~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

June 2, 2015

**H. 4230**

Introduced by Rep. White

S. Printed 6/2/15--H.

Read the first time May 26, 2015.

**THE COMMITTEE ON WAYS AND MEANS**

To whom was referred a Bill (H. 4230) to amend H. 3701 of 2015, the annual general appropriations bill for Fiscal Year 2015‑2016, so as to make supplemental appropriations by providing targeted increases in general fund, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Part IA of H. 3701 of 2015, the general appropriations bill for Fiscal Year 2015‑16, is amended by increasing specific general fund appropriations contained therein by amounts provided herein. References in these sections are to sections and subdivisions of those sections in Part IA of H. 3701 of 2015.

SECTION 33

J02‑DEPARTMENT OF HEALTH AND HUMAN SERVICES

II. PROGRAM AND SERVICES

3. MEDICAL ASSISTANCE PAYMENT

CASE SERVICES

G. CLTC‑COMMUNITY LONG‑TERM CARE 5,000,000

II. PROGRAM AND SERVICES

3. MEDICAL ASSISTANCE PAYMENT

CASE SERVICES

V. COORDINATED CARE 39,820,000

II. PROGRAM AND SERVICES

3. MEDICAL ASSISTANCE PAYMENT

CASE SERVICES

Z. BEHAVIORAL HEALTH SERVICES 5,000,000

SECTION 38

L04‑DEPARTMENT OF SOCIAL SERVICES

II. PROGRAMS AND SERVICES

F. CHILD SUPPORT ENFORCEMENT

OTHER OPERATING EXPENSES 2,600,000

SECTION 50

P32‑DEPARTMENT OF COMMERCE

IV. NON‑RECURRING APPROPRIATIONS

ECONOMIC DEVELOPMENT

INFRASTRUCTURE 70,000,000

SECTION 61

E23‑COMMISSION ON INDIGENT DEFENSE

III. OFFICE OF CIRCUIT PUBLIC DEFENDERS

SPECIAL ITEM:

DEFENSE OF INDIGENTS

PER CAPITA 6,080,000

SECTION 106

F30‑STATEWIDE EMPLOYEE BENEFITS

III. NON‑RECURRING

BONUS PAY 23,500,000

SECTION 112

DEBT SERVICE

I. GENERAL OBLIGATION BOND (G.O.)

BONDS SUBJECT TO DEBT

SERVICE LIMITATION:

ECONOMIC DEVELOPMENT BONDS 16,425,000

SECTION 2 Part IA of H. 3701 of 2015, the general appropriations bill for Fiscal Year 2015‑16, is amended by increasing specific EIA other fund appropriations contained therein by amounts provided herein. References in these sections are to sections and subdivisions of those sections in Part IA of H. 3701 of 2015.

SECTION 1

H63‑DEPARTMENT OF EDUCATION

XII. EDUCATION IMPROVEMENT ACT

A. STANDARDS, TEACHING, LEARNING, ACCOUNT.

1. STUDENT LEARNING

MODERNIZE VOCATIONAL

EQUIPMENT 6,538,722

READING COACHES 4,961,278

EEDA 10,000,000

SECTION 3. Part IA of H. 3701 of 2015, the general appropriations bill for Fiscal Year 2015‑16, is amended by decreasing specific general fund appropriations contained therein by amounts provided herein. References in these sections are to sections and subdivisions of those sections in Part IA of H. 3701 of 2015.

SECTION 114

X44‑AID TO SUBDIVISIONS ‑ DEPARTMENT OF REVENUE

I. AID TO SUBDIVISIONS‑

DEPT. OF REVENUE

DISTRIBUTION TO SUBDIVISIONS:

AID TO COUNTIES ‑ HOMESTEAD

EXEMPTION FUND 20,425,000

SECTION 4. Part IB of H. 3701 of 2015, the general appropriations bill for Fiscal Year 2015‑16, is amended as provided in this section. References in this section are to Part IB of H. 3701 of 2015 and the provisions contained herein shall supersede like provisions in H. 3701 of 2015.

SECTION 1 ‑ H63‑DEPARTMENT OF EDUCATION

1.68. (SDE: Educational Credit for Exceptional Needs Children) ~~(A) As used in this proviso:~~

~~(1)~~ ~~‘Independent school’ means a school, other than a public school, at which the compulsory attendance requirements of Section 59-65-10 may be met and that does not discriminate based on the grounds of race, color, religion, or national origin.~~

~~(2)~~ ~~‘Parent’ means the natural or adoptive parent or legal guardian of a child.~~

~~(3)~~ ~~‘Qualifying student’ means a student who is a South Carolina resident and who is eligible to be enrolled in a South Carolina secondary or elementary public school at the kindergarten or later year level for the current school year.~~

~~(4)~~ ~~‘Resident public school district’ means the public school district in which a student resides.~~

~~(5)~~ ~~‘Tuition’ means the total amount of money charged for the cost of a qualifying student to attend an independent school including, but not limited to, fees for attending the school and school-related transportation.~~

~~(6)~~ ~~‘Eligible school’ means an independent school including those religious in nature, other than a public school, at which the compulsory attendance requirements of Section 59-65-10 may be met, that:~~

~~(a)~~ ~~offers a general education to primary or secondary school students;~~

~~(b)~~ ~~does not discriminate on the basis of race, color, or national origin;~~

~~(c)~~ ~~is located in this State;~~

~~(d)~~ ~~has an educational curriculum that includes courses set forth in the state’s diploma requirements and where the students attending are administered national achievement or state standardized tests, or both, at progressive grade levels to determine student progress;~~

~~(e)~~ ~~has school facilities that are subject to applicable federal, state, and local laws; and~~

~~(f)~~ ~~is a member in good standing of the Southern Association of Colleges and Schools, the South Carolina Association of Christian Schools or the South Carolina Independent Schools Association.~~

~~(7)~~ ~~‘Nonprofit scholarship funding organization’ means a charitable organization that:~~

~~(a)~~ ~~is exempt from federal tax under Section 501(a) of the Internal Revenue Code by being listed as an exempt organization in Section 501(c)(3) of the Code;~~

~~(b)~~ ~~allocates, after its first year of operation, at least ninety-five percent of its annual contributions and gross revenue received during a particular year to provide grants for tuition, transportation, or textbook expenses (collectively hereinafter referred to as tuition) or any combination thereof to children enrolled in an eligible school meeting the criteria of this section, and incurs administrative expenses annually, after its first year of operation, of not more than five percent of its annual contributions and revenue for a particular year;~~

~~(c)~~ ~~allocates all of its funds used for grants on an annual basis to children who are ‘exceptional needs’ students as defined herein;~~

~~(d)~~ ~~does not provide grants solely for the benefit of one school, and if the Department of Revenue determines that the nonprofit scholarship funding organization is providing grants to one particular school, the tax credit allowed by this section may be disallowed;~~

~~(e)~~ ~~does not have as a volunteer, contractor, consultant, fundraiser or member of its governing board any parent, legal guardian, or member of their immediate family who has a child or ward who is currently receiving or has received a scholarship grant authorized by this section from the organization within one year of the date the parent, legal guardian, or member of their immediate family became a board member; and~~

~~(f)~~ ~~does not have as a member of its governing board or an employee, volunteer, contractor, consultant, or fundraiser who has been convicted of a felony, or who has declared bankruptcy within the last seven years;~~

~~(g)~~ ~~does not release personally identifiable information pertaining to students or donors or use information collected about donors, students or schools for financial gain; and~~

~~(h)~~ ~~must not place conditions on schools enrolling students receiving scholarships to limit the ability of the schools to enroll students accepting grants from other nonprofit scholarship funding organizations.~~

~~(8)~~ ~~‘Person’ means an individual, partnership, corporation, or other similar entity.~~

~~(9)~~ ~~‘Transportation’ means transportation to and from school only.~~

~~(B)~~ ~~A person is entitled to a tax credit against income taxes imposed pursuant to Chapter 6, Title 12 or bank taxes imposed pursuant to Chapter 11, Title 12 for the amount of money the person contributes to a nonprofit scholarship funding organization up to the limits of this proviso if:~~

~~(1)~~ ~~the contribution is used to provide grants for tuition, transportation, or textbook expenses or any combination thereof to exceptional needs children enrolled in eligible schools who qualify for these grants under the provisions of this section; and~~

~~(2)~~ ~~the person does not designate a specific child or school as the beneficiary of the contribution.~~

~~(C)~~ ~~Grants may be awarded by a scholarship funding organization in an amount not exceeding ten thousand dollars or the total cost of tuition, whichever is less, for qualifying students with ‘exceptional needs’ to attend an independent school. Prior to awarding any grant, a scholarship funding organization must receive written documentation from the parent documenting that the qualifying student is an exceptional needs child. Upon approving the application, the scholarship funding organization must issue a check to the eligible school in the name of the qualifying student. In the event that the qualifying student leaves or withdraws from the school for any reason prior to the end of the semester or school year and does not re-enroll within thirty days, then the eligible school must return a prorated amount of the grant to the scholarship funding organization based on the number of days the qualifying student was enrolled in the school during the semester or school year within sixty days of the qualifying student’s departure. An ‘exceptional needs’ child is defined as a child:~~

~~(1)(a)~~ ~~who has been evaluated in accordance with South Carolina’s evaluation criteria, as set forth in S.C. Code Ann. Regs. 43‑243.1, and determined eligible as a child with a disability who needs special education and related services, in accordance with the requirements of Section 300.8 of the Individuals with Disabilities Education Act; or~~

~~(b)~~ ~~who has been diagnosed within the last three years by a licensed speech-language pathologist, psychiatrist, or medical, mental health, psycho-educational, or other comparable licensed healthcare provider as having a neurodevelopmental disorder; a substantial sensory or physical impairment (such as deaf, blind, or orthopedic disability); or some other disability or acute or chronic condition that significantly impedes the student’s ability to learn and succeed in school without specialized instructional and associated supports and services tailored to the child’s unique needs; and~~

~~(2)~~ ~~the child’s parents or legal guardian believes that the services provided by the school district of legal residence do not sufficiently meet the needs of the child.~~

~~(D)(1)(a)~~ ~~The tax credits authorized by subsection (B) may not exceed cumulatively a total of eight million dollars for contributions made on behalf of ‘exceptional needs’ students. If the Department of Revenue determines that the total of such credits claimed by all taxpayers exceeds this amount, it shall allow credits only up to those amounts on a first come, first serve basis.~~

~~(b)~~ ~~The department shall establish an application process to determine the amount of credit available to be claimed. The receipt of the application by the department will determine priority for the credit. Subject to the provisions of item (5), contributions must be made on or before June 30, 2015, in order to claim the credit. The credit must be claimed on the return for tax year that the contribution is made.~~

~~(2)~~ ~~A taxpayer may not claim more than sixty percent of their total tax liability for the year in contribution towards the tax credit authorized by subsection (B). This credit is not refundable.~~

~~(3)~~ ~~The Department of Revenue shall prescribe the form and manner of proof required to obtain the credit authorized by subsection (B). Also, the department shall develop a method of informing taxpayers if either of the credit limits are met at any time during the current fiscal year.~~

~~(4)~~ ~~A person may claim a credit under subsection (B) for contributions made between July 1, 2014 and June 30, 2015.~~

~~(E)~~ ~~A corporation or entity entitled to a credit under subsection (B) may not convey, assign, or transfer the deduction or credit authorized by this section to another entity unless all of the assets of the entity are conveyed, assigned, or transferred in the same transaction.~~

~~(F)~~ ~~Except as otherwise provided, neither the Department of Education, the Department of Revenue, nor any other state agency may regulate the educational program of an independent school that accepts students receiving scholarship grants pursuant to this proviso.~~

~~(G)(1)~~ ~~The Education Oversight Committee, as established in Chapter 6, Title 59, is responsible for determining if an eligible school meets the criteria established by subsection (A)(6), and shall publish an approved list of such schools meeting this criteria below. For this purpose, it also shall promulgate regulations further enumerating the specifics of this criteria. In performing this function, the Education Oversight Committee shall establish an advisory committee made up of not more than nine members including parents, and representatives of independent schools and independent school associations. The advisory committee shall provide recommendations to the Education Oversight Committee on the content of these regulations and any other matters requested by the Education Oversight Committee.~~

~~(2)(a)~~ ~~By the first day of August for the current fiscal year, the Education Oversight Committee, on its website available to the general public, shall provide a list with addresses and telephone numbers of nonprofit scholarship funding organizations in good standing which provide grants under this proviso, and a list of approved independent schools which accept grants for eligible students and which in its determination are in compliance with the requirements of subsection (A)(6).~~

~~(b)~~ ~~Student test scores, by category, on national achievement or state standardized tests, or both, for all grades tested and administered by an eligible school receiving or entitled to receive scholarship grants under this proviso must be transmitted to the Education Oversight Committee which in turn shall publish this information on its website with the most recent scores by category included.~~

~~(3)~~ ~~Any independent school not determined to be an eligible school under the provisions of this proviso may seek review by filing a request for a contested case hearing with the Administrative Law Court in accordance with the court’s rules of procedure.~~

~~(4)~~ ~~The Education Oversight Committee, after consultation with its nine-member advisory committee, may exempt an independent school having students with exceptional needs who receive scholarship grants pursuant to this proviso from the curriculum requirements of subsection (A)(6)(d).~~

~~(H)(1)~~ ~~Every nonprofit scholarship funding organization providing grants under subsection (C), shall cause an outside auditing firm to conduct a comprehensive financial audit of its operations in conformity with generally accepted accounting principles and shall furnish the same within thirty days of its completion and acceptance to the Secretary of State and Department of Revenue which must be made available by them on their website for public review. The audit must also document, at a minimum, the total number of grants awarded, the total amount of each grant, and the names of the eligible schools receiving grants on behalf of the eligible students.~~

~~(2)~~ ~~Every independent school accepting grants for eligible students shall cause to be conducted a compliance audit by an outside entity or auditing firm examining its compliance with the provisions of this proviso, and shall furnish the same within thirty days of its completion and acceptance to the Secretary of State and Department of Revenue which must be made available by them on their website for public review.~~

~~(3)~~ ~~A nonprofit scholarship funding organization may transfer funds to another nonprofit scholarship funding organization, especially in the event that the organization cannot distribute the funds in a timely manner or if the organization ceases to exist. None of the funds that are transferred by one nonprofit scholarship funding organization to another may be considered by the former organization when calculating its administrative expenses.~~

*(A) As used in this paragraph:*

*(1)* ‘*Eligible school*’ *means an independent school including those religious in nature, other than a public school, at which the compulsory attendance requirements of Section 59‑65‑10 may be met, that:*

*(a) offers a general education to primary or secondary school students;*

*(b) does not discriminate on the basis of race, color, or national origin;*

*(c) is located in this State;*

*(d) has an educational curriculum that includes courses set forth in the state*’*s diploma requirements and where the students attending are administered national achievement or state standardized tests, or both, at progressive grade levels to determine student progress;*

*(e) has school facilities that are subject to applicable federal, state, and local laws; and*

*(f) is a member in good standing of the Southern Association of Colleges and Schools, the South Carolina Association of Christian Schools, or the South Carolina Independent Schools Association.*

*(2)* ‘*Exceptional needs child*’ *means a child:*

*(a)(i) who has been evaluated in accordance with this State*’*s evaluation criteria, as set forth in S.C. Code Ann. Regs. 43‑243.1, and determined eligible as a child with a disability who needs special education and related services, in accordance with the requirements of Section 300.8 of the Individuals with Disabilities Education Act; or*

*(ii) who has been diagnosed within the last three years by a licensed speech‑language pathologist, psychiatrist, or medical, mental health, psychoeducational, or other comparable licensed health care provider as having a neurodevelopmental disorder, a substantial sensory or physical impairment such as deaf, blind, or orthopedic disability, or some other disability or acute or chronic condition that significantly impedes the student*’*s ability to learn and succeed in school without specialized instructional and associated supports and services tailored to the child*’*s unique needs; or*

*(b) the parents or legal guardian believes that the services provided by the school district of legal residence do not sufficiently meet the needs of the child.*

*(3)* ‘*Foster child*’ *means a child who is currently or was during the preceding school year, a resident at a Child Caring Facility, Foster Home, or Residential Group Care Home as defined by Section 63‑1‑40; and*

*(4)* ‘*Independent school*’ *means a school, other than a public school, at which the compulsory attendance requirements of Section 59‑65‑10 may be met and that does not discriminate based on the grounds of race, color, religion, or national origin.*

*(5)* ‘*Nonprofit scholarship funding organization*’ *means a charitable organization that:*

*(a) is exempt from federal tax pursuant to Section 501(a) of the Internal Revenue Code by being listed as an exempt organization in Section 501(c)(3) of the Code;*

*(b) allocates at least ninety‑seven percent of its annual contributions and gross revenue received during a particular year to provide grants for tuition to children enrolled in an eligible school meeting the criteria of this paragraph, and incurs administrative expenses annually of not more than three percent nor more than $200,000 in the aggregate, whichever is less, of its annual contributions and revenue for a particular year to cover its operational costs;*

*(c) allocates all of its funds used for grants on an annual basis to children who are exceptional needs students or foster children;*

*(d) does not provide grants solely for the benefit of one school, and if the Department determines that the nonprofit scholarship funding organization is providing grants to one particular school, the tax credit allowed by this paragraph may be disallowed;*

*(e) does not have as a volunteer, contractor, consultant, fundraiser or member of its governing board any parent, legal guardian, or member of their immediate family who has a child or ward who is currently receiving or has received a scholarship grant authorized by this paragraph from the organization within one year of the date the parent, legal guardian, or member of their immediate family became a board member;*

*(f) does not have as a member of its governing board or an employee, volunteer, contractor, consultant, or fundraiser who has been convicted of a felony;*

*(g) does not release personally identifiable information pertaining to students or donors or use information collected about donors, students or schools for financial gain; and*

*(h) must not place conditions on schools enrolling students receiving scholarships to limit the ability of the schools to enroll students accepting grants from other nonprofit scholarship funding organizations.*

*(6)* ‘*Parent*’ *means the natural or adoptive parent or legal guardian of a child.*

*(7)* ‘*Person*’ *means an individual, partnership, corporation, or other similar entity.*

*(8)* ‘*Qualifying student*’ *means a student who is an exceptional needs child or foster child, a South Carolina resident, and who is eligible to be enrolled in a South Carolina secondary or elementary public school at the kindergarten or later year level for the applicable school year.*

*(9)* ‘*Resident public school district*’ *means the public school district in which a student resides.*

*(10)* ‘*Transportation*’ *means transportation to and from school only.*

*(11)* ‘*Tuition*’ *means the total amount of money charged for the cost of a qualifying student to attend an independent school including, but not limited to, fees for attending the school, textbook fees, and school‑related transportation.*

*(12)* ‘*Department*’ *means the Department of Revenue.*

*(B)(1) A person is entitled to a tax credit against income taxes imposed pursuant to Chapter 6, Title 12, or bank taxes imposed pursuant to Chapter 11, Title 12 for the amount of cash and the monetary value of any publicly traded securities the person contributes to a nonprofit scholarship funding organization up to the limits of this paragraph if:*

*(a) the contribution is used to provide grants for tuition to exceptional needs children or foster children enrolled in eligible schools who qualify for these grants under the provisions of this paragraph; and*

*(b) the person does not designate a specific child or school as the beneficiary of the contribution.*

*(2) An individual is entitled to a refundable tax credit against income taxes imposed pursuant to Chapter 6, Title 12, or bank taxes imposed pursuant to Chapter 11, Title 12 for the amount of cash and the monetary value of any publicly traded securities, not exceeding ten thousand dollars per child, the individual contributes as tuition for exceptional needs children or foster children within their custody or care and enrolled in eligible schools who qualify for these grants under the provisions of this paragraph. However, if a child within the care and custody of an individual receives a tuition scholarship from a nonprofit scholarship funding organization, then the individual may only claim a credit equal to the difference of ten thousand dollars and the amount of the scholarship.*

*(C) Grants may be awarded by a scholarship funding organization in an amount not exceeding ten thousand dollars or the total cost of tuition, whichever is less, for qualifying students with exceptional needs or qualifying foster children to attend an independent school. Before awarding any grant, a scholarship funding organization must receive written documentation documenting that the qualifying student is an exceptional needs child or foster child. Upon approving the application, the scholarship funding organization must issue a check to the eligible school in the name of the qualifying student. In the event that the qualifying student leaves or withdraws from the school for any reason before the end of the semester or school year and does not reenroll within thirty days, then the eligible school must return a prorated amount of the grant to the scholarship funding organization based on the number of days the qualifying student was enrolled in the school during the semester or school year within sixty days of the qualifying student*’*s departure.*

*(D)(1)(a) The tax credits authorized by subsection (B) may not exceed cumulatively a total of twelve million dollars for contributions made on behalf of exceptional needs students and foster children. The cumulative maximum total for credits authorized by subsection (B)(1) may not exceed eight million dollars and the cumulative maximum total for credits authorized by subsection (B)(2) may not exceed four million dollars. If the department determines that the total of such credits claimed by all taxpayers exceeds either limit amount, it shall allow credits only up to those amounts on a first come, first served basis.*

*(b) The department shall establish an application process to determine the amount of credit available to be claimed. The receipt of the application by the department shall determine priority for the credit. Subject to the provisions of item (5), contributions must be made on or before June 30, 2016, in order to claim the credit. The credit must be claimed on the return for the tax year that the contribution is made.*

*(2) A taxpayer may not claim more than sixty percent of their total tax liability for the year in contribution towards the tax credit authorized by subsection (B)(1). This credit is not refundable.*

*(3) If a taxpayer deducts the amount of the contribution on the taxpayer*’*s federal return and claims the credit allowed by this paragraph, then the taxpayer must add back the amount of the deduction for purposes of South Carolina income taxes.*

*(4) The department shall prescribe the form and manner of proof required to obtain the credit authorized by subsection (B). Also, the department shall develop a method of informing taxpayers if the credit limit is met at any time during Fiscal Year 2015‑16.*

*(5) A person only may claim a credit pursuant to subsection (B) for contributions made between July 1, 2015 and June 30, 2016.*

*(E) A corporation or entity entitled to a credit under subsection (B) may not convey, assign, or transfer the credit authorized by this paragraph to another entity unless all of the assets of the entity are conveyed, assigned, or transferred in the same transaction.*

*(F) Except as otherwise provided, neither the Department of Education, the Department of Revenue, nor any other state agency may regulate the educational program of an independent school that accepts students receiving scholarship grants pursuant to this paragraph.*

*(G)(1) By August 1, 2015, each independent school must apply to the Education Oversight Committee to be considered an eligible institution for which it may receive contributions from a nonprofit scholarship funding organization for which the tax credit allowed by this paragraph is allowed. The Education Oversight Committee, as established in Chapter 6, Title 59, is responsible for determining if an eligible school meets the criteria established by subsection (A)(1), and shall publish an approved list of such schools meeting the criteria. If an independent school does not apply to be an eligible school, the independent school may not be published as an approved school, and contributions to that school shall not be allowed for purposes of the credit allowed by this paragraph. The Education Oversight Committee must publish the approved list of schools on its website by September first of each year, and the list must include their names, addresses, telephone numbers, and if available, website addresses. Also, the score reports and audits received by the Education Oversight Committee pursuant to items (2)(b) and (c) must be published with the list. The Education Oversight Committee shall summarize or redact the score reports if necessary to prevent the disclosure of personally identifiable information. For this purpose, it also shall promulgate regulations further enumerating the specifics of this criteria. In performing this function, the Education Oversight Committee shall establish an advisory committee made up of not more than nine members including parents, and representatives of independent schools and independent school associations. The advisory committee shall provide recommendations to the Education Oversight Committee on the content of these regulations and any other matters requested by the Education Oversight Committee.*

*(2) An independent school*’*s application for consideration as an eligible institution must contain:*

*(a) the number and total amount of grants received from each nonprofit scholarship funding organization in the preceding fiscal year;*

*(b) Student test scores, by category, on national achievement or state standardized tests, or both, for all grades tested and administered by the school receiving or entitled to receive scholarship grants pursuant to this paragraph in the previous fiscal year;*

*(c) a copy of a compilation, review, or compliance audit of the organization*’*s financial statements, conducted by a certified public accounting firm; and*

*(d) a certification by the independent school that it meets the definition of an eligible school as that term is defined in subsection (A)(1) and that the report is true, accurate, and complete under penalty of perjury in accordance with Section 16‑9‑10.*

*(3) Any independent school not determined to be an eligible school pursuant to the provisions of this paragraph may seek review by filing a request for a contested case hearing with the Administrative Law Court in accordance with the court*’*s rules of procedure.*

*(4) The Education Oversight Committee, after consultation with its nine‑member advisory committee, may exempt an independent school having students with exceptional needs who receive scholarship grants pursuant to this paragraph from the curriculum requirements of subsection (A)(1)(d).*

*(H)(1) By August first of each year, each nonprofit scholarship funding organization must apply to the Department to be considered an eligible organization for which its contributors are allowed the tax credit allowed by this paragraph. If a nonprofit scholarship funding organization does not apply, the organization may not be published as an approved organization, and contributions to that organization shall not be allowed for purposes of the credit allowed by this paragraph. A nonprofit scholarship funding organization*’*s application must contain:*

*(a) the number and total amount of grants issued to eligible schools in the preceding fiscal year;*

*(b) for each grant issued to an eligible school in the preceding fiscal year, the identity of the school and the amount of the grant;*

*(c) an itemization and detailed explanation of any fees or other revenues obtained from or on behalf of any eligible schools;*

*(d) a copy of the organization*’*s Form 990 or other comparable federal submission that indicates the provisions of the Internal Revenue Code under which the organization has been granted exempt status for purposes of federal taxation;*

*(e) a copy of a compilation, review, or audit of the organization*’*s financial statements, conducted by a certified public accounting firm;*

*(f) the criteria and eligibility requirements for scholarship awards; and*

*(g) a certification by the organization that it meets the definition of a nonprofit scholarship funding organization as that term is defined in subsection (A)(4) and that the report is true, accurate, and complete under penalty of perjury in accordance with Section 16‑9‑10.*

*(2) By receiving the application materials and approving the organization as an eligible organization pursuant to item (1), the department is not determining that the organization meets all of the requirements of a qualified nonprofit scholarship funding organization and the organization remains subject to examination as provided for pursuant to subsection (I).*

*(3) The department has authority to disclose the names of qualifying nonprofit scholarship funding organizations to the Education Oversight Committee. The department also may disclose to the Education Oversight Committee the names of organizations that applied but were not qualified by the department and those organizations whose eligibility has been revoked in accordance with subsection (I)(2), as well as the reason the application of the organization was not accepted or the reason its qualification was revoked.*

*(4) By September first of each year, the Education Oversight Committee must publish on its website a list of all qualifying nonprofit scholarship funding organizations, provided by the department, to include their names, addresses, telephone numbers, and if available, website addresses. Also, the results of the audit required by item (1)(e) must be published with the list.*

*(I)(1) The department has authority to oversee, audit, and examine the nonprofit scholarship funding organizations, including determining whether the nonprofit scholarship funding organization is being operated in a manner consistent with the requirements for an IRC Section 501(c)(3) organization or is in compliance with any other provision of this paragraph.*

*(2)(a) If at any time during the year, the department has evidence, through audit or otherwise, that a nonprofit scholarship funding organization is not being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization or is not in compliance with any other provision of this paragraph, the department may immediately revoke the organization*’*s participation in the program and must notify the organization and the Education Oversight Committee in writing of the revocation.*

*(b) Notice of Revocation may be provided to the organization by personal delivery to the organization, by first class mail to the last known address of the organization, or by other means reasonably designed to provide notice to the organization.*

*(c) Any donations made following the date the notice of revocation is received by the organization or in the case of delivery by mail ten days after the notice of revocation was mailed, will not qualify for the credit and the donated funds must be returned to the donor by the organization. This paragraph shall not limit the department*’*s authority to deny any tax credit or other benefit provided by this paragraph if the circumstances warrant.*

*(d)(i) Within thirty days after the day on which the organization is notified of the revocation, the organization may request a contested hearing before the Administrative Law Court. Within thirty days after a request for a contested case hearing is received by the Administrative Law Court, an administrative law judge shall hold the contested case hearing and determine whether the revocation was reasonable under the circumstances. The department has the burden of proof of showing that the revocation was reasonable under the circumstances. The revocation is* ‘*reasonable*’ *if the department has some credible evidence to believe that the organization is not being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization or is not in compliance with any other provision of this paragraph. The decision made by the administrative law judge is final and conclusive and may not be reviewed by any court. If the organization does not request a contested case hearing within thirty days of the immediate revocation, the revocation shall become permanent.*

*(ii) If the administrative law judge determines that the revocation was reasonable, the administrative law judge shall remand the case to the department to issue a department determination for permanent revocation within the time period determined by the judge. The organization may appeal this department determination in accordance with Section 12‑60‑460. At the contested case hearing on the department determination, the parties can raise new issues and arguments in addition to those issues and arguments previously presented at the revocation hearing.*

*(iii) If the administrative law judge determines that immediate revocation is not reasonable, the revocation shall be lifted and the organization may resume accepting donations and award scholarships hereunder. The department may still issue a department determination in accordance with Section 12‑60‑450(E)(2).*

*(iv) If at any time during the process, the department believes the organization is in compliance, the department, in its sole discretion, may reinstate the organization and notify the Education Oversight Committee.*

*(v) Following the permanent revocation of a nonprofit scholarship funding organization, the Education Oversight Committee has the authority to oversee the transfer of donated funds of the revoked organization to other nonprofit scholarship funding organizations.*

*(J) A nonprofit scholarship funding organization may transfer funds to another nonprofit scholarship funding organization, especially in the event that the organization cannot distribute the funds in a timely manner or if the organization ceases to exist. None of the funds that are transferred by one nonprofit scholarship funding organization to another may be considered by the former organization when calculating its administrative expenses.*

SECTION 112 ‑ V04‑DEBT SERVICE

112.1. (DS: Excess Debt Service Funds Carry Forward) Excess Debt Service funds from Fiscal Year ~~2013‑14~~ *2014‑15* ~~may~~ *must* be carried forward and expended for ~~debt service purposes~~ in Fiscal Year ~~2014‑15~~ *2015‑16 to pay down general obligation bond debt for which the state (1) is paying the highest rate of interest or (2) will achieve relief in constrained debt capacity*.

SECTION 117 ‑ X90‑GENERAL PROVISIONS

*117.138. (GP: $800 Employee Bonus Pay) From the funds appropriated in Part IA, Section 106, Statewide Employee Benefits for Bonus Pay, effective on the first pay date that occurs on or after October 16, 2015, the Department of Administration shall allocate to state agencies $23,500,000 to provide for a one‑time lump sum bonus. Each permanent state employee, in a full‑time equivalent position, who has been in continuous state service for at least six months prior to July 1, 2015, and who earns less than $100,000 shall receive a $800 one‑time lump sum payment. This payment is not a part of the state employee*’*s base salary and is not earnable compensation for purposes of employer or employee contributions to respective retirement systems. This appropriation may be used for payments to employees only in the same ratio as the employee*’*s base salary is paid from appropriated sources and the employing agency shall pay the bonus for federal and other funded full‑time equivalent positions employees from federal or other funds available to the agency in the proportion that such funds are the source of the employee*’*s salary. The earnings limitation in Proviso 117.55 does not apply to this bonus.*

SECTION 118 ‑ X91‑STATEWIDE REVENUE

*118.17. (SR: Supplemental Nonrecurring Revenue) (A) The source of revenue appropriated in subsection (B) is nonrecurring revenue generated from the following source:*

*(1) $150,000,000 from Fiscal Year 2014‑15 unobligated general fund revenue as certified by the Board of Economic Advisors.*

*This revenue is deemed to have occurred and is available for use in Fiscal Year 2015‑16 after September 1, 2015, following the Comptroller General*’*s close of the state*’*s books on Fiscal Year 2014‑15.*

*(B) The State Treasurer shall disburse the following appropriation by September 30, 2015, for the purpose stated:*

*U12 Department of Transportation*

*State‑Owned Secondary Road*

*Program $150,000,000*

*The Department of Transportation shall distribute the $150,000,000 appropriated above for the State‑Owned Secondary Road Program pursuant to Section 12‑28‑2740 of the 1976 Code. County Transportation Committees shall utilize the funds distributed pursuant to this proviso solely for use on the state‑owned secondary road system for paving, rehabilitation, resurfacing and/or reconstruction, and bridge repair, replacement, or reconstruction. No funds from this allocation shall be used for any road, bridge or highway that is not part of the state owned system.*

*Unexpended funds appropriated pursuant to this subsection may be carried forward to succeeding fiscal years and expended for the same purposes.*

SECTION 5. The supplemental appropriations, reductions, and provisions contained in this act shall be combined with the provisions of H. 3701 of 2015, the general appropriations bill for Fiscal Year 2015‑16, and be incorporated into Part IA and Part IB of the detail base budget for the succeeding fiscal year.

SECTION 6. All acts or parts of acts inconsistent with any of the provisions of Sections 1, 2, 3, or 4 of this act are suspended for Fiscal Year 2015‑16.

SECTION 7. If any part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other parts, sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 8. Except as otherwise specifically provided, this act takes effect July 1, 2015. /

Renumber sections to conform.

Amend title to conform.

W. BRIAN WHITE for Committee.

**A** **BILL**

TO AMEND H. 3701 OF 2015, THE ANNUAL GENERAL APPROPRIATIONS BILL FOR FISCAL YEAR 2015‑2016, SO AS TO MAKE SUPPLEMENTAL APPROPRIATIONS BY PROVIDING TARGETED INCREASES IN GENERAL FUND APPROPRIATIONS AND TO MAKE NECESSARY CONFORMING PROVISO AMENDMENTS AND PROVIDE FOR OTHER RELATED MATTERS.

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

SECTION 1. Part IA of H. 3701 of 2015, the general appropriations bill for Fiscal Year 2015‑2016, is amended by increasing specific general fund appropriations contained therein by amounts provided herein. References in these sections are to sections and subdivisions of those sections in Part IA of H. 3701 of 2015.

SECTION 2. Part IB of H. 3701 of 2015, the general appropriations bill for Fiscal Year 2015‑2016, is amended as provided in this section. References in this section are to Part IB of H. 3701 of 2015.

SECTION 3. All acts or parts of acts inconsistent with any of the provisions of Sections 1 or 2 of this act are suspended for Fiscal Year 2015‑2016.

SECTION 4. If any part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other parts, sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 5. Except as otherwise specifically provided, this act takes effect July 1, 2015.

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