athlete agent compensation that exceeds ten percent of the name, image, or likeness contract.”

Time effective

SECTION 7. This act takes effect for each institution of higher learning in this State upon the earlier of July 1, 2022, or certification by the Attorney General to the Governor of the enactment of rules consistent with the provisions contained in this act by the institution of higher learning’s collegiate governing body. Upon certification by the Attorney General, the provisions of this act are suspended until the General Assembly takes further action.

Ratified the 4th day of May, 2021.

Approved the 6th day of May, 2021.

No. 36

(R49, H3017)

AN ACT TO AMEND SECTION 59-104-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELIGIBILITY FOR PALMETTO FELLOWS SCHOLARSHIPS, SO AS TO INCLUDE TWO-YEAR INSTITUTIONS OF HIGHER LEARNING AND TECHNICAL COLLEGES AMONG INSTITUTIONS OF HIGHER LEARNING WHOSE STUDENTS MAY BE ELIGIBLE FOR THE SCHOLARSHIPS; AND TO AMEND SECTION

59-149-60, RELATING TO THE DURATION OF LIFE SCHOLARSHIPS, SO AS TO PROVIDE STUDENTS MAY NOT RECEIVE LIFE SCHOLARSHIPS FOR MORE THAN SIX SEMESTERS FOR THREE-YEAR DEGREE PROGRAMS.

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

Palmetto Fellows Scholarships, eligibility expanded

SECTION 1. Section 59-104-20(E), (F), and (H) of the 1976 Code is amended to read:

“(E) A Palmetto Fellows Scholarship is available to an eligible resident student who attends or will attend an eligible public or independent institution.

(F) For purposes of subsection (E):

(1) ‘Public or independent institution’ means a:

(a) South Carolina public institution defined in Section 59-103-5, and an independent institution as defined in Section 59-113-50; or

(b) public or independent bachelor’s level institution chartered before 1962 whose major campus and headquarters are located within South Carolina.

(2) ‘Resident student’ means a:

(a) student who is either a member of a class graduating from a high school located in this State, a home school student who has successfully completed a high school home school program in this State in the manner required by law, or a student graduating from a preparatory high school outside this State, while a dependent of a parent or guardian who is a legal resident of this State and has custody of the dependent; and

(b) student classified as a resident of South Carolina for in-state tuition purposes under Chapter 112 of this title at the time of enrollment at the institution.

(H) Notwithstanding another provision of law, a student who met the initial eligibility requirements to receive a Palmetto Fellows Scholarship Award as a senior in high school and has met the continuing eligibility requirements shall receive the award. A student who received a Palmetto Fellows Scholarship Award as a senior in high school but declined the award is eligible to reapply for the annual scholarship, providing he meets all of the initial and continuing academic eligibility requirements

of the Palmetto Fellows program, if he transfers to a qualifying South Carolina institution of higher learning. The number of semesters or academic years a student attended an out-of-state institution are to be deducted from the number of semesters or academic years a student is eligible for the scholarship. All funding provided for Palmetto Fellows Scholarships regardless of its source or allocation must be used to implement the provisions of this subsection. A student who uses a Palmetto Fellows Scholarship to attend an eligible two-year institution shall receive a maximum of four continuous semesters, and may continue to use the scholarship to attend an eligible four-year institution, subject to maximum number of semesters for which the student may be eligible for the scholarship.”

LIFE Scholarships, eligibility, duration

SECTION 2. Section 59-149-60 of the 1976 Code is amended to read:

“Section 59-149-60. The student may receive a LIFE Scholarship for not more than ten semesters for a five-year degree program, eight semesters for a four-year degree program, four semesters for a two-year degree program, or six semesters for a three-year degree program.”

Time effective

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

Ratified the 4th day of May, 2021.

Approved the 6th day of May, 2021.

No. 37

(R50, H3689)

AN ACT TO AMEND SECTION 56-3-376, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF A SYSTEM OF MOTOR VEHICLE REGISTRATION, SO AS TO REVISE THE WEIGHT LIMITATION FOR VEHICLES FOR WHICH THE BIENNIAL REGISTRATION FEE IS ONE HUNDRED SIXTY DOLLARS OR

MORE; TO AMEND SECTION 56-3-660, RELATING TO THE REGISTRATION OF SELF-PROPELLED PROPERTY CARRYING VEHICLES, SO AS TO PROVIDE A MOTOR CARRIER SELECTING SOUTH CAROLINA AS ITS BASE JURISDICTION FOR REGISTERING A VEHICLE UNDER THE INTERNATIONAL REGISTRATION PLAN MUST OWN OR LEASE REAL PROPERTY USED DIRECTLY IN THE TRANSPORTATION OF FREIGHT OR PERSONS WITHIN THE STATE, AND TO REVISE THE PROCESS FOR PAYMENT OF REGISTRATION FEES FOR LARGE COMMERCIAL MOTOR VEHICLES; TO AMEND SECTION 56-3-190, RELATING TO THE REGISTRATION AND LICENSING OF MOTOR VEHICLES, SO AS TO PROVIDE FOR THE REGISTRATION OF COMMERCIAL MOTOR VEHICLES THAT ARE REGISTERED THROUGH THE INTERNATIONAL REGISTRATION PLAN; TO AMEND SECTION 56-3-195, RELATING TO THE PROCESSING OF MOTOR VEHICLE REGISTRATIONS AND LICENSING RENEWALS BY COUNTIES, SO AS TO PROVIDE FOR THE PAYMENT OF REGISTRATION AND LICENSING RENEWAL FEES BY OWNERS OF LARGE COMMERCIAL MOTOR VEHICLES; TO AMEND SECTION 12-37-2650, RELATING TO THE ISSUANCE OF VEHICLE TAX NOTICES AND PAID RECEIPTS, SO AS TO LIMIT THE TYPES OF TAX NOTICES PREPARED BY A COUNTY AUDITOR, AND PROVIDE THE DEPARTMENT OF MOTOR VEHICLES SHALL MAIL A NOTICE TO REGISTRANTS OF LARGE COMMERCIAL MOTOR VEHICLES WHO DO NOT RECEIVE BILLS FROM COUNTIES CONTAINING CERTAIN INFORMATION; TO AMEND SECTION 12-37-2810, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS, SO AS TO REVISE THE DEFINITION OF THE TERM "MOTOR CARRIER"; TO AMEND SECTIONS 12-37-2840 AND 12-37-2850, BOTH RELATING TO ROAD USE FEES, SO AS TO PROVIDE A MOTOR CARRIER REGISTERING A LARGE COMMERCIAL MOTOR VEHICLE OR BUS MUST PAY THE ROAD USE FEE TO THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE QUARTERLY INSTALLMENT PAYMENTS MUST BE MADE AVAILABLE TO CUSTOMERS, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 12-37-2860, RELATING TO CERTAIN PROPERTY TAX EXEMPTIONS, SO AS TO MAKE TECHNICAL CHANGES AND TO REVISE THE AMOUNT OF

REGISTRATION FEES THAT MAY BE PAID ON AN INSTALLMENT BASIS; TO AMEND SECTION 12-37-2880, RELATING TO THE FAIR MARKET VALUE OF A LARGE COMMERCIAL MOTOR VEHICLE SUBJECT TO A ROAD USE FEE, SO AS TO DELETE REFERENCES TO THE INTERNATIONAL REGISTRATION PLAN AND SECTION 56-3-190, AND PROVIDE COUNTIES SHALL MAIL BILLS FOR ROAD USE FEES AND REGISTRATION TO CERTAIN LARGE COMMERCIAL MOTOR VEHICLES DURING A CERTAIN PERIOD OF TIME; TO AMEND SECTION 56-3-240, RELATING TO THE CONTENT OF AN APPLICATION FOR A VEHICLE REGISTRATION AND LICENSE, SO AS TO REVISE THE CONTENTS OF AN APPLICATION RELATING TO LARGE COMMERCIAL MOTOR VEHICLES; AND TO AMEND SECTION 56-3-355, RELATING TO THE SUSPENSION OR REVOCATION OF COMMERCIAL VEHICLE REGISTRATION CARDS AND LICENSE PLATES, SO AS TO PROVIDE ADDITIONAL CIRCUMSTANCES FOR WHICH THE DEPARTMENT OF MOTOR VEHICLES MUST SUSPEND OR REVOKE A REGISTRATION CARD OR LICENSE PLATE FOR CERTAIN COMMERCIAL MOTOR VEHICLES.

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

Vehicle classification

SECTION 1. Section 56-3-376(A)(1) of the 1976 Code is amended to read:

“(1) Classification (1). Vehicles for which the biennial registration fee is one hundred sixty dollars or more. The Department of Motor Vehicles may register and license a vehicle for which the biennial registration fee is one hundred sixty dollars or more or for a semiannual or one-half year upon application to the department by the owner and the payment of one-fourth of the specified biennial fee. Biennial registrations and licenses expire at midnight on the last day of the twenty-fourth month for the period for which they were issued. Semiannual or half-year registrations and licenses expire at midnight of the sixth month for the period for which they were issued and no person shall drive, move, or operate a vehicle upon a highway after the expiration of the registration and license until the vehicle is registered and licensed for the then current period. Trucks, truck tractors, or road tractors with an empty or unloaded

weight of five thousand pounds or less, or gross vehicle weight of eight thousand pounds or less also must be placed in this classification but may not be registered for less than a full biennial period.”

Registration and licensing of vehicles

SECTION 2. Section 56-3-660(C) and (E) of the 1976 Code is amended to read:

“(C) Notwithstanding other provisions of this chapter, the department may enter into agreement with other states in a registration and license reciprocal agreement known as the International Registration Plan and the registration and license required in this section may be apportioned for vehicles which qualify and are licensed in accordance with the provisions of the plan. For the purpose of registering a vehicle under the International Registration Plan, a motor carrier selecting South Carolina as its base jurisdiction must own or lease real property used directly in the transportation of freight or persons within the State.

(E) The department may register a large commercial motor vehicle, as defined in Section 12-37-2810 pursuant to the payment provisions outlined in Section 12-37-2840. The department may require any information necessary to complete the transaction. A large commercial motor vehicle shall register annually rather than biennially.”

Registration and licensing of vehicles

SECTION 3. Section 56-3-190 of the 1976 Code is amended to read:

“Section 56-3-190. (A) The Department of Motor Vehicles may register and license vehicles as required by this chapter upon application being made therefor by the owner and the required fees paid as provided in this chapter.

(B) If a commercial motor vehicle is registered through the International Registration Plan and is operated under a United States Department of Transportation (USDOT) number assigned to a person other than the vehicle’s owner, then the person to whom the USDOT number is assigned may register the commercial motor vehicle by submitting the appropriate application and fees to the Department of Motor Vehicles.”

Registration and licensing of vehicles

SECTION 4. A. Section 56-3-195(A) of the 1976 Code is amended to read:

“(A) Each county shall mail motor vehicle registration and licensing renewal notices to the owners of vehicles in the county as determined by the Department of Motor Vehicles no later than forty-five days before expiration of the registration. The renewal notices, including the fees upon completion, may be returned to that county which shall transmit the renewal notices to the department for processing and which shall transmit the fees to the appropriate state fund as provided by law within seven days of receipt. The owner of a large commercial motor vehicle, as defined in Section 12-37-2810(C), must establish an account with the Department of Motor Vehicles and must remit payment for all fees associated with registration and licensing renewal directly to the Department of Motor Vehicles.”

B. This SECTION takes effect on the first day of the fiscal year that begins twenty-four months after the program is fully funded.

Vehicle tax notices

SECTION 5. A. Section 12-37-2650 of the 1976 Code is amended to read:

“Section 12-37-2650. (A) Each county auditor shall prepare a tax notice of all vehicles, except for vehicles described in Article 23, Chapter 37, Title 12, owned by the same person and licensed at the same time for each tax year within the two-year licensing period. A notice must describe the motor vehicle by name, model, and identification number. The notice must set forth the assessed value of the vehicle, the millage, the taxes due on each vehicle, and the license period or tax year. The notice must be delivered to the county treasurer who must collect or receive payment of the taxes. One copy of the notice must be in the form of a bill or statement for the taxes due on the motor vehicle and, when practical, the treasurer shall mail that copy to the owner or person having control of the vehicle. When the tax and all other charges included on the tax bill have been paid, the treasurer shall issue the taxpayer a paid receipt. The receipt or a copy may be delivered by the taxpayer to the Department of Motor Vehicles with the application for the motor vehicle registration. A record of the payment of the tax must be retained by the

treasurer. The auditor shall maintain a separate duplicate for motor vehicles. A registration may not be issued by the Department of Motor Vehicles unless the application is accompanied by the receipt, a copy of the notification required by Section 12-37-2610 or notice from the county treasurer, by other means satisfactory to the Department of Motor Vehicles, of payment of the tax. Large commercial motor vehicles and buses, as defined in Section 12-37-2810, must pay road use fees pursuant to Article 23, Chapter 37, Title 12 in lieu of ad valorem property taxes. The treasurer, tax collector, or other official charged with the collection of ad valorem property taxes in each county may delegate the collection of motor vehicle taxes to banks or banking institutions, if each institution assigns, hypothecates, or pledges to the county, as security for the collection, federal funds or federal, state, or municipal securities in an amount adequate to prevent any loss to the county from any cause. Each institution shall remit the taxes collected daily to the county official charged with the collections. The receipt given to the taxpayer, in addition to the information required in this section and by Section 12-45-70, must contain the name and office of the treasurer or tax collector of the county and must also show the name of the banking institution to which payment was made.

(B) The county official charged with the collection of taxes shall send a list of the institutions collecting the taxes to the Department of Motor Vehicles. Each institution shall certify to the Department of Motor Vehicles that the taxes have been paid, and the Department of Motor Vehicles is authorized to accept certification in lieu of the tax receipt given to the taxpayer if certification contains information required by this section.

(C) Tax bills (notices) for county assessed personal property valued in accordance with applicable Department of Revenue regulations must include notification of the taxpayer's appeal rights, to include a minimum amount of information of how the taxpayer should file his appeal, to whom, and within what time period.

(D) The Department of Motor Vehicles shall mail a notice to registrants of large commercial motor vehicles who no longer receive bills from counties that their road use fee will be due to the department at their next renewal cycle instead of paying taxes or fees to the county in which the vehicle is registered.”

B. This SECTION takes effect on the first day of the fiscal year that begins twenty-four months after the program is fully funded.

Definition

SECTION 6. Section 12-37-2810(A) of the 1976 Code is amended to read:

“(A) ‘Motor carrier’ means a person or legal entity who owns, controls, operates, manages, or leases a commercial motor vehicle, or bus for the transportation of property or persons in intrastate or interstate commerce except for scheduled intercity bus service and farm vehicles using FM tags as allowed by the Department of Motor Vehicles.”

Road use fees

SECTION 7. A. Sections 12-37-2840 and 12-37-2850 of the 1976 Code are amended to read:

“Section 12-37-2840. Notwithstanding another provision of law, a motor carrier registering a large commercial motor vehicle or bus must pay to the Department of Motor Vehicles the road use fee due on the vehicle at the time and in the manner the person pays the registration fees on the vehicle pursuant to Section 56-3-660. A person choosing to pay South Carolina registration fees on a large commercial motor vehicle or bus in quarterly installments pursuant to Section 56-3-660 also must pay the road use fee on the vehicle in the same quarterly installments. The Department of Motor Vehicles must make quarterly installment payments available to a customer upon the customer’s request provided that each installment payment is made online.

Section 12-37-2850. The Department of Motor Vehicles shall assess annually the road use fee due on large commercial motor vehicles and buses based on the value determined in Section 12-37-2820 and an average millage for all purposes statewide for the preceding calendar year and shall publish the average millage for the preceding year by July first of each year. The Department of Revenue, in consultation with the Revenue and Fiscal Affairs Office, shall calculate the millage to be used to calculate the road use fee by June first of each year for the following calendar year. The road use fee assessed must be paid to the Department of Motor Vehicles, in addition to the registration fees required pursuant to Sections 56-3-660 and 56-3-670, at the time and in the manner that the registration fees on the vehicle are paid pursuant to Sections 56-3-660 and 56-3-670. Distribution of the fees paid must be made by

the Office of the State Treasurer based on the distribution formula provided in Sections 12-37-2865 and 12-37-2870.”

B. This SECTION takes effect on the first day of the fiscal year that begins twenty-four months after the program is fully funded.

Registration fees

SECTION 8. A. Section 12-37-2860(F) of the 1976 Code is amended to read:

“(F) If the South Carolina registration fees of a large commercial motor vehicle or bus and the road use fees for large commercial motor vehicles required under this chapter are assessed, the fees may be remitted to the Department of Motor Vehicles quarterly in installments, provided that each installment is made online. A motor carrier who fails to make a quarterly installment payment on a timely basis may no longer make installment payments and must remit to the department the balance of the fees owed for any previous calendar year before the Department of Motor Vehicles will renew registration for the current calendar year. A motor carrier that opts out of installment payments must make full payment of fees at the time of registration.”

B. This SECTION takes effect on the first day of the fiscal year that begins twenty-four months after the program is fully funded.

Property tax exemptions

SECTION 9. A. Section 12-37-2880 of the 1976 Code is amended to read:

“Section 12-37-2880. (A) In addition to the property tax exemptions allowed pursuant to Section 12-37-220, one hundred percent of the fair market value of all large commercial motor vehicles and buses registered for use in this State is exempt from property tax and is instead subject to the road use fee imposed pursuant to this article.

(B) The road use fee imposed by this article is in lieu of all ad valorem taxes upon large commercial motor vehicles or buses, and any road use or other vehicle-related fees imposed by a political subdivision of this State.

(C) Counties shall mail bills for road use fees and registration to large commercial motor vehicles operating intrastate until the effective date of Section 12-37-2860(F).”

B. This SECTION is effective the first day of the new fiscal year after approval by the Governor.

Application for a vehicle registration and license

SECTION 10. Section 56-3-240(5) of the 1976 Code is amended to read:

“(5) In addition to other registration requirements the department shall collect a federal employer identification number or social security number when a vehicle is registered with a gross vehicle weight of more than twenty-six thousand pounds or as a bus common carrier.

Additionally, for a commercial motor vehicle with a gross weight of more than twenty-six thousand pounds that operates with an apportioned license plate, the department may determine the manner, including the standard for measuring distance, such as miles or kilometers, application process, and filing deadlines for applications under the International Registration Plan, and must be provided:

(a) the United States Department of Transportation Number of the motor carrier responsible for safety, as defined by the Federal Motor Carrier Safety Administration; and

(b) a current MCS 150 form for the motor carrier responsible for safety, as defined by the Federal Motor Carrier Safety Administration. This form also must be on file with the Federal Motor Carrier Safety Administration. Except where the International Registration Plan permits an applicant to use average per-vehicle distance, an application may contain the actual distance that the fleet being registered was operated during the report period. In accordance with the International Registration Plan, if the fleet did not accrue any actual distance during the reporting period, an applicant may use average per-vehicle distance. The expiration date of apportioned registration for all apportioned vehicles in a fleet must be the same date.”

Suspension and revocation of a registration card and license plate

SECTION 11. A. Section 56-3-355 of the 1976 Code is amended to read:

“Section 56-3-355. (A) The Department of Motor Vehicles must suspend, revoke, or not issue a registration card and license plate to a person for a commercial motor vehicle greater than twenty-six thousand pounds which operates with an apportioned license plate if the commercial motor carrier who is responsible for the safety of the vehicle has been prohibited from operating by a federal agency or if it is determined that the registrant has:

(1) made a material misrepresentation or false statement on the application or fails to disclose material information required pursuant to Section 56-3-240 or the International Registration Plan, if applicable;

(2) used or permitted the use of plates contrary to law;

(3) been found guilty of fraud, fraudulent practices, or subterfuge for the real party in interest who has been issued a federal out-of-service order;

(4) operated or owned a business managed, or otherwise controlled or affiliated, with a person who is ineligible for registration, including the registrant entity, a relative, family member, corporate officer, or shareholder; or

(5) failed to comply with any of the regulations of the department for the enforcement of this article.

(B) The registrant promptly must surrender to the department any item suspended or revoked under this section. If the registrant unlawfully refuses to surrender the suspended or revoked items as required under this section, the department, through its designated agents or by request to a county or municipal law enforcement agency, shall take possession of the suspended or revoked license plate and registration card. A registration card or license plate may not be reissued for that vehicle until the motor carrier has been allowed to operate by a federal agency or the vehicle is properly transferred to a motor carrier that is not prohibited from operating by a federal agency. Before a suspended vehicle registration card can be reinstated, the department shall receive a signed copy of any inspection report for each suspended registration card and a fee of fifty dollars for each registration card suspension which must be paid to the department. The fifty dollar fee must be placed in the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167 by the Comptroller General.”

B. This SECTION takes effect at the start of the fiscal year immediately following approval by the Governor.

Time effective

SECTION 12. This act takes effect upon approval by the Governor unless otherwise indicated.

Ratified the 4th day of May, 2021.

Approved the 6th day of May, 2021.

No. 38

(R51, H3805)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 149 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE VARIOUS MILITARY SPECIAL LICENSE PLATES; AND TO REPEAL ARTICLES 7, 8, 14, 15, 16, 33, 38, 43, 53, 55, 56, 63, 68, 74, 84, 88, 99, 101, 102, 103, 104, 106, 107, 110, 111, 112, 115, 116, 117, 129, 131, 132, 143, and 144 OF CHAPTER 3, TITLE 56, RELATING TO THE ISSUANCE OF "WARTIME DISABLED VETERAN SPECIAL LICENSE PLATES", FREE VEHICULAR REGISTRATION FOR FORMER PRISONERS OF WAR, THE ISSUANCE OF SPECIAL LICENSE PLATES FOR MEMBERS OF THE UNITED STATES MILITARY RESERVES AND NATIONAL GUARD, MEDAL OF HONOR RECIPIENTS, PURPLE HEART RECIPIENTS, MEMBERS OF THE AMERICAN LEGION, RETIRED MEMBERS OF THE UNITED STATES ARMED FORCES, NORMANDY INVASION, AND PEARL HARBOR SURVIVORS, THE ISSUANCE OF MEMBERS OF THE UNITED STATES ARMED SERVICES, SUPPORT OUR TROOPS, KOREAN WAR VETERANS, VIETNAM VETERANS, MARINE CORPS LEAGUE, WORLD WAR II VETERANS, GOLD STAR FAMILY OPERATION DESERT STORM-DESERT SHIELD, OPERATION ENDURING FREEDOM VETERAN, OPERATION IRAQI FREEDOM VETERAN, SILVER STAR, BRONZE STAR, UNITED STATES NAVY CHIEF PETTY OFFICER, UNITED STATES MARINE CORPS, DISTINGUISHED SERVICE MEDAL, DISTINGUISHED SERVICE CROSS, DEPARTMENT

OF THE NAVY, PARENTS AND SPOUSES OF ACTIVE-DUTY OVERSEAS VETERANS, ACTIVE DUTY MEMBERS OF THE UNITED STATES ARMED FORCES, COMBAT-RELATED DISABLED VETERAN, RECIPIENTS OF THE DISTINGUISHED FLYING CROSS, PALMETTO CROSS, AND LEGION OF MERIT SPECIAL LICENSE PLATES.

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

Military special license plates

SECTION 1. Chapter 3, Title 56 is the 1976 Code is amended by adding:

“Article 149

Military Special License Plates

Section 56-3-14910. (A) The department may issue the following special license plates reflective of valorous awards for private passenger vehicles and motorcycles to active or prior service members who received the following awards:

- (1) Medal of Honor- Army
- (2) Medal of Honor- Navy
- (3) Medal of Honor- Air Force
- (4) Distinguished Service Cross- Army
- (5) Distinguished Service Cross- Navy
- (6) Distinguished Service Cross- Air Force
- (7) South Carolina Medal of Valor
- (8) Silver Star
- (9) Bronze Star (with valor)
- (10) Soldier's Medal.

(B) The qualifying active or prior service members must be one of the registrants of the vehicle. No more than three license plates per award type may be issued to the award recipient. License plates for awards specified in subsection (A) are exempt from the regular motor vehicle registration fee contained in Article 5, Chapter 3, Title 56. These special license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(C) The application for a special license plate must include official military documentation (a DD-214, NGB Form 22, or official orders)

demonstrating the applicant is the recipient of an award specified in subsection (A).

(D) A person issued a license plate under the provisions of subsection (A) may park in metered or timed parking places without being subject to parking fees or fines. This section has no application to areas or during times in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. As a condition to this privilege, a vehicle must display a distinguishing license plate issued by the department for vehicles registered to recipients of an award specified in subsection (A).

(E) License plates authorized under subsection (A) are exempt from the provisions contained in Section 56-3-8100.

Section 56-3-14920. (A) The department may issue the following special license plates reflective of distinguished service awards for private passenger vehicles and motorcycles to active or prior service members who received the following awards:

- (1) Distinguished Service Medal- Army
- (2) Distinguished Service Medal- Navy
- (3) Distinguished Service Medal- Air Force
- (4) Distinguished Service Medal- Marine Corps
- (5) Distinguished Service Medal- Coast Guard
- (6) Distinguished Flying Cross
- (7) Legion of Merit
- (8) Palmetto Cross.

(B) The qualifying active or prior service member must be one of the registrants of the vehicle. No more than three license plates per award type may be issued to the award recipient. License plates for awards specified in subsection (A) are exempt from the regular motor vehicle registration fee contained in Article 5, Chapter 3, Title 56. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(C) The application for a special license plate must include official military documentation (a DD-214, NGB Form 22, or official orders) demonstrating the applicant is the recipient of an award specified in subsection (A).

(D) A person issued a license plate under the provisions of subsection (A) may park in metered or timed parking places without being subject to parking fees or fines. This section has no application to areas or during times in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. As a condition to this privilege, a vehicle must display a distinguishing license

plate which is issued by the department for vehicles registered to recipients of an award specified in subsection (A).

(E) License plates authorized under subsection (A) are exempt from the provisions contained in Section 56-3-8100.

Section 56-3-14930. (A) The department may issue the following special license plates reflective of exemplary service awards for private passenger vehicles and motorcycles to the individuals specified by the following license plate categories:

- (1) Gold Star Family: available to immediate family members (spouse, parent, children, or siblings)
- (2) Gold Star Family Personalized: available to immediate family members (spouse, parent, children, or siblings)
- (3) Prisoner of War: available to the award recipient and spouse
- (4) Purple Heart: available to the award recipient
- (5) Purple Heart Wheelchair: available to the award recipient.

(B) The qualifying registrants are specified above in subsection (A). No more than three license plates per award type may be issued to the award recipient or qualifying family members. License plates for awards specified in subsection (A) are exempt from the regular motor vehicle registration fee contained in Article 5, Chapter 3, Title 56. These special license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

(C) The application for a special license plate must include official military documentation (a DD-214, NGB Form 22, or official orders) demonstrating the applicant is the recipient of an award specified in subsection (A).

(D) A person issued a license plate under the provisions of subsection (A) may park in metered or timed parking places without being subject to parking fees or fines. This section has no application to those areas or during those times in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. As a condition to this privilege, a vehicle must display a distinguishing license plate issued by the department for vehicles registered to recipients of an award specified in subsection (A).

(E) License plates authorized under subsection (A) are exempt from the provisions contained in Section 56-3-8100.

Section 56-3-14940. (A) The department may issue the following special license plates reflective of a service-connected disability for passenger vehicles and motorcycles registered to qualifying veterans:

(1) Disabled Veteran - the applicant must be considered totally and permanently disabled due to a service-connected disability as evidenced by official military documentation.

(2) Disabled Veteran (wheelchair) - the applicant must be considered totally and permanently disabled due to a service-connected disability as evidenced by official military documentation. The applicant also must qualify for handicapped parking privileges as specified in Section 56-3-1910 and follow the application process prescribed by Section 56-3-1910.

(3) Disabled Female Veteran - the applicant must be considered totally and permanently disabled due to a service-connected disability as evidenced by official military documentation.

(4) Disabled Female Veteran (wheelchair) - the applicant must be considered totally and permanently disabled due to a service-connected disability as evidenced by official military documentation. The applicant also must qualify for handicapped parking privileges as specified in Section 56-3-1910 and follow the application process prescribed by Section 56-3-1910.

(B) The qualifying service member or veteran must be one of the registrants of the vehicle. No more than three license plates may be issued to the award recipient. License plates for medals specified in subsection (A) are subject to the regular motor vehicle registration fee contained in Article 5, Chapter 3, Title 56 but no additional specialty plate fee. These special license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

(C) The application for a special license plate must include a letter indicating the appropriate disability rating from the Department of Veterans Affairs.

(D) License plates authorized under subsection (A) are exempt from the provisions contained in Section 56-3-8100.

Section 56-3-14950. (A) The department may issue the following special license plates reflective of campaign medals for private passenger vehicles and motorcycles to active service members or prior service members who participated in the following military campaigns:

- (1) World War II Veteran
- (2) Pearl Harbor Survivor
- (3) Normandy Invasion Survivor
- (4) Korean War
- (5) Vietnam War
- (6) Operation Desert Shield/Desert Storm

- (7) Operation Iraqi Freedom
- (8) Operation Enduring Freedom.

(B) The qualifying service member or veteran must be one of the registrants of the vehicle. No more than three license plates may be issued to the award recipient. License plates for medals specified in subsection (A), except for Korean War license plates pursuant to subsection (A)(4), are subject to the regular motor vehicle registration fee contained in Article 5, Chapter 3, Title 56. License plates for medals specified in subsection (A) are not subject to an additional specialty plate fee. These special license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

(C) The application for a special license plate must include official military documentation (a DD-214, NGB Form 22, or official orders) demonstrating the applicant was a participant in a campaign specified in subsection (A).

(D) License plates authorized under subsection (A) are exempt from the provisions contained in Section 56-3-8100.

Section 56-3-14960. (A) The department may issue the following special license plates reflective of meritorious service for private passenger vehicles and motorcycles to active or prior service members who received the following awards:

- (1) Air Medal
- (2) Bronze Star (service).

(B) The qualifying active or prior service member must be one of the registrants of the vehicle. No more than three license plates may be issued to the award recipient. License plates for medals specified in subsection (A) are subject to the regular motor vehicle registration fee contained in Article 5, Chapter 3, Title 56 but no additional specialty plate fee. These special license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

(C) The application for a special license plate must include official military documentation (a DD-214, NGB Form 22, or official orders) demonstrating the applicant is the recipient of an award specified in subsection (A).

(D) License plates authorized under subsection (A) are exempt from the provisions contained in Section 56-3-8100.

Section 56-3-14970. (A) The department may issue the following special license plates reflective of military service for private passenger

vehicles and motorcycles to active or prior service members associated with the following military components or designations:

(1) Veteran or Veteran wheelchair if the registrant qualifies for handicapped parking pursuant to Section 56-3-1910(H)

(2) Female Veteran or Female Veteran wheelchair if the registrant qualifies for handicapped parking pursuant to Section 56-3-1910(H)

(3) Combat-Related Disabled Veteran - the registrant must have a combat-related disability as evidenced by a letter from the U.S. Department of Veterans Affairs defining a combat and operations-related disability

(4) Army

(5) Marine Corps

(6) Navy

(7) Air Force

(8) Coast Guard

(9) National Guard- Army

(10) National Guard- Air

(11) National Guard- Retired

(12) US Military Reserve- Army

(13) US Military Reserve- Marine Corps

(14) US Military Reserve- Navy

(15) US Military Reserve- Air Force

(16) US Military Reserve- Coast Guard

(17) US Armed Forces Retired

(18) State Guard.

(B) The qualifying active or prior service member must be one of the registrants of the vehicle. No more than three license plates may be issued to the award recipient. License plates for designation specified in subsection (A) are subject to the regular motor vehicle registration fee contained in Article 5, Chapter 3, Title 56 but no additional specialty plate fee. These special license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

(C) The application for a special license plate reflective of a branch of service must include official military documentation (a DD-214, NGB Form 22, or official orders) that the registrant is an active or prior service member of that branch of service pursuant to the requirements in Section 56-1-140(B)(1-3). The application for a special license plate reflective of a veteran's designation also must meet the specifications in Section 56-1-140(B)(1-3).

(D) License plates authorized under subsection (A) are exempt from the provisions contained in Section 56-3-8100.

Section 56-3-14980. (A) The department may issue the following types of special license plates showing support for military-related private organizations for private passenger vehicles and motorcycles to members of the general public that will financially benefit the following organizations:

- (1) Blue Star Family
- (2) Veterans of Foreign Wars
- (3) American Legion
- (4) Disabled American Veterans
- (5) American Veterans
- (6) Marine Corps League
- (7) Chief Petty Officer.

(B) License plates for the organizations specified in subsection (A) are subject to the regular motor vehicle registration fee contained in Article 5, Chapter 3, Title 56 and a special motor vehicle license plate fee set by the sponsoring organization. These special license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

(C) License plates authorized under subsection (A) are subject to the provisions contained in Section 56-3-8100.

Section 56-3-14990. Upon the death of an award recipient, a surviving spouse may apply to the department for a license plate issued under the provisions of Sections 56-3-14710, 56-3-14720, or 56-3-14730(A)(3). The surviving spouse may apply to the department to transfer a license plate previously issued to the award recipient under the provisions of Section 56-3-14710, 56-3-14720, or 56-3-14730(A)(3) pursuant to Section 56-3-210(G). The surviving spouse must turn the plate into the department when the surviving spouse is no longer eligible for surviving spouse military benefits.

Section 56-3-15000. License plates first issued to registrants under previous award criteria are not subject to the revised award documentation requirements that a person must provide the department upon applying for a plate specified in this article.

Section 56-3-15010. Additional military special license plates added to this article must be listed in the most fitting category based on the definition of the award, conflict, service, or private organization.”

Repeal

SECTION 2. Articles 7, 8, 14, 15, 16, 33, 38, 43, 53, 55, 56, 63, 68, 74, 84, 88, 99, 101, 102, 103, 104, 106, 107, 110, 111, 112, 115, 116, 117, 129, 131, 132, 143, and 144, Chapter 3, Title 56 are repealed.

Time effective

SECTION 3. This act takes effect one year after approval by the Governor.

Ratified the 4th day of May, 2021.

Approved the 6th day of May, 2021.

No. 39

(R52, H4064)

AN ACT TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO CLARIFY THAT MANUFACTURING PROPERTY OWNED OR LEASED BY A PUBLIC UTILITY REGULATED BY THE PUBLIC SERVICE COMMISSION DOES NOT QUALIFY FOR A 14.2857 PERCENT EXEMPTION REGARDLESS OF WHETHER THE PROPERTY IS USED FOR MANUFACTURING; AND TO APPROPRIATE FUNDS FROM THE FISCAL YEAR 2019-2020 CONTINGENCY RESERVE FUND TO THE TRUST FUND FOR TAX RELIEF.

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

SECTION 1. Section 12-37-220(B)(52)(a) of the 1976 Code is amended to read:

“(a)(i) 14.2857 percent of the property tax value of manufacturing property assessed for property tax purposes pursuant to Section 12-43-220(a)(1). The exemption allowed by this item does not apply to property owned or leased by a public utility, as defined in Section 58-3-5, that is regulated by the Public Service Commission, regardless

of whether the property is used for manufacturing. For purposes of this item, if the exemption is applied to real property, then it must be applied to the property tax value as it may be adjusted downward to reflect the limit imposed pursuant to Section 6, Article X of the South Carolina Constitution, 1895;

(ii) To the extent any such monies are refunded or otherwise credited under this item to a public utility that is regulated by the Public Service Commission, regardless of whether the property is used for manufacturing, any such refund or credits must be flowed through to customers as a reduction in rates, as appropriate.”

SECTION 2. There is appropriated sixty-seven million fifty-five thousand dollars from the Fiscal Year 2019-2020 Contingency Reserve Fund to the Trust Fund for Tax Relief. The Board of Economic Advisors is directed to make any necessary adjustments among its forecasts for recurring and nonrecurring revenue resulting from the appropriation contained herein.

SECTION 3. This act takes effect upon approval by the Governor and first applies to property tax years beginning after 2020.

Ratified the 4th day of May, 2021.

Approved the 6th day of May, 2021.

No. 40

(R53, S36)

AN ACT TO AMEND SECTION 50-13-640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POSSESSION OF BLUE CATFISH, SO AS TO PROHIBIT THE POSSESSION OF MORE THAN TWO BLUE CATFISH GREATER THAN THIRTY-TWO INCHES IN LENGTH IN CERTAIN WATERS OF THIS STATE AND TO PROVIDE A DAILY LIMIT FOR CERTAIN WATERS OF THIS STATE; TO AMEND SECTION 50-9-1120, AS AMENDED, RELATING TO THE POINT SYSTEM FOR FISHING VIOLATIONS, SO AS TO PROVIDE THAT A VIOLATION OF THE BLUE CATFISH CATCH LIMIT IS FOURTEEN POINTS; AND TO REQUIRE THAT THE

DEPARTMENT OF NATURAL RESOURCES CONDUCT A STUDY OF THE BLUE CATFISH FISHERY IN THE SANTEE AND COOPER RIVER SYSTEMS.

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

Blue catfish

SECTION 1. Section 50-13-640 of the 1976 Code is amended to read:

“Section 50-13-640. (A) It is unlawful to possess more than two blue catfish (*Ictalurus furcatus*) greater than thirty-two inches in length in any one day in Lake Marion, Lake Moultrie, or the upper reach of the Santee River, the Congaree and Wateree rivers, and all other state waterways.

(B) It is unlawful to take more than twenty-five blue catfish (*Ictalurus furcatus*) a day in Lake Marion, Lake Moultrie, the upper reach of the Santee River, and all other state waterways.

(C) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than three hundred dollars or imprisoned not more than thirty days, or both.”

Fishing violations

SECTION 2. Section 50-9-1120(3) of the 1976 Code is amended by adding an appropriately lettered subitem to read:

“() taking or possessing more than the legal creel or size limit of blue catfish:14.”

Blue catfish fishery study

SECTION 3. The Department of Natural Resources shall conduct a study of the blue catfish fishery in the Santee and Cooper river systems and make recommendations to the General Assembly concerning the fishery on or before January 1, 2025.

Time effective

SECTION 4. This act takes effect thirty days after approval by the Governor.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 41

(R54, S107)

AN ACT TO AMEND SECTION 48-39-280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE'S BEACH PRESERVATION POLICY, SO AS TO APPLY CERTAIN EXCEPTIONS TO THE ESTABLISHMENT OF A BASELINE FOR COASTAL EROSION ZONES AND TO REMOVE THE STUDY REQUIREMENT IN CASES WHERE PRIMARY OCEANFRONT SAND DUNES DO NOT EXIST.

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

Standard erosion zone baseline

SECTION 1. Section 48-39-280(A)(1) of the 1976 Code, as last amended by Act 173 of 2018, is further amended to read:

“(1) The baseline for each standard erosion zone is established at the location of the crest of the primary oceanfront sand dune in that zone.

(a) If the primary ocean front sand dune is more than two hundred feet landward of the current line of stable vegetation, then the baseline must be established seaward of the primary oceanfront sand dune at a distance equal to thirty percent of the measured distance from the primary oceanfront sand dune to the current line of stable vegetation.

(b) If there is no primary oceanfront sand dune, then the baseline must be established at whichever is further landward of the following:

- (i) the most seaward of the locations specified in item (4); or
- (ii) the landward edge of the active beach.

(c) If the shoreline has been altered naturally or artificially by the construction of erosion control devices, then the baseline must be established by the department using the best scientific and historical data, as where the crest of the primary oceanfront sand dune for that zone would be located if the shoreline had not been altered.”

Shoreline study requirement removed

SECTION 2. Section 48-39-280(E)(2) of the 1976 Code, as last amended by Act 173 of 2018, is further amended to read:

“(2) Surveyed topographical data typically must be gathered at two thousand foot intervals. However, in areas subject to significant near-term development and in areas currently developed, the interval, at the discretion of the department, may be more frequent. The resulting surveys must locate the crest of the primary oceanfront sand dune to be used as the baseline for computing the forty-year erosion rate.”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 42

(R55, S131)

AN ACT TO AMEND SECTION 10-11-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF “CAPITOL GROUNDS”, SO AS TO DEFINE “CAPITOL GROUNDS” AS THAT AREA INWARD FROM THE VEHICULAR TRAVELED SURFACES OF GERVAIS, SUMTER, PENDLETON, AND ASSEMBLY STREETS IN THE CITY OF COLUMBIA; TO AMEND SECTION 10-11-330, RELATING TO UNAUTHORIZED ENTRY INTO A CAPITOL BUILDING AND RELATED PROVISIONS, SO AS TO PROVIDE THAT CERTAIN ACTS ARE UNLAWFUL IN ANY BUILDING ON THE CAPITOL

GROUNDS; TO AMEND SECTION 10-1-30, RELATING TO THE USE OF AREAS OF THE STATE HOUSE, SO AS TO PROVIDE THAT ACCESS TO THE STATE HOUSE MAY NOT BE RESTRICTED OR PROHIBITED, AND TO PROVIDE EXCEPTIONS; AND TO AMEND SECTION 2-3-100, RELATING TO THE DUTIES OF THE SERGEANTS AT ARMS, SO AS TO PROVIDE FOR THE POWERS OF THE SERGEANT AT ARMS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, AND TO PROVIDE FOR THE EMPLOYMENT OF THEIR DEPUTIES.

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

Definition

SECTION 1. Section 10-11-310 of the 1976 Code is amended to read:

“Section 10-11-310. As used in this article, ‘capitol grounds’ or ‘grounds’ shall be that area inward from the vehicular traveled surfaces of Gervais, Sumter, Pendleton, and Assembly streets in the City of Columbia.”

Capital Grounds

SECTION 2. Section 10-11-330 of the 1976 Code is amended to read:

“Section 10-11-330. It shall be unlawful for any person or group of persons wilfully and knowingly:

- (1) to enter or to remain within a building on the capitol grounds unless such person is authorized by law or by rules of the House or Senate, or the Department of Administration regulations, respectively, when such entry is done for the purpose of uttering loud, threatening, and abusive language or to engage in any disorderly or disruptive conduct with the intent to impede, disrupt, or disturb the orderly conduct of any session of the legislature or the orderly conduct within a building or of any hearing before or any deliberation of any committee or subcommittee of the legislature;
- (2) to obstruct or to impede passage within the capitol grounds or a building on the capitol grounds;
- (3) to engage in any act of physical violence upon the capitol grounds or within a building on the capitol grounds; or
- (4) to parade, demonstrate, or picket within the capitol building.”

State House access

SECTION 3. Section 10-1-30 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“() On the days that the General Assembly meets in statewide session, access to the State House by the general public or the press may not be restricted or prohibited without prior approval of the Senate Sergeant At Arms and the House of Representatives Sergeant At Arms. On the days that the General Assembly does not meet in statewide session, access to the State House by the general public or the press may not be restricted or prohibited without prior consultation with the Senate Sergeant At Arms and the House of Representatives Sergeant At Arms. The provisions contained in this section do not apply in exigent circumstances; however, if access to the State House is restricted or prohibited due to exigent circumstances, then access must be restored as soon as practicable.”

Sergeant At Arms

SECTION 4. Section 2-3-100 of the 1976 Code is amended to read:

“Section 2-3-100. (A) The Sergeant At Arms of the Senate and the Sergeant At Arms of the House of Representatives shall take exclusive care and charge of the Senate chamber and the hall of the House of Representatives and the committee rooms, respectively, and be held responsible for their keeping and the keeping and protection of the furniture and furnishings belonging to them, packing such as may need packing and inspecting and caring for them during the recess of the General Assembly. The Sergeant At Arms of both houses shall employ such laborers and help as may be necessary to carry out the provisions of this section.

(B) The Sergeant At Arms of the Senate and the Sergeant At Arms of the House of Representatives are each the head of a law enforcement agency and are the primary law enforcement agency for the scope of duties of their respective offices. The Sergeant At Arms of the Senate and the Sergeant At Arms of the House of Representatives may request temporary assistance from state, local, or federal law enforcement agencies on matters within the scope of duties of their respective offices.

(C) The Sergeant At Arms of the Senate and the Sergeant At Arms of the House of Representatives shall employ deputies who shall be

commissioned as constables. The Sergeant At Arms of the Senate, the Sergeant At Arms of the House of Representatives, and their respective deputies shall be entitled to enforce the laws of this State and exercise the duties of their offices throughout the State.”

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 43

(R56, S200)

AN ACT TO AMEND SECTION 24-3-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEATH BY ELECTROCUTION OR LETHAL INJECTION, SO AS TO PROVIDE THAT A PERSON SENTENCED TO DEATH SHALL SUFFER THE PENALTY BY ELECTROCUTION OR BY FIRING SQUAD OR LETHAL INJECTION, IF LETHAL INJECTION IS AVAILABLE AT THE TIME OF ELECTION, TO PROVIDE THAT AN ELECTION EXPIRES AND MUST BE RENEWED IN WRITING IF THE CONVICTED PERSON RECEIVES A STAY OF EXECUTION OR THE EXECUTION DATE HAS PASSED, TO PROVIDE THAT A PENALTY MUST BE ADMINISTERED BY ELECTROCUTION FOR A PERSON WHO WAIVES HIS RIGHT OF ELECTION, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL DETERMINE AND CERTIFY TO THE SUPREME COURT WHETHER THE METHOD SELECTED IS AVAILABLE, AND TO PROVIDE THAT THE MANNER OF INFLECTING A DEATH SENTENCE MUST BE ELECTROCUTION, UNLESS THE PERSON ELECTS DEATH BY FIRING SQUAD, IF EXECUTION BY LETHAL INJECTION IS UNAVAILABLE OR IS HELD TO BE UNCONSTITUTIONAL BY AN APPELLATE COURT OF COMPETENT JURISDICTION.

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

Death penalty, methods of execution

SECTION 1. Section 24-3-530 of the 1976 Code is amended to read:

“Section 24-3-530. (A) A person convicted of a capital crime and having imposed upon him the sentence of death shall suffer the penalty by electrocution or, at the election of the convicted person, by firing squad or lethal injection, if it is available at the time of election, under the direction of the Director of the Department of Corrections. The election for death by electrocution, firing squad, or lethal injection must be made in writing fourteen days before each execution date or it is waived. If the convicted person receives a stay of execution or the execution date has passed for any reason, then the election expires and must be renewed in writing fourteen days before a new execution date. If the convicted person waives the right of election, then the penalty must be administered by electrocution.

(B) Upon receipt of the notice of execution, the Director of the Department of Corrections shall determine and certify by affidavit under penalty of perjury to the Supreme Court whether the methods provided in subsection (A) are available.

(C) A person convicted of a capital crime and sentenced to death by electrocution prior to the effective date of this section must be administered death by electrocution unless the person elects death by firing squad or lethal injection, if it is available, in writing fourteen days before the execution date.

(D) If execution by lethal injection under this section is determined and certified pursuant to subsection (B) to be unavailable by the Director of the Department of Corrections or is held to be unconstitutional by an appellate court of competent jurisdiction, then the manner of inflicting a death sentence must be by electrocution, unless the convicted person elects death by firing squad.

(E) The Department of Corrections must provide written notice to a convicted person of his right to election under this section and the available methods.

(F) The Department of Corrections shall establish protocols and procedures for carrying out executions pursuant to this section.”

Severability clause

SECTION 2. 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 3. This act takes effect upon approval by the Governor and applies to persons sentenced to death as provided by law prior to and after the effective date of this act.

Ratified the 13th day of May, 2021.

Approved the 14th day of May, 2021.

No. 44

(R57, S201)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 16 TO CHAPTER 18, TITLE 59 SO AS TO PROVIDE REVISED ACCOUNTABILITY MEASURES FOR PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS; AND TO REPEAL ARTICLE 15 OF CHAPTER 18, TITLE 59 RELATING TO INTERVENTION AND ASSISTANCE UNDER THE EDUCATION ACCOUNTABILITY ACT.

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

Assistance and intervention

SECTION 1. Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Article 16

Assistance and Intervention

Section 59-18-1615. As used in this article:

(1) 'Chronically underperforming school' means:

(a) a school that receives an overall rating of unsatisfactory for three consecutive years on its annual school report card, as provided in Section 59-18-900; or

(b) in the absence of the annual school report card, the Department of Education shall apply the same metrics as established in the state and federal combined accountability model, as defined in the Every Student Succeeds Act to identify 'chronically underperforming schools'.

(2) 'School district' or 'district' is defined pursuant to Section 59-1-160.

(3) 'Turnaround plan' means a plan outlining goals for a school or district's educational improvement that includes specific strategies designed to increase student achievement and measures to evaluate the success of the implementation of the plan so that the school or district is no longer underperforming or chronically underperforming. The department is required to provide schools and districts with a template to complete the turnaround plan.

(4) 'Underperforming district' means a district in which sixty-five percent or more of the schools in the district have an overall rating of unsatisfactory or below average on their annual school report cards, as provided in Section 59-18-900, or as defined in item (5).

(5) 'Underperforming school' means:

(a) a school that receives an overall rating of unsatisfactory or below average on its annual school report card, as provided in Section 59-18-900; or

(b) in the absence of the annual school report card, the Department of Education shall apply the same metrics as established in the state and federal combined accountability model, as defined in the Every Students Succeed Act to identify 'underperforming schools'.

Section 59-18-1620. (A) The department shall implement a tiered system for providing technical and other assistance, professional development, and monitoring for schools and districts. By December thirty-first of each year, the State Superintendent of Education shall report to the General Assembly on the tiered system's progress relating to assistance provided to schools and school districts. The report shall include data documenting the impact of the assistance on student

academic achievement, college and career readiness, and high school graduation rates.

(B) As a component of determining if and where assistance and changes are necessary, the department shall:

- (1) monitor the professional development of teachers, staff, and administrators provided by or approved through districts and schools;
- (2) monitor local school board operations for efficient and effective management; and
- (3) identify and provide a summary of improvements and changes to the school districts, district school boards, and other involved parties.

Section 59-18-1625. (A) Upon a school's or district's designation as an underperforming school or district, the department shall immediately place the school or district into a tiered status to provide technical assistance. The department shall notify the underperforming school or district and the district superintendent of the tiered status.

(B)(1) Upon receiving notification from the department, the district superintendent, in consultation with school and community stakeholders, must review and revise the school and district's strategic plan with the assistance of the School Improvement Council, as established in Section 59-20-60, to include a turnaround plan component for any underperforming school or district.

(2) The turnaround plan component of the revised strategic plan must:

- (a) be based on data or needs assessments to identify specific improvement strategies related to underperforming school turnaround;
- (b) include, at a minimum, specific and measurable goals, actions, activities, resource needs, student achievement goals, professional development plans, and academic interventions that are reasonable and necessary to improve student progress toward achieving the Profile of the Graduate for each school;
- (c) include broad-based community input including, but not limited to, input from parents, teachers, principals, local school board members, businesses, community leaders, health providers, social services agencies, school improvement councils, or early childhood providers; and
- (d) be submitted by the district superintendent to the local board of trustees for approval.

(C) Upon approval by the local board of trustees, the turnaround plan component of the revised strategic plan must be submitted to the department for review and approval. Thereafter, the district superintendent and the local board of trustees annually shall submit

updates to the department regarding the implementation of the turnaround and revised strategic plan, including metrics assessing the impact of the activities included in the plan.

(D) Once approved by the department, the revised strategic plan must be prominently posted on the respective websites of the department, district, and school. The department shall monitor the district's implementation of the revised strategic plan and evaluation of students' academic progress, as provided for in the plan, and shall apprise the State Board of Education of the district's progress once a quarter.

(E) For a school receiving an underperforming rating, the district and local board of trustees must work with the school principal to inform the parents of students of the rating. The notification must outline the steps in the revised strategic plan to improve performance, including the support that the local district board of trustees has agreed to give the plan.

Section 59-18-1630. Upon the release of the annual report card issued pursuant to Section 59-18-900, the department shall notify the appropriate legislative delegation of any school receiving an overall unsatisfactory rating. The local school board and district superintendent with jurisdiction over the unsatisfactory school shall:

- (1) notify parents of students in writing and electronically;
- (2) schedule, prominently publicize, and hold a public meeting to explain the school's rating, its implications, how it must develop and implement a revised strategic plan for improvement, and how it will involve and engage the community in its plans, within thirty days of receiving the rating;
- (3) immediately review and revise its strategic plan, which must incorporate and focus on turnaround plan components for each school designated as unsatisfactory in accordance with the template and guidelines provided by the department; and
- (4) upon department approval, immediately list the revised strategic plan as a topic on the local district board meeting agenda at least once a quarter.

Section 59-18-1635. (A) The State Superintendent of Education may seek a state-of-education emergency declaration for a school that he has the capacity to serve under the following circumstances:

- (1) the school is chronically underperforming;
- (2) the school's accreditation is denied; or
- (3) the State Superintendent of Education determines that a school's turnaround plan results are insufficient.

(B) If the State Superintendent of Education determines that a school state-of-education emergency declaration is justified, then he must request that the State Board of Education meet to approve or disapprove the declaration. The State Board of Education must meet within ten days of the request to approve or disapprove the declaration.

(C) Upon the approval of a state-of-education emergency declaration, the State Superintendent of Education shall:

(1) notify the appropriate district superintendent, local school board, and local legislative delegation and the Governor; and

(2) assume management of the school.

(D) The local district board may, upon a majority vote, appeal the State Board of Education's approval of the declaration to the Administrative Law Court within ten business days of receipt of the notice of the declaration. A request for a hearing must be made in accordance with the court's rules; provided, however, that a request for a contested case hearing for an emergency declaration does not stay the declaration.

(E) Once a school subject to subsection (C) has met annual targets identified in the revised strategic plan for sustained improvement for a minimum of three consecutive years, the State Superintendent of Education shall submit to the State Board of Education documentation of such. Upon an affirmative vote by the State Board of Education to end the state-of-education emergency, the department, in consultation with the district and local board of trustees, shall develop a transition plan and timeline for returning management of the school to the district.

(F) After a school has been in a state-of-education emergency for three consecutive years, the State Superintendent of Education may extend the state-of-education emergency for an additional three-year period only upon the approval of the State Board of Education. The State Superintendent of Education may make requests every three years, which must be approved or disapproved by the board. If the State Superintendent of Education does not request additional time, or if the State Board of Education disapproves a request, then the school shall revert back to the control of the local school board.

Section 59-18-1640. (A) The State Superintendent of Education may seek a state-of-education emergency declaration for a district that he has the capacity to serve under the following circumstances:

(1) the district is identified as underperforming for three consecutive years;

(2) the district's accreditation is denied;

(3) the Superintendent of Education determines that a district's turnaround plan results are insufficient; or

(4) the district is classified as being in a fiscal emergency status pursuant to Section 59-20-90, or financial mismanagement resulting in a deficit has occurred.

(B) If the State Superintendent of Education determines that a district state-of-education emergency declaration is justified, then he must request that the State Board of Education meet to approve or disapprove the declaration and cite the circumstances justifying that the district has failed to satisfactorily address circumstances. The State Board of Education must meet within ten days of the request to approve or disapprove the declaration.

(C) Upon the approval of a state-of-education emergency, the State Superintendent of Education shall:

(1) notify the Governor and the appropriate district superintendent, local school board, and local legislative delegation; and

(2) assume management of the district and all schools in the district.

(D) The local district board may, upon a majority vote, appeal the State Board of Education's approval of the declaration to the Administrative Law Court within ten business days of receipt of the notice of the declaration. A request for a hearing must be made in accordance with the court's rules; provided, however, that a request for a contested case hearing for an emergency declaration does not stay the declaration.

(E)(1) The local district board of trustees shall be dissolved upon the State Board of Education's approval of the state-of-education emergency declaration and upon the expiration of the ten-business-day appeal window as provided in subsection (D).

(2)(a) Once a district subject to subsection (C) has met annual targets identified in the district's revised strategic plan for sustained improvement for a minimum of three consecutive years, the State Superintendent of Education shall submit to the State Board of Education documentation of such. The State Board of Education shall approve that an interim local district board of trustees be appointed. The interim local district board of trustees shall consist of five members appointed in the following manner with a chairman elected by the appointees:

(i) one member appointed by the Governor;

(ii) one member appointed by the local legislative delegation;

and

(iii) three members appointed by the State Superintendent of Education in consultation with the local legislative delegation.

(b) All appointees must be residents of the school district for which the interim appointments are being made. In making appointments to the interim local district board of trustees, the appointing authority shall consider knowledge and experience in the field of education and also shall take into account race, gender, and other demographic factors, such as residence in a rural or urban area, so as to represent, to the greatest extent possible, all segments of the population of the affected district. However, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. The members of the interim local district board of trustees shall represent the educational needs of the district.

(c) The interim local district board shall be appointed to begin serving within forty-five days of the State Board of Education's approval of the appointments of the interim local district board and shall serve for a minimum of three years.

(d) Any vacancy shall be filled in the original manner of appointment.

(3) For a minimum of three years and until the State Board of Education votes to end the state-of-education emergency, the interim local district board shall remain in place, and its appointed members shall continue to serve.

(F)(1) Upon an affirmative vote by the State Board of Education to end the state-of-education emergency, the department, in consultation with the district and interim board, shall develop a transition plan and timeline for returning management of the district to a local board of trustees. Beginning with the next regularly scheduled election, members for the local district board of trustees will be elected or appointed pursuant to statutory requirements.

(2) Upon the swearing in of a new local district board of trustees, the declaration of a state-of-education emergency shall expire, and the powers and duties of the district superintendent and local district school board of trustees are restored.

(G) Notwithstanding any other provision of law, a district in a state-of-education emergency pursuant to this section shall have its fiscal authority relating to taxing authority and levying millage transferred to its county council until the state-of-education emergency is lifted. The county council may not exceed millage limitations established pursuant to Section 6-1-320 or otherwise established prior to the state-of-education emergency declaration.”

Repeal

SECTION 2. Article 15, Chapter 18, Title 59 of the 1976 Code is repealed.

Time effective

SECTION 3. This act takes effect on July 1, 2022, upon approval by the Governor.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 45

(R58, S231)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “STUDENT IDENTIFICATION CARD SUICIDE PREVENTION ACT” BY ADDING SECTION 59-1-375 SO AS TO PROVIDE STUDENT IDENTIFICATION CARDS ISSUED BY PUBLIC SCHOOLS AND PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER LEARNING MUST INCLUDE CERTAIN CONTACT INFORMATION CONCERNING THE NATIONAL SUICIDE PREVENTION LIFELINE AND CERTAIN OTHER CRISIS RESOURCES, TO MAKE THESE PROVISIONS APPLICABLE TO CARDS ISSUED OR REPLACED AFTER THE EFFECTIVE DATE OF THIS ACT, AND TO PROVIDE SCHOOLS AND INSTITUTIONS OF HIGHER LEARNING ANNUALLY SHALL CERTIFY TO THEIR GOVERNING BODIES THAT CONTACT INFORMATION REQUIRED BY THIS ACT HAS BEEN REVIEWED AND UPDATED AS NECESSARY; TO ALLOW THE DEPLETION OF EXISTING SUPPLIES OF NONCONFORMING, UNISSUED CARDS; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE JULY 1, 2022.

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 “Student Identification Card Suicide Prevention Act”.

Student identification cards

SECTION 2. Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59-1-375. (A) A public school, including a charter school, that serves any students in the seventh through twelfth grades that issues student identification cards must print on either side of the cards the telephone number for the National Suicide Prevention Lifeline. The school must also print on either side of the cards the social media platform, telephone number, or text number for at least one additional crisis resource selected by the school district or charter school sponsor pursuant to the available data regarding local school or community needs, including, but not limited to:

- (1) the Crisis Text Line;
- (2) a local suicide prevention hotline, if available; or
- (3) the National Teen Dating Abuse Helpline.

(B) Public and private institutions of higher learning that issue student identification cards must print on either side of the cards the telephone number for the National Suicide Prevention Lifeline. The public or private institution of higher learning must also print on either side of the cards the social media platform, telephone number, or text number for at least one additional crisis resource selected by the public or private institution of higher learning pursuant to the available data regarding local school or community needs including, but not limited to:

- (1) the Crisis Text Line;
- (2) campus police or security or, if the campus does not have a campus police or security telephone number, the local law enforcement authority;
- (3) a local suicide prevention hotline; or
- (4) the National Teen Dating Abuse Helpline.

(C) This section applies to any student identification card issued for the first time or for replacements to a damaged or lost student identification card.

(D) Public schools, charter schools, and institutions of higher learning issuing student identification cards pursuant to this section shall

annually and prior to the start of each school year certify to their respective governing bodies that the contact information being printed on student identification cards is up to date and reflects the current contact information for crisis resources posted on the South Carolina Department of Mental Health's website.”

Existing supplies of nonconforming, unissued cards

SECTION 3. If a public school or institution of higher learning subject to the provisions of this act has a supply of unissued student identification cards that do not comply with the requirements of this act, then the school or institution may issue those student identification cards until the supply is depleted.

Time effective

SECTION 4. This act takes effect on July 1, 2022.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 46

(R59, S304)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-27-1060 SO AS TO PROVIDE WHEN A PERSON OR CORPORATION USING AN ELECTRIC VEHICLE CHARGING STATION IS NOT AN ELECTRIC UTILITY AND TO FURTHER PROVIDE THAT ANY INCREASE IN CUSTOMER DEMAND OR ENERGY CONSUMPTION ASSOCIATED WITH TRANSPORTATION ELECTRIFICATION SHALL NOT CONSTITUTE REVENUES FOR AN ELECTRICAL UTILITY; BY ADDING SECTION 58-27-260 SO AS TO ESTABLISH THE JOINT COMMITTEE ON THE ELECTRIFICATION OF TRANSPORTATION AND TO PROVIDE FOR THE COMMITTEE'S COMPOSITION, DUTIES, AND RESPONSIBILITIES; BY ADDING SECTION 58-27-265 SO AS TO REQUIRE THE PUBLIC SERVICE COMMISSION TO

OPEN A DOCKET FOR THE PURPOSE OF IDENTIFYING THE REGULATORY CHALLENGES AND OPPORTUNITIES ASSOCIATED WITH THE ELECTRIFICATION OF THE TRANSPORTATION SECTOR; AND BY ADDING SECTION 58-27-270 SO AS TO REQUIRE THE SOUTH CAROLINA OFFICE OF REGULATORY STAFF TO COMPLETE A STAKEHOLDER PROCESS TO EXPLORE OPPORTUNITIES TO ADVANCE THE ELECTRIFICATION OF THE TRANSPORTATION SECTOR AND TO IDENTIFY CHALLENGES.

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

Electric vehicle charging stations

SECTION 1. Article 7, Chapter 27, Title 58 of the 1976 Code is amended by adding:

“Section 58-27-1060. (A) A person or corporation who uses an electric vehicle charging station to resell electricity to the public for compensation is not an electric utility if:

(1) the person or corporation has procured the electricity from an electrical utility, municipality, consolidated political subdivision, the Public Service Authority, or an electric cooperative that is authorized to engage in the retail sale of electricity within the territory in which the electric vehicle charging service is provided;

(2) the person or corporation furnishes electricity exclusively for the charging of plug-in electric vehicles; and

(3) the charging station is immobile.

(B) Nothing in this section shall be construed to limit the ability of an electrical utility, municipality, consolidated political subdivision, the Public Service Authority, or an electric cooperative to use electric vehicle charging stations to furnish electricity for charging electric vehicles. Any increases in customer demand or energy consumption associated with transportation electrification shall not constitute found revenues for an electrical utility.”

Joint Committee on the Electrification of Transportation

SECTION 2. Article 1, Chapter 27, Title 58 of the 1976 Code is amended by adding:

“Section 58-27-260. (A) There is established the Joint Committee on the Electrification of Transportation. The committee is comprised of four members of the Senate, two of whom are appointed by the Chairman of Senate Finance and two of whom are appointed by the Chairman of Senate Judiciary, and four members of the House of Representatives, two of whom are appointed by the Chairman of the Ways and Means Committee and two of whom are appointed by the Chairman of the Labor, Commerce and Industry Committee. The members of the committee shall elect one co-chairman from the Senate appointees and one co-chairman from the House appointees.

(B)(1) The committee shall study the challenges and opportunities associated with the electrification of the transportation sector and make recommendations to the General Assembly to enable a fair, efficient, and cost-effective transition to electric transportation.

At a minimum, the committee shall study the following issues:

(a) environmental, economic, and customer challenges and benefits associated with the advancement of electric vehicles;

(b) the potential value of advancing the development and deployment of electric vehicles and associated infrastructure and address issues that impede development and deployment;

(c) explore and evaluate the impacts of electric vehicles on roads, bridges, and other infrastructure, including the potential loss of revenue due to the current and projected future use of electric vehicles in this State;

(d) explore and evaluate the impacts of electric vehicles on customers, utilities, and the grid; and

(e) any other issues associated with the electrification of the transportation sector.

(2) The committee shall receive reports from:

(a) the Office of Regulatory Staff’s stakeholder initiative to advance the electrification of transportation sector;

(b) the South Carolina Public Service Commission pursuant Section 58-27-265; and

(c) by September first of each year, the South Carolina Department of Revenue shall provide an annual report to the committee that details the prior fiscal year’s revenue collections, from whatever source derived, designated for the repair, maintenance, or improvements to the South Carolina transportation system.

(C) The committee shall receive clerical and related assistance from the staff of the Senate and the staff of the House of Representatives, as approved and designated by the President of the Senate and the Speaker of the House, respectively.

Section 58-27-265. (A) No earlier than April 1, 2023, the Public Service Commission shall open a docket for the purpose of identifying the regulatory challenges and opportunities associated with the electrification of the transportation sector.

At a minimum, the commission shall study the following issues:

- (1) grid integration and resource planning to facilitate electrified transportation;
- (2) the interaction between transportation electrification and the electric power grid;
- (3) regulatory policies to support efficient and cost-effective transition to electric transportation;
- (4) the need for data management and coordination among a number of energy system participants;
- (5) grid investments that support electric vehicle deployments as a part of planned modernization efforts to enable an efficient and cost-effective transition to electric transportation;
- (6) increased electric vehicle adoption and the development of their charging infrastructure and how those advancements align with grid modernization efforts;
- (7) whether rate designs and other load management strategies are appropriate to mitigate potential negative grid impacts and maximize potential grid benefits of transportation electrification;
- (8) other critical issues related to transportation electrification, such as service reliability, privacy, affordability, and security; and
- (9) and any other issues the commission determines relevant.

(B) The commission shall issue a report to the Joint Committee on the Electrification of Transportation. Upon submitting the report, the commission shall open a docket at least every three years thereafter to study the regulatory issues related to the electrification of the transportation sector and report back to the Joint Committee on the Electrification of Transportation and the General Assembly.

(C) To the extent necessary to carry out commission responsibilities, the commission is authorized to employ third-party consultants and experts, by contract or otherwise, as the commission may consider necessary to assist the commission in the proper discharge of its duties and responsibilities as provided by this section. The expenses for the employment of any third-party consultant or expert as authorized by this subsection must be paid from the assessments collected pursuant to Section 58-3-100. The commission shall provide an accounting of compensation and expenses incurred for third-party consultants and experts in a report provided annually to the review committee. The

commission is exempt from the State Procurement Code in the selection and hiring of third-party consultants and experts as authorized by this subsection.

Section 58-27-270. (A) The South Carolina Office of Regulatory Staff through any existing electric vehicle stakeholder initiatives launched by the regulatory staff, shall complete a stakeholder process to facilitate a broad, collaborative statewide discussion among stakeholders to explore the opportunities to advance electrification of the transportation sector along with identifying challenges associated with the advancement of electrification of the transportation sector.

(B) Components of this initiative shall include, but not be limited to:

(1) working with stakeholders in the private and public sector, including the South Carolina Department of Transportation, the South Carolina Department of Commerce, the South Carolina Department of Revenue, and other relevant stakeholders;

(2) examining the legislative and regulatory environmental, economic, and customer challenges and opportunities;

(3) identifying challenges and opportunities in electrified vehicle technologies, such as power conversion and energy storage, the grid integration of electrified transportation and transportation policies, that pave the way for electrified transportation; and

(4) identifying efforts to enable a more efficient and cost-effective transition to electric transportation.

(C) To the extent necessary to carry out its responsibilities, the Office of Regulatory Staff is authorized to employ third-party consultants and experts, by contract or otherwise, as the Office of Regulatory Staff may consider necessary to assist regulatory staff in the proper discharge of its duties and responsibilities as provided by this section. The expenses for the employment of any third-party consultant or expert authorized by this subsection must be paid from the assessments collected pursuant to Section 58-4-60. The Office of Regulatory Staff shall provide an accounting of compensation and expenses incurred for third-party consultants and experts in a report provided annually to the review committee. The Office of Regulatory Staff is exempt from the State Procurement Code in the selection and hiring of third-party consultants and experts as authorized by this subsection.

(D) The Office of Regulatory Staff shall make initial recommendations to the Joint Committee on the Electrification of Transportation no earlier than July 1, 2022. Upon submitting the report, the Office of Regulatory staff shall convene additional stakeholder

initiatives and report recommendations to the Joint Committee at least every two years thereafter.”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 47

(R60, S421)

AN ACT TO AMEND SECTION 41-35-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PAYMENT OF EXTENDED UNEMPLOYMENT SECURITY BENEFITS WHEN FEDERALLY FUNDED, SO AS TO REDUCE THE LOOKBACK PERIOD FROM THREE YEARS TO TWO YEARS FOR DETERMINING WHETHER THERE IS AN “ON” INDICATOR FOR THIS STATE.

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

“On” indicator, lookback period decreased

SECTION 1. Section 41-35-320(2) of the 1976 Code is amended to read:

“(2) There is a state ‘on’ indicator for this State for a week in which the United States Secretary of Labor determines that for the period consisting of the most recent three months, the rate of total unemployment, seasonally adjusted, equaled or exceeded six and a half percent, and the average rate of total unemployment for the State, seasonally adjusted, as determined by the United States Secretary of Labor for this period equals or exceeds one hundred ten percent of the average unemployment for the State in one or more of the corresponding three-month periods ending in the two preceding calendar years.”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 48

(R61, S427)

AN ACT TO AMEND SECTION 40-43-75, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROVISIONS IN THE PHARMACY PRACTICE ACT REGARDING RENAL DIALYSIS FACILITIES, SO AS TO PROVIDE RENAL DRUG MANUFACTURERS OR THEIR AGENTS MAY DELIVER CERTAIN LEGEND DIALYSATE DRUGS OR DEVICES TO RENAL DIALYSIS FACILITY PATIENTS IF CERTAIN CRITERIA ARE MET, AND TO DEFINE NECESSARY TERMS; AND TO AMEND SECTION 40-43-130, RELATING TO CONTINUING EDUCATION REQUIREMENTS IN THE PHARMACY PRACTICE ACT, SO AS TO REMOVE MINIMUM IN-PERSON CONTINUING EDUCATION REQUIREMENTS FOR PHARMACISTS AND PHARMACY TECHNICIANS.

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

Renal dialysis facilities, drug and device delivery by manufacturers

SECTION 1. Section 40-43-75 of the 1976 Code is amended to read:

“Section 40-43-75. (A) For purposes of this section:

(1) ‘Renal dialysis facility’ or ‘RDF’ means an outpatient facility that treats and offers staff-assisted dialysis or training and support services for self-dialysis patients to end-stage renal disease patients, as defined by Centers for Medicare and Medicaid Services. An RDF may be composed of one or more fixed buildings, mobile units, or a combination of them, as defined in R. 61-97. An RDF must be certified by Medicare to provide dialysis-related services to ESRD patients and

must have a medical director licensed as a physician, pursuant to Chapter 47, Title 40, on staff.

(2) 'End-stage renal disease' or 'ESRD' means the disease state, and associated conditions, defined under 42 C.F.R. 406.13 and the United States Social Security Act.

(3) 'Renal drug manufacturer' means a manufacturer of legend drugs or devices for self-dialysis by RDF patients.

(B) An RDF may deliver a legend drug or device to a patient of an RDF if:

(1) the drug or device is for home use by the patient or for administration in the facility as required by the prescriber's order or prescription;

(2) the drug or device is dispensed to the RDF by a properly licensed resident or nonresident pharmacy licensed by the board or administered by a properly licensed health care practitioner;

(3) the drug or device is dispensed by the pharmacy pursuant to a valid prescription issued by a licensed practitioner, as defined in Section 40-43-30(72);

(4) the drug or device delivered by the RDF is properly labeled in accordance with state and federal law;

(5) the drug or device is held by the RDF in a secure location in an area not accessible to the public, and packages containing drugs or devices are delivered by RDF staff, unopened, to the patient;

(6) the patient is given a choice of receiving the drug or device from the RDF, at their home, or from another agent;

(7) the drugs exclude controlled substances; and

(8) the RDF maintains policies and procedures concerning how it will receive, store, maintain, and return any drugs or devices that are not picked up by the patient and returned to the dispensing pharmacy.

(C) A renal drug manufacturer may deliver a legend dialysate drug comprised of dextrose or icodextrin or a device to a patient of an RDF if the following criteria are met:

(1) the dialysate drugs or devices are approved by the United States Food and Drug Administration as required by federal law;

(2) the dialysate drugs or devices are lawfully held by a renal drug manufacturer or a renal drug manufacturer's agent that is properly registered with the board as a manufacturer or wholesale drug distributor;

(3) the dialysate drugs or devices are held and delivered in their original sealed and labeled packaging from the renal drug manufacturing facility;

(4) the dialysate drugs or devices are delivered only by the renal drug manufacturer or the renal drug manufacturer's agent and only upon receipt of a physician's order; and

(5) the renal drug manufacturer or the renal drug manufacturer's agent delivers dialysate drugs or devices directly to a patient with end-stage renal disease, or his designee, for the patient's self-administration of dialysis therapy, or to a health care provider or institution for administration or delivery of dialysis therapy to a patient with end-stage renal disease.

(D) The provisions of this section do not waive any other requirements to obtain licensure, permits, or certification as required by law to possess legend drug products. A facility engaged in an activity related to the delivery or distribution of legend drugs still shall hold the requisite licensure or drug permits required by law."

Continuing education requirements, pharmacists

SECTION 2. Section 40-43-130(B) of the 1976 Code is amended to read:

"(B) Each licensed pharmacist, as a condition of an active status license renewal, shall complete fifteen hours (1.5 CEU's) of American Council on Pharmaceutical Education (ACPE) accredited continuing pharmacy education or continuing medical education (CME), Category I, or both, each license year. At least fifty percent of the total number of hours required must be in drug therapy or patient management and at least one hour must be related to approved procedures for 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."

Continuing education requirements, pharmacy technicians

SECTION 3. Section 40-43-130(G)(1) of the 1976 Code is amended to read:

"(1) As a condition of registration renewal, a registered pharmacy technician shall complete ten hours of American Council on Pharmaceutical Education or CME I approved continuing education each year, beginning with the next renewal period after June 30, 2003."

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 49

(R62, S431)

AN ACT TO AMEND SECTION 44-21-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS, SO AS TO UPDATE THE NAMES OF THOSE AUTHORIZED TO FULFILL THE ROLE OF REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS.

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

Regional Tertiary Level Developmental Evaluation Centers

SECTION 1. Section 44-21-80(A) of the 1976 Code is amended to read:

“(A)The Medical University of South Carolina, the Prisma Health - University of South Carolina Medical Group, and the Prisma Health - University Medical Group are each hereby authorized, as agents of the State of South Carolina, to fulfill the role of Regional Tertiary Level Developmental Evaluation Centers providing comprehensive developmental assessment and treatment services for children with developmental disabilities, significant developmental delays, or behavioral or learning disorders.”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 50

(R63, S435)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-43-25 SO AS TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO ISSUE A LIMITED LINES TRAVEL INSURANCE PRODUCER LICENSE; TO AMEND SECTION 38-1-20, AS AMENDED, RELATING TO DEFINITIONS APPLICABLE TO TITLE 38, SO AS TO DELETE THE DEFINITION OF "TRAVEL INSURANCE" AND TO ADD TRAVEL INSURANCE TO THE DEFINITION OF "MARINE INSURANCE"; AND TO AMEND ARTICLE 6 OF CHAPTER 43, TITLE 38, RELATING TO LIMITED LINES TRAVEL INSURANCE, SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE THAT TRAVEL INSURANCE MUST BE CLASSIFIED AND FILED AS INLAND MARINE INSURANCE SUBJECT TO CERTAIN EXCEPTIONS, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO ESTABLISH A TRAVEL INSURANCE PRODUCER LICENSE AND ESTABLISH CERTAIN REQUIREMENTS FOR AN APPLICANT, TO ASSESS A PREMIUM TAX ON TRAVEL INSURANCE PREMIUMS AND ESTABLISH CERTAIN REPORTING REQUIREMENTS, TO ESTABLISH CERTAIN REQUIREMENTS FOR TRAVEL PROTECTION PLANS, TO PROVIDE CERTAIN SALES PRACTICES FOR TRAVEL INSURERS, TO ESTABLISH CERTAIN LICENSING REQUIREMENTS FOR TRAVEL ADMINISTRATORS FOR TRAVEL INSURANCE, AND TO AUTHORIZE THE DIRECTOR TO PROMULGATE REGULATIONS.

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

Travel insurance producer licensing

SECTION 1. Article 1, Chapter 43, Title 38 of the 1976 Code is amended by adding:

“Section 38-43-25. (A) The director may issue a limited lines travel insurance producer license to an individual that has filed with the director an application for a limited lines travel insurance producer license in a form and manner prescribed by the director. A limited lines travel insurance producer must be licensed to sell, solicit, or negotiate travel insurance through a licensed insurer. A person may not act as a limited lines travel insurance producer or travel insurance retailer unless properly licensed or registered, respectively.

(B) A person licensed in a major line of authority as an insurance producer is authorized to sell, solicit, and negotiate travel insurance. A property and casualty insurance producer must be appointed by an insurer in order to sell, solicit, or negotiate travel insurance.”

Definitions

SECTION 2. Section 38-1-20(40) and (60) of the 1976 Code is amended to read:

“(40) ‘Marine insurance’ means each insurance against loss or destruction of or damage to aircraft, vessels, or watercraft and their cargoes; insurance covering the risks or perils of navigation, transit, or transportation of all forms of property, including the liability of a carrier for hire for the loss of property of shippers delivered for transporting; marine builder’s risks; bridges, tunnels, piers, wharves, docks and slips, dry docks, marine railways, and other aids to navigation and transportation, precious stones, precious metals, and jewelry, whether in the course of transportation or otherwise; coverage of personal property by all risk forms known as the ‘Personal Property Floater’; and coverage of mobile machinery and equipment. Inland marine insurance includes ‘travel insurance’ as defined in Section 38-43-720(14).

(60) Reserved.”

Limited Lines Travel Insurance Act

SECTION 3. Article 6, Chapter 43, Title 38 of the 1976 Code is amended to read:

“Article 6

Limited Lines Travel Insurance Act

Section 38-43-710. This article must be known and may be cited as the 'Limited Lines Travel Insurance Act'.

Section 38-43-715. (A) This article applies to travel insurance sold, solicited, negotiated, or offered in this State that covers a resident in this State and is delivered or issued for delivery in this State. It does not apply to cancellation fee waivers and travel assistance services except as expressly provided herein.

(B) All other applicable provisions of this title continue to apply to travel insurance. In the event of a conflict between a provision of this article and any other applicable provisions of this title, the provision of this article controls.

Section 38-43-720. For the purposes of this article:

(1) 'Aggregator site' means a website that provides access to information regarding insurance products from more than one insurer, including product and insurer information, for use in purchasing an insurance product.

(2) 'Blanket travel insurance' means a policy of travel insurance issued to an eligible group providing coverage for specific classes of persons defined in the policy with coverage provided to all members of the eligible group without a separate charge to each individual member of the eligible group.

(3) 'Cancellation fee waiver' means a contractual agreement between a supplier of travel services and its customer to waive some or all of the nonrefundable cancellation fee provisions of the supplier's underlying travel contract with or without regard to the reason for the cancellation or form of reimbursement. A cancellation fee waiver is not insurance.

(4) 'Director' means the Director of the Department of Insurance or his designee as set forth in Section 38-1-20(19).

(5) 'Eligible group' means two or more persons who are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship including, but not limited to:

(a) an entity engaged in the business of providing travel or travel services including, but not limited to, tour operators, lodging providers, vacation property owners, hotels and resorts, travel clubs, travel agencies, property managers, cultural exchange programs, and common carriers or the operator, owner, or lessor of a means of transportation of

passengers such as airlines, cruise lines, railroads, steamship companies, and public bus carriers, wherein with regard to any particular travel or type of travel or travelers, all members or customers of the group must have a common exposure to risk attendant to such travel;

(b) a college, school, or other institution of learning covering students, teachers, employees, or volunteers;

(c) an employer covering a group of employees, volunteers, contractors, board of directors, dependents, or guests;

(d) a sports team, camp, or sponsor covering participants, members, campers, employees, officials, supervisors, or volunteers;

(e) a religious, charitable, recreational, educational, or civic organization or branch thereof covering a group of members, participants, or volunteers;

(f) a financial institution or financial institution vendor, parent holding company, trustee, or agent of or designated by one or more financial institutions or vendors, including accountholders, credit card holders, debtors, guarantors, or purchasers;

(g) an incorporated or unincorporated association, including labor unions, having a common interest, constitution, and bylaws, and organized and maintained in good faith for purposes other than obtaining insurance for members or participants of such association covering its members;

(h) a trust or the trustees of a fund established, created, or maintained for the benefit of and covering members, employees, or customers, subject to the director's permitting the use of a trust and this state's premium tax provisions in Section 38-7-20 of one or more associations meeting the requirements of subitem (g);

(i) an entertainment production company covering any group of participants, volunteers, audience members, contestants, or workers;

(j) a volunteer fire department, ambulance, rescue, police, court, or any first aid, civil defense, or other such volunteer group;

(k) a preschool, daycare institution for children or adults, and senior citizen club;

(l) an automobile or truck rental or leasing company covering a group of individuals who may become renters, lessees, or passengers defined by their travel status on the rented or leased vehicles. The common carrier, operator, owner, or lessor of a means of transportation, or the automobile or truck rental or leasing company, is the policyholder under a policy to which this section applies; or

(m) any other group where the director has determined that the members are engaged in a common enterprise, or have an economic,

educational, or social affinity or relationship, and that issuance of the policy would not be contrary to the public interest.

(6) 'Fulfillment materials' means documentation sent to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan's coverage and travel assistance service details.

(7) 'Group travel insurance' means travel insurance issued to any eligible group.

(8) 'Inland marine' means property coverage for products, materials, and equipment transported over land, including travel insurance coverage as well as coverage for equipment, fine art, precious stones, precious metals, jewelry, and personal watercraft, whether in the course of transportation or otherwise; coverage of personal property by all risk forms known as the 'Personal Property Floater'; and coverage of mobile machinery and equipment.

(9) 'Limited lines travel insurance producer' means one of the following when designated by an insurer as the travel insurance supervising entity:

(a) a licensed managing general underwriter;

(b) a licensed managing general agent or third-party administrator;

or

(c) a licensed insurance producer.

(10) 'Offer and disseminate' means providing general information, including a description of the coverage and price, as well as processing the application, collecting premiums, and performing other nonlicensable activities permitted by the State.

(11) 'Primary certificate holder' means, concerning premium taxes, an individual who elects and purchases travel insurance under a group policy.

(12) 'Primary policyholder' means, concerning premium taxes, an individual who elects and purchases individual travel insurance.

(13) 'Travel administrator' means a person who, directly or indirectly, underwrites, collects charges, collateral, or premiums from, or adjusts or settles claims on residents of this State, in connection with travel insurance, except that a person may not be considered a travel administrator if that person's only actions that would otherwise cause it to be considered a travel administrator are:

(a) a person working for a travel administrator to the extent that the person's activities are subject to the supervision and control of the travel administrator;

(b) an insurance producer selling insurance or engaged in administrative and claims-related activities within the scope of the producer's license;

(c) a travel retailer offering and disseminating travel insurance and registered under the license of a limited lines travel insurance producer;

(d) an individual adjusting or settling claims in the normal course of that individual's practice or employment as an attorney and who does not collect charges or premiums in connection with insurance coverage;
or

(e) a business entity that is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of an affiliated insurer.

(14) 'Travel assistance services' means noninsurance services for which the consumer is not indemnified based on a fortuitous event, and where providing the service does not result in the transfer or shifting of risk that would constitute the business of insurance. Travel assistance services include, but are not limited to, security advisories, destination information, vaccination and immunization information services, travel reservation services, entertainment, activity and event planning, translation assistance, emergency messaging, international legal and medical referrals, medical case monitoring, coordination of transportation arrangements, emergency cash transfer assistance, medical prescription replacement assistance, passport and travel document replacement assistance, lost luggage assistance, concierge services, and any similar service that is furnished in connection with planned travel. Travel assistance services are not insurance and are not related to insurance.

(15) 'Travel insurance' means insurance coverage for personal risks incident to planned travel including, but not limited to:

- (a) interruption or cancellation of trip or event;
- (b) loss of baggage or personal effects;
- (c) damages to accommodations or rental vehicles;
- (d) sickness, accident, disability, or death occurring during travel;
- (e) emergency evacuation;
- (f) repatriation of remains; or
- (g) any other contractual obligations to indemnify or pay a

specified amount to the traveler upon determinable contingencies related to travel as approved by the director.

Travel insurance does not include major medical plans that provide comprehensive medical protection for travelers with trips lasting longer than six months, including those working or residing overseas as an

expatriate, or any other insurance that requires a specific insurance producer license.

(16) 'Travel protection plan' means a plan that provides one or more of the following:

- (a) travel insurance;
- (b) travel assistance services; and
- (c) cancellation fee waivers.

(17) 'Travel retailer' means a business entity that makes, arranges, or offers travel services and may offer and disseminate travel insurance as a service to its customers on behalf of and under the direction of a limited lines travel insurance producer.

Section 38-43-725. (A) Notwithstanding any other provision of this title, travel insurance must be classified and filed for purposes of rates and forms as inland marine insurance; provided, however, that travel insurance that provides coverage for sickness, accident, disability, or death occurring during travel, either exclusively or in conjunction with related coverages of emergency evacuation or repatriation of remains, or incidental limited property and casualty benefits such as baggage or trip cancellation, may be filed by an authorized insurer under either an accident and health line of insurance or an inland marine line of insurance.

(B) Travel insurance may be in the form of an individual, group, or blanket policy.

(C) Eligibility and underwriting standards for travel insurance may be developed and provided based on travel protection plans designed for individual or identified marketing or distribution channels, provided those standards also meet this state's underwriting standards for inland marine insurance.

Section 38-43-730. (A) A travel retailer only may offer and disseminate travel insurance under a limited lines travel insurance producer license if:

(1) the limited lines travel insurance producer or travel retailer provides purchasers of travel insurance the following information on a form prescribed by the director:

- (a) a description of the material terms or the actual material terms of the insurance coverage;
- (b) a description of the process for filing a claim;
- (c) a description of the review or cancellation process for the travel insurance policy; and

(d) the identity and contact information of the insurer and limited lines travel insurance producer;

(2) the limited lines travel insurance producer, at the time of licensure, establishes and subsequently maintains and updates a register of each travel retailer that offers insurance on its behalf, including the name, address, and contact information of the travel retailer and an officer or person who directs or controls the operations of the travel retailer, and the federal employment identification number of the travel retailer;

(3) the limited lines travel insurance producer submits the register to the department upon reasonable request;

(4) the limited lines travel insurance producer certifies that the travel retailers registered comply with 18 U.S.C. Section 1033;

(5) the limited lines travel insurance producer designates one of its employees, who is a licensed individual producer, as the 'Designated Responsible Producer' or 'DRP' who is responsible for compliance of the limited lines travel insurance producer with the travel insurance laws, rules, and regulations of the State;

(6) the DRP, president, secretary, treasurer, and another officer or person who directs or controls the insurance operations of the limited lines travel insurance producer each comply with the fingerprinting requirements applicable to insurance producers in the resident state of the limited lines travel insurance producer;

(7) the limited lines travel insurance producer has paid all applicable insurance producer licensing fees; and

(8) the limited lines travel insurance producer requires each employee of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training, subject to review by the director, and which shall contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers, among other things.

(B) A travel retailer who offers or disseminates travel insurance shall make brochures or other written materials available to prospective purchasers, and these brochures or other written materials must:

(1) provide the identity and contact information of the insurer and the limited lines travel insurance producer;

(2) explain that the purchase of travel insurance is not required in order to purchase another product or service from the travel retailer; and

(3) explain that an unlicensed travel retailer is permitted to provide general information about the insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions

of the insurance offered by the travel retailer or to evaluate the adequacy of the customer's existing insurance coverage.

(C) A travel retailer who is not licensed as an insurance producer may not:

- (1) evaluate or interpret the technical terms, benefits, and conditions of the offered travel insurance coverage;
- (2) evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or
- (3) hold himself or itself out as a licensed insurer, licensed producer, or insurance expert.

Section 38-43-740. A travel retailer, whose insurance-related activities are limited to offering and disseminating travel insurance on behalf of and under the direction of a limited lines travel insurance producer, may receive compensation for these activities upon registration by the limited lines travel insurance producer as provided in Section 38-43-730(A)(2).

Section 38-43-750. Reserved.

Section 38-43-760. As the insurer designee, the limited lines travel insurance producer is responsible for the acts of the travel retailer and shall use reasonable means to ensure compliance by the travel retailer with this article.

Section 38-43-770. The director may, after notice and opportunity for a hearing, respond to a violation of a provision of this article by a limited lines travel insurance producer or by the travel retailer offering and disseminating travel insurance under the provisions of Section 38-2-10 by:

- (1) revoking or suspending the license of the limited lines travel insurance producer; or
- (2) imposing other penalties, including directing the suspension or termination of authority of the involved travel retailer to offer and disseminate travel insurance, as the director considers necessary or convenient to carry out the purposes of this article.

Section 38-43-780. (A) A travel insurer shall pay premium tax pursuant to Section 38-7-20 on travel insurance premiums paid by:

- (1) an individual primary policyholder who is a resident of this State;

(2) a primary certificate holder who is a resident of this State who elects coverage under a group travel insurance policy; or

(3) a blanket travel insurance policyholder that is a resident in, or has its principal place of business or the principal place of business of an affiliate or subsidiary that has purchased blanket travel insurance in, this State for eligible blanket group members, subject to any apportionment rules which apply to the insurer across multiple taxing jurisdictions or that permits the insurer to allocate premiums on an apportioned basis in a reasonable and equitable manner in those jurisdictions.

(B) A travel insurer shall:

(1) document the state of residence or principal place of business of the policyholder or certificate holder, as required in subsection (A); and

(2) report as premium only the amount allocable to travel insurance and not any amounts received for travel assistance services or cancellation fee waivers.

Section 38-43-790. Travel protection plans may be offered for one price for the combined features that the travel protection plan offers in this State if:

(1) the travel protection plan clearly discloses to the consumer at or prior to the time of purchase that it includes travel insurance, travel assistance services, and cancellation fee waivers, as applicable, and provides information and an opportunity at or prior to the time of purchase for the consumer to obtain additional information regarding the features and pricing of each; and

(2) the fulfillment materials:

(a) describe and delineate the travel insurance, travel assistance services, and cancellation fee waivers in the travel protection plan; and

(b) include the travel insurance disclosures and the contact information for persons providing travel assistance services and cancellation fee waivers, as applicable.

Section 38-43-800. (A) A person offering travel insurance to residents of this State is subject to the provisions of Chapter 57 of this title, except as otherwise provided in this article. In the event of a conflict between this article and other provisions of this title regarding the sale and marketing of travel insurance and travel protection plans, the provisions of this article control.

(B) Offering or selling a travel insurance policy that could never result in payment of any claims for any insured under the policy is deemed an unfair trade practice.

(C)(1) All documents provided to consumers prior to the purchase of travel insurance including, but not limited to, sales materials, advertising materials, and marketing materials must be consistent with the travel insurance policy itself including, but not limited to, forms, endorsements, policies, rate filings, and certificates of insurance.

(2) For travel insurance policies or certificates that contain preexisting condition exclusions, information and an opportunity to learn more about the preexisting condition exclusions must be provided any time prior to the time of purchase and in the coverage's fulfillment materials.

(3) The fulfillment materials and the information described in Section 38-43-730(A)(1) must be provided to a policyholder or certificate holder as soon as practicable following the purchase of a travel protection plan. Unless the insured has either started a covered trip or filed a claim under the travel insurance coverage, a policyholder or certificate holder may cancel a policy or certificate for a full refund of the travel protection plan price from the date of purchase of a travel protection plan until at least:

(a) fifteen days following the date of delivery of the travel protection plan's fulfillment materials by postal mail; or

(b) ten days following the date of delivery of the travel protection plan's fulfillment materials by means other than postal mail.

For the purposes of this section, 'delivery' means handing fulfillment materials to the policyholder or certificate holder or sending fulfillment materials by postal mail or electronic means to the policyholder or certificate holder.

(4) The company must disclose in the policy documentation and fulfillment materials whether the travel insurance is primary or secondary to other applicable coverage.

(5) Where travel insurance is marketed directly to a consumer through an insurer's website or by others through an aggregator site, it shall not be an unfair trade practice or other violation of law where an accurate summary or short description of coverage is provided on the web page, so long as the consumer has access to the full provisions of the policy through electronic means.

(D) No person offering, soliciting, or negotiating travel insurance or travel protection plans on an individual or group basis may do so by using negative option or opt out, which would require a consumer to take an affirmative action to deselect coverage such as unchecking a box on an electronic form when the consumer purchases a trip.

(E) It is an unfair trade practice to market blanket travel insurance coverage as free.

(F) Where a consumer's destination jurisdiction requires insurance coverage, it shall not be an unfair trade practice to require that a consumer choose between the following options as a condition of purchasing a trip or travel package:

- (1) purchasing the coverage required by the destination jurisdiction through the travel retailer or limited lines travel insurance producer supplying the trip or travel package; or
- (2) agreeing to obtain and provide proof of coverage that meets the destination jurisdiction's requirements prior to departure.

Section 38-43-810. (A) Notwithstanding any other provisions of this title, no person may act or represent himself as a travel administrator for travel insurance in this State unless that person:

- (1) is a licensed property and casualty insurance producer in this State for activities permitted under that producer license;
- (2) holds a valid managing general agent license in this State;
- (3) holds a valid third-party administrator license in this State; or
- (4) holds a valid managing general underwriter license in this State.

(B) A travel administrator and its employees are exempt from the licensing requirements of Section 38-47-10 for the travel insurance it administers.

(C) An insurer is responsible for the acts of a travel administrator administering travel insurance underwritten by the insurer and is responsible for ensuring that the travel administrator maintains all books and records relevant to the insurer to be made available by the travel administrator to the director upon request.

Section 38-43-820. The department may promulgate regulations to implement the provisions of this article."

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 51

(R64, S455)

AN ACT TO AMEND SECTION 40-33-36, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TEMPORARY LICENSURE OF NURSES, SO AS TO CREATE AN ADDITIONAL CATEGORY OF TEMPORARY LICENSURE FOR GRADUATE NURSES, TO PROVIDE CRITERIA FOR OBTAINING TEMPORARY LICENSURE AS A GRADUATE NURSE, TO PROVIDE FOR SITUATIONS IN WHICH THE BOARD IMMEDIATELY SHALL REVOKE TEMPORARY LICENSURE AS A GRADUATE NURSE, AND TO DEFINE NECESSARY TERMS.

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

Revocation grounds

SECTION 1. A. Section 40-33-36(D) of the 1976 Code is amended to read:

“(D)(1) The board may issue a temporary or limited license to practice nursing, in accordance with this subsection, or as may be provided for in regulation, to an applicant:

(a) for licensure as an advanced practice registered nurse, a registered nurse, or as a licensed practical nurse, if the applicant’s preliminary credentials have been approved and whose fee has been paid;

(b) for licensure by endorsement as an advanced practice registered nurse, a registered nurse, or as a licensed practical nurse, for up to sixty days, unless further authorized by the administrator or designee, pending completion and approval of the application, if the applicant has filed an application, paid the fee, and has produced a valid license to practice in another jurisdiction;

(c) while participating in a refresher course for up to ninety days, unless further authorized by the administrator or designee, when the applicant is seeking reinstatement of a lapsed or an inactive license or licensure by endorsement and must submit evidence of nursing competence before returning to nursing practice; or

(d) for licensure as a graduate nurse to work in South Carolina, provided that:

(i) the graduate nurse must function under the supervision of a currently licensed registered nurse; and

(ii) the board may establish other requirements for the supervision and employment of graduate nurses as necessary.

(2) An applicant who has failed the licensing examination is not eligible for a temporary permit to practice nursing.

(3) The board or department may immediately cancel a temporary permit or license that was issued based upon false, fraudulent, or misleading information provided by an applicant.

(4) In addition to the provisions of items (2) and (3), a graduate nurse's temporary license shall be immediately revoked if:

(a) the board issues a permanent license to the graduate nurse;

(b) the board denies a permanent license for the graduate nurse;

(c) a complaint is filed against the graduate nurse alleging a violation of Chapter 33, Title 40 during the graduate nurse's temporary licensure period;

(d) the graduate nurse has not taken the NCLEX within ninety days of receiving a temporary license, except that the board may extend this time period if circumstances prevent the NCLEX from being offered during the period for which temporary licensure has been granted;

(e) the graduate nurse misrepresents being a registered nurse or a licensed practical nurse; or

(f) the graduate nurse is charged with a felony or misdemeanor, other than a minor traffic violation, while authorized to practice as a graduate nurse. For the purposes of this subitem, a minor traffic violation does not include instances related in any way to driving under the influence of alcohol or other drugs, or instances that result in the revocation or suspension of a graduate nurse's driver's license."

B. Section 40-33-36 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

"(1) For the purposes of this section, a 'graduate nurse' means an unlicensed graduate who completes an accredited basic nursing education program, in either registered nursing or practical nursing, within the United States, its territories, or dependencies within one year of seeking licensure.

(2) In order to obtain licensure as a graduate nurse, a candidate must:

(a) file a completed initial application for licensure by examination with the board and pay the associated fee;

(b) have never taken and failed the NCLEX;

(c) have registered to take the NCLEX with the examination administration service;

(d) have no prior felony convictions and have no criminal charges pending; and

(e) comply with Section 40-33-32 if the candidate is a foreign-educated graduate.”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 52

(R65, S461)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 60 TO TITLE 11 SO AS TO ENACT THE “SOUTH CAROLINA PAY-FOR-SUCCESS PERFORMANCE ACCOUNTABILITY ACT”, TO ESTABLISH THE TRUST FUND FOR PERFORMANCE ACCOUNTABILITY TO FUND PAY-FOR-SUCCESS CONTRACTS, WHEREBY THE STATE CONTRACTS WITH A PRIVATE-SECTOR ORGANIZATION TO ACHIEVE SPECIFICALLY DEFINED MEASUREABLE OUTCOMES IN WHICH THE STATE PAYS ONLY TO THE EXTENT THAT THE DESIRED OUTCOMES ARE ACHIEVED.

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 “South Carolina Pay-for-Success Performance Accountability Act”.

Pay-for-Success Performance Accountability

SECTION 2. Title 11 of the 1976 Code is amended by adding:

“CHAPTER 60

Pay-for-Success Performance Accountability

Section 11-60-10. For the purposes of this chapter:

(1) ‘Authority’ means the State Fiscal Accountability Authority.

(2) ‘Independent evaluator’ means a qualified person or entity selected by a state agency, and with whom a state agency contracts, to provide independent evaluation services to determine if performance measures have been achieved within a stated period under a pay-for-success contract. An independent evaluator must be identified prior to submitting a pay-for-success proposal to the authority, as required by Section 11-60-30.

(3)(a) ‘Pay-for-success contract’ means a written agreement between a state agency and a private-sector organization under which:

(i) the private-sector organization provides a program or service, including a related project management service;

(ii) the parties set forth performance measures for a given population over a certain period of time that the private-sector organization intends to achieve;

(iii) the parties agree to an amount that the private-sector organization earns if the performance measures are achieved within the stated time period and agree that the success payment is due to the private-sector organization only if it achieves these performance measures within the stated period; and

(iv) any other provisions are included as required by Section 11-60-40.

(b) ‘Pay-for-success contract’ does not mean a guaranteed energy, water, or wastewater savings contract or a contract subject to Article 9, Chapter 35, Title 11.

(4) ‘Performance measures’ means specific, measurable, time-based goals, the completion of which predicates payment under a pay-for-success contract.

(5) ‘Private-sector organization’ means a firm or nonprofit organization that contracts with a state agency in a pay-for-success contract.

(6) ‘Success payment’ means the money paid when a pay-for-success contract performance measure is met.

Section 11-60-20. Subject to Section 11-60-30, a state agency may enter into a pay-for-success contract only if the state agency head explains in writing how the contract will produce a quantifiable public benefit or financial savings to the State, by achieving meaningful impact outcomes and not simply short-term unsustainable outcomes, and outlines any risks associated with the proposed project.

Section 11-60-30. All pay-for-success contracts require approval by the authority prior to competitive solicitation or contract formation, whichever is earlier. The authority may exempt a state agency from this requirement. The authority must consider, at a minimum, the availability and source of funds to make success payments, the qualifications and independence of the independent evaluator, the proposed performance measures, and the stated public benefit or financial savings to the State, including the state agency head's written explanation as required by Section 11-60-20. If the authority exempts a state agency from obtaining authority approval, then the state agency must keep the state agency head's written explanation of benefits and savings in its records. Nothing herein exempts a pay-for-success contract from Chapter 35, Title 11.

Section 11-60-40. Each pay-for-success contract must include the following:

(1) a full and thorough description of the objectives of the pay-for-success contract; a clear description of the program, service, or project management services to be performed by the private-sector organization; a clear statement of the outcomes sought to be achieved for a certain population; the time period under which the outcomes must be achieved; a clear statement of the performance measures used to measure the outcomes; an analysis of how the defined performance measures will demonstrate progress in addressing the objectives; and how achieving the objectives should provide a significant public benefit;

(2) a requirement that the state agency will transfer funds to fully cover the success payment under the pay-for-success contract to the trust account that is specifically established for pay-for-success contracts provided in Section 11-60-50;

(3) a requirement that any success payment is conditioned on achieving specific outcomes based on the defined performance measures, as evaluated by an independent evaluator;

(4) a requirement that the private-sector organization provide evidence that the private-sector organization has secured all of the necessary financing before service delivery begins;

(5) a description of the data each state agency involved in developing the pay-for-success contract will provide to the private-sector organization. Data will be provided by the state agency only to the extent permissible by law;

(6) the objective process that an independent evaluator, procured by the state agency, will use to monitor program progress and determine if a performance measure is achieved;

(7) the reporting requirements the private-sector organization must provide to the state agency regarding the private-sector organization's progress in meeting the performance measures;

(8) the method that will be used to calculate the amount and timing of success payments to the private-sector organization during the pay-for-success contract if the independent evaluator determines that the private-sector organization achieves a performance measure;

(9) the terms under which a pay-for-success contract may be terminated.

Section 11-60-50. (A) There is established in the State Treasury a trust fund for the purpose of making success payments under pay-for-success contracts. Each agency entering into a pay-for-success contract shall provide funding into the trust to cover one hundred percent of the potential success payment upon entering into the contract. The State Treasurer is the trustee and administrator of the trust fund, which must be maintained separately from the General Fund of the State and all other funds. Funds held in the trust are not subject to reversion to the general fund during the term of any pay-for-success contract.

(B) The State Treasurer on behalf of the trust fund established for success payment is authorized to receive funds from other governmental entities and nonprofits if they are subject to a valid pay-for-success contract. Upon written authorization by the state agency head whose state agency has entered a pay-for-success contract, the State Treasurer shall make payments from the trust fund.

Section 11-60-60. (A) Annually, on or before February first, every state agency that has entered into a pay-for-success contract shall provide a written status report for any outstanding pay-for-success contracts.

(B) The status report shall include progress toward meeting objectives and outcomes; sources of private and other funding supporting the contract, to include whether any matching funds are being used; sources of funds for success payments made into the trust fund; and success payments made to date.

(C) Status reports pursuant to subsection (A) must be provided to the authority and the State Auditor, who shall maintain a central repository for these reports and for pay-for-success contracts and who shall publish such documents on its website. Any organization receiving funding pursuant to this chapter is subject to audit by the Office of the State Auditor.

(D) In status reports to the authority pursuant to subsection (A), the Board of Economic Advisors shall account for trust fund revenue separately from general fund revenues.

(E) Any private-sector organization receiving funding pursuant to this chapter is considered a 'public body' under Section 30-4-20(a) and is subject to records production requirements of the Freedom of Information Act, Section 30-4-10, et seq., with regard to any records related to a pay-for-success contract."

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 53

(R66, S463)

**AN ACT TO EXTEND THE TAX CREDITS FOR THE
PURCHASE AND INSTALLATION OF GEOTHERMAL
MACHINERY AND EQUIPMENT UNTIL JANUARY 1, 2032.**

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

Geothermal tax credit extension

SECTION 1. SECTION 2.B. of Act 134 of 2016, as amended by Act 47 of 2019, is amended to read:

B. The provisions contained in this section related to geothermal machinery and equipment are repealed January 1, 2032.

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 54

(R68, S500)

AN ACT TO AMEND SECTION 40-3-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS AND ACTIVITIES EXEMPT FROM LICENSURE OR REGULATION BY THE BOARD OF ARCHITECTURAL EXAMINERS, SO AS TO REVISE AN EXEMPTION FOR THE PREPARATION OF PLANS AND SPECIFICATIONS FOR CERTAIN FAMILY DWELLINGS.

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

Exemption revised

SECTION 1. Section 40-3-290(C)(3) of the 1976 Code is amended to read:

“(3) one-family and two-family dwellings, including townhouses, in compliance with the prescriptive requirements of the South Carolina Residential Code. All other buildings and structures classified for residential occupancies or uses in the South Carolina Building Code that are beyond the scope of the South Carolina Residential Code are not exempt from the provisions of this chapter;”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 55

(R69, S503)

AN ACT TO AMEND SECTION 40-33-34, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL ACTS THAT ADVANCED PRACTICE REGISTERED NURSES MAY PERFORM, SO AS TO INCLUDE ISSUING ORDERS FOR CERTAIN HOME HEALTH SERVICES; TO AMEND SECTION 40-47-935, AS AMENDED, RELATING TO MEDICAL ACTS THAT PHYSICIAN ASSISTANTS MAY PERFORM, SO AS TO INCLUDE ISSUING ORDERS FOR CERTAIN HOME HEALTH SERVICES; TO AMEND SECTION 44-69-20, RELATING TO DEFINITIONS IN THE LICENSURE OF HOME HEALTH AGENCIES ACT, SO AS TO INCLUDE ORDERS FOR PART-TIME OR INTERMITTENT SKILLED NURSING CARE ISSUED BY ADVANCED PRACTICE REGISTERED NURSES AND PHYSICIAN ASSISTANTS PURSUANT TO THE PROVISIONS OF THIS ACT; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE SIXTY DAYS AFTER APPROVAL BY THE GOVERNOR.

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

Advanced Practice Registered Nurses, permitted medical acts

SECTION 1. Section 40-33-34(D)(2) of the 1976 Code, as last amended by Act 87 of 2019, 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;
- (g) execute a do not resuscitate order pursuant to the provisions of Chapter 78, Title 44; and
- (h) issue an order for home health services pursuant to the provisions of Chapter 69, Title 44."

Physician Assistants, advanced medical acts

SECTION 2. Section 40-47-935(B) of the 1976 Code, as last amended by Act 32 of 2019, is further amended to read:

“(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;

(7) execute a do not resuscitate order pursuant to the provisions of Chapter 78, Title 44; and

(8) issue an order for home health services pursuant to the provisions of Chapter 69, Title 44.”

Licensure of Home Health Services Act, definition revised

SECTION 3. Section 44-69-20(5)(a) of the 1976 Code is amended to read:

“(a) Part-time or intermittent skilled nursing care as ordered by a physician, an APRN pursuant to Section 40-33-34(D)(2)(h), or a PA pursuant to Section 40-47-935(B)(8) and as provided by or under the supervision of a registered nurse and at least one other service listed below;”

Time effective

SECTION 4. This act takes effect sixty days after the approval of the Governor.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 56

(R70, S527)

AN ACT TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSIFICATION OF PROPERTY AND THE APPLICABLE ASSESSMENT RATIOS FOR THE VARIOUS CLASSES OF PROPERTY, SO AS TO PROVIDE THAT CERTAIN SEPARATED SPOUSES ARE NOT CONSIDERED MEMBERS OF THE SAME HOUSEHOLD FOR PURPOSES OF APPLICABILITY FOR THE SPECIAL FOUR-PERCENT ASSESSMENT RATIO FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY, AND TO REQUIRE ANNUAL REAPPLICATION AND RECERTIFICATION TO MAINTAIN

THE SPECIAL FOUR PERCENT ASSESSMENT RATIO FOR CERTAIN SEPARATED SPOUSES.

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

Special assessment ratio applicability

SECTION 1. A. Section 12-43-220(c)(2)(iii) of the 1976 Code is amended to read:

“(iii) For purposes of subitem (ii):

(A) ‘Member of my household’ means:

(a) the owner-occupant’s spouse, except when that spouse has filed a complaint for separate support and maintenance with the appropriate family court, lives separate and apart in a different residence, and no longer cohabitates as husband and wife with the owner-occupant; and

(b) any child under the age of eighteen years of the owner-occupant claimed or eligible to be claimed as a dependent on the owner-occupant’s federal income tax return.

(B) Regarding the circumstances in which a spouse has filed a complaint for separate support and maintenance with the appropriate family court, lives separate and apart in a different residence, and no longer cohabitates as husband and wife with the owner-occupant:

(a) if either party to a complaint for separate support and maintenance receives the special four-percent assessment ratio on a residence while the couple lives separate and apart in different residences and no longer cohabitates as husband and wife and the couple subsequently reconciles, then the spouse vacating a residence receiving the special four-percent assessment shall notify the county assessor in writing within six months of vacating that residence that the residence is no longer eligible for the special four-percent assessment ratio. A failure to provide timely notice to the assessor subjects the owner to the provisions of subitem (vii); and

(b) to prove that a person is divorced or has filed a complaint for separate support and maintenance with the appropriate family court and lives separate and apart in different residences and no longer cohabitates as husband and wife, the applicant shall provide a filed and stamped copy of the caption page of the action, a filed and stamped copy of the first page of the pleadings, or a filed and stamped copy of the order. The assessor may not require the submission of a financial declaration. Language in the order related to the disposition of the legal

residence of the couple, or other owner-occupied real property owned by either party, whether independently or jointly, prior to any action must be provided to the assessor in order to claim the special assessment ratio allowed by subsection (c).”

SECTION 1.B. Section 12-43-220(c)(2) of the 1976 Code, as last amended by Act 145 of 2020, is further amended by adding at the end:

“(x) An applicant for the special four-percent assessment ratio allowed pursuant to item (c) who has filed a complaint for separate support and maintenance with the appropriate family court, who lives separate and apart in different residences, and no longer cohabitates as husband and wife with his spouse, and who is eligible pursuant to subitem (iii) must reapply and recertify annually to maintain the special four-percent assessment ratio on his independent, owner-occupied property until the applicant has been granted a divorce by a court of competent jurisdiction or the applicant has reconciled with his spouse, and the applicant can recover only one special four-percent ratio for his legal residence.”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 57

(R71, S545)

AN ACT TO AMEND SECTION 50-13-675, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NONGAME FISHING DEVICES PERMITTED IN CERTAIN BODIES OF WATER, SO AS TO ALLOW FOR THE USE OF SET HOOKS WITHIN A CERTAIN PORTION OF THE SANTEE RIVER, TO ESTABLISH A LIMIT FOR THE NUMBER OF HOOP NETS A COMMERCIAL FISHING LICENSEE MAY USE ON THE

WATEREE RIVER, AND TO PROHIBIT THE USE OF HOOP NETS ON THE CONGAREE RIVER.

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

Set hooks allowed on Santee River

SECTION 1. Section 50-13-675(46) of the 1976 Code is amended to read:

“(46) Santee River, from USGS gauging station 1715 about 2.4 miles below Santee Dam downstream to the saltwater/freshwater dividing line including the North and South Santee Rivers:

(a) eel pots:

- (i) recreational license—two;
- (ii) commercial license—seventy-five;

(b) skimbrow nets:

- (i) recreational license only—one;

(c) traps:

- (i) recreational license—two;
- (ii) commercial license—fifty;

(d) trotlines:

- (i) recreational license—one line with fifty hooks maximum;
- (ii) commercial license—five lines with two hundred fifty

hooks maximum;

(e) set hooks:

- (i) recreational license—fifty;
- (ii) commercial license—fifty;”

Hoop nets on Wateree River, commercial license limit

SECTION 2. Section 50-13-675(55)(a) of the 1976 Code is amended by adding:

“(i) commercial license only—ten;”

Hoop nets prohibited on Congaree River

SECTION 3. Section 50-13-675(9) of the 1976 Code is amended to read:

“(9) Congaree River:

(a) set hooks:

- (i) recreational license—fifty;
- (ii) commercial license—fifty;
- (b) traps:
 - (i) recreational license—two;
 - (ii) commercial license—ten;
- (c) trotlines:
 - (i) recreational license—one line with fifty hooks maximum;
 - (ii) commercial license—three lines with one hundred fifty hooks maximum;”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 58

(R72, S587)

AN ACT TO AMEND SECTION 11-41-75, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ECONOMIC DEVELOPMENT BONDS FOR CONVENTIONS AND TRADE SHOWS, SO AS TO PROVIDE THAT THE PROVISIONS REQUIRING THE REIMBURSEMENT OF BOND PROCEEDS, PLUS INTEREST, UPON THE SALE OF A MEETING AND EXHIBIT SPACE ARE NOT APPLICABLE IF THE SALE PROCEEDS ARE USED IN THEIR ENTIRETY FOR A NEW MEETING AND EXHIBIT SPACE OF NOT LESS THAN FIFTY THOUSAND SQUARE FEET, OR TO REIMBURSE A STATE AGENCY, INSTRUMENTALITY, OR POLITICAL SUBDIVISION FOR THE ACQUISITION OR CONSTRUCTION OF A NEW MEETING AND EXHIBIT SPACE OF NOT LESS THAN FIFTY THOUSAND SQUARE FEET IF CONSTRUCTION OCCURRED PRIOR TO THE SALE OF THE ORIGINAL MEETING AND EXHIBIT SPACE, AND TO PROVIDE CONDITIONS UNDER WHICH THE EXEMPTION APPLIES.

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

Economic Development Bond reimbursements

SECTION 1. Section 11-41-75(A) and (B) of the 1976 Code is amended to read:

“Section 11-41-75. (A) Notwithstanding the provisions of Section 11-41-70(2)(d), the provisions requiring the reimbursement of bond proceeds, plus interest, upon the sale of the meeting and exhibit space, are not applicable if:

(1) the proceeds of the sale of meeting and exhibit space is for its true value as described in Section 12-37-930;

(2) the sale proceeds are used in their entirety:

(a) for a new meeting and exhibit space of no less than fifty thousand square feet; or

(b) to reimburse a state agency, instrumentality, or political subdivision for the acquisition or construction of a new meeting and exhibit space of not less than fifty thousand square feet if the construction occurred prior to the sale of the original meeting and exhibit space; and

(3) if there are outstanding bonds on the existing meeting and exhibit space, the state agency, instrumentality, or political subdivision provides to the State Treasurer a tax opinion from a nationally recognized bond counsel that the sale and proposed new qualifying purpose or use will not adversely affect the federal income tax treatment of the interest on the bonds issued by the State to finance the meeting and exhibit space.

(B)(1) The exemption from the reimbursement requirements only applies so long as:

(a) the land for the new meeting and exhibit space is owned by the state agency, instrumentality, or political subdivision, or any entity created by any of the foregoing for the purpose of ownership, at the time of the sale or is purchased within eighteen months of the sale;

(b) construction of the new meeting and exhibit space begins within five years before or after the sale; and

(c) the project is completed within ten years of the sale.

(2) If a state agency, instrumentality, or political subdivision avails itself of the provisions of subsection (A), but then fails to meet the requirements of this subsection, then the reimbursement requirements of Section 11-41-70(2)(d) apply as of the day of the sale.”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 59

(R73, S609)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-2-140 SO AS TO AUTHORIZE STATE AGENCIES AND POLITICAL SUBDIVISIONS THAT HAVE ACCESS TO FEDERAL TAX INFORMATION TO CONDUCT CRIMINAL BACKGROUND CHECKS ON ITS EMPLOYEES AND CONTRACTORS.

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

Federal tax information, background checks

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

“Section 12-2-140. (A) Each state agency and each political subdivision of the State, is 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 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 or a 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 applicable state agency or political subdivision for the purpose of verifying criminal history information for noncriminal 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 or political subdivision shall pay any costs incurred to conduct background checks and investigations requested by the state agency or political subdivision. The state agency or political subdivision may require a person or entity contracting with the agency or political subdivision 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 state agency or political subdivision.

(D) Each state agency or political subdivision required to conduct background checks and investigations pursuant to this section shall establish written policies concerning the implementation and use of the background checks and investigations conducted pursuant to this section.

(E) For purposes of this section, ‘state agency’ includes state departments and state institutions.”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 60

(R74, S619)

AN ACT TO AMEND SECTION 61-4-720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SALE OF WINE BY A WINERY LOCATED IN THIS STATE, SO AS TO ESTABLISH CERTAIN REQUIREMENTS AND LIMITATIONS; BY ADDING SECTION 61-4-748 SO AS TO ALLOW CERTAIN WINERIES TO OBTAIN SATELLITE LOCATION CERTIFICATES; TO AMEND SECTION 61-4-770, RELATING TO LIMITATIONS ON THE SALE OF WINES ABOVE A CERTAIN PERCENTAGE OF ALCOHOL, SO AS TO INCREASE THE LIMIT; TO AMEND SECTION 61-6-1035, RELATING TO THE SAMPLING OF WINES, SO AS TO INCREASE THE ALLOWED ALCOHOL PERCENTAGE BY VOLUME; TO AMEND SECTIONS 61-6-1640 AND 61-6-1650, BOTH RELATING TO THE SAMPLING OF WINE, SO AS TO INCREASE THE ALLOWED ALCOHOL PERCENTAGE BY VOLUME; TO AMEND SECTION 61-6-1540, RELATING TO THE SALE OF WINES BY A RETAIL DEALER, SO AS TO INCREASE THE ALLOWED ALCOHOL PERCENTAGE BY VOLUME; BY ADDING SECTION 61-6-1155 SO AS TO AUTHORIZE AN ALCOHOLIC LIQUOR PRODUCER, MANUFACTURER, OR MICRO-DISTILLER TO SELL LIQUORS DISTILLED AT THEIR LICENSED PREMISES FOR ON-PREMISES CONSUMPTION; AND TO AMEND SECTIONS 61-6-1140 AND 61-6-1150, BOTH RELATING TASTING AND RETAIL SALES AT THE LICENSED PREMISES OF A MICRO-DISTILLERY, SO AS TO PROVIDE CERTAIN LIMITATIONS AND REQUIREMENTS FOR THE PRICING OF TASTINGS AND TO PROVIDE AN EXCEPTION FOR CERTAIN MICRO-DISTILLERIES.

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

Findings and purpose

SECTION 1. The General Assembly finds and declares that:

(A) The State has a substantial interest in regulating alcoholic liquors and other beverages containing alcohol; the activities of manufacturers,

importers, wholesalers, and retailers; and the influences that affect the consumption levels of alcoholic liquors and other beverages containing alcohol by the people of the State.

(B) The State has a substantial interest in exercising its police power to promote the public health, safety, and welfare of the State by regulating the business of manufacturing, distributing, and retail sales of alcoholic liquors and other beverages containing alcohol in the manner and to the extent allowed by law to promote and preserve public health and safety through legitimate, nonprotectionist measures, which include regulating and controlling alcoholic beverage transactions in this State and the means and manner in which licensed micro-distilleries and alcoholic liquor manufacturers may sell alcoholic beverages to the state's qualifying consumers.

(C) Selling alcoholic liquors from manufacturers outside the State directly to residents of this State poses a serious threat to the state's efforts to prevent underage drinking, to state revenue collections, and to the public health and safety of the state's residents.

(D) By this act, the General Assembly intends to promote the public health, safety, and welfare of residents of this State with laws intended to strictly regulate alcoholic liquors and other beverages containing alcohol by preserving and promoting a robust, stable system of distribution of beverages containing alcohol to the public that does not provide for economic protectionism. Excessive use of alcoholic liquors and other beverages containing alcohol has wide-ranging deleterious health effects, including death. The General Assembly acknowledges that, according to the United States Centers for Disease Control, during the period from 2011 to 2015, an average of one thousand six hundred seventy-nine of this state's residents suffered alcohol attributed deaths due to excessive alcohol use and the rate of binge drinking in this State is ranked among the highest in the nation. The General Assembly acknowledges that, according to the National Highway Traffic Safety Administration, this State had two hundred eighty-five alcohol-impaired driving fatalities in 2019, which accounted for twenty-eight percent of the total traffic fatalities in the State. Attributed deaths due to alcohol-impaired driving in this State is ranked among the highest in the nation.

(E) This act has been enacted pursuant to the authority granted to the State by the Twenty-first Amendment to the Constitution of the United States, the powers reserved to the states under the Tenth Amendment to the United States Constitution, and the inherent powers of the State under the Constitution of the State of South Carolina, 1895, and the

statutes promulgated thereunder. It is the intent of the General Assembly that this act do all of the following:

(1) further regulate and control transactions in this State as to beverages containing alcohol under the control and supervision of the Department of Revenue;

(2) strictly regulate alcoholic beverage transactions by fostering moderation and responsibility in the use and consumption of beverages containing alcohol;

(3) promote and assure the public's interest in fair and efficient distribution and quality control of alcoholic beverages in this State;

(4) promote orderly marketing of alcoholic beverages;

(5) prevent unfair business practices, discrimination, and undue control of one segment of the alcoholic beverage industry by any other segment;

(6) foster vigorous and healthy competition in the alcoholic beverage industry and protect the interests of consumers against fraud and misleading practices in the sale of alcoholic beverages, and avoid problems associated with indiscriminate price cutting and excessive advertising of alcoholic beverages;

(7) provide for an orderly system of public revenues by facilitating the collection and accountability of this State and local excise taxes;

(8) facilitate the collection of state and local revenue;

(9) maintain trade stability and provide for the continuation of control and orderly processing by the State over the regulation of alcoholic beverage manufacturing locations and the process of selling alcoholic beverages to the state's consumers;

(10) ensure that the Department of Revenue and State Law Enforcement Division are able to monitor licensed operations through on-site inspections to confirm compliance with state law and that any alcoholic beverages shipped into, distributed, and sold throughout this State:

(a) have been registered for sale in this State with the Department of Revenue, as prescribed by law;

(b) are not subject to a government-mandated or supplier-initiated recall;

(c) are not counterfeit;

(d) are labeled in conformance with applicable laws, rules, and regulations;

(e) can be inspected and tested by the Department of Revenue or the State Law Enforcement Division; and

(f) are not prohibited by this State;

(11) promote and maintain a sound, stable, and viable three-tier system of distribution of beverages containing alcohol to the public; and

(12) ensure that statutes and regulations relating to alcoholic beverages exist to serve the interests of the State of South Carolina and its citizens rather than to serve or protect the interests of market participants by adopting protectionist measures with no demonstrable connection to the state's legitimate interests in regulating alcoholic beverages.

Winery authorized to sell wine in state, requirements and limitations

SECTION 2. Section 61-4-720 of the 1976 Code is amended to read:

“Section 61-4-720. (A) Notwithstanding another provision of law, a licensed winery located in this State is authorized to sell wine with an alcohol content of sixteen and one-half percent, or less, on the winery premises and deliver or ship this wine to consumer homes in or outside the State so long as:

(1) the licensed winery is the primary American source of supply for the wine sold; or

(2) the wine is produced on its licensed premises.

(B) For wine that is not produced on its licensed premises in the State pursuant to subsection (A)(2), but for which the winery is the primary American source of supply under subsection (A)(1), the winery may not sell more than twenty-four bottles of wine each month directly to a resident of this State for such resident's personal use and not for resale.

(C) These wineries are authorized to provide, with or without cost, wine tasting samples to prospective customers.”

Certain wineries eligible for satellite location certificates

SECTION 3. Chapter 4, Title 61 of the 1976 Code is amended by adding:

“Section 61-4-748. (A) Notwithstanding any other provision of law, rule, or regulation to the contrary, the holder of a valid winery license that, on or after January 1, 2021, invests four hundred million dollars in this State in a Tier III or Tier IV county, as designated by the Department of Revenue pursuant to Section 12-6-3360(B), at the time of the public announcement of the project or upon reaching such investment and job requirement thresholds, and creates at least three hundred new jobs in this State, is eligible for a manufacturer's satellite certificate to establish

up to three wholly owned satellite locations for tasting and sale of wine produced or imported as the primary American source of supply, provided that:

(1) before commencing operations at any wholly owned satellite location, the holder of a valid winery license must first have satisfied all applicable investment and job requirement thresholds;

(2) a winery producing or bottling at least ten million gallons of wine and alcoholic beverages per calendar year in this State may operate one tasting-room premises;

(3) a winery producing or bottling at least twenty million gallons of wine and alcoholic beverages per calendar year in this State may operate two tasting-room premises;

(4) a winery producing or bottling at least thirty million gallons of wine and alcoholic beverages per calendar year in this State may operate three tasting-room premises;

(5) the winery submits, and the department approves, separate applications for each tasting-room premises to be issued a permit, as provided by Sections 61-2-90 and 61-2-140(C);

(6) the winery must pay a biennial tasting-room permit fee of five thousand dollars per tasting-room premises;

(7) no more than one tasting-room premises shall be permitted in any one county of this State;

(8) the winery may conduct tastings of or sell only wine that is (a) produced or bottled by the winery within or outside of this State, (b) produced for or produced and packaged for the winery within or outside of this State and sold under a brand name owned by the winery, or (c) wine for which the winery is the exclusive agent in the United States of an out-of-state vintner;

(9) the winery must sell wine for off-premises consumption at a tasting-room premises at a price approximating retail prices generally charged for identical wine in the county where the tasting-room premises is located;

(10) the winery must charge a consumer a tasting fee to participate in a tasting or the consumer may not purchase any wine for off-premises consumption;

(11) the winery shall remit applicable sales, use, and other state taxes and local taxes for each tasting-room premises. The winery shall maintain adequate records for each tasting-room premises to ensure the collection of these taxes;

(12) all wine to be handled, tasted, or sold at a tasting-room premises must be purchased from licensed wholesalers and transported

and delivered to the licensed tasting-room premises only by licensed South Carolina wholesalers;

(13) the winery must maintain all liability insurance required pursuant to Section 61-2-145; and

(14) tastings and sales shall not be offered or made to, or allowed to be offered, made to, or consumed by an intoxicated person or a person who is under the age of twenty-one.

(B) In addition to the provisions set forth in subsection (A), a winery holding one or more tasting-room permits must not provide or sell to an individual consumer at a tasting-room premises:

(1) more than ten ounces of wine in one day for on-premises consumption, including any samples offered and consumed; or

(2) more than the equivalent of six 750-milliliter bottles of wine each calendar month to an individual consumer for off-premises consumption and not for resale.

(C) Tasting rooms authorized in this section must close to the public at 5:30 p.m. and may not open to the public until 8:00 a.m.

(D) Each tasting-room permit application is subject to protest, as provided for in Section 61-4-525 for beer and wine permit applications.

(E) The holder of a tasting-room permit who violates a provision of this section is subject to the penalties specified in Section 61-4-250.

(F) Nothing in this section shall be construed so as to prohibit or restrict a winery that also holds a brewery, micro-distillery, or liquor manufacturer's license from applying for or holding any license or permit that is available to other licensed breweries, micro-distilleries, or liquor manufacturers in this State and that allows the tasting or sales of beer or alcoholic liquors.

(G) Authorization by this section of sales and tastings at a tasting-room premises is expressly intended for the promotion of education regarding production of wine in the State and not to create competition between producers and retailers.”

Alcohol content limitations on sale of wines

SECTION 4. Section 61-4-770 of the 1976 Code is amended to read:

“Section 61-4-770. Wines containing more than sixteen and one-half percent of alcohol by volume may be sold only in licensed alcoholic liquor stores or in establishments licensed to sell and permit consumption of alcoholic liquors by the drink.”

Alcohol content limitations of wine sampling in retail alcoholic liquor stores

SECTION 5. Section 61-6-1035 of the 1976 Code is amended to read:

“Section 61-6-1035. Notwithstanding the provisions of Section 61-6-1500, the sampling of wines containing over sixteen and one-half percent by volume of alcohol, cordials, and other distilled spirits sold in a retail alcoholic liquor store is authorized if the sampling is conducted as follows:

- (1) No sample may be offered from more than four products at one time.
- (2) The sample is limited to products from no more than one wholesaler at one time.
- (3) No more than one bottle of each of the four products to be sampled may be opened.
- (4) The sampling must be held in a designated tasting area of the retail liquor store and all open bottles must be visible at all times. All open bottles must be removed at the conclusion of the tasting.
- (5) Samples must be less than one-half ounce for each product sampled.
- (6) No person may be served more than one sample of each product.
- (7) No sampling may be offered for longer than four hours.
- (8) At least ten days before the sampling, a letter detailing the specific date and hours of the sampling must be mailed first class to the South Carolina Law Enforcement Division. The letter must include a copy of a certificate of liability insurance for the manufacturer, the retail establishment, or its agent, conducting the tastings.
- (9) No sample may be offered to, or allowed to be consumed by, an intoxicated person or a person under the age of twenty-one years. This person must not be allowed to loiter on the store premises.
- (10) The tastings must be conducted by the manufacturer, retailer, or an agent of the manufacturer or retailer, and must not be conducted by a wholesaler, an employee of a wholesaler, or an agent of a wholesaler.
- (11) No retail alcoholic liquor store may offer more than one sampling per day.
- (12) All product samples used for tastings must be purchased by the retailer from a South Carolina Licensed Wholesaler as required by Section 61-6-100(3).
- (13) All associated costs for the tasting must be paid for by the manufacturer, the retailer, or its agent, conducting the tasting.

(14) Mixers, which must be nonalcoholic and carry zero percent of alcohol by weight, may be provided in conjunction with the tasting, but the mixers must be provided free of charge.

(15) Store mixers used, but not sold, in conjunction with tastings.”

Alcohol content limitations of wine samplings in certain locations

SECTION 6. Section 61-6-1640 of the 1976 Code is amended to read:

“Section 61-6-1640. Notwithstanding the provisions of this subarticle or any other provision of law, an establishment licensed pursuant to Article 5 of this chapter is authorized to conduct samplings of wines in excess of sixteen and one-half percent alcohol, cordials, and distilled spirits, if the sampling is conducted as follows:

(1) the establishment must have a permanent seating capacity of fifty or more persons;

(2) samples may not be offered from more than four products at any one time;

(3) the sampling must be held in the bar area of a licensed establishment and all open bottles must be visible at all times. All open bottles must be removed at the conclusion of the tasting;

(4) samples must be less than one-half ounce for each product sampled;

(5) a person may not be served more than one sample of each product;

(6) sampling may not be offered for more than four hours;

(7) at least five days before the sampling, a letter detailing the specific date and hours of the sampling must be mailed first class to the South Carolina Law Enforcement Division;

(8) a sample may not be offered to, or allowed to be consumed by, an intoxicated person or a person under the age of twenty-one years;

(9) a licensed establishment may not offer more than one sampling each day; and

(10) the sampling must be conducted by the manufacturer or wholesaler or an agent of the manufacturer or wholesaler.”

Alcohol content limitations of wine samplings by a producer or wholesaler

SECTION 7. Section 61-6-1650 of the 1976 Code, as added by Act 161 of 2020, is amended to read:

“Section 61-6-1650. Notwithstanding any other provision of law, a producer or wholesaler may furnish or give a sample of wine in excess of sixteen and one-half percent alcohol, cordial, or distilled spirit to a retailer who has not purchased the brand from a producer or wholesaler in the past three hundred sixty-five days. For each retail establishment, a producer or wholesaler may not give more than three liters of any brand of wine in excess of sixteen and one-half percent alcohol, cordial, or distilled spirit annually. If a particular product is not available in a size within the quantity limitations of this section, a producer or wholesaler may furnish to a retailer the next larger size. Samples of each bottle or other container must be clearly marked ‘Sample—Not for resale’. Nothing in this section allows for any sample to be sold or provided to any employees under the age of twenty-one or to a retailer’s customers. The producer or wholesaler shall remove all bottles at the conclusion of the sampling. For purposes of this section, the term ‘brand’ is defined as provided under 27 C.F.R. Section 6.11.”

Alcohol content limitations on wine sold by retail dealers

SECTION 8. Section 61-6-1540 of the 1976 Code is amended to read:

“Section 61-6-1540. (A) Except as provided in subsection (B), no other goods, wares, or merchandise may be kept or stored in or sold in or from a retail alcoholic liquor store or place of business, and no place of amusement may be maintained in or in connection with the store. However, retail dealers may sell:

- (1) drinking glassware packaged together with alcoholic liquors if the glassware and alcoholic liquors are packaged together by the wholesaler or producer in packaging provided by the producer;
- (2) nonalcoholic items, other than beer or wine, packaged together with alcoholic liquors if the nonalcoholic items and alcoholic liquors are in sealed packages and are packaged together by the alcoholic liquor producer at its place of business; and
- (3) lottery tickets under the provisions of Chapter 150 of Title 59.

(B) Retail dealers licensed pursuant to the provisions of this article may sell all wines in the stores or places of business covered by their respective licenses, whether declared alcoholic or nonalcoholic or nonintoxicating by the laws of this State.

Wines containing more than sixteen and one-half percent of alcohol by volume may be sold only in licensed alcoholic liquor stores or in establishments licensed to sell and permit consumption of alcoholic liquors by the drink. The provisions of this section do not amend, alter,

or modify the taxes imposed on wines or the collection and enforcement of these taxes.”

Micro-distilleries, on-premises consumption of liquors

SECTION 9. Subarticle 11, Article 3, Chapter 6, Title 61 of the 1976 Code is amended by adding:

“Section 61-6-1155. (A)(1) In addition to alcoholic liquor production or manufacturing and sales authorized by this subarticle, a holder of a valid micro-distillery or manufacturer license issued by the State is authorized to sell the alcoholic liquors distilled at the licensed premises to consumers for on-premises consumption within an area of its licensed premises physically partitioned from the distilling and manufacturing operation and bona fide engaged primarily and substantially in the preparation and serving of meals, as required by Section 61-6-1610.

(2) These establishments also may apply for separate beer and wine licenses for on-premises consumption and alcoholic liquor by the drink, and local option permits authorizing the purchase for resale of beer, wine, and alcoholic liquors from wholesalers through the three-tier distribution chain and as required by Section 61-6-1636.

(3) The micro-distillery or manufacturer must:

(a) not sell or allow the consumption of alcoholic liquor by the drink on that part of the micro-distillery or manufacturer’s premises designated and permitted for the distilling and manufacturing operations;

(b) maintain the books, records, and bank accounts of the restaurant operation separately from the books, records, and bank accounts of the distilling and manufacturing operations, and allocate expenses common to both operations in a manner the micro-distillery or manufacturer considers reasonable, when applicable; and

(c) maintain a physical partition between the distilling and manufacturing operations and the food establishment operations. The physical partition may be a permanent wall or a divider permanently affixed to the premises in a manner that the general public may not freely enter the distilling and manufacturing operations area, and may contain a door or doors which remain locked during hours when the micro-distillery or manufacturer is not in operation.

(B) The department shall terminate and a micro-distillery or manufacturer shall surrender each permit and license issued to the micro-distillery or manufacturer pursuant to subsection (A) immediately following inspection, determination, and report by the division to the

department that distilling and manufacturing operations have ceased on the micro-distillery or manufacturer's permitted premises. This includes liquor by the drink authorization and licenses. Following reinstatement of distilling and manufacturing operations on the formerly permitted premises, a micro-distillery or manufacturer may reapply for the applicable permits and licenses authorized by subsection (A).

(C) A micro-distillery or manufacturer selling beer, wine, or liquor at its licensed premises pursuant to authorization set forth in subsection (A) must:

(1) establish appropriate protocols to ensure that a consumer sold or served alcoholic liquors pursuant to this section is not intoxicated and is not under twenty-one years of age;

(2) sell the alcoholic liquors distilled on the licensed premises at a price approximating retail prices generally charged for identical beverages in the county where the permitted premises are located;

(3) remit appropriate taxes to the department for alcoholic liquor distilled and sold at retail on the licensed premises in an amount equal to and in a manner required for excise taxes assessed by the department. The micro-distillery or manufacturer also must remit appropriate sales, use, and other state and local taxes applicable to retail sale of beer, wine, and liquor;

(4) post information that states the alcoholic content by volume of the various types of alcoholic liquors available in the micro-distillery or manufacturer and the penalties for convictions for:

- (a) driving under the influence;
- (b) unlawful transport of an alcoholic container; and
- (c) unlawful transfer of alcohol to minors.

And, the information shall be in signage that must be posted at each entrance, each exit, and in places in a micro-distillery or manufacturer seen during a tour;

(5) provide department- or DAODAS-approved alcohol enforcement training for the employees who serve alcoholic liquors on the permitted premises to consumers for on-premises consumption, so as to prevent and prohibit unlawful sales, transfer, transport, or consumption of alcoholic liquors by persons who are under the age of twenty-one or who are intoxicated;

(6) maintain all liability insurance required pursuant to Section 61-2-145;

(7) comply with all state and local laws concerning the hours of operation applicable to eating and drinking establishments and other food service establishments holding permits to sell alcoholic liquors by the drink; and

(8) comply with the discount pricing provisions of Sections 61-4-160 and 61-6-4550, as applicable.

(D) The establishment licensed pursuant to subsection (A) may sell the bottles of alcoholic liquor produced on its licensed premises as provided in and subject to the restrictions set forth in Sections 61-6-1140 and 61-6-1150. These bottles may not be considered in determining whether the establishment is bona fide engaged primarily and substantially in the preparation and serving of meals, as required by Section 61-6-1610.”

Micro-distilleries, tour and tasting prices

SECTION 10. Sections 61-6-1140 and 61-6-1150 of the 1976 Code are amended to read:

“Section 61-6-1140. A holder of a valid micro-distillery or manufacturer license issued by the State may permit tastings and retail sales of the alcoholic liquors produced at the licensed premises subject to the following limitations and any other limitations provided in this subarticle:

(1) tastings by and sales to consumers must be held in conjunction with a tour by the consumer of the on-site licensed premises and the micro-distillery or manufacturer may charge an amount in its discretion for the tour. The amount consumers are charged must be on a scale that accords with the amount of alcoholic liquors for on-premises consumption that is dispensed to consumers;

(2) the micro-distillery or manufacturer shall establish appropriate protocols to ensure that a consumer sold or served alcoholic liquors pursuant to this section is not under twenty-one years of age and that a consumer shall not attend more than one tasting in a day;

(3) the amount charged by micro-distilleries and manufacturers for tours must increase incrementally and accord with the amount of alcoholic liquors provided for on-premises consumption by one-half ounce, beginning with a base tour price corresponding with the provision of one ounce of alcoholic liquor;

(4) the micro-distillery or manufacturer may not dispense more than four and one-half ounces to an individual consumer in one day;

(5) tastings and sales may occur only between the hours of nine a.m. and seven p.m., Monday through Saturday;

(6) the micro-distillery or manufacturer may not charge for alcoholic liquors consumed at a tasting;

(7) the micro-distillery or manufacturer may provide mixers, which must be nonalcoholic and carry zero percent of alcohol by weight, in conjunction with the tasting, but the micro-distillery or manufacturer may not charge for the mixers;

(8) only brands of alcoholic liquors actually manufactured, distilled, or fermented at and distributed to wholesalers from the licensed premises may be sold or offered for tasting; and

(9) a micro-distillery or a manufacturer licensed pursuant to Section 61-6-1155 must comply with the discount pricing provisions of Section 61-6-4550, as applicable, and may not dispense alcoholic liquors for free at a tasting in subsection (6) of this section.

Section 61-6-1150. Authorization by this section of sales and tastings at licensed premises of a micro-distillery or manufacturer is expressly intended for the promotion of education regarding production of alcoholic liquors in the State and not to create competition between producers and retailers. A holder of a valid micro-distillery or manufacturer license issued by the State may:

(1) sell in any quantities the alcoholic liquors produced at the licensed premises to a wholesaler licensed by the State;

(2) transport in any quantities the alcoholic liquors produced at the licensed premises out of state for sale outside of the State;

(3) sell at retail at the licensed premises the alcoholic liquors produced at the licensed premises, but only if the labels for the bottles are marked 'not for resale';

(4) sell at retail no more than the equivalent of six 750-milliliter bottles of alcoholic liquors to a consumer in one business day;

(5) not allow consumption on the licensed premises of alcoholic liquors sold by the bottle at the licensed premises;

(6) maintain pricing of the alcoholic liquors sold at the licensed premises at a price approximating retail prices generally charged for identical alcoholic liquors in the county where the on-site premises is located;

(7) in addition to the sale of alcoholic liquors as authorized by this section, sell items promoting the brand or brands of alcoholic liquors produced at that location in a room on the licensed premises separate from the locations of the tastings;

(8) not sell or store goods, wares, or merchandise in or from the room in which alcoholic liquors are sold or tasted;

(9) store mixers used, but not sold, in conjunction with tastings; and

(10) not allow minors into the portion of the facility where tastings are occurring, unless accompanied by an adult.

A micro-distillery or a manufacturer licensed pursuant to Section 61-6-1155 is not subject to subsections (7) through (10) of this section.”

Alcohol content regulations required

SECTION 11. A state agency with regulations specifying alcohol content percentages different from the percentages passed in this act must promulgate revised regulations to conform to the changes in this act. Until such time as the regulations are conformed, the percentages in the statutory provisions passed in this act supersede any differing percentages in the regulations.

Severability Clause

SECTION 12. If any provision of this act, or its application to any person or circumstance, is determined by a court or other authority of competent jurisdiction to be invalid or unconstitutional, that provision must be stricken and the remaining provisions must be construed in accordance with the intent of the General Assembly to further limit rather than expand commerce in beverages containing alcohol, and with respect to such beverages, the remaining provisions must be construed to enhance strict regulatory control over the taxation, importation, production, distribution, sale, and delivery of beverages containing alcohol through the three-tier regulatory system and the licensing laws imposed by this act.

Time effective

SECTION 13. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 61

(R75, S627)

AN ACT TO AMEND SECTION 12-6-545, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCOME TAX RATES FOR PASS-THROUGH TRADE AND BUSINESS INCOME, SO AS TO CREATE AN ELECTION TO TAX CERTAIN PARTNERSHIPS AND “S” CORPORATIONS AT THE ENTITY LEVEL.

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

Income tax for pass-through entities

SECTION 1. Section 12-6-545 of the 1976 Code is amended by adding a new subsection at the end to read:

“(G)(1)(a) ‘Qualified entity’ means a partnership or ‘S’ Corporation including a limited liability company taxed as a partnership or ‘S’ Corporation, where all of its owners are qualified owners or partnerships, and, where those partnerships are owned directly or through other partnerships by qualified owners.

(b) ‘Qualified owner’ means a partner or shareholder of a qualified entity that is an individual, estate, trust, or any other entity except those taxed or exempted from tax pursuant to Sections 12-6-530 through 12-6-540 and 12-6-550 and except for any other entity exempt from South Carolina income tax.

(2) A qualified entity may elect annually under this subsection to have its income taxed on its active trade or business income at the rate provided in subsection (B)(2) imposed on the qualified entity itself. Such elections must be made no later than the due date for filing the applicable income tax return, including any extensions.

(3) In computing South Carolina taxable income, a qualified owner shall exclude active trade or business income from an electing qualified entity provided that the qualified entity properly filed an income tax return and paid the taxes pursuant to this subsection that included the active trade or business income or loss.

(4) Active trade or business losses of the qualified owner from other pass-through entities that are reported directly by such owner may not reduce tax at a rate higher than the rate provided in subsection (B)(2).

(5) Active trade or business income for which this subsection is elected shall be apportioned by the pass-through entity pursuant to Section 12-6-2240, and none of it shall be treated as income from personal services that is allocated pursuant to Section 12-6-2220(6).

(6) Section 12-8-590, dealing with tax withholding on distributions to nonresident shareholders of 'S' Corporations and nonresident partners, does not apply to electing qualified entities to the extent of the tax the electing entities pay on their active trade or business income.

(7) For tax years beginning after 2021, an electing qualified entity shall submit estimated tax payments pursuant to Section 12-6-3910.

(8) If the electing entity fails to pay the amount owed to the department with respect to income as a result of the election, the department may collect the amount from the electing entity or its direct or indirect owners based upon their proportionate share of the income, or both.

(9) The basis of both resident and nonresident shareholders of a qualified 'S' Corporation in their stock of the qualified 'S' Corporation shall be determined as if the election under subsection (G)(2) had not been made and each of the shareholders of the qualified 'S' Corporation had properly taken into account each shareholder's pro rata share of the qualified 'S' Corporation's items of income, loss, and deduction in the manner required with respect to an 'S' Corporation for which no such election is in effect. The basis of a qualified partnership, including a limited liability company taxed as a partnership, shall be determined in the same manner."

Time effective

SECTION 2. This act takes effect upon approval by the Governor and first applies to tax years beginning after 2020.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 62

(R76, S658)

AN ACT TO AMEND SECTION 1-11-710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY MAKING INSURANCE AVAILABLE TO ACTIVE AND RETIRED EMPLOYEES, SO AS TO PROVIDE THAT THE PUBLIC EMPLOYEE BENEFIT AUTHORITY MAY ESTABLISH RULES FOR ELIGIBILITY AND ENROLLMENT FOR FULLY INSURED INSURANCE PRODUCTS FOR WHICH IT IS THE PLAN SPONSOR AND TO PROVIDE THAT MEDICAL EVIDENCE OF INSURABILITY SHALL NOT BE REQUIRED SOONER THAN THIRTY DAYS FROM THE DATE A PERSON IS FIRST ELIGIBLE TO ENROLL IN A FULLY INSURED INSURANCE PRODUCT; TO AMEND SECTION 9-1-1650, AS AMENDED, RELATING TO AMOUNTS PAID UPON THE TERMINATION OF EMPLOYMENT UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE THAT A MEMBER WHO IS NOT RETIRED MAY NAME CONTINGENT BENEFICIARIES IN THE SAME MANNER AS PRIMARY BENEFICIARIES, TO PROVIDE THAT A CONTINGENT BENEFICIARY DOES NOT HAVE CERTAIN RIGHTS UNLESS ALL PRIMARY BENEFICIARIES HAVE PREDECEASED THE MEMBER AND THE MEMBER'S DEATH OCCURS BEFORE RETIREMENT, AND TO PROVIDE THAT A MEMBER MAY NOT NAME A CONTINGENT BENEFICIARY FOR DEATH BENEFITS UNDER A PRERETIREMENT DEATH BENEFIT PROGRAM; TO AMEND SECTION 9-8-110, RELATING TO PAYMENTS ON THE DEATH OF A MEMBER OR BENEFICIARY UNDER THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, SO AS TO PROVIDE THAT A MEMBER WHO IS NOT RETIRED MAY NAME SECONDARY BENEFICIARIES IN THE SAME MANNER AS PRIMARY BENEFICIARIES, TO PROVIDE THAT A SECONDARY BENEFICIARY DOES NOT HAVE CERTAIN RIGHTS UNLESS ALL PRIMARY BENEFICIARIES HAVE PREDECEASED THE MEMBER AND THE MEMBER'S DEATH OCCURS BEFORE RETIREMENT, AND TO PROVIDE THAT A MEMBER MAY NOT NAME A SECONDARY BENEFICIARY FOR DEATH

BENEFITS UNDER A PRERETIREMENT DEATH BENEFIT PROGRAM; TO AMEND SECTION 9-9-100, AS AMENDED, RELATING TO PAYMENTS ON THE DEATH OF A MEMBER OR BENEFICIARY UNDER THE RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT A MEMBER WHO IS NOT RETIRED MAY NAME CONTINGENT BENEFICIARIES IN THE SAME MANNER AS PRIMARY BENEFICIARIES, TO PROVIDE THAT A CONTINGENT BENEFICIARY DOES NOT HAVE CERTAIN RIGHTS UNLESS ALL PRIMARY BENEFICIARIES HAVE PREDECEASED THE MEMBER AND THE MEMBER'S DEATH OCCURS BEFORE RETIREMENT, AND TO PROVIDE THAT A MEMBER MAY NOT NAME A CONTINGENT BENEFICIARY FOR DEATH BENEFITS UNDER A PRERETIREMENT DEATH BENEFIT PROGRAM; TO AMEND SECTION 9-11-110, AS AMENDED, RELATING TO THE LUMP SUM PAID IN THE EVENT OF A DEATH UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE THAT A MEMBER WHO IS NOT RETIRED MAY NAME CONTINGENT BENEFICIARIES IN THE SAME MANNER AS PRIMARY BENEFICIARIES, TO PROVIDE THAT A CONTINGENT BENEFICIARY DOES NOT HAVE CERTAIN RIGHTS UNLESS ALL PRIMARY BENEFICIARIES HAVE PREDECEASED THE MEMBER AND THE MEMBER'S DEATH OCCURS BEFORE RETIREMENT, AND TO PROVIDE THAT A MEMBER MAY NOT NAME A CONTINGENT BENEFICIARY FOR DEATH BENEFITS UNDER A PRERETIREMENT DEATH BENEFIT PROGRAM; AND TO REPEAL CHAPTER 2, TITLE 9 RELATING TO THE RETIREMENT AND PRERETIREMENT ADVISORY PANEL.

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

PEBA duties

SECTION 1. Section 1-11-710 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“() Notwithstanding the provisions of Section 38-71-730(3), for all fully insured insurance products where the South Carolina Public Employee Benefit Authority (PEBA) is the plan sponsor, PEBA may establish rules for eligibility and enrollment, including the timeframes

for submitting enrollment elections and required supporting documentation. In no event may medical evidence of insurability be required sooner than thirty days from the date a person is first eligible to enroll in a fully insured insurance product.”

Beneficiaries, SCRS

SECTION 2. Section 9-1-1650 of the 1976 Code, as last amended by Act 149 of 2018, is further amended to read:

“Section 9-1-1650. (A) If a member ceases to be a teacher or employee except by death or retirement, the member must be paid within six months after the member’s demand for payment, but not less than ninety days after ceasing to be a teacher or employee, the sum of the member’s contributions and the accumulated regular interest on the contributions. If the member has five or more years of earned service or eight or more years of such service for a Class Three member, and before the time the member’s membership would otherwise terminate, elects to leave these contributions in the system, the member, unless these contributions are paid to him as provided by this section before the attainment of age sixty, remains a member of the system and is entitled to receive a deferred retirement allowance beginning at age sixty computed as a service retirement allowance in accordance with Section 9-1-1550(A) or (B) for Class One and Class Two members and Section 9-1-1550(C) for Class Three members. The employee annuity must be the actuarial equivalent at age sixty of the member’s contributions with the interest credits on the contributions, if any, as allowed by the board. If a member dies before retirement, the amount of the member’s accumulated contributions must be paid to the member’s estate or to the person the member nominated by written designation filed with the board.

(B) Upon the death of a member who did not select a survivor option or who selected a survivor option and the member’s designated beneficiary predeceased the member, a lump sum amount must be paid to the member’s designated beneficiary or the member’s estate if total member contributions and accrued interest at the member’s retirement exceed the sum of the retirement allowances paid to the member. Upon the death of a designated beneficiary selected under a survivor option, a lump sum amount must be paid to the beneficiary’s estate if total member contributions and accrued interest at the member’s retirement exceed the sum of the retirement allowances paid to the member and the member’s beneficiary. The lump sum payment must be the total member

contributions and accrued interest at retirement less the sum of the retirement allowances paid to the member or in the case of a survivor option, the total member contributions and accrued interest at retirement less the sum of the retirement allowances paid to the member and the member's designated beneficiary. This paragraph does not govern lump sum distributions payable on account of members retiring under former Option 1 of Section 9-1-1620 or on account of members retiring before July 1, 1990, under former Option 4 of Section 9-1-1620.

(C) A member who is not retired making the nomination provided under this section also may name contingent beneficiaries in the same manner that primary beneficiaries are named. A contingent beneficiary has no rights under this chapter unless all primary beneficiaries nominated by the member have predeceased the member and the member's death occurs before retirement. In this instance, a contingent beneficiary is considered the member's beneficiary for purposes of this section and Section 9-1-1660, if applicable. A member may not name a contingent beneficiary with respect to death benefits provided under Section 9-1-1770."

Beneficiaries, judges and solicitors

SECTION 3. Section 9-8-110(1) of the 1976 Code is amended to read:

"(1) Except as provided in subsections (2) and (3) of this section, upon the death of any member of the system, a lump sum amount must be paid to the persons the member nominated by written designation, filed with the board, otherwise to his estate. This amount must be equal to the amount of the member's accumulated contributions. A member who is not retired making the nomination provided under this section also may name secondary beneficiaries in the same manner that primary beneficiaries are named. A secondary beneficiary has no rights under this chapter unless all primary beneficiaries nominated by the member predecease the member and the member's death occurs before retirement. In this instance, a secondary beneficiary is considered the member's beneficiary for purposes of subsections (1), (2), and (3) of this section. A member may not name a secondary beneficiary with respect to death benefits provided under subsections (5) and (7) of this section."

Beneficiaries, GARS

SECTION 4. Section 9-9-100(1) of the 1976 Code is amended to read:

“(1) Upon the death of a member of the system, a lump sum amount must be paid to the person the member nominated by written designation, filed with the board, otherwise to the member’s estate. This lump sum amount must be equal to the amount of the member’s accumulated contributions. A member who is not retired making the nomination provided under this item also may name contingent beneficiaries in the same manner that primary beneficiaries are named. A contingent beneficiary has no rights under this chapter unless all primary beneficiaries nominated by the member have predeceased the member and the member’s death occurs before retirement. In this instance, a contingent beneficiary is considered the member’s beneficiary for purposes of this item and item (3) of this section, if applicable. A member may not name a contingent beneficiary with respect to death benefits provided under subsections (4) and (5) of this section.”

Beneficiaries, PORS

SECTION 5. Section 9-11-110(3) of the 1976 Code is amended to read:

“(3) A member who is not retired making the nomination provided under subsection (1) of this section also may name contingent beneficiaries in the same manner that primary beneficiaries are named. A contingent beneficiary has no rights under this chapter unless all primary beneficiaries nominated by the member have predeceased the member and the member’s death occurs before retirement. In this instance, a contingent beneficiary is considered the member’s beneficiary for purposes of subsection (1) of this section and Section 9-11-130, if applicable. A member may not name a contingent beneficiary with respect to death benefits provided under Section 9-11-120.”

Repeal

SECTION 6. A. Chapter 2, Title 9 of the 1976 Code is repealed.

B. This SECTION takes effect on July 1, 2021.

Time effective

SECTION 7. Except as otherwise provided, this act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 63

(R77, S677)

AN ACT TO AMEND SECTION 12-2-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX CREDITS, SO AS TO PROVIDE FOR THE ALLOCATION OF A TAX CREDIT OR UNUSED CREDIT AMOUNT CARRIED FORWARD THAT IS EARNED BY A PARTNERSHIP OR LIMITED LIABILITY COMPANY TAXED AS A PARTNERSHIP.

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

Tax credits allocation

SECTION 1. Section 12-2-100 of the 1976 Code is amended to read:

“Section 12-2-100. (A) Unless otherwise provided by law, a tax credit administered by the department must be used in the year it is generated and must not be refunded.

(B) A tax credit earned by a partnership or limited liability company taxed as a partnership pursuant to Sections 12-6-3535, 12-6-3795, or 12-65-10, including any unused credit amount carried forward, may be passed through to the partners or members and may be allocated among any of its partners or members on an annual basis including, without limitation, an allocation of the entire credit to any partner or member who was a partner or member at any time in the year in which the credit or unused carryforward was allocated. The allocation must be allowed without regard to any provision of the Internal Revenue Code, or regulation promulgated pursuant to it, that may be interpreted as contrary

to the allocation including, without limitation, the treatment of the allocation as a disguised sale.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor and applies to a qualified project in service after January 1, 2020, but before December 31, 2030, if the project is issued an eligibility statement after May 14, 2020.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 64

(R80, H3011)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-1885 SO AS TO PROVIDE THE CIRCUMSTANCES WHEN A VEHICLE MAY NOT BE DRIVEN IN THE FARTHEST LEFT-HAND LANE OF A CONTROLLED ACCESS HIGHWAY, TO PROVIDE THE DEPARTMENT OF TRANSPORTATION MUST PLACE SIGNS ALONG INTERSTATE HIGHWAYS DIRECTING SLOWER TRAFFIC TO MOVE TO THE RIGHT, TO PROVIDE A PENALTY FOR A VIOLATION, TO PROVIDE A VIOLATION MUST NOT BE INCLUDED IN THE OFFENDER’S MOTOR VEHICLE RECORD, INCLUDED IN SLED’S CRIMINAL RECORDS, OR REPORTED TO THE OFFENDER’S MOTOR VEHICLE INSURER, TO PROVIDE A VIOLATION IS NOT NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE, AND IS NOT ADMISSIBLE AS EVIDENCE IN A CIVIL ACTION, TO PROVIDE A LAW ENFORCEMENT OFFICER MUST NOT SEARCH AND MAY NOT REQUEST CONSENT TO SEARCH A VEHICLE, DRIVER, OR OCCUPANT OF A VEHICLE SOLELY BECAUSE OF A VIOLATION OF THIS PROVISION, AND TO PROVIDE FOR THE APPEAL OF A VIOLATION.

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

Overtaking and passing another vehicle

SECTION 1. Article 13, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56-5-1885. (A) A vehicle may not be driven in the farthest left-hand lane of a controlled access highway except when overtaking and passing another vehicle.

(B) Subsection (A) of this section does not apply:

- (1) when no other vehicle is directly behind the vehicle in the left lane;
- (2) when traffic conditions and congestion make it impractical to drive in the right lane;
- (3) when snow and other inclement weather conditions make it safer to drive in the left lane;
- (4) when obstructions or hazards exist in the right lane;
- (5) when, because of highway design, a vehicle must be driven in the left lane when preparing to exit;
- (6) to law enforcement vehicles, ambulances, or other emergency vehicles engaged in official duties and vehicles engaged in highway maintenance and construction operations;
- (7) when a driver of a tractor-trailer commercial motor vehicle combination is unable to move into the right lane safely due to another vehicle overtaking or passing his vehicle to the right; or
- (8) when a driver of a vehicle requiring a commercial motor vehicle license to operate is unable to move into the right lane safely due to a highway grade or another vehicle overtaking or passing his vehicle on the right.

(C) Nothing in this section shall limit the Department of Transportation’s ability to establish and delineate lane restrictions for certain types of vehicles.

(D) The Department of Transportation must place signs along interstate highways directing slower traffic to move to the right. The signs must be placed at intervals of no more than thirty-five miles.

(E)(1) A person who is adjudicated to be in violation of the provisions of this section must be fined not more than twenty-five dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for a failure to appear in court when summoned

or for a failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Notwithstanding Section 56-1-640, a violation of this section must not be:

(a) included in the offender's motor vehicle records maintained by the Department of Motor Vehicles;

(b) included in the criminal records maintained by SLED; or

(c) reported to the offender's motor vehicle insurer.

(2) A violation of this section is not negligence per se, or contributory negligence, and is not admissible as evidence in a civil action.

(3) A law enforcement officer must not search, and may not request consent to search, a vehicle, or the driver or occupant of the vehicle, solely because of a violation of this section.

(4) A person charged with a violation of this section may admit or deny the violation, enter a plea of nolo contendere, or be tried before either a judge or a jury. If the trier of fact is convinced beyond a reasonable doubt that the person violated the provisions of this section, then the penalty is a civil fine pursuant to item (1) of this subsection. If the trier of fact determines that the State has failed to prove beyond a reasonable doubt that the person violated the provisions of this section, then no penalty shall be assessed.

(5) A person found to be in violation of this section may bring an appeal to the court of common pleas.”

Time effective

SECTION 2. This act takes effect ninety days after approval by the Governor. For a period of ninety days after the effective date of this act, only warning tickets may be issued for a violation of the provisions of this act.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 65

(R81, H3024)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-7-355 SO AS TO AUTHORIZE THE STATE BOARD OF BARBER EXAMINERS TO ISSUE MOBILE BARBERSHOP PERMITS, TO ESTABLISH PERMIT REQUIREMENTS, AND TO FURTHER PROVIDE FOR THE REGULATION OF MOBILE BARBERSHOPS.

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

Mobile barbershops authorized, regulation

SECTION 1. Chapter 7, Title 40 of the 1976 Code is amended by adding:

“Section 40-7-355. (A) As used in this section:

(1) ‘Mobile barbershop’ means a self-contained unit in which the practice of barbering is conducted, which may be moved, towed, or transported from one location to another. A ‘mobile barbershop’ includes a portable barber operation.

(2) ‘Portable barber operation’ means equipment used in the practice of barbering that is in a mobile barbershop or transported from a barbershop and used on a temporary basis at a location including, but not limited to:

(a) a client’s home; or

(b) another institution or location as may be authorized by the board in regulation.

(B) An individual may operate a mobile barbershop if the individual:

(1) is licensed pursuant to this chapter to engage in the practice of barbering; and

(2) does not have a physically stationary office at the location where the barbering services are provided.

(C) In order to operate a mobile barbershop, a registered barber shall apply to the board for a mobile barbershop permit. The registered barber shall submit a permit application and fee in the form and manner prescribed by the board in regulation.

(D)(1) Before a mobile barbershop permit may be issued, an inspection of the mobile barbershop must be conducted by a representative of the board pursuant to Sections 40-7-320 and 40-7-330.

Upon a satisfactory inspection, the board shall issue the applicant a mobile barbershop biennial permit to be affixed within the mobile barbershop as prescribed by the board. The board shall also issue a permit card to be carried by the registered barber when practicing barbering through a portable barber operation.

(2) A mobile barbershop permit must be annually renewed, and a renewal fee paid, as prescribed by the board in regulation.

(3) A mobile barbershop is subject to unannounced inspections and must be annually inspected before a permit may be renewed.

(E)(1) A mobile barbershop permittee shall maintain an official business address, which must be indicated on the permit application and which must not be a post office box. If an address different from the official business address is used for official business, then that address must also be provided. Permit applications must also include the home address of the applicant. The inclusion of the applicant's home address on the application does authorize the applicant to conduct business at his home address if the applicant is issued a license.

(2) A mobile barbershop permittee shall maintain an official telephone number, which must be indicated on the application. If other phones are used for official business, then those phone numbers must also be provided.

(3) The board must be notified within thirty days of any change in the official business address or telephone number as indicated on the permit application or as otherwise provided to the board.

(F) A mobile barbershop permittee shall comply with all applicable federal, state, and local laws, regulations, and ordinances pertaining to the practice of barbering and with all applicable flammability, construction, sanitation, zoning, or infectious waste management guidelines; Occupational Safety and Health Administration guidelines; and federal Centers for Disease Control and Prevention guidelines. The permittee shall maintain any applicable county and city licenses or permits, including business licenses, to operate the mobile barbershop at the location where barbering services will be provided.

(G) A mobile barbershop permittee shall maintain a written or an electronic record of the street addresses where barbering services will be provided during any two-week period.

(H) A licensed barber at all times must be in charge and present during the operation of a mobile barbershop and is responsible for all barbering services provided at the mobile barbershop.

(I)(1) A mobile barbershop permittee shall notify the board in writing within thirty days of the last day of operations when a mobile barbershop ceases to operate.

(2) A mobile barbershop permit is not transferable. If a mobile barbershop is sold, the new owner shall apply to the board for a permit before providing barbering services through the mobile barbershop.

(J) The board shall promulgate regulations to carry out the provisions of this section including, but not limited to, establishing permit application and renewal fees.

(K) A barber who violates a provision of this chapter or a regulation promulgated by the board pursuant to this chapter is subject to disciplinary action as may be determined by the board.

(L) The provisions of this section do not apply to a master haircare specialist or registered barber while providing barbering services in a nursing home or community residential care facility setting equipped and maintained in compliance with regulations and other requirements concerning the equipping and maintenance of barbershops.”

Operation within eyesight of nearest registered barbershop prohibited

SECTION 2. A mobile barbershop is prohibited from operating within eyesight of the nearest registered barbershop.

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 66

(R82, H3094)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “OPEN CARRY WITH TRAINING ACT”; TO AMEND SECTION 23-31-210, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO REVISE THE DEFINITION OF THE TERM “CONCEALABLE WEAPON” TO INCLUDE CERTAIN FIREARMS THAT MAY BE CARRIED OPENLY ON ONE’S

PERSON; TO AMEND SECTION 16-23-20, RELATING TO THE CARRYING OF A HANDGUN, SO AS TO PROVIDE A PERSON WHO POSSESSES A CONCEALED WEAPON PERMIT MAY CARRY IT OPENLY ON OR ABOUT HIS PERSON IN A VEHICLE; TO AMEND SECTION 23-31-220, RELATING TO THE RIGHT OF AN EMPLOYER TO PROHIBIT A PERSON FROM CARRYING A CONCEALABLE WEAPON ON HIS PREMISE, SO AS TO PROVIDE THIS PROVISION ALSO APPLIES TO OPENLY CARRYING A WEAPON ONTO THE PREMISE AND PROVIDE AN EMPLOYER OR OWNER OF A BUSINESS MAY POST A SIGN REGARDING THE PROHIBITION OR ALLOWANCE OF CONCEALABLE WEAPONS ON HIS PREMISE; TO AMEND SECTION 23-31-235, RELATING TO THE POSTING OF SIGNS PROHIBITING THE CARRYING OF CONCEALABLE WEAPONS UPON A PREMISE, SO AS TO PROVIDE THIS PROVISION ALSO APPLIES TO OPENLY CARRYING A CONCEALED WEAPON ON A PREMISE AND PROVIDE AN EMPLOYER OR OWNER OF A BUSINESS MAY POST A SIGN REGARDING THE PROHIBITION OR ALLOWANCE OF CONCEALABLE WEAPONS ON HIS PREMISE; TO AMEND SECTION 23-31-210, RELATING TO THE DEFINITION OF CERTAIN TERMS RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO REVISE THE DEFINITION OF THE TERM "PROOF OF TRAINING"; BY ADDING SECTION 23-21-232 SO AS TO PROVIDE A CHURCH OFFICIAL OR GOVERNING BODY MAY ALLOW A PERSON WHO HOLDS A PERMIT TO CARRY A CONCEALABLE WEAPON TO CARRY THE WEAPON CONCEALED OR OPENLY ON PREMISES OF CERTAIN SCHOOLS LEASED BY THE CHURCH FOR CHURCH SERVICES OR OFFICIAL CHURCH ACTIVITIES UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 23-31-520, RELATING TO A LOCAL GOVERNMENT'S AUTHORITY TO REGULATE THE DISCHARGE OR PUBLIC BRANDISHMENT OF FIREARMS AND THE PROHIBITION IMPOSED UPON A LOCAL GOVERNMENT TO CONFISCATE CERTAIN FIREARMS AND AMMUNITION, SO AS TO ALLOW A LOCAL GOVERNMENT TO TEMPORARILY RESTRICT OPEN CARRYING OF A FIREARM ON PUBLIC PROPERTY DURING CERTAIN EVENTS AND PROVIDE THE CIRCUMSTANCES WHEN OPEN CARRYING OF A FIREARM IS PERMITTED AT THESE EVENTS; BY ADDING SECTION

23-31-250 SO AS TO PROVIDE THE STATE AND ITS POLITICAL SUBDIVISIONS CANNOT BE COMPELLED BY THE FEDERAL GOVERNMENT TO IMPLEMENT OR ENFORCE A LAW RELATED TO AN INDIVIDUAL'S RIGHT TO KEEP AND BEAR ARMS THAT LIMITS OR PROSCRIBES CARRYING CONCEALABLE WEAPONS UNDER CERTAIN CIRCUMSTANCES, TO DIRECT THE ATTORNEY GENERAL TO EVALUATE THESE LAWS AND ISSUE A WRITTEN OPINION OF WHETHER THE LAWS ARE PROHIBITED, AND PROVIDE ACTIONS TO BE TAKEN BY THE STATE AND ITS POLITICAL SUBDIVISIONS IF THE ATTORNEY GENERAL DETERMINES THE LAW VIOLATES THIS PROVISION; TO AMEND SECTION 14-17-325, RELATING TO THE CLERKS OF COURT REPORTING THE DISPOSITION OF COURT OF GENERAL SESSIONS CASES TO THE STATE LAW ENFORCEMENT DIVISION, SO AS TO SHORTEN THE REPORTING PERIOD, TO PROVIDE CLERKS OF COURT ALSO SHALL REPORT THE ISSUANCE, RESCISSION, OR TERMINATION OF CERTAIN INDICTMENTS AND ORDERS, AND TO MAKE TECHNICAL CHANGES; BY ADDING SECTION 22-1-200 SO AS TO REQUIRE MAGISTRATES TO REPORT TO THE STATE LAW ENFORCEMENT DIVISION WITHIN FIVE DAYS, WEEKENDS AND HOLIDAYS EXCLUDED, THE DISPOSITION OF EACH CRIMINAL CASE AND REPORT TO THE DIVISION THE ISSUANCE, RESCISSION, OR TERMINATION OF CERTAIN ORDERS; BY ADDING SECTION 14-25-250 SO AS TO PROVIDE MUNICIPAL JUDGES SHALL REPORT THE DISPOSITION OF EACH CRIMINAL CASE TO THE STATE LAW ENFORCEMENT DIVISION WITHIN FIVE DAYS, WEEKENDS AND HOLIDAYS EXCLUDED, THE ISSUANCE, RESCISSION, OR TERMINATION OF CERTAIN ORDERS; BY ADDING SECTION 63-3-545 SO AS TO PROVIDE CLERKS OF FAMILY COURT SHALL REPORT TO THE STATE LAW ENFORCEMENT DIVISION WITHIN FIVE DAYS, WEEKENDS AND HOLIDAYS EXCLUDED, THE ISSUANCE, RESCISSION, OR TERMINATION OF CERTAIN ORDERS; TO AMEND SECTION 23-31-240, RELATING TO CERTAIN PUBLIC OFFICIALS WHO ARE ALLOWED TO CARRY A CONCEALED WEAPON WHILE ON DUTY, SO AS TO DELETE THE PROVISION THAT RESTRICTS THE CARRYING OF THE WEAPON WHEN THE OFFICIAL IS CARRYING OUT THE

DUTIES OF HIS OFFICE AND ADD THE ATTORNEY GENERAL AND ASSISTANT ATTORNEYS GENERAL TO THE OFFICIALS COVERED BY THIS PROVISION; AND TO AMEND SECTION 23-31-215, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO ELIMINATE THE PAYMENT OF AN APPLICATION FEE, AND THE STATE LAW ENFORCEMENT HANDGUN TRAINING COURSE FEE, AND PROVIDE THE DIVISION MAY NOT CHARGE A FEE FOR A CONCEALED WEAPON PERMIT.

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

Open Carry with Training Act

SECTION 1. This act may be cited as the “Open Carry With Training Act”.

Definitions

SECTION 2. Section 23-31-210(5) of the 1976 Code is amended to read:

“(5) ‘Concealable weapon’ means a firearm having a length of less than twelve inches measured along its greatest dimension that may be carried openly on one’s person or in a manner that is hidden from public view in normal wear of clothing except when needed for self defense, defense of others, and the protection of real or personal property.”

Open carrying of weapons

SECTION 3. Section 16-23-20(9) of the 1976 Code is amended to read:

“(9) a person in a vehicle if the handgun is:

(a) secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver’s license, registration, or proof of insurance. If the person has been issued a concealed weapon permit pursuant to Article 4, Chapter 31, Title 23, then the person also may secure his weapon under

a seat in a vehicle, or in any open or closed storage compartment within the vehicle's passenger compartment; or

(b) carried openly or concealed on or about his person, and he has a valid concealed weapons permit pursuant to the provisions of Article 4, Chapter 31, Title 23;"

Open carrying of weapons

SECTION 4. Section 23-31-220 of the 1976 Code is amended to read:

"Section 23-31-220. (A) Nothing contained in this article shall in any way be construed to limit, diminish, or otherwise infringe upon:

(1) the right of a public or private employer to prohibit a person who is licensed under this article from carrying a concealable weapon, whether concealed or openly carried, upon the premises of the business or work place or while using any machinery, vehicle, or equipment owned or operated by the business;

(2) the right of a private property owner or person in legal possession or control to allow or prohibit the carrying of a concealable weapon, whether concealed or openly carried, upon his premises.

(B) The posting by the employer, owner, or person in legal possession or control of a sign stating 'NO CONCEALABLE WEAPONS ALLOWED' shall constitute notice to a person holding a permit issued pursuant to this article that the employer, owner, or person in legal possession or control requests that concealable weapons, whether concealed or openly carried, not be brought upon the premises or into the work place. A person who brings a concealable weapon, whether concealed or openly carried, onto the premises or work place in violation of the provisions of this paragraph may be charged with a violation of Section 16-11-620. In addition to the penalties provided in Section 16-11-620, a person convicted of a second or subsequent violation of the provisions of this paragraph must have his permit revoked for a period of one year. The prohibition contained in this section does not apply to persons specified in Section 16-23-20, item (1).

(C) In addition to the provisions of subsection (B), a public or private employer or the owner of a business may post a sign regarding the prohibition or allowance on those premises of concealable weapons, whether concealed or openly carried, which may be unique to that business."

Open carrying of weapons

SECTION 5. Section 23-31-235 of the 1976 Code is amended to read:

“Section 23-31-235. (A) Notwithstanding any other provision of this article, any requirement of or allowance for the posting of signs prohibiting the carrying of a concealable weapon, whether concealed or openly carried, upon any premises shall only be satisfied by a sign expressing the prohibition in both written language interdict and universal sign language.

(B) All signs must be posted at each entrance into a building where a concealable weapon permit holder is prohibited from carrying a concealable weapon, whether concealed or openly carried, and must be:

- (1) clearly visible from outside the building;
- (2) eight inches wide by twelve inches tall in size;
- (3) contain the words ‘NO CONCEALABLE WEAPONS ALLOWED’ in black one-inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;
- (4) contain a black silhouette of a handgun inside a circle seven inches in diameter with a diagonal line that runs from the lower left to the upper right at a forty-five degree angle from the horizontal;
- (5) a diameter of a circle; and
- (6) placed not less than forty inches and not more than sixty inches from the bottom of the building’s entrance door.

(C) If the premises where concealable weapons are prohibited does not have doors, then the signs contained in subsection (A) must be:

- (1) thirty-six inches wide by forty-eight inches tall in size;
- (2) contain the words ‘NO CONCEALABLE WEAPONS ALLOWED’ in black three-inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;
- (3) contain a black silhouette of a handgun inside a circle thirty-four inches in diameter with a diagonal line that is two inches wide and runs from the lower left to the upper right at a forty-five degree angle from the horizontal and must be a diameter of a circle whose circumference is two-inches wide;
- (4) placed not less than forty inches and not more than ninety-six inches above the ground;
- (5) posted in sufficient quantities to be clearly visible from any point of entry onto the premises.

(D) Nothing in this section prevents a public or private employer or owner of a business from posting a sign regarding the prohibition or

allowance on those premises of concealable weapons, whether concealed or openly carried, which may be unique to that business.”

Handgun education course

SECTION 6. Section 23-31-210(4)(a) of the 1976 Code is amended to read:

“(a) a person who, within three years before filing an application, successfully has completed a basic or advanced handgun education course offered by a state, county, or municipal law enforcement agency or a nationally recognized organization that promotes gun safety. This education course must include, but is not limited to:

- (i) information on the statutory and case law of this State relating to handguns and to the use of deadly force;
- (ii) information on handgun use and safety;
- (iii) information on the proper storage practice for handguns with an emphasis on storage practices that reduces the possibility of accidental injury to a child;
- (iv) the actual firing of the handgun in the presence of the instructor, provided that a minimum of twenty-five rounds must be fired;
- (v) properly securing a firearm in a holster;
- (vi) ‘cocked and locked’ carrying of a firearm;
- (vii) how to respond to a person who attempts to take your firearm from your holster; and
- (viii) deescalation techniques and strategies.”

Church services

SECTION 7. Article 4, Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Section 23-31-232. (A) Notwithstanding any other provision of law, upon express permission given by the appropriate church official or governing body, a person who holds a valid permit issued pursuant to this article may carry a concealable weapon, whether concealed or openly carried, on the leased premises of an elementary or secondary school if a church leases the school premises or areas within the school for church services or official church activities.

- (1) The provisions contained in this section apply:

(a) only during those times that the church has the use and enjoyment of the school property pursuant to its lease with the school; and

(b) only to the areas of the school within the lease agreement, any related parking areas, or any reasonable ingress or egress between these areas.

(2) A school district may request that a church utilizing school property for its services disclose and notify the school district if persons are, or may be, carrying concealed weapons on the school property.

(3) The provisions of this section do not apply during any time students are present as a result of a curricular or extracurricular school-sponsored activity that is taking place on the school property.

(B) For the purposes of the Federal Gun-Free School Zone Act (18 U.S.C. Section 921(a)), the buildings and grounds of a school that are leased to a church are not considered a school during the hours that the church has the use and enjoyment of the school property pursuant to this section.”

Open carrying of weapons

SECTION 8. Section 23-31-520 of the 1976 Code is amended to read:

“Section 23-31-520. (A) Notwithstanding another provision of law, a governing body of a county, municipality, or political subdivision may temporarily restrict the otherwise lawful open carrying of a firearm on public property when a governing body issues a permit to allow a public protest, rally, fair, parade, festival, or other organized event. However, if a permit is not applied for and issued prior to an event as described in this subsection, a county, municipality, or political subdivision may not exercise the provisions of this subsection. A person or entity hosting a public protest, rally, fair, parade, festival, or other organized event must post signs at the event when open carrying is allowed or not allowed at the event.

(B) A governing body exercising the authority granted to it pursuant to this section must be specific in the area, duration, and manner in which the restriction is imposed and must provide prior notice of the restriction when feasible. In no event may the restriction extend beyond the beginning and conclusion of the event or beyond the location of the event. The duration of an event may not be scheduled for such a length of time as to frustrate the intent of this section.

(C) A county, municipality, or political subdivision may not confiscate a firearm or ammunition for a violation of this section unless incident to an otherwise lawful arrest.”

Concealed and open carrying of weapons

SECTION 9. A. Article 4, Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Section 23-31-250. (A) The State of South Carolina, and its political subdivisions, cannot be compelled by the federal government to take any legislative or executive action to implement or enforce a federal law, treaty, executive order, rule, or regulation related to an individual’s right to keep and bear arms enshrined in the Second Amendment to the United States Constitution that limits or proscribes carrying concealable weapons, whether concealed or openly carried, as provided in this chapter.

(B) Any federal law, treaty, executive order, rule, or regulation related to limiting or proscribing the carry of concealable weapons must be evaluated by the Attorney General. The Attorney General shall issue a written opinion of whether the law, treaty, executive order, rule, or regulation purports to compel legislative or executive action prohibited pursuant to subsection (A).

(C) If the Attorney General renders an opinion that a federal law, treaty, executive order, rule, or regulation purports to compel legislative or executive action prohibited pursuant to subsection (A), then:

(1) no public funds of this State, or any political subdivision of this State, shall be allocated for the implementation or enforcement of that federal law, treaty, executive order, rule, or regulation;

(2) no personnel or property of this State, or any political subdivision of this State, shall be allocated to the implementation or enforcement of that federal law, treaty, executive order, rule, or regulation; and

(3) no official, agent, or employee of the State of South Carolina, or any political subdivision of it, shall implement, attempt to implement, enforce, or attempt to enforce that federal law, treaty, executive order, rule, or regulation.”

B. This SECTION takes effect upon approval by the Governor.

Disposition of cases

SECTION 10. A. Section 14-17-325 of the 1976 Code is amended to read:

“Section 14-17-325. (A) Every clerk of court shall report the disposition of each case in the Court of General Sessions to the State Law Enforcement Division within five days of disposition, weekends and holidays excluded.

(B) Every clerk of court shall also report to the State Law Enforcement Division, within five days, the issuance, rescission, or termination of any:

- (1) criminal indictments;
- (2) permanent restraining orders;
- (3) orders of state firearms prohibition pursuant to Section 16-25-30; and
- (4) other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, but only upon being directed to transmit such orders by the appropriate judge. For any orders, the Court Administration must provide the form.

(C) The reporting required by this section must be in a format approved by the State Law Enforcement Division and Court Administration.”

B. Chapter 1, Title 22 of the 1976 Code is amended by adding:

“Section 22-1-200. (A) Magistrates shall report the disposition of each criminal case to the State Law Enforcement Division within five days, weekends and holidays excluded.

(B) Magistrates shall also report to the State Law Enforcement Division, within five days, weekends and holidays excluded, the issuance, rescission, or termination of any:

- (1) restraining orders and emergency restraining orders;
- (2) magistrate court orders of protection from domestic abuse act orders;
- (3) orders of state firearms prohibition pursuant to Section 16-25-30; and
- (4) any other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, but only upon being directed to transmit such orders by the appropriate magistrate. For any form orders provided by Court Administration that may require transmission pursuant to this

subsection, Court Administration shall include within the form order a checked box option that the magistrate may select, when appropriate, to order the clerk to transmit the appropriate information to SLED.

(C) The reporting required by this section must be in a format approved by the State Law Enforcement Division and Court Administration.”

C. Article 1, Chapter 25, Title 14 of the 1976 Code is amended by adding:

“Section 14-25-250. (A) Each municipal judge shall report the disposition of each criminal case to the State Law Enforcement Division within five days, weekends and holidays excluded.

(B) A municipal judge shall also report to the State Law Enforcement Division, within five days, weekends and holidays excluded, the issuance, rescission, or termination of any:

- (1) restraining orders and emergency restraining orders;
- (2) municipal court orders of protection from domestic abuse act orders;
- (3) orders of state firearms prohibition pursuant to Section 16-25-30; and

(4) any other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, but only upon being directed to transmit such orders by the appropriate judge. For any form orders provided by Court Administration that may require transmission pursuant to this subsection, Court Administration shall include within the form order a checked box option that the judge may select, when appropriate, to order the clerk to transmit the appropriate information to SLED.

(C) The reporting required by this section must be in a format approved by the State Law Enforcement Division and Court Administration.”

D. Article 5, Chapter 3, Title 63 of the 1976 Code is amended by adding:

“Section 63-3-545. (A) The clerk of the family court shall report to the State Law Enforcement Division, within five days, weekends and holidays excluded, the issuance, rescission, or termination of any:

- (1) permanent restraining orders;
- (2) family court orders of protection from domestic abuse act orders; or

(3) any other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, including any and all orders referenced in Section 16-25-30, but only upon being directed to transmit such orders by the appropriate judge. For any form orders provided by Court Administration that may require transmission pursuant to this subsection, Court Administration shall include within the form order a checked box option that the judge may select when appropriate to order the clerk to transmit the appropriate information to SLED.

(B) The reporting required by this section must be made in a format approved by the State Law Enforcement Division and Court Administration.”

E. The provisions of this SECTION take effect October 1, 2021.

Concealable weapons

SECTION 11. Section 23-31-240 of the 1976 Code is amended to read:

“Section 23-31-240. Notwithstanding any other provision contained in this article, the following persons who possess a valid permit pursuant to this article may carry a concealable weapon anywhere within this State:

- (1) active Supreme Court justices;
- (2) active judges of the court of appeals;
- (3) active circuit court judges;
- (4) active family court judges;
- (5) active masters-in-equity;
- (6) active probate court judges;
- (7) active magistrates;
- (8) active municipal court judges;
- (9) active federal judges;
- (10) active administrative law judges;
- (11) active solicitors and assistant solicitors;
- (12) active workers’ compensation commissioners; and
- (13) the Attorney General and assistant attorneys general.”

Concealable weapon permit

SECTION 12. A. Section 23-31-215(A)(5), (6), and (7) of the 1976 Code is amended to read:

“(5) proof of training; and

(6) a complete set of fingerprints unless, because of a medical condition verified in writing by a licensed medical doctor, a complete set of fingerprints is impossible to submit. In lieu of the submission of fingerprints, the applicant must submit the written statement from a licensed medical doctor specifying the reason or reasons why the applicant’s fingerprints may not be taken. If all other qualifications are met, the Chief of SLED may waive the fingerprint requirements of this item. The statement of medical limitation must be attached to the copy of the application retained by SLED. A law enforcement agency may charge a fee not to exceed five dollars for fingerprinting an applicant.”

B. Section 23-31-215(C) of the 1976 Code is amended to read:

“(C) SLED shall issue a written statement to an unqualified applicant specifying its reasons for denying the application within ninety days from the date the application was received; otherwise, SLED shall issue a concealable weapon permit. If an applicant is unable to comply with the provisions of Section 23-31-210(4), SLED shall offer the applicant a handgun training course that satisfies the requirements of Section 23-31-210(4). SLED may not charge a fee of any kind for a concealable weapon permit. If a permit is granted by operation of law because an applicant was not notified of a denial within the ninety-day notification period, the permit may be revoked upon written notification from SLED that sufficient grounds exist for revocation or initial denial.”

Severability clause

SECTION 13. 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 14. This act takes effect ninety days after approval by the Governor.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 67

(R83, H3222)

AN ACT TO AMEND SECTION 44-96-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO PENALTIES FOR VIOLATING WASTE TIRE REGULATIONS, SO AS TO CHANGE CERTAIN PENALTY REQUIREMENTS; TO AMEND SECTION 44-96-170, RELATING TO THE REGULATION OF WASTE TIRES, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROMULGATE REGULATIONS AND MAKE CERTAIN PERMITTING DECISIONS CONCERNING WASTE TIRE MANAGEMENT; AND FOR OTHER PURPOSES.

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

Violations of solid waste regulations

SECTION 1. Section 44-96-100(B) of the 1976 Code is amended to read:

“(B) A person who wilfully or with gross negligence or recklessness violates a permit, permit condition, or final determination or order of the department, or a regulation promulgated pursuant to this article regarding Sections 44-96-160(X), 44-96-170(H), or 44-96-190(A) is guilty of a misdemeanor and, upon conviction, must be fined not more than ten thousand dollars for each day of violation or imprisoned for not more than one year, or both. If the conviction is for a second or subsequent offense, the punishment must be a fine not to exceed twenty-five thousand dollars for each day of violation or imprisonment

not to exceed two years, or both. The provisions of the subsection do not apply to officials and employees of a local government owning or operating, or both, a municipal solid waste management facility or to officials and employees of a region, comprised of local governments, owning or operating, or both, a regional municipal solid waste management facility.”

Waste tires

SECTION 2. Section 44-96-170(J) and (O) of the 1976 Code is amended to read:

“(J)(1) Not later than twelve months after this chapter is effective, the department shall promulgate regulations requiring all collectors, processors, recyclers, haulers, and disposers of waste tires to obtain a permit or registration issued by the department.

(2) The regulations promulgated pursuant to this subsection must set forth the requirements for the issuance, denial, suspension, and revocation of such permits or registrations.

(3) After the effective date of the regulations promulgated pursuant to this subsection, a person shall not collect, haul, recycle, or process waste tires unless that person has obtained a permit or registration from the department for that activity or, for an interim period to be determined by the department, is seeking a permit or registration from the department for that activity.

(4) To carry out the purposes and provisions of this section, the department is authorized to:

(a) promulgate such regulations, procedures, or standards as are necessary to protect human health and safety of the environment from the adverse effects of improper, inadequate, or unsound management of waste tires;

(b) issue, deny, suspend, revoke, or modify permits, registrations, or orders under such conditions as the department may prescribe, pursuant to procedures consistent with the South Carolina Administrative Procedures Act, for the management of waste tires; and

(c) conduct inspections and investigations, obtain records of waste tire processing, storage, or hauling activities, obtain samples, and conduct research regarding the operation and maintenance of any waste tire management facility.

(5)(a) The department shall suspend a waste tire processing facility from accepting waste tires when the department determines that the

permitted capacity at the facility is exceeded, and after the facility has been provided an opportunity to return to compliance.

(b) Once the department determines that the permitted capacity at the facility is exceeded, the department shall provide a written warning notice to the facility that the permitted capacity has been exceeded and provide seven calendar days to reduce the number of tires at the facility to the permitted limit.

(c) If after seven calendar days the facility has not reduced the number of tires at the facility to the permitted limit, the department will provide written notice to the facility requiring it to cease accepting tires and to reduce the quantity of waste tires and processed tires on-site to no more than eighty percent of the permitted capacity within twenty-one calendar days of receipt of the notice.

(d) If after the twenty-one-day period the facility fails to comply with the requirements of the written notice as verified by the department, the department shall suspend the facility's permit via written notice to the facility and shall remove the permitted facility from the Waste Tire Rebate Facility List pursuant to subsection (O).

(e) The suspension shall remain in effect until the facility has reduced the quantity of waste tires and processed tires on-site to no more than eighty percent of its permitted capacity, as determined by the facility, and verified by the department.

(f) The department shall lift the permit suspension and return the facility to the Waste Tire Rebate Facility List pursuant to the following:

(i) upon verification by the department that the facility has reduced the total quantity of waste tires and processed tires on-site to no more than eighty percent of its permitted capacity; and

(ii) if, upon referenced verification, the facility does not have any additional citations for material violations that remain unresolved.

(g) The permitted facility shall not receive additional waste tires at the facility until the facility has received written notification from the department that the permit suspension has been lifted. However, during the permit suspension, the permitted facility may continue to process tires and sell product.

(h) Each waste tire accepted by the facility during a suspension period shall be deemed a separate violation and may be deemed a wilful violation subject to the provisions of Section 44-96-100(B).

(O)(1) A wholesaler or retailer required to submit a fee pursuant to subsection (N) who delivers or arranges delivery of waste tires to a facility listed on the Waste Tire Rebate Facility List, may apply for a

refund of one dollar for each tire delivered. If waste tires generated in this State, on which a fee has been paid, are delivered to a waste tire facility located outside this State, a wholesaler or retailer may apply for a refund of one dollar per tire delivered if the receiving facility is listed on the Waste Tire Rebate Facility List; in no case may a refund be approved for a number of tires delivered in excess of the number of new tires sold by the individual wholesaler or retailer. Verification must be provided as required by the South Carolina State Department of Revenue. All refunds made pursuant to this subsection must be charged against the appropriate county's distributions under subsection (N).

(2) The department shall maintain the list of facilities known as the Waste Tire Rebate Facility List.

(3) The Waste Tire Rebate Facility List shall include department-permitted waste tire processing facilities that fulfill the requirements of a waste tire recycling facility, as defined in Section 44-96-40(68)(d), and facilities located outside of South Carolina that are permitted or approved by the host state and that also fulfill the requirements of a waste tire recycling facility, as defined in Section 44-96-40(68)(d).

(4) The department shall remove from the Waste Tire Rebate Facility List any facility whose permit has been revoked or suspended, until the permit has been reinstated by the department or host state.”

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, 2021.

Approved the 17th day of May, 2021.

No. 68

(R84, H3354)

AN ACT TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT A RENEWABLE ENERGY RESOURCE PROPERTY HAVING A NAMEPLATE CAPACITY OF AND OPERATING AT NO GREATER THAN TWENTY KILOWATTS, AND TO REMOVE PROVISIONS OF THE EXEMPTION FOR NONPROFIT HOUSING CORPORATIONS.

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

Property tax exemptions, renewable energy property

SECTION 1. Section 12-37-220(B) of the 1976 Code, as last amended by Act 145 of 2020, is further amended by adding an appropriately numbered item at the end to read:

“() a renewable energy resource property having a nameplate capacity of and operating at no greater than twenty kilowatts, as measured in alternating current. For purposes of this item, ‘renewable energy resource’ means property defined in Section 58-40-10. This definition includes, but is not limited to, all components that enhance the operational characteristics of the generating equipment, such as an advanced inverter or battery storage device, and equipment required to meet 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.”

Property tax exemption, nonprofit housing

SECTION 2. Section 12-37-220(B)(11)(e) of the 1976 Code, as last amended by Act 145 of 2020, is further amended to read:

“(e) all property of nonprofit housing corporations or instrumentalities of these corporations when the property is devoted to providing housing to low or very low income residents. A nonprofit housing corporation or its instrumentality must satisfy the safe harbor provisions of Revenue Procedure 96-32 issued by the Internal Revenue Service for this exemption to apply. For purposes of this subitem, property of nonprofit housing corporations or instrumentalities of these corporations includes all leasehold interests in property owned by an entity that provides housing accommodations to persons of low or very low income, and in which a wholly owned affiliate or wholly owned instrumentality of a nonprofit housing corporation is the general partner, managing member, or the equivalent. However, the exemption allowed by this subitem only applies if the property of nonprofit housing corporations or instrumentalities of these corporations satisfies the safe harbor provisions of Revenue Procedure 96-32 issued by the Internal Revenue Service;”

Time effective

SECTION 3. This act takes effect upon approval by the Governor and applies to property tax years beginning after 2020.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 69

(R85, H3482)

AN ACT TO AMEND SECTION 12-45-75, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSTALLMENT

PAYMENTS OF PROPERTY TAX, SO AS TO AUTHORIZE A COUNTY TO ESTABLISH AN ALTERNATIVE PAYMENT SCHEDULE.

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

Property tax installment payment schedule

SECTION 1. Section 12-45-75(B) of the 1976 Code is amended to read:

“(B)(1) An installment payment is based on the total property tax due for the previous property tax year, after applying all applicable credits and adjustments reflecting reduced value as determined by the county assessor. An amount equal to sixteen and two-thirds percent of the estimated property tax obligation must be paid to the county treasurer in each of five installments according to the following schedule:

In the case of the following estimates, the due date is on or before:

First	February 15
Second	April 15
Third	June 15
Fourth	August 15
Fifth	October 15

The remaining balance is due on or before January fifteenth of the following taxable year in accordance with Section 12-45-70. The treasurer must notify the county auditor of the amount of a property owner’s payments received no earlier than October fifteenth and no later than November fifteenth. A notice of the remaining tax due and other authorized charges and information must then be prepared and mailed to the property owner.

(2) As an alternative to the scheduling provided for in item (1), the authorizing ordinance may provide the treasurer, tax collector, or other official charged with the collection of ad valorem property taxes in a county with the discretion in the scheduling and collection of installment payments from taxpayers as well as in the application process provided for in subsection (A)(2).”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 70

(R86, H3505)

AN ACT TO AMEND SECTION 56-3-627, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INFRASTRUCTURE MAINTENANCE FEE ASSESSED AGAINST VEHICLES OR OTHER ITEMS UPON THEIR FIRST REGISTRATION, SO AS TO PROVIDE THIS FEE ALSO APPLIES TO THE FIRST TITLING OF VEHICLES, OTHER ITEMS, TRAILERS, OR SEMITRAILERS BY OWNERS OR LESSEES, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY NOT ISSUE TITLES UNTIL THE FEES HAVE BEEN COLLECTED, TO PROVIDE IF DEALERS DO NOT LICENSE, TITLE, OR REGISTER ITEMS, THE CUSTOMERS MUST PAY THE FEES TO THE DEPARTMENT OF MOTOR VEHICLES WHEN TITLING OR REGISTERING VEHICLES, TO PROVIDE IF THE LESSEE PURCHASES A VEHICLE HE ORIGINALLY LEASED AND THE REGISTRANT OF THE VEHICLE REMAINS THE SAME, THE PERSON DOES NOT OWE AN ADDITIONAL INFRASTRUCTURE MAINTENANCE FEE, TO PROVIDE ITEMS TRANSFERRED TO AN INSURER FOR THE PURPOSE OF APPLYING FOR SALVAGE TITLES ARE EXCLUDED FROM IMPOSITION OF FEES, TO PROVIDE FEES MUST BE ASSESSED AGAINST AN OWNER OR LESSEE WHO FIRST TITLES AN ITEM IN ANOTHER STATE AND SUBSEQUENTLY REGISTERS THE ITEM IN THIS STATE, AND TO PROVIDE THE FEES MAY NOT BE IMPOSED IF THE OWNER OR LESSEE OF THE ITEMS IS SERVING ON ACTIVE MILITARY DUTY; AND TO AMEND SECTION 56-3-645, RELATING TO THE ROAD USE FEES IMPOSED UPON OWNERS OF VEHICLES NOT POWERED EXCLUSIVELY BY MOTOR FUELS, SO AS TO PROVIDE THE FEES MUST BE COLLECTED AT THE TIME VEHICLES ARE TITLED OR REGISTERED.

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

Infrastructure maintenance fee

SECTION 1. Section 56-3-627(A),(B),(C), and (D) of the 1976 Code is amended to read:

“(A) In order to account for the necessary road maintenance caused by each item traversing the roads of this State, in addition to the registration fees imposed by this chapter, the owner or lessee of each vehicle or other item that is required to be registered pursuant to this chapter must pay an infrastructure maintenance fee upon first titling or registering the vehicle or other item. Also, the owner or lessee of each trailer or semitrailer must pay the fee upon first titling or registering the trailer or semitrailer. The Department of Motor Vehicles may not issue a title or registration until the infrastructure maintenance fee has been collected. The infrastructure maintenance fee must be credited to the Infrastructure Maintenance Trust Fund.

(B) If upon purchasing or leasing the item from a dealer, the owner or lessee first registers the item in this State, then the fee equals five percent, not to exceed five hundred dollars, of the gross proceeds of sales, or sales price, as those terms are defined in Chapter 36, Title 12. If the dealer holds a South Carolina retail license or offers to license, title, or register the item, then the dealer must collect the fee and remit it to the Department of Motor Vehicles. If the dealer does not license, title, or register the item, the customer must pay the infrastructure maintenance fee to the department when titling or registering the vehicle.

(C)(1) If upon purchasing or leasing the item from a person other than a dealer, the owner or lessee first registers the item in this State, then the fee equals five percent, not to exceed five hundred dollars, of the fair market value of the item. If the lessee purchases the vehicle he originally leased and the registrant of the vehicle remains the same, the person does not owe an additional infrastructure maintenance fee.

(2) Excluded from the fee imposed pursuant to this subsection are:

(a) items transferred:

- (i) to members of the immediate family;
- (ii) to a legal heir, legatee, or distributee;
- (iii) from an individual to a partnership upon formation of a partnership, or from a stockholder to a corporation upon formation of a corporation;
- (iv) to a licensed motor vehicle or motorcycle dealer for the purpose of resale;

- (v) to a financial institution for the purpose of resale;
- (vi) as a result of repossession to any other secured party, for the purpose of resale;
- (vii) to an insurer for the purpose of applying for a salvage title;
- (b) the fair market value of an item transferred to the seller or secured party in partial payment;
- (c) gross proceeds of transfers of items specifically exempted by Section 12-36-2120 from the sales or use tax;
- (d) items where a sales or use tax has been paid on the transaction necessitating the transfer.

(3) The Department of Motor Vehicles shall require every applicant for a certificate of title to supply information it considers necessary as to the time of purchase, the purchase price, and other information relative to the determination of fair market value. If the fee is based upon total purchase price as defined in this subsection, the department shall require a submission of a bill of sale and the signature of the owner subject to the perjury statutes of this State.

(4) For purposes of this subsection:

- (a) 'Fair market value' means the total purchase price less any trade-in, or the valuation shown in a national publication of used values adopted by the department, less any trade-in.
- (b) 'Immediate family' means spouse, parents, children, sisters, brothers, grandparents, and grandchildren.
- (c) 'Total purchase price' means the price of an item agreed upon by the buyer and seller with an allowance for a trade-in, if applicable.

(D)(1) If upon purchasing or leasing the item, the owner or lessee first titles or registers the item in another state, and subsequently registers the item in this State, then the fee equals two hundred fifty dollars.

(2) This subsection does not apply if the owner or lessee of the item is serving on active duty in the Armed Forces of the United States. The exclusion allowed by this item also extends to items owned by the spouse or dependent of a person serving on active duty in the Armed Forces of the United States.

(3) Notwithstanding any other provision of this section, until after December 31, 2022, the revenue collected pursuant to this subsection must be credited to the Safety Maintenance Account established pursuant to Section 11-11-240. After December 31, 2022, the revenue collected pursuant to this subsection must be credited to the Infrastructure Maintenance Trust Fund.”

Road use fee

SECTION 2. Section 56-3-645(C) of the 1976 Code is amended to read:

“(C) The Department of Motor Vehicles shall collect this fee at the same time as the vehicle subject to the fee is titled or registered.”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 71

(R87, H3539)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47-4-65 SO AS TO PROHIBIT THE TRANSPORTATION OF LIVE SWINE ON A PUBLIC ROAD OR WATERWAY WITHOUT AN OFFICIAL FORM OF IDENTIFICATION, AND TO PROVIDE AN EXCEPTION AND PENALTIES; TO AMEND SECTION 50-16-25, RELATING TO THE UNLAWFUL RELEASE OF PIGS, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO TRANSPORT A LIVE MEMBER OF THE FAMILY SUIDAE TAKEN FROM THE WILD; AND TO REPEAL SECTION 50-9-655 RELATING TO PIG TRANSPORT AND RELEASE PERMITS.

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

Transport of live swine without identification prohibited

SECTION 1. Chapter 4, Title 47 of the 1976 Code is amended by adding:

“Section 47-4-65. (A) It is unlawful to transport live swine on a public road or waterway within the State unless the swine have an official form of identification approved by the State Veterinarian and are transported in such a way that the swine is visible. Live swine transported without identification are presumed to have been taken from the wild and in violation of Section 50-16-25.

(B) It is unlawful for a person to misuse or alter a permit, tag, or other form of identification or attempt to obtain a permit, tag, or form of identification by fraud or misrepresentation. A person is deemed to have misused identification by using the identification that was not assigned to them or assigned to another owner, knowingly providing identification to a person other than the owner of the swine, or by engaging in any other activity to circumvent the provisions of this section.

(C) Absent an official form of identification, it is unlawful to transport live swine on a public road or waterway within this State unless accompanied by a document that may be presented in lieu of an official form of identification, including a dated bill of lading, invoice, receipt, bill of sale, or similar document showing the quantity of swine to be sold or transported and the name of the wholesale producer or dealer from whom the live swine were purchased or received.

(D) Live swine that do not leave the premises of the swine owner are not subject to the identification requirement.

(E) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, is subject to the penalty prescribed in Section 47-4-130. Each violation constitutes a separate offense.

(F) Notwithstanding Chapter 3, Title 22, magistrates court has jurisdiction over actions arising under this section.”

Transport of swine taken from the wild prohibited

SECTION 2. Section 50-16-25 of the 1976 Code is amended to read:

“Section 50-16-25. (A) It is unlawful to:

(1) import, possess, buy, sell, offer for sale, transfer, or transport a live member of the family Suidae (pig) taken from the wild; or

(2) release a live member of the family Suidae (pig) into the wild.

(B) Each pig imported, bought, sold, offered for sale, possessed, transferred, transported, or released in violation of this section constitutes a separate offense.

(C) The department may seize and destroy any pig obtained pursuant to this section.”

Transport and release permits repealed

SECTION 3. Section 50-9-655 of the 1976 Code is repealed.

Time effective

SECTION 4. This act takes effect upon approval by the Governor and is repealed on July 1, 2024.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 72

(R88, H3541)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-35-55 SO AS TO PROVIDE THAT THE REGULATION OF FIRES BY THE STATE FORESTER DOES NOT APPLY TO FIRES USED FOR THE PREPARATION OF FOOD OR FIRES USED IN APPROPRIATE ENCLOSURES; AND TO AMEND SECTION 48-23-96, RELATING TO THE APPOINTMENT OF LAW ENFORCEMENT OFFICERS TO CARRY OUT THE ENFORCEMENT RESPONSIBILITIES OF THE COMMISSION, SO AS TO ALLOW FOR THE ISSUANCE OF WARNING TICKETS.

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

Fire regulation exemptions

SECTION 1. Chapter 35, Title 48 of the 1976 Code is amended by adding:

“Section 48-35-55. Except as otherwise provided by law, the provisions of this chapter do not apply to a fire used for the preparation of food for immediate consumption, or fires burned in portable outdoor

fireplaces, chimineas, or permanent fire pits constructed of stone, masonry, metal, or other noncombustible material that conforms with all applicable South Carolina fire codes so long as a person has cleared around the area to be burned and has immediately available sufficient equipment and personnel to adequately secure the fire and prevent its spread.”

State Forestry Commission, warning tickets

SECTION 2. Section 48-23-96 of the 1976 Code is amended to read:

“Section 48-23-96. (A) The State Forestry Commission shall appoint law enforcement officers whose terms of office must be permanent unless revoked by the commission. Officers may be removed by the commission on proof satisfactory to it that they are not fit persons for these commissions. These officers shall carry out the law enforcement responsibilities of the commission.

(B) The officers appointed by the State Forestry Commission may issue a written warning ticket on a form approved by the State Forestry Commission, as appropriate, in their discretion.”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 73

(R89, H3545)

AN ACT TO AMEND SECTION 51-7-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF PARKS, RECREATION AND TOURISM'S AUTHORITY TO CONSTRUCT STREETS AND ROADS THROUGH HUNTING ISLAND, SO AS TO REMOVE REFERENCES TO RESIDENTIAL AREAS; TO AMEND SECTION 51-7-70, RELATING TO THE PAYMENT OF REVENUE OBLIGATIONS,

SO AS TO REMOVE CERTAIN ACTIONS THE DEPARTMENT MAY UNDERTAKE TO SECURE PAYMENT OF OBLIGATIONS; AND TO REPEAL SECTION 51-7-20 RELATING TO LEASES OF RESIDENTIAL AREAS ON HUNTING ISLAND.

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

Hunting Island, residential references removed

SECTION 1. Section 51-7-30 of the 1976 Code is amended to read:

“Section 51-7-30. The department may construct and maintain streets and roads throughout the island. It also may construct and operate a water supply system within the island.”

Hunting Island, residential area revenues

SECTION 2. Section 51-7-70 of the 1976 Code is amended to read:

“Section 51-7-70. In order to secure the payment of any obligations issued pursuant to the provisions of this chapter and such interest as may accrue thereon, the department may:

(1) Pledge all or any part of its revenues derived from the operation of said island or any facility or service furnished by it on said island; and

(2) Enter into any covenant and do any and all acts and things necessary or desirable to secure its obligations or which, in the discretion of the department, tend to make the obligations more marketable, notwithstanding that such covenant may restrict or interfere with the exercise of the powers herein granted, it being the intention hereof to give to the department power to do all things in the issuance of bonds for their security that a private business corporation could do under the general laws of this State.”

Hunting Island, residential leases repealed

SECTION 3. Section 51-7-20 of the 1976 Code is repealed.

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 74

(R90, H3605)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 11-11-90 RELATING TO MEETINGS OF APPROPRIATION COMMITTEES.

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

Repeal

SECTION 1. Section 11-11-90 of the 1976 Code is repealed.

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 75

(R91, H3694)

AN ACT TO AMEND SECTION 50-11-430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BEAR HUNTING, SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL

RESOURCES TO DETERMINE AN APPROPRIATE QUOTA OF BEARS TO BE HARVESTED IN EACH GAME ZONE AND TO REQUIRE A BEAR TAG FOR ANY BEAR TAKEN IN THIS STATE; AND BY ADDING SECTION 50-11-450 SO AS TO ALLOW FOR THE USE OF UNPROCESSED BAIT WHEN HUNTING ON PRIVATE LAND IN GAME ZONE 4.

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

Quota of bears to be harvested

SECTION 1. Section 50-11-430(B) of the 1976 Code is amended to read:

“(B) In Game Zones 2, 3, and 4 where the department declares an open season, the department shall determine an appropriate quota of bear to be harvested in each game zone, or county within a game zone, and shall further promulgate regulations necessary to properly control the harvest of bear. The department may close an open season at any time, provided that the department gives at least twenty-four hours’ notice to the public of the closure.”

Bear tag required

SECTION 2. Section 50-11-430(D) of the 1976 Code is amended to read:

“(D) Any bear taken must be tagged with a valid bear tag and reported by midnight of the day of the harvest to the department as prescribed. The tag must be attached to the bear as prescribed by the department before being moved from the point of kill.”

Unprocessed bait authorized in Game Zone 4

SECTION 3. Article 3, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50-11-450. (A) For the purposes of this section, ‘unprocessed bait’ means any natural food item harvested from a plant crop that is not modified from its raw components. Unprocessed bait includes unmodified grains, fruits, nuts, and vegetables.

(B) Notwithstanding Section 50-11-430(E)(8) and Section 50-11-440, a person may take a bear with the aid or use of unprocessed bait, including over an area with unprocessed bait, on private land in Game Zone 4.”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 76

(R92, H3786)

AN ACT TO AMEND SECTION 1-1-1210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ANNUAL SALARIES OF STATE CONSTITUTIONAL OFFICERS, SO AS TO PROVIDE THAT BEGINNING WITH FISCAL YEAR 2022-2023 SALARIES FOR CERTAIN STATE CONSTITUTIONAL OFFICERS MUST BE BASED ON RECOMMENDATIONS BY THE AGENCY HEAD SALARY COMMISSION TO THE GENERAL ASSEMBLY; TO AMEND SECTION 8-11-160, RELATING TO THE AGENCY HEAD SALARY COMMISSION AND SALARY INCREASES FOR AGENCY HEADS, SO AS TO PROVIDE THAT THE AGENCY HEAD SALARY COMMISSION MUST MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY FOR THE SALARIES FOR CERTAIN CONSTITUTIONAL OFFICERS; AND TO AMEND SECTION 8-11-165, RELATING TO SALARY AND FRINGE BENEFIT SURVEYS, SO AS TO PROVIDE THAT SALARY SURVEYS BE CONDUCTED FOR CERTAIN CONSTITUTIONAL OFFICERS.

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

Salaries of certain constitutional officers

SECTION 1. Section 1-1-1210 of the 1976 Code, as last amended by Act 178 of 2018, is further amended to read:

“Section 1-1-1210. (A) The annual salaries of the state officers listed below are:

Governor	\$98,000
Lieutenant Governor	43,000
Secretary of State	85,000
State Treasurer	85,000
Attorney General	85,000
Comptroller General	85,000
Superintendent of Education	85,000
Adjutant General	85,000
Commissioner of Agriculture	85,000

(B) These salaries must be increased by two percent on July 1, 1991, and on July first of each succeeding year through July 1, 1994.

(C) A state officer whose salary is provided in this section may not receive compensation for ex officio service on any state board, committee, or commission.

(D) Beginning with Fiscal Year 2022-2023, and beginning when the state officer’s term commences and lasting until the term concludes, with the exception of the Governor and Lieutenant Governor, salaries for the state officers listed in subsection (A) must be based on recommendations by the Agency Head Salary Commission to the General Assembly as provided in Sections 8-11-160 and 8-11-165.”

Agency Head Salary Commission recommendations

SECTION 2. Section 8-11-160 of the 1976 Code is amended to read:

“Section 8-11-160. (A) All boards and commissions are required to submit justification of an agency head’s performance and salary recommendations to the Agency Head Salary Commission.

(B) This commission consists of four appointees of the chairman of the House Ways and Means Committee, four appointees of the chairman of the Senate Finance Committee, and three appointees of the Governor with experience in executive compensation.

(C) Beginning with Fiscal Year 2022-2023:

(1) salaries for the term of state officers listed in Section 1-1-1210(A), with the exception of the Governor and Lieutenant

Governor, must be based on recommendations by the Agency Head Salary Commission to the General Assembly; and

(2) the Agency Head Salary Commission shall authorize a study be conducted every four years to recommend a salary range for each state constitutional officer, with the exception of the Governor and Lieutenant Governor, based on their job duties and responsibilities as well as the pay of state constitutional officers in other states.

(D) Salary increases for agency heads must be based on recommendations by each agency board or commission to the Agency Head Salary Commission and their recommendations to the General Assembly.”

Agency Head Salary Commission study

SECTION 3. Section 8-11-165 of the 1976 Code is amended to read:

“Section 8-11-165. (A) It is the intent of the General Assembly that:

(1) A salary and fringe benefit survey for agency heads must be conducted by the State Fiscal Accountability Authority every four years. The staff of the authority shall serve as the support staff to the Agency Head Salary Commission.

(2) Beginning with the Fiscal Year 2022-2023 and every four years thereafter, the Agency Head Salary Commission shall commission a study to recommend a salary range for the term of each state constitutional officer listed in Section 1-1-1210, with the exception of the Governor and Lieutenant Governor, based on each state constitutional officer’s job duties and responsibilities as well as the pay of other state constitutional officers in other states. The commission shall then determine a salary for the term of each such state constitutional officer within the recommended pay range subject to funding being provided in the annual appropriations act.

(B) No employee of agencies reviewed by the Agency Head Salary Commission may receive a salary in excess of ninety-five percent of the midpoint of the agency head salary range or the agency head actual salary, whichever is greater, except on approval of the Director of the Division of State Human Resources at the Department of Administration, and except for employees of higher education technical colleges, colleges, and universities.

(C) The Agency Head Salary Commission may recommend to the General Assembly that agency head salaries be adjusted to the minimum of their salary ranges and may recommend to the board that agency head salaries be adjusted when necessary up to the midpoints of their

respective salary ranges. These increases must be based on criteria developed and approved by the Agency Head Salary Commission.

(D) All new members appointed to a governing board of an agency where the performance of the agency head is reviewed and ranked by the Agency Head Salary Commission shall attend the training in agency head performance appraisal provided by the commission within the first year of their appointment unless specifically excused by the chairman of the Agency Head Salary Commission.”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 77

(R93, H3865)

AN ACT TO AMEND SECTION 50-21-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WATERCRAFT LAWS AND ORDINANCES, SO AS TO PROHIBIT A LOCAL GOVERNMENT FROM ADOPTING AN ORDINANCE RELATING TO WATERCRAFT OR WATER DEVICES USED OR HELD FOR USE ON THE WATERS OF THIS STATE AND TO PROVIDE EXCEPTIONS.

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

Watercraft laws, local ordinances

SECTION 1. Section 50-21-30 of the 1976 Code is amended to read:

“Section 50-21-30. (A) For the purposes of this section, ‘floating structure’ means a man-made object other than a watercraft that is capable of flotation and that is not authorized by a permit issued by an agency of this State.

(B) The provisions of Title 50 and other applicable laws of this State shall govern the operation, equipment, titling, numbering, and all other matters relating thereto for watercraft and water devices using or held for use on the waters of this State. A local government may not adopt an ordinance regulating watercraft or water devices used or held for use on the waters of this State unless the ordinance is:

- (1) identical to a provision of this chapter;
- (2) identical to a regulation promulgated under the authority of a provision of this chapter; or
- (3) authorized pursuant to the provisions of this section.

(C)(1) A local government may adopt an ordinance requiring a permit for a watercraft or floating structure to remain moored, anchored, or otherwise located in any one five-mile radius on public waters within its local jurisdiction for more than fourteen consecutive days. The cost of a permit required by a local government may not exceed fifteen dollars. An ordinance adopted pursuant to this subsection must not apply to watercraft:

- (a) moored to a dock or marina berth with permission from the dock or berth owner;
- (b) moored to a mooring buoy that is permitted by the Department of Health and Environmental Control with permission from the buoy owner; or
- (c) moored to a mooring buoy with permission from the buoy owner, provided that the buoy is in the location as it existed on public waters on June 30, 2021.

(2) Notwithstanding Section 5-7-140(B), the corporate limits of any municipality bordering on the high-water mark of a navigable body of water, other than the Atlantic Ocean, are extended to the center of the channel of the navigable body of water for the sole purpose of enforcing an ordinance adopted pursuant to this subsection.

(D) An officer of the department who reasonably believes that watercraft within a local government's jurisdiction is in violation of an ordinance adopted pursuant to the provisions of this section must provide the location of the watercraft to the local government.

(E) The department is hereby authorized to make special rules and regulations with reference to the operation of watercraft on the waters of this State."

Time effective

SECTION 2. This act takes effect on July 1, 2021.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 78

(R94, H3884)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-23-125 SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO TRANSMIT CERTAIN DOCUMENTS ELECTRONICALLY FOR A CERTIFICATE OF TITLE, TO ALLOW FOR THE COLLECTION OF AN ELECTRONIC TRANSMISSION FEE, AND TO REQUIRE THE USE OF AN ELECTRONIC LIEN SYSTEM FOR BUSINESSES AND LENDERS ENGAGED IN THE SALE OF WATERCRAFT AND OUTBOARD MOTORS OR THE FINANCING OF WATERCRAFT OR OUTBOARD MOTORS; AND TO AMEND SECTION 50-23-140, RELATING TO THE PRIORITY AND VALIDITY OF LIENS UPON A CERTIFICATE OF TITLE FOR A WATERCRAFT OR OUTBOARD MOTOR, SO AS TO ALLOW FOR THE RETENTION OR DISCHARGE OF A LIEN ELECTRONICALLY.

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

Watercraft title, electronic transmission

SECTION 1. Article 1, Chapter 23, Title 50 of the 1976 Code is amended by adding:

“Section 50-23-125. (A) In lieu of paper documents, the department is authorized to transmit and receive the following information through secure electronic means for a certificate of title:

- (1) the title for a watercraft or outboard motor with any liens or security interests;
- (2) to the first lienholder on the title, the addition of subsequent liens; and
- (3) the discharge of a security interest or lien from a lienholder on the title.

The certificate of title record must contain the same information noted on a paper certificate of title. Upon receipt of the discharge of the final lien, a clear title must be printed and conveyed to the owner at the address on file with the department. The provisions of this section do not alter the priority of lienholders and encumbrances against a certificate of title. A duly certified copy of the department's electronic record of the lien is admissible in a civil, criminal, or administrative proceeding as evidence of existence of the lien.

(B) The department is authorized to collect an electronic transaction fee not to exceed five dollars for each transaction from commercial parties who transmit or retrieve data from the department pursuant to this section. The fee collected by the department is an official fee and must be used to defray the expenses of the electronic lien program.

(C) Notwithstanding Sections 37-2-202 and 37-3-202, commercial entities and lenders who transmit or receive data from the department pursuant to the provisions of this section may collect an electronic transfer fee not to exceed five dollars for each transaction from the owners of watercraft or outboard motors. A fee charged by the department related to a titled watercraft or outboard motor for the purposes of transmittal or retrieval of this data is deemed an official fee as referenced in Sections 37-2-202 and 37-3-202.

(D) All businesses and commercial lenders who are regularly engaged in the business or practice of selling watercraft or outboard motors as a licensed dealer pursuant to this chapter or in the business or practice of financing watercraft or outboard motors shall utilize the electronic lien system to transmit and retrieve electronic lien information. The department shall maintain contact information on its website for service providers utilizing an electronic interface between the department, lienholders, and sellers of watercraft or outboard motors. The department must establish procedures to ensure compliance with the use of the electronic lien system and provide for valid exceptions as determined by the department.”

Watercraft lien, electronic retention and discharge

SECTION 2. Section 50-23-140(a) and (b) of the 1976 Code is amended to read:

“(a) If a lien or encumbrance is first created at the time of transfer, the certificate of title must be retained by or delivered to the lienholder or retained electronically or delivered to the lienholder electronically. All liens, mortgages, and encumbrances noted upon a certificate of title take priority according to the order of time in which they are noted on it by the department. All such liens, mortgages, and encumbrances must be valid as against the creditors of the owner of a watercraft or outboard motor, whether armed with process or not, and against subsequent purchasers of any such watercraft or outboard motor, or against holders of subsequent liens, mortgages, or encumbrances upon the watercraft or outboard motor.

(b) When a lien is discharged, the holder shall note that fact on the face of the certificate of title or discharge the lien electronically through the system prescribed by the department. If the lienholder holds a paper certificate of title, within thirty days of discharging the lien, the holder shall present it to the department.”

Savings clause

SECTION 3. The 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 on July 1, 2022.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 79

(R95, H3899)

AN ACT TO AMEND SECTION 12-6-3790, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXCEPTIONAL NEEDS CHILD TAX CREDIT, SO AS TO INCREASE THE AMOUNT THE PUBLIC CHARITY MAY EXPEND FOR ADMINISTRATION COSTS TO FIVE PERCENT, TO ALLOW THE FUND AND INDIVIDUALS TO CARRY FORWARD CREDITS AND INCREASE THE AMOUNT A TAXPAYER MAY CLAIM AS A PERCENTAGE OF TAX LIABILITY, TO REMOVE A PROVISION THAT REQUIRES A SCHOOL TO PROVIDE CERTAIN INDIVIDUAL STUDENT TEST SCORES IN ITS APPLICATION, AND TO INCREASE THE CREDIT AUTHORIZATION AMOUNTS AMONG CREDITS SO LONG AS THE TOTAL AUTHORIZATION AMOUNT IS NOT EXCEEDED.

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

Exceptional Needs credit, costs

SECTION 1. Section 12-6-3790(B) of the 1976 Code, as added by Act 247 of 2018, is amended to read:

“(B)(1) There is created the ‘Educational Credit for Exceptional Needs Children’s Fund’ that is separate and distinct from the state general fund. The fund must be organized as a public charity as defined by the Internal Revenue Code under Section 509(a)(1) through (4) and consist only of contributions made to the fund. The fund may not receive an appropriation of public funds. The fund must receive and hold all

contributions intended for it as well as all earnings until disbursed as provided in this section. Monies received in the fund must be used to provide scholarships to exceptional needs children attending eligible schools.

(2) The amounts on deposit in the fund do not constitute public funds and are not the property of the State. Amounts on deposit in the fund may not be commingled with public funds, and the State does not have a claim to or interest in the amounts on deposit. Agreements or contracts entered into by or on behalf of the fund do not constitute a debt or obligation of the State.

(3) The public charity disbursing contributions made to the fund is governed by five directors, two appointed by the Chairman of the House Ways and Means Committee, two appointed by the Chairman of the Senate Finance Committee, and one appointed by the Governor. The directors of the public charity shall designate an executive director of the public charity.

(4) The public charity directors shall administer the public charity including, but not limited to, the keeping of records, the management of accounts, and disbursement of the grants awarded pursuant to this section. The public charity may expend up to five percent of the fund for administration and related costs. The public charity may not expend public funds to administer the program. Information contained in or produced from a tax return, document, or magnetically or electronically stored data utilized by the Department of Revenue or the public charity in the exercise of its duties as provided in this section must remain confidential and is exempt from disclosure pursuant to the Freedom of Information Act. Personally identifiable information, as described in the Family Educational Rights and Privacy Act and individual health records, or the medical or wellness needs of children applying for or receiving grants must remain confidential and is not subject to disclosure pursuant to the Freedom of Information Act.

(5) By January fifteenth of each year, the public charity shall report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor:

(a) the number and total amount of grants issued to eligible schools in each year;

(b) the identity of the school and the amount of the grant for each grant issued to an eligible school in each year;

(c) an itemized and detailed explanation of fees or other revenues obtained from or on behalf of an eligible school;

(d) a copy of a compilation, review, or audit of the fund's financial statements, conducted by a certified public accounting firm; and

(e) the criteria and eligibility requirements for scholarship awards.”

Exceptional Needs credit, carry forward

SECTION 2. A. Section 12-6-3790(D)(1)(a) of the 1976 Code, as added by Act 247 of 2018, is amended to read:

“(a) Tax credits authorized by subsection (H)(1) and subsection (I) annually may not exceed cumulatively a total of twelve million dollars for contributions to the Educational Credit for Exceptional Needs Children's Fund, unless an increased limit is authorized in the annual general appropriations act. However, the fund may carry forward up to five million dollars of donations into the next year to provide credits in the next year. This carryforward amount does not in any way increase the cumulative tax credit amount set forth in this item for any one year.”

B. Section 12-6-3790(D)(2)(b) of the 1976 Code, as added by Act 247 of 2018, is amended to read:

“(b) A taxpayer may not claim more than seventy-five percent of his total tax liability for the year in contribution toward the tax credit authorized by subsection (H)(1) or subsection (I). This credit is nonrefundable. Any unused credit may be carried forward three tax years after the tax year in which the qualified contribution is first eligible to be claimed.”

Exceptional Needs credit, test score reporting

SECTION 3. Section 12-6-3790(E)(1)(b) of the 1976 Code, as added by Act 247 of 2018, is amended to read:

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

Exceptional Needs credit, maximum authorization

SECTION 4. Section 12-6-3790(D)(1) of the 1976 Code, as added by Act 247 of 2018, is amended to read:

“(1)(a) Tax credits authorized by subsection (H)(1) and subsection (I) annually may not exceed cumulatively a total of twelve million dollars for contributions to the Educational Credit for Exceptional Needs Children’s Fund, unless an increased limit is authorized in the annual general appropriations act.

(b) Tax credits authorized pursuant to subsection (H)(2) annually may not exceed cumulatively a total of two million dollars for tuition payments made on behalf of qualifying students, unless an increased limit is authorized in the annual general appropriations act. However, if less than the maximum cumulative total of tax credits allowed pursuant to subitem (a) are authorized, then, the maximum cumulative total of tax credits allowed pursuant to this subitem may be increased by up to three million dollars, but the cumulative total of all tax credits authorized pursuant to this section may not be increased as a result.

(c) If the department determines that the total of the credits claimed by all taxpayers exceeds either limit amount as contained in subitems (a) or (b), it shall allow credits only up to those amounts on a first come, first-served basis.”

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 80

(R96, H3991)

AN ACT TO AMEND SECTION 16-17-680, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERMITS TO PURCHASE NONFERROUS METALS, TRANSPORTATION

AND SALE OF NONFERROUS METALS, AND VARIOUS OFFENSES ASSOCIATED WITH NONFERROUS METALS, SO AS TO INCLUDE IN THE PURVIEW OF THE STATUTE PROCEDURES FOR THE LAWFUL PURCHASE, SALE, AND POSSESSION OF USED, DETACHED CATALYTIC CONVERTERS OR ANY NONFERROUS PART OF ONE UNLESS PURCHASED, SOLD, OR POSSESSED UNDER CERTAIN DELINEATED CIRCUMSTANCES, AND TO PROVIDE INCREASED AND TIERED PENALTIES FOR UNLAWFUL CONDUCT RELATED TO CATALYTIC CONVERTERS.

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

Nonferrous metals, catalytic converters, lawful and unlawful conduct, penalties

SECTION 1. Sections 16-17-680(G), (I), and (J) of the 1976 Code are amended to read:

“(G)(1) It is unlawful to transport nonferrous metals in a vehicle or have nonferrous metals in a person’s possession.

(2) Subsection (G)(1) does not apply if:

(a) the person can present a valid permit to transport and sell nonferrous metals issued pursuant to subsection (C); or

(b) the person can present a valid bill of sale for the nonferrous metals.

(3) If a law enforcement officer determines that one or more of the exceptions listed in subsection (G)(2) applies, or the law enforcement officer determines that the nonferrous metals are not stolen goods and are in the rightful possession of the person, the law enforcement officer shall not issue a citation for a violation of this subsection.

(4) A person who violates a provision of subsection (G)(1):

(a) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days;

(b) for a second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than one year, or both; and

(c) for a third or subsequent offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both. For an offense to be

considered a third or subsequent offense, only those offenses that occurred within a period of ten years, including and immediately preceding the date of the last offense, shall constitute a prior offense within the meaning of this subsection.

(5) If a person transports nonferrous metals that the person knows are stolen in a vehicle or has in the person's possession nonferrous metals that the person knows are stolen, is operating a vehicle used in the ordinary course of business to transport nonferrous metals that the person knows are stolen, presents a valid or falsified permit to transport and sell nonferrous metals that the person knows are stolen, or presents a valid or falsified bill of sale for nonferrous metals that the person knows to be stolen, the person is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both. If the person obtained a permit to transport and sell nonferrous metals pursuant to subsection (C), the permit must be revoked.

(I)(1) A secondary metals recycler shall not purchase or otherwise acquire:

- (a) an iron or steel manhole cover;
- (b) an iron or steel drainage grate; or

(c) a coil, unless the seller is an exempted entity pursuant to subsection (J)(1)(e) or the seller presents a bill of sale from a company licensed pursuant to Chapter 11, Title 40 indicating that the seller acquired the coil as the result of a unit replacement or repair. The bill of sale is sufficient proof of ownership and serves the same purpose as a permit to transport and sell nonferrous metals. A person who presents a falsified bill of sale is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both.

(2)(a) It is unlawful for any individual or entity other than a permitted secondary metals recycler to purchase, or to attempt to purchase, a used, detached catalytic converter or any nonferrous part of a catalytic converter.

(b) Except as otherwise provided in item (3)(a)(iii)(aa), (bb), and (cc) for those businesses delineated in item (3)(a)(ii), it is unlawful for any individual or entity to possess, obtain or otherwise acquire, transport, or sell a used, detached catalytic converter or any nonferrous part of a catalytic converter without a permit and without providing the following documentation to law enforcement and/or a permitted secondary metals recycler:

(i) the name of the person or company that removed the catalytic converter;

(ii) the name of the person for whom the work was completed;

(iii) the make and model of the vehicle from which the catalytic converter was removed;

(iv) the vehicle identification number of the vehicle from which the catalytic converter was removed;

(v) the part number or other identifying number of the catalytic converter that was removed; and

(vi) the certificate of title or certificate of registration showing the seller's ownership interest in the vehicle.

(c) It is unlawful for a seller of a used, detached catalytic converter or any nonferrous part of a catalytic converter to provide any false, fraudulent, altered or counterfeit information or documentation as required by this subsection.

(d) An individual or entity who violates any provision of subsection (I)(2), for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both; or for a second offense, is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

(e) Each unlawfully obtained, possessed, or transported used, detached catalytic converter is a separate violation that subjects the individual or entity to a separate charge. Upon conviction, the court may order the individual or entity to pay restitution for the value of the repair and replacement of the catalytic converter or the individual or entity may be held liable as otherwise provided by law. A person in possession of a used, detached catalytic converter without identifying documentation is presumed to be in possession of contraband subject to forfeiture as otherwise provided by law.

(f) For purposes of this section, a used, detached catalytic converter does not include a catalytic converter that has been tested, certified, and labeled for reuse in accordance with applicable U.S. Environmental Protection Agency Clean Air Act regulations, as may from time to time be amended.

(3)(a) It is unlawful for a secondary metals recycler to purchase a used, detached catalytic converter or any nonferrous part of a used catalytic converter unless the secondary metals recycler has a permit from the local sheriff's office, the sale occurs at the secondary metals recycler's fixed site or the sale occurs at the seller's fixed site but only if the seller is a licensed automotive repair service, a licensed

demolisher, as defined in Section 56-5-5810, a licensed secondary metals recycler, or a licensed motor vehicle dealer and the purchase is made by a permitted secondary metals recycler who maintains a fixed site within the State, and the following requirements are followed:

(i) the catalytic converter or nonferrous part was purchased as part of a vehicle; or

(ii) the catalytic converter or nonferrous part was purchased from a secondary metals recycler, new or used motor vehicle dealer, automotive repair service, motor vehicle manufacturer, vehicle demolisher, or distributor of catalytic converters and a copy of the seller's valid business license is received and maintained by the purchaser at the time of the transaction; or

(iii) the business selling the catalytic converter or nonferrous part provides a record or receipt showing:

(aa) the repair order number, when applicable;

(bb) the date of repair or the date on which the catalytic converter was removed from a vehicle, including the identity of the individual or entity that removed the catalytic converter, when applicable; and

(cc) the vehicle identification number of the vehicle from which the catalytic converter was removed; or

(iv) the individual selling the catalytic converter or nonferrous part provides the secondary metals recycler with the following information for the motor vehicle that the catalytic converter was taken from to include all of the following:

(aa) the name of the person or company that removed the catalytic converter;

(bb) the name of the person for whom the work was completed;

(cc) the make and model of the vehicle from which the catalytic converter was removed;

(dd) the vehicle identification number of the vehicle from which the catalytic converter was removed;

(ee) the part number or other identifying number of the catalytic converter that was removed; and

(ff) the certificate of title or certificate of registration showing the seller's ownership interest in the vehicle.

Nothing in this item prevents an out-of-state secondary metals recycler who maintains a fixed site and who complies with all other provisions of this chapter from obtaining, purchasing, or otherwise acquiring a used, detached catalytic converter or any nonferrous part of a used catalytic converter.

(b) Before each purchase or acquisition of a used, detached catalytic converter, the secondary metals recycler, including an agent, employee, or representative of the secondary metals recycler, must:

(i) verify, with the applicable documentation that the person transferring or selling the used, detached catalytic converter acquired it legally and has the right to transfer or sell it; and

(ii) retain a record of the applicable verification and other information required pursuant to subsection (D)(2) and note in their records any obvious marking on the used, detached catalytic converter such as paint, labels, or engravings that would aid in the identification of the catalytic converter.

(c) A seller of used, detached catalytic converters or any nonferrous metal part of such is subject to the provisions of subsection (C) regarding the permitting of a person or entity to transport and sell nonferrous metals except for an automotive repair service who, in lieu of a permit, may produce a record or receipt showing:

(i) the repair order number, when applicable;

(ii) the date of repair or the date on which the catalytic converter was removed from a vehicle, including the identity of the individual or entity that removed the catalytic converter, when applicable; and

(iii) the vehicle identification number of the vehicle from which the catalytic converter was removed.

(d) It is unlawful for a secondary metals recycler to fail to collect or retain all required documentation from a seller of a used, detached catalytic converter or any nonferrous part of a catalytic converter as required by this subsection. A secondary metals recycler who obtains all documentation as required by this subsection is exempt from prosecution under this subsection unless they knew or had reason to believe that the documentation provided was false, fraudulent, altered or counterfeit, or knew or had reason to believe that the used, detached catalytic converter or any nonferrous part of a catalytic converter was stolen.

(e) A licensed secondary metals recycler, who is exempt from the provisions of subsection (I)(2), but who violates a provision of subsection (I)(3):

(i) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days;

(ii) for a second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than one year, or both; and

(iii) for a third or subsequent offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both.

(iv) Each unlawfully obtained or possessed used, detached catalytic converter or part of a used catalytic converter is a separate violation and subjects the secondary metals recycler to a separate charge for each. Any unlawfully possessed used, detached catalytic converter is subject to forfeiture as otherwise provided for by law. Upon conviction, the court may order the secondary metals recycler to pay restitution for the value of the repair and replacement of the catalytic converter or the secondary metals recycler may be held liable as otherwise provided for by law.

(J)(1) Except as provided in item (2), the provisions of this section do not apply to:

- (a) the purchase or sale of aluminum cans;
- (b) a transaction between a secondary metals recycler and another secondary metals recycler;
- (c) a governmental entity;
- (d) a manufacturing or industrial vendor that generates or sells regulated metals in the ordinary course of its business;
- (e) a seller who is a holder of a retail license, an authorized wholesaler, an automobile demolisher as defined in Section 56-5-5810(d), a contractor licensed pursuant to Chapter 11, Title 40, a real estate broker or property manager licensed pursuant to Chapter 57, Title 40, a residential home builder licensed pursuant to Chapter 59, Title 40, a demolition contractor, a provider of gas service, electric service, communications service, water service, plumbing service, electrical service, climate conditioning service, appliance repair service, automotive repair service, or electronics repair service; or
- (f) a seller that is an organization, a corporation, or an association registered with the State as a charitable organization or a nonprofit corporation.

(2) An exempted entity listed in item (1) is subject to the provisions of subsection (C)(10), subsection (G)(5), and subsection (I).

A secondary metals recycler shall maintain a record of transactions involving exempted entities listed in item (1) pursuant to subsection (D) and is subject to the penalty provisions of subsection (D)(6). Any item of nonferrous metals acquired from an exempted entity listed in item (1) is subject to a hold notice pursuant to subsection (F).”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 18th day of May, 2021.

No. 81

(R97, H4006)

AN ACT TO AMEND SECTION 2.B. OF ACT 167 OF 2020, RELATING TO AN INCREASED LIMIT FOR CERTAIN OFF-PREMISES SALES, SO AS TO EXTEND THE INCREASE UNTIL MAY 31, 2022.

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

Off-premises sales extension

SECTION 1. Section 2.B. of Act 167 of 2020 is amended to read:

“B. This SECTION is effective upon approval by the Governor and expires on May 31, 2022.”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 82

(R99, H4035)

AN ACT TO AMEND ACT 129 OF 2014, RELATING TO THE SOUTH CAROLINA MANUFACTURER RESPONSIBILITY AND CONSUMER CONVENIENCE INFORMATION TECHNOLOGY EQUIPMENT COLLECTION AND RECOVERY ACT, SO AS TO EXTEND THE PROVISIONS OF CHAPTER 60, TITLE 48 UNTIL DECEMBER 31, 2023, AND TO PROVIDE THAT THE PROVISIONS OF REGULATION 61-124 SHALL EXPIRE ON DECEMBER 31, 2023.

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

South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection Act, extension and sunset

SECTION 1. SECTION 14 of Act 129 of 2014 is amended to read:

“SECTION 14. A. Section 48-60-50 of the 1976 Code, as amended by Section 3 of this act, is repealed December 31, 2014. The remaining provisions of Chapter 60, Title 48 of the 1976 Code, except Section 48-60-90, are repealed December 31, 2023.

B. Notwithstanding subsection P, Regulation 61-124, except for the provisions of subsection E, are repealed December 31, 2023.”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 83

(R102, S436)

**AN ACT TO AMEND SECTION 12-6-3530, AS AMENDED,
CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO
COMMUNITY DEVELOPMENT TAX CREDITS, SO AS TO
AUTHORIZE AN ADDITIONAL THREE MILLION DOLLARS
IN CREDITS.**

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

Additional community development tax credits, authorization

SECTION 1. Section 12-6-3530(B) of the 1976 Code, as last amended by Act 77 of 2019, is further amended by adding an appropriately numbered item to read:

“() Notwithstanding items (1) and (2), the aggregate limit for all taxpayers in all tax years set forth in items (1) and (2) is increased by three million dollars. Of this additional three million dollars, only one million dollars may be used for credits earned and certificates issued in tax year 2021, and the remaining two million dollars only may be used for credits earned and certificates issued for tax years beginning after 2021.”

Time effective

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

Ratified the 18th day of May, 2021.

Approved the 18th day of May, 2021.

No. 84

(R103, S425)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 43-35-87 SO AS TO AUTHORIZE FINANCIAL INSTITUTIONS TO DECLINE CERTAIN TRANSACTION REQUESTS IN CASES OF THE SUSPECTED FINANCIAL EXPLOITATION OF VULNERABLE ADULTS; BY ADDING ARTICLE 8 TO CHAPTER 1, TITLE 35 SO AS TO AUTHORIZE FINANCIAL REPRESENTATIVES OF CERTAIN CLIENTS, INCLUDING VULNERABLE ADULTS, TO NOTIFY THE DEPARTMENT OF SOCIAL SERVICES AND THE OFFICE OF THE ATTORNEY GENERAL IN THE EVENT OF A SUSPECTED FINANCIAL EXPLOITATION, TO PROVIDE CERTAIN PROTECTIONS FOR GOOD FAITH REPORTING, AND FOR OTHER PURPOSES; AND TO AMEND SECTION 35-1-607, RELATING TO PUBLIC RECORDS OF THE OFFICE OF THE ATTORNEY GENERAL'S SECURITIES DIVISION, SO AS TO ADD CERTAIN RECORDS PROVIDED TO THE DIVISION REGARDING SUSPECTED FINANCIAL EXPLOITATION OF VULNERABLE ADULTS.

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

Financial exploitation, financial institution authority to decline transaction requests

SECTION 1. Article 1, Chapter 35, Title 43 of the 1976 Code is amended by adding:

“Section 43-35-87. (A) For the purposes of this section, ‘financial institution’ means any bank, credit union, wealth management institution, or other financial services company. This section excludes a ‘broker-dealer’ as defined in Section 35-1-102(4) and an ‘investment adviser’ as defined in Section 35-1-102(15).

(B) If a financial institution reasonably believes that the financial exploitation of a vulnerable adult has occurred or may occur, then the financial institution may, but is not required to, decline or place on hold any transaction involving:

- (1) the account of the vulnerable adult;

(2) an account in which the vulnerable adult is a beneficiary, including a trust or guardianship account; or

(3) the account of a person who is suspected of engaging in the financial exploitation of the vulnerable adult.

(C) A financial institution may also decline or place on hold any transaction pursuant to this section if an investigative entity or law enforcement agency provides information to the financial institution demonstrating that it is reasonable to believe that the financial exploitation of a vulnerable adult has occurred or may occur.

(D) A financial institution is not required to decline or place on hold a transaction pursuant to this section. Such a decision is in the financial institution's discretion, based on the information available to the financial institution.

(E)(1) Any financial institution that declines or places on hold a transaction pursuant to this section shall:

(a) make a reasonable effort to provide notice, orally or in writing, to all parties authorized to transact business on the account from which the transfer or disbursement was declined or placed on hold; and

(b) report the incident to the appropriate investigative entity in accordance with Section 43-35-25.

(2) Notwithstanding the provisions of this subsection, a financial institution has no duty to notify any party that is suspected of financial exploitation pursuant to this section.

(F) Any decline or hold of a disbursement or transaction as authorized by this section will expire upon the sooner of:

(1) a determination by the financial institution that allowing the transaction will not result in the financial exploitation of a vulnerable adult;

(2) thirty business days after the date on which the financial institution first declined or placed on hold the transaction, unless an appropriate investigative entity as set forth in Section 43-35-10(5) requests that the financial institution extend the delay, in which case the delay shall expire no more than fifty-five business days after the date on which the financial institution first declined or placed on hold the transaction; or

(3) the order of a court of competent jurisdiction.

(G) A financial institution may provide access to or copies of records relevant to the suspected financial exploitation of a vulnerable adult to law enforcement agencies or investigative entities responsible for administering the provisions of this article. Such records may include relevant historical records and recent transactions relating to suspected financial exploitation.

(H) If the determinations and actions of a financial institution or an employee of a financial institution are made in good faith and in accordance with the provisions of this section, then the financial institution or employee shall be immune from criminal, civil, or administrative liability for declining transactions to disburse monies pursuant to this section, and for taking actions in furtherance of a determination, including making a report or providing access to or copies of relevant records to an investigative entity or law enforcement agency. Nothing in this section is intended to nor does it limit or shield in any manner a financial institution from civil liability against any claim, including reasonable attorneys' fees, costs, and litigation expenses, for participating in or materially aiding the financial exploitation of a vulnerable adult. Any such claims shall be asserted by the vulnerable adult, or on his behalf by an appropriate guardian or representative who is not involved in or otherwise suspected of participating in the financial exploitation of the vulnerable adult, by filing a civil action in circuit court."

Protection of vulnerable adults from financial exploitation

SECTION 2. Chapter 1, Title 35 of the 1976 Code is amended by adding:

"Article 8

The Protection of Vulnerable Adults from Financial Exploitation

Section 35-1-800. In this article, unless the context otherwise requires:

(1) 'Agencies' means the Adult Protective Services Program in the Department of Social Services and the Securities Division of the Office of the Attorney General.

(2) 'Eligible adult' means:

- (a) a person fifty-five years of age or older; or
- (b) a vulnerable adult subject to Section 43-35-10(11).

(3) 'Financial exploitation' means:

(a) the wrongful or unauthorized taking, withholding, appropriation, or use of the money, assets, or property of an eligible adult; or

(b) any act or omission taken by a person, including through the use of a power of attorney, guardianship, or conservatorship of an eligible adult, to:

(i) obtain the control, use, or benefit, through deception, intimidation, or undue influence, or by the use of any scheme, device, or artifice to defraud, of the eligible adult's money, assets, or property to deprive the eligible adult of the ownership, use, benefit, or possession of his money, assets, or property; or

(ii) convert the money, assets, or property of the eligible adult to deprive the eligible adult of the ownership, use, benefit, or possession of his money, assets, or property.

(4) 'Qualified individual' means any agent, broker-dealer, investment adviser representative, investment adviser, or person who serves in a supervisory, compliance, or legal capacity for a broker-dealer or investment adviser.

(5) 'Reasonably associated individual' means any person known to a qualified individual to be reasonably associated with an eligible adult or his account.

Section 35-1-810. If a qualified individual reasonably believes that the financial exploitation of an eligible adult may have occurred, may have been attempted, or is being attempted, then the qualified individual may promptly notify the agencies.

Section 35-1-820. A qualified individual who, in good faith and exercising reasonable care, makes a disclosure of information pursuant to Section 35-1-810 shall be immune from any administrative or civil liability that might otherwise arise from such a disclosure or from the failure to notify an eligible adult of such a disclosure.

Section 35-1-830. If a qualified individual reasonably believes that the financial exploitation of an eligible adult may have occurred, may have been attempted, or is being attempted, then the qualified individual may notify any third party previously designated by the eligible adult or, if such a person has not been designated or cannot be contacted, a reasonably associated individual. Disclosure may not be made to any designated third party that is suspected of the financial exploitation or other abuse of the eligible adult.

Section 35-1-840. A qualified individual who, in good faith and exercising reasonable care, complies with Section 35-1-830 shall be immune from any administrative or civil liability that might otherwise arise from such a disclosure.

Section 35-1-850. (A) A broker-dealer or investment adviser may delay a disbursement from, or a transaction in connection with, an account of an eligible adult or an account on which an eligible adult is a beneficiary if:

(1) the broker-dealer, the investment adviser, or a qualified individual reasonably believes that, after initiating an internal review of the requested disbursement or transaction and the suspected financial exploitation, the requested disbursement or transaction may result in the financial exploitation of the eligible adult; and

(2) the broker-dealer or investment adviser:

(a) immediately, and in no event more than two business days after the requested disbursement or transaction is delayed, provides written notification of the delay and the reason for the delay to all parties authorized to transact business on the account, unless any such party is reasonably believed to have engaged in the suspected or attempted financial exploitation of the eligible adult;

(b) immediately, and in no event more than two business days after the requested disbursement or transaction is delayed, notifies the agencies; and

(c) continues an internal review of the suspected or attempted financial exploitation of the eligible adult, as necessary, and provides status updates to the agencies upon request.

(B) Any delay of a disbursement or transaction as authorized by this section will expire upon the sooner of:

(1) a determination by the broker-dealer or investment adviser that the disbursement or transaction will not result in the financial exploitation of the eligible adult; or

(2) thirty business days after the date on which the broker-dealer or investment adviser first delayed the requested disbursement or transaction, unless either of the agencies requests that the broker-dealer or investment adviser extends the delay, in which case the delay shall expire no more than fifty-five business days after the date on which the broker-dealer or investment adviser first delayed the disbursement or transaction, unless sooner terminated or extended by either of the agencies or an order of a court of competent jurisdiction.

(C) The Court of Common Pleas may enter an order extending the delay of the disbursement or transaction, or may order other protective relief based on the petition of either of the agencies, the broker-dealer or investment adviser that initiated the delay under this section, or another interested party.

Section 35-1-860. A qualified individual who, in good faith and exercising reasonable care, complies with Section 35-1-850 shall be immune from any administrative or civil liability that might otherwise arise from such delay of a requested disbursement or transaction.

Section 35-1-870. A broker-dealer or investment adviser shall provide access to or copies of records that are relevant to the suspected or attempted financial exploitation of an eligible adult to the agencies or to law enforcement, as part of a referral to either the agencies or to law enforcement pursuant to an investigation. The records may include historical records, as well as records relating to the most recent transaction or transactions that may comprise the financial exploitation of an eligible adult. All records made available to the agencies under this section are not public records and are not available for public examination. Nothing in this section shall limit or otherwise impede the authority of the Securities Division of the Office of the Attorney General from accessing or examining the books and records of broker-dealers and investment advisers as otherwise provided by law.

Section 35-1-880. Nothing in this article is intended to, nor does it limit or shield in any manner, a qualified individual from civil liability against any claim, including reasonable attorneys' fees, costs, and litigation expenses, for participating in or materially aiding the financial exploitation of an eligible adult. Any such claims shall be asserted by the eligible adult, or on his behalf by an appropriate guardian or representative who is not involved in or otherwise suspected of participating in the financial exploitation of the eligible adult, by filing a civil action in circuit court."

Securities Division of the Office of the Attorney General, public records

SECTION 3. Section 35-1-607(b) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“() a record provided to the Securities Division of the Office of the Attorney General pursuant to Section 35-1-870.”

Time effective

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

Ratified the 18th day of May, 2021.

Approved the 18th day of May, 2021.

No. 85

(R104, S631)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA ELECTRONIC NOTARY PUBLIC ACT" BY ADDING CHAPTER 2 TO TITLE 26 SO AS TO DEFINE NECESSARY TERMS; TO PROVIDE PROCEDURES AND TRAINING REQUIREMENTS TO BECOME AN ELECTRONIC NOTARY; TO PROVIDE FOR ACTS THAT MAY BE PERFORMED ELECTRONICALLY; TO PROVIDE RESTRICTIONS FOR THE PERFORMANCE OF ELECTRONIC NOTARIZATION; TO PROVIDE THE REQUIREMENTS TO COMPLETE AN ELECTRONIC NOTARIZATION; TO ESTABLISH MAXIMUM FEES; TO LIMIT THE USE OF THE ELECTRONIC SIGNATURE AND SEAL TO PROPER ELECTRONIC NOTARIAL ACTS; TO REQUIRE THE MAINTENANCE OF AN ELECTRONIC JOURNAL FOR ELECTRONIC NOTARIAL ACTS; TO REQUIRE THE SAFEKEEPING OF AN ELECTRONIC JOURNAL, PUBLIC KEY CERTIFICATE, AND ELECTRONIC SEAL; TO ALLOW THE SECRETARY OF STATE TO PROMULGATE RULES AND REGULATIONS; TO REQUIRE REGISTRATION WITH THE SECRETARY OF STATE; TO REQUIRE AN ELECTRONIC NOTARY TO UTILIZE CURRENT REGISTERED DEVICES; TO PROVIDE FOR THE TERMINATION OF ELECTRONIC NOTARIES PUBLIC; TO PROVIDE PENALTIES; TO APPLY REQUIREMENTS OF NOTARIAL CERTIFICATES TO ELECTRONIC NOTARIES PUBLIC; TO REQUIRE EVIDENCE OF AUTHENTICITY; AND TO PROVIDE LANGUAGE FOR AN ELECTRONIC CERTIFICATE OF AUTHORITY; AND TO

AMEND SECTION 26-1-160, RELATING TO UNLAWFUL ACTS, SO AS TO ALLOW THE SECRETARY OF STATE TO TERMINATE A NOTARY PUBLIC'S COMMISSION.

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 "South Carolina Electronic Notary Public Act".

South Carolina Electronic Notary Public Act

SECTION 2. Title 26 of the 1976 Code is amended by adding:

"CHAPTER 2**Electronic Notaries Public**

Section 26-2-5. For the purposes of this chapter:

(1) 'Capable of independent verification' means that any interested person may confirm through the Secretary of State that an electronic notary public who signed an electronic record in an official capacity had the authority at that time to perform electronic notarial acts.

(2) 'Electronic' means relating to technology and having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) 'Electronic document' or 'electronic record' means information that is created, generated, sent, communicated, received, or stored by electronic means.

(4) 'Electronic journal of notarial acts' or 'electronic journal' means a chronological electronic record of notarizations that is maintained by the electronic notary public who performed the notarizations.

(5) 'Electronic notarial act' or 'electronic notarization' means an official act by an electronic notary public that involves electronic documents.

(6) 'Electronic notarial certificate' means the part of, or attachment to, an electronic record that is completed by the electronic notary public, that bears the electronic notary's electronic signature and electronic seal, and that states the facts attested to by the electronic notary in an electronic notarization.

(7) 'Electronic notarization system' means a set of applications, programs, hardware, software, or technologies designed to enable an electronic notary public to perform electronic notarizations.

(8) 'Electronic notary public' or 'electronic notary' means a notary public who has registered with the Secretary of State to perform electronic notarial acts in conformance with this chapter.

(9) 'Electronic notary seal' or 'electronic seal' means information within a notarized electronic document that includes the electronic notary's name, jurisdiction, registration number, and commission expiration date and that generally corresponds to data in notary seals used on paper documents.

(10) 'Electronic signature' means an electronic symbol or process attached to or logically associated with an electronic document that is executed or adopted by an individual with the intent to sign the document.

(11) 'Principal' has the same meaning as in Section 26-1-5.

(12) 'Public key certificate' means an electronic credential that is used to identify an individual who signed an electronic record with the certificate.

(13) 'Record' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and that is retrievable in perceivable form.

(14) 'Sole control' means at all times being in the direct physical custody of an electronic notary public or safeguarded by the electronic notary with a password or other secure means of authentication.

(15) 'Tamper evident' means that any change to a record shall provide evidence of the change.

(16) 'Verification of fact' means a notarial act in which an electronic notary reviews public or vital records, or other legally accessible data, to ascertain or confirm any of the following facts:

- (a) a date of birth, death, marriage, or divorce;
- (b) the name of a parent, a marital partner, offspring, or a sibling; or
- (c) any matter authorized for verification by a notary by other law or rule of this State.

Section 26-2-10. The provisions of Chapters 1 and 3 of this title apply to all acts authorized pursuant to this chapter unless the provisions of Chapters 1 and 3 directly conflict with the provisions of this chapter. In that case, the provisions of this chapter control when applied to electronic notaries public and electronic notarial acts.

Section 26-2-20. (A) A notary public commissioned in this State may become an electronic notary public in accordance with this section. Before a notary public performs an electronic notarization, the notary public must register with the Secretary of State in accordance with the rules for registration as an electronic notary public and must identify the technology that he intends to use, which must conform to any rules or regulations adopted by the Secretary of State. A registration fee of fifty dollars must be submitted to the Secretary of State with the registration form to be used by the Secretary of State to administer the provisions of this chapter.

(B) Unless terminated pursuant to Section 26-2-140, the term of registration to perform electronic notarial acts shall begin on the registration starting date set by the Secretary of State and shall continue as long as the notary public's current commission remains valid.

(C) An individual registering to perform electronic notarial acts shall submit to the Secretary of State an application in a format prescribed by the Secretary of State that includes:

(1) proof of the successful completion of the course and examination required pursuant to Section 26-2-30;

(2) the disclosure of any and all license or commission revocations or other disciplinary actions against the individual; and

(3) any other information, evidence, or declarations required by the Secretary of State.

(D) Upon the individual's fulfillment of the requirements for registration under this chapter, the Secretary of State shall approve the registration and issue to the individual a unique registration number.

(E) The Secretary of State may reject a registration application if the individual fails to comply with any section of this chapter.

Section 26-2-30. (A) Before performing electronic notary acts, an electronic notary public shall take a course of instruction of sufficient length to ensure that the electronic notary public understands his duties and responsibilities, as determined and approved by the Secretary of State, and shall pass an examination of this course.

(B) The content of the course and the basis of the examination must be notarial laws, procedures, technology, and ethics as they pertain to notarizations and electronic notarizations.

Section 26-2-40. The following notarial acts may be performed electronically:

(1) acknowledgments;

(2) oaths and affirmations;

- (3) attestations and jurats;
- (4) signature witnessing;
- (5) verifications of fact;
- (6) certification that a tangible copy of an electronic record is an accurate copy of the electronic record; and
- (7) any other acts authorized by law.

Section 26-2-50. (A) An electronic notary public shall perform an electronic notarization only if the principal:

- (1) appears in person before the electronic notary public at the time of notarization; and
- (2) is personally known to the electronic notary or identified by the electronic notary through satisfactory evidence as defined in Chapter 1 of this title.

(B) In performing electronic notarial acts, an electronic notary public shall adhere to all applicable rules governing notarial acts provided in Chapter 1 of this title.

Section 26-2-60. (A) When performing an electronic notarial act, an electronic notarial certificate must be attached to, or logically associated with, the electronic document by the electronic notary public and must include:

- (1) the electronic notary public's name exactly as stated on the commission issued by the Secretary of State;
- (2) the electronic notary public's electronic seal;
- (3) the expiration date of the electronic notary public's commission;
- (4) the electronic notary public's electronic signature; and
- (5) completed wording appropriate to the particular electronic notarial act, as prescribed by law.

(B) All components in subsection (A)(2) through (5) must be immediately perceptible and reproducible in the electronic record to which the electronic notary public's electronic signature is attached, such that removal or alteration of a component is tamper evident and will render evidence of alteration of the document containing the electronic notarial certificate, which may invalidate the electronic notarial act. If an electronic seal is not used, then the words 'Electronic Notary Public' and the words 'State of South Carolina' must still be attached.

(C) An electronic notary public's electronic signature or electronic seal is considered to be reliable if it is:

- (1) unique to the electronic notary public;
- (2) capable of independent verification;

(3) retained under the electronic notary public's sole control;
(4) attached to or logically associated with the electronic document; and

(5) linked to the data in such a manner that any subsequent alterations to the underlying document or electronic notarial certificate are tamper evident and may invalidate the electronic notarial act.

(D) The electronic seal of an electronic notary public shall contain the:

(1) name of the electronic notary public exactly as it is spelled on the electronic notary public's commission;

(2) title 'Notary Public';

(3) words 'State of South Carolina';

(4) registration number indicating that the electronic notary public may perform electronic notarial acts; and

(5) expiration date of the electronic notary public's commission.

(E) The electronic seal of an electronic notary public may be a digital image that appears in the likeness or representation of a traditional physical notary public seal. The electronic seal of an electronic notary public may not be used for any purpose other than performing electronic notarizations under this chapter.

(F) Only the electronic notary public whose name and registration number appear on an electronic seal shall generate that electronic seal.

Section 26-2-70. (A) An electronic notary public may charge the maximum fee for performing an electronic notarial act specified in subsection (B), charge less than the maximum fee, or waive the fee.

(B) The maximum fees that may be charged by an electronic notary public for performing electronic notarial acts are:

(1) for acknowledgments, ten dollars per signature;

(2) for oaths and affirmations, ten dollars per signature;

(3) for attestations and jurats, ten dollars per signature;

(4) for signature witnessing, ten dollars per signature;

(5) for verifications of fact, ten dollars per signature; and

(6) for any other acts authorized by law, ten dollars per signature.

(C) An electronic notary public may charge a travel fee when traveling to perform an electronic notarial act if:

(1) the electronic notary public and the person requesting the electronic notarial act agree upon the travel fee in advance of the travel; and

(2) the electronic notary public explains to the person requesting the electronic notarial act that the travel fee is both separate from the

notarial fee prescribed by subsection (B) and neither specified nor mandated by law.

(D) An electronic notary public who charges fees for performing electronic notarial acts shall conspicuously display in all of the electronic notary public's places of business and Internet websites, or present to each principal or requester of fact when outside these places of business, an English-language schedule of maximum fees for electronic notarial acts, as specified in subsection (B). A notarial fee schedule may not appear or be printed in smaller than ten-point type.

Section 26-2-80. (A) An electronic notary public's electronic signature, in combination with his electronic seal, must be used only for the purpose of performing electronic notarial acts.

(B) An electronic notary public shall use an electronic notarization system that complies with this chapter and that has been registered with the Secretary of State to produce the electronic notary's electronic signature and electronic seal in a manner that is capable of independent verification.

(C) An electronic notary public shall take reasonable steps to ensure that no other individual may possess or access an electronic notarization system in order to produce the electronic notary public's electronic signature or electronic seal.

(D) An electronic notary public shall keep in his sole control all or any part of an electronic notarization system for which the exclusive purpose is to produce the electronic notary public's electronic signature and electronic seal.

(E) The Secretary of State shall promulgate regulations necessary to establish standards, procedures, practices, forms, and records relating to an electronic notary public's electronic signature and electronic seal. The electronic notary public's electronic seal and electronic signature must conform to all standards adopted by the Secretary of State.

Section 26-2-90. (A) An electronic notary public shall create and maintain an electronic journal of each electronic notarial act. For every electronic notarial act, the electronic notary public shall record the following information in the electronic journal:

- (1) the date and time of the electronic notarial act;
- (2) the type of electronic notarial act;
- (3) the title or a description of the record being notarized, if any;
- (4) the printed full name of each principal;
- (5) if identification of the principal is based on personal knowledge, a statement to that effect;

(6) if identification of the principal is based on satisfactory evidence of his identity pursuant to Section 26-1-5(17), a description of the evidence relied upon and the name of any credible witness or witnesses;

(7) the address where the notarization was performed, if the notarization was not performed at the electronic notary public's business address;

(8) if the notarial act is performed electronically, a description of the electronic notarization system used; and

(9) the fee, if any, charged by the electronic notary.

(B) An electronic notary public may not record a Social Security number in the electronic journal.

(C) An electronic notary public may not allow the electronic journal to be used by any other notary public and may not surrender the electronic journal to an employer upon the electronic notary public's termination of employment.

(D) Any party to the notarized transaction or party with a legitimate interest in the transaction may inspect or request a copy of an entry or entries in the electronic notary public's electronic journal, provided that:

(1) the party specifies the month, year, type of record, and name of the principal for the electronic notarial act, in a signed physical or electronic request;

(2) the electronic notary public does not surrender possession or control of the electronic journal;

(3) the party is shown or given a copy of only the entry or entries specified; and

(4) a separate new entry is made in the electronic journal, explaining the circumstances of the request and noting any related act of copy certification by the electronic notary public.

(E) An electronic notary public may charge a reasonable fee to recover any cost of providing a copy of an entry in the electronic journal of notarial acts. An electronic notary who has a reasonable and explainable belief that a person requesting information from the electronic notary's electronic journal has a criminal or other inappropriate purpose may deny access to any entry or entries.

(F) All electronic notarial records required by statute or regulation may be examined and copied without restriction by a law enforcement officer in the course of an official investigation, subpoenaed by court order, or surrendered at the direction of the Secretary of State.

(G) The Secretary of State shall establish commercially reasonable standards for the preservation of electronic journals in the event of a resignation, revocation, or expiration of an electronic notary

commission, or upon the death of an electronic notary. The provisions of this subsection do not apply to a former electronic notary whose commission has expired if, within three months, the electronic notary commission is renewed.

Section 26-2-100. (A) An electronic notary public shall keep his electronic journal, public key certificate, and electronic seal secure. The electronic notary public may not allow another person to use his electronic journal, public key certificate, or electronic seal.

(B) An electronic notary public shall attach his public key certificate and electronic seal to the electronic notarial certificate of an electronic record in a manner that renders any subsequent change or modification to the electronic record to be evident.

(C) An electronic notary public shall immediately notify the appropriate law enforcement agency and the Secretary of State of any theft or vandalism of the electronic notary public's electronic journal, public key certificate, or electronic seal. An electronic notary public immediately shall notify the Secretary of State of the loss or use by another person of the electronic notary public's electronic journal, public key certificate, or electronic seal.

(D) Upon the resignation, revocation, or expiration of an electronic notary commission or the death of an electronic notary, the electronic notary or his personal representative shall erase, delete, or destroy the coding, disk, certificate, card software, file, or program that enables electronic affixation of the electronic notary's official electronic signature. The provisions of this subsection do not apply to a former electronic notary who renews his commission within three months of the expiration of his previous commission.

Section 26-2-110. (A) An electronic notarization system shall comply with this chapter and any regulations promulgated by the Secretary of State pursuant to Section 26-2-190.

(B) An electronic notarization system shall require access to the system by a password or other secure means of authentication.

(C) An electronic notarization system shall enable an electronic notary public to affix the electronic notary public's electronic signature in a manner that attributes the signature to the electronic notary public.

(D) An electronic notarization system shall render every electronic notarial act tamper evident.

(E) Except as provided in subsection (F), if the commission of an electronic notary public expires or is resigned or revoked, or if the electronic notary dies or is adjudicated as incompetent, then the

electronic notary public or his personal representative or guardian shall, within three months, dispose of all or any part of the electronic notarization system that had been in the electronic notary's sole control for which the exclusive purpose was to perform electronic notarial acts.

(F) A former electronic notary public whose previous commission expired need not comply with subsection (E) if this individual, within three months after commission expiration, is recommissioned as a notary public and reregistered to perform electronic notarial acts.

Section 26-2-120. (A) Any person or entity wishing to provide an electronic notarization system to electronic notaries public in this State must complete and submit a registration form to the Secretary of State for review.

(B) An electronic notarization system shall comply with all regulations promulgated by the Secretary of State.

(C) An electronic notary solution provider must be registered with the Secretary of State pursuant to this chapter before making available to South Carolina electronic notaries public any updates or subsequent versions of the electronic notary solution provider's electronic notarization system.

Section 26-2-130. (A) An electronic notary public shall take reasonable steps to ensure that any registered device used to create the electronic notary public's electronic signature is current and has not been revoked or terminated by its issuing or registering authority.

(B) If the registration of the device used to create electronic signatures either expires or is changed during the electronic notary public's term of office, then the electronic notary public shall cease performing electronic notarizations until:

(1) a new device is duly issued or registered to the electronic notary public; and

(2) an electronically signed notice is sent to the Secretary of State that includes the starting and expiration dates of any new registration term and any other new information at variance with the information in the most recently executed electronic registration form.

Section 26-2-140. (A) The liability, sanctions, and remedies for the improper performance of electronic notarial acts, or for providing false or misleading information in registering to perform electronic notarial acts, by an electronic notary public are the same as provided by law for the improper performance of nonelectronic notarial acts.

(B)(1) The Secretary of State may terminate an electronic notary public's registration for one or more of the following reasons:

- (a) the submission of an electronic registration form containing a material misstatement or omission of fact;
- (b) the failure to maintain the capability to perform electronic notarial acts; or
- (c) official misconduct by the electronic notary public.

(2) If the Secretary of State terminates an electronic notary public's registration, then the Secretary of State shall send written notice by certified mail to the electronic notary public at his last known address. A person who has had his electronic notary public registration terminated has thirty days from the receipt of the notice to appeal the termination by filing a request for a contested case hearing with the South Carolina Administrative Law Court.

(3) Neither resignation nor expiration of a notary commission or of an electronic notary public registration precludes or terminates an investigation by the Secretary of State into an electronic notary public's conduct. The investigation may be pursued to a conclusion, when it must be made a matter of public record whether the finding would have been grounds for the termination of the electronic notary public's commission or registration.

Section 26-2-150. (A) It is unlawful for a person to knowingly:

- (1) act as or otherwise impersonate an electronic notary public, if that person is not an electronic notary public;
- (2) obtain, conceal, damage, or destroy the coding, disk, certificate, card, token, program, software, or hardware that is intended exclusively to enable an electronic notary public to produce a registered electronic signature, electronic seal, or single element combining the required features of an electronic signature and electronic seal; or
- (3) solicit, coerce, or in any way influence an electronic notary public to commit official misconduct.

(B) A person who violates the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars, imprisoned for not more than one year, or both.

(C) The sanctions of this chapter do not preclude other sanctions and remedies provided by law.

Section 26-2-160. The provisions contained in Chapter 1 of this title, with regard to notarial certificates, are applicable for the purposes of this chapter.

Section 26-2-170. Electronic evidence of the authenticity of the official electronic signature and electronic seal of an electronic notary public of this State, if required, must be attached to, or logically associated with, a notarized electronic document transmitted to another state or nation and must be in the form of an electronic certificate of authority signed by the Secretary of State in conformance with any current and pertinent international treaties, agreements, and conventions subscribed to by the government of the United States.

Section 26-2-180. (A) An electronic certificate of authority evidencing the authenticity of the official electronic signature and electronic seal of an electronic notary public of this State shall substantially contain the following words:

‘Certificate of Authority for an Electronic Notarial Act

I, _____ [name, title, jurisdiction of commissioning official] certify that _____ [name of electronic notary], the person named as an electronic notary public in the attached or associated document, was indeed registered as an electronic notary public for the State of South Carolina and authorized to act as such at the time of the document’s electronic notarization.

To verify this Certificate of Authority for an Electronic Notarial Act, I have included herewith my electronic signature this _____ day of _____, 20__.

[Electronic signature and electronic seal of the commissioning official]’.

(B) The Secretary of State may charge ten dollars for issuing an electronic certificate of authority.

Section 26-2-190. The Secretary of State may promulgate and enforce any regulations and create and enforce any policies and procedures necessary for the administration of this chapter.”

Termination of commission

SECTION 3. Section 26-1-160 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“() The Secretary of State may terminate a notary public’s commission upon notification that the notary public has been charged with an offense listed in this section or may terminate the notary public’s commission at any subsequent point until the final adjudication of the charges. If the Secretary of State terminates a notary public’s

commission, then the Secretary of State shall send written notice by certified mail to the notary public at his last known address. A person who has had his notary public commission terminated has thirty days from the receipt of the notice to appeal the termination by filing a request for a contested case hearing with the South Carolina Administrative Law Court.”

Applicability to wills and trusts

SECTION 4. This act does not apply to wills and trusts in South Carolina.

Supervision of attorney

SECTION 5. Nothing in this act contravenes the South Carolina law that requires a licensed South Carolina attorney to supervise a closing.

Time effective

SECTION 6. This act takes effect upon approval by the Governor. Electronic online notary public applications will not be accepted for processing until the administrative rules are in effect and vendors of technology are approved by the Secretary of State.

Ratified the 18th day of May, 2021.

Approved the 18th day of May, 2021.

No. 86

(R105, S675)

AN ACT TO AMEND SECTION 12-37-2460, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX REVENUES FROM CERTAIN AIRCRAFT, SO AS TO CREDIT THE PROCEEDS OF SUCH TAXES TO THE STATE AVIATION FUND; TO AMEND SECTION 55-5-280, RELATING TO THE STATE AVIATION FUND, SO AS TO PHASE IN THE CREDITING OF THE PROPERTY TAX REVENUES FROM AIRCRAFT; AND TO PROVIDE THAT A PORTION OF THE

REVENUES COLLECTED MUST BE USED TO OBTAIN OR DEVELOP CERTAIN AIRPORT FACILITIES.

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

Property taxes on aircraft, crediting

SECTION 1. Section 12-37-2460 of the 1976 Code is amended to read:

“Section 12-37-2460. Subject to Section 55-5-280, the proceeds collected under this article shall be paid into the State Aviation Fund.”

State Aviation Fund

SECTION 2. Section 55-5-280(B) of the 1976 Code is amended to read:

“(B)(1) In Fiscal Year 2021-2022, the first one million two hundred fifty thousand dollars in revenue from the tax levied by the State pursuant to Section 12-37-2410, et seq., must be directed to the General Fund of the State. In Fiscal Year 2021-2022, if the revenues from the tax levied by the State pursuant to Section 12-37-2410, et seq., exceeds one million two hundred fifty thousand dollars, the revenues in excess of one million two hundred fifty thousand dollars must be directed to the State Aviation Fund.

(2) In any fiscal year after 2021-2022, the revenues from the tax levied by the State pursuant to Section 12-37-2410, et seq., must be credited to the State Aviation Fund.”

Airport facilities

SECTION 3. Revenues collected pursuant to this act and credited to the State Aviation Fund shall be used, in part, to aid counties within the State that do not have an airport facility in obtaining or developing an airport facility through the South Carolina Aeronautics Commission.

Time effective

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

Ratified the 18th day of May, 2021.

Approved the 18th day of May, 2021.

No. 87

(R106, H4017)

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 2020, 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, AND TO PROVIDE FOR THE TAX TREATMENT OF THE PAYCHECK PROTECTION PROGRAM AND CERTAIN EXPENSES AS PROVIDED FOR IN THE FEDERAL CONSOLIDATED APPROPRIATIONS ACT OF 2021; TO SPECIFICALLY NOT ADOPT CERTAIN PROVISIONS OF THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT; AND TO ADOPT A PROVISION OF THE AMERICAN RESCUE PLAN RELATING TO UNEMPLOYMENT COMPENSATION, AND TO AUTHORIZE FUNDS TO ACCOUNT FOR THE ADOPTED PROVISION.

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

Internal Revenue Code conformity

SECTION 1. A. Section 12-6-40(A)(1)(a) and (c) of the 1976 Code, as last amended by Act 147 of 2020, 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, 2020, 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, 2020, are extended, but otherwise not amended, by congressional enactment during 2021, 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.”

B. Section 12-6-40(A)(1) of the 1976 Code, as last amended by Act 147 of 2020, is further amended by adding appropriately lettered subitems to read:

“() To the extent loans are forgiven and excluded from gross income for federal income tax purposes under the paycheck protection program in Section 1102 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), or from any extension of the paycheck protection program, those loans are excluded for South Carolina income tax purposes. Further, to the extent the federal government allows the deduction of expenses associated with the forgiven paycheck protection program loans, these expenses will be allowed as a deduction for South Carolina income tax purposes.

() South Carolina adopts the federal tax treatment for any exclusion from federal taxable income or allowance of expenses as provided in the federal Consolidated Appropriations Act of 2021 in Sections 276 (Clarification of Tax Treatment of Forgiveness of Covered Loans), 277 (Emergency Financial Aid Grants), and 278 (Clarification of Tax Treatment of Certain Loan Forgiveness and Other Business Financial Assistance).”

CARES Act nonconformity

SECTION 2. (A) The following amendments in the Coronavirus Aid, Relief, and Economic Security Act (CARES) of 2020, P.L. 116-136 (March 27, 2020) are specifically not adopted by this State:

(1) Internal Revenue Code (IRC) Section 62(a)(22) relating to the \$300 charitable deduction allowed in 2020 for persons who claim the standard deduction;

(2) Section 2205(a), (b), and (c) of the CARES Act relating to the modification of limitations on individual and corporate cash charitable

contributions for 2020 and relating to the increase in limits on charitable contributions of food inventory for 2020;

(3) IRC Section 172(a) relating to the modification of the income limitations allowed for the use of net operating losses in tax years 2018, 2019, and 2020;

(4) IRC Section 461(l) relating to the modification of the limitation on losses allowed for noncorporate taxpayers in tax years 2018, 2019, and 2020.

(B) The following amendments in the Consolidated Appropriations Act of 2021, P.L. 116-260 (December 27, 2020) are specifically not adopted by this State:

(1) Amendment to Division N Section 275 relating to the allowance of personal protective equipment expenses for the educator expense deduction under IRC Section 62(a)(2)(D)(ii);

(2) IRC Section 274(n) relating to the temporary allowance of the full business deduction for business meals that are paid or incurred after December 30, 2020, and before January 1, 2023;

(3) IRC Section 170(p) relating to the \$300 or \$600 charitable deduction allowed in 2021 for persons taking the standard deduction;

(4) Amendment to CARES Act Section 2205 relating to the temporary extension of the modification of limitations on individual and corporate cash charitable contributions and the increase in limits on charitable contributions of food inventory to tax year 2021;

(5) Amendments to the Taxpayer Certainty and Disaster Tax Relief Act of 2020, P.L. 116-260 Division EE Section 304 relating to the special rules for qualified disaster relief for charitable contributions and special rules for qualified disaster-related personal casualty losses.

American Rescue Plan, unemployment compensation

SECTION 3. For tax year 2020, the amendment in the American Rescue Plan of 2021, P.L. 117-2 (March 11, 2021) relating to the exclusion from taxable income for tax year 2020 of \$10,200 of unemployment compensation for a taxpayer with less than \$150,000 in federal adjusted gross income is specifically adopted by South Carolina. The Department of Administration's Director of the Executive Budget Office is authorized to allocate sixty-one million three hundred thousand dollars in the appropriate fiscal years from the American Rescue Plan Act of 2021 to the general fund to account for the provisions of this SECTION.

Time effective

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

Ratified the 18th day of May, 2021.

Approved the 18th day of May, 2021.

No. 88

(R108, H4320)

AN ACT TO AMEND SECTION 7-7-280, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENVILLE COUNTY, SO AS TO UPDATE 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:

Greenville County voting precincts map number updated

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

“(B) The precinct lines defining the precincts in subsection (A) are as shown on maps filed with the Board of Voter Registration and Elections of Greenville County as provided and maintained by the Revenue and Fiscal Affairs Office designated as document P-45-21.”

Time effective

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

Ratified the 18th day of May, 2021.

Approved the 19th day of May, 2021.

No. 89

(R101, S40)

AN ACT TO AMEND SECTION 57-5-840, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALTERATIONS BY MUNICIPALITIES OF STATE HIGHWAY FACILITIES, SO AS TO PROVIDE USE OR RESTRICTIONS MADE BY MUNICIPALITIES ON STATE HIGHWAY FACILITIES OR RIGHTS OF WAY FOR MUNICIPAL UTILITIES, PARKING OR OTHER PURPOSES ARE SUBJECT TO PRIOR APPROVAL BY THE DEPARTMENT OF TRANSPORTATION BY ENCROACHMENT PERMIT; BY ADDING SECTION 57-5-845 SO AS TO PROVIDE FREE AND PAID PARKING RESTRICTIONS ON STATE HIGHWAY FACILITIES LOCATED IN BEACH COMMUNITIES ELIGIBLE FOR BEACH RENOURISHMENT FUNDS, AND TO PROVIDE FOR THE USE OF FUNDS GENERATED FROM MUNICIPAL PUBLIC BEACH PARKING CHARGES; AND TO AMEND SECTION 57-7-210, RELATING TO OBSTRUCTIONS IN HIGHWAYS, SO AS TO DEFINE THE TERM "HIGHWAY" AND REVISE THE PENALTY FOR VIOLATIONS OF THIS SECTION.

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

Alterations of state highways by municipalities

SECTION 1. Section 57-5-840 of the 1976 Code is amended to read:

"Section 57-5-840. A municipality may not alter any state highway facility without the prior approval of the department, and any use or restriction made by a municipality of a highway or highway right of way for municipal utilities, parking, or other purposes is subject to prior approval of the department by encroachment permit."

Parking facilities in beach communities

SECTION 2. Article 5, Chapter 5, Title 57 of the 1976 Code is amended by adding:

“Section 57-5-845. (A) Parking facilities on state highway facilities located in beach communities that are eligible for beach renourishment funds:

- (1) must include free public beach parking;
- (2) may include paid public beach parking; and
- (3) only may be restricted by the department if the department determines that the restrictions are necessary under the circumstances.

(B) Any municipality electing to charge for public beach parking may use the parking revenues for the operation, maintenance, preservation, or funding of:

- (1) public beach parking facilities;
- (2) beach access, maintenance, and renourishment;
- (3) traffic and parking enforcement;
- (4) first responders;
- (5) sanitation; and
- (6) litter control and removal for beaches.”

Obstructions in highways

SECTION 3. Section 57-7-210 of the 1976 Code is amended to read:

“Section 57-7-210. (A) For the purposes of this section, ‘highway’ includes the entire area within a highway right of way, including the shoulders and parking areas.

(B) It is unlawful for any person wilfully to obstruct ditches and drainage openings along any highway, to place obstructions upon any such highway, or to throw or place on any such highway any objects likely to cut or otherwise injure vehicles using them.

(C) A violation of this section shall be punishable by a fine of not more than one hundred dollars per day, imprisonment for not more than thirty days, or both.”

Time effective

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

Ratified the 18th day of May, 2021.

Approved the 24th day of May, 2021.

No. 90

(R110, H3194)

AN ACT TO AMEND SECTION 58-31-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY, SO AS TO, AMONG OTHER THINGS, REVISE THE TERMS AND QUALIFICATIONS FOR MEMBERSHIP ON THE PUBLIC SERVICE AUTHORITY BOARD OF DIRECTORS AND TO PROVIDE FOR EX OFFICIO MEMBERS ON THE BOARD OF DIRECTORS; TO AMEND SECTION 58-31-30, RELATING TO THE POWERS OF THE PUBLIC SERVICE AUTHORITY, SO AS TO AUTHORIZE THE PUBLIC SERVICE AUTHORITY TO ESTABLISH SUBCOMMITTEES AND TO SELECT A CHIEF EXECUTIVE OFFICER WHO SHALL CAUSE THE AUTHORITY TO EMPLOY ALL NECESSARY EMPLOYEES WITH THE BOARD APPROVING THE COMPENSATION OF ANY SENIOR MANAGEMENT OFFICIAL SELECTED BY THE CHIEF EXECUTIVE OFFICER, AND TO PROVIDE THAT CERTAIN PUBLIC SERVICE AUTHORITY COMPENSATION AND SEVERANCE PACKAGES MUST FIRST BE APPROVED BY THE AGENCY HEAD SALARY COMMISSION; TO AMEND SECTION 58-31-55, RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE DIRECTORS OF THE PUBLIC SERVICE AUTHORITY, SO AS TO REVISE THE DEFINITION OF "BEST INTERESTS"; TO AMEND SECTION 58-31-56, RELATING TO CONFLICT OF INTEREST TRANSACTIONS, SO AS TO PROVIDE A VIOLATION OF THIS SECTION BY A DIRECTOR CONSTITUTES GROUNDS FOR REMOVAL FROM OFFICE BY THE GOVERNOR; TO AMEND SECTION 1-3-240, RELATING TO REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO CLARIFY THE GOVERNOR'S AUTHORITY TO REMOVE DIRECTORS OF THE PUBLIC SERVICE AUTHORITY; TO ESTABLISH EXPIRATION DATES FOR DIRECTORS SERVING AS OF THE EFFECTIVE DATE OF THIS ACT; BY ADDING SECTION 58-31-240 SO AS TO REQUIRE THE JOINT BOND REVIEW COMMITTEE TO APPROVE, REJECT, OR MODIFY CERTAIN BONDS, NOTES, OR OTHER INDEBTEDNESS PRIOR TO ISSUANCE, AND TO REQUIRE THE PUBLIC SERVICE AUTHORITY TO PROVIDE

AN ANNUAL REPORT BY SEPTEMBER FIRST OF EACH YEAR REGARDING REAL ESTATE TRANSACTIONS EXECUTED DURING THE PRECEDING TWELVE MONTHS; BY ADDING SECTION 58-31-250 SO AS TO AUTHORIZE THE SENATE FINANCE COMMITTEE AND THE HOUSE OF REPRESENTATIVES WAYS AND MEANS COMMITTEE TO COMPEL CERTAIN WRITTEN OR ORAL TESTIMONY FROM THE PUBLIC SERVICE AUTHORITY; TO AMEND SECTION 58-33-110, AS AMENDED, RELATING TO THE CERTIFICATION OF MAJOR UTILITY FACILITIES, SO AS TO PROVIDE A QUALIFIED CERTIFICATION EXEMPTION FOR CERTAIN TRANSMISSION LINES OR FACILITIES; TO AMEND SECTION 58-31-430, RELATING TO THE SERVICE AREA TO BE EXCLUSIVELY SERVED BY THE AUTHORITY, SO AS TO, AMONG OTHER THINGS, CLARIFY THE PUBLIC SERVICE AUTHORITY'S RIGHT TO ENTER INTO CERTAIN AGREEMENTS WITH OTHER ELECTRIC SUPPLIERS CONCERNING SERVICE AREAS AND CORRIDOR RIGHTS; BY ADDING ARTICLE 7 TO CHAPTER 31, TITLE 58 SO AS TO ESTABLISH A RETAIL RATES PROCESS; BY ADDING SECTION 58-31-225 SO AS TO AUTHORIZE THE OFFICE OF REGULATORY STAFF TO MAKE INSPECTIONS, AUDITS, AND EXAMINATIONS OF THE PUBLIC SERVICE AUTHORITY; BY ADDING SECTION 58-4-51 SO AS TO ENUMERATE CERTAIN DUTIES AND RESPONSIBILITIES OF THE OFFICE OF REGULATORY STAFF REGARDING THE PUBLIC SERVICE AUTHORITY; TO AMEND SECTION 58-4-55, AS AMENDED, RELATING TO THE PRODUCTION OF RECORDS TO THE OFFICE OF REGULATORY STAFF WHEN CONDUCTING INSPECTIONS, AUDITS, AND EXAMINATIONS, SO AS TO, AMONG OTHER THINGS, AUTHORIZE THE PUBLIC SERVICE AUTHORITY TO DESIGNATE CERTAIN DOCUMENTS OR INFORMATION PROVIDED TO THE OFFICE OF REGULATORY STAFF AS CONFIDENTIAL, OR PROPRIETARY, AND EXEMPT FROM DISCLOSURE; TO AMEND SECTIONS 58-27-190, 58-27-200, 58-27-210, AND 58-27-220, ALL RELATING TO THE INSPECTION, AUDIT, AND ENFORCEMENT AUTHORITY OF THE OFFICE OF REGULATORY STAFF, ALL SO AS TO EXPAND THE APPLICABILITY OF THESE SECTIONS' PROVISIONS TO THE PUBLIC SERVICE AUTHORITY; TO AMEND SECTION 58-33-20, RELATING TO DEFINITIONS

APPLICABLE TO THE “UTILITY FACILITY SITING AND ENVIRONMENTAL PROTECTION ACT”, SO AS TO REVISE THE DEFINITION OF “MAJOR UTILITY FACILITY”; BY ADDING SECTIONS 58-33-180, 58-33-185, AND 58-33-190 ALL SO AS TO, AMONG OTHER THINGS, IMPOSE ADDITIONAL REQUIREMENTS AND LIMITATIONS ON THE PUBLIC SERVICE AUTHORITY REGARDING THE CONSTRUCTION, ACQUISITION, AND PURCHASE OF MAJOR UTILITY FACILITIES; TO AMEND SECTION 58-37-40, AS AMENDED, RELATING TO INTEGRATED RESOURCE PLANS, SO AS TO, AMONG OTHER THINGS, EXPAND THE SECTION’S APPLICABILITY TO THE PUBLIC SERVICE AUTHORITY, AND TO IMPOSE ADDITIONAL REQUIREMENTS ON THE PUBLIC SERVICE AUTHORITY; BY ADDING SECTION 58-31-227 SO AS TO, AMONG OTHER THINGS, IMPOSE RENEWABLE ENERGY RESOURCE PROCUREMENT REQUIREMENTS ON THE PUBLIC SERVICE AUTHORITY; TO REQUIRE THE PUBLIC SERVICE AUTHORITY TO DEVELOP AND IMPLEMENT A PLAN THAT PROVIDES FOR EMPLOYEE RETENTION, JOB TRAINING, AND ECONOMIC DEVELOPMENT OPPORTUNITIES FOR EMPLOYEES AND COMMUNITIES AFFECTED BY THE RETIREMENT OF CERTAIN COAL STATIONS; AND TO EXTEND THE PROVISIONS OF SECTION 11 OF ACT 135 OF 2020.

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

Board of directors and ex officio members

SECTION 1. Section 58-31-20 of the 1976 Code is amended to read:

“Section 58-31-20. (A)(1) The Public Service Authority consists of a board of twelve directors who reside in South Carolina and who have the qualifications stated in this section, as determined by the State Regulation of Public Utilities Review Committee pursuant to Section 58-3-530(14), before being appointed by the Governor with the advice and consent of the Senate as follows: one from each congressional district of the State; one from each of the counties of Horry, Berkeley, and Georgetown who reside in Authority territory and are customers of the Authority; and two from the State at large, one of whom must be chairman. Two of the directors must have substantial work experience within the operations of electric cooperatives or substantial experience

on an electric cooperative board, including one of the two who must have substantial experience within the operations or board of a transmission or generation cooperative. Except to the extent they are serving in an ex-officio capacity, a director shall not serve as an employee or board member of an electric cooperative during his term as a director. Each director shall serve for a term of four years, except as provided in this section. At the expiration of the term of each director and of each succeeding director, the Governor, with the advice and consent of the Senate, must appoint a successor, who shall hold office for a term of four years or until his successor has been appointed and qualified. In the event of a director vacancy due to death, resignation, or otherwise, the Governor must appoint the director's successor, with the advice and consent of the Senate, and the successor director shall hold office for the unexpired term. A director shall not be appointed for more than three consecutive full terms. An appointment to an unexpired partial term shall not be considered for purposes of determining term limits.

(2) A director may not receive a salary for services as director until the Authority is in funds, but each director must be paid his actual expense in the performance of his duties, the actual expense to be advanced from the contingent fund of the Governor until the time the Public Service Authority is in funds, at which time the contingent fund must be reimbursed. After the Public Service Authority is in funds, the compensation and expenses of each member of the board must be paid from these funds, and the compensation and expenses must be fixed by the advisory board established in this section. The Authority may provide, at its expense, health insurance benefits to members of the board, through the state insurance plan or otherwise.

(3) Members of the board of directors may be removed for cause, pursuant to Section 1-3-240(C), by the Governor of the State, the advisory board, or a majority thereof. A member of the General Assembly of the State of South Carolina is not eligible for appointment as Director of the Public Service Authority during the term of his office. No more than two members from the same county may serve as directors at any time.

(B) Candidates for appointment to the board must be screened by the State Regulation of Public Utilities Review Committee and, prior to confirmation by the Senate, must be found qualified by meeting the minimum requirements contained in subsection (C). The review committee must submit a written report to the Clerk of the Senate setting forth its findings as to the qualifications of each candidate. A candidate must not serve on the board, even in an interim capacity, until he is

screened and found qualified by the State Regulation of Public Utilities Review Committee.

(C)(1) Each member must possess abilities and experience that are generally found among directors of energy utilities serving this State and that allow him to make valuable contributions to the conduct of the authority's business. These abilities include substantial business skills and experience, but are not limited to:

(a) general knowledge of the history, purpose, and operations of the Public Service Authority and the responsibilities of being a director of the authority;

(b) the ability to interpret legal and financial documents and information so as to further the activities and affairs of the Public Service Authority;

(c) with the assistance of counsel, the ability to understand and apply federal and state laws, rules, and regulations including, but not limited to, Chapter 4 of Title 30 as they relate to the activities and affairs of the Public Service Authority; and

(d) with the assistance of counsel, the ability to understand and apply judicial decisions as they relate to the activities and affairs of the Public Service Authority.

(2) Each member also must have:

(a) a baccalaureate or more advanced degree from:

(i) a recognized institution of higher learning requiring face-to-face contact between its students and instructors prior to completion of the academic program;

(ii) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(iii) an institution of higher learning chartered before 1962; and

(b) a background of substantial duration and an expertise in at least one of the following:

(i) energy issues;

(ii) consumer protection and advocacy issues;

(iii) water and wastewater issues;

(iv) finance, economics, and statistics;

(v) accounting;

(vi) engineering; or

(vii) law.

(D) For the assistance of the board of directors of the Public Service Authority, there is hereby established an advisory board to be known as the advisory board of the South Carolina Public Service Authority, to be composed of the Governor of the State, the Attorney General, the State

Treasurer, the Comptroller General, and the Secretary of State, as ex officio members, who must serve without compensation other than necessary traveling expenses. The advisory board must perform any duties imposed on it pursuant to this chapter, and must consult and advise with the board of directors on any and all matters which by the board of directors may be referred to the advisory board. The board of directors must make annual reports to the advisory board, which reports must be submitted to the General Assembly by the Governor, in which full information as to all of the acts of said board of directors shall be given, together with financial statement and full information as to the work of the authority. On July first of each year, the advisory board must designate a certified public accountant or accountants for the purpose of making a complete audit of the affairs of the Authority, which must be filed with the annual report of the board of directors. The Public Service Authority must submit the audit to the General Assembly.

(E)(1) The following shall be nonvoting ex officio members of the board of directors entitled to attend all meetings of the Authority board, including any executive sessions, except as set forth below:

The Chairman of Central Electric Power Cooperative, or his designee, and one member of the Board of Central Electric Power Cooperative chosen by that board who is not the chairman or his designee. The ex officio members shall have the same obligations and duties as other members of the board, except the obligation to vote, and are subject to removal in the same manner as other board members. An ex officio member that has otherwise satisfied all obligations and duties owed to the Public Service Authority shall not be liable for matters directly related to either the process of voting nor a decision determined by a vote of the board of directors.

(2) The ex officio members may be excluded from executive session where the following matters are being discussed:

(a) negotiations incident to proposed contractual arrangements with a customer, including Central Electric Cooperative, Inc., or receiving legal advice involving a customer, Central Electric Power Cooperative, Inc., or one of its members; or

(b) discussions regarding generation resources that will not be shared resources under any wholesale power supply agreement between the Authority and Central Electric Power Cooperative or receiving legal advice in relation thereto.

Upon advice of counsel that a conflict may exist for an ex officio member of the board to attend an executive session or a portion thereof to discuss matters other than (a) and (b), the board may exclude, by a

majority vote, the ex officio member from those portions of an executive session for which a conflict may exist.

(3) When ex officio members are excluded from executive session, the reason for the conflict must be stated before the vote is taken and shall be recorded in official minutes or other records of the meeting. The ex officio member of the board must be given an opportunity to speak to the conflict and the underlying issue at the beginning of the executive session. After being provided the opportunity to speak as provided in this provision, the ex officio member must leave the room and may not participate in the remainder of the executive session on the issue giving rise to the conflict. Efforts should be taken to optimize participation of ex officio members by segmenting executive sessions.

(4) Ex officio members will begin serving immediately upon a letter indicating their appointments is delivered to the board and to the Public Utilities Review Committee but must meet the qualifications set forth in Section 58-31-20(C) as verified by the Public Utilities Review Committee within six months of beginning service as an ex officio member. Ex officio members will be appointed for two-year terms but may be removed either by the Governor pursuant to Section 1-3-240(C)(1)(m) or the Board of Central Electric Power Cooperative. In the event that the Board of Central Electric Power Cooperative removes the ex officio member, the Public Service Authority Board of Directors must receive notice at least sixty days before the ex officio member's successor begins service on the Public Service Authority Board of Directors. An ex officio member will not be entitled to receive compensation from the Public Service Authority for his or her service as an ex officio member and will not be counted for purposes of determining a quorum.

(F) In making appointments to the board of directors, the Governor, in making appointments and the Senate, in its advice and consent capacity, must give due consideration to race, gender, and other demographic factors to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of this State."

Public Service Authority powers

SECTION 2. Section 58-31-30(A)(11) and (12) of the 1976 Code is amended to read:

"(11) to make bylaws for the management and regulation of its affairs, including the establishment of subcommittees of the board of

directors to include Finance and Audit, Public Information, Water Services and Resource Management, Generation and Power Supply Planning, and Executive and Governance, each of these making regular reports to the full board of directors at each regular meeting of the full board;

(12) to select a chief executive officer for the Authority who shall cause the Authority to employ all necessary employees with the board, by vote, approving the compensation of any senior management official selected by the chief executive officer;”

Approval of compensation and severance packages

SECTION 3. Section 58-31-30 of the 1976 Code is amended by adding a subsection (C) to read:

“(C) Any compensation package, severance package, payment or other benefit of whatever nature conferred upon the chief executive officer or member of the board of the Public Service Authority or offered on or after May 15, 2021, must first be approved by the Agency Head Salary Commission before the Authority can enter into an agreement regarding a severance package, payment or other benefits. Any payment made in violation of this section is grounds for a claw-back of the payment or benefit in a legal action brought by the Attorney General of this State seeking a recovery of that payment. The Public Service Authority must provide a report to the Agency Head Salary Commission by July 6, 2021, with information regarding any severance package, payment or other benefit conferred upon an executive officer or member of the board of the Public Service Authority from January 1, 2020, through June 30, 2021.”

Director’s duties and responsibilities

SECTION 4. Section 58-31-55 of the 1976 Code is amended to read:

“Section 58-31-55. (A) A director shall discharge his duties as a director, including his duties as a member of a committee:

- (1) in good faith;
- (2) with the care an ordinarily prudent person in a like position would exercise under similar circumstances; and
- (3) in a manner he reasonably believes to be in the best interests of the Public Service Authority. As used in this chapter, ‘best interests’ means a balancing of the following:

(a) preservation of the financial integrity of the Public Service Authority and its ongoing operations;

(b) the interest of the Public Service Authority's residential, commercial and industrial retail customers, and those wholesale customers served pursuant to contractual arrangements, but excluding joint action agencies and those entities located outside the State, in reliable, adequate, efficient, and safe service, at just and reasonable rates, regardless of customer class;

(c) maintenance, preservation, and keeping of the Public Service Authority's properties and all additions and betterments thereto and extension thereof and every part and parcel in thereof, in good repair, working order and condition;

(d) the support of, economic development and job attraction and retention within the Public Service Authority's present service area or areas within the State authorized to be served by an electric cooperative or municipally owned electric utility that is a direct or indirect wholesale customer of the Authority, provided the remaining items of this subsection have been met; and

(e) subject to the limitations of Section 58-31-30(B) and item (A)(3)(a) of this section, exercise of the powers of the Authority set forth in Section 58-31-30 in accordance with good business practices and the requirements of applicable licenses, laws, and regulations.

(B) In discharging his duties, a director is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

(1) one or more officers or employees of the Public Service Authority whom the director reasonably believes to be reliable and competent in the matters presented;

(2) legal counsel, public accountants, or other persons as to matters the director reasonably believes are within the person's professional or expert competence; or

(3) a committee of the board of directors of which he is not a member if the director reasonably believes the committee merits confidence.

(C) A director is not acting in good faith if he has knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (B) unwarranted.

(D) A director is not liable for any action taken as a director, or any failure to take any action, if he performed the duties of his office in compliance with this section.

(E) An action against a director for failure to perform the duties imposed by this section must be commenced within three years after the

cause of action has occurred, or within two years after the time when the cause of action is discovered or should reasonably have been discovered, whichever occurs sooner. This limitations period does not apply to breaches of duty which have been concealed fraudulently.

(F) Any violation of this code section by a director shall constitute grounds for removal from office by the Governor pursuant to Section 1-3-240.”

Conflict of interest transactions

SECTION 5. Section 58-31-56 of the 1976 Code is amended to read:

“Section 58-31-56. (A) A conflict of interest transaction is a transaction with the Public Service Authority in which a director of the Public Service Authority has a direct or indirect interest. A conflict of interest transaction is not voidable by the Public Service Authority solely because of the director’s interest in the transaction if any one of the following is true:

(1) the material facts of the transaction and the director’s interest were disclosed or known to the board of directors or a committee of the board of directors, and the board of directors or a committee authorized, approved, or ratified the transaction; or

(2) the transaction was fair to the Public Service Authority and its customers.

If item (1) has been accomplished, the burden of proving unfairness of any transaction covered by this section is on the party claiming unfairness. If item (1) has not been accomplished, the party seeking to uphold the transaction has the burden of proving fairness.

(B) For purposes of this section, a Director of the Public Service Authority has an indirect interest in a transaction if:

(1) another entity in which he has a material financial interest or in which he is a general partner is a party to the transaction; or

(2) another entity of which he is a director, officer, or trustee is a party to the transaction and the transaction is or should be considered by the board of directors of the Public Service Authority.

(C) For purposes of subsection (A)(1), a conflict of interest transaction is authorized, approved, or ratified if it receives the affirmative vote of a majority of the directors on the board of directors (or on the committee) who have no direct or indirect interest in the transaction, but a transaction may not be authorized, approved, or ratified under this section by a single director. If a majority of the directors who have no direct or indirect interest in the transaction vote to authorize,

approve, or ratify the transaction, a quorum is present for the purpose of taking action under this section. The presence of, or a vote cast by, a director with a direct or indirect interest in the transaction does not affect the validity of any action taken under subsection (A)(1) if the transaction is otherwise authorized, approved, or ratified as provided in that subsection.

(D) Any violation of this code section by a director shall constitute grounds for removal from office by the Governor pursuant to Section 1-3-240.”

Governor’s authority to remove directors

SECTION 6. Section 1-3-240(C)(1)(m) of the 1976 Code is amended to read:

“(m) Directors of the South Carolina Public Service Authority appointed pursuant to Section 58-31-20;”

Term of office expiration dates

SECTION 7. (A) To ensure that the Public Service Authority Board of Directors positions are appropriately staggered, the following establishes the term expiration for positions as of the effective date of this act:

(1) The terms for the members representing the 2nd and 4th congressional districts, and the at-large seat designated as the chair shall expire on January 1, 2022;

(2) The terms for the members representing the 1st and 7th congressional districts and Berkeley County shall expire on January 1, 2023;

(3) The terms for members representing the 3rd and 6th congressional districts and the other at-large seat shall expire on January 1, 2024; and

(4) The terms for members representing the 5th congressional district and Georgetown and Horry counties shall expire on January 1, 2025.

If any vacancy occurs prior to respective dates established in this SECTION, the Governor may appoint a successor pursuant to Section 58-31-20.

(B) Notwithstanding the term limit provisions in Section 58-31-20(A), a director serving as of the effective date of this act is ineligible for reappointment unless that director was first appointed after January 1, 2018.

JBRC approval, annual reporting of real property transactions, and legislative oversight

SECTION 8. Article 1, Chapter 31, Title 58 of the 1976 Code is amended by adding:

“Section 58-31-240. For purposes of this section:

(A) ‘JBRC’ means the Joint Bond Review Committee.

(1) Prior to issuing any (1) bonds, (2) notes, or (3) other indebtedness, including any refinancing that does not achieve a savings in total debt service, the JBRC must approve, reject, or modify the issuance by the Authority. This section does not apply to the issuance of short-term or revolving-credit debt for the management of day-to-day operations and financing needs.

(2) If the JBRC does not take action on the issuance within sixty days, the issuance is considered approved.

(3) Issuance approved by the JBRC need not be issued immediately, and the debt may be issued across multiple series and over a three-year term.

(B)(1) By September first of each year, the Authority shall provide an annual report regarding every transaction involving an interest in real property and executed during the preceding twelve months, including:

(a) a summary of the key terms of all contracts effectuating or related to such transactions; and

(b) parties involved in the transaction, including all entities or persons with any type of ownership interest or authority to control.

(2) A transfer of any interest in real property by the Authority, regardless of the value of the transaction, requires approval, rejection, or modification by the JBRC.

(3) The reporting and other requirements of this item do not apply to encroachment agreements, rights of way, or lease agreements made by the Authority for property within the Federal Energy Regulatory Project boundary.

(C) The JBRC may adopt instructions which must be followed by the Authority for any submission pursuant to this section.

(D) The requirements imposed on the Authority pursuant to this section are in addition to any other requirements of law. If any provision of this section conflicts with another provision of law, the provisions of this section shall control to the extent of the conflict.

Section 58-31-250. (A) The Senate Finance Committee and the House Ways and Means Committee may request and the Authority must

produce, in writing or by testimony at the request of the relevant committee, within thirty days of any request any or all of the following:

- (1) annual audited financial statements;
- (2) projected and actual annual revenue;
- (3) actual annual expenditures;
- (4) any debt issuances in the previous five years, whether short-term or long-term;
- (5) percent of annual revenues utilized for administration. For purposes of this item, 'administration' includes executive-level employees compensation and other operating costs;
- (6) organizational flow chart displaying the position titles and name of executive-level employees;
- (7) major components of any long-term capital plan, including timing and cost estimates, and financing plan for such capital investments whether paid from operations or debt;
- (8) performance objectives and results;
- (9) performance measurements used to evaluate program effectiveness;
- (10) any outstanding litigation issues; and
- (11) planning documents and progress reports, including budgeted and actual expenditures.

(B) The Authority must post its annual audited financial report in a conspicuous place on the Authority's website and distribute the reports to members of the General Assembly.

(C) Any problems or issues of concern that arise during this oversight process may be forwarded to the State Inspector General for investigation after a vote of either committee. The Inspector General is granted the authority to complete the investigation.

(D) The Authority and the Board of Directors and its subcommittees are public bodies for purposes of the Freedom of Information Act.

(E) Any and all compensation for the Authority CEO must be reviewed by the Agency Head Salary Commission. Additionally, any employment contracts or retention contracts that last longer than five years, and all contract extensions, must be reviewed by the Agency Head Salary Commission."

Certain transmission lines and facilities exempted

SECTION 9. Section 58-33-110(4) of the 1976 Code is amended to read:

“(4) This chapter shall not apply to any major utility facility:

(a) the construction of which is commenced within one year after January 1, 1972; or

(b) for which, prior to January 1, 1972, an application for the approval has been made to any federal, state, regional, or local governmental agency which possesses the jurisdiction to consider the matters prescribed for finding and determination in subsection (1) of Section 58-33-160;

(c) for which, prior to January 1, 1972, a governmental agency has approved the construction of the facility and indebtedness has been incurred to finance all or part of the cost of such construction;

(d) which is a hydroelectric generating facility over which the Federal Power Commission has licensing jurisdiction; or

(e) which is a transmission line or associated electrical transmission facilities constructed by the South Carolina Public Service Authority, for which construction either is commenced within one year after January 1, 2022, or is necessary to maintain system reliability in connection with the closure of the Winyah Generating Station, provided that such transmission is not for generation subject to this chapter.”

Service areas and corridor rights

SECTION 10. Section 58-31-430 of the 1976 Code is amended to read:

“Section 58-31-430. The Public Service Commission may not assign any portion of the present service area of the Public Service Authority to any electrical utility or electric cooperative and this service area must be exclusively served by the Public Service Authority unless otherwise agreed to by the Public Service Authority as described in this section. Santee Electric Cooperative, Inc., Berkeley Electric Cooperative, Inc., Horry Electric Cooperative, Inc., may serve those areas reserved to them as provided in Section 58-31-330. The Public Service Commission is directed to conform the present assignment under Section 58-27-620 to the mandates of this article. Nothing contained in this article may be construed as preventing the Public Service Commission from exercising its jurisdiction over electric cooperative service areas in the manner provided by law. Upon customer choice either the Public Service Authority, an electric cooperative mentioned above, or Edisto Electric Cooperative, Inc., may furnish electric service to any new premises which the other supplier has the right to serve, upon agreement of the affected suppliers.

Notwithstanding the foregoing, the Public Service Authority shall have the right to enter into agreements with other electric suppliers, as defined by Section 58-27-610, concerning service areas, as contemplated by Section 58-27-640, and corridor rights, as defined by Section 58-27-610. In that event, the Public Service Commission shall have the authority to approve said agreements and to reassign said service area or corridor rights. This authority shall only apply in situations where all affected electric suppliers have reached an agreement concerning service areas or corridor rights. With respect to the agreements, the commission shall approve the agreements and reassign said service area or corridor rights if, after giving notice and an opportunity for hearing to interested parties, it finds the agreements to be fair and reasonable, but the commission shall not have the authority to alter or amend any such agreement unless all affected electric suppliers agree to the alteration or amendment. For purposes of this article, the term ‘all affected electric suppliers’ shall include, but not be limited to, the nearest electric cooperative or cooperatives to the proposed service area changes within a five mile radius of the affected service area or corridor. This section shall not confer service territory rights to the Public Service Authority beyond those provided in Section 58-31-330 and Section 58-31-320(2).”

Retail rates process

SECTION 11. Chapter 31, Title 58 of the 1976 Code is amended by adding:

“Article 7

Retail Rates Process

Section 58-31-710. The Public Service Authority, through its board of directors, shall adopt and publish pricing principles that respect and balance factors including, but not limited to, adherence to the Authority’s mission to be a low-cost provider, reliability, transparency, preservation of the Authority’s financial integrity, equity among customer classes, gradualism in adjustments to its pricing and rate schedule type, encouragement of efficiency and demand response, adequate notice to customers, and relief mechanisms for financially distressed customers. The Authority shall also maintain and continue to offer rate schedules and options that provide demand-side management flexibility including, but not limited to, non-firm sales and interruptible power rates, and conservation opportunities to its customers.

Section 58-31-720. For purposes of this article ‘customer’ shall include the Authority’s residential, commercial and industrial retail customers, and those wholesale customers served pursuant to contractual arrangements, but excluding joint action agencies and those entities located outside the State.

Section 58-31-730. Prior to creating or revising any of its board-approved retail rate schedules, the Public Service Authority, through resolution of its board of directors or otherwise, shall adopt a process that shall include the following:

(A) The Authority shall provide notice to all customers at least one hundred and eighty days before the board of directors’ vote on a proposed rate adjustment.

(1) The one hundred and eighty days’ notice required under this section is established to allow customers to provide comments to the Authority as follows:

(a) written comments to the Authority for ninety days from the date of notice; and

(b) oral comments to the Authority for one hundred twenty days from the date of notice.

(2) The notice required by this subsection must be given in the following forms:

(a) by first-class United States mail addressed to the customer’s billing address in the Authority’s records at the time of the notice, or for customers who have elected paperless billing, by the same means of communication used for providing these customers paperless billing;

(b) by advertisements to be published in newspapers of general circulation within the service territory of the Authority;

(c) by way of the Authority’s regularly maintained website, including a conspicuous portal or link accessible from the website’s landing page; and

(d) by issuance of a news release to local news outlets.

(3) The notice of proposed rate adjustments required by this subsection shall contain the following information:

(a) the date, time, and location of all public meetings;

(b) the date, time, and location of the meeting at which a proposed rate adjustment is expected to be submitted to the board of directors for its consideration;

(c) the date, time, and location of the meeting at which the board of directors is expected to vote on the proposed rate adjustment;

(d) a notification to customers of their right to:

(i) review the proposed rate schedules;

(ii) appear and speak in person concerning the proposed rates at public meetings or the specified meetings of the board of directors; and

(iii) submit written comments;

(e) the means by which customers can submit written comments, including the email and physical addresses to which written comments may be submitted, and the deadline for submitting such comments; and

(f) the means by which customers can access and review the Authority's written report containing the proposed rate adjustments, the non-proprietary and non-confidential portions of any rate study or other documentation developed by the Authority in support of the rate adjustment which shall be available at the time the notice is issued.

(4) Contemporaneously with notice to customers, the Authority shall provide notice of proposed rate adjustments to the Office of Regulatory Staff.

(B) In addition to the requirements of notice set forth above, the Authority shall provide for the following in its retail rate adjustment process:

(1) the Office of Regulatory Staff must review any rate adjustments proposed to the Authority's board of directors under this article including conducting an inspection, audit, and examination of the proposed rate schedule, revenue requirements, cost-of-service analysis, and rate/tariff design. In accomplishing its responsibilities under this article, the Office of Regulatory Staff must use the authority granted to it pursuant to Section 58-31-225. The Office of Regulatory Staff must treat as confidential or proprietary the information provided by the Authority pursuant to this subsection that is identified by the Authority as such unless or until the Authority agrees that such information is no longer confidential or proprietary. Any disputes concerning whether such information is subject to protection must be resolved by the South Carolina Public Service Commission;

(2) a comprehensive review of the Authority's rate structure and rates, consistent with the provisions of Chapter 31, Title 58, and the Public Service Authority's bond covenants concerning the Public Service Authority's revenue requirements, provided that:

(a) management may engage consultants as necessary to assist the Authority in completing this review; and

(b) this review should include such subjects as the Authority's revenue requirements, rate/tariff design recognizing the provisions of any wholesale power supply agreement, and a comprehensive cost-of-service analysis that includes an allocation of costs, between wholesale

and retail customers, and among all classes of retail customers, including residential, commercial and industrial classes;

(3) a written report of management's recommendations concerning proposed rate adjustments;

(4) beginning no later than the date that notice of the proposed rate adjustment is issued by the Authority, an opportunity for customers and the Office of Regulatory Staff, in advance of the board of directors' consideration and determination of rates, to review the proposed rate schedules and written findings and analyses of employees and consultants retained by the Authority that support the proposed rate adjustments, provided that:

(a) the Authority also shall provide customers and the Office of Regulatory Staff access to proposed rate schedules and written findings and analyses of employees and consultants retained by the Authority that support the proposed rate adjustments, such materials to be made available at a physical location, at public meetings, and posted on the Authority's website; and

(b) the Authority shall not be required to provide to customers analyses which disclose the commercially sensitive information of individual customers or which is otherwise proprietary or confidential;

(5) public meetings, to be held at locations convenient for customers and within the Authority's service territory, provided that:

(a) the Authority shall convene at least two public meetings at a minimum of two locations within its service territory for the purpose of presenting the proposed rate adjustment and relevant information regarding the same to customers for their information and comment;

(b) customers may appear and speak in person at public meetings and direct comments and inquiries about the rate adjustment to representatives of the Authority;

(c) at least one representative of the Authority's staff or management and a quorum of the board of directors shall attend each public meeting;

(d) the Authority shall cause a transcript of all such meetings to be prepared and maintained as a public record and for consideration by the board of directors prior to its consideration and vote on a proposed rate adjustment; and

(e) the contents of this item must not be construed in such a manner as to prevent the Authority from extending the prescribed timelines, holding additional public meetings, holding additional meetings with customers as may be scheduled from time to time at the convenience of the Authority and the customers, or having additional

representatives of staff, management, or the board of directors in attendance at such meetings;

(6) the Authority's management shall respond to reasonable questions and requests for information from customers and the Office of Regulatory Staff during the comment period regarding the rate proposal, subject to the appropriate protection of confidential information. All information provided to the Office of Regulatory Staff upon request that is not confidential or proprietary shall be made publicly available immediately following disclosure to the requesting party;

(7) submission by the Office of Regulatory Staff of written comments and supporting documentation in the same manner as customers and an opportunity for the Office of Regulatory Staff to provide comments to, and answer questions from, the board of directors;

(8) a meeting of the board of directors, separate from its scheduled vote on proposed rate adjustments and no less than one hundred twenty days from the date of notice required pursuant to Section 58-31-730(A), at which the board of directors shall receive written comments received in accordance with Section 58-31-730(A)(1), and transcripts of the public meetings, provided that:

(a) at this meeting customers who will be affected by a rate adjustment and other interested parties, including the Office of Regulatory Staff and Consumer Advocate, shall be entitled to appear and speak in person for a reasonable amount of time to offer their comments directly to the board of directors;

(b) customer comments received by the Authority prior to this meeting and transcripts of the public meetings shall be submitted to the board of directors for their consideration in the determination of rates;

(c) submissions from the Office of Regulatory Staff shall be provided to the board of directors for their consideration in the determination of rates; and

(d) the Authority shall cause a transcript of this meeting to be prepared and maintained as a public record;

(9) a meeting of the board of directors, separate from its scheduled vote on proposed rate adjustments and no less than one hundred fifty days from the date of notice required pursuant to Section 58-31-730(A), at which it shall receive the Authority management's recommendation, which shall be made publicly available, concerning proposed rate adjustments, the proposed rate schedules, and documentation supporting the same; and

(10) a meeting at which the board of directors votes on the proposed rate adjustment, following notice as set forth in subsection (A) and

completion of the process implemented by the board of directors pursuant to subsection (B).

(C) Rates shall become effective no earlier than sixty days following board approval of proposed rate adjustments.

(D) Nothing contained in this section may be construed to limit or derogate from the state's covenants as provided in Sections 58-31-30 and 58-31-360, and those covenants are hereby reaffirmed.

(E) The board of directors shall utilize consultants independent from the Authority's management and is authorized to hire independent, outside experts and consultants as necessary to fulfill the board of directors' obligations and duties pursuant to this section.

(F) Notwithstanding the provisions of this section, the Authority may place such adjusted rates and charges into effect on an interim basis under emergency circumstances such as the avoidance of default of its obligations and to ensure proper maintenance of its system; these interim rates must not be in effect for more than eighteen months. Said adjusted rates and charges shall be subject to prospective rate adjustment in accordance with the terms of this section, provided further, that the Authority may implement experimental rates on an interim basis for the purpose of developing improved rate offerings for customers. These experimental rates will be enacted for no longer than four years and (a) for large industrial customers, no more than twelve percent of the large industrial customer class except large industrial customers with one hundred megawatts or greater load shall be excluded from any class size limit, and (b) for all other customers no more than five percent of the customers in the class. All experimental rates must be disclosed in public session of the board prior to being enacted and are subject to approval by the board only to the extent that they meet the requirements of Section 58-31-55.

(G) Judicial review of decisions by the board of directors under this article shall be by direct appeal to the South Carolina Supreme Court. The service of a notice of appeal from a decision of the board of directors pursuant to this article does not act to automatically stay the matters decided in the decision, in the same manner as provided by Rule 241(b)(11) of the South Carolina Appellate Court Rules. Rate adjustments approved by the board of directors pursuant to this article have been authorized by law.

(1) The Office of Regulatory Staff, or any customer who has submitted written or oral comments as permitted under this article is considered a 'party in interest' entitled to obtain judicial review of any final decision of the board under this article by appealing in the manner provided by Rule 203(b)(6) of the South Carolina Appellate Court Rules

as applicable to appeals from administrative tribunals. No right to appeal accrues unless a request for reconsideration is submitted to the board and refused as set out in S.C. Code Ann. Section 58-31-730(G)(2).

(2) Any party in interest seeking to appeal must first submit, within ten days after the decision of the board, a request for reconsideration. The board of directors shall either grant or refuse such request within twenty days of receipt. If the board grants the request for reconsideration, it must meet to consider the request within thirty days.

(3) On appeal, the South Carolina Supreme Court may not substitute its judgment for the judgment of the board of directors as to the weight of the evidence on questions of fact. The court may affirm the decision of the board of directors or remand the case to the board of directors for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the board's findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the Authority;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(H) The procedure provided in this article is the exclusive process for challenging any rate adjustments approved by the board of directors. If a party in interest successfully challenges a rate approval decision on appeal, the exclusive remedy is a prospective adjustment of a new rate by the board of directors. The board of directors possesses authority only to adjust rates prospectively and has no authority to refund amounts collected pursuant to a rate adjustment approved pursuant to this article. The filed rate doctrine protects any such rate adjustment decisions from any collateral attack, which includes, but is not limited to, any claim that a rate adjustment decision by the board of directors violates S.C. Code Ann. Sections 58-31-55, 58-31-56, or 58-31-57.

Section 58-31-740. The Authority shall submit to the Office of Regulatory Staff a pricing report each year, and its report must include an analysis of the adherence to the pricing principles required in Section 58-31-710, the current and projected electric customer pricing, a comparison of pricing to other utilities, and an analysis of the rates of return by customer class. After its review, the ORS shall issue comments

on the Authority's annual pricing report to the Authority's board of directors and the Public Utility Review Committee."

Office of Regulatory Staff, inspections, audits, and examinations

SECTION 12. Chapter 31, Title 58 of the 1976 Code is amended by adding:

"Section 58-31-225. 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 the Public Service Authority pursuant to the provisions of Chapter 4, Title 58, relating to the electric rates established by the Public Service Authority. 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 Public Service Authority and attempt to resolve with the management and board any issues that are identified. The Public Service Authority must post information regarding its electric rates on its website."

Office of Regulatory Staff, duties and responsibilities

SECTION 13. Chapter 4, Title 58 of the 1976 Code is amended by adding:

"Section 58-4-51. (A) Regulatory staff shall have the following duties and responsibilities concerning the Public Service Authority to:

(1) when considered necessary by the Executive Director of the Office of Regulatory Staff, review, investigate, and make appropriate recommendations to the appropriate entity with respect to the rates charged or proposed to be charged for electric service provided by the Public Service Authority;

(2) when considered necessary by the Executive Director of the Office of Regulatory Staff, make inspections, audits, and examinations of, and to make recommendations to, the appropriate entity, regarding electric service provided by the Public Service Authority;

(3) upon request by the commission, make studies and recommendations to the commission with respect to standards, regulations, practices, or electric service provided by the Public Service Authority for matters within the commission's jurisdiction; and

(4) when considered necessary by the Executive Director of the Office of Regulatory Staff, investigate and examine the condition of

generation, transmission, or distribution electric facilities owned or operated by the Public Service Authority.

(B) Regulatory staff may participate as a party of interest, as deemed necessary by the Executive Director of the Office of Regulatory Staff, before regulatory agencies, state courts and federal courts, in matters that could affect the Public Service Authority's rates or charges for the Authority's electric service.

(C) The regulatory staff may have additional duties and responsibilities related to the Public Service Authority as otherwise provided by law."

Treatment of confidential or proprietary information

SECTION 14. Section 58-4-55 of the 1976 Code, as last amended by Act 56 of 2019, is further amended to read:

"Section 58-4-55. (A) The regulatory staff, in accomplishing its responsibilities under Section 58-4-50 and Section 58-4-51, 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, the Public Service Authority, or the 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. Although the Public Service Authority is subject to the Freedom of Information Act pursuant to Sections 30-4-10, et seq., the Authority, when necessary and appropriate, may indicate that documents or information provided to regulatory staff is confidential or proprietary, or otherwise exempt from disclosure in accordance with

statute, and the regulatory staff must treat this information in the same manner as public utilities and cooperatives pursuant to this section.

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, the Public Service Authority, or an electric cooperative, the public utility, the Public Service Authority, or the 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, the Public Service Authority, or the electric cooperative.

(1) If such an inspection, audit, or examination is not part of a contested case proceeding, the public utility, the Public Service Authority or the 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, the Public Service Authority, or the 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, the Public Service Authority, or the 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, the Public Service Authority, or any 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, the Public Service Authority, 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, the Public Service Authority, or an 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, the Public Service Authority, or the 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)(1) 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.

(2) In order to accomplish any of the responsibilities assigned to the Office of Regulatory Staff regarding the Public Service Authority in which the commission does not have jurisdiction, regulatory staff may request a hearing with the Administrative Law Court.

(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."

Inspection of electrical utility and Public Service Authority facilities

SECTION 15. Section 58-27-190 of the 1976 Code is amended to read:

"Section 58-27-190. The Office of Regulatory Staff has the right at any and all times to inspect the property, plant, and facilities of any

electrical utility and the South Carolina Public Service Authority and to inspect or audit at reasonable times the accounts, books, papers, and documents of any electrical utility and the South Carolina Public Service Authority. For the purposes herein mentioned an employee or agent of the Office of Regulatory Staff may during all reasonable hours enter upon any premises occupied by or under the control of any electrical utility or the South Carolina Public Service Authority. An employee or agent of the Office of Regulatory Staff authorized to administer oaths has the power to examine under oath any officer, agent, or employee of the electrical utility and the South Carolina Public Service Authority, in relation to the business and affairs of the electrical utility or the South Carolina Public Service Authority, but written record of the testimony or statement so given under oath must be made.”

Inspection of tax returns filed by electrical utilities and Public Service Authority

SECTION 16. Section 58-27-200 of the 1976 Code is amended to read:

“Section 58-27-200. In the performance of its duties under this chapter, an employee or agent of the Office of Regulatory Staff may inspect or make copies of all income, property, or other tax returns, reports, or other information filed by electrical utilities or the South Carolina Public Service Authority, with or otherwise obtained by any other department, commission, board, or agency of the state government. All departments, commissions, boards, or agencies of the state government must permit an employee or agent of the Office of Regulatory Staff to inspect or make copies of all information filed by electrical utilities or the South Carolina Public Service Authority, with or otherwise obtained by the department, commission, board, or agency of the state government.”

Actions to prevent or discontinue violations of law

SECTION 17. Section 58-27-210 of the 1976 Code is amended to read:

“Section 58-27-210. Whenever it shall appear that any electrical utility, electric cooperative, the South Carolina Public Service Authority regarding its provision of electric services, or consolidated political subdivision is failing or omitting, or about to fail or omit, to do anything

required of it by law or by order of the commission or is doing, or about to do anything or permitting or about to permit anything to be done contrary to or in violation of law or of any order of the commission, an action or proceeding shall be prosecuted in any court of competent jurisdiction in the name of the Office of Regulatory Staff for the purpose of having such violation or threatened violation discontinued or prevented, either by mandamus, injunction, or other appropriate relief, and in such action or proceeding, it shall be permissible to join such other persons, corporations, municipalities, or consolidated political subdivisions as parties thereto as may be reasonably necessary to make the order of the court in all respects effective. The commission must not be a party to any action.”

Enforcement and administration Chapter 27, Title 58

SECTION 18. Section 58-27-220 of the 1976 Code is amended to read:

“Section 58-27-220. In addition to the foregoing expressly enumerated powers, the Office of Regulatory Staff must enforce, execute, administer, and carry out the provisions of this chapter relating to the powers, duties, limitations, and restrictions imposed upon electrical utilities and the South Carolina Public Service Authority by this chapter or any other provisions of the law of this State regulating electrical utilities and the South Carolina Public Service Authority regarding its provision of electric services.”

“Major utility facility” defined

SECTION 19. Section 58-33-20 of the 1976 Code is amended to read:

“Section 58-33-20. (1) The term ‘commission’ means Public Service Commission.

(2) The term ‘major utility facility’ means:

(a) electric generating plant and associated facilities designed for, or capable of, operation at a capacity of more than seventy-five megawatts.

(b) an electric transmission line and associated facilities of a designed operating voltage of one hundred twenty-five kilovolts or more; provided, however, that the words ‘major utility facility’ shall not include electric distribution lines and associated facilities.

(3) The term ‘commence to construct’ means any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route of a major utility facility, but does not include surveying or changes needed for temporary use of sites or routes for nonutility purposes, or uses in securing geological data, including necessary borings to ascertain foundation conditions.

(4) The term ‘municipality’ means any county or municipality within this State.

(5) The term ‘person’ includes any individual, group, firm, partnership, corporation, cooperative, association, government subdivision, government agency, local government, municipality, any other organization, or any combination of any of the foregoing, and shall include the South Carolina Public Service Authority.

(6) The term ‘public utility’ or ‘utility’ means any person engaged in the generating, distributing, sale, delivery, or furnishing of electricity for public use.

(7) The term ‘land’ means any real estate or any estate or interest therein, including water and riparian rights, regardless of the use to which it is devoted.

(8) The term ‘certificate’ means a certificate of environmental compatibility and public convenience and necessity.

(9) The term ‘regulatory staff’ means the executive director or the executive director and the employees of the Office of Regulatory Staff.”

Construction, acquisition, or purchase of major utility facilities

SECTION 20. Article 3, Chapter 33, Title 58 of the 1976 Code is amended by adding:

“Section 58-33-180. (A)(1) In addition to the requirements of Articles 1, 3, 5, and 7 of Chapter 33, Title 58, a certificate for the construction of a major utility facility shall be granted only if the Public Service Authority demonstrates and proves by a preponderance of the evidence and the commission finds:

(a) the construction of a major utility facility constitutes a more cost-effective means for serving direct serve and wholesale customers than other feasibly available long-term power supply alternatives and provides less ratepayer risk while maintaining safe and reliable electric service than other feasibly available long-term power supply alternatives; and

(b) energy efficiency measures; demand-side management; renewable energy resource generation; available long-term power

supply alternatives, or any combination thereof, would not establish or maintain a more cost-effective and reliable generation system and that the construction and operation of the facility is in the public interest.

(2) Available long-term power supply alternatives may include, but are not limited to, power purchase agreements, competitive procurement of renewable energy, joint dispatch agreements, market purchases from an existing regional transmission organization, joining or creating a new regional transmission organization, using best available technology for energy generation, transmission, storage and distribution, or any combination thereof.

(3) The commission shall consider any previous analysis performed pursuant to Section 58-37-40 in acting upon any petition by the Public Service Authority pursuant to this section. The commission shall also take into account the Public Service Authority's resource and fuel diversity, reasonably anticipated future operating costs, arrangements with other electric utilities for interchange of power, pooling of plants, purchase of power and other alternative methods for providing reliable, efficient, and economical electric service.

(B) The Public Service Authority shall file an estimate of construction costs in such detail as the commission may require. No certificate shall be granted unless the commission has approved the estimated construction costs and made a finding that construction will be consistent with the Authority's commission-approved plan for expansion of electric generating capacity.

Section 58-33-185. (A) The Public Service Authority may not enter into a contract for the acquisition of a major utility facility without approval of the Public Service Commission of South Carolina, provided that the approval is required only to the extent the transaction is not subject to the exclusive jurisdiction of the Federal Energy Regulatory Commission or any other federal agency.

(B)(1) In acting upon any petition by the Public Service Authority pursuant to this section, the Public Service Authority must prove by a preponderance of the evidence that the proposed transaction constitutes a more cost-effective means for serving direct serve and wholesale customers than other feasibly available long-term power supply alternatives and provides less ratepayer risk while maintaining safe and reliable electric service than other feasibly available long-term power supply alternatives. The commission shall consider any previous analysis performed pursuant to Section 58-37-40 in acting upon any petition by the Public Service Authority pursuant to this section. The commission shall also take into account the Public Service Authority's

arrangements with other electric utilities for interchange of power, pooling of plants, purchase of power and other alternative methods for providing reliable, efficient, and economical electric service.

(2) Available long-term power supply alternatives may include, but not be limited to, power purchase agreements of a different duration than proposed, competitive procurement of renewable energy, joint dispatch agreements, market purchases from an existing regional transmission organization, joining or creating a new regional transmission organization, using best available technology for energy generation, transmission, storage and distribution, or any combination thereof.

(C) Application for the approval of the commission shall be made by the Public Service Authority and shall contain a concise statement of the proposed action, the reasons therefor, and such other information as may be required by the commission.

(D) Upon the receipt of an application, the commission shall promptly fix a date for the commencement of a public hearing, not less than sixty nor more than ninety days after the receipt, and shall conclude the proceedings as expeditiously as practicable. The commission shall establish notice requirements and proceedings shall include an opportunity for intervention, discovery, filed comments or testimony, and an evidentiary hearing.

(E) The commission shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions or modifications as the commission may deem appropriate.

(F)(1) The commission may not grant approval unless it shall find and determine that the Public Service Authority satisfied all requirements of this section and the proposed transaction is in the best interests of the retail and wholesale customers of the Public Service Authority.

(2) The commission also may require compliance with any provision of Article 3, Chapter 33, Title 58 that the commission determines necessary to grant approval.

Section 58-33-190. (1) The Public Service Authority may not enter into a contract for the purchase of power with a duration longer than ten years without approval of the Public Service Commission of South Carolina, provided that the approval is required only to the extent the transaction is not subject to the exclusive jurisdiction of the Federal Energy Regulatory Commission or any other federal agency. This

section does not apply to purchases of renewable power through a commission approved competitive procurement process.

(2) The commission shall consider any previous analysis performed pursuant to Section 58-37-40 in acting upon any petition by the Public Service Authority pursuant to this section. The commission shall also take into account the Public Service Authority's resource and fuel diversity, reasonably anticipated future operating costs, arrangements with other electric utilities for interchange of power, pooling of plants, purchase of power, and other alternative methods for providing reliable, efficient, and economical electric service.

(3) The commission may not grant approval unless it shall find and determine that the proposed transaction is in the best interests of the retail and wholesale customers of the Public Service Authority.”

Integrated resource plans

SECTION 21. Section 58-37-40 of the 1976 Code, as last amended by Act 62 of 2019, is further 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 with one hundred thousand or more customer accounts and the Public Service Authority 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, electric utilities with less than one hundred thousand customer accounts, 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, electric utility with less than one hundred thousand customer accounts, 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. Where plan components listed in subsection (B)(1) and (2) of this section do not apply to an electrical utility with less than one hundred thousand customer accounts as a result of its own generation resources being comprised of more than seventy-five percent renewable energy or because it purchases wholesale load balancing generation services, then 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 commission. The Public Service Authority shall develop a public process allowing for input from all stakeholders prior to submitting the integrated resource plan. 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 commission's website and on the Public Service Authority's website.

(4)(a) In addition to the requirements of Section 58-37-40(B), the Public Service Authority's integrated resource plan shall include an analysis of long-term power supply alternatives and enumerate the cost of various resource portfolios over various study periods including a twenty-year study period and, by comparison on a net present value basis, identify the most cost-effective and least ratepayer-risk resource

portfolio to meet the Public Service Authority's total capacity and energy requirements while maintaining safe and reliable electric service.

(b) In addition to the requirements of Section 58-37-40(B), the commission shall review and evaluate the Public Service Authority's analysis of long-term power supply alternatives and various resource portfolios over various study periods including a twenty-year study period and, by comparison on a net present value basis, identify the most cost-effective and lowest ratepayer-risk resource portfolio to meet the Public Service Authority's total capacity and energy requirements while maintaining safe and reliable electric service. The commission's evaluation shall include, but not be limited to:

(i) evaluating the cost-effectiveness and ratepayer-risk of self-build generation and transmission options compared with various long-term power supply alternatives, including power purchase agreements, competitive procurement of renewable energy, joint dispatch agreements, market purchases from an existing regional transmission organization, joining or creating a new regional transmission organization, using best available technology for energy generation, transmission, storage and distribution, or any combination thereof. In evaluating and identifying the most cost-effective and least ratepayer-risk resource portfolio, the commission shall strive to reduce the risk to ratepayers associated with any generation and transmission options while maintaining safe and reliable electric service; and

(ii) an analysis of any potential cost savings that might accrue to ratepayers from the retirement of remaining coal generation assets.

(c) The Authority's integrated resource plan must provide the information required in Section 58-37-40(B) and must be developed in consultation with the electric cooperatives, including Central Electric Power Cooperative, 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, including Central Electric Power Cooperative, 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 of the South Carolina Public Service Authority shall include and evaluate at least one resource portfolio, which will reflect the closure of the Winyah Generating Station by 2028, designed to provide safe and reliable electric service while meeting a net zero carbon emission goal by the year 2050.

(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 subject to subsection (A)(1) and the Public Service Authority'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 or the Public Service Authority.

(2) The commission shall approve an electrical utility's or the Public Service Authority'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 or the Public Service Authority'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's interest.

(3) If the commission modifies or rejects an electrical utility's or the Public Service Authority's integrated resource plan, the electrical utility or the Public Service Authority, 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 or the Public Service Authority's revised filing, the Office of Regulatory Staff shall review the electrical utility's or the Public Service Authority'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. An 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 and the Public Service Authority shall each submit annual updates to its integrated resource plan to the commission. An annual update must include an update to the electric utility's or the Public Service Authority'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 or Public Service Authority'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 electrical utility's or the Public Service Authority'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 or the Public Service Authority 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."

Renewable energy facilities and resources

SECTION 22. Article 1, Chapter 31, Title 58 of the 1976 Code is amended by adding:

"Section 58-31-227. (A) The Public Service Authority shall file for commission approval of a program for the competitive procurement of energy, capacity, and environmental attributes from renewable energy facilities to meet needs for new generation resources identified by the Authority in its Integrated Resource Plans or other planning processes. The commission may not grant approval unless the commission finds

and determines that the Public Service Authority satisfied all requirements of this section and the proposed program is in the best interests of the customers of the Public Service Authority. The commission may adopt procedures to implement the requirements of this section and shall retain continuing oversight and approval authority over all aspects of an approved program to ensure any approved program complies with this section and is in the best interests of the customers of the Public Service Authority.

(B) The Public Service Authority shall procure renewable energy resources subject to the following requirements:

(1) Renewable energy resources procured by the Public Service Authority shall be procured via a competitive solicitation process open to all independent market participants that meet minimum eligibility requirements.

(2) The Public Service Authority shall issue public notification of its intention to issue a competitive renewable solicitation at least ninety days prior to the release of each solicitation, including the proposed procurement volume, process, and timeline.

(3) Renewable energy facilities eligible to participate in a competitive procurement are those that have a valid interconnection request on file and that use renewable energy resources identified in Section 58-39-120(F) and may include battery storage devices charged exclusively by renewable energy.

(C) The Public Service Authority shall make publicly available at least forty-five days prior to each competitive solicitation:

(1) A pro forma contract to inform market participants of the procurement terms and conditions. The pro forma contract will (i) include standardized and commercially reasonable requirements for contract performance security consistent with market standards; (ii) define limits and compensation for resource dispatch and curtailments that limit uncompensated curtailment to a specified portion of estimated annual output.

(2) A bid evaluation methodology that ensures all bids are treated equitably, including price and nonprice evaluation criteria. Nonprice criteria will at minimum include consideration of diversity in resource size and geographic location.

(3) Interconnection requirements and study methodology, including how bids without existing interconnection studies will be treated for purposes of evaluation.

(D) After bids are submitted and evaluated, winning bids will be selected based upon the published evaluation methodology.

(E) The Public Service Authority shall issue a public report summarizing the results of each competitive solicitation within sixty days of the award notifications. The report will include, at minimum, a summary of the submitted bids and an anonymized list of the project awards, including their size, location, average award price and tenor, and award price range.”

Job retention, training, and economic development

SECTION 23. As part of the process of retiring its coal units, the Public Service Authority shall develop and implement a plan, with community engagement and participation, that: (a) allows employees in good standing who would be directly affected by the closure of the unit to be retained by the Public Service Authority, or provides training opportunities for related employment to affected employees in good standing who are not retained; and (b) provides an opportunity for economic development and job attraction in the communities where the retired coal stations are located. Annual written status reports shall be provided to the South Carolina Public Utilities Review Committee.

Section 11 of Act 135 of 2020 extended

SECTION 24. Section 11 of Act 135 of 2020 is hereby extended through December 31, 2021, except that:

(1) The Office of Regulatory Staff shall no longer be required to conduct monthly reviews of Santee Cooper.

(2) Nothing contained in the language of Act 135 of 2020 shall prohibit Santee Cooper from taking all necessary steps to plan for the closing of the Winyah Generating Station.

(3) Nothing contained in the language of Act 135 of 2020 shall prohibit Santee Cooper from entering financial transactions for the purpose of obtaining lower interest rates on existing debts, provided that overall debt load may not be increased by any such transaction.

Severability

SECTION 25. 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 26. SECTIONS 1 through 10 and SECTION 24 take effect upon approval by the Governor. The remaining SECTIONS of this act take effect January 1, 2022.

Ratified the 9th day of June, 2021.

Approved the 15th day of June, 2021.

No. 91

(R111, H3957)

AN ACT TO AMEND SECTIONS 50-5-1705 AND 50-5-1710, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CATCH AND SIZE LIMITS FOR THE TAKING, POSSESSING, LANDING, SELLING, OR PURCHASING OF CERTAIN FISH FROM THE STATE'S WATERS, SO AS TO DECREASE THE CATCH LIMIT AND INCREASE THE SIZE LIMIT FOR FLOUNDER; TO AMEND SECTION 50-9-540, RELATING TO RECREATIONAL SALTWATER FISHING LICENSES AND CHARTER FISHING VESSELS, SO AS TO INCREASE CERTAIN FEES AND TO CREATE AND ELIMINATE CERTAIN LICENSES; TO AMEND SECTION 50-9-920, AS AMENDED, RELATING TO REVENUES GENERATED BY CERTAIN LICENSES, SO AS TO REQUIRE THAT A PORTION BE USED FOR THE DEVELOPMENT AND IMPLEMENTATION OF A FLOUNDER STOCKING PROGRAM; AND TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES PROVIDE A REPORT ON SOUTH CAROLINA'S STOCK OF FLOUNDER.

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

Flounder catch limit

SECTION 1. Section 50-5-1705(G) of the 1976 Code is amended to read:

“(G) It is unlawful for a person to take or possess more than five flounder (*Paralichthys* species) taken by means of gig, spear, hook and line, or similar device in any one day, not to exceed ten flounder in any one day on any boat.”

Flounder size limit

SECTION 2. Section 50-5-1710(B)(2) of the 1976 Code is amended to read:

“(2) flounder (*Paralichthys*) of less than sixteen inches total length;”

Recreational saltwater fishing license and charter vessel license

SECTION 3. Section 50-9-540(A) and (D) of the 1976 Code is amended to read:

“(A) For the privilege of recreational statewide fishing in saltwater:

(1) a resident must purchase:

(a) a fourteen-day temporary saltwater fishing license for ten dollars, one dollar of which the issuing sales vendor may retain;

(b) an annual saltwater fishing license for fifteen dollars, one dollar of which the issuing sales vendor may retain;

(c) a three-year saltwater fishing license for forty-five dollars, one dollar of which the issuing sales vendor may retain;

(d) a lifetime statewide saltwater fishing license for three hundred dollars at designated licensing locations; or

(e) any other license which grants saltwater fishing privileges;

(2) a nonresident must purchase:

(a) a one-day temporary saltwater fishing license for ten dollars, one dollar of which the issuing sales vendor may retain;

(b) a seven-day temporary saltwater fishing license for thirty-five dollars, one dollar of which the issuing sales vendor may retain;

(c) an annual saltwater fishing license for seventy-five dollars, one dollar of which the issuing sales vendor may retain; or

(d) any other license which grants saltwater fishing privileges.

(D) For the privilege of operating a charter fishing vessel in the salt waters of this State, the owner or operator must purchase an annual charter vessel license for each vessel. For a vessel:

(1) to carry six or fewer passengers, the fee is two hundred seventy-five dollars for residents and five hundred fifty dollars for nonresidents;

(2) to carry seven but no more than forty-nine passengers, the fee is four hundred fifty dollars for residents and nine hundred dollars for nonresidents;

(3) to carry fifty or more passengers, the fee is six hundred fifty dollars for residents and one thousand three hundred dollars for nonresidents.”

Flounder stocking program funding

SECTION 4. Section 50-9-920(C) of the 1976 Code, as last amended by Act 263 of 2018, is further amended to read:

“(C) Revenue generated from the sale of recreational and commercial marine licenses, permits, and tags shall be deposited to the Marine Resources Fund. Revenue generated from the sale of recreational licenses, permits, and tags must be distributed in accordance with the provisions of Sections 50-9-960 and 50-9-965, provided that a minimum of five dollars from the sale of each recreational saltwater fishing license must be used for the development and implementation of a flounder stocking program.”

Repeal

SECTION 5. SECTION 1 of this act is repealed on June 30, 2024, and the text amended by that SECTION shall revert back to the language contained in the South Carolina Code of Laws as of January 1, 2020.

Flounder report

SECTION 6. The Department of Natural Resources shall furnish a written report to the General Assembly on South Carolina’s stock of flounder by December 31, 2023. The report must provide future projections.

Time effective

SECTION 7. This act takes effect on July 1, 2021.

Ratified the 9th day of June, 2021.

Approved the 15th day of June, 2021.

No. 92

(R112, S153)

AN ACT TO AMEND SECTION 7-7-490, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO REVISE THE NAMES OF CERTAIN SPARTANBURG COUNTY VOTING PRECINCTS, AND TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THESE VOTING 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:

Spartanburg County voting precincts

SECTION 1. Section 7-7-490 of the 1976 Code, as last amended by Act 130 of 2020, is further amended to read:

“Section 7-7-490. (A) In Spartanburg County there are the following voting precincts:

- Abner Creek Baptist
- Anderson Mill Baptist
- Anderson Mill Elementary
- Apalache Baptist
- Arcadia Elementary
- Baumont Methodist
- Beech Springs Intermediate
- Ben Avon Methodist
- Bethany Baptist

Bethany Wesleyan
Boiling Springs Elementary
Boiling Springs High School
Boiling Springs Intermediate
Boiling Springs Jr. High
Boiling Springs 9th Grade
Broome High School
Canaan
Cannons Elementary
Carlisle Fosters Grove
Carlisle Wesleyan
Cavins Hobbysville
C.C. Woodson Recreation
Cedar Grove Baptist
Chapman Elementary
Chapman High School
Cherokee Springs Precinct
Chesnee Elementary
Cleveland Elementary
Converse Fire Station
Cooley Springs Baptist
Cornerstone Baptist
Cowpens Depot Museum
Cowpens Fire Station
Croft Baptist
Cross Anchor Fire Station
Cudd Memorial
D. R. Hill Middle School
Daniel Morgan Technology Center
Drayton Fire Station
Duncan United Methodist
Eastside Baptist
Ebenezer Baptist
Enoree First Baptist
E.P. Todd Elementary
Fairforest Elementary
Fairforest Middle School
Gable Middle School
Glendale Fire Station
Gramling Methodist
Greater St. James
Hayne Baptist

Hendrix Elementary
Holly Springs Baptist
Hope
Jesse Bobo Elementary
Jesse Boyd Elementary
Lake Bowen Baptist
Landrum High School
Landrum United Methodist
Lyman Elementary
Lyman Town Hall
Mayo Elementary
McCracken Middle School
Morningside Baptist
Motlow Creek Baptist
Mt. Calvary Presbyterian
Mt. Moriah Baptist
Mt. Zion Full Gospel Baptist
Oakland Elementary
Pacolet Elementary School
Pauline Glenn Springs Elementary
Pelham Fire Station
Poplar Springs Fire Station
Powell Saxon Una
R.D. Anderson Vocational
Reidville Elementary
Reidville Fire Station
River Ridge Elementary
Roebuck Bethlehem
Roebuck Elementary
Silverhill Memorial UMC
Southside Baptist
Startex Fire Station
St. John's Lutheran
Swofford Career Center
Travelers Rest Baptist
Trinity Methodist
Trinity Presbyterian
Victor Mill Methodist
Wellford Fire Station
Holy Communion
West View Elementary
White Stone Methodist

Whitlock Jr. High
Woodland Heights Recreation Center
Woodruff Elementary
Woodruff Fire Station
Woodruff Leisure Center

(B) Precinct lines defining the precincts in subsection (A) are as shown on the official map on file with the Revenue and Fiscal Affairs Office, and as shown on copies provided to the Board of Voter Registration and Elections of Spartanburg County by the Revenue and Fiscal Affairs Office designated as document P-83-21.

(C) Polling places for the precincts listed in subsection (A) must be determined by the Board of Voter Registration and Elections of Spartanburg County with the approval of a majority of the Spartanburg County Legislative Delegation.”

Time effective

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

Ratified the 21st day of June, 2021.

Approved the 24th day of June, 2021.

No. 93

(R114, S716)

AN ACT TO AMEND SECTION 7-7-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO ADD THE CRESCENT AND HANDS MILL VOTING PRECINCTS, AND TO UPDATE 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:

York County voting precincts

SECTION 1. Section 7-7-530 of the 1976 Code, as last amended by Act 151 of 2018, is further amended to read:

“Section 7-7-530. (A) In York County there are the following voting precincts:

Adnah
Airport
Allison Creek
Anderson Road
Baxter
Bethany
Bethel
Bethel School
Bowling Green
Bullocks Creek
Cannon Mill
Carolina
Catawba
Celanese
Clover
Cotton Belt
Crescent
Delphia
Dobys Bridge
Ebenezer
Ebinport
Edgewood
Fairgrounds
Ferry Branch
Fewell Park
Filbert
Fort Mill No. 1
Fort Mill No. 2
Fort Mill No. 3
Fort Mill No. 4
Fort Mill No. 5
Fort Mill No. 6
Friendship
Gold Hill
Hampton Mill

Hands Mill
Harvest
Hickory Grove
Highland Park
Hollis Lakes
Hopewell
Independence
India Hook
Kanawha
Lakeshore
Lakewood
Larne
Laurel Creek
Lesslie
Manchester
McConnells
Mill Creek
Mt. Holly
Mt. Gallant
Nation Ford
Neelys Creek
New Home
Newport
Northside
Northwestern
Oakridge
Oakwood
Old Pointe
Ogden
Orchard Park
Palmetto
Pleasant Road
Pole Branch
River's Edge
River Hills
Riverview
Rock Creek
Rock Hill No. 2
Rock Hill No. 3
Rock Hill No. 4
Rock Hill No. 5
Rock Hill No. 6

Rock Hill No. 7
Rock Hill No. 8
Roosevelt
Rosewood
Sharon
Shoreline
Six Mile
Smyrna
Springdale
Springfield
Stateline
Steele Creek
Tega Cay
Tirzah
Tools Fork
University
Waterstone
Windjammer
Wylie
York No. 1
York No. 2

(B) The precinct lines defining the precincts in subsection (A) are as shown on the official map on file with the Revenue and Fiscal Affairs Office, or its successor agency, designated as document P-91-21 and as shown on copies provided to the Board of Voter Registration and Elections of York County by the Revenue and Fiscal Affairs Office.

(C) The polling places for the precincts in subsection (A) must be determined by the Board of Voter Registration and Elections of York County with the approval of a majority of the York County Legislative Delegation.”

Time effective

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

Ratified the 21st day of June, 2021.

Approved the 24th day of June, 2021.

No. 94

(R116, H4100)

AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2021, 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	92,007	92,007
OF EDUCATION	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,412,927	1,182,927
	(25.00)	(21.25)
UNCLASSIFIED POSITIONS	125,787	125,787
OTHER PERSONAL SERVICES	60,000	
OTHER OPERATING EXPENSES	579,025	151,025
TOTAL I. SUPERINTENDENT	2,269,746	1,551,746
OF EDUCATION	(26.00)	(22.25)
 II. BOARD OF EDUCATION		
NEW POSITIONS -	40,000	40,000
ADMINISTRATIVE ASSISTANT	(1.00)	(1.00)
NEW POSITIONS -	90,000	90,000
PROGRAM MANAGER II	(1.00)	(1.00)
OTHER PERSONAL SERVICES	74,787	74,787
OTHER OPERATING EXPENSES	53,247	53,247
TOTAL II. BOARD OF EDUC	258,034	258,034
	(2.00)	(2.00)
 III. ACCOUNTABILITY		
A. OPERATIONS		
CLASSIFIED POSITIONS	5,598,436	2,798,436
	(84.02)	(34.25)
UNCLASSIFIED POSITIONS	122,868	122,868
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	439,672	15,709
OTHER OPERATING EXPENSES	49,628,454	210,254
TOTAL A. OPERATIONS	55,789,430	3,147,267
	(85.02)	(35.25)

OF SOUTH CAROLINA
General and Permanent Laws--2021
H630-DEPARTMENT OF EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
B. EDU ACCOUNTABILITY ACT		
CLASSIFIED POSITIONS	283,236	283,236
OTHER OPERATING EXPENSES	64,811	64,811
TOTAL B. EDUCATIONAL ACCOUNTABILITY ACT	348,047	348,047
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	56,474,434	3,832,271
	(89.02)	(39.25)
IV. CHIEF INFO OFFICE		
CLASSIFIED POSITIONS	1,911,421	1,881,421
	(22.51)	(16.76)
OTHER OPERATING EXPENSES	2,024,656	2,019,656
TOTAL IV. CHIEF INFORMATION OFFICE	3,936,077	3,901,077
	(22.51)	(16.76)
V. SCHOOL EFFECTIVENESS & VIRTUALSC		
CLASSIFIED POSITIONS	5,857,807	3,817,807
	(104.49)	(79.05)
UNCLASSIFIED POSITIONS	1,946,793	1,946,793
	(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 EFFECTIVENESS & VIRTUALSC	28,891,527	10,151,527
	(119.49)	(94.05)
VI. CHIEF FINANCE OFFICE		
A. FINANCE & OPERATIONS		
CLASSIFIED POSITIONS	2,234,630	1,641,357
	(51.02)	(44.02)

STATUTES AT LARGE
General and Permanent Laws--2021
H630-DEPARTMENT OF EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	139,201	94,201
OTHER OPERATING EXPENSES	3,711,655	3,356,655
AID TO OTHER ENTITIES	5,617	5,617
TOTAL A. FINANCE & OPERATIONS	6,091,103	5,097,830
	(51.02)	(44.02)
 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 OFFICE	 7,619,005	 5,097,830
	(53.02)	(44.02)
 VII. OPERATIONS AND SUPPORT		
A. SUPPORT OPERATIONS		
CLASSIFIED POSITIONS	5,638,887	3,796,759
	(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
TOTAL A. SUPPORT OPER	25,296,108	4,539,700
	(109.00)	(53.15)
 B. BUS SHOPS		
CLASSIFIED POSITIONS	18,800,424	13,800,424
	(457.62)	(376.02)
OTHER PERSONAL SERVICES	485,624	98,102
OTHER OPERATING EXPENSES	52,958,535	38,410,935
AID TO DISTRICTS	500,000	500,000
AID SCHL DIST - BUS	2,996,195	2,996,195
DRIVERS' WORKERS' COMP		
AID SCH DISTRICT- DRIVER SALARY/F	61,925,151	61,925,151

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
AID SCH DISTRICT- CONTRACT DRIVERS	1,023,062	1,023,062
BUS DRV AIDE	129,548	129,548
AID OTHER ST AGENCIES	69,751	69,751
TOTAL B. BUS SHOPS	138,888,290	118,953,168
	(457.62)	(376.02)
 C. BUSES		
BUS LEASES	3,000,000	3,000,000
BUS PURCHASES	5,015,506	5,015,506
EAA TRANSPORTATION	3,153,136	3,153,136
EEDA TRANSPORTATION	608,657	608,657
TOTAL C. BUSES	11,777,299	11,777,299
 TOTAL VII. OPERATIONS AND SUPPORT	175,961,697	135,270,167
	(566.62)	(429.17)
 VIII. EDU IMPROVEMENT ACT		
A. STANDARDS,TEACHING, LEARNING,ACCOUNT		
1. STUDENT LEARNING		
NEW POSITIONS - EDUCATION ASSOCIATE	320,000 (4.00)	
OTHER OPERATING EXPENSES	120,000	
EEDA	8,413,832	
INDUSTRY CERTIFICATIONS/ CREDENTIALS	3,000,000	
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	
TOT 1. STUDENT LEARNING	169,863,332	
	(4.00)	

STATUTES AT LARGE
General and Permanent Laws--2021
H630-DEPARTMENT OF EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
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)	
OTHER PERSONAL SERVICES	4,736	
OTHER OPERATING EXPENSES	41,987	
INSTRUCTIONAL MATERIALS	20,922,839	
READING	3,271,026	
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	
EAA TECHNICAL ASSISTANCE	23,801,301	
POWER SCH/DATA COLLECTION	7,500,000	
SCH VALUE ADDED INSTRU	1,400,000	
SCHOOL SAFETY PROGRAM	13,000,000	
STUDENT HEALTH AND FITNESS ACT - NURSES	5,577,165	
TOTAL 4. ASSIST, INTERVENTION & REWARD	53,889,654	
	(29.10)	
TOT A. STANDARDS, TEACHING, LEARNING, ACCOUNT	276,608,472	
	(44.10)	
B. EARLY CHILDHOOD EDU		
CLASSIFIED POSITIONS	831,246	
	(13.50)	
OTHER OPERATING EXPENSES	556,592	

OF SOUTH CAROLINA
General and Permanent Laws--2021
H630-DEPARTMENT OF EDUCATION

	TOTAL FUNDS	GENERAL FUNDS
ALLOC EIA - 4 YR	11,513,846	
EARLY CHILDHOOD		
CDEPP - SCDE	53,225,118	
TOTAL B. EARLY	66,126,802	
CHILDHOOD EDUCATION	(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 1. CERTIFICATION	1,904,048	
	(27.25)	
2. RETENTION & REWARD		
CLASSIFIED POSITIONS	80,000	
	(1.00)	
TEACHER OF THE YEAR	155,000	
TEACHER QUALITY COMMIS	372,724	
ALLOC EIA - TEACHER SALA	181,230,766	
TEACHER SUPPLIES	14,721,500	
ALLOC EIA - EMPLOYER	43,533,934	
CONTRIBUTIONS		
NATIONAL BOARD CERT	44,500,000	
RURAL TEACH RECRUITMENT	9,748,392	
TOT 2. RETEN & REWARD	294,342,316	
	(1.00)	
3. PROFESSIONAL DEVMNT		
ADEPT	873,909	
PROFESSIONAL DEVELOPMENT	2,771,758	
TOTAL 3. PROFESSIONAL	3,645,667	
DEVELOPMENT		
4. ADEPT		
CLASSIFIED POSITIONS	65,000	
	(1.00)	

STATUTES AT LARGE
General and Permanent Laws--2021
H630-DEPARTMENT OF EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL 4. ADEPT	65,000	
	(1.00)	
TOT C. TEACHER QUALITY	299,957,031	
	(29.25)	
D. LEADERSHIP		
CLASSIFIED POSITIONS	82,049	
	(10.77)	
OTHER PERSONAL SERVICES	83,121	
OTHER OPERATING EXPENSES	279,032	
TECHNOLOGY	12,271,826	
TOTAL D. LEADERSHIP	12,716,028	
	(10.77)	
E. EIA EMPLOYER CONTRIB		
EMPLOYER CONTRIBUTIONS	1,397,821	
TOTAL E. EIA EMPLOYER	1,397,821	
CONTRIBUTIONS		
F. PARTNERSHIPS		
LITERACY & DISTANCE	415,000	
LEARNING (P360)		
REACH OUT & READ (A850)	1,000,000	
SC YOUTH CHALLENGE	1,000,000	
ACADEMY (E240)		
ARTS EDUCATION PRO (H910)	1,170,000	
EDUCATION OVERSIGHT	1,793,242	
COMMITTEE (A850)		
SCIENCE PLUS (A850)	563,406	
STEM CENTERS SC (H120)	1,750,000	
TEACH FOR AMERICA SC (A850)	2,000,000	
GOVERNOR'S SCH FOR ARTS	1,769,220	
& HUMANITIES (H630)		
WIL LOU GRAY	765,463	
OPPORTUNITY SCHOOL (H710)		
SCH FOR DEAF & BLIND (H750)	8,212,181	
DIABILITIES & SPECIAL	408,653	
NEEDS (J160)		
SC COUNCIL ON ECONOMIC	300,000	

OF SOUTH CAROLINA
General and Permanent Laws--2021
H630-DEPARTMENT OF EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
EDUCATION (H270)		
GOV SCHOOL FOR AGRICULTURE AT JOHN DE LA HOWE (L120)	463,817	
CLEMSON AGRICULTURE EDUCATION TEACHERS (P200)	1,210,055	
CENTER FOR EDUCATIONAL PARTNERSHIPS (H270)	715,933	
CENTERS OF EXCELLENCE (H030)	1,137,526	
TEACHER RECRUIT PGM (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	
SDE GRANTS COMMITTEE	1,004,313	
GOV SCHOOL FOR MATH & SCIENCE (H630)	1,374,385	
CENTER EDUC RECRUIT, RETEN, & ADV (CERRA) (H470)	1,531,680	
DEPT OF JUVENILE JUSTICE (N120)	1,850,000	
GED INCENTIVE PROGRAM (R600)	1	
TRANSFORM SC (A850)	400,000	
TOTAL F. PARTNERSHIPS	46,846,691	
 G. TRANSPORTATION		
OTHER OPERATING EXPENSES	22,032,195	
TOTAL G. TRANSPORTATION	22,032,195	
 H. CHARTER SCH DISTRICT		
SOUTH CAROLINA PUBLIC CHARTER SCHOOLS	129,162,798	
TOTAL H. CHARTER SCHOOL DISTRICT	129,162,798	

STATUTES AT LARGE
General and Permanent Laws--2021
H630-DEPARTMENT OF EDUCATION

TOTAL FUNDS GENERAL FUNDS

**I. FIRST STEPS TO SCHOOL
 READINESS**

CLASSIFIED POSITIONS	2,179,885
	(38.50)
NEW POSITIONS -	
ADMIN COORDINATOR I	(2.00)
NEW POSITIONS -	
EDUCATION ASSOCIATE	(9.00)
NEW POSITIONS -	
SENIOR CONSULTANT	(1.00)
UNCLASSIFIED POSITIONS	121,540
	(1.00)
OTHER PERSONAL SERVICES	150,000
OTHER OPERATING EXPENSES	1,906,225
CDEPP	19,983,799
COUNTY PARTNERSHIPS	14,435,228
EMPLOYER CONTRIBUTIONS	775,485
TOTAL I. FIRST STEPS TO SCHOOL READINESS	39,552,162 (51.50)

J. EIA NON-RECURRING

AID TO DISTRICTS	10,821,878
CAROLINA COLLAB FOR ALTERNATIVE PREP (H630)	450,000
COMPUTER SCIENCE CERT AND PROF LEARNING	700,000
FULL DAY 4K (FIRST STEPS)	5,219,976
FULL DAY 4K (SDE)	6,758,978
INSTRUCTIONAL MATERIALS	25,680,251
MEYER CENTER (H630)	173,667
PATTISON'S ACADEMY (H630)	1,014,094
SDE GRANTS COMMITTEE	3,000,000
SOUTH CAROLINA PUBLIC CHARTER SCHOOLS	33,216,180
THE CONTINUUM (H630)	1,500,000
HYPE	500,000
GED INCENTIVE PROGRAM (R600)	1,500,000
SAVE THE CHILDREN	1,000,000

OF SOUTH CAROLINA
General and Permanent Laws--2021
H630-DEPARTMENT OF EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
GREENVILLE CHILDREN'S MUSEUM	200,000	
BROOKLAND BAPTIST CHURCH FIFTH QUARTER	350,000	
TOWN OF KERSHAW - FIRST STEPS BUILDING UPDATES	300,000	
ROPER MOUNTAIN SCIENCE CNTER	250,000	
READING PARTNERS	250,000	
TOT J. EIA NON-RECURRING	92,885,024	
TOT VIII. EDUCATION IMPROVEMENT ACT	987,285,024 (149.12)	
 IX. GOVERNORS SCH SCIENCE & MATH		
CLASSIFIED POSITIONS	2,982,763	2,982,763
	(63.30)	(63.30)
NEW POSITIONS - ADMINISTRATIVE ASSISTANT	58,954	58,954
	(2.00)	(2.00)
NEW POSITIONS - BLDING/GROUNDS SPECIALIST II	(2.00)	(2.00)
NEW POSITIONS - STUDENT SERVICES MANAGER I	191,822	191,822
	(2.00)	(2.00)
UNCLASSIFIED POSITIONS	3,748,211	3,638,211
	(32.79)	(32.02)
NEW POSITIONS - GUIDANCE COUNSELOR	74,598	74,598
	(1.00)	(1.00)
NEW POSITIONS - NON CERTIFIED TEACHER	149,462	149,462
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	171,100	68,600
OTHER OPERATING EXPENSES	5,358,385	4,379,385
ALLOC OTHER ENTITIES	13,200	
EMPLOYER CONTRIBUTIONS	2,474,125	2,432,325
TOTAL IX. GOVERNORS SCH SCIENCE & MATH	15,222,620 (105.09)	13,976,120 (104.32)
 X. AID TO SCHOOL DISTRICTS		
A. DISTRIBUTION TO SUBDIV		
STATE AID TO CLASSROOMS	2,970,070,654	2,970,070,654
CDEPP - SCDE	5,983,049	5,983,049

STATUTES AT LARGE
General and Permanent Laws--2021
H630-DEPARTMENT OF EDUCATION

	TOTAL FUNDS	GENERAL FUNDS
ALLOC SCHOOL DIST	1,064,413,600	
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	206,919,224	206,919,224
TOTAL A. DISTRIBUTION TO SUBDIVISIONS	4,371,343,986	3,271,215,642
 B. SPECIAL ALLOCATIONS		
SCHOOL SAFETY PROGRAM	1,935,000	1,935,000
STATE MUSEUM (H950)	275,000	275,000
VOCATIONAL EQUIPMENT (H710)	39,978	39,978
ARCHIVES AND HISTORY (H790)	22,377	22,377
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
TOT B. SPECIAL ALLOC	3,783,244	3,783,244
 TOTAL X. AID TO SCHOOL DISTRICTS	 4,375,127,230	 3,274,998,886
 XI. GOV SCHL FOR ARTS & HUMANITIES		
CLASSIFIED POSITIONS	2,255,367	2,190,367
	(47.02)	(46.52)
NEW POSITIONS -	32,000	32,000
BLDING/GROUNDS SPECIALIST II	(1.00)	(1.00)
NEW POSITIONS -	49,594	49,594
PRODUCTION MANAGER III	(1.00)	(1.00)
NEW POSITIONS -	58,086	58,086

OF SOUTH CAROLINA
General and Permanent Laws--2021
H630-DEPARTMENT OF EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
REGISTERED NURSE I	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	2,706,820	2,637,820
	(36.33)	(35.58)
NEW POSITIONS -		
TEACHER	(2.00)	(2.00)
OTHER PERSONAL SERVICES	845,106	526,835
OTHER OPERATING EXPENSES	1,799,826	1,349,826
EMPLOYER CONTRIBUTIONS	2,287,161	2,184,661
TOTAL XI. GOV SCHL	10,033,960	9,029,189
FOR ARTS & HUMANITIES	(88.35)	(87.10)
XII. CHARTER SCHOOLS		
SOUTH CAROLINA PUBLIC	1	1
CHARTER SCHOOLS		
TOTAL XII. CHARTER SCHOOLS	1	1
XIII. FIRST STEPS TO SCH		
READINESS		
CLASSIFIED POSITIONS	763,348	69,348
	(16.00)	(11.00)
NEW POSITIONS -	70,000	70,000
PROGRAM MANAGER II	(1.00)	(1.00)
NEW POSITIONS -		
ACCOUNTANT/FIS ANALYST III	(2.00)	(2.00)
NEW POSITIONS -	142,448	142,448
DATABASE ADMINISTRATOR I	(1.00)	(1.00)
OTHER PERSONAL SERVICES	275,000	
OTHER OPERATING EXPENSES	5,003,392	
CDEPP - PRIVATE	6,424,200	6,424,200
EMPLOYER CONTRIBUTIONS	275,082	64,332
TOTAL XIII. FIRST STEPS	12,953,470	6,770,328
TO SCH READINESS	(20.00)	(15.00)
XIV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	20,085,776	14,275,006
TOTAL XIV. EMPLOYEE		
BENEFITS	20,085,776	14,275,006
TOTAL DEPT OF EDUCATION	5,696,118,601	3,479,112,182
	(1,241.22)	(853.92)

SECTION 3
H660-LOTTERY EXPENDITURE ACCOUNT

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. LOTTERY EXPENDITURE ACCOUNT		
LOTTERY EXPENDITURES	577,200,00	
UNCLAIMED PRIZES	20,000,000	
TOTAL I. LOTTERY EXPENDITURE ACCOUNT	597,200,000	
 TOTAL LOTTERY EXPENDITURE ACCOUNT	 597,200,000	

SECTION 4
A850-EDUCATION OVERSIGHT COMMITTEE

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 EDUCATION 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	117,861	117,861
	(1.00)	(1.00)

H710-WIL LOU GRAY OPPORTUNITY SCHOOL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
CLASSIFIED POSITIONS	204,843	204,843
	(5.00)	(5.00)
OTHER PERSONAL SERVICES	4,085	4,085
OTHER OPERATING EXPENSES	24,419	24,419
TOTAL I. ADMINISTRATION	351,208	351,208
	(6.00)	(6.00)
 II. EDUCATIONAL PROGRAM		
A. ACADEMIC PROGRAM		
CLASSIFIED POSITIONS	622,018	622,018
	(15.62)	(15.36)
NEW POSITIONS -	100,000	100,000
PROGRAM MANAGER I	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	498,407	403,407
	(11.55)	(6.45)
OTHER PERSONAL SERVICES	38,770	38,770
OTHER OPERATING EXPENSES	216,589	171,589
TOT A. ACADEMIC PROGRAM	1,475,784	1,335,784
	(28.17)	(22.81)
 B. VOCATIONAL EDUCATION		
UNCLASSIFIED POSITIONS	94,026	94,026
	(4.43)	(3.50)
OTHER OPERATING EXPENSES	127,040	102,040
TOTAL B. VOCATIONAL EDU	221,066	196,066
	(4.43)	(3.50)
 C. LIBRARY		
UNCLASSIFIED POSITIONS	29,154	29,154
	(0.81)	(0.61)
OTHER OPERATING EXPENSES	2,837	2,837
TOTAL C. LIBRARY	31,991	31,991
	(0.81)	(0.61)
 TOT II. EDUCATIONAL PROG	 1,728,841	 1,563,841
	(33.41)	(26.92)

H710-WIL LOU GRAY OPPORTUNITY SCHOOL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
III. STUDENT SERVICES		
CLASSIFIED POSITIONS	1,654,925	1,654,925
	(41.39)	(41.39)
OTHER PERSONAL SERVICES	15,000	15,000
OTHER OPERATING EXPENSES	158,000	125,000
TOT III. STUDENT SERVICES	1,827,925	1,794,925
	(41.39)	(41.39)
IV. SUPPORT SERVICES		
CLASSIFIED POSITIONS	702,953	606,953
	(18.61)	(15.84)
OTHER PERSONAL SERVICES	55,000	25,000
OTHER OPERATING EXPENSES	2,069,233	1,222,912
TOTAL IV. SUPPORT SERVICES	2,827,186	1,854,865
	(18.61)	(15.84)
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,552,925	1,497,925
TOT V. EMPLOYEE BENEFITS	1,552,925	1,497,925
TOTAL WIL LOU	8,288,085	7,062,764
GRAY OPPORTUNITY SCHOOL	(99.41)	(90.15)

SECTION 6

H750-SCHOOL FOR THE DEAF AND THE BLIND

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
PRESIDENT	125,174	125,174
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,391,043	1,371,669
	(26.62)	(26.12)
UNCLASSIFIED POSITIONS	77,851	40,485
	(3.00)	(0.50)
OTHER PERSONAL SERVICES	134,084	1,200
OTHER OPERATING EXPENSES	5,536,140	3,006,477
S C ASSOC FOR THE BLIND	138,256	138,256

H750-SCHOOL FOR THE DEAF AND THE BLIND

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL I. ADMINISTRATION	7,402,548	4,683,261
	(30.62)	(27.62)
II. EDUCATION		
A. DEAF EDUCATION		
CLASSIFIED POSITIONS	441,640	441,640
	(9.20)	(9.20)
UNCLASSIFIED POSITIONS	282,618	
	(14.54)	
OTHER OPERATING EXPENSES	667,323	667,323
TOTAL A. DEAF EDUCATION	1,391,581	1,108,963
	(23.74)	(9.20)
B. BLIND EDUCATION		
CLASSIFIED POSITIONS	410,434	410,434
	(7.90)	(7.90)
UNCLASSIFIED POSITIONS	229,258	
	(10.69)	
OTHER OPERATING EXPENSES	725,757	725,757
AID OTHER STATE AGENCIES	50,000	50,000
TOTAL B. BLIND EDUCATION	1,415,449	1,186,191
	(18.59)	(7.90)
C. MULTIHANDICAPPED EDU		
CLASSIFIED POSITIONS	554,734	554,734
	(16.90)	(16.90)
UNCLASSIFIED POSITIONS	320,679	
	(12.79)	
OTHER OPERATING EXPENSES	333,421	333,421
TOTAL C.	1,208,834	888,155
MULTIHANDICAPPED EDU	(29.69)	(16.90)
TOTAL II. EDUCATION	4,015,864	3,183,309
	(72.02)	(34.00)
III. STUDENT SUPPORT SRVCS		
CLASSIFIED POSITIONS	551,380	262,338
	(27.15)	(13.35)

H750-SCHOOL FOR THE DEAF AND THE BLIND

	TOTAL FUNDS	GENERAL FUNDS	
UNCLASSIFIED POSITIONS	587,186	523,372	
	(24.05)	(7.76)	
OTHER PERSONAL SERVICES	499,003	14,823	
OTHER OPERATING EXPENSES	1,828,831	373,039	
TOTAL III. STUDENT	3,466,400	1,173,572	
SUPPORT SERVICES	(51.20)	(21.11)	
IV. RESIDENTIAL LIFE			
CLASSIFIED POSITIONS	1,526,512	1,526,512	
	(69.67)	(69.67)	
UNCLASSIFIED POSITIONS	62,750	62,750	
	(4.36)	(2.10)	
OTHER PERSONAL SERVICES	331,596	331,596	
OTHER OPERATING EXPENSES	555,000	255,000	
TOT IV. RESIDENTIAL LIFE	2,475,858	2,175,858	
	(74.03)	(71.77)	
V. OUTREACH SERVICES			
CLASSIFIED POSITIONS	1,708,652	118,467	
	(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 SRVCS	5,133,239	118,467	
	(64.63)	(2.50)	
VI. PHYSICAL SUPPORT			
CLASSIFIED POSITIONS	943,895	943,895	
	(22.88)	(22.88)	
OTHER PERSONAL SERVICES	18,500	18,500	
OTHER OPERATING EXPENSES	1,378,525	1,378,525	
TOT VI. PHYSICAL SUPPORT	2,340,920	2,340,920	
	(22.88)	(22.88)	
VII. EMPLOYEE BENEFITS			
EMPLOYER CONTRIBUTIONS	5,191,075	2,841,062	
TOT VII. EMPLOYEE BENEFITS	5,191,075	2,841,062	

H750-SCHOOL FOR THE DEAF AND THE BLIND

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL SCHOOL FOR THE DEAF AND THE BLIND	30,025,904 (315.38)	16,516,449 (179.88)

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

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
SUPERINTENDENT	111,000	111,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	244,644	244,644
	(4.00)	(4.00)
OTHER PERSONAL SERVICES	20,761	1,952
OTHER OPERATING EXPENSES	39,600	14,600
TOTAL I. ADMINISTRATION	416,005 (5.00)	372,196 (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 (19.17)	529,508 (8.46)
III. CHILDREN'S SERVICES		
A. RESIDENTIAL SERVICES		
CLASSIFIED POSITIONS	1,067,686	1,067,686
	(28.48)	(28.48)
OTHER PERSONAL SERVICES	1,064	1,064
OTHER OPERATING EXPENSES	295,731	106,094
CASE SERVICES	2,000	
TOT A. RESIDENTIAL SRVCS	1,366,481 (28.48)	1,174,844 (28.48)

L120-GOVERNOR'S SCHOOL FOR AGRICULTURE AT
JOHN DE LA HOWE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
B. BEHAVIORAL HEALTH		
CLASSIFIED POSITIONS	275,678	275,678
	(10.40)	(9.72)
OTHER OPERATING EXPENSES	102,516	44,641
TOT B. BEHAVIORAL HLTH	378,194	320,319
	(10.40)	(9.72)
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. EDUCATION CENTER		
CLASSIFIED POSITIONS	382,176	382,176
	(11.07)	(11.07)
OTHER OPERATING EXPENSES	213,700	138,700
TOTAL D. EDUCATION CENTER	595,876	520,876
	(11.07)	(11.07)
TOTAL III. CHILDREN'S SERVICES	2,571,983	2,202,471
	(56.22)	(55.54)
IV. SUPPORT SERVICES		
CLASSIFIED POSITIONS	537,464	537,464
	(18.00)	(17.75)
OTHER OPERATING EXPENSES	1,109,850	903,873
TOTAL IV. SUPPORT SERVICES	1,647,314	1,441,337
	(18.00)	(17.75)
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	839,365	783,162
TOT V. EMPLOYEE BENEFITS	839,365	783,162
TOTAL GOVERNOR'S SCHOOL FOR AGRICULTURE AT JOHN DE LA HOWE	6,465,948	5,328,674
	(98.39)	(86.75)

SECTION 8
H670-EDUCATIONAL TELEVISION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. INTERNAL ADMINISTRATION		
PRESIDENT & GENERAL MGR	177,276	
	(1.00)	
CLASSIFIED POSITIONS	886,224	50,000
	(18.00)	
OTHER PERSONAL SERVICES	225,000	
OTHER OPERATING EXPENSES	1,195,000	50,000
TOTAL I. INTERNAL	2,483,500	100,000
ADMINISTRATION	(19.00)	
II. PROGRAM AND SERVICES		
A. TOWERNET		
CLASSIFIED POSITIONS	4,648,359	2,143,359
	(51.00)	(4.00)
OTHER PERSONAL SERVICES	115,000	
OTHER OPERATING EXPENSES	3,165,813	776,313
TOTAL A. TOWERNET	7,929,172	2,919,672
	(51.00)	(4.00)
B. EDUCATION		
CLASSIFIED POSITIONS	2,100,000	1,015,000
	(30.00)	
NEW POSITIONS -	50,000	50,000
PROGRAM COORDINATOR I	(1.00)	(1.00)
OTHER PERSONAL SERVICES	131,000	65,000
OTHER OPERATING EXPENSES	3,470,000	1,485,000
TOTAL B. EDUCATION	5,751,000	2,615,000
	(31.00)	(1.00)
C. CONTENT		
CLASSIFIED POSITIONS	2,374,609	722,609
	(44.20)	(16.00)
OTHER PERSONAL SERVICES	221,102	46,102
OTHER OPERATING EXPENSES	9,508,600	55,000
TOTAL C. CONTENT	12,104,311	823,711
	(44.20)	(16.00)

H670-EDUCATIONAL TELEVISION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
E. ENTERPRISE ACTIVITIES		
CLASSIFIED POSITIONS	300,000	
	(6.00)	
OTHER OPERATING EXPENSES	195,000	
TOTAL E. ENTERPRISE	495,000	
ACTIVITIES	(6.00)	
TOTAL II. PROGRAM	26,279,483	6,358,383
AND SERVICES	(132.20)	(21.00)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	3,511,600	1,401,200
TOT III. EMPLOYEE BENEFITS	3,511,600	1,401,200
IV. NON-RECURRING		
APPROPRIATIONS		
FCC REQUIRED	2,000,000	
CHANNEL REASSIGNMENT		
INFRASTRUC PLAN FUNDING	10,000,000	
TOTAL IV. NON-RECURRING	12,000,000	
APPROPRIATIONS		
TOTAL EDUCATIONAL	44,274,583	7,859,583
TELEVISION COMMISSION	(151.20)	(21.00)

SECTION 11
H030-COMMISSION ON HIGHER EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	204,111	204,111
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,362,804	1,362,804
	(37.00)	(26.95)
UNCLASSIFIED POSITIONS		
	(1.70)	(1.15)
OTHER PERSONAL SERVICES	60,765	60,765

H030-COMMISSION ON HIGHER EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	385,520	385,520
TOTAL I. ADMINISTRATION	2,013,200	2,013,200
	(39.70)	(29.10)
 II. OTHER AGENCIES AND ENTITIES		
ACADEMIC ENDOWMENT	160,592	160,592
AFRICAN AMERICAN LOAN PROG	119,300	119,300
EPSCOR	161,314	161,314
GREENVILLE TC - UNIVER CNT	594,390	594,390
PERFORMANCE FUNDING	1,397,520	1,397,520
STATE ELECTRONIC LIBRARY	4,350,866	164,289
UNIVERSITY CENTER OF GREENVILLE-OPERATIONS	1,084,899	1,084,899
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	42,600	
	(0.30)	
OTHER PERSONAL SERVICES	162,129	
OTHER OPERATING EXPENSES	144,200	
TOTAL IV. STATE APPROVING SECTION	348,929	
	(0.30)	
 V. CHE GRANT & OTHER HIGHER EDUCATION COLLABORATION		
COLLEGE GOAL SUNDAY	41,000	
EEDA	1,180,576	1,180,576
GEAR UP	3,620,801	177,201
IMPROVING TEACHER QUALITY (ITQ)	876,879	

H030-COMMISSION ON HIGHER EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
SMARTSTATE PROGRAM	885,284	
ADMINISTRATION		
TOTAL V. CHE GRANT & OTHER HIGHER EDUCATION COLLABORATION	6,604,540	1,357,777
VI. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	744,163	628,903
TOT VI. EMPLOYEE BENEFITS	744,163	628,903
VII. SCHOLARSHIPS & ASSIST		
EDUCATIONAL ENDOWMENT	24,000,000	24,000,000
SREB CONTRACT PROGRAM & ASSESSMENTS	6,585,183	6,585,183
TOTAL VII. SCHOLARSHIPS & ASSISTANCE	30,585,183	30,585,183
TOTAL COMMISSION ON HIGHER EDUCATION	48,514,359 (43.00)	38,315,339 (29.70)

**SECTION 12
H060-HIGHER EDUCATION TUITION
GRANTS COMMISSION**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	82,026	82,026
	(1.00)	(1.00)
CLASSIFIED POSITIONS	143,362	143,362
	(4.00)	(4.00)
OTHER OPERATING EXPENSES	296,608	296,608
TOTAL I. ADMINISTRATION	521,996 (5.00)	521,996 (5.00)
II. TUITION GRANTS		
OTHER OPERATING EXPENSES	33,808,624	27,558,624
TOTAL II. TUITION GRANTS	33,808,624	27,558,624

OF SOUTH CAROLINA
General and Permanent Laws--2021
H060-HIGHER EDUCATION TUITION
GRANTS COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	101,642	101,642
TOT III. EMPLOYEE BENEFITS	101,642	101,642
TOTAL HIGHER EDUCATION	34,432,262	28,182,262
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	191,250	191,250
	(1.00)	(1.00)
CLASSIFIED POSITIONS	15,508,918	3,627,951
	(384.05)	(170.71)
UNCLASSIFIED POSITIONS	19,999,629	5,709,206
	(163.50)	(97.93)
OTHER PERSONAL SERVICES	5,521,551	
OTHER OPERATING EXPENSES	21,494,823	1,017,599
TOT A. E&G-UNRESTRICTED	62,716,171	10,546,006
	(548.55)	(269.64)
B. E&G-RESTRICTED		
OTHER PERSONAL SERVICES	3,029,402	
OTHER OPERATING EXPENSES	51,935,395	
TOTAL B. E&G-RESTRICTED	54,964,797	
TOT I. EDU& GENERAL	117,680,968	10,546,006
	(548.55)	(269.64)
II. AUXILIARY ENTERPRISES		
CLASSIFIED POSITIONS	2,058,237	
	(95.20)	
UNCLASSIFIED POSITIONS	2,951,807	
	(28.00)	

STATUTES AT LARGE
General and Permanent Laws--2021
H090-THE CITADEL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
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	14,880,253	2,775,433
TOT III. EMPLOYEE BENEFITS	14,880,253	2,775,433
TOTAL THE CITADEL	159,213,233	13,321,439
	(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	318,781	318,781
	(1.00)	(1.00)
CLASSIFIED POSITIONS	95,977,526	1,643,319
	(1,787.16)	(1,003.85)
UNCLASSIFIED POSITIONS	193,914,389	70,865,180
	(1,093.62)	(301.86)
OTHER PERSONAL SERVICES	39,281,407	909,117
OTHER OPERATING EXPENSES	166,270,239	4,634,343
SCHOLARSHIPS	42,737,645	
TOT A. E&G-UNRESTRICTED	538,499,987	78,370,740
	(2,881.78)	(1,306.71)
B. E&G-RESTRICTED		
CLASSIFIED POSITIONS	3,075,559	
	(60.33)	
UNCLASSIFIED POSITIONS	19,042,065	
	(117.83)	
OTHER PERSONAL SERVICES	28,889,898	
OTHER OPERATING EXPENSES	85,944,173	

H120-CLEMSON UNIVERSITY - EDUCATION & GENERAL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
SCHOLARSHIPS	128,962,520	
TOTAL B. E&G-RESTRICTED	265,914,215	
	(178.16)	
TOT I. EDUC & GENERAL	804,414,202	78,370,740
	(3,059.94)	(1,306.71)
II. AUXILIARY ENTERPRISES		
CLASSIFIED POSITIONS	26,431,769	
	(366.59)	
UNCLASSIFIED POSITIONS	38,999,025	
	(143.38)	
OTHER PERSONAL SERVICES	10,386,945	
OTHER OPERATING EXPENSES	146,650,684	
SCHOLARSHIPS	14,344,414	
DEBT SERVICE	6,879,163	
PRINCIPAL - LOAN NOTE	4,350,266	
INT PYMT - CLEMSON STOCK	6,423,837	
TOTAL II. AUXILIARY ENTERPRISES	254,466,103	
	(509.97)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	205,219,283	23,405,353
TOT III. EMPLOYEE BENEFITS	205,219,283	23,405,353
TOT CLEMSON UNIV - EDUCATION & GENERAL	1,264,099,588	101,776,093
	(3,569.91)	(1,306.71)

SECTION 15
H150-UNIVERSITY OF CHARLESTON

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. EDUCATION & GENERAL		
PRESIDENT	246,618	246,618
	(1.00)	(1.00)
CLASSIFIED POSITIONS	34,932,107	6,170,428
	(746.94)	(248.47)

STATUTES AT LARGE
General and Permanent Laws--2021
H150-UNIVERSITY OF CHARLESTON

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	59,777,369	18,857,248
	(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	192,606,733	27,038,568
	(1,310.43)	(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)	
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	37,140,596	6,424,514
TOT III. EMPLOYEE BENEFITS	37,140,596	6,424,514
 TOTAL UNIVERSITY	 276,025,848	 33,463,082
OF CHARLESTON	(1,414.18)	(488.38)

SECTION 16
H170-COASTAL CAROLINA UNIVERSITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. EDUCATION & GENERAL		
A. E&G-UNRESTRICTED		
PRESIDENT	245,000	245,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	30,630,047	1,349,255
	(796.20)	(55.83)
UNCLASSIFIED POSITIONS	50,796,525	11,572,953
	(578.31)	(140.91)
OTHER PERSONAL SERVICES	24,903,452	2,327,452

H170-COASTAL CAROLINA UNIVERSITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	37,066,980	
SCHOLARSHIPS	12,000,000	
TOT A. E&G-UNRESTRICTED	155,642,004	15,494,660
	(1,375.51)	(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	
SCHOLARSHIPS	18,060,000	
TOTAL B. E&G-RESTRICTED	29,964,543	
	(10.62)	
 TOT I. EDUCATION & GENERAL	 185,606,547	 15,494,660
	(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	48,450,714	3,254,988
TOT III. EMPLOYEE BENEFITS	48,450,714	3,254,988
 TOTAL COASTAL	 251,207,261	 18,749,648
CAROLINA 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	256,105	256,105
	(1.00)	(1.00)
CLASSIFIED POSITIONS	11,162,604	3,529,687
	(239.07)	(163.19)
NEW POSITIONS -		
BLDING/GROUNDS SPECIALIST I	(2.00)	(2.00)
NEW POSITIONS -		
BLDING/GROUNDS SUPV I	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	22,438,860	10,459,209
	(229.04)	(130.99)
NEW POSITIONS -		
ASSISTANT PROFESSOR	(2.00)	(2.00)
OTHER PERSONAL SERVICES	553,614	
OTHER OPERATING EXPENSES	5,405,762	2,116,448
TOT A. E&G-UNRESTRICTED	39,816,945	16,361,449
	(474.11)	(300.18)
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	73,224,674	16,361,449
	(480.36)	(300.18)
II. AUXILIARY SERVICES		
CLASSIFIED POSITIONS	9,804	
	(7.00)	
OTHER PERSONAL SERVICES	4,864	

OF SOUTH CAROLINA
General and Permanent Laws--2021
H180-FRANCIS MARION UNIVERSITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	1,035,704	
TOT II. AUXILIARY SERVICES	1,050,372	
	(7.00)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	11,591,076	3,847,210
TOT III. EMPLOYEE BENEFITS	11,591,076	3,847,210
TOTAL FRANCIS	85,866,122	20,208,659
MARION UNIVERSITY	(487.36)	(300.18)

SECTION 18
H210-LANDER UNIVERSITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. EDUCATION & GENERAL		
PRESIDENT	215,511	215,511
	(1.00)	(1.00)
CLASSIFIED POSITIONS	18,458,650	2,962,383
	(213.60)	(91.75)
NEW POSITIONS -	64,500	
IT CONSULTANT I	(1.00)	
NEW POSITIONS -	64,500	
IT SECURITY SPECIALIST/ANYST I	(1.00)	
NEW POSITIONS -	80,000	
STUDENT SRVCS PROG	(2.00)	
COORDINATOR I		
NEW POSITIONS -	189,000	
STUDENT SRVCS PROG	(4.00)	
COORDINATOR II		
UNCLASSIFIED POSITIONS	13,307,625	5,859,720
	(230.31)	(79.95)
NEW POSITIONS -	480,000	
ASSISTANT PROFESSOR	(8.00)	
NEW POSITIONS -	65,000	
ASSOCIATE PROFESSOR	(1.00)	
NEW POSITIONS -	92,000	
INSTRUCTOR	(2.00)	
OTHER PERSONAL SERVICES	2,085,055	

STATUTES AT LARGE
General and Permanent Laws--2021
H210-LANDER UNIVERSITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	26,521,140	
TOT I. EDUC & GENERAL	61,622,981	9,037,614
	(463.91)	(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	16,769,989	
ENTERPRISES	(11.00)	
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	9,156,052	2,438,765
TOT III. EMPLOYEE BENEFITS	9,156,052	2,438,765
 TOTAL LANDER UNIVERSITY	 87,549,022	 11,476,379
	(474.91)	(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	198,900	198,900
	(1.00)	(1.00)
CLASSIFIED POSITIONS	6,980,830	3,271,269
	(11.51)	(10.16)
UNCLASSIFIED POSITIONS	14,163,696	8,811,388
	(299.47)	(203.12)
OTHER PERSONAL SERVICES	2,049,280	
OTHER OPERATING EXPENSES	13,227,103	387,493
TEACHER TRAINING & DEVELOP	51,506	
TRANSPORTATION CENTER	1,334,489	
TOT A. E&G-UNRESTRICTED	38,005,804	12,669,050
	(311.98)	(214.28)

H240-SOUTH CAROLINA STATE UNIVERSITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
B. E&G-RESTRICTED		
CLASSIFIED POSITIONS	549,426	
	(0.07)	
UNCLASSIFIED POSITIONS	10,048,782	
	(0.20)	
OTHER PERSONAL SERVICES	4,676,603	
OTHER OPERATING EXPENSES	45,511,798	
EIA-TEACHER RECRUITMENT	467,000	
TOTAL B. E&G-RESTRICTED	61,253,609	
	(0.27)	
TOT I. EDUCATION & GENERAL	99,259,413	12,669,050
	(312.25)	(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	12,260,220	
ENTERPRISES	(62.73)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	22,207,950	4,302,486
TOT III. EMPLOYEE BENEFITS	22,207,950	4,302,486
TOTAL SOUTH CAROLINA	133,727,583	16,971,536
STATE UNIVERSITY	(374.98)	(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	316,200	316,200
	(1.00)	(1.00)

H270-UNIVERSITY OF SOUTH CAROLINA

	TOTAL FUNDS	GENERAL FUNDS
CLASSIFIED POSITIONS	107,565,201	23,448,900
	(2,371.47)	(1,550.57)
UNCLASSIFIED POSITIONS	188,695,204	87,401,417
	(1,508.89)	(923.81)
OTHER PERSONAL SERVICES	90,620,863	
OTHER OPERATING EXPENSES	167,637,231	
LAW LIBRARY	1,170,076	1,170,076
PALMETTO POISON CENTER	351,763	351,763
SMALL BUSINESS DEV CTR	791,734	791,734
TOTAL A. USC-NON-MED	557,148,272	113,480,090
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. USC-NON-MED-	262,975,694	
RESTRICTED	(249.91)	
E&G		
 C. USC-NON-MED AUXILIARY		
CLASSIFIED POSITIONS	16,333,515	
	(259.08)	
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	 985,277,503	 113,480,090
OF SOUTH CAROLINA	(4,502.35)	(2,475.38)

H270-UNIVERSITY OF SOUTH CAROLINA

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
II. USC-MEDICINE		
A. USC-MED 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 AND NEGLECT	3,200,000	3,200,000
MEDICAL RESPONSE PROG		
TOTAL A. USC-	45,851,842	15,989,674
MEDICINE UNRESTRICTED	(355.68)	(214.00)
B. USC-MED 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-	42,219,619	
MEDICINE RESTRICTED	(248.42)	
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)	

STATUTES AT LARGE
General and Permanent Laws--2021
H270-UNIVERSITY OF SOUTH CAROLINA

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
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	
TOT C. GREENVILLE-MED:	1,780,000	
EMPLOYEE BENEFITS		
TOT III. USC GREENVILLE	26,611,743	
SCHOOL OF MEDICINE	(51.00)	
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	159,697,435	31,946,013
TOT IV. EMPLOYEE BENEFITS	159,697,435	31,946,013
TOTAL UNIVERSITY OF	1,273,650,910	164,517,936
SOUTH CAROLINA	(5,157.45)	(2,689.38)

SECTION 20B
H290-USC - AIKEN CAMPUS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. EDUCATION & GENERAL		
A. EDUCATION & GENERAL-		
UNRESTRICTED		
CLASSIFIED POSITIONS	5,676,267	671,267
	(184.80)	(49.06)

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	15,357,968	9,082,968
	(166.42)	(106.82)
OTHER PERSONAL SERVICES	5,308,876	
OTHER OPERATING EXPENSES	5,428,739	
TOTAL A. EDUCATION	31,771,850	9,754,235
& GENERAL-UNRESTRICTED	(351.22)	(155.88)
 B. EDUCATION & GENERAL-		
RESTRICTED		
CLASSIFIED POSITIONS	64,471	
	(5.44)	
UNCLASSIFIED POSITIONS	587,302	
	(6.85)	
OTHER PERSONAL SERVICES	575,217	
OTHER OPERATING EXPENSES	19,680,364	
TOTAL B. EDUCATION	20,907,354	
& GENERAL-RESTRICTED	(12.29)	
 TOT I. EDUCATION & GENERAL	 52,679,204	 9,754,235
	(363.51)	(155.88)
 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	8,488,286	2,183,395
TOT III. EMPLOYEE BENEFITS	8,488,286	2,183,395
 TOTAL USC - AIKEN CAMPUS	 64,894,992	 11,937,630
	(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	10,943,221	1,331,984
	(252.72)	(53.81)
UNCLASSIFIED POSITIONS	23,066,323	13,766,323
	(249.21)	(131.01)
OTHER PERSONAL SERVICES	7,200,000	
OTHER OPERATING EXPENSES	15,666,227	
TOTAL A. EDUC	56,875,771	15,098,307
& GENERAL-UNRESTRICTED	(501.93)	(184.82)
B. EDUC & GENERAL-RESTRICTED		
CLASSIFIED POSITIONS	67,000	
	(0.54)	
UNCLASSIFIED POSITIONS	64,858	
	(1.53)	
OTHER PERSONAL SERVICES	748,397	
OTHER OPERATING EXPENSES	27,000,838	
TOTAL B. EDUC	27,881,093	
& GENERAL-RESTRICTED	(2.07)	
TOT I. EDUC & GENERAL	84,756,864	15,098,307
	(504.00)	(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	13,851,146	2,992,953

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT III. EMPLOYEE BENEFITS	13,851,146	2,992,953
TOTAL USC - UPSTATE	102,918,240 (516.00)	18,091,260 (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	4,364,444 (128.49)	231,315 (28.74)
UNCLASSIFIED POSITIONS	13,087,000 (108.60)	7,319,971 (22.75)
OTHER PERSONAL SERVICES	4,215,027	
OTHER OPERATING EXPENSES	3,364,185	
TOTAL A. EDUC & GENERAL-UNRESTRICTED	25,030,656 (237.09)	7,551,286 (51.49)
B. EDUC & GEN-RESTRICT		
CLASSIFIED POSITIONS	52,532 (2.00)	
UNCLASSIFIED POSITIONS	346,918 (1.75)	
OTHER PERSONAL SERVICES	227,292	
OTHER OPERATING EXPENSES	11,043,157	
TOTAL B. EDUC & GENERAL-RESTRICTED	11,669,899 (3.75)	
TOT I. EDUC & GENERAL	36,700,555 (240.84)	7,551,286 (51.49)
II. AUXILIARY SERVICES		
CLASSIFIED POSITIONS	(5.00)	
OTHER OPERATING EXPENSES	30,000	

STATUTES AT LARGE
General and Permanent Laws--2021
H360-USC - BEAUFORT CAMPUS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT II. AUXILIARY SERVICES	30,000	
	(5.00)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	5,835,885	730,228
TOT III. EMPLOYEE BENEFITS	5,835,885	730,228
TOT USC - BEAUFORT CAMPUS	42,566,440	8,281,514
	(245.84)	(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	1,245,038	79,049
	(53.03)	(5.41)
UNCLASSIFIED POSITIONS	5,084,610	3,739,085
	(45.50)	(21.25)
OTHER PERSONAL SERVICES	1,911,481	
OTHER OPERATING EXPENSES	3,683,780	
TOTAL A. EDUC & GENERAL-UNRESTRICTED	11,924,909	3,818,134
	(98.53)	(26.66)
B. EDUC & GEN-RESTRICT		
CLASSIFIED POSITIONS	11,376	
UNCLASSIFIED POSITIONS	10,000	
OTHER PERSONAL SERVICES	250,000	
OTHER OPERATING EXPENSES	7,667,375	
TOTAL B. EDUC & GENERAL-RESTRICTED	7,938,751	
TOT I. EDUC & GENERAL	19,863,660	3,818,134
	(98.53)	(26.66)

OF SOUTH CAROLINA
General and Permanent Laws--2021
H370-USC - LANCASTER CAMPUS

	TOTAL FUNDS	GENERAL FUNDS
II. AUXILIARY SERVICES		
OTHER OPERATING EXPENSES	15,000	
TOT II. AUXILIARY SRVCS	15,000	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,726,205	612,230
TOT III. EMPLOYEE BENEFITS	2,726,205	612,230
TOT USC - LANCASTER CAMPUS	22,604,865	4,430,364
	(98.53)	(26.66)

SECTION 20F
H380-USC - SALKEHATCHIE CAMPUS

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
A. EDUC & GENERAL-UNRESTRICTED		
CLASSIFIED POSITIONS	1,076,436	113,020
	(34.75)	(3.00)
UNCLASSIFIED POSITIONS	2,551,259	2,219,683
	(24.02)	(21.24)
OTHER PERSONAL SERVICES	1,021,818	
OTHER OPERATING EXPENSES	2,773,100	
SALKEHATCHIE LEADERSHIP CENTER	100,460	100,460
TOTAL A. EDUCATION & GENERAL-UNRESTRICTED	7,523,073	2,433,163
	(58.77)	(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	

STATUTES AT LARGE
 General and Permanent Laws--2021
H380-USC - SALKEHATCHIE CAMPUS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL B. EDUC & GENERAL-RESTRICTED	5,745,155 (1.00)	
TOT I. EDUCATION & GENERAL	13,268,228 (59.77)	2,433,163 (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	1,547,428	431,687
TOT III. EMPLOYEE BENEFITS	1,547,428	431,687
TOTAL USC - SALKEHATCHIE CAMPUS	15,118,849 (59.77)	2,864,850 (24.24)

SECTION 20G
H390-USC - SUMTER CAMPUS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. EDUCATION & GENERAL		
A. EDUC & GENERAL- UNRESTRICTED		
CLASSIFIED POSITIONS	1,308,787	434,304
	(33.00)	(12.29)
UNCLASSIFIED POSITIONS	3,563,801	3,317,939
	(34.10)	(14.11)
OTHER PERSONAL SERVICES	417,816	
OTHER OPERATING EXPENSES	4,164,898	
TOTAL A. EDUC & GENERAL-UNRESTRICTED	9,455,302 (67.10)	3,752,243 (26.40)
B. EDUC & GENERAL-RESTRIC		
CLASSIFIED POSITIONS	32,845	
	(1.46)	

OF SOUTH CAROLINA
General and Permanent Laws--2021
H390-USC - SUMTER CAMPUS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	254,534	
OTHER OPERATING EXPENSES	5,192,44	
TOTAL B. EDUC	5,479,819	
& GENERAL-RESTRICTED	(1.46)	
TOT I. EDUCATION & GENERAL	14,935,121	3,752,243
	(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	2,236,474	813,096
TOT III. EMPLOYEE BENEFITS	2,236,474	813,096
 TOT USC - SUMTER CAMPUS	 17,691,442	 4,565,339
	(72.56)	(26.40)

SECTION 20H
H400-USC - UNION CAMPUS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. EDUCATION & GENERAL		
A. EDUC & GENERAL-UNRESTRICTED		
CLASSIFIED POSITIONS	1,073,872	93,872
	(26.76)	(6.54)
UNCLASSIFIED POSITIONS	1,876,910	1,726,910
	(11.06)	(11.06)
OTHER PERSONAL SERVICES	1,300,000	
OTHER OPERATING EXPENSES	838,165	
TOTAL A. EDUC	5,088,947	1,820,782
& GENERAL-UNRESTRICTED	(37.82)	(17.60)

STATUTES AT LARGE
General and Permanent Laws--2021
H400-USC - UNION CAMPUS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
B. EDUC & GENERAL-RESTRICT		
CLASSIFIED POSITIONS	11,416	
UNCLASSIFIED POSITIONS	134,456	
OTHER PERSONAL SERVICES	40,220	
OTHER OPERATING EXPENSES	2,432,454	
TOTAL B. EDUCATION	2,618,546	
& GENERAL-RESTRICTED		
TOT I. EDUCATION & GENERAL	7,707,493	1,820,782
	(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 SERVICES	230,000	
	(1.00)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIB	1,202,900	230,298
TOT III. EMPLOYEE BENEFITS	1,202,900	230,298
TOTAL USC - UNION CAMPUS	9,140,393	2,051,080
	(38.82)	(17.60)

SECTION 21
H470-WINTHROP UNIVERSITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. EDUCATION & GENERAL		
PRESIDENT	195,229	195,229
	(1.00)	(1.00)
CLASSIFIED POSITIONS	16,518,508	4,541,508
	(353.67)	(215.73)
UNCLASSIFIED POSITIONS	32,589,590	11,830,090
	(397.00)	(226.23)
OTHER PERSONAL SERVICES	7,840,000	

OF SOUTH CAROLINA
General and Permanent Laws--2021
H470-WINTHROP UNIVERSITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	83,123,076	1,238,076
ALLOC EIA-TCHR RECRUIT PROG	3,968,320	
TOT I. EDUC & GENERAL	144,234,723	17,804,903
	(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 ENTERPRISES	13,035,000	
	(63.11)	
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	17,356,694	4,307,459
TOT III. EMPLOYEE BENEFITS	17,356,694	4,307,459
 TOT WINTHROP UNIVERSITY	 174,626,417	 22,112,362
	(814.78)	(442.96)

SECTION 23
H510-MEDICAL UNIVERSITY OF SOUTH CAROLINA

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. EDUCATIONAL & GEN		
A. E&G-UNRESTRICTED		
PRESIDENT	312,643	312,643
	(1.00)	(1.00)
CLASSIFIED POSITIONS	67,083,095	18,090,609
	(1,809.85)	(789.76)
NEW POSITIONS -		
ACCT/FISC ANALYST I	(5.00)	
NEW POSITIONS -		
ADMIN ASSISTANT	(31.00)	
NEW POSITIONS -		
ADMIN COORDINATOR I	(7.00)	

H510-MEDICAL UNIVERSITY OF SOUTH CAROLINA

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
NEW POSITIONS -		
ADMIN COORDINATOR II	(2.00)	
NEW POSITIONS -		
ADMIN MANAGER I	(1.00)	
NEW POSITIONS -		
COMMUNICATIONS TECHN	(1.00)	
NEW POSITIONS -		
GRANTS ADMINISTRATOR I	(8.00)	
NEW POSITIONS -		
GRANTS ADMINISTRATOR II	(4.00)	
NEW POSITIONS -		
HUMAN SERVICES COORD II	(1.00)	
NEW POSITIONS -		
INFO SYSTEMS/BUSI ANYST III	(1.00)	
NEW POSITIONS -		
IT SERVICES SPECIALIST I	(1.00)	
NEW POSITIONS -		
LAB TECHNOLOGIST II	(1.00)	
NEW POSITIONS -		
NURSE PRACTITIONER II	(4.00)	
NEW POSITIONS -		
PHYSICIAN'S ASST	(3.00)	
NEW POSITIONS -		
PROGRAM ASSISTANT	(2.00)	
NEW POSITIONS -		
PROGRAM COORDINATOR I	(7.00)	
NEW POSITIONS -		
PROGRAM COORDINATOR II	(3.00)	
NEW POSITIONS -		
PROGRAM MANAGER I	(4.00)	
NEW POSITIONS -		
PROGRAM MANAGER II	(3.00)	
NEW POSITIONS -		
PUBLIC INFO DIRECTOR I	(1.00)	
NEW POSITIONS -		
RESEARCH TECHNICIAN	(1.00)	
NEW POSITIONS -		
STUDENT SRVCS PGM COORD I	(3.00)	

H510-MEDICAL UNIVERSITY OF SOUTH CAROLINA

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
NEW POSITIONS -		
TECHNIC MEDICAL ASSO II	(1.00)	
UNCLASSIFIED POSITIONS	120,048,720	35,026,884
	(1,401.82)	(328.93)
NEW POSITIONS -		
ASSISTANT PROFESSOR	(85.00)	
NEW POSITIONS -		
ASSOCIATE PROFESSOR	(17.00)	
NEW POSITIONS -		
CLINICAL INSTRUCTOR	(4.00)	
NEW POSITIONS -		
INSTRUCTOR	(8.00)	
NEW POSITIONS -		
PROFESSOR	(34.00)	
OTHER PERSONAL SERVICES	12,935,932	
OTHER OPERATING EXPENSES	293,288,903	9,050,000
DIABETES CENTER	123,470	123,470
HOSPITAL AUTHORITY -	14,225,000	6,225,000
TELEMEDICINE PROGRAM		
HYPERTENSION INITIATIVE	240,433	240,433
INSTITUTE OF MEDICINE	100,000	100,000
MUSC HEALTH SOLUTIONS	3,000,000	3,000,000
RURAL DENTISTS INCENTIVE	176,101	176,101
SCHOLARSHIPS & FELLOWSHIPS	1,356,224	
TOT A. E&G-UNRESTRICTED	512,890,521	72,345,140
	(3,455.67)	(1,119.69)
B. E&G-RESTRICTED		
CLASSIFIED POSITIONS	21,778,752	
	(151.59)	
UNCLASSIFIED POSITIONS	59,601,977	
	(364.16)	
OTHER PERSONAL SERVICES	25,626,950	
OTHER OPERATING EXPENSES	72,888,698	
SCHOLARSHIPS & FELLOWS	1,353,905	
TOTAL B. E&G-RESTRICTED	181,250,282	
	(515.75)	

H510-MEDICAL UNIVERSITY OF SOUTH CAROLINA

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL I. EDUCATIONAL & GENERAL	694,140,803 (3,971.42)	72,345,140 (1,119.69)
II. AUX ENTERPRISES		
CLASSIFIED POSITIONS	1,259,562 (64.75)	
UNCLASSIFIED POSITIONS	6,924 (1.00)	
OTHER PERSONAL SERVICES	112,294	
OTHER OPERATING EXPENSES	11,531,272	
TOTAL II. AUXILIARY ENTERPRISES	12,910,052 (65.75)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	67,060,971	19,085,134
TOT III. EMPLOYEE BENEFITS	67,060,971	19,085,134
TOTAL MEDICAL UNIVERSITY OF SOUTH CAROLINA	774,111,826 (4,037.17)	91,430,274 (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	974,131 (8.67)	838,150 (8.39)
UNCLASSIFIED POSITIONS	1,659,991 (5.87)	1,431,680 (5.35)
OTHER PERSONAL SERVICES	228,044	217,528
OTHER OPERATING EXPENSES	3,894,928	1,744,535
HEALTH PROFESSIONS RURAL INFRASTRUCTURE PROGRAM	400,000	400,000
NURSING RECRUITMENT	20,000	20,000
RURAL PHYSICIANS PROGRAM	868,847	868,847
TOT A. CONSORTIUM-GEN	8,045,941 (14.54)	5,520,740 (13.74)

H530-AREA HEALTH EDUCATION CONSORTIUM

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
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	8,914,412	5,572,311
	(16.29)	(13.74)
II. FAMILY PRACTICE		
CLASSIFIED POSITIONS	294,008	294,008
	(2.77)	(2.77)
UNCLASSIFIED POSITIONS	1,748,835	1,748,835
	(8.26)	(8.26)
OTHER PERSONAL SERVICES	445	445
OTHER OPERATING EXPENSES	2,193,756	1,992,085
TOTAL II. FAMILY PRACTICE	4,237,044	4,035,373
	(11.03)	(11.03)
III. GRADUATE DOCTOR EDUC		
OTHER OPERATING EXPENSES	82,055	
TOTAL III. GRADUATE DOCTOR EDUCATION	82,055	
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,572,700	1,544,900
TOT IV. EMPLOYEE BENEFITS	1,572,700	1,544,900
TOTAL AREA HEALTH EDUCATION CONSORTIUM	14,806,211	11,152,584
	(27.32)	(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	259,570	259,570
	(1.00)	(1.00)
CLASSIFIED POSITIONS	642,917	642,917
	(11.00)	(11.00)
UNCLASSIFIED POSITIONS	170,800	170,800
OTHER PERSONAL SERVICES	20,000	20,000
OTHER OPERATING EXPENSES	100,000	100,000
TOT A. PRESIDENT'S OFFICE	1,193,287	1,193,287
	(12.00)	(12.00)
 B. FINANCE AND HUMAN RESOURCES		
CLASSIFIED POSITIONS	1,015,490	1,015,490
	(18.00)	(18.00)
UNCLASSIFIED POSITIONS	271,863	271,863
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	10,000	10,000
OTHER OPERATING EXPENSES	1,311,027	836,027
TOTAL B. FINANCE AND HUMAN RESOURCES	2,608,380	2,133,380
	(20.00)	(20.00)
 C. INFO TECHNOLOGY		
CLASSIFIED POSITIONS	898,047	848,047
	(16.00)	(15.00)
UNCLASSIFIED POSITIONS	164,000	164,000
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	25,000	25,000
OTHER OPERATING EXPENSES	1,771,500	335,500
TOTAL C. INFO TECHNOLOGY	2,858,547	1,372,547
	(17.00)	(16.00)
 TOTAL I. ADMINISTRATION	 6,660,214	 4,699,214
	(49.00)	(48.00)

OF SOUTH CAROLINA
General and Permanent Laws--2021
H590-STATE BOARD FOR TECHNICAL &
COMPREHENSIVE EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
II. INSTRUC PROGRAMS		
A. TECHNICAL COLLEGES		
CLASSIFIED POSITIONS	140,017,202	32,367,419
	(2,684.62)	(1,714.67)
UNCLASSIFIED POSITIONS	193,101,033	53,401,305
	(1,940.60)	(1,390.63)
OTHER PERSONAL SERVICES	48,111,487	9,732,349
OTHER OPERATING EXPENSES	203,401,361	14,428,139
CRITICAL NEEDS	322,512	322,512
NURSING INITIATIVE		
FLORENCE DARLINGTON SIMT	906,817	906,817
FLORENCE DARLINGTON-OPER	302,271	302,271
LOWCOUNTRY TECH -	500,000	500,000
MILITARY WORKFORCE INITIA		
MIDLANDS TECH NURSING PROG	370,943	370,943
OCTC TRUCK DRIVING	73,129	73,129
CERTIFICATE PROGRAM		
SPARTANBURG-CHEROKEE EXPAN	906,816	906,816
TRIDENT TECH-CULINARY ARTS	468,522	468,522
WTC PROMISE SCHOLARSHIP	300,000	300,000
PROGRAM		
TOT A. TECH COLLEGES	588,782,093	114,080,222
	(4,625.22)	(3,105.30)
B. SYSTEM WIDE PROGRAM		
INITIATIVES		
CLASSIFIED POSITIONS	606,855	561,855
	(18.00)	(16.00)
UNCLASSIFIED POSITIONS	171,354	171,354
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	91,691	
OTHER OPERATING EXPENSES	524,205	45,000
PATHWAYS TO PROSPERITY	604,545	604,545
WORKFORCE SCHOLARSHIPS	2,642,000	2,642,000
AND GRANTS		
TOTAL B. SYSTEM	4,640,650	4,024,754
WIDE PROGRAM INITIATIVES	(19.00)	(17.00)

STATUTES AT LARGE
 General and Permanent Laws--2021
**H590-STATE BOARD FOR TECHNICAL &
 COMPREHENSIVE EDUCATION**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
C. EMPLOYEE BENEFITS		
FORMULA FUNDING		
EMPLOYER CONTRIBUTIONS	118,131,083	40,708,088
TOTAL C. EMPLOYEE BENEFITS FORMULA FUNDING	118,131,083	40,708,088
TOTAL II. INSTRUCTIONAL PROGRAMS	711,553,826 (4,644.22)	158,813,064 (3,122.30)
III. ECONOMIC DEVELOPMENT		
A. ADMINISTRATION		
CLASSIFIED POSITIONS	867,733 (41.00)	867,733 (41.00)
NEW POSITIONS - GRANT ADMINISTRATOR I	(2.00)	
NEW POSITIONS - GRANT ADMINISTRATOR II	(1.00)	
NEW POSITIONS - ADMIN COORDINATOR I	(3.00)	
NEW POSITIONS - PROGRAM COORDINATOR II	(11.00)	
NEW POSITIONS - PROGRAM MANAGER I	(3.00)	
NEW POSITIONS - IT CONSULTANT I	(1.00)	
NEW POSITIONS - INFORMATION SYSTEMS/ BUSINESS ANALYST II	(1.00)	
NEW POSITIONS - GRANT COORDINATOR II	(3.00)	
UNCLASSIFIED POSITIONS	151,999 (1.00)	151,999 (1.00)
OTHER PERSONAL SERVICES	50,000	50,000
OTHER OPERATING EXPENSES	180,000	180,000
E&G STEM PROG: CRITICAL NEEDS WORKFORCE DEV INITIA	2,500,000	2,500,000
TOTAL A. ADMINISTRATION	3,749,732 (67.00)	3,749,732 (42.00)

OF SOUTH CAROLINA
General and Permanent Laws--2021
H590-STATE BOARD FOR TECHNICAL &
COMPREHENSIVE EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
B. SPECIAL SCHOOLS TRAINING		
CLASSIFIED POSITIONS		
	(29.50)	(29.50)
OTHER PERSONAL SERVICES	1,460,000	1,460,000
OTHER DIRECT TRAINING COSTS	5,779,253	5,779,253
TOTAL B. SPECIAL	7,239,253	7,239,253
SCHOOLS TRAINING	(29.50)	(29.50)
TOTAL III.	10,988,985	10,988,985
ECONOMIC DEVELOPMENT	(96.50)	(71.50)
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,094,281	2,051,177
TOT IV. EMPLOYEE BENEFITS	2,094,281	2,051,177
TOTAL STATE BOARD	731,297,306	176,552,440
FOR TECHNICAL &		
COMPREHENSIVE EDUCATION	(4,789.72)	(3,241.80)

SECTION 26
H790-DEPARTMENT OF ARCHIVES & HISTORY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION & PLANNING		
DIRECTOR	100,821	100,821
	(1.00)	(1.00)
CLASSIFIED POSITIONS	170,971	170,971
	(4.00)	(4.00)
OTHER PERSONAL SERVICES	64,000	
OTHER OPERATING EXPENSES	762,398	613,488
TOTAL I. ADMINISTRATION	1,098,190	885,280
& PLANNING	(5.00)	(5.00)
II. ARCHIVES & RECORDS		
MANAGEMENT		
CLASSIFIED POSITIONS	1,019,953	996,953
	(26.00)	(26.00)

H790-DEPARTMENT OF ARCHIVES & HISTORY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	55,100	
OTHER OPERATING EXPENSES	496,000	
TOTAL II. ARCHIVES & RECORDS MANAGEMENT	1,571,053 (26.00)	996,953 (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	
AFRICAN AMERICAN HERITAGE HISTORY COMMISSION	25,000	25,000
STATE HISTORIC GRANT FUND	415,000	
ALLOC MUNICIPALITIES - RESTRICTED	50,000	
ALLOC OTHER ST AGENCIES	50,000	
ALLOC PRIVATE SECTOR	40,000	
TOTAL III. HISTORICAL SERVICES	1,204,395 (9.00)	85,900 (1.00)
 V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,094,926	808,690
TOT V. EMPLOYEE BENEFITS	1,094,926	808,690
 TOTAL DEPARTMENT OF ARCHIVES & HISTORY	 4,968,564 (40.00)	 2,776,823 (32.00)

SECTION 27
H870-STATE LIBRARY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	110,371	110,371
	(1.00)	(1.00)
CLASSIFIED POSITIONS	263,851	263,851
	(8.00)	(8.00)
OTHER PERSONAL SERVICES	2,302	2,302
OTHER OPERATING EXPENSES	903,248	864,248

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL I. ADMINISTRATION	1,279,772	1,240,772
	(9.00)	(9.00)
 II. TALKING BOOK SERVICES		
CLASSIFIED POSITIONS	662,579	361,880
	(11.00)	(9.00)
OTHER OPERATING EXPENSES	261,397	131,000
TOTAL II. TALKING	923,976	492,880
BOOK SERVICES	(11.00)	(9.00)
 III. LIBRARY RESOURCES		
CLASSIFIED POSITIONS	605,365	351,414
	(13.00)	(5.00)
NEW POSITIONS -	50,000	50,000
LIBRARY MANAGER I	(1.00)	(1.00)
NEW POSITIONS -	50,000	50,000
LIBRARY MANAGER II	(1.00)	(1.00)
OTHER OPERATING EXPENSES	1,295,343	97,110
DISCUS PROGRAMS (H870)	2,770,452	2,770,452
TOT III. LIBRARY RESOURCES	4,771,160	3,318,976
	(15.00)	(7.00)
 IV. STATEWIDE DEVELOPMENT		
CLASSIFIED POSITIONS	286,114	145,754
	(16.00)	(10.00)
NEW POSITIONS -	50,000	50,000
IT CONSULTANT II	(1.00)	(1.00)
NEW POSITIONS -	50,000	50,000
SYS PROGRAMMER/DEV II	(1.00)	(1.00)
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.	11,448,753	10,604,466
STATEWIDE DEVELOPMENT	(18.00)	(12.00)
 V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	711,685	510,106

STATUTES AT LARGE
General and Permanent Laws--2021
H870-STATE LIBRARY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT V. EMPLOYEE BENEFITS	711,685	510,106
TOTAL STATE LIBRARY	19,135,346 (53.00)	16,167,200 (37.00)

SECTION 28
H910-ARTS COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	100,821	57,020
	(1.00)	(0.50)
TOT I. ADMINISTRATION	100,821 (1.00)	57,020 (0.50)
II. STATEWIDE ARTS SRVCS		
CLASSIFIED POSITIONS	817,462	517,369
	(23.50)	(14.50)
OTHER OPERATING EXPENSES	410,608	45,000
DISTRIB TO SUBDIVISIONS	5,632,947	5,018,318
TOTAL II. STATEWIDE	6,861,017	5,580,687
ARTS SERVICES	(23.50)	(14.50)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	388,697	228,480
TOT III. EMPLOYEE BENEFITS	388,697	228,480
TOTAL ARTS COMMISSION	7,350,535 (24.50)	5,866,187 (15.00)

SECTION 29
H950-STATE MUSEUM COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	135,000	135,000
	(1.00)	(1.00)

OF SOUTH CAROLINA
General and Permanent Laws--2021
H950-STATE MUSEUM COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
CLASSIFIED POSITIONS	138,287	137,591
	(6.00)	(6.00)
OTHER PERSONAL SERVICES	22,715	
OTHER OPERATING EXPENSES	1,384,675	503,831
TOTAL I. ADMINISTRATION	1,680,677	776,422
	(7.00)	(7.00)
 II. PROGRAMS		
CLASSIFIED POSITIONS	1,505,078	1,291,170
	(39.00)	(37.00)
NEW POSITIONS -	39,000	39,000
CURATOR II	(1.00)	(1.00)
NEW POSITIONS -	32,500	32,500
MEDIA RESOURCES SPECIALIST II	(1.00)	(1.00)
OTHER PERSONAL SERVICES	455,895	15,000
OTHER OPERATING EXPENSES	2,513,600	1,166,000
TOTAL II. PROGRAMS	4,546,073	2,543,670
	(41.00)	(39.00)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	946,204	752,862
TOT III. EMPLOYEE BENEFITS	946,204	752,862
 TOTAL STATE MUSEUM		
COMMISSION	7,172,954	4,072,954
	(48.00)	(46.00)

SECTION 30
H960-CONFEDERATE RELIC ROOM AND MILITARY
MUSEUM COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. CONFEDERATE RELIC ROOM & MILITARY MUSEUM		
EXECUTIVE DIRECTOR	91,418	91,418
	(1.00)	(1.00)
CLASSIFIED POSITIONS	271,381	271,381
	(7.00)	(7.00)
OTHER PERSONAL SERVICES	25,000	25,000
OTHER OPERATING EXPENSES	779,252	360,000

**H960-CONFEDERATE RELIC ROOM AND MILITARY
MUSEUM COMMISSION**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
SOUTHERN MARITIME COLLEC	25,000	25,000
TOTAL I. CONFEDERATE RELIC ROOM & MILITARY MUSEUM	1,192,051 (8.00)	772,799 (8.00)
 II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	163,964	163,964
TOT II. EMPLOYEE BENEFITS	163,964	163,964
 TOTAL CONFEDERATE RELIC ROOM AND MILITARY MUSEUM COMMISSION	 1,356,015 (8.00)	 936,763 (8.00)

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

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
COMMISSIONERS	169,993	169,993
	(1.00)	(1.00)
CLASSIFIED POSITIONS	4,340,149	1,091,773
	(69.00)	(15.80)
UNCLASSIFIED POSITIONS	123,663	37,296
	(1.00)	(0.24)
OTHER PERSONAL SERVICES	439,275	15,000
OTHER OPERATING EXPENSES	4,250,000	
TOTAL I. ADMINISTRATION	9,323,080 (71.00)	1,314,062 (17.04)
 II. VOCATIONAL REHAB PROG		
A. BASIC SERVICE PROGRAM		
CLASSIFIED POSITIONS	35,686,030	8,573,795
	(827.57)	(182.54)
OTHER PERSONAL SERVICES	4,035,000	85,000
OTHER OPERATING EXPENSES	35,091,177	164,773
PERMANENT IMPROVEMENTS	781,491	
CASE SERVICES	14,143,948	1,888,348

OF SOUTH CAROLINA
General and Permanent Laws--2021
H730-DEPARTMENT OF VOCATIONAL
REHABILITATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL A. BASIC	89,737,646	10,711,916
SERVICE PROGRAM	(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)	
 TOTAL II. VOCATIONAL	91,256,822	10,778,473
REHAB PROGRAMS	(844.07)	(182.54)
 III. DISABILITY DETERM DIV		
CLASSIFIED POSITIONS	22,959,471	
	(440.51)	
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	25,145,480	4,966,308
TOT IV. EMPLOYEE BENEFITS	25,145,480	4,966,308
 TOTAL DEPARTMENT OF	174,741,151	17,058,843
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	187,033	71,607
	(1.00)	(0.40)
CLASSIFIED POSITIONS	8,556,353	3,988,663
	(121.01)	(52.91)
UNCLASSIFIED POSITIONS	742,302	360,149
	(5.00)	(1.84)
OTHER PERSONAL SERVICES	695,000	300,000
OTHER OPERATING EXPENSES	34,901,654	11,676,832
TOTAL I. ADMINISTRATION	45,082,342	16,397,251
	(127.01)	(55.15)
II. PROGRAM AND SERVICES		
A. HEALTH SERVICES		
1. MEDICAL ADMINISTRATION		
CLASSIFIED POSITIONS	21,146,212	7,041,723
	(534.13)	(188.99)
OTHER PERSONAL SERVICES	3,530,643	1,050,000
OTHER OPERATING EXPENSES	4,077,552	2,514,922
TOTAL 1. MEDICAL ADMINISTRATION	28,754,407	10,606,645
	(534.13)	(188.99)
2. MEDICAL CONTRACTS		
CLTC CONTRACTS	7,310,248	2,161,168
ELIGIBILITY CONTRACTS	92,786,595	16,096,112
MMIS-MEDICAL MGMT INFO	67,712,642	17,694,028
NURSING HOME CONTRACTS	6,871,094	994,669
PROVIDER SUPPORT	147,122,270	35,148,397
RURAL HEALTH INITIATIVE	7,500,000	7,500,000
TELEMEDICINE	7,000,000	7,000,000
TOT 2. MEDICAL CONTRACTS	336,302,849	86,594,374
3. MEDICAL ASSISTANCE PAYMENTS		
BEHAVIORAL HEALTH SRVCS	60,619,055	21,114,025
CHILDREN'S COMMU CARE	35,499,402	5,913,991
CLINICAL SERVICES	40,142,742	12,315,355

J020-DEPARTMENT OF HEALTH & HUMAN SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
CLTC-COMMUNITY LONG		
TERM CARE	194,404,049	56,874,938
COORDINATED CARE	3,306,923,220	501,885,606
DENTAL SERVICES	148,669,389	39,571,342
DURABLE MED EQUIPMENT	39,741,039	9,787,969
EPSDT SERVICES	3,812,151	1,099,585
HOME HEALTH SERVICES	15,459,037	3,817,648
HOSPICE	18,282,429	4,630,368
HOSPITAL SERVICES	630,814,926	79,505,545
LAB & X-RAY SERVICES	15,392,658	3,573,370
MED PROFESSIONAL SRVCS	31,566,996	7,680,358
MMA PHASED DOWN CONTRIB	114,156,884	112,656,884
NURSING HOME SERVICES	652,042,013	185,379,630
OPTIONAL ST SUPPLEMENT	20,633,161	20,633,161
OSCAP	8,300,611	8,300,611
PACE	16,658,579	4,750,072
PHARMACEUTICAL SRVCS	139,070,903	31,020,806
PHYSICIAN SERVICES	97,091,756	25,887,232
PREMIUMS 100% STATE	22,605,412	22,605,412
PREMIUMS MATCHED	304,216,746	75,587,362
TRANSPORTATION SRVCS	93,272,706	27,477,263
TOTAL 3. MEDICAL ASSISTANCE PAYMENTS	6,009,375,864	1,262,068,533
4. ASST PAYMENTS-STATE AGENCIES		
DEPT OF EDUCATION	40,760,081	
DHEC	1,269,715	
DISAB & SPECIAL NEEDS	748,041,291	
MENTAL HEALTH	51,027,469	
MUSC	23,592,187	225,086
USC	29,997	
TOTAL 4. ASST PAYMENTS-STATE AGENCIES	864,720,740	225,086
5. OTHER ENTITIES ASSIST PAYMENTS		
DISPROPORTIONATE SHARE	551,388,621	18,628,621
OTHER ENTITIES FUNDING	4,500,140	

J020-DEPARTMENT OF HEALTH & HUMAN SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL 5. OTHER ENTITIES ASSIST PAYMENTS	555,888,761	18,628,621
6. MEDICAID ELIGIBILITY		
CLASSIFIED POSITIONS	18,378,202	6,633,435
	(1,085.89)	(311.04)
OTHER PERSONAL SERVICES	8,582,383	2,215,457
OTHER OPERATING EXPENSES	12,967,139	3,167,471
TOT 6. MEDICAID ELIGIBILITY	39,927,724	12,016,363
	(1,085.89)	(311.04)
7. BABYNET		
CLASSIFIED POSITIONS	2,719,234	769,234
	(63.00)	(1.00)
OTHER PERSONAL SRVCS	800,000	
OTHER OPER EXPENSES	3,715,639	75,000
CASE SERVICES	31,536,179	11,402,071
TOTAL 7. BABYNET	38,771,052	12,246,305
	(63.00)	(1.00)
TOT A. HEALTH SRVCS	7,873,741,397	1,402,385,927
	(1,683.02)	(501.03)
TOTAL II. PROGRAM AND SERVICES	7,873,741,397	1,402,385,927
	(1,683.02)	(501.03)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	21,899,688	8,492,219
TOT III. EMPLOYEE BENEFITS	21,899,688	8,492,219
IV. NON-RECURRING APPROPRIATIONS		
MEDICAID MANAGEMENT INFORMATION SYSTEM	100,369,802	
TOTAL IV. NON-RECURRING APPRO	100,369,802	
TOT DEPARTMENT OF HEALTH & HUMAN SRVCS	8,041,093,229	1,427,275,397
	(1,810.03)	(556.18)

SECTION 34
J040-DEPARTMENT OF HEALTH &
ENVIRONMENTAL CONTROL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
COMMISSIONERS	249,000	249,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	12,571,604	5,424,215
	(241.07)	(99.95)
UNCLASSIFIED POSITIONS	18,855	18,855
	(2.00)	(1.50)
OTHER PERSONAL SERVICES	746,448	415,265
OTHER OPERATING EXPENSES	9,086,904	403,504
PERMANENT IMPROVEMENTS	220,334	
TOT I. ADMINISTRATION	22,893,145	6,510,839
	(244.07)	(102.45)
II. PROGRAMS AND SERVICES		
A. WATER QUALITY		
IMPROVEMENT		
1. UNDERGROUND STORAGE		
TANKS		
CLASSIFIED POSITIONS	870,311	
	(51.54)	
OTHER PERSONAL SERVICES	18,631	
OTHER OPERATING EXPENSES	1,115,885	250,000
TOTAL 1. UNDERGROUND	2,004,827	250,000
STORAGE TANKS	(51.54)	
2. WATER MANAGEMENT		
CLASSIFIED POSITIONS	12,563,832	3,332,253
	(237.29)	(61.52)
NEW POSITIONS -	58,108	58,108
ENVIR/HEALTH MGR II	(1.00)	(1.00)
NEW POSITIONS -	70,674	70,674
ENVIR/HEALTH MGR III	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	134,379	134,379
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	699,456	194,318
OTHER OPERATING EXPENSES	12,093,381	2,169,160

STATUTES AT LARGE
General and Permanent Laws--2021
J040-DEPARTMENT OF HEALTH &
ENVIRONMENTAL CONTROL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
SYSTEM UPGRADES	1,500,000	1,500,000
ALLOC MUNICIPALITIES- RESTRICTED	704,638	
ALLOC CNTIES - RESTRICTED	939,252	
ALLOC OTHER ST AGENCIES	166,041	
ALLOC OTHER ENTITIES	715,985	
ALLOCATIONS TO PLANNING DISTRICTS	141,811	
TOT 2. WATER MANAGEMENT	29,787,557	7,458,892
	(240.29)	(64.52)
 3. ENVIRONMENTAL HEALTH		
CLASSIFIED POSITIONS	22,695,806	13,447,946
	(545.32)	(311.34)
OTHER PERSONAL SERVICES	1,602,728	717,498
OTHER OPERATING EXPENSES	12,489,061	4,595,173
ALLOC OTHER ST AGENCIES	96,963	
TOT 3. ENVIR HEALTH	36,884,558	18,760,617
	(545.32)	(311.34)
 TOTAL A. WATER	68,676,942	26,469,509
QUALITY IMPROVEMENT	(837.15)	(375.86)
 B. COASTAL RESOURCE		
IMPROVEMENT		
CLASSIFIED POSITIONS	1,604,569	660,378
	(34.50)	(10.40)
OTHER PERSONAL SERVICES	133,174	15,000
OTHER OPERATING EXPENSES	1,611,781	168,618
OCEAN OUTFALLS	2,000,000	2,000,000
ALLOC MUNICIPALITIES- RESTRICTED	132,174	
TOTAL B. COASTAL	5,481,698	2,843,996
RESOURCE IMPROVEMENT	(34.50)	(10.40)
 C. AIR QUALITY IMPROVEMENT		
CLASSIFIED POSITIONS	6,599,510	1,883,201
	(125.50)	(34.11)

OF SOUTH CAROLINA
General and Permanent Laws--2021
J040-DEPARTMENT OF HEALTH &
ENVIRONMENTAL CONTROL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	191,924	90,125
OTHER OPERATING EXPENSES	1,506,365	350,872
ALLOC OTHER ENTITIES	1,009,408	
TOTAL C. AIR	9,307,207	2,324,198
QUALITY IMPROVEMENT	(125.50)	(34.11)
 D. LAND & WASTE MGMT		
CLASSIFIED POSITIONS	7,102,376	1,034,769
	(128.92)	(18.43)
OTHER PERSONAL SERVICES	302,584	32,030
OTHER OPERATING EXPENSES	6,960,183	226,759
ALLOC MUNICIPALITIES- RESTRICTED	510,787	
ALLOC CNTIES - RESTRICTED	6,376,878	
ALLOC SCHOOL DIST	191,935	
ALLOC OTHER ST AGENCIES	31,670	
ALLOC OTHER ENTITIES	488,672	
ALLOC PRIVATE SECTOR	279,825	
ALLOCATIONS TO PLANNING DISTRICTS	400,000	
AID TO OTHER ENTITIES	4,931,000	4,931,000
TOTAL D. LAND	27,575,910	6,224,558
& WASTE MANAGEMENT	(128.92)	(18.43)
 E. FAMILY HEALTH		
1. INFECTIOUS DISEASE		
PREVENTION		
CLASSIFIED POSITIONS	15,810,154	6,982,949
	(337.53)	(153.50)
UNCLASSIFIED POSITIONS	352,102	320,451
	(6.46)	(6.20)
OTHER PERSONAL SERVICES	3,797,474	661,463
OTHER OPERATING EXPENSES	87,044,912	5,143,268
PALMETTO AIDS LIFE SUPPORT	50,000	50,000
SCBIO	300,000	300,000
CASE SERVICES	21,100,469	4,575,057
ALLOC OTHER ST AGENCIES	12,205,105	65,000
ALLOC OTHER ENTITIES	15,630,633	

STATUTES AT LARGE
General and Permanent Laws--2021
J040-DEPARTMENT OF HEALTH &
ENVIRONMENTAL CONTROL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
AID TO OTHER ENTITIES	743,456	743,456
TOTAL 1. INFECTIOUS DISEASE PREVENTION	157,034,305 (343.99)	18,841,644 (159.70)
 2. MATERNAL/INFANT HEALTH		
CLASSIFIED POSITIONS	24,246,631 (768.01)	1,483,360 (49.51)
UNCLASSIFIED POSITIONS	67,116 (0.40)	
OTHER PERSONAL SERVICES	2,680,582	61,093
OTHER OPERATING EXPENSES	15,094,851	445,183
ABSTINENCE UNTIL MARRIAGE EMERGING PROGRAMS	100,000	100,000
CONTINUATION TEEN PREGNANCY PREVENTION	546,972	546,972
NEWBORN HEARING SCREEN	421,750	421,750
CASE SERVICES	77,654,663	37,846
ALLOC CNTIES - RESTRICTED	216,000	
ALLOC SCHOOL DIST	126,473	
ALLOC OTHER ST AGENCIES	90,463	
ALLOC OTHER ENTITIES	2,374,618	
AID TO OTHER ENTITIES	289,869	289,869
TOTAL 2. MATERNAL/INFANT HEALTH	123,909,988 (768.41)	3,386,073 (49.51)
 3. CHRONIC DISEASE PREVENTION		
CLASSIFIED POSITIONS	2,800,535 (60.96)	563,178 (8.86)
OTHER PERSONAL SERVICES	1,081,787	64,924
OTHER OPERATING EXPENSES	3,737,479	706,429
SMOKING PREVENTION TRUST	6,124,341	
CASE SERVICES	2,764,465	500,000
ALLOC OTHER ST AGENCIES	1,441,412	
ALLOC OTHER ENTITIES	2,795,831	
AID OTHER STATE AGENCIES	1,010,000	1,010,000
AID TO OTHER ENTITIES	134,220	134,220

OF SOUTH CAROLINA
General and Permanent Laws--2021
J040-DEPARTMENT OF HEALTH &
ENVIRONMENTAL CONTROL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL 3. CHRONIC DISEASE PREVENTION	21,890,070 (60.96)	2,978,751 (8.86)
4. ACCESS TO CARE		
CLASSIFIED POSITIONS	23,305,995 (486.85)	17,550,786 (373.47)
UNCLASSIFIED POSITIONS	1,351,703 (7.69)	1,035,466 (5.16)
OTHER PERSONAL SERVICES	2,486,101	863,057
OTHER OPERATING EXPENSES	42,950,740	17,786,763
CASE SERVICES	1,327,134	101
ALLOC CNTIES - RESTRICTED	439,604	
ALLOC OTHER ST AGENCIES	200,540	5,000
ALLOC OTHER ENTITIES	3,105,057	1,238
TOTAL 4. ACCESS TO CARE	75,166,874 (494.54)	37,242,411 (378.63)
5. DRUG CONTROL		
CLASSIFIED POSITIONS	2,645,547 (31.17)	293,458 (4.00)
OTHER PERSONAL SERVICES	189,008	
OTHER OPERATING EXPENSES	2,367,570	667,037
ALLOC OTHER ST AGENCIES	115,399	
ALLOC OTHER ENTITIES	168,233	
TOTAL 5. DRUG CONTROL	5,485,757 (31.17)	960,495 (4.00)
6. RAPE VIOLENCE PREVENTION		
CLASSIFIED POSITIONS	70,413 (1.00)	
OTHER PERSONAL SERVICES	7,775	
OTHER OPERATING EXPENSES	27,377	
CASE SERVICES	1,356,689	1,356,689
ALLOC OTHER ENTITIES	955,737	
TOTAL 6. RAPE VIOLENCE PREVENTION	2,417,991 (1.00)	1,356,689

STATUTES AT LARGE
General and Permanent Laws--2021
J040-DEPARTMENT OF HEALTH &
ENVIRONMENTAL CONTROL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
7. INDEPENDENT LIVING		
CLASSIFIED POSITIONS	2,841,138	835,831
	(61.95)	(14.68)
UNCLASSIFIED POSITIONS	6,432	
	(0.25)	
OTHER PERSONAL SERVICES	327,227	44,509
OTHER OPERATING EXPENSES	3,150,898	1,428,126
SICKLE CELL PROF EDUCATION	100,000	100,000
PERMANENT IMPROVEMENTS	195,062	
CASE SERVICES	9,588,900	2,972,996
ALLOC OTHER ENTITIES	291,167	
AID OTHER STATE AGENCIES	1,395	1,395
TOT 7. INDEPENDENT LIVING	16,502,219	5,382,857
	(62.20)	(14.68)
 TOT E. FAMILY HEALTH	 402,407,204	 70,148,920
	(1,762.27)	(615.38)
 F. HEALTH CARE STANDARDS		
1. RADIOLOGICAL		
MONOTORING		
CLASSIFIED POSITIONS	1,407,335	770,000
	(33.20)	(15.44)
OTHER PERSONAL SERVICES	30,518	15,000
OTHER OPERATING EXPENSES	469,427	178,248
TOTAL 1. RADIOLOGICAL	1,907,280	963,248
MONOTORING	(33.20)	(15.44)
 2. FACILITY & SRVC		
DEVELOPMENT		
CLASSIFIED POSITIONS	771,228	474,550
	(13.50)	(6.30)
OTHER PERSONAL SERVICES	6,877	4,300
OTHER OPER EXPENSES	1,107,597	161,989
TOTAL 2. FACILITY	1,885,702	640,839
& SRVC DEVELOPMENT	(13.50)	(6.30)

OF SOUTH CAROLINA
General and Permanent Laws--2021
J040-DEPARTMENT OF HEALTH &
ENVIRONMENTAL CONTROL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
3. FACILITY LICENSING		
CLASSIFIED POSITIONS	3,328,550	1,570,000
	(85.60)	(43.86)
UNCLASSIFIED POSITIONS	105,000	105,000
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	100,021	23,000
OTHER OPERATING EXPENSES	1,557,593	554,724
TOT 3. FACILITY LICENSING	5,091,164	2,252,724
	(87.60)	(45.86)
4. CERTIFICATION		
CLASSIFIED POSITIONS	2,185,651	
	(58.75)	(0.50)
OTHER PERSONAL SERVICES	208,750	
OTHER OPERATING EXPENSES	3,749,373	
TOTAL 4. CERTIFICATION	6,143,774	
	(58.75)	(0.50)
5. EMERGENCY MEDICAL SERVICES		
CLASSIFIED POSITIONS	746,091	624,560
	(17.70)	(16.15)
OTHER PERSONAL SERVICES	56,756	6,923
OTHER OPERATING EXPENSES	1,281,846	455,920
TRAUMA CENTER FUND	2,268,886	2,268,886
CASE SERVICES	9,077	9,077
ALLOC OTHER ENTITIES	682,393	350,001
ALLOC ENTITIES - AID TO EMS REGIONAL	216,877	
ALLOC PRIVATE SECTOR	156,432	
AID TO COUNTIES - RESTRICTED	559,206	559,206
AID EMS - REGIONAL COUNCILS	164,579	164,579
TOTAL 5. EMERGENCY MEDICAL SERVICES	6,142,143	4,439,152
	(17.70)	(16.15)
TOTAL F. HEALTH CARE STANDARDS	21,170,063	8,295,963
	(210.75)	(84.25)

STATUTES AT LARGE
General and Permanent Laws--2021
J040-DEPARTMENT OF HEALTH &
ENVIRONMENTAL CONTROL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
G. HLTH SURVEILLANCE SUPPORT		
1. HEALTH LABORATORY		
CLASSIFIED POSITIONS	3,960,037	740,758
	(79.00)	(12.50)
NEW POSITIONS -	47,734	47,734
LABORATORY TECHNOLOGIST II	(1.00)	(1.00)
NEW POSITIONS -	58,085	58,085
LABORATORY TECHNOLOGIST III	(1.00)	(1.00)
NEW POSITIONS -	58,085	58,085
PROGRAM COORDINATOR II	(1.00)	(1.00)
OTHER PERSONAL SERVICES	615,081	80,216
OTHER OPERATING EXPENSES	14,431,675	1,004,662
CASE SERVICES	32,500	32,500
TOT 1. HEALTH LABORATORY	19,203,197	2,022,040
	(82.00)	(15.50)
2. VITAL RECORDS		
CLASSIFIED POSITIONS	3,418,760	97,516
	(110.68)	(1.00)
OTHER PERSONAL SERVICES	792,539	10,172
OTHER OPERATING EXPENSES	5,102,258	116,312
TOTAL 2. VITAL RECORDS	9,313,557	224,000
	(110.68)	(1.00)
TOTAL G. HLTH SURVEILLANCE SUPPORT	28,516,754	2,246,040
	(192.68)	(16.50)
TOTAL II. PROGRAMS AND SERVICES	563,135,778	118,553,184
	(3,291.77)	(1,154.93)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	68,906,342	22,831,310
TOT III. EMPLOYEE BENEFITS	68,906,342	22,831,310
TOT DEPARTMENT OF HLTH & ENVIRONMENTAL CONTROL	654,935,265	147,895,333
	(3,535.84)	(1,257.38)

SECTION 35
J120-DEPARTMENT OF MENTAL HEALTH

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. GENERAL ADMINISTRATION		
COMMISSIONERS	250,000	250,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	3,791,030	3,307,835
	(62.00)	(62.00)
UNCLASSIFIED POSITIONS	354,430	247,776
	(3.50)	(3.50)
OTHER PERSONAL SERVICES	157,386	47,279
OTHER OPERATING EXPENSES	2,081,669	826,757
TOTAL I. GENERAL ADMINISTRATION	6,634,515 (66.50)	4,679,647 (66.50)
II. PROGRAMS AND SERVICES		
A. COMMUNITY MENTAL HLTH		
1. MENTAL HEALTH CENTERS		
CLASSIFIED POSITIONS	94,756,243	51,958,482
	(2,153.89)	(1,211.62)
UNCLASSIFIED POSITIONS	13,660,735	7,723,978
	(105.46)	(64.74)
OTHER PERSONAL SERVICES	4,892,419	2,142,582
OTHER OPERATING EXPENSES	44,344,404	2,843,303
CASE SERVICES	9,208,396	5,193,892
TOTAL 1. MENTAL HEALTH CENTERS	166,862,197 (2,259.35)	69,862,237 (1,276.36)
2. PROJECTS & GRANTS		
CLASSIFIED POSITIONS	568,696	148,794
	(25.00)	(16.00)
UNCLASSIFIED POSITIONS	973,430	848,892
	(17.20)	(8.20)
OTHER PERSONAL SERVICES	1,068,430	116,430
OTHER OPERATING EXPENSES	13,521,523	2,700,896
ALLIANCE FOR THE MENTALLY ILL SC SHARE	50,000	
CASE SERVICES	250,000	
	1,584,961	599,961

J120-DEPARTMENT OF MENTAL HEALTH

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT 2. PROJECTS & GRANTS	18,017,040	4,414,973
	(42.20)	(24.20)
TOTAL A. COMMUNITY MENTAL HEALTH	184,879,237	74,277,210
	(2,301.55)	(1,300.56)
 B. INPATIENT MENTAL HLTH		
1. BRYAN PSYCHIATRIC HOSP		
A. BRYAN CIVIL		
CLASSIFIED POSITIONS	12,975,769	6,874,753
	(352.84)	(175.95)
UNCLASSIFIED POSITIONS	1,209,480	756,770
	(14.71)	(5.08)
OTHER PERSONAL SERVICES	3,180,471	917,100
OTHER OPERATING EXPENSES	11,032,733	3,345
CASE SERVICES	421,202	156,655
TOTAL A. BRYAN CIVIL	28,819,655	8,708,623
	(367.55)	(181.03)
 B. BRYAN FORENSICS		
CLASSIFIED POSITIONS	8,028,572	6,814,012
	(176.48)	(148.48)
UNCLASSIFIED POSITIONS	2,221,760	1,084,695
	(13.34)	(8.13)
OTHER PERSONAL SERVICES	518,791	400,000
OTHER OPERATING EXPENSES	6,019,135	5,000,023
CASE SERVICES	23,738,893	12,670,161
TOT B. BRYAN FORENSICS	40,527,151	25,968,891
	(189.82)	(156.61)
 C. BRYAN CHILD & ADOLESCENT (HALL INSTITUTE)		
CLASSIFIED POSITIONS	7,265,109	4,496,326
	(201.88)	(125.61)
UNCLASSIFIED POSITIONS	953,070	
	(14.47)	(6.47)
OTHER PERSONAL SERVICES	1,437,801	446,477
OTHER OPERATING EXPENSES	2,159,735	
CASE SERVICES	75,534	12,000

J120-DEPARTMENT OF MENTAL HEALTH

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL C. BRYAN CHILD & ADOLESCENT (HALL INSTIT)	11,891,249 (216.35)	4,954,803 (132.08)
TOTAL 1. BRYAN PSYCHIATRIC HOSPITAL	81,238,055 (773.72)	39,632,317 (469.72)
2. HARRIS PSYCHIATRIC HOSP		
CLASSIFIED POSITIONS	11,633,091 (335.55)	7,170,211 (185.55)
UNCLASSIFIED POSITIONS	2,249,372 (13.49)	830,970 (6.60)
OTHER PERSONAL SERVICES	1,618,339	430,000
OTHER OPERATING EXPENSES	7,560,020	90,500
CASE SERVICES	494,850	178,500
TOTAL 2. HARRIS PSYCHIATRIC HOSPITAL	23,555,672 (349.04)	8,700,181 (192.15)
3. MEDICAL CLINICS		
CLASSIFIED POSITIONS	1,169,728 (30.20)	977,245 (25.20)
UNCLASSIFIED POSITIONS	466,025 (5.00)	369,000 (3.00)
OTHER PERSONAL SERVICES	168,863	13,898
OTHER OPERATING EXPENSES	1,137,196	359,762
CASE SERVICES	25,000	6,000
TOTAL 3. MEDICAL CLINICS	2,966,812 (35.20)	1,725,905 (28.20)
TOTAL B. INPATIENT MENTAL HEALTH	107,760,539 (1,157.96)	50,058,403 (690.07)
C. ADDICTIONS		
CLASSIFIED POSITIONS	7,646,785 (178.39)	6,552,051 (166.88)
UNCLASSIFIED POSITIONS	874,672 (7.48)	549,242 (6.48)
OTHER PERSONAL SERVICES	1,477,507	898,507
OTHER OPERATING EXPENSES	2,543,843	
CASE SERVICES	190,250	35,000

J120-DEPARTMENT OF MENTAL HEALTH

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL C. ADDICTIONS	12,733,057 (185.87)	8,034,800 (173.36)
D. CLINICAL & SUPPORT SVCS		
1. ADMINISTRATIVE SERVICES		
CLASSIFIED POSITIONS	13,670,856 (289.26)	12,682,733 (279.51)
UNCLASSIFIED POSITIONS	273,764 (4.00)	237,022 (4.00)
OTHER PERSONAL SERVICES	577,752	550,752
OTHER OPERATING EXPENSES	13,835,495	7,541,396
CASE SERVICES	125,000	
TOTAL 1. ADMINISTRATIVE SERVICES	28,482,867 (293.26)	21,011,903 (283.51)
2. PUBLIC SAFETY DIVISION		
CLASSIFIED POSITIONS	2,130,887 (49.00)	1,541,240 (39.00)
OTHER PERSONAL SERVICES	131,465	50,000
OTHER OPERATING EXPENSES	1,269,486	146,305
TOTAL 2. PUBLIC SAFETY DIVISION	3,531,838 (49.00)	1,737,545 (39.00)
3. NUTRITIONAL		
CLASSIFIED POSITIONS	2,131,616 (66.92)	1,881,616 (66.92)
OTHER PERSONAL SERVICES	328,361	78,361
OTHER OPERATING EXPENSES	3,734,526	1,994,950
TOTAL 3. NUTRITIONAL	6,194,503 (66.92)	3,954,927 (66.92)
4. TRAINING & RESEARCH		
CLASSIFIED POSITIONS	1,154,969 (21.63)	954,969 (21.63)
OTHER PERSONAL SERVICES	70,000	20,000
OTHER OPERATING EXPENSES	1,505,879	1,005,879
TOT 4. TRAINING & RESEARCH	2,730,848 (21.63)	1,980,848 (21.63)

J120-DEPARTMENT OF MENTAL HEALTH

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL D. CLINICAL & SUPPORT SERVICES	40,940,056 (430.81)	28,685,223 (411.06)
E. LONG TERM CARE		
1. STONE PAVILION		
CLASSIFIED POSITIONS	4,916,259 (121.75)	2,915,540 (80.85)
UNCLASSIFIED POSITIONS	108,000 (3.80)	28,000 (3.50)
OTHER PERSONAL SERVICES	2,172,711	642,282
OTHER OPERATING EXPENSES	3,115,139	74,368
CASE SERVICES	76,503	8,500
TOTAL 1. STONE PAVILION	10,388,612 (125.55)	3,668,690 (84.35)
2. CAMPBELL VETERANS HOME		
CLASSIFIED POSITIONS	66,153 (1.05)	56,153 (1.05)
OTHER OPERATING EXPENSES	204,000	34,000
CASE SERVICES	19,760,480	6,472,486
TOTAL 2. CAMPBELL VETERANS HOME	20,030,633 (1.05)	6,562,639 (1.05)
3. VETERANS' VICTORY HOUSE		
CLASSIFIED POSITIONS	68,190 (1.05)	58,190 (1.05)
OTHER OPERATING EXPENSES	2,610,121	2,220,000
CASE SERVICES	20,652,972	7,717,363
TOTAL 3. VETERANS' VICTORY HOUSE	23,331,283 (1.05)	9,995,553 (1.05)
4. RODDEY PAVILION (TUCKER CENTER)		
CLASSIFIED POSITIONS	11,293,696 (301.85)	5,351,624 (124.67)
UNCLASSIFIED POSITIONS	1,449,939 (7.88)	674,939 (4.88)
OTHER PERSONAL SERVICES	2,758,483	270,359
OTHER OPERATING EXPENSES	6,409,578	

J120-DEPARTMENT OF MENTAL HEALTH

	TOTAL FUNDS	GENERAL FUNDS
CASE SERVICES	322,653	11,000
TOTAL 4. RODDEY	22,234,349	6,307,922
PAVILION (TUCKER CENTER)	(309.73)	(129.55)
5. VETERANS VILLAGE		
CLASSIFIED POSITIONS		
	(1.05)	(1.05)
OTHER OPERATING EXPENSES	60,000	
CASE SERVICES	10,942,814	5,627,814
TOT 5. VETERANS VILLAGE	11,002,814	5,627,814
	(1.05)	(1.05)
6. PALMETTO PATRIOTS HOME		
CLASSIFIED POSITIONS		
	(1.05)	(1.05)
OTHER OPERATING EXPENSES	60,000	
CASE SERVICES	10,942,815	5,627,815
TOTAL 6. PALMETTO	11,002,815	5,627,815
PATRIOTS HOME	(1.05)	(1.05)
TOTAL E. LONG TERM CARE	97,990,506	37,790,433
	(439.48)	(218.10)
F. SEXUAL PREDATOR		
TREATMENT PGM		
CLASSIFIED POSITIONS	1,314,629	1,214,629
	(46.74)	(46.74)
UNCLASSIFIED POSITIONS	140,000	140,000
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	80,000	30,000
OTHER OPERATING EXPENSES	1,100,000	500,000
LEASE PAYMENT TO SFAA	2,763,472	2,763,472
CASE SERVICES	16,494,654	15,694,654
TOTAL F. SEXUAL	21,892,755	20,342,755
PREDATOR TREATMENT PGM	(47.74)	(47.74)
TOTAL II. PROGRAMS	466,196,150	219,188,824
AND SERVICES	(4,563.41)	(2,840.89)

J120-DEPARTMENT OF MENTAL HEALTH

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	94,775,469	55,110,284
TOT III. EMPLOYEE BENEFITS	94,775,469	55,110,284
TOTAL DEPARTMENT OF MENTAL HEALTH	567,606,134 (4,629.91)	278,978,755 (2,907.39)

SECTION 36
J160-DEPARTMENT OF DISABILITIES
& SPECIAL NEEDS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
COMMISSIONERS	171,404 (1.00)	171,404 (1.00)
CLASSIFIED POSITIONS	4,788,487 (83.00)	4,540,350 (78.00)
UNCLASSIFIED POSITIONS	132,600 (1.00)	132,600 (1.00)
OTHER PERSONAL SERVICES	262,637	100,000
OTHER OPERATING EXPENSES	3,031,871	
TOTAL I. ADMINISTRATION	8,386,999 (85.00)	4,944,354 (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	121,262 (2.00)	121,262 (2.00)
OTHER OPERATING EXPENSES	24,547,332	4,377,606
TOT 1. CHILDREN'S SERVICES	24,668,594 (2.00)	4,498,868 (2.00)

STATUTES AT LARGE
General and Permanent Laws--2021
J160-DEPARTMENT OF DISABILITIES
& SPECIAL NEEDS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
2. IN-HOME FAMILY SUPPORTS		
CLASSIFIED POSITIONS	879,942	601,032
	(20.00)	(14.00)
OTHER OPERATING EXPENSES	99,394,259	51,545,025
TOTAL 2. IN-HOME	100,274,201	52,146,057
FAMILY SUPPORTS	(20.00)	(14.00)
3. ADULT DEVELOP & SUPPORT EMPLOYMENT		
CLASSIFIED POSITIONS	49,462	49,462
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	83,308,876	18,414,344
TOTAL 3. ADULT DEVELOP	83,358,338	18,463,806
& SUPPORT EMPLOYMENT	(1.00)	(1.00)
4. SERVICE COORDINATION		
CLASSIFIED POSITIONS	384,279	335,749
	(7.00)	(6.00)
OTHER OPERATING EXPENSES	22,231,861	6,141,098
CASE SERVICES	50,000	
TOT 4. SRVCE COORDINATION	22,666,140	6,476,847
	(7.00)	(6.00)
TOTAL B. INTELLECTUAL	230,967,273	81,585,578
DISABILITY FAMILY SUPPORT	(30.00)	(23.00)
C. AUTISM FAMILY SUPPORT PROGRAM		
CLASSIFIED POSITIONS	136,496	136,496
	(7.00)	(7.00)
OTHER PERSONAL SERVICES	10,000	10,000
OTHER OPERATING EXPENSES	25,630,330	4,683,358
CASE SERVICES	12,000	
TOTAL C. AUTISM	25,788,826	4,829,854
FAMILY SUPPORT PROGRAM	(7.00)	(7.00)

OF SOUTH CAROLINA
General and Permanent Laws--2021
J160-DEPARTMENT OF DISABILITIES
& SPECIAL NEEDS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
D. HEAD & SPINAL CORD		
INJURY FAM SUPP		
CLASSIFIED POSITIONS	227,380	227,380
	(5.00)	(3.00)
OTHER OPERATING EXPENSES	29,153,670	10,987,836
TOTAL D. HEAD & SPINAL	29,381,050	11,215,216
CORD INJURY FAM SUPP	(5.00)	(3.00)
 E. INTELLECTUAL DISABILITY		
COMM RESIDENTIAL		
CLASSIFIED POSITIONS	4,038,388	3,536,772
	(72.00)	(59.00)
OTHER PERSONAL SERVICES	385,000	85,000
OTHER OPERATING EXPENSES	339,610,015	91,354,244
CASE SERVICES	7,863,063	900,800
TOT E. INTELLECTUAL	351,896,466	95,876,816
DISABILITY COMM RESIDENT	(72.00)	(59.00)
 F. AUTISM COMMUNITY		
RESIDENTIAL PROGRAM		
CLASSIFIED POSITIONS	1,145,704	1,045,093
	(35.00)	(33.00)
OTHER PERSONAL SERVICES	565,171	281,312
OTHER OPERATING EXPENSES	27,320,184	3,927,592
CASE SERVICES	33,025	
TOT F. AUTISM	29,064,084	5,253,997
COMM RESIDENTIAL PROG	(35.00)	(33.00)
 G. HEAD & SPINAL CORD INJURY		
COMMUNITY RESI		
OTHER OPERATING EXPENSES	5,040,532	1,158,763
TOTAL G. HEAD & SPINAL	5,040,532	1,158,763
CORD INJURY COMM RESI		
 H. REGIONAL CENTERS		
RESIDENTIAL PGM		
CLASSIFIED POSITIONS	64,405,953	39,056,451
	(1,888.90)	(1,257.85)

STATUTES AT LARGE
General and Permanent Laws--2021
J160-DEPARTMENT OF DISABILITIES
& SPECIAL NEEDS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	6,658,773	4,036,989
OTHER OPERATING EXPENSES	19,246,949	580,500
CASE SERVICES	741,222	
TOTAL H. REGIONAL	91,052,897	43,673,940
CENTERS RESIDENTIAL PGM	(1,888.90)	(1,257.85)
 TOT II. PROG & SERVICES	 779,033,797	 248,928,464
	(2,037.90)	(1,382.85)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	36,362,643	24,864,871
TOT III. EMPLOYEE BENEFITS	36,362,643	24,864,871
 TOTAL DEPARTMENT		
OF DISABILITIES	823,783,439	278,737,689
& SPECIAL NEEDS	(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	122,814	89,366
	(1.00)	(0.50)
CLASSIFIED POSITIONS	279,808	118,713
	(4.00)	(1.20)
OTHER OPERATING EXPENSES	69,500	15,000
TOTAL I. ADMINISTRATION	472,122	223,079
	(5.00)	(1.70)
 II. FINANCE & OPERATIONS		
CLASSIFIED POSITIONS	569,751	159,835
	(21.91)	(9.26)
OTHER OPERATING EXPENSES	7,571,264	2,931,723
LOCAL SALARY SUPPLEMENT	3,721,097	3,721,097
STATE BLOCK GRANT	139,015	139,015

OF SOUTH CAROLINA
General and Permanent Laws--2021
J200-DEPARTMENT OF ALCOHOL &
OTHER DRUG ABUSE SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
ALLOC CNTIES - RESTRICTED	20,000	
ALLOC OTHER ST AGENCIES	2,004,079	
ALCOHOL AND DRUG TREAT	48,528,784	
ALCOHOL & DRUG MATCH FDS	2,206,462	
ALCOHOL & DRUG PREVEN	11,009,343	
AID TO COUNTIES - RESTRICT	94,428	94,428
AID OTHER STATE AGENCIES	1,915,902	1,915,902
ALCOHOL & DRUG TREATMENT	4,946,716	4,946,716
AID TO ENTITIES - ALCOHOL & DRUG MATCH FUNDS	100,166	100,166
AID TO ENTITIES - ALCOHOL & DRUG PREVEN	84,329	84,329
TOTAL II. FINANCE & OPERATIONS	82,911,336 (21.91)	14,093,211 (9.26)
IV. PROGRAMS		
CLASSIFIED POSITIONS	817,374	83,795
	(9.95)	(0.10)
OTHER PERSONAL SERVICES	864,814	44,000
OTHER OPERATING EXPENSES	6,502,213	7,500
ALLOC OTHER ST AGENCIES	55,000	
ALCOHOL & DRUG PREVEN	35,184	
TOTAL IV. PROGRAMS	8,274,585 (9.95)	135,295 (0.10)
V. INFORMATION TECHNOLOGY		
CLASSIFIED POSITIONS	404,269	104,826
	(2.00)	
OTHER PERSONAL SERVICES	64,909	
OTHER OPERATING EXPENSES	567,500	3,500
TOTAL V. INFORMATION TECHNOLOGY	1,036,678 (2.00)	108,326
VI. LEGAL & COMPLIANCE		
CLASSIFIED POSITIONS	235,644	61,714
	(4.15)	(1.00)
OTHER PERSONAL SERVICES	99,258	22,267
OTHER OPERATING EXPENSES	102,925	15,500

STATUTES AT LARGE (No. 94)
General and Permanent Laws--2021
J200-DEPARTMENT OF ALCOHOL &
OTHER DRUG ABUSE SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT VI. LEGAL & COMPLIANCE	437,827	99,481
	(4.15)	(1.00)
 VII. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,297,074	323,779
TOTAL VII. EMPLOYEE BENEFITS	1,297,074	323,779
 TOT DEPT OF ALCOHOL &	94,429,622	14,983,171
OTHER DRUG ABUSE SERVICES	(43.01)	(12.06)

SECTION 38
L040-DEPARTMENT OF SOCIAL SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. STATE OFFICE		
A. AGENCY ADMINISTRATION		
COMMISSIONERS	187,033	187,033
	(1.00)	(1.00)
CLASSIFIED POSITIONS	8,383,123	3,238,626
	(183.92)	(69.90)
UNCLASSIFIED POSITIONS	230,372	80,378
OTHER PERSONAL SERVICES	534,051	186,330
OTHER OPERATING EXPENSES	15,584,419	1,485,288
TOTAL A. AGENCY	24,918,998	5,177,655
ADMINISTRATION	(184.92)	(70.90)
 B. INFORMATION RESOURCE		
MANAGEMENT		
CLASSIFIED POSITIONS	4,664,251	1,692,022
	(80.00)	(26.91)
OTHER PERSONAL SERVICES	825,100	156,955
OTHER OPERATING EXPENSES	48,845,072	4,993,956
TOTAL B. INFORMATION	54,334,423	6,842,933
RESOURCE MANAGEMENT	(80.00)	(26.91)

L040-DEPARTMENT OF SOCIAL SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
C. COUNTY OFFICE		
ADMINISTRATION		
CLASSIFIED POSITIONS	12,900,656 (379.11)	4,907,874 (148.02)
UNCLASSIFIED POSITIONS	120,000 (0.99)	43,416 (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	15,539,081	5,862,457
OFFICE 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	
TOTAL D. COUNTY SUPPORT	4,352,782	
OF LOCAL DSS		
E. PROGRAM MANAGEMENT		
1. CHILDREN'S SERVICES		
CLASSIFIED POSITIONS	2,369,535 (85.00)	705,574 (20.16)
OTHER PERSONAL SERVICES	341,974	8,028
OTHER OPERATING EXPENSES	5,263,878	490,827
STRENGTHENING FAMILIES PROG	700,000	700,000
CASE SERVICES	15,154,949	138,325
TOTAL 1. CHILDREN'S SRVCS	23,830,336 (85.00)	2,042,754 (20.16)
2. ADULT SERVICES		
CLASSIFIED POSITIONS	383,420 (9.00)	6,251
OTHER OPERATING EXPENSES	4,976,631	
TOTAL 2. ADULT SERVICES	5,360,051 (9.00)	6,251

L040-DEPARTMENT OF SOCIAL SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
3. FAMILY INDEPENDENCE		
CLASSIFIED POSITIONS	335,558	22,731
	(11.00)	
OTHER PERSONAL SERVICES	986,228	
OTHER OPER EXPENSES	10,761,483	
CASE SERVICES	73,610	
TOT 3. FAMILY INDEPENDENCE	12,156,879	22,731
	(11.00)	
4. ECONOMIC SERVICES		
CLASSIFIED POSITIONS	2,578,553	77,080
	(172.01)	(18.22)
OTHER PERSONAL SERVICES	687,872	
OTHER OPERATING EXPENSES	5,733,347	1,653,863
TOT 4. ECONOMIC SERVICES	8,999,772	1,730,943
	(172.01)	(18.22)
TOT E. PROGRAM MGMT	50,347,038	3,802,679
	(277.01)	(38.38)
TOTAL I. STATE OFFICE	149,492,322	21,685,724
	(922.03)	(284.59)
II. PROGRAMS AND SERVICES		
A. CHILD PROTECTIVE SRVCS		
1. CPS CASE MANAGEMENT		
CLASSIFIED POSITIONS	77,563,888	45,616,034
	(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. CPS CASE MANAGEMENT	95,634,819	54,417,218
	(1,338.02)	(706.52)
2. LEGAL REPRESENTATION		
CLASSIFIED POSITIONS	5,042,971	2,212,414
	(123.00)	(49.62)
OTHER PERSONAL SERVICES	40,873	8,003
OTHER OPERATING EXPENSES	1,980,032	509,896

L040-DEPARTMENT OF SOCIAL SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT 2. LEGAL REPRESENTATION	7,063,876	2,730,313
	(123.00)	(49.62)
TOTAL A. CHILD PROTECTIVE SERVICES	102,698,695	57,147,531
	(1,461.02)	(756.14)
B. FOSTER CARE		
1. FOSTER CARE CASE MANAGEMENT		
CLASSIFIED POSITIONS	26,369,813	10,689,345
	(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	34,519,830	13,897,684
	(820.20)	(379.26)
2. FOSTER CARE CASE SRVCS		
CASE SERVICES	54,082,400	18,210,702
TOTAL 2. FOSTER CARE CASE SERVICES	54,082,400	18,210,702
3. EDC CASE SERVICES		
IMD GROUP HOMES	20,676,781	20,676,781
CASE SERVICES	19,847,430	14,302,121
TOT 3. EDC CASE SERVICES	40,524,211	34,978,902
TOT B. FOSTER CARE	129,126,441	67,087,288
	(820.20)	(379.26)
C. ADOPTIONS		
1. ADOPTIONS CASE MANAGEMENT		
CLASSIFIED POSITIONS	4,189,946	1,798,306
	(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 MANAGEMENT	6,020,538	2,220,258
	(123.00)	(49.25)

L040-DEPARTMENT OF SOCIAL SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
2. ADOPTIONS CASE SRVCS		
CASE SERVICES	25,275,121	12,616,719
TOTAL 2. ADOPTIONS	25,275,121	12,616,719
CASE SERVICES		
TOTAL C. ADOPTIONS	31,295,659	14,836,977
	(123.00)	(49.25)
 D. ADULT PROTECTIVE SRVCS		
1. APS CASE MANAGEMENT		
CLASSIFIED POSITIONS	2,977,650	93,945
	(91.00)	(0.68)
OTHER PERSONAL SERVICES	26,821	
OTHER OPERATING EXPENSES	240,895	
TOT 1. APS CASE MGMT	3,245,366	93,945
	(91.00)	(0.68)
 2. APS CASE SERVICES		
CRIMINAL DOMESTIC VIOLENCE	500,000	500,000
- SCCADVASA		
CASE SERVICES	175,000	
TOTAL 2. APS CASE SERVICES	675,000	500,000
 TOTAL D. ADULT	 3,920,366	 593,945
PROTECTIVE SERVICES	(91.00)	(0.68)
 E. EMPLOYMENT AND TRAINING SERVICES		
1. EMPL & TRNG CASE MGMT		
CLASSIFIED POSITIONS	12,143,022	812,962
	(462.90)	(41.42)
OTHER PERSONAL SERVICES	1,816,289	
OTHER OPERATING EXPENSES	520,390	6,354
TOTAL 1. EMPL &	14,479,701	819,316
TRNG CASE MANAGEMENT	(462.90)	(41.42)
 2. EMPL & TRNG CASE SRVCS		
CASE SERVICES	7,520,582	2,500
TOTAL 2. EMPL &	7,520,582	2,500
TRNG CASE SERVICES		

L040-DEPARTMENT OF SOCIAL SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
3. TANF CASE SERVICES		
CASE SERVICES	62,048,519	3,625,903
TOT 3. TANF CASE SERVICES	62,048,519	3,625,903
TOTAL E. EMPLOYMENT AND TRAINING SERVICES	84,048,802 (462.90)	4,447,719 (41.42)
F. CHILD SUPPORT ENFORCEMENT		
CLASSIFIED POSITIONS	7,796,391 (253.00)	2,265,416 (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	78,741,961 (253.00)	9,200,279 (60.18)
G. FOOD STAMP ASSISTANCE PROGRAM		
CLASSIFIED POSITIONS	12,721,692 (450.00)	5,973,232 (188.50)
OTHER PERSONAL SERVICES	1,896,128	36,654
OTHER OPERATING EXPENSES	2,007,654	551,652
TOTAL G. FOOD STAMP ASSISTANCE PROGRAM	16,625,474 (450.00)	6,561,538 (188.50)
H. FAMILY PRESERVATION		
CLASSIFIED POSITIONS	86,534 (24.00)	7,327 (5.25)
OTHER PERSONAL SERVICES	879,422	7,313
OTHER OPERATING EXPENSES	3,674,663	124,090
CASE SERVICES	1,783,245	
TOT H. FAMILY PRESERVATION	6,423,864 (24.00)	138,730 (5.25)
I. HOMEMAKER		
CLASSIFIED POSITIONS	1,241,410 (73.00)	3,311
OTHER OPERATING EXPENSES	276,400	

L040-DEPARTMENT OF SOCIAL SERVICES

	TOTAL FUNDS	GENERAL FUNDS
TOTAL I. HOMEMAKER	1,517,810 (73.00)	3,311
J. BATTERED SPOUSE		
CLASSIFIED POSITIONS	557 (1.00)	557
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
TOT J. BATTERED SPOUSE	5,706,049 (1.00)	1,648,890
K. PREGNANCY PREVENTION		
CLASSIFIED POSITIONS	91,228 (2.00)	
OTHER PERSONAL SERVICES	32,749	
OTHER OPERATING EXPENSES	26,200	
CONTINUATION OF TEEN PREGNANCY PREVENTION	546,972	546,972
TOT 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	5,111,917 (251.99)	70,235
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	91,658,891 (251.99)	10,284,049
TOTAL II. PROGRAMS AND SERVICES	588,497,876 (4,013.11)	172,497,229 (1,480.68)

L040-DEPARTMENT OF SOCIAL SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	74,047,736	38,776,174
TOT III. EMPLOYEE BENEFITS	74,047,736	38,776,174
TOTAL DEPARTMENT OF SOCIAL SERVICES	812,037,934 (4,935.14)	232,959,127 (1,765.27)

SECTION 39
L240-COMMISSION FOR THE BLIND

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
COMMISSIONERS	95,880 (1.00)	95,880 (1.00)
CLASSIFIED POSITIONS	689,708 (13.77)	689,708 (13.77)
NEW POSITIONS -		
BLDING/GROUNDS SPECIALIST II	(1.00)	(0.23)
OTHER PERSONAL SERVICES	38,100	38,100
OTHER OPERATING EXPENSES	441,363	421,512
TOTAL I. ADMINISTRATION	1,265,051 (15.77)	1,245,200 (15.00)
II. REHABILITATION SERVICES		
A. VOCATIONAL REHAB		
CLASSIFIED POSITIONS	1,579,947 (45.56)	562,344 (8.59)
OTHER PERSONAL SERVICES	5,000	
OTHER OPERATING EXPENSES	1,387,476	57,787
CASE SERVICES	1,126,476	407,000
TOTAL A. VOCATIONAL REHABILITATION	4,098,899 (45.56)	1,027,131 (8.59)
B. BUSINESS ENTERPRISE PROGRAM		
CLASSIFIED POSITIONS	559,136 (13.00)	134,103 (1.46)
OTHER PERSONAL SERVICES	5,000	

STATUTES AT LARGE
General and Permanent Laws--2021
L240-COMMISSION FOR THE BLIND

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	371,000	20,000
CASE SERVICES	296,680	20,000
TOTAL B. BUSINESS	1,231,816	174,103
ENTERPRISE PROGRAM	(13.00)	(1.46)
 C. EBM REHAB CENTER		
CLASSIFIED POSITIONS	691,802	201,902
	(17.00)	(3.06)
OTHER PERSONAL SERVICES	179,932	
OTHER OPERATING EXPENSES	331,000	31,000
CASE SERVICES	183,000	33,000
TOTAL C. EBM	1,385,734	265,902
REHABILITATION CENTER	(17.00)	(3.06)
 D. TRANSITION SERVICES		
CLASSIFIED POSITIONS	149,218	
	(4.00)	
OTHER OPERATING EXPENSES	11,000	1,000
CASE SERVICES	2,602,000	202,000
TOT D. TRANSITION SERVICES	2,762,218	203,000
	(4.00)	
 E. TRAINING AND EMPLOYMENT		
CLASSIFIED POSITIONS	539,257	158,490
	(12.00)	(2.22)
OTHER PERSONAL SERVICES	25,000	
OTHER OPERATING EXPENSES	71,000	11,000
CASE SERVICES	202,202	2,202
TOTAL E. TRAINING	837,459	171,692
AND EMPLOYMENT	(12.00)	(2.22)
 TOTAL II. REHABILITATION	 10,316,126	 1,841,828
SERVICES	(91.56)	(15.33)
 III. PREVENTION OF BLINDNESS		
CLASSIFIED POSITIONS	66,800	66,800
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	16,000	16,000
CASE SERVICES	200,000	200,000

OF SOUTH CAROLINA
General and Permanent Laws--2021
L240-COMMISSION FOR THE BLIND

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL III. PREVENTION OF BLINDNESS	282,800 (1.00)	282,800 (1.00)
IV. OLDER BLIND SERVICES		
CLASSIFIED POSITIONS	327,058 (6.63)	99,500 (0.52)
OTHER PERSONAL SERVICES	5,000	
OTHER OPERATING EXPENSES	90,000	
CASE SERVICES	216,188	69,000
TOTAL IV. OLDER BLIND SERVICES	638,246 (6.63)	168,500 (0.52)
V. CHILDREN'S SERVICES		
CLASSIFIED POSITIONS	108,832 (2.53)	108,832 (2.53)
OTHER OPERATING EXPENSES	30,000	30,000
CASE SERVICES	43,000	43,000
TOT V. CHILDREN'S SERVICES	181,832 (2.53)	181,832 (2.53)
VI. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,821,803	817,880
TOT VI. EMPLOYEE BENEFITS	1,821,803	817,880
TOTAL COMMISSION FOR THE BLIND	14,505,858 (117.49)	4,538,040 (34.38)

SECTION 40
L060-DEPARTMENT ON AGING

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	125,000 (1.00)	125,000 (1.00)
CLASSIFIED POSITIONS	2,039,539 (39.50)	775,557 (16.15)
NEW POSITIONS -	70,000	70,000
PROGRAM COORDINATOR II	(1.00)	(1.00)

STATUTES AT LARGE
General and Permanent Laws--2021
L060-DEPARTMENT ON AGING

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	85,000	85,000
OTHER PERSONAL SERVICES	62,090	35,84
OTHER OPER EXPENSES	1,803,757	594,284
TOT I. ADMINISTRATION	4,185,386	1,685,681
	(41.50)	(18.15)
 II. PROGRAMS AND SRVCS		
A. AGING ASSISTANCE		
ALZHEIMERS	150,000	150,000
FAMILY CAREGIVERS	2,400,000	2,400,000
GERIATRIC PHYSICIAN	35,000	35,000
LOAN PROGRAM		
HOME AND COMMUNITY	10,972,000	10,972,000
BASED SERVICES		
SILVER HAIRED LEGISLATURE	15,000	15,000
CASE SERVICES	825,000	
ALLOC OTHER ST AGENCIES	100,000	
ALLOC OTHER ENTITIES	29,889,714	916,482
AID TO OTHER ENTITIES	1,673,310	1,183,110
TOT A. AGING ASSISTANCE	46,060,024	15,671,592
 B. ADULT GUARDIAN AD LITEM		
CLASSIFIED POSITIONS	480,189	480,189
	(8.00)	(8.00)
OTHER OPERATING EXPENSES	447,943	447,943
TOTAL B. ADULT	928,132	928,132
GUARDIAN AD LITEM	(8.00)	(8.00)
 TOTAL II. PROGRAMS	 46,988,156	 16,599,724
AND SERVICES	(8.00)	(8.00)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,176,950	660,867
TOT III. EMPLOYEE BENEFITS	1,176,950	660,867
 TOT DEPARTMENT ON AGING	 52,350,492	 18,946,272
	(49.50)	(26.15)

SECTION 41
L080-DEPARTMENT OF CHILDREN'S ADVOCACY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	127,500	127,500
	(1.00)	(1.00)
CLASSIFIED POSITIONS	203,924	203,924
	(4.00)	(4.00)
UNCLASSIFIED POSITIONS	80,000	80,000
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	64,044	64,044
CHILDREN'S TRUST FUND	100,000	100,000
TOTAL I. ADMINISTRATION	575,468	575,468
	(6.00)	(6.00)
II. PROGRAMS AND SERVICES		
A. GUARDIAN AD LITEM		
CLASSIFIED POSITIONS	3,693,125	2,043,125
	(118.00)	(52.05)
UNCLASSIFIED POSITIONS	192,835	92,835
	(2.60)	(1.60)
OTHER PERSONAL SERVICES	418,380	40,000
OTHER OPERATING EXPENSES	4,174,542	1,725,000
TOT A. GUARDIAN AD LITEM	8,478,882	3,900,960
	(120.60)	(53.65)
B. FOSTER CARE		
CLASSIFIED POSITIONS	767,000	212,000
	(25.00)	(6.58)
UNCLASSIFIED POSITIONS	71,000	16,000
	(1.10)	(0.33)
OTHER PERSONAL SERVICES	36,000	6,000
OTHER OPERATING EXPENSES	549,492	72,492
TOTAL B. FOSTER CARE	1,423,492	306,492
	(26.10)	(6.91)
C. CONTINUUM OF CARE		
CLASSIFIED POSITIONS	1,850,000	550,000
	(69.00)	(27.00)

L080-DEPARTMENT OF CHILDREN'S ADVOCACY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS		
	(0.30)	(0.30)
OTHER PERSONAL SERVICES	400,000	
OTHER OPERATING EXPENSES	3,075,000	1,075,000
CASE SERVICES	363,031	142,885
TOT C. CONTINUUM OF CARE	5,688,031	1,767,885
	(69.30)	(27.30)
 TOTAL II. PROGRAMS AND SERVICES	 15,590,405 (216.00)	 5,975,337 (87.86)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	3,295,677	1,431,377
TOTAL III. EMPLOYEE BENEFITS	3,295,677	1,431,377
 TOTAL DEPARTMENT OF CHILDREN'S ADVOCACY	 19,461,550 (222.00)	 7,982,182 (93.86)

SECTION 42
**L320-HOUSING FINANCE &
DEVELOPMENT AUTHORITY**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
A. EXECUTIVE DIVISION		
EXECUTIVE DIRECTOR	112,562	
	(1.00)	
CLASSIFIED POSITIONS	1,327,438	
	(15.00)	
NEW POSITIONS -	434,000	
AUDITS MANAGER II	(1.00)	
NEW POSITIONS -		
EXECUTIVE ASSISTANT II	(1.00)	
NEW POSITIONS -		
PROGRAM MANAGER III	(1.00)	
UNCLASSIFIED POSITIONS	404	
OTHER PERSONAL SERVICES	70,596	
OTHER OPERATING EXPENSES	665,997	

OF SOUTH CAROLINA
General and Permanent Laws--2021
L320-HOUSING FINANCE &
DEVELOPMENT AUTHORITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
ALLOC MUNICIPALITIES- RESTRICTED	400,000	
ALLOC COUNTIES - RESTRICTED	100,000	
ALLOC OTHER ST AGENCIES	3,700,000	
ALLOC OTHER ENTITIES	6,000,000	
TOT A. EXECUTIVE DIVISION	12,810,997	
	(19.00)	
 B. FINANCE DIVISION		
CLASSIFIED POSITIONS	635,325	
	(10.00)	
OTHER PERSONAL SERVICES	40,675	
TOTAL B. FINANCE DIVISION	676,000	
	(10.00)	
 C. SUPPORT SERVICES		
CLASSIFIED POSITIONS	1,355,000	
	(12.00)	
UNCLASSIFIED POSITIONS	2,678	
OTHER PERSONAL SERVICES	104,322	
OTHER OPERATING EXPENSES	1,239,000	
TOTAL C. SUPPORT SERVICES	2,701,000	
	(12.00)	
 TOTAL I. ADMINISTRATION	 16,187,997	
	(41.00)	
 II. HOUSING PROGRAMS		
A. CONTRACT ADMIN & COMPLIANCE		
CLASSIFIED POSITIONS	1,387,877	
	(27.00)	
NEW POSITIONS -	229,123	
PROGRAM COORDINATOR I	(4.00)	
UNCLASSIFIED POSITIONS	5,736	
OTHER PERSONAL SERVICES	147,264	
OTHER OPERATING EXPENSES	478,295	

STATUTES AT LARGE
General and Permanent Laws--2021
L320-HOUSING FINANCE &
DEVELOPMENT AUTHORITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
CASE SERVICES	147,967,140	
TOTAL A. CONTRACT	150,215,435	
ADMIN & COMPLIANCE	(31.00)	
 B. RENTAL ASSISTANCE		
CLASSIFIED POSITIONS	789,000	
	(17.00)	
UNCLASSIFIED POSITIONS	22,356	
OTHER PERSONAL SERVICES	28,644	
OTHER OPERATING EXPENSES	971,000	
CASE SERVICES	13,885,000	
TOT B. RENTAL ASSISTANCE	15,696,000	
	(17.00)	
 C. HOUSING INITIATIVES		
CLASSIFIED POSITIONS	1,133,844	
	(16.00)	
NEW POSITIONS -		
ACC/FISCAL ANALYST III	(1.00)	
NEW POSITIONS -		
PROGRAM COORDINATOR II	(1.00)	
NEW POSITIONS -	69,512	
PROGRAM MANAGER I	(1.00)	
UNCLASSIFIED POSITIONS	3,501	
OTHER PERSONAL SERVICES	56,143	
OTHER OPERATING EXPENSES	2,039,154	
CASE SERVICES	2,125,000	
ALLOC MUNICIPALITIES-	1,700,000	
RESTRICTED		
ALLOC CNTIES - RESTRICTED	600,000	
ALLOC OTHER ST AGENCIES	1,500,000	
ALLOC OTHER ENTITIES	18,324,153	
TOT C. HOUSING INITIATIVES	27,551,307	
	(19.00)	
 D. HOUSING CREDIT		
CLASSIFIED POSITIONS	438,000	
	(4.00)	

OF SOUTH CAROLINA
General and Permanent Laws--2021
L320-HOUSING FINANCE &
DEVELOPMENT AUTHORITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	668	
OTHER PERSONAL SERVICES	18,332	
OTHER OPERATING EXPENSES	350,485	
TOTAL D. HOUSING CREDIT	807,485	
	(4.00)	
 TOT II. HOUSING PROGRAMS	 194,270,227	
	(71.00)	
 III. HOMEOWNERSHIP PROG		
A. MORTGAGE PRODUCTION		
CLASSIFIED POSITIONS	523,771	
	(7.00)	
NEW POSITIONS -	83,398	
ADMINISTRATIVE COORD I	(1.00)	
OTHER PERSONAL SERVICES	70,831	
OTHER OPERATING EXPENSES	578,000	
TOT A. MORTGAGE	1,256,000	
PRODUCTION	(8.00)	
 B. MORTGAGE SERVICING		
CLASSIFIED POSITIONS	1,252,000	
	(21.00)	
UNCLASSIFIED POSITIONS	636	
OTHER PERSONAL SERVICES	22,364	
OTHER OPERATING EXPENSES	597,017	
TOT B. MORTGAGE SRVCING	1,872,017	
	(21.00)	
 TOTAL III.	 3,128,017	
HOMEOWNERSHIP PROG	(29.00)	
 IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	4,397,159	
TOT IV. EMPLOYEE BENEFITS	4,397,159	
 TOTAL HOUSING FINANCE	 217,983,400	
& DEVELOPMENT AUTHORITY	(141.00)	

SECTION 43
P120-FORESTRY COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
STATE FORESTER	134,895	134,895
	(1.00)	(1.00)
CLASSIFIED POSITIONS	551,382	551,382
	(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	925,797	925,797
	(16.20)	(16.20)
II. FOREST PROTECTION AND DEVELOPMENT		
CLASSIFIED POSITIONS	12,330,296	11,219,778
	(316.55)	(291.25)
NEW POSITION - GIS ANALYST	54,795	54,795
	(1.00)	(1.00)
NEW POSITIONS - SUPPLY MANAGER I	(0.25)	
OTHER PERSONAL SERVICES	353,000	175,000
OTHER OPERATING EXPENSES	13,446,777	4,116,210
FOREST RENEWAL PROGRAM	1,000,000	200,000
ALLOC MUNICIPALITIES- RESTRICTED	30,000	
ALLOC COUNTIES - RESTRICTED	47,000	
ALLOC OTHER ENTITIES	183,475	
ALLOC PRIVATE SECTOR	545,000	
TOTAL II. FOREST PROTECTION AND DEVELOPMENT	27,990,343	15,765,783
	(317.80)	(292.25)
III. STATE FORESTS		
CLASSIFIED POSITIONS	1,080,000	
	(28.60)	
OTHER PERSONAL SERVICES	150,000	100,000
OTHER OPERATING EXPENSES	1,047,713	

OF SOUTH CAROLINA
General and Permanent Laws--2021
P120-FORESTRY COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
ALLOC COUNTIES - RESTRICTED	1,095,000	
TOTAL III. STATE FORESTS	3,372,713	100,000
	(28.60)	
 IV. EDUCATION		
CLASSIFIED POSITIONS	193,800	193,800
	(4.20)	(4.20)
OTHER PERSONAL SERVICES	5,000	5,000
OTHER OPERATING EXPENSES	29,925	29,925
TOTAL IV. EDUCATION	228,725	228,725
	(4.20)	(4.20)
 V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	7,489,287	6,544,287
TOT V. EMPLOYEE BENEFITS	7,489,287	6,544,287
 TOTAL FORESTRY	 40,006,865	 23,564,592
COMMISSION	(366.80)	(312.65)

SECTION 44
P160-DEPARTMENT OF AGRICULTURE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. AGENCY OPERATIONS		
A. OPERATIONS		
COMMSNR OF AGRICULTURE	92,007	92,007
	(1.00)	(1.00)
CLASSIFIED POSITIONS	736,775	736,775
	(14.00)	(14.00)
OTHER OPERATING EXPENSES	1,043,272	953,272
TOTAL A. OPERATIONS	1,872,054	1,782,054
	(15.00)	(15.00)
 B. MARKET SERVICES		
CLASSIFIED POSITIONS	265,242	
	(19.12)	
OTHER PERSONAL SERVICES	64,500	

STATUTES AT LARGE
General and Permanent Laws--2021
P160-DEPARTMENT OF AGRICULTURE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	877,900	300,000
TOTAL B. MARKET SERVICES	1,207,642	300,000
	(19.12)	
 TOT I. AGENCY OPERATIONS	 3,079,696	 2,082,054
	(34.12)	(15.00)
 II. CONSUMER PROTECTION		
A. CONSUMER PROTECTION		
CLASSIFIED POSITIONS	1,979,993	1,840,888
	(63.00)	(47.00)
NEW POSITIONS -	200,000	200,000
INSPECTOR III	(4.00)	(4.00)
NEW POSITIONS -	50,000	50,000
PROGRAM COORDINATOR I	(1.00)	(1.00)
OTHER PERSONAL SERVICES	19,035	
OTHER OPERATING EXPENSES	3,749,460	1,614,913
TOTAL A. CONSUMER PROTECTION	5,998,488	3,705,801
	(68.00)	(52.00)
 B. INSPECTION SERVICES		
CLASSIFIED POSITIONS	1,337,963	
	(17.37)	
OTHER PERSONAL SERVICES	250,000	
OTHER OPERATING EXPENSES	1,796,200	
TOT B. INSPECTION SRVCS	3,384,163	
	(17.37)	
 TOTAL II. CONSUMER PROTECTION	 9,382,651	 3,705,801
	(85.37)	(52.00)
 III. MARKETING SERVICES		
A. MARKETING & PROMOTIONS		
CLASSIFIED POSITIONS	535,025	490,025
	(16.51)	(16.51)
OTHER OPERATING EXPENSES	8,430,645	3,913,341
TOTAL A. MARKETING & PROMOTIONS	8,965,670	4,403,366
	(16.51)	(16.51)

OF SOUTH CAROLINA
General and Permanent Laws--2021
P160-DEPARTMENT OF AGRICULTURE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
B. COMMODITY BOARDS		
CLASSIFIED POSITIONS	39,320	
	(3.00)	
OTHER PERSONAL SERVICES	50,280	
OTHER OPERATING EXPENSES	2,634,680	
TOT B. COMMODITY BOARDS	2,724,280	
	(3.00)	
C. MARKET BULLETIN		
CLASSIFIED POSITIONS	50,230	
	(4.00)	
OTHER OPERATING EXPENSES	111,500	
TOTAL C. MARKET BULLETIN	161,730	
	(4.00)	
D. AGRIBUSINESS DEVELOPMENT		
AGRIBUSINESS DEVELOPMENT	750,000	750,000
TOTAL D.	750,000	750,000
AGRIBUSINESS DEVELOPMENT		
E. AGRICULTURAL CENTER FOR RESEARCH & ENTREPRENEURSHIP		
AGRICULTURAL CENTER FOR RESEARCH & ENTREPR	1,250,000	1,250,000
TOT E. AGRICULTURAL CNTR FOR RESEARCH & ENTREPR	1,250,000	1,250,000
F. INFRASTRUCTURE GRANTS		
INFRASTRUCTURE GRANTS	2,000,000	2,000,000
TOTAL F.	2,000,000	2,000,000
INFRASTRUCTURE GRANTS		
TOT III. MARKETING SRVCS	15,851,680	8,403,366
	(23.51)	(16.51)
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,299,880	1,490,067

STATUTES AT LARGE
General and Permanent Laws--2021
P160-DEPARTMENT OF AGRICULTURE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT IV. EMPLOYEE BENEFITS	2,299,880	1,490,067
TOTAL DEPARTMENT OF AGRICULTURE	30,613,907 (143.00)	15,681,288 (83.51)

SECTION 45
**P200-CLEMSON UNIVERSITY - PUBLIC SERVICE
ACTIVITIES**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. REGULATORY & PUBLIC SRVC		
A. REG & PUB SERV- GEN		
CLASSIFIED POSITIONS	2,363,106	553,179
	(62.00)	(18.00)
UNCLASSIFIED POSITIONS	742,274	204,905
	(5.42)	(3.42)
OTHER PERSONAL SERVICES	389,204	
OTHER OPERATING EXPENSES	1,913,609	176,225
TOTAL A. REGULATORY & PUB SERV - GENERAL	5,408,193 (67.42)	934,309 (21.42)
B. REGULATORY & PUB SERV - RESTRICTED		
CLASSIFIED POSITIONS	708,881	
	(10.00)	
UNCLASSIFIED POSITIONS	68,500	
OTHER PERSONAL SERVICES	271,800	
OTHER OPERATING EXPENSES	2,204,068	
TOTAL B. REGULATORY & PUB SERV - RESTRICTED	3,253,249 (10.00)	
TOTAL I. REGULATORY & PUBLIC SERVICE	8,661,442 (77.42)	934,309 (21.42)

P200-CLEMSON UNIVERSITY - PUBLIC SERVICE
ACTIVITIES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
II. LIVESTOCK - POULTRY		
HLTH		
A. LIVESTOCK - POUL HLTH		
- GEN		
CLASSIFIED POSITIONS	1,426,131	1,259,275
	(43.00)	(42.00)
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 -	4,392,252	3,277,739
POULTRY HLTH - GEN	(50.33)	(49.33)
B. LIVESTOCK - POU HLTH		
- REST		
CLASSIFIED POSITIONS	836,915	
	(21.00)	
UNCLASSIFIED POSITIONS	404,717	
	(4.50)	
OTHER PERSONAL SERVICES	77,219	
OTHER OPERATING EXPENSES	792,053	
TOTAL B. LIVESTOCK -	2,110,904	
POULTRY HLTH - REST	(25.50)	
TOTAL II. LIVESTOCK	6,503,156	3,277,739
- POULTRY HEALTH	(75.83)	(49.33)
III. AGRICULTURAL RESEARCH		
CLASSIFIED POSITIONS	5,330,667	4,115,103
	(165.42)	(119.99)
NEW POSITIONS -	70,000	
AGRI/ANIMAL ASSOC I	(2.00)	
NEW POSITIONS -	115,000	
AGRI/ANIMAL ASSOC II	(3.00)	
NEW POSITIONS -	252,000	252,000
AGRI/ANIMAL ASST II	(6.00)	(6.00)
NEW POSITIONS -	45,000	
RESEARCH TECHNICIAN	(1.00)	

**P200-CLEMSON UNIVERSITY - PUBLIC SERVICE
ACTIVITIES**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	11,759,514	7,882,924
	(91.14)	(69.61)
NEW POSITIONS -	675,000	585,000
ASSISTANT PROFESSOR	(7.50)	(6.50)
NEW POSITIONS -	180,000	
RESEARCH ASSIST PROFESSOR	(2.00)	
OTHER PERSONAL SERVICES	1,290,444	173,730
OTHER OPERATING EXPENSES	6,185,095	2,624,808
TOTAL III.	25,902,720	15,633,565
AGRICULTURAL RESEARCH	(278.06)	(202.10)
 IV. COOPERATIVE EXTENSION SERVICE		
CLASSIFIED POSITIONS	4,733,780	3,647,756
	(177.04)	(106.54)
NEW POSITIONS -	630,000	
PROGRAM ASSISTANT	(21.00)	
NEW POSITIONS -	35,000	
PROJECT COORDINATOR	(1.00)	
UNCLASSIFIED POSITIONS	13,872,115	9,198,935
	(246.90)	(166.64)
NEW POSITIONS -	45,000	45,000
ASSISTANT PROFESSOR	(0.50)	(0.50)
NEW POSITIONS -	315,000	315,000
EXTENSION AGENT	(7.00)	(7.00)
NEW POSITIONS -	158,000	
EXTENSION AGENT - ASSISTANT	(4.00)	
NEW POSITIONS -	172,000	
EXTENSIONAGENT - ASSOCIATE	(4.00)	
OTHER PERSONAL SERVICES	4,378,949	344,988
OTHER OPERATING EXPENSES	9,605,676	2,497,692
TOTAL IV. COOPERATIVE	33,945,520	16,049,371
EXTENSION SERVICE	(461.44)	(280.68)
 V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	20,205,673	13,402,959

**P200-CLEMSON UNIVERSITY - PUBLIC SERVICE
ACTIVITIES**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT V. EMPLOYEE BENEFITS	20,205,673	13,402,959
TOTAL CLEMSON UNIVERSITY - PUBLIC SERVICE ACTIVITIES	95,218,511 (892.75)	49,297,943 (553.53)

**SECTION 46
P210-SOUTH CAROLINA STATE UNIVERSITY - PUBLIC
SERVICE ACTIVITIES**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
CLASSIFIED POSITIONS	87,523 (4.00)	52,555 (1.75)
UNCLASSIFIED POSITIONS	383,013 (5.00)	131,013 (1.25)
OTHER PERSONAL SERVICES	73,787	
OTHER OPERATING EXPENSES	617,925	95,106
TOTAL I. ADMINISTRATION	1,162,248 (9.00)	278,674 (3.00)
II. RESEARCH & EXTENSION		
CLASSIFIED POSITIONS	763,801 (12.00)	83,076 (1.00)
NEW POSITIONS - EXTENSION AGENT	600,000 (21.00)	600,000 (11.00)
UNCLASSIFIED POSITIONS	814,733 (28.00)	309,226 (5.00)
NEW POSITIONS - PROGRAM MANAGER I	170,000 (2.00)	170,000 (2.00)
NEW POSITIONS - SCIENTIST	220,000 (2.00)	220,000 (2.00)
OTHER PERSONAL SERVICES	875,143	
OTHER OPERATING EXPENSES	5,988,576	3,995,235
TOTAL II. RESEARCH & EXTENSION	9,432,253 (65.00)	5,377,537 (21.00)

**P210-SOUTH CAROLINA STATE UNIVERSITY - PUBLIC
SERVICE ACTIVITIES**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,539,077	976,972
TOT III. EMPLOYEE BENEFITS	1,539,077	976,972
TOTAL SOUTH CAROLINA STATE UNIVERSITY	12,133,578	6,633,183
- PUBLIC SERVICE ACTIVITIES	(74.00)	(24.00)

**SECTION 47
P240-DEPARTMENT OF NATURAL RESOURCES**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	167,499	167,499
	(1.00)	(1.00)
CLASSIFIED POSITIONS	2,325,142	1,018,798
	(46.17)	(23.50)
UNCLASSIFIED POSITIONS	210,713	114,192
	(2.00)	(1.00)
OTHER PERSONAL SERVICES	33,811	
OTHER OPERATING EXPENSES	2,335,393	2,044,026
TOTAL I. ADMINISTRATION	5,072,558	3,344,515
	(49.17)	(25.50)
II. PROGRAMS AND SRVCS		
A. CONSERVATION EDU		
1. OUTREACH PROGRAMS		
CLASSIFIED POSITIONS	686,798	539,625
	(19.10)	(13.60)
UNCLASSIFIED POSITIONS	92,266	
OTHER PERSONAL SERVICES	36,895	36,895
OTHER OPERATING EXPENSES	689,250	650,500
TOT 1. OUTREACH PROGRAMS	1,505,209	1,227,020
	(19.10)	(13.60)

P240-DEPARTMENT OF NATURAL RESOURCES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
2. MAGAZINE		
CLASSIFIED POSITIONS	266,378	
	(4.15)	
OTHER OPERATING EXPENSES	519,176	
TOTAL 2. MAGAZINE	785,554	
	(4.15)	
3. WEB SERVICES AND TECHNOLOGY DEVELOPMENT		
CLASSIFIED POSITIONS	1,447,510	755,417
	(20.18)	(12.83)
NEW POSITIONS -	54,590	54,590
RISK MGMT & COMPLIANCE	(1.00)	(1.00)
ANALYST II		
OTHER PERSONAL SERVICES	11,078	
OTHER OPERATING EXPENSES	2,869,399	1,531,044
TOTAL 3. WEB SERVICES	4,382,577	2,341,051
AND TECHNOLOGY DVLPMNT	(21.18)	(13.83)
TOTAL A.	6,673,340	3,568,071
CONSERVATION EDUCATION	(44.43)	(27.43)
B. TITLING & LICENSING SRVCS		
1. BOAT TITLING & REGISTRATION		
CLASSIFIED POSITIONS	879,326	155,449
	(32.00)	(5.00)
OTHER PERSONAL SERVICES	46,000	
OTHER OPERATING EXPENSES	380,312	88,712
TOTAL 1. BOAT	1,305,638	244,161
TITLING & REGISTRATION	(32.00)	(5.00)
2. FISHING & HUNTING LICENSES		
CLASSIFIED POSITIONS	334,475	
	(7.60)	
OTHER PERSONAL SERVICES	44,887	
OTHER OPERATING EXPENSES	756,730	
TOTAL 2. FISHING	1,136,092	
& HUNTING LICENSES	(7.60)	

P240-DEPARTMENT OF NATURAL RESOURCES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL B. TITLING & LICENSING SERVICES	2,441,730 (39.60)	244,161 (5.00)
C. REGIONAL PROJECTS		
1. BOATING ACCESS		
CLASSIFIED POSITIONS	384,018	
	(6.50)	
OTHER PERSONAL SERVICES	20,801	
OTHER OPERATING EXPENSES	2,044,250	
ALLOC MUNICIPALITIES- RESTRICTED	75,000	
ALLOC CNTIES - RESTRICTED	125,000	
ALLOC OTHER ENTITIES	35,000	
TOTAL 1. BOATING ACCESS	2,684,069 (6.50)	
2. COUNTY WATER RECREATION FUND		
OTHER OPERATING EXPENSES	263,000	
ALLOC MUNICIPALITIES- RESTRICTED	531,000	
ALLOC COUNTIES - RESTRICTED	825,000	
ALLOC OTHER ENTITIES	25,000	
TOTAL 2. COUNTY WATER RECREATION FUND	1,644,000	
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	
TOT C. REGIONAL PROJECTS	4,883,652 (6.50)	

P240-DEPARTMENT OF NATURAL RESOURCES

	TOTAL FUNDS	GENERAL FUNDS
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**D. WILDLIFE & FRESHWATER
FISHERIES****1. WILDLIFE OPERATIONS**

CLASSIFIED POSITIONS	4,372,098	123,154
	(113.96)	(5.00)
UNCLASSIFIED POSITIONS	109,784	
	(1.00)	
OTHER PERSONAL SERVICES	403,000	50,000
OTHER OPERATING EXPENSES	13,821,888	2,343,667
ALLOC OTHER ENTITIES	150,000	
TOT 1. WILDLIFE OPER	18,856,770	2,516,821
	(114.96)	(5.00)

**2. WILDLIFE-STATEWIDE
OPERATIONS**

CLASSIFIED POSITIONS	901,430	26,141
	(25.40)	(0.50)
NEW POSITIONS -	53,074	53,074
WILDLIFE BIOLOGIST IV	(1.00)	(1.00)
OTHER PERSONAL SERVICES	290,174	
OTHER OPERATING EXPENSES	1,829,435	107,707
ALLOC OTHER ENTITIES	95,000	
TOTAL 2. WILDLIFE- STATEWIDE OPER	3,169,113	186,922
	(26.40)	(1.50)

4. FISHERIES-REGIONAL OPER

CLASSIFIED POSITIONS	1,874,904	
	(42.34)	
OTHER PERSONAL SERVICES	748,413	
OTHER OPERATING EXPENSES	2,203,300	
ALLOC OTHER ENTITIES	75,000	
TOTAL 4. FISHERIES- REGIONAL OPERATIONS	4,901,617	
	(42.34)	

5. FISHERIES-HATCHERY OPER

CLASSIFIED POSITIONS	1,208,890	92,710
	(32.50)	(2.00)
OTHER PERSONAL SERVICES	251,700	

P240-DEPARTMENT OF NATURAL RESOURCES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	2,311,168	775,266
TOTAL 5. FISHERIES- HATCHERY OPERATIONS	3,771,758 (32.50)	867,976 (2.00)
 TOTAL D. WILDLIFE & FRESHWATER FISHERIES	 30,699,258 (216.20)	 3,571,719 (8.50)
 E. LAW ENFORCEMENT		
1. CONSERV ENFORCEMENT		
CLASSIFIED POSITIONS	14,602,062	13,013,713
	(281.14)	(257.40)
NEW POSITIONS -	1,147,500	1,147,500
LAW ENFORCEMENT OFFICER II	(24.00)	(24.00)
UNCLASSIFIED POSITIONS	108,148	108,148
OTHER PERSONAL SERVICES	1,231,127	960,367
OTHER OPERATING EXPENSES	6,721,270	2,486,000
TOTAL 1. CONSERVATION ENFORCEMENT	23,810,107 (305.14)	17,715,728 (281.40)
 2. BOATING SAFETY		
CLASSIFIED POSITIONS	1,100,000	
	(21.00)	
OTHER OPERATING EXPENSES	1,300,789	
TOTAL 2. BOATING SAFETY	2,400,789 (21.00)	
 3. HUNTER SAFETY		
CLASSIFIED POSITIONS	919,000	
	(18.75)	
OTHER PERSONAL SERVICES	228,000	
OTHER OPERATING EXPENSES	1,371,044	
TOTAL 3. HUNTER SAFETY	2,518,044 (18.75)	
 TOTAL E. LAW ENFORCEMENT	 28,728,940 (344.89)	 17,715,728 (281.40)

P240-DEPARTMENT OF NATURAL RESOURCES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
F. MARINE RESOURCES		
1. MARINE CONSERV & MGMT		
CLASSIFIED POSITIONS	3,299,704	802,587
	(90.44)	(11.52)
UNCLASSIFIED POSITIONS	152,671	64,921
	(1.55)	(0.60)
OTHER PERSONAL SERVICES	404,195	10,000
OTHER OPERATING EXPENSES	3,599,829	
ATLANTIC MARINE FISHERIES COMM	41,480	
TOTAL 1. MARINE CONSERVATION & MGMT	7,497,879 (91.99)	877,508 (12.12)
2. MARINE RESEARCH & MONITORING		
CLASSIFIED POSITIONS	1,286,972	243,871
	(71.04)	(4.00)
UNCLASSIFIED POSITIONS	702,895	384,618
	(14.45)	(3.90)
OTHER PERSONAL SERVICES	704,564	10,000
OTHER OPERATING EXPENSES	2,507,115	137,044
ALLOC OTHER ENTITIES	96,706	
TOTAL 2. MARINE RESEARCH & MONITORING	5,298,252 (85.49)	775,533 (7.90)
TOT F. MARINE RESOURCES	12,796,131 (177.48)	1,653,041 (20.02)
G. LAND, WATER & CONSERVATION		
1. EARTH SCIENCE		
CLASSIFIED POSITIONS	1,478,285	1,135,285
	(32.66)	(20.32)
UNCLASSIFIED POSITIONS	159,924	114,900
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	60,000	
OTHER OPERATING EXPENSES	1,640,357	930,357
ALLOC OTHER ENTITIES	120,000	

P240-DEPARTMENT OF NATURAL RESOURCES

	TOTAL FUNDS	GENERAL FUNDS
TOTAL 1. EARTH SCIENCE	3,458,566	2,180,542
	(33.66)	(21.32)
 2. CONSERVATION		
CLASSIFIED POSITIONS	588,522	215,022
	(19.39)	(5.89)
OTHER PERSONAL SERVICES	3,000	
OTHER OPERATING EXPENSES	2,856,904	80,200
ALLOC MUNICIPALITIES- RESTRICTED	250,000	
ALLOC CNTIES - RESTRICTED	250,500	
AID TO CONSERV DISTRICTS	690,000	690,000
TOTAL 2. CONSERVATION	4,638,926	985,222
	(19.39)	(5.89)
 3. HERITAGE TRUST		
CLASSIFIED POSITIONS	1,468,000	
	(15.16)	
NEW POSITIONS - ARCHAEOLOGIST II	133,976	
	(4.00)	
NEW POSITIONS - NATURAL RESOURCE TECH II	150,450	
	(5.00)	
NEW POSITIONS - PUBLIC INFO COORDINATOR	33,494	
	(1.00)	
OTHER PERSONAL SERVICES	271,403	
OTHER OPERATING EXPENSES	1,859,244	
TOTAL 3. HERITAGE TRUST	3,916,567	
	(25.16)	
 4. ENVIRONMENTAL REVIEW		
CLASSIFIED POSITIONS	234,516	
	(4.00)	
OTHER OPERATING EXPENSES	95,500	
TOT 4. ENVIR REVIEW	330,016	
	(4.00)	
TOTAL G. LAND, WATER & CONSERVATION	12,344,075	3,165,764
	(82.21)	(27.21)

P240-DEPARTMENT OF NATURAL RESOURCES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL II. PROGRAMS AND SERVICES	98,567,126 (911.31)	29,918,484 (369.56)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	19,880,669	9,112,942
TOT III. EMPLOYEE BENEFITS	19,880,669	9,112,942
TOTAL DEPARTMENT OF NATURAL RESOURCES	123,520,353 (960.48)	42,375,941 (395.06)

SECTION 48
P260-SEA GRANT CONSORTIUM

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	94,673	94,673
	(1.00)	(1.00)
CLASSIFIED POSITIONS	936,859	360,195
	(13.00)	(6.35)
NEW POSITIONS -		
PROGRAM MANAGER I	(3.00)	
OTHER PERSONAL SERVICES	174,636	
OTHER OPERATING EXPENSES	809,381	175,873
ALLOC OTHER ST AGENCIES	1,600,000	
ALLOC OTHER ENTITIES	1,630,000	30,000
ALLOC PRIVATE SECTOR	200,000	
TOTAL I. ADMINISTRATION	5,445,549 (17.00)	660,741 (7.35)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	375,173	159,981
TOT II. EMPLOYEE BENEFITS	375,173	159,981
TOT SEA GRANT CONSORTIUM	5,820,722 (17.00)	820,722 (7.35)

SECTION 49
P280-DEPARTMENT OF PARKS,
RECREATION & TOURISM

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
A. EXECUTIVE OFFICES		
DIRECTOR	149,008	149,008
	(1.00)	(1.00)
CLASSIFIED POSITIONS	291,077	291,077
	(6.00)	(6.00)
UNCLASSIFIED POSITIONS	145,557	145,557
	(2.00)	(2.00)
OTHER PERSONAL SRVCS	200,000	200,000
OTHER OPERATING EXPENSES	108,414	108,414
TOT A. EXECUTIVE OFFICES	894,056	894,056
	(9.00)	(9.00)
 B. ADMINISTRATIVE SRVCS		
CLASSIFIED POSITIONS	1,125,404	1,100,404
	(25.00)	(24.75)
OTHER OPERATING EXPENSES	1,206,151	1,196,151
FIRST IN GOLF	75,000	
PALMETTO TRAIL	300,000	300,000
SPORTS DVLPMENT FUND	50,000	
TOTAL B. ADMINISTRATIVE SERVICES	2,756,555	2,596,555
	(25.00)	(24.75)
 TOTAL I. ADMINISTRATION	 3,650,611	 3,490,611
	(34.00)	(33.75)
 II. PROGRAMS AND SERVICES		
A. TOURISM SALES & MARKETING		
CLASSIFIED POSITIONS	741,772	679,550
	(11.00)	(11.00)
OTHER PERSONAL SERVICES	21,389	
OTHER OPERATING EXPENSES	110,189	88,800
ADVERTISING	15,014,793	13,214,793
DESTINATION-SPECIFIC ADVERTISING	14,000,000	14,000,000

OF SOUTH CAROLINA
General and Permanent Laws--2021
P280-DEPARTMENT OF PARKS,
RECREATION & TOURISM

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
REGIONAL PROMOTIONS	3,025,000	3,025,000
SPORTS MKETING GRANT PROG	2,000,000	2,000,000
TOTAL A. TOURISM	34,913,143	33,008,143
SALES & MARKETING	(11.00)	(11.00)
 B. WELCOME CENTERS		
CLASSIFIED POSITIONS	1,759,263	1,209,263
	(56.00)	(39.00)
OTHER PERSONAL SERVICES	247,771	175,000
OTHER OPERATING EXPENSES	3,514,669	111,200
TOT B. WELCOME CENTERS	5,521,703	1,495,463
	(56.00)	(39.00)
 C. STATE PARKS SERVICE		
CLASSIFIED POSITIONS	10,729,956	2,943,371
	(295.00)	(96.25)
NEW POSITIONS -	25,000	
ADMINISTRATIVE SPECIALIST II	(1.00)	
NEW POSITIONS -	80,000	
BLDING/GROUNDS SUPERVISOR II	(2.00)	
NEW POSITION -	60,000	30,000
FACILITIES MAINTENANCE MGR I	(1.50)	(1.00)
NEW POSITIONS -	80,000	45,000
PARK MANAGER II	(2.00)	(1.00)
NEW POSITIONS -	46,000	25,000
PARK TECHNICIAN	(2.00)	(1.00)
NEW POSITIONS -	35,000	
PROGRAM COORDINATOR I	(1.00)	
NEW POSITIONS -	56,000	
PUBLIC INFO SPECIALIST	(2.00)	
NEW POSITIONS -	60,000	60,000
PROGRAM MANAGER I	(1.00)	(1.00)
NEW POSITION -	32,500	32,500
PARK MANAGER I	(1.00)	(1.00)
OTHER PERSONAL SRVCS	4,250,000	
OTHER OPERATING EXPENSES	19,600,955	1,200,000

STATUTES AT LARGE
 General and Permanent Laws--2021
**P280-DEPARTMENT OF PARKS,
 RECREATION & TOURISM**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT C. STATE PARKS SRVC	35,055,411	4,335,871
	(308.50)	(101.25)
 D. COMMUNICATIONS		
CLASSIFIED POSITIONS	351,406	351,406
	(2.00)	(2.00)
OTHER OPERATING EXPENSES	18,000	18,000
TOT D. COMMUNICATIONS	369,406	369,406
	(2.00)	(2.00)
 E. RESEARCH		
CLASSIFIED POSITIONS	123,431	123,431
	(2.00)	(2.00)
OTHER OPERATING EXPENSES	20,000	20,000
TOTAL E. RESEARCH	143,431	143,431
	(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	252,105	198,105
	(3.00)	(3.00)
OTHER OPERATING EXPENSES	154,480	25,000
PARD GRANTS	2,000,000	500,000
SPORTS MKETING GRANT PROG	500,000	500,000
UNDISCOVERED SOUTH	500,000	500,000

OF SOUTH CAROLINA
General and Permanent Laws--2021
P280-DEPARTMENT OF PARKS,
RECREATION & TOURISM

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
CAROLINA GRANTS		
ALLOC MUNICIPALITIES- RESTRICTED	2,376,000	
ALLOC CNTIES - RESTRICTED	2,064,500	
ALLOC OTHER ST AGENCIES	478,600	
ALLOC OTHER ENTITIES	968,530	
TOTAL G. RECREATION, GRANTS & POLICY	9,294,215 (3.00)	1,723,105 (3.00)
H. VENUES AT ARSENAL HILL		
NEW POSITIONS - FACILITIES MAINTENANCE MGR I	30,000 (0.50)	30,000 (0.50)
NEW POSITIONS - PROGRAM COORDINATOR I	35,000 (1.00)	
NEW POSITIONS - PROGRAM COORDINATOR II	42,000 (1.00)	42,000 (1.00)
NEW POSITIONS - PUBLIC INFO SPECIALIST	28,000 (1.00)	28,000 (1.00)
OTHER OPERATING EXPENSES	347,000	60,000
TOTAL H. VENUES AT ARSENAL HILL	482,000 (3.50)	160,000 (2.50)
TOTAL II. PROGRAMS AND SERVICES	110,710,948 (388.00)	41,235,419 (160.75)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	8,638,114	3,980,411
TOT III. EMPLOYEE BENEFITS	8,638,114	3,980,411
TOT DEPARTMENT OF PARKS, RECREATION & TOURISM	122,999,673 (422.00)	48,706,441 (194.50)

SECTION 50
P320-DEPARTMENT OF COMMERCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMIN & SUPPORT		
A. OFFICE OF SECRETARY		
DIRECTOR	199,857	199,857
	(1.00)	(1.00)
CLASSIFIED POSITIONS	260,081	260,081
	(3.00)	(3.00)
UNCLASSIFIED POSITIONS	150,000	150,000
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	113,000	113,000
TOT A. OFFICE OF SECRETARY	722,938	722,938
	(5.00)	(5.00)
B. FINANCIAL SERVICES		
CLASSIFIED POSITIONS	552,660	552,660
	(8.21)	(8.21)
OTHER PERSONAL SERVICES	5,000	5,000
OTHER OPERATING EXPENSES	350,000	175,000
TOT B. FINANCIAL SERVICES	907,660	732,660
	(8.21)	(8.21)
C. INFO TECHNOLOGY		
CLASSIFIED POSITIONS	290,000	175,000
	(4.00)	(2.50)
OTHER OPERATING EXPENSES	205,000	76,000
TOTAL C.	495,000	251,000
INFORMATION TECHNOLOGY	(4.00)	(2.50)
TOTAL I. ADMINISTRATION	2,125,598	1,706,598
& SUPPORT	(17.21)	(15.71)
II. PROGRAMS AND SERVICES		
A. GLOBAL BUSINESS DVLPMT		
CLASSIFIED POSITIONS	1,137,042	1,054,542
	(19.00)	(18.00)
UNCLASSIFIED POSITIONS	135,000	135,000
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	100,000	100,000

OF SOUTH CAROLINA
General and Permanent Laws--2021
P320-DEPARTMENT OF COMMERCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	1,892,000	1,867,000
LOCAL ECONOMIC DEVELOPMENT ALLIANCES	5,000,000	5,000,000
LOCATESC	9,000,000	9,000,000
PUBLIC-PRIVATE PARTNERSHIPS	101,065	101,065
PROCUREMENT TECH ASSIST PROGRAM (PTAP)	170,000	170,000
TOTAL A. GLOBAL BUSINESS DEVELOPMENT	17,535,107 (21.00)	17,427,607 (20.00)
 B. SMALL BUSINESS/EXISTING INDUSTRY		
CLASSIFIED POSITIONS	949,000 (13.00)	784,000 (10.80)
OTHER PERSONAL SERVICES	180,000	170,000
OTHER OPERATING EXPENSES	403,000	235,000
COUNCIL ON COMPETITIVENESS	250,000	250,000
SC SMALL BUSINESS DEVELOPMENT CENTERS	500,000	500,000
ALLOC PRIVATE SECTOR	425,000	125,000
TOTAL B. SMALL BUSINESS/EXISTING INDUSTRY	2,707,000 (13.00)	2,064,000 (10.80)
 C. COMMUNITY & RURAL DEVELOPMENT		
CLASSIFIED POSITIONS	390,000 (4.00)	
NEW POSITIONS - PROGRAM MANAGER I	65,000 (1.00)	65,000 (1.00)
NEW POSITIONS - PROGRAM MANAGER II	90,000 (1.00)	90,000 (1.00)
OTHER PERSONAL SERVICES	50,000	
OTHER OPERATING EXPENSES	280,000	35,000
TOTAL C. COMMUNITY & RURAL DEVELOPMENT	875,000 (6.00)	190,000 (2.00)

STATUTES AT LARGE
General and Permanent Laws--2021
P320-DEPARTMENT OF COMMERCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
D. MKTG, COMMUNICATIONS & RESEARCH		
CLASSIFIED POSITIONS	695,000	695,000
	(14.00)	(14.00)
OTHER PERSONAL SERVICES	25,000	25,000
OTHER OPERATING EXPENSES	215,000	215,000
BUSINESS DEVELOPMENT & MARKETING	750,000	750,000
SC MANUFACTURING EXTENSION PARTNERSHIP	1,582,049	1,582,049
TOTAL D. MKTG, COMMUNICA & RESEARCH	3,267,049	3,267,049
	(14.00)	(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	
CLOSING FUND	21,300,000	21,300,000
ALLOC MUNICIPALITIES-RESTRICTED	4,000,000	
ALLOC CNTIES - RESTRICTED	46,266,000	
TOTAL 1. COORD COUNCIL ECO DEVELOP	72,306,000	21,300,000
	(8.00)	
2. COMMUNITY GRANTS		
CLASSIFIED POSITIONS	661,036	221,036
	(10.89)	(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	
TOT 2. COMMUNITY GRANTS	20,495,051	461,036
	(10.89)	(3.00)

OF SOUTH CAROLINA
General and Permanent Laws--2021
P320-DEPARTMENT OF COMMERCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT E. GRANT PROGRAMS	92,801,051	21,761,036
	(18.89)	(3.00)
 F. REGIONAL EDUCATION CENTERS		
CLASSIFIED POSITIONS	257,000	215,000
	(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
TOTAL F. REGIONAL EDUCATION CENTERS	3,512,000	3,095,000
	(15.00)	(3.00)
 G. INNOVATION/EMERGING INDUSTRIES		
CLASSIFIED POSITIONS	109,500	109,500
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	5,000	5,000
OTHER OPERATING EXPENSES	106,500	106,500
INNOVATION GRANT PROGRAM	1,500,000	1,500,000
TOTAL G. INNOVATION/EMERGING INDUSTRIES	1,721,000	1,721,000
	(2.00)	(2.00)
 TOTAL II. PROGRAMS AND SERVICES	 122,418,207	 49,525,692
	(89.89)	(54.80)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,577,286	1,812,286
TOT III. EMPLOYEE BENEFITS	2,577,286	1,812,286
 TOTAL DEPARTMENT OF COMMERCE	 127,121,091	 53,044,576
	(107.10)	(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 SRVCS	60,000	
OTHER OPERATING EXPENSES	200,500	
TOT I. ADMINISTRATION	370,500	
	(1.00)	
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	52,650	
TOT 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	112,562	
	(1.00)	
CLASSIFIED POSITIONS	3,456,438	
	(86.00)	
OTHER PERSONAL SRVCS	1,004,000	
OTHER OPERATING EXPENSES	7,339,012	
INTEREST - LOAN NOTE	174,000	
TOTAL 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-SC CONSERVATION BANK

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	124,338	124,338
	(1.00)	(1.00)
CLASSIFIED POSITIONS	106,000	106,000
	(4.00)	(4.00)
OTHER OPERATING EXPENSES	248,096	248,096
CONSERVATION BANK TRUST	8,500,000	8,500,000
NATL COASTAL WETLANDS CONSERVATION GRANT	10,000,000	
SAVANNAH HARBOR EXTENSION PROJECT	5,000,000	
TOT I. ADMINISTRATION	23,978,434	8,978,434
	(5.00)	(5.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	91,700	91,700
TOT II. EMPLOYEE BENEFITS	91,700	91,700
TOT SC CONSERVATION BANK	24,070,134	9,070,134
	(5.00)	(5.00)

SECTION 54
P450-RURAL INFRASTRUCTURE AUTHORITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	130,654	
	(1.00)	
CLASSIFIED POSITIONS	304,346	
	(4.00)	
OTHER PERSONAL SERVICES	5,000	
OTHER OPERATING EXPENSES	170,000	
TOT I. ADMINISTRATION	610,000	
	(5.00)	

P450-RURAL INFRASTRUCTURE AUTHORITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
II. SC RURAL INFRASTRUC AUTHORITY		
SC RURAL INFRASTRU FUND	27,870,056	7,870,056
STWIDE WATER AND SEWER FD	8,000,000	8,000,000
TOTAL II. SC RURAL INFRASTRU AUTHORITY	35,870,056	15,870,056
III. OFFICE OF LOCAL GOVERNMENT		
CLASSIFIED POSITIONS	340,000	
	(6.00)	
OTHER PERSONAL SRVCS	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	294,000	
TOT IV. EMPLOYEE BENEFITS	294,000	
TOTAL RURAL INFRASTRUC AUTHORITY	44,219,656	22,035,656
	(11.00)	

SECTION 57
B040-JUDICIAL DEPARTMENT

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. THE COURT:		
A. SUPREME COURT		
CHIEF JUSTICE	212,160	212,160
	(1.00)	(1.00)
ASSOCIATE JUSTICE	808,228	808,228
	(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

OF SOUTH CAROLINA
General and Permanent Laws--2021
B040-JUDICIAL DEPARTMENT

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	1,900,000	1,400,000
TOTAL A. SUPREME COURT	5,275,388	4,775,388
	(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	870,000	
OF LAW EXAMINERS	(5.00)	
 C. OFFICE OF DISCIPLINARY COUNSEL		
UNCLASSIFIED POSITIONS	1,500,000	500,000
	(21.00)	(7.00)
OTHER OPERATING EXPENSES	125,000	
TOTAL C. OFFICE	1,625,000	500,000
OF DISCIPLINARY COUNSEL	(21.00)	(7.00)
 D. COMMISSION ON CONDUCT		
UNCLASSIFIED POSITIONS	716,500	300,000
	(12.00)	(4.00)
OTHER PERSONAL SERVICES	2,000	
OTHER OPERATING EXPENSES	150,000	
TOTAL D. COMMISSION	868,500	300,000
ON CONDUCT	(12.00)	(4.00)
 TOTAL I. THE COURT:	 8,638,888	 5,575,388
	(93.00)	(63.00)
 II. COURT OF APPEALS		
CHIEF APPEALS COURT JUDGE	200,036	200,036
	(1.00)	(1.00)
ASSOC APPEALS COURT JUDGE	1,576,040	1,576,040
	(8.00)	(8.00)
TAXABLE SUBSISTENCE	60,000	60,000

STATUTES AT LARGE
General and Permanent Laws--2021
B040-JUDICIAL DEPARTMENT

	TOTAL FUNDS	GENERAL FUNDS
UNCLASSIFIED POSITIONS	3,165,000	3,040,000
	(63.00)	(60.00)
OTHER PERSONAL SERVICES	112,000	10,000
OTHER OPERATING EXPENSES	1,287,600	787,600
TOT II. COURT OF APPEALS	6,400,676	5,673,676
	(72.00)	(69.00)
 III. CIRCUIT COURT		
CIRCUIT COURT JUDGE	9,405,745	9,405,745
	(49.00)	(49.00)
TAXABLE SUBSISTENCE	350,000	350,000
UNCLASSIFIED POSITIONS	4,772,000	3,825,000
	(129.00)	(101.00)
OTHER PERSONAL SERVICES	80,000	40,000
OTHER OPER EXPENSES	1,555,000	1,055,000
TOTAL III. CIRCUIT COURT	16,162,745	14,675,745
	(178.00)	(150.00)
 IV. FAMILY COURT		
FAMILY COURT JUDGE	11,214,120	11,214,120
	(60.00)	(60.00)
TAXABLE SUBSISTENCE	450,000	450,000
UNCLASSIFIED POSITIONS	1,800,000	1,800,000
	(63.00)	(63.00)
OTHER PERSONAL SERVICES	25,000	25,000
OTHER OPERATING EXPENSES	1,688,100	1,188,100
TOTAL IV. FAMILY COURT	15,177,220	14,677,220
	(123.00)	(123.00)
 V. REACTIVATED JUDGES		
REACTIVATED JUDGES	500,000	500,000
TOT V. REACTIVATED JUDGES	500,000	500,000
 VI. COURT ADMINISTRATION		
A. OFFICE OF STATE COURT ADMINISTRATOR		
UNCLASSIFIED POSITIONS	600,000	200,000
OTHER OPERATING EXPENSES	199,500	

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL A. OFFICE OF STATE COURT ADMINISTRATOR	799,500	200,000
B. COURT SERVICES		
1. COURT SERVICES		
UNCLASSIFIED POSITIONS	1,898,000	1,025,000
	(28.00)	(14.00)
OTHER OPERATING EXPENSES	1,620,393	175,000
TOTAL 1. COURT SERVICES	3,518,393	1,200,000
	(28.00)	(14.00)
2. LANGU INTERPRETERS		
OTHER OPER EXPENSES	190,000	190,000
TOTAL 2. LANGUAGE INTERPRETERS	190,000	190,000
3. COURT REPORTING		
UNCLASSIFIED POSITIONS	6,550,000	5,550,000
	(167.00)	(126.00)
OTHER OPER EXPENSES	978,000	950,000
TOT 3. COURT REPORTING	7,528,000	6,500,000
	(167.00)	(126.00)
TOT B. COURT SERVICES	11,236,393	7,890,000
	(195.00)	(140.00)
C. JUDGE SCHEDULING		
UNCLASSIFIED POSITIONS	375,000	250,000
	(4.00)	(2.00)
OTHER OPERATING EXPENSES	26,000	
TOT C. JUDGE SCHEDULING	401,000	250,000
	(4.00)	(2.00)
E. PUBLIC INFORMATION		
UNCLASSIFIED POSITIONS	76,500	76,500
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	26,000	
TOTAL E. PUBLIC INFO	102,500	76,500
	(1.00)	(1.00)

STATUTES AT LARGE
General and Permanent Laws--2021
B040-JUDICIAL DEPARTMENT

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
F. INFO TECHNOLOGY		
UNCLASSIFIED POSITIONS	2,706,130	86,130
	(44.00)	(2.00)
NEW POSITIONS -		
IT MANAGER I	(1.00)	
NEW POSITIONS -		
SYS PROGRAMMER/DVLPER III	(2.00)	
OTHER PERSONAL SERVICES	12,000	
OTHER OPERATING EXPENSES	4,088,000	2,505,000
CASE MGMNT TECH SUPPORT	3,000,000	
TOTAL F. INFO	9,806,130	2,591,130
TECHNOLOGY	(47.00)	(2.00)
G. FISCAL SERVICES		
UNCLASSIFIED POSITIONS	608,224	63,224
	(11.00)	
OTHER OPER EXPENSES	1,055,000	5,000
TOTAL G. FISCAL SERVICES	1,663,224	68,224
	(11.00)	
H. HUMAN RESOURCES		
UNCLASSIFIED POSITIONS	706,300	66,300
	(11.00)	(1.00)
OTHER OPERATING EXPENSES	55,000	5,000
TOT H. HUMAN RESOURCES	761,300	71,300
	(11.00)	(1.00)
TOTAL VI. COURT	24,770,047	11,147,154
ADMINISTRATION	(266.00)	(146.00)
VIII. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	28,816,827	25,258,827
TOT VIII. EMPLOYEE BENEFITS	28,816,827	25,258,827
TOT JUDICIAL DEPARTMENT	100,466,403	77,508,010
	(732.00)	(551.00)

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	2,428,505	1,607,274
	(44.00)	(23.50)
OTHER OPERATING EXPENSES	1,020,673	435,150
TOT I. ADMINISTRATION	4,141,817	2,735,063
	(50.00)	(29.50)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,352,057	1,102,825
TOT II. EMPLOYEE BENEFITS	1,352,057	1,102,825
TOTAL ADMINISTRATIVE	5,493,874	3,837,888
LAW COURT	(50.00)	(29.50)

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	11,699,719	9,479,361
	(222.25)	(168.05)
NEW POSITION -	100,000	100,000
ATTORNEY V	(1.00)	(1.00)
NEW POSITIONS -	30,000	30,000
PROGRAM ASSISTANT	(1.00)	(1.00)
NEW POSITIONS -	85,000	85,000
PROGRAM COORDINATOR I	(2.00)	(2.00)
NEW POSITIONS -	85,000	85,000
PROGRAM MANAGER I	(1.00)	(1.00)

STATUTES AT LARGE
General and Permanent Laws--2021
E200-ATTORNEY GENERAL'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	125,000	
	(1.00)	
OTHER PERSONAL SRVCS	765,010	25,000
OTHER OPERATING EXPENSES	17,136,783	3,641,700
TOT I. STATE LITIGATION	30,118,519	13,538,068
	(229.25)	(174.05)
 II. CRIME VICTIMS SERVICES		
CLASSIFIED POSITIONS	2,124,380	75,000
	(57.00)	(1.00)
OTHER PERSONAL SERVICES	193,840	
OTHER OPERATING EXPENSES	35,682,966	3,274,000
VICTIMS RIGHTS	120,000	120,000
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	
TOTAL II. CRIME VICTIMS SERVICES	71,936,186	3,469,000
	(57.00)	(1.00)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	5,023,701	3,302,773
TOT III. EMPLOYEE BENEFITS	5,023,701	3,302,773
 TOTAL ATTORNEY GENERAL'S OFFICE	 107,078,406	 20,309,841
	(286.25)	(175.05)

SECTION 60
E210-PROSECUTION COORDINATION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	133,836	133,836
	(1.00)	(1.00)

E210-PROSECUTION COORDINATION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	445,340	445,340
	(5.00)	(5.00)
OTHER PERSONAL SRVCS	99,550	2,400
OTHER OPERATING EXPENSES	352,550	131,109
TOTAL I. ADMINISTRATION	1,031,276	712,685
	(6.00)	(6.00)
 II. OFFICES OF CIRCUIT SOLICITORS		
CIRCUIT SOLICITOR	3,071,260	3,071,260
	(16.00)	(16.00)
UNCLASSIFIED POSITIONS	659,092	659,092
	(16.00)	(16.00)
OTHER OPERATING EXPENSES	192,000	192,000
12TH JUDICIAL CIRCUIT	150,000	150,000
DRUG COURT		
CASELOAD EQUALIZ FUNDING	7,826,872	7,826,872
CONDITIONAL DISCHARGE FEE	300,000	
- GENERAL SESSIONS		
CONDITIONAL DISCHARGE FEE	200,000	
- MAGISTRATE		
CONDITIONAL DISCHARGE FEE	175,000	
- MUNICIPALITY		
COURT FEES	300,000	
CRIMINAL DOMESTIC	1,600,000	1,600,000
VIOLENCE PROSECUTOR		
DRUG COURT FUNDING	4,400,000	1,600,000
DUI PROSECUTION	1,179,041	1,179,041
FEE FOR MOTIONS	450,000	
JUDICIAL CIRCUIT ST SUPPORT	6,352,002	6,352,002
KERSHAW CNTY DRUG COURT	52,965	52,965
LAW ENFORCEMENT FUNDING	4,000,000	
RICHLAND CNTY DRUG COURT	56,436	56,436
SALUDA CNTY DRUG COURT	38,000	38,000
SUMMARY COURT DOMESTIC	2,980,117	2,980,117
VIOLENCE PROSECUTION		
TRAFFIC EDUCATION	50,000	
PROG-MAGISTRATES COURT		

E210-PROSECUTION COORDINATION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TRAFFIC EDUCATION PROGRAM-MUNICIPAL COURT	50,000	
VICTIM'S ASSISTANCE PROG	132,703	132,703
VIOLENT CRIME PROSECUTION	1,600,000	1,600,000
TOTAL II. OFFICES OF CIRCUIT SOLICITORS	35,815,488	27,490,488
	(32.00)	(32.00)
 III. COMMUNITY PROGRAMS		
SC CENTER FOR FATHERS AND FAMILIES	400,000	400,000
TOT III. COMMUNITY PROG	400,000	400,000
 IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,852,829	2,815,837
TOT IV. EMPLOYEE BENEFITS	2,852,829	2,815,837
 TOTAL PROSECUTION COORDINATION COMMISSION	 40,099,593	 31,419,010
	(38.00)	(38.00)

SECTION 61
E230-COMMISSION ON INDIGENT DEFENSE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	147,900	147,900
	(1.00)	(1.00)
CLASSIFIED POSITIONS	575,943	408,975
	(9.50)	(5.50)
OTHER PERSONAL SERVICES	81,234	1,234
OTHER OPERATING EXPENSES	307,041	
CIVIL COMMITMENT VOUCHER PROCESSING	375,000	
CONFLICT FUND	2,500,000	
COURT FINE ASSESSMENT	665,060	
DEATH PENALTY TRIAL FUNDS	2,906,600	500,000
INFORMATION TECHNOLOGY SERVICES	127,192	127,192
LEGAL AID FUNDING	1,700,000	

E230-COMMISSION ON INDIGENT DEFENSE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
PROFESSIONAL TRAINING AND DEVELOPMENT	286,414	
RULE 608 APPOINTMENT	10,115,374	9,115,374
TOTAL I. ADMINISTRATION	19,287,758	9,800,675
	(10.50)	(6.50)
 II. DIVISION OF APPELLATE DEFENSE		
CLASSIFIED POSITIONS	1,287,820	756,537
	(23.00)	(8.00)
NEW POS - ATTORNEY III	(1.00)	(1.00)
OTHER OPERATING EXPENSES	352,600	
TOTAL II. DIVISION OF APPELLATE DEFENSE	1,640,420	756,537
	(24.00)	(9.00)
 III. OFFICE OF CIRCUIT PUBLIC DEFENDER		
CIRCUIT PUBLIC DEFENDER	3,071,264	3,071,264
	(16.00)	(16.00)
UNCLASSIFIED POSITIONS	627,649	627,649
	(16.00)	(16.00)
OTHER OPERATING EXPENSES	192,000	192,000
CRIMINAL DOMESTIC VIOLENCE	1,377,185	1,377,185
DEFENSE OF INDIGENTS/ PER CAPITA	20,074,101	15,901,049
DUI DEFENSE OF INDIGENTS	976,593	976,593
TOTAL III. OFFICE OF CIRCUIT PUBLIC DEFENDER	26,818,792	22,645,740
	(32.00)	(32.00)
 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)	

E230-COMMISSION ON INDIGENT DEFENSE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	3,453,668	3,050,937
TOTAL V. EMPLOYEE BENEFITS	3,453,668	3,050,937
TOTAL COMMISSION ON INDIGENT DEFENSE	51,672,238 (71.50)	36,253,889 (47.50)

SECTION 62
D100-GOVERNOR'S OFF-STATE
LAW ENFORCEMENT DIVISION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
CHIEF	195,700	195,700
	(1.00)	(1.00)
CLASSIFIED POSITIONS	2,308,072	2,279,072
	(44.00)	(42.00)
UNCLASSIFIED POSITIONS	150,929	150,929
	(1.00)	(1.00)
OTHER PERSONAL SRVCS	161,000	135,000
OTHER OPER EXPENSES	566,867	78,025
TOT I. ADMINISTRATION	3,382,568 (46.00)	2,838,726 (44.00)
II. PROGRAMS AND SERVICES		
A. INVESTIGATIVE SERVICES		
CLASSIFIED POSITIONS	9,768,228	9,148,608
	(151.95)	(142.95)
NEW POSITIONS -		
INSURANCE FRAUD AGENT	(5.00)	(5.00)
OTHER PERSONAL SERVICES	607,562	387,560
OTHER OPERATING EXPENSES	8,589,520	3,652,270
TOTAL A. INVESTIGATIVE SERVICES	18,965,310 (156.95)	13,188,438 (147.95)
B. FORENSIC SERVICES		
CLASSIFIED POSITIONS	6,489,208	6,063,508
	(119.80)	(108.00)

OF SOUTH CAROLINA
General and Permanent Laws--2021
D100-GOVERNOR'S OFF-STATE
LAW ENFORCEMENT DIVISION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
NEW POSITIONS -	703,611	703,611
FORENSIC TECHNICIAN II	(17.00)	(17.00)
NEW POSITIONS -	180,000	180,000
LAW ENFORCEMENT OFFICER II	(4.00)	(4.00)
NEW POSITIONS -	70,000	70,000
SR CRIMINALIST	(1.00)	(1.00)
OTHER PERSONAL SERVICES	934,822	219,822
OTHER OPERATING EXPENSES	7,100,116	1,283,201
BREATHTESTING SITE	250,000	
VIDEOTAPING		
DNA DATABASE PROGRAM	370,000	
IMPLIED CONSENT	89,855	89,855
CASE SERVICES	3,000	3,000
TOT B. FORENSIC SERVICES	16,190,612	8,612,997
	(141.80)	(130.00)
C. DATA CENTER		
CLASSIFIED POSITIONS	2,890,729	2,775,729
	(56.60)	(55.60)
OTHER PERSONAL SERVICES	509,751	31,601
OTHER OPERATING EXPENSES	8,293,517	3,592,530
TOTAL C. DATA CENTER	11,693,997	6,399,860
	(56.60)	(55.60)
D. REGULATORY		
CLASSIFIED POSITIONS	1,352,292	750,710
	(29.00)	(12.00)
OTHER PERSONAL SERVICES	639,427	218,112
OTHER OPERATING EXPENSES	5,290,313	4,099,950
PTSD TREATMENT	250,000	250,000
TOTAL D. REGULATORY	7,532,032	5,318,772
	(29.00)	(12.00)
E. HOMELAND SECURITY PROGRAM		
CLASSIFIED POSITIONS	460,617	306,897
	(5.65)	(3.85)
OTHER PERSONAL SERVICES	541,276	8,841

STATUTES AT LARGE
General and Permanent Laws--2021
D100-GOVERNOR'S OFF-STATE
LAW ENFORCEMENT DIVISION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
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	
TOTAL E. HOMELAND SECURITY PROGRAM	15,241,245 (5.65)	331,388 (3.85)
 F. CJIS/FUSION CENTER		
CLASSIFIED POSITIONS	4,419,009 (84.00)	3,312,985 (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	8,306,665 (84.00)	3,663,414 (53.00)
 G. COUNTER-TERRORISM		
CLASSIFIED POSITIONS	4,544,764 (56.00)	4,493,764 (55.00)
OTHER PERSONAL SERVICES	483,296	428,296
OTHER OPERATING EXPENSES	3,692,637	399,750
TOT G. COUNTER-TERRORISM	8,720,697 (56.00)	5,321,810 (55.00)
 H. VICE		
CLASSIFIED POSITIONS	5,476,915 (93.00)	4,578,103 (77.00)
OTHER PERSONAL SERVICES	430,404	250,000
OTHER OPERATING EXPENSES	833,862	360,695
AGENT OPERATIONS	92,625	92,625
METH LAB CLEAN UP	500,000	500,000
TOTAL H. VICE	7,333,806 (93.00)	5,781,423 (77.00)
 TOTAL II. PROGRAMS AND SERVICES	 93,984,364 (623.00)	 48,618,102 (534.40)

OF SOUTH CAROLINA
General and Permanent Laws--2021
D100-GOVERNOR'S OFF-STATE
LAW ENFORCEMENT DIVISION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	17,038,786	14,400,845
TOT III. EMPLOYEE BENEFITS	17,038,786	14,400,845
TOT GOVERNOR'S OFF-STATE	114,405,718	65,857,673
LAW ENFORCEMENT DIVISION	(669.00)	(578.40)

SECTION 63
K050-DEPARTMENT OF PUBLIC SAFETY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATIVE SRVCS		
DIRECTOR	168,059	134,947
	(1.00)	(0.80)
CLASSIFIED POSITIONS	4,184,214	3,981,724
	(90.71)	(79.40)
OTHER PERSONAL SERVICES	257,961	165,400
OTHER OPERATING EXPENSES	3,280,504	125,481
TOTAL I. ADMINISTRATIVE	7,890,738	4,407,552
SERVICES	(91.71)	(80.20)
II. PROGRAMS AND SERVICES		
A. HIGHWAY PATROL		
1. HIGHWAY PATROL		
CLASSIFIED POSITIONS	54,517,520	48,760,355
	(1,136.70)	(1,018.30)
UNCLASSIFIED POSITIONS	123,315	123,315
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	4,251,485	2,618,810
OTHER OPERATING EXPENSES	29,055,886	7,746,268
TOT 1. HIGHWAY PATROL	87,948,206	59,248,748
	(1,137.70)	(1,019.30)
TOT A. HIGHWAY PATROL	87,948,206	59,248,748
	(1,137.70)	(1,019.30)

K050-DEPARTMENT OF PUBLIC SAFETY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
B. STATE TRANSPORT POLICE		
CLASSIFIED POSITIONS	7,773,785	2,443,561
	(147.01)	(45.90)
UNCLASSIFIED POSITIONS	107,324	107,324
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	147,728	46,725
OTHER OPERATING EXPENSES	4,492,214	
TOTAL B. STATE	12,521,051	2,597,610
TRANSPORT POLICE	(148.01)	(46.90)
 C. BUREAU OF PROTECTIVE SERVICES		
CLASSIFIED POSITIONS	3,942,788	3,011,156
	(93.00)	(55.00)
NEW POSITIONS -	73,126	73,126
COMMUNICATIONS SPECIALIST III	(2.00)	(2.00)
NEW POSITIONS -	304,416	304,416
LAW ENFORCEMENT OFFICER II	(6.00)	(6.00)
OTHER PERSONAL SERVICES	273,558	211,156
OTHER OPERATING EXPENSES	516,196	390,326
TOTAL C. BUREAU	5,110,084	3,990,180
OF PROTECTIVE SERVICES	(101.00)	(63.00)
 D. HALL OF FAME		
CLASSIFIED POSITIONS	137,000	
	(3.00)	
OTHER OPERATING EXPENSES	221,000	95,000
TOTAL D. HALL OF FAME	358,000	95,000
	(3.00)	
 E. SAFETY AND GRANTS		
CLASSIFIED POSITIONS	1,626,862	532,920
	(28.58)	(6.40)
NEW POSITIONS -	105,819	
ACC/FISCAL ANALYST II	(2.00)	
NEW POSITIONS -	58,085	
PROGRAM COORDINATOR II	(1.00)	
NEW POSITIONS -		
SCHOOL SAFETY PROGRAM COORD	(1.00)	

K050-DEPARTMENT OF PUBLIC SAFETY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	456,780	3,000
OTHER OPERATING EXPENSES	8,643,582	31,819
BODY CAMERAS	2,400,000	2,400,000
SCHOOL SAFETY PROGRAM	17,000,000	4,000,000
ALLOC MUNICIPALITIES- RESTRICTED	3,033,720	
ALLOC CNTIES - RESTRICTED	4,000,547	
ALLOC OTHER ST AGENCIES	3,466,000	
ALLOC OTHER ENTITIES	1,240,000	
TOT E. SAFETY AND GRANTS	42,031,395	6,967,739
	(32.58)	(7.40)
TOTAL II. PROGRAMS AND SERVICES	147,968,736	72,899,277
	(1,422.29)	(1,136.60)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	37,090,763	30,322,736
TOT III. EMPLOYEE BENEFITS	37,090,763	30,322,736
TOTAL DEPARTMENT OF PUBLIC SAFETY	192,950,237	107,629,565
	(1,514.00)	(1,216.80)

SECTION 64**N200-LAW ENFORCEMENT TRAINING COUNCIL**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	124,448	
	(1.00)	
CLASSIFIED POSITIONS	2,830,514	510,178
	(61.00)	(7.00)
OTHER PERSONAL SERVICES	47,000	
OTHER OPERATING EXPENSES	4,099,910	2,749,600
TOTAL I. ADMINISTRATION	7,101,872	3,259,778
	(62.00)	(7.00)
II. TRAINING		
CLASSIFIED POSITIONS	3,979,751	3,361,887
	(78.00)	(58.00)

N200-LAW ENFORCEMENT TRAINING COUNCIL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	265,980	
OTHER OPERATING EXPENSES	2,121,734	718,706
TOTAL II. TRAINING	6,367,465	4,080,593
	(78.00)	(58.00)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	3,028,713	1,623,654
TOT III. EMPLOYEE BENEFITS	3,028,713	1,623,654
 TOTAL LAW ENFORCEMENT TRAINING COUNCIL		
	16,498,050	8,964,025
	(140.00)	(65.00)

SECTION 65
N040-DEPARTMENT OF CORRECTIONS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. INTERNAL ADMIN & SUPRT		
COMMISSIONERS	199,857	199,857
	(1.00)	(1.00)
CLASSIFIED POSITIONS	10,200,709	9,464,048
	(148.00)	(134.40)
NEW POSITIONS -	50,876	50,876
ADMINISTRATIVE ASSISTANT	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	480,043	480,043
	(3.00)	(3.00)
OTHER PERSONAL SRVCS	433,652	346,443
OTHER OPERATING EXPENSES	5,741,200	4,141,000
TOTAL I. INTERNAL ADMIN & SUPPORT	17,106,337	14,682,267
	(153.00)	(139.40)
 II. PROGRAMS AND SRVCS		
A. HOUSING, CARE, SECURITY, AND SUPERVISION		
CLASSIFIED POSITIONS	212,729,472	210,356,670
	(5,681.13)	(5,611.76)
NEW POSITIONS -	260,000	260,000
HUMAN SERVICES COORDINATOR I	(5.00)	(5.00)

N040-DEPARTMENT OF CORRECTIONS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
NEW POSITIONS -	520,000	520,000
HUMAN SERVICES COORDINATOR II	(10.00)	(10.00)
NEW POSITIONS -	137,324	137,324
LICENSED PRACTICAL NURSE	(4.00)	(4.00)
NEW POSITIONS -	565,000	565,000
NURSE PRACTITIONER IV	(5.00)	(5.00)
NEW POSITIONS -	432,000	432,000
REGISTERED NURSE I	(8.00)	(8.00)
NEW POSITIONS -	702,000	702,000
REGISTERED NURSE II	(9.00)	(9.00)
UNCLASSIFIED POSITIONS	556,778	556,778
	(3.00)	(3.00)
OTHER PERSONAL SERVICES	4,514,739	3,924,370
OTHER OPERATING EXPENSES	121,638,260	102,111,960
CASE SERVICES	27,292,683	24,242,683
TOTAL A. HOUSING, CARE,	369,348,256	343,808,785
SECURITY, AND SUPERVISION	(5,725.13)	(5,655.76)
 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	8,113,531	2,340,839
	(161.52)	(50.00)
OTHER PERSONAL SERVICES	9,911,342	359,792
OTHER OPERATING EXPENSES	17,218,845	357,638
TOTAL C. WORK	35,243,718	3,058,269
& VOCATIONAL ACTIVITIES	(161.52)	(50.00)
 D. PALMETTO UNIFIED		
SCH DIST 1		
CLASSIFIED POSITIONS	1,453,034	1,193,749
	(44.90)	(10.70)
UNCLASSIFIED POSITIONS	3,394,343	1,904,343
	(49.44)	(24.01)
OTHER PERSONAL SERVICES	1,878,827	666,033

N040-DEPARTMENT OF CORRECTIONS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	1,890,238	70,190
TOTAL D. PALMETTO UNIFIED SCH DIST 1	8,616,442 (94.34)	3,834,315 (34.71)
 E. INDIVIDUAL GROWTH & MOTIVATION		
CLASSIFIED POSITIONS	3,433,464 (78.00)	3,433,464 (78.00)
OTHER PERSONAL SERVICES	705,623	559,373
OTHER OPERATING EXPENSES	433,497	84,747
TOTAL E. INDIVIDUAL GROWTH & MOTIVATION	4,572,584 (78.00)	4,077,584 (78.00)
 F. PENAL FACILITY INSPECTION SERVICE		
CLASSIFIED POSITIONS	114,220 (2.00)	114,220 (2.00)
OTHER OPERATING EXPENSES	6,000	6,000
TOTAL F. PENAL FACILITY INSPECTION SRVC	120,220 (2.00)	120,220 (2.00)
 TOTAL II. PROGRAMS AND SERVICES	 419,868,940 (6,060.99)	 356,866,893 (5,820.47)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	102,390,225	97,833,347
TOT III. EMPLOYEE BENEFITS	102,390,225	97,833,347
 TOTAL DEPARTMENT OF CORRECTIONS	 539,365,502 (6,213.99)	 469,382,507 (5,959.87)

SECTION 66
N080-DEPARTMENT OF PROBATION,
PAROLE & PARDON SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	145,448	145,448
	(1.00)	(1.00)
CLASSIFIED POSITIONS	2,423,907	954,076
	(53.00)	(19.00)
UNCLASSIFIED POSITIONS	102,941	102,941
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	117,596	85,000
OTHER OPERATING EXPENSES	323,182	
TOTAL I. ADMINISTRATION	3,113,074	1,287,465
	(55.00)	(21.00)
II. PROGRAMS AND SERVICES		
A. OFFENDER PROGRAMMING		
1. OFFENDER SUPERVISION		
CLASSIFIED POSITIONS	26,498,201	20,503,645
	(560.00)	(444.00)
NEW POSITIONS -		
INFO SYSTEMS/BUSINESS ANALYST I	(5.00)	(5.00)
NEW POSITIONS -		
INFO TECHNOLOGY MGR I	(5.00)	(5.00)
NEW POSITIONS -		
PROBATION & PAROLE AGENT	(10.00)	(10.00)
UNCLASSIFIED POSITIONS	181,177	181,177
	(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	38,006,236	23,397,107
	(582.00)	(466.00)
2. SEX OFFENDER MONITORING		
CLASSIFIED POSITIONS	2,391,705	2,391,705
	(54.00)	(54.00)
OTHER PERSONAL SERVICES	10,000	10,000
OTHER OPERATING EXPENSES	785,001	775,001

STATUTES AT LARGE
General and Permanent Laws--2021
N080-DEPARTMENT OF PROBATION,
PAROLE & PARDON SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
EMPLOYER CONTRIBUTIONS	1,177,557	1,161,557
TOTAL 2. SEX	4,364,263	4,338,263
OFFENDER MONITORING	(54.00)	(54.00)
 3. SENTENCING REFORM		
CLASSIFIED POSITIONS	1,853,806	1,853,806
	(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
TOTAL 3. SENTENCING REFORM	5,712,750	5,712,750
	(52.00)	(52.00)
 TOTAL A. OFFENDER PROGRAMMING	 48,083,249	 33,448,120
	(688.00)	(572.00)
 B. REHABILITATIVE SERVICES		
CLASSIFIED POSITIONS	303,209	3,209
	(6.00)	
NEW POSITIONS -	51,592	51,592
HEARINGS OFFICER III	(1.00)	(1.00)
NEW POSITIONS -	85,998	85,998
HUMAN SERVICES COORDINATOR I	(4.00)	(4.00)
NEW POSITIONS -	252,324	252,324
PROBATION & PAROLE AGENT	(6.00)	(6.00)
NEW POSITIONS -	62,607	62,607
PROBATION & PAROLE MGR II	(1.00)	(1.00)
NEW POSITIONS -	36,512	36,512
PROGRAM ASSISTANT	(1.00)	(1.00)
OTHER PERSONAL SERVICES	320,000	
OTHER OPERATING EXPENSES	644,900	104,900
ALSTON WILKES	1,500,000	1,500,000
RE-ENTRY SERVICES		
CASE SERVICES	10,000	
TOTAL B. REHABILITATIVE SERVICES	3,267,142	2,097,142
	(19.00)	(13.00)

OF SOUTH CAROLINA
General and Permanent Laws--2021
N080-DEPARTMENT OF PROBATION,
PAROLE & PARDON SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
C. PAROLE OPERATIONS		
PROBATION, PAROLE & PARDON BOARD	155,230	155,230
CLASSIFIED POSITIONS	1,699,145	1,080,292
	(45.00)	(30.00)
OTHER PERSONAL SERVICES	59,853	
OTHER OPERATING EXPENSES	97,132	
CASE SERVICES	45,000	
TOT C. PAROLE OPERATIONS	2,056,360	1,235,522
	(45.00)	(30.00)
TOTAL II. PROGRAMS AND SERVICES	53,406,751	36,780,784
	(752.00)	(615.00)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	14,287,503	11,488,688
TOT III. EMPLOYEE BENEFITS	14,287,503	11,488,688
TOT DEPTMT OF PROBATION, PAROLE & PARDON SERVICES	70,807,328	49,556,937
	(807.00)	(636.00)

SECTION 67
N120-DEPARTMENT OF JUVENILE JUSTICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. PAROLE DIVISION		
PROBATION, PAROLE & PARDON BOARD	12,517	12,517
CLASSIFIED POSITIONS	329,612	329,612
	(6.00)	(6.00)
UNCLASSIFIED POSITIONS	74,502	74,502
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	51,869	51,869
TOTAL I. PAROLE DIVISION	468,500	468,500
	(7.00)	(7.00)

N120-DEPARTMENT OF JUVENILE JUSTICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
II. ADMINISTRATION DIVISION		
COMMISSIONERS	148,612	148,612
	(1.00)	(1.00)
CLASSIFIED POSITIONS	4,738,288	4,680,223
	(92.00)	(91.00)
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	6,483,273	6,251,908
DIVISION	(94.00)	(93.00)
III. PROGRAMS AND SERVICES		
A. COMMUNITY SERVICES		
CLASSIFIED POSITIONS	18,062,531	18,015,616
	(377.00)	(376.00)
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
COMMUNITY ADVOCACY PROG	250,000	250,000
SEX OFFENDER MONITORING	27,410	27,410
CASE SERVICES	3,728,403	1,333,613
TOT A. COMMUNITY SRVCS	24,127,508	21,319,869
	(378.00)	(377.00)
B. LONGTERM FACILITIES		
CLASSIFIED POSITIONS	14,096,013	13,772,642
	(433.00)	(421.00)
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	21,104,288	19,829,630
	(434.00)	(422.00)

N120-DEPARTMENT OF JUVENILE JUSTICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
C. RECEPTION & EVALUATION CENTER		
CLASSIFIED POSITIONS	10,311,730	8,832,572
	(234.90)	(186.00)
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	11,917,176	10,011,322
	(234.90)	(186.00)
D. COUNTY SERVICES DETENTION CENTER		
CLASSIFIED POSITIONS	5,079,198	2,636,023
	(118.85)	(26.00)
OTHER PERSONAL SERVICES	163,269	
OTHER OPERATING EXPENSES	141,364	
CASE SERVICES	13,184	
TOTAL D. COUNTY SERVICES DETENTION CNTR	5,397,015	2,636,023
	(118.85)	(26.00)
E. RESIDENTIAL OPERATIONS		
CLASSIFIED POSITIONS	815,379	770,379
	(13.00)	(12.00)
OTHER PERSONAL SERVICES	21,410	21,410
OTHER OPERATING EXPENSES	49,106	49,106
TARGETED CASE MANAGEMENT	1,700,000	1,700,000
CASE SERVICES	22,861,494	21,077,147
TOTAL E. RESIDENTIAL OPERATIONS	25,447,389	23,618,042
	(13.00)	(12.00)
F. JUVENILE HEALTH & SAFETY		
CLASSIFIED POSITIONS	2,521,782	2,321,540
	(58.50)	(55.00)
UNCLASSIFIED POSITIONS	3,279	3,279
OTHER PERSONAL SERVICES	621,432	609,856
OTHER OPERATING EXPENSES	5,151,957	4,938,817
CASE SERVICES	2,623,757	2,187,687
TOTAL F. JUVENILE HEALTH & SAFETY	10,922,207	10,061,179
	(58.50)	(55.00)

N120-DEPARTMENT OF JUVENILE JUSTICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
G. PROG ANALYSIS/STAFF DEV & QUALITY		
CLASSIFIED POSITIONS	2,239,954	2,214,743
	(45.00)	(45.00)
UNCLASSIFIED POSITIONS	88,578	88,578
	(1.00)	(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 & QUALITY	2,961,321	2,539,427
	(46.00)	(46.00)
H. EDUCATION		
CLASSIFIED POSITIONS	727,008	277,191
	(38.58)	(26.58)
UNCLASSIFIED POSITIONS	4,319,782	166,362
	(68.10)	(3.10)
OTHER PERSONAL SERVICES	430,455	55,136
OTHER OPERATING EXPENSES	1,204,574	193,751
TOTAL H. EDUCATION	6,681,819	692,440
	(106.68)	(29.68)
TOTAL III. PROGRAMS AND SERVICES	108,558,723	90,707,932
	(1,389.93)	(1,153.68)
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	28,848,756	24,938,213
TOT IV. EMPLOYEE BENEFITS	28,848,756	24,938,213
TOTAL DEPARTMENT OF JUVENILE JUSTICE	144,359,252	122,366,553
	(1,490.93)	(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)

OF SOUTH CAROLINA
General and Permanent Laws--2021
L360-HUMAN AFFAIRS COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
CLASSIFIED POSITIONS	378,976	378,976
	(8.00)	(8.00)
NEW POSITIONS -	47,384	47,384
PROGRAM COORDINATOR I	(1.00)	(1.00)
OTHER PERSONAL SERVICES	5,683	5,683
OTHER OPERATING EXPENSES	163,502	160,002
TOTAL I. ADMINISTRATION	710,545	707,045
	(10.00)	(10.00)
 II. CONSULTATIVE SERVICES		
CLASSIFIED POSITIONS	195,513	195,513
	(7.00)	(6.00)
OTHER OPERATING EXPENSES	160,519	142,519
TOTAL II. CONSULTATIVE SERVICES	356,032	338,032
	(7.00)	(6.00)
 III. COMPLIANCE PROGRAMS		
CLASSIFIED POSITIONS	1,331,822	747,976
	(34.00)	(20.50)
OTHER OPERATING EXPENSES	1,061,581	248,698
TOTAL III. COMPLIANCE PROGRAMS	2,393,403	996,674
	(34.00)	(20.50)
 IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	962,070	739,926
TOT IV. EMPLOYEE BENEFITS	962,070	739,926
 TOTAL HUMAN AFFAIRS COMMISSION	 4,422,050	 2,781,677
	(51.00)	(36.50)

SECTION 71
L460-COMMISSION ON MINORITY AFFAIRS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	102,000	102,000
	(1.00)	(1.00)

L460-COMMISSION ON MINORITY AFFAIRS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
CLASSIFIED POSITIONS	777,983	687,983
	(16.00)	(14.00)
NEW POSITIONS -	35,000	35,000
ADMINISTRATIVE ASSISTANT	(1.00)	(1.00)
NEW POSITIONS -	52,000	52,000
PROGRAM COORDINATOR II	(1.00)	(1.00)
OTHER OPERATING EXPENSES	664,264	516,450
TOTAL I. ADMINISTRATION	1,631,247	1,393,433
	(19.00)	(17.00)
 II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	360,912	336,912
TOTAL II. EMPLOYEE BENEFITS	360,912	336,912
 TOTAL COMMISSION ON		
MINORITY AFFAIRS	1,992,159	1,730,345
	(19.00)	(17.00)

SECTION 72
R040-PUBLIC SERVICE COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	140,172	
	(1.00)	
CHAIRMAN	133,982	
	(1.00)	
COMMISSIONERS	792,426	
	(6.00)	
CLASSIFIED POSITIONS	2,248,969	
	(36.00)	
OTHER PERSONAL SERVICES	88,000	
OTHER OPERATING EXPENSES	1,446,446	
TOTAL I. ADMINISTRATION	4,849,995	
	(44.00)	
 II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,308,203	
TOTAL II. EMPLOYEE BENEFITS	1,308,203	

OF SOUTH CAROLINA
General and Permanent Laws--2021
R040-PUBLIC SERVICE COMMISSION

TOTAL FUNDS GENERAL FUNDS

TOTAL PUBLIC SERVICE COMMISSION	6,158,198 (44.00)
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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)
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	1,512,276 (24.00)
OTHER OPERATING EXPENSES	300,000
TOT II. SUPPORT SERVICES	1,812,276 (24.00)

IV. ORS PROGRAMS

UNCLASSIFIED POSITIONS	2,806,262 (39.00)
TOTAL IV. ORS PROGRAMS	2,806,262 (39.00)

VI. 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

R060-OFFICE OF REGULATORY STAFF

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT A. ENERGY PROGRAMS	1,318,938	
	(13.33)	
 B. RADIOACTIVE WASTE		
UNCLASSIFIED POSITIONS	127,500	
	(4.67)	
OTHER OPERATING EXPENSES	94,924	
TOT B. RADIOACTIVE WASTE	222,424	
	(4.67)	
 TOTAL VI. ENERGY OFFICE	1,541,362	
	(18.00)	
 VII. STATEWIDE BROADBAND OFFICE		
NEW POSITIONS -	890,000	890,000
PROGRAM MANAGER I	(10.00)	(10.00)
OTHER OPERATING EXPENSES	1,771,800	1,771,800
TOTAL VII. STATEWIDE BROADBAND OFFICE	2,661,800	2,661,800
	(10.00)	(10.00)
 VIII. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,606,018	338,200
TOT VIII. EMPLOYEE BENEFITS	2,606,018	338,200
 TOTAL OFFICE OF REGULATORY STAFF	18,466,839	3,000,000
	(102.00)	(10.00)

SECTION 74

R080-WORKERS' COMPENSATION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	138,686	138,686
	(1.00)	(1.00)
CLASSIFIED POSITIONS	840,019	48,034
	(22.00)	(1.00)
OTHER PERSONAL SERVICES	41,000	

R080-WORKERS' COMPENSATION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	2,700,713	75,000
TOT I. ADMINISTRATION	3,720,418	261,720
	(23.00)	(2.00)
 II. JUDICIAL		
A. COMMISSIONERS		
CHAIRMAN	168,057	168,057
	(1.00)	(1.00)
COMMISSIONERS	978,964	978,964
	(6.00)	(6.00)
TAXABLE SUBSISTENCE	70,000	
CLASSIFIED POSITIONS	320,113	320,113
	(7.00)	(7.00)
OTHER OPERATING EXPENSES	230,700	
TOT A. COMMISSIONERS	1,767,834	1,467,134
	(14.00)	(14.00)
 B. MANAGEMENT		
CLASSIFIED POSITIONS	332,146	29,852
	(8.00)	(1.00)
OTHER OPERATING EXPENSES	12,800	
TOTAL B. MANAGEMENT	344,946	29,852
	(8.00)	(1.00)
 TOTAL II. JUDICIAL	 2,112,780	 1,496,986
	(22.00)	(15.00)
 III. INSURANCE & MEDICAL SERVICES		
CLASSIFIED POSITIONS	487,160	27,697
	(9.00)	(1.00)

R080-WORKERS' COMPENSATION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	22,881	
OTHER OPERATING EXPENSES	54,500	
TOTAL III. INSURANCE	564,541	27,697
& MEDICAL SERVICES	(9.00)	(1.00)
 IV. CLAIMS		
CLASSIFIED POSITIONS	359,617	78,767
	(9.00)	(1.00)
OTHER OPERATING EXPENSES	19,700	
TOTAL IV. CLAIMS	379,317	78,767
	(9.00)	(1.00)
 V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,409,228	713,269
TOT V. EMPLOYEE BENEFITS	1,409,228	713,269
 TOTAL WORKERS'	 8,186,284	 2,578,439
COMPENSATION COMMISSION	(63.00)	(19.00)

**SECTION 75
R120-STATE ACCIDENT FUND**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	135,280	
	(1.00)	
CLASSIFIED POSITIONS	4,122,405	
	(76.00)	
OTHER OPERATING EXPENSES	3,497,876	
EDUCATIONAL TRAINING	5,000	
TOTAL I. ADMINISTRATION	7,760,561	
	(77.00)	
 II. UNINSURED EMPLOYERS		
FUND		
CLASSIFIED POSITIONS	510,034	
	(11.00)	

OF SOUTH CAROLINA
General and Permanent Laws--2021
R120-STATE ACCIDENT FUND

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	403,074	
TOTAL II. UNINSURED	913,108	
EMPLOYERS FUND	(11.00)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,137,394	
TOT III. EMPLOYEE BENEFITS	2,137,394	
TOT STATE ACCIDENT FUND	10,811,063	
	(88.00)	

SECTION 78
R200-DEPARTMENT OF INSURANCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
CHIEF INSUR COMMISSIONER	160,917	160,917
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,858,031	824,397
	(28.25)	(22.30)
UNCLASSIFIED POSITIONS	260,410	179,361
	(1.50)	(1.50)
OTHER PERSONAL SERVICES	194,959	143,642
OTHER OPERATING EXPENSES	1,186,920	394,830
TOT I. ADMINISTRATION	3,661,237	1,703,147
	(30.75)	(24.80)
II. PROGRAMS AND SRVCS		
A. SOLVENCY		
CLASSIFIED POSITIONS	615,236	147,622
	(16.00)	(1.00)
UNCLASSIFIED POSITIONS	85,826	2,514
	(0.50)	
OTHER PERSONAL SERVICES	217,042	29,150
OTHER OPERATING EXPENSES	469,296	13,257
TOTAL A. SOLVENCY	1,387,400	192,543
	(16.50)	(1.00)

STATUTES AT LARGE
General and Permanent Laws--2021
R200-DEPARTMENT OF INSURANCE

	TOTAL FUNDS	GENERAL FUNDS
B. LICENSING		
CLASSIFIED POSITIONS	447,597	183,045
	(11.00)	(4.00)
UNCLASSIFIED POSITIONS	23,234	
	(0.50)	
OTHER PERSONAL SERVICES	56,371	297
OTHER OPERATING EXPENSES	329,884	4,981
TOTAL B. LICENSING	857,086	188,323
	(11.50)	(4.00)
C. TAXATION		
CLASSIFIED POSITIONS	249,730	93,715
	(3.00)	(0.50)
OTHER PERSONAL SERVICES	15,852	15,852
OTHER OPERATING EXPENSES	175,467	8,740
TOTAL C. TAXATION	441,049	118,307
	(3.00)	(0.50)
D. CONSUMER SERVICES/ COMPLAINTS		
CLASSIFIED POSITIONS	441,417	304,414
	(9.00)	(2.00)
UNCLASSIFIED POSITIONS	82,137	28,366
	(0.50)	(0.50)
OTHER PERSONAL SERVICES	46,954	29,728
OTHER OPERATING EXPENSES	164,107	28,907
TOTAL D. CONSUMER SRVCS/COMPLAINTS	734,615	391,415
	(9.50)	(2.50)
E. POLICY FORMS AND RATES		
CLASSIFIED POSITIONS	1,057,097	707,097
	(14.00)	(6.00)
UNCLASSIFIED POSITIONS	176,574	85,574
	(0.50)	(0.50)
OTHER PERSONAL SERVICES	5,564	5,564
OTHER OPERATING EXPENSES	338,439	101,671
TOTAL E. POLICY FORMS AND RATES	1,577,674	899,906
	(14.50)	(6.50)

OF SOUTH CAROLINA
General and Permanent Laws--2021
R200-DEPARTMENT OF INSURANCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
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 MOTORISTS	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)	
I. FRAUD		
NEW POSITIONS -	60,000	
ACCNT/FISCAL ANALYST III	(1.00)	
NEW POSITIONS -	60,000	60,000
ATTORNEY II	(1.00)	(1.00)
NEW POSITIONS -	144,000	144,000
ATTORNEY III	(2.00)	(2.00)
NEW POSITION -	92,000	92,000
ATTORNEY IV	(1.00)	(1.00)
NEW POSITION -	105,000	105,000
ATTORNEY V	(1.00)	(1.00)
NEW POSITIONS -	80,000	80,000
LEGAL ASSISTANT	(2.00)	(2.00)
NEW POSITIONS -	50,000	50,000
PROGRAM COORDINATOR I	(1.00)	(1.00)
OTHER OPERATING EXPENSES	1,232,000	910,000
TOTAL I. FRAUD	1,823,000	1,441,000
	(9.00)	(8.00)

STATUTES AT LARGE
General and Permanent Laws--2021
R200-DEPARTMENT OF INSURANCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL II. PROGRAMS AND SERVICES	14,168,733 (75.25)	3,231,494 (22.50)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,329,893	1,194,468
TOT III. EMPLOYEE BENEFITS	2,329,893	1,194,468
TOTAL DEPARTMENT OF INSURANCE	20,159,863 (106.00)	6,129,109 (47.30)

SECTION 79
R230-STATE BOARD OF FINANCIAL INSTITUTIONS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
OTHER PERSONAL SERVICES	3,500	
OTHER OPERATING EXPENSES	40,500	
TOTAL I. ADMINISTRATION	44,000	
II. BANKING EXAMINERS		
COMMISSIONER OF BANKING	126,615	
	(1.00)	
CLASSIFIED POSITIONS	1,494,385	
	(21.00)	
OTHER OPERATING EXPENSES	462,000	
TOT II. BANKING EXAMINERS	2,083,000 (22.00)	
III. CONSUMER FINANCE		
DIRECTOR	106,670	
	(1.00)	
CLASSIFIED POSITIONS	1,690,461	
	(33.00)	
OTHER PERSONAL SERVICES	2,600	
OTHER OPERATING EXPENSES	505,073	
TOT III. CONSUMER FINANCE	2,304,804 (34.00)	

R230-STATE BOARD OF FINANCIAL INSTITUTIONS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,385,000	
TOT IV. EMPLOYEE BENEFITS	1,385,000	
TOTAL STATE BOARD OF FINANCIAL INSTITUTIONS	5,816,804	(56.00)

**SECTION 80
R280-DEPARTMENT OF CONSUMER AFFAIRS**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
ADMINISTRATOR	128,926	128,926
	(1.00)	(1.00)
CLASSIFIED POSITIONS	250,682	
	(5.00)	
OTHER PERSONAL SERVICES	5,000	
OTHER OPERATING EXPENSES	150,000	150,000
TOTAL I. ADMINISTRATION	534,608	278,926
	(6.00)	(1.00)
II. LEGAL		
CLASSIFIED POSITIONS	1,042,341	191,317
	(22.00)	(6.00)
OTHER PERSONAL SERVICES	15,000	
OTHER OPERATING EXPENSES	406,798	130,000
TOTAL II. LEGAL	1,464,139	321,317
	(22.00)	(6.00)
III. CONSUMER SERVICES		
CLASSIFIED POSITIONS	267,785	50,193
	(6.00)	(1.00)
OTHER PERSONAL SERVICES	33,000	
OTHER OPERATING EXPENSES	55,439	55,439
TOTAL III. CONSUMER SERVICES	356,224	105,632
	(6.00)	(1.00)

R280-DEPARTMENT OF CONSUMER AFFAIRS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
IV. CONSUMER ADVOCACY		
CLASSIFIED POSITIONS	185,000	185,000
	(3.00)	(3.00)
NEW POSITIONS -	40,000	40,000
PARALEGAL	(1.00)	(1.00)
OTHER OPERATING EXPENSES	260,000	260,000
TOT IV. CONSUMER ADVOCACY	485,000	485,000
	(4.00)	(4.00)
V. PUBLIC INFO & EDUCATION		
CLASSIFIED POSITIONS	170,000	170,000
	(4.00)	(4.00)
OTHER OPERATING EXPENSES	61,650	53,500
TOTAL V. PUBLIC	231,650	223,500
INFORMATION & EDUCATION	(4.00)	(4.00)
VI. ID THEFT UNIT		
CLASSIFIED POSITIONS	108,000	108,000
	(3.00)	(3.00)
OTHER OPERATING EXPENSES	50,750	50,750
TOTAL VI. ID THEFT UNIT	158,750	158,750
	(3.00)	(3.00)
VII. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	933,673	372,023
TOTAL VII. EMPLOYEE BENEFITS	933,673	372,023
TOTAL DEPARTMENT OF	4,164,044	1,945,148
CONSUMER AFFAIRS	(45.00)	(19.00)

SECTION 81
R360-DEPARTMENT OF LABOR,
LICENSING & REGULATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	143,560	
	(1.00)	
CLASSIFIED POSITIONS	4,393,837	
	(79.09)	

OF SOUTH CAROLINA
General and Permanent Laws--2021
R360-DEPARTMENT OF LABOR,
LICENSING & REGULATION

	TOTAL FUNDS	GENERAL FUNDS
OTHER PERSONAL SERVICES	500,000	
OTHER OPERATING EXPENSES	1,457,054	
TOTAL I. ADMINISTRATION	6,494,451	
	(80.09)	
 II. PROGRAMS & SERVICES		
A. OSHA VOLUNTARY PROG		
CLASSIFIED POSITIONS	792,258	61,189
	(18.98)	(6.26)
OTHER OPERATING EXPENSES	476,354	40,000
TOTAL A. OSHA	1,268,612	101,189
VOLUNTARY PROGRAMS	(18.98)	(6.26)
 B. OCCUPATIONAL SAFETY & HEALTH		
CLASSIFIED POSITIONS	2,026,315	859,821
	(52.44)	(26.56)
OTHER PERSONAL SERVICES	8,397	4,302
OTHER OPERATING EXPENSES	1,100,355	191,562
TOTAL B. OCCUPATIONAL SAFETY & HEALTH	3,135,067	1,055,685
	(52.44)	(26.56)
 C. FIRE ACADEMY		
CLASSIFIED POSITIONS	2,160,663	
	(42.76)	
OTHER PERSONAL SERVICES	1,789,100	
OTHER OPERATING EXPENSES	4,438,978	
TOTAL C. FIRE ACADEMY	8,388,741	
	(42.76)	
 D. OFFICE OF STATE FIRE MARSHAL		
CLASSIFIED POSITIONS	2,106,441	
	(35.96)	
OTHER PERSONAL SERVICES	305,622	

STATUTES AT LARGE
 General and Permanent Laws--2021
**R360-DEPARTMENT OF LABOR,
 LICENSING & REGULATION**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	5,578,031	534,000
CANCER INSURANCE	3,500,000	3,500,000
TOTAL D. OFFICE OF STATE FIRE MARSHAL	11,490,094 (35.96)	4,034,000
 E. ELEVATORS & AMUSEMENT RIDES		
CLASSIFIED POSITIONS	713,800 (8.55)	
OTHER OPERATING EXPENSES	224,978	
TOTAL E. ELEVATORS & AMUSEMENT RIDES	938,778 (8.55)	
 F. PROF & OCCUPATIONAL LICENSING		
CLASSIFIED POSITIONS	7,893,695 (188.72)	
UNCLASSIFIED POSITIONS	97,618 (1.00)	
OTHER PERSONAL SERVICES	411,514	
OTHER OPERATING EXPENSES	5,605,232	
RESEARCH AND EDUCATION	200,000	
TOTAL F. PROF & OCCUPATIONAL LICENSING	14,208,059 (189.72)	
 G. LABOR SERVICES		
OTHER OPERATING EXPENSES	85,000	
TOTAL G. LABOR SERVICES	85,000	
 H. BUILDING CODES		
CLASSIFIED POSITIONS	457,000 (12.56)	
OTHER OPERATING EXPENSES	343,869	
TOTAL H. BUILDING CODES	800,869 (12.56)	
 TOT II. PROGRAMS & SRVCS	 40,315,220 (360.97)	 5,190,874 (32.82)

OF SOUTH CAROLINA
General and Permanent Laws--2021
R360-DEPARTMENT OF LABOR,
LICENSING & REGULATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	9,649,454	325,779
TOT III. EMPLOYEE BENEFITS	9,649,454	325,779
TOT DEPTMNT OF LABOR,	56,459,125	5,516,653
LICENSING & REGULATION	(441.06)	(32.82)

SECTION 82
R400-DEPARTMENT OF MOTOR VEHICLES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	143,490	143,490
	(1.00)	(1.00)
CLASSIFIED POSITIONS	4,154,446	4,154,446
	(106.00)	(106.00)
UNCLASSIFIED POSITIONS	327,136	327,136
	(3.00)	(3.00)
OTHER PERSONAL SERVICES	85,174	85,174
OTHER OPERATING EXPENSES	4,118,782	1,813,058
TOTAL I. ADMINISTRATION	8,829,028	6,523,304
	(110.00)	(110.00)
II. PROGRAMS AND SERVICES		
A. CUSTOMER SRVC CENTERS		
1. CUSTOMER SRVC CENTERS		
CLASSIFIED POSITIONS	28,684,688	28,684,688
	(796.00)	(796.00)
UNCLASSIFIED POSITIONS	106,421	106,421
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	1,476,149	1,476,149
OTHER OPERATING EXPENSES	14,423,340	9,773,340
TOTAL 1. CUSTOMER	44,690,598	40,040,598
SERVICE CENTERS	(797.00)	(797.00)
TOTAL A. CUSTOMER	44,690,598	40,040,598
SERVICE CENTERS	(797.00)	(797.00)

R400-DEPARTMENT OF MOTOR VEHICLES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
B. DRIVER SERVICES		
CLASSIFIED POSITIONS	3,250,114	3,250,114
	(121.00)	(121.00)
UNCLASSIFIED POSITIONS	106,421	106,421
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	50,606	50,606
OTHER OPERATING EXPENSES	3,094,838	2,983,213
TOT B. DRIVER SERVICES	6,501,979	6,390,354
	(122.00)	(122.00)
 C. VEHICLE SERVICES		
CLASSIFIED POSITIONS	4,357,939	4,357,939
	(168.00)	(168.00)
UNCLASSIFIED POSITIONS	106,421	106,421
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	331,037	331,037
OTHER OPERATING EXPENSES	2,975,124	2,973,124
PLATE REPLACEMENT	7,500,000	
TOT C. VEHICLE SERVICES	15,270,521	7,768,521
	(169.00)	(169.00)
 D. INSPECTOR GENERAL		
CLASSIFIED POSITIONS	2,122,736	2,122,736
	(66.00)	(66.00)
UNCLASSIFIED POSITIONS	106,421	106,421
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	28,500	28,500
OTHER OPERATING EXPENSES	704,458	642,557
FACIAL RECOGNITION PROGRAM	245,000	245,000
TOTAL D. INSPECTOR GENERAL	3,207,115	3,145,214
	(67.00)	(67.00)
 E. TECHNOLOGY & PROGRAM DEVELOPMENT		
CLASSIFIED POSITIONS	3,271,497	3,271,497
	(50.00)	(50.00)
OTHER PERSONAL SERVICES	50,000	50,000

R400-DEPARTMENT OF MOTOR VEHICLES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	13,059,272	10,242,926
TOTAL E. TECHNOLOGY & PROGRAM DEVELOPMENT	16,380,769 (50.00)	13,564,423 (50.00)
TOTAL II. PROGRAMS AND SERVICES	86,050,982 (1,205.00)	70,909,110 (1,205.00)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	18,981,472	18,981,472
TOT III. EMPLOYEE BENEFITS	18,981,472	18,981,472
IV. NON-RECURRING APPROPRIATIONS		
REAL ID	4,200,000	
TOTAL IV. NON-RECURRING APPROPRIATIONS	4,200,000	
TOTAL DEPARTMENT OF MOTOR VEHICLES	118,061,482 (1,315.00)	96,413,886 (1,315.00)

**SECTION 83
R600-DEPARTMENT OF EMPLOYMENT
AND WORKFORCE**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	188,700	
	(1.00)	
CLASSIFIED POSITIONS	5,655,086	
	(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	9,999,604	61,200
	(137.40)	(1.00)

STATUTES AT LARGE
General and Permanent Laws--2021
R600-DEPARTMENT OF EMPLOYMENT
AND WORKFORCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
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	29,081,092	483,200
	(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	50,984,944	
INSURANCE	(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	36,325,861	
PLANNING DISTRICTS		
TOTAL IV. WORKFORCE	43,584,282	
INVESTMENT ACT	(18.47)	
 V. TRADE ADJUSTMENT		
ASSISTANCE		
CLASSIFIED POSITIONS	1,270,751	
	(75.05)	

OF SOUTH CAROLINA
General and Permanent Laws--2021
R600-DEPARTMENT OF EMPLOYMENT
AND WORKFORCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	38,846	
OTHER PERSONAL SERVICES	41,045	
OTHER OPERATING EXPENSES	499,545	
ALLOC PRIVATE SECTOR	8,673,813	
TOTAL V. TRADE	10,524,000	
ADJUSTMENT ASSISTANCE	(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	16,380,395	21,459
TOT VII. EMPLOYEE BENEFITS	16,380,395	21,459
 TOT DEPT OF EMPLOYMENT		
AND WORKFORCE	167,510,391	504,659
	(776.27)	(1.00)

SECTION 84
U120-DEPARTMENT OF TRANSPORTATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
A. GENERAL		
EXECUTIVE DIRECTOR	251,232	
	(1.00)	
CLASSIFIED POSITIONS	17,020,566	
	(307.00)	
UNCLASSIFIED POSITIONS	167,000	
	(2.00)	
OTHER PERSONAL SERVICES	277,893	

U120-DEPARTMENT OF TRANSPORTATION

	TOTAL FUNDS	GENERAL FUNDS
OTHER OPERATING EXPENSES	47,500,000	
DEBT SERVICE	781,476	
TOTAL A. GENERAL	65,998,167	
	(310.00)	
 B. LAND & BUILDINGS		
OTHER OPERATING EXPENSES	3,000,000	
PERMANENT IMPROVEMENTS	3,000,000	
TOTAL B. LAND & BUILDINGS	6,000,000	
 TOTAL I. ADMINISTRATION	 71,998,167	
	(310.00)	
 II. HIGHWAY ENGINEERING		
A. ENGR-ADMIN & PROJ MGMT		
CLASSIFIED POSITIONS	72,714,671	
	(1,511.00)	
UNCLASSIFIED POSITIONS	182,000	
	(1.00)	
OTHER PERSONAL SERVICES	2,053,112	
OTHER OPERATING EXPENSES	17,598,904	
TOTAL A. ENGR-ADMIN	92,548,687	
& PROJ MGMT	(1,512.00)	
 B. ENGINEERING - CONSTRUC		
OTHER OPERATING EXPENSES	39,039,783	
DEBT SVC SIB MULTIPRO LOAN	9,166,667	
DEBT SVC SIB RAVENEL	8,000,000	
BRIDGE PROJECT LOAN		
OTHER OPERATING OTHER	57,000,000	
PERM IMPR ENHANCEMENTS	15,743,993	
PERM IMPR OPERATIONAL	453,836,790	
& SAFETY IMPROVEMENTS		
PERM IMPR PORT ACCESS ROAD	3,000,000	
PERM IMPR REHABILITATION	535,200,143	
& RESURFACING		
PERM IMPR WIDENINGS	449,279,586	
& NEW LOCATIONS		
PERM IMPROVEMENT BRIDGES	192,758,289	

U120-DEPARTMENT OF TRANSPORTATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
SIB ONE CENT EQUIVALENT	27,902,593	
DEBT SERVICE	10,360,382	
PRINCIPAL - LOAN NOTE	2,288,848	
INTEREST - LOAN NOTE	2,690,903	
TOTAL B. ENGINEERING- CONSTRUCTION	1,806,267,977	
 C. HIGHWAY MAINTENANCE		
CLASSIFIED POSITIONS	104,547,298	
	(3,324.96)	
OTHER PERSONAL SERVICES	6,015,993	
OTHER OPERATING EXPENSES	166,808,082	
TOT C. HIGHWAY MAINTENANCE	277,371,373	(3,324.96)
 TOTAL II. HIGHWAY ENGINEERING	 2,176,188,037	 (4,836.96)
 III. TOLL OPERATIONS		
CLASSIFIED POSITIONS	52,207	
	(2.00)	
OTHER OPERATING EXPENSES	21,131,441	
DEBT SERVICE	2,861,610	
TOTAL III. TOLL OPERATIONS	24,045,258	(2.00)
 IV. NON-FEDERAL AID - HIGHWAY FUND		
OTHER OPERATING BRIDGES	1,422,651	
MINOR REPAIR		
OTHER OPERATING REHAB & RESURFACING	78,660,456	
TOTAL IV. NON-FEDERAL AID - HIGHWAY FUND	80,083,107	
 V. MASS TRANSIT		
CLASSIFIED POSITIONS	5,452,064	
	(34.00)	

U120-DEPARTMENT OF TRANSPORTATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	150,000	
	(1.00)	
OTHER PERSONAL SERVICES	44,887	
OTHER OPERATING EXPENSES	1,000,000	
ALLOC MUNICIPALITIES- RESTRICTED	3,000,000	
ALLOC OTHER ENTITIES	21,576,065	
AID TO OTHER ENTITIES	57,270	57,270
TOTAL V. MASS TRANSIT	31,280,286	57,270
	(35.00)	
 VI. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	96,086,652	
TOT VI. EMPLOYEE BENEFITS	96,086,652	
 TOTAL DEPARTMENT		
OF TRANSPORTATION	2,479,681,507	57,270
	(5,183.96)	

SECTION 85
U150-INFRASTRUCTURE BANK BOARD

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
CLASSIFIED POSITIONS	400,000	
	(6.00)	
OTHER PERSONAL SERVICES	25,000	
OTHER OPERATING EXPENSES	538,870	
TRANSPORTATION INFRASTRU	125,090,000	
TOTAL I. ADMINISTRATION	126,053,870	
	(6.00)	
 II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	178,000	
TOT II. EMPLOYEE BENEFITS	178,000	
 TOTAL INFRASTRUCTURE		
BANK BOARD	126,231,870	
	(6.00)	

SECTION 86
U200-COUNTY TRANSPORTATION FUNDS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. COUNTY TRANSPORTATION FUNDS		
OTHER OPERATING EXPENSES	1,000,000	
PERMANENT IMPROVEMENTS	36,000,000	
ALLOC MUNICIPALITIES- RESTRICTED	1,000,000	
ALLOC CNTIES - RESTRICTED	110,000,000	
TOTAL I. COUNTY TRANSPORTATION FUNDS	148,000,000	
TOTAL COUNTY TRANSPORTATION FUNDS	148,000,000	

SECTION 87
U300-DIVISION OF AERONAUTICS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
CLASSIFIED POSITIONS	764,112	614,112
	(13.00)	(8.80)
UNCLASSIFIED POSITIONS	115,000	115,000
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	115,000	100,000
OTHER OPERATING EXPENSES	4,770,937	493,598
ALLOC MUNICIPALITIES- RESTRICTED	1,545,000	
ALLOC CNTIES - RESTRICTED	4,791,528	500,000
ALLOC OTHER ENTITIES	400,000	
TOTAL I. ADMINISTRATION	12,501,577	1,822,710
	(14.00)	(9.80)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	350,540	300,540
TOTAL II. EMPLOYEE BENEFITS	350,540	300,540
TOTAL DIVISION OF AERONAUTICS	12,852,117	2,123,250
	(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 PRO TEMPORE	11,000	11,000
UNCLASSIFIED POSITIONS	7,751,283	7,751,283
	(142.00)	(142.00)
OTHER OPERATING EXPENSES	5,612,784	5,612,784
JOINT CITIZENS & LEG COMM ON CHILDREN	300,000	
TOT I. ADMINISTRATION	14,155,042	13,855,042
	(188.00)	(188.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	4,271,542	4,271,542
TOT II. EMPLOYEE BENEFITS	4,271,542	4,271,542
TOTAL LEG DEPT - THE SENATE	18,426,584	18,126,584
	(188.00)	(188.00)

SECTION 91B
A050-LEG DEPT - HOUSE OF REPRESENTATIVES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
THE SPEAKER	11,000	11,000
SPEAKER PRO TEMPORE	3,600	3,600
REPRESENTATIVES @ \$10,400	1,289,600	1,289,600
	(124.00)	(124.00)
UNCLASSIFIED POSITIONS	5,439,206	5,439,206
	(127.00)	(127.00)
OTHER OPERATING EXPENSES	10,752,627	10,752,627
TOTAL I. ADMINISTRATION	17,496,033	17,496,033
	(251.00)	(251.00)

A050-LEG DEPT - HOUSE OF REPRESENTATIVES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	5,470,511	5,470,511
TOT II. EMPLOYEE BENEFITS	5,470,511	5,470,511
TOTAL LEG DEPT -	22,966,544	22,966,544
HOUSE OF REPRESENTATIVES	(251.00)	(251.00)

SECTION 91C
A150-LEG DEPT - CODIFICATION OF LAWS &
LEGISLATIVE COUNCIL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
UNCLASS LEG MISC (P)	2,599,682	2,599,682
	(39.00)	(39.00)
CODE COMMISIONER & DIRECTOR (P)	185,000	185,000
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	847,797	847,797
CODE SUPPLEMENTS	400,000	100,000
TOTAL I. ADMINISTRATION	4,032,479	3,732,479
	(40.00)	(40.00)
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	1,067,120	1,067,120
TOT III. EMPLOYEE BENEFITS	1,067,120	1,067,120
TOT LEG DEPT - CODIFICATION OF LAWS & LEGIS COUNCIL	5,185,492	4,885,492
	(41.00)	(41.00)

SECTION 91D
A170-LEG DEPT - LEGISLATIVE SERVICES AGENCY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR (P)	133,278	133,278
	(1.00)	(1.00)
UNCLASS LEG MISC -	2,372,943	2,372,943
PRNT & ITR (P)	(32.00)	(32.00)
NEW POSITIONS -	125,000	125,000
SENIOR IT CYBER SECURITY	(1.00)	(1.00)
NEW POSITIONS -	80,000	80,000
INFORMATION SYSTEMS/ BUSINESS ANALYST	(1.00)	(1.00)
NEW POSITIONS -	115,000	115,000
INFRASTRUCTURE MANAGER	(1.00)	(1.00)
NEW POSITIONS -	120,000	120,000
SYS PROGRAMMER/DEV LINUX	(1.00)	(1.00)
UNCLASS - TEMP - LEGIS PRINT	80,000	80,000
OTHER OPERATING EXPENSES	3,801,697	3,801,697
TOT I. ADMINISTRATION	6,827,918	6,827,918
	(37.00)	(37.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,221,358	1,221,358
TOT II. EMPLOYEE BENEFITS	1,221,358	1,221,358
TOTAL LEG DEPT -	8,049,276	8,049,276
LEGISLATIVE SRVCS AGENCY	(37.00)	(37.00)

SECTION 91E
A200-LEG DEPT - LEGISLATIVE AUDIT COUNCIL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR (P)	122,404	122,404
	(1.00)	(1.00)
UNCLASSIFIED LEGISLATIVE	1,724,284	1,404,284
MISC - LAC (P)	(25.00)	(25.00)
OTHER PERSONAL SERVICES	1,225	1,225

A200-LEG DEPT - LEGISLATIVE AUDIT COUNCIL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	152,000	152,000
TOTAL I. ADMINISTRATION	1,999,913	1,679,913
	(26.00)	(26.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	505,565	425,565
TOT II. EMPLOYEE BENEFITS	505,565	425,565
TOTAL LEG DEPT -	2,505,478	2,105,478
LEGISLATIVE 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	1,600,000	1,600,000
	(28.00)	(28.00)
OTHER PERSONAL SERVICES	60,000	60,000
OTHER OPERATING EXPENSES	1,000,000	1,000,000
TOTAL I. ADMINISTRATION	2,812,623	2,812,623
	(30.00)	(30.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	709,708	709,708
TOT II. EMPLOYEE BENEFITS	709,708	709,708
TOTAL GOVERNOR'S OFFICE -	3,522,331	3,522,331
EXECUTIVE CONTROL OF STATE	(30.00)	(30.00)

SECTION 92C
D200-GOVERNOR'S OFFICE - MANSION AND GROUNDS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
CLASSIFIED POSITIONS	70,696	60,696
	(2.00)	(1.00)
UNCLASSIFIED POSITIONS	158,574	108,574
	(7.00)	(3.50)
OTHER PERSONAL SERVICES	23,260	23,260
OTHER OPERATING EXPENSES	193,284	60,867
TOTAL I. ADMINISTRATION	445,814	253,397
	(9.00)	(4.50)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	88,054	80,471
TOT II. EMPLOYEE BENEFITS	88,054	80,471
TOTAL GOVERNOR'S OFFICE -	533,868	333,868
MANSION AND GROUNDS	(9.00)	(4.50)

SECTION 92D
D300-OFFICE OF RESILIENCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
NEW AGENCY HEAD -	140,000	140,000
CHIEF RESILIENCE OFFICER	(1.00)	(1.00)
NEW POSITIONS -	150,000	150,000
ACCT/FISCAL ANALYST II	(3.00)	(3.00)
NEW POSITIONS -	110,000	110,000
ACCOUNTING/FIS MANAGER III	(1.00)	(1.00)
NEW POSITIONS -	40,000	40,000
ADMINISTRATIVE ASSISTANT	(1.00)	(1.00)
NEW POSITIONS -	56,000	56,000
ADMINISTRATIVE COORD I	(1.00)	(1.00)
NEW POSITIONS -	86,000	86,000
ATTORNEY IV	(1.00)	(1.00)
NEW POSITIONS -	70,000	70,000
GRANTS ADMINISTRATOR II	(1.00)	(1.00)

OF SOUTH CAROLINA
General and Permanent Laws--2021
D300-OFFICE OF RESILIENCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
NEW POSITIONS -		
PROGRAM COORDINATOR I	(4.00)	
NEW POSITIONS -	220,000	220,000
PROGRAM MANAGER III	(2.00)	(2.00)
NEW POSITIONS -	80,000	80,000
PUBLIC INFORMATION DIRECTOR I	(1.00)	(1.00)
NEW POSITIONS -	90,000	90,000
STATE PLANNER III	(1.00)	(1.00)
OTHER OPERATING EXPENSES	630,000	630,000
TOTAL I. ADMINISTRATION	1,672,000	1,672,000
	(17.00)	(13.00)
 II. PROGRAMS & SERVICES		
B. 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	
TOT B. DISASTER RECOVERY	98,865,000	
	(10.00)	
 TOT II. PROGRAMS & SRVCS	98,865,000	
	(10.00)	
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,499,700	364,700
TOT III. EMPLOYEE BENEFITS	1,499,700	364,700
 TOT OFFICE OF RESILIENCE	102,036,700	2,036,700
	(27.00)	(13.00)

SECTION 93
D500-DEPARTMENT OF ADMINISTRATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	224,042	224,042
	(1.00)	(1.00)

D500-DEPARTMENT OF ADMINISTRATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
CLASSIFIED POSITIONS	2,684,936	597,337
	(40.52)	(12.37)
UNCLASSIFIED POSITIONS	822,909	91,802
	(7.50)	(0.90)
OTHER PERSONAL SERVICES	95,500	
OTHER OPERATING EXPENSES	1,221,642	926,642
TECH INVESTMENT COUNCIL	98,784	98,784
TOTAL I. ADMINISTRATION	5,147,813	1,938,607
	(49.02)	(14.27)
 II. STATEWIDE PROG & SRVCS		
A. EXECUTIVE BUDGET OFFICE		
CLASSIFIED POSITIONS	1,300,000	1,300,000
	(18.00)	(18.00)
UNCLASSIFIED POSITIONS	133,223	133,223
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	601,768	601,768
TOTAL A. EXECUTIVE BUDGET OFFICE	2,034,991	2,034,991
	(19.00)	(19.00)
 B. HUMAN RESOURCES DIVISION		
CLASSIFIED POSITIONS	1,478,240	1,220,156
	(23.00)	(19.00)
NEW POSITIONS -	110,000	110,000
INSTRUC/TRAINING COORD I	(2.00)	(2.00)
NEW POSITIONS -	60,000	60,000
INSTRUC/TRAINING COORD II	(1.00)	(1.00)
NEW POSITIONS -	50,000	50,000
PROGRAM COORDINATOR I	(1.00)	(1.00)
NEW POSITIONS -	225,000	225,000
SENIOR CONSULTANT	(3.00)	(3.00)
NEW POSITIONS -	70,000	70,000
TRAINING/DEVELOPMENT DIR I	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	133,408	133,408
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	60,000	60,000
OTHER OPERATING EXPENSES	2,769,742	2,399,800
TOTAL B. HUMAN RESOURCES DIVISION	4,956,390	4,328,364
	(32.00)	(28.00)

D500-DEPARTMENT OF ADMINISTRATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
C. GENERAL SRVCS DIVISION		
1. BUSINESS OPERATIONS		
CLASSIFIED POSITIONS	142,000	
	(4.50)	
UNCLASSIFIED POSITIONS	412,065	
	(3.50)	
OTHER PERSONAL SERVICES	1,000	
OTHER OPERATING EXPENSES	418,000	
TOT 1. BUSINESS OPERATIONS	973,065	
	(8.00)	
2. FACILITIES MANAGEMENT		
CLASSIFIED POSITIONS	4,644,825	
	(115.10)	
OTHER PERSONAL SERVICES	300,480	
OTHER OPERATING EXPENSES	14,570,195	
CAPITOL COMPLEX & MANSION	3,150,000	3,150,000
PERMANENT IMPROVEMENTS	6,353,781	3,353,781
TOTAL 2.	29,019,281	6,503,781
FACILITIES MANAGEMENT	(115.10)	
3. SURPLUS PROPERTY		
CLASSIFIED POSITIONS	883,680	
	(25.00)	
OTHER PERSONAL SERVICES	69,000	
OTHER OPERATING EXPENSES	1,017,588	
TOT 3. SURPLUS PROPERTY	1,970,268	
	(25.00)	
4. PARKING		
CLASSIFIED POSITIONS	108,000	
	(3.00)	
OTHER OPERATING EXPENSES	250,000	
TOTAL 4. PARKING	358,000	
	(3.00)	
5. STATE FLEET MANAGEMENT		
CLASSIFIED POSITIONS	975,500	
	(25.00)	

D500-DEPARTMENT OF ADMINISTRATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	25,822,220	
DEBT SERVICE	4,132,398	
TOTAL 5. STATE	30,930,118	
FLEET MANAGEMENT	(25.00)	
6. STATE BUILDING & PROPERTY SERVICES		
CLASSIFIED POSITIONS	286,600	
	(4.50)	
UNCLASSIFIED POSITIONS	36,406	
	(0.50)	
OTHER PERSONAL SERVICES	10,835	
OTHER OPERATING EXPENSES	335,000	
TOTAL 6. STATE BUILDING & PROPERTY SERVICES	668,841	
	(5.00)	
TOTAL C. GENERAL SERVICES DIVISION	63,919,573	6,503,781
	(181.10)	
D. SC ENTERPRISE INFORMATION SYSTEM		
CLASSIFIED POSITIONS	4,499,011	4,499,011
	(81.00)	(81.00)
UNCLASSIFIED POSITIONS	232,294	232,294
	(3.00)	(3.00)
OTHER PERSONAL SERVICES	345,000	345,000
OTHER OPERATING EXPENSES	13,775,945	12,025,945
TOTAL D. SC ENTERPRISE INFORMATION SYSTEM	18,852,250	17,102,250
	(84.00)	(84.00)
E. DIVISION OF INFORMATION SECURITY		
CLASSIFIED POSITIONS	1,324,476	1,205,739
	(20.00)	(17.00)
UNCLASSIFIED POSITIONS	812,738	812,738
	(7.00)	(7.00)
OTHER OPERATING EXPENSES	607,250	607,250
ENTERPRISE TECHNOLOGY & REMEDIATION	14,811,366	14,811,366

D500-DEPARTMENT OF ADMINISTRATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL E. DIVISION OF INFORMATION SECURITY	17,555,830 (27.00)	17,437,093 (24.00)
F. ENTERPRISE PRIVACY OFFICE		
CLASSIFIED POSITIONS	176,294 (2.00)	176,294 (2.00)
UNCLASSIFIED POSITIONS	120,000 (1.00)	120,000 (1.00)
OTHER OPERATING EXPENSES	77,192	77,192
TOTAL F. ENTERPRISE PRIVACY OFFICE	373,486 (3.00)	373,486 (3.00)
G. STATE TECHNOLOGY OPER		
CLASSIFIED POSITIONS	9,770,184 (176.50)	620,184 (7.50)
UNCLASSIFIED POSITIONS	812,600 (6.00)	
OTHER PERSONAL SERVICES	150,000	
OTHER OPERATING EXPENSES	44,390,380	3,611,090
K-12 SCHOOL TECHNOLOGY	23,450,000	
SERVICE CONTRACT 800 MHZ	1,238,247	1,238,247
TOTAL G. STATE TECHNOLOGY OPERATIONS	79,811,411 (182.50)	5,469,521 (7.50)
H. SHARED SERVICES		
CLASSIFIED POSITIONS	980,000 (15.00)	980,000 (15.00)
OTHER PERSONAL SERVICES	50,000	50,000
OTHER OPERATING EXPENSES	1,608,000	1,608,000
TOTAL H. SHARED SERVICES	2,638,000 (15.00)	2,638,000 (15.00)
TOTAL II. STATEWIDE PROGRAMS & SERVICES	190,141,931 (543.60)	55,887,486 (180.50)
III. EXECUTIVE POLICY & PROGRAMS		
B. CONSTITUENT SERVICES		

D500-DEPARTMENT OF ADMINISTRATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
1. OMBUDSMAN		
CLASSIFIED POSITIONS	129,920	129,920
	(5.00)	(5.00)
UNCLASSIFIED POSITIONS	91,400	91,400
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	98,937	98,937
TOTAL 1. OMBUDSMAN	320,257	320,257
	(6.00)	(6.00)
 2. DEVELOPMENTAL DISABIL		
CLASSIFIED POSITIONS	214,555	15,716
	(6.00)	(0.48)
UNCLASSIFIED POSITIONS	69,616	10,442
	(1.00)	(0.15)
OTHER OPERATING EXPENSES	106,868	31,555
ALLOC OTHER ENTITIES	1,248,320	
TOTAL 2.	1,639,359	57,713
DEVELOPMENTAL DISABIL	(7.00)	(0.63)
 3. SMALL & MINORITY BUSI		
CLASSIFIED POSITIONS	117,064	117,064
	(2.00)	(2.00)
OTHER OPERATING EXPENSES	34,927	34,927
TOTAL 3. SMALL	151,991	151,991
& MINORITY BUSINESS	(2.00)	(2.00)
 4. ECONOMIC OPPORTUNITY		
CLASSIFIED POSITIONS	801,026	
	(16.00)	
UNCLASSIFIED POSITIONS	72,667	
	(1.00)	
OTHER PERSONAL SERVICES	303,901	
OTHER OPERATING EXPENSES	905,860	
ALLOC OTHER ENTITIES	77,522,500	
TOT 4. ECONOMIC	79,605,954	
OPPORTUNITY	(17.00)	
TOT B. CONSTITUENT SRVCS	81,717,561	529,961
	(32.00)	(8.63)

D500-DEPARTMENT OF ADMINISTRATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL III. EXECUTIVE POLICY & PROGRAMS	81,717,561 (32.00)	529,961 (8.63)
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	14,209,988	5,155,339
TOT IV. EMPLOYEE BENEFITS	14,209,988	5,155,339
TOTAL DEPARTMENT OF ADMINISTRATION	291,217,293 (624.62)	63,511,393 (203.40)

**SECTION 94
D250-OFFICE OF INSPECTOR GENERAL**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. OFFICE OF INSPECTOR GENERAL		
INSPECTOR GENERAL	124,993 (1.00)	124,993 (1.00)
CLASSIFIED POSITIONS	433,127 (7.00)	433,127 (7.00)
OTHER OPERATING EXPENSES	102,699	102,699
FRAUD HOTLINE	321	321
TOTAL I. OFFICE OF INSPECTOR GENERAL	661,140 (8.00)	661,140 (8.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	213,750	213,750
TOT II. EMPLOYEE BENEFITS	213,750	213,750
TOTAL OFFICE OF INSPECTOR GENERAL	874,890 (8.00)	874,890 (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	92,007
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,760,037	753,104
	(32.00)	(18.00)
OTHER PERSONAL SERVICES	65,000	
OTHER OPER EXPENSES	1,053,311	16,600
TOTAL I. ADMINISTRATION	2,970,355	861,711
	(33.00)	(19.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	745,739	385,128
TOT II. EMPLOYEE BENEFITS	745,739	385,128
TOTAL SECRETARY OF STATE'S OFFICE	3,716,094	1,246,839
	(33.00)	(19.00)

SECTION 97
E120-COMPTROLLER GENERAL'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATIVE SRVCS		
COMPTROLLER GENERAL	92,007	92,007
	(1.00)	(1.00)
CLASSIFIED POSITIONS	138,897	138,897
	(2.00)	(2.00)
UNCLASSIFIED POSITIONS	41,256	41,256
	(3.00)	(3.00)
OTHER PERSONAL SERVICES	17,000	2,000
OTHER OPERATING EXPENSES	59,301	1,500
TOTAL I. ADMINISTRATIVE SERVICES	348,461	275,660
	(6.00)	(6.00)

E120-COMPTROLLER GENERAL'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
II. STATEWIDE PAYROLL/ ACCOUNTS PAYABLE		
CLASSIFIED POSITIONS	830,544	720,063
	(17.00)	(11.50)
UNCLASSIFIED POSITIONS	35,500	35,500
OTHER OPERATING EXPENSES	75,779	2,000
TOTAL II. STATEWIDE PAYROLL/ACCTS PAYABLE	941,823 (17.00)	757,563 (11.50)
III. STATEWIDE FINANCIAL REPORTING		
CLASSIFIED POSITIONS	292,894	292,894
	(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	508,613 (6.00)	335,971 (6.00)
IV. INFORMATION TECH		
CLASSIFIED POSITIONS	228,381	119,889
	(2.00)	(1.00)
OTHER PERSONAL SRVCS	15,070	70
OTHER OPERATING EXPENSES	169,811	1,065
TOTAL IV. INFORMATION TECHNOLOGY	413,262 (2.00)	121,024 (1.00)
V. STATEWIDE ACCOUNTING SERVICES		
CLASSIFIED POSITIONS	433,272	387,838
	(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	503,851 (6.00)	427,745 (4.00)
VI. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	719,696	642,309

E120-COMPTROLLER GENERAL'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT VI. EMPLOYEE BENEFITS	719,696	642,309
TOTAL COMPTROLLER GENERAL'S OFFICE	3,435,706 (37.00)	2,560,272 (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 (3.00)	172,244 (3.00)
II. PROGRAMS AND SERVICES		
CLASSIFIED POSITIONS	4,621,305	1,272,727
	(74.07)	(16.00)
NEW POSITIONS - ACCTING/FISCAL MANAGER I	75,000	
	(1.00)	
NEW POSITIONS - ACCTING/FISCAL MANAGER II	180,000	
	(1.93)	
UNCLASSIFIED POSITIONS	376,144	
	(3.00)	
OTHER PERSONAL SERVICES	118,500	
OTHER OPERATING EXPENSES	2,877,728	127,641
TOTAL II. PROGRAMS AND SERVICES	8,248,677 (80.00)	1,400,368 (16.00)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,263,904	589,404
TOT III. EMPLOYEE BENEFITS	2,263,904	589,404
TOTAL STATE TREASURER'S OFFICE	10,684,825 (83.00)	2,162,016 (19.00)

SECTION 99
E190-RETIREMENT SYSTEM INVESTMENT COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
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	15,303,000	
INVESTMENT COMMISSION	(51.00)	

SECTION 100
E240-ADJUTANT GENERAL'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	168,059	168,059
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,242,820	883,820
	(16.20)	(9.87)
OTHER PERSONAL SERVICES	85,000	70,000
OTHER OPER EXPENSES	688,800	687,800
BURIAL FLAGS	11,871	11,871
CIVIL AIR PATROL	55,000	55,000
FUNERAL CAISSON	100,205	100,205
TOTAL I. ADMINISTRATION	2,351,755	1,976,755
	(17.20)	(10.87)
II. ARMORY OPERATIONS		
CLASSIFIED POSITIONS	21,424	
	(0.55)	

STATUTES AT LARGE
General and Permanent Laws--2021
E240-ADJUTANT GENERAL'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	74,000	
OTHER OPERATING EXPENSES	4,504,580	2,000,004
ARMORY REVITALIZATIONS	10,600,000	2,550,000
TOT II. ARMORY OPERATIONS	15,200,004	4,550,004
	(0.55)	
 III. BUILDINGS & GROUNDS		
CLASSIFIED POSITIONS	283,397	141,902
	(13.75)	(8.25)
OTHER PERSONAL SERVICES	7,244	3,344
OTHER OPERATING EXPENSES	102,034	59,896
TOTAL III. BUILDINGS & GROUNDS	392,675	205,142
	(13.75)	(8.25)
 IV. ARMY CONTRACT SUPPORT		
CLASSIFIED POSITIONS	1,076,749	
	(32.75)	(0.25)
OTHER PERSONAL SERVICES	4,790,954	40,000
OTHER OPERATING EXPENSES	23,120,685	154,000
YOUTH CHALLENGE PROGRAM	800,000	800,000
PERMANENT IMPROVEMENTS	21,700,000	
TOTAL IV. ARMY CONTRACT SUPPORT	51,488,388	994,000
	(32.75)	(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	937,526	57,859
	(50.75)	(2.81)
OTHER PERSONAL SERVICES	1,245,685	58,668
OTHER OPERATING EXPENSES	3,006,805	322,951
TOT VI. MCENTIRE ANG BASE	5,190,016	439,478
	(50.75)	(2.81)

E240-ADJUTANT GENERAL'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
VII. EMERGENCY PREPAREDNESS		
CLASSIFIED POSITIONS	3,121,135	1,111,131
	(63.00)	(23.75)
OTHER PERSONAL SERVICES	380,708	14,726
OTHER OPERATING EXPENSES	4,663,452	981,999
ALLOC MUNICIPALITIES- RESTRICTED	4,500,000	
ALLOC CNTIES - RESTRICTED	7,990,342	36,410
ALLOC OTHER ST AGENCIES	693,766	
ALLOC OTHER ENTITIES	60,000	
TOTAL VII. EMERGENCY PREPAREDNESS	21,409,403 (63.00)	2,144,266 (23.75)
VIII. STATE GUARD		
CLASSIFIED POSITIONS	174,634	174,634
	(3.50)	(3.50)
OTHER PERSONAL SERVICES	21,935	21,935
OTHER OPERATING EXPENSES	203,064	203,064
TOTAL VIII. STATE GUARD	399,633 (3.50)	399,633 (3.50)
IX. SC MILITARY MUSEUM		
CLASSIFIED POSITIONS	190,000	190,000
	(4.00)	(4.00)
OTHER OPERATING EXPENSES	110,000	110,000
TOT IX. SC MIL MUSEUM	300,000 (4.00)	300,000 (4.00)
X. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	6,149,270	1,417,286
TOT X. EMPLOYEE BENEFITS	6,149,270	1,417,286
TOTAL ADJUTANT GENERAL'S OFFICE	107,319,437 (187.50)	12,426,564 (53.43)

SECTION 101
E260-DEPARTMENT OF VETERANS' AFFAIRS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	139,085	139,085
	(1.00)	(1.00)
CLASSIFIED POSITIONS	63,081	63,081
	(3.00)	(3.00)
NEW POSITIONS -	85,995	85,995
ATTORNEY IV	(1.00)	(1.00)
NEW POSITIONS -	117,684	117,684
PUBLIC INFO SPECIALIST	(3.00)	(3.00)
OTHER OPERATING EXPENSES	456,510	456,510
TOTAL I. ADMINISTRATION	862,355	862,355
	(8.00)	(8.00)
II. PROGRAMS AND SERVICES		
A. VETERANS' AFFAIRS		
CLASSIFIED POSITIONS	400,703	400,703
	(14.00)	(14.00)
NEW POSITIONS -	47,734	47,734
GRANTS COORDINATOR II	(1.00)	(1.00)
NEW POSITIONS -	238,670	238,670
PROGRAM COORDINATOR I	(5.00)	(5.00)
NEW POSITIONS -	282,696	282,696
PROGRAM MANAGER I	(4.00)	(4.00)
NEW POSITIONS -	85,994	85,994
PROGRAM MANAGER II	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	1,309	1,309
OTHER OPERATING EXPENSES	231,057	231,057
POW COMMISSION	2,080	2,080
VETERANS COUNSELING	65,279	65,279
CASE SERVICES	300,000	
TOT A. VETERANS' AFFAIRS	1,655,522	1,355,522
	(25.00)	(25.00)
B. VETERANS' CEMETERY		
CLASSIFIED POSITIONS	274,143	274,143
	(9.00)	(9.00)
OTHER OPERATING EXPENSES	308,730	63,730

E260-DEPARTMENT OF VETERANS' AFFAIRS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOT B. VETERANS' CEMETERY	582,873	337,873
	(9.00)	(9.00)
C. MILITARY BASE TASK FORCE		
CLASSIFIED POSITIONS	120,000	120,000
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	30,000	30,000
OTHER OPERATING EXPENSES	77,000	77,000
MIL CONNECTED CHILDREN	350,000	350,000
TOTAL C. MILITARY	577,000	577,000
BASE TASK FORCE	(2.00)	(2.00)
TOTAL II. PROGRAMS AND SERVICES	2,815,395	2,270,395
	(36.00)	(36.00)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	819,423	819,423
TOT III. EMPLOYEE BENEFITS	819,423	819,423
TOTAL DEPARTMENT OF VETERANS' AFFAIRS	4,497,173	3,952,173
	(44.00)	(44.00)

**SECTION 102
E280-ELECTION COMMISSION**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	114,933	114,933
	(1.00)	(1.00)
CLASSIFIED POSITIONS	299,535	235,738
	(6.50)	(4.00)
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)

STATUTES AT LARGE
General and Permanent Laws--2021
E280-ELECTION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	6,032,822	618,845
TOTAL II. VOTER SERVICES	6,839,982	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	266,610	231,610
INFORMATION/TRAINING	(3.00)	(3.00)
 IV. DISTRIB TO SUBDIVISIONS		
AID TO COUNTIES- ELECTION COMMISSION	533,000	533,000
TOTAL IV. DISTRIBUTION	533,000	533,000
TO SUBDIVISIONS		
 V. STATEWIDE/SPECIAL		
PRIMARIES		
SPECIAL PRIMARIES	100,000	
STATEWIDE PRIMARIES/ GENERAL ELECTION	5,430,000	4,230,000
TOTAL V. STATEWIDE/ SPECIAL PRIMARIES	5,530,000	4,230,000
 VI. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	598,929	572,929
TOT VI. EMPLOYEE BENEFITS	598,929	572,929
 TOTAL ELECTION COMMISSION	 14,612,090	 7,557,413
	(26.50)	(24.00)

SECTION 103
E500-REVENUE & FISCAL AFFAIRS OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	184,101	184,101
	(1.00)	(1.00)

E500-REVENUE & FISCAL AFFAIRS OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
APPOINTEE ALLOWANCE	16,000	16,000
CHAIRMAN'S ALLOWANCE	10,000	10,000
TOTAL I. ADMINISTRATION	210,101	210,101
	(1.00)	(1.00)
II. PROGRAM SERVICES		
CLASSIFIED POSITIONS	4,878,731	2,657,874
	(81.25)	(45.95)
NEW POSITIONS -		
PROGRAM MANAGER I	(2.00)	
OTHER PERSONAL SERVICES	526,658	47,500
OTHER OPERATING EXPENSES	4,130,691	1,038,960
WIRELESS E911	47,333,315	
TOT II. PROGRAM SERVICES	56,869,395	3,744,334
	(83.25)	(45.95)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,215,761	1,260,274
TOT III. EMPLOYEE BENEFITS	2,215,761	1,260,274
TOTAL REVENUE &	59,295,257	5,214,709
FISCAL AFFAIRS OFFICE	(84.25)	(46.95)

SECTION 104

E550-STATE FISCAL ACCOUNTABILITY AUTHORITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	200,562	
	(1.00)	
CLASSIFIED POSITIONS	1,120,538	
	(23.50)	
UNCLASSIFIED POSITIONS	187,000	
	(2.50)	
OTHER PERSONAL SERVICES	157,000	
OTHER OPERATING EXPENSES	745,786	
TOTAL I. ADMINISTRATION	2,410,886	
	(27.00)	

E550-STATE FISCAL ACCOUNTABILITY AUTHORITY

	TOTAL FUNDS	GENERAL FUNDS
II. PROCUREMENT SERVICES		
CLASSIFIED POSITIONS	3,784,819	1,114,819
	(57.50)	(17.50)
NEW POSITIONS -		
PROGRAM COORDINATOR II	(1.00)	
NEW POSITIONS -		
PROGRAM MANAGER I	(3.00)	
NEW POSITIONS -		
PROGRAM MANAGER II	(1.00)	
UNCLASSIFIED POSITIONS	316,293	66,293
	(3.50)	(1.00)
OTHER PERSONAL SERVICES	24,719	24,719
OTHER OPERATING EXPENSES	4,054,215	59,000
TOTAL II. PROCUREMENT SERVICES	8,180,046	1,264,831
	(66.00)	(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	
TOTAL 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	
TOTAL B. SECOND INJURY FUND SUNSET	330,000	
	(1.90)	
TOT III. INSURANCE SRVCS	6,610,000	
	(50.00)	
IV. BOND SRVCS AND TRANSFERS		
OTHER OPERATING EXPENSES	4,475	

E550-STATE FISCAL ACCOUNTABILITY AUTHORITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
DEBT SERVICE	2,760,019	
TOTAL IV. BOND SERVICES AND TRANSFERS	2,764,494	
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	3,315,401	435,382
TOT V. EMPLOYEE BENEFITS	3,315,401	435,382
TOTAL STATE FISCAL ACCOUNTABILITY AUTHORITY	23,280,827 (143.00)	1,700,213 (18.50)

SECTION 105
F270-SFAA - STATE AUDITOR'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
STATE AUDITOR	165,872	165,872
	(1.00)	(1.00)
CLASSIFIED POSITIONS	212,381	212,381
	(3.00)	(3.00)
OTHER OPERATING EXPENSES	32,261	32,261
TOTAL I. ADMINISTRATION	410,514 (4.00)	410,514 (4.00)
II. AUDITS		
CLASSIFIED POSITIONS	2,557,657	1,862,628
	(48.00)	(34.00)
UNCLASSIFIED POSITIONS	111,512	111,512
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	2,146,229	531,229
TOTAL II. AUDITS	4,815,398 (49.00)	2,505,369 (35.00)
III. INTERNAL AUDIT SRVCS		
CLASSIFIED POSITIONS	450,264	450,264
	(6.00)	(6.00)
UNCLASSIFIED POSITIONS	123,324	123,324
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	27,245	27,245

STATUTES AT LARGE
General and Permanent Laws--2021
F270-SFAA - STATE AUDITOR'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL III. INTERNAL AUDIT SERVICES	600,833 (7.00)	600,833 (7.00)
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,538,482	1,268,872
TOT IV. EMPLOYEE BENEFITS	1,538,482	1,268,872
TOTAL SFAA - STATE AUDITOR'S OFFICE	7,365,227 (60.00)	4,785,588 (46.00)

SECTION 106
F300-STATEWIDE EMPLOYEE BENEFITS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. STATE EMPLOYEE BENEFITS		
A. BASE PAY INCREASE		
BASE PAY INCREASE	59,437,400	59,437,400
TOT A. BASE PAY INCREASE	59,437,400	59,437,400
B. RATE INCREASES		
HEALTH INSUR-EMPLOYER CONTRIBUTIONS	5,928,000	5,928,000
SCRS RETIREMENT	32,411,836	32,411,836
TOT B. RATE INCREASES	38,339,836	38,339,836
TOTAL I. STATE EMPLOYEE BENEFITS	97,777,236	97,777,236
TOTAL STATEWIDE EMPLOYEE BENEFITS	97,777,236	97,777,236

SECTION 107
F310-CAPITAL RESERVE FUND

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. RESERVE FUND		
CAPITAL RESERVE FUND	183,584,490	183,584,490
TOTAL I. RESERVE FUND	183,584,490	183,584,490
TOT CAPITAL RESERVE FD	183,584,490	183,584,490

SECTION 108
F500-PUBLIC EMPLOYEE BENEFIT AUTHORITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	209,100	
	(1.00)	
PUBLIC EMPLOYEE BENEFIT AUTHORITY	132,000	
OTHER OPERATING EXPENSES	10,000,000	
TOTAL I. ADMINISTRATION	10,341,100	
	(1.00)	
II. PROGRAM AND SERVICES		
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 ASSISTANCE PROG	300,000	
TOT A. EMPLOYEE INSURANCE	11,290,257	
	(120.93)	
B. SC RETIREMENT SYSTEMS		
CLASSIFIED POSITIONS	8,401,050	
	(155.50)	
UNCLASSIFIED POSITIONS	513,327	
	(5.00)	

F500-PUBLIC EMPLOYEE BENEFIT AUTHORITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
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		
JSRS TRUST FUND	2,900,000	2,900,000
OPEB TRUST FUND	2,375,300	2,375,300
PENSIONS - RET NATL GUARD	5,289,727	5,289,727
PORS TRUST FUND	13,121,990	13,121,990
RET - POLICE INSURANCE & ANNUITY FUND	960	960
RET SUPP - POLICE OFFICERS	17,506	17,506
RETIRE SUPP - PUBLIC SCHOOL	199,855	199,855
RETIRE SUPP - ST EMPLOYEES	233,258	233,258
SCRS TRUST FD SUPPLEMENT	88,230,143	88,230,143
TOTAL III. STATEWIDE EMPLOYER CONTRIBUTIONS	112,368,739	112,368,739
 IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	6,177,276	
TOT IV. EMPLOYEE BENEFITS	6,177,276	
 TOTAL PUBLIC EMPLOYEE BENEFIT AUTHORITY	 154,398,830	 112,368,739
	(282.43)	

SECTION 109
R440-DEPARTMENT OF REVENUE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
 I. ADMINISTRATIVE & PROGRAM SUPPORT		
DIRECTOR	196,311	196,311
	(1.00)	(1.00)

OF SOUTH CAROLINA
General and Permanent Laws--2021
R440-DEPARTMENT OF REVENUE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
CLASSIFIED POSITIONS	222,495	222,495
	(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	577,181 (13.00)	577,181 (13.00)
 II. PROGRAMS AND SERVICES		
A. SUPPORT SERVICES		
CLASSIFIED POSITIONS	7,683,961	6,109,760
	(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	44,706,050 (160.75)	13,205,820 (117.75)
 B. REVENUE & REGULATORY		
CLASSIFIED POSITIONS	19,606,212	19,236,858
	(618.50)	(589.50)
OTHER PERSONAL SERVICES	350,000	
OTHER OPERATING EXPENSES	6,431,052	5,376,963
TOT B. REVENUE & REG	26,387,264 (618.50)	24,613,821 (589.50)
 C. LEGAL, POLICY & LEGISLATIVE		
CLASSIFIED POSITIONS	519,215	519,215
	(12.00)	(12.00)
OTHER OPERATING EXPENSES	80,000	80,000
TOTAL C. LEGAL, POLICY & LEGISLATIVE	599,215 (12.00)	599,215 (12.00)
 TOTAL II. PROGRAMS AND SERVICES	 71,692,529 (791.25)	 38,418,856 (719.25)

STATUTES AT LARGE
General and Permanent Laws--2021
R440-DEPARTMENT OF REVENUE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	13,788,783	12,885,363
TOT III. EMPLOYEE BENEFITS	13,788,783	12,885,363
TOTAL DEPT OF REVENUE	86,058,493	51,881,400
	(804.25)	(732.25)

SECTION 110
R520-STATE ETHICS COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	108,428	108,428
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,051,161	823,113
	(17.00)	(14.00)
NEW POSITIONS -	101,860	101,860
ADMINISTRATIVE ASSISTANT	(2.00)	(2.00)
OTHER PERSONAL SERVICES	18,187	3,187
OTHER OPERATING EXPENSES	451,597	221,597
TOTAL I. ADMINISTRATION	1,731,233	1,258,185
	(20.00)	(17.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	436,923	392,463
TOT II. EMPLOYEE BENEFITS	436,923	392,463
TOT ST ETHICS COMMISSION	2,168,156	1,650,648
	(20.00)	(17.00)

SECTION 111
S600-PROCUREMENT REVIEW PANEL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
CLASSIFIED POSITIONS	90,750	90,750
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	3,771	3,771

OF SOUTH CAROLINA
General and Permanent Laws--2021
S600-PROCUREMENT REVIEW PANEL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	44,910	42,376
TOTAL I. ADMINISTRATION	139,431	136,897
	(2.00)	(2.00)
 II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	42,000	42,000
TOT II. EMPLOYEE BENEFITS	42,000	42,000
 TOTAL PROCUREMENT	 181,431	 178,897
REVIEW PANEL	(2.00)	(2.00)

SECTION 112
V040-DEBT SERVICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. GENERAL OBLIGATION BONDS		
AIR CARRIER HUB BONDS	4,308,400	4,308,400
CAPITAL IMPROV BONDS	49,343,728	49,343,728
ECONOMIC DEV BONDS	63,976,984	63,976,984
RESEARCH UNIVER BONDS	24,220,344	24,220,344
STATE SCH FACIL BONDS	49,215,821	49,215,821
TOTAL I. GENERAL OBLIGATION BONDS	191,065,277	191,065,277
 II. SPECIAL BONDS/STOCKS /OTHER		
RICHARD B RUSSELL PROJECT	550,000	550,000
INT PAYMT-AGRI COL STOCK	11,508	11,508
INT PAYMT-CLEMSON STOCK	3,513	3,513
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

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. AID TO SUBDIVISIONS		
AID TO COUNTY	276,590	276,590
VETERANS' OFFICES		
AID PLANNING DISTRICTS	556,253	556,253
AID TO FIRE DISTRICTS	16,496,453	16,496,453
AID - LOCAL GOVT FUND	251,661,595	251,661,595
RURAL COUNTY	10,000,000	10,000,000
STABILIZATION FUND		
TOT I. AID TO SUBDIV	278,990,891	278,990,891
II. AID TO SUBDIV- CATEGORICAL GRANTS CNTYS		
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	1,436,956	1,436,956
AID TO CNTIES - TREASURERS	1,436,955	1,436,955
TOTAL II. AID TO SUBDIV- CATEGORICAL GRANTS CNTYS	3,196,786	3,196,786
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	89,951	89,951
TOT III. EMPLOYEE BENEFITS	89,951	89,951
TOTAL AID TO SUBDIVISIONS STATE TREASURER	282,277,628	282,277,628

SECTION 114

X440-AID TO SUBDIVISIONS - DEPARTMENT OF REVENUE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. AID TO SUBDIVISIONS -		
DEPT OF REVENUE		
AID TO COUNTIES -	18,648,819	18,648,819
HOMESTEAD EXEMPTION FD		
TOT I. AID TO SUBDIVISIONS	18,648,819	18,648,819
- DEPT OF REVENUE		
 TOTAL AID TO SUBDIVISIONS	 18,648,819	 18,648,819
- DEPARTMENT OF REVENUE		

SECTION 115

X500-TAX RELIEF TRUST FUND

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. AID TO SUBDIVISIONS		
HOMESTEAD EXEMPTION	238,055,467	
REIMB-65YRS/DISABLED		
HOMESTEAD EX-DIST TO	249,069,750	
SCHOOL DISTRICTS		
MANUFACTURERS' DEPREC	88,974,466	
REIMBURSEMENT		
MANUFAC EXEMPTION OF	33,366,281	
ASSESSED VALUE		
MERCHANTS' INVENTORY	40,557,257	
TAX EXEMPTION		
TOT I. AID TO SUBDIV	650,023,221	
 TOT TAX RELIEF TRUST FD	 650,023,221	

RECAPITULATION

<u>AGENCY</u>	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
H630 DEPARTMENT OF EDUCATION	5,696,118,601	3,479,112,182
H660 LOTTERY EXPENDITURE ACCOUNT	597,200,000	
A850 EDUCATION OVERSIGHT COMMITTEE	1,793,242	
H170 WIL LOU GRAY OPPORTUNITY SCHOOL	8,288,085	7,062,764
H750 SCHOOL FOR THE DEAF AND THE BLIND	30,025,904	16,516,449
L120 GOV'S SCH FOR AGRI AT JOHN DE LA H	6,465,948	5,328,674
H670 EDUC TELEVISION COMMISSION	44,274,583	7,859,583
H030 COMMISSION ON HIGHER EDUCATION	48,514,359	38,315,339
H060 HIGHER EDU TUITION GRANTS COMM	34,432,262	28,182,262
H090 THE CITADEL	159,213,233	13,321,439
H120 CLEMSON UNIV - EDU & GEN	1,264,099,588	101,776,093
H150 UNIVERSITY OF CHARLESTON	276,025,848	33,463,082
H170 COASTAL CAROLINA UNIVERSITY	251,207,261	18,749,648
H180 FRANCIS MARION UNIVERSITY	85,866,122	20,208,659
H210 LANDER UNIVERSITY	87,549,022	11,476,379
H240 SOUTH CAROLINA STATE UNIVERSITY	133,727,583	16,971,536
H270 UNIVERSITY OF SOUTH CAROLINA	1,273,650,910	164,517,936
H290 USC - AIKEN CAMPUS	64,894,992	11,937,630
H340 USC - UPSTATE	102,918,240	18,091,260
H360 USC - BEAUFORT CAMPUS	42,566,440	8,281,514
H370 USC - LANCASTER CAMPUS	22,604,865	4,430,364
H380 USC - SALKEHATCHIE CAMPUS	15,118,849	2,864,850
H390 USC - SUMTER CAMPUS	17,691,442	4,565,339
H400 USC - UNION CAMPUS	9,140,393	2,051,080
H470 WINTHROP UNIVERSITY	174,626,417	22,112,362
H510 MEDICAL UNIV OF SOUTH CAROLINA	774,111,826	91,430,274
H530 AREA HLTH EDU CONSORTIUM	14,806,211	11,152,584
H590 ST BOARD FOR TECH & COMPREH EDU	731,297,306	176,552,440
H790 DEPT OF ARCHIVES & HISTORY	4,968,564	2,776,823
H870 STATE LIBRARY	19,135,346	16,167,200
H910 ARTS COMMISSION	7,350,535	5,866,187
H950 STATE MUSEUM COMMISSION	7,172,954	4,072,954
H960 CONFED RELIC ROOM AND MIL MUS COM	1,356,015	936,763
H730 DEPT OF VOCA REHAB	174,741,151	17,058,843
J020 DEPT OF HEALTH & HUMAN SRVCS	8,041,093,229	1,427,275,397
J040 DEPT OF HEALTH & ENVIR CONTR	654,935,265	147,895,333
J120 DEPARTMENT OF MENTAL HEALTH	567,606,134	278,978,755
J160 DEPT OF DISABILITIES & SPEC NEEDS	823,783,439	278,737,689
J200 DEPT OF ALCOH & OTHER DRUG ABUSE	94,429,622	14,983,171
L040 DEPARTMENT OF SOCIAL SERVICES	812,037,934	232,959,127
L240 COMMISSION FOR THE BLIND	14,505,858	4,538,040
L060 DEPARTMENT ON AGING	52,350,492	18,946,272
L080 DEPT OF CHILDREN'S ADVOCACY	19,461,550	7,982,182
L320 HOUSING FINANCE & DEV AUTHORITY	217,983,400	
P120 FORESTRY COMMISSION	40,006,865	23,564,592
P160 DEPARTMENT OF AGRICULTURE	30,613,907	15,681,288
P200 CLEMSON UNIV - PUBLIC SRVC ACTIV	95,218,511	49,297,943
P210 SC STATE UNI- PUBLIC SERVICE ACTIV	12,133,578	6,633,183
P240 DEPARTMENT OF NATURAL RESOURCES	123,520,353	42,375,941
P260 SEA GRANT CONSORTIUM	5,820,722	820,722
P280 DEPT OF PARKS, RECREATION & TOUR	122,999,673	48,706,441
P320 DEPARTMENT OF COMMERCE	127,121,091	53,044,576
P340 JOBS-ECONOMIC DEV AUTHORITY	423,150	
P360 PATRIOTS POINT DEV AUTHORITY	13,836,012	

OF SOUTH CAROLINA
General and Permanent Laws--2021
RECAPITULATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
P400 SC CONSERVATION BANK	24,070,134	9,070,134
P450 RURAL INFRASTRUCTURE AUTHORITY	44,219,656	22,035,656
B040 JUDICIAL DEPARTMENT	100,466,403	77,508,010
C050 ADMINISTRATIVE LAW COURT	5,493,874	3,837,888
E200 ATTORNEY GENERAL'S OFFICE	107,078,406	20,309,841
E210 PROSECUTION COORD COMMISSION	40,099,593	31,419,010
E230 COMMISSION ON INDIGENT DEFENSE	51,672,238	36,253,889
D100 GOV'S OFF-ST LAW ENFOR DIV	114,405,718	65,857,673
K050 DEPARTMENT OF PUBLIC SAFETY	192,950,237	107,629,565
N200 LAW ENFORCEMENT TRAINING COUNCIL	16,498,050	8,964,025
N040 DEPARTMENT OF CORRECTIONS	539,365,502	469,382,507
N080 DEPT OF PROB, PAROLE & PARD SRVCS	70,807,328	49,556,937
N120 DEPARTMENT OF JUVENILE JUSTICE	144,359,252	122,366,553
L360 HUMAN AFFAIRS COMMISSION	4,422,050	2,781,677
L460 COMMISSION ON MINORITY AFFAIRS	1,992,159	1,730,345
R040 PUBLIC SERVICE COMMISSION	6,158,198	
R060 OFFICE OF REGULATORY STAFF	18,466,839	3,000,000
R080 WORKERS' COMPENSATION COM	8,186,284	2,578,439
R120 STATE ACCIDENT FUND	10,811,063	
R200 DEPARTMENT OF INSURANCE	20,159,863	6,129,109
R230 ST BOARD OF FINANCIAL INST	5,816,804	
R280 DEPT OF CONSUMER AFFAIRS	4,164,044	1,945,148
R360 DEPT OF LABOR, LICENSING & REG	56,459,125	5,516,653
R400 DEPARTMENT OF MOTOR VEHICLES	118,061,482	96,413,886
R600 DEPT OF EMPLOY AND WORKFORCE	167,510,391	504,659
U120 DEPARTMENT OF TRANSPORTATION	2,479,681,507	57,270
U150 INFRASTRUCTURE BANK BOARD	126,231,870	
U200 COUNTY TRANSPORTATION FUNDS	148,000,000	
U300 DIVISION OF AERONAUTICS	12,852,117	2,123,250
A010 LEG DEPT - THE SENATE	18,426,584	18,126,584
A050 LEG DEPT - HOUSE OF REPRESENT	22,966,544	22,966,544
A150 LEG DEPT - CODIFICATION OF LAWS	5,185,492	4,885,492
A170 LEG DEPT - LEGISLATIVE SERVICES	8,049,276	8,049,276
A200 LEG DEPT -LEGISLATIVE AUDIT COUNCIL	2,505,478	2,105,478
D050 GOVERNOR'S OFF - EXECUTIVE CONTR	3,522,331	3,522,331
D200 GOVERNOR'S OFF - MANSION AND GRO	533,868	333,868
D300 OFFICE OF RESILIENCE	102,036,700	2,036,700
D500 DEPARTMENT OF ADMINISTRATION	291,217,293	63,511,393
D250 OFFICE OF INSPECTOR GENERAL	874,890	874,890
E080 SECRETARY OF STATE'S OFFICE	3,716,094	1,246,839
E120 COMPTROLLER GENERAL'S OFFICE	3,435,706	2,560,272
E160 STATE TREASURER'S OFFICE	10,684,825	2,162,016
E190 RETIREMENT SYS INVESTMENT COM	15,303,000	
E240 ADJUTANT GENERAL'S OFFICE	107,319,437	12,426,564
E260 DEPARTMENT OF VETERANS' AFFAIRS	4,497,173	3,952,173
E280 ELECTION COMMISSION	14,612,090	7,557,413
E500 REVENUE & FISCAL AFFAIRS OFFICE	59,295,257	5,214,709
E550 STATE FISCAL ACCT AUTHORITY	23,280,827	1,700,213
F270 SFAA - STATE AUDITOR'S OFFICE	7,365,227	4,785,588
F300 STATEWIDE EMPLOYEE BENEFITS	97,777,236	97,777,236
F310 CAPITAL RESERVE FUND	183,584,490	183,584,490
F500 PUBLIC EMPLOYEE BENEFIT AUTH	154,398,830	112,368,739
R440 DEPARTMENT OF REVENUE	86,058,493	51,881,400
R520 STATE ETHICS COMMISSION	2,168,156	1,650,648
S600 PROCUREMENT REVIEW PANEL	181,431	178,897

STATUTES AT LARGE
General and Permanent Laws--2021
RECAPITULATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
V040 DEBT SERVICE	191,630,298	191,630,298
X220 AID TO SUBDIV-STATE TREASURER	282,277,628	282,277,628
X440 AID TO SUBDIV -DEPT OF REVENUE	18,648,819	18,648,819
X500 TAX RELIEF TRUST FUND	650,023,221	
GRAND TOTAL	31,064,871,763	
STATE OF SOUTH CAROLINA		9,270,619,766
SOURCE OF FUNDS		
APPROP GENERAL FUNDS	9,270,619,766	
FEDERAL FUNDS	9,499,378,927	
OTHER FUNDS	12,294,873,070	
GRAND TOTAL	31,064,871,763	

STATEMENT OF REVENUES

ESTIMATE OF GENERAL, SCHOOL, TRANSPORTATION,
EDUCATION IMPROVEMENT ACT AND
EDUCATION LOTTERY REVENUES
FISCAL YEAR 2021-22

General Fund

Sales and Use Tax	3,418,454,000
Individual Income Tax	5,064,135,000
Corporate Income Tax	465,900,000
Insurance Taxes	256,190,000
Admissions Tax	30,746,000
Aircraft Tax	1,250,000
Alcoholic Liquor Tax	87,899,000
Bank Tax	32,000,000
Beer and Wine Tax	115,434,000
Bingo Tax	112,000
Business Filing Fees	8,578,000
Circuit & Family Court Fines	5,500,000
Corporation License Tax	101,200,000
Documentary Tax	88,433,000
Earned on Investments	82,500,000
Indirect Cost Recoveries	15,939,000
Motor Vehicle Licenses	12,215,645
Nursing Home Licenses/Fees	3,600,000
Parole & Probation Supervision Fees	3,393,000
Private Car Lines Tax	7,008,000
Public Service Authority	17,450,000
Purchase Card Rebates	3,089,000

OF SOUTH CAROLINA
General and Permanent Laws--2021
STATEMENT OF REVENUES

Record Search Fees	4,461,000
Savings & Loan Association Tax	1,273,000
Security Dealer Fees	29,701,000
Surcharge on Vehicle Rentals	-
Tobacco Tax	29,280,000
Uncashed Checks	-
Unclaimed Property Fund Transfer	15,000,000
Workers' Compensation Insurance Tax	9,382,000
Other Source Revenues	11,137,554
Total General Fund Revenues	9,921,260,199
Less: Revenue Transferred to Tax Relief Trust Funds (§11-11-150)	(650,023,221)
Net General Fund Revenues	9,271,236,978
Education Improvement Act Fund Revenues	894,400,000
Nonrecurring:	
Estimated FY2020-21 EIA Surplus	<u>92,885,024</u>
Total Education Improvement Act Fund Revenues	987,285,024
Transportation Fund Revenues	2,479,624,237
Education Lottery Account Revenues	523,300,000
Prior Year Surplus Lottery Revenues	<u>73,900,000</u>
Total Education Lottery Account Revenues	597,200,000
Total Estimated Revenues (§11-11-410)	<u>13,985,369,460</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: 63.60 percent must be allocated based on the Education Finance Act formula and the differentiated student weightings in this Act; 28.62 percent must be allocated based on the manner of distribution of EFA employer contributions in the prior fiscal year; and 7.79 percent must be allocated to fully implement the State Minimum Teacher Salary Schedule with a minimum starting teacher salary of \$36,000. The department is authorized to adjust the percentage allocation related to EFA employer contributions to accommodate for the disbursement of the state retirement funds and any other related employee allocation sent to districts. For the current fiscal year, the total pupil count is projected to be 764,037. These funds represent an average per pupil of \$3,887 in State Aid to Classrooms. The average per pupil funding is projected to be \$6,902 state, \$1,202 federal, and \$7,423 local. This is an average total funding level of \$15,527 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	48,076 2.12%	44,576 2.29%	41,076 2.50%	37,576 2.73%	36,000 2.86%
1	48,593 2.10%	44,813 2.28%	41,377 2.48%	37,838 2.71%	36,119 2.85%
2	48,924 2.09%	44,888 2.28%	41,525 2.47%	37,994 2.70%	36,313 2.83%
3	49,236 2.07%	44,957 2.27%	41,664 2.46%	38,107 2.69%	36,462 2.82%
4	49,578 2.06%	45,058 2.27%	41,831 2.45%	38,280 2.68%	36,667 2.80%
5	49,870 2.05%	45,125 2.27%	41,962 2.44%	38,388 2.67%	36,806 2.79%
6	51,134 1.99%	46,074 2.22%	42,911 2.39%	39,273 2.61%	37,691 2.73%
7	52,400 1.95%	47,022 2.17%	43,859 2.33%	40,127 2.56%	38,546 2.66%
8	53,665 1.90%	47,972 2.13%	44,808 2.28%	41,012 2.50%	39,431 2.60%
9	54,930 1.85%	48,921 2.09%	45,757 2.23%	41,867 2.45%	40,285 2.55%
10	56,196 1.81%	49,870 2.05%	46,707 2.19%	42,753 2.40%	41,171 2.49%
11	57,461 1.77%	50,818 2.01%	47,655 2.14%	43,607 2.35%	42,025 2.44%

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

12	58,726 1.73%	51,768 1.97%	48,604 2.10%	44,492 2.30%	42,911 2.39%
13	59,991 1.70%	52,716 1.93%	49,553 2.06%	45,346 2.25%	43,765 2.34%
14	61,256 1.66%	53,665 1.90%	50,502 2.02%	46,233 2.21%	44,650 2.29%
15	62,522 1.63%	54,614 1.87%	51,450 1.98%	47,087 2.17%	45,504 2.25%
16	63,787 1.59%	55,563 1.83%	52,400 1.95%	47,972 2.13%	46,390 2.20%
17	65,052 1.56%	56,511 1.80%	53,348 1.91%	48,825 2.09%	47,244 2.16%
18	65,693 1.55%	57,066 1.78%	53,873 1.89%	49,305 2.07%	47,706 2.14%
19	66,339 1.53%	57,628 1.77%	54,401 1.87%	49,787 2.05%	48,173 2.12%
20	66,993 1.52%	58,194 1.75%	54,935 4.0%	50,275 4.0%	48,646 4.0%
21	67,654 1.50%	58,766 1.73%	55,474 1.84%	50,767 2.01%	49,122 2.08%
22	68,320 1.49%	59,343 1.71%	56,019 1.82%	51,264 1.99%	49,603 2.06%
23	68,993 1.47%	59,927 1.70%	56,570 1.80%	51,768 1.97%	50,089 2.04%

As further used in this act, references to the Education Finance Act or EFA funds shall be interpreted to mean the 63.60 percent of funds appropriated for State Aid to Classrooms and allocated for the Education Finance Act and, where appropriate, the 28.62 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 63.60 percent of funds appropriated for State Aid to Classrooms and allocated for the Education Finance Act and, where appropriate, the 28.62 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 purpose of maintaining consistency when calculating the Base Student Cost, the base student cost calculation shall include funds from

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

State Aid to Classrooms consisting of the 63.60% of funds appropriated for State Aid to Classrooms allocated based on the Education Finance Act formula and the 7.79% that are allocated to fully implement the State Minimum Teacher Salary Schedule.

For the current fiscal year the South Carolina Public Charter School District and any institution of higher education sponsoring a public charter school shall receive and distribute state EFA funds to the charter school as determined by one hundred percent of the current year's base student cost, as funded by the General Assembly multiplied by the weighted 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 |

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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:

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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 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.

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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 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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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 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. 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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

cost for educating such 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. DELETED

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 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.

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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 forty-fifth and the one hundred and thirty-fifth day mark. The department shall report this information to the General Assembly for the 2021-2022 school year.

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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.

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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 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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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 (PCS) System. For individuals not coded in PCS, the determination shall be made based upon whether the individual performs the functions

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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 appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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 for or the placement of advertisements on the outside or inside of state-owned school buses.

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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 to provide the necessary educational programs and services by contracting with the RTF provided that the RTF agrees to provide

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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 notice of dispute. If the issue of reasonable cost differences should remain unresolved, a facility school district shall have the right to file a

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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.

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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 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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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 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.

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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. Seventeen 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.

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 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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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: 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 academic magnet school under the same terms and conditions these students were previously permitted to attend the school.

1.52. (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.

1.53. (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.

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

1.54. (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.

1.55. (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.

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

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

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

Public and private providers shall be funded for instructional costs at a rate of \$4,800 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 \$587 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. 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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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. 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.

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

For the current fiscal year, the Office of First Steps may expend: (1) up to \$2,000,000 to pilot a program to provide higher reimbursement rates to high-quality child care centers. The reimbursement rate for students enrolled by child care providers rated B or higher in the ABC

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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; and (2) up to \$100,000 to provide one-time supplemental, needs-based incentive grants in an amount not to exceed \$30,000 for newly created and/or newly approved private providers proposing to expand service to ten or more CERDEP eligible children in communities unable to enroll all eligible students in a public, private, or Head Start setting during the prior fiscal year. These grants are 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 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 shall be 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 shall 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; and (3) up to \$1,000,000 may be used to provide grants to 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 CERDEP following guidelines developed by the Office of First Steps. Providers participating in this pilot shall be 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 shall require the provider to return a portion of the supplemental allocation at a level determined by the Office of First Steps.

If by August first, the Department of Education or the Office of First Steps determines that appropriations will exceed expenditures, available funds may be used to fund an extended program and to increase the length of the program to a maximum of eight and a half hours per day or two hundred and twenty days per year or to fund summer programs. If a district chooses to fund summer enrollment, the program funding shall

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

conform to the funding in this act for full year programs; however, it 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. No later than April first, the Department of Education and the Office of First Steps shall 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. The Office of First Steps is directed to determine if the provision of extended programs in private centers improves the ability of parents to enter the workforce or to pursue postsecondary training or industry credentials.

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

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

For Fiscal Year 2021-22, in response to the COVID-19 crisis, children who were eligible to participate in the Child Early Reading Development and Education Program in the prior fiscal year but did not participate, shall be eligible to participate in the program during Fiscal Year 2021-22, subject to classroom availability and funding.

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

1.57. (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 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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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.

1.58. (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 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;

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

(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.

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

1.59. (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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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.

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

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

(C) These funds 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.

(D) 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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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.

(E) 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.

(F) 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.

(G) 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.

(H) The Department of Education shall require:

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

(I) With the data reported by the school districts, the department shall report by January fifteenth of the current fiscal year on the hiring

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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.

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

1.61. (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.

1.62. (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.

1.63. DELETED

1.64. (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.

1.65. DELETED

1.66. (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.

1.67. (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 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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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.

1.68. DELETED

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

1.70. (SDE: Technology Technical Assistance) Funds appropriated to the Department of Education for Technology Technical Assistance must be used to increase the capacity of districts, first who are or were the original trial and plaintiff school districts in the Abbeville law suit, and then other districts that need such assistance. Funds shall be used by the department to assist school districts in procuring appropriate technology to include devices and infrastructure and 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; however, any paper administrations must be completed according to the deadlines set by the department.

1.71. (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.

1.72. (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.

1.73. DELETED

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

1.74. DELETED

1.75. (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 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.

1.76. (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.

1.77. (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.

1.78. (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.

1.79. (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.

1.80. (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.

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

Each school in the state shall continue to identify key staff and maintain a threat assessment team. The department shall work with stakeholders to provide professional development to staff serving on the team. The state level Threat Assessment Team shall 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.

1.81. (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.

1.82. (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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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.

1.83. (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.

1.84. DELETED

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

1.86. DELETED

1.87. (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 \$53,426. 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.

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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 2021-22, 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 one thousand dollars. 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.

1.88. (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 2021-22 and upon approval by the Department of Education.

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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

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

*****1.90. (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.***

1.91. (SDE: Standards-Based Assessments Suspended) In Fiscal Year 2021-22, the provisions of Section 59-18-325(C)(3) of the 1976 Code 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.

****1.92. (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.***

* See note at end of Act.

** See note at end of Act.

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

1.93. (SDE: Master's Plus Thirty) For school year 2021-22, 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.

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

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

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

***1.95. (SDE: Basic Skills for Admission to Teacher Preparation Program/Praxis Core) With funds appropriated to the department and to meet the requirements established in Sections 59-25-10, et. seq., of the 1976 Code, for final candidate admission to an undergraduate teacher preparation program, a college or university educator preparation provider may develop and submit for State Board of Education approval a plan for ensuring teacher candidate proficiency in reading, writing, and mathematics. The plan may include an option for candidates to demonstrate basic skills proficiency through multiple measures which may include scores on an approved basic skills assessment, grade point average, grades in benchmark courses, existing college or university assessments for determining undergraduate course placement, or other factors. The State Board of Education shall be authorized to establish proposal criteria and must approve a provider's plan prior to its implementation. In the event that**

* See note at end of Act.

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

an applicant does not demonstrate the required basic skills proficiency to qualify for full admission to the preparation program, the college or university must offer the applicant appropriate academic assistance and support prior to the individual reapplying for program assistance at a later date.

1.96. (SDE: Formative Assessment Data) For the 2021-2022 school year, districts must ensure all students in first through ninth grades are assessed using a state approved interim assessment tool during the fall, winter, and spring. School districts shall provide all 2020-2021 and 2021-2022 interim and formative assessment data scores by grade and school to the Department of Education. The department is directed to compile the information received and submit a comprehensive report regarding performance on such assessments to the General Assembly by January 31 of the current fiscal year. Any school district failing to provide this data to the department shall have ten percent of their EFA funding withheld until the data is provided.

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

1.98. DELETED

1.99. DELETED

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

1.101. (SDE: ESSER Funds) Of the funds appropriated to the Department of Education, the department shall ensure that school

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

districts are made aware of all the permissible uses of ESSER funds that are at their disposal. The department shall provide training and technical support to district personnel throughout the process.

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

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

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

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

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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

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

(A) Up to \$15,000,000 of the funds shall be made available first to a local school district or districts with an average daily membership that is less than 5000, 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, or to a school district that is under state takeover and is consolidating school buildings as directed by the State Superintendent of Education. 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. 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) The remaining funds shall be set aside by the department to create a source of state funding for local school district infrastructure based on need. Additional funds may be appropriated by the General Assembly with either recurring or non-recurring funds from the General Fund, EIA or lottery. Federal funds authorized by a federal agency or authorized by the General Assembly may also be included in this fund. The fund may also accept gifts from private sources.

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

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

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

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

1.105. (SDE: Partisanship Curriculum) For the current fiscal year, of the funds allocated by the Department of Education to school districts, no monies shall be used by any school district or school to provide instruction in, to teach, instruct, or train any administrator, teacher, staff member, or employee to adopt or believe, or to approve for use, make use of, or carry out standards, curricula, lesson plans, textbooks, instructional materials, or instructional practices that serve to inculcate any of the following concepts: (1) one race or sex is inherently superior to another race or sex; (2) an individual, by virtue of his race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (3) an individual should be discriminated against or receive adverse treatment solely or partly because of his race or sex; (4) an individual's moral standing or worth is necessarily determined by his race or sex; (5) an individual, by virtue of his race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (6) an individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his race or sex; (7) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by members of a particular race to oppress members of another race; and (8) fault, blame, or bias should be assigned to a race or sex, or to members of a race or sex because of their race or sex. Nothing contained herein shall be construed as prohibiting any professional development training for teachers related to issues of addressing unconscious bias within the context of teaching certain literary or

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

historical concepts or issues related to the impacts of historical or past discriminatory policies.

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

1.107. DELETED

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

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 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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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 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, the South Carolina Governor's School for Science and Mathematics, and the Governor's School for Agriculture at John de la Howe 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/ WIOA 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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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.

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)

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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 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 Executive Budget 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 Executive Budget 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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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 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 disbursed. 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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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 Opportunity School, Governor's School for Agriculture at John de la Howe, 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 2021 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 2021 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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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.

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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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.

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,

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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 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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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, 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 forty-fifth and the one hundred and thirty-fifth day mark. The department shall report this information to the General Assembly for the 2021-2022 school year.

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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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.

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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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.

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.

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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.

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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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 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.

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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 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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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 funds remain, Clemson University PSA may utilize such funds for a Regional Coordinator.

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

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

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

Public and private providers shall be funded for instructional costs at a rate of \$4,800 per student enrolled. Eligible students enrolling during the school year or withdrawing during the school year shall be funded

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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 \$587 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. 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

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.

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

For the current fiscal year, the Office of First Steps may expend: (1) up to \$2,000,000 to pilot a program to provide higher reimbursement rates to high-quality child care centers. The reimbursement rate for students enrolled by child care 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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

developed by the Office of First Steps; and (2) up to \$100,000 to provide one-time supplemental, needs-based incentive grants in an amount not to exceed \$30,000 for newly created and/or newly approved private providers proposing to expand service to ten or more CERDEP eligible children in communities unable to enroll all eligible students in a public, private, or Head Start setting during the prior fiscal year. These grants are 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 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 shall be 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 shall 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; and (3) up to \$1,000,000 may be used to provide grants to 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 CERDEP following guidelines developed by the Office of First Steps. Providers participating in this pilot shall be 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 shall require the provider to return a portion of the supplemental allocation at a level determined by the Office of First Steps.

If by August first, the Department of Education or the Office of First Steps determines that appropriations will exceed expenditures, available funds may be used to fund an extended program and to increase the length of the program to a maximum of eight and a half hours per day or two hundred and twenty days per year or to fund summer programs. If a district chooses to fund summer enrollment, the program funding shall conform to the funding in this act for full year programs; however, it shall be reduced on a pro rata basis to conform with the length of the

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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. No later than April first, the Department of Education and the Office of First Steps shall 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. The Office of First Steps is directed to determine if the provision of extended programs in private centers improves the ability of parents to enter the workforce or to pursue postsecondary training or industry credentials.

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

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

For Fiscal Year 2021-22, in response to the COVID-19 crisis, children who were eligible to participate in the Child Early Reading Development and Education Program in the prior fiscal year but did not participate, shall be eligible to participate in the program during Fiscal Year 2021-22, subject to classroom availability and funding.

1A.30. (SDE-EIA: Aid to Districts) Funds appropriated in Part IA, Section 1, VIII.A.1. Aid to Districts shall be disbursed monthly to school

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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 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,

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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 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.

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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 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 \$53,426. 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 2021-22, 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 one thousand dollars. Districts must use the district salary schedule utilized the prior fiscal year as the basis for providing the increase.

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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, 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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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 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 fire marshals, and when necessary, state law enforcement agencies and the Office of the State Fire Marshal in order to ensure that the district has updated school safety and fire plans in place. The safety and fire plans must include safety directives in the classroom, a safe student and staff exit strategy and necessary safety staff. Notice of completion of the updated plans 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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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 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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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. (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 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.49. (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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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 appropriation must be transferred to the Charter School Facility Revolving Loan Program established in Section 59-40-175. For Fiscal Year 2021-22, 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.

1A.50. (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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

Readiness must provide any information required by the Education Oversight Committee for the annual CDEPP report no later than November thirtieth.

1A.51. (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 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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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.

(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.

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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

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

(C) These funds 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.

(D) 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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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.

(E) 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.

(F) 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.

(G) 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.

(H) The Department of Education shall require:

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

(I) With the data reported by the school districts, the department shall report by January fifteenth of the current fiscal year on the hiring

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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.

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

1A.54. (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 be expended for the same purposes by the department, school districts, and special schools. These funds are not subject to flexibility.

1A.55. (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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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 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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

faith-based, registered family home, group home, or exempt provider) or informal child care.

1A.56. DELETED

1A.57. (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 the cost of industry exams or to support students in preparing for the exams in the current fiscal year.

1A.58. (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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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.59. (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.60. DELETED

1A.61. (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.62. (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, Governor's School for Agriculture at John de la Howe, 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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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.

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, Governor's School for Agriculture at John de la Howe, 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.

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.63. DELETED

1A.64. (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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

shall be exempted from disclosure under Section 30-4-40 of the 1976 Code, the South Carolina Freedom of Information Act.

1A.65. (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.66. DELETED

1A.67. (SDE-EIA: Grants Committee) Of the funds appropriated to the Department of Education for Innovation Grants, the grants committee shall accept applications per the established process for new grantees not to exceed the amount appropriated by the General Assembly.

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 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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

(6) innovative strategies to close student achievement gaps, with a focus on below average and unsatisfactory schools.

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 report to the Governor, the Chairman of House Ways and Means and the Chairman of Senate Finance by June 30.

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

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

1A.70. DELETED

1A.71. (SDE-EIA: Teacher Recruitment Program) On or before September 30th of Fiscal Year 2021-22, 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

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

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 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.

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

1A.72. (SDE: Bridge Program) Of the funds appropriated for “Rural Teacher Recruitment” in Fiscal Year 2021-22, \$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.73. (SDE-EIA: Return to Covered Employment) For compensation earned during the current fiscal year, the earnings limitation imposed pursuant to Sections 9-1-1790(A)(1) and 9-11-90(4)(a)(i) of the 1976 Code does not apply if the retired member is hired by the Department of Education to primarily provide services to the department for its tiered system of support for underperforming schools and districts. The department may not pay a retiree who qualifies for the earnings limitation exception under this provision more than \$125,000 per year. The department may only use this provision for a maximum of twenty employees during the fiscal year. The department shall report the number of employees hired under this provision to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee by June 30.

1A.74. (SDE-EIA: Kindergarten Start Dates) A district superintendent or charter school authorizer may submit a request to the department to waive the minimum one hundred eighty day school attendance requirement for kindergarten students for the purpose of scheduling a readiness assessment. Upon approval of the waiver request, the approved school may stagger administering the readiness assessment to kindergarten students during the first five days of the academic year.

1A.75. DELETED

1A.76. (SDE-EIA: Surplus) For Fiscal Year 2021-22, EIA cash funds from the prior fiscal year and EIA funds not otherwise appropriated or authorized must be carried forward and expended on the following items in the order listed:

- 1. SDE-Grant Committee \$ 3,000,000;
- 2. Charter School..... \$ 33,216,180;

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

3. Computer Science Teacher Certification and Learning Opportunities	\$ 700,000;
4. Computer Science Certification and Professional Learning	\$ 1;
5. Instructional Materials.....	\$ 25,680,251;
6. Full Day 4K (OFS).....	\$ 5,219,976;
7. Full Day 4K (SDE).....	\$ 6,758,978;
8. Aid to Districts	\$ 10,821,877;
9. Pattison’s Academy (H630)	\$ 1,014,094;
10. Meyer Center (H630)	\$ 173,667;
11. The Continuum (H630)	\$ 1,500,000;
12. Carolina Collaborative for Alternative Preparation (H270)	\$ 450,000;
13. HYPE	\$ 500,000;
14. GED Incentive Program (DEW)	\$ 1,500,000;
15. Save the Children	\$ 1,000,000;
16. Greenville Children’s Museum	\$ 200,000;
17. Brookland Baptist Church Fifth Quarter	\$ 350,000;
18. Town of Kershaw-First Steps Building Upgrades.....	\$ 300,000;
19. Roper Mountain Science Center	\$ 250,000;
and	
20. Reading Partners	\$ 250,000.

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

1A.77. 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, 2021, and these expenditures are subject to annual verification and audit by the Commission on Higher Education on a rotational schedule not to exceed

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

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, 2021. 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, 2021.

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.

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 2021-22 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

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

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

- (1) Commission on Higher Education--
 LIFE Scholarships as
 provided in Chapter 149, Title 59.....\$236,771,166;
- (2) Commission on Higher Education--
 HOPE Scholarships as provided
 in Section 59-150-370 \$ 10,371,104;
- (3) Commission on Higher Education--
 Palmetto Fellows Scholarships
 as provided in Section 59-104-20..... \$ 71,173,280;
- (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..... \$ 60,000,000;
- (6) Higher Education Tuition Grants
 Commission--Tuition Grants..... \$ 20,000,000;
- (7) Commission on Higher Education--
 SC National Guard College Assistance
 Program as provided in
 Section 59-111-75 \$ 2,631,129;

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

(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-- Workforce Scholarships and Grants	\$ 5,000,000;
(11)	State Board for Technical and Comprehensive Education--High Demand Job Skill Training Equipment	\$ 18,000,000;
(12)	Department of Education-- Instructional Materials	\$ 66,730,412;
(13)	Department of Alcohol and Other Drug Abuse Services--Gambling Addiction Services	\$ 50,000;
(14)	Commission on Higher Education-- Transition Program Scholarships	\$ 750,000;
(15)	State Library--Aid to County Libraries	\$ 1,015,382;
(16)	Commission on Higher Education-- Higher Education Excellence Enhancement Program	\$ 11,927,526;
(17)	Commission on Higher Education-- South Carolina State University Institutes of Innovation	\$ 750,000;
(18)	State Board for Technical and Comprehensive Education--Trident Technical College Diesel Mechanic and Driver Training Program	\$ 500,000;
(19)	Office of State Treasurer-- Scholarship Trust Fund	\$ 1;
(20)	Commission on Higher Education-- Newberry College Dyslexia Program	\$ 250,000;
(21)	Commission on Higher Education-- American College of the Building Arts Campus Upgrades	\$ 300,000;
and		
(22)	Commission on Higher Education-- University Center of Greenville	\$ 380,000.

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

For Fiscal Year 2021-22, 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 \$ 6,072,474;
- (3) Department of Alcohol and Other
Drug Abuse Services--
Gambling Addiction Services \$ 50,000;
- (4) Commission on Higher Education--
PASCAL \$ 1,500,000;
- (5) Department of Education--
School Bus Lease/Purchase..... \$ 1;
- (6) Department of Education--
Instructional Materials..... \$ 827,524;
- (7) Commission on Higher Education--
Carolina Career Clusters Grant \$ 550,000;

and

- (8) Office of State Treasurer--
Scholarship Trust Fund \$ 1.

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

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

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

Fiscal Year 2021-22 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.

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

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 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 2021-22 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 2021-22 are fully funded.

If the lottery revenue received for Fiscal Year 2021-22 certified net lottery proceeds and investment earnings for the current fiscal year, Fiscal Year 2020-21 certified surplus, and Fiscal Year 2019-20 certified 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 \$400,000 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

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

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 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 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 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.

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

(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.

(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.

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

(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.

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

Of the funds appropriated to the Commission on Higher Education for South Carolina State University Institutes of Innovation, the university shall provide the following information to the Commission on Higher Education by August first: (a) an operating budget demonstrating how the state funds will be spent in the fiscal year in which funds are received; (b) goals to be accomplished and a proposed timeline for reaching the goals; and (c) proposed measures to evaluate success in implementing and meeting the goals. For accountability purposes, by March first, the university shall submit a final report to the Commission on Higher Education that details: (a) final expenditures and any remaining funds

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

in the operating budget; (b) achieved goals and the timeline detailing when the goals were achieved; and (c) specific measures demonstrating success in implementing and meeting the stated goals. By April fifteenth, the Commission on Higher Education shall report this information to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

Of the funds appropriated to the Commission on Higher Education for Carolina Career Clusters Grant, upon application by an eligible institution as defined in this paragraph, the commission shall disburse \$300,000 to Allen University and \$50,000 each to Benedict College, Claflin University, and Voorhees College provided that each were recipients of a single competitive grant from a private sector endowment of not less than \$1,000,000 within the immediately two prior fiscal years. The proceeds of \$300,000 to Allen University must be expended on the statewide expansion of the Institute for Civility and supportive services directly related to the private sector donor's initiatives. The proceeds of \$50,000 each to Benedict College, Claflin University, and Voorhees College must be expended on students and/or student support services directly related to the private sector grantor's initiative to better prepare students for employment in high paying job clusters across the state and for no other purpose. Prior to disbursement, the commission shall verify that an eligible institution shall provide no less than a 1 to 1 match of the funds to be disbursed. Notwithstanding other requirements of this paragraph, the commission shall also disburse \$100,000 to a non-profit, four-year comprehensive institution of higher learning in South Carolina, first established as a college in 1908, is SACS accredited, and offers baccalaureate degrees and at least one master's or graduate degree.

**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 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

OF SOUTH CAROLINA
General and Permanent Laws--2021
SECTION 5 - H710 - WIL LOU GRAY
OPPORTUNITY SCHOOL

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. (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.

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

6.2. (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.

6.3. (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.

6.4. (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.

6.5. (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.

6.6. (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.

6.7. (SDB: USC-Upstate Visual Impairment Master of Education Program) Of the funds appropriated to the South Carolina School for 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.

6.8. (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.

6.9. (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

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

board of directors. This policy shall address the school calendar in order to comply with the instructional needs of students attending the school.

6.10. (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.

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

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

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

7.2. (JDLHS: Campus Private Residence Leases) The Governor's School for Agriculture at John de la Howe 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) The Governor's School for Agriculture at John de la Howe 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.

7.4. DELETED

**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 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

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

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.

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

- 9.1. DELETED
- 9.2. DELETED
- 9.3. DELETED
- 9.4. DELETED
- 9.5. DELETED
- 9.6. DELETED

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

- 10.1. DELETED
- 10.2. DELETED
- 10.3. DELETED
- 10.4. DELETED
- 10.5. 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

SECTION 11 - H030 - COMMISSION ON
HIGHER EDUCATION

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 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.

OF SOUTH CAROLINA
General and Permanent Laws--2021
SECTION 11 - H030 - COMMISSION ON
HIGHER EDUCATION

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 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 Department 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.

SECTION 11 - H030 - COMMISSION ON
HIGHER EDUCATION

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 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

OF SOUTH CAROLINA
General and Permanent Laws--2021
SECTION 11 - H030 - COMMISSION ON
HIGHER EDUCATION

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 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

STATUTES AT LARGE
General and Permanent Laws--2021
SECTION 11 - H030 - COMMISSION ON
HIGHER EDUCATION

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 2021-22.

11.19. (CHE: Prohibition of Discriminatory Practices) (A) In the current fiscal year and from the funds appropriated to the Commission 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;

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

(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 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.

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

SECTION 15 - H150 - UNIVERSITY OF CHARLESTON

15.1. (UOC: Institutional Capital Resources) In the current fiscal year, the University of Charleston may use any institutional capital resources necessary to make repairs to McAlister Hall. Any recovery

SECTION 15 - H150 - UNIVERSITY OF CHARLESTON

from ongoing litigation must first be used to repay allocations made from the institution's capital improvement fee for this renovation.

SECTION 18 - H210 - LANDER UNIVERSITY

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

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

19.1. DELETED

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

20.5. 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. (MUSC: Children's Hospital Infrastructure) Of the funds appropriated for South Carolina Children's Hospitals infrastructure, the Medical University of South Carolina shall establish the South Carolina Children's Hospital Innovation Center to ensure that all children in

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

South Carolina have access to high-quality medical services in a coordinated, cost-effective manner. Under the direction of the South Carolina Children's Hospital Collaborative, the center annually shall establish children's healthcare infrastructure priorities, determining allocations for those priorities, and then contracting with qualifying children's hospitals to fund established priorities. Qualifying South Carolina children's hospitals must be not-for-profit systems providing comprehensive pediatric inpatient and outpatient services, serve as the regional perinatal center for their region, serve as training sites for the Medical University of South Carolina and the University of South Carolina medical schools, and participate in the South Carolina Telehealth Alliance pediatric telehealth workgroup. The center shall submit an annual report to the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee within 120 days of the close of the fiscal year detailing established children's healthcare infrastructure priorities and expenditures made to fund these priorities, specifying both innovation center funds and matching institutional funds.

**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

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

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 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

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

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. DELETED

25.6. DELETED

25.7. DELETED

25.8. DELETED

25.9. DELETED

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

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

26.1. DELETED

26.2. DELETED

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.

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.

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.

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

SECTION 29 - H950 - STATE MUSEUM COMMISSION

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 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

SECTION 29 - H950 - STATE MUSEUM COMMISSION

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.

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

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. (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.

**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

SECTION 33 - J020 - DEPARTMENT OF HEALTH AND
HUMAN SERVICES

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.

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

SECTION 33 - J020 - DEPARTMENT OF HEALTH AND
HUMAN SERVICES

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.

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

SECTION 33 - J020 - DEPARTMENT OF HEALTH AND
HUMAN SERVICES

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 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

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

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 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:

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

(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.

(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

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

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 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

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

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 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 \$1,500,000, 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 statewide rural health stakeholders and partners, 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 \$2,000,000 to support center staffing as well as the programs and collaborations delivering rural health research, the ICARED program, workforce

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

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) 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 \$2,500,000 must be expended by the department to contract with the USC School of Medicine and at least \$1,000,000 to Clemson University to develop and continue innovative healthcare delivery and training opportunities through collaborative community engagement via ICARED, Clemson Rural Health Programming, 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 statewide rural health stakeholders and partners, the

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

department must ensure collaborative efforts with the greatest potential for impact are prioritized.

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

(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 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

SECTION 33 - J020 - DEPARTMENT OF HEALTH AND
HUMAN SERVICES

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, of the current fiscal year, 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 Health Clinics, and to the extent applicable to funding received by the state, free clinics.

33.23. (DHHS: IDEA Part C 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, 2021 on the status of the department's efforts to bring the Individuals With Disabilities Education Act (IDEA) Part C program into compliance with federal requirements. This report must specifically address areas in which the IDEA Part C 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 the program 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 2021-22, 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*

** See note at end of Act.

SECTION 33 - J020 - DEPARTMENT OF HEALTH AND
HUMAN SERVICES

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 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.

33.26. (DHHS: 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.

33.27. (DHHS: Optional State Supplement Adjustments) Cost-of-living adjustments in benefit payments made by the federal government will result in adjustments in the Optional State Supplementation (OSS) Program as determined necessary by the Department of Health and Human Services to ensure that payment amounts are not reduced. The department shall adjust the OSS net income limitation, the OSS facility rate, and the personal needs allowance to ensure that payment amounts are not reduced. OSS benefit payment amounts shall be adjusted to reflect the changes in recipients' countable income. The department

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

shall make a one-time payment in Fiscal Year 2021-22 to account for the cost-of-living adjustments which occurred in the prior two fiscal years.

33.28. DELETED

**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 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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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 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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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 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, fifty percent of unclaimed funds utilized for aid to counties from the prior fiscal year 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 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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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 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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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 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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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. 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,

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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 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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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, \$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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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 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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

emergency or upon activation of the strategic national stockpile, other medications may be dispensed as necessary.

34.33. (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.

34.34. (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.

34.35. (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.

34.36. (DHEC: Fetal Pain Awareness) (A) The department must utilize at least one hundred dollars to prepare printed materials 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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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.

34.37. (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.

34.38. (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.

34.39. (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.

34.40. (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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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.

34.41. (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

(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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

(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.

34.42. (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.

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.

34.43. (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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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.

34.44. (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 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;

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

(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.

34.45. (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) 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)

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

of the South Carolina Code and any implementing regulations for this fiscal year.

34.46. (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.

34.47. (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 migration may be carried forward from the prior fiscal year and used for the same purpose.

34.48. (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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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.

34.49. (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.

34.50. DELETED

34.51. (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.

****34.52.** *(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.*

34.53. (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 a partnership with the Joseph H.

** See note at end of Act.

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Neal Health Collaborative and expend \$500,000 to provide comprehensive medical, dental, psychological, and educational services to all patients, regardless of their financial situation, insurance status, or ability to pay. In addition, the Joseph H. Neal Health Collaborative shall deploy its 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, and providing primary care and dental care. Funds may be used to enhance the services provided through a combination of Ryan White Part B Grant funds and other federal funds or the state's AIDS Drug Assistance Program rebate funds.

34.54. (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, 2021, to ensure data is collected by all trauma centers.

34.55. (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.

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

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

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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 reduce these items up to the stipulated percentage.

34.58. DELETED

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

34.60. DELETED**34.61. DELETED**

34.62. (DHEC: Solar Projects) From the funds appropriated to the Department of Health and Environmental Control, and within one hundred and twenty days after the effective date of this act, the department shall submit regulations to guide all South Carolinians invested in, selling, installing, and using photovoltaic modules and energy storage system batteries in the management of end-of-life photovoltaic modules and energy storage system batteries on solar projects and the decommissioning of solar projects in excess of thirteen acres. Management of end-of-life photovoltaic modules and energy

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

storage system batteries shall include both partial refurbishing of a solar project and complete decommissioning. In the development of these rules, the department shall collaborate with stakeholders and shall consider all of the following matters:

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

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

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

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

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

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

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

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

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

(5) Infrastructure that may be needed to develop a practical, effective, and cost-effective means to collect and transport end-of-life photovoltaic modules, energy storage system batteries, and other

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

equipment used in utility-scale solar projects for reuse, refurbishment, recycling, or disposal.

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

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

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

- (1) extend a permit or approval issued by the United States or its agencies or instrumentalities;
- (2) extend a permit or approval for which the term or duration of the permit or approval is specified or determined pursuant to federal law;
- (3) shorten the duration that a permit would have had in the absence of this provision;
- (4) prohibit the granting of additional extensions provided by law;
- (5) affect an administrative consent order issued by the department which is in effect on, or issued at any time from the effective date of this provision to June 30, 2022;
- (6) affect the ability of a governmental entity to revoke or modify a permit pursuant to law;
- (7) modify a requirement of law that is necessary to retain federal delegation by the State of South Carolina of the authority to implement a federal law or program; or

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

(8) affect department's Office of Ocean and Coastal Resource Management permits issued pursuant to R.30 12(N) Access to Coastal Lands

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

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

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.

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

SECTION 35 - J120 - DEPARTMENT OF MENTAL HEALTH

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 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

SECTION 35 - J120 - DEPARTMENT OF MENTAL HEALTH

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.

35.11. (DMH: Fitness to Stand Trial) The Department of Mental Health shall initiate a pilot program to determine the efficacy and cost effectiveness of providing treatment services in a detention center to adult criminal defendants who have been determined unfit to stand trial but who are likely to become fit in the foreseeable future. Upon completion of a court hearing, consideration of evidence that a defendant is unfit to stand trial but is likely to become fit to stand trial in the foreseeable future, and when the court orders the defendant hospitalized for up to an additional sixty days, the department shall have discretion to provide restoration treatment to a defendant in a hospital or in a detention facility. The department shall submit a report detailing the findings of the pilot program to the Chairman of the Senate Finance

SECTION 35 - J120 - DEPARTMENT OF MENTAL HEALTH

Committee, the Chairman of the House Ways and Means Committee, and the Governor no later than June 30, 2022.

**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 shall only transfer capital to include property and buildings to local DSN providers with written consent of the providers by memorandum of understanding and upon State Fiscal Accountability Authority approval, otherwise, the department shall be responsible for maintenance and improvements.

36.7. (DDSN: Unlicensed Medication Providers) The provision of selected prescribed medications may be performed by designated

**SECTION 36 - J160 - DEPARTMENT OF DISABILITIES
AND SPECIAL NEEDS**

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

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

This provision shall not apply to a facility licensed as an intermediate care facility for individuals with intellectual 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

SECTION 36 - J160 - DEPARTMENT OF DISABILITIES
AND SPECIAL NEEDS

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 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

**SECTION 36 - J160 - DEPARTMENT OF DISABILITIES
AND SPECIAL NEEDS**

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 2021-22, the Department of Disabilities and Special Needs is authorized to retain the 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, 2022, 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

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

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. All funds shall be retained by the department and may be used to fund Self-Sufficiency and Family Preservation and Support initiatives, to make improvements to the security for FTI and PII data, and for child support operations.

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

STATUTES AT LARGE (No. 94)
General and Permanent Laws--2021
SECTION 38 - L040 - DEPARTMENT OF
SOCIAL SERVICES

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 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

OF SOUTH CAROLINA
General and Permanent Laws--2021
SECTION 38 - L040 - DEPARTMENT OF
SOCIAL SERVICES

Day Care	\$8
Other – Volunteer Organizations	\$8
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

STATUTES AT LARGE
General and Permanent Laws--2021
SECTION 38 - L040 - DEPARTMENT OF
SOCIAL SERVICES

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 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	\$605	per month
ages	6 - 12	\$708	per month
ages	13 +	\$747	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,

**SECTION 38 - L040 - DEPARTMENT OF
SOCIAL SERVICES**

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 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. DELETED

STATUTES AT LARGE
General and Permanent Laws--2021
SECTION 38 - L040 - DEPARTMENT OF
SOCIAL SERVICES

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.

(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.

**SECTION 38 - L040 - DEPARTMENT OF
SOCIAL SERVICES**

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 2021-22, 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 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

**SECTION 38 - L040 - DEPARTMENT OF
SOCIAL SERVICES**

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 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

38.30. DELETED

38.31. (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

STATUTES AT LARGE (No. 94)
General and Permanent Laws--2021
SECTION 38 - L040 - DEPARTMENT OF
SOCIAL SERVICES

mandatory work requirements of the Supplemental Nutrition Assistance Program.

38.32. (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 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, Aging Assistance, 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 "Aging Assistance," 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.

SECTION 40 - L060 - DEPARTMENT ON AGING

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.

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, homemaker, 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 Intrastate 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.

SECTION 40 - L060 - DEPARTMENT ON AGING

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.

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) 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.

OF SOUTH CAROLINA
General and Permanent Laws--2021
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.

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.

42.6. DELETED

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.

43.2. (FC: Retention of Emergency Expenditure Refunds) The Forestry Commission is authorized to retain all funds received as

SECTION 43 - P120 - FORESTRY COMMISSION

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.

43.5. (FC: Sale of Promotional Items) The Forestry Commission may sell promotional items that advocate for the forestry and forest culture, including items featuring the South Carolina Forestry Commission Forest Life brand logo, for the purposes of generating funds for the agency operations. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year and used for the same purposes.

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

SECTION 44 - P160 - DEPARTMENT OF AGRICULTURE

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 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.

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

SECTION 45 - P200 - CLEMSON UNIVERSITY - PSA

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 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

SECTION 45 - P200 - CLEMSON UNIVERSITY - PSA

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.

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.

45.10. (CU-PSA: Regulatory Services Programs) For the current fiscal year, Clemson University Public Service Activities shall lead state and federal eradication efforts of the Asian Longhorned Beetle (*Anoplophora glabripennis*). All revenues and recoveries from USDA Animal and Plant Health Inspection Service (USDA-APHIS) for Clemson University PSA's Regulatory Services Programs and its departments shall be retained by Clemson University-PSA's Regulatory Services Program for purposes of carrying out the operation of 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

STATUTES AT LARGE
General and Permanent Laws--2021
SECTION 47 - P240 - DEPARTMENT OF
NATURAL RESOURCES

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 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

OF SOUTH CAROLINA
General and Permanent Laws--2021
SECTION 47 - P240 - DEPARTMENT OF
NATURAL RESOURCES

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. (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.

47.9. (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.

47.10. (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.

47.11. (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.

47.12. (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

**SECTION 47 - P240 - DEPARTMENT OF
NATURAL RESOURCES**

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.

47.13. (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.

47.14. (DNR: Waterfowl Impoundments Projects) The Department of Natural Resources, when procuring goods and services for the planning, development, construction, improvement, and/or maintenance of waterfowl impoundments on land owned by the department or owned by the state and managed by the department, may enter into agreements with a qualified, not-for-profit entity that has received North American Wetlands Conservation Act (NAWCA) funds for a project and specializes in waterfowl impoundment development, and that entity is considered a sole source provider under the provisions of Section 11-35-1560 of the 1976 Code. The department shall be required to have a representative of the agency present to view the opening of bids with this provision.

47.15. (DNR: Non-Native Wildlife) From the funds appropriated to the Department of Natural Resources, the department shall expend up to \$100,000 to develop and implement a program to encourage the voluntary surrender of Black and White Tegus (*Salvator merianae*, and its hybrids). South Carolina residents shall be eligible to receive a payment of \$100 for each live Black and White Tegu surrendered to the department and payment must be remitted in an expedited manner. The department shall provide for a time period to accept Black and White Tegus that shall not exceed one-hundred twenty days.

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 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

**SECTION 49 - P280 - DEPARTMENT OF PARKS,
RECREATION AND TOURISM**

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.

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.

**SECTION 49 - P280 - 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 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

**SECTION 49 - P280 - DEPARTMENT OF PARKS,
RECREATION AND TOURISM**

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. DELETED

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. (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 accruing compensatory time, at the discretion of the agency director, and providing funds are available.

49.17. (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.

49.18. (PRT: Destination Specific Tourism) The agency director shall be allowed to reduce the grant match requirement for the recurring funds appropriated to the Destination Specific Tourism Marketing grant program for Fiscal Year 2021-22. The adjustment to the match requirement shall be based on the financial statements and cash balance on hand at the end of the prior fiscal year submitted with the application, along with the forecast data provided by each destination. There shall

**SECTION 49 - P280 - DEPARTMENT OF PARKS,
RECREATION AND TOURISM**

not be a match requirement on non-recurring funds appropriated to this program.

49.19. (PRT: State Park Employee Housing) The Comptroller General shall, upon request of an employee of the South Carolina Department of Parks, Recreation & Tourism's State Park Service, and with the authorization of the department, make deductions from the employee's compensation for rental payments of an employee's residential housing that is located within a South Carolina State Park. The Comptroller General shall pay over to the Department of Parks, Recreation and Tourism all amounts collected by payroll deduction for this purpose for the exclusive use by the department for state park operations.

49.20. (PRT: PARD Fund Expiration) PARD funds which were scheduled to expire in Fiscal Year 2020-21 shall be extended to Fiscal Year 2021-22.

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.

SECTION 50 - P320 - DEPARTMENT OF COMMERCE

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 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.

SECTION 50 - P320 - DEPARTMENT OF COMMERCE

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.

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:

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| (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

- | | |
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| (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.

SECTION 50 - P320 - DEPARTMENT OF COMMERCE

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 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.

SECTION 50 - P320 - DEPARTMENT OF COMMERCE

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 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

SECTION 50 - P320 - DEPARTMENT OF COMMERCE

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. (CMRC: Coordinating Council Membership) For the current fiscal year, the Chairman of the Senate Finance Committee, or his designee, and the Chairman of the House Ways and Means Committee, or his designee, shall be included in the membership of the SC Coordinating Council for Economic Development and shall have the same rights and guidelines as pertains to the existing members of the council.

50.23. DELETED

50.24. 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 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.*

52.3. (PPDA: USS Laffey Loan Principal Payment Exemption) Patriots Point Development Authority shall be exempt from paying the principal amount due for Fiscal Year 2021-22 on the outstanding USS Laffey loan.

SECTION 53 - P400 - S.C. CONSERVATION BANK

53.1. (CB: Trust Program Carry Forward) The Conservation Bank may carry forward any unexpended funds allocated to the Conservation Bank Trust Program from the prior fiscal year into the current fiscal year to be used for the same purpose.

* See note at end of Act.

**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 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. (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.

57.4. (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.

57.5. (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.

57.6. (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.

57.7. (JUD: Travel Reimbursement) State employees of the Judicial Department traveling on official state business must be reimbursed in accordance with Proviso 117.20(J) of this act.

57.8. (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.

57.9. (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.

SECTION 57 - B040 - JUDICIAL DEPARTMENT

57.10. (JUD: Surplus Property Disposal) Technology equipment that has been declared surplus may be donated directly to counties for use in court-related activities.

57.11. (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.

57.12. (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.

57.13. (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.

57.14. (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.

57.15. (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

SECTION 57 - B040 - JUDICIAL DEPARTMENT

specifically includes these entities and the inclusion only applies for purposes of the particular provision.

57.16. (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.

57.17. (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.

57.18. (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 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

SECTION 58 - C050 - ADMINISTRATIVE LAW COURT

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 ATTORNEY GENERAL

59.1. (AG: Prior Year Expenditures) The Office of 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 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 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.

SECTION 59 - E200 - OFFICE OF ATTORNEY GENERAL

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 \$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

SECTION 59 - E200 - OFFICE OF ATTORNEY GENERAL

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 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

SECTION 59 - E200 - OFFICE OF ATTORNEY GENERAL

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.

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 \$1,659,041 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: Carry Forward) Any unexpended balance on June thirtieth of Fiscal Year 2020-21 may be carried forward into the current fiscal year and expended for the operation of the Commission on Prosecution Coordination or the Offices of the Solicitor 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, 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

**SECTION 60 - E210 - PROSECUTION COORDINATION
COMMISSION**

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 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

SECTION 60 - E210 - PROSECUTION COORDINATION
COMMISSION

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 on the average incoming caseload for each county as reported by the South Carolina Judicial Department for the prior 3 fiscal years.

60.13. DELETED

60.14. (PCC: Intake and Analysis Funding) Funds appropriated and/or authorized for Intake and Analysis Programs shall be distributed at an amount of \$135,000 to each circuit that establishes, maintains, and annually reports information and data regarding its Intake and Analysis Program. Funds not expended by the end of the current fiscal year shall be remitted to the General Fund.

60.15. (PCC: Drug Court Funding) The funds appropriated to the Prosecution Coordination Commission for drug court funding and distributed to the Offices of Solicitor shall be used for the purpose of operating drug courts and other diversion programs.

**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 have the first \$3,600,000 distributed as follows: \$1,200,000 shall be distributed in the amount of \$75,000 per circuit for 1.00 Public Defender and \$2,400,000 shall be distributed in the amount of \$150,000 per circuit for 2.00 investigators; the remaining amount appropriated shall be apportioned among counties in accord with Section 17-3-330 of the 1976 Code, but on a per capita basis and based upon the most 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, 2020. 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 authorize the Commission on Indigent Defense to receive up to or spend no more than \$3,000,000 for the Death Penalty Trial Fund annually for use of the defense in capital cases pursuant to Section 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 authorize the Commission on Indigent Defense to receive up to or spend no more than \$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 thirty-five percent 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 for the same purposes. 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

OF SOUTH CAROLINA
General and Permanent Laws--2021
SECTION 61 - E230 - COMMISSION ON
INDIGENT DEFENSE

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 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 Proviso 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

STATUTES AT LARGE
General and Permanent Laws--2021
SECTION 61 - E230 - COMMISSION ON
INDIGENT DEFENSE

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 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 Sections 63-7-1620 et seq., 63-7-2560 et seq., 63-9-320(A)(2) et seq., 63-19-810 et seq., and 63-19-2210 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

OF SOUTH CAROLINA
General and Permanent Laws--2021
SECTION 61 - E230 - COMMISSION ON
INDIGENT DEFENSE

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 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

STATUTES AT LARGE
General and Permanent Laws--2021
SECTION 61 - E230 - COMMISSION ON
INDIGENT DEFENSE

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 and other professionals to assist court appointed attorneys to provide quality and effective representation. 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.

61.5. (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 request-ing 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

OF SOUTH CAROLINA
General and Permanent Laws--2021
SECTION 61 - E230 - COMMISSION ON
INDIGENT DEFENSE

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 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.

STATUTES AT LARGE
General and Permanent Laws--2021
SECTION 61 - E230 - COMMISSION ON
INDIGENT DEFENSE

(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 Defenders who are not in compliance with the agency reporting requirements.

61.10. DELETED

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. The commission may use these funds to retain, on a contractual basis, the services of other professionals to assist court appointed attorneys to provide quality and effective representation in the above capital proceedings.

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

OF SOUTH CAROLINA
General and Permanent Laws--2021
SECTION 61 - E230 - COMMISSION ON
INDIGENT DEFENSE

for indigent representation and no funds allocated to the commission shall be used to provide compensation for appointed counsel in municipal courts.

61.13. (INDEF: Court Case Contract Attorneys) Of the funds appropriated to the Commission on Indigent Defense for court case backlogs, the commission shall distribute fifty percent to each circuit based upon the proportional statewide share of the number of pending cases for each circuit aged 545 days or more, thirty percent to each circuit based upon the proportional statewide share of the number of pending cases for each circuit aged 366 days and less than 545 days, and twenty percent to each circuit based upon the proportional statewide share of the number of pending cases for each circuit aged 365 days or less as reported by the Judicial Department for the fiscal year ending June 30, 2021. These funds shall be used by each circuit for the purpose of hiring contract attorneys to address pending active cases.

By June 30, the commission, in coordination with the Judicial Department and the solicitors' offices, shall provide a report to the Senate Finance Committee and the House Ways and Means Committee on the amount of funds received by each circuit and on the effectiveness of how these funds have reduced pending cases. The commission shall track any other information deemed necessary to evaluate the effectiveness of this program.

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.

62.2. (SLED: Computer/Communications Center Carry Forward) Revenue generated from the operation of the division's criminal justice

STATUTES AT LARGE (No. 94)
General and Permanent Laws--2021
SECTION 62 - D100 - STATE LAW
ENFORCEMENT DIVISION

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 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,

STATUTES AT LARGE
General and Permanent Laws--2021
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.

OF SOUTH CAROLINA
General and Permanent Laws--2021
SECTION 62 - D100 - STATE LAW
ENFORCEMENT DIVISION

62.20. (SLED: CWP Renewal and Replacement) A concealed weapons permit may not be suspended by a state official, agent, or 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.

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 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/Donations) 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. Funds received and designated for scholarships shall not be used for any other purpose.

SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY

The department shall also be authorized to receive and expend funds including any donations, contributions, grants, or gifts from private individuals, foundations, agencies, corporations, or the state or federal government, for the purpose of carrying out the programs and objectives of the South Carolina Law Enforcement Officers Hall of Fame. The department shall be authorized to retain, expend, and carry forward unexpended funds received for the South Carolina Law Enforcement Officers Hall of Fame and utilize those funds for the same purposes in the current fiscal year.

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.

63.7. (DPS: Overtime Pay) For the current fiscal year, 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.

63.8. (DPS: In-Car Camera Funding) For Fiscal Year 2021-22, from funds appropriated to and/or authorized for the Department of Public Safety, there is established within the department an "In-Car Video Camera Fund" for the purpose of assisting law enforcement agencies in purchasing and maintaining in-car video cameras and ongoing costs related to the maintenance and storage of data recorded by in-car video cameras.

The Public Safety Coordinating Council shall oversee the fund and establish a process for the application for and disbursement of monies to law enforcement agencies. The council shall disburse the funds in a fair and equitable manner, taking into consideration the DUI enforcement activity of the law enforcement agencies, with priority given to those law enforcement agencies who prioritize DUI enforcement activity.

63.9. (DPS: School Safety Program) Funds appropriated for the School Safety Program and School Resource Officers in this Act shall be utilized by the department for the purpose of hiring certified law

SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY

enforcement officers to serve as a school resource officer for school districts, including the South Carolina Public Charter School District and schools authorized by an institution of higher learning, 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. 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 shall serve as a full time school resource officer. Unexpended funds may be carried forward and expended for equipment and training in an amount not to exceed \$70,000 per school resource officer. Quarterly, local law enforcement agencies shall provide to the department the number of full and part-time school resource officers hired by school districts and by schools.

The Department of Education shall transfer any fund balance, along with any FTE'S in the program, to the Department of Public Safety by August 15. This balance must include any unexpended funds in the program from prior fiscal years.

**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.

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.

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

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

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 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.

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

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 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;

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

- (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 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

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

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 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

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

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 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. (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

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

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.

65.30. (CORR: Safety & Security) The Department of Corrections shall be authorized to carry forward into the current fiscal year the funds reimbursed to the agency pursuant to Section 3 of Act 154 of 2020. The amount shall not be included or part of any other authorized carry forward amount. Funds carried forward pursuant to this provision shall be deposited into a separate and distinct fund known as the "Department of Corrections Security and Maintenance Reserve Fund." The department may expend these funds to meet the maintenance and security needs of the agency for critical repairs, deferred maintenance, renovations, security upgrades, and equipment which are directly related to the safety and security of the public, officers, employees, and inmates. Prior to the expenditure of these funds, the department shall develop a comprehensive security and maintenance plan which shall itemize the permanent improvement projects and equipment purchases needed to maintain the safety and security of the state's prison system. This plan shall be presented by September 30, 2021, to the Governor and the Joint Bond Review Committee for its review and comment. Subsequent to the committee's review, the department shall be authorized to initiate the permanent improvement projects and equipment purchases included in the plan upon submitting the necessary documentation to the Executive Budget Office without further review by the committee. Any deviations from the plan shall be subject to further review and comment by the committee. The department shall provide a report to the Governor and Joint Bond Review Committee on its implementation of the comprehensive security and maintenance plan and its expenditures from the fund by September 30 of each fiscal year.

**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

**SECTION 66 - N080 - DEPARTMENT OF PROBATION,
PAROLE AND PARDON SERVICES**

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 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 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

STATUTES AT LARGE (No. 94)
General and Permanent Laws--2021
SECTION 67 - N120 - DEPARTMENT OF
JUVENILE JUSTICE

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.

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

OF SOUTH CAROLINA
General and Permanent Laws--2021
SECTION 67 - N120 - DEPARTMENT OF
JUVENILE JUSTICE

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 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

**SECTION 67 - N120 - DEPARTMENT OF
JUVENILE JUSTICE**

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 Affairs Commission to entities other than state agencies shall be

SECTION 70 - L360 - HUMAN AFFAIRS COMMISSION

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.

71.6. DELETED

SECTION 72 - R040 - PUBLIC SERVICE COMMISSION

72.1. (PSC: Law Enforcement Officers) The Public Service Commission shall be authorized to hire law enforcement officers commissioned by the Governor. The commission may remove a law

SECTION 72 - R040 - PUBLIC SERVICE COMMISSION

enforcement officer if it finds that the law enforcement officer is unfit for the position. Each law enforcement officer shall execute a bond with a licensed surety company in the amount of not less than ten thousand dollars. The bond may be individual, schedule, or blanket, and shall be approved by the Attorney General. The premiums on the bonds shall be paid by the commission from authorized funds.

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.

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

SECTION 73 - R060 - OFFICE OF REGULATORY STAFF

(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. (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.

73.6. (ORS: Office of Broadband Coordinator) (A) From funds appropriated for this purpose, there is established the Office of Broadband Coordinator within the Office of Regulatory Staff to serve as the central broadband planning body for the State and to coordinate with federal, state, regional, local, and private entities, to the extent practicable, to encourage the continued development of access to broadband in the State.

(B) The Office of Broadband Coordinator shall convene a collaborative stakeholder process to identify challenges to expediting broadband access and shall provide a report to the General Assembly with recommendations for which legislative, regulatory, or other governmental actions are appropriate to promote broadband access throughout the State.

(C) Funds appropriated to the Office of Broadband Coordinator for broadband infrastructure shall be used to continue to fund the Broadband Infrastructure Program, including the completion of those broadband infrastructure projects that were approved for funding pursuant to Act 142 of 2020 but not constructed by December of 2020. Expansion of broadband infrastructure shall emphasize services to rural communities and communities with a lack of access to broadband. The Office of Broadband Coordinator shall prioritize infrastructure expansion that will make high-speed broadband available to homes, businesses, schools, health care facilities, and other institutions in unserved areas across South Carolina.

SECTION 73 - R060 - OFFICE OF REGULATORY STAFF

(D) The Office of Broadband Coordinator shall serve as a central resource to collect and publish information regarding federal and state programs to fund broadband expansion, and to the extent practicable, coordinate resources such that both state and federal resources are efficiently maximized.

(E) The Office of Broadband Coordinator may use assistance from state and federal agencies or from private organizations and industry to accomplish the purposes of this provision. Unexpended funds at the end of the prior fiscal year shall be carried forward and expended in the current fiscal year by the Office of Regulatory Staff for the same purposes.

73.7. (ORS: SC Broadband Map) (A)(1) From funds appropriated, the Office of Broadband Coordinator shall contact the appropriate entities to provide information necessary to compile the county-by-county broadband mapping plan required by Section 10 of Act 142 of 2020 showing the location and capability of broadband facilities throughout the State. In order to facilitate the provision of information necessary to this task, all information provided by a broadband service provider or other entity providing information for the purpose of creating a South Carolina broadband map shall be maintained by the Office of Broadband Coordinator and any other agency as confidential, proprietary, and a trade secret as defined in Section 30-4-40 of the 1976 Code, and subject to exemption from disclosure under state and federal law. The information shall not be subject to disclosure under Chapter 4, Title 30 of the 1976 Code, except in the form of a map where information that could be used to determine provider-specific information about the network of the broadband service provider or other providing entity is not disclosed.

(2) Except as otherwise provided in this provision, such broadband provider-specific information shall not be released to any person other than to the broadband service provider or other entity providing information, employees of the Office of Broadband Coordinator, agents designated to assist in developing the South Carolina broadband map, entities contracting with the Office of Broadband Coordinator, and other state agencies administering funds for broadband deployment without express permission of the submitting broadband service provider or other entity providing information. Such information shall be used solely for the purposes stated under this provision. The Office of Broadband Coordinator shall ensure that any such agents, entities, or agencies with whom the information is shared

SECTION 73 - R060 - OFFICE OF REGULATORY STAFF

are aware of the confidential nature and restricted purposes for which the information may be used and that any such agents or entities that are not state agencies execute an appropriate nondisclosure agreement protecting the information from public disclosure before receiving the information.

(B) Entities providing broadband service or middle-mile infrastructure in South Carolina shall, on an annual basis, provide to the Office of Broadband Coordinator deployment data in a format specified by the office to provide the most accurate and granular representation of currently available broadband infrastructure. These same entities, when they serve residential or business customers, shall also provide the type of technology deployed together with the sustainable download and upload speeds available at each serviceable location. Entities failing to provide such data on an annual basis may be disqualified from state funding opportunities for the current fiscal year. Annually, the office shall compile this information, analyze, and update statewide broadband deployment information.

(C) Any unexpended funds at the end of the prior fiscal year shall be carried forward and expended in the current fiscal year by the Office of Regulatory Staff for the same purposes.

73.8. (ORS: Agency Head Salary Commission Purview) The Executive Director of the Office of Regulatory Staff shall be under the purview of the Agency Head Salary Commission and subject to all provisions related to the agency heads covered by commission.

73.9. (ORS: Natural Gas Rate Stabilization Act Study) From the funds appropriated and/or authorized to the Office of Regulatory Staff in the current fiscal year, the office shall study the Natural Gas Rate Stabilization Act of 2005 and make recommendations to the General Assembly by December 31, 2021. The study shall include, but is not limited to, examining and recommending any changes to the Natural Gas Rate Stabilization Act of 2005 and determining if the provisions of the Act are in the best interests of the ratepayers and support the provision of safe, reliable, high quality utility service.

**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

**SECTION 74 - R080 - WORKERS' COMPENSATION
COMMISSION**

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.

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.

(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

SECTION 75 - R120 - STATE ACCIDENT FUND

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 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.

78.4. DELETED

**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. (CA: Expert Witness/Assistance Carry Forward) Unexpended appropriated funds for the Consumer Advocacy expert witness/assistance program (under Section 37-6-603) may be carried forward into the current fiscal year and expended for the same purpose.

80.3. (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.

80.4. (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.

**SECTION 81 - R360 - DEPARTMENT OF LABOR,
LICENSING AND REGULATION**

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.

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

**SECTION 81 - R360 - DEPARTMENT OF LABOR,
LICENSING AND REGULATION**

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 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.

**SECTION 81 - R360 - DEPARTMENT OF LABOR,
LICENSING AND REGULATION**

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. (LLR: First Responder PTSD Treatment) Of the funds appropriated to the Department of Labor, Licensing and Regulation - State Fire Marshal's Office for first responder PTSD treatment, the department shall distribute funds to the South Carolina Firefighter Assistance Support Team (FAST) 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. These funds may also be utilized to provide services through the South Carolina Firefighter Assistance Support Team. The department shall promulgate any administrative regulations necessary to carry out these provisions.

81.14. (LLR: Compensatory Payment) In the event a State of Emergency is declared by the Governor or in the event of a situation requiring the use of mutual assistance under Section 25-1-450 of the 1976 Code, exempt employees of the Department of Labor, Licensing and Regulation's Office of State Fire Marshal 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.

81.15. (LLR: Mobile Optometry Units) In furtherance of expanding access to health care in unserved and underserved populations, the location and site restriction on services provided by mobile units for optometry in Section 40-37-320(B) of the 1976 Code shall be suspended for Fiscal Year 2021-22. The Department of Labor, Licensing and Regulation and the Board of Examiners in Optometry are directed to process and issue registrations for mobile units that apply to provide

**SECTION 81 - R360 - DEPARTMENT OF LABOR,
LICENSING AND REGULATION**

optometry services on the site of a Title I public school to students attending the school, provided that the services are rendered as part of a not-for-profit program and are provided by an optometrist licensed to practice in South Carolina. The registration shall be administratively issued by the Board of Examiners in Optometry within ten days after receipt of a registration request and following payment of a ten dollar registration fee to cover administrative costs.

**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 department may collect and retain fees to defray the cost associated with fulfilling a Freedom of Information Act (FOIA) request. 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 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.

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

OF SOUTH CAROLINA
General and Permanent Laws--2021
SECTION 82 - R400 - DEPARTMENT OF
MOTOR VEHICLES

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. The first \$3,567,925 of carry forward funds shall go towards Act 37 of 2021.

82.7. DELETED

82.8. (DMV: Real ID) For Fiscal Year 2021-22, the Department of Motor Vehicles may expend any available earmarked cash reserves 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: Identification Card Fees) In the current fiscal year, the Department of Motor Vehicles may waive the fee associated with issuing an identification card if the card issuance is through an established partnership with a state or federal agency.

82.11. (DMV: Retention of Traceable Temporary License Plates Revenue) For the current fiscal year, the department shall be authorized

**SECTION 82 - R400 - DEPARTMENT OF
MOTOR VEHICLES**

to retain five dollars from the sale of traceable temporary license plates as found in Section 56-3-210 of the 1976 Code. The funds shall be placed in the department's Plate Replacement Fund and used solely for the purposes of plate production and reissuance costs.

82.12. (DMV: Provide Data to DOT) 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 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.

**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 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

**SECTION 83 - R600 - DEPARTMENT OF EMPLOYMENT
AND WORKFORCE**

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 \$1,158,150 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, 2021. 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), 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

**SECTION 83 - R600 - DEPARTMENT OF EMPLOYMENT
AND WORKFORCE**

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.

83.7. (DEW: GED Incentive Program) For Fiscal Year 2021-22, of the funds allocated to the Department of Employment and Workforce from the Department of Education GED Incentive Program, \$1,500,000 shall be utilized as an incentive for individuals currently drawing unemployment benefits to obtain their GED or high school diploma. In order to be eligible, the individual must have an active claim from any of the state or federal unemployment insurance programs and be a South Carolina resident who is at least nineteen years of age. The individual must certify to the department that they do not currently hold a GED or high school diploma from any state. They must also enroll in and complete the GED or high school diploma course work prior to June 1, 2022. The Department of Employment and Workforce shall enter into a data-sharing agreement with the Department of Education to cross match eligibility to ensure that participants do not currently hold a GED or high school diploma and to confirm that the individual enrolled in and completed the diploma process to obtain the GED or high school diploma. The Department of Employment and Workforce shall issue a one-time payment in the amount of \$500 to the individual upon confirmation from the Department of Education that the individual has successfully received the GED or diploma. These incentive payments shall be issued on a first come first served basis based on completion date, until the funds from this program have been exhausted. Funds allocated for this incentive program shall not be transferred or utilized for any other purpose. Unexpended funds shall be remitted to the General Fund at the end of the current fiscal year.

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 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.

SECTION 84 - U120 - DEPARTMENT OF
TRANSPORTATION

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. (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.

84.10. (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.

84.11. (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.

84.12. (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 preventative maintenance credit in Section 12-6-3780(B)(2).

84.13. (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.

**SECTION 84 - U120 - DEPARTMENT OF
TRANSPORTATION**

84.14. (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).

84.15. (DOT: Compensatory Payment) In the event a State of Emergency is declared by the Governor or in the event of a situation requiring the use of the Secretary of Transportation's authorities under Section 57-5-1620 of the 1976 Code, exempt employees of the Department of Transportation may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the Secretary of Transportation, and providing funds are available.

84.16. (DOT: Non-Federal Aid Highway Fund) Funds deposited in the Non-Federal Aid Highway Fund established in Act 176 of 2005 may be used for repairs, maintenance, and improvements to the existing transportation system.

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 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

SECTION 87 - U300 - DIVISION OF AERONAUTICS

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 six air carrier airports (i.e. Columbia, Charleston, Florence, Hilton Head Island, Greenville-Spartanburg, and Myrtle Beach International) 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:

- (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.

SECTION 87 - U300 - DIVISION OF AERONAUTICS

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, 2021, pay to the State Transportation Infrastructure Bank one million dollars before June 30, 2022, 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 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

SECTION 88 - Y140 - STATE PORTS AUTHORITY

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. DELETED

88.6. DELETED

88.7. (SPA: Jasper Ocean Terminal) There is created within the State Ports Authority the Jasper Ocean Terminal Port Facility Permitting and Infrastructure Fund. The State Ports Authority shall maintain the Jasper Ocean Terminal Port Facility Permitting and 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 permitting and capital infrastructure expenditures supporting the development of the Jasper Ocean Terminal Port facility, including, but not limited to, any and all permits and matters associated therewith that are required by the United States Army Corps of Engineers in order to develop the Jasper Ocean Terminal Port, roads, utilities, dredge disposal areas, and acquisition of property and property rights (such as easements, rights-of-way, and licenses) and any other matter reasonably related to the authorization and development of the Jasper Ocean Terminal Port. In regard to the permits and other activities associated with the Corps of Engineers, the State Ports Authority must ensure that the legal posture of the permitting is at all times such that the Jasper Ocean Terminal Port is qualified to be considered an alternative by the Corps of Engineers in connection with its consideration of any other permits for ports-related activity in the Savannah River, including, without limitation, any attempt to permit the development of port-related facilities on Hutchinson Island. These funds must be expended by the State Ports Authority for the stated purpose within the current fiscal year. The State Ports Authority is directed to take action against the Georgia Ports Authority in accordance with the Joint Venture Agreement between the parties dated December 2015, in the event the Georgia Ports Authority fails to expend funds in

SECTION 88 - Y140 - STATE PORTS AUTHORITY

furtherance of that joint venture that are equal to the funds expended by the State Ports Authority, such action to include, without limitation, invocation of the mediation provisions of the Joint Venture Agreement. In the event the assignment by the State Ports Authority of its interest in the Jasper Ocean Terminal Project to Jasper County is consented to by the Georgia Ports Authority, the funds appropriated pursuant to this provision shall be transferred by the State Ports Authority to the Department of Administration, for subsequent disbursement by the department for the purposes set forth herein, upon applications for such made by Jasper County, and Jasper County shall assume all of the State Ports Authority's obligations hereunder.

88.8. DELETED

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.

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

SECTION 91 - A990 - LEGISLATIVE DEPARTMENT

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 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

SECTION 91 - A990 - LEGISLATIVE DEPARTMENT

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 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.

SECTION 91 - A990 - LEGISLATIVE DEPARTMENT

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.

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.

SECTION 91 - A990 - LEGISLATIVE DEPARTMENT

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 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. DELETED

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.

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

SECTION 91 - A990 - LEGISLATIVE DEPARTMENT

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 first of the current fiscal year.

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 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:

SECTION 91 - A990 - LEGISLATIVE DEPARTMENT

- (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.

91.27. DELETED

SECTION 92 - D210 - OFFICE OF 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.

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

SECTION 92 - D210 - OFFICE OF GOVERNOR

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 92D - D300 - OFFICE OF RESILIENCE

92D.1. (SCOR: Catastrophic Weather Event) 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, 2022, is not considered an improvement and may not be reassessed at a higher rate as a result of the assistance provided. This provision only applies if as a result of the 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 implemented by the Office of Resilience, Disaster Recovery Office. 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.

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.

92D.2. (SCOR: Leave Balances) Any temporary grant employees transferred from the Department of Administration's Disaster Recovery Office to the Office of Resilience who become full time employees shall retain any leave accrued prior to the transfer.

92D.3. (SCOR: Carry Forward) The Office of Resilience shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year and expend the funds for the same purposes.

**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. (DOA: Capital Complex & Mansion) Funds appropriated to the Department of Administration - for Capital Complex & Mansion must be set aside in a separate account for the operation and maintenance of the Capital Complex & Mansion. The department shall report annually to the State House Committee on the amount expended from this fund for the operation and maintenance of the State House.

93.3. (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.

93.4. (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

93.5. (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.

93.6. (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.

93.7. (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

**SECTION 93 - D500 - DEPARTMENT OF
ADMINISTRATION**

pursuant to this proviso. Each fiscal year the Department of 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.

93.8. (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

STATUTES AT LARGE
General and Permanent Laws--2021
SECTION 93 - D500 - DEPARTMENT OF
ADMINISTRATION

Authority; the Commissioners residence at the Department of 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.

93.9. (DOA: Cyber Security) All state agencies must adopt and implement cyber security policies, guidelines and standards developed

OF SOUTH CAROLINA
General and Permanent Laws--2021
SECTION 93 - D500 - DEPARTMENT OF
ADMINISTRATION

by the Department of Administration. The department may conduct audits on state agencies except public institutions of higher learning, 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.

93.10. (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.

93.11. (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.

**SECTION 93 - D500 - DEPARTMENT OF
ADMINISTRATION**

93.12. (DOA: QECB Allocation) From the funds appropriated to the department, the director of the Department of Administration shall 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.

93.13. (DOA: Federal/Other Fund Authorization Adjustments) The Executive Budget Office is authorized to approve agency requests for federal and other fund authorization adjustments. Requests will be approved and reported by the Executive Budget Office pursuant to Chapter 65, Title 2, the "South Carolina Federal and Other Funds Oversight Act".

93.14. 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 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.

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

SECTION 96 - E080 - OFFICE OF SECRETARY OF STATE

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.

STATUTES AT LARGE
General and Permanent Laws--2021
SECTION 97 - E120 - OFFICE OF
COMPTROLLER GENERAL

97.4. (CG: Unemployment Compensation Fund Administration) \$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 expend the fees to provide these services. The fees assessed may not exceed the cost of the provision of such services.

SECTION 98 - E160 - OFFICE OF STATE TREASURER

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 Tuition Prepayment Program, for an institution cannot exceed seven percent per year from the 2006-07 level. To the extent that actual tuition

SECTION 98 - E160 - OFFICE OF STATE TREASURER

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 117.49 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.

The penalty provisions in this proviso are suspended during Fiscal Year 2021-22 for municipalities. The State Treasurer is authorized and directed to release all funds withheld from municipalities in the prior two fiscal years due to a municipality not submitting the required audited financial statements or submitting financial information to the Revenue and Fiscal Affairs Office as required by Section 6-1-50 of the 1976 Code.

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

SECTION 98 - E160 - OFFICE OF STATE TREASURER

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 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.

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

SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

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 other grants of use for parking. The agreements must also allow the State to audit the employees association's funds.

100.5. (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.

100.6. (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.

100.7. (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.

100.8. (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.

100.9. (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.

100.10. (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

SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

other state agencies, and shall be allowed to accept compensation for said commodities not to exceed replacement costs. Revenues from this exchange shall be utilized solely for the replacement of state emergency commodities.

100.11. DELETED

100.12. (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.

100.13. (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 \$1,500,000, 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.

100.14. (ADJ: National Guard Association and Foundation Support) From the funds authorized or appropriated for State Military Department 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

SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

missions to promote the health, safety, education, and welfare of South Carolina National Guard personnel and their families.

100.15. (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.

100.16. (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.

100.17. (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.

100.18. (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 municipalities must submit an application for such funds by July 31, 2018.

SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

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 2021-22. 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, 2022.

100.19. (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.

100.20. (ADJ: Use of Capital Funds-McEntire) For the current fiscal year, the Adjutant General may exercise the condemnation authority provided by Chapter 9, Title 55 of the 1976 Code to acquire property or air rights over private property near McEntire Joint National Guard Base and utilize funding for the "McEntire Joint National Guard Base - Land" received in Act 91 of 2019 for this and related purposes.

100.21. (ADJ: Use of Capital Funds-Joint Base Charleston) For the current fiscal year, the Adjutant General may accept a license on behalf of the State for the real estate to be utilized in construction of a National Guard facility at Joint Base Charleston and use the funds received for "Armory Construction and Revitalizations" in Act 91 of 2019 for the state's share for construction and related costs.

**SECTION 101 - E260 - DEPARTMENT OF
VETERANS' AFFAIRS**

101.1. (VET: M.J. "Dolly" Cooper Veterans Cemetery Carry Forward) The Department of Veterans' Affairs 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 Department of Veterans' Affairs, 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 Department of Veterans' Affairs.

**SECTION 101 - E260 - DEPARTMENT OF
VETERANS' AFFAIRS**

101.2. (VET: Budget Reduction Exemption) Funds appropriated for the Department of Veterans' Affairs shall be excluded from any across-the-board agency base reductions mandated by the Executive Budget Office or General Assembly.

101.3. DELETED

101.4. (VET: Base Protection Plan Allocation) Funds appropriated to the department for the Base Protection Plan may be allocated to items including, but not limited to, land acquisition, recreational purposes, educational purposes, and facilities for military personnel. Eligible recipients are counties and municipalities with federal military installations.

SECTION 102 - E280 - ELECTION COMMISSION

102.1. (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.

102.2. (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 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

SECTION 102 - E280 - ELECTION COMMISSION

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.

102.3. (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.

102.4. (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.

102.5. (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.

102.6. (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 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

SECTION 102 - E280 - ELECTION COMMISSION

fiscal year. In addition, the aforementioned funds may also be utilized to conduct the Presidential Preference Primary elections.

102.7. (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.

102.8. (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 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

SECTION 102 - E280 - ELECTION COMMISSION

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.

102.9. (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.

102.10. (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.

102.11. (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.

102.12. (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.

102.13. DELETED

102.14. (ELECT: November 2020 Election Investigation Report) From the funds appropriated to the Election Commission for statewide elections, the commission shall submit a report to the General Assembly by August 1, 2021, on the number of election fraud investigations conducted regarding the November 2020 election. Such report shall also be posted on the commission's website.

**SECTION 103 - E500 - REVENUE AND FISCAL
AFFAIRS OFFICE**

103.1. (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.

103.2. (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 Office may grant additional time for good cause and must waive release if the county or municipality does not possess GIS data. For counties

SECTION 103 - E500 - REVENUE AND FISCAL
AFFAIRS OFFICE

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.

103.3. (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;
 - (8) Education;

SECTION 103 - E500 - REVENUE AND FISCAL
AFFAIRS OFFICE

- (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 collection and/or analyses, information dissemination and research. The

SECTION 103 - E500 - REVENUE AND FISCAL
AFFAIRS OFFICE

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 or other electronic health record 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.

103.4. (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 103 - 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.

103.5. (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.

103.6. DELETED

103.7. (RFAO: Revenue Forecast) For Fiscal Year 2021-22, Section 11-9-1130(A) of the 1976 Code shall be suspended.

**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 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

STATUTES AT LARGE
General and Permanent Laws--2021
SECTION 104 - E550 - STATE FISCAL
ACCOUNTABILITY AUTHORITY

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.

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

OF SOUTH CAROLINA
General and Permanent Laws--2021
SECTION 104 - E550 - STATE FISCAL
ACCOUNTABILITY AUTHORITY

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 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

**SECTION 104 - E550 - STATE FISCAL
ACCOUNTABILITY AUTHORITY**

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.

104.11. (SFAA: Revenue Bonding Authority Study) The Executive Director of the State Fiscal Accountability Authority shall undertake a one-time study of revenue bonding authority by quasi-state agencies. The study must result in a report that (a) identifies every source of authority for such entities to undertake revenue bonds, and (b) summarizes all outstanding revenue bonds. The report shall be submitted to the Joint Bond Review Committee, the State Fiscal Accountability Authority, and any relevant legislative committee. Quasi-state agencies shall provide any assistance requested by the authority's executive director.

104.12. DELETED

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.

SECTION 105 - F270 - SFAA, OFFICE OF STATE AUDITOR

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 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.

105.5. (SFAA-AUD: Special Study of Long-Term Obligations) (A) The State Auditor shall identify certain long-term obligations by state

SECTION 105 - F270 - SFAA, OFFICE OF STATE AUDITOR

institutions of higher learning, as defined by Section 59-107-10 of the 1976 Code, and report his findings to the General Assembly. The intent is to identify those obligations which are long-term debt or tantamount to long-term debt, or those which, if not honored, might result in a negative rating action on the institution's or the State's credit rating. Such obligations would not include either general obligation debt or bonded indebtedness issued directly by an institution.

(B) "Long-term obligation" means:

(1) an arrangement to acquire an interest in or a right to use, or have others use, any type of property if all or a portion of the money required to pay for the acquisition is secured through fare, toll, or user charges;

(2) an arrangement to acquire an interest in or a right to use, or have others use, any type of property if (a) the arrangement is financed, directly or indirectly, with indebtedness undertaken by another for that purpose; (b) the state institution knows or should know the acquisition is financed by indebtedness; and, (c) the state institution is obligated to make, or undertakes to have others make, recurring payments on, or that another will use to make payments on, the indebtedness; or,

(3) any of the following arrangements: (a) lease-purchase agreement; (b) leaseback agreement; (c) installment purchase agreement; (d) lease with an option to purchase for other than the then-current fair market value; (e) lease with option to renew for nominal or no additional consideration; (f) an agreement involving collateral, such as a mortgage or security interest; (g) a public private partnership; (h) an agreement structured as either design-build-operate-maintain or design-build-finance-operate-maintain, as defined in Section 11-35-2910; (i) a finance lease, as defined in Section 36-2A-103(1)(g); (j) a transaction in the form of a lease that creates a security interest, as addressed in Section 36-1-203(b); or (k) a guaranteed energy, water, or wastewater savings contract, as authorized by Section 48-52-670(A).

(C) The report should include long-term obligations irrespective of the source of funds involved, if any, and whether or not the obligation is subject to the availability or appropriation of funds. The report should exclude the following: (1) general obligation debt authorized under Section 13, Article X of the Constitution of South Carolina, 1895, and debt issued by the state institution under Section 13, Article X of the Constitution of South Carolina, 1895, but not debt issued under Section 13 or 14 of Article X on its behalf or for its benefit; and (2) an institution's obligation to make payments when the total amount of

SECTION 105 - F270 - SFAA, OFFICE OF STATE AUDITOR

money needed for the obligation is committed for that purpose, authorized for expenditure, and in hand.

(D) The report should be adequate to catalog the type, extent, and prevalence of long-term obligations by state institutions. Without limitation, the report should include the following information for each obligation identified, if applicable: (1) the interest or right acquired; (2) the initial, maximum, and then outstanding amount of indebtedness involved; (3) whether a credit rating was obtained for such indebtedness; (4) the amount and frequency of payments involved, and who makes the payments; (5) the total amount of payments remaining to be made; (6) the initial and remaining duration of the obligation; (7) the source of funds used to make payments; (8) the parties to the arrangement and any associated borrowing, including without limitation, the entity lending the funds or assets associated with the financed acquisition; and (9) any counterparty or intermediary involved.

(E) The State Auditor shall conduct the study and issue a final report no later than one hundred and twenty days after the beginning of the current fiscal year. State institutions must fully respond within forty-five days to any formal request for information from the State Auditor. If, in the State Auditor's judgment, a state institution does not timely submit a complete and accurate report, he may obtain the service of independent professionals to audit the institution's records and charge the institution for the associated cost. Sections 11-7-30, 11-7-35, and 11-7-45 of the 1976 Code shall apply to this special study as though it were an audit.

105.6. (SFAA-AUD: Audited Financial Statements) The Office of the State Auditor is directed to work with the State Fiscal Accountability Authority to issue a statewide contract for Fiscal Year 2021-22 for the performance of audited financial statements which municipalities could use for audits required by Section 5-7-240 of the 1976 Code.

The State Auditor is directed to convene a working group of stakeholders to develop appropriate auditing requirements for municipalities and to make recommendations for the General Assembly's consideration.

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 Employer Contributions shall be allocated to state agencies and school

SECTION 106 - F300 - STATEWIDE EMPLOYEE BENEFITS

districts by the Department of Administration, Executive Budget Office for SCRS and PORS rate increases.

106.2. (SEB: Suspend SCRS & PORS Employer Contribution Rate Increase) The increase in the employer contribution rate imposed by Section 9-1-1085 and Section 9-11-225 for Fiscal Year 2021-22, respectively, are suspended. The employer contribution rate for the South Carolina Retirement Systems and the Police Officers Retirement Systems during Fiscal Year 2021-22, expressed as a percentage of earnable compensation, shall increase by 1% from Fiscal Year 2020-21 rates as set in Act 135 of 2020.

**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

OF SOUTH CAROLINA
General and Permanent Laws--2021
SECTION 108 - F500 - PUBLIC EMPLOYEE
BENEFIT AUTHORITY

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 by the Public Employee Benefit Authority during the current fiscal year, the board is authorized to differentiate between tobacco or e-cigarette users and nonusers regarding rates charged to enrollees in its health plans by imposing a surcharge on enrollee rates based upon tobacco or e-cigarette use. The surcharge for tobacco or e-cigarette 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

STATUTES AT LARGE (No. 94)
General and Permanent Laws--2021
SECTION 108 - F500 - PUBLIC EMPLOYEE
BENEFIT AUTHORITY

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, an employer premium increase of 0.8 percent and a subscriber premium increase of zero percent will result for the standard State Health Plan for Plan Year 2022. Copayments for participants of the State Health Plan shall remain the same in Plan Year 2022 as in Plan Year 2021. Notwithstanding the foregoing, pursuant to Section 1-11-710(A)(3), the Public Employee Benefit Authority may adjust the plan, benefits, or contributions of the State Health Plan during Plan Year 2022 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

OF SOUTH CAROLINA
General and Permanent Laws--2021
SECTION 108 - F500 - PUBLIC EMPLOYEE
BENEFIT AUTHORITY

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. (PEBA: COVID-19 Return to Work Extension) For Fiscal Year 2021-22, the earnings limitation imposed pursuant to Section 9-1-1790 and Section 9-11-90 of the 1976 Code does not apply to retired members of the South Carolina Retirement System or the Police Officers Retirement System who return to covered employment to participate in the state's public health preparedness and response to the COVID-19 virus. This section is not intended to supersede or conflict with Act 102 of 2021, S. 704 of 2021. In the event of a conflict, the provisions of the Act control.

108.13. DELETED

108.14. (PEBA: Non-State Agency Furloughs) For the current fiscal year, a participating employer in the South Carolina Retirement System or Police Officers Retirement System that is not a state agency or institution of higher learning may make employee and employer contributions for a period of not more than ninety working days during a furlough program that was implemented as a result of and took place during the COVID-19 Public Health Emergency and if the terms of the furlough program are consistent with the requirements for an approved mandatory furlough program established by a state agency or institution of higher learning under state law. The participating employer shall make such contributions in order to ensure that a furloughed employee's retirement benefits are not interrupted as a result of the furlough, and the period for which such contributions are made will not be considered a break in consecutive employment.

108.15. 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

SECTION 109 - R440 - DEPARTMENT OF REVENUE

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.

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

SECTION 109 - R440 - DEPARTMENT OF REVENUE

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.

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.

SECTION 109 - R440 - DEPARTMENT OF REVENUE

109.9. (DOR: Public Safety 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, fire safety, and emergency medical services during events held in May and December, or other dates if rescheduled due to emergency conditions within Horry County that significantly increase the burden of law enforcement and other first responders and require additional resources to ensure public safety during those events. 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, fire safety, and emergency medical services. 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 the Senate Finance Committee, and the Chairman of the House Ways and Means Committee no later than ninety days after the end of the fiscal year in which these funds are expended.

109.10. (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.

109.11. (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 department shall notify any affected county and school district of the written protest.

SECTION 109 - R440 - DEPARTMENT OF REVENUE

****109.12. (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.**

***109.13. (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.

** 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.

109.14. DELETED

109.15. (DOR: Renewable Fuel Credit) The date the taxpayer must place property or facility into service that is used for distribution or dispensing renewable fuel shall be extended to January 1, 2022.

109.16. DELETED

109.17. (DOR: Electronic Filing) In the current fiscal year, in order to allow certain applications for licenses or permits to be filed electronically, the Department of Revenue may require a statement subject to penalties of perjury instead of a statement under oath.

109.18. (DOR: Referendum Notification) A county or municipal election commission must notify the Department of Revenue sixty days prior to a referendum on the imposition of a local sales tax or local option permit.

109.19. DELETED

109.20. 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

SECTION 110 - R520 - STATE ETHICS COMMISSION

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 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: 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.

112.2. (DS: Excess Debt Service) Excess debt service funds available in Fiscal Year 2021-22 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.

**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.

113.2. (AS-TREAS: Quarterly Distributions) For Fiscal Year 2021-22, 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 2021-22 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,

**SECTION 113 - X220 - AID TO SUBDIVISIONS,
STATE TREASURER**

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 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 legislative 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. DELETED

113.6. (AS-TREAS: Transparency - Political Subdivision Appropriation of Funds) (A) A political subdivision receiving aid from the Local Government Fund may not:

SECTION 113 - X220 - AID TO SUBDIVISIONS,
STATE TREASURER

(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,

(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 2021-22, a political subdivision receiving aid from the Local

**SECTION 113 - X220 - AID TO SUBDIVISIONS,
STATE TREASURER**

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.

113.9. (AS-TREAS: Excess Sales Tax Collections) In the current fiscal year, if a county has capital projects sales tax collections in excess of the amount necessary to complete all projects for which the tax was imposed and the tax has not yet expired, the county may pledge and use the excess collections to fund road improvements, intersection improvements, and pedestrian transportation. However, prior to the expiration of the tax, an eligible county must adopt an ordinance specifying the purposes for which the excess funds will be used. A county may expend distributions received pursuant to the Aid to Subdivisions, State Treasurer section to meet the requirements of this provision.

113.10. DELETED

113.11. (AS-TREAS: Rural County Stabilization Fund) There is created in Aid to Subdivisions-State Treasurer the Rural County Stabilization Fund. Any county that has population growth, as determined by the 2020 Census, of less than 5.35% since the 2010 census shall be eligible to receive monies from the fund as follows:

- (1) a baseline of \$300,000 to each eligible county;
- (2) an additional \$100,000 to eligible counties with a population between 50,000 and 99,999; and
- (3) an additional \$200,000 to eligible counties with a population of more than 100,000.

**SECTION 113 - X220 - AID TO SUBDIVISIONS,
STATE TREASURER**

After disbursal of funds, any monies remaining shall be distributed to each eligible county on a pro rata basis.

In the event the amount of funds in the Rural County Stabilization Fund is not sufficient to provide monies to counties according to the above formula, the amounts distributed to counties shall be reduced on a pro rata basis.

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 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;

SECTION 117 - X900 - GENERAL PROVISIONS

Wil Lou Gray Opportunity School;
School for the Deaf and the Blind;
Governor's School for Agriculture at John de la Howe;
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 2021-22, and for other purposes specifically designated.

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, 2021, and ending June 30, 2022, and "prior fiscal year" means the fiscal year beginning July 1, 2020, and ending June 30, 2021.

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,

SECTION 117 - X900 - GENERAL PROVISIONS

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 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.

SECTION 117 - X900 - GENERAL PROVISIONS

(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) 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 Proviso 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 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

SECTION 117 - X900 - GENERAL PROVISIONS

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.

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

SECTION 117 - X900 - GENERAL PROVISIONS

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, 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

SECTION 117 - X900 - GENERAL PROVISIONS

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 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.

SECTION 117 - X900 - GENERAL PROVISIONS

(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 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 the Governor's School for Agriculture at John de la Howe, 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

SECTION 117 - X900 - GENERAL PROVISIONS

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; Director of Wil Lou Gray Opportunity School; 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

SECTION 117 - X900 - GENERAL PROVISIONS

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 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

SECTION 117 - X900 - GENERAL PROVISIONS

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, 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,

SECTION 117 - X900 - GENERAL PROVISIONS

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 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.

SECTION 117 - X900 - GENERAL PROVISIONS

(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 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

SECTION 117 - X900 - GENERAL PROVISIONS

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.

(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'

SECTION 117 - X900 - GENERAL PROVISIONS

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 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

SECTION 117 - X900 - GENERAL PROVISIONS

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.

(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

SECTION 117 - X900 - GENERAL PROVISIONS

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 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

SECTION 117 - X900 - GENERAL PROVISIONS

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.

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

SECTION 117 - X900 - GENERAL PROVISIONS

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 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

SECTION 117 - X900 - GENERAL PROVISIONS

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 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

SECTION 117 - X900 - GENERAL PROVISIONS

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, 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.

SECTION 117 - X900 - GENERAL PROVISIONS

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 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.

SECTION 117 - X900 - GENERAL PROVISIONS

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: 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.

117.40. (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.

117.41. (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 11-35-1570, are legitimate and valid reasons for awarding noncompetitive contracts.

117.42. DELETED

117.43. (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.

117.44. (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 the Governor's School for Agriculture at John de la Howe are authorized to charge, collect, expend

SECTION 117 - X900 - GENERAL PROVISIONS

and carry forward fees charged for facility and equipment rental and registration.

117.45. (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.

117.46. (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.

117.47. (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 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 provisions in this act to any restructuring changes that are ratified.

SECTION 117 - X900 - GENERAL PROVISIONS

117.48. (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.

117.49. (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 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

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.50. (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. The Hunley Commission is directed to expend funds from its account to negotiate and execute contracts on behalf of the State of South Carolina.

117.51. (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.

SECTION 117 - X900 - GENERAL PROVISIONS

117.52. (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.

117.53. (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 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.

117.54. (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.

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.55. (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.

117.56. (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 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.

117.57. (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.

117.58. (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

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.59. (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.

117.60. (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 to all provisions related to agency heads covered by the Agency Head Salary Commission.

117.61. (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

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.62. (GP: Attorney Dues) Agencies and offices of the State of South Carolina that employ attorneys are authorized, if they so decide, 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.

117.63. (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).

SECTION 117 - X900 - GENERAL PROVISIONS

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 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.

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.64. (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.

117.65. (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.

117.66. (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.

SECTION 117 - X900 - GENERAL PROVISIONS

117.67. (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.

117.68. (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 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.

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.69. (GP: Printed Report Requirements) (A) For the current fiscal year, 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 the current fiscal year, 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 the current fiscal year, 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.

(D) For the current fiscal year, 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.

117.70. (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.

117.71. (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

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.72. (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 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.

117.73. (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

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.74. (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.

117.75. (GP: Information Technology for Health Care) From the funds appropriated and authorized to the Department of Health and Human Services, 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 as follows:

(A) In order to facilitate the qualification of Medicare and/or Medicaid eligible providers and hospitals for incentive payments for meaningful health information technology (HIT) use, a health care organization participating in the South Carolina Health Information Exchange (SCHIEx) or a Regional Health Information Organization (RHIO) or a hospital system health information exchange (HIE) that participates in SCHIEx 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.

SECTION 117 - X900 - GENERAL PROVISIONS

(B) There is established the Health Information Exchange Strategy Development Committee to make recommendations on the development of a statewide HIE strategy that is intended to promote interoperability for purposes of improving patient safety, eliminating redundant or unnecessary testing, and increasing the efficiency of the healthcare system. The committee shall assess other states' approaches to governing, financing, and implementing their statewide HIE efforts, including enhanced funding made available through the Centers for Medicare and Medicaid Services or other relevant agencies, and shall report its findings and recommendations to the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee no later than November 15, 2021. The committee shall consider and leverage the capabilities of existing exchanges and organizations already present in South Carolina and shall solicit and evaluate the input of appropriate stakeholders, including but not limited to, those represented on the committee. Upon the request of the committee, the department shall furnish staff and other necessary resources to support the work of the committee, which shall be comprised of the following:

- (1) the director of the Revenue and Fiscal Affairs Office or his designee, who shall serve as chair;
- (2) the director of the Department of Health and Human Services or his designee;
- (3) the director of the Department of Health and Environmental Control or his designee;
- (4) the president of the Medical University of South Carolina or his designee;
- (5) the CEO of the South Carolina Hospital Association or his designee;
- (6) the CEO of the South Carolina Medical Association or his designee;
- (7) the CEO of the South Carolina Primary Health Care Association or his designee; and
- (8) an individual with substantial HIE experience, who shall be appointed by the Governor.

(C) The department shall be authorized to use any of its available and uncommitted funds to develop, submit, or implement any advance planning documents or other similar plans in furtherance of a statewide HIE strategy, and to secure any available federal funding. The

SECTION 117 - X900 - GENERAL PROVISIONS

department shall expeditiously prepare and submit any such documents or plans, particularly if necessary to meet any federal deadlines.

117.76. (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.

117.77. (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.

117.78. (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 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

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.79. (GP: Commuting Costs) State government employees who use a permanently assigned agency or state-owned vehicle to commute 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

SECTION 117 - X900 - GENERAL PROVISIONS

make arrests, for Constitutional Officers, or for Department of Transportation employees on call for emergency maintenance.

117.80. (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 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.

117.81. (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

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.82. (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.

117.83. (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 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.

117.84. (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

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.85. (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.

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

SECTION 117 - X900 - GENERAL PROVISIONS

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; 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.

117.86. (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.

SECTION 117 - X900 - GENERAL PROVISIONS

117.87. (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.

117.88. (GP: WIOA Service Advertising) For the current fiscal year, the Workforce Development Boards may promote outreach for their services via billboard, bus placard, newspapers, or radio in all workforce development areas. This outreach may not be limited to e-mail, online, or other internet-based outreach, publicity, or other promotions. Workforce development boards must adhere to all state procurement policies and procedures when utilizing outreach for the services provided by the Workforce Innovation and Opportunity Act.

117.89. (GP: WIOA 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 and Means Committee, and the Chairman of the House Labor, Commerce and Industry Committee on or before December 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.

117.90. (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.

SECTION 117 - X900 - GENERAL PROVISIONS

117.91. (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.

117.92. (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.

117.93. (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.

117.94. (GP: Single Audit Schedule of Federal Expenditures) To ensure timely completion of the of the Statewide Single Audit, state 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.

117.95. (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.

117.96. (GP: School Construction Development Impact Fee Assessment Prohibition) Governmental entities are prohibited from

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.97. (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.

117.98. (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.

117.99. (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 General Assembly. Unexpended Enterprise Technology and Remediation funds may be carried forward from the prior fiscal year and used for the same purpose.

117.100. (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

SECTION 117 - X900 - GENERAL PROVISIONS

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:

(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

SECTION 117 - X900 - GENERAL PROVISIONS

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 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

SECTION 117 - X900 - GENERAL PROVISIONS

(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 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.

117.101. (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, 2022, the authority must transfer the property

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.102. (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.

117.103. (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 Means Committee and Chairman of the Senate Finance Committee with a combined report by September fifteenth of the current fiscal year.

117.104. (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

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.105. (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;

(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.

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.106. DELETED

117.107. (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 established by the division; (4) a profile of the state agency's sensitive data and a description of applicable state and federal privacy

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.108. (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.

117.109. (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

SECTION 117 - X900 - GENERAL PROVISIONS

include, but not be limited to, law enforcement agencies and the Department of Health and Environmental Control;

(4) The State Law Enforcement Division and the Department of Health and Environmental Control shall establish a system for cross checking child fatalities in the state to ensure that all fatalities are being properly reported to the State Law Enforcement Division;

(5) The State Law Enforcement Division and the State Child Fatality Advisory Committee shall review the training provided to coroners on the reporting of child fatalities to ensure that information is provided on which fatalities are to be reported and what procedure is to be followed for reporting the fatalities;

(6) The Department of Public Safety shall report statistics on all child fatalities to the State Child Fatality Advisory Committee; and

(7) The State Child Fatality Advisory Committee shall evaluate the feasibility of adopting the Child Death Review Case Reporting System developed by the National Center for the Review and Prevention of Child Deaths and shall submit a report on their findings to the General Assembly by December 1, 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.

117.110. (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.

117.111. (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.

SECTION 117 - X900 - GENERAL PROVISIONS

(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 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.

117.112. (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.

SECTION 117 - X900 - GENERAL PROVISIONS

(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.

(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.

117.113. (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

SECTION 117 - X900 - GENERAL PROVISIONS

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 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

SECTION 117 - X900 - GENERAL PROVISIONS

(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 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;

SECTION 117 - X900 - GENERAL PROVISIONS

(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

(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

SECTION 117 - X900 - GENERAL PROVISIONS

recommendations of the Sentencing Reform Commission report of February 2010.

117.114. (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 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.

117.115. (GP: State Engineer) The State Engineer is an office located within the State Fiscal Accountability Authority, all references to the contrary notwithstanding.

117.116. (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 2021-22.

117.117. (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.

117.118. DELETED

117.119. (GP: South Carolina Telemedicine Network) From the funds appropriated to the Medical University of South Carolina for the

SECTION 117 - X900 - GENERAL PROVISIONS

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. At the request of the department, MUSC shall provide the department with all information and materials necessary to seek federal medical assistance for this contract. 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 shall continue to identify and implement telehealth benefits and policies that are evidence-based, cost efficient, and aligned with the needs of the Medicaid population. The department must also continue to review the temporary telephonic and telehealth flexibilities it has adopted to address the COVID-19 public health emergency and make permanent those that are suitable for inclusion in the Medicaid benefit. No later than October 1, the department 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 policy and benefit changes it has introduced in the furtherance of this goal and as part of its ongoing effort to improve the sustainability of telehealth services.

117.120. DELETED

117.121. DELETED

117.122. (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.

117.123. (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 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 2021-22. 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.

SECTION 117 - X900 - GENERAL PROVISIONS

(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.

117.124. (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.

117.125. (GP: Opioid Abuse Prevention and Treatment Plan) From the funds appropriated and authorized to the Department of Alcohol and 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

SECTION 117 - X900 - GENERAL PROVISIONS

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 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) 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.

SECTION 117 - X900 - GENERAL PROVISIONS

(E) 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.

(F) 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 spaces that provide for group meetings, clinical support, technology access, and academic advising, to assist students in recovery.

117.126. (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.

117.127. (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

SECTION 117 - X900 - GENERAL PROVISIONS

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,

(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.

SECTION 117 - X900 - GENERAL PROVISIONS

117.128. (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 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, 2021.

117.129. (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;

SECTION 117 - X900 - GENERAL PROVISIONS

(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 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.

117.130. DELETED

117.131. (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.

117.132. (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 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

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.133. (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 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

SECTION 117 - X900 - GENERAL PROVISIONS

provide to the members of the South Carolina General Assembly, on or before the first day of the 2021 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.

117.134. (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.

117.135. (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 recertification through basic training for those that have been inactive for a year or more.

117.136. DELETED

117.137. DELETED

117.138. (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

SECTION 117 - X900 - GENERAL PROVISIONS

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.

117.139. (GP: Magistrates Compensation) Notwithstanding Proviso 117.169 (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.

117.140. DELETED

117.141. (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.

117.142. (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.

117.143. DELETED

117.144. DELETED

117.145. (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

SECTION 117 - X900 - GENERAL PROVISIONS

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:

(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.

117.146. (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.

117.147. DELETED

117.148. (GP: Authorization for Expenditure of COVID-19 Federal Funds) (A)(1) The State of South Carolina desires to procure professional grant management services for oversight and compliance of funds received through the 'Coronavirus Aid, Relief, and Economic Security Act' (CARES Act) and any other available source of federal COVID-19 relief funds. It is intended that the procurement will result in a contract for professional grant management services that can assist the State with grant management to include, but not be limited to: understanding the requirements and funding streams related to the CARES Act and federal relief funds; creating a framework for grant management from application for funds to disbursement of funds to include the development of processes and controls, data collection,

SECTION 117 - X900 - GENERAL PROVISIONS

evaluation of requests, and reporting; and creating a system of monitoring for compliance and detecting possible fraud, waste, and abuse.

(2) It is vital to the State's interest that a contract be awarded for such professional grant management services in the most expeditious manner possible and time is of the essence. Accordingly, this procurement should be done pursuant to the provisions of Section 11-35-1570 of the 1976 Code. The Executive Director of the South Carolina Department of Administration shall coordinate the process used to procure the professional grant management services needed and shall be responsible for the development of specifications to be included in any contract awarded. The State Fiscal Accountability Authority shall serve as the procuring officer for the procurement process and is responsible for administrative duties related to the process and the contract awarded pursuant to it. The State Fiscal Accountability Authority 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 act.

(B) State boards, commissions, agencies, departments, and institutions of higher learning are authorized to receive funds directly from the federal government in response to the 2019 Novel Coronavirus (COVID-19). Funds so received shall be expended for COVID-19 preparedness and response and in accordance with applicable federal laws and regulations. Any state board, commission, agency, department, or institution of higher learning that receives funds must submit an expenditure plan to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. Beginning on June 1, 2020, and on the first day of each month thereafter, the recipient shall provide a detailed accounting of the expenditure of all federal relief funds to the Governor and the General Assembly. The detailed accounting must be made available on the Governor's website. Unexpended funds, without limitation, may be carried forward into the succeeding fiscal year and expended for the same purpose.

(C) The Governor is authorized to receive on behalf of the State of South Carolina federal funds designated for the Coronavirus Relief Fund.

(D) The Executive Budget Office shall establish the Coronavirus Relief Fund as a federal fund account separate and distinct from all other accounts. All federal appropriations received by the Governor pursuant

SECTION 117 - X900 - GENERAL PROVISIONS

to subsection (C), must be credited to the Coronavirus Relief Fund account. No other funds may be credited to this account and funds in the account may be expended only by appropriation or authorization by the General Assembly.

(E) Nothing herein limits any state board, commission, agency, department, or institution receiving funds from the Coronavirus Relief Fund from continuing to expend funds from other sources, including state appropriated funds, that are necessary to address the state's response to COVID-19. Any unexpended funds from the Coronavirus Relief Fund, without limitation, may be carried forward into the succeeding fiscal year and expended for the same purpose.

117.149. (GP: Mandatory Furlough Flexibility - COVID-19) (A) In order to provide maximum flexibility to a state agency or institution of higher learning during the state's COVID-19 response, an agency or institution experiencing significant decreases in revenue sources or significant unanticipated expenditures as a result of the COVID-19 response may implement a mandatory furlough subject to the review and approval of the Department of Administration Division of State Human Resources. Approved furloughs must comply with all federal laws. Implementation of furloughs should be in a manner similar to furloughs authorized in Chapter 11, Title 8, exceptions may be approved by the Division of State Human Resources.

(B) During a furlough, affected 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 that require employer and employee contributions including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the state agencies, institutions, and departments are 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.

(C) The division shall report to the President of the Senate, Speaker of the House of Representatives, the Chairman of Senate Finance Committee, and the Chairman of House Ways and Means Committee when any furloughs are implemented. This information also shall be published on the division's website.

117.150. (GP: Other Fund Flexibility to Maintain Critical Programs Impacted by COVID-19) In order to provide maximum flexibility to a state agency or institution of higher learning during the state's

SECTION 117 - X900 - GENERAL PROVISIONS

COVID-19 response, agencies and institutions are authorized to spend earmarked and restricted revenue sources to maintain critical programs impacted by the state's COVID-19 response. Any spending authorization for these purposes must receive the prior approval of the Executive Budget Office and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Executive Budget Office in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

117.151. DELETED

117.152. (GP: Transfer Student Credits) The Commission on Higher Education shall work in consultation with the State Board for Technical and Comprehensive Education and the public institutions of higher learning to develop policies by March 1, 2022, to guarantee students who have earned an Associate of Arts or Associate of Science degree from a public two-year institution of higher learning shall receive a minimum of sixty transfer credit hours at a public four-year college or university and shall be given a junior status at the college or university. Course prerequisites and minimum credit requirements for awarding degrees shall still apply. Implementation of the provisions shall be effective beginning June 1, 2022.

117.153. (GP: Permanent Improvement Projects) For the current fiscal year, permanent improvement projects, as defined in Title 2, Chapter 47 of the 1976 Code, where the cost is at least one million dollars but not greater than five million dollars for public research universities and not greater than two million dollars for all other public institutions of higher learning shall be exempt from the requirements of Section 2-47-50, except that a project shall not be considered approved without an institution's governing board having first voted to approve the project in a public session. Institutions shall provide a report of projects approved by their governing boards pursuant to this provision to the Chairman of the Commission on Higher Education, the Joint Bond Review Committee, and the State Fiscal Accountability Authority by September 30th of the current fiscal year.

117.154. (GP: Fixed Rate Compensation) The South Carolina public higher education institutions are authorized to compensate

SECTION 117 - X900 - GENERAL PROVISIONS

nonpermanent, non-FTE adjunct, temporary, or part-time instructors/faculty on a fixed rate basis. These individuals shall provide classroom and related instructional activities on an as needed basis depending on student enrollment per semester or academic term. Institutions may pay exempt or non-exempt employees as defined by the Fair Labor Standards Act only when they are needed to work. Adjunct, temporary, or part-time instructors/faculty employed in this category are non-covered employees who may exceed twelve months, but are not eligible for State benefits except for the option of contributing to the State Retirement System or Health Care Plan if eligible under the Affordable Care Act guidelines.

117.155. DELETED

117.156. DELETED

117.157. (GP: Sickle Cell Disease) From the funds appropriated to the Department of Health and Human Services, the department shall transfer \$1,000,000 to the Medical University of South Carolina Hospital Authority to develop a comprehensive approach to advancing the awareness, detection, treatment, and scientific knowledge of sickle cell disease and trait within South Carolina. The Medical University of South Carolina Hospital Authority shall be authorized to partner with independent research entities to advance curative therapies for sickle cell disease and trait and shall be authorized to endow one or more nationally leading academic research centers with a research chair named the "Rena N. Grant Endowed Chair for Hematology" in furtherance of this goal. Additionally, to improve the quality of care provided to sickle cell patients, the authority shall perform statewide cultural competency training in all hospitals, including urgent care centers, in this State using its preexisting training model in order to educate and increase the awareness of health care professionals that are most likely to treat sickle cell patients on the symptoms and stigma associated with sickle cell disease and trait, especially pain relief.

For purposes of this proviso:

(1) 'Health care professional' has the meaning as in Section 44-66-20 of the 1976 Code.

(2) 'Hospital' means a facility organized and administered to provide overnight medical or surgical care or nursing care of illness, injury, or infirmity and may provide obstetrical care, and in which all diagnoses, treatment, or care is administered by or under the direction of persons currently licensed to practice medicine, surgery, or osteopathy.

SECTION 117 - X900 - GENERAL PROVISIONS

In developing and implementing the South Carolina Statewide Telemedicine Network, the department and the authority shall include the goals set forth in this provision to bring better care to individuals with sickle cell disease or trait.

The Department of Health and Human Services shall be authorized to pursue a Health Services Initiative through the Children's Health Insurance Program for the purposes of improving child and maternal health when either or both exhibit the sickle cell disease or trait, and improve outreach, access to crisis stabilization, and coping resources for children with sickle cell disease.

By January fifteenth of the current fiscal year, the department and the authority shall each submit a report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor outlining their progress on these initiatives.

117.158. (GP: Statewide Strategic Personnel Budgeting) (A) To encourage consistency in human resources compensation decisions, support data driven decisions regarding expenditure of funds for personnel in state government, and improve the state's ability to recruit and retain top talent, all state agencies are directed as follows:

With regard to the annual Appropriations Act budget plan submission, agencies shall submit all human resources and personnel related budget requests to the Department of Administration's Executive Budget Office and Division of State Human Resources on or before September 1 of the current fiscal year. The Executive Budget Office and the Division of State Human Resources shall jointly review the budget requests and make recommendations for funding consideration. These funding recommendations shall be submitted to the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee.

Agencies shall comply with all human resources rules, regulations, standards, plans, policies, and directives of the Division of State Human Resources.

(B) The Judicial Department, Legislative Department, political subdivisions, and quasi-governmental bodies are exempt from the requirements of this provision.

117.159. DELETED

117.160. DELETED

117.161. (GP: Statewide Mobile Health Units Coordination Project) For Fiscal Year 2021-22, the South Carolina Center for Rural and

SECTION 117 - X900 - GENERAL PROVISIONS

Primary Healthcare may provide coordination and requested technical assistance to mobile health units in South Carolina, in order to coordinate statewide delivery of services to increase access to preventative and diagnostic health care, and reduce health inequities for rural, vulnerable, underserved, and displaced populations in South Carolina. To support this goal, the South Carolina Center for Rural and Primary Healthcare shall: 1) be authorized to identify and maintain a directory of currently operating mobile health units, the areas of the state in which they serve, and the scope of services they provide; 2) offer technical assistance to these units, and any established in the future, in the form of operational, technical, or logistical guidance and consultation as requested; and 3) partner with The University of South Carolina Salkehatchie and Denmark Technical College, along with other public institutions of higher education and organizations, and the Department of Health and Environmental Control to develop coordinating systems, training and health education services. The center shall be available to assist and support implementation strategies driven by local, regional, and state data and research and aligned efforts, and may provide organization and collaboration among mobile health units and any units that may begin operating in the future. The mobile health units may collaborate with the South Carolina Center for Rural & Primary Healthcare, and other partners, in these efforts.

117.162. DELETED

117.163. (GP: COVID-19 Proof of Vaccination Restriction - Institutions) For the current fiscal year, state-supported institutions of higher learning that directly or indirectly receive funds appropriated or authorized through the general appropriations act shall be restricted from requiring proof of COVID-19 vaccination for any student as a condition of enrollment, attendance at on campus instruction, or residence on campus. In instances of off-campus learning events for which third party program providers require proof of vaccination, the third party requirements shall apply.

117.164. (GP: Agribusiness Processor) For the current fiscal year, local and state sales tax collection for material handling and construction materials on agribusiness facilities that invest at least \$100 million in the state are exempt.

117.165. DELETED

117.166. (GP: Federal Gun Law) For the current fiscal year, no law enforcement agency that receives state or local funds shall enforce a federal law, regulation, statute, executive order, or procedure related to

SECTION 117 - X900 - GENERAL PROVISIONS

firearms put into effect after January 1, 2021, if any such federal action requires the seizure of a firearm, firearm part, or firearm component solely because of its classification or type of weapon.

117.167. (GP: National Guard College Assistance Program) For Fiscal Year 2021-22, a member of the SC National Guard may qualify for college assistance program grants for more than one hundred thirty semester hours or related quarter hours. Service members shall be required to meet all other requirements.

117.168. DELETED

117.169. (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 and one half percent.

(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 and one half percent. 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.

(3) 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 and one half percent increase and may be based on performance.

(4) Effective on the first pay date that occurs on or after July first of the current fiscal year, agency heads not covered by the Agency Head Salary Commission, shall receive an annualized base pay increase of two and one half percent.

(5) With respect to local health care providers, compensation increases shall be two and one half percent effective on the first pay date

SECTION 117 - X900 - GENERAL PROVISIONS

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 and one half 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 and one half percent.

(6) Effective on the first pay date that occurs on or after July first of the current fiscal year, the Chief Justice and other judicial officers shall receive an annualized base pay increase of two and one half percent.

(7) 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 and one half percent.

For Fiscal Year 2021-22, 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 and one half 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.

117.170. DELETED

117.171. (GP: Fetal Remains) No funds appropriated or authorized by this act may be used by the State's public colleges or universities to purchase fetal remains resulting from an abortion for the purpose of

SECTION 117 - X900 - GENERAL PROVISIONS

research or experimentation. The State's public colleges and universities are further prohibited from accepting donated fetal remains resulting from an abortion for the purpose of research or experimentation. A public college or university that purchases or accepts donated fetal remains in violation of this proviso shall return to the General Fund an amount equal to ten percent of the funds appropriated to the college or university under Part 1A of this act.

117.172. (GP: Funds Transferred to Santee Cooper) The funds held by the Department of Administration, related to the implementation of Act 95 of 2019, shall be transferred as follows and for the purposes of reforming Santee Cooper: \$2,000,000 to the Office of Regulatory Staff; \$1,000,000 to the Public Service Commission; and the balance to Santee Cooper. The Public Service Commission and the Office of Regulatory Staff are authorized to employ, through contract or otherwise, third-party consultants and experts in carrying out their duties for purposes of reforming Santee Cooper. The Public Service Commission and Office of Regulatory Staff are exempt from complying with the State Procurement Code in the selection and hiring of third-party consultants or experts authorized by this provision.

117.173. DELETED

117.174. DELETED

117.175. DELETED

117.176. (GP: Longitudinal Funding Report) In the current fiscal year, the Commission on Higher Education shall work in consultation with the public institutions of higher education and the State Board for Technical and Comprehensive Education to collect and analyze longitudinal state and federal funding data for these institutions. The Commission on Higher Education shall submit a report that includes for each public institution of higher education and technical college, at a minimum, state appropriation and federal formula-based funding data in the aggregate and by full-time equivalent student to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee no later than January 31, 2022.

117.177. (GP: Behavioral Health Capacity) (A) The Department of Mental Health, the Department of Health and Human Services, the Department of Health and Environmental Control, the Department of Alcohol and Other Drug Abuse Services, and all other relevant agencies shall coordinate their efforts to ensure that the statewide system for the delivery of mental health services required by Section 44-9-90(7) of the 1976 Code is:

SECTION 117 - X900 - GENERAL PROVISIONS

(1) structured so as to provide a range and supply of treatment options and settings that are appropriate to meet the varying needs of individual patients;

(2) responsive to changes in federal law, regulation, or policy that improve access to care and/or associated reimbursement, particularly where related to the treatment of patients in Institutions for Mental Disease (IMDs); and

(3) economical in its approach, so as to obtain the greatest value possible for each state taxpayer dollar.

(B) With the funds appropriated for Inpatient Services and/or made available from the COVID-19 Response Reserve account established pursuant to Act 135 of 2020, the Department of Mental Health shall undertake an effort to increase access to crisis stabilization services.

(1) The department shall increase the number of operating crisis stabilization units and introduce them to previously unserved areas of the state, working toward the goal of having at least one such unit located within a 90-minute drive of each South Carolinian. In each case, the department may choose to operate the unit independently or through a partnership with one or more partners and/or contractors. The department shall engage with community stakeholders in identifying new host communities and developing referral and discharge strategies.

(2) The department may also use these funds to expand its program to contract with psychiatric and acute care hospitals to place indigent patients who need hospital-level care in hospitals' general or psychiatric beds on a temporary basis during a crisis.

(C) After consulting with the Director of the Department of Mental Health, the Director of the Department of Health and Human Services shall establish such coverage and reimbursement policies for mobile crisis stabilization, and/or intensive outpatient services as he deems necessary and appropriate to fulfill the intent of this provision. These policies shall facilitate the claiming of matching funds where feasible. Any state funds saved through this effort shall remain committed to the provision of care to patients with behavioral health needs. With funds available to the department, the Department of Health and Human Services shall be authorized to provide as much as one hundred thousand dollars per-bed towards the initial capital costs of establishing crisis stabilization units pursuant to this provision. The Department of Mental Health shall supply information in the format specified by the Department of Health and Human Services for this purpose. The Executive Director of the Public Employee Benefit Authority shall be

SECTION 117 - X900 - GENERAL PROVISIONS

encouraged to consult with the Director of the Department of Mental Health to make appropriate coverage and reimbursement policy changes to ensure proper access to mobile crisis and crisis stabilization services for covered beneficiaries.

(D) The Data Oversight Council, established pursuant to Section 44-6-170 of the 1976 Code, shall undertake whatever rulemaking is necessary to ensure that the data on the utilization of crisis stabilization units are collected in a manner generally consistent with the requirements for general acute care hospitals and specialized hospitals, so that the effectiveness of these services may be properly evaluated.

(E) With the support of the Director of the Department of Mental Health, the Director of the Department of Alcohol and Other Drug Abuse Services, and any other identified agency head, the Director of the Department of Health and Human Services shall evaluate opportunities to improve treatment capacity for individuals diagnosed with substance use disorder and/or serious mental illness including, but not limited to, options established pursuant to Sections 1115, 1915(l), and/or 1947 of the Social Security Act or made available to states by the Centers for Medicare and Medicaid Services through State Medicaid Director Letters 17-003, 18-011, or 19-0003. These options shall be evaluated based substantially upon criteria such as their relative abilities to:

(1) increase behavioral health treatment capacity at the inpatient, partial hospitalization, intensive outpatient, and/or outpatient levels of care;

(2) obtain federal matching funds to help offset the costs of state-funded treatment for substance use and/or mental health treatment; and

(3) convert indigent care to a sustainable reimbursement model that improves access to behavioral health and/or substance use treatment while potentially alleviating pressure on the state general fund and reducing levels of uncompensated care.

(F) After or while completing the evaluation required by subsection (E), the Director of the Department of Health and Human Services shall be authorized to apply for a state planning grant pursuant to Section 1947(e) of the Social Security Act and pursue any necessary implementing state plan amendments and/or waivers. Copies of the public notices accompanying these actions shall be furnished to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee.

SECTION 117 - X900 - GENERAL PROVISIONS

(G) If the Director of the Department of Mental Health finds that state personnel and/or procurement rules are limiting his ability to fulfill the intent of this provision, he shall notify the State Fiscal Accountability Authority of this in writing and request whatever exemptions are necessary to ensure that clinical staff may be recruited, retained, and/or contracted for so as to provide greater access to behavioral health treatment.

117.178. (GP: Mental Health Transportation) (A) Funds appropriated to the Department of Mental Health for the Alternative Transportation Program shall exclusively be used to support the transportation of individuals pursuant to Article 5, Chapter 17, Title 44 of the 1976 Code and as defined herein. These funds may be carried forward and expended for the same purpose.

(B) As soon as practicable within the current fiscal year, the Director of the Department of Mental Health shall cooperate with the Division of Procurement Services of the State Fiscal Accountability Authority in the development and issuance of a Request for Proposals (RFP) for an Alternative Transportation Program that provides transportation services for nonviolent individuals requiring immediate hospitalization as described in Article 5, Chapter 17, Title 44 of the 1976 Code. The purpose of the RFP shall be to seek proposals from qualified private providers to provide timely, safe, and secure transportation for such individuals. Before finalizing the RFP, the Division of Procurement Services shall provide relevant stakeholders with an opportunity to provide recommendations on the scope and structure of the Alternative Transportation Program, subject to the following provisions:

(1) The program shall initially be made available within a pilot region to be identified by the authority in consultation with the Department of Mental Health. Subject to the authority's judgment, the RFP shall be structured so as to accommodate subsequent awards and/or contract amendments to serve other regions of the State, in which case, only one vendor shall be selected in each region, but a single vendor may be selected to provide services in multiple or all regions.

(2) In structuring the initial pilot, the authority shall endeavor to provide the availability of the Alternate Transportation Program in an optimal service area at an annualized cost that does not exceed the amount appropriated for this purpose.

(3) The RFP shall be conducted as provided for under the South Carolina Consolidated Procurement Code.

SECTION 117 - X900 - GENERAL PROVISIONS

(4) Upon implementation, the Alternative Transportation Program must be available on a 24-hour basis every day of the year.

(5) Drivers must pass a criminal background check and complete relevant and appropriate training prior to furnishing services.

(6) Transportation vehicles must be secure but nondescript and drivers must be clothed in professional attire that does not resemble a law enforcement uniform.

(C) When transportation is provided through this Alternative Transportation Program, the written agreement described in Section 44-17-440(A) of the 1976 Code shall not be required.

(D) No later than January 15, 2022, the authority shall provide the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee with a report on the implementation of this program. The report shall include a projection of the annualized amount by which the cost of a statewide Alternative Transportation Program might, at full implementation, exceed the amount appropriated for the program in the current fiscal year.

117.179. (GP: Rare Disease Advisory Council) (A) For the current fiscal year, there shall be established the South Carolina Rare Disease Council, to be housed within the Medical University of South Carolina. The council shall advise the Governor, the General Assembly, and other stakeholders on research, diagnosis, treatment, and education related to rare diseases as defined by 21 U.S.C. Section 360bb.

(B) The council shall be composed of fifteen members and shall be appointed as follows:

(1) one member appointed by the Director of the Department of Health and Environmental Control;

(2) one member appointed by the Director of the Department of Health and Human Services;

(3) one member from the Medical University of South Carolina as appointed by the President;

(4) one member from the University of South Carolina School of Medicine as appointed by the Dean;

(5) one member appointed by the Executive Director of the South Carolina Hospital Association;

(6) one member appointed by the Executive Director of the South Carolina Primary Healthcare Association;

(7) one member representing the biopharma industry as appointed by the President of the Medical University of South Carolina;

SECTION 117 - X900 - GENERAL PROVISIONS

(8) three members with experience in the research and treatment of rare disease, one of whom must specialize in pediatrics, as appointed by the President of the Medical University of South Carolina;

(9) two members who are patients diagnosed with a rare disease as appointed by the President of the Medical University of South Carolina;

(10) one member from a rare disease organization operating in the state as appointed by the President of the Medical University of South Carolina;

(11) one caregiver of a person with a rare disease as appointed by the President of the Medical University of South Carolina; and

(12) one member representing the state health plan as appointed by the Executive Director of the State Public Benefit Authority.

(C) The council shall convene its first meeting by October 31 and hold public meetings at least quarterly throughout the year. The council shall, at a minimum, conduct the following activities to benefit rare disease patients in South Carolina:

(1) solicit comments from stakeholders, including patients and patient caregivers in South Carolina impacted by rare diseases, to assess the needs of rare-disease patients, caregivers, and providers in the State;

(2) consult with experts on rare diseases to develop recommendations to improve patient access to and quality of rare-disease specialists, affordable and comprehensive health care coverage, relevant diagnostics, timely treatment, and other needed services;

(3) research and identify priorities related to treatments and services provided to persons with rare diseases in South Carolina and develop recommendations that include safeguards against discrimination for these populations on such issues, including disaster and public health emergency-related planning;

(4) publish a list of existing, publicly accessible resources on research, diagnosis, treatment, and education relating to the rare diseases in South Carolina;

(5) identify and distribute educational resources to foster recognition and optimize treatment of rare diseases in South Carolina; and

(6) identify best practices to reduce health disparities and achieve health equity in the research, diagnosis, and treatment of rare diseases in South Carolina.

(D) The council shall provide an annual report no later than June 30 to the Governor, the Chairman of the Senate Finance Committee, the

SECTION 117 - X900 - GENERAL PROVISIONS

Chairman of the Senate Medical Affairs Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Medical, Military, Public and Municipal Affairs Committee. The annual report shall describe the activities and progress of the council and provide recommendations to the Governor and General Assembly on ways to address the needs of people living with rare diseases in the state of South Carolina.

(E) The Medical University of South Carolina shall provide staff support to the council and set up a public website that shall include the annual reports, meeting notices and minutes, and the resources developed as part of section (C). Members of the council shall serve without compensation or per diem.

117.180. (GP: Public Health Officer Liability) From the funds available to the respective departments, state agencies established pursuant to Title 44 of the 1976 Code shall have the same obligations to defend and indemnify as if these agencies were subject to Section 1-11-440 or Section 12-4-325.

117.181. DELETED

117.182. DELETED

117.183. DELETED

117.184. DELETED

117.185. (GP: Electricity Market Reform) The Electricity Market Reform Measures Study Committee shall request for an opinion to be issued no later than March 1, 2022 from any consultant or consultants retained to advise the committee as to which market reform measures studied, if any, benefit South Carolina consumers. The committee shall issue a report on its work no later than June 30, 2022; however, nothing in this provision prohibits the committee from continuing to meet past June 30, 2022 and issue additional reports pursuant to Act 187 of 2020.

117.186. (GP: Homestead Exemption Fund) For Fiscal Year 2021-22, Section 11-11-156(C) of the 1976 Code is suspended.

117.187. DELETED

117.188. DELETED

117.189. DELETED

117.190. (GP: Masks at Higher Education Facilities) A public institution of higher learning, including a technical college, may not use any funds appropriated or authorized pursuant to this act to require that its students have received the COVID-19 vaccination in order to be present at the institution's facilities without being required to wear a

SECTION 117 - X900 - GENERAL PROVISIONS

facemask. This prohibition extends to the announcement or enforcement of any such policy.

117.191. (GP: Actions on Election Law) (A) The President of the Senate, on behalf of the Senate, and the Speaker of the House of 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 that challenges the validity of an election law, an election policy, or the manner in which an election is conducted.

(B) In a federal court action that challenges the validity of an election law, an election policy, or the manner in which an election is conducted, the President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives, have standing to intervene as a party on behalf of their respective bodies, to file an amicus brief, or to provide evidence or argument, written or oral, in accordance with the federal rules of procedure, irrespective of whether any other officer of the State has appeared in the action.

(C) A federal court presiding over an action that challenges the validity of an election law, an election policy, or the manner in which an election is conducted is requested to allow the President, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives, to intervene in any such action as a party.

(D) The State Election Commission and the Attorney General must notify the President of the Senate and the Speaker of the House of Representatives within twenty-four hours of the receipt of service of a complaint that challenges the validity of an election law, an election policy, or the manner in which an election is conducted.

(E) In any action in which the Senate or the House of Representatives intervenes or participates pursuant to this proviso, the Senate and the House of Representatives must function independently from each other in the representation of their respective bodies, unless otherwise agreed to by the President of the Senate and the Speaker of the House of Representatives.

(F) The Senate and House of Representatives may expend funds appropriated in this act to exercise the unconditional right set forth in subsection (A) and to sustain any other action set forth in this proviso. No county election commission may accept or expend any funds other than public funds to prepare for or to conduct elections.

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, 2022. 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, 2022. 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 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.

SECTION 118 - X910 - STATEWIDE REVENUE

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.

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

SECTION 118 - X910 - STATEWIDE REVENUE

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 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

SECTION 118 - X910 - STATEWIDE REVENUE

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) 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, 2021, 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 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),

SECTION 118 - X910 - STATEWIDE REVENUE

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 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

SECTION 118 - X910 - STATEWIDE REVENUE

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. (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 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.

118.14. DELETED

118.15. (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;

(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

SECTION 118 - X910 - STATEWIDE REVENUE

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 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

SECTION 118 - X910 - STATEWIDE REVENUE

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 diaries, appraisals, ledgers of income, income statements of deposit slips, cash register tape, invoices for custom harvesting, u-pick records, and insurance documents.

SECTION 118 - X910 - STATEWIDE REVENUE

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 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:

SECTION 118 - X910 - STATEWIDE REVENUE

(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.

118.16. DELETED

118.17. DELETED

118.18. (SR: Nonrecurring Revenue) (A) The source of revenue appropriated in subsection (B) is nonrecurring revenue generated from the following sources:

(1) \$60,298,684 from Fiscal Year 2018-19 Contingency Reserve Fund;

(2) \$396,459,950 from Fiscal Year 2019-20 Undesignated/Unreserved Funds;

(3) \$125,239,577 from Fiscal Year 2020-21 Debt Service Lapse;

(4) \$646,713,463 from projected Fiscal Year 2020-21 unobligated general fund revenue as certified by the Board of Economic Advisors;

(5) \$65,000,000 from CARES Act Reimbursements;

(6) \$20,480,045 from Litigation Recovery Account; and

(7) \$112,895,790 from Estimated Excess Debt Service above Projected Expenditures.

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 2020-21 and shall be available for use in Fiscal Year 2021-22, except as provided for in item (52)(g).

SECTION 118 - X910 - STATEWIDE REVENUE

This revenue is deemed to have occurred and is available for use in Fiscal Year 2021-22 after September 1, 2021, following the Comptroller General's close of the state's books on Fiscal Year 2020-21, except as provided for in item(52)(g).

(B) The appropriations in this provision are listed in priority order. Item (1) must be funded first and each remaining item must be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially funded in the order in which it appears to the extent that revenues are available.

The State Treasurer shall disburse the following appropriations by September 30, 2021, for the purposes stated:

- | | | |
|--|----------------|--|
| (1) F310 - General Reserve Fund | | |
| General Reserve Fund Contribution | \$ 18,723,614; | |
| (2) Y140 - State Ports Authority | | |
| Intermodal Container Transfer | | |
| Facility and Waterborne | | |
| Cargo Infrastructure | \$200,000,000; | |
| (3) H630 - Department of Education | | |
| Capital Funding for | | |
| Disadvantaged Schools | \$100,000,000; | |
| (4) H640 - Governor's School for the | | |
| Arts and Humanities | | |
| (a) Chiller and Boiler Replacement | \$ 415,000; | |
| (b) HVAC Split System Replacement | \$ 150,000; | |
| (c) IT Server Replacement | \$ 90,000; | |
| (d) GSAH Drama Theatre Lighting | \$ 66,300; | |
| (e) GSAH Dance Studio Floor Upgrade | \$ 86,000; | |
| (5) H670 - Education Television Commission | | |
| Datacasting Initiative | \$ 1,320,232; | |
| (6) H710 - Wil Lou Gray Opportunity School | | |
| (a) Security Cameras and Keyless Entry | \$ 200,000; | |
| (b) Classroom Security Improvements | | |
| and Flooring | \$ 300,000; | |
| (7) H950 - State Museum Commission | | |
| (a) Permanent Gallery Renovation | | |
| Phase II | \$ 3,750,000; | |
| (b) Planetarium Technology Upgrade | \$ 350,000; | |
| (c) Museum Website | \$ 150,000; | |
| (d) Wi-Fi Expansion | \$ 70,000; | |
| (e) Security Camera System | \$ 70,000; | |

SECTION 118 - X910 - STATEWIDE REVENUE

(f) Firewall Replacement	\$ 35,000;
(8) H960 - Confederate Relic Room and Military Museum Commission High Density Mobile Storage Unit	\$ 180,000;
(9) L120 - Governor's School for Agriculture at John De La Howe De la Howe Hall Renovation	\$ 6,600,000;
(10) H090 - The Citadel (a) Maintenance, Renovation, and Replacement	\$ 2,860,201;
(b) Stevens Barracks Update and Replacement	\$ 3,500,000;
(11) H120 - Clemson University Maintenance, Renovation, and Replacement	\$ 22,630,332;
(12) H150 - University of Charleston Maintenance, Renovation, and Replacement	\$ 10,729,884;
(13) H170 - Coastal Carolina University Maintenance, Renovation, and Replacement	\$ 7,899,283;
(14) H180 - Francis Marion University (a) Maintenance, Renovation, and Replacement	\$ 4,958,113;
(b) School of Education/School of Business Building	\$ 17,000,000;
(c) Site Development - Medical Education Collaborative with MUSC and USC	\$ 21,000,000;
(15) H210 - Lander University (a) Maintenance, Renovation, and Replacement	\$ 5,214,471;
(b) Nursing Building	\$ 5,000,000;
(16) H240 - South Carolina State University Maintenance, Renovation, and Replacement	\$ 3,001,862;
(17) H270 - University of South Carolina - Columbia (a) School of Medicine Relocation	\$ 10,000,000;

SECTION 118 - X910 - STATEWIDE REVENUE

(b) Maintenance, Renovation, and Replacement	\$ 19,000,000;
(c) Horry-Guignard House Renovation	\$ 1,350,000;
(18) H290 - University of South Carolina - Aiken Maintenance, Renovation, and Replacement	\$ 9,761,866;
(19) H340 - University of South Carolina - Upstate Maintenance, Renovation, and Replacement	\$ 8,740,816;
(20) H360 - University of South Carolina - Beaufort Maintenance, Renovation, and Replacement	\$ 2,848,396;
(21) H370 - University of South Carolina - Lancaster Maintenance, Renovation, and Replacement	\$ 2,998,490;
(22) H380 - University of South Carolina - Salkehatchie Maintenance, Renovation, and Replacement	\$ 1,344,092;
(23) H390 - University of South Carolina - Sumter Maintenance, Renovation, and Replacement	\$ 7,750,000;
(24) H400 - University of South Carolina - Union Maintenance, Renovation, and Replacement	\$ 1,678,007;
(25) H470 - Winthrop University Maintenance, Renovation, and Replacement	\$ 9,188,419;
(26) H510 - Medical University of South Carolina (a) Maintenance, Renovation, and Replacement	\$ 20,000,000;

SECTION 118 - X910 - STATEWIDE REVENUE

(b) Hospital Authority - SC Children's Hospitals Infrastructure	\$ 10,000,000;
(27) H590 - State Board for Technical and Comprehensive Education	
(a) Aiken Technical College Maintenance, Renovation, and Replacement	\$ 3,256,722;
(b) Central Carolina Technical College Maintenance, Renovation, and Replacement	\$ 10,000,000;
(c) Central Carolina Technical College Academic and Student Services Building	\$ 13,000,000;
(d) Denmark Technical College Maintenance, Renovation, and Replacement	\$ 3,000,000;
(e) Florence-Darlington Technical College Maintenance, Renovation, and Replacement	\$ 10,997,734;
(f) Greenville Technical College Maintenance, Renovation, and Replacement	\$ 14,795,060;
(g) Horry-Georgetown Technical College Maintenance, Renovation, and Replacement	\$ 9,195,619;
(h) Horry-Georgetown Technical College Diesel Training Lab	\$ 500,000;
(i) Midlands Technical College Maintenance, Renovation, and Replacement	\$ 12,431,545;
(j) Midlands Technical College Dual Credit and Quickjobs	\$ 3,500,000;
(k) Northeastern Technical College Maintenance, Renovation, and Replacement	\$ 3,000,000;
(l) Orangeburg-Calhoun Technical College Maintenance, Renovation, and Replacement	\$ 3,562,258;

SECTION 118 - X910 - STATEWIDE REVENUE

(m)	Orangeburg-Calhoun Technical College Machine Tool Technology Classroom Update	\$ 2,000,000;
(n)	Piedmont Technical College Maintenance, Renovation, and Replacement	\$ 6,893,159;
(o)	Spartanburg Community College Maintenance, Renovation, and Replacement	\$ 6,073,662;
(p)	Spartanburg Community College Union County Campus Building Expansion	\$ 4,800,000;
(q)	Technical College of the Lowcountry Maintenance, Renovation, and Replacement	\$ 3,375,022;
(r)	Technical College of the Lowcountry Culinary Center	\$ 3,500,000;
(s)	Tri-County Technical College Maintenance, Renovation, and Replacement	\$ 8,073,560;
(t)	Tri-County Technical College Oconee Hall Renovations	\$ 5,000,000;
(u)	Trident Technical College Maintenance, Renovation, and Replacement	\$ 16,306,515;
(v)	Trident Technical College Lowcountry Transportation and Logistics Center	\$ 5,000,000;
(w)	Williamsburg Technical College Maintenance, Renovation, and Replacement	\$ 3,000,000;
(x)	York Technical College Maintenance, Renovation, and Replacement	\$ 6,168,637;
(y)	York Technical College Student Center	\$ 5,860,049;
(28)	J020 - Department of Health and Human Services Medicaid Management Information System	\$ 16,678,434;

SECTION 118 - X910 - STATEWIDE REVENUE

- (29) J040 - Department of Health and Environmental Control
- (a) Nursing Program Expansion \$ 1,000,000;
 - (b) Newborn Screening - Act 55 of 2019 and Spinal Muscular Atrophy \$ 101,128;
- (30) J120 - Department of Mental Health
- (a) State Veterans Nursing Homes Match \$ 49,788,352;
 - (b) Ligature Resistant Fixture Replacement \$ 2,310,000;
 - (c) Inpatient Services \$ 2,000,000;
 - (d) Alternative Transportation Program \$ 1,000,000;
 - (e) Detention Center Telepsychiatry Team \$ 843,000;
 - (f) Detention Center Medication Fund \$ 1,000,000;
 - (g) Crisis Stabilization Unit Pilot - Midlands \$ 1,200,000;
 - (h) Mental Illness Recovery Center Inc. (MIRCI) \$ 250,000;
 - (i) Coastal Empire Mental Health Center HVAC, Sprinklers, Fire Alarm, and Roof \$ 1,600,000;
 - (j) Crafts Farrow Electrical Distribution System Renovation \$ 1,200,000;
 - (k) Waccamaw Center HVAC, Sprinklers, Fire Alarm, and Roof \$ 1,600,000;
- (31) J160 - Department of Disabilities and Special Needs
- (a) South Carolina Genomic Medicine Initiative at Greenwood Genetic Center \$ 2,000,000;
 - (b) Coastal Regional Center Electrical Grid \$ 1,500,000;
 - (c) Community Housing Pilot Program for Aging Consumers \$ 750,000;

SECTION 118 - X910 - STATEWIDE REVENUE

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|------|---|----------------|
| (32) | J200 - Department of Alcohol and
Other Drug Abuse Services
Local Center Staff Retention
and Operations | \$ 2,500,000; |
| (33) | L040 - Department of Social Services | |
| | (a) Title IV-E Revenue Replacement | \$ 9,000,000; |
| | (b) SCCADVASA | \$ 500,000; |
| | (c) Infrastructure Integrity | \$ 11,713,430; |
| | (d) Children's Law Center | \$ 1,500,000; |
| (34) | L080 - Department of Children's Advocacy
Network of Children's
Advocacy Centers | \$ 170,000; |
| (35) | H790 - Department of Archives and History | |
| | (a) Sestercentennial Commission | \$ 1,460,000; |
| | (b) African American History
Commission Green Book | \$ 100,000; |
| | (c) Digital Lab and Office Space | \$ 500,000; |
| (36) | H910 - Arts Commission
Grant Funds for Arts
Organizations/Emergency
Relief | \$ 2,000,000; |
| (37) | P120 - Forestry Commission
Firefighting Equipment | \$ 1,000,000; |
| (38) | P160 - Department of Agriculture | |
| | (a) Hemp Testing Laboratory
Equipment | \$ 425,000; |
| | (b) Backup Generator | \$ 300,000; |
| (39) | P200 - Clemson University - PSA | |
| | (a) Sandhill Recreation Research
& Extension Building
Repair | \$ 990,000; |
| | (b) Pee Dee Research & Education
Center Greenhouse
Construction | \$ 2,000,000; |
| (40) | P210 - South Carolina State University -
PSA | |
| | (a) Small Business Recovery
Assistance and Training | \$ 350,000; |

SECTION 118 - X910 - STATEWIDE REVENUE

(b)	Impact of COVID-19 on Small Farm Sustainability and Capacity	\$ 250,000;
(c)	Immunity Boost: Nutrition Education and Awareness During COVID	\$ 300,000;
(41)	P280 - Department of Parks, Recreation and Tourism	
(a)	Destination Specific	\$ 15,000,000;
(b)	Tourism Advertising	\$ 5,000,000;
(c)	South Carolina Association of Tourism Regions	\$ 600,000;
(d)	Venues at Arsenal Hill	\$ 8,350,000;
(e)	Hunting Island Lighthouse Repairs	\$ 3,000,000;
(f)	Fair Play Welcome Center Rebuild and Beautification	\$ 4,000,000;
(g)	Welcome Center Rebuild (N. Augusta, Little River, Landrum, and Blacksburg)	\$ 21,500,000;
(h)	South Carolina Film Commission	\$ 15,000,000;
(i)	Advertising and Operations	\$ 1,340,000;
(42)	P320 - Department of Commerce	
(a)	Deal Closing Fund	\$ 3,700,000;
(b)	Locate SC	\$ 4,000,000;
(c)	PGA Championship 2021	\$ 360,000;
(d)	Gallo Economic Development Project	\$ 8,300,000;
(43)	P450 - Rural Infrastructure	
(a)	Water and Sewer Regionalization Fund	\$ 3,500,000;
(b)	Rural Infrastructure Fund	\$ 2,129,944;
(44)	D100 - State Law Enforcement Division	
(a)	State Investigation Reimbursement	\$ 549,676;
(b)	Agency Personnel Equipment - Forensics	\$ 713,000;
(c)	Forensic Equipment	\$ 952,000;
(44.1)	From the funds appropriated to the State Law Enforcement Division in Item (44)(a) for State Investigation	

SECTION 118 - X910 - STATEWIDE REVENUE

Reimbursement, the division shall retain \$72,052 and shall transfer \$144,777 to the Department of Transportation, \$102,087 to the Forestry Commission, \$30,000 to the Department of Health and Environmental Control, and \$200,760 to the State Fire Division at the Department of Labor, Licensing and Regulation.

- (45) E210 - Prosecution Coordination
 - Commission Docket
 - Backlog Intake Program \$ 2,160,000;
- (46) E230 - Commission on Indigent Defense
 - Docket Backlog Contract Counsel \$ 4,800,000;
- (47) K050 - Department of Public Safety
 - (a) Agency Vehicle Rotation \$ 800,000;
 - (b) Communication Equipment Replacement \$ 600,000;
 - (c) Insurance Reserve Fund Premium Increase \$ 1,246,457;
 - (d) Body Cameras - Statewide Program \$ 1,000,000;
- (48) N040 - Department of Corrections
 - (a) Contract Nursing \$ 4,550,984;
 - (b) Critical Medical and Hepatitis C Treatment, Supplies and Equipment \$ 4,000,000;
 - (c) Critical Long-term Re-entry Programming Equipment \$ 500,000;
 - (d) Preventive Health Screening \$ 1,500,000;
 - (e) Insurance Reserve Fund Premium Increase \$ 5,984,009;
- (49) N080 - Department of Probation, Parole and Pardon Services
 - (a) Agency Fleet Replacement \$ 625,672;
 - (b) Insurance Reserve Fund Premium Increase \$ 562,692;
- (50) N120 - Department of Juvenile Justice
 - (a) Marine and Wilderness Program \$ 1,500,000;
 - (b) Security Fencing for Maple, Cypress, & Poplar \$ 619,000;
 - (c) HVAC Replacement \$ 2,000,000;
 - (d) Fire Alarm Upgrade Birchwood Campus \$ 1,500,000;

SECTION 118 - X910 - STATEWIDE REVENUE

(e) Insurance Reserve Fund		
Premium Increase	\$	520,000;
(51) N200 - Law Enforcement Training		
Council Criminal Justice		
Academy		
(a) HVAC Replacement Buildings		
10 & 11	\$	383,135;
(b) Target System Upgrades	\$	302,500;
(c) FATS Training Building and		
Building 4	\$	1,682,000;
(d) Paving Project	\$	632,500;
(e) Emergency Generator for		
Academy Main Building	\$	2,750,000;
(52) P240 - Department of Natural Resources		
(a) Marine Resources Research		
Lab Shoreline Stabilization	\$	585,500;
(b) State Water Plan Pee Dee and		
Broad River Basins	\$	2,995,000;
(c) Waterfowl Areas Category 1	\$	1,500,000;
(d) Ocean Research Vessel		
Replacement	\$	1,207,000;
(e) Agency Vehicle Rotation	\$	750,000;
(f) Waddell Fish Hatchery		
Deferred Maintenance/		
Upgrades	\$	3,500,000;
(g) Ft. Johnson Property Acquisition	\$	23,250,000;
(52.1) The funds appropriated to the Department of Natural		
Resources for Ft. Johnson Property Acquisition in item (52)(g), shall be		
distributed from the Contingency Reserve Fund by July 5, 2021. This		
item and all associated transactions are deemed approved and authorized		
by the General Assembly.		
(53) P400 - Conservation Bank		
Conservation Grants	\$	9,000,000;
(54) R520 - State Ethics Commission		
Non-Compliance Personnel Equipment	\$	12,000;
(55) R060 - Office of Regulatory Staff		
(a) Statewide Broadband Expansion	\$	10,000,000;
(b) Statewide Broadband Office	\$	11,870;
(c) Power Grid Study	\$	500,000;

SECTION 118 - X910 - STATEWIDE REVENUE

(d) Electricity Market Reform Study Committee (Act 187 of 2020)	\$ 750,000;
(56) R360 - Department of Labor, Licensing and Regulation Urban Search & Rescue Task Force and Helicopter Aquatic Rescue Team	\$ 850,000;
(57) R400 - Department of Motor Vehicles Mail Tracking System	\$ 457,500;
(58) R600 - Department of Employment and Workforce Be Pro Be Proud	\$ 642,500;
(59) U120 - Department of Transportation Litter Pickup	\$ 8,000,000;
(60) U300 - Division of Aeronautics (a) Main Hangar Window Replacement	\$ 350,000;
(b) Exterior Roof and Coating	\$ 400,000;
(61) B040 - Judicial Department (a) Virtual Courtroom Expansion	\$ 7,600,000;
(b) Case Management System Modernization	\$ 10,000,000;
(c) Digital Court Reporter Project	\$ 1,425,000;
(62) C050 - Administrative Law Court (a) E-Filing Module	\$ 175,000;
(b) Public Area Renovations	\$ 38,390;
(63) A010 - The Senate (a) Operating Costs/Reapportionment	\$ 4,000,000;
(b) Security	\$ 250,000;
(64) A050 - House of Representatives (a) Security	\$ 250,000;
(b) Reapportionment	\$ 2,000,000;
(65) A170 - Legislative Services Agency Legislative Systems and Security Upgrade	\$ 5,000,000;
(66) D300 - Office of Resilience (a) Resiliency Reserve Fund - Act 163 of 2020	\$ 44,000,000;
(b) Resiliency Revolving Loan Fund - Act 163 of 2020	\$ 6,000,000;

SECTION 118 - X910 - STATEWIDE REVENUE

(c)	IT Equipment and Furniture	\$ 80,000;
(67)	D500 - Department of Administration	
(a)	Division of State Human Resources	
	Class & Compensation Reform	\$ 500,000;
(b)	Facilities Management	
	Permanent Improvements	\$ 6,198,000;
(c)	Executive Institute	\$ 200,000;
(68)	E160 - Office of State Treasurer	
	Tuition Prepayment Plan	\$ 31,900,000;
(69)	E240 - Office of Adjutant General	
(a)	Aiken Readiness Center	\$ 5,200,000;
(b)	Armory Revitalization	\$ 2,500,000;
(c)	Olympia Armory Repairs and Renovations	\$ 1,200,000;
(d)	SCEMD Phased Replacement of HVAC Units (Phase 1 of 3)	\$ 162,950;
(e)	SC Military Museum Public Outreach for SC National Guard History	\$ 500,000;
(f)	Kershaw County Armory Relocation of Maintenance Yard	\$ 300,000;
(g)	Non-Federal Share Declared Natural Disasters	\$ 12,651,884;
(h)	FEMA Match - Declared Tornado Disasters	\$ 5,382,759;
(70)	E260 - Department of Veterans' Affairs	
(a)	Office of Secretary	\$ 452,500;
(b)	Public Information	\$ 13,800;
(c)	State Coalition Integration	\$ 38,500;
(d)	SC Base Protection Fund	\$ 8,000,000;
(e)	Administrative Services Division	\$ 15,000;
(71)	E280 - Election Commission	
	State Matching Funds for 2020 HAVA Grant	\$ 1,353,494;

**** (72) \$800,000 shall be appropriated for Educational Purposes as follows: H630 - Department of Education: Trinity**

** See note at end of Act.

SECTION 118 - X910 - STATEWIDE REVENUE

Technology Center \$100,000; Briggs-De Laine-Pearson Foundation \$250,000; SC Retired Educators Academic Tutorial Services \$200,000; and Roper Mountain Science Center \$250,000;

*** (73) \$19,070,851 shall be appropriated for Economic Development purposes as follows: P320 - Department of Commerce: SC Minority Business Center \$300,000; Pinewood Depot \$350,000; Unemployment Job Training \$500,000; North Maple Street/Kapstone/Global Trade Center Improvements \$2,820,851; SC Technology and Aviation Center Infrastructure Upgrades \$9,000,000; Graduation Alliance \$500,000; Palmetto Goodwill \$500,000; SC Association for Community Economic Development \$2,000,000; and Southern Carolina Regional Development Alliance Building Renovation \$100,000; and Y140 - State Ports Authority: Georgetown Port \$1,000,000; and Permitting Activities Related to Jasper Ocean Terminal Port \$2,000,000;*

*** (74) \$18,963,263 shall be appropriated for Healthcare purposes as follows: J200 - Department of Alcohol and Other Drug Abuse Services: Aiken Center Renovation \$380,000; Trinity Behavioral Health Care Building Replacement \$500,000; Palmetto Foundation for Prevention and Recovery \$50,000; Rubicon Drug and Alcohol Center - Hartsville \$75,000; Chesterfield Alpha Center Renovation \$250,000; and Westview Behavioral Health Services Renovation and Increased Security \$31,000; J160 - Department of Disabilities and Special Needs: Union County Greenhouse Repair \$15,000; J040 - Department of Health and Environmental Control: Socastee Flooding Prevention \$1,000,000; Lake Caldwell Dam Remediation \$750,000; Stormwater Facilities Improvement City of Rock Hill \$1,000,000; EMS Association Recruitment and Retention \$350,000; Colon Cancer Prevention Network \$250,000; Darlington Lift Stations/Sewer Project \$300,000; and James R. Clark Memorial Sickle Cell Foundation \$300,000; L040 - Department of Social Services: Orangeburg County Domestic Violence Shelter \$1,500,000; Family Justice Center - Horry County Program \$1,500,000; Epworth Children's Home \$350,000; Florence Crittenton \$100,000; Sexual Assault Victim Sensitivity Training \$1,000,000; SAFE for Families SC \$25,000; Dickerson Children's Advocacy Center \$250,000; and Women in Unity \$200,000; and J020 - Department of Health and Human Services: The Men's Center of the PeeDee \$175,000; Camp Cole \$250,000; A Child's Haven \$500,000; Children's Place \$500,000; Nicholstown Child and Family Collaborative \$25,000; MedEx*

SECTION 118 - X910 - STATEWIDE REVENUE

Academy \$75,000; The Therapy Place \$150,000; Samaritan House Homeless Shelter \$50,000; Beaufort Jasper Hampton Comprehensive Health Services \$375,000; Antioch Senior Center \$300,000; CR Neal Center \$200,000; Community Medicine Foundation \$250,000; The Medi CRC \$50,000; Resurrection Homeless Shelter \$100,000; Phillis Wheatley Center \$25,000; Lisa School House Rocks \$50,000; Emma Wright Fuller Foundation \$50,000; Center for Educational Equity \$25,000; Outstanding Youth Awards \$25,000; Pleasant Valley Connection \$25,000; Community Wellness Group \$100,000; St. John Community Holistic Wellness Center \$100,000; SC Cervical Cancer Awareness Initiative \$161,000; Medical Ministries Inc. \$8,000; Camp Happy Days \$237,500; Community Health Worker Pilot Program \$1,900,000; New Morning Foundation \$750,000; Nurse Family Partnership \$250,000; Brain Injury Association \$100,000; Shoreline Behavioral Health Services Facility Expansion \$1,000,000; Vital Aging of Williamsburg \$300,000; South Carolina HIV Council "The Wright Wellness Center" \$300,000; M.A.D. USA (Men Against Domestic Violence) \$330,763; and Sea Haven for Youth Health Care for Homeless Youth \$50,000;

*** (75) \$6,548,300 shall be appropriated for Law Enforcement purposes as follow: K050 - Department of Public Safety: Lancaster Sheriff's Office Armored Vehicle \$340,000; Sumter County Sheriff's Office \$500,000; Sumter Police Department \$750,000; Dillon County Sheriff's Office Officer Equipment \$398,000; Beaufort Crime Lab \$500,000; Fairfax Law Enforcement Building Renovation \$350,000; Laurens County Sheriff's Office Operations and Training Building \$250,000; Florence County Sheriff's Office Equipment/Renovations \$153,500; Newberry County Sheriff's Department Emergency Call Equipment \$225,000; Greenwood Sheriff's Department Police Cars \$300,000; Allendale County Sheriff's Office New Building \$176,800; and Body Cameras - Florence County Sheriff's Office Program Implementation \$1,000,000; N080 - Department of Probation, Parole and Pardon Services: Laurens County Office Facility Renovations \$238,000; Turning Leaf Expansion Campaign \$667,000; Paths to Wholeness, Inc. - Pilot Re-entry Program \$100,000; and Rock of Ages (Fresh Start Transition Program) \$250,000; and N120 - Department of Juvenile Justice: PACE Center for Girls \$350,000;*

** See note at end of Act.

SECTION 118 - X910 - STATEWIDE REVENUE

**** (76) \$12,920,000 shall be appropriated for Local Government purposes as follow: E240 - Office of Adjutant General: Swift Water Rescue Team \$50,000; Undeclared Tornado Disaster Reimbursement - Seneca \$2,500,000; Newberry County Emergency Management \$50,000; and Information Technology for JAG Branch of State National Guard \$200,000; L060 - Department on Aging: Orangeburg Senior Community Center \$50,000; and Fairfax Senior Citizen's Building \$300,000; D500 - Department of Administration: Tri-City Visionaries Weatherization and Energy Related Home Repairs \$200,000; U120 - Department of Transportation: Historic T-Bridge Repairs - City of Gaffney \$500,000; Forest Lake Place Bridge \$500,000; Five Points Road Funding \$850,000; Interchange Justification Report Rebuilding Exit on I-85 \$1,000,000; City of Forest Acres Bridge Replacement \$500,000; and Palmetto Trail Highway 301 Pedestrian Bridge \$1,600,000; and X220 - Aid to Subdivisions - State Treasurer: Latta Revitalization Commission \$75,000; AmeriCorps SC \$200,000; Goose Creek Amphitheater Construction \$1,500,000; Cyber Security/Base Camp Equipment and Staff Training \$450,000; Mayson Crossroad Community Center Upgrades \$25,000; Dacusville Heritage Pavilion \$25,000; Town of Liberty \$40,000; City of Pickens \$55,000; Trinity Education Community and Conference Center \$200,000; Diane's Call \$100,000; Pineville Antioch Multi-purpose Building \$240,000; Upstate Family Resource Center \$350,000; Town of Jenkinsville Town Hall Resource Center \$50,000; St. Lawrence Community Center Upgrades \$250,000; Green Pond Resource Center Equipment Purchase \$25,000; Sheldon Township Project \$25,000; Dorchester Paws Facility Upgrades \$350,000; Town of Brunson \$50,000; Town of Gifford \$40,000; Town of Furman \$40,000; Mill Town Theater \$220,000; Town of Pendleton \$250,000; and Salem Community Center Renovations \$60,000;**

**** (77) \$94,243,600 shall be appropriated for Sports, Recreation, Tourism, and Agriculture purposes as follows: H790 - Department of Archives and History: Pickens County Historical Updates \$25,000; Hagood Mill \$100,000; Dorchester Heritage Center \$480,000; Drayton Hall Preservation Trust \$250,000; Lincoln Preservation \$450,000; City of Abbeville - Barksdale McGowan House Climate Control Repairs \$150,000; Revolutionary War Sites \$400,000; Town of Iva - Repair of Historical Building \$50,000; Flagship of Luca**

** See note at end of Act.

** See note at end of Act.

SECTION 118 - X910 - STATEWIDE REVENUE

Vasquez de Ayllon Shipwreck Survey \$250,000; Georgetown County Historical Society - Plantersville Cultural Center Eco-tourism Initiative \$53,500; and Marion County Library - Carnegie Library Renovation and Expansion \$250,000; H910 - Arts Commission: Greenville Cultural and Arts Center \$19,000,000; Gibbes Art Museum \$500,000; Sumter Opera House \$15,000,000; Spartanburg County Foundation Cultural Movement \$340,000; Chapman Cultural Center's Mayfair Mills Art Studios \$225,000; Charleston Food and Wine Festival \$200,000; Spoleto Festival \$500,000; South Sumter Art Park Project \$550,000; SC Artisans Center \$200,000; The Renaissance Foundation \$400,000; and Hartsville Center Theatre \$500,000; J160 - Department of Disabilities and Special Needs: Special Olympics South Carolina \$250,000; J040 - Department of Health and Environmental Control: City of Myrtle Beach Ocean Outfall \$500,000; and City of North Myrtle Beach Ocean Outfall \$500,000; P240 - Department of Natural Resources: Port Royal Multi-use Building Upgrades and Shrimp Dock Repairs \$500,000; Feral Swine Eradication \$500,000; Greenwood County Boat Ramp \$300,000; Steel Creek Boat Landing Repair \$200,000; and Port Royal Shrimp Dock \$400,000; P280 - Department of Parks, Recreation and Tourism: Myrtle Beach Safety Barriers \$250,000; Lexington County Convention Center \$1,000,000; Friends of the Green Crescent Trail \$200,000; Aiken County Railroad Museum \$205,000; Dolly Cooper Park Improvement \$350,000; Lee State Park Equestrian Center \$100,000; Dreher Island State Park Upgrades \$150,000; Kings Mountain State Park Upgrades \$600,000; Surfside Pier \$500,000; Doko Meadows Park Security Improvements \$250,000; Marlboro Civic Center \$500,000; Eagles Fields Baseball League \$50,000; Murrells Inlet Dredging \$2,000,000; Downtown Spartanburg Infrastructure \$12,000,000; Alvin Community Center \$30,000; Stump Removal Lake Marion \$300,000; Florence County Civic Center \$1,000,000; Fairfield County Recreation Facilities \$150,000; Martin Luther King Park Upgrades \$25,000; Explore Black Charleston/Columbia \$50,000; Winding Woods Building Pad \$500,000; Pine Hill Building Pad \$500,000; Calhoun County Museum Preservation \$100,000; Town of Timmonsville Park \$100,000; Palmetto Trail Columbia/Elmwood Greenway \$500,000; Miracle Park \$500,000; Southeastern Wildlife Expo \$300,000; Charleston Visitor Center \$1,500,000; SC Aquarium \$2,000,000; Mother Emanuel Foundation Capital Infrastructure \$4,000,000; Lee County Tennis

SECTION 118 - X910 - STATEWIDE REVENUE

Center \$250,000; Palmetto Trail Phase 3 \$1,000,000; Lower Richland Diamond Fest \$30,000; African-American Tourism Institute \$50,000; Black Cowboy Festival \$50,000; Park Campground Comfort Station/Rest Station Renovations \$500,000; Colleton County Miracle League Field \$450,000; Town of Piedmont Replace Saluda River Foot Bridge \$250,000; South Sumter Park Improvements \$500,000; Columbia Convention Center Renovation \$9,000,000; ArtFields Collective \$500,000; Shot Pouch Greenway and Swan Lake Iris Gardens Improvements \$1,500,000; City of Conway Revitalization \$500,000; Morris Island Lighthouse \$350,000; Brookland Center Community Programs \$300,000; Cayce History Park \$1,000,000; Amazing Grace Park, The Clementa Pinckney Park \$500,000; Gordon Park/Dillon County Parks and Recreation \$300,000; Wateree River Veterans Park \$200,000; Town of Hodges Park Completion \$50,000; Greenwood County Parks and Tourism Grants \$75,000; and Calhoun Falls Marina \$1,000,000; E260 - Department of Veterans' Affairs: Shaw Welcome Center \$750,000; and Dolly Cooper Veterans Cemetery Hearse \$60,000; P160 - Department of Agriculture: Colleton County Food Assistance Program \$350,000; Berkeley County Agricultural Educational Exhibition Area \$950,000; and Town of Mayesville Grant Matching Funds \$45,100; and P360 - Patriots Point Development Authority: National Medal of Honor Museum \$1,000,000;

**(78) \$14 shall be appropriated for Miscellaneous purposes as follows: H630 - Department of Education: Reading Partners \$1; L120 - Governor's School for Agriculture at John De La Howe: Agriculture Shop Facility \$1; Greenhouse Facility \$1; Residential Hall Renovation \$1; and L.S. Brice School Renovation \$1; J120 - Department of Mental Health: Harris Hospital Renovation \$1; P200 - Clemson University - PSA: Pee Dee Research & Extension Building Repairs \$1; P280 - Department of Parks, Recreation and Tourism: Anderson Civic Center Renovations \$1; P320 - Department of Commerce: SC TAC \$1; N120 - Department of Juvenile Justice: Security Upgrades Phase 1 of 2 \$1; and Midlands Evaluation Center Booking and Intake Area \$1; R040 - Public Service Commission: Outside Expert Consultants for SC Energy Act \$1; U200 - County Transportation Funds: Pickens County Transportation Commission - Reduce Easley Traffic Congestion \$1; E160 - Office of State*

* See note at end of Act.

SECTION 118 - X910 - STATEWIDE REVENUE

Treasurer: Mid-Year Reduction Fund \$1; and U120 - Department of Transportation: Infrastructure Maintenance Trust Fund \$1;

- (79) U120 - Department of Transportation
 - Rest Areas Renovation \$ 40,000,000;
- (80) U200 - County Transportation Funds
 - County Transportation Committees \$ 50,000,000.

(C) Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

118.19. (SR: Expenditure of Federal Funds) Any funds received from the Federal Government that are not allocated directly to a state agency must be expended through the legislative budgeting process.

118.20. (SR: State Ports Authority Projects) Any funds appropriated or authorized for the State Ports Authority by Proviso 118.18 (Nonrecurring Revenue) for the intermodal container transfer facility and waterborne cargo infrastructure must be deposited into a separate and distinct account and shall only be used for costs directly related to those two projects. Funds shall not be used for salaries, bonuses, or any kind of normal administrative costs. Funds shall not be used for personnel expenses not directly related to the implementation of the two projects. In addition, the State Ports Authority shall provide quarterly progress reports on the implementation of each facility to the Joint Bond Review Committee, 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. These quarterly reports shall include, but are not limited to, financial results, operating plans, budgets, capital plans, and performance objectives and results for the projects. The Joint Bond Review Committee must review and provide comment on expenditures, and may prescribe the reporting format and such other informational requirements and reports as it deems useful and necessary, to ensure the financial integrity, accountability, and stewardship of the funds and the ongoing operations of the project. To the extent permitted by federal law, if federal funds become available to the State that can be used for the Intermodal Container Transfer Facility or for Waterborne Cargo Infrastructure, those federal funds must first be used to complete the project. Any remaining state funds appropriated for these projects shall be transferred to a restricted account at the Department of Administration.

SECTION 118 - X910 - STATEWIDE REVENUE

118.21. (SR: Tax Credits) For the income tax year that begins in the current fiscal year, rehabilitation expenses made at a property that is located within half a mile of a public university with an enrollment of at least 30,000 students in a business district that has a commercial vacancy rate of at least ten percent qualify for the tax credit provided under the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67, if the building has been unoccupied for at least one year at the time of the filing of notice of intent to rehabilitate for the tax credit, and the estimated rehabilitation expenses are in excess of \$25,000,000 with respect to the entire abandoned building, without regard to any subdivision of the abandoned building into separate units or parcels. To qualify under this provision, a notice of intent to rehabilitate for the abandoned building site shall be filed during the current fiscal year, and the municipality or county in which the building site is located shall certify the building site pursuant to Section 12-67-160(A) of the 1976 Code making appropriate adjustments to such certification to be consistent with this provision. Qualifying rehabilitation expenses incurred with respect to such a property shall be eligible for the credit when placed in service; provided, however, that construction must begin on the property prior to the end of the current fiscal year. For purposes of this provision, construction shall be deemed to begin when the building permit is issued for the property. Except as provided herein, the Act shall remain unchanged.

END OF PART IB

All acts or parts of acts inconsistent with any of the provisions of Part IA or Part IB of this act are suspended for Fiscal Year 2021-22.

If any part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other parts, sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Except as otherwise specifically provided, this act takes effect July 1, 2021.

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Ratified the 21st day of June 2021.

PLEASE NOTE

Text printed in italic, boldface indicates sections vetoed by the Governor on June 25, 2021.

*Indicates those vetoes sustained by the General Assembly on June 29, 2021.

**Indicates those vetoes overridden by the General Assembly on June 29, 2021.

PART II
LOCAL AND TEMPORARY LAWS

No. 95

(R117, H4101)

**A JOINT RESOLUTION TO APPROPRIATE MONIES FROM
THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2020-2021,
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

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 2020-2021 the following amounts:

- (1) H060 - Higher Education Tuition Grants
Commission
Student Information System \$ 200,000
- (2) H090 - The Citadel
Capers Hall \$ 7,500,000
- (3) H120 - Clemson University
Maintenance, Renovation,
and Replacement \$ 25,000,000
- (4) H150 - University of Charleston
Maintenance, Renovation,
and Replacement \$ 6,000,000
- (5) H170 - Coastal Carolina University
Maintenance, Renovation,
and Replacement \$ 6,000,000
- (6) H180 - Francis Marion University
Maintenance, Renovation,
and Replacement \$ 4,000,000

- (7) H180 - Francis Marion University
School of Education/School
of Business Building \$ 6,000,000
- (8) H210 - Lander University
Maintenance, Renovation,
and Replacement \$ 6,000,000
- (9) H240 - South Carolina State University
Maintenance, Renovation,
and Replacement \$ 6,000,000
- (10) H270 - University of South Carolina
Columbia School of Medicine
Relocation \$ 25,000,000
- (11) H290 - USC - Aiken
Maintenance, Renovation,
and Replacement \$ 2,000,000
- (12) H340 - USC - Upstate
Maintenance, Renovation,
and Replacement \$ 2,000,000
- (13) H340 - USC - Upstate
USC Upstate Library \$ 8,000,000
- (14) H360 - USC - Beaufort
Maintenance, Renovation,
and Replacement \$ 6,000,000
- (15) H370 - USC - Lancaster
Maintenance, Renovation,
and Replacement \$ 3,500,000
- (16) H380 - USC - Salkehatchie
Maintenance, Renovation,
and Replacement \$ 2,000,000
- (17) H390 - USC - Sumter
Maintenance, Renovation,

	and Replacement	\$ 1,000,000
(18)	H390 - USC - Sumter Science Laboratory	\$ 3,500,000
(19)	H400 - USC - Union Maintenance, Renovation, and Replacement	\$ 2,000,000
(20)	H470 - Winthrop University Maintenance, Renovation, and Replacement	\$ 7,500,000
(21)	H470 - Winthrop University Dining Facility	\$ 2,500,000
(22)	H510 - Medical University of South Carolina Maintenance, Renovation, and Replacement	\$ 20,000,000
(23)	H510 - Medical University of South Carolina Statewide Teaching Partnership	\$ 6,500,000
(24)	H590 - State Board for Technical and Comprehensive Education Maintenance, Renovation, and Replacement	\$ 10,293,359
(25)	H590 - State Board for Technical and Comprehensive Education readySC	\$ 2,500,000
(26)	L240 - Commission for the Blind HVAC Replacement	\$ 5,101,685

Posting of appropriations

SECTION 2. 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 3. This joint resolution takes effect thirty days after the completion of the 2020-2021 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 21st day of June, 2021.

Approved the 25th day of June, 2021.

No. 96

(R1, H3481)

A JOINT RESOLUTION TO SUSPEND SECTION 1-11-705(I)(2) OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, FOR FISCAL YEAR 2020-2021 RELATING TO A TRANSFER OF FUNDS TO THE SOUTH CAROLINA RETIREE HEALTH INSURANCE TRUST FUND.

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

Suspension of transfer from Employee Insurance Program

SECTION 1. (A) The General Assembly hereby finds and declares that in light of the uncertainty regarding the expenses that may be incurred by the state's employee health insurance program as a result of the public health emergency associated with the 2019 Novel Coronavirus (COVID-19), the provisions of Section 1-11-705(I)(2) of the 1976 Code are suspended for Fiscal Year 2020-2021.

(B) Notwithstanding any other provision of law, during Fiscal Year 2020-2021, funds that would otherwise have been transferred to the South Carolina Retiree Health Insurance Trust Fund from the operating account for the state's employee health insurance program pursuant to Section 1-11-705(I)(2) may remain in the operating account for the state's employee health insurance program.

Time effective

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 27th day of January, 2021.

Approved the 29th day of January, 2021.

No. 97

(R24, S698)

A JOINT RESOLUTION TO AUTHORIZE THE USE OF CERTAIN FUNDS FROM THE WAREHOUSE RECEIPTS GUARANTY FUND TO PAY CERTAIN COTTON PRODUCER CLAIMS, TO PROVIDE THAT THE COTTON PRODUCER SHALL SUBROGATE HIS INTEREST IN A CAUSE OF ACTION, AND TO PROVIDE FOR THE RETURN OF CERTAIN FUNDS TO THE WAREHOUSE RECEIPTS GUARANTY FUND.

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

Warehouse receipts guaranty fund, cotton producer claims

SECTION 1. (A) For the purposes of this joint resolution:

(1) "Debtor" means the gin located in Clarendon County with a date of loss, as set by the department, of March 17, 2021.

(2) "Department" means the Department of Agriculture.

(3) "Loss" means any monetary loss of a debtor over and beyond the amount protected by the debtor's bond and over and beyond the amount, if any, previously received for the monetary loss from the South Carolina Grain Producers Guaranty Fund or the Warehouse Receipts Guaranty Fund as a result of doing business with the debtor.

(B) The funds in the Warehouse Receipts Guaranty Fund derived from all interest and investment revenue must be used to pay cotton producer claims for loss until the balance is depleted to three million dollars or all cotton producer loss claims are paid in full, whichever occurs first.

(C)(1) A cotton producer claim must be filed within ninety days of the effective date of this resolution. Failure to file a timely claim shall bar a cotton producer from recovering pursuant to this resolution.

(2) Cotton producer claims for loss must be paid in the order in which they are verified and approved by the department.

(3) If the interest and investment portion of the Warehouse Receipts Guaranty Fund is insufficient to cover all cotton producer claims, payments must be made on a pro rata basis up to one hundred percent of the total loss of each cotton producer claim.

(4) If a cotton producer receives payment for more than one hundred percent of a total loss at any time he shall return the excess to the Warehouse Receipts Guaranty Fund.

(D) The cotton producer shall subrogate any interest in a cause of action against all parties related to the claim to the department upon approval of a claim but before payment is made to the cotton producer. An independent law firm may be hired and paid by the Warehouse Receipts Guaranty Fund for the purpose of collecting losses by the department. Any income, interest, or funds otherwise derived from the department's action against parties relating to the claims must be reinvested into the Warehouse Receipts Guaranty Fund.

Time effective

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 15th day of April, 2021.

Approved the 16th day of April, 2021.

No. 98

(R78, S689)

A JOINT RESOLUTION TO EXTEND THE INCOME TAX FILING DUE DATE FOR INDIVIDUALS UNTIL THE SAME DATE AS FEDERAL RETURNS AND PAYMENTS FOR INDIVIDUALS ARE DUE.

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

Income tax filing extension

SECTION 1. Notwithstanding any other provision of law, for purposes of the South Carolina individual income tax, for tax year 2020, the due date for returns and payments is extended until the same date as federal returns and payments for individuals are due, as extended by the Internal Revenue Service. Also, the due dates for any other associated returns or filings are extended in accordance with policy set by the Internal Revenue Service.

Time effective

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 99

(R39, S147)

A JOINT RESOLUTION TO ENACT THE “SOUTH CAROLINA COVID-19 LIABILITY IMMUNITY ACT” SO AS TO PROVIDE LIABILITY PROTECTIONS FOR A LIMITED TIME PERIOD FOR HEALTH CARE PROVIDERS AND BUSINESSES THAT FOLLOW PUBLIC HEALTH GUIDANCE IN RESPONSE TO THE CORONAVIRUS PUBLIC HEALTH EMERGENCY; TO DEFINE NECESSARY TERMS; TO PROVIDE LIABILITY PROTECTION FOR CERTAIN COVERED ENTITIES AND COVERED INDIVIDUALS FOR CORONAVIRUS-RELATED CLAIMS; TO PROVIDE THAT DEFENSES ARE CUMULATIVE; AND TO PROVIDE A TIMEFRAME THAT THIS LIABILITY PROTECTION IS IN EFFECT.

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

Citation

SECTION 1. This joint resolution must be known and may be cited as the "South Carolina COVID-19 Liability Immunity Act".

General Assembly findings

SECTION 2. The General Assembly hereby finds and declares that providing businesses and health care providers with reasonable protections from the risk and expense of lawsuits related to actual, alleged, or feared exposure to or contraction of the coronavirus will help encourage them to reopen and remain open and will help to protect those who provided services or goods that were novel or altered in an effort to combat the coronavirus pandemic. Providing such immunity to businesses and health care providers that operate consistently with applicable public health guidance will help ameliorate the adverse impacts of a closed economy and the resulting unemployment.

Definitions

SECTION 3. The following terms shall have the following meanings unless otherwise specified:

(1) "Coronavirus claim" means any claim or cause of action arising from:

(a) an actual, alleged, or feared exposure to or contraction of coronavirus:

(i) from the premises of a covered entity;

(ii) from the operations, products, or services provided on-premises or off-premises for a covered entity; or

(iii) from the acts or omissions of a covered individual or covered entity, to include the delay or withholding of medical care for the treatment or diagnosis of the coronavirus;

(b)(i) the prescribing or dispensing of medicines for off-label use to attempt to combat the coronavirus;

(ii) the providing of health care services related to the coronavirus that are outside of a provider's professional scope of practice; or

(iii) the utilizing of equipment or supplies to combat or treat the coronavirus in a manner outside of the equipment's or supplies' normal use in medical practice or in the provision of health care services; or

(c) the manufacturing or donating of precautionary equipment or supplies, including personal protective equipment, due to shortages that occurred during the coronavirus pandemic.

(2) “Coronavirus disease 2019” or “coronavirus”, commonly abbreviated as “COVID-19”, means the virus generally known as “severe acute respiratory syndrome coronavirus 2”, any mutation thereof, and any disease or condition caused by “severe acute respiratory syndrome coronavirus 2”.

(3) “Covered entity” means any of the following:

(a) any for-profit or not-for-profit business entity, organized in any form whatsoever;

(b) any South Carolina governmental agency, division, authority, board, commission, instrumentality, political subdivision, municipality, county, or other governmental entity; or

(c) any health care facility, as defined in Chapter 4, Title 44 of the South Carolina Code, and any health care provider, as defined in Chapter 4, Title 44 of the South Carolina Code.

(4) “Covered individual” means any director, officer, employee, agent, contractor, third-party worker, or other representative of a covered entity.

(5) “Public health guidance” means any applicable published guidance, directive, order, or rule provided by the South Carolina Occupational Safety and Health Administration, the South Carolina Department of Health and Environmental Control, or another state governmental entity, and federal guidance if referenced by state entities, that is applicable to the type of covered entity or covered individual at issue and to the coronavirus claim at issue.

Immunity from liability

SECTION 4. Notwithstanding any other provision of law, a covered entity or covered individual that reasonably adheres to public health guidance applicable at the time the conduct giving rise to a coronavirus claim occurs shall be entitled to immunity from liability for any acts or omissions resulting in a coronavirus claim. This immunity will not apply:

(1) for claims arising pursuant to SECTION 3(1)(b), if a claimant proves by a preponderance of the evidence that the covered entity or covered individual caused the injury or damage by:

(a) grossly negligent, reckless, wilful, or intentional misconduct; or

(b) a failure to make any attempt to adhere to public health guidance; or

(2) for all other claims, if the claimant proves by clear and convincing evidence that the covered entity or covered individual caused the injury or damage by:

(a) grossly negligent, reckless, wilful, or intentional misconduct; or

(b) a failure to make any attempt to adhere to public health guidance.

Exclusion

SECTION 5. Nothing in this joint resolution shall be construed to preclude an insured's claim against an insurer's business interruption insurance policy.

Existing defenses and rights

SECTION 6. (A) Nothing in this joint resolution shall be construed to limit in any way any defense or right that exists under law, and the liability protection provided by this joint resolution is in addition to and cumulative of other defenses and rights that exist under law.

(B) Nothing in this joint resolution shall be construed to limit in any way any claim a claimant may have under the law against a covered entity or covered individual for liability as a result of acts or omissions that cause injuries, death, or damages other than from a coronavirus claim.

Severability

SECTION 7. The provisions of this joint resolution are severable. If any section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, or word of this joint resolution 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 the joint resolution, 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. To the extent any provision of this joint resolution conflicts

with any other law of this State, then the provisions of this joint resolution shall prevail.

Applicability

SECTION 8. The provisions of this joint resolution do not apply to and do not exclude or limit any actions or remedies available under Title 42, commonly known as the South Carolina Workers' Compensation Law.

Time effective

SECTION 9. This joint resolution takes effect upon approval by the Governor, and its provisions apply to all civil and administrative causes of action that arise between March 13, 2020, and June 30, 2021, or one hundred eighty days after the final state of emergency is lifted for COVID-19 in this State, whichever is later, and that are based upon facts that occurred during this time period.

Ratified the 28th day of April, 2021.

Approved the 28th day of April, 2021.

No. 100

(R22, H3900)

**A JOINT RESOLUTION TO AUTHORIZE CERTAIN
PODIATRISTS TO ADMINISTER PREMEASURED DOSES OF
THE COVID-19 VACCINE.**

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

COVID-19 vaccine, podiatrists

SECTION 1. Notwithstanding any professional scope of practice or unauthorized practice of law provision in this State, the following individuals have the authority to administer premeasured doses of the COVID-19 vaccine:

(1) Podiatrists (DPM's) licensed in good standing with the SC LLR Board of Podiatry Examiners who have successfully completed the

following COVID-19 training programs available through the Centers for Disease Control and Prevention:

(a) "COVID-19 Vaccine Training; General Overview of Immunization Best Practices for Healthcare Providers";

(b) "What Every Clinician Should Know about COVID-19 Vaccines Safety";

(c) "What Clinicians Need to Know About the Pfizer-BioNTech and Moderna COVID-19 Vaccines"; and

(d) "Pfizer-BioNTech COVID-19 Vaccine: What Healthcare Professionals Need to Know"; and who administer the vaccine at a site dedicated to the administration of the COVID-19 vaccine, which does not include the office in which the Podiatrist typically practices podiatry, in which a Physician, Physician Assistant, Advanced Practice Registered Nurse, and/or a Registered Nurse licensed in good standing in South Carolina and capable of appropriate evaluation and response to medical emergencies, including resuscitation and treatment of anaphylaxis, is present.

Time effective

SECTION 2. This joint resolution takes effect upon approval by the Governor and terminates on September 1, 2021.

Ratified the 8th day of April, 2021.

Approved the 12th day of April, 2021.

No. 101

(R28, H3925)

A JOINT RESOLUTION TO PROVIDE CERTAIN PROVISIONS OF SECTION 59-63-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON HOMESCHOOL STUDENT ELIGIBILITY TO PARTICIPATE IN PUBLIC SCHOOL INTERSCHOLASTIC ACTIVITIES, ARE WAVED FOR THE 2020-2021 AND 2021-2022 SCHOOL YEARS; AND TO PROVIDE THE FOUR ACADEMIC COURSE REQUIREMENT OF SECTION 59-39-160, AND AS ALSO MAY BE PROVIDED BY REGULATION, FOR STUDENTS TO

PARTICIPATE IN INTERSCHOLASTIC ACTIVITIES, INCLUDING SPORTS-RELATED ACTIVITIES, IS WAIVED FOR THE 2020-2021 SCHOOL YEAR DUE TO THE COVID-19 PANDEMIC, AND TO PROVIDE STUDENTS MUST ACHIEVE AN OVERALL PASSING AVERAGE IN AT LEAST THREE ACADEMIC COURSES AND BE ON TRACK FOR GRADUATION TO PARTICIPATE IN INTERSCHOLASTIC ACTIVITIES, INCLUDING ALL SPORTS-RELATED ACTIVITIES, FOR THE 2020-2021 SCHOOL YEAR.

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

Homeschool student participation eligibility

SECTION 1. For the 2020-2021 and 2021-2022 School Years, the requirements of Section 59-63-100(A)(3) of the 1976 Code are waived for homeschool students as defined in Section 59-65-40, 59-65-45, or 59-65-47. For the purposes of this resolution, eligible students must have been enrolled in a public school for the beginning of either the 2019-2020 School Year or 2020-2021 School Year.

Academic coursework requirement for participation eligibility

SECTION 2. The four academic course requirement provided by Section 59-39-160, and as also may be provided by regulation, for all students to participate in interscholastic activities, including all sports-related activities, is waived due to the COVID-19 pandemic for the 2020-2021 School Year. And for this school year, to participate in interscholastic activities, including all sports-related activities, students must achieve an overall passing average in at least three academic courses and be on track for graduation.

Time effective

SECTION 3. This joint resolution takes effect upon approval of the Governor.

Ratified the 15th day of April, 2021.

Approved the 16th day of April, 2021.

No. 102

(R33, S704)

A JOINT RESOLUTION TO PROVIDE FOR A RETURN TO FIVE-DAY, IN-PERSON CLASSROOM INSTRUCTION FOR THE 2020-2021 AND 2021-2022 SCHOOL YEARS, TO SUSPEND THE EARNINGS LIMITATION UNDER CERTAIN TERMS AND FOR CERTAIN MEMBERS OF THE SOUTH CAROLINA RETIREMENT SYSTEM, AND TO PROVIDE REQUIREMENTS CONCERNING DUAL-MODALITY INSTRUCTION FOR THE 2021-2022 SCHOOL YEAR.

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

Five-day, in-person classroom instruction mandate

SECTION 1. For the 2020-2021 School Year, every school district in the State must offer five-day, in-person classroom instruction to students no later than April 26, 2021. For the 2021-2022 School Year, every school district in the State must offer five-day, in-person classroom instruction to students.

Limited earnings cap suspension for teachers

SECTION 2. (A) Due to the significant health threat and risks associated with the 2019 novel coronavirus, also referred to as COVID-19, the earnings limitation imposed pursuant to Section 9-1-1790 does not apply to a retired member of the South Carolina Retirement System to the extent provided in subsection (B) if the member:

- (1) retired on or before April 1, 2019; and
- (2) returns to otherwise covered employment in the K-12 public education system.

(B) A retired member who meets the qualifications of subsection (A) may be hired and return to employment covered by the system and earn up to fifty thousand dollars annually without affecting the monthly retirement allowance that the member is receiving from the system. No retired member participating under this section may be compensated for an employment period exceeding thirty-six consecutive months. An employer shall notify the system of the engagement of a retirement member to perform services, and if an employer fails to notify the system

of the engagement of a retired member to perform services, then the employer shall reimburse the system for all benefits wrongly paid to the retired member. Nothing in this joint resolution may be construed to require an employer to hire a person after that person has retired.

Dual-modality instruction requirements, limitations

SECTION 3. (A) Due to the need for ongoing, high-quality instruction to address learning disruptions associated with COVID-19 for the 2021-2022 School Year, school districts are prohibited from assigning a teacher to deliver instruction to students simultaneously in-person and virtually, an approach often referred to as “dual-modality instruction”, unless it is reasonable and necessary due to extreme and unavoidable circumstances in order to ensure that all students have access to highly qualified instructors.

(B) In the event that a school district determines it is necessary for a teacher to deliver dual-modality instruction, the school district must provide additional compensation to the teacher.

(C) For any teacher assigned by a school district to dual-modality instruction, the school district must provide the State Department of Education with the name of the teacher, school where the teacher is employed, and subject area in which the teacher was hired to teach. The State Department of Education shall report the information to the General Assembly at the completion of the school year.

Time effective

SECTION 4. This joint resolution takes effect upon approval by the Governor.

Ratified the 22nd day of April, 2021.

Approved the 22nd day of April, 2021.

No. 103

(R67, S468)

A JOINT RESOLUTION TO PROVIDE THAT, IN A DETERMINATION OF WHETHER THE STATE IS IN AN EXTENDED BENEFIT PERIOD BEGINNING ON NOVEMBER 1, 2020, THROUGH DECEMBER 31, 2021, PROVISIONS RELATING TO THE STIPULATION THAT NO EXTENDED BENEFIT PERIOD MAY BEGIN BEFORE THE FOURTEENTH WEEK FOLLOWING THE END OF A PRIOR EXTENDED BENEFIT PERIOD SHALL NOT APPLY.

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

Extended benefit determinations

SECTION 1. In a determination of whether the State is in an extended benefit period beginning on November 1, 2020, through December 31, 2021, the provisions of Section 41-35-310(2)(b), relating to the stipulation that no extended benefit period may begin before the fourteenth week following the end of a prior extended benefit period, shall not apply.

Time effective

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 104

(R115, S771)

AN ACT TO CONSOLIDATE BAMBERG-EHRHARDT SCHOOL DISTRICT ONE (ALSO KNOWN AS BAMBERG SCHOOL DISTRICT ONE) AND DENMARK-OLAR SCHOOL DISTRICT TWO (ALSO KNOWN AS BAMBERG SCHOOL DISTRICT TWO) INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE BAMBERG COUNTY SCHOOL DISTRICT; TO ABOLISH BAMBERG-EHRHARDT SCHOOL DISTRICT ONE AND DENMARK-OLAR SCHOOL DISTRICT TWO ON JULY 1, 2022; TO PROVIDE THAT THE BAMBERG COUNTY SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF NINE MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE BAMBERG COUNTY LEGISLATIVE DELEGATION, TO PROVIDE THAT BEGINNING IN 2024, THE INITIAL NINE-MEMBER APPOINTED BOARD SHALL BEGIN THE PROCESS OF TRANSITIONING TO A NINE-MEMBER ELECTED BOARD OF TRUSTEES BY ELECTING FOUR MEMBERS TO SERVE FOUR-YEAR TERMS FROM SINGLE-MEMBER ELECTION DISTRICTS 2, 4, 6, AND 8 IN NONPARTISAN ELECTIONS TO BE CONDUCTED AT THE SAME TIME AS THE 2024 GENERAL ELECTION; TO ESTABLISH CONTINUITY OF LEADERSHIP PROVISIONS BY REQUIRING THE BAMBERG COUNTY LEGISLATIVE DELEGATION TO SELECT FIVE MEMBERS FROM THE INITIAL NINE-MEMBER APPOINTED BOARD TO SERVE ALONGSIDE THE FOUR MEMBERS ELECTED IN 2024 UNTIL THE FIVE APPOINTED MEMBERS' SUCCESSORS ARE ELECTED TO SERVE FOUR-YEAR TERMS FROM SINGLE-MEMBER ELECTION DISTRICTS 1, 3, 5, 7, AND 9 IN NONPARTISAN ELECTIONS TO BE CONDUCTED AT THE SAME TIME AS THE 2026 GENERAL ELECTION, AND, THEREAFTER, TO PROVIDE THAT MEMBERS OF THE BAMBERG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN SCHOOL DISTRICT ELECTIONS TO BE CONDUCTED AT THE SAME TIME AS THE GENERAL ELECTION FOR TERMS OF FOUR YEARS AND UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFY, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS'

TERMS; TO ESTABLISH THE BOARD'S POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES; TO ESTABLISH INTERIM MILLAGE PROVISIONS UNTIL 2027 WHEN THE BAMBERG COUNTY SCHOOL DISTRICT SHALL ASSUME TOTAL FISCAL AUTONOMY; TO TRANSFER THE ASSETS AND LIABILITIES OF BAMBERG-EHRHARDT SCHOOL DISTRICT ONE AND DENMARK-OLAR SCHOOL DISTRICT TWO TO THE BAMBERG SCHOOL DISTRICT ON JULY 1, 2022; AND TO REPEAL ALL LOCAL ACTS INCONSISTENT WITH THE PROVISIONS OF THIS ACT.

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

Bamberg-Ehrhardt School District One and Denmark-Olar School District Two consolidated

SECTION 1. (A) Notwithstanding another provision of law:

(1) on the effective date of this act Bamberg-Ehrhardt School District One (also known as Bamberg School District One) and Denmark-Olar School District Two (also known as Bamberg School District Two), hereinafter referred to as the two present school districts shall commence all prudent and essential preparations necessary to achieve an efficient and well-organized consolidation of the two districts;

(2) effective July 1, 2022, the two present school districts must be abolished. The powers and duties of the two present school districts' respective boards of trustees must be devolved on the board of trustees of the consolidated school district to be known as the Bamberg County School District, which shall consist of the combined geographic area encompassed by the two present school districts as they existed on the effective date of this act; and

(3) pursuant to Section 59-17-100:

(a) the two present school districts are required to submit their 2022 annual audit reports to the State Department of Education on or before December 1, 2022; and

(b) the Bamberg County School District must submit its initial audit report to the State Department of Education on or before December 1, 2023.

(B) In order to facilitate the efficient consolidation of the two present school districts, the members of the districts' respective boards of trustees and their superintendents, administrators, and personnel shall cooperate fully with the Bamberg County Legislative Delegation and delegation staff, the initial nine-member appointed board of trustees for the Bamberg County School District, and the South Carolina Department of Education officials assisting with the consolidation. In addition, after the effective date of this act, the two present school districts may not:

- (1) create new full-time or part-time district-level positions;
- (2) approve, award, or authorize any salary increases, raises, bonuses, or severance pay or separation incentives of any type;
- (3) create or incur new bonded indebtedness, except as set forth in SECTION 6(C);
- (4) approve requests for planned out-of-state travel or requests for reimbursement for planned out-of-state travel, unless the nine-member Bamberg County School District Board of Trustees created pursuant to SECTION 2 of this act has approved the requests, or for matters needing decision prior to that board's creation, approval by the legislative delegation; or
- (5) make any significant district purchases unless the nine member Bamberg County School District Board of Trustees created pursuant to SECTION 2 of this act has approved the purchase. For purposes of this item, "significant district purchase" means any district purchase in excess of fifty thousand dollars. The provisions of this item do not apply to essential district purchases directly related to student health or safety.

(C) Any current district-level administrator for either of the two present school districts whose position will be eliminated due to the creation of an equivalent position in the consolidated district has priority consideration for the equivalent position if the administrator remains in his role at the time of hiring for the consolidated district and desires to be considered for the new position. Priority consideration is limited to review of an application for employment, or an interview; however, priority consideration does not mean that a position with the consolidated district must be offered. For purposes of this subsection, "current" means as of the effective date of this act, and "district level administrator" includes superintendents, chief academic officers, associate superintendents, assistant superintendents, and district directors. Position equivalency must be determined based on the position's title and responsibilities.

Bamberg County School District Board of Trustees initial appointments, elections

SECTION 2. (A) The Bamberg County School District must be governed initially by a board of trustees of nine members to be appointed by a majority of the Bamberg County Legislative Delegation. The nine members initially appointed by the legislative delegation after the effective date of this act must be qualified electors of either Bamberg-Ehrhardt School District One or Denmark-Olar School District Two, and these appointed members shall serve on the Bamberg County School District Board of Trustees until four trustees have been duly elected and qualify in school district elections held at the same time as the 2024 General Election pursuant to the provisions of this section. These four trustees must be elected from defined single-member election districts to be established in subsequent legislation enacted after the release of pertinent demographic data obtained in the 2020 decennial census, but prior to the opening of the filing period for the 2024 school district elections.

(B)(1) Beginning in 2024, four members of the Bamberg County School District Board of Trustees must be elected from single-member districts provided for by the General Assembly in nonpartisan elections to be conducted at the same time as the general election and every four years thereafter, except as may be provided to stagger the members' terms. The four candidates elected in the 2024 school district elections must be elected from election districts 2, 4, 6, and 8 and shall serve four-year terms and until their successors are elected and qualify. Each of these four members and their successors must be a qualified elector of the election district from which he is elected. Beginning in 2026, five additional members of the Bamberg County School District Board of Trustees must be elected from election districts 1, 3, 5, 7, and 9 in nonpartisan elections to be conducted at the same time as the general election and every four years thereafter, except as may be provided to stagger the members' terms. The five candidates elected in the 2026 school district elections shall serve four-year terms and until their successors are elected and qualify. Each of these five members and their successors must be a qualified elector of the election district from which he is elected. In order to provide continuity of experienced leadership to the district, when the four duly elected trustees from election districts 2, 4, 6, and 8 take office following the 2024 school district elections, a majority of the Bamberg County Legislative Delegation shall select five members from the initial nine-member appointed board of trustees to

serve as school district trustees together with the four elected members, and the terms of the remaining appointed trustees not selected to serve with the four elected members must be terminated. The five members of the initial nine-member appointed board selected to serve alongside the four elected members shall serve until their successors are elected in school district elections conducted at the same time as the 2026 General Election and qualify.

(2)(a) The four trustees elected from districts 2, 4, 6, and 8 in the 2024 school district elections shall serve four-year terms and until their successors are elected and qualify, and the successors to these members must be elected in nonpartisan school district elections to be conducted at the same time as the 2028 General Election. The trustees elected in the 2028 school district election and their successors shall serve four-year terms and until their successors are elected and qualify.

(b) Pursuant to item (1) of this subsection, the five members of the initial nine-member appointed board selected by the Bamberg County Legislative Delegation to serve alongside the four elected members shall serve until their successors are elected from districts 1, 3, 5, 7, and 9 in school district elections conducted at the same time as the 2026 General Election and qualify. At such time, the terms of the five appointed members shall terminate. The five trustees elected from districts 1, 3, 5, 7, and 9 in the 2026 school district elections and their successors shall serve four-year terms and until their successors are elected and qualify. Thereafter, members of the Bamberg County School District Board of Trustees must be elected in nonpartisan school district elections to be conducted at the same time as the general election for terms of four years and until their successors are elected and qualify.

(3) Whenever a vacancy occurs in office, by reason of death, resignation, or removal, the vacancy in office shall be filled by a special election to complete the term of office, which special election shall be held in accordance with Section 7-13-190.

(C) All persons desiring to qualify as a candidate for the Bamberg County School District Board of Trustees shall file written notice of candidacy with the Bamberg County Board of Voter Registration and Elections on forms furnished by the board. The filing period shall open 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. This notice of candidacy must be a sworn statement and shall include the candidate's name, age, address, voting precinct, period of residence in the county, and other information that the board requires. The Bamberg

County Board of Voter Registration and Elections shall conduct and supervise the elections for members of the Bamberg County School District Board of Trustees in the manner governed by the election laws of this State, mutatis mutandis. The board 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. The board shall publish notices of the elections pursuant to Section 7-13-35. The results of the elections must be determined by the nonpartisan plurality method contained in Section 5-15-61. The members of the Bamberg County School District Board of Trustees elected in these nonpartisan elections shall take office one week following certification of their election pursuant to Section 59-19-315.

Board of Trustees' duties, powers, and responsibilities

SECTION 3. (A) The members of the Bamberg County School District Board of Trustees shall elect a chairman and other officers they consider necessary for terms that are coterminous with their appointed or elected terms of office.

(B) The Bamberg County School District Board of Trustees has the power, duty, and responsibility provided by law including to:

- (1) employ a superintendent as the chief executive officer;
- (2) establish other administrative departments upon the recommendation of the superintendent;
- (3) adopt the annual school district budget;
- (4) inquire into the conduct of an office, department, or agency of the school district;
- (5) adopt and modify attendance zones of schools within the school district;
- (6) provide for an independent annual audit of the books and business affairs of the school district and for a general survey of school district business;
- (7) cooperate to establish and maintain a central purchasing system for the purchase of contractual services, equipment, and supplies;
- (8) cooperate to establish and maintain educational consortia;
- (9) be responsible for policymaking action and the review of regulations established to put these policies into operation; and
- (10) set by majority vote of the board a salary that each member shall receive for attending meetings of the board, which may not exceed five hundred dollars per month, with the exception of the chair whose salary may not exceed seven hundred dollars per month, and the vice chair whose salary may not to exceed six hundred dollars per month.

(C) Bamberg County School District Board of Trustees shall be reimbursed for mileage and other related expenses in traveling to conduct district business.

School district superintendent, duties and responsibilities

SECTION 4. The district superintendent is the chief operating officer of the district and is responsible to the board for the proper administration of all affairs of the district and subject to all other provisions of law relating to his duties. He shall:

- (1) appoint and, when necessary for the good of the district, remove an appointed officer or employee of the district and fix the salaries of these officers and employees, unless otherwise provided by law and except as he may authorize the head of a department or office to appoint and remove subordinates in the department or office;
- (2) prepare the budget annually, submit it to the board, and be responsible for its administration after adoption;
- (3) prepare and submit to the board at the end of each fiscal year a complete annual report on the finances and administrative activities of the board for the preceding year and make other financial reports from time to time that may be required by the board or by law;
- (4) keep the board advised of the financial condition and future needs of the district and make recommendations that seem desirable;
- (5) perform other duties prescribed by law or required of him by the board not inconsistent with the provisions of law; and
- (6) centralize all administrative functions including, but not limited to, human resources, accounting, procurement, transportation, school bus services, and maintenance.

Preparation of annual budget

SECTION 5. (A) For purposes of determining the 2022 property tax millage levy of the Bamberg County School District upon its creation, the millage levy for the district must be determined and calculated by the Department of Revenue based on the 2021 levy of the two present school districts and the value of a mill in each district. Thereafter, the millage levy for property tax years 2023, 2024, 2025, and 2026 must be the millage levy for the previous year. To the allowed millage levy may be added any millage determined by the Department of Revenue necessary to comply with educational mandates imposed by federal or state law.

(B) Beginning in 2027, the Bamberg County School District is vested with total fiscal autonomy. In order to obtain funds for school purposes

the board of trustees is authorized to impose an annual tax levy, exclusive of any millage imposed for bond debt service. Upon certification by the board of trustees 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. The consolidated school district may raise its millage by no more than two mills over that levied for the previous year, in addition to any millage needed to adjust for the EFA inflation factor and sufficient to meet the requirements of Section 59-21-1030. An increase above this two mills for operations may be levied only after a majority of the registered electors of the district vote in favor of the millage increase in a referendum called by the district board of trustees and conducted by the county board of voter registration and elections. If the school district calls for the referendum provided for in this subsection to be held at any time other than at the general election conducted pursuant to Section 7-13-10 then the school district shall pay the cost of the referendum. To the extent the provisions of this section relating to increases in school millages conflict with the provisions of Section 6-1-320, relating to the millage rate increase limitation, the provisions of Section 6-1-320 control.

Assets and liabilities of the two present districts transferred to the consolidated district on July 1, 2022

SECTION 6. (A)(1) On July 1, 2022, the assets and liabilities of the two present school districts must be transferred to the Bamberg County School District. The records and employees of the two present school districts must be transferred to and, if applicable, assumed by the consolidated school district.

(2) Any funds under paragraph 1.88(A), Part I(B) of Act 91 of 2019 to support school district consolidation and related purposes in certain specified school districts, which have been distributed to or which are to be made available to the two present school districts must be transferred to or made available to Bamberg County School District to be used for the same purposes.

(B) The constitutional debt limitation on the issuance of general obligation bonds applicable to the Bamberg County School District is to be computed according to the law of this State and based on the assessed value of all taxable property in the district minus that bonded indebtedness of each of the present school districts made a part of the district that was includable against the constitutional debt limit of the present school districts.

(C)(1) During the transition period, which begins on the effective date of this act and runs until July 1, 2022, no new general obligation bonds may be issued against the constitutional debt limitation of the two present school districts unless such general obligation bonds are scheduled to mature and be paid in full prior to July 1, 2022. Bond anticipation notes and tax anticipation notes may be issued during the transition period by the two present school districts only if such notes are scheduled to mature and be paid in full prior to July 1, 2022.

(2) During the transition period, which begins on the effective date of this act and runs until July 1, 2022, no new general obligation bonds maturing on or after July 1, 2022, may be issued against the constitutional debt limitation of the two presents school districts, except in the case of an emergency. If new general obligation bonds are issued, then the board of trustees of the issuing school district must adopt a resolution declaring the emergency and specifying the necessity of the issue.

Two present school districts abolished on July 1, 2022

SECTION 7. (A) The two present school districts are abolished on July 1, 2022, at which time the Bamberg County School District must be established as provided in this act. The terms of all members of the boards of trustees of the two present school districts of the county will expire on this date. However, the members of the consolidated school district board of trustees appointed after the effective date of this act shall take office on the date they take the oath of office. From this date and until July 1, 2022, the boards shall organize, begin planning for the changeover to the consolidated district, enter into contracts to effectuate these purposes, and perform other related matters, except that the responsibility and authority to manage the schools of the two present school districts rests solely with the individual boards for each of the two present school districts until July 1, 2022, and the appointed consolidated board of trustees may not interfere with this authority.

(B) Funding for the activities of the appointed consolidated board of trustees, from the date the members assume office until July 1, 2022, must be paid from funds provided to the Bamberg County School District by the State Department of Education for this purpose.

(C)(1) After the effective date of this act, a member of one of the two present school districts' governing boards may:

(a) be appointed to the Bamberg County School District Board of Trustees; or

(b) seek election to the Bamberg County School District Board of Trustees.

(2) If a member of one of the present boards is either appointed or elected to the Bamberg County School District Board of Trustees pursuant to item (1):

(a) prior to assuming his new duties on the consolidated school district board of trustees, he must first resign as a member of the present board; and

(b) notwithstanding another provision of law, the vacancy on the present board must be filled for the remainder of the unexpired term by appointment of the county legislative delegation.

All inconsistent local acts repealed on July 1, 2022

SECTION 8. All local acts concerning Bamberg-Ehrhardt School District One and Denmark-Olar School District Two inconsistent with the provisions of this act are repealed as of July 1, 2022, it being the intent of the General Assembly to have this act and the general law be the only provisions of law governing the school district of the county.

Severability

SECTION 9. If any provision of this act for any reason is held by a court of competent jurisdiction to be unconstitutional or invalid, that holding shall not affect the constitutionality or validity of the remaining portions of this act. The General Assembly declares that it would have passed this act and each and every provision in it, irrespective of the fact that any one or more provisions of it may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 10. This act takes effect thirty days after approval by the Governor.

Ratified the 21st day of June, 2021.

Approved the 24th day of June, 2021.

No. 105

(R113, S691)

AN ACT TO CONSOLIDATE BARNWELL COUNTY (BLACKVILLE) SCHOOL DISTRICT NO. 19 AND BARNWELL COUNTY (WILLISTON) SCHOOL DISTRICT NO. 29 INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT; TO ABOLISH BARNWELL COUNTY SCHOOL DISTRICT NO. 19 AND BARNWELL COUNTY SCHOOL DISTRICT NO. 29 ON JULY 1, 2022; TO PROVIDE THAT THE BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF SEVEN MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE BARNWELL COUNTY LEGISLATIVE DELEGATION, AND BEGINNING WITH THE 2022 GENERAL ELECTION, SEVEN MEMBERS MUST BE ELECTED FROM DEFINED SINGLE-MEMBER ELECTION DISTRICTS DRAWN FROM THE COMBINED GEOGRAPHIC AREA OF THE FORMER BARNWELL COUNTY SCHOOL DISTRICT NO. 19 AND THE FORMER BARNWELL COUNTY SCHOOL DISTRICT NO. 29; TO PROVIDE THAT THE MEMBERS OF THE BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2022 GENERAL ELECTION AND EVERY FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS' TERMS; TO ESTABLISH THE BOARD'S POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES; TO INCLUDE INTERIM MILLAGE PROVISIONS FOR YEARS 2022 AND 2023, AND TO PROVIDE THAT BEGINNING IN 2024, THE BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT SHALL HAVE TOTAL FISCAL AUTONOMY.

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

Barnwell County School Districts Nos. 19 and 29 consolidated

SECTION 1. (A) Notwithstanding another provision of law:

(1) on the effective date of this act, Barnwell County (Blackville) School District No. 19 and Barnwell County (Williston) School District No. 29 (the two present school districts) shall commence all prudent and essential preparations necessary to achieve an efficient and well-organized consolidation of the two districts;

(2) effective July 1, 2022, Barnwell County School District No. 19 and Barnwell County School District No. 29 must be abolished. The powers and duties of the two present school districts' respective boards of trustees must be devolved on the board of trustees of the consolidated school district to be known as the Barnwell County Consolidated School District, which shall consist of the combined geographic area encompassed by the two present school districts as they existed on the effective date of this act; and

(3) pursuant to Section 59-17-100:

(a) the two present school districts are required to submit their 2022 annual audit reports to the State Department of Education on or before December 1, 2022; and

(b) the Barnwell County Consolidated School District must submit its initial audit report to the State Department of Education on or before December 1, 2023.

(B) In order to facilitate the efficient consolidation of the two present school districts, the members of the districts' respective boards of trustees and their superintendents, administrators, and personnel shall cooperate fully with the Barnwell County Legislative Delegation and delegation staff, the initial seven member appointed board of trustees for the Barnwell County Consolidated School District, and the South Carolina Department of Education officials assisting with the consolidation. In addition, after the effective date of this act, the two present school districts may not:

(1) create new full-time or part-time district-level positions;

(2) approve, award, or authorize any salary increases, raises, bonuses, or severance pay or separation incentives of any type;

(3) create or incur new bonded indebtedness, except as set forth in SECTION 6(C);

(4) approve requests for planned out-of-state travel or requests for reimbursement for planned out-of-state travel, unless the seven member Barnwell County Consolidated School District Board of Trustees created

pursuant to SECTION 2 of this act has approved the requests, or for matters needing a decision prior to that board's creation, approval by the legislative delegation; or

(5) make any significant district purchases unless the seven member Barnwell County Consolidated School District Board of Trustees created pursuant to SECTION 2 of this act has approved the purchase. For purposes of this item, "significant district purchase" means any district purchase in excess of fifty thousand dollars. The provisions of this item do not apply to essential district purchases directly related to student health or safety.

(C) Any current district-level administrator for either of the two present school districts whose position will be eliminated due to the creation of an equivalent position in the consolidated district has priority consideration for the equivalent position if the administrator remains in his role at the time of hiring for the consolidated district and desires to be considered for the new position. Priority consideration is limited to review of an application for employment, or an interview; however, priority consideration does not mean that a position with the consolidated district must be offered. For purposes of this subsection, "current" means as of the effective date of this act, and "district level administrator" includes superintendents, chief academic officers, associate superintendents, assistant superintendents, and district directors. Position equivalency must be determined based on the position's title and responsibilities.

Barnwell County Consolidated School District Board of Trustees initial appointments, elections

SECTION 2. (A) The Barnwell County Consolidated School District must be governed by a board of trustees of seven members to be appointed initially by a majority of the Barnwell County Legislative Delegation. The seven members initially appointed by the legislative delegation after the effective date of this act must be qualified electors of either Barnwell County (Blackville) School District No. 19 or Barnwell County (Williston) School District No. 29, and these appointed members shall serve on the Barnwell County Consolidated School District Board of Trustees until their successors are elected in school district elections conducted at the same time as the 2022 General Election and qualify.

(B) Beginning in 2022, members of the Barnwell County Consolidated School District Board of Trustees must be elected in

nonpartisan elections from single-member election districts to be established by the General Assembly in subsequent legislation following the release of pertinent demographic data obtained in the 2020 decennial census, but prior to the opening of the filing period for the 2022 school district elections. Elections for the Barnwell County Consolidated School District Board of Trustees must be conducted at the same time as the general election and every four years thereafter, except as provided in this act to stagger the members' terms. Each of these seven members must be a qualified elector of the election district from which he is elected. Members of the consolidated school district board of trustees must be elected for four-year terms and until their successors are elected and qualify; however, in order to stagger the members' terms, of the seven trustees elected in 2022, the trustees elected from the even-numbered election districts shall serve initial two-year terms, and the successors to these members must be elected in school district elections to be conducted at the same time as the 2024 General Election. The trustees elected in the 2024 school district elections and their successors shall serve full four-year terms and until their successors are elected and qualify. The members elected in 2022 from odd-numbered election districts shall serve full four-year terms to expire in November 2026, when their successors elected at the 2026 school district elections qualify and take office. In the event of a vacancy on the board occurring for any reason other than the expiration of a term, the vacancy must be filled for the remainder of the unexpired term through appointment by the county legislative delegation.

(C) All persons desiring to qualify as a candidate for the Barnwell County Consolidated School District Board of Trustees shall file written notice of candidacy with the Barnwell County Board of Voter Registration and Elections on forms furnished by the board. The filing period shall open 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. This notice of candidacy must be a sworn statement and shall include the candidate's name, age, election district in which he resides and from which he seeks election, voting precinct, period of residence in the county and election district, and other information that the board requires. The Barnwell County Board of Voter Registration and Elections shall conduct and supervise the elections for members of the Barnwell County Consolidated School District Board of Trustees in the manner governed by the election laws of this State, *mutatis mutandis*.

The 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. The county elections board also shall publish notices of the elections pursuant to Section 7-13-35. The results of the elections must be determined by the nonpartisan plurality method contained in Section 5-15-61. The members of the consolidated school district elected in these nonpartisan elections shall take office one week following certification of their election pursuant to Section 59-19-315.

Board of Trustees' duties, powers, and responsibilities

SECTION 3. (A) The members of the Barnwell County Consolidated School District Board of Trustees shall elect a chairman and other officers they consider necessary for terms that are coterminous with their appointed or elected terms of office.

(B) The Barnwell County Consolidated School District Board of Trustees has the power, duty, and responsibility provided by law including to:

- (1) employ a superintendent as the chief executive officer;
- (2) establish other administrative departments upon the recommendation of the superintendent;
- (3) adopt the annual school district budget;
- (4) inquire into the conduct of an office, department, or agency of the school district;
- (5) adopt and modify attendance zones of schools within the school district;
- (6) provide for an independent annual audit of the books and business affairs of the school district and for a general survey of school district business;
- (7) cooperate to establish and maintain a central purchasing system for the purchase of contractual services, equipment, and supplies;
- (8) cooperate to establish and maintain educational consortia;
- (9) be responsible for policymaking action and the review of regulations established to put these policies into operation; and
- (10) set by majority vote of the board a salary that each member shall receive for attending meetings of the board, which may not exceed one hundred fifty dollars per month.

School district superintendent, duties and responsibilities

SECTION 4. The district superintendent is the chief operating officer of the district and is responsible to the board for the proper administration of all affairs of the district and subject to all other provisions of law relating to his duties. He shall:

(1) appoint and, when necessary for the good of the district, remove an appointed officer or employee of the district and fix the salaries of these officers and employees, unless otherwise provided by law and except as he may authorize the head of a department or office to appoint and remove subordinates in the department or office;

(2) prepare the budget annually, submit it to the board, and be responsible for its administration after adoption;

(3) prepare and submit to the board at the end of each fiscal year a complete annual report on the finances and administrative activities of the board for the preceding year and make other financial reports from time to time that may be required by the board or by law;

(4) keep the board advised of the financial condition and future needs of the district and make recommendations that seem desirable;

(5) perform other duties prescribed by law or required of him by the board not inconsistent with the provisions of law; and

(6) centralize all administrative functions including, but not limited to, human resources, accounting, procurement, transportation, school bus services, and maintenance.

Preparation of annual budget

SECTION 5. (A)(1) For purposes of determining the 2022 property tax millage levy of the Barnwell County Consolidated School District upon its creation, the millage levy for the district must be determined and calculated by the Department of Revenue based on the 2021 levy of the two present school districts and the value of a mill in each district. Thereafter, the millage levy for the year 2023 must be the millage levy for the previous year. To the allowed millage levy for 2022 and 2023 may be added any millage determined by the Department of Revenue necessary to comply with educational mandates imposed by federal or state law.

(2) The provisions of this subsection apply for school millages set for years ending in 2023.

(B) Beginning in 2024, the Barnwell County Consolidated School District is vested with total fiscal autonomy. In order to obtain funds for school purposes the board of trustees is authorized to impose an annual tax levy, exclusive of any millage imposed for bond debt service. Upon

certification by the board of trustees 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. The consolidated school district may raise its millage by no more than two mills over that levied for the previous year, in addition to any millage needed to adjust for the EFA inflation factor and sufficient to meet the requirements of Section 59-21-1030. An increase above this two mills for operations may be levied only after a majority of the registered electors of the district vote in favor of the millage increase in a referendum called by the district board of trustees and conducted by the county board of voter registration and elections. If the school district calls for the referendum provided for in this subsection to be held at any time other than at the general election conducted pursuant to Section 7-13-10 then the school district shall pay the cost of the referendum. To the extent the provisions of this section relating to increases in school millages conflict with the provisions of Section 6-1-320, relating to the millage rate increase limitation, the provisions of Section 6-1-320 control.

Assets and liabilities of the two present districts transferred to the consolidated district on July 1, 2022

SECTION 6. (A)(1) On July 1, 2022, the assets and liabilities of the two present school districts must be transferred to the Barnwell County Consolidated School District. The records and employees of the two present school districts must be transferred to and, if applicable, assumed by the consolidated school district.

(2) Any funds under paragraph 1.88(A), Part I(B) of Act 91 of 2019 to support school district consolidation and related purposes in certain specified school districts, which have been distributed to or which are to be made available to the two present school districts must be transferred to or made available to Barnwell County Consolidated School District to be used for the same purposes.

(B) The constitutional debt limitation on the issuance of general obligation bonds applicable to the Barnwell County Consolidated School District is to be computed according to the law of this State and based on the assessed value of all taxable property in the district minus that bonded indebtedness of each of the present school districts made a part of the district that was includable against the constitutional debt limit of the present school districts.

(C)(1) During the transition period, which begins on the effective date of this act and runs until July 1, 2022, no new general obligation bonds may be issued against the constitutional debt limitation of the two present school districts unless such general obligation bonds are scheduled to mature and be paid in full prior to July 1, 2022. Bond anticipation notes and tax anticipation notes may be issued during the transition period by the two present school districts only if such notes are scheduled to mature and be paid in full prior to July 1, 2022.

(2) During the transition period, which begins on the effective date of this act and runs until July 1, 2022, no new general obligation bonds maturing on or after July 1, 2022, may be issued against the constitutional debt limitation of the two presents school districts, except in the case of an emergency. If new general obligation bonds are issued, then the board of trustees of the issuing school district must adopt a resolution declaring the emergency and specifying the necessity of the issue.

Two present school districts abolished on July 1, 2022

SECTION 7. (A) Barnwell County (Blackville) School District No. 19 and Barnwell County (Williston) School District No. 29 are abolished on July 1, 2022, at which time the Barnwell County Consolidated School District must be established as provided in this act. The terms of all members of the boards of trustees of the two present school districts of the county will expire on this date. However, the members of the consolidated school district board of trustees appointed after the effective date of this act shall take office on the date they take the oath of office. From this date and until July 1, 2022, the boards shall organize, begin planning for the changeover to the consolidated district, enter into contracts to effectuate these purposes, and perform other related matters, except that the responsibility and authority to manage the schools of the two present school districts rests solely with the individual boards for each of the two present school districts until July 1, 2022, and the appointed consolidated board of trustees may not interfere with this authority.

(B) Funding for the activities of the appointed consolidated board of trustees, from the date the members assume office until July 1, 2022, must be paid from funds provided to the Barnwell County Consolidated School District by the State Department of Education for this purpose.

(C)(1) After the effective date of this act, a member of one of the two present school districts' governing boards may:

(a) be appointed to the Barnwell County Consolidated School District Board of Trustees; or

(b) seek election to the Barnwell County Consolidated School District Board of Trustees in 2022.

(2) If a member of one of the present boards is either appointed or elected to the Barnwell County Consolidated School District Board of Trustees pursuant to item (1):

(a) prior to assuming his new duties on the consolidated school district board of trustees, he must first resign as a member of the present board; and

(b) notwithstanding another provision of law, the vacancy on the present board must be filled for the remainder of the unexpired term by appointment of the county legislative delegation.

All inconsistent local acts repealed on July 1, 2022

SECTION 8. All local acts concerning Barnwell County (Blackville) School District No. 19 and Barnwell County (Williston) School District No. 29 inconsistent with the provisions of this act are repealed as of July 1, 2022, it being the intent of the General Assembly to have this act and the general law be the only provisions of law governing the school district of the county.

Severability

SECTION 9. If any provision of this act for any reason is held by a court of competent jurisdiction to be unconstitutional or invalid, that holding shall not affect the constitutionality or validity of the remaining portions of this act. The General Assembly declares that it would have passed this act and each and every provision in it, irrespective of the fact that any one or more provisions of it may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 10. This act takes effect thirty days after approval by the Governor.

Ratified the 21st day of June, 2021.

Approved the 24th day of June, 2021.

No. 106

(R13, S648)

AN ACT TO CONSOLIDATE CLARENDON COUNTY SCHOOL DISTRICT NO. 2 AND CLARENDON COUNTY SCHOOL DISTRICT NO. 4 INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE CLARENDON COUNTY SCHOOL DISTRICT; TO ABOLISH CLARENDON COUNTY SCHOOL DISTRICT NO. 2 AND CLARENDON COUNTY SCHOOL DISTRICT NO. 4 ON JULY 1, 2022; TO PROVIDE THAT THE CLARENDON COUNTY SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF NINE MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE CLARENDON COUNTY LEGISLATIVE DELEGATION, AND TO PROVIDE THAT, BEGINNING IN 2024, EACH OF THE NINE MEMBERS OF THE BOARD OF TRUSTEES MUST BE ELECTED FROM A SEPARATE SINGLE-MEMBER ELECTION DISTRICT; TO PROVIDE THAT THE MEMBERS OF THE CLARENDON COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2024 GENERAL ELECTION AND EVERY FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED TO STAGGER THE MEMBERS' TERMS; TO ESTABLISH THE BOARD'S POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT, IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT, AND IS SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES; TO INCLUDE INTERIM MILLAGE PROVISIONS FOR YEARS 2022 AND 2023; AND TO

PROVIDE THAT, BEGINNING IN 2024, THE CLARENDON COUNTY SCHOOL DISTRICT SHALL HAVE TOTAL FISCAL AUTONOMY.

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

Clarendon County School District Nos. 2 and 4, consolidated

SECTION 1. (A) Notwithstanding the provisions of Act 183 of 2020, Act 236 of 1981, any previous act related to Clarendon County School District No. 2, subsequent acts of the General Assembly amending these acts, or any other provision of law:

(1) on the effective date of this bill, Clarendon County School District No. 2 and Clarendon County School District No. 4 (the two present school districts) shall commence all prudent and essential preparations necessary to achieve an efficient and well-organized consolidation of the two districts;

(2) effective July 1, 2022, Clarendon County School District No. 2 and Clarendon County School District No. 4 must be abolished. The powers and duties of the two present school districts' respective boards of trustees must be devolved on the board of trustees of the consolidated school district to be known as the Clarendon County School District; and

(3) the first audit report that the Clarendon County School District is required to provide to the State Department of Education pursuant to Section 59-17-100 must be submitted to the department on or before December 1, 2022.

(B) In order to facilitate the efficient consolidation of the two present school districts, the members of the districts' respective boards of trustees and their superintendents, administrators, and personnel shall cooperate fully with the Clarendon County Legislative Delegation and delegation staff; the initial, nine member appointed board of trustees for the Clarendon County School District; and the South Carolina Department of Education officials assisting with the consolidation. In addition, after July 1, 2021, the two present school districts may not:

- (1) create new full-time or part-time district-level positions;
- (2) approve, award, or authorize any salary increases, raises, bonuses, or severance pay or separation incentives of any type;
- (3) create or incur new bonded indebtedness;

(4) approve requests for out-of-state travel or requests for reimbursements for out-of-state travel; or

(5) make any significant district purchases unless exigent circumstances exist that justify the purchase and the Clarendon County Legislative Delegation has approved the purchase. For the purposes of this item, "significant district purchase" means any district purchase in excess of five thousand dollars.

(C) Any current district-level administrator for either of the two present school districts whose position will be eliminated due to the creation of an equivalent position in the consolidated district has priority consideration for the equivalent position if the administrator remains in his role at the time of hiring for the Clarendon County School District and desires to be considered for the new position. Priority consideration is limited to the review of an application for employment, or an interview; however, priority consideration does not mean that a position with the consolidated district must be offered. For the purposes of this subsection, "current" means as of the effective date of this act, and "district level administrator" includes superintendents, chief academic officers, associate superintendents, assistant superintendents, and district directors. Position equivalency must be determined based on a position's title and responsibilities.

Clarendon County School District Board of Trustees, initial appointments, election

SECTION 2. (A) The Clarendon County School District must be governed by a board of trustees of nine members to be appointed initially by a majority of the Clarendon County Legislative Delegation. The nine members initially appointed by the legislative delegation after the effective date of this act must be qualified electors of Clarendon County, and these appointed members shall serve on the Clarendon County School District Board of Trustees until their successors are elected in school district elections conducted at the same time as the 2024 General Election and qualify.

(B) Beginning in 2024, members of the Clarendon County School District Board of Trustees must be elected in nonpartisan elections to be conducted at the same time as the general election and every four years thereafter, except as provided in this act, to stagger the members' terms. Also beginning in 2024, all nine members of the Clarendon County School District Board of Trustees must be elected from defined single-member election districts to be established in subsequent

legislation, after the release of pertinent demographic data obtained in the 2020 Decennial Census but prior to the opening of the filing period for the 2024 School District Elections. Each of the nine members must be a qualified elector of the election district from which he is elected. Members of the consolidated school district board of trustees must be elected for four-year terms and until their successors are elected and qualify; however, in order to stagger the members' terms, of the nine trustees elected in 2024, the trustees elected from election districts two, four, six, and eight shall serve initial two-year terms, and the successors to these members must be elected and qualify in school district elections to be conducted at the same time as the 2026 General Election. The trustees elected in the 2026 School District Elections and their successors shall serve full four-year terms and until their successors are elected and qualify. The members elected in 2024 from election districts one, three, five, seven, and nine shall serve full four-year terms to expire in November 2028, when their successors elected at the 2028 School District Elections qualify and take office. In the event of a vacancy on the board occurring for any reason other than the expiration of a term, the vacancy must be filled for the remainder of the unexpired term through appointment by the county legislative delegation.

(C) All persons desiring to qualify as a candidate for the Clarendon County School District Board of Trustees shall file written notice of candidacy with the Clarendon County Board of Voter Registration and Elections on forms furnished by the board. The filing period shall open 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. This notice of candidacy must be a sworn statement and shall include the candidate's name, age, election district in which he resides and from which he seeks election, voting precinct, period of residence in the county and election district, and other information that the board requires. The Clarendon County Board of Voter Registration and Elections shall conduct and supervise the elections for members of the Clarendon County School District Board of Trustees in the manner governed by the election laws of this State, *mutatis mutandis*. The board 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. The commission shall publish notices of the elections pursuant to Section 7-13-35. The results of the elections must be determined by the nonpartisan plurality method

contained in Section 5-15-61. The members of the consolidated school district elected in these nonpartisan elections shall take office one week following the certification of their election pursuant to Section 59-19-315.

Board of Trustees' duties, powers, and responsibilities

SECTION 3. (A) The members of the Clarendon County School District Board of Trustees shall elect a chairman and other officers they consider necessary for terms that are coterminous with their appointed or elected terms of office.

(B) The Clarendon County School District Board of Trustees has the power, duty, and responsibility provided by law, including to:

- (1) employ a superintendent as the chief executive officer;
- (2) establish other administrative departments upon the recommendation of the superintendent;
- (3) adopt the annual school district budget;
- (4) inquire into the conduct of an office, department, or agency of the school district;
- (5) adopt and modify the attendance zones of schools within the school district;
- (6) provide for an independent annual audit of the books and business affairs of the school district and for a general survey of school district business;
- (7) cooperate to establish and maintain a central purchasing system for the purchase of contractual services, equipment, and supplies;
- (8) cooperate to establish and maintain educational consortia;
- (9) be responsible for policymaking actions and the review of regulations established to put these policies into operation; and
- (10) set by majority vote of the board a salary that each member shall receive for attending meetings of the board, which may not exceed four hundred fifty dollars per month.

School district superintendent, duties and responsibilities

SECTION 4. The district superintendent is the chief operating officer of the district, is responsible to the board for the proper administration of all affairs of the district, and is subject to all other provisions of law relating to his duties. He shall:

- (1) appoint and, when necessary for the good of the district, remove appointed officers or employees of the district and fix the

salaries of these officers and employees, unless otherwise provided by law and except as he may authorize the head of a department or office to appoint and remove subordinates in the department or office;

(2) prepare the budget annually, submit it to the board, and be responsible for its administration after adoption;

(3) prepare and submit to the board at the end of each fiscal year a complete annual report on the finances and administrative activities of the board for the preceding year and make other financial reports from time to time as may be required by the board or by law;

(4) keep the board advised of the financial condition and future needs of the district and make recommendations that seem desirable;

(5) perform other duties prescribed by law or required of him by the board not inconsistent with the provisions of law; and

(6) centralize all administrative functions, including, but not limited to, human resources, accounting, procurement, transportation, school bus services, and maintenance.

Preparation of annual budget

SECTION 5. (A)(1) For the purposes of determining the 2022 property tax millage levy of the Clarendon County School District upon its creation, the millage levy for the district must be determined and calculated by the Department of Revenue based on the 2021 levy of the two present school districts and the value of a mill in each district. Thereafter, the millage levy for the year 2023 must be the millage levy for the previous year. To the allowed millage levy for 2022 and 2023 may be added any millage determined by the Department of Revenue necessary to comply with educational mandates imposed by federal or state law.

(2) The provisions of this subsection apply for school millages set for years ending in 2023.

(B) Beginning in 2024, the Clarendon County School District shall be vested with total fiscal autonomy. In order to obtain funds for school purposes, the board of trustees is authorized to impose an annual tax levy, exclusive of any millage imposed for bond debt service. Upon certification by the board of trustees 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. The consolidated school district may raise its millage by no more than two mills over that levied for the previous year, in addition to any millage needed to adjust for the Education Finance Act inflation factor and

sufficient to meet the requirements of Section 59-21-1030. An increase above the two mills for operations may be levied only after a majority of the registered electors of the district vote in favor of the millage increase in a referendum called by the district school board and conducted by the county election commission. If the school district calls for the referendum provided for in this subsection to be held at any time other than at the general election conducted pursuant to Section 7-13-10, then the school district shall pay the cost of the referendum. To the extent that the provisions of this section relating to increases in school millages conflict with the provisions of Section 6-1-320, relating to the millage rate increase limitation, the provisions of Section 6-1-320 control.

Assets and liabilities of two present school districts transferred to the consolidated district on July 1, 2022

SECTION 6. (A)(1) On July 1, 2022, the assets and liabilities of Clarendon County School District No. 2 and Clarendon County School District No. 4 must be transferred to the Clarendon County School District. The records and employees of the two present school districts must be transferred to and, if applicable, assumed by the consolidated school district.

(2) Any funds under paragraph 1.88(A), Part I(B) of Act 91 of 2019, as extended by Act 135 of 2020, to support school district consolidation and related purposes in certain specified school districts that have been distributed to or that are to be made available to the two present school districts must be transferred to or made available to the Clarendon County School District to be used for the same purposes.

(B) The constitutional debt limitation on the issuance of general obligation bonds applicable to the Clarendon County School District is to be computed according to the law of this State and based on the assessed value of all taxable property in the district minus that bonded indebtedness of each of the present school districts made a part of the district that was includable against the constitutional debt limit of the present school districts.

(C) During the transition period, beginning on the effective date of this act to July 1, 2022, no new general obligation bonds may be issued against the constitutional debt limitation of the two present school districts, except in the case of an emergency. If new general obligation bonds are issued, then the board of trustees of the issuing school district must adopt an ordinance declaring the emergency and specifying the necessity of the issue.

Two present school districts abolished on July 1, 2022

SECTION 7. (A) Clarendon County School District No. 2 and Clarendon County School District No. 4 are abolished on July 1, 2022, at which time the Clarendon County School District must be established as provided in this act. The terms of all members of the boards of trustees of the two present school districts of the county will expire on this date. However, the members of the consolidated school district board of trustees appointed after the effective date of this act shall take office on the date they take the oath of office. From this date and until July 1, 2022, the boards shall organize, begin planning for the changeover to the consolidated district, enter into contracts to effectuate these purposes, and perform other related matters, except that the responsibility and authority to manage the schools of the two present school districts rests solely with the individual boards for each of the two present school districts until July 1, 2022, and the appointed consolidated board of trustees may not interfere with this authority.

(B) Funding for the activities of the appointed consolidated board of trustees, from the date the members assume office until July 1, 2022, must be paid from funds provided to the Clarendon County School District by the State Department of Education for this purpose.

(C)(1) After the effective date of this act, a member of one of the two present school districts' governing boards may:

(a) be appointed to the Clarendon County School District Board of Trustees; or

(b) seek election to the Clarendon County School District Board of Trustees in 2024.

(2) If a member of one of the present boards is either appointed or elected to the Clarendon County School District Board of Trustees pursuant to item (1), then:

(a) prior to assuming his new duties on the consolidated school district board of trustees, he must first resign as a member of the present board; and

(b) notwithstanding another provision of law, the vacancy on the present board must be filled for the remainder of the unexpired term by the appointment of the county legislative delegation.

All inconsistent local acts repealed on July 1, 2022

SECTION 8. All local acts, or any other provisions of law, concerning Clarendon County School District No. 2 and Clarendon County School District No. 4 inconsistent with the provisions of this act are repealed as of July 1, 2022, it being the intent of the General Assembly to have this act and the general law be the only provisions of law governing the school district of the county.

Severability

SECTION 9. If any provision of this act for any reason is held by a court of competent jurisdiction to be unconstitutional or invalid, then that holding shall not affect the constitutionality or validity of the remaining portions of this act. The General Assembly declares that it would have passed this act and each and every provision in it, irrespective of the fact that any one or more provisions of it may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 10. This act takes effect upon approval by the Governor.

Ratified the 8th day of April, 2021.

Approved the 12th day of April, 2021.

No. 107

(R107, H4241)

AN ACT TO AMEND ACT 907 OF 1962, AS AMENDED, RELATING TO THE GEORGETOWN COUNTY SCHOOL DISTRICT AND THE GEORGETOWN COUNTY BOARD OF EDUCATION, SO AS TO, AMONG OTHER THINGS, CONFORM LOCAL ELECTION PROCEDURES FOR MEMBERS OF THE BOARD OF EDUCATION TO THE CONTROLLING 2008 CONSENT JUDGMENT AND DECREE; TO DEFINE RELEVANT TERMS; TO PROVIDE THAT THE GEORGETOWN COUNTY SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF EDUCATION CONSISTING OF

NINE MEMBERS WHO MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE GENERAL ELECTION AND EVERY FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS' TERMS; TO PROVIDE THAT WHEN A VACANCY OCCURS IN OFFICE, BY REASON OF DEATH, RESIGNATION, OR REMOVAL, THE VACANCY IN OFFICE SHALL BE FILLED BY A SPECIAL ELECTION FOR THE REMAINDER OF THE UNEXPIRED TERM; TO PROVIDE THAT PERSONS DESIRING TO QUALIFY AS A CANDIDATE FOR THE GEORGETOWN COUNTY BOARD OF EDUCATION SHALL FILE WRITTEN NOTICE OF CANDIDACY WITH THE GEORGETOWN COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS; TO ESTABLISH THE APPLICABLE CANDIDATE FILING PERIOD; TO PROVIDE THAT THE GEORGETOWN COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS SHALL CONDUCT AND SUPERVISE THE ELECTIONS FOR MEMBERS OF THE GEORGETOWN COUNTY BOARD OF EDUCATION IN THE MANNER GOVERNED BY THE ELECTION LAWS OF THIS STATE, MUTATIS MUTANDIS; AND TO REPEAL ACT 237 OF 1983 RELATING TO BOARD VACANCIES.

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

Conformity with consent order

SECTION 1. Act 907 of 1962, as last amended by Act 237 of 1983, is further amended by adding an appropriately numbered section to read:

“Section 11. (A) On March 31, 2008, the Georgetown County School District, the then members of the Georgetown County Board of Education (board) in their official capacity, and the Georgetown County Board of Election and Registration, entered into the Consent Judgment and Decree (consent order) with the United States of America to resolve a civil action under Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. Section 1973. The consent order:

(1) discontinued the then-current at-large method of electing members of the board and substituted a voting plan of two at-large seats and seven single-member seats coterminous with county council districts;

(2) discontinued the then-current method of a direct popular election of the board chairperson and substituted selection of the board chairperson by the members of the board from board membership;

(3) provided for an implementation schedule beginning with the 2008 General Election for single-member districts 1, 3, 4, 5, and 6 and with the 2010 General Election for single-member districts 2 and 7 and the two at-large seats; and

(4) provided that the terms of the consent order governed board elections and board chairperson selection until legislation embodying the terms of the consent order was enacted, and the court retained jurisdiction in the meantime.

(B) The parties have complied with the consent order, and board elections and board chairperson selection have been conducted in conformity with the consent order since 2008; however, no legislation has been enacted to conform with the consent order.

(C) The General Assembly, by the provisions of this act, has determined to enact a districting plan and other terms of the kind required by the consent order, meeting current legal standards under the Voting Rights Act and the United States Constitution.

(D) As used in this act, ‘coterminous’ means having a common geographical boundary.”

Georgetown County Board of Education, composition and election

SECTION 2. Section 2 of Act 907 of 1962, as last amended by Act 237 of 1983, is further amended to read:

“Section 2. (A) All corporate powers, functions, and duties of the School District of Georgetown County shall be exercised and performed by a board of trustees to be known as ‘The Georgetown County Board of Education’. Hereinafter the School District of Georgetown County is referred to as the school district, and the Georgetown County Board of Education is referred to as the board.

(B) Notwithstanding the provisions of Act 907 of 1962, Act 747 of 1966, or of subsequent acts of the General Assembly amending these acts, or of any other provision of law:

(1) The Georgetown County Board of Education shall be composed of nine persons who will be elected for terms of four years in nonpartisan elections to be conducted at the time of the general election.

(2) Seven board members shall be elected from single-member districts in which they are residents, coterminous with county council districts and sharing the corresponding district numbers, updated

consistently with the county council districts thereafter when county council districts change.

(3) Two board members, who are residents of Georgetown County, shall be elected at large with the two candidates receiving the highest number of votes declared elected.

(4) Elections for single-member districts 2 and 7 and the two at-large seats shall be held in 2022 and every four years thereafter.

(5) Elections for single-member districts 1, 3, 4, 5, and 6 shall be held in 2024 and every four years thereafter.

(6) The board's chairperson shall be selected by the board according to board policy, from board membership.

(7) All current members, elected pursuant to the voting plan of the consent order, shall continue in office until their successors are elected and qualified.

(8) Whenever a vacancy occurs in office, by reason of death, resignation, or removal, the vacancy in office shall be filled by a special election to complete the term of office, which special election shall be held in accordance with Section 7-13-190.

(9) All persons desiring to qualify as a candidate for the Georgetown County School District Board of Education shall file written notice of candidacy with the Georgetown County Board of Voter Registration and Elections on forms furnished by the board. The filing period shall open 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. This notice of candidacy must be a sworn statement and shall include the candidate's name, age, election district in which he resides and from which he seeks election, voting precinct, period of residence in the county and election district, and other information that the board requires. The Georgetown County Board of Voter Registration and Elections shall conduct and supervise the elections for members of the Georgetown County School District Board of Education in the manner governed by the election laws of this State, *mutatis mutandis*. The 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. The county elections board also shall publish notices of the elections pursuant to Section 7-13-35. The results of the elections must be determined by the nonpartisan plurality method contained in Section 5-15-61. The members of the consolidated school

district elected in these nonpartisan elections shall take office one week following certification of their election pursuant to Section 59-19-315.”

Georgetown County Board of Education, officers

SECTION 3. Section 4 of Act 907 of 1962, as last amended by Act 831 of 1976, is further amended to read:

“Section 4. As soon as convenient following the appointment and qualification of the board, all members shall meet and organize, electing one of its members as chairman, another as vice chairman, and a third as secretary. The terms of such offices shall be fixed by the board for periods of not exceeding two years and persons holding such offices shall be eligible to succeed themselves. The secretary shall keep proper records for the board, including the minutes of the meetings. The board shall hold regular monthly meetings, and special meetings at such other times as may be necessary, all of which shall be open to the public.”

Repeal

SECTION 4. Act 237 of 1983 is repealed.

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 18th day of May, 2021.

Approved the 19th day of May, 2021.

No. 108

(R109, S711)

AN ACT TO ESTABLISH AND RECOGNIZE THE BLUE RIDGE COMMUNITY IN GREENVILLE COUNTY AND TO PROVIDE THAT THE BLUE RIDGE COMMUNITY IS NOT A GOVERNMENTAL ENTITY AND MAY NOT EXERCISE ANY GOVERNMENTAL FUNCTIONS.

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

Blue Ridge Community established and recognized

SECTION 1. There is established and recognized, within Greenville County, the Blue Ridge Community, which is comprised of the parcel of real property located within the following boundaries: beginning at the boundary between South Carolina and North Carolina where the boundary intersects with Highway 25, traveling southward along Highway 25 to its intersection with Highway 290, eastward on Highway 290 to its intersection with Highway 253, northward on Highway 253 to its intersection with Fews Bridge Road, eastward on Fews Bridge Road to its intersection with Hall Road, northward on Hall Road to its intersection with Noe Road, northward on Noe Road to its intersection with Lindsey Bridge Road, westward on Lindsey Bridge Road to its intersection with Mountain View Road, northward on Mountain View Road to its intersection with Camp Creek Road, eastward on Camp Creek Road to its intersection with South Packs Road, southward on South Packs Road to its intersection with North Blue Ridge Road, southward on North Blue Ridge Road to its intersection with East Tyger Bridge Road, eastward on East Tyger Bridge Road to its intersection with Highway 101, southward on Highway 101 to its intersection with Edwards Lake Road, eastward on Edwards Lake Road to its intersection with Berry Mill Road, eastward on Berry Mill Road to its intersection with Mount Lebanon Church Road, southward then eastward on Mount Lebanon Church Road to its boundary with Spartanburg County, northward along the boundary with Spartanburg County to the boundary between South Carolina and North Carolina, and westward along the boundary between South Carolina and North Carolina to Highway 25 where Highway 25 crosses the boundary between South Carolina and North Carolina.

Blue Ridge Community not a governmental entity

SECTION 2. For the purposes of this act, the community that may now be referred to as the Blue Ridge Community is not a body politic, a municipality, a special purpose district, a county, or any other type of political subdivision of this State. Consequently, pursuant to this act, the Blue Ridge Community does not possess any governmental power or authority and may not exercise any governmental functions.

Time effective

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

Ratified the 9th day of June, 2021.

Approved the 15th day of June, 2021.

No. 109

(R79, S729)

AN ACT TO AMEND ACT 725 OF 1969, RELATING TO KERSHAW HEALTH, SO AS TO PROVIDE FOR THE COMPOSITION OF THE KERSHAW HEALTH BOARD OF DIRECTORS, THE MANNER OF NOMINATION AND APPOINTMENT TO THE BOARD, AND THE TERMS OF BOARD MEMBERS, AND TO REVISE THE PURPOSE AND SCOPE OF THE BOARD'S POWERS AND DUTIES; TO AMEND ACT 868 OF 1954, AS AMENDED, RELATING TO THE BOARD'S POWERS AND DUTIES, SO AS TO MAKE CONFORMING CHANGES; AND TO PROVIDE FOR THE APPOINTMENT OF A NEW BOARD OF DIRECTORS, AND TO STAGGER THE TERMS OF THE NEW BOARD OF DIRECTORS.

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

Health Services District of Kershaw County, composition

SECTION 1. SECTIONS 1 and 2 of Act 725 of 1969 are amended to read:

“SECTION 1. There is hereby created the Health Services District of Kershaw County, which shall be governed by a Board of Directors which

shall be comprised of nine members, all of whom must be residents of Kershaw County.

SECTION 2. (A)(1) Seven members of the board shall be nominated respectively by each of the seven members of the Kershaw County Council, and two members shall be nominated by any member of the Kershaw County Council.

(a) Seats one through six on the board shall correspond with the district number of the nominating county council member.

(b) Seat seven shall be the board member nominated by the Chairman of the Kershaw County Council.

(c) Seats eight and nine shall be the board members nominated by any member of the Kershaw County Council.

(2) Nominees shall be appointed to the board upon a majority vote of the county council in favor of the nomination.

(B) If a vacancy on the board exists because a board member's term has expired and a new board member has not been nominated by the appropriate county council member within ninety days, then the nomination of a new board member may be made by any member of the county council. The nominee shall be appointed to the board upon a majority vote of the county council in favor of the nomination.

(C) Board members shall be appointed to six-year terms that begin on July first of the appropriate year. At the expiration of a member's term, his seat is vacant, and the member may not serve in a holdover capacity. A board member may not succeed himself after serving a full six-year term. However, a former board member may be reappointed to the board one year after the completion of his prior service on the board.

(D) No county council district shall be represented on the board by more than three resident board members.

(E) Vacancies on the board shall be filled in the manner provided in this section for the unexpired term only."

Health Services District of Kershaw County, purpose and powers

SECTION 2. The first undesignated paragraph of SECTION 3 of Act 868 of 1954 is amended to read:

"SECTION 3. The Health Services District of Kershaw County shall be a body corporate of perpetual succession. The Health Services District shall provide medical care and medical services to the residents of Kershaw County. It is authorized and empowered to do all matters necessary or convenient for the construction, establishment,

maintenance, and continued existence of a local hospital for the benefit of the residents of Kershaw County; operation of the Karesh Wing; and administration of grants within the county to promote access to health care and healthy living. In order to fulfill its mission, the Health Services District shall have the following powers, without limitation:"

Members' terms

SECTION 3. Act 868 of 1954, as last amended by Act 725 of 1969, is further amended by adding an appropriately numbered SECTION to read:

"SECTION 6. (A) Each seat on the Health Services District of Kershaw County Board of Directors is declared vacant on June 30, 2021. The Kershaw County Council shall nominate and appoint new members to the board as provided in this act. Newly appointed members shall take office July 1, 2021.

(B) Notwithstanding the provisions contained in SECTION 2 of Act 725 of 1969, as amended by this act, board members appointed to take office July 1, 2021, from:

(1) seats 1, 3, and 8 shall initially serve for a term of two years;

(2) seats 2, 4, and 9 shall initially serve for a term of four years;
and

(3) seats 5, 6, and 7 shall serve a full six-year term.

(C) Notwithstanding the provisions contained in SECTION 2 of Act 725 of 1969, as amended by this act, a member appointed to take office beginning on July 1, 2021, pursuant to (B)(1) or (2) is eligible for appointment to a full six-year term upon the expiration of his initial term."

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 19th day of May, 2021.

(R12, H3740)

AN ACT TO AMEND ACT 126 OF 1959, AS AMENDED, RELATING TO THE LANCASTER COUNTY COMMISSION FOR HIGHER EDUCATION, SO AS TO PROVIDE FOR THE COMMISSION'S RECEIPT AND ADMINISTRATION OF LANCASTER COUNTY MILLAGE-DERIVED FUNDS, TO PROVIDE THAT THE DEAN OF THE UNIVERSITY OF SOUTH CAROLINA LANCASTER MUST BE AN EX OFFICIO MEMBER OF THE COMMISSION, TO CLARIFY THE COMMISSION'S ROLE RELATING TO THE OFFERING OF POST-SECONDARY COURSES; TO REMOVE CERTAIN ARCHAIC LANGUAGE; AND TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT TO LANCASTER COUNTY COUNCIL.

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

Lancaster County Commission for Higher Education funding

SECTION 1. Act 126 of 1959, as last amended by Act 614 of 1980, is further amended by adding an appropriately numbered SECTION at the end to read:

“SECTION 8. After the effective date of this section, all existing and future Lancaster County millage-derived funds received by the commission must be set aside and used exclusively for the benefit of the University of South Carolina Lancaster. Other institutions seeking a disbursement from these funds shall submit their requests directly to Lancaster County Council or to another funding source. If the commission receives Lancaster County millage-derived funds after the effective date of this section that are designated for use by an institution other than the University of South Carolina Lancaster, the commission shall segregate and administer these funds accordingly.”

Ex officio member added to commission

SECTION 2. The first and second paragraphs of SECTION 1 of Act 126 of 1959 are amended to read:

“SECTION 1. There is hereby created the Lancaster County Commission for Higher Education. This body, hereinafter called the

commission, shall be composed of seven members who shall be appointed by the Governor on the recommendation of a majority of the Lancaster County Legislative Delegation. The commissioners shall be appointed for terms of four years each and shall serve until their successors shall have been appointed and qualify; provided, that three of the seven commissioners initially appointed shall be appointed for a term of two years, with their successors to be appointed thereafter for full four-year terms.

The Superintendent of Education for Lancaster County shall, by virtue of his office, be an ex officio member of the commission. The Dean of the University of South Carolina Lancaster Campus, by virtue of his office, must be an ex officio member of the commission.”

Purpose of commission

SECTION 3. SECTION 3 of Act 126 of 1959, as last amended by Act 16 of 1975, is further amended to read:

“SECTION 3. The commission shall have as its purpose the encouragement of higher education in Lancaster County and nearby areas and, more specifically, the establishment in Lancaster County of facilities to offer standard post-secondary courses, and such other courses as deemed desirable.

The commission also shall furnish and operate recreational facilities and programs in conjunction with its other purposes and shall make such facilities available to the general public.”

Powers of commission

SECTION 4. SECTION 4 of Act 126 of 1959, as last amended by Act 614 of 1980, is further amended to read:

“SECTION 4. To carry out this purpose and objective the commission, with the approval of a majority of its members, shall be empowered to enter into contracts, make binding agreements, purchase and sell real property, negotiate with educators and educational institutions and, generally, to take such actions in its name as are necessary to secure for Lancaster County and nearby areas the educational facilities above described; provided, that the County of Lancaster shall not be bound nor held liable for any acts of omission or

commission of the Commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of the Lancaster County Legislative Delegation.

The commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective.

The commission is authorized to enter into agreements for public grants, local, state, and federal.”

Annual written report

SECTION 5. SECTION 5 of Act 126 of 1959 is amended to read:

“SECTION 5. The commission shall keep accurate and detailed records of its meetings and actions and shall, as soon after June thirtieth of each year as is feasible, submit a written report to the Lancaster County Council, which shall include an accounting of all funds the commission may have received and disbursed in the twelve months preceding that date.”

Time effective

SECTION 6. This act takes effect upon approval by the Governor.

Ratified the 11th day of March, 2021.

Approved the 15th day of March, 2021.

No. 111

(R8, H3584)

AN ACT TO AMEND ACT 1041 OF 1970, AS AMENDED, RELATING TO THE ASSESSMENT OF TAXES IN OCONEE COUNTY, SO AS TO REVISE THE MEMBERSHIP AND COMPOSITION OF THE OCONEE COUNTY BOARD OF ASSESSMENT APPEALS.

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

Oconee County Board of Assessment Appeals, composition

SECTION 1. Items (a), (b), and (c) of Section 4 of Act 1041 of 1970, as last amended by Act 175 of 1975, is further amended to read:

“(a) Notwithstanding any other provisions of law, there is hereby created the Oconee County Board of Assessment Appeals. The powers and duties of the Oconee County Board of Tax Appeals are devolved upon the Board of Assessment Appeals. The board shall consist of members to be appointed by the Governor upon the recommendation of a majority of the members of the Oconee County Legislative Delegation pursuant to the requirements defined in item (b). Of these members, at least one member of the board shall be actively engaged in the business of marketing real estate, at least one actively engaged in the construction industry.

(b)(1) One member must be appointed from each of Oconee County’s county council single-member election districts, and each resident member of the Oconee County Legislative Delegation shall nominate one additional member from the county at-large.

(2) Upon the nomination of a person to serve on the Oconee County Board of Assessment Appeals, the Oconee County Legislative Delegation shall recommend the nominee to the Governor.

(c) The terms of the members shall be for three years or until their successors are appointed and qualify. The members of the board may succeed themselves. Vacancies on the board for any reason shall be filled for the unexpired portion of the term in the manner of the original appointment. Each board member shall be compensated on a per diem basis at a figure to be determined by the Oconee County Legislative Delegation.”

Continuity provisions

SECTION 2. Members of the Oconee County Board of Assessment Appeals as of the effective date of this act shall continue to serve until their successors are appointed and qualify pursuant to SECTION 1 of this act.

Time effective

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

Ratified the 11th day of March, 2021.

Vetoed by the Governor -- 3/17/21.
Veto overridden by House -- 4/6/21.
Veto overridden by Senate -- 4/13/21.

No. 112

(R23, S515)

AN ACT TO AMEND ACT 280 OF 2018, RELATING TO THE ORANGEBURG COUNTY SCHOOL DISTRICT, SO AS TO ELIMINATE THE PROHIBITION AGAINST HOLDING CERTAIN SCHOOL CLOSURE REFERENDUMS AT THE SAME TIME AS A SCHOOL BOND REFERENDUM, TO PROVIDE THAT CERTAIN PROCEDURES REGARDING THE CLOSURE OF AN ORANGEBURG COUNTY ELEMENTARY, MIDDLE, OR HIGH SCHOOL DO NOT APPLY IF THE BOARD OF TRUSTEES DETERMINES THAT A BUILDING OR STRUCTURE IS AN IMMINENT THREAT TO THE HEALTH OR SAFETY OF STUDENTS OR STAFF, OR THAT THE NEEDED UPGRADES AND REPAIRS TO MAINTAIN A BUILDING OR STRUCTURE ARE ECONOMICALLY UNFEASIBLE; AND TO REVISE THE ORANGEBURG COUNTY SCHOOL DISTRICT'S MILLAGE LEVY FOR FISCAL YEARS 2021-2022 AND 2022-2023.

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

Orangeburg County School District attendance zones and school closures

SECTION 1. SECTION 3(B)(5) of Act 280 of 2018 is amended to read:

“(5) adopt attendance zones of schools within the school district except that, through School Year 2021-2022, existing attendance zones cannot be changed unless the federal court order regarding attendance zones is rescinded or amended during this period. However, no elementary, middle, or high school may be closed until three public hearings are held at least two weeks apart within the affected attendance area, with information to include, among other things, a delineation of the cost factors involved in keeping the school open and transporting the

students to another school. In addition to the public hearings requirement, if a school in an attendance area that existed before consolidation is to be closed and the students of that school moved to a school in another attendance area, the qualified electors within the attendance area where the school is to be closed also first must approve the closing by referendum. A school building that is the responsibility of the board of trustees of the school district must be maintained in conformity with all applicable building code standards and requirements to protect and ensure the health, safety, and welfare of students, faculty, administrators, and the general public. The provisions of this item do not apply if the board determines that:

- (a) a school building or structure is an imminent threat to the health or safety of students or staff; or
- (b) the needed upgrades and repairs to maintain a school building or structure are economically unfeasible;"

Orangeburg County School District millage levy

SECTION 2. SECTION 5 of Act 280 of 2018 is amended to read:

“SECTION 5. (A) The board of trustees of the school district, before July first of each year, shall prepare a school district budget for the ensuing school year. Before September second of each year, the board shall notify the county auditor and treasurer in writing of the millage required for the operation of the schools in the district for the ensuing school year. The notice by the board constitutes authority for the levying and collection of the millage upon all of the real and personal property within the school district. The levy must be placed to the credit of the district and expended for the district. Beginning with Fiscal Year 2022-2023, the school district may raise its millage to two mills over that levied for Fiscal Year 2021-2022, in addition to the inflation factor as estimated by the EFA and meeting the requirements of Section 59-21-1030. An increase above these mills for operations may be levied only after a majority of the registered electors of the district vote in favor of the millage increase in a referendum called by the district school board and conducted by the county election commission.

(B) The board shall hold a public hearing prior to its final approval of the budget for the district. Notice of this public hearing must be placed in a newspaper of general circulation in the district at least fifteen days before the public hearing.

(C) Beginning in Fiscal Year 2021-2022, the operational millage levy for the district shall be two hundred nineteen mills.”

Time effective

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

Ratified the 15th day of April, 2021.

Approved the 21st day of April, 2021.

No. 113

(R98, H4027)

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, SO AS TO AMEND REWA'S SERVICE AREA, REVISE THE MEMBERSHIP OF THE GOVERNING COMMISSION, AND TO REQUIRE REWA TO PLACE A CONSERVATION EASEMENT ON CERTAIN PROPERTY AND MAKE CERTAIN INFORMATION AVAILABLE THROUGH THE FREEDOM OF INFORMATION ACT.

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

ReWa service area amended

SECTION 1. Section 2.8 of Act 745 of 1967, as last amended by Act 284 of 2018, is amended to read:

“Section 2.8. Notwithstanding another provision of law, the boundary lines that define the service territory of the Renewable Water Resources (ReWa), formerly the Western Carolina Regional Sewer Authority, are hereby expanded to include an area labeled the ‘Enoree Basin’ area of Spartanburg 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 - 2020 Attachment A'. The General Assembly provides that this document is the document of record delineating the service territory of the Renewable Water Resources.”

ReWa governing commission

SECTION 2. Section 3(C) of Act 745 of 1967, as last amended by Act 284 of 2018, is amended to read:

“(C) One member must be from Anderson County, one member from Laurens County, and one member from Spartanburg County. Eight members must be from Greenville County.

(1) The Anderson and Laurens County Delegations shall each recommend one member for appointment to the Governor. The initial terms of the members from Anderson County and Laurens County must be designated in the original appointments.

(2) The Spartanburg County Delegation shall recommend for appointment to the Governor one member of the Commission from Spartanburg County. The initial term of the member from Spartanburg County must be designated in the original appointment.”

ReWa easement and operational records

SECTION 3. A. Act 745 of 1967, as last amended by Act 284 of 2018, is amended by adding a new section to read:

“Section 2.9. (A) Notwithstanding another provision of law, Renewable Water Resources (ReWa), formerly the Western Carolina Regional Sewer Authority, shall place all real property acquired south of Highway 414 near the North Greenville University Campus in a conservation easement that shall be managed by Upstate Forever or a similar independent entity capable of managing and preserving the property. ReWa shall annually donate to the entity managing the property seventy-five thousand dollars for a period of five years to cover administrative costs and to fund programs dedicated to preserving the rural nature, environmental integrity, and sustainability of the Tigerville community. Any documents related to the conservation easement shall be publicly recorded and considered public documents for the purposes of complying with the Freedom of Information Act.

(B) ReWa is permitted to reserve no more than a fifty foot easement and eight or fewer acres from the same property identified in subsection (A) for the installation of a new treatment facility to service the Cherokee

Valley neighborhood and North Greenville University, provided that the treatment facility shall not be larger than a three hundred thousand gallon per day capacity facility. This treatment facility shall be designed and operated by utilizing the latest technology and best wastewater treatment practices and shall comply with all applicable state and federal regulations. ReWa shall be responsible for all costs related to the design, construction, operation, and maintenance of the water treatment facility.

(C) With the exception of North Greenville University and the Cherokee Valley neighborhood, ReWa is prohibited from serving the Tigerville area.”

B. Act 745 of 1967, as last amended by Act 284 of 2018, is amended by adding an appropriately numbered section to read:

“Section __. The operational records of all ReWa facilities shall be available through a Freedom of Information request to ReWa or the South Carolina Department of Health and Environmental Control.”

Time effective

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

Ratified the 13th day of May, 2021.

Approved the 19th day of May, 2021.

No. 114

(R29, H4099)

A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO REGULATIONS FOR NONNATIVE WILDLIFE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5027, 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 Natural Resources, regulations approved

SECTION 1. The regulations of the Department of Natural Resources, relating to Regulations for Nonnative Wildlife, designated as Regulation Document Number 5027, 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 15th day of April, 2021.

Approved the 16th day of April, 2021.

No. 115

(R100, H4098)

A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY-STATE CROP PEST COMMISSION, RELATING TO ASIAN LONGHORNED BEETLE QUARANTINE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5015, 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:

Regulations approved

SECTION 1. The regulations of the Clemson University-State Crop Pest Commission, relating to Asian Longhorned Beetle Quarantine, designated as Regulation Document Number 5015, 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 13th day of May, 2021.

Approved the 17th day of May, 2021.

No. 116

(R15, H3071)

A JOINT RESOLUTION TO CREATE THE “EQUINE INDUSTRY SUPPORT MEASURES STUDY COMMITTEE” TO EXAMINE THE POTENTIAL FOR FURTHER GROWTH OF THE EQUINE INDUSTRY IN THIS STATE AND THE RESULTING ECONOMIC IMPACT.

Whereas, a recent survey conducted for the South Carolina Department of Agriculture by the University of South Carolina says that within the State of South Carolina there are nearly 18,000 thoroughbred and nearly 19,000 quarter horses; and

Whereas, the same study finds that the equine industry has an annual economic impact on South Carolina of approximately \$1.9 billion, supporting 28,545 jobs and more than \$1 billion in labor income; and

Whereas, approximately ninety-five percent of this economic impact comes from spending by horse owners on all horse-related goods, services, and transportation; and

Whereas, the remaining five percent of the economic impact results from business activities associated with horse-related institutions, such as horse racing, showing, and recreational organizations; and

Whereas, the State of South Carolina has inherent and obvious interest in seeing the equine industry promoted and grown, particularly horse racing, showing, and other forms of recreational horsemanship. Now, therefore,

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

Equine industry support measures study committee

SECTION 1. (A) There is created the "Equine Industry Support Measures Study Committee" comprised of the following seven members:

(1) two members of the House of Representatives appointed by the Chairman of the Agriculture, Natural Resources and Environmental Affairs Committee;

(2) two members of the Senate appointed by the Chairman of the Senate Agriculture and Natural Resources Committee;

(3) two members from the equine industry, with one appointed by the Speaker of the House of Representatives and one appointed by the President of the Senate, upon the recommendation of the South Carolina Thoroughbred Owners and Breeders Association; and

(4) the Commissioner of Agriculture, or his designee.

(B) The committee shall consider, but is not limited to, the following:

(1) examining the details of the economic impact of the equine industry on the State of South Carolina;

(2) studying the potential for equine business growth in South Carolina and steps the State could take to encourage growth such as fostering equine therapy, using 4H, the Future Farmers of America, and other student programs;

(3) identifying any barriers that exist for equine business growth in South Carolina and how to eliminate or reduce them;

(4) comparing South Carolina's incentives and barriers to other states in the Southeast as well as nationally;

(5) determining if the State should encourage interstate cooperation with equine facilities in nearby states; and

(6) examining any other issues that the committee determines are of interest and benefit to the equine business in South Carolina.

(C) The committee shall meet as soon as practical to organize and to elect a chairman and vice chairman. The chairman and vice chairman must be legislative members of the committee elected by a majority vote of the legislative members of the committee.

(D) The committee shall issue a report to the General Assembly by February 15, 2022, providing its findings and recommendations. The committee shall not recommend a tax or fee increase in its findings and recommendations. Upon issuance of the report, the committee is dissolved.

Time effective

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 8th day of April, 2021.

Approved the 12th day of April, 2021.

REGULATIONS OF STATE AGENCIES
August 28, 2020 - July 23, 2021

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 28, 2020 through July 23, 2021.

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. "SR45-1", means *South Carolina State Register*, Volume 45, 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.

ATTORNEY GENERAL, OFFICE OF THE

Fees to Accompany Request for Confirmation of Solicitation Exemption (4983).....	SR45-5
Records of Charitable Trust (4982).....	SR45-5

CLEMSON UNIVERSITY**State Crop Pest Commission**

Asian Longhorned Beetle Quarantine (5015).....	SR45-6
--	--------

State Livestock-Poultry Health Commission

State Meat Inspection Regulation (5000)	SR44-12
State Poultry Products Inspection Regulation (5001).....	SR44-12

CONSUMER AFFAIRS, DEPARTMENT OF

Sale or Lease of Renewable Energy Facilities (4994).....	SR45-5
--	--------

EDUCATION, STATE BOARD OF

Credential Classification (4991)	SR45-5
Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts (4981)	SR45-5
Transfers and Withdrawals (4980)	SR45-5

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Air Pollution Control Regulations and Standards (4978)	SR44-12
Athletic Trainers (4996)	SR45-5
Hazardous Waste Management Regulations (4975)	SR45-5
Hazardous Waste Management Regulations (Exempt) (4976)	SR44-11
Radioactive Materials (Title A) (4958)	SR44-9
Radioactive Materials (Title A) (5036)	SR45-5
Septic Tank Site Evaluation Fees; Onsite Wastewater Systems; License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-Contained Toilets; and Licensing of Onsite Wastewater Systems Master Contractors (4979)	SR45-5
Solid Waste Management; Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals (5003)	SR45-5
Standards for the Permitting of Agricultural Animal Facilities (4997)	SR45-5
Statement of Policy; and Specific Project Standards for Tidelands and Coastal Waters (4995)	SR45-5

HIGHER EDUCATION, COMMISSION ON

LIFE Scholarship Program and LIFE Scholarship Enhancement (5004)	SR45-5
Palmetto Fellows Scholarship Program (5005)	SR45-5
South Carolina HOPE Scholarship (5006)	SR45-5
South Carolina National Guard College Assistance Program (4970)	SR45-5

LABOR, LICENSING AND REGULATION, DEPARTMENT OF

Fee Schedule for Bulk Licensure Verification (5008)	SR45-5
---	--------

Fee Schedule for Real Estate Appraisers Board (5009).....	SR45-5
Fees Assessed by the Auctioneers' Commission (5025)	SR45-5
Fees Assessed by the State Athletic Commission (5024).....	SR45-5

Auctioneers' Commission

Auctioneers' Commission (5010).....	SR45-5
-------------------------------------	--------

Dentistry, Board of

Continuing Education; and Use of Lasers in a Dental Setting (4985).....	SR45-5
--	--------

Foresters, Board of Registration for

Board of Registration for Foresters (5012).....	SR45-5
---	--------

Long Term Health Care Administrators, Board of

Administrator-in-Training Program Requirements (4987).....	SR45-5
---	--------

Medical Examiners, Board of

Election Procedures for the State Board of Medical Examiners and the Medical Disciplinary Commission (4986).....	SR45-5
--	--------

Occupational Safety and Health, Office of

Occupational Safety and Health Standards (Article 1, Subarticles 6 and 7) (4989).....	SR44-8
Occupational Safety and Health Standards (Article 1, Subarticle 7) (5026)	SR44-11
Recording and Reporting Occupational Injuries and Illnesses (5013).....	SR45-5

MOTOR VEHICLES, DEPARTMENT OF

Truck Driver Schools; and Driver Training Schools (5002) ..	SR45-5
---	--------

NATURAL RESOURCES, DEPARTMENT OF

Alexander Sprunt, Jr., Wildlife Refuge and Sanctuary (5020).	SR45-5
Boating (5021).....	SR45-5

Freshwater Fisheries (5018) SR45-5
Marine Resources Division (5016)..... SR45-5
Regulations for Nonnative Wildlife (5027)..... SR45-5
Regulations for Spotted Turtle; and Exchange and Transfer
for Certain Native Reptiles and Amphibians (5007) SR45-5
Restrictions on the Use of Watercraft in Certain Areas and
No Wake Zones (5017)..... SR45-5
Sea Turtle Protection (5019)..... SR45-5
Wildlife Management Area Regulations; and Turkey
Hunting Rules and Seasons (5011)..... SR45-5

PUBLIC SERVICE COMMISSION

Protection of Customer Data (4969)..... SR45-5

REGULATORY STAFF, OFFICE OF

Consumer Protection for the Lease of Renewable Energy
Generation Facilities (4992) SR45-5

SOCIAL SERVICES, DEPARTMENT OF

Licensure for Foster Care (5023)..... SR45-5
Residential Group Care Facilities for Children (5022)..... SR45-5

ACTS CITED BY**POPULAR NAME**

Open Carry with Training Act, 241

Reinforcing College Education on America's Constitutional Heritage Act (REACH Act), 64

SC Child Abuse Response Protocol Act, 76

SC Covid-19 Liability Immunity Act, 1001

SC Electronic Notary Public Act, 298

SC Fetal Heartbeat Protection from Abortion Act, 2

SC Pay-for-Success Performance Accountability Act, 198

Santee Cooper, Public Service Authority, 318

Student Identification Card Suicide Prevention Act, 172

ACTS AND JOINT RESOLUTIONS**AMENDED**

1954

Act No. 868, Sec. 003, Kershaw Health Board, powers and duties; make conforming changes; provide for appointment of new board and stagger terms, 1044

1959

Act No. 126, Lancaster County Commission for Higher Education; provide for commission's receipt and administration of

millage-derived funds; to provide Dean of USC Lancaster must be ex officio member; other provisions, 1046

1962

Act No. 907, Georgetown County School District and Board of Education; conform local election procedures; provide for membership, terms, and vacancies; provide for candidates and elections; other provisions, 1038

1967

Act No. 745, Renewable Water Resources (REWA); revise membership of it's governing commission by removing one Spartanburg member and adding one Greenville member; amend service area, 1053

1969

Act No. 725, Sec. 001 and 002, Kershaw Health; provide for composition of Kershaw Health Board; provide for nominations and terms; revise purpose and scope of powers and duties; other provisions, 1044

1970

Act No. 1041, Assessment of Taxes in Oconee County; revise membership and composition of Oconee County Board of

Assessment Appeals,
1049

2014
Act No. 129, SC
Manufacturer
Responsibility and
Consumer Convenience
Information Technology
Equipment Collection and
Recovery Act; extend
provisions, 290

2016
Act No. 134, Sec. 002,
Extend tax credit for
purchase and installation
of geothermal machinery
and equipment, 202

2018
Act No. 189, Disposal of
surplus property by
Midlands Tech Enterprise
Campus Authority;
permanently authorize the
act and repeal sunset
provision, 22

Act No. 280, Orangeburg
County School District;
eliminate prohibition
against holding certain
school closure
referendums at same time
as school bond
referendum; provide
procedures for closures;
revise millage levy; other
provisions, 1050

2020
Act No. 135, Sec. 011,
Santee Cooper; extend the
provisions, 318

Act No. 167, Sec. 2.B,

Off-premises sales,
increased limits; extend
increase until May 31,
2022, 289

ACTS AND JOINT**RESOLUTIONS****REPEALED**

1983

Act No. 237, Georgetown
County School District,
1038

ADJUTANT GENERAL'S**OFFICE**

Appropriations, 553

Budget Provisos, 842, 887,
902, 945, 985

Civil Air Patrol

Budget Provisos, 843

ADMINISTRATION,**DEPARTMENT**

Aging Department

Appropriations, 457

Budget Provisos, 742, 853,
955, 988

Appropriations, 543

Budget Provisos, 831, 881,
907, 921, 925, 927, 928,
930, 931, 935, 938, 940,
941, 942, 949, 952, 954,
955, 964, 965, 985, 988,
991

Emergency Management

Division

Budget Provisos, 843, 845,
902

Fiscal Accountability

Authority

Appropriations, 559

Auditor, State

Appropriations, 561

Budget Provisos, 858, 900,

915, 920
 Budget Provisos, 855, 896,
 903, 915, 917, 943, 948,
 955, 959, 964
 Engineer, State
 Budget Provisos, 935
 Midlands Tech, surplus
 property; require authority
 to file certain documents
 with Fiscal Accountability
 Authority, 22
 Revenue and Fiscal Affairs
 Appropriations, 558
 Budget Provisos, 851, 912,
 938
 Greenville County, voting
 precincts; update map
 number with Revenue and
 Fiscal Affairs, 315
 Spartanburg County, voting
 precincts; revise the
 names of certain precincts
 and update the map
 numbers, 360
 York County, voting
 precincts; add Crescent
 and Hands Mill precincts
 and update map numbers,
 363
 Transfer of funds to SC
 Retiree Health Insurance
 Trust Fund; suspend
 section for fiscal year
 2020-2021, 998

ADVERTISEMENTS
 Advertising signs, moved by
 DOT; provide for options
 and parameters to adjust
 or relocate outdoor
 advertising signs to
 restore visibility; provide

for cost, 125

AERONAUTICS
 Airlines, crediting property
 tax; credit the proceeds of
 taxes to the state aviation
 fund; other provisions,
 310
 Civil Air Patrol
 Budget Provisos, 843
 Division
 Appropriations, 537
 Budget Provisos, 819, 892,
 921, 984

AGENCIES, STATE
 See Also Specific
 Agency or
 Department
 (this index)
 Criminal background checks;
 authorize state agencies
 and political subdivisions
 with access to federal tax
 information to conduct
 background checks on
 employees and
 contractors, 212
 Economic bonds for
 conventions and trade
 shows; provide
 exemptions for acquisition
 or construction of new
 meeting or exhibit space
 of not less than 50,000
 square feet; other
 provisions, 210
 SC Pay-for-Success
 Performance
 Accountability Act, 198

AGING
 Department
 Appropriations, 457

Budget Provisos, 742, 853,
955, 988

Protection of Vulnerable
Adults from Financial
Exploitation; authorize
financial representatives
of certain clients to notify
DSS and AG in suspected
exploitation; other
provisions, 292

AGRICULTURE

Cotton, warehouse receipts;
authorize use of certain
funds from the warehouse
receipts guaranty fund to
pay certain cotton
producer claims; provide
cotton producer shall
subrogate interest; other
provisions, 999

Department

Appropriations, 465

Budget Provisos, 746, 887,
909, 969, 970, 972, 980,
988, 990

Farm Aid Advisory Board,
created

Budget Provisos, 970, 972

Farm Aid Fund

Budget Provisos, 969, 972

Micro-Distilleries and Wine
sales and tastings;
establish certain
requirements and
limitations; provide for
satellite location
certificates; other
provisions, 214

Pigs; prohibit transportation
of live swine on public
road or waterway without

official form of ID;
provide exception and
penalties; unlawful to
transport live member of
suidae family taken from
wild, 264

ALCOHOL AND ALCOHOLIC BEVERAGES

Micro-Distilleries and Wine
sales and tastings;
establish certain
requirements and
limitations; provide for
satellite location
certificates; other
provisions, 214

Off-premises sales, increased
limits; extend increase
until May 31, 2022, 289

ALCOHOL AND OTHER DRUG ABUSE SERVICES,

DEPARTMENT OF

Appropriations, 446

Budget Provisos, 732, 852,
938, 939, 940, 956, 958,
980, 986

ANIMALS

See Also Fish and Game
(this index)

See Also Natural
Resources
Department (this
index)

Equine Industry Support

Measures Study

Committee, created;

examine potential for
further growth of equine
industry in SC and the

- resulting economic impact, 1057
- Hunting and Fishing
- Bear hunting; authorize
 - DNR to determine an appropriate quota of bears to be harvested in each game zone and require bear tag for any bear taken in SC; allow for the use of unprocessed bait when hunting on private land in game zone 4, 269
 - Blue catfish, possession; provide for daily catch limits; provide penalties; require study by DNR, 157
 - Cobia; provide catch limits and other provisions, 42
 - Flounder; decrease catch limit and increase size limit for flounder; increase certain fees; create and eliminate certain licenses; provide for flounder stocking and report by DNR, 357
 - Hunting and fishing licenses; authorize DNR to offer license, permit or tag made of durable material and establish fee; allow for display of license, permit, or stamp electronically, 32
 - Nongame devices, possession; delete prohibition on the possession of a game fish device while possessing or using a nongame device, 44
 - Nongame fishing devices; allow for use of set hooks within a certain portion of Santee River; establish limit for number of hoop nets a commercial fishing licensee may use; prohibit hoop nets on Congaree River, 208
 - Pigs; prohibit transportation of live swine on public road or waterway without official form of ID; provide exception and penalties; unlawful to transport live member of suidae family taken from wild, 264
- APPROPRIATION ACTS**
- Appropriations Bill
 - 2021-2022, 367
 - Capital Reserve Fund
 - Capital Reserve Fund, appropriations 2021-2022, 995
 - Covid-19; make
 - appropriations for state's public health response to Covid-19 including vaccinations, 12
- ARCHIVES AND HISTORY, DEPARTMENT**
- Appropriations, 418
 - Budget Provisos, 980, 988
- ARTS COMMISSION**
- Budget Provisos, 980, 989
- ATTORNEY GENERAL**
- Appropriations, 495

Budget Provisos, 767, 887,
901, 904, 963, 968

Open Carry with Training
Act, 241

Protection of Vulnerable
Adults from Financial
Exploitation; authorize
financial representatives
of certain clients to notify
DSS and AG in suspected
exploitation; other
provisions, 292

AUDITOR'S OFFICE, STATE

Appropriations, 561

Budget Provisos, 858, 900,
915, 920

BAMBERG COUNTY

Bamberg-Ehrhardt and
Denmark-Olar school
districts; consolidate into
Bamberg County School
District; abolish previous
boards; provide for new
board membership, terms,
duties, and other
provisions, 1011

BANKS AND SAVINGS AND LOAN

ASSOCIATIONS

Bank; provide requirements
and conditions for
organizing a bank; other
provisions, 80

Financial Institutions, State
Board of

Appropriations, 524

Budget Provisos, 807

Infrastructure Bank Board

Appropriations, 536

Budget Provisos, 819, 862

Protection of Vulnerable
Adults from Financial
Exploitation; authorize
financial representatives
of certain clients to notify
DSS and AG in suspected
exploitation; other
provisions, 292

BARNWELL COUNTY

Barnwell County

Consolidated School
District, created; abolish
district 29 and 19 and
consolidate to one district;
provide for governing
board, procedures, powers
and duties; other
provisions, 1021

BONDS OR NOTES

Economic bonds for
conventions and trade
shows; provide
exemptions for acquisition
or construction of new
meeting or exhibit space
of not less than 50,000
square feet; other
provisions, 210

BUILDINGS

Architectural Examiners

Board, exempted; revise
an exemption for plans
and specifications for
certain dwellings, 203

Capitol Grounds; define area
and boundaries; provide
certain acts are unlawful
in any building on the
Capitol Grounds; other
provisions, 160

SC Abandoned Buildings

Revitalization Act; extend provisions until December 31, 2025 and include certain properties in definition of contiguous parcel, 51

BUSINESSES AND CORPORATIONS

See Also Advertisements (this index)

See Also Consumer Affairs (this index)

Advertising signs, moved by DOT; provide for options and parameters to adjust or relocate outdoor advertising signs to restore visibility; provide for cost, 125

Barber Examiners Board; authorize board to issue mobile barbershop permits, establish requirements and provide for further regulations, 239

Community development tax credits; authorize an additional three million dollars in credit, 291

Criminal background checks; require social security number-based criminal record checks in addition to existing requirements, 63

Electric transportation; Joint Committee on the Electrification of Transportation,

established; provide charging station is not a utility and increase in consumption does not constitute revenue; other provisions, 174

Income tax rates; pass-through trade and business income; create and election to tax partnerships and "s" corporations at the entity level, 228

Insurance; provide procedure for insurer to cancel, nonrenew, or terminate all or substantially all of an entire line or class of business; provide listing of underwriting restrictions regardless of geography; other provisions, 34

Motor vehicles, Dealerships and franchises; add definitions; add penalties; other provisions, 97

SC Covid-19 Liability Immunity Act, 1001

SC Pay-for-Success Performance Accountability Act, 198

Tax credits; provide for allocation of tax credit or unused credit amount carried forward that is earned by a partnership or limited liability company taxed as partnership, 235

**CHILDREN'S
ADVOCACY,
DEPARTMENT OF**

Appropriations, 459
Budget Provisos, 744, 853,
980

CLARENDON COUNTY

Clarendon County School
District; combine districts
2 and 4 into one school
district; create one board
of trustees; provide for
elections; other
provisions, 1030

Cotton, warehouse receipts;
authorize use of certain
funds from the warehouse
receipts guaranty fund to
pay certain cotton
producer claims; provide
cotton producer shall
subrogate interest; other
provisions, 999

**CODE SECTIONS OF 1976
ADDED, REENACTED
OR REDESIGNATED**

Title 11

11-060-0010 through
11-060-0060, SC
Pay-for-Success
Performance
Accountability Act;
establish trust fund to
fund pay-for-success
contracts; other
provisions, 198
Title 11, Chap. 060, SC
Pay-for-Success
Performance
Accountability Act;
establish trust fund to

fund pay-for-success
contracts; other
provisions, 198

Title 12

12-002-0140, Criminal
background checks;
authorize state agencies
and political subdivisions
with access to federal tax
information to conduct
background checks on
employees and
contractors, 212

Title 14

14-025-0250, Open Carry
with Training Act;
provide municipal judges
shall report disposition of
criminal case to SLED
within five days; other
provisions, 241

Title 22

22-001-0200, Open Carry
with Training Act; require
magistrates to report to
SLED within five days the
disposition of each
criminal case; other
provisions, 241

Title 23

23-021-0232, Open Carry
with Training Act;
provide a church official
or governing body may
allow a person who holds
a permit to carry a
concealable weapon to
carry openly on premises
of schools leased for
church, 241
23-031-0250, Open Carry

- with Training Act;
provide state cannot be
compelled to implement
or enforce a law related to
right to bear arms; other
provisions, 241
- Title 26
26-002-0005 through
26-002-0190, SC
Electronic Notary Public
Act; provide for
procedures and training
requirements for
electronic public notaries;
provide for regulations,
requirements, and
penalties; other
provisions, 298
- Title 26, Chap. 002, SC
Electronic Notary Public
Act; provide for
procedures and training
requirements for
electronic public notaries;
provide for regulations,
requirements, and
penalties; other
provisions, 298
- Title 34
34-001-0150, Bank; provide
requirements for an
applicant seeking to
organize a bank, 80
34-001-0160, Bank; provide
conditions that must be
met in order to authorize
the organization of a
proposed bank, 80
34-001-0170, Bank; provide
for requirements of
articles of incorporation of
a proposed bank, 80
34-001-0180, Bank; provide
for requirements for the
Board of Financial
Institutions to approve a
charter for a proposed
bank, 80
34-001-0190, Bank; provide
the board shall decide
whether to uphold or
overturn its approval or
denial of an application,
80
34-001-0200, Bank; provide
requirements for issuing a
bank charter, 80
34-001-0210, Bank; provide
that a remote service unit
is not considered a branch
of a bank, 80
34-001-0220, Bank; allow
certain delegations to the
Commissioner of
Banking, 80
- Title 35
35-001-0800 through
35-001-0880, Protection
of Vulnerable Adults from
Financial Exploitation;
authorize financial
representatives of certain
clients to notify DSS and
AG in suspected
exploitation, 292
- Title 35, Chap. 001, Art.
008, Protection of
Vulnerable Adults from
Financial Exploitation;
authorize financial
representatives of certain
clients to notify DSS and

- AG in suspected exploitation, 292
- Title 38
- 38-043-0025, Limited lines of travel insurance; allow director of DOI to issue a limited lines travel insurance producer license, 184
- 38-061-0080, Insurance; provide procedure for insurer to cancel, nonrenew, or terminate all or substantially all of an entire line or class of business, 34
- 38-073-0905, Insurance; allow for rate increases for certain types of insurance without prior approval, 122
- 38-077-0400, Insurance, provide an insurer to provide a listing of underwriting restrictions upon the request of director, 34
- Title 40
- 40-007-0355, Barber Examiners Board; authorize board to issue mobile barbershop permits, establish requirements and provide for further regulations, 239
- Title 43
- 43-035-0087, Adult protection, investigations; authorize banks to decline certain transactions in cases of suspected financial exploitation of vulnerable adult, 292
- Title 44
- 44-041-0610 through 44-041-0740, SC Fetal Heartbeat Protection from Abortion Act; require testing for a detectable fetal heartbeat before abortion and prohibit abortion when heartbeat detected with exception; other provisions, 2
- 44-053-0361, Naloxone; require prescribers to offer a prescription for naloxone hydrochloride to a patient under certain circumstances, 53
- Title 44, Chap. 041, Art. 006, SC Fetal Heartbeat Protection from Abortion Act; require testing for a detectable fetal heartbeat before abortion and prohibit abortion when heartbeat detected with exception; other provisions, 2
- Title 47
- 47-004-0065, Pigs; prohibit transportation of live swine on public road or waterway without official form of ID; provide exception and penalties, 264
- Title 48
- 48-035-0055, Fires; provide regulation of fires for

- State Forester does not apply to fires used for food prep or used in appropriate enclosures, 266
- Title 50
- 50-005-1713, Cobia; provide catch limits and other provisions, 42
- 50-023-0125, DNR; authorize DNR to transmit certain documents electronically for certificate of title; allow for electronic transmission collection of fees; require use of electronic lien system; other provisions, 276
- Title 56
- 56-003-14700, Special License Plate; Drivers for a Cure license plate issued, 23
- 56-003-14710, Special License Plate; Two Hundred Fifty Year Anniversary Revolutionary War Commemorative license plate issued, 31
- 56-003-14910 through 56-003-15010, Military special license plates; provide DMV may issue various military special license plates, 148
- 56-005-5710, Motor vehicle; provide for disposition of motor vehicles by a salvage pool operator subject to an insurance claim, 68
- 56-015-0035, Consumer data; provide how a franchisor, manufacturer, distributor, or third party must handle consumer data, 97
- Title 56, Chap. 003, Art 149, Military special license plates; provide DMV may issue various military special license plates, 148
- Title 56, Chap. 005, Art. 040, Motor vehicle; provide for disposition of motor vehicles by a salvage pool operator subject to an insurance claim or charity donation, 68
- Title 57
- 57-005-0845, State highways; provide free and paid parking restrictions on state highway facilities in beach communities eligible for beach renourishment funds; provide for use of funds, 316
- Title 58
- 58-004-0051, Regulatory Staff Office; enumerate certain duties and responsibilities of ORS regarding PSA, 318
- 58-027-0260, Joint Committee on the Electrification of

- Transportation,
established; provide for
committee compositions,
duties, and
responsibilities, 174
- 58-027-0265, Public Service
Commission; require
commission to open a
docket to purpose of
identifying regulatory
challenges and
opportunities associated
with electrification of
transportation, 174
- 58-027-0270, Regulatory
Staff Office; require to
complete a stakeholder
process to explore
opportunities to advance
the electrification of the
transportation sector;
identify challenges, 174
- 58-027-1060, Electric
charging station; provide
that a person or
corporation using electric
charging station not an
electric utility and
increase in demand or
consumption shall not
constitute revenue for
electric utility, 174
- 58-031-0225, PSA;
authorize ORS to make
inspections, audits, and
examinations of PSA, 318
- 58-031-0227, PSA; impose
renewable energy
resource procurement
requirements on the PSA;
require PSA to develop
and implement plan that
provides for employee
retention, job training, and
economic development
opportunities, 318
- 58-031-0240, Bonds, notes,
or other indebtedness;
require Joint Bond
Review Committee to
approve, reject, or modify
prior to issuance; require
PSA to provide annual
report, 318
- 58-031-0250, PSA;
authorize Senate and
House to compel certain
written or oral testimony
from PSA, 318
- 58-031-0710 through
58-031-0740, Retail rates;
establish a retail rates
process, 318
- 58-033-0180, PSA; impose
additional requirements
and limitations on PSA
regarding construction,
acquisition, and purchase
of major utility facilities,
318
- 58-033-0185, PSA; impose
additional requirements
and limitations on PSA
regarding construction,
acquisition, and purchase
of major utility facilities,
318
- 58-033-0190, PSA; impose
additional requirements
and limitations on PSA
regarding construction,
acquisition, and purchase

- of major utility facilities, 318
- Title 58, Chap. 031, Art. 007, Retail rates; establish a retail rates process, 318
- Title 59
 - 59-001-0375, Student Identification Card Suicide Prevention Act; provide schools add telephone number for National Suicide Prevention Lifeline to student ID cards; other provisions, 172
 - 59-018-1615 through 59-018-1640, Public schools; provide revised accountability measures for public schools and districts, 165
 - 59-102-0085, Consumer affairs; provide dept shall maintain a public directory of all registered athlete agents in good standing, 128
 - 59-158-0010 through 59-158-0080, Athletics; provide for compensation for intercollegiate athlete's for the use of athlete's name, image, or likeness, 128
- Title 59, Chap. 018, Art. 016, Public schools; provide revised accountability measures for public schools and districts, 165
- Title 59, Chap. 158, Athletics; provide for compensation for intercollegiate athletes for the use of athlete's name, image, or likeness, 128
- Title 61
 - 61-004-0748, Wineries; allow certain wineries to obtain satellite location certificates, 214
 - 61-006-1155, Liquor; authorize producer, manufacturer, or micro-distiller to sell liquors distilled at their licensed premises for on-premises consumption, 214
- Title 63
 - 63-003-0545, Open Carry with Training Act; clerks of family court shall report to SLED within five days the disposition of certain orders, 241
 - 63-007-1730, Foster care and residential treatment programs; require assessment, case planning, and judicial review for children placed in qualified residential treatment programs, 55
 - 63-007-1740, Foster care and residential treatment programs; require assessment, case planning, and judicial review for children placed in qualified residential treatment programs, 55

63-011-2400 through
60-011-2420, SC Child
Abuse Response Protocol
Act; require
multidisciplinary teams
involved in child abuse
investigations to follow
certain protocol; other
provisions, 76

Title 63, Chap. 011, Art.
024, SC Child Abuse
Response Protocol Act;
require multidisciplinary
teams involved in child
abuse investigations to
follow certain protocol;
other provisions, 76

**CODE SECTIONS OF
1976 AMENDED,
SUSPENDED OR
REDESIGNATED**

Title 01

01-001-1210, Constitutional
Officers, salaries; provide
salaries must be based on
recommendations of the
Agency Head Salary
Commission to the
General Assembly, 271

01-003-0240, Officers
removal by Governor;
clarify the Governor's
authority to remove
directors of PSA ;
establish expiration dates
for directors serving as of
effective date of this act,
318

01-011-0705, Transfer of
funds to SC Retiree
Health Insurance Trust

Fund; suspend section for
fiscal year 2020-2021,
998

01-011-0710, PEBA;
provide that PEBA may
establish rules for
eligibility and enrollment
for fully insured insurance
products for which the
plan sponsor and provide
medical evidence for
insurability shall not be
required before 30 days,
230

Title 02

02-003-0100, Sergeants at
Arms; provide for powers
and provide for the
employment of their
deputies, 160

Title 05

05-029-0030, Parking
facilities, on-street;
provide municipality may
not establish or alter
parking facilities on any
state highway without
prior approval of DOT,
316

Title 07

07-007-0280, Voting
precincts, Greenville
County; update map
number with Revenue and
Fiscal Affairs, 315

07-007-0490, Voting
precincts, Spartanburg
County; revise the names
of certain precincts and
update the map numbers,
360

- 07-007-0530, Voting precincts, York County; add Crescent and Hands Mill precincts and update map numbers, 363
- 07-009-0070, County conventions, required notices; eliminate requirement that a county committee publish certain notices in a newspaper having general circulation in county, 30
- Title 08
- 08-011-0160, Agency Head Salary Commission; provide commission must make recommendations to General Assembly for salaries of Constitutional Officers, 271
- 08-011-0165, Salary and fringe benefit surveys; provide that salary surveys be conducted for Constitutional Officers, 271
- Title 09
- 09-001-1650, SCRS, amounts paid upon termination; provide member who is not retired may name contingent beneficiaries in same manner as primary beneficiaries; other provisions, 230
- 09-008-0110, Retirement, judges or solicitors; provide a member who is not retired may name secondary beneficiaries in the same manner as primary beneficiaries; other provisions, 230
- 09-009-0100, Retirement, General Assembly; provide a member who is not retired may name secondary beneficiaries in the same manner as primary beneficiaries; other provisions, 230
- 09-011-0110, Retirement, police officers; provide a member who is not retired may name secondary beneficiaries in the same manner as primary beneficiaries; other provisions, 230
- Title 10
- 10-001-0030, State House; provide that access may not be restricted or prohibited and provide exceptions, 160
- 10-011-0310, Capitol Grounds; define area and boundaries, 160
- 10-011-0330, Capitol building, entry; provide that certain acts are unlawful in any building on the Capitol Grounds, 160
- Title 11
- 11-041-0075, Economic bonds for conventions and trade shows; provide exemptions for acquisition or construction of new

- meeting or exhibit space
of not less than 50,000
square feet; other
provisions, 210
- Title 12
- 12-002-0100, Tax credits;
provide for allocation of
tax credit or unused credit
amount carried forward
that is earned by a
partnership or limited
liability company taxed as
partnership, 235
- 12-006-0040, IRS code;
update references and
extend any adopted code
sections that IRS
extended; other
provisions, 312
- 12-006-0545, Income tax
rates, pass-through trade
and business income;
create and election to tax
partnerships and "s"
corporations at the entity
level, 228
- 12-006-3530, Community
development tax credits;
authorize an additional
three million dollars in
credit, 291
- 12-006-3790, Exceptional
Needs Child tax credit;
increase amount the
public charity may expend
for administration costs;
allow for carry forward
credits; increase amount
tax payer may claim;
other provisions, 279
- 12-036-0090, Gross
proceeds of sales,
definition; exclude
amounts received from a
buydown, 48
- 12-037-0220, Property tax,
exemptions; clarify that
manufacturing property
owned or leased by a
public utility regulated by
PSC does not qualify for
14.2857 percent
exemption, 156
- 12-037-0220, Property tax,
exemptions; exempt a
renewable energy
resource property having a
nameplate capacity of and
operating no greater than
20 kilowatts, 258
- 12-037-2460, Airlines,
crediting property tax;
credit the proceeds of
taxes to the state aviation
fund, 310
- 12-037-2650, Vehicle tax
notice; limit types of tax
notices prepared by
county auditor; provide
DMV shall mail notice to
registrants of large
commercial vehicles who
do not receive bills from
counties; other provisions,
138
- 12-037-2810, Definitions;
revise definition of motor
carrier, 138
- 12-037-2840, Road use fees;
provide a commercial
vehicle or bus must pay
the road use fee due to

- DMV and provide DMV must make installment payments available to customer upon request, 138
- 12-037-2850, Road use fees; provide a commercial vehicle or bus must pay the road use fee due to DMV and provide DMV must make installment payments available to customer upon request, 138
- 12-037-2860, Property tax, exemptions; provide fees may be paid in installments; make technical changes, 138
- 12-037-2880, Fair market value of commercial vehicle; remove references to international registration plan; other provisions, 138
- 12-043-0220, Property tax, assessment ratio; define legally separated for certificate contained in application of for 4 percent assessment ratio; require annual reapplication and recertification to keep ratio for separated spouses, 206
- 12-045-0075, Property tax, installment payments; authorize a county to establish an alternative payment schedule, 259
- 12-065-0020, SC Abandoned Buildings Revitalization Act; extend provisions until December 31, 2025 and include certain properties in definition of contiguous parcel, 51
- Title 14
- 14-017-0325, Open Carry with Training Act; shorten reporting period of clerks of court reporting disposition of cases to SLED; other provisions, 241
- Title 16
- 16-017-0680, Nonferrous metals; include lawful purchase, sale and possession of used detached catalytic converters; other provisions, 282
- 16-023-0020, Open Carry with Training Act; provide a person who possesses a concealed weapons permit may carry it openly on or about his person in a vehicle, 241
- Title 23
- 23-031-0210, Open Carry with Training Act; revise definition of concealable weapon to allow a permit holder to carry a concealable weapon openly on one's person, 241
- 23-031-0210, Open Carry

- with Training Act; revise definition of proof of training, 241
- 23-031-0215, Open Carry with Training Act; eliminate the payment of an application fee and training fee; provide the division may not charge a fee for a concealed weapon permit, 241
- 23-031-0220, Open Carry with Training Act; provide provisions applies to openly carrying a weapon onto the premise and provide employer or owner of a business may post a prohibition sign, 241
- 23-031-0235, Open Carry with Training Act; provide provision also applies to openly carrying a concealed weapon on a premise and provide an employer or owner business may post a sign regarding prohibition, 241
- 23-031-0240, Open Carry with Training Act; delete provisions that restricts the carrying of the weapon when the official is carrying out duties of office; add Attorney General and Assistant Attorney General, 241
- 23-031-0520, Open Carry with Training Act; allow local government to temporarily restrict open carry on public property during certain events and provide the circumstances, 241
- Title 24
- 24-003-0530, Executions; provide a person convicted of a capital crime and sentenced to death shall suffer penalty by electrocution, firing squad, or lethal injection if available and other provisions, 163
- Title 34
- 34-003-0350, Bank; provide that Commissioners of Banking shall forward a copy of report to chief executive, 80
- 34-003-0360, Bank; replace State Board of Bank Control with Commissioner of Banking and replace cashier with chief executive, 80
- 34-003-0370, Bank; State Board of Bank Control with Commissioner of Banking and president or cashier with chief executive, 80
- 34-003-0380, Bank; replace president or cashier with chief executive; provide two directors shall verify report, 80
- 34-003-0810, Bank; permit another state's bank to convert into a SC state

- bank and require board approval; require national or other state banking corporation to file an application of conversion, 80
- 34-003-0840, Bank; provide unless otherwise elected by shareholders of national banking corporation or state banking corporation the officers at the time of dissolution are officers of created bank, 80
- 34-008-0820, Bank; include reference to non-SC state bank converting to a SC state bank, 80
- 34-008-0830, Bank; include reference to non-SC state bank converting to a SC state bank, 80
- 34-009-0010, Bank; provide payment of US currency and delete a provision that requires no authorized but unissued capital stock may be issued without approval by board, 80
- 34-009-0040, Bank; provide a banking company or corporation must have minimum capital in the amount required by the state board of financial institutions, 80
- 34-011-0060, Bank; remove requirement that a home telephone number is necessary to establish prima facie evidence against a defendant, 80
- 34-013-0140, Bank; provide an exception to restriction if the purchase is approved by the Board of Financial Institutions or if the Banking Association hold the outstanding shares as treasury stock, 80
- 34-026-0350, Bank; provide that the maintenance of the facility must be reasonably necessary to furnish service to its members or potential members, 80
- 34-026-0530, Bank; remove requirement for membership officers to approve applications, 80
- 34-026-0640, Bank; provide board must meet at least quarterly, 80
- 34-026-0645, Bank; remove duty to establish titles for senior management positions, 80
- 34-026-1220, Bank; provide the assets and liabilities of credit union will vest in and become property of successor credit union, 80
- Title 35
- 35-001-0607, Public records; add certain records provided to division regarding suspected financial exploitation of vulnerable adults, 292

- Title 38
- 38-001-0020, Definitions;
delete definition of travel insurance; add travel insurance to definition of marine insurance, 184
 - 38-013-0030, Orders resulting from examination; allow director or designee to serve an order upon the insurer by electronic mail, 34
 - 38-043-0710 through 38-043-0820, Limited lines travel insurance; define terms, provide travel insurance must be classified and file as marine insurance subject to certain exceptions; other provisions, 184
 - 38-053-0110, Financial statement requirements; provide a deadline for submission, 34
 - 38-071-0340, Required policy provisions; add a time of payment of claims requirement for health insurance coverage, 34
 - 38-073-0910, Insurance policies, premium rate increase requirements; differentiate the requirements for a premium rate increase for certain types of insurance, 122
 - 38-075-0730, Cancellation of policies, restrictions; distinguish the cancellation provisions for workers' comp insurance policies, 34
 - 38-075-0740, Nonrenewal policies, restrictions; remove specific deadlines, 34
 - 38-075-1160, Cancellation or refusal to renew, notice requirements; remove specific deadlines, 34
 - 38-075-1240, Underwriting restrictions director; require insurer to provide a list of underwriting restrictions only upon the request of the director regardless of geography, 34
 - 38-077-0030, Reduction in coverage, definition; prohibit an insurer from treating a correction of a typographical or scrivener's error as a reduction in coverage, 40
 - 38-077-0120, Cancellation or refusal to renew, notice requirements; make conforming changes, 40
- Title 38, Chap. 043, Art. 006, Limited lines travel insurance; define terms, provide travel insurance must be classified and file as marine insurance subject to certain exceptions; other provisions, 184

Title 40

- 40-003-0290, Architectural Examiners Board, exempted; revise an exemption for plans and specifications for certain dwellings, 203
- 40-033-0034, Advanced practice registered nurses; include issuing orders for certain home health services, 204
- 40-033-0036, Nurses, temporary licensure; create an additional category of temporary licensure for graduate nurses; prescribe criteria and other provisions, 196
- 40-033-0043, Medications, authorized provisions by unlicensed persons in community residential facilities; extend these provisions to correctional facilities, 48
- 40-043-0075, Renal dialysis facilities; provide renal drug manufacturer may deliver a legend drug or device to a patient under certain circumstances, 180
- 40-043-0130, Pharmacy Practice Act, continuing education requirements; remove minimum in-person requirements for pharmacists and technicians, 180
- 40-045-0220, Physical Therapy Examiners,

license qualifications; require certain fingerprint-supported state and national criminal record checks for initial licensure; other provisions, 24

- 40-045-0240, Physical Therapy Examiners, licensure by endorsement from other jurisdictions; require certain fingerprint-supported state and national criminal record checks for initial licensure; other provisions, 24

- 40-047-0935, Physician assistants; include issuing orders for certain home health services, 204

- 40-057-0115, Criminal background checks; require social security number-based criminal record checks in addition to existing requirements, 63

Title 41

- 41-035-0320, Unemployment security benefits; reduce the lookback period to two years for determining whether there is an on indicator for SC, 179

Title 44

- 44-021-0080, Regional tertiary level developmental evaluation centers; update names of

- those authorized to fulfill role, 183
- 44-041-0060, SC Fetal Heartbeat and Protection From Abortion Act; add reporting requirements, 2
- 44-041-0330, SC Fetal Heartbeat Protection from Abortion Act; Pregnant women's rights; require notification of detection of fetal heartbeat, 2
- 44-041-0460, SC Fetal Heartbeat Protection from Abortion Act; Abortion data reporting to DHEC; add reporting of fetal heartbeat testing and patient medical condition data, 2
- 44-053-0360, Prescriptions; exempt surgically implanted drug delivery systems from the 31 day supply limitation, 54
- 44-069-0020, Licensure of Home Health Agencies Act; include orders for part-time or intermittent-skilled nursing care issued by APRN and PAs; other provisions, 204
- 44-096-0100, Waste tire regulations; change certain penalty requirements, 254
- 44-096-0170, Waste tire regulations; authorize DHEC to promulgate regulations and make certain permitting decisions concerning waste tire management, 254
- Title 48
- 48-023-0096, Forestry Commission; allow enforcement officers to issue warnings, 266
- 48-039-0280, Beach preservation policy; apply certain exceptions to the establishment of a baseline for coastal erosion zones and remove study requirement in cases where primary sand dunes do not exist, 159
- Title 50
- 50-005-1710, Flounder; decrease catch limit and increase size limit for flounder, 357
- 50-005-1750, Flounder; decrease catch limit and increase size limit for flounder, 357
- 50-005-2730, Federal fishing regulations; remove the exception for cobia, 42
- 50-009-0040, Hunting and fishing licenses; authorize DNR to offer license, permit or tag made of durable material and establish fee, 32
- 50-009-0050, Hunting or fishing license, permit or stamp; allow for a person hunting or fishing to display license, permit, or

- stamp electronically, 32
- 50-009-0540, Recreational saltwater fishing; increase certain fees; create and eliminate certain licenses, 357
- 50-009-0920, Revenues; require a portion be used for development and implementation of a flounder stocking program; require DNR to provide report, 357
- 50-009-1120, Fishing violations; provide violation for blue catfish catch limits and require DNR conduct a study of blue catfish fishery, 157
- 50-011-0430, Bear hunting; authorize DNR to determine an appropriate quota of bears to be harvested in each game zone and require bear tag for any bear taken in SC, 269
- 50-011-0450, Bear hunting; allow for the use of unprocessed bait when hunting on private land in game zone 4, 269
- 50-013-0640, Blue catfish, possession; prohibit possession of more than 2 longer than 32 inches in certain waters of this state and provide for daily catch limit in certain waters, 157
- 50-013-0670, Nongame devices, possession; delete prohibition on the possession of a game fish device while possessing or using a nongame device, 44
- 50-013-0675, Nongame fishing devices; allow for use of set hooks within a certain portion of Santee River; establish limit for number of hoop nets a commercial fishing licensee may use; prohibit hoop nets on Congaree River, 208
- 50-016-0025, Pigs; provide unlawful to transport a live member of the family suidae taken from the wild, 264
- 50-021-0030, Watercraft; prohibit local government from adopting an ordinance relating to watercraft or water devices used or held for use on SC waters; provide exceptions, 274
- 50-023-0140, Watercraft; allow for retention or discharge of lien electronically, 276
- Title 51
- 51-007-0030, PRT authority to construct roads through Hunting Island; remove reference to residential areas, 267
- 51-007-0070, PRT payment of revenue obligations;

- remove certain actions
PRT may undertake to
secure payment of
obligations, 267
- Title 55
- 55-005-0280, State Aviation
Fund; phase in the
crediting of property tax
revenues from aircraft;
provide a portion of the
revenues collected must
be used to obtain or
develop certain airport
facilities, 310
- Title 56
- 56-001-0010, Definitions;
create additional terms
and definitions relating to
salvage, junk, and
off-road-use vehicles, 68
- 56-003-0190, DMV; allow
DMV to register certain
commercial vehicles, 138
- 56-003-0190, Vehicle
licensure and registration;
provide a commercial
motor vehicle registered
through the international
registration plan and
operated under USDOT
may register with DMV
using USDOT number,
138
- 56-003-0195, Vehicle
registration and licensing
renewal by counties;
provide for payment of
registration and licensing
renewal fees by owners of
large commercial
vehicles, 138
- 56-003-0240, Vehicle
registration and license;
revise contents of an
application relating to
large commercial
vehicles, 138
- 56-003-0355, Commercial
vehicle registration cards
and plates, revocation or
suspension; provide
additional circumstances
for which DMV must
suspend or revoke
registration cards or
plates, 138
- 56-003-0376, Vehicle
registration; provide
weight limitations for
vehicles for which
biennial registration fee is
160 dollars or more, 138
- 56-003-0627, Infrastructure
maintenance fee; provide
fee also applies to the first
titling of a vehicle or other
item; provide DMV may
not issue title until fee
collected; other
provisions, 261
- 56-003-0645, Road use fee;
provide fee must be
collected at time vehicle is
titled or registered, 261
- 56-003-0660, Self-propelled
property carrying
vehicles; provide a motor
carrier must own or lease
real property directly in
the transportation of
freight or persons within
the state; revise process

- for payment of registration fees, 138
- 56-005-1885, Driving on far left lane; DOT to place signs for slower traffic to move right; provide for penalty and other provisions, 236
- 56-015-0010, Motor vehicle manufacturers and dealers; amend and add definitions, 97
- 56-015-0040, Unfair methods of competition or deceptive acts; amend violation for taking any adverse action against a dealer for offering or declining to offer promotions; add penalties; other violations, 97
- 56-015-0045, Competing dealerships; provide for a date change; delete qualifications for an exemption; other provisions, 97
- 56-015-0046, Notice of intent, competing dealerships; amend radius and add a time requirement for notice, 97
- 56-015-0050, Manufacturers; add a provision for indemnification, 97
- 56-015-0060, Warranty agreements; revise provisions relating to warranty agreements that affect certain motor vehicle manufacturers, dealers, distributors, factory branches, and distributor branches, 97
- 56-015-0065, Dealership, change of location; provide additional violations, 97
- 56-015-0075, Dealerships; delete evidentiary standard, 97
- 56-015-0090, Franchise; revise provisions relating to determination of fair and reasonable compensation for businesses, 97
- 56-015-0140, Venue; declare venue is in state courts in SC, 97
- 56-019-0480, Salvage vehicles; delete obsolete term and make technical changes; provide section applies to salvage flood and fire vehicles; delete inspection requirement, 68
- 56-019-0485, Title brand designation of vehicles as wreckage or salvage; delete designations and provide title brand designation must be on what is defined, 68
- Title 57
 - 57-005-0840, State highways, alteration by municipality; provide restrictions on use of state highway facilities by municipality are subject to

- prior approval by DOT, 316
- 57-007-0210, Highway obstructions; define term highway and revise penalty for violations of section, 316
- 57-025-0190, Advertising signs, moved by DOT; provide for options and parameters to adjust or relocate outdoor advertising signs to restore visibility; provide for cost, 125
- Title 58
- 58-004-0055, ORS records; authorize PSA to designate certain documents or information provided to ORS as confidential or proprietary and exempt from disclosure, 318
- 58-027-0190, ORS authority; expand applicability of these sections' provisions to PSA, 318
- 58-027-0200, ORS authority; expand applicability of these sections' provisions to PSA, 318
- 58-027-0210, ORS authority; expand applicability of these sections' provisions to PSA, 318
- 58-027-0220, ORS authority; expand applicability of these sections' provisions to PSA, 318
- 58-031-0020, Public Service Authority; revise terms and qualifications for membership of Board and provide for ex officio members, 318
- 58-031-0030, Public Service Authority; authorize the PSA to establish subcommittees and select CEO; provide board and Agency Head Salary Commission to approve compensation and severance for senior management, 318
- 58-031-0055, Public Service Authority; revise definition of best interest, 318
- 58-031-0056, Conflict of interests; provide for violation of this section by a director constitutes grounds for removal from office by Governor, 318
- 58-031-0430, PSA service areas; clarify PSA's right to enter into certain agreements with other electric suppliers concerning service areas and corridor rights, 318
- 58-033-0020, Utility Facility Siting and Environmental Protection Act, definitions; provide definition of major utility

- facility, 318
- 58-033-0110, Certification of major utility facilities; provide a qualified certification exemption for certain transmission lines or facilities, 318
- 58-037-0040, Integrated resource plans; expand section's applicability to PSA; impose additional requirements on PSA, 318
- Title 59
- 59-019-0350, School of choice; redesignate these schools as being schools of innovation; clarify districts may create multiple schools of innovation; provide for procedures for obtaining and renewing status, 49
- 59-029-0120, Reinforcing College Education on America's Constitutional Heritage Act (REACH); provide high schools shall provide instruction on Constitution, Declaration of Independence, Emancipation Proclamation, and Federalist papers, 64
- 59-029-0130, Reinforcing College Education on America's Constitutional Heritage Act (REACH); provide higher ed shall provide instruction on Constitution, Declaration of Independence,
- Emancipation Proclamation, and Federalist papers, 64
- 59-040-0075, Charter school board members, removal; revise basis for removal; provide for vacancies; remove SC Charter School District from provisions, 121
- 59-053-1784, Midlands Tech, surplus property; require authority to file certain documents with Fiscal Accountability Authority, 22
- 59-102-0020, Athletes; define agency contract, 128
- 59-102-0070, Consumer affairs; require certain continuing education for athlete agents, 128
- 59-102-0090, Application fees; revise fees, 128
- 59-102-0100, Athlete agency contracts; provide limits on agency compensation for intercollegiate athlete name, image, or likeness compensation contracts; other provisions, 128
- 59-104-0020, Palmetto Fellows Scholarship, eligibility; provide for inclusion of two-year institutions, 136
- 59-112-0050, Military tuition rates; eliminate requirement for veteran or dependent enroll within

- three years of veteran's discharge in order to receive educational assistance, 79
- 59-149-0060, Life Scholarships, duration; provide students may not receive life scholarships for more than six semesters for three-year degree programs, 136
- Title 61
- 61-004-0720, Wine sales and tastings at wineries; establish certain requirements and limitations, 214
- 61-004-0770, Wine sales, certain percentage of alcohol; increase limit, 214
- 61-006-1035, Wine sampling; increase allowed alcohol percentage by volume, 214
- 61-006-1140, Micro-distillery, tastings and sales; provide certain limitations and requirements for the pricing of tastings and to provide an exception for certain micro-distilleries, 214
- 61-006-1150, Micro-distillery, tastings and sales; provide certain limitations and requirements for the pricing of tastings and to provide an exception for certain micro-distilleries, 214
- 61-006-1540, Wine sales by retailer; increase allowed alcohol percentage by volume, 214
- 61-006-1640, Wine sampling; increase the allowed alcohol percentage by volume, 214
- 61-006-1650, Wine sampling; increase the allowed alcohol percentage by volume, 214
- Title 63
- 63-007-0020, Foster care; add definition for qualified residential treatment program and other terms, 55
- 63-007-1210, Foster care placements, institutional abuse; make conforming changes, 55
- 63-007-1700, Permanency planning, make conforming changes, 55
- 63-007-2350, Foster care placements, institutional abuse; make conforming changes, 55
- 63-011-0310, Children's Advocacy Centers; require centers to hold certain accreditation status or be pursuing accreditation; other provisions, 76

**CODE SECTIONS OF
1976 REPEALED**

Title 09

09-002-0010 through
09-002-0050, Retirement
and preretirement
advisory panel, 230

Title 09, Chap. 002,
Retirement and
preretirement advisory
panel, 230

Title 11

11-011-0090, Appropriations
Committees, meetings
repealed, 269

Title 34

34-001-0070, Approval of
charters of banks, building
and loan associations,
savings and loan
associations, and savings
banks, 80

34-003-0060, Branch bank
identification, 80

34-009-0070, Paid-in capital
requirements and
exceptions, 80

34-009-0080, Issuance of
preferred stock, 80

34-011-0040, Duplicate for
lost or destroyed time
certificate of deposits, 80

34-011-0050, Duplicate for
any lost or destroyed
certificate of deposit or
savings account book, 80

34-012-0010 through

34-012-0060, County and
multicounty check
clearing houses, 80

Title 34, Chap. 012, County

and multicounty check
clearing houses, 80

Title 50

50-009-0655, Pig transport
and release permits, 264

Title 51

51-007-0020, Leases of
residential areas on
Hunting Island, 267

51-017-0010 through
51-017-0360, Heritage
Trust Revenue Bonds, 30

Title 51, Chap. 017, Art.
003, Heritage Trust
Revenue Bonds, 30

Title 56

56-003-10110, Special
license plates; Operation
Desert Storm-Desert
Shield veteran, 148

56-003-10210, Special
license plates; Operation
Enduring Freedom
veterans, 148

56-003-10310, Special
license plates; Operation
Iraqi Freedom veterans,
148

56-003-10410, Special
license plates; Veteran,
148

56-003-10610, Special
license plates; Silver Star,
148

56-003-10710, Special
license plates; Bronze
Star, 148

56-003-11010, Special
license plates; US Navy
Chief Petty Officer, 148

56-003-1110 through

- 56-003-1130, Wartime Disabled Veteran Special License Plates, 148
- 56-003-11110, Special license plates; US Marine Corps, 148
- 56-003-11210, Special license plates; Distinguished Service Medal, 148
- 56-003-1150, Free Vehicular registration for former POWs, 148
- 56-003-11510, Special license plates; Distinguished Service Cross, 148
- 56-003-11610, Special license plates; Department of the Navy, 148
- 56-003-11710, Special license plates; Parents and Spouses of Active Duty Overseas veterans, 148
- 56-003-12910, Special license plates; Active Duty Members of US Armed Forces, 148
- 56-003-13110, Special license plates; Combat-related Disabled veterans, 148
- 56-003-13210, Special license plates; Distinguished Flying Cross recipients, 148
- 56-003-14310 through 56-003-14340, Special license plates; Palmetto Cross, 148
- 56-003-14410, Special license plates; Legion of Merit, 148
- 56-003-1750 through 56-003-1780, Special license plates; members of the US Military Reserves, 148
- 56-003-1810 through 56-003-1840, Special License Plates; Members of National Guard, 148
- 56-003-1850 through 56-003-1880, Special license plates; Medal of Honor recipients, 148
- 56-003-3310 through 56-003-3340, Special license plates; Purple Heart recipients, 148
- 56-003-3800, Special license plates; American Legion, 148
- 56-003-4310 through 56-003-4340, Special license plates; Retired members of US Armed Forces, 148
- 56-003-5350, Special license plates; Normandy invasion, 148
- 56-003-5910 through 56-003-5950, Special license plates; Pearl Harbor survivors, 148
- 56-003-6000, Special license plates; US Army, 148
- 56-003-7310, Special license plates; Support Our Troops, 148
- 56-003-7360, Special license plates; Korean War

veterans, 148
 56-003-7780, Special license plates; Vietnam War veterans, 148
 56-003-8300, Special license plates; Marine Corps League, 148
 56-003-8800, Special license plates; World War II veterans, 148
 56-003-9910, Special license plates; Gold Star family, 148
 Title 59
 59-018-1500 through
 50-018-1610, Intervention and assistance under the Education Accountability Act, 165
 59-029-0140, Enforcement of program of study of US Constitution by State Superintendent of education, 64
 Title 59, Chap. 018, Art. 015, Intervention and assistance under the Education Accountability Act, 165

COLLEGES AND UNIVERSITIES
 See Also Technical Education (this index)
 Area Health Education Consortium
 Appropriations, 414
 Athletics; provide for compensation for intercollegiate athletes for the use of athlete's name,

image, or likeness; other provisions, 128
 Citadel, The
 Appropriations, 391
 Budget Provisos, 879, 886, 975
 Clemson University
 Appropriations, 392
 Budget Provisos, 879, 885, 975
 Public Service Activities
 Appropriations, 468
 Budget Provisos, 747, 970, 980, 990
 Regulations
 State Crop Pest Commission; Asian Longhorned beetle quarantine (D. No. 5015), 1056
 Coastal Caroline University
 Appropriations, 394
 Budget Provisos, 879, 886, 975
 Francis Marion University
 Appropriations, 396
 Budget Provisos, 879, 886, 975
 Higher Education Tuition Grants Commission
 Appropriations, 390
 Higher Education, Commission on
 Appropriations, 388
 Lander University
 Appropriations, 397
 Budget Provisos, 684, 879, 886, 975
 Masks
 Budget Provisos, 962

- Medical University of South Carolina
Appropriations, 411
Budget Provisos, 685, 879, 886, 912, 935, 936, 937, 939, 944, 951, 960, 961, 962, 965, 976
Rural Dentist Program
Budget Provisos, 685
Midlands Tech, surplus
property; require authority to file certain documents with Fiscal Accountability Authority, 22
Military tuition rates;
eliminate requirement for veteran or dependent enroll within three years of veteran's discharge in order to receive educational assistance, 79
Palmetto Fellows Scholarship, eligibility; provide for inclusion of two-year institutions; provide students may not receive life scholarships for more than six semesters for three-year degree programs, 136
Reinforcing College
Education on America's Constitutional Heritage Act (REACH Act), 64
South Carolina State University
Appropriations, 398
Budget Provisos, 886, 975, 980
State Board for Technical and Comprehensive Education
Appropriations, 416
Budget Provisos, 666, 667, 686, 687, 688, 833, 876, 880, 950, 953, 956, 965, 977
Student Identification Card
Suicide Prevention Act, 172
University of Charleston
Appropriations, 393
Budget Provisos, 683, 879, 886, 975
University of South Carolina
Aiken Campus
Appropriations, 402
Budget Provisos, 976
Appropriations, 399
Beaufort Campus
Appropriations, 405
Budget Provisos, 976
Budget Provisos, 684, 879, 885, 944, 975
Greenville Medical School
Budget Provisos, 920
Lancaster Campus
Appropriations, 406
Budget Provisos, 976
Lancaster County
Commission for Higher Education; provide for commission's receipt and administration of millage-derived funds; to provide Dean of USC Lancaster must be ex officio member; other provisions, 1046
Salkehatchie Campus
Appropriations, 407

Budget Provisos, 953, 976
 School of Medicine
 Budget Provisos, 939, 960
 Sumter Campus
 Appropriations, 408
 Budget Provisos, 976
 Union Campus
 Appropriations, 409
 Budget Provisos, 976
 Upstate Campus
 Appropriations, 404
 Budget Provisos, 976
 Winthrop University
 Appropriations, 410
 Budget Provisos, 879, 886,
 976

COMMERCE**DEPARTMENT**

Appropriations, 484
 Budget Provisos, 757, 921,
 981, 986, 990

**COMMISSIONS,
COMMITTEES OR
BOARDS**

See Also Agencies, State
 (this index)

See Also Specific
 Agency,
 Commission, or
 Committee (this
 index)

Arts Commission
 Budget Provisos, 980, 989
 Assessment of Taxes in
 Oconee County; revise
 membership and
 composition of Oconee
 County Board of
 Assessment Appeals,
 1049

Blind, Commission for the
 Appropriations, 455
 Budget Provisos, 742, 853
 Confederate Relic Room and
 Military Museum
 Commission
 Appropriations, 423
 Budget Provisos, 692, 975
 Constitutional Officers,
 salaries; provide salaries
 must be based on
 recommendations of the
 Agency Head Salary
 Commission to the
 General Assembly; other
 provisions, 271
 Created
 Equine Industry Support
 Measures Study
 Committee, created;
 examine potential for
 further growth of equine
 industry in SC and the
 resulting economic
 impact, 1057
 Farm Aid Advisory Board
 Budget Provisos, 970, 972
 Joint Committee on the
 Electrification of
 Transportation,
 established; provide for
 committee compositions,
 duties, and
 responsibilities, 174
 Rare Disease Oversight
 Council
 Budget Provisos, 960
 Sentencing Reform
 Oversight Committee
 Budget Provisos, 931

- Special Events Advisory
Committee
Budget Provisos, 758
- Educational Television
Commission
Appropriations, 387
Budget Provisos, 644, 676,
876, 913, 974
- Election Commission
Appropriations, 557
Budget Provisos, 847, 963,
985
- Ethics Commission
Appropriations, 566
Budget Provisos, 870, 966,
983
- Financial Institutions, State
Board of
Appropriations, 524
Budget Provisos, 807
- Forestry Commission
Appropriations, 464
Budget Provisos, 745, 980
- Higher Education
Commission
Appropriations, 388
Budget Provisos, 677, 950
- Higher Education Tuition
Grants Commission
Appropriations, 390
- Human Affairs Commission
Appropriations, 514
Budget Provisos, 800, 881
- Indigent Defense,
Commission on
Appropriations, 498
Budget Provisos, 774, 877,
904, 925, 982
- Infrastructure Bank Board
Appropriations, 536
Budget Provisos, 819
- Minority Affairs Commission
Appropriations, 515
Budget Provisos, 801
- Prosecution Coordination
Commission
Appropriations, 496
Budget Provisos, 771, 904,
925, 932, 982
- Retirement System
Investment Commission
Appropriations, 553
- State Museum Commission
Appropriations, 422
Budget Provisos, 690, 974
- Workers' Compensation
Commission
Appropriations, 518
Budget Provisos, 805
- COMPTROLLER
GENERAL'S OFFICE**
Appropriations, 550
Budget Provisos, 837, 887,
914, 915, 965, 967, 969
- CONSERVATION**
Beach preservation policy;
apply certain exceptions
to the establishment of a
baseline for coastal
erosion zones and remove
study requirement in cases
where primary sand dunes
do not exist, 159
- Conservation Bank
Appropriations, 489
Budget Provisos, 762, 983
- CONSUMER AFFAIRS**
Athletics; provide for
compensation for
intercollegiate athletes for
the use of athlete's name,
image, or likeness; other

provisions, 128
 Department
 Appropriations, 525
 Budget Provisos, 808

**CORRECTIONS,
 DEPARTMENT OF**
 Appropriations, 506
 Budget Provisos, 789, 853,
 886, 896, 901, 919, 920,
 939, 982
 Medications, authorized
 provisions by unlicensed
 persons in community
 residential facilities;
 extend these provisions to
 correctional facilities, 48

COURTS
 Administrative Law Court
 Appropriations, 495
 Budget Provisos, 766, 984
 Executions; provide a person
 convicted of a capital
 crime and sentenced to
 death shall suffer penalty
 by electrocution, firing
 squad, or lethal injection
 if available and other
 provisions, 163
 Judicial Department
 Appropriations, 490
 Budget Provisos, 764, 853,
 877, 888, 928, 939, 946,
 984
 Magistrates
 Budget Provisos, 862, 946
 Open Carry with Training
 Act, 241
 Retirement systems, courts,
 police officers, General
 Assembly, and state
 employees; provide a

member who is not retired
 may name secondary
 beneficiaries in the same
 manner as primary
 beneficiaries; other
 provisions, 230
 SC Child Abuse Response
 Protocol Act, 76

CRIMES AND OFFENSES
 Executions; provide a person
 convicted of a capital
 crime and sentenced to
 death shall suffer penalty
 by electrocution, firing
 squad, or lethal injection
 if available and other
 provisions, 163
 Nonferrous metals; include
 lawful purchase, sale and
 possession of used
 detached catalytic
 converters; other
 provisions, 282
 Open Carry with Training
 Act, 241
 SC Child Abuse Response
 Protocol Act, 76
 Sentencing Reform Oversight
 Committee
 Budget Provisos, 931

**DEAF AND BLIND,
 SCHOOL FOR THE**
 Appropriations, 382
 Budget Provisos, 673, 877,
 886, 920

DEBT SERVICE
 Appropriations, 567
 Budget Provisos, 872, 877,
 973

**DISABILITIES AND
SPECIAL NEEDS
DEPARTMENT**

Appropriations, 443
 Budget Provisos, 729, 852,
 886, 901, 920, 979, 989
 Regional tertiary level
 developmental evaluation
 centers; update names of
 those authorized to fulfill
 role, 183

DOMESTIC RELATIONS

Property tax, assessment ratio;
 define legally separated
 for certificate contained in
 application of for 4
 percent assessment ratio;
 require annual
 reapplication and
 recertification to keep
 ratio for separated
 spouses, 206
 SC Child Abuse Response
 Protocol Act, 76

DRUGS

See Also Crimes and
 Offenses (this
 index)
 See Also Pharmacies and
 Pharmacists (this
 index)
 Naloxone; require prescribers
 to offer a prescription for
 naloxone hydrochloride to
 a patient under certain
 circumstances, 53
 Prescriptions; exempt
 surgically implanted drug
 delivery systems from the
 31 day-supply limitation,
 54

**ECONOMIC
DEVELOPMENT
AUTHORITY**

Appropriations, 488

EDUCATION

See Also Schools and
 School Districts
 (this index)

Athletics

Interscholastic activities;
 waive certain provisions
 that limit homeschool
 student eligibility to
 participate in
 interscholastic activities
 for 2021-2022; other
 provisions, 1006

Charter School District,
 funding; appropriate 9
 million to DOE for
 distribution to the Public
 Charter School District for
 per pupil funding, 29

Charter school board
 members, removal; revise
 basis for removal; provide
 for vacancies; remove SC
 Charter School District
 from provisions, 121

Department

Appropriations, 368
 Budget Provisos, 574, 852,
 876, 887, 928, 974, 990
 Charter School District,
 funding; appropriate 9
 million to DOE for
 distribution to the Public
 Charter School District for
 per pupil funding, 29
 EIA Budget Provisos, 622,
 663

Exceptional Needs Child tax credit; increase amount the public charity may expend for administration costs; allow for carry forward credits; increase amount tax payer may claim; other provisions, 279

Masks

Budget Provisos, 622

Public schools; provide revised accountability measures for public schools and districts, 165

Reinforcing College

Education on America's Constitutional Heritage Act (REACH Act), 64

School of choice; redesignate these schools as being schools of innovation; clarify districts may create multiple schools of innovation; provide for procedures for obtaining and renewing status, 49

Student Identification Card Suicide Prevention Act, 172

Teachers

SCRS, earning limitations; suspend earnings limitations under certain terms and for certain members of SCRS for return to five-day in-person face to face classroom instruction from 2020 through 2022; other provisions, 1008

Teacher salaries; restore teacher step increases that were suspended due to financial uncertainties cause by Covid-19 by appropriating 50 million to step increases, 20

EDUCATION

OVERSIGHT

COMMITTEE

Appropriations, 380

Budget Provisos, 647

EDUCATIONAL

TELEVISION

COMMISSION

Appropriations, 387

Budget Provisos, 644, 676, 876, 913, 974

ELECTIONS

See Also Ethics (this index)

Commission

Appropriations, 557

Budget Provisos, 847, 963, 985

County conventions, required notices; eliminate requirement that a county committee publish certain notices in a newspaper having general circulation in county, 30

Voting Precincts

Greenville County, voting precincts; update map number with Revenue and Fiscal Affairs, 315

Spartanburg County, voting precincts; revise the names of certain precincts and update the map

numbers, 360

York County, voting
precincts; add Crescent
and Hands Mill precincts
and update map numbers,
363

**EMPLOYERS AND
EMPLOYEES**

See Also Public

Officers and
Employees (this
index)

Criminal background checks;
require social security
number-based criminal
record checks in addition
to existing requirements,
63

Extended benefits; provide
provisions relating to
stipulation that no
extended benefit period
may begin before the 14th
week following the end of
a prior extended benefit
period shall not apply,
1010

Unemployment security
benefits; reduce the
lookback period to two
years for determining
whether there is an on
indicator for SC, 179

**EMPLOYMENT AND
WORKFORCE,
DEPARTMENT OF**

Appropriations, 531
Budget Provisos, 814, 928,
984

Extended benefits; provide
provisions relating to

stipulation that no
extended benefit period
may begin before the 14th
week following the end of
a prior extended benefit
period shall not apply,
1010

Unemployment security
benefits; reduce the
lookback period to two
years for determining
whether there is an on
indicator for SC, 179

ETHICS COMMISSION

Appropriations, 566
Budget Provisos, 870, 966,
983

**FARM AID ADVISORY
BOARD, CREATED**

Budget Provisos, 970, 972

FARM AID FUND

Budget Provisos, 969, 972

FEDERAL

GOVERNMENT

Emergency Rental Assistance
Program; authorize use of
funds and provide for
distribution, 44

FINANCIAL

**INSTITUTIONS, STATE
BOARD OF**

Appropriations, 524
Budget Provisos, 807

FIRE

Fires; provide regulation of
fires for State Forester
does not apply to fires
used for food prep or used
in appropriate enclosures;
allow enforcement
officers to issue warnings,

266

FIREARMS

See Also Weapons (this index)

Concealed Weapons

Open Carry with Training Act, 241

FISH AND GAME

Bear hunting; authorize DNR to determine an appropriate quota of bears to be harvested in each game zone and require bear tag for any bear taken in SC; allow for the use of unprocessed bait when hunting on private land in game zone 4, 269

Blue catfish, possession; provide for daily catch limits; provide penalties; require study by DNR, 157

Cobia; provide catch limits and other provisions, 42

Flounder; decrease catch limit and increase size limit for flounder; increase certain fees; create and eliminate certain licenses; provide for flounder stocking and report by DNR, 357

Hunting and fishing licenses; authorize DNR to offer license, permit or tag made of durable material and establish fee; allow for display of license, permit, or stamp electronically, 32

Nongame devices, possession;

delete prohibition on the possession of a game fish device while possessing or using a nongame device, 44

Nongame fishing devices; allow for use of set hooks within a certain portion of Santee River; establish limit for number of hoop nets a commercial fishing licensee may use; prohibit hoop nets on Congaree River, 208

Pigs; prohibit transportation of live swine on public road or waterway without official form of ID; provide exception and penalties; unlawful to transport live member of suidae family taken from wild, 264

FORESTRY

Commission

Appropriations, 464

Budget Provisos, 745, 980

Fires; provide regulation of fires for State Forester does not apply to fires used for food prep or used in appropriate enclosures; allow enforcement officers to issue warnings, 266

GENERAL ASSEMBLY

See Also

Ethics/Campaign

Practices (this index)

Appropriations
 Appropriations Bill
 2021-2022, 367
 Capital Reserve Fund,
 appropriations 2021-2022,
 995
 Covid-19; make
 appropriations for state's
 public health response to
 Covid-19 including
 vaccinations, 12
 Appropriations Committees,
 meetings repealed, 269
 Constitutional Officers,
 salaries; provide salaries
 must be based on
 recommendations of the
 Agency Head Salary
 Commission to the
 General Assembly; other
 provisions, 271
 House of Representatives
 Appropriations, 538
 Budget Provisos, 826, 827,
 931, 984
 Retirement systems, courts,
 police officers, General
 Assembly, and state
 employees; provide a
 member who is not retired
 may name secondary
 beneficiaries in the same
 manner as primary
 beneficiaries; other
 provisions, 230
 Senate
 Appropriations, 538
 Budget Provisos, 825, 826,
 931, 984

GEORGETOWN COUNTY

Georgetown County School
 District and Board of
 Education; conform local
 election procedures;
 provide for membership,
 terms, and vacancies;
 provide for candidates and
 elections; other
 provisions, 1038

GOVERNOR

Office of
 Appropriations, 541
 Budget Provisos, 829, 887,
 932, 948

GOVERNOR'S SCHOOL FOR AGRICULTURE AT JOHN DE LA HOWE

Appropriations, 385
 Budget Provisos, 675, 877,
 975, 990

GOVERNOR'S SCHOOL FOR SCIENCE AND MATH

Budget Provisos, 580, 590,
 597, 607, 618, 898

GOVERNOR'S SCHOOL FOR THE ARTS AND HUMANITIES

Budget Provisos, 529, 590,
 597, 607, 618, 898, 974

GREENVILLE COUNTY

Blue Ridge Community;
 establish and recognize in
 Greenville county;
 provide it is not a
 governmental entity and
 may not exercise any
 governmental functions,
 1042

Renewable Water Resources (REWA); revise membership of it's governing commission by removing one Spartanburg member and adding one Greenville member; amend service area, 1053
 Voting precincts, Greenville County; update map number with Revenue and Fiscal Affairs, 315

HANDICAPPED

Protection of Vulnerable Adults from Financial Exploitation; authorize financial representatives of certain clients to notify DSS and AG in suspected exploitation; other provisions, 292

HEALTH AND ENVIRONMENTAL CONTROL

Appropriations, 429
 Budget Provisos, 574, 705, 852, 880, 912, 939, 946, 953, 956, 960, 979, 989
 Covid-19 vaccine; allow podiatrists to administer premeasured doses, 1005
 Covid-19; make appropriations for state's public health response to Covid-19 including vaccinations, 12
 Tire waste regulations; change certain penalty requirement; authorize DHEC to promulgate regulations and make

certain permitting decisions concerning waste tire management, 254

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Appropriations, 426
 Budget Provisos, 693, 852, 880, 909, 911, 912, 920, 936, 937, 938, 940, 951, 952, 956, 957, 958, 960, 966, 968, 978

HIGHER EDUCATION

See Also Colleges and Universities (this index)

Athletics; provide for compensation for intercollegiate athletes for the use of athlete's name, image, or likeness; other provisions, 128

Commission

Appropriations, 388
 Budget Provisos, 677, 950

Higher Education Tuition

Grants Commission

Appropriations, 390

Lancaster County

Commission for Higher Education; provide for commission's receipt and administration of millage-derived funds; to provide Dean of USC Lancaster must be ex officio member; other provisions, 1046

Midlands Tech, surplus property; require authority

to file certain documents with Fiscal Accountability Authority, 22

Military tuition rates; eliminate requirement for veteran or dependent enroll within three years of veteran's discharge in order to receive educational assistance, 79

Palmetto Fellows Scholarship, eligibility; provide for inclusion of two-year institutions; provide students may not receive life scholarships for more than six semesters for three-year degree programs, 136

Reinforcing College Education on America's Constitutional Heritage Act (REACH Act), 64

Student Identification Card Suicide Prevention Act, 172

HOUSING FINANCE AND DEVELOPMENT AUTHORITY

Appropriations, 460

Budget Provisos, 745

HUMAN AFFAIRS COMMISSION

Appropriations, 514

Budget Provisos, 800, 881

INDIGENT DEFENSE, COMMISSION ON

Appropriations, 498

Budget Provisos, 774, 877, 904, 925, 982

INSPECTOR GENERAL, OFFICE OF

Appropriations, 549

Budget Provisos, 836

INSURANCE

See Also Workers' Compensation (this index)

Department

Appropriations, 521

Budget Provisos, 807

Limited lines travel insurance; define terms, provide travel insurance must be classified and filed as marine insurance subject to certain exceptions; DOI director to issue license; other provisions, 184

Insurance policies, premium rate increase requirements; differentiate the requirements for a premium rate increase for certain types of insurance; allow for rate increases for certain types of insurance without prior approval, 122

Insurance; provide procedure for insurer to cancel, nonrenew, or terminate all or substantially all of an entire line or class of business; provide listing of underwriting restrictions regardless of geography; other provisions, 34

Motor vehicle, salvage;

provide for disposition of motor vehicles by a salvage pool operator subject to an insurance claim; other provisions, 68

Reduction in coverage, definition; prohibit an insurer from treating a correction of a typographical or scrivener's error as a reduction in coverage, 40

Transfer of funds to SC Retiree Health Insurance Trust Fund; suspend section for fiscal year 2020-2021, 998

JOHN DE LA HOWE, GOVERNOR'S SCHOOL FOR AGRICULTURE AT
Appropriations, 385
Budget Provisos, 675, 877, 975, 990

JUDICIAL DEPARTMENT
Appropriations, 490
Budget Provisos, 764, 853, 877, 888, 928, 939, 946, 984

JUVENILE JUSTICE DEPARTMENT
Appropriations, 511
Budget Provisos, 797, 886, 896, 901, 903, 982, 987, 990

KERSHAW COUNTY
Kershaw Health; provide for composition of Kershaw Health Board; provide for nominations and terms; revise purpose and scope

of powers and duties; stagger terms and other provisions, 1044

LABOR, LICENSING AND REGULATION DEPARTMENT

Appropriations, 526

Architectural Examiners Board, exempted; revise an exemption for plans and specifications for certain dwellings, 203

Barber Examiners Board; authorize board to issue mobile barbershop permits, establish requirements and provide for further regulations, 239

Budget Provisos, 808, 939, 984

Physical Therapy Examiners, license qualifications and licensure by endorsement from other jurisdictions; require certain fingerprint-supported state and national criminal record checks for initial licensure; other provisions, 24

LANCASTER COUNTY

Lancaster County
Commission for Higher Education; provide for commission's receipt and administration of millage-derived funds; to provide Dean of USC Lancaster must be ex officio member; other

provisions, 1046

LAW ENFORCEMENT

Criminal Justice Academy

Budget Provisos, 925, 983

Criminal background checks;

authorize state agencies
and political subdivisions
with access to federal tax
information to conduct
background checks on
employees and
contractors, 212

Criminal background checks;

require social security
number-based criminal
record checks in addition
to existing requirements,
63

Law Enforcement Training
Council

Appropriations, 505

Budget Provisos, 788, 945,
983

Officers

Police Officers Retirement
System

Budget Provisos, 861, 862,
865, 937

Retirement systems, courts,
police officers, General
Assembly, and state
employees; provide a
member who is not retired
may name secondary
beneficiaries in the same
manner as primary
beneficiaries; other
provisions, 230

Open Carry with Training
Act, 241

Physical Therapy Examiners,

license qualifications and
licensure by endorsement

from other jurisdictions;
require certain
fingerprint-supported state
and national criminal
record checks for initial
licensure; other
provisions, 24

Public Safety Department

Appropriations, 503

Budget Provisos, 786, 901,
907, 929, 982, 987

SC Child Abuse Response
Protocol Act, 76

SLED

Appropriations, 500

Budget Provisos, 781, 896,
907, 929, 944, 945, 968

LEGISLATIVE AUDIT

COUNCIL

Appropriations, 540

Budget Provisos, 827

LEGISLATIVE COUNCIL

Appropriations, 539

Revised Volumes

To adopt revised Code
Volumes 1A and 14A, 27

LEGISLATIVE

DEPARTMENT

Budget Provisos, 823

LEGISLATIVE SERVICES

AGENCY

Appropriations, 540

Budget Provisos, 984

LIBRARIES

State Library

Appropriations, 420

Budget Provisos, 688, 895,
897

LOTTERY**EXPENDITURE****ACCOUNT**

Appropriations, 380

Budget Provisos, 663

MEDICAL

Abortion

SC Fetal Heartbeat

Protection from Abortion
Act, 2Covid-19 vaccine; allow
podiatrists to administer
premeasured doses, 1005Covid-19; make
appropriations for state's
public health response to
Covid-19 including
vaccinations, 12Insurance; provide procedure
for insurer to cancel,
nonrenew, or terminate all
or substantially all of an
entire line or class of
business; provide listing
of underwriting
restrictions regardless of
geography; other
provisions, 34Kershaw Health; provide for
composition of Kershaw
Health Board; provide for
nominations and terms;
revise purpose and scope
of powers and duties;
stagger terms and other
provisions, 1044

Masks

Budget Provisos, 622, 962

Medications, authorized
provisions by unlicensed
persons in community

residential facilities;

extend these provisions to
correctional facilities, 48Naloxone; require prescribers
to offer a prescription for
naloxone hydrochloride to
a patient under certain
circumstances, 53Nurses, temporary licensure;
create an additional
category of temporary
licensure for graduate
nurses; prescribe criteria
and other provisions, 196Physical Therapy Examiners,
license qualifications and
licensure by endorsement
from other jurisdictions;
require certain
fingerprint-supported state
and national criminal
record checks for initial
licensure; other
provisions, 24Physician assistants and
advanced practice
registered nurses; include
issuing orders for certain
home health services and
other provisions, 204Prescriptions; exempt
surgically implanted drug
delivery systems from the
31 day-supply limitation,
54Rare Disease Oversight
Council

Budget Provisos, 960

Regional tertiary level
developmental evaluation
centers; update names of

- those authorized to fulfill role, 183
- Renal dialysis facilities; provide renal drug manufacturer may deliver a legend drug or device to a patient under certain circumstances; remove minimum in-person requirements for pharmacists and techs, 180
- SC Covid-19 Liability Immunity Act, 1001
- MENTAL HEALTH DEPARTMENT**
- Appropriations, 437
- Budget Provisos, 726, 852, 886, 902, 920, 939, 956, 957, 958, 959, 979
- METALS**
- Nonferrous metals; include lawful purchase, sale and possession of used detached catalytic converters; other provisions, 282
- MILITARY AFFAIRS**
- See Also Veterans' and Military Affairs (this index)
- Military special license plates; provide DMV may issue various military special license plates, 148
- Military tuition rates; eliminate requirement for veteran or dependent enroll within three years of veteran's discharge in order to receive educational assistance, 79
- Veterans' Affairs Department
- Appropriations, 556
- Budget Provisos, 846, 985
- MINORITY AFFAIRS COMMISSION**
- Appropriations, 515
- Budget Provisos, 801
- MINORS**
- See Also Juvenile Justice Department (this index)
- Children's Advocacy Department
- Appropriations, 459
- Budget Provisos, 744, 853, 980
- Foster Care
- Foster care and residential treatment programs; require assessment, case planning, and judicial review for children placed in qualified residential treatment programs, 55
- Juvenile Justice Department
- Appropriations, 511
- Budget Provisos, 797, 853, 886, 896, 901, 903, 982, 987, 990
- SC Child Abuse Response Protocol Act, 76
- MOTOR VEHICLES**
- Commercial vehicles; provide for registration and license renewal; provide for tax notices; provide for road user fees; other provisions, 138
- Dealerships and franchises; add definitions; add

penalties; other provisions, 97

Department
 Appropriations, 529
 Budget Provisos, 812, 827, 984

Driving on far left lane; DOT to place signs for slower traffic to move right; provide for penalty and other provisions, 236

Infrastructure maintenance fee and road use fee; provide fee also applies to the first titling of a vehicle or other item; provide DMV may not issue title until fee collected; other provisions, 261

License Plates
 Military special license plates; provide DMV may issue various military special license plates, 148

Special License Plate;
 Drivers for a Cure license plate issued, 23

Special License Plate; Two Hundred Fifty Year Anniversary
 Revolutionary War Commemorative license plate issued, 31

Nonferrous metals; include lawful purchase, sale and possession of used detached catalytic converters; other provisions, 282

Salvage vehicle; provide for disposition of motor

vehicles by a salvage pool operator subject to an insurance claim; other provisions, 68

State highway parking facilities; provide municipalities may not establish or alter parking facilities on state highway or place restrictions without prior approval from DOT; other provisions, 316

Tire waste regulations; change certain penalty requirement; authorize DHEC to promulgate regulations and make certain permitting decisions concerning waste tire management, 254

MUSEUMS

Confederate Relic Room and Military Museum
 Commission
 Appropriations, 423
 Budget Provisos, 692, 975

State Museum Commission
 Appropriations, 422
 Budget Provisos, 690, 974

NATURAL RESOURCES

DEPARTMENT

Appropriations, 472
 Budget Provisos, 749, 907, 965, 983, 989

DNR; authorize DNR to transmit certain documents electronically for certificate of title for watercraft; allow for

- electronic transmission
collection of fees; require
use of electronic lien
system; other provisions,
276
- Fires; provide regulation of
fires for State Forester
does not apply to fires
used for food prep or used
in appropriate enclosures;
allow enforcement
officers to issue warnings,
266
- Hunting and Fishing
- Bear hunting; authorize
DNR to determine an
appropriate quota of bears
to be harvested in each
game zone and require
bear tag for any bear taken
in SC; allow for the use of
unprocessed bait when
hunting on private land in
game zone 4, 269
- Blue catfish, possession;
provide for daily catch
limits; provide penalties;
require study by DNR,
157
- Cobia; provide catch limits
and other provisions, 42
- Flounder; decrease catch
limit and increase size
limit for flounder;
increase certain fees;
create and eliminate
certain licenses; provide
for flounder stocking and
report by DNR, 357
- Hunting and fishing licenses;
authorize DNR to offer
license, permit or tag
made of durable material
and establish fee; allow
for display of license,
permit, or stamp
electronically, 32
- Nongame devices,
possession; delete
prohibition on the
possession of a game fish
device while possessing or
using a nongame device,
44
- Nongame fishing devices;
allow for use of set hooks
within a certain portion of
Santee River; establish
limit for number of hoop
nets a commercial fishing
licensee may use; prohibit
hoop nets on Congaree
River, 208
- Regulations
- Nonnative wildlife (D. No.
5027), 1055
- OCONEE COUNTY**
- Assessment of Taxes in
Oconee County; revise
membership and
composition of Oconee
County Board of
Assessment Appeals,
1049
- ORANGEBURG COUNTY**
- Orangeburg County School
District; eliminate
prohibition against
holding certain school
closure referendums at
same time as school bond
referendum; provide

procedures for closures;
revise millage levy; other
provisions, 1050

**PARKS, RECREATION
AND TOURISM**

Department
Appropriations, 480
Budget Provisos, 752, 925,
988, 989, 990

PRT authority to construct
roads through Hunting
Island; remove reference
to residential areas;
remove certain actions
PRT may undertake to
secure payment of
obligations, 267

**PATRIOTS POINT
DEVELOPMENT
AUTHORITY**

Appropriations, 488
Budget Provisos, 762, 901

**PHARMACIES AND
PHARMACISTS**

Naloxone; require prescribers
to offer a prescription for
naloxone hydrochloride to
a patient under certain
circumstances, 53

Prescriptions; exempt
surgically implanted drug
delivery systems from the
31 day-supply limitation,
54

Renal dialysis facilities;
provide renal drug
manufacturer may deliver
a legend drug or device to
a patient under certain
circumstances; remove
minimum in-person

requirements for
pharmacists and techs,
180

POLICE OFFICERS

RETIREMENT SYSTEM

Budget Provisos, 861, 862,
865, 937

POLITICAL

SUBDIVISIONS

See Also Specific
County (this
index)

Aid to Subdivisions

Appropriations, 568
Budget Provisos, 872, 988

Community development tax
credits; authorize an
additional three million
dollars in credit, 291

Counties

County Transportation
Funds

Appropriations, 539
Budget Provisos, 819

County conventions,
required notices; eliminate
requirement that a county
committee publish certain
notices in a newspaper
having general circulation
in county, 30

Property tax, installment
payments; authorize a
county to establish an
alternative payment
schedule, 259

Criminal background checks;
authorize state agencies
and political subdivisions
with access to federal tax
information to conduct

- background checks on employees and contractors, 212
- Economic bonds for conventions and trade shows; provide exemptions for acquisition or construction of new meeting or exhibit space of not less than 50,000 square feet; other provisions, 210
- Municipalities
 - State highway parking facilities; provide municipalities may not establish or alter parking facilities on state highway or place restrictions without prior approval from DOT; other provisions, 316
- Watercraft; prohibit local government from adopting an ordinance relating to watercraft or water devices used or held for use on SC waters; provide exceptions, 274
- PORTS AUTHORITY**
 - Budget Provisos, 812, 924, 937, 965, 974, 991
- PRISONS AND PRISONERS**
 - See Also Crimes and Offenses (this index)
 - See Also Probation, Parole and Pardon (this index)
- Executions; provide a person convicted of a capital crime and sentenced to death shall suffer penalty by electrocution, firing squad, or lethal injection if available and other provisions, 163
- PROBATION, PAROLE AND PARDON SERVICES, DEPARTMENT OF**
 - Appropriations, 509
 - Budget Provisos, 795, 853, 886, 896, 903, 920, 925, 932, 933, 982, 987
- PROCUREMENT REVIEW PANEL**
 - Appropriations, 566
 - Budget Provisos, 871
- PROPERTY**
 - See Also Taxation (this index)
 - Architectural Examiners Board, exempted; revise an exemption for plans and specifications for certain dwellings, 203
 - Emergency Rental Assistance Program; authorize use of funds and provide for distribution, 44
 - Property Tax
 - Airlines, crediting property tax; credit the proceeds of taxes to the state aviation fund; other provisions, 310
 - Assessment
 - Property tax, assessment ratio; define legally

separated for certificate contained in application of for 4 percent assessment ratio; require annual reapplication and recertification to keep ratio for separated spouses, 206

Exemptions

Commercial vehicles; provide for registration and license renewal; provide for tax notices; provide for road user fees; other provisions, 138

Property tax, exemptions; exempt a renewable energy resource property having a nameplate capacity of and operating no greater than 20 kilowatts, 258

Property tax, installment payments; authorize a county to establish an alternative payment schedule, 259

SC Abandoned Buildings

Revitalization Act; extend provisions until December 31, 2025 and include certain properties in definition of contiguous parcel, 51

PROSECUTION

COORDINATION

COMMISSION

Appropriations, 496

Budget Provisos, 771, 904, 925, 932, 982

PUBLIC EMPLOYEE

BENEFIT AUTHORITY

Appropriations, 563

Budget Provisos, 862, 937, 938, 954, 957

Employee Benefits, Statewide Appropriations, 562

Budget Provisos, 861

Retirement systems, courts, police officers, General

Assembly and state

employees; provide a

member who is not retired

may name secondary

beneficiaries in the same

manner as primary

beneficiaries; other

provisions, 230

SCRS, earning limitations;

suspend earnings

limitations under certain

terms and for certain

members of SCRS for

return to five-day

in-person face to face

classroom instruction

from 2020 through 2022;

other provisions, 1008

Transfer of funds to SC

Retiree Health Insurance

Trust Fund; suspend

section for fiscal year

2020-2021, 998

PUBLIC OFFICERS AND EMPLOYEES

See Also Agencies, State (this index)

See Also Retirement

Systems and

Pensions (this

index)

See Also Specific
Agency (this
index)

Constitutional Officers,
salaries; provide salaries
must be based on
recommendations of the
Agency Head Salary
Commission to the
General Assembly; other
provisions, 271

Retirement systems, courts,
police officers, General
Assembly, and state
employees; provide a
member who is not retired
may name secondary
beneficiaries in the same
manner as primary
beneficiaries; other
provisions, 230

PUBLIC SAFETY

DEPARTMENT

Appropriations, 503
Budget Provisos, 786, 901,
907, 929, 982, 987

PUBLIC SERVICE

AUTHORITY

Budget Provisos, 937, 943,
965

Santee Cooper, Public Service
Authority, 318

PUBLIC SERVICE

COMMISSION

Appropriations, 516
Budget Provisos, 801, 956,
990

Electric transportation; Joint
Committee on the
Electrification of
Transportation,

established; provide
charging station is not a
utility and increase in
consumption does not
constitute revenue; other
provisions, 174

Property tax, exemptions;
clarify that manufacturing
property owned or leased
by a public utility
regulated by PSC does not
qualify for 14.2857
percent exemption, 156

PUBLIC UTILITIES

See Also Public Service
Commission (this
index)

See Also Specific Utility
(this index)

Property tax, exemptions;
clarify that manufacturing
property owned or leased
by a public utility
regulated by PSC does not
qualify for 14.2857
percent exemption, 156

Property tax, exemptions;
exempt a renewable
energy resource property
having a nameplate
capacity of and operating
no greater than 20
kilowatts, 258

Santee Cooper, Public Service
Authority, 318

RARE DISEASE

OVERSIGHT COUNCIL

Budget Provisos, 960

REGULATIONS

Barber Examiners Board;
authorize board to issue

mobile barbershop
permits, establish
requirements and provide
for further regulations,
239

Clemson University - State
Crop Pest Commission
Asian Longhorned beetle
quarantine (D. No. 5015),
1056

Natural Resources,
Department
Nonnative wildlife (D. No.
5027), 1055

**REGULATORY STAFF,
OFFICE OF**

Appropriations, 517
Budget Provisos, 802, 956,
983

Electric transportation; Joint
Committee on the
Electrification of
Transportation,
established; provide
charging station is not a
utility and increase in
consumption does not
constitute revenue; other
provisions, 174

RESILIENCE, OFFICE OF

Appropriations, 542
Budget Provisos, 830, 984

**RETIREMENT SYSTEMS
AND PENSIONS**

Appropriations, 553
Budget Provisos, 861, 862,
864, 937, 938
Police Officers Retirement
System
Budget Provisos, 861, 862,
865, 937

Retirement systems, courts,
police officers, General
Assembly, and state
employees; provide a
member who is not retired
may name secondary
beneficiaries in the same
manner as primary
beneficiaries; other
provisions, 230

SCRS, earning limitations;
suspend earnings
limitations under certain
terms and for certain
members of SCRS for
return to five-day
in-person face to face
classroom instruction
from 2020 through 2022;
other provisions, 1008

Transfer of funds to SC
Retiree Health Insurance
Trust Fund; suspend
section for fiscal year
2020-2021, 998

REVENUE

DEPARTMENT

Appropriations, 564
Budget Provisos, 865, 916,
935, 968, 970, 972
Income tax, filing; extend
filing due date to May 17,
2021, 1000

RURAL DENTIST

PROGRAM

Budget Provisos, 685

RURAL

INFRASTRUCTURE

AUTHORITY

Appropriations, 489
Budget Provisos, 763, 866,

981
SCHOOLS AND SCHOOL DISTRICTS
 See Also Education (this index)
 Athletics
 Interscholastic activities; waive certain provisions that limit homeschool student eligibility to participate in interscholastic activities for 2021-2022; other provisions, 1006
 Bamberg-Ehrhardt and Denmark-Olar school districts; consolidate into Bamberg County School District; abolish previous boards; provide for new board membership, terms, duties, and other provisions, 1011
 Barnwell County
 Consolidated School District, created; abolish district 29 and 19 and consolidate to one district; provide for governing board, procedures, powers and duties; other provisions, 1021
 Charter School District, funding; appropriate 9 million to DOE for distribution to the Public Charter School District for per pupil funding, 29
 Charter school board members, removal; revise basis for removal; provide

for vacancies; remove SC Charter School District from provisions, 121
 Clarendon County School District; combine districts 2 and 4 into one school district; create one board of trustees; provide for elections; other provisions, 1030
 Exceptional Needs Child tax credit; increase amount the public charity may expend for administration costs; allow for carry forward credits; increase amount tax payer may claim; other provisions, 279
 Georgetown County School District and Board of Education; conform local election procedures; provide for membership, terms and vacancies; provide for candidates and elections; other provisions, 1038
 Orangeburg County School District; eliminate prohibition against holding certain school closure referendums at same time as school bond referendum; provide procedures for closures; revise millage levy; other provisions, 1050
 Public schools; provide revised accountability measures for public

schools and districts, 165

Reinforcing College
Education on America's
Constitutional Heritage
Act (REACH Act), 64

School of choice; redesignate
these schools as being
schools of innovation;
clarify districts may create
multiple schools of
innovation; provide for
procedures for obtaining
and renewing status, 49

Student Identification Card
Suicide Prevention Act,
172

Teachers
SCRS, earning limitations;
suspend earnings
limitations under certain
terms and for certain
members of SCRS for
return to five-day
in-person face to face
classroom instruction
from 2020 through 2022;
other provisions, 1008

Teacher salaries; restore
teacher step increases that
were suspended due to
financial uncertainties
cause by Covid-19 by
appropriating 50 million
to step increases, 20

SECRETARY OF STATE
Appropriations, 550
Budget Provisos, 836, 887
SC Electronic Notary Public
Act, 298

**SENTENCING REFORM
OVERSIGHT
COMMITTEE,
CREATED**
Budget Provisos, 931

SOCIAL SERVICES
See Also Health and
Human Services
Department (this
index)

Department
Appropriations, 448
Budget Provisos, 733, 852,
880, 886, 920, 928, 980

Foster Care
Foster care and residential
treatment programs;
require assessment, case
planning, and judicial
review for children placed
in qualified residential
treatment programs, 55

Protection of Vulnerable
Adults from Financial
Exploitation; authorize
financial representatives
of certain clients to notify
DSS and AG in suspected
exploitation; other
provisions, 292

SC Child Abuse Response
Protocol Act, 76

SPARTANBURG COUNTY
Renewable Water Resources
(REWA); revise
membership of it's
governing commission by
removing one Spartanburg
member and adding one
Greenville member;
amend service area, 1053

Voting precincts, Spartanburg County; revise the names of certain precincts and update the map numbers, 360

SPECIAL EVENTS

ADVISORY COMMITTEE, CREATED

Budget Provisos, 758

STATE GOVERNMENT

Capitol Grounds; define area and boundaries; provide certain acts are unlawful in any building on the Capitol Grounds; other provisions, 160

Economic bonds for conventions and trade shows; provide exemptions for acquisition or construction of new meeting or exhibit space of not less than 50,000 square feet; other provisions, 210

STATE HOUSE

See Also Buildings (this index)

Capitol Grounds; define area and boundaries; provide certain acts are unlawful in any building on the Capitol Grounds; other provisions, 160

STATE LAW

ENFORCEMENT

DIVISION (SLED)

Appropriations, 500

Budget Provisos, 781, 896, 907, 929, 944, 945, 968,

981

TAXATION

Assessment of Taxes in Oconee County; revise membership and composition of Oconee County Board of Assessment Appeals, 1049

Criminal background checks; authorize state agencies and political subdivisions with access to federal tax information to conduct background checks on employees and contractors, 212

IRS code; update references and extend any adopted code sections that IRS extended; other provisions, 312

Income Tax

Credits

Community development tax credits; authorize an additional three million dollars in credit, 291

Exceptional Needs Child tax credit; increase amount the public charity may expend for administration costs; allow for carry forward credits; increase amount tax payer may claim; other provisions, 279

Extend tax credit for purchase and installation of geothermal machinery and equipment, 202

- Income tax rates,
 - pass-through trade and business income; create and election to tax partnerships and "s" corporations at the entity level, 228
- Tax credits; provide for allocation of tax credit or unused credit amount carried forward that is earned by a partnership or limited liability company taxed as partnership, 235
- Filing, income tax; extend filing due date to May 17, 2021, 1000
- Property Tax
 - Airlines, crediting property tax; credit the proceeds of taxes to the state aviation fund; other provisions, 310
- Assessment
 - Property tax, assessment ratio; define legally separated for certificate contained in application of for 4 percent assessment ratio; require annual reapplication and recertification to keep ratio for separated spouses, 206
- Exemptions
 - Property tax, exemptions; clarify that manufacturing property owned or leased by a public utility regulated by PSC does not qualify for 14.2857
 - percent exemption, 156
- Property tax, exemptions;
 - exempt a renewable energy resource property having a nameplate capacity of and operating no greater than 20 kilowatts, 258
- Property tax, installment payments; authorize a county to establish an alternative payment schedule, 259
- SC Abandoned Buildings Revitalization Act; extend provisions until December 31, 2025 and include certain properties in definition of contiguous parcel, 51
- Sales and Use Tax
 - Gross proceeds of sales, definition; exclude amounts received from a buydown, 48
- Tax Relief Fund
 - Appropriations, 569
- TORTS**
 - SC Covid-19 Liability Immunity Act, 1001
- Tax credits; provide for allocation of tax credit or unused credit amount carried forward that is earned by a partnership or limited liability company taxed as partnership, 235
- TRANSPORTATION DEPARTMENT**
 - See Also Motor Vehicles (this index)

Advertising signs, moved by DOT; provide for options and parameters to adjust or relocate outdoor advertising signs to restore visibility; provide for cost, 125

Appropriations, 533

Budget Provisos, 817, 909, 925, 964, 984, 988, 991

County Transportation Funds Appropriations, 537

Budget Provisos, 819

Driving on far left lane; DOT to place signs for slower traffic to move right; provide for penalty and other provisions, 236

Electric transportation; Joint Committee on the Electrification of Transportation, established; provide charging station is not a utility and increase in consumption does not constitute revenue; other provisions, 174

Infrastructure Bank Board Appropriations, 536

Budget Provisos, 819, 862

Infrastructure maintenance fee and road use fee; provide fee also applies to the first titling of a vehicle or other item; provide DMV may not issue title until fee collected; other provisions, 261

PRT authority to construct roads through Hunting

Island; remove reference to residential areas; remove certain actions PRT may undertake to secure payment of obligations, 267

Pigs; prohibit transportation of live swine on public road or waterway without official form of ID; provide exception and penalties; unlawful to transport live member of suidae family taken from wild, 264

Rural Infrastructure Authority Appropriations, 489

Budget Provisos, 763, 981

State highway parking facilities; provide municipalities may not establish or alter parking facilities on state highway or place restrictions without prior approval from DOT; other provisions, 316

TREASURERS

State

Appropriations, 552

Budget Provisos, 838, 872, 887, 925, 935, 985, 988, 990

UTILITIES

See Also Public Service Commission (this index)

See Also Specific Utility (this index)

Electric transportation; Joint

Committee on the
Electrification of
Transportation,
established; provide
charging station is not a
utility and increase in
consumption does not
constitute revenue; other
provisions, 174

Property tax, exemptions;
clarify that manufacturing
property owned or leased
by a public utility
regulated by PSC does not
qualify for 14.2857
percent exemption, 156

Property tax, exemptions;
exempt a renewable
energy resource property
having a nameplate
capacity of and operating
no greater than 20
kilowatts, 258

VETERANS' AND MILITARY AFFAIRS

See Also Adjutant
General (this
index)

Military special license plates;
provide DMV may issue
various military special
license plates, 148

Military tuition rates;
eliminate requirement for
veteran or dependent
enroll within three years
of veteran's discharge in
order to receive
educational assistance, 79

Veterans' Affairs Department
Appropriations, 556

Budget Provisos, 846, 985

VOCATIONAL REHABILITATION, DEPARTMENT OF

Appropriations, 424
Budget Provisos, 692, 852

WASTE

See Also Conservation
(this index)

See Also Hazardous and
Nuclear Waste
(this index)

See Also Water and
Sewer (this
index)

Tire waste regulations; change
certain penalty
requirement; authorize
DHEC to promulgate
regulations and make
certain permitting
decisions concerning
waste tire management,
254

WATER AND SEWER

Renewable Water Resources
(REWA); revise
membership of it's
governing commission by
removing one Spartanburg
member and adding one
Greenville member;
amend service area, 1053

WATERCRAFT

DNR; authorize DNR to
transmit certain
documents electronically
for certificate of title of
watercraft; allow for
electronic transmission
collection of fees; require

use of electronic lien system; other provisions, 276

Pigs; prohibit transportation of live swine on public road or waterway without official form of ID; provide exception and penalties; unlawful to transport live member of suidae family taken from wild, 264

Watercraft; prohibit local government from adopting an ordinance relating to watercraft or water devices used or held for use on SC waters; provide exceptions, 274

WEAPONS

Concealed Weapons
Open Carry with Training Act, 241

WILL LOU GRAY

OPPORTUNITY

SCHOOL

Appropriations, 380
Budget Provisos, 672, 877, 974

WORKERS'

COMPENSATION

Commission
Appropriations, 518
Budget Provisos, 805

Insurance; provide procedure for insurer to cancel, nonrenew, or terminate all or substantially all of an entire line or class of business; provide listing of underwriting

restrictions regardless of geography; other provisions, 34

State Accident Fund
Appropriations, 520
Budget Provisos, 806

YORK COUNTY

Voting precincts, York County; add Crescent and Hands Mill precincts and update map numbers, 363