

## Session 120 - (2013-2014)

**H 3646 General Bill, By G.R. Smith, Bingham, Quinn, Huggins, Bedingfield, Stringer, Hamilton, K.R. Crawford, Atwater, Willis, Patrick, Erickson, Bannister, Ballentine, J.R. Smith, Allison, Chumley, Clemons, Cole, H.A. Crawford, Crosby, Daning, Forrester, Goldfinch, Harrell, Henderson, Herbkersman, Hixon, Kennedy, Lucas, V.S. Moss, Nanney, Pitts, Pope, Putnam, Simrill, Tallon, Taylor, Wells, Wood and Funderburk**

**Similar (S 0022, S 0028)**

**Summary:** South Carolina Restructuring Act

A BILL TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT OF 2013", SO AS TO TRANSFER, REALIGN, OR RESTRUCTURE VARIOUS AGENCIES, PROGRAMS, REQUIREMENTS, AND PROCEDURES IN THE EXECUTIVE AND LEGISLATIVE BRANCHES OF STATE GOVERNMENT, INCLUDING PROVISIONS TO ABOLISH THE STATE BUDGET AND CONTROL BOARD ON JULY 1, 2014; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO THE DEPARTMENTS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO CREATE THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1-30-125 SO AS TO PROVIDE FOR THE TRANSFER TO THIS NEWLY CREATED DEPARTMENT OF ADMINISTRATION OF CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, TO PROVIDE FOR THE TRANSFER OF ADDITIONAL AGENCIES, ENTITIES, OR PROGRAMS TO AGENCIES OR DEPARTMENTS OTHER THAN THE DEPARTMENT OF ADMINISTRATION, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; TO REPEAL SECTION 1-11-10 RELATING TO THE COMPOSITION OF THE BUDGET AND CONTROL BOARD; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF THE EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1-11-20, AS AMENDED, 1-11-22, 1-11-55, AS AMENDED, 1-11-56, 1-11-58, 1-11-65, 1-11-67, 1-11-70, 1-11-80, 1-11-90, 1-11-100, 1-11-110, 1-11-180, 1-11-220, AS AMENDED, 1-11-225, 1-11-250, 1-11-260, 1-11-270, 1-11-280, 1-11-290, 1-11-300, 1-11-310, AS AMENDED, 1-11-315, 1-11-320, 1-11-335, 1-11-340, 1-11-435, 1-15-10, AS AMENDED, CHAPTER 9 OF TITLE 3, SECTIONS 10-1-10, 10-1-30, 10-1-130, 10-1-190, CHAPTER 9 OF TITLE 10, SECTIONS 10-11-50, 10-11-90, 10-11-110, 10-11-140, 10-11-330, 11-9-610, 11-9-620, 11-9-630, 11-35-3810, 11-35-3820, 11-35-3830, 11-35-3840, 11-35-5270, 11-53-20, 13-7-810, AS AMENDED, 13-7-830, 13-7-860, 16-3-1620, ALL AS AMENDED, 16-3-1680, 25-11-10, 25-11-80, AS AMENDED, 25-11-90, 25-11-310, 44-53-530, AS AMENDED, 44-96-140, 48-46-30, 48-46-40, 48-46-50, 48-46-60, 48-46-90, 63-11-500, AS AMENDED, 63-11-700, AS AMENDED, 63-11-730, 63-11-1110, 63-11-1140, 44-38-380, 63-11-1310, 63-11-1340, 63-11-1360, AND 63-11-1510, ALL RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS, AND BY ADDING SECTION 1-11-185 ALL SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS; TO REPEAL SECTION 1-30-110 RELATING TO SPECIFIC AGENCIES, BOARDS, AND COMMISSIONS AND THEIR RELATED ENTITIES ADMINISTERED UNDER THE OFFICE OF THE GOVERNOR; BY ADDING SECTION 1-11-15 SO AS TO TRANSFER SPECIFIC ENTITIES, OFFICES, OR DIVISIONS TO OTHER ENTITIES OR OFFICES, WITH CERTAIN EXCEPTIONS, NOT A PART OF THE DEPARTMENT OF ADMINISTRATION; TO AMEND SECTIONS 1-11-1110 AND 1-11-1140, RELATING TO THE CONFEDERATE RELIC ROOM AND MILITARY MUSEUM UNDER THE BUDGET AND CONTROL BOARD, SO AS TO PROVIDE THAT THE CONFEDERATE RELIC ROOM AND MUSEUM SHALL BECOME A PART OF THE DEPARTMENT OF ADMINISTRATION AND TO PROVIDE RELATED PROVISIONS; BY ADDING ARTICLE 11 TO CHAPTER 9, TITLE 11 SO AS TO PROVIDE FOR THE REVENUE AND FISCAL AFFAIRS OFFICE AND PROVIDE FOR ITS ORGANIZATION, DUTIES, POWERS, AND PROCEDURES; TO AMEND SECTIONS 11-9-820, 11-9-825, 11-9-830, 11-9-880, AND 11-9-890, AS AMENDED, RELATING TO THE BOARD OF ECONOMIC ADVISORS, SO AS TO MAKE THE BOARD A DIVISION OF THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO FURTHER PROVIDE FOR ITS PROCEDURES, DUTIES, AND FUNCTIONS; BY ADDING CHAPTER 79 TO TITLE 2 SO AS TO PROVIDE PROCEDURES AND REQUIREMENTS PERTAINING TO STATE AGENCY DEFICIT PREVENTION AND RECOGNITION; TO REPEAL SECTION 1-11-495 RELATING TO YEAR-END DEFICITS; TO AMEND SECTIONS 2-7-72, 2-7-73, 2-7-74, AND 2-7-76, RELATING TO THE FISCAL IMPACT OF BILLS OR RESOLUTIONS, SO AS TO FURTHER PROVIDE FOR HOW THESE FISCAL IMPACTS ARE DETERMINED AND REPORTED; TO AMEND SECTIONS 48-52-410, 48-52-440, 48-52-460, 48-52-635, AND 48-52-680, RELATING TO THE STATE ENERGY OFFICE, SO AS TO PROVIDE THAT THE STATE ENERGY OFFICE SHALL BE A PART OF THE OFFICE OF REGULATORY STAFF AND TO FURTHER PROVIDE FOR THE PROGRAMS AND OPERATIONS OF THE STATE ENERGY OFFICE; TO AMEND SECTIONS 1-11-25 AND 1-11-26, RELATING TO THE DIVISION OF LOCAL GOVERNMENT OF THE BUDGET AND CONTROL BOARD AND THE RURAL INFRASTRUCTURE AUTHORITY, AND BY ADDING SECTION 11-50-65 ALL SO AS TO PROVIDE THAT THE DIVISION OF LOCAL GOVERNMENT SHALL BECOME A PART OF THE RURAL

INFRASTRUCTURE AUTHORITY, FOR THE OPERATIONS OF THE DIVISION OF LOCAL GOVERNMENT, FOR THE OPERATIONS AND EMPLOYEES OF THE RURAL INFRASTRUCTURE AUTHORITY, AND FOR THE USE AND TRANSFER OF CERTAIN FUNDING TO THE AUTHORITY; BY ADDING CHAPTER 55 TO TITLE 11 SO AS TO ESTABLISH THE STATE CONTRACTS AND ACCOUNTABILITY AUTHORITY (SCAA) AND PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND FUNCTIONS; TO PROVIDE THAT THE INSURANCE RESERVE FUND IS TRANSFERRED TO THE SCAA AS ONE OF ITS DIVISIONS; TO AMEND SECTIONS 1-11-140 AND 15-78-140, RELATING TO THE PROVISIONS OF TORT LIABILITY COVERAGE BY THE STATE, SO AS TO CONFORM THESE SECTIONS TO THE ABOVE PROVISIONS; TO AMEND CHAPTER 47, TITLE 2, RELATING TO THE JOINT BOND REVIEW COMMITTEE, SO AS TO REVISE THE MANNER IN WHICH AND PROCEDURES UNDER WHICH THE COMMITTEE REVIEWS PERMANENT IMPROVEMENT PROJECTS AND THEIR FUNDING, THE PROCESS BY WHICH THESE PROJECTS AND FUNDING ARE APPROVED, AND FOR THE REPORTING OF CERTAIN NEW PROJECTS; TO AMEND SECTION 1-11-440, RELATING TO THE DUTY OF THE STATE TO DEFEND MEMBERS OF THE BUDGET AND CONTROL BOARD AGAINST CLAIM OR SUIT ARISING OUT OF THEIR OFFICIAL ACTIONS, SO AS TO DELETE REFERENCES TO THE BOARD AND INCLUDE REFERENCES TO THE SCAA, AND DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION; TO AMEND SECTION 2-65-15, AS AMENDED, TO AMEND SECTION 11-27-10, BY ADDING SECTION 11-31-15, TO AMEND SECTIONS 11-38-20, 11-41-70, 11-41-80, 11-41-90, 11-41-100, 11-41-180, 11-43-510, 11-45-30, 11-45-55, 11-45-105, 11-51-30, 11-51-125, 11-51-190, ALL RELATING TO VARIOUS BOND OR OTHER FINANCIAL PROVISIONS, TO AMEND SECTION 11-18-20, RELATING TO ARRA BONDS, SECTION 11-37-30, RELATING TO THE SOUTH CAROLINA RESOURCES AUTHORITY, SECTION 11-37-200, RELATING TO THE WATER RESOURCES COORDINATING COUNCIL, SECTION 11-40-20, RELATING TO THE INFRASTRUCTURE FACILITIES AUTHORITY, AND SECTION 11-40-250, ALL RELATING TO THE DIVISION OF LOCAL GOVERNMENT, SO AS TO CORRECT REFERENCES FROM THE BUDGET AND CONTROL BOARD TO THE APPROPRIATE ENTITY, AND TO FURTHER PROVIDE FOR THE USE OF CERTAIN FUNDING BY THE DIVISION OF LOCAL GOVERNMENT; TO AMEND SECTION 11-49-40, RELATING TO THE TOBACCO SETTLEMENT AUTHORITY, SECTIONS 41-43-100 AND 41-43-110, BOTH AS AMENDED, RELATING TO THE JOBS-ECONOMIC DEVELOPMENT AUTHORITY, SECTION 54-3-119, RELATING TO THE SALE OF CERTAIN PROPERTY BY THE STATE PORTS AUTHORITY, SECTION 48-5-30, RELATING TO THE WATER QUALITY REVOLVING FUND AUTHORITY, SECTIONS 59-109-30 AND 59-109-40, RELATING TO THE EDUCATIONAL FACILITIES AUTHORITY FOR PRIVATE NONPROFIT INSTITUTIONS OF HIGHER LEARNING, AND SECTIONS 59-115-20 AND 59-115-40, RELATING TO THE STATE EDUCATION ASSISTANCE AUTHORITY, ALL SO AS TO PROVIDE THAT THEIR RESPECTIVE GOVERNING BODY SHALL BE THE SCAA, AND TO MAKE CONFORMING REFERENCES; TO REPEAL CHAPTER 4, TITLE 9 RELATING TO THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY (PEBA), SO AS TO ABOLISH THE AUTHORITY AND TRANSFER ITS POWERS, DUTIES, AND FUNCTIONS TO THE SOUTH CAROLINA CONTRACTS AND ACCOUNTABILITY AUTHORITY FOR SPECIFIED POLICY MATTERS RELATING TO THE STATE RETIREMENT SYSTEMS AND STATE INSURANCE PROGRAMS AND TO THE DEPARTMENT OF ADMINISTRATION AND ITS APPROPRIATE DIVISIONS FOR ADMINISTRATIVE FUNCTIONS RELATED TO THE STATE RETIREMENT SYSTEMS AND STATE INSURANCE PROGRAMS; TO AMEND ARTICLE 5, CHAPTER 11, TITLE 1, SECTIONS 8-23-20, 8-23-110, 9-1-10, 9-1-20, 9-1-230, 9-1-240, 9-1-250, 9-1-260, 9-1-270, 9-1-280, 9-1-290, 9-1-300, 9-1-310, AS AMENDED, 9-1-1020, AS AMENDED, 9-1-1060, 9-1-1070, 9-1-1085, 9-1-1090, 9-1-1140, AS AMENDED, 9-1-1175, 9-1-1310, AS AMENDED, 9-1-1320, 9-1-1340, AS AMENDED, 9-1-1515, AS AMENDED, 9-1-1750, 9-1-1775, 9-1-1810, AS AMENDED, 9-1-1830, AS AMENDED, CHAPTER 2, TITLE 9, 9-8-10, AS AMENDED, 9-8-30, AS AMENDED, 9-8-60, AS AMENDED, 9-8-140, 9-9-10, AS AMENDED, 9-9-30, AS AMENDED, 9-9-130, 9-9-160, 9-10-10, AS AMENDED, 9-10-20, 9-10-60, AS AMENDED, 9-10-80, 9-11-10, AS AMENDED, 9-11-20, 9-11-30, AS AMENDED, 9-11-45, 9-11-48, AS AMENDED, 9-11-125, AS AMENDED, 9-11-210, 9-11-225, BOTH AS AMENDED, CHAPTER 12, TITLE 9, 9-16-10, AS AMENDED, 9-16-20, 9-16-55, 9-16-80, 9-16-90, 9-16-315, 9-16-320, 9-16-330, 9-18-10, 9-20-30, 9-21-20, AND 59-1-470, ALL AS AMENDED, AND TO AMEND OR REPEAL CERTAIN PROVISIONS OF ACT 278 OF 2012, RELATING TO STATE RETIREMENT PROVISIONS, ALL SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE ABOLISHMENT OF PEBA AND THE TRANSFER AND DEVOLVEMENT OF ITS POWERS, DUTIES, AND FUNCTIONS, AND TO REVISE CERTAIN ADDITIONAL PROVISIONS TO CONFORM THEM TO PRIOR ACTIONS TAKEN BY PEBA; BY ADDING SECTION 1-11-45 AND TO AMEND SECTIONS 11-35-310, 11-35-540, 11-35-1210, AS AMENDED, 11-35-1560, 11-35-3010, AS AMENDED, 11-35-3220, AND SUBARTICLE 3, ARTICLE 17, CHAPTER 35, TITLE 11, ALL SO AS TO ESTABLISH THE DIVISION OF PROCUREMENT SERVICES IN THE DEPARTMENT OF ADMINISTRATION, AND TO PROVIDE THAT THE DIVISION OF PROCUREMENT SERVICES SHALL EXERCISE THE FUNCTIONS, DUTIES, AND RESPONSIBILITIES IN REGARD TO THE CONSOLIDATED PROCUREMENT CODE PREVIOUSLY EXERCISED BY THE BUDGET AND CONTROL BOARD, EXCEPT FOR THOSE MATTERS RESERVED FOR THE SOUTH CAROLINA

CONTRACTS AND ACCOUNTABILITY AUTHORITY AS PROVIDED BY LAW, AND TO ALSO REVISE THE MEMBERSHIP AND NAME OF THE PROCUREMENT REVIEW BOARD; TO AMEND SECTION 1-1-810, RELATING TO ANNUAL ACCOUNTABILITY REPORTS OF STATE AGENCIES, SO AS TO PROVIDE THAT THESE REPORTS SHALL BE SUBMITTED TO AND DISSEMINATED BY THE STATE AUDITOR; TO AMEND SECTION 1-1-820, RELATING TO ACCOUNTABILITY REPORTS, SO AS TO PROVIDE THAT THE STATE AUDITOR WHEN CONDUCTING PERFORMANCE AUDITS OF STATE AGENCIES SHALL USE THESE REPORTS AS SOURCE MATERIAL; TO AMEND SECTION 1-6-20, RELATING TO THE STATE INSPECTOR GENERAL, SO AS TO PROVIDE THAT THE STATE INSPECTOR GENERAL AND THE STATE AUDITOR SHALL BE LOCATED IN THE OFFICE OF ACCOUNTABILITY AND AUDITING WITHIN THE STATE CONTRACTS AND ACCOUNTABILITY AUTHORITY, BUT SHALL REMAIN INDEPENDENT ENTITIES; TO AMEND SECTION 11-7-10, RELATING IN PART TO THE APPOINTMENT OF THE STATE AUDITOR, SO AS TO FURTHER PROVIDE FOR HIS SELECTION; TO AMEND SECTION 11-7-30, RELATING TO AUDITS CONDUCTED BY THE STATE AUDITOR, SO AS TO CORRECT CERTAIN REFERENCES, TO DESIGNATE SECTION 11-7-10 THROUGH 11-7-60, RELATING TO THE STATE AUDITOR, AS ARTICLE 1, CHAPTER 7, TITLE 11, AND BY ADDING ARTICLE 3 TO CHAPTER 7, TITLE 11 SO AS TO PROVIDE FOR THE CONDUCT OF PERFORMANCE AUDITS BY THE STATE AUDITOR; TO PROVIDE FOR ADDITIONAL MEMBERS OF THE NAVAL COMPLEX REDEVELOPMENT AUTHORITY WHO, TOGETHER WITH CERTAIN OTHER MEMBERS OF THE AUTHORITY, SHALL CONSTITUTE THE NAVAL BASE MUSEUM AUTHORITY WITH SPECIFIED POWERS AND DUTIES; AND TO PROVIDE FOR OTHER TRANSITIONAL PROVISIONS, FOR THE EFFECTIVE DATE OF THIS ACT, AND THE MANNER IN WHICH IT SHALL BE IMPLEMENTED.

**02/27/13 House Introduced and read first time (House Journal-page 86)**

**02/27/13 House Referred to Committee on Judiciary (House Journal-page 86)**

**03/05/13 House Member(s) request name added as sponsor: Funderburk**