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REPORT OF THE PROVISO SUBCOMMITTEE

(Moss, Cobb-Hunter, Whitmire, Stavrinakis, Lowe, Ballentine, Crawford, Murphy, Hewitt)

HOUSE BILL 3843 BUDGET PROVISO CODIFICATION

Summary of Bill:

This bill codifies 203 existing provisos. These provisos have been in the General Appropriations Bill, unchanged, for at least sixteen years. Approximately a quarter of those deal with agencies' various carry forward funds, and others are general operating procedures under which these agencies have been operating for over a decade.

Please see attachment for a summary of each proviso.

Estimated Fiscal Impact:

No impact is expected.

Subcommittee Action/Explanation:

Set for Proviso Subcommittee Hearing on February 12.

Full Committee Action/Explanation:

Other Notes/Comments:

This bill mirrors the budget codification legislation (H. 5203) filed last session, which was passed unanimously by the House, though it did not receive a hearing in the Senate. Any provisos that appeared controversial or included a specific monetary amount were culled, as were any provisos requested for removal by an agency.

Summaries of Provisos for Codification

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

- 1.2. (SDE: Comprehensive Health Assessment) Requires school districts to seek reimbursement for health and social services provided in the Medicaid program. Prohibits reimbursements from being used to supplant existing funds.
- 1.9. (SDE: School District Bank Accounts) Authorizes school districts to maintain their own bank account as necessary to conduct school district business.
- 1.5. (SDE: Employer Contributions/Obligations) Authorizes the department to adjust school district allocations to cover prior year unpaid school district retiree insurance.
- 1.7 (SDE: Instruction in Juvenile Detention Centers) Directs that it is the school district's responsibility to provide local juvenile detention centers with adequate teaching staff and to ensure compliance with educational requirements. Directs that these students are to be included in the ADM count of students for that district and directs the department to make reimbursement accordingly.
- 1.13. (SDE: School Bus Insurance) Requires the department to maintain comprehensive and collision insurance or to self-insure state-owned school buses.
- 1.15. (SDE: School Bus Driver CDL) Requires school districts to request a criminal record history check from SLED before hiring school bus drivers or school bus aides and allows the department and the school districts to be considered a charitable organization for fee purposes.
- 1.19 (SDE: School Board Meetings) Directs that school districts with websites must post notices/agendas of school board meetings 24 hours in advance and must also post minutes of the meetings within 10 days of the next regularly scheduled board meeting.
- 1.27 (SDE: Lost & Damaged Instructional Materials Fees) Provides a timeframe for lost and damaged instructional materials fees to be remitted to the department and allows the department to withhold instructional materials funding from schools if the fees have not been paid by the deadline.

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

- 1A.3 (SDE-EIA: Teacher Evaluations, Implementation/Education Oversight) Directs the Department of Education to annually oversee the evaluation for teachers under the ADEPT model for the School for the Deaf and Blind and DJJ.
- 1A.19. (SDE-EIA: Accountability Program Implementation) Authorizes the EOC to carry forward unexpended EAA funds for the administration of the EOC and allows carry forward of prior year Education Data Dashboard funds.

SECTION 5 - H710 - WIL LOU GRAY OPPORTUNITY SCHOOL

- 5.1. (WLG: Truants) Directs the school to provide services to truant students ages 15 and over and to cooperate with DJJ, family courts, and school districts to encourage the removal of truant students who can be served by the School.

- 5.3. (WLG: Deferred Salaries Carry Forward) Authorizes the school 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. Directs that deferred funds are not to be included or part of any other authorized carry forward amount.
- 5.4. (WLG: Lease Revenue) Allows the school to retain revenue earned from leasing school property and authorizes the revenue to be retained for school operations and maintenance of property.

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

- 6.2. (SDB: Cafeteria Revenues) Authorizes the school to use cafeteria operation revenues to cover actual cafeteria operating expenses.
- 6.4. (SDB: By-Products Revenue Carry Forward) Authorizes the school to sell goods that are by-products of its programs and operations, charge user fees and fees for services provided by the School to the general public. Allows revenues to be retained and carried forward for the purpose of covering operating expense.
- 6.5. (SDB: Deferred Salaries Carry Forward) Authorizes the school 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. Directs that deferred funds are not to be included or part of any other authorized carry forward amount.

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

- 7.2. (JDLHS: Campus Private Residence Leases) Authorizes the school to lease residences on the school's campus to employees. Authorizes generated funds to be retained and expended for operating expenses and maintenance of residences.

SECTION 8 - H670 - EDUCATIONAL TELEVISION COMMISSION

- 8.1. (ETV: Grants/Contributions Carry Forward) Permits ETV to carry forward funds derived from grant awards or designated contributions and requires these funds to be expended for the originally designated programs.
- 8.3. (ETV: Antenna and Tower Placement) Directs that antenna and tower leases on a higher education institution's property must conform to the institution's master plan.
- 8.4. (ETV: Wireless Communications Tower) Directs ETV to coordinate tower and antenna operations, approve all leases regarding antenna placement on state-owned property, coordinate new tower construction on state owned property, market excess capacity, generate revenue by leasing or selling excess capacity, and construct new facilities pm state owned property related to communications. Directs the revenue from the leases to be retained and expended for agency operation and to carry forward unexpended funds . Directs ETV to report to the Chairmen of the Senate Finance and House Ways and Means Committees annually by October 1st on revenue collections and disbursements.

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

- 9.1. (GSAH: Leave Policy) Authorizes the Governor's School to promulgate regulations governing annual and sick leave policy for faculty and staff respective to the school calendar to meet the instructional needs of students.
- 9.2. (GSAH: Carry Forward) Authorizes the Governor's School to carry forward unexpended funds and to spend those funds at the discretion of the school's board of trustees.
- 9.3. (GSAH: Schools' Fees) Authorizes the Governor's School to charge, collect, expend and carry forward student fees approved by its Board of Directors. Directs that no student will be denied admittance due to financial inability to pay. Requires the school to conspicuously publish a fee schedule on its website.
- 9.4. (GSAH: Certified Teacher Designation) Authorizes the Governor's School, the Charleston School of the Arts, and the Greenville Fine Arts Center to employ non-certified classroom teachers in literary, visual and performing arts subject areas.

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

- 10.1. (GSSM: Carry Forward) Authorizes the Governor's School to carry forward unexpended funds and to spend those funds at the discretion of the school's board of trustees.
- 10.2. (GSSM: Leave Policy) Authorizes the Governor's School to promulgate regulations governing annual and sick leave policy for faculty and staff respective to the school calendar to meet the instructional needs of students.
- 10.3. (GSSM: Schools' Fees) Authorizes the Governor's School to charge, collect, expend and carry forward student fees approved by its Board of Directors. Direct that no student will be denied admittance due to financial inability to pay. Require the school to conspicuously publish a fee schedule on its website. Directs that all student fees must be reported to the Governor and the Chairmen of Senate Finance and the House Ways and Means Committees by August 1.

SECTION 23 - H510 - MEDICAL UNIVERSITY OF SOUTH CAROLINA

- 23.1. (MUSC: Rural Dentist Program) Establishes the Rural Dentist Program in coordination with DPH's Public Health Dentistry program; provides for administration of the program; authorizes funds to be carried forward; and creates a board to manage and allocate the funds.

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

- 25.2. (TEC: Training of New & Expanding Industry Carry Forward) Provides that "Center for Accelerated Technology Training" (ReadySC) funds may be carried forward into subsequent fiscal years provided they are expended for the same purposes.
- 25.3. (TEC: Training of New & Expanding Industry - Payments of Prior Year Expenditures) Permits the State Board for Technical and Comprehensive Education to reimburse business and industry for prior year training costs associated with "Center for Accelerated Technology Training" (ReadySC) that was billed to the agency after fiscal year closing with the concurrence of the Comptroller General.

SECTION 27 - H870 - STATE LIBRARY

- 27.2. (LIB: Information Service Fee) Allows the State Library to charge a fee for costs associated with information delivery services and to use those funds to offset related costs.
- 27.3. (LIB: Continuing Education Fees) Allows the State Library to charge a fee for costs related to continuing education opportunities and to use those funds to offset related costs.

SECTION 28 - H910 - ARTS COMMISSION

- 28.1. (ARTS: Professional Artists Contract) Directs that, where practicable, professional artists employed by the Arts Commission in the fields of music, theater, dance, literature, musical arts, craft, media arts, and environmental arts be hired on a contractual basis as independent contractors. Directs that if this is not feasible employees may be unclassified, however, their salaries must be approved in accordance with Section 8-11-35 [SALARY PAYMENT SCHEDULE; MAXIMUM SALARIES; DUAL COMPENSATION; REPORTS; EXCEPTION].
- 28.2. (ARTS: Special Revolving Account) Directs that income derived from arts events sponsored by the Arts Commission or by gift, contributions, or bequest, including federal or other funds balances that remain at the end of the fiscal year, shall be retained and placed in a special revolving account for the sole purpose of supporting the related programs. Directs that these funds shall be subject to the review procedures set forth in Act 651 of 1978.
- 28.3. (ARTS: Partial Indirect Cost Waiver) Allows the commission to apply a 15% indirect cost rate for continuing federal grants for which they must compete. Directs the commission to apply the full approved negotiated rate to the Basic State Grant and any new grants received by the commission.

SECTION 29 - H950 - STATE MUSEUM COMMISSIONS

- 29.1. (MUSM: Removal From Collections) Allows the commission to remove, under certain circumstances, objects from its museum collections and to retain such funds in a special revolving account to be used for obtaining collections for the State Museum.
- 29.2. (MUSM: Museum Store) Allows the Museum to administer a store within the Museum, with all profits being retained by the Museum Commission in a restricted fund to be carried forward and used for expenditures.
- 29.3. (MUSM: Retention of Revenue) Allows the Museum to charge for fees and services, retain and carry forward funds.
- 29.4. (MUSM: School Tour Fee Prohibition) Prohibits admission fees from groups of SC school students.

SECTION 31 - J060 - DEPARTMENT OF PUBLIC HEALTH

- 31.2. (DPH: County Health Units) Directs that general funds made available to the department for county health unit operations shall be allotted on a basis approved by DPH's board and directs that Access to Care state funds be allocated so that no county budget receives less than they received in the prior fiscal year.
- 31.3. (DPH: Camp Burnt Gin) Requires private donations or contributions for the operation of Camp Burnt Gin to be deposited in a restricted account. Authorizes funds to be carried forward and be made available as needed to fund the operation of the camp.

- 31.4** (DPH: Children's Rehabilitative Services) Requires Children's Rehabilitative Services to utilize any available financial resources including insurance benefits and/or governmental assistance programs in providing medical care to eligible physically handicapped children.
- 31.6** (DPH: Insurance Refunds) Authorizes the department to budget and expend monies resulting from insurance refunds for prior year operations for case services in family health.
- 31.14** (DPH: Nursing Home Medicaid Bed Day Permit) Authorizes the transfer of the Medicaid patient day permit to a nursing home receiving a patient from a facility that has violations of state or federal law or Medicaid certification requirements that necessitate the transfer. Requires the receiving facility to apply to retain the Medicaid patient day permit within sixty days of receipt of the patient.
- 31.15** (DPH: Per Visit Rate) Authorizes the department to compensate non-permanent, part-time employees with a fixed per-visit rate. Requires employees to provide direct patient care in a home environment. Directs that 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.
- 31.20** (DPH: Meals in Emergency Operations) Allows the cost of meals to be provided to state employees who are not permitted to leave their stations and are required to work during actual emergencies or emergency simulation exercises.
- 31.21** (DPH: Compensatory Payment) Authorizes the department to pay employees for working overtime during a declared state of emergency instead of receiving compensatory time as long as funds are available.
- 31.23** (DPH: Pandemic Influenza) Requires the department to assess the state's ability to cope with a major influenza outbreak or pandemic influenza and to maintain an emergency plan and stockpile of medicines and supplies and to report annually on preparedness measures. Authorizes the department, in conjunction with DHHS, to establish a fund to develop an emergency supply, stockpile, and distribution system of appropriate antiviral, antibiotic, and vaccine medicines and medical supplies. Authorizes the department, with EBO approval, to access earmarked funds as necessary to purchase an emergency supply.
- 31.26** (DPH: Camp Burnt Gin) Prohibits Camp Burnt Gin funds from being reduced in the event of a mandated budget reduction.

SECTION 32 - H730- DEPARTMENT OF VOCATIONAL REHABILITATION

- 32.1.** (VR: Production Contracts Revenue) Provides for the retention and use of production contracts revenues earned by people with disabilities receiving job readiness training at the agency's Work Training Centers.
- 32.3.** (VR: User/Service Fees) Allows the department to charge fees for services to parties not eligible for the department's services to offset costs for related activities so as to not affect the level of service for regular clients.
- 32.4.** (VR: Meal Ticket Revenue) Allows the sale of meal tickets to offset food and cafeteria program expenses.

SECTION 33 - J020 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

- 33.1. (DHHS: Recoupment/Restricted Fund) Authorizes the department to recoup all refunds and identified program overpayments and to maintain prior year program refunds in a restricted fund to pay for liabilities and improvements related to enhancing future audits accountability. Limits the fund to 1% of current year's total appropriation and require amounts in excess of 1% be remitted to the general fund.
- 33.4. (DHHS: Third Party Liability Collection) Allows the Department to fund administrative costs of collection efforts for the Third Party Liability and Drug Rebate programs from the collections generated by those programs.
- 33.5. (DHHS: Medicaid State Plan) Authorizes the department to bill other agencies for the state share of services provided through Medicaid in order to comply with federal requirements for intergovernmental transfers.
- 33.6. (DHHS: Medically Indigent Assistance Fund) Provides that all audit exceptions related to the receipt and expenditure of disproportionate share funds are the liability of the hospital receiving the funds.
- 33.7. (DHHS: Registration Fees) Authorizes the department to receive and expend registration fees for educational, training, and certification programs.
- 33.8. (DHHS: Fraud and Abuse Collections) Allows the Department to offset the administrative costs associated with controlling fraud and abuse.
- 33.11. (DHHS: Program Integrity Efforts) Directs the department to expand its program integrity efforts by utilizing resources both within and external to the agency to detect and eliminate provider fraud.
- 33.14. (DHHS: Nursing Services to High Risk/High Tech Children) Directs the department to continue a separate class and comp plan for Registered and Licensed Practical Nurses who provide services to certain Medically Fragile Children.
- 33.25. (DHHS: Meals in Emergency Operations) Allows the department to provide the cost of meals to state employees who are required to work during emergencies, emergency situation exercises, and when the Governor declares a state of emergency.

SECTION 35 - J120 - DEPARTMENT OF MENTAL HEALTH

- 35.2 (DMH: Institution Generated Funds) Authorizes the Department to retain and expend institution generated funds which are budgeted.
- 35.9 (DMH: Judicial Commitment) Prohibits funds authorized for commitments to treatment facilities from being used to compensate state agencies or state employees who are appointed as examiners, guardians ad litem, or attorneys except as authorized in Proviso 117.5.

SECTION 36 - J160 - DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS

- 36.1 (DDSN: Work Activity Programs) Authorizes the department to retain and carry forward earnings generated from production contracts earned by individuals served by the department and

to use the funds for operating expenses and/or permanent improvements of the Work Activity Programs.

- 36.2** (DDSN: Sale of Excess Real Property) Authorizes the department to retain revenue from the sale of excess real property and expend these funds as grants to purchase or build community residences and day program facilities for the people DDSN serves. Mandates that DDSN must follow all the policies and procedures of the DOA or SFAA and JBRC.
- 36.4** (DDSN: Medicaid-Funded Contract Settlements) Authorizes the Department to carry forward and retain settlements under Medicaid-funded contracts.
- 36.6** (DDSN: Transfer of Capital/Property) Directs the department shall only transfer property and buildings to local providers with written consent of the providers by a MOU and upon SFAA approval or the department shall be responsible for maintenance and improvements.
- 36.7** (DDSN: Unlicensed Medication Providers) Authorizes the department to license or certify select unlicensed persons in community-based programs to provide select medications. Limits the medications allowed to be administered to oral and topical medications, regularly scheduled insulin, and prescribed anaphylactic treatments. Requires the department to establish curriculum and standards for training and oversight. Direct that this provision does not apply to a facility licensed as a an intermediate care facility for individuals with intellectual and/or related disability.

SECTION 37 - J200 - DEPARTMENT OF ALCHOL AND OTHER DRUG ABUSE SERVICES

- 37.1** (DAODAS: Training & Conference Revenue) Authorizes the agency to charge participants who attend training events and to use this revenue to fund education and professional development initiatives.
- 37.2** (DAODAS: Gambling Addiction Services) Authorizes DAODAS through the local provider network to direct efforts in treating individuals with gambling addictions through the dissemination of information, education and referral services.

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

- 38.2** (DSS: Recovered State Funds) Authorizes the department to withhold a portion of state funds recovered under Title IV-D.
- 38.4** (DSS: Battered Spouse Funds) Directs that funds appropriated for the Battered Spouse program must be allocated through contractual agreements with providers and that appropriations may also be used for public awareness. Directs that funds may not be expended for any other purpose.
- 38.5** (DSS: Court Examiner Service Exemption) Provides exemption for department employees who are funded in part or in full from federal funds from serving as court examiners in order to prevent the loss of federal funds.
- 38.6** (DSS: TANF Advance Funds) Authorizes the department during each fiscal year to advance general fund appropriations for Temporary Assistance to Needy Families assistance payments to the federal TANF account for the purpose of allowing a sufficient cash flow.
- 38.8** (DSS: Food Stamp Fraud) Authorizes the department to retain the state portion of funds recouped from fraudulent claims in the TANF and Food Stamp programs. Requires a portion of the funds to be distributed to local county offices for emergency and program operations.

- 38.10 (DSS: County Directors' Pay) Authorizes the department to allocate funds provided for employee pay increases to county directors and regional directors without uniformity.
- 38.11 (DSS: Use of Funds Authorization) Authorizes the department's investigative units to receive and expend funds awarded to these units as a result of a donation, contribution, prize, grant, and/or court order. Directs that funds shall be retained on behalf of the investigative units and expended to fulfill any specified purposes and conditions. Requires the accounts not be used to supplant operating funds and the agency is required to report by January 30 of each year on the amount of funds received and how expended.
- 38.13 (DSS: Grant Authority) Authorizes the department to make grants to community-based not-for-profit organizations for local projects that further the objectives of DSS programs. Requires the department to develop policies and procedures to assure compliance with state and federal requirements associated with the grant funds and to assure fairness and accountability in the award and administration of the grants. Requires a match from all grant recipients.
- 38.15 (DSS: Penalty Assessment) Authorizes the department to 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. Requires the penalties collected to be credited to the General Fund. Requires the department to promulgate regulations for each program in which penalties may be imposed.
- 38.16 (DSS: Child Support Enforcement Automated System Carry Forward) Authorizes the department to retain and carry forward unexpended funds appropriated for the Child Support Enforcement automated system and related penalties.
- 38.17 (DSS: Child Care Voucher) Requires state funds allocated to DSS and used for child care vouchers to be used to enroll eligible recipients within the provider settings that exceed the state's minimum child care licensing standards. Allows the department to waive the requirement on a case by case basis.

SECTION 40 - L060 - DEPARTMENT ON AGING

- 40.3 (AGING: Registration Fees) Authorizes the department to receive and spend registration fees for educational, training and certification programs.

SECTION 41 - L800 - DEPARTMENT OF CHILDREN'S ADVOCACY

- 41.3 (DCA: Continuum of Care Carry Forward) Authorizes Continuum of Care Program funds to be carried forward to continue services.

SECTION 42 - L320 - HOUSING FINANCE AND DEVELOPMENT AUTHORITY

- 42.2 (HFDA: Program Expenses Carry Forward) Allows the authority to carry forward income from the mortgage bond program that has been transferred from the trustee accounts to pay for operating and program expenses of the authority.
- 42.3 (HFDA: Advisory Committee Mileage Reimbursement) Authorizes the nine members of the South Carolina Housing Trust Fund Advisory Committee to be eligible for mileage reimbursement at the rate allowed for state employees.

SECTION 43 - P120 - FORESTRY COMMISSION

- 43.1 (FC: Grant Funds Carry Forward) Authorizes the commission 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) Authorizes the commission to retain all funds received as reimbursement of expenditures from other state or federal agencies when personnel and equipment are mobilized due to an emergency.
- 43.3 (FC: Commissioned Officers' Physicals) Allows the commission to pay the cost of physicals that are required for commissioned law enforcement personnel.

SECTION 45 - P200 - CLEMSON UNIVERSITY - PSA

- 45.1 (CU-PSA: Phytosanitary Certificates) Allows Regulatory and Public Service Programs, Department of Plant Industry to retain fees collected for providing inspections, documentation, certification as to freedom from plant pests, and services to various businesses, farmers and individuals shipping agricultural commodities interstate and globally.
- 45.4 (CU-PSA: Retention of Fees) Requires all fees collected from agrichemical, plant industry and crop protection regulatory programs be retained by Clemson PSA programs.
- 45.5 (CU-PSA: Pesticide Registration) Requires all revenues collected from pesticide registration fees and structural pest control business licensing to be retained to support general regulatory, enforcement, and education programs and to carry out the SC Pesticide Control Act provisions and associated regulations.

SECTION 47 - P240 - DEPARTMENT OF NATURAL RESOURCES

- 47.1 (DNR: Publications Revenue) Allows the department to retain revenues generated from the sale of "South Carolina Wildlife" magazine and its by-products in order to become self-sustaining.
- 47.2 (DNR: Casual Sales Tax Collection) Allows the department to collect casual sales tax on the sale of boats/motors. The funds are then remitted to the Department of Revenue.
- 47.4 (DNR: Carry Forward - Contract for Goods & Services) Allows the Geology program to carry forward revenue generated through contracts with other entities. Allows contracts to cross fiscal years and unexpended funds from these contracts to be carried forward to fulfill existing commitments.
- 47.5 (DNR: Revenue Carry Forward) Allows the department to carry forward revenues generated from the sale of goods and services associated with aerial photography, climatology, and geological services.
- 47.7 (DNR: Commissioned Officers' Physicals) Allows the department to pay the cost of physicals that are required for commissioned law enforcement personnel.

SECTION 48 - P260 - SEA GRANT CONSORTIUM

- 48.1 (SGC: Publications Revenue) Authorizes funds generated from the sale of pamphlets, books, and other promotional materials, which were produced using non-state funds, to be deposited in a

special account established by the consortium and used to purchase like materials for distribution to the public.

SECTION 49 - P280 - DEPARTMENT OF PARKS, RECREATION, AND TOURISM

- 49.3 (PRT: Advertising Funds Carry Forward) Authorizes PRT to carry forward funds appropriated for advertising and expend those funds for the same purpose to include the Tourism Partnership Fund, Destination Specific Marketing Grants, and the agency advertising fund.
- 49.4 (PRT: Film Marketing) Authorizes the department to use film marketing funds to allow for assistance with film industry recruitment and infrastructure development; to develop a film crew base; to develop film industry ally support; and for marketing and special events; and assistance with auditing and legal services expenses associated with the Motion Picture Incentive Act.
- 49.5 (PRT: Motion Picture Administration Application Fee) Allows PRT to charge an application fee for Motion Picture Incentive programs, approved by the director, and to retain and expend the funds for various purposes.

SECTION 50 - P320 - DEPARTMENT OF COMMERCE

- 50.1 (CMRC: Development - Publications Revenue) Allows the department to collect revenue from the sale of publications to be retained to offset the cost of production of these publications.
- 50.4 (CMRC: Export Trade Show Funds) Allows funds collected from South Carolina companies for offsetting costs to be carried forward from the prior year.
- 50.6 (CMRC: Development-Rental Revenue) Allows the department to receive revenue for renting non-state owned property and for that revenue to offset the costs of the department's leased office space.
- 50.7 (CMRC: Development-Ad Sales Revenue) Allows the department to receive revenue for ad sales in department authorized publications and to use it for offsetting costs with any overage being remitted to the General Fund.
- 50.8 (CMRC: Foreign Offices) Allows the Secretary of Commerce to appoint the staff in the department's foreign offices on a contractual basis.
- 50.11 (CMRC: Coordinating Council - Application Fee Deposits) Requires application fees be deposited within five business days from the date the Coordinating Council approves the application.
- 50.12 (CMRC: Recycling Advisory Council Reporting) Requires the Recycling Market Development Advisory Council to submit an annual report to the Governor and the General Assembly by March 15th each year that outlines recycling activities.

SECTION 54 - P450 - RURAL INFRASTRUCTURE AUTHORITY

- 54.3 (RIA: Carry Forward Calculation) Directs that grant and loan programs carried forward by the Office of Local Government shall be excluded from the Rural Infrastructure carry forward calculation.

- 54.4 (RIA: State Water Pollution Control Revolving Fund) Allows funds to be deposited in the SC Infrastructure Revolving Loan Fund if state funds remain after fully matching federal grants.

SECTION 55 – P500- DEPARTMENT OF ENVIRONMENTAL SERVICES

- 55.2 (DES: Spoil Easement Areas Revenue) Authorizes the department to retain and expend funds received from the sale of and/or third party use of spoil easement areas. Directs that funds retained are to be used for the purpose of meeting the state's responsibility for providing adequate spoil easement areas for the Atlantic Intracoastal Waterway.
- 55.3 (DES: Permitted Site Fund) Authorizes the department to expend funds from the permitted site fund for legal services related to environmental response, regulatory, and enforcement matters, including administrative proceedings and actions in state and all federal courts.
- 55.5 (DES: Meals in Emergency Operations) Allows the cost of meals to be provided to state employees who are not permitted to leave their stations and are required to work during actual emergencies or emergency simulation exercises.

SECTION 57 - B040 - JUDICIAL DEPARTMENT

- 57.2 (JUD: County Offices for Judges) Mandates that each county provide an office for each circuit and family judge residing in the county; directs that the same be provided to Supreme Court Justices and Court of Appeals Judges upon request.
- 57.6 (JUD: Supreme Court Bar Admissions) Directs that bar admissions revenue be deposited in a special account and authorizes the department to retain, expend, and carry forward the funds.
- 57.9 (JUD: Reimbursement Receipt Deposit) Authorizes the Judicial Department to retain revenue collected for printing and distributing court rules.
- 57.10 (JUD: Surplus Property Disposal) Authorizes the Judicial Department to donate surplus technology equipment to counties for use in court-related activities.
- 57.11 (JUD: Judicial Carry Forward) Authorizes the Judicial Department to carry forward unexpended funds from the prior fiscal year.
- 57.12 (JUD: Case Management Services) Authorizes the Judicial Department to charge and retain a fee for technology support services provided to users of the State case management system to support and maintain the case management system.

SECTION 58 - C050 - ADMINISTRATIVE LAW COURT

- 58.1 (ALC: Copying Costs Revenue Deposit) Authorizes ALC to retain and expend revenue charged for copies and publications of documents to offset the costs for supplies associated with the printing or publication of documents.
- 58.2 (ALC: County Office Space for Judges) Requires a county to provide office space, if available, for an administrative law judge, if the judge's residence is not within 50 miles of the official headquarters of the agency.

SECTION 60 - E210 - PROSECUTION COORDINATION COMMISSION

- 60.1 (PCC: Solicitor Salary) Directs the salary of each full-time circuit solicitor to be the same as each full-time circuit court judge.

SECTION 62 - D100 - STATE LAW ENFORCEMENT DIVISION

- 62.1 (SLED: Special Account Carry Forward) Directs that funds awarded to SLED by court order or donations be deposited in special account, carried forward, and used for specified purposes. Requires annual report on expenditures by October 1 to Senate Finance Committee & Ways and Means Committee.
- 62.7 (SLED: Commissioned Officers' Physicals) Authorizes SLED to pay the cost of physical examinations required prior to receiving law enforcement commission.
- 62.8 (SLED: Meals in Emergency Operations) Allows SLED to provides meals to employees who cannot leave assigned duty stations during deployment, emergency simulation exercises, and when the Governor declares a state of emergency.
- 62.9 (SLED: Hazardous Materials Security Detail) Authorizes SLED to be reimbursed for security services provided to entities authorized to transport sensitive or hazardous materials within the State.
- 62.14 (SLED: Retention of Funds Reimbursed by State or Federal Agencies) Authorizes SLED to collect, expend, and carry forward funds received from state or federal agencies as reimbursement for expenses in prior or current year.
- 62.15 (SLED: Monies Associated with Illegal Gaming Devices) Authorizes SLED to carry forward funds associated with seized illegal gaming devices once orders of destruction and award of the funds have been received from court.

SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY

- 63.1 (DPS: Special Events Traffic Control) Prohibits the department from charging a fee to recover the costs associated with special events traffic control.

SECTION 64 - N200 - LAW ENFORCEMENT TRAINING COUNCIL

- 64.1 (LETC: CJA-Federal, Other Flow Through Funds) Authorizes CJA to carry forward federal and other funds reimbursements for expenses incurred in prior year.
- 64.2 (LETC: CJF-Retention of Emergency Expenditure Refunds) Authorizes CJA to receive, expend, and carry forward funds received from state and federal agencies as reimbursement incurred during an emergency.

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

- 65.1 (CORR: Canteen Operations) Authorizes canteen operations revenue to be retained and expended to continue canteen operations and for the welfare of the inmate population or be used, at the discretion of the Director, to supplement costs of operations. Directs that the canteen operation be treated as an enterprise fund and not be subsidized by state appropriated funds.

- 65.2 (CORR: E.H. Cooper Trust Fund) Authorizes the Department of Corrections to retain unclaimed funds in inmate Cooper Trust Fund accounts on projects benefiting the welfare of inmates in the custody of the department.
- 65.4 (CORR: Funding Through State Criminal Assistance Program) Authorizes the Department of Corrections to retain any State Criminal Alien Assistance Program reimbursements.
- 65.5 (CORR: Remedial Education Funding) Directs that inmates with less than an 8th grade educational level are required to enroll and participate in academic education programs. Directs the SCDC to prioritize programs to assure such services are provided.
- 65.7 (CORR: Social Security Administration Funding) Authorizes the department to retain revenues received from the Social Security Administration generated from providing information regarding incarcerated individuals.
- 65.8 (CORR: Medical Expenses) Authorizes the department to charge a co-payment for medical treatment, consultation, or prescribed medications. Prohibits a co-payment for psychological or mental health services.
- 65.9 (CORR: Prison Industry Funds) Authorizes the director, at his discretion, to use prison industry funds for projects or services benefiting the general welfare of the inmate population or to supplement costs of operations.
- 65.10 (CORR: Reimbursement for Expenditures) Authorizes the department to retain any reimbursement of funds for expenses incurred in a prior fiscal year and to use these funds for general operating purposes.
- 65.11 (CORR: Sale of Real Property) Authorizes the department to retain funds generated from the sale of real property to offset renovation and maintenance needs.
- 65.12 (CORR: Funds From Vehicle Cleaning) Directs that revenue generated from inmates cleaning and waxing private vehicles or any other adult work activity center shall be placed in a special account and used for the welfare of the inmate population.
- 65.14 (CORR: Western Union Funding) Authorizes the department to retain and expend fees for processing electronic transfers to the Cooper Trust Fund to benefit the general inmate population.
- 65.15 (CORR: Monitoring Fees) Authorizes the department to charge inmates participating in community programs a fee to cover the cost of electronic or telephonic monitoring, not to exceed the actual cost of the monitoring.
- 65.16 (CORR: Inmate Insurance Policies) Authorizes the department to identify inmates who have medical insurance coverage, obtain that information from each inmate, and file claims against any private insurance policies to recover any medical costs incurred by the department on behalf of the inmate.

SECTION 66 - N080 - DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES

- 66.3 (DPPP: Sex Offender Monitoring Carry Forward) Authorizes the department to carry forward unexpended Sex Offender Monitoring Program funds and requires these funds to be used for the same program. Excludes Sex Offender Monitoring Program funds carried forward by this

provision from the calculation of the amount of funds that the department may carry forward authorized by provision elsewhere in this act.

SECTION 67 - N120 - DEPARTMENT OF JUVENILE JUSTICE

- 67.1 (DJJ: Meal Ticket Revenue) Authorizes the agency to retain funds generated by the sale of meal tickets to offset the cost of DJJ's cafeterias and food service programs.
- 67.2 (DJJ: Interstate Compact Revenue) Authorizes DJJ to retain revenue associated with the Interstate Compact Program to pay the expenses associated the program.
- 67.3 (DJJ: Children's Projects Revenue) Allows DJJ to use and carry forward funds generated from projects undertaken by children under the supervision of the agency.
- 67.5 (DJJ: Reimbursements for Expenditures) Authorizes DJJ to use any reimbursements of expenses incurred the previous fiscal year for general operating purposes in a subsequent fiscal year.
- 67.7 (DJJ: Sale of Real Property) Allows DJJ to retain revenues generated from the sale of department-owned real property and expend these funds on capital improvements.
- 67.8 (DJJ: Sale of Timber) Authorizes DJJ to sell mature trees and other timber suitable for commercial purposes, after consultation with and approval by the State Forester, and allows funds to be retained by DJJ and expended on family support services, after setting aside a reasonable amount for reforestation of the land from which the timber is sold.
- 67.10 (DJJ: Definition of Juveniles) Allows DJJ to place juveniles in marine and wilderness programs or other community residence programs operated by non-governmental entities.
- 67.11. (DJJ: Adult Education - GED) Authorizes juveniles who, while committed to DJJ, have been enrolled in, but not yet completed, a GED program to enroll in either their local school district's regular education program or adult education program upon release. Directs that if the juvenile enrolls in an adult education program, his eligibility for taking the GED remains the same as if he was still committed to DJJ. Ensures that a committed juvenile's eligibility for taking the GED is not changed by being released from DJJ and contributes to better continuity of the educational process.

SECTION 70 - L360 - HUMAN AFFAIRS COMMISSION

- 70.1. (HAC: Human Affairs Forum Carry Forward) Authorizes the Commission to retain and carry forward all revenue from donations and registration fees received for attendance at Human Affairs Forums. Revenue retained shall be expended for the general operations of the Commission.
- 70.2. (HAC: Training Revenue) Authorizes the Commission to retain and carry forward all revenue from fees received for training and technical assistance provided by the Commission to entities other than state agencies. Revenue retained shall be expended for the general operations of the Commission.
- 70.3. (HAC: Revenue from Copying Fees) Authorizes the Commission to retain and carry forward all revenue derived from providing requested copies of commission files, final opinions, orders, and determinations. Revenue retained shall be expended for the general operations of the Commission.

SECTION 71 - L460 - COMMISSION FOR MINORITY AFFAIRS

- 71.1. (CMA: Private Contributions and Sponsorship) Authorizes the Commission to retain, expend and carry forward all revenue derived from private sources for agency research, forums, training, and institutes.
- 71.2. (CMA: Carry Forward Registration Fees) Authorizes the Commission to retain and carry forward all revenue derived from registration fees received from training and institutes. Revenue retained shall be expended for conducting future training and institutes.
- 71.3. (CMA: Carry Forward Grant Awards) Authorizes the Commission to retain and carry forward all revenue pooled from public and private sources for the purpose of awarding grants to address problems in the minority community.
- 71.4. (CMA: Carry Forward Bingo Revenues) Authorizes the Commission to carry forward bingo revenue received in the prior fiscal year and expend the revenue in the current fiscal year.
- 71.5. (CMA: Retention of Photocopy Fees) Authorize the commission to retain and carry forward revenue from photocopy fees and other fees related to FOI requests from the general public.

SECTION 73 - R060 - OFFICE OF REGULATORY STAFF

- 73.1. (ORS: Transportation Fee Refund) Authorizes Office of Regulatory Staff refund fees which were erroneously collected.
- 73.2. (ORS: Assessment Certification) Directs the Office of Regulatory Staff (ORS) to certify to DOR the amounts to be assessed against regulated utilities and transportation companies in order to cover ORS appropriations.
- 73.3. (ORS: Assessment Adjustments) Allows ORS, if it determines a person or entity was over assessed, to refund the over assessment using funds in the current fiscal year, unexpended funds from the prior fiscal year, or by crediting the over assessment to the next fiscal year.

SECTION 74 - R080 - WORKERS' COMPENSATION COMMISSION

- 74.1. (WCC: Educational Seminar Revenue) Allows the commission to retain all revenue from conducting educational seminars to fund the printing of materials for future educational seminars

SECTION 75 - R120 - STATE ACCIDENT FUND

- 75.1 (SAF: Educational Seminar Revenue) Authorizes the department to set and collect fees for educational seminars. Allows the department to retain revenue earned to use for expenses related to the seminars.

SECTION 80 - R280 - DEPARTMENT OF CONSUMER AFFAIRS

- 80.1. (CA: Consumer Protection Code Violations Revenue) Authorizes the agency to retain and use funds paid to the department in settlement of cases involving violations of the SC Consumer Protection Code.

SECTION 81 - R360 - DEPARTMENT OF LABOR, LICENSING AND REGULATION

- 81.1.** (LLR: Fire Marshal - Authorization to Charge Fees for Training) Allows the Fire Academy to charge participants a fee to cover the cost of education, training programs, and operations and to apply this revenue to the cost of operations. Authorizes unexpended balance to be carried forward and used for the same purposes.
- 81.2.** (LLR: Real Estate - Special Account) States that revenue in the Real Estate Appraisal Registry account shall not be subject to fiscal year limitations and shall carry forward each fiscal year for the designated purpose.
- 81.4.** (LLR: Fire Marshal Fallen Firefighters Memorial) Authorizes the collection of donations for the erection and maintenance of the Fallen Firefighters Memorial at the State Fire Academy.
- 81.6.** (LLR: Match For Federal Funds) Allows State appropriations that are required to provide match for federal grant programs in the prior fiscal year to be carried forward into the current fiscal year and expended for the same purpose as originally appropriated.

SECTION 82 - R400 - DEPARTMENT OF MOTOR VEHICLES

- 82.1.** (DMV: Federal, Other Flow Through Funds) Allows DMV to use federal and earmarked funds in current fiscal year for expenditures incurred in prior fiscal year in order to complete projects begun in a prior fiscal year.

SECTION 84 - U120 - DEPARTMENT OF TRANSPORTATION

- 84.3** (DOT: Secure Bonds & Insurance) Authorizes DOT to purchase bonds and insurance.
- 84.5** (DOT: Document Fees) Authorizes DOT to charge for copies of documents requested by the public.
- 84.7** (DOT: Rest Area Water Rates) Directs water and sewer service providers to offer DOT a rate no higher than the in-district customer rate for services provided to highway rest areas.

SECTION 87 - U300 - DIVISION OF AERONAUTICS

- 87.2.** (AERO: Office Space Rental) Authorizes revenue received from rental of Division of Aeronautics office space to be retained and expended to cover building operation costs.
- 87.4** (AERO: Hangar/Parking Facilities) Directs the Division of Aeronautics to provide hangar/parking facilities for government owned and/or operated aircraft on a first come basis. Directs that funds be retained for hangar and parking facility maintenance. Directs that the Hangar Fee Schedule not exceed local average market rates. Directs that personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.
- 87.5** (AERO: Aviation Grants) Directs Aviation Grants funds appropriated in this bill or any supplemental bill to be credited to the State Aviation Fund and provides uses for the funds. Directs that sponsors of publicly owned airports are eligible to receive grants but must have a current development plan. Directs the Aeronautics Commission to promulgate regulations establishing the grants program. Authorizes the commission to establish a program to grant Aviation Fund monies for this purpose at the rate of 80% from the fund to 20% from the local airport sponsor, or any ratio with a smaller contribution from the fund. Requires an expenditure

report be submitted to the Senate Finance and House Ways and Means Committees. Authorizes unexpended funds to be carried forward and spent for like purposes.

SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION

- 93.4. (DOA: Compensation Increase - Appropriated Funds Ratio) Directs that compensation increases be paid proportionately from funding sources.
- 93.7. (DOA: First Responder Interoperability) Directs the BCB's Division of State Information Technology (DSIT) to coordinate first responder interoperability for the statewide 800 MHz system. Directs appropriated funds be used cost-proportionally for state agency and public safety first responders that participate in the system. Directs DSIT in consultation with law enforcement and the Emergency Management Division to set baseline number of radios used by each participant, and directs that allocation be reduced in a proportional amount if the participant reduces the number of radios in use. Provides for grants to participants, including private county and city 800 MHz systems, to purchase equipment upon satisfaction of match requirements based on available funds. Authorizes any remaining funds to be used to enhance system or carried forward and used for the same purpose. Exempts first responder interoperability funds from across-the-board budget reductions. Directs DSIT to report to SFC and WMC by October 1 on status of integration of the statewide radio system.

SECTION 98 - E160 - OFFICE OF STATE TREASURER

- 98.3 (TREAS: Investments) Allows the Treasurer's Office to pool state funds for investment purposes.

SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

- 100.2 (ADJ: Rental Fee for Election Purposes) Directs that the maximum fee charged for the use of an armory for election purposes shall be the cost of custodial services, utilities, and maintenance.

SECTION 102 - E280 - ELECTION COMMISSION

- 102.5 (ELECT: Budget Reduction Exemption) Authorizes non-recurring and recurring general and primary election expense funds to be exempt from mandated across the board reductions and to be excluded from the agency's base budget for purposes of calculating any across the board base reductions.
- 102.9 (ELECT: HAVA Carry Forward) Authorizes the Election Commission 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) Directs that funds appropriated from the General Fund for matching federal Help America Vote Act funds must be placed in a restricted account so that interest accrues to that account.

SECTION 109 - R440 - DEPARTMENT OF REVENUE

- 109.2. (DOR: Court Order Funds Carry Forward) Directs that funds awarded to DOR by court order be retained, carried forward, and used for purposes as specified in the order or at the director's discretion if not specified.

SECTION 117 - X900 - GENERAL PROVISIONS

- 117.10.** (GP: Federal Funds – DPH, DES, DSS, DHHS - Disallowances) Authorizes DPH, DES, DSS and DHHS to expend appropriations to cover prior fiscal years program operations where adjustments are necessary under federal regulations or audit exceptions. Require all federal disallowances or notices of disallowances be submitted to the State Auditor and the Senate Finance and House Ways and Means Committees within five days of receiving such actions.
- 117.11.** (GP: Fixed Student Fees) Allows colleges and universities to set fees for auxiliary enterprises and establishes that auxiliary operations such as athletics, housing, food service, etc. be self supporting.
- 117.12.** (GP: Tech Educ. Colleges Student Activity Fees) Provides that 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.
- 117.16** (GP: Universities & Colleges - Allowance for Presidents) Ensures that University Presidents must use normal voucher/reimbursement procedures for personal expense reimbursement incurred performing their duties for transparency and accounting purposes rather than providing them a fixed amount regardless of purchases made.
- 117.18** (GP: Business Expense Reimbursement) Allows agency heads or deputy directors to receive reimbursement for business expenses provided receipts and justification are submitted. Directs Department of Administration to promulgate regulations related to this provision.
- 117.28.** (GP: State-Operated Day Care Facilities Fees) Directs that agencies that operate day care facilities must charge fees comparable to those charged by private day care facilities. Prohibits enrollment to be restricted to children of faculty or staff.
- 117.30.** (GP: Collection on Dishonored Payments) Authorizes agencies to collect a service charge to cover costs associated with dishonored checks or payments due to insufficient funds. Allows agencies to retain, expend, and carry forward revenue for this purpose.
- 117.35.** (GP: Tobacco Settlement Funds Carry Forward) Authorizes state agencies to retain and carry forward unexpended Tobacco Settlement Agreement funds and to expend such funds for the same purpose.
- 117.36.** (GP: Use Tax Exemption) Exempts tangible personal property purchased for use in private primary and secondary schools, including kindergartens and early childhood education programs, from sales and use tax if they are exempt from income taxes pursuant to IRS Section 501(c)(3).
- 117.37.** (GP: Personal Property Tax Relief Fund) Directs that if a county imposes the Personal Property Tax Exemption Sales Tax and a sales tax rate of 2% of gross proceeds of sale is insufficient to offset the property tax not collected, sufficient amounts must be credited to the Trust Fund for Tax Relief to provide the reimbursement to offset such a shortfall.
- 117.41.** (GP: Sole Source Procurements) Requires the State Fiscal Accountability Authority to evaluate and determine whether written determinations, explanations, and basis for sole source procurements, and emergency procurements are legitimate and valid reasons for awarding non-competitive contracts.

- 117.43.** (GP: Facility Rental Fee) Authorizes the Governor's Schools for the Arts and Humanities and for Science and Mathematics, Wil Lou Gray Opportunity School, and John de la Howe School to charge, collect, expend and carry forward facility and equipment rental fees and registration fees.
- 117.44.** (GP: Insurance Claims) Authorizes an agency to use any insurance reimbursement to offset expenses related to the claim and to retain, expend and carry forward these funds.
- 117.45.** (GP: Organizational Charts) Requires state agencies to furnish a current organizational chart to the Human Resources Division by September 1 and notification of any change to the organizational structure which impacts an employee's grievance rights within 30 days of such change. Directs that the organizational chart be in a form prescribed by the Human Resources Division and that it show all authorized positions, class title, class code, class slot, and filled or vacant positions and identify employees exempt from the State Employee Grievance Procedures Act.
- 117.56.** (GP: Purchase Card Incentive Rebates) Directs that in addition to the Purchase Card Rebate deposited in the general fund, agencies may retain and use any incentive rebate premium they receive from the Purchase Card Program to support agency operations.
- 117.58.** (GP: Viscosupplementation Therapies Sales and Use Tax Exemption) Suspends, for the current fiscal year only, sales and use taxes on viscosupplementation therapies. Prohibits refunds or forgiveness of tax from being claimed as a result of this provision.
- 117.61.** (GP: Attorney Dues) Authorizes state agencies and offices to pay the costs of S.C. Bar Association mandatory dues for attorneys they employ.
- 117.63.** (GP: Governor's Budget Certification) Requires the Governor's Executive Budget be certified by the Director of 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.



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT

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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: H. 3843 Introduced on January 30, 2025
Subject: Budget Proviso Codification Act
Requestor: House Ways and Means
RFA Analyst(s): Jolliff
Impact Date: February 10, 2025

Fiscal Impact Summary

This bill is the Budget Proviso Codification Act, which codifies a series of budget provisos. The bill will have no impact on state expenditures or revenues. Based on information provided by Legislative Council, these provisos have been included in the annual appropriations act unchanged for an extended period. As such, the impact of these provisos is already included in agency operations and the revenue forecast.

Explanation of Fiscal Impact

Introduced on January 30, 2025

State Expenditure

This bill codifies a series of budget provisos and may be cited as the Budget Proviso Codification Act. The bill will have no impact on state expenditures. These provisos have been included in the annual appropriations act unchanged for an extended period. As such, the impact of these provisos is already included in agency operations.

State Revenue

This bill codifies a series of budget provisos and may be cited as the Budget Proviso Codification Act. The bill will have no impact on state revenues. These provisos have been included in the annual appropriations act unchanged for an extended period. As such, the impact of these provisos is already included in the revenue forecast.

Local Expenditure

N/A

Local Revenue

N/A

Frank A. Rainwater, Executive Director

South Carolina General Assembly
126th Session, 2025-2026

H. 3843

STATUS INFORMATION

General Bill
Sponsors: Rep. Bannister
Document Path: LC-0193SA25.docx

Introduced in the House on January 30, 2025
Currently residing in the House Committee on **Ways and Means**

Summary: Budget Proviso Codification Act

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
1/30/2025	House	Introduced and read first time (House Journal-page 32)
1/30/2025	House	Referred to Committee on Ways and Means (House Journal-page 32)

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VERSIONS OF THIS BILL

01/30/2025

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A BILL

11 A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “BUDGET
12 PROVISO CODIFICATION ACT OF 2025” SO AS TO PROVIDE FOR THE CODIFICATION IN
13 THE S.C. CODE OF CERTAIN PROVISOS CONTAINED IN THE ANNUAL GENERAL
14 APPROPRIATIONS ACT, AND TO CODIFY OTHER RELATED PROVISIONS PERTAINING TO
15 THE ANNUAL GENERAL APPROPRIATIONS ACT, INCLUDING PROVISIONS BY ADDING
16 SECTIONS 59-17-170, 59-1-471, 59-17-180, 59-17-190, 59-67-800, 59-67-330, 59-17-200, AND
17 59-1-407 ALL SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT
18 OF EDUCATION; BY ADDING SECTIONS 59-47-150 AND 59-6-130 BOTH SO AS TO CODIFY
19 CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF EDUCATION-EIA; BY ADDING
20 SECTIONS 59-51-60, 59-51-70, AND 59-51-80 ALL SO AS TO CODIFY CERTAIN PROVISOS
21 RELATING TO THE WIL LOU GRAY OPPORTUNITY SCHOOL; BY ADDING SECTIONS
22 59-47-130, 59-47-140, AND 59-47-150 ALL SO AS TO CODIFY CERTAIN PROVISOS
23 RELATING TO THE SCHOOL FOR THE DEAF AND BLIND; BY ADDING SECTION 59-49-170
24 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE GOVERNOR’S SCHOOL FOR
25 AGRICULTURE AT JOHN DE LA HOWE; BY ADDING SECTIONS 59-7-70, 59-7-80, AND
26 59-101-220 ALL SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE
27 EDUCATIONAL TELEVISION COMMISSION; BY ADDING SECTIONS 59-50-80, 59-50-90,
28 59-50-100, AND 59-1-497 ALL SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE
29 GOVERNOR’S SCHOOL FOR THE ARTS AND HUMANITIES; BY ADDING SECTIONS
30 59-48-80, 59-48-90, AND 59-48-100 ALL SO AS TO CODIFY CERTAIN PROVISOS RELATING
31 TO THE GOVERNOR’S SCHOOL FOR SCIENCE AND MATHEMATICS; BY ADDING
32 SECTION 59-123-330 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE
33 MEDICAL UNIVERSITY OF SOUTH CAROLINA; BY ADDING SECTIONS 59-53-110 AND
34 59-53-170 BOTH SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE STATE BOARD
35 FOR TECHNICAL AND COMPREHENSIVE EDUCATION; BY ADDING SECTION 60-1-180 SO
36 AS TO CODIFY A CERTAIN PROVISO RELATING TO THE STATE LIBRARY; BY ADDING
37 SECTIONS 60-15-100, 60-15-110, AND 60-15-120 ALL SO AS TO CODIFY CERTAIN PROVISOS
38 RELATING TO THE ARTS COMMISSION; BY ADDING SECTIONS 60-13-60, 60-13-70,
39 60-13-80, AND 60-13-90 ALL SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE
40 STATE MUSEUM COMMISSION; BY ADDING SECTIONS 43-31-180 AND 43-31-190 BOTH SO
41 AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF VOCATIONAL
42 REHABILITATION; BY ADDING SECTIONS 44-6-116, 44-6-117, 44-6-118, 44-6-119, 44-6-120,
43 44-6-121, 44-6-122, AND 44-6-123 ALL SO AS TO CODIFY CERTAIN PROVISOS RELATING
44 TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; BY ADDING SECTIONS
45 44-1-320, 44-1-330, 44-1-340, 44-1-350, 44-1-370, 48-6-90, 44-1-380, 48-6-100, 48-6-110, 44-1-400,
46 44-1-410, AND 44-1-420 ALL SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE
47 DEPARTMENT OF PUBLIC HEALTH AND THE DEPARTMENT OF ENVIRONMENTAL
48 SERVICES; BY ADDING SECTIONS 44-9-170 AND 44-9-180 BOTH SO AS TO CODIFY
49 CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF MENTAL HEALTH; BY
50 ADDING SECTIONS 44-20-40, 44-20-50, 44-20-60, 44-20-70, AND 44-20-80 ALL SO AS TO
51 CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF DISABILITIES AND
52 SPECIAL NEEDS; BY ADDING SECTIONS 44-49-90 AND 44-49-100 BOTH SO AS TO CODIFY
53 CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG

1 ABUSE SERVICES; BY ADDING SECTIONS 43-1-270, 43-1-280, 43-1-290, 43-1-300, 43-1-310,
2 43-1-320, 43-1-330, 43-1-340, 43-1-350, 43-1-360, AND 43-1-370 ALL SO AS TO CODIFY
3 CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF SOCIAL SERVICES; BY
4 ADDING SECTION 43-21-210 SO AS TO CODIFY A PROVISO RELATING TO THE
5 DEPARTMENT ON AGING; BY ADDING SECTION 63-11-2300 SO AS TO CODIFY A PROVISO
6 RELATING TO THE DEPARTMENT ON CHILDREN'S ADVOCACY; BY ADDING SECTION
7 31-13-100 AND BY AMENDING SECTION 31-13-430, BOTH RELATING TO THE ADVISORY
8 COMMITTEE, SO AS TO CODIFY PROVISOS RELATING TO THE HOUSING FINANCE AND
9 DEVELOPMENT AUTHORITY; BY ADDING SECTIONS 48-23-310, 48-23-320, AND 48-23-330
10 ALL SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE FORESTRY COMMISSION;
11 BY ADDING SECTION 46-1-170 SO AS TO CODIFY A PROVISO RELATING TO CLEMSON
12 UNIVERSITY PSA; BY ADDING SECTIONS 50-3-200, 50-3-210, 50-3-220, 50-3-230, AND
13 50-3-240 ALL SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT
14 OF NATURAL RESOURCES; BY ADDING SECTION 48-45-90 SO AS TO CODIFY A PROVISO
15 RELATING TO THE SEA GRANT CONSORTIUM; BY ADDING SECTIONS 51-1-100, 51-1-110,
16 AND 51-1-120 ALL SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE
17 DEPARTMENT OF PARKS, RECREATION AND TOURISM; BY ADDING SECTIONS 13-1-70,
18 13-1-80, 13-1-100, 13-1-110, 13-1-120, 13-1-130, AND 13-1-140 ALL SO AS TO CODIFY
19 CERTAIN PROVISOS RELATING TO THE DEPARTMENT OF COMMERCE; BY ADDING
20 SECTIONS 11-50-190 AND 11-40-280 BOTH SO AS TO CODIFY CERTAIN PROVISOS
21 RELATING TO THE RURAL INFRASTRUCTURE AUTHORITY; BY ADDING SECTIONS
22 14-1-250, 14-3-460, 14-1-260, 14-1-270, 14-1-280, AND 14-1-290 ALL SO AS TO CODIFY
23 CERTAIN PROVISOS RELATING TO THE JUDICIAL DEPARTMENT; BY ADDING SECTIONS
24 1-23-690 AND 14-1-310 BOTH SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE
25 ADMINISTRATIVE LAW COURT; BY ADDING SECTION 8-1-200 SO AS TO CODIFY A
26 CERTAIN PROVISO RELATING TO THE PROSECUTION COORDINATION COMMISSION;
27 BY ADDING SECTIONS 23-3-87, 23-3-90, 23-3-92, 23-3-95, 23-3-97, AND 23-3-100 ALL SO AS
28 TO CODIFY CERTAIN PROVISOS RELATING TO THE STATE LAW ENFORCEMENT
29 DIVISION; BY ADDING SECTION 23-6-197 SO AS TO CODIFY A CERTAIN PROVISO
30 RELATING TO THE DEPARTMENT OF PUBLIC SAFETY; BY ADDING SECTIONS 23-23-170
31 AND 23-23-180 BOTH SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE LAW
32 ENFORCEMENT TRAINING COUNCIL; BY ADDING SECTIONS 24-1-330, 24-1-340, 24-1-350,
33 24-1-360, 24-1-380, 24-1-390, 24-1-400, 24-1-410, 24-1-420, 24-1-430, 24-1-440, 24-1-450, AND
34 24-1-460 ALL SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT
35 OF CORRECTIONS; BY ADDING SECTION 24-21-120 SO AS TO CODIFY A CERTAIN
36 PROVISO RELATING TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON
37 SERVICES; BY ADDING SECTIONS 63-19-500, 63-19-510, 63-19-520, 63-19-530, 63-19-540,
38 63-19-550, 63-19-560, AND 63-19-570 ALL SO AS TO CODIFY CERTAIN PROVISOS
39 RELATING TO THE DEPARTMENT OF JUVENILE JUSTICE; BY ADDING SECTIONS
40 1-13-120, 1-13-130, AND 1-13-140 ALL SO AS TO CODIFY CERTAIN PROVISOS RELATING
41 TO THE HUMAN AFFAIRS COMMISSION; BY ADDING SECTION 1-31-70, 1-31-80, 1-31-90,
42 1-31-100, AND 1-31-110 ALL SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE
43 COMMISSION FOR MINORITY AFFAIRS; BY ADDING SECTIONS 58-4-140, 58-4-150, AND
44 58-4-160 ALL SO AS TO CODIFY CERTAIN PROVISIONS RELATING TO THE OFFICE OF
45 REGULATORY STAFF; BY ADDING SECTION 48-3-260 SO AS TO CODIFY A CERTAIN
46 PROVISO RELATING TO THE WORKERS' COMPENSATION COMMISSION; BY ADDING
47 SECTION 42-7-230 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE STATE
48 ACCIDENT FUND; BY ADDING SECTION 37-1-304 SO AS TO CODIFY A CERTAIN PROVISO
49 RELATING TO THE DEPARTMENT OF CONSUMER AFFAIRS; BY ADDING SECTIONS
50 41-3-150, 41-3-160, 23-9-199, AND 41-3-170 ALL SO AS TO CODIFY CERTAIN PROVISOS
51 RELATING TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; BY
52 ADDING SECTION 56-1-560 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE
53 DEPARTMENT OF MOTOR VEHICLES; BY ADDING SECTIONS 57-3-240, 57-3-250, AND
54 57-3-260 ALL SO AS TO CODIFY CERTAIN PROVISOS RELATING TO THE DEPARTMENT

1 OF TRANSPORTATION; BY ADDING SECTIONS 55-1-110, 55-1-120 AND 55-1-130 ALL SO AS
2 TO CODIFY CERTAIN PROVISOS RELATING TO THE DIVISION OF AERONAUTICS; BY
3 ADDING SECTION 1-11-498 SO AS TO CODIFY A PROVISO RELATING TO THE
4 DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 11-5-300 SO AS TO CODIFY
5 A CERTAIN PROVISO RELATING TO THE OFFICE OF STATE TREASURER; BY ADDING
6 SECTION 25-1-180 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE OFFICE OF
7 THE ADJUTANT GENERAL; BY ADDING SECTIONS 7-3-80, 7-3-90, AND 7-3-100 ALL SO AS
8 TO CODIFY CERTAIN PROVISOS RELATING TO THE ELECTION COMMISSION; BY
9 ADDING SECTION 12-2-150 SO AS TO CODIFY A CERTAIN PROVISO RELATING TO THE
10 DEPARTMENT OF REVENUE; BY ADDING SECTIONS 1-1-1720, 59-101-440, 59-53-110,
11 59-101-450, 1-11-492, 1-1-1730, 1-1-1740, AND 11-49-180, BY AMENDING SECTION
12 12-36-1310, RELATING TO THE USE TAX, BY ADDING SECTIONS 4-10-610, 11-55-60,
13 59-1-498, 1-1-1750, 1-11-499, AND 1-1-1760; BY AMENDING SECTION 12-36-2120, RELATING
14 TO SALES TAX EXEMPTIONS; BY ADDING SECTIONS 1-1-1770 AND 1-3-70 ALL SO AS TO
15 CODIFY CERTAIN PROVISOS RELATING TO GENERAL PROVISIONS; AND BY AMENDING
16 SECTION 11-11-220, RELATING TO STATEWIDE REVENUE, SO AS TO CODIFY A CERTAIN
17 PROVISO.
18

19 Be it enacted by the General Assembly of the State of South Carolina:
20

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

25 The General Assembly further finds that a common purpose or relationship exists among the
26 sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable
27 minds might differ in identifying more than one topic contained in the act.
28

29 SECTION 2. This act may be cited as the "Budget Proviso Codification Act of 2025."
30

31 Part 1

32 Department of Education

33
34 SECTION 3. (1.2) Chapter 17, Title 59 of the S.C. Code is amended by adding:
35

36 Section 59-17-170. All school districts shall participate, to the fullest extent possible, in the Medicaid
37 program by seeking appropriate reimbursement for services and administration of health and social
38 services. Reimbursements to the school districts may not be used to supplant funds currently being
39 spent on health and social services.
40

41 SECTION 4. (1.5) Article 5, Chapter 1, Title 59 of the S.C. Code is amended by adding:
42

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

8
9 SECTION 5. (1.7 and 1.9) Chapter 17, Title 59 of the S.C. Code is amended by adding:

10
11 Section 59-17-180. Each school district where a local juvenile detention center is located must
12 provide adequate teaching staff and ensure compliance with the educational requirements of this State.
13 Students housed in local juvenile detention centers must be included in the average daily membership
14 count of students for that district and reimbursement by the Department of Education made accordingly.

15
16 Section 59-17-190. Each school district in this State, upon the approval of the district's governing
17 body, may maintain its own bank account for the purpose of making disbursement of school district
18 funds as necessary to conduct school district business and each county treasurer is authorized to transfer
19 such amount as needed, upon receipt of a written order certified by the district governing body or their
20 designee. Such order must contain a statement that such amount is for immediate disbursement for the
21 payment of correct and legal obligation of the school district.

22
23 SECTION 6. (1.13) Article 5, Chapter 67, Title 59 of the S.C. Code is amended by adding:

24
25 Section 59-67-800. The Department of Education shall maintain comprehensive and collision
26 insurance or self-insured state-owned buses. In no event shall the department charge local school
27 districts for damages to the buses which are commonly covered by insurance.

28
29 SECTION 7. (1.15) Article 1, Chapter 67, Title 59 of the S.C. Code is amended by adding:

30
31 Section 59-67-330. Local school districts shall request a criminal record history from the South
32 Carolina Law Enforcement Division for past conviction of any crime before the initial employment of
33 a school bus driver or school bus aide. The Department of Education and the school districts must be
34 treated as a charitable organization for purposes of the fee charged for the criminal records search.

35
36 SECTION 8. (1.19) Chapter 17, Title 59 of the S.C. Code is amended by adding:

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

SECTION 9. (1.27) Article 5, Chapter 1, Title 59 of the S.C. Code is amended by adding:

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

Part 2

Department of Education – EIA

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

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

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

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

Part 3

Wil Lou Gray Opportunity School

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

Section 59-51-60. The Opportunity School will incorporate into its program services for students, ages fifteen and over, who are deemed truant and will cooperate with the Department of Juvenile Justice, the family courts, and school districts to encourage the removal of truant students to the

1 Opportunity School when such students can be served appropriately by the Opportunity School's
2 program.

3
4 Section 59-51-70. The Wil Lou Gray Opportunity School may carry forward into the next fiscal
5 year the amount of the deferred salaries and employer contributions earned for non-twelve-month
6 employees. These deferred funds are not to be included or part of any other authorized carry-forward
7 amount.

8
9 Section 59-51-80. The Wil Lou Gray Opportunity School may retain revenues derived from the
10 lease of school properties titled to or utilized by the school and may use revenues retained for general
11 school operations including, but not limited to, maintenance of such properties. Unexpended funds may
12 be carried forward into the next fiscal year and used for the same purposes.

13
14 Part 4

15 School for the Deaf and the Blind

16
17 SECTION 13. (6.2, 6.4, and 6.5) Chapter 47, Title 59 of the S.C. Code is amended by adding:

18
19 Section 59-47-130. All revenues generated from cafeteria operations may be retained and expended
20 by the institution for the purpose of covering actual expenses in cafeteria operations.

21
22 Section 59-47-140. The South Carolina School for the Deaf and the Blind may sell goods that are
23 by-products of the school's programs and operations, charge user fees and fees for services to the
24 general public, such as individuals, organizations, agencies, and school districts, and such revenue may
25 be retained and carried forward into the next fiscal year and expended for the purpose of covering
26 expenses of the school's programs and operations.

27
28 Section 59-47-150. The South Carolina School for the Deaf and the Blind may carry forward into
29 the next fiscal year the amount of the deferred salaries and employer contributions earned for
30 non-twelve-month employees. These deferred funds are not to be included or part of any other
31 authorized carry-forward amount.

32
33 Part 5

34 Governor's School for Agriculture at John De La Howe

35
36 SECTION 14. (7.1) Chapter 49, Title 59 of the S.C. Code is amended by adding:

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

Part 6
Educational Television Commission

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

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

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

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

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

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

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

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

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

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

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

Part 7
Governor's School for the Arts and Humanities

1
2 SECTION 17. (9.1, 9.2, 9.3) Chapter 50, Title 59 of the S.C. Code is amended by adding:

3
4 Section 59-50-80. The Governor's School for the Arts and Humanities may promulgate
5 administrative policy governing annual and sick leave relative to faculty and staff with the approval of
6 the board of directors. This policy shall address the school calendar in order to comply with the
7 instructional needs of students attending the school.

8
9 Section 59-50-90. The Governor's School for the Arts and Humanities may carry forward any funds
10 appropriated to or generated by the school and expended at the discretion of the board of directors.

11
12 Section 59-50-100. The Governor's School for the Arts and Humanities may charge, collect, expend,
13 and carry forward student fees as approved by the board of directors. The purpose and amount of any
14 such fees is to maintain program quality in both academics and residential support. No student may be
15 denied admittance or participation due to financial inability to pay. The board of directors shall
16 promulgate administrative policy governing the collection of all student fees. The school shall
17 conspicuously publish a fee schedule on its website. All student fees must be reported by August first
18 to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways
19 and Means Committee.

20
21 SECTION 18. (9.4) Article 5, Chapter 1, Title 59 of the S.C. Code is amended by adding:

22
23 Section 59-1-497. Due to the unique nature of the Governor's School for the Arts and Humanities,
24 the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are
25 authorized to employ, at its discretion, noncertified classroom teachers teaching in the literary, visual,
26 and performing arts subject areas who are otherwise considered to be appropriately qualified in a ratio
27 of up to one hundred percent of the entire teacher staff.

28
29 Part 8

30 Governor's School for Science and Mathematics

31
32 SECTION 19. (10.1, 10.2, 10.3) Chapter 48, Title 59 of the S.C. Code is amended by adding:

33
34 Section 59-48-80. The Governor's School for Science and Mathematics may carry forward the
35 balance of any funds. The funds must be expended pursuant to the direction of the board of trustees of
36 the school.

1
2 Section 59-48-90. The Governor's School for Science and Mathematics is authorized to promulgate
3 administrative policy governing annual and sick leave relative to faculty and staff with the approval of
4 its board of directors. This policy must address the school calendar in order to comply with the
5 instructional needs of students attending the special school.

6
7 Section 59-48-100. The Governor's School for Science and Mathematics is authorized to charge,
8 collect, expend, and carry forward student fees as approved by the board of directors. The purpose and
9 amount of any such fees must be to maintain program quality in both academics and residential support.
10 No student may be denied admittance or participation due to financial inability to pay. The board of
11 directors shall promulgate administrative policy governing the collection of all student fees. The school
12 conspicuously shall publish a fee schedule on its website. All student fees must be reported by August
13 first each year to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of
14 the House Ways and Means Committee.

15
16 Part 9

17 Medical University of South Carolina

18
19 SECTION 20. (23.1) Chapter 123, Title 59 of the S.C. Code is amended by adding:
20

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

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

33 (2) The board is composed of the following:

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

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

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

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

6
7 Part 10

8 State Board for Technical and Comprehensive Education

9
10 SECTION 21. (25.2) Article 1, Chapter 53, Title 59 of the S.C. Code is amended by adding:

11
12 Section 59-53-110. The State Board for Technical and Comprehensive Education may carry forward
13 and expend funds for direct training of new and expanding industry.

14
15 SECTION 22. (25.3) Article 2, Chapter 53, Title 59 of the S.C. Code is amended by adding:

16
17 Section 59-53-170. The State Board for Technical and Comprehensive Education may reimburse
18 business and industry for training costs billed to the agency with the concurrence of the Comptroller
19 General.

20
21 Part 11

22 State Library

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

25
26 Section 60-1-180. (A) The State Library may charge a fee for costs associated with information
27 delivery and retain such funds to offset the costs of maintaining, promoting, and improving information
28 delivery services.

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

31
32 Part 12

33 Arts Commission

34
35 SECTION 24. (28.1, 28.2, and 28.3) Chapter 15, Title 60 of the S.C. Code is amended by adding:

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

6
7 Section 60-15-110. Any income derived from Arts Commission-sponsored arts events or by gift,
8 contributions, or bequest now in possession of the Arts Commission, including any federal or other
9 funds balance must be retained by the commission and placed in a special revolving account for the
10 commission to use solely for the purpose of supporting the programs provided herein. Any such funds
11 are subject to the review procedures.

12
13 Section 60-15-120. The commission is allowed to apply a fifteen percent indirect cost rate for
14 continuing federal grants for which they must compete. The commission shall apply the full-approved
15 negotiated rate to the basic state grant and any new grants received by the commission.

16
17 Part 13

18 State Museum Commission

19
20 SECTION 25. (29.1, 29.2, 29.3, and 29.4) Article 1, Chapter 13, Title 60 of the S.C. Code is amended
21 by adding:

22
23 Section 60-13-60. (A) The commission may remove accessioned objects from its museum
24 collections by gift to another public or nonprofit institution, by trade with another public or nonprofit
25 institution, by public sale, by transfer to the commission's education, exhibit, or study collections or to
26 its operating property inventory; or as a last resort, by intentional destruction on the condition that the
27 objects so removed meet with one or more of the following criteria:

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

30 (2) they are unsuitable for exhibition or research;

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

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

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

35
36 Section 60-13-70. The Museum Commission shall establish and administer a museum store in the

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

7
8 Section 60-13-80. The Museum Commission may retain revenue received from admissions,
9 program fees, facility rentals, professional services, donations, food service, exhibits and exhibit
10 components, and other miscellaneous operating income generated by or for the museum and may
11 expend such revenue for general operating expenses provided that such expenditures are approved by
12 the General Assembly in the annual appropriations act. Any unexpended revenue from these sources
13 may be carried forward to be expended for the same purposes.

14
15 Section 60-13-90. The commission may not charge admission fees to groups of children from South
16 Carolina who have made reservations that are touring the museum as part of a school function.

17
18 Part 14

19 Department of Vocational Rehabilitation

20
21 SECTION 26. (32.1, 32.3, and 32.4) Chapter 31, Title 43 of the S.C. Code is amended by adding:

22
23 Section 43-31-180. All revenues derived from production contracts earned by people with
24 disabilities receiving job readiness training at the agency's work training centers may be retained by
25 the agency and used in the facilities for client wages and any other production costs. Any excess funds
26 derived from such production contracts may be used for other operating expenses or permanent
27 improvements of these facilities.

28
29 Section 43-31-190. (A) Any revenues generated from user fees or service fees charged to the general
30 public or other parties ineligible for the department's services may be retained to offset costs associated
31 with the related activities so as to not affect the level of service for regular agency clients.

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

34
35 Part 15

36 Department of Health and Human Services

1
2 SECTION 27. (33.1, 33.4, 33.5, 33.6, 33.7, 33.8, 33.11, 33.14, and 33.25) Article 1, Chapter 6, Title
3 44 of the S.C. Code is amended by adding:

4
5 Section 44-6-116. The department shall recoup all refunds and identified program overpayments
6 and all such overpayments must be recouped in accordance with established collection policy. Further,
7 the department is authorized to maintain a restricted fund, on deposit with the State Treasurer, to be
8 used to pay for liabilities and improvements related to enhancing accountability for future audits. The
9 restricted fund shall derive from prior year program refunds. The restricted fund shall not exceed one
10 percent of the total appropriation authorization for the current year. Amounts in excess of one percent
11 must be remitted to the general fund.

12
13 Section 44-6-117. The department may fund the net costs of any third-party liability and drug rebate
14 collection efforts from the monies collected in that effort.

15
16 Section 44-6-118. Where the Medicaid State Plan has been altered to cover services that previously
17 were provided by one hundred percent state funds, or that have been requested to be added by other
18 state agencies, the department can bill other agencies for the state share of services provided through
19 Medicaid. In order to comply with federal regulations regarding allowable sources of matching funds,
20 state agencies are authorized to make appropriation transfers to the department to be used as the state
21 share when certified public expenditures are not allowed for those state agency Medicaid services. The
22 department shall keep a record of all services affected and submit periodic reports to the Senate Finance
23 and House Ways and Means committees.

24
25 Section 44-6-119. The department is authorized to expend disproportionate share funds to all
26 eligible hospitals with the condition that all audit exceptions through the receipt and expenditures of
27 these funds are the liability of the hospital receiving the funds.

28
29 Section 44-6-120. The department is authorized to receive and expend registration fees for
30 educational, training, and certification programs.

31
32 Section 44-6-121. (A) The department may offset the administrative costs associated with
33 controlling fraud and abuse.

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

1
2 Section 44-6-122. The department shall continue a separate classification and compensation plan
3 for Registered Nurses (RN) and Licensed Practical Nurses (LPN) who provide services to medically
4 fragile children, who are ventilator dependent, respirator dependent, intubated, and parenteral feeding
5 or any combination of the above. The classification plan must recognize the skill level that these nurses
6 caring for these medically fragile children must have over and above normal homecare or school-based
7 nurses.

8
9 Section 44-6-123. The cost of meals may be provided by the department to state employees who
10 are not permitted to leave their stations and are required to work during actual emergencies, emergency
11 situation exercises, and when the Governor declares a state of emergency.

12
13 Part 16

14 Department of Public Health and Department of Environmental Services

15
16 SECTION 28. (31.2, 31.3, 31.4, 31.6, 31.14) Chapter 1, Title 44 of the S.C. Code is amended by
17 adding:

18
19 Section 44-1-320. General funds made available to the Department of Public Health for the
20 allocation to the counties of the State for operation of county health units be allotted on a basis approved
21 by the director. The amount of general funds appropriated each year for access to care must be allocated
22 on a basis such that no county budget shall receive less than the amount received in the previous fiscal
23 year, except when instructed by the Executive Budget Office or the General Assembly to reduce funds
24 within the department by a certain percentage, the department may unilaterally reduce the county health
25 units up to the stipulated percentage.

26
27 Section 44-1-330. (A) Private donations or contributions for the operation of Camp Burnt Gin must
28 be deposited in a restricted account. These funds may be carried forward and must be made available
29 as needed to fund the operation of the camp. Withdrawals from this restricted account must be in
30 accordance with approved procedures.

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

34
35 Section 44-1-340. The Children's Rehabilitative Services must utilize any available financial
36 resources including insurance benefits or governmental assistance programs, to which the child may

1 otherwise be entitled in providing or arranging for medical care and related services to physically
2 handicapped children eligible for such services, as a prerequisite to the child receiving such services.

3
4 Section 44-1-350. The Department of Public Health may budget and expend monies resulting from
5 insurance refunds for prior year operations for case services in family health.

6
7 Section 44-1-370. When a Medicaid patient is transferred from a nursing home to a receiving
8 nursing home due to violations of state or federal law or Medicaid certification requirements, the
9 Medicaid patient day permit must be transferred with the patient to the receiving nursing home,
10 provided that the receiving nursing home is an enrolled Medicaid provider that already holds Medicaid
11 patient day permits, in which case the receiving facility shall apply to permanently retain the Medicaid
12 patient day permit within sixty days of receipt of the patient.

13
14 SECTION 29. (55.2) Chapter 6, Title 48 of the S.C. Code is amended by adding:

15
16 Section 48-6-90. The Department of Environmental Services may collect, retain and expend funds
17 received from the sale of or third-party use of spoil easement areas, for the purpose of meeting the
18 state's responsibility for providing adequate spoil easement areas for the Atlantic Intracoastal
19 Waterway in South Carolina.

20
21 SECTION 30. (31.15) Chapter 1, Title 44 of the S.C. Code is amended by adding:

22
23 Section 44-1-380. The Department of Public Health is authorized to compensate nonpermanent,
24 part-time employees on a fixed rate per-visit basis. Compensation on a fixed rate per visit may be paid
25 to employees for whom the department receives per-visit reimbursement from other sources. These
26 individuals shall provide direct patient care in a home environment. The per-visit rate may vary based
27 on the discipline providing the care and the geographical location of services rendered. Management
28 may pay exempt or nonexempt employees as defined by the Fair Labor Standards Act only when they
29 are needed to work. Individuals employed in this category may exceed twelve months, but are not
30 eligible for State benefits except for the option of contributing to the State Retirement System.

31
32 SECTION 31. (55.3, 55.5) Chapter 6, Title 48 of the S.C. Code is amended by adding:

33
34 Section 48-6-100. The Department of Environmental Services may expend funds as necessary from
35 the permitted site fund established pursuant to Section 44-56-160(B)(1), for legal services related to
36 environmental response, regulatory, and enforcement matters, including administrative proceedings

1 and actions in state and all federal courts.

2
3 Section 48-6-110. The cost of meals may be provided by the department to state employees who
4 are required to work during actual emergencies and emergency simulation exercises when they are not
5 permitted to leave their stations.

6
7 SECTION 32. (31.20, 31.21, 31.23) Chapter 1, Title 44 of the S.C. Code is amended by adding:

8
9 Section 44-1-400. The cost of meals may be provided by the department to state employees who
10 are required to work during actual emergencies and emergency simulation exercises when they are not
11 permitted to leave their stations.

12
13 Section 44-1-410. In the event the President of the United States has declared a state of emergency
14 or the Governor has declared a state of emergency in a county in the State, Fair Labor Standards Act
15 exempt employees of the department may be paid for actual hours worked in lieu of accruing
16 compensatory time, at the discretion of the agency director, and providing funds are available.

17
18 Section 44-1-420. The Department of Public Health shall assess South Carolina's ability to cope
19 with a major influenza outbreak or pandemic influenza and maintain an emergency plan and stockpile
20 of medicines and supplies to improve the state's readiness condition. The department shall report on
21 preparedness measures to the Speaker of the House of Representatives, the President of the Senate, and
22 the Governor by November first of each year. The department, in conjunction with the Department of
23 Health and Human Services, is authorized to establish a fund for the purpose of developing an
24 emergency supply, stockpile, and distribution system of appropriate antiviral, antibiotic, and vaccine
25 medicines and medical supplies. In the event the United States Department of Health and Human
26 Services makes available medicines or vaccines for purchase by states via federal contract or federally
27 subsidized contract or other mechanism, the department, with Executive Budget Office approval, may
28 access appropriated or earmarked funds as necessary to purchase an emergency supply of these
29 medicines for the State of South Carolina.

30
31 Part 17

32 Department of Mental Health

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

35
36 Section 44-9-170. The Department of Mental Health may retain and expend institution-generated

1 funds which are budgeted.

2
3 Section 44-9-180. Except as otherwise provided, no money authorized to be expended for relating
4 to commitments, admissions and discharges to mental health facilities, or treatment facilities for the
5 purpose of alcohol and drug abuse treatment, shall be used to compensate any state employees
6 appointed by the court as examiners, guardians ad litem, or attorneys nor shall such funds be used in
7 payment to any state agency for providing such services by their employees.

8
9 Part 18

10 Department of Disabilities and Special Needs

11
12 SECTION 34. (36.1, 36.2, 36.4, 36.6, 36.7) Article 1, Chapter 20, Title 44 of the S.C. Code is amended
13 by adding:

14
15 Section 44-20-40. All revenues derived from production contracts earned by individuals served by
16 the department in work activity programs must be retained by the department and carried forward as
17 necessary to be used for other operating expenses or permanent improvements of these work activity
18 programs.

19
20 Section 44-20-50. The department may retain revenues associated with the sale of excess real
21 property owned by, under the control of, or assigned to the department and may expend these funds as
22 grants to purchase or build community residences and day program facilities for the individuals the
23 department serves. The department shall follow all the policies and procedures of the Department of
24 Administration or State Fiscal Accountability Authority and the Joint Bond Review Committee.

25
26 Section 44-20-60. The department is authorized to carry forward and retain settlements under
27 Medicaid-funded contracts.

28
29 Section 44-20-70. The department only shall transfer capital to include property and buildings to
30 local disability and special needs providers with written consent of the providers by memorandum of
31 understanding and upon State Fiscal Accountability Authority approval, otherwise, the department is
32 responsible for maintenance and improvements.

33
34 Section 44-20-80. The provision of selected prescribed medications may be performed by
35 designated unlicensed persons in community-based programs sponsored, licensed, or certified by the
36 South Carolina Department of Disabilities and Special Needs; provided, the unlicensed persons have

1 documented successful completion of medication training and competency evaluation. Licensed
2 nurses, licensed pharmacists, and licensed medical doctors may train and supervise designated
3 unlicensed persons to provide medications and, after reviewing competency evaluations, may approve
4 designated unlicensed persons for the provision of medications. The provision of medications by
5 designated unlicensed persons is limited to oral, sublingual, buccal, topical, inhalation and transdermal
6 medications, ear drops, eye drops, nasal sprays, injections of regularly scheduled insulin and injections
7 of prescribed anaphylactic treatments. The provision of medications by designated unlicensed persons
8 does not include rectal and vaginal medications, sliding scale insulin, or other injectable medications.
9 A written or electronic record regarding each medication provided, including time and amount
10 administered, is required as part of the provision of medication. Provision of medication does not
11 include judgment, evaluation, or assessment by the designated unlicensed persons. The designated
12 unlicensed persons and the nurses, pharmacists, and medical doctors that train, approve, and supervise
13 these staff shall be protected against tort liability provided their actions are within the scope of their
14 job duties and the established medical protocol. The Department of Disabilities and Special Needs shall
15 establish curriculum and standards for training and oversight. This provision shall not apply to a facility
16 licensed as an intermediate care facility for individuals with intellectual or related disability.

17
18 Part 19

19 Department of Alcohol and Other Drug Abuse Services
20

21 SECTION 35. (37.1, 37.2) Chapter 49, Title 44 of the S.C. Code is amended by adding:
22

23 Section 44-49-90. The department may charge fees for training events and conferences. The
24 revenues from such events must be retained by the department to increase education and professional
25 development initiatives.
26

27 Section 44-49-100. The department through its local county commissions may provide, from funds
28 appropriated to the department, information, education, and referral services to persons experiencing
29 gambling addictions.
30

31 Part 20

32 Department of Social Services
33

34 SECTION 36. (38.2, 38.4, 38.5, 38.6, 38.8, 38.10, 38.11, 38.13, 38.15, 38.16, 38.17) Chapter 1, Title
35 43 of the S.C. Code is amended by adding:
36

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

15
16 Section 43-1-280. Funds appropriated for the battered spouse program must be allocated through
17 contractual agreement to providers of this service. These funds also may be used for public awareness
18 and contracted services for victims of this social problem, including the abused and children
19 accompanying the abused. Such funds may not be expended for any other purpose nor be reduced by
20 any amount greater than that stipulated by the Executive Budget Office or the General Assembly for
21 the agency as a whole.

22
23 Section 43-1-290. In order to prevent the loss of federal funds to the State, employees of the
24 Department of Social Services whose salaries are paid in full or in part from federal funds are exempt
25 from serving as court examiners.

26
27 Section 43-1-300. The Department of Social Services is authorized to advance sufficient funds
28 during each fiscal year from the Temporary Assistance for Needy Families Assistance Payments
29 general fund appropriations to the Temporary Assistance for Needy Families Assistance Payments
30 federal account only for the purpose of allowing a sufficient cash flow in the federal account. The
31 advance must be refunded no later than April of the same fiscal year. Upon the advance of funds as
32 provided in this section, the Comptroller General is authorized to process the July voucher for the
33 funding of benefit checks.

34
35 Section 43-1-310. The state portion of funds recouped from the collection of recipient claims in the
36 TANF and Food Stamp programs must be retained by the department. A portion of these funds must

1 be distributed to local county offices for emergency and program operations.

2
3 Section 43-1-320. From amounts allocated to the Department of Social Services for statewide
4 employee pay increases in the annual general appropriations act, the Department of Social Services
5 may allot funds for pay increases to individual county directors and regional directors in classified
6 positions without uniformity. Pay increases for department county directors and regional directors must
7 be administered in accordance with the guidelines established by the Department of Administration for
8 executive compensation system and other nonacademic unclassified employees. Any employees
9 subject to the provisions of this section are not eligible for any other compensation increases provided
10 in the annual general appropriations act.

11
12 Section 43-1-330. Department investigative units are authorized to receive and expend funds
13 awarded to these units as a result of a donation, contribution, prize, grant, or court order. These funds
14 must be retained by the department on behalf of the investigative units and deposited in a separate,
15 special account and must be carried forward from year to year and withdrawn and expended as needed
16 to fulfill the purposes and conditions of the donation, contribution, prize, grant, or court order, if
17 specified, and if not specified, as may be directed by the Director of the Department of Social Services.
18 These accounts shall not supplant operating funds. The agency shall report the amount of such funds
19 received and the manner of expenditure in the previously completed fiscal year to the Senate Finance
20 Committee and House Ways and Means Committee by January thirtieth of each year.

21
22 Section 43-1-340. The Department of Social Services is authorized to make grants to
23 community-based not-for-profit organizations for local projects that further the objectives of
24 department programs. The department shall develop policies and procedures and may promulgate
25 regulations to assure compliance with state and federal requirements associated with the funds used for
26 the grants and to assure fairness and accountability in the award and administration of these grants. The
27 department shall require a match from all grant recipients.

28
29 Section 43-1-350. The Department of Social Services may impose monetary penalties against a
30 person, facility, or other entity for violation of statutes or regulations pertaining to programs, other than
31 foster home licensing, that the department regulates. Penalties collected must be remitted to the State
32 Treasurer for deposit into the general fund. The department shall promulgate regulations for each
33 program in which penalties may be imposed. The regulations must include guidance on the decision to
34 assess a penalty, the effect of failure to pay a penalty in a timely manner, and a schedule of penalty
35 ranges that takes into account severity and frequency of violations. These regulations must provide for
36 notice of the penalty and the right to a contested case hearing before a designee of or panel appointed

1 by the director of the department. Judicial review of the final agency decision concerning a penalty
2 must be in accordance with statutes or regulations that apply to judicial review of final revocation and
3 denial decisions in that particular program. The department, in accordance with regulations
4 promulgated pursuant to this provision, shall have discretion in determining the appropriateness of
5 assessing a monetary penalty against a person or facility and the amount of the penalty. The authority
6 to assess monetary penalties shall be in addition to other statutory provisions authorizing the department
7 to seek injunctive relief or to deny, revoke, suspend, or otherwise restrict or limit a license or other
8 types of operating or practice registrations, approvals, or certificates.

9
10 Section 43-1-360. The department is authorized to retain and carry forward any unexpended funds
11 appropriated for the Child Support Enforcement automated system and related penalties.

12
13 Section 43-1-370. State funds allocated to the Department of Social Services and used for childcare
14 vouchers must be used to enroll eligible recipients within provider settings exceeding the state's
15 minimum childcare licensing standards. The department may waive this requirement on a case-by-case
16 basis.

17
18 Part 21

19 Department on Aging

20
21 SECTION 37. (40.3) Chapter 21, Title 43 of the S.C. Code is amended by adding:

22
23 Section 43-21-210. The Department on Aging is authorized to receive and expend registration fees
24 for educational, training, and certification programs.

25
26 Part 22

27 Department on Children's Advocacy

28
29 SECTION 38. (41.3) Article 22, Chapter 11, Title 63 of the S.C. Code is amended by adding:

30
31 Section 63-11-2300. The Department of Children's Advocacy may carry forward funds
32 appropriated to the Continuum of Care Program to continue services.

33
34 Part 23

35 Housing Finance and Development Authority

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

2
3 Section 31-13-100. The authority may carry forward monies withdrawn from the authority's various
4 bond-financed trust indentures and resolutions to pay program expenses.

5
6 SECTION 40. (42.3) Section 31-13-430(D) of the S.C. Code is amended to read:

7
8 (D) Members of the advisory committee are not eligible for reimbursement for travel, lodging, meals,
9 or per diem. However, the members are eligible for mileage reimbursement at the rate allowed for state
10 employees. Membership on the committee must include representation from rural communities.

11
12 Part 24

13 Forestry Commission

14
15 SECTION 41. (43.1, 43.2, 43.3) Chapter 23, Title 48 of the S.C. Code is amended by adding:

16
17 Section 48-23-310. The Forestry Commission is authorized to use unexpended federal grant funds to
18 pay for expenditures.

19
20 Section 48-23-320. The Forestry Commission is authorized to retain all funds received as
21 reimbursement of expenditures from other state or federal agencies when personnel and equipment are
22 mobilized due to an emergency.

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

27
28 Part 25

29 Clemson University PSA

30
31 SECTION 42. (45.1, 45.4, 45.5) Chapter 1, Title 46 of the S.C. Code is amended by adding:

32
33 Section 46-1-170. (A) Revenues collected from the issuance of phytosanitary certificates must be
34 retained by the Division of Regulatory and Public Service for the purpose of carrying out phytosanitary
35 inspections.

36 (B) All revenues collected from the regulatory programs of agrichemical, plant industry, and crop

1 protection including: fertilizer, lime, and soil amendments registration fees; pesticide licensing fees;
2 seed-certification fees; and fertilizer tax and inspection fees must be retained by Clemson University
3 PSA regulatory programs.

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

8
9 Part 26

10 Department of Natural Resources

11
12 SECTION 43. (47.1, 47.2, 47.4, 47.5, 47.7) Article 1, Chapter 3, Title 50 of the S.C. Code is amended
13 by adding:

14
15 Section 50-3-200. Revenue generated from the sale of the "South Carolina Wildlife" magazine, its
16 by-products and other publications, must be retained by the department and used to support the
17 production of the same in order for the magazine to be self-sustaining. In addition, the department is
18 authorized to sell advertising in the magazine and to increase the magazine's subscription rate, if
19 necessary, to be self-sustaining. No general funds may be used for the operation and support of the
20 "South Carolina Wildlife" magazine.

21
22 Section 50-3-210. The Department of Natural Resources shall continue to collect the casual sales
23 tax as contained in the contractual agreement between the Department of Revenue and the Department
24 of Natural Resources and the State Treasurer is authorized to reimburse the department on a quarterly
25 basis for the actual cost of collecting the casual sales tax and such reimbursement must be paid from
26 revenues generated by the casual sales tax.

27
28 Section 50-3-220. If any funds accumulated by the Department of Natural Resources Geology
29 Program, under contract for the provision of goods and services not covered by the department's
30 appropriated funds, are not expended, such funds may be carried forward and expended for the costs
31 associated with the provision of such goods and services.

32
33 Section 50-3-230. The department may collect, expend, and carry forward revenues derived from
34 the sale of goods and services in order to support aerial photography, map services, climatology data,
35 and geological services. The department annually shall report to the Senate Finance Committee and the
36 House Ways and Means Committee the amount of revenue generated from the sale of these goods and

1 services.

2
3 Section 50-3-240. The department is authorized to pay for the cost of physical examinations for
4 department personnel who are required to receive such physical examinations prior to receiving a law
5 enforcement commission.

6
7 Part 27
8 Sea Grant Consortium
9

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

11
12 Section 48-45-90. Funds generated by the sale of pamphlets, books, and other promotional
13 materials, the production of which has been paid for by nonstate funding, may be deposited in a special
14 account by the consortium and utilized as other funds for the purchase of additional pamphlets, books,
15 and other promotional materials for distribution to the public.

16
17 Part 28
18 Department of Parks, Recreation and Tourism
19

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

21
22 Section 51-1-100. The Department of Parks, Recreation and Tourism may carry forward any
23 unexpended advertising funds to be used for the same purposes which include the Tourism Partnership
24 Fund, Destination-Specific Marketing Grants, and the agency advertising fund.

25
26 Section 51-1-110. From the funds authorized for the South Carolina Film Commission, the
27 department may use the film marketing funds for the following purposes:

- 28 (1) to allow for assistance with recruitment and infrastructure development of the film industry;
29 (2) to develop a film crew base;
30 (3) to develop ally support in the film industry;
31 (4) marketing and special events; and
32 (5) to allow for assistance with the auditing and legal service expenses associated with the Motion
33 Picture Incentive Act.

34
35 Section 51-1-120. The Department of Parks, Recreation and Tourism may charge an application fee
36 for the Motion Picture Incentive programs and may retain and expend these funds for the purposes of

1 meeting administrative, data collection, credit analysis, cost-benefit analysis, reporting and auditing,
2 and other statutory obligations. A fee schedule must be established and approved by the Director of the
3 Department of Parks, Recreation and Tourism.

4
5 Part 29

6 Department of Commerce

7
8 SECTION 46. (50.1, 50.4, 50.6, 50.7, 50.8, 50.11, 50.12) Chapter 1, Title 13 of the S.C. Code is
9 amended by adding:

10
11 Section 13-1-70. The proceeds from the sale of publications may be retained in the agency's printing,
12 binding, and advertising account.

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

16
17 Section 13-1-100. Revenue received from the sublease on non-state-owned office space may be
18 retained and expended to offset the cost of the department's leased office space.

19
20 Section 13-1-110. The department may charge a fee for ad sales in department-authorized
21 publications and may use these fees to offset the cost of printing and production of the publications.
22 Any revenue generated above the actual cost must be remitted to the general fund.

23
24 Section 13-1-120. The Secretary of Commerce is authorized to appoint the staff of the department's
25 foreign offices on a contractual basis on such terms as the Secretary considers appropriate, subject to
26 review by the Department of Administration.

27
28 Section 13-1-130. Application fees received by the department must be deposited within five
29 business days from the Coordinating Council application approval date.

30
31 Section 13-1-140. The Recycling Market Development Advisory Council shall submit an annual
32 report outlining recycling activities to the Governor and members of the General Assembly by March
33 fifteenth each year.

34
35 Part 30

36 Rural Infrastructure Authority

1
2 SECTION 47. (54.3) Chapter 50, Title 11 of the S.C. Code is amended by adding:

3
4 Section 11-50-190. For purposes of calculating the amount of funds which may be carried forward
5 by the Rural Infrastructure Authority, grant and loan program funds carried forward by the Office of
6 Local Government must be excluded from the calculation of the carry forward authorized by law.

7
8 SECTION 48. (54.4) Chapter 40, Title 11 of the S.C. Code is amended by adding:

9
10 Section 11-40-280. In the event that any state funds remain after fully matching federal grants for
11 the State Revolving Funds under the Clean Water Act or Safe Drinking Water Act, such funds may be
12 deposited into the South Carolina Infrastructure Revolving Loan Fund established pursuant to Section
13 11-40-50.

14
15 Part 31
16 Judicial Department

17
18 SECTION 49. (57.2) Chapter 1, Title 14 of the S.C. Code is amended by adding:

19
20 Section 14-1-250. Every county shall provide for each circuit and family judge residing therein an
21 office with all utilities including a private telephone and shall provide the same for Supreme Court
22 Justices and Judges of the Court of Appeals upon their request.

23
24 SECTION 50. (57.6) Article 3, Chapter 3, Title 14 of the S.C. Code is amended by adding:

25
26 Section 14-3-460. Any funds collected from the Supreme Court Bar Admissions Office may be
27 deposited into an escrow account with the State Treasurer's Office. The department is authorized to
28 receive, expend, retain, and carry forward these funds.

29
30 SECTION 51. (57.9, 57.10, 57.11, 57.12) Chapter 1, Title 14 of the S.C. Code is amended by adding:

31
32 Section 14-1-260. Amounts received as payment for reproducing, printing, and distributing copies
33 of court rules and other department documents must be retained for use by the department.

34
35 Section 14-1-270. Technology equipment that has been declared surplus may be donated directly
36 to counties for use in court-related activities.

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

3
4 Section 14-1-290. The Judicial Department shall retain revenue generated by charging a fee for
5 technology support services provided to users of the state case management system. These funds may
6 be expended and carried forward to offset the costs of supporting and maintaining the case management
7 system.

8
9 Part 32

10 Administrative Law Court

11
12 SECTION 52. (58.1) Chapter 23, Title 1 of the S.C. Code is amended by adding:

13
14 Section 1-23-690. The Administrative Law Court shall retain and expend, for the same purpose for
15 which it is generated, all revenue received as payment for printing and distributing copies of court rules
16 and other agency documents.

17
18 SECTION 53. (58.2) Chapter 1, Title 14 of the S.C. Code is amended by adding:

19
20 Section 14-1-310. Every county shall provide for each Administrative Law Judge residing therein,
21 upon their request, an office within the existing physical facilities if space is available, to include all
22 utilities and a private telephone. The request only may be made provided that the judge's residence is
23 not within fifty miles of the official headquarters of the agency by which the administrative law judge
24 is employed.

25
26 Part 33

27 Prosecution Coordination Commission

28
29 SECTION 54. (60.1) Chapter 1, Title 8 of the S.C. Code is amended by adding:

30
31 Section 8-1-200. The amount appropriated for salaries of solicitors must be paid to each full-time
32 solicitor. Each full-time circuit solicitor shall earn a salary not less than each full-time circuit court
33 judge.

34
35 Part 34

36 State Law Enforcement Division

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

4
5 Section 23-3-87. Funds awarded to the State Law Enforcement Division by either court order or from
6 donations or contributions must be deposited in a special account with the State Treasurer, and must be
7 carried forward from year to year, and withdrawn from the Treasurer as needed to fulfill the purposes
8 and conditions of the said order, donations or contributions, if specified, and if not specified, as may
9 be directed by the Chief of the State Law Enforcement Division. Funds expended from the special
10 account must be reported annually by October first to the Senate Finance Committee and the House
11 Ways and Means Committee.

12
13 Section 23-3-90. The department is authorized to pay for the cost of physical examinations for
14 department personnel who are required to receive such physical examinations prior to receiving a law
15 enforcement commission.

16
17 Section 23-3-92. The State Law Enforcement Division may provide meals to employees of SLED
18 who are not permitted to leave assigned duty stations and are required to work during deployment,
19 emergency simulation exercises, and when the Governor declares a state of emergency.

20
21 Section 23-3-95. The State Law Enforcement Division (SLED) is authorized to be reimbursed for
22 security-related law enforcement services provided to entities authorized to transport sensitive
23 materials within the borders of South Carolina. SLED shall determine all costs associated with security
24 details and is authorized to coordinate the collection, retention, and distribution to any assisting agency.
25 SLED and each assisting agency shall expend any funds associated with minimizing risks related to the
26 transportation of these hazardous materials for the implementation of homeland security initiatives.

27
28 Section 23-3-97. The State Law Enforcement Division is authorized to collect, expend, retain, and
29 carry forward all funds received from other state or federal agencies as reimbursement of expenditures
30 incurred.

31
32 Section 23-3-100. The State Law Enforcement Division is authorized to retain, expend, and carry
33 forward all monies associated with illegal gaming devices seized by the division, once orders of
34 destruction and awarding of these monies have been received from a court of competent jurisdiction.

1 Department of Public Safety

2
3 SECTION 56. (63.1) Chapter 6, Title 23 of the S.C. Code is amended by adding:

4
5 Section 23-6-197. The highway patrol may not charge any fee associated with special events for
6 maintaining traffic control and ensuring safety on South Carolina public roads and highways unless
7 approved by the General Assembly. Nothing shall prohibit the Treasury of the State from accepting
8 voluntary payment of fees from private or public entities to defray the actual expenses incurred for
9 services provided by the Department of Public Safety.

10
11 Part 36

12 Law Enforcement Training Council

13
14 SECTION 57. (64.1, 64.2) Chapter 23, Title 23 of the S.C. Code is amended by adding:

15
16 Section 23-23-170. In order to complete projects, the Law Enforcement Training Council, Criminal
17 Justice Academy is authorized to carry forward and expend federal and earmarked funds.

18
19 Section 23-23-180. The Law Enforcement Training Council, Criminal Justice Academy is
20 authorized to collect, expend, retain, and carry forward all funds received from other state or federal
21 agencies as reimbursement of expenditures incurred when personnel and equipment are mobilized and
22 expenses are incurred due to an emergency.

23
24 Part 37

25 Department of Corrections

26
27 SECTION 58. (65.1, 65.2, 65.4, 65.5, 65.7, 65.8, 65.9, 65.10, 65.11, 65.12, 65.14, 65.15, 65.16)
28 Chapter 1, Title 24 of the S.C. Code is amended by adding:

29
30 Section 24-1-330. Revenue derived wholly from the canteen operations within the Department of
31 Corrections on behalf of the inmate population, may be retained and expended by the department for
32 the continuation of the operation of said canteens and the welfare of the inmate population or, at the
33 discretion of the director, used to supplement costs of operations. The canteen operation is to be treated
34 as an enterprise fund within the Department of Corrections and is not to be subsidized by
35 state-appropriated funds.

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

4
5 Section 24-1-350. All funds received by the State from the United States Department of Justice,
6 State Criminal Alien Assistance Program, for care and custody of illegal aliens housed in the state
7 correctional facilities must be retained by the South Carolina Department of Corrections to offset
8 incurred expenses.

9
10 Section 24-1-360. A criminal offender committed to the custody of the Department of Corrections,
11 who has been evaluated to function at less than an eighth-grade educational level, or less than the
12 equivalent of an eighth-grade educational level, may be required by department officials to enroll and
13 actively participate in academic education programs. Department of Corrections funds for educational
14 programs must be prioritized to assure such remedial services are provided.

15
16 Section 24-1-380. All funds received by the South Carolina Department of Corrections from the
17 Social Security Administration under Section 1611 (e)(1)(I) of the Social Security Act, which provides
18 payment for information regarding incarcerated Social Security Insurance recipients, must be retained
19 by the South Carolina Department of Corrections and credited to a fund entitled "Special Social
20 Security" for the care and custody of inmates housed in the state correctional facilities.

21
22 Section 24-1-390. The Department of Corrections is authorized to charge inmates a nominal fee for
23 any medical treatment or consultation provided at the request of or initiated by the inmate. A nominal
24 copay must be charged for prescribed medications. Inmates may not be charged for psychological or
25 mental health visits.

26
27 Section 24-1-400. The Director of the Department of Corrections, at his discretion, is authorized to
28 utilize prison industry funds for projects or services benefiting the general welfare of the inmate
29 population or to supplement costs of operations. These funds may be carried forward to be used for the
30 same purpose.

31
32 Section 24-1-410. The Department of Corrections may retain for general operating purposes any
33 reimbursement of funds for expenses incurred.

34
35 Section 24-1-420. Funds generated from the sale of real property owned by the Department of
36 Corrections must be retained by the department to offset renovation and maintenance capital

1 expenditures.

2
3 Section 24-1-430. Monies generated by inmates engaged in the cleaning and waxing of private
4 vehicles, or any other adult work activity center, must be placed in a special account and utilized for
5 the welfare of the inmate population.

6
7 Section 24-1-440. All funds received by the South Carolina Department of Corrections from the
8 Western Union Quick Collect Revenue Sharing Program or similar private sector entities, which
9 provides payment for processing electronic transfers into the E.H. Cooper Trust Fund, must be retained
10 by the South Carolina Department of Corrections and credited to a fund entitled Inmate Welfare Fund
11 to be expended for the benefit of the inmate population.

12
13 Section 24-1-450. The Department of Corrections is authorized to charge an inmate who
14 participates in community programs a reasonable fee for the cost of supplying electronic and telephonic
15 monitoring. The fees charged may not exceed the actual cost of the monitoring.

16
17 Section 24-1-460. The Department of Corrections may collect and record private health insurance
18 information from incarcerated individuals. The department may file against any private insurance
19 policy covering an inmate to recoup any health care expenditures covered by the policy. Health care
20 must be provided in accordance with law and standards regardless of whether or not an inmate is
21 covered by insurance.

22
23 Part 38

24 Department of Probation, Parole and Pardon Services

25
26 SECTION 59. (66.3) Article 1, Chapter 21, Title 24 of the S.C. Code is amended by adding:

27
28 Section 24-21-120. The department is authorized to carry forward any unexpended funds in the sex
29 offender monitoring program. These funds must be used for the sex offender monitoring program. For
30 the purpose of calculating the amount of funds which may be carried forward by the department, funds
31 carried forward pursuant to this section are excluded from the calculation of the carry forward
32 authorized by annual general appropriations act.

33
34 Part 39

35 Department of Juvenile Justice

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

3
4 Section 63-19-500. Revenue generated from sale of meal tickets by the department must be retained
5 and carried forward by the department and expended for the operation of the department's cafeterias
6 and food service programs.

7
8 Section 63-19-510. The revenue returned to the interstate compact program must be retained and
9 carried forward by the department and expended for the operation of the program.

10
11 Section 63-19-520. Funds generated from the projects undertaken by children under the supervision
12 of the department may be retained by the department and utilized for the benefit of those children. Such
13 funds may be carried forward into the following fiscal year.

14
15 Section 63-19-530. The department may retain any reimbursement of funds for expenses incurred in
16 a previous fiscal year and may expend such funds for general operating purposes.

17
18 Section 63-19-540. After receiving approval from the Department of Administration or State Fiscal
19 Accountability Authority, for the sale of property, the department is authorized to retain revenues
20 associated with the sale of department-owned real property and may expend these funds on capital
21 improvements reviewed by the Joint Bond Review Committee and approved by the State Fiscal
22 Accountability Authority.

23
24 Section 63-19-550. The department may sell mature trees and other timber suitable for commercial
25 purposes from lands owned by the department. Before making such sales, the director shall consult
26 with the State Forester to determine economic and environmental feasibility and to obtain approval for
27 such sales. Funds derived from timber sales must be retained and utilized for family support services
28 after setting aside a reasonable amount, as determined by the State Forester, for reforestation of the
29 lands from which the trees and timber are sold.

30
31 Section 63-19-560. The department is authorized to place juveniles in marine and wilderness
32 programs or other community residence programs operated by nongovernmental entities. Juveniles
33 receiving services in these community residence programs must either be referred to such a program
34 by the Family Court as a condition of probation, released to such a program by the Board of Juvenile
35 Parole, or voluntarily agree to be assigned and released to such a program by the Department of Juvenile
36 Justice.

1
2 Section 63-19-570. Juveniles committed to the Department of Juvenile Justice who have been
3 enrolled in, but not yet completed, a GED educational program while at the department, upon release
4 from the department, at the discretion of the local school district, may enroll in either the juvenile's
5 local school district's regular education program, in their appropriate grade placement, or enroll in that
6 district's or county's adult education program. If enrolled in an adult education program, the juvenile's
7 eligibility for taking the GED must be based upon the regulations promulgated by the Department of
8 Education for youth who are confined in, or under the custody of, the Department of Juvenile Justice.
9

10 Part 40

11 Human Affairs Commission

12
13 SECTION 61. (70.1, 70.2, 70.3) Chapter 13, Title 1 of the S.C. Code is amended by adding:
14

15 Section 1-13-120. All revenue derived from donations and registration fees received for attendance
16 at Human Affairs forums must be retained and carried forward and expended for the purpose of general
17 operations of the Human Affairs Commission.
18

19 Section 1-13-130. All revenue derived from fees received from training and technical assistance
20 provided by the Human Affairs Commission to entities other than state agencies must be retained,
21 carried forward, and expended for the purpose of general operations of the commission.
22

23 Section 1-13-140. All revenue derived from providing requested copies of commission files, final
24 opinions, orders, and determinations must be retained, carried forward, and expended for the purpose
25 of general operations of the commission.
26

27 Part 41

28 Commission for Minority Affairs

29
30 SECTION 62. (71.1, 71.2, 71.3, 71.4, 71.5) Chapter 31, Title 1 of the S.C. Code is amended by adding:
31

32 Section 1-31-70. Monies derived from private sources for agency research, forums, training, and
33 institutes may be retained and expended by the commission for the specified purpose. Any remaining
34 balance may be carried forward and expended for the same purpose.
35

36 Section 1-31-80. Revenue derived from registration fees received from training and institutes may

1 be retained and carried forward by the commission for the purpose of conducting future training and
2 institutes.

3
4 Section 1-31-90. Revenues pooled from public and private sources for the purpose of awarding
5 grants to address problems in the minority community may be retained and carried forward by the
6 commission.

7
8 Section 1-31-100. Bingo revenues received by the commission pursuant to Section 12-21-4200 may
9 be carried forward into the next fiscal year.

10
11 Section 1-31-110. Revenue derived from photocopy fees and other fees related to Freedom of
12 Information Act requests from the general public may be retained and carried forward by the
13 commission.

14
15 Part 42

16 Office of Regulatory Staff

17
18 SECTION 63. (73.1, 73.2, 73.3) Chapter 4, Title 58 of the S.C. Code is amended by adding:

19
20 Section 58-4-140. The Transportation Department of the Office of Regulatory Staff is authorized
21 to make refunds of fees which were erroneously collected.

22
23 Section 58-4-150. (A) The Office of Regulatory Staff shall certify to the Department of Revenue
24 the following amounts to be assessed to cover appropriations:

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

27 (2) the amount to be assessed against gas utility companies as provided for in Section 58-5-940;

28 (3) the amount to be assessed against electric light and power companies as provided for in
29 Sections 58-4-60 and 58-27-50; and

30 (4) the amount to be covered by revenue from motor transport fees as provided for by Section
31 58-23-630, and other fees as set forth in Section 58-4-60.

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

1 Section 58-4-160. If the Office of Regulatory Staff determines that a person or entity subject to
2 Title 58 of the S.C. Code has been assessed an amount greater than that authorized by Sections 58-4-60,
3 58-3-100 and 58-3-540, the Office of Regulatory Staff shall, at its discretion: (a) refund the person or
4 entity the amount of overcollection using funds from the current fiscal year; (b) refund the person or
5 entity the amount of overcollection using any unexpended funds from the prior fiscal year; (c) credit
6 the amount the person or entity will be assessed in the next fiscal year for the amount of overcollection;
7 or (d) any combination of these. The Office of Regulatory Staff, when determining the amount to be
8 assessed in the next fiscal year, may take into consideration any underpayment or overpayment by a
9 person or entity during a given year. Any unexpended funds from revenue generated pursuant to this
10 section may be retained and carried forward and expended for the same purposes.

11
12 Part 43

13 Workers' Compensation Commission
14

15 SECTION 64. (74.1) Chapter 3, Title 48 of the S.C. Code is amended by adding:
16

17 Section 48-3-260. The agency shall retain all revenue earned from educational seminars for the
18 printing of educational materials and other expenses related to conducting the seminar.
19

20 Part 44

21 State Accident Fund
22

23 SECTION 65. (75.1) Article 1, Chapter 7, Title 42 of the S.C. Code is amended by adding:
24

25 Section 42-7-230. The State Accident Fund may set and collect fees for educational seminars. All
26 revenue earned from educational seminars must be retained by the agency and used for supplies,
27 materials, and other expenses relating to the seminars.
28

29 Part 45

30 Department of Consumer Affairs
31

32 SECTION 66. (80.1) Chapter 1, Title 37 of the S.C. Code is amended by adding:
33

34 Section 37-1-304. Funds paid to the Department of Consumer Affairs in resolution of cases
35 involving violations of the South Carolina Consumer Protection Code and other statutes enforced by
36 the department must be carried forward and expended within the department's budget to help offset the

1 costs of investigating, prosecuting, and the administrative costs associated with these violations.

2
3 Part 46

4 Department of Labor, Licensing and Regulation

5
6 SECTION 67. (81.1, 81.2) Article 1, Chapter 3, Title 41 of the S.C. Code is amended by adding:

7
8 Section 41-3-150. The Fire Academy may charge participants a fee to cover the cost of education,
9 training programs, and operations. The revenue generated may be applied to the cost of operations, and
10 any unexpended balance may be carried forward and utilized for the same purposes.

11
12 Section 41-3-160. Revenue in the Real Estate Appraisal Registry account is not subject to fiscal
13 year limitations and shall carry forward each fiscal year for the designated purpose.

14
15 SECTION 68. (81.4) Article 1, Chapter 9, Title 23 of the S.C. Code is amended by adding:

16
17 Section 23-9-199. The State Fire Marshal is authorized to accept gifts or grants of services,
18 properties, or monies from individuals or public and private organizations to honor South Carolina
19 firefighters who have died in the line of duty. All excess monies collected to erect a memorial must be
20 placed in a fund for upkeep and maintenance. Any later contributions must be used for upkeep and
21 maintenance.

22
23 SECTION 69. (81.6) Article 1, Chapter 3, Title 41 of the S.C. Code is amended by adding:

24
25 Section 41-3-170. The Department of Labor, Licensing and Regulation may carry forward funds
26 that are required to provide a match for federal grant programs and may be expended for the same
27 purpose as originally provided.

28
29 Part 47

30 Department of Motor Vehicles

31
32 SECTION 70. (82.1) Article 1, Chapter 1, Title 56 of the S.C. Code is amended by adding:

33
34 Section 56-1-560. The Department of Motor Vehicles is authorized to expend federal and
35 earmarked funds in the current fiscal year for expenditures incurred in the previous fiscal year.

1 Part 48

2 Department of Transportation

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

5
6 Section 57-3-240. The Department of Transportation is authorized to secure bonds and insurance
7 covering such activities of the department as determined proper and advisable with due consideration
8 being given to the security offered and the service of claims.

9
10 Section 57-3-250. The Department of Transportation is authorized to establish an appropriate
11 schedule of fees to be charged for copies of records, lists, bidder's proposals, plans, maps, and the like,
12 based upon approximate actual costs and handling costs of producing such copies, lists, bidder's
13 proposals, plans, maps, and the like.

14
15 Section 57-3-260. Rest areas of the Department of Transportation must be charged in-district water
16 rates by providers of water and sewer services, unless the rate currently charged by the provider is less
17 than in-district rates.

18
19 Part 49

20 Division of Aeronautics

21
22 SECTION 72. (87.2, 87.4, 87.5) Chapter 1, Title 55 of the S.C. Code is amended by adding:

23
24 Section 55-1-110. Revenue received from rental of division office space may be retained and
25 expended to cover the cost of building operations.

26
27 Section 55-1-120. The division shall provide hangar and parking facilities for government-owned
28 or operated aircraft on a first-come basis. Funds must be retained by the division for the purpose of
29 hangar and parking facility maintenance. The hangar fee schedule must be determined by the division
30 and shall not exceed local average market rates. Personnel from the agencies owning or operating
31 aircraft are responsible for ground movement of their aircraft.

32
33 Section 55-1-130. (A) Funds appropriated for aviation grants must be credited to the State Aviation
34 Fund within the Division of Aeronautics for the following purposes:

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

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

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

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

8 (1) priorities among improvements qualifying for grants;

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

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

12 (C) Enabling airport sponsors to meet basic Federal Aviation Administration safety guidelines for
13 obstruction clearance must be a major factor in the priority guidelines established by the Aeronautics
14 Commission pursuant to this section. The commission also shall have discretion consistent with Section
15 55-5-170 to establish a program to grant Aviation Fund dollars for these purposes at the ratio of eighty
16 percent from the fund to twenty percent from the local airport sponsor, or any ratio with a smaller
17 relative contribution from the fund. A report on the expenditure of these funds must be submitted
18 annually to the Senate Finance Committee and the House Ways and Means Committee. Unspent funds
19 may be carried forward and spent for like purposes.

20
21 Part 50

22 Department of Administration

23
24 SECTION 73. (93.7) Article 1, Chapter 11, Title 1 of the S.C. Code is amended by adding:

25
26 Section 1-11-498. (A) The Department of Administration is directed to administer and coordinate
27 First Responder Interoperability operations for the statewide Palmetto 800 radio system to better
28 coordinate public safety disaster responses and communications.

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

36 (C) If a Palmetto 800 participant reduces the baseline number of radios in use, the amount of funds

1 allocated for the participant's radio user fees must be reduced in a proportional amount. The funds must
2 be utilized to provide private county and city radio systems with grant funds to be used for purchases
3 of equipment that support interoperability with the statewide Palmetto 800 radio system and its users.
4 Grant funds must be allocated to private county and city radio systems based on the criteria used for
5 Palmetto 800 participants and in amounts proportional to the amounts allocated to support the per-site
6 radio user fees of Palmetto 800 participants.

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

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

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

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

24
25
26 Part 51

27 Office of State Treasurer

28
29 SECTION 74. (98.3) Article 1, Chapter 5, Title 11 of the S.C. Code is amended by adding:

30
31 Section 11-5-300. The State Treasurer may pool funds from accounts for investment purposes and
32 may invest all monies in the same types of investments as set forth in Section 11-9-660.

33
34 Part 52

35 Office of the Adjutant General

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

2
3 Section 25-1-180. The maximum fee that an armory may charge for the use of its premises for
4 election purposes equals the cost of providing custodial services, utilities, and maintenance.

5
6 Part 53

7 Election Commission

8
9 SECTION 76. (102.5, 102.9, 102.10) Chapter 3, Title 7 of the S.C. Code is amended by adding:

10
11 Section 7-3-80. Funds appropriated for recurring and nonrecurring general and primary election
12 expenses are exempt from mandated across the board reductions. In addition, in the calculation of any
13 across the board agency base reductions mandated by the Executive Budget Office or the General
14 Assembly, the amount of funds appropriated for recurring and nonrecurring primary and general
15 election expenses must be excluded from the agency's base budget.

16
17 Section 7-3-90. The Election Commission is authorized to carry forward unexpended Help America
18 Vote Act funds and only may use these funds for the same purpose.

19
20 Section 7-3-100. General fund appropriations for the purpose of providing a match for federal funds
21 received through the Help America Vote Act must be moved to a restricted account in order that the
22 funds may accrue interest as per Section 254 (b)(1) of the Help America Vote Act. Unexpended funds
23 must be carried forward and must be utilized for special primaries, runoffs, and elections. These funds
24 also may be used to reimburse local governmental entities for expenses incurred in the previous fiscal
25 year associated with special primaries, runoffs, and general elections.

26
27 Part 54

28 Department of Revenue

29
30 SECTION 77. (109.2) Chapter 2, Title 12 of the S.C. Code is amended by adding:

31
32 Section 12-2-150. Funds awarded to the Department of Revenue by court order must be retained in
33 a special account and be carried forward from year to year, and expended as needed to accomplish the
34 purposes and conditions of said order if specified, and if not specified, as may be directed by the
35 Director of the Department of Revenue.

1 Part 55

2 General Provisions

3
4 SECTION 78. (117.10) Chapter 1, Title 1 of the S.C. Code is amended by adding:

5
6 Article 27

7
8 Statewide Provisions

9
10 Section 1-1-1720. Amounts appropriated to the Department of Public Health, Department of
11 Environmental Services, Department of Social Services, and Department of Health and Human
12 Services may be expended to cover program operations of prior years where adjustment of such prior
13 years are necessary under federal regulations or audit exceptions. All disallowances or notices of
14 disallowances by any federal agency of any costs claimed by these agencies must be submitted to the
15 State Auditor, the Senate Finance Committee, and the House Ways and Means Committee, within five
16 days of receipt of such actions.

17
18 SECTION 79. (117.11) Article 1, Chapter 101, Title 59 of the S.C. Code is amended by adding:

19
20 Section 59-101-440. Student fees at the state institutions of higher learning must be fixed by the
21 respective boards of trustees as follows:

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

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

28
29 SECTION 80. (117.12) Article 1, Chapter 53, Title 59 of the S.C. Code is amended by adding:

30
31 Section 59-53-110. Funds at technical education colleges derived wholly from the activities of
32 student organizations and from the operations of canteens and bookstores may be retained by the
33 college and expended only in accord with policies established by the respective college's area
34 commission and approved by the State Board for Technical and Comprehensive Education.

35
36 SECTION 81. (117.16) Article 1, Chapter 101, Title 59 of the S.C. Code is amended by adding:

1
2 Section 59-101-450. Presidents of the University of South Carolina, Clemson University, the
3 Medical University of South Carolina, The Citadel, Winthrop University, South Carolina State
4 University, Francis Marion University, University of Charleston, Coastal Carolina University and
5 Lander University must not be paid a fixed allowance for personal expenses incurred in connection
6 with the performance of their official duties. Reimbursements may be made to the presidents from
7 funds available to their respective institutions for any personal expenses incurred provided that all
8 requests for reimbursement are supported by properly documented vouchers processed through the
9 normal accounting procedures of the institutions.

10
11 SECTION 82. (117.18) Article 1, Chapter 11, Title 1 of the S.C. Code is amended by adding:

12
13 Section 1-11-492. Agency heads and deputy commissioners or deputy directors designated by
14 agency heads may receive reimbursements for business expenses incurred while performing their
15 official duties, provided that receipts are presented when seeking reimbursement and justification is
16 submitted to document the time, place, and purpose of the expense as well as the names of the
17 individuals involved. The Department of Administration shall promulgate regulations governing these
18 expenses.

19
20 SECTION 83. (117.28) Chapter 1, Title 1 of the S.C. Code is amended by adding:

21
22 Section 1-1-1730. Any state agency and any higher education institution, including four-year
23 institutions, two-year institutions, and technical colleges, that operate an early childhood development
24 center or day care facility shall charge, at a minimum, fees that are comparable to those charged by
25 private day care facilities in the local community. The institution or agency shall not restrict enrollment
26 in the center solely to the children of faculty, staff, and students of the institution, and the fees must not
27 be set at a lower level for faculty, staff, or students of the institution or agency.

28
29 SECTION 84. (117.30) Chapter 1, Title 1 of the S.C. Code is amended by adding:

30
31 Section 1-1-1740. Notwithstanding any other provision of law, any state agency may collect a
32 service charge as provided in Section 34-11-70 to cover the costs associated with the processing and
33 collection of dishonored instruments or electronic payments where any amount is not paid by the
34 drawee due to insufficient funds on deposit with the bank or the person upon which it was drawn when
35 presented, or the instrument contains an incorrect or insufficient signature. Such funds must be retained
36 and expended by the agency in accordance with this purpose and any unused amount shall carry forward

1 to the next fiscal year.

2
3 SECTION 85. (117.35) Chapter 49, Title 11 of the S.C. Code is amended by adding:

4
5 Section 11-49-180. State agencies are authorized to retain and carry forward any unexpended
6 Tobacco Settlement Agreement funds and to expend such funds for the same purpose.

7
8 SECTION 86. (117.36) Section 12-36-1310 of the S.C. Code is amended by adding:

9
10 (D) There is exempt from the use tax imposed pursuant to this chapter the sales price of tangible
11 personal property purchased for use in private primary and secondary schools, including kindergartens
12 and early childhood education programs, which are exempt from income taxes pursuant to Section
13 501(c)(3) of the Internal Revenue Code.

14
15 SECTION 87. (117.37) Article 5, Chapter 10, Title 4 of the S.C. Code is amended by adding:

16
17 Section 4-10-610. If the Personal Property Tax Exemption Sales Tax is imposed in a county and a
18 sales tax rate of two percent of gross proceeds of sales is insufficient to offset the property tax not
19 collected, sufficient amounts must be credited to the Trust Fund for Tax Relief established pursuant to
20 Section 11-11-150 to provide the reimbursement to offset such a shortfall in the manner provided in
21 Section 4-10-540(A).

22
23 SECTION 88. (117.41) Chapter 55, Title 11 of the S.C. Code is amended by adding:

24
25 Section 11-55-60. The State Fiscal Accountability Authority shall evaluate and determine whether
26 the written determinations, explanations, and basis for sole source procurements, pursuant to Section
27 11-35-1560, and emergency procurements, pursuant to Section 11-35-1570, are legitimate and valid
28 reasons for awarding noncompetitive contracts.

29
30 SECTION 89. (117.43) Article 5, Chapter 1, Title 59 of the S.C. Code is amended by adding:

31
32 Section 59-1-498. The Governor's School for the Arts and Humanities, Governor's School for
33 Science and Mathematics, Wil Lou Gray Opportunity School, and the Governor's School for
34 Agriculture at John de la Howe are authorized to charge, collect, expend, and carry forward fees
35 charged for facility and equipment rental and registration.

1 SECTION 90. (117.44) Chapter 1, Title 1 of the S.C. Code is amended by adding:

2
3 Section 1-1-1750. Any insurance reimbursement to an agency may be used to offset expenses
4 related to the claim. These funds may be retained, expended, and carried forward.

5
6 SECTION 91. (117.45) Article 1, Chapter 11, Title 1 of the S.C. Code is amended by adding:

7
8 Section 1-11-499. (A) All agencies, departments, and institutions of state government shall furnish
9 to the Human Resources Division:

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

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

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

18
19 SECTION 92. (117.56) Chapter 1, Title 1 of the S.C. Code is amended by adding:

20
21 Section 1-1-1760. In addition to the purchase card rebate deposited in the general fund, any
22 incentive rebate premium received by an agency from the Purchase Card Program may be retained and
23 used by the agency to support its operations.

24
25 SECTION 93. (117.58) Section 12-36-2120 of the S.C. Code is amended by adding:

26
27 (84) sales of viscosupplementation therapies;

28
29 SECTION 94. (117.61) Chapter 1, Title 1 of the S.C. Code is amended by adding:

30
31 Section 1-1-1770. Agencies and offices of the State of South Carolina that employ attorneys are
32 authorized, at their discretion, to use other appropriated funds, including general fund carry forward
33 funds, to pay the costs of mandatory dues owed to the South Carolina Bar Association.

34
35 SECTION 95. (117.63) Article 1, Chapter 3, Title 1 of the S.C. Code is amended by adding:

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

5
6 Part 56
7 Statewide Revenue
8

9 SECTION 96. (118.3) Section 11-11-220 of the S.C. Code is amended by adding:
10

11 (C) After the appropriation of amounts required pursuant to subsection (B), any remaining balance
12 may be appropriated by the General Assembly as it deems appropriate.
13

14 SECTION 97. The numbers in parentheses following the individually numbered SECTIONS of this act
15 are references to paragraphs in Part IB of the general appropriations act of for Fiscal Year 20-20, and
16 are for purposes of identification only.
17

18 SECTION 98. The purpose of this, the Budget Proviso Codification Act, is to enact into permanent law
19 temporary provisions that are reenacted annually in the annual general appropriations act. With respect
20 to the imposition of fees and assessments, this act must not be construed in a manner that would result
21 in a doubling of the fees and assessments by deeming them to be imposed cumulatively pursuant to
22 both temporary and permanent law.
23

24 SECTION 99. The repeal or amendment by this act of any law, whether temporary or permanent or
25 civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter,
26 discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or
27 amended law, unless the repealed or amended provision shall so expressly provide. After the effective
28 date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full
29 force and effect for the purpose of sustaining any pending or vested right, civil action, special
30 proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the
31 enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or
32 amended laws.
33

34 SECTION 100. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word
35 of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the
36 constitutionality or validity of the remaining portions of this act, the General Assembly hereby

1 declaring that it would have passed this act, and each and every section, subsection, paragraph,
2 subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more
3 other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof
4 may be declared to be unconstitutional, invalid, or otherwise ineffective.

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6 SECTION 101. This act takes effect on July 1, 2025.

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