CHAPTER 25

Human Services Demonstration Project

**SECTION 1‑25‑10.** Creation of project.

 There is created the South Carolina Human Services Demonstration Project (project) for the purpose of establishing a demonstration model whereby the delivery of human services in South Carolina may be thoroughly researched and studied to provide for a more efficient and orderly manner of service delivery and to improve the availability, quality and cost effectiveness of providing such services to the citizens of the State.

HISTORY: 1978 Act No. 644, Part II, Section 30.

LIBRARY REFERENCES

Westlaw Key Number Search: 360k45.

States 45.

C.J.S. States Sections 79, 82, 136.

Attorney General’s Opinions

Minibottle revenues collected pursuant to Section 61‑5‑130 of the South Carolina Code and disbursed to the counties are “local funds” as that phrase is used in the South Carolina Human Services Demonstration Project Act; the eight specified local commissions on alcohol and drug abuse are entities separate and apart from the South Carolina Commission on Alcohol and Drug Abuse; The South Carolina Human Services Demonstration Project Act authorizes the site manager to direct personnel of local commissions that contract with the South Carolina Commission on Alcohol and Drug Abuse for the purpose of delivery of human services. 1978 Op Atty Gen, No 78‑193, p 217.

**SECTION 1‑25‑20.** Purpose of project.

 The purposes of the project shall be:

 A. To provide information and working experience relevant to the discovery of steps needed to provide increased efficiency in the delivery of human services in South Carolina;

 B. To provide to the Reorganization Commission the information necessary for the commission to examine the organization and functions of the agencies providing human services in the State, and to further consider what reorganization plan or plans the commission shall promulgate under its statutory authority provided in 1‑19‑20 of the 1976 Code.

HISTORY: 1978 Act No. 644, Part II, Section 30.

**SECTION 1‑25‑30.** Definitions.

 As used in this section, unless otherwise indicated:

 (a) “State agency” shall mean each state board, commission, department, executive department or officer, other than the General Assembly and the courts authorized by law to deliver human services to the people of South Carolina.

 (b) “Human services” shall mean those services required to sustain the family’s or individual’s ability to provide food, shelter, employment safe and healthy environment, a healthy body, mind, and develop skills. Human services provided through this project shall include those programs provided through state agencies that are set out in Section 1‑25‑70.

 (c) “Regulation” shall mean each agency statement of general public applicability that implements or prescribes law or policy or practice requirements of any agency. The term includes the amendment or repeal of any agency regulation.

HISTORY: 1978 Act No. 644, Part II, Section 30.

**SECTION 1‑25‑40.** Site establishment for project.

 The site or sites of the project shall be established at a location chosen by the State Reorganization Commission, in consultation with the state agencies impacted by the project and city, county and other officials of the areas proposed for site location and any other persons, agencies or bodies the commission deems necessary and helpful in the determination of a site or sites. Provided, however, the commission shall confine its site choices to no more than two sites, covering in their totality no more than four counties. In the event that multiple sites are chosen, the commission shall designate one urban site and one rural site.

HISTORY: 1978 Act No. 644, Part II, Section 30.

**SECTION 1‑25‑50.** Project Managing Agency; powers and duties.

 (A) A Project Managing Agency shall be formed at each designated site pursuant to the provisions of subsection Section 1‑25‑60(D). The powers and duties of the Project Managing Agency shall include, but not be limited to, the following:

 (1) To execute those powers and duties assigned to the Interagency Demonstration Area Coordinating Committee in subsection Section 1‑25‑60(F)

 (2) To oversee and administer the planning and implementation of the project at the site wherein it sits;

 (3) To keep a record of the project’s acts at the site wherein it sits;

 (4) To aid in the annual reports called for in Section 1‑25‑100.

 (B) Each Project Managing Agency may, in the performance of its duties employ or acquire such administrative, clerical, stenographic and other personnel as may be necessary to effectuate the provisions of this section.

 (C) Each project Managing Agency shall be authorized to apply for and receive federal, state and local funds, grants and other funding.

HISTORY: 1978 Act No. 644, Part II, Section 30.

LIBRARY REFERENCES

Westlaw Key Number Search: 360k45.

States 45.

C.J.S. States Sections 79, 82, 136.

**SECTION 1‑25‑60.** State Interagency Planning and Evaluation Advisory Committee; Interagency Demonstration Area Coordinating Committee.

 (A) For the purpose of coordinating state agency cooperation with the project, a State Interagency Planning and Evaluation Advisory Committee shall be formed consisting of the following members:

 (1) The chief executive officer of the following state human services agencies and commissions:

 (a) Department of Social Services

 (b) Department of Health and Environmental Control

 (c) Department of Mental Health

 (d) Department of Alcohol and Other Drug Abuse Services

 (e) Department of Vocational Rehabilitation

 (f) Commission for the Blind

 (g) Department of Disabilities and Special Needs

 (h) Division on Aging

 (2) [Reserved]

 (3) A representative of two statewide private service agencies to be appointed by the committee chairman.

 (4) A representative of the Governor’s office designated annually by the Governor.

 (5) Four persons representing human service clients, consumers or any other class, group or public or private entity that would substantially contribute to the purposes of the committee, to be appointed by these committee chairmen:

 (a) Senate Finance Committee;

 (b) Senate General Committee;

 (c) House Ways and Means Committee;

 (d) House Medical, Military, Public and Municipal Affairs Committee.

 (B) Committee members enumerated in this subsection shall not delegate their committee membership or voting rights to any other person.

 (C) The functions of the Interagency Planning and Evaluation Advisory Committee shall include, but not be limited to, the following:

 (1) To insure and direct the full cooperation with and participation in the project of all agencies represented on the committee.

 (2) To identify and assist in the compliance with all federal and state funding and programmatic requirements.

 (3) To assist the Legislative Audit Council in the conduct and publication of audits as provided in subsection Section 1‑25‑90.

 (4) To assist in the evaluation of the project as provided in subsection Section 1‑25‑70.

 (5) To assist in the planning and setting of project objectives.

 (6) To contract for the services of a site manager, who shall be designated as manager of all of the human service programs enumerated in subsection Section 1‑25‑70(B).

 (D) For the purpose of overseeing the planning, implementation and operation of the project and to act as the Project Managing Agency at each designated site, an Interagency Demonstration Area Coordinating Committee shall be formed at each site consisting of the following members:

 (1) The local chief executive officers of the agencies enumerated in subsection (A) of this section, of the area selected as the project site.

 (2) A representative of the State Reorganization Commission, designated annually by the commission, who shall serve as chairman.

 (3) A representative of two local private service agencies, to be appointed by the chairman.

 (4) A representative from each county or counties chosen as a project site, appointed by the county council of that county or counties.

 (5) Four persons representing human service clients, consumers or any other class, group or public or private entity that would substantially contribute to the purposes, as described in subitem (C)(5) above.

 (E) Committee members enumerated in this subsection shall not delegate their committee membership or voting rights to any other person.

 (F) The functions of the committee shall include, but not be limited to, the following:

 (1) To execute the powers and duties assigned to the Project Managing Agency in subsection Section 1‑25‑70.

 (2) To ensure the full cooperation with and participation in the project of all of the local offices of the enumerated agencies.

 (3) To identify and assist in the compliance with all state and federal funding and programmatic requirements.

 (4) To assist in the evaluation of the project as provided in Section 1‑25‑70.

HISTORY: 1978 Act No. 644, Part II, Section 30; 1991 Act No. 248, Section 6; 1993 Act No. 181, Section 20; 1998 Act No. 419, Part II, Section 35A.

LIBRARY REFERENCES

Westlaw Key Number Searches: 360k45; 360k73.

States 45, 73.

C.J.S. States Sections 79, 82, 130 to 136, 140.

**SECTION 1‑25‑70.** Power of Project Managing Agency to Contract; effect of such power.

 (A) Each Project Managing Agency shall be vested, for the purposes of this chapter with the power to contract with any agency, firm or person, public or private, including local entities of government, for the delivery of goods, leases and services necessary to effectuate the objectives of this section.

 (B) Pursuant to the authority granted in this section, each Project Managing Agency shall develop a system of integrated delivery of human services at the site wherein it sits, including those human services presently delivered by the enumerated agencies and any and all other human services the Project Managing Agency shall deem proper to effectuate the objectives of this chapter. Such services shall include, but not be limited to, the following:

 (1) Income maintenance

 (2) Employment

 (3) Primary health care

 (4) Shelter

 (5) Transportation

 (6) Food

 (7) Knowledge and skills

 (8) Individual and collective safety

 (9) Social functioning

 (10) Access to institutional care

 (C) Each Project Managing Agency is hereby empowered with the authority to promulgate regulations necessary and proper to effectuate the provisions of this section at the site wherein it sits.

 (D) Pursuant to the authority granted in this subsection and subsections V and VI, each Project Managing Agency shall direct the implementation of the Integrated Service Delivery System, as provided for in item (B) of this subsection. Such implementation shall be coordinated through the office of the site manager, as provided for in subsection VI (F) (2) of this section, who shall receive the full cooperation of the state and local offices of the enumerated agencies. Under the direction of the appropriate Project Managing Agency and pursuant to his authority as program manager for all of the designated human service programs at the site, the site manager shall:

 (1) Be given total and unfettered access to the records and files of each of the enumerated agencies. Notwithstanding the above, nothing in this chapter shall be construed so as to empower the site manager, or any other state employee or agency, to violate any provision of any federal or state statute, rule or regulation governing the privacy of human service client.

 (2) Be empowered to administer the spending or use of the appropriations, funds, grants and any and all other monies designated, set aside or otherwise made available to the enumerated agencies for the delivery of human services at the designated project site. Such funds shall include, but not be limited to, the following:

 (a) All federal, state, local and other administrative and operational funds, not to include local funds.

 (b) All federal, state, local and other funds, not to include local funds, designated or otherwise made available to the enumerated agencies for the delivery of human services at the designated project site.

 (3) Be empowered to direct the personnel on the payroll of or otherwise employed or utilized by the enumerated state agencies for the purpose of the delivery of the human services at the project site. These employees, agents, contractors, volunteers or persons otherwise rendering service to the enumerated agencies shall include, but not be limited to, all administrative, professional, clerical and stenographic staff that are involved in the delivery of the enumerated human services at the project site.

 (E) As soon as is practicable after the effective date of this chapter, the State Reorganization Commission shall, in consultation with the Interagency Committees described in subsection Section 1‑25‑60, the Budget and Control Board and any other parties that are necessary and helpful, promulgate a project evaluation plan. Such plan shall address at minimum the following issues:

 (1) Determination of the current level and effectiveness of preproject service programs.

 (2) Setting of program goals for each service program.

 (3) Monitoring of progress towards such goals.

 (4) Reporting on the activity and success of the project and the recommendation of appropriate amendments to the project plan.

 (5) Recommendation of appropriate changes in the project plan for possible implementation in new areas.

 (6) Evaluating and reporting client satisfaction before, during and after the implementation of the project plan.

HISTORY: 1978 Act No. 644, Part II, Section 30.

Code Commissioner’s Note

At the direction of the Code Commissioner, reference in this section to the former Budget and Control Board has not been changed pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), until further action by the General Assembly.

LIBRARY REFERENCES

Westlaw Key Number Searches: 360k68; 360k94.

States 68, 94.

C.J.S. States Sections 130 to 135, 139, 157.

**SECTION 1‑25‑80.** Duration of project.

 The South Carolina Human Services Demonstration Project shall exist and be operational for a period of time reasonably calculated to provide ample time and opportunity to implement and evaluate the purposes of this chapter. Provided project implementation at any single site, shall not exceed a three‑year term, excluding plan development and preparation time, but including actual implementation, administration and evaluation of the project at that site.

HISTORY: 1978 Act No. 644, Part II, Section 30.

**SECTION 1‑25‑90.** Audits by Legislative Audit Council.

 A. The Legislative Audit Council shall conduct timely and periodic audits of each site’s fiscal and programmatic activities and shall report on such audits to the Governor and General Assembly.

 B. Nothing in the above paragraph or any other section of this chapter shall be construed so as to prohibit or hinder any state agency or commission impacted by the project from conducting the regularly scheduled audits of that agency or commission.

HISTORY: 1978 Act No. 644, Part II, Section 30.

LIBRARY REFERENCES

Westlaw Key Number Search: 360k121.

States 121.

C.J.S. States Sections 203, 223.

**SECTION 1‑25‑100.** Reorganization Commission required to report to General Assembly.

 The Reorganization Commission shall report periodically to the General Assembly relating to the project’s progress, evaluation and current status. Such report shall be compiled and delivered to the Governor and the President of the Senate and the Speaker of the House within fifteen months after the effective date of this chapter. and within every succeeding twelve months thereafter.

HISTORY: 1978 Act No. 644, Part II, Section 30.

LIBRARY REFERENCES

Westlaw Key Number Search: 360k73.

States 73.

C.J.S. States Sections 130 to 136, 140.

**SECTION 1‑25‑110.** Power to effectuate waiver of federal rules, regulations or statutes.

 Each Project Managing Agency shall be empowered to take all steps reasonably necessary to effectuate the waiver of federal rules, regulations or statutes. This authority shall include but not be limited to, the seeking of federal legislation, the negotiation of agreements between the project and any federal agency or board, and the application for the waiver of any federal rule, regulation or statute.

HISTORY: 1978 Act No. 644, Part II, Section 30.

LIBRARY REFERENCES

Westlaw Key Number Search: 360k68.

States 68.

C.J.S. States Sections 130 to 135, 139.

**SECTION 1‑25‑120.** Inapplicability of other laws.

 For purposes of this chapter only, all state laws, regulations, or any rule of any state agency, board or commission having the effect or force of law that prohibits or is inconsistent with any provision of this section is hereby declared inapplicable to this chapter.

 No federal laws, rules or regulations shall be violated or abridged without properly documented authority of appropriate federal officials.

HISTORY: 1978 Act No. 644, Part II, Section 30.