
**ACTS
AND
JOINT RESOLUTIONS
SOUTH CAROLINA
2023**

**AND
EXTRA SESSION
2023**

**Pages 2-1241
Acts 1-102**

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

2023 REGULAR SESSION
AND
2023 EXTRA SESSION

VOLUME I

First Part
Of Eighty-Fourth Volume of Statutes at Large

(The Acts and Joint Resolutions of 2024
Constitute the Second Part)

Passed at the regular session which was begun
and held at the City of Columbia on the 10th
Day of January, A.D., 2023, and was
adjourned on the 11th day of
May, A.D., 2023

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ASHLEY HARWELL-BEACH
CODE COMMISSIONER

Notice

The regular session adjourned sine die May 11, 2023. The extra session was convened and adjourned sine die June 19, 2023.

In the parenthesis to the left of the permanent numbers are two numbers of which this is an example: (R276, S424). The first number is preceded by R in every instance, and the second number is either H or S. The R indicates the ratification number of the act or joint resolution; the H is the House number as a bill or joint resolution; and the S is the Senate number as a bill or joint resolution.

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

ACTS

AND

JOINT RESOLUTIONS

OF THE

General Assembly

OF THE

State of South Carolina

HENRY D. MCMASTER, Governor; PAMELA S. EVETTE, Lieutenant Governor; THOMAS C. ALEXANDER, President of the Senate; G. MURRELL SMITH, JR., Speaker of the House of Representatives; THOMAS E. POPE, Speaker Pro Tempore of the House of Representatives; JEFFREY S. GOSSETT, Clerk of the Senate; CHARLES F. REID, Clerk of the House of Representatives.

PART I

GENERAL AND PERMANENT LAWS

No. 1

(R3, H3783)

A JOINT RESOLUTION TO ALLOW THE STATE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE TO NOMINATE LESS THAN THREE QUALIFIED CANDIDATES FOR THE POSITION OF EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE FOR THE GOVERNOR'S CONSIDERATION UNTIL THE VACANCY IS FILLED OR JULY 1, 2023, WHICHEVER OCCURS FIRST.

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

Department of Employment and Workforce Review Committee

SECTION 1. Notwithstanding Section 41-29-35(B), the Department of Employment and Workforce Review Committee may submit less than three applicants to the Governor to serve as Executive Director of the Department of Employment and Workforce until that position is filled or July 1, 2023, whichever occurs first.

Time effective

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 28th day of February, 2023

Approved the 1st day of March, 2023

No. 2

(R4, S361)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-5-1630, RELATING TO THE EXTENSION OF CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION COMMISSION IS NOT REQUIRED TO PROVIDE PREAPPROVAL OF CONSTRUCTION CONTRACT EXTENSIONS AND TO PROVIDE THAT THE COMMISSION MUST RATIFY EXTENSIONS AT THE NEXT COMMISSION MEETING.

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

Department of Transportation

SECTION 1. Section 57-5-1630 of the S.C. Code is amended to read:

Section 57-5-1630. No construction contract may be extended to include work not contemplated in the original award, except within the limitations imposed by the contract. Where in the judgment of the Secretary of the Department of Transportation it is in the public's interest and prices advantageous to the department are obtained, the department may extend contracts to include additional work. In every case, the commission must ratify the contract extension at the next succeeding commission meeting. Advertisement in the case of extensions of contracts under this section shall consist of detailed reports of the transactions made public at open meetings of the commission.

Time effective

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

Ratified the 15th day of March, 2023

Approved the 20th day of March, 2023

No. 3

(R6, H3604)

A JOINT RESOLUTION TO APPROPRIATE FUNDING FOR CERTAIN INFRASTRUCTURE AND OTHER PURPOSES TO FOSTER ECONOMIC DEVELOPMENT AND PRESCRIBE THE APPROPRIATE PURPOSES, TERMS, AND CONDITIONS.

Whereas, the General Assembly has through prior enactments determined that the construction of certain infrastructure, including in certain circumstances infrastructure constructed for use by private parties, enhances the recruitment of businesses to and the expansion of businesses within the State; that such infrastructure facilitates the operation and growth of businesses in the State, and thereby provides significant and substantial direct and indirect benefits to the State and its residents, including employment and other opportunities; that such benefits outweigh the costs of such infrastructure; that for such reasons it is in the best interest of the State to provide funding that serves a public purpose in fostering economic development and increasing employment in the State; and that the primary beneficiaries of such funding and the construction of such infrastructure are the State of South Carolina and its residents; and

Whereas, the General Assembly further finds that under certain circumstances it is appropriate for the State to undertake construction of infrastructure and to make other improvements that promote or improve State readiness for further economic development; and

Whereas, the General Assembly further finds that public confidence may be enhanced by identification of the amounts and purposes for which funding may be made available, for specific projects, and for State readiness for further economic development; and

Whereas, the General Assembly further finds that processes of review, approval, and oversight, are appropriate and warranted for public funds designated for purposes of economic development; and

Whereas, the General Assembly further finds that sufficient unobligated funds are presently available and the interest of the State will be served by their appropriation for the purposes and subject to the terms and conditions described herein. Now, therefore,

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

SECTION 1. (A) The sources of revenue appropriated in this joint resolution are: (1) \$1,204,834,516 from the Fiscal Year 2021-2022 Contingency Reserve Fund as recognized by the Board of Economic Advisors; and (2) \$86,248,470 from the Fiscal Year 2022-2023 Projected General Fund Surplus as forecasted by the Board of Economic Advisors.

(B) The Department of Commerce is appropriated \$1,091,082,986 as set forth in this section to provide funding to Project Connect for the following purposes:

- (1) bridge to support rail spur construction;
- (2) land acquisition;
- (3) required site improvements and mitigation;
- (4) road access and improvements;
- (5) soil stabilization;
- (6) training center;
- (7) water and wastewater infrastructure; and
- (8) any such other purpose as is necessary and recommended by the

Department of Commerce for Project Connect. Such other purpose is subject to review and comment by the Joint Bond Review Committee.

(C) The Department of Commerce is appropriated \$200,000,000 to loan the Project Connect sponsor for additional soil stabilization to be paid back in full in a manner prescribed by the sponsor and the Department of Commerce. All payments and interest shall be returned to the general fund of the State upon receipt. This loan is not eligible for forgiveness.

SECTION 2. Funds appropriated pursuant to SECTION 1 may be carried forward into subsequent fiscal years for the same purpose as originally awarded, committed, or authorized. Earnings and interest on accounts created pursuant to this joint resolution must be credited to the general fund of the State.

SECTION 3. This joint resolution applies solely to the funds subject to this authorization and has no effect on any provision of permanent law. The expenditure authorizations contained in this joint resolution are supplemental to the expenditure authorizations for receiving entities as contained in Act 239 of 2022, the General Appropriations Act for Fiscal Year 2022-2023, and future expenditure authorizations enacted by the General Assembly. The provisions of this joint resolution terminate on

fulfillment of their terms.

SECTION 4. On a quarterly basis, the Department of Commerce shall send a project status report to the Joint Bond Review Committee until all funds are expended and upon certification by the Secretary of Commerce that all project obligations have been met.

SECTION 5. The State Treasurer shall disburse the funds pursuant to SECTION 1 from Fiscal Year 2021-2022 Contingency Reserve Fund within five days of the effective date of this joint resolution. He shall further disburse all funds available, up to the amount set forth in SECTION 1 from the Fiscal Year 2022-2023 Projected General Fund Surplus within five days of the close of the state's books for Fiscal Year 2022-2023 by the Comptroller General or by November 1, 2023, whichever occurs first.

SECTION 6. Any funds remaining after the completion of Project Connect must be remitted to the general fund.

SECTION 7. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this joint resolution 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 joint resolution, the General Assembly hereby declaring that it would have passed this joint resolution, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 8. This joint resolution takes effect upon approval by the Governor.

Ratified the 15th day of March, 2023

Approved the 20th day of March, 2023

No. 4

(R7, H3741)

AN ACT TO ADOPT REVISED CODE VOLUME 13A OF THE SOUTH CAROLINA CODE OF LAWS, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2023.

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

Revised code volume, authorization

SECTION 1. (A) Section 2-13-90 of the S.C. Code authorizes the Legislative Council and the Code Commissioner to contract to be prepared and published under their supervision and direction revised volumes of the Code of Laws.

(B) The Legislative Council and the Code Commissioner have determined that Volume 13A is appropriate for revision.

(C) Section 2-13-90 of the S.C. Code also provides that the revised volumes must be submitted to the General Assembly for its consideration.

Revised code volume, adopted

SECTION 2. (A) Revised Volume 13A containing Title 39, South Carolina Code of Laws, is substituted for original Volume 13A which contained Title 39.

(B) Revised Volume 13A is adopted as part of the Code of Laws and, to the extent of its contents, is the only general permanent statutory law of the State as of January 1, 2023.

Time effective

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

Ratified the 15th day of March, 2023

Approved the 20th day of March, 2023

No. 5

(R1, S381)

AN ACT TO RATIFY AN AMENDMENT TO SECTION 36(A), ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND, SO AS TO INCREASE FROM FIVE TO SEVEN PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND; AND TO RATIFY AN AMENDMENT TO SECTION 36(B) OF ARTICLE III, RELATING TO THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM TWO TO THREE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE CAPITAL RESERVE FUND AND TO PROVIDE THAT THE FIRST USE OF THE CAPITAL RESERVE FUND MUST BE TO OFFSET MIDYEAR BUDGET REDUCTIONS.

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

General Reserve Fund and Capital Reserve Fund revised

SECTION 1.A. The amendment to Section 36(A), Article III of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 1106 of 2022, having been submitted to the qualified electors at the General Election of 2022 as prescribed in Section 1, Article XVI of the Constitution of South Carolina, 1895, and a favorable vote having been received on the amendment, is ratified and declared to be a part of the Constitution so that Section 36(A), Article III is amended to read:

(A) The General Assembly shall provide for a General Reserve Fund of seven percent of the general fund revenue of the latest completed fiscal year. The seven percent requirement shall be achieved by increasing the percentage requirement by a cumulative one-half of one percent of general fund revenue in each fiscal year succeeding the last fiscal year to which the five percent requirement applied until the percentage of revenue in the General Reserve Fund equals the seven percent requirement, which shall thereafter be maintained. Funds may be withdrawn from the reserve only for the purpose of covering operating deficits of state government. The General Assembly must

provide for the orderly restoration of funds withdrawn from the reserve from future revenues and out of funds accumulating in excess of annual operating expenditures.

(1) The General Assembly shall provide by law for a procedure to survey the progress of the collection of revenue and the expenditure of funds and to authorize and direct reduction of appropriations as may be necessary to prevent a deficit.

(2) In the event of a year-end operating deficit, so much of the reserve fund as may be necessary must be used to cover the deficit; and the amount must be restored to the reserve fund within five fiscal years out of future revenues until the seven percent, or the applicable percentage amount required to be transferred to the General Reserve Fund, is again reached and maintained. Provided that a minimum of one percent of the general fund revenue of the latest completed fiscal year, if so much is necessary, must be restored to the reserve fund each year following the deficit until the seven percent, or the applicable percentage amount required by general law to be transferred to the General Reserve Fund, is restored.

B. The amendment to Section 36(B), Article III of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 1106 of 2022, having been submitted to the qualified electors at the General Election of 2022 as prescribed in Section 1, Article XVI of the Constitution of South Carolina, 1895, and a favorable vote having been received on the amendment, is ratified and declared to be a part of the Constitution so that Section 36(B), Article III is amended to read:

(B) The General Assembly, in the annual general appropriations act, shall appropriate, out of the estimated revenue of the general fund for the fiscal year for which the appropriations are made, into a Capital Reserve Fund, which is separate and distinct from the General Reserve Fund, an amount equal to three percent of the general fund revenue of the latest completed fiscal year.

(1) The General Assembly must provide by law that if before March first the revenue forecast for the current fiscal year projects that revenues at the end of the fiscal year will be less than expenditures authorized by appropriation for that year, then the current year's appropriation to the Capital Reserve Fund first must be reduced to the extent necessary before mandating any reductions in operating appropriations.

(2) After March first of a fiscal year, monies from the Capital Reserve Fund may be appropriated by the General Assembly in separate

legislation upon an affirmative vote in each branch of the General Assembly by two-thirds of the members present and voting, but not less than three-fifths of the total membership in each branch for the following purposes:

(a) to finance in cash previously authorized capital improvement bond projects;

(b) to retire interest or principal on bonds previously issued;

(c) for capital improvements or other nonrecurring purposes.

(3)(a) Any appropriation of monies from the Capital Reserve Fund as provided in this subsection must be ranked in priority of expenditure and is effective thirty days after completion of the fiscal year. If it is determined that the fiscal year has ended with an operating deficit, then the monies appropriated from the Capital Reserve Fund must be reduced based on the rank of priority, beginning with the lowest priority, to the extent necessary and applied to the year-end operating deficit before withdrawing monies from the General Reserve Fund.

(b) At the end of the fiscal year, any monies in the Capital Reserve Fund that are not appropriated as provided in this subsection or any appropriation for a particular project or item which has been reduced due to application of the monies to a year-end deficit must lapse and be credited to the general fund.

Ratified the 28th day of February, 2023

No. 6

(R10, S604)

A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

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

SECTION 1. The source of revenue authorized for expenditure in this section is the State Fiscal Recovery Funds disbursed to the State pursuant to the federal “American Rescue Plan Act of 2021”, Public Law No. 117-2, (hereinafter referred to as “ARPA”).

SECTION 2. From funds disbursed to the State in the ARPA, there is appropriated up to \$586,633,226 to the Rural Infrastructure Authority ARPA Water and Sewer Infrastructure Account for the purposes described in Act 244 of 2022. Only existing grant applications, as of January 1, 2023, may be considered in determining disbursements. Of the \$586,633,226 appropriated, \$100,000,000 shall be available for projects designated by the Secretary of Commerce as being significant to economic development and may be funded at up to twenty million dollars per project with no local match requirement. If any disbursement to any recipient, or subrecipient, resulting from an authorization contained herein is disallowed by federal law, regulation, or order, then the recipient or subrecipient shall promptly return the disbursed funds to the disbursing entity.

SECTION 3. The expenditure authorizations contained in this act are supplemental to the expenditure authorizations for receiving entities as contained in Act 239 of 2022, the General Appropriations Act for Fiscal Year 2022-23, and future expenditure authorizations enacted by the General Assembly through December 31, 2026.

SECTION 4. Earnings and interest on accounts created pursuant to this act must be credited to the account and any balance at the end of the fiscal year carries forward to the account in the succeeding fiscal year for the same purpose.

SECTION 5. Notwithstanding SECTION 14 of Act 244 of 2022, the

funds in the ARPA Resilience Account also may be used to mitigate the potential release of contamination associated with the USS Yorktown, an asset of the Patriots Point Development Authority. The Office of Resilience must make an initial funding request for Phase I review and comment by the Joint Bond Review Committee that describes the project scope and provides an estimate of costs for the proposed improvements. Thereafter, the Office of Resilience must make a full funding request for Phase II review and comment by the Joint Bond Review Committee to establish final budget authorization and project scope. No funds may be expended toward the project in either phase until the Joint Bond Review Committee has provided review and comment. The Office of Resilience is authorized to engage and reimburse the services of other state agencies in the development of both phases of the project.

SECTION 6. This joint resolution takes effect upon approval by the Governor.

Ratified the 19th day of April, 2023

Approved the 20th day of April, 2023

No. 7

(R9, S490)

A JOINT RESOLUTION TO PERMIT FUNDS APPROPRIATED IN ACT 94 OF 2021 FOR SOUTH CAROLINA WELCOME CENTERS TO BE USED FOR THE CURRENT FAIR PLAY WELCOME CENTER PROJECT.

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

Fair Play Welcome Center

SECTION 1. In addition to the projects listed in Section 118.18(B)(41)(g) of Act 94 of 2021, funds appropriated to the Department of Parks, Recreation and Tourism may be extended for the current Fair Play Welcome Center project.

Time effective

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 19th day of April, 2023

Approved the 25th day of April, 2023

No. 8

(R16, S39)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 8 TO TITLE 59 SO AS TO THE ESTABLISH THE “EDUCATION SCHOLARSHIP TRUST FUND PROGRAM”, TO DEFINE NECESSARY TERMS, TO PROVIDE REQUIREMENTS FOR STUDENTS AND SCHOOLS SEEKING TO PARTICIPATE IN THE PROGRAM, TO PROVIDE REQUIREMENTS FOR THE ADMINISTRATION AND OVERSIGHT OF THE PROGRAM, TO ESTABLISH AND PROVIDE FOR THE ADMINISTRATION OF AN EDUCATION SCHOLARSHIP TRUST FUND CONSISTING OF FUNDS APPROPRIATED TO PROVIDE THESE SCHOLARSHIPS, TO PROVIDE LIMITATIONS ON THE NUMBER OF SCHOLARSHIPS THAT MAY BE AWARDED, TO PROVIDE MEASURES FOR EVALUATING THE PERFORMANCE OF PROGRAM PARTICIPANTS, TO ESTABLISH A REVIEW PANEL AND PROVIDE FOR ITS COMPOSITION AND PURPOSES, AND TO CLARIFY STUDENT TRANSFER REQUIREMENTS, AMONG OTHER THINGS.

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

Education Scholarship Trust Fund

SECTION 1. Title 59 of the S.C. Code is amended by adding:

CHAPTER 8

Education Scholarship Trust Fund

Section 59-8-110. For purposes of this chapter:

(1) "Department" means the South Carolina Department of Education.

(2) "Education Scholarship Trust Fund", "ESTF", or "fund" means the individual account that is administered by the department to which funds are allocated to the parent of an eligible student to pay for qualifying expenses.

(3) "Eligible school" means a South Carolina public school or an independent school that chooses to participate in the program. "Eligible school" does not include a charter school.

(4) "Eligible student" means a student who:

(a) is a resident of this State;

(b)(i) attended a public school in this State during the previous school year;

(ii) had not yet attained the age of five on or before September first of the previous school year but who has attained the age of five on or before September of the current school year; or

(iii) received a scholarship pursuant to this chapter for the previous school year; and

(c)(i) in School Year 2024-2025, has a household income that does not exceed two hundred percent of the federal poverty guidelines;

(ii) in School Year 2025-2026, has a household income that does not exceed three hundred percent of the federal poverty guidelines; and

(iii) in School Year 2026-2027 and all subsequent years, has a household income that does not exceed four hundred percent of the federal poverty guidelines.

"Eligible student" does not include students participating in the Educational Credit for Exceptional Needs Children's Fund program, as provided in Section 12-6-3790.

(5) "IDEA" means the Individuals with Disabilities Education Act found in 20 U.S.C. Section 1400, et seq.

(6) "Parent" means a resident of this State who is the natural or adoptive parent, legal guardian, custodian, or other person with legal authority to act on behalf of an eligible student.

(7) "Education service provider" means a person or organization approved by the department that receives payments from ESTF to provide educational goods and services to scholarship students.

(8) “Program” means the ESTF program created by this chapter.

(9) “Resident school district” means the public school district in which the student is domiciled.

(10) “Scholarship” means education funding allocated from an account established pursuant to this chapter.

(11) “Scholarship student” means an eligible student who is participating in the Education Scholarship Trust Fund program.

(12) “Substantial misuse” means wilfully and knowingly receiving or spending any portion of a scholarship for any purpose other than a qualifying expense.

(13) “Qualifying expense” means:

(a) tuition and fees of an education service provider;

(b) textbooks, curriculum, or other instructional materials including, but not limited to, any supplemental materials or associated online instruction required by either a curriculum or an education service provider;

(c) tutoring services approved by the department;

(d) computer hardware or other technological devices that are used primarily for a scholarship student’s educational needs and approved by the department or a licensed physician;

(e) tuition and fees for an approved nonpublic online education service provider or course;

(f) fees for approved:

(1) national norm-referenced examinations, advanced placement examinations, or similar assessments;

(2) industry certification exams; or

(3) examinations related to college or university admission;

(g) educational services for pupils with disabilities from a licensed or accredited practitioner or provider including, but not limited to, occupational, behavioral, physical, and speech-language therapies;

(h) approved contracted services from a public school district, including individual classes, after school tutoring services, transportation, or fees or costs associated with participation in extracurricular activities;

(i) contracted teaching services and education classes approved by the department;

(j) fees for transportation paid to a fee-for-service transportation provider for the scholarship student to travel to and from an eligible provider as defined in this section, but not to exceed seven hundred fifty dollars for each school year;

(k) fees for ESTF account management by private financial management firms approved by the department; or

(l) any other educational expense approved by the department.

Section 59-8-115. (A) The department shall create a standard application process and establish the timeline for parents to establish the eligibility of their student for the Education Scholarship Trust Fund program. The application window established shall last at least forty-five days, opening no earlier than January fifteenth and closing no later than March fifteenth each calendar year.

(B) Pursuant to the timeline established pursuant to subsection (A), the department shall:

(1) process applications in the order in which they are received, after a preference has been extended to all prior-year participants and their respective siblings; and

(2) enroll and issue award letters within thirty days of the deadline for receipt of completed applications and all required documentation.

(C) Before awarding a scholarship, the department shall have obtained evidence of the student's eligibility through the card issued in the student's name from the Department of Health and Human Services for Medicaid eligibility included as applicable with application documentation.

(D) Before awarding a scholarship, the department must obtain evidence of all other student eligibility criteria set forth in Section 59-8-110.

(E) The department shall approve an application for scholarship if:

(1) the parent submits an annual application for a scholarship in accordance with the application and procedures established by the department;

(2) the student on whose behalf the parent is applying is an eligible student;

(3) funds are available for the ESTF; and

(4) the parent signs an annual agreement with the department:

(a) to provide, at a minimum, a program of academic instruction for the eligible student in at least the subjects of English/language arts to include writing, mathematics, social studies, and science;

(b) to acknowledge and agree to comply with the education service provider's prescribed curriculum, dress code, and other requirements of enrolled students;

(c) to ensure the scholarship student takes assessments as referenced in Section 59-8-150 or provides assessments in a similar manner through other means if the scholarship student does not receive full-time instruction from an education service provider;

(d) to use program funds for qualifying expenses only for an

approved provider to educate the scholarship student, subject to penalty;

(e) not to enroll their scholarship student in a public school as a full-time student in the resident school district, as defined in this chapter;

(f) not to participate in a home instruction program under Sections 59-65-40, 59-65-45, or 59-65-47;

(g) that includes documentation of the consultation process between the parent, the resident school district, the education service provider, and any school district that the education service provider contracts with under an IEP or services plan, for each scholarship student with a disability regarding the special education and related services, and the manner by which these services as listed in the student's IEP or services plan, will be provided to a scholarship student with a disability; and

(h) to confirm that, if the parent's child is a student with disabilities, the parent has received notice from the department that participation in the ESTF program is a parental placement of the scholarship student under IDEA, along with an explanation of the rights that parentally placed students possess under IDEA and any applicable state laws and regulations, including the consultation process provided for in 20 U.S.C. Section 1412(a)(10) and the Individual Education Program requirements described in Section 1414(d) of IDEA.

(F) The department shall make available on its website in a conspicuous location information in conformity with 34 C.F.R. Sections 300.130 through 300.144, Assistance to States for the Education of Children with Disabilities, explaining to parents the rights of children with disabilities under IDEA both in public schools and as parentally placed students in private schools.

(G) A parent will be allowed to make payments for the cost of educational goods and services not covered by the funds in their student's ESTF; however, personal deposits into an ESTF account are prohibited.

(H) Funds received pursuant to this section do not constitute taxable income to the parent of the scholarship student or to the student.

(I) A parent's signed agreement under subsection (E)(4) satisfies the state's compulsory attendance law pursuant to Section 59-65-10.

(J) The State Board of Education shall promulgate regulations for the administration of the program as may be applicable.

(K) The department may contract with qualified organizations to administer the program application process or specific functions, maintenance, and monitoring of the program application process as required above.

Section 59-8-120. (A) There is established at the department, the "South Carolina Education Scholarship Trust Fund" that is separate and distinct from the general fund, consisting of monies appropriated to the department to provide scholarships to eligible students for qualifying expenses. The fund must receive and hold all monies allocated for it as well as all earnings until disbursed as provided in this section.

(B) The department shall administer the fund and is responsible for keeping records, managing accounts, and disbursing scholarships awarded pursuant to this section and as directed by the parent.

(C) Upon request of the parent and approval of an eligible student's application by the department, the State Treasurer shall transfer six thousand dollars per scholarship student to the Education Scholarship Trust Fund as directed by the General Assembly, unless an increased or decreased limit is authorized in the annual general appropriations act.

(D) The department shall create an individual online ESTF account for each scholarship student.

(1) The parent must be able to access the individual online account for the scholarship student using a secure portal.

(2) The individual scholarship student's account must be created within thirty days of the application approval.

(E) The department shall make payments to an individual scholarship student's account from the ESTF on a quarterly basis with the first payment being distributed by July thirty-first of each year.

(F) By September first of each school year and again on January fifteenth and March fifteenth of the school year, the department shall compare the list of scholarship students with the public school enrollment lists to avoid duplicate payments.

(G) Education service providers may not refund, rebate, or share a student's scholarship funds directly with a parent or the scholarship student. The funds in an account may only be used for qualifying expenses as defined in this chapter and provided by the department.

(H) The department may contract with qualified organizations to administer the program.

(I) The trust fund does not constitute a debt of the State or any political subdivision thereof, including school districts. The trust fund must be held and applies solely toward carrying out the purposes of this chapter.

Section 59-8-125. (A) The department shall develop an online electronic system for payment for services authorized by participating parents pursuant to this chapter and the guidelines provided by the department. Parents may not be reimbursed for out-of-pocket expenses.

(B) The General Assembly shall appropriate funds to the department for initial costs to create the program. Thereafter, the department shall deduct an amount from the ESTF to cover the costs of overseeing the accounts and administering the program up to a limit of two percent. Annually, on or before December thirty-first, the department shall notify the respective Chairmen of the Senate Finance Committee and House of Representatives Ways and Means Committee regarding the amount deducted for administrative costs and an itemization of the costs incurred to administer the program for the previous school year.

(C) The department may contract with qualified vendors to manage accounts and shall establish reasonable fees for private financial management firms participating in the program based upon market rates.

(D) The department may contract with qualified organizations to administer the program or specific functions of the program.

(E) Payments made by the department must remain in force until a parent or scholarship student is proven to have participated in a prohibited activity specified in this chapter, a scholarship student returns to a public school in his resident public school district, or a scholarship student graduates from high school or attains twenty-two years of age, whichever occurs first. A scholarship student who enrolls in his resident public school district is considered to have returned to a public school for the purpose of determining the end of the term.

(F) The department may suspend or deactivate an account for substantial misuse or the scholarship student leaves the program for any reason, at which time any remaining funds must revert to the ESTF.

(G) Unused funds must be rolled over to the following school year for a scholarship student who applies and continues to meet eligibility requirements to participate in the program.

(H) A scholarship terminates automatically if the student is no longer domiciled in this State, and any money remaining in the account reverts to the ESTF.

(I) Only one account may be established for a scholarship student.

Section 59-8-130. If a scholarship student's program of academic instruction is terminated for any reason before the end of the semester or school year and the student does not resume instruction within thirty days, then the parent shall notify the department and remaining funds in the account revert to the ESTF.

Section 59-8-135. (A) Beginning with the 2024-2025 School Year, the annual number of ESTF students is limited by the following capacity:

(1) in School Year 2024-2025, the program is limited to five

thousand scholarship students;

(2) in School Year 2025-2026, the program is limited to ten thousand scholarship students; and

(3) in School Year 2026-2027, and for all subsequent school years, the program is limited to fifteen thousand scholarship students.

(B) In 2027, and every five years thereafter, the department shall conduct an eligibility and use review of the program and shall make recommendations to the General Assembly to improve the program.

Section 59-8-140. (A)(1) The department must develop an application approval process for participation in the ESTF program for education service providers.

(2) The department must require an independent school that applies to be an education service provider to be located in the State, to have an educational curriculum that includes courses set forth in the state's diploma requirements and to meet the compulsory attendance and State Board of Education approval requirements in Section 59-65-10.

(3) An education service provider that participated in the program in the previous school year and desires to participate in the program in the current school year shall reapply to the department. The education service provider reapplying shall certify to the department that it continues to meet all program requirements. An education service provider required to administer academic testing shall provide to the department test score data from the previous school year. If individual student test score data is not submitted, then the department shall remove the education service provider from the program.

(4) By February first of each year, the department will certify the list of approved education service providers for participation in the program that meet all program requirements. The department may waive the deadline requirement upon good cause shown by an education service provider.

(5) An education service provider that is denied approval pursuant to this section 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.

(6) By February fifteenth of each year, the department shall publish on its website a comprehensive list of approved education service providers. The list must include the name, address, telephone number, and website address for each education service provider.

(B) If approved by the department, new education service providers may be added to the list of approved providers on a rolling basis. The providers will be added to the comprehensive list available on the

department's website.

(C) The department may bar an education service provider from the program if the department establishes that the education service provider has:

(1) failed to comply with the accountability standards established in this section; or

(2) failed to provide the scholarship student with the educational services funded by the account.

(D) The department shall create procedures to ensure that a fair process exists to determine whether an education service provider should be barred from receiving payments from accounts.

(1) If the department decides to bar an education service provider from the program, it shall notify affected students and their parents of this decision as quickly as possible.

(2) Education service providers may appeal the department's decision to bar the education service provider from receiving payments from accounts pursuant to the Administrative Procedures Act.

(E) The State Board of Education shall promulgate regulations to allow scholarship students to return to their resident school districts during the course of their participation in the program.

(F)(1) For scholarship students utilizing a scholarship to attend an online education service provider, the department must track data on scholarship student wellness through mandatory in-person days of attendance at least once per semester at their resident public school. For first semester the in-person date shall be no later than November fifteenth. For the second semester the in-person date shall be no later than March fifteenth. During the in-person attendance, a school teacher, counselor, principal, assistant principal, school attendance officer, social or public assistance worker, school nurse, on-site mental health, or allied health professional, or other appropriately designated mandated reporter at the local public school as defined in Section 63-7-310 must complete a comprehensive wellness check to screen for abuse and neglect as defined in Section 63-7-20.

(2) All employees at an online education service provider who are employed in same or similar roles as defined in Section 63-7-310 shall be considered persons required to report and must complete the training programs required pursuant to Section 63-7-310(A) and hold all the same rights, responsibilities, and potential penalties as defined in Sections 63-7-315, 63-7-320, 63-7-350, 63-7-360, 63-7-370, 63-7-380, 63-7-390, 63-7-400, 63-7-430, 63-7-440, and receive information pursuant to Section 63-7-450.

Section 59-8-145. (A) The department shall adopt procedures to inform students and their parents annually of their eligibility for the program.

(B) The department shall adopt procedures to annually inform scholarship students and their parents of the approved education service providers.

(C) The department shall provide to parents of a scholarship student written instructions for the allowable uses of an account and the responsibilities of parents and the duties of the department.

(D) The department may declare that a parent is ineligible for continuation in the program due to substantial misuse of their account funds.

(E) The department may conduct or contract for the auditing of accounts, and shall, at a minimum, conduct random audits of education service providers and scholarship accounts on an annual basis.

(F) The department may refer cases of substantial misuse of funds to law enforcement agencies for investigation.

(G) The department may contract with one or more qualified organizations to administer some or all portions of this program.

(H) The department shall maintain a record of the number of applications received annually for the program, the number of students accepted into the program each year, and the number of students not accepted into the program each year with a corresponding explanation as to why the student was not accepted into the program. The department shall compile this information and provide a report to the General Assembly by December thirty-first of each year.

Section 59-8-150. (A) To ensure equitable treatment and personal safety of all scholarship students, all education service providers shall:

(1) comply with all applicable health and safety laws or codes;

(2) hold a valid occupancy permit if required by the municipality in which the education service provider is located;

(3) not unlawfully discriminate on the basis of race, color, or national origin. This item shall not be interpreted to preclude any independent or religious educational provider from exercising an exemption allowed under federal law; and

(4) conduct criminal background checks on employees and exclude from employment anyone who:

(a) is not permitted by state law to work in a school;

(b) reasonably might pose a threat to the safety of students; or

(c) is listed on federal, state, or other central child abuse registries.

(B) To ensure that funds are spent appropriately, all education service providers shall:

- (1) provide parents with a receipt for all qualifying expenses; and
- (2) demonstrate their financial viability by filing a surety bond with the department prior to the start of the school year if they are to receive fifty thousand dollars or more during the school year.

(C) In order to allow parents and the public to measure the achievements of the program, academic progress must be documented annually for each scholarship student. Students with an Individualized Education Plan that cannot be accommodated with standardized testing are excluded from the requirements of item (1). Education service providers that provide academic instruction must monitor the progress of students with significant cognitive disabilities through alternative assessments including portfolios.

(1) Education service providers that provide full-time academic instruction shall:

(a) ensure that each scholarship student in grades three through eight takes the SC Ready or SC Ready alternative summative assessment required of students in public schools in this State;

(b) ensure that each scholarship student in grades four and six takes the SC Pass or SC Pass alternative summative assessment required of students in public schools in this State;

(c) in lieu of the assessments required by subitems (a) and (b), ensure that each scholarship recipient in grades three through eight takes a nationally norm-referenced formative assessment at the beginning of the school year, at the end of the first semester, and at the end of the school year. The assessment must be approved by the department, aligned with state standards, and include a linking study;

(d) ensure that each scholarship student in grades nine through twelve takes a nationally norm-referenced or formative assessment approved by the department. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement;

(e) collect high school graduation information of scholarship students for reporting to the department as required in this section; and

(f) ensure that the parent or guardian of a scholarship student taking the assessments above receives a written report of the student's performance on each assessment. The report must include the student's score on the assessment and an indication of how the student's assessment performance compares to other South Carolina students.

The department may promulgate regulations to carry out the requirements of this subsection.

(2) The department shall ensure that the education service provider

has access to and is trained in administering the state assessments required in subitems (1)(a) and (b). The department shall assume any costs associated with training, administering, or taking assessments with no charges to the provider or ESTF students.

(3) For the purpose of evaluating program effectiveness, education service providers that provide full-time academic instruction shall ensure that results in item (1) are:

(a) provided to the parent of a scholarship student and must be provided to the department on an annual basis, beginning with the first year of program implementation; and

(b) disaggregated by grade level, gender, family income level, race, and English learner status.

(4) The department, or the appropriate organization chosen by the department, if any, must be informed of the scholarship student's graduation from high school.

(D) The department shall:

(1) comply with all student privacy laws;

(2) collect all test results;

(3) annually provide individual student assessment results and information to the Education Oversight Committee. The transmission of the information must be made in a manner that safeguards the data to ensure student privacy.

(E) The Education Oversight Committee shall:

(1) comply with all student privacy laws;

(2) report on and publish associated learning gains and graduation rates to the public by means of a state website with data aggregated by grade level, gender, family income level, number of years participating in the program, and race and a report for any participating school if at least fifty-one percent of the total enrolled students in the private school participated in the ESTF program in the prior school year or if there are at least thirty participating students who have scores for tests administered. If the Education Oversight Committee determines that the thirty participating-student cell size may be reduced without disclosing the personally identifiable information of a participating student, the Education Oversight Committee may reduce the participating-student cell size, but the cell size may not be reduced to fewer than ten participating students;

(3) evaluate and report the academic performance of scholarship students compared to similar public school populations; and

(4) collaborate with the department to develop and administer an annual parental satisfaction survey for all parents of scholarship students on issues relevant to the ESTF program, to include effectiveness and

length of the program participation. Results of this survey must be provided to the General Assembly by December thirty-first of each year.

(F) An education service provider, not a public school, is autonomous and not an agent of the state or federal government, therefore:

(1) the department or any other state agency may not regulate the educational program of an approved education provider that accepts funds from an account;

(2) the creation of the program does not expand the regulatory authority of the State, its officers, or a school district to impose regulation of education service providers beyond those necessary to enforce the requirements of the program;

(3) the freedom of education service providers to provide for the educational needs of scholarship students without governmental control must not be abridged;

(4) an education service provider that accepts payment by a parent from an ESTF account pursuant to this chapter is not an agent of the state or federal government; and

(5) education service providers shall not be required to alter their creeds, practices, admissions policy, or curriculum in order to accept payments by a parent from an ESTF account.

(G) A person paid by, contracted with, employed by, or having a financial interest in an education service provider shall not be allowed to serve on the board of an organization contracting for services with the department as defined in Section 59-8-115(J), serve on the board of a vendor or private management firm contracted to manage accounts as defined in Section 59-8-125(C), on the board of any other provider of contracted-for services under Section 59-8-110(12) or under Section 59-8-120(H), or on the ESTF Review Panel. Any education service provider violating this subsection shall be barred from participating in the program for two years and shall return any funds received under the program to the ESTF.

(H) A person serving as a board member or director of an education service provider shall have a fiduciary duty to the provider and shall avoid any conflicts of interest with the provider.

(I) No member of the General Assembly or their immediate family, as defined by Section 8-13-100(18), may have a financial interest in an education service provider. This does not prevent a member or their immediate family from qualifying under the provisions of this chapter to participate in the ESTF program.

(J) A person shall not serve in a position of leadership with an education service provider who has been convicted of a financial crime.

Section 59-8-155. The scholarship student's resident school district shall provide a parent and the education service providers designated by the parent with a complete copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232(g).

Section 59-8-160. (A) There is created the "ESTF Review Panel" that shall serve as an advisory panel to the department.

(B) The review panel shall consist of ten members, pursuant to the following:

(1) the Governor, or his designee, who shall serve as the chair of the panel;

(2) three members to be appointed by the Governor;

(3) one member appointed by the Speaker of the House of Representatives;

(4) one member appointed by the President of the Senate;

(5) one member appointed by the Chairman of the House of Representatives Education and Public Works Committee;

(6) one member appointed by the Chairman of the Senate Education Committee; and

(7) two parents of scholarship students to be appointed by the Governor.

(C) The review panel may advise the department on whether certain expenses meet the requirements to be considered a qualified expense under this chapter when requested by the department. The review panel periodically may make recommendations to the General Assembly about improving the program.

(D) Members shall serve at the pleasure of their appointing authority. In making appointments to the panel, the appointing authorities, as appropriate, shall consider legal, financial, accounting, and marketing experience and race, gender, and other demographic factors to ensure nondiscrimination, inclusion, and representation of all segments of the State to the greatest extent possible.

(E) Members may not receive mileage or per diem.

Section 59-8-165. The provisions of the chapter do not restrict a school district's ability to enact or enforce a district's student transfer policy.

Section 59-8-170. A scholarship student transferring from one public school to another public school pursuant to this program is not subject to any prohibition by the South Carolina High School League on a

transfer student from participating in a sport immediately upon transfer.

Severability

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 3. This act takes effect thirty days after approval by the Governor, provided that upon approval of this act by the Governor, the Department of Education shall begin undertaking and executing responsibilities incidental to the implementation of this act so that the provisions of this act may be fully implemented thirty days after approval by the Governor.

Ratified the 2nd day of May, 2023

Approved the 4th day of May, 2023

No. 9

(R17, S299)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-50, RELATING TO THE JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN, SO AS TO PROVIDE FOR THE INCLUSION OF THE STATE CHILD ADVOCATE TO THE COMMITTEE.

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

The Joint Citizens and Legislative Committee on Children, membership

SECTION 1. Section 63-1-50(A) of the S.C. Code is amended to read:

(A) There is established the Joint Citizens and Legislative Committee on Children to be composed of three members of the House of Representatives appointed by the Speaker of the House, three members of the Senate to be appointed by the President of the Senate, and three members to be appointed by the Governor. The Director of the Department of Juvenile Justice, the Director of the Department of Social Services, the Director of the Department of Disabilities and Special Needs, the Superintendent of the Department of Education, the Director of the Department of Mental Health, the Director of the Department of Alcohol and Other Drug Abuse Services, the Director of the Department of Health and Environmental Control, the Director of the Department of Health and Human Services, the Director of the Office of South Carolina First Steps to School Readiness, and the State Child Advocate serve as ex officio, nonvoting members of the committee. Members appointed by the Governor must not be employees of the State. Members serve at the pleasure of the appointing authority. The committee shall study issues relating to children as the committee may undertake or as may be requested or directed by the General Assembly. The committee may contract for all necessary legal research and support services, subject to funding as provided in subsection (E).

Time effective

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

Ratified the 2nd day of May, 2023

Approved the 8th day of May, 2023

No. 10

(R18, S341)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 62-5-101, RELATING TO DEFINITIONS AND USE OF TERMS, SO AS TO PROVIDE FOR GUARDIANSHIP PROCEEDINGS FOR A MINOR WITHIN ONE HUNDRED EIGHTY DAYS OF TURNING EIGHTEEN; BY AMENDING SECTION 62-5-201, RELATING TO JURISDICTION, SO AS TO PROVIDE FOR ADDITIONAL LIMITED JURISDICTION OF THE COURT OVER MINORS; AND BY AMENDING SECTION 62-5-303, RELATING TO THE PROCEDURE FOR COURT APPOINTMENT OF A GUARDIAN, SO AS TO EXTEND THE TIME A GUARDIANSHIP PROCEEDING CAN BE INITIATED TO ONE HUNDRED EIGHTY DAYS BEFORE A MINOR REACHES THE AGE OF EIGHTEEN.

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

Definitions

SECTION 1. Section 62-5-101(11) of the S.C. Code is amended to read:

(11) “Guardianship proceeding” means a formal proceeding to determine if an adult or a minor within one hundred eighty days of turning eighteen is an incapacitated individual or in which an order for the appointment of a guardian for an adult or a minor within one hundred eighty days of turning eighteen is sought or has been issued.

Jurisdiction

SECTION 2. Section 62-5-201 of the S.C. Code is amended to read:

Section 62-5-201. Exclusive jurisdiction of the court is set forth in Sections 62-1-302 and 62-5-701 as to appointment of a guardian or issuance of a protective order. Pursuant to the court's authority to appoint a guardian, and Section 62-5-309, the guardian has the authority to maintain custody of the person of the ward and to establish the ward's place of abode, unless otherwise specified in the court's order. Other than the proceeding set forth in Section 62-5-303(C), the court does not have jurisdiction over the care, custody, and control of the person of a minor, but does have jurisdiction over the property of a minor if the court determines that the minor owns property that requires management or protection.

Initiation of guardianship proceedings

SECTION 3. Section 62-5-303 of the S.C. Code is amended by adding:

(C) A person may initiate guardianship proceedings by filing a summons and petition for guardianship of a minor child up to one hundred eighty days prior to the date the child reaches the age of eighteen if the petitioner anticipates the minor child will require a guardian upon attaining the age of eighteen. The court has jurisdiction over the proceedings in this subsection beginning one hundred eighty days prior to the date the child reaches the age of eighteen. The minor shall be provided all due process rights conferred upon an alleged incapacitated individual pursuant to this chapter including, but not limited to, the appointment of an attorney and a guardian ad litem. An order appointing a guardian pursuant to this subsection shall be issued upon the minor's eighteenth birthday or as soon thereafter as possible.

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 2nd day of May, 2023

Approved the 8th day of May, 2023

No. 11

(R19, S581)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-661 SO AS TO NAME THE VENUS FLYTRAP THE OFFICIAL CARNIVOROUS PLANT OF THE STATE.

Whereas, the Venus flytrap is a small flowering perennial plant that grows in boggy areas of the Southeastern United States; and

Whereas, the Venus flytrap is one of the most internationally recognized carnivorous plants, characterized by leaves with hinged lobes that spring shut when stimulated by insects and is dependent on a fire-maintained landscape; and

Whereas, the Venus flytrap is federally designated as an At-Risk Species and the State of South Carolina is just one of two places in the world where the Venus flytrap is native; and

Whereas, the Venus flytrap is considered globally imperiled and Horry County is known to have the only remaining population of the Venus flytrap in the State of South Carolina. Now, therefore,

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

Official Carnivorous Plant

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

Section 1-1-661. The Venus flytrap (*Dionaea Muscipula*) is the official carnivorous plant of the State.

Time effective

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

Ratified the 2nd day of May, 2023

Approved the 8th day of May, 2023

No. 12

(R20, S593)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-440, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN ORANGEBURG COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

Map number

SECTION 1. Section 7-7-440(B) of the S.C. Code is amended to read:

(B) The precinct lines defining the precincts in subsection (A) are as shown on official maps on file with the Revenue and Fiscal Affairs Office and as shown on copies provided to the State Election Commission and the Board of Voter Registration and Elections of Orangeburg County by the office and designated as P-75-23A.

Time effective

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

Ratified the 2nd day of May, 2023

Approved the 8th day of May, 2023

No. 13

(R21, H3605)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “EARN AND LEARN ACT OF 2023”, BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES; AND BY ADDING SECTION 40-1-77 SO AS TO PROVIDE A METHOD TO ALLOW A WORKER TO EARN A PAYCHECK WHILE FULFILLING APPLICABLE LICENSING REQUIREMENTS.

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

Citation

SECTION 1. This act may be cited as the “Earn and Learn Act of 2023”.

Investigations of licensees

SECTION 2. Section 40-1-80 of the S.C. Code is amended to read:

Section 40-1-80. (A) If the director has reason to believe that a person has violated a provision of this article or a regulation promulgated under this article or the licensing act or regulation of a board or that a licensee has become unfit to practice the profession or occupation or if a person files a written complaint with the board or the director charging a person with the violation of a provision of this article or a regulation promulgated under this article, the director may initiate an investigation.

(B) Within thirty days after an investigation is initiated, the director

must send the licensee:

- (1) a letter advising the licensee that a complaint has been filed and that an investigation has been initiated and a request that the licensee respond in writing within fourteen days;
- (2) a copy of the complaint;
- (3) the name of the complainant, unless the board believes good cause exists to withhold the name of the complainant; and
- (4) all materials filed with the complaint.

(C) In conducting the investigation, the director may subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation including, but not limited to, the existence, description, nature, custody, condition, and location of books, documents, or other tangible items and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure to obey a subpoena or to answer questions propounded by the director, the director may apply to an administrative law judge for an order requiring the person to comply.

Disciplinary action proceedings

SECTION 3. Section 40-1-90 of the S.C. Code is amended to read:

Section 40-1-90. (A) The director shall review any case that the board recommends for a formal complaint to ensure the department mailed the notice of the investigation to the licensee and provided the licensee with opportunity to respond. This shall occur before the formal complaint is issued. The director shall verify that:

- (1) the department mailed a copy of the complaint to the licensee;
- (2) the name of the complainant was provided to the licensee, unless good cause existed to withhold the name of the complainant;
- (3) the licensee was notified of the opportunity to provide a response to the complaint; and
- (4) the licensee's response was included and considered in the investigative file.

If the director determines that any of these procedural steps were not followed in the investigative process, the issuance of the formal complaint shall be held until such time as the procedural defects may be rectified. Nothing in this section should be construed to require the director's review if a case is disposed of by any means other than issuance of a formal complaint.

(B) The results of an investigation must be presented to the board. If

from these results it appears that a violation has occurred or that a licensee has become unfit to practice the profession or occupation, the board, in accordance with the Administrative Procedures Act, may take disciplinary action authorized by Section 40-1-120. No disciplinary action may be taken unless the matter is presented to and voted upon by the board. The board may designate a hearing officer or hearing panel to conduct hearings or take other action as may be necessary under this section.

(C) For the purpose of a proceeding under this article, the department may administer oaths and issue subpoenas for the attendance and testimony of witnesses and the production and examination of books, papers, and records on behalf of the board or, upon request, on behalf of a party to the case. Upon failure to obey a subpoena or to answer questions propounded by the board or its hearing officer or panel, the board may apply to an administrative law judge for an order requiring the person to comply with the subpoena.

Prior criminal convictions of applicants

SECTION 4. Section 40-1-140 of the S.C. Code is amended to read:

Section 40-1-140. (A)(1) A professional or occupational board may not deny a license to an applicant solely because of a prior criminal conviction, unless the criminal conviction directly relates to the duties, responsibilities, or fitness of the occupation or profession for which the applicant is seeking a license.

(2) Notwithstanding any other provision in a professional or occupational licensing practice act regulated by this chapter, professional and occupational boards are prohibited from using vague or generic terms including, but not limited to, "moral turpitude" or "good character", and from considering charges that have been dismissed, nolle prossed, or adjudicated with a finding of not guilty as a justification for denying an applicant a license.

(B) An applicant who has submitted a completed licensing application may not be denied a license because of the applicant's prior criminal conviction, unless the applicable professional or occupational licensing board has given the applicant an opportunity to appear at an application hearing to determine the applicant's fitness for the occupation or profession. The application hearing must be scheduled for the next available application hearing date for that board.

(C) If a board denies an applicant's license solely or in part because of the applicant's prior criminal history, then the board must issue a

written final order within thirty days following the date of the application hearing. The written order shall include:

- (1) the grounds for the denial; and
- (2) that the final order is appealable to the Administrative Law Court pursuant to Chapter 23, Title 1.

Initial license

SECTION 5. Chapter 1, Title 40 of the S.C. Code is amended by adding:

Section 40-1-77.(A) The purpose of this section is to expand economic opportunities and build a skilled workforce according to industry standards by allowing a worker to earn a paycheck while he fulfills applicable licensing requirements.

(B) For purposes of this section:

(1) "Apprenticeship" means a United States Department of Labor-approved and registered apprenticeship or an industry-recognized apprenticeship for an occupation or profession licensed by a South Carolina regulatory board or commission under the South Carolina Department of Labor, Licensing and Regulation, as approved by the applicable licensing board.

(2) "Board" means a board, commission, or panel under the South Carolina Department of Labor, Licensing and Regulation that regulates a profession or occupation and issues a license to an individual. This definition of "board" does not include boards and commissions established and operating pursuant to Chapter 15, Title 54.

(3) "License" means a license, certificate, registration, permit, or other evidence that an individual is qualified to engage in an occupation or profession before that person may engage in or represent himself as a member of an occupation or profession.

(4) "Scope of practice" means the procedures, actions, processes, and work that a person may perform pursuant to a license issued by an occupation's or profession's regulatory board.

(C) A board shall issue an initial license pursuant to this section to an applicant, if the applicant:

- (1) completes an apprenticeship in an occupation or profession that has a similar scope of practice, as determined by the board, to an occupation or profession regulated by this State through license requirements;
- (2) successfully passes requisite examinations;
- (3) submits a completed application and pays all applicable fees;

(4) is not otherwise disqualified from licensure because of an applicable criminal conviction; and

(5) completes all other requirements for initial licensure as required by the applicable licensing board in accordance with state law, only if the board imposes the same requirements on other license applicants. A board shall not require an applicant pursuant to this section to complete requirements that exceed the requirements of other license applicants for initial licensure.

(D) If a board denies a license to an applicant under this section, then the board shall:

(1) provide the applicant with a denial in writing; and

(2) explain the reason for the denial in the written decision, such as whether the licensing entity determined that the applicant's apprenticeship program does not correspond to the profession or occupation or level of license for which the applicant applied.

(E) A license issued pursuant to this section is subject to the same provisions of law governing a license for the occupation or profession.

(F) A board shall not require an applicant pursuant to this section to complete an apprenticeship for a greater duration of time than that which is required pursuant to federal law.

(G) A board may require an applicant pursuant to this section to successfully pass an examination only if the board imposes the same examination requirement on other license applicants. A board shall not require an applicant pursuant to this section to receive a higher score on an examination than the score required of other license applicants.

(H) A board may require an applicant pursuant to this section to pay a licensing fee only if the board imposes a licensing fee on other license applicants. A board shall not impose on an applicant pursuant to this section a licensing fee greater than the licensing fee imposed on other applicants.

(I) A board may promulgate regulations necessary for the implementation of this act.

(J) This section does not apply to:

(1) a licensing entity that does not license individual workers for which there is a board-approved apprenticeship program;

(2) a license that requires the educational equivalent of a bachelor's degree or higher; or

(3) apprenticeship programs that are established by state law.

Time effective

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

Ratified the 2nd day of May, 2023

Approved the 8th day of May, 2023

No. 14

(R22, H4099)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-350, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO REMOVE TWO EXISTING PRECINCTS, TO ADD TWO NEW PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

Precincts

SECTION 1. Section 7-7-350 of the S.C. Code is amended to read:

Section 7-7-350. (A) In Lancaster County there are the following voting precincts:

521 North
Antioch
Black Horse Run
Buford
Camp Creek
Carmel
Chesterfield Avenue
College Park
Douglas
Elgin
Erwin Farm
Flat Creek
Gold Hill

Harrisburg
Heath Springs
Hyde Park
Jim Wilson
Kershaw North
Kershaw South
Lake House
Lancaster East
McIlwain
Osceola
Pleasant Hill
Pleasant Valley
Possum Hollow
Rich Hill
River Road
Riverside
Six Mile Creek
Springdale
The Lodge
Tradesville
Unity
University
Van Wyck

(B) The precinct lines defining the above precincts are as shown on maps filed with the clerk of court of the county and also on file with the State Election Commission as provided and maintained by the Revenue and Fiscal Affairs Office designated as document P-57-23A.

(C) The polling places for the precincts provided in this section must be established by the Board of Voter Registration and Elections of Lancaster County subject to approval by a majority of the Lancaster County Legislative Delegation.

Time effective

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

Ratified the 2nd day of May, 2023

Approved the 8th day of May, 2023

No. 15

(R24, S101)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-9-525, RELATING TO LICENSES FOR DISABLED RESIDENTS, SO AS TO PROVIDE THE REQUIREMENTS FOR OBTAINING A LIFETIME DISABILITY COMBINATION LICENSE OR A LIFETIME DISABILITY FISHING LICENSE FOR CERTAIN PERSONS.

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

Licenses for disabled veterans

SECTION 1. Section 50-9-525 of the S.C. Code is amended to read:

Section 50-9-525. (A) A resident who is determined to be disabled and receiving benefits under a Social Security program, the Civil Service Retirement System, the South Carolina State Retirement System, the Railroad Retirement Board, the Veterans Administration, or Medicaid, or their successor agencies or programs, may obtain a three year disability combination license or a three year disability fishing license at no cost. The license must be issued by the department from its designated offices and is valid for three years from the date of issue. Disability recertification is required for renewal. To recertify, an applicant must furnish proof, in the manner prescribed by the department, that he or she is currently receiving disability benefits and is a domiciled resident of this State. The department may waive the proof of disability benefit requirement for renewals where the resident is at least sixty-five years of age.

(B) A resident on the date of application for a disability license, with quadriplegia or paraplegia, who is certified as totally disabled, must be issued a lifetime disability combination license or a lifetime disability fishing license at no cost. Disability recertification or renewal of this license is not required.

(C) A resident on the date of application for a disability license who is certified legally blind as defined in Section 43-25-20 must be issued a lifetime disability combination license or a lifetime disability fishing

license at no cost. Disability recertification or renewal of this license is not required.

(D) A resident born after June 30, 1979, who has not completed the required hunter education certification only may obtain a disability fishing license at no cost. Upon completion of the hunter education certification, the licensee may apply to the department for the additional disability hunting privileges at no cost.

(E) A disability license issued to a person who is no longer domiciled in this State is void and the person must obtain the required nonresident licenses, permits, stamps, and tags to hunt and fish in this State.

(F)(1) A disability combination license includes the statewide privileges of hunting big game, hunting migratory waterfowl, hunting on wildlife management area lands, freshwater fishing, and saltwater fishing.

(2) A disability fishing license includes the privileges of freshwater fishing and saltwater fishing.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 12th day of May, 2023

No. 16

(R25, S120)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL, TO PROVIDE A

CRIMINAL PENALTY FOR A PERSON WHO VIOLATES CERTAIN PROVISIONS OF THIS SECTION, TO MAKE TECHNICAL CHANGES, TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE, TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY IS EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY, TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, THE BOARD OF PHARMACY, OR ANY OTHER STATE AGENCY UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY, TO PROVIDE THE COMPTROLLER GENERAL AND STATE TREASURER SHALL WORK WITH THE DEPARTMENT OF CORRECTIONS TO ENSURE CERTAIN FINANCIAL RECORDS RELATING TO AN EXECUTION ARE KEPT IN A DE-IDENTIFIED CONDITION, TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE, TO PROVIDE THE DEPARTMENT OF CORRECTIONS SHALL COMPLY WITH FEDERAL REGULATIONS REGARDING THE IMPORTATION OF EXECUTION DRUGS, AND TO PROVIDE MEMBERS OF THE GENERAL ASSEMBLY MUST NOT OFFER NOR PROVIDE DRUGS, MEDICAL SUPPLIES, OR MEDICAL EQUIPMENT TO

EXECUTE A DEATH SENTENCE.

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

Nondisclosure of identity of members of an execution team and the acquisition of drugs to administer a death sentence

SECTION 1. Section 24-3-580 of the S.C. Code is amended to read:

Section 24-3-580. (A) As used in this section, the term:

(1) "Execution team" shall be construed broadly to include any person or entity that participates in the planning or administration of the execution of a death sentence, including any person or entity that prescribes, compounds, tests, uses, manufactures, imports, transports, distributes, supplies, prepares, or administers the drugs, medical supplies, or medical equipment utilized in the execution of a death sentence.

(2) "Identifying information" shall be construed broadly to include any record or information that reveals a name, date of birth, social security number, personal identifying information, personal or business contact information, or professional qualifications. The term "identifying information" also includes any residential or business address; any residential, personal, or business telephone number; any residential, personal, or business facsimile number; any residential, personal, or business email address; and any residential, personal, or business social media account or username.

(3) "De-identified condition" means data, records, or information from which identifying information is omitted or has been removed.

(B) Notwithstanding any other provision of law, any identifying information of a person or entity that participates in the planning or administration of the execution of a death sentence shall be confidential. For all members of the execution team, identifying information shall not be subject to discovery, subpoena, or any other means of legal compulsion or process for disclosure to any person or entity in any administrative, civil, or criminal proceeding in the courts, administrative agencies, boards, commissions, legislative bodies, or quasilegislative bodies of this State, or in any other similar body that exercises any part of the sovereignty of the State.

(C) A person shall not knowingly disclose the identifying information of a current or former member of an execution team or disclose a record that would identify a person as being a current or former member of an execution team. Any person and his immediate family, or entity whose

identity is disclosed in violation of this section shall have a civil cause of action against the person who is in violation of this section and may recover actual damages and, upon a showing of a wilful violation of this section, punitive damages. A person who violates the provisions of this subsection also must be imprisoned not more than three years.

(D) Any purchase or acquisition of drugs, medical supplies, and medical equipment necessary to execute a death sentence shall be exempt from the entirety of the South Carolina Procurement Code and all of its attendant regulations.

(E) The out-of-state acquisition of any drug intended for use by the department in the administration of the death penalty shall be exempt from all licensing processes and requirements administered by the Department of Health and Environmental Control or by any other department or agency of the State of South Carolina. Furthermore, the out-of-state acquisition of any drug intended for use by the department in the administration of the death penalty shall be exempt from all regulations promulgated by the Board of Pharmacy.

(F) Any pharmacy or pharmacist, whether located within or without the State, that is involved in the supplying, manufacturing, or compounding of any drug intended for use by the department in the administration of the death penalty shall be exempt from all licensing, dispensing, and possession laws, processes, regulations, and requirements of or administered by the Department of Labor, Licensing and Regulation, the Board of Pharmacy, or any other state agency or entity, found anywhere in the South Carolina Code of Laws or South Carolina Code of Regulations, only to the extent that the licensing, dispensing, and possession laws, processes, regulations, and requirements pertain to the drugs intended for use in the administration of the death penalty, and no prescription from any physician shall be required for any pharmacy or pharmacist to supply, manufacture, or compound any drug intended for use in the administration of the death penalty. This exemption shall not apply to any licensure or permitting requirements for the supply, manufacture, or compounding of any other legend drug or pharmaceutical device.

(G) Notwithstanding any other provision of law, including the South Carolina Freedom of Information Act, Section 30-4-10, et seq., no department or agency of this State, no political subdivision, and no other government or quasigovernment entity shall disclose the identifying information of any member of an execution team or any details regarding the procurement and administrative processes referenced in subsections (D) through (F).

(H) The Office of the Comptroller General and the Office of the State

Treasurer shall work with the South Carolina Department of Corrections to develop a means to ensure that the state's accounting and financial records related to any transaction for the purchase, delivery, invoicing, etc. of or for supplies, compounds, drugs, medical supplies, or medical equipment utilized in the execution of a death sentence are kept in a de-identified condition.

(I) This section shall be broadly construed by the courts of this State so as to give effect to the General Assembly's intent to ensure the absolute confidentiality of the identifying information of any person or entity directly or indirectly involved in the planning or execution of a death sentence within this State.

(J) The Department of Corrections shall comply with federal regulations regarding the importation of any execution drugs.

(K) A member of the General Assembly, a member's immediate family, or any business with which a member or the member's immediate family member has a controlling interest as an owner, director, officer, or majority shareholder that has voting rights regarding the business' financial decisions must not offer nor provide drugs, medical supplies, or medical equipment necessary to execute a death sentence.

Severability clause

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 3. This act takes effect upon approval by the Governor and applies to persons sentenced to death as provided by law prior to and after the effective date of this act.

Ratified the 11th day of May, 2023

Approved the 12th day of May, 2023

No. 17

(R53, H3908)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 8-11-151 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON A QUALIFYING EVENT FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES; AND BY ADDING SECTION 8-11-156 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON THE INITIAL PLACEMENT OF A CHILD BY ADOPTION FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES.

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

Paid parental leave for eligible school district employees, birth of child or placement of foster child

SECTION 1. Article 1, Chapter 11, Title 8 of the S.C. Code is amended by adding:

Section 8-11-151. (A) For the purposes of this section:

(1) "Child" means a newborn biological child or foster of a child in state custody and under the age of eighteen. No child can have more than two parents eligible for paid parental leave.

(2) "Eligible school district employee" means an employee defined by the Department of Education using the Professional Certified Staff system or any full-time equivalent position categorized as classified staff.

(3) "Paid parental leave", for the purpose of duration and percentage of base pay covered, has the same meaning as Section 8-11-150(3) for eligible school district employees.

(4) "Qualifying event" means the birth of a newborn biological child to an eligible school district employee or after a coparent's birth of a newborn child or fostering a child in state custody.

(B) Eligible school district employees who experience a qualifying

event are entitled to paid parental leave to the same extent available to employees of the State pursuant to Section 8-11-150.

(C) Paid parental leave usage includes the following:

(1) The entitlement to leave pursuant to subsection (B) expires at the end of the twelve-month period beginning on the date of such birth or initial legal placement. An eligible school district employee shall receive no more than one occurrence of paid parental leave for any twelve-month period, even if more than one qualifying event occurs. However, nothing in this item prohibits a foster parent from requesting and receiving approval for parental leave in nonconsecutive one-week time periods.

(2) If the leave is not used by the eligible school district employee before the end of the twelve-month period after the qualifying event, such leave does not accumulate for subsequent use. Paid parental leave may not be donated. Any leave remaining at the end of the twelve-month period or at separation of employment is forfeited.

(3) Days of paid parental leave taken under this section must be taken consecutively, except that foster parents may request and receive approval for parental leave in nonconsecutive one-week time periods.

(4) If both parents are eligible school district employees, paid parental leave may be taken concurrently, consecutively, or a different time as the other eligible school district employee.

(5) School district holidays and vacation on the district calendar must not be counted against paid parental leave. Where an employee's entitlement to leave under this section extends beyond their designated term of employment for their contractual term, a school district may enact policies to allow the affected employee to continue their period of leave in the subsequent contractual term, provided that the employee remains an eligible school district employee.

(6) Paid parental leave must run concurrently with leave taken pursuant to the Family Medical Leave Act and any other unpaid leave to which the eligible school district employee may be entitled as a result of the qualifying event. However, leave granted under this section is with pay and is not annual leave or sick leave and therefore does not deduct from the eligible school district employee's accrued leave balance. An eligible school district employee does not have to exhaust all other forms of leave before being eligible to take leave granted under this section. Eligible school district employees shall accrue annual and sick leave at the normal rate while on this leave, if applicable.

(7) The use of paid parental leave by an eligible school district employee shall not prevent the eligible school district employee from earning a STEP increase the following year.

(8) Paid parental leave is considered paid leave and the time must count toward the eligible school district employee's years of service.

(D) All paid parental leave benefits shall be funded by the eligible school district employee's school district.

(E) The State Board of Education shall promulgate regulations, guidance, and procedures to implement this section.

Paid parental leave for eligible school district employees, adoption

SECTION 2. Article 1, Chapter 11, Title 8 of the S.C. Code is amended by adding:

Section 8-11-156. (A) For the purposes of this section:

(1) "Child" means a child initially legally placed for adoption and under the age of eighteen. No child can have more than two parents eligible for paid parental leave.

(2) "Eligible school district employee" means an employee defined by the Department of Education using the Professional Certified Staff system or any full-time equivalent position categorized as classified staff.

(3) "Paid parental leave", for the purpose of duration and percentage of base pay covered, has the same meaning as Section 8-11-155(3) for eligible school district employees.

(B) Eligible school district employees are entitled to paid parental leave to the same extent as employees of the State pursuant to Section 8-11-155.

(C) Paid parental leave usage includes the following:

(1) The entitlement to leave pursuant to subsection (B) expires at the end of the twelve-month period beginning on the date of such birth or initial legal placement. An eligible school district employee shall receive no more than one occurrence of paid parental leave for any twelve-month period, even if more than one qualifying event occurs. However, nothing in this item prohibits a foster parent from requesting and receiving approval for parental leave in nonconsecutive one-week time periods.

(2) If the leave is not used by the eligible school district employee before the end of the twelve-month period after the qualifying event, such leave does not accumulate for subsequent use. Paid parental leave may not be donated. Any leave remaining at the end of the twelve-month period or at separation of employment is forfeited.

(3) Days of paid parental leave taken under this section must be taken consecutively, except that foster parents may request and receive

approval for parental leave in nonconsecutive one-week time periods.

(4) If both parents are eligible school district employees, paid parental leave may be taken concurrently, consecutively, or a different time as the other eligible school district employee.

(5) School district holidays and vacation on the district calendar must not be counted against paid parental leave. Where an employee's entitlement to leave under this section extends beyond their designated term of employment for their contractual term, a school district may enact policies to allow the affected employee to continue their period of leave in the subsequent contractual term, provided that the employee remains an eligible school district employee.

(6) Paid parental leave must run concurrently with leave taken pursuant to the Family Medical Leave Act and any other unpaid leave to which the eligible school district employee may be entitled as a result of the qualifying event. However, leave granted under this section is with pay and is not annual leave or sick leave and therefore does not deduct from the eligible school district employee's accrued leave balance. An eligible school district employee does not have to exhaust all other forms of leave before being eligible to take leave granted under this section. Eligible school district employees shall accrue annual and sick leave at the normal rate while on this leave, if applicable.

(7) The use of paid parental leave by an eligible school district employee shall not prevent the eligible school district employee from earning a STEP increase the following year.

(8) Paid parental leave is considered paid leave and the time must count toward the eligible school district employee's years of service.

(D) All paid parental leave benefits shall be funded by the eligible school district employee's school district.

(E) The State Board of Education shall promulgate regulations, guidance, and procedures to implement this section.

Time effective

SECTION 3. This act takes effect forty-five days after approval by the Governor.

Ratified the 11th day of May, 2023

Approved the 12th day of May, 2023

No. 18

(R23, S92)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 7-17-110 SO AS TO PROVIDE FOR THE EXTENSION OF AN ELECTION PROTEST FILING DEADLINE WHICH FALLS ON A LEGAL HOLIDAY.

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

Election protest deadlines

SECTION 1. Article 1, Chapter 17, Title 7 of the S.C. Code is amended by adding:

Section 7-17-110. If the deadline for filing an election protest provided in this chapter falls on a legal holiday, then the deadline extends to the next regular business day that is not a legal holiday. For purposes of this section, “next regular business day” means a day that is not a Saturday, Sunday, or legal holiday.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 19

(R26, S146)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTIONS 44-48-115 AND 44-48-180 SO AS TO PROVIDE FOR THE RIGHT TO CHALLENGE COMMITMENT TO THE SEXUALLY VIOLENT PREDATOR TREATMENT PROGRAM BASED ON INEFFECTIVE ASSISTANCE OF COUNSEL AND TO GIVE PRIORITY STATUS TO SEXUALLY VIOLENT PREDATOR CASES FOR PURPOSES OF SCHEDULING COURT PROCEEDINGS, RESPECTIVELY; BY AMENDING SECTIONS 44-48-30, 44-48-40, 44-48-50, 44-48-80, 44-48-90, 44-48-100, 44-48-110, 44-48-120, 44-48-130, 44-48-150, AND 44-48-160, ALL RELATING TO THE SEXUALLY VIOLENT PREDATOR ACT, SO AS TO ADD DEFINITIONS FOR "QUALIFIED EVALUATOR" AND "RESIDENT" AND CHANGE THE DEFINITION OF "LIKELY TO ENGAGE IN ACTS OF SEXUAL VIOLENCE", TO ESTABLISH EFFECTIVE DATES FOR THE GRANTING OF SUPERVISED REENTRY, TO REQUIRE MULTIDISCIPLINARY TEAMS TO DETERMINE WHETHER THERE IS PROBABLE CAUSE TO BELIEVE A PERSON IS A SEXUALLY VIOLENT PREDATOR, TO PROVIDE FOR THE USE OF COURT-APPOINTED QUALIFIED EVALUATORS AND TO ESTABLISH CERTAIN TIMELINES FOR EVALUATIONS, TO ALLOW FOR THE USE OF INDEPENDENT, QUALIFIED EVALUATORS IN CERTAIN CIRCUMSTANCES, TO REQUIRE COURTS TO CONDUCT A NONJURY HEARING BEFORE RELEASE OF A PERSON FOUND INCOMPETENT TO STAND TRIAL, TO ESTABLISH CERTAIN BENCHMARKS FOR ADDITIONAL REVIEWS OF MENTAL CONDITIONS, TO ESTABLISH CERTAIN REQUIREMENTS REGARDING EVALUATORS IN PROCEEDINGS ON PETITIONS FOR RELEASE, TO ALLOW ACCESS TO SEALED COURT RECORDS BY THE ATTORNEY GENERAL AND OTHER COUNSEL OF RECORD, TO MAKE CONFORMING CHANGES, AND FOR OTHER PURPOSES; AND BY AMENDING SECTION 24-21-32, RELATING TO REENTRY SUPERVISION, SO AS TO MAKE INMATES DETERMINED TO BE SEXUALLY VIOLENT PREDATORS INELIGIBLE FOR REENTRY SUPERVISION.

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

Definitions

SECTION 1. Section 44-48-30 of the S.C. Code is amended by adding:

(13) “Qualified evaluator” means an individual who has education, training, and experience in sex offender evaluations and who is:

(a) a licensed psychiatrist or psychologist; or

(b) a trainee of the Department of Mental Health Fellowship Program who is working under the supervision and license of a Department of Mental Health psychiatrist or psychologist and who is approved for exemption by the Department of Mental Health Fellowship Program.

(14) “Resident” means a person who has been committed as a sexually violent predator for the purposes of long-term control, care, and treatment.

Definition

SECTION 2. Section 44-48-30(9) of the S.C. Code is amended to read:

(9) “Likely to engage in acts of sexual violence” means that a person is predisposed to engage in acts of sexual violence and more probably than not will engage in acts of sexual violence to such a degree as to pose a menace to the health and safety of others.

Supervised reentry

SECTION 3. Section 44-48-40(B) of the S.C. Code is amended to read:

(B) If a person has been convicted of a sexually violent offense and the Board of Probation, Parole and Pardon Services or the Board of Juvenile Parole intends to grant the person a parole or the South Carolina Department of Corrections or the Board of Juvenile Parole intends to grant the person a conditional release or supervised reentry, then the parole, conditional release, or supervised reentry must be granted to be effective one hundred eighty days after the date of the order of parole, conditional release, or supervised reentry. The Board of Probation, Parole and Pardon Services, the Board of Juvenile Parole, or the South Carolina Department of Corrections immediately must send notice of the parole, conditional release, or supervised reentry of the person to the

multidisciplinary team, the victim, and the Attorney General. If the person is determined to be a sexually violent predator pursuant to this chapter, then the person is subject to the provisions of this chapter even though the person has been released on parole, conditional release, or supervised reentry. If at any time the person is determined to not be a sexually violent predator pursuant to this chapter, then the person shall be released pursuant to the order granting parole, or the order for conditional release or supervised reentry.

Multidisciplinary team

SECTION 4. Section 44-48-50 of the S.C. Code is amended to read:

Section 44-48-50. (A) The Director of the Department of Corrections must appoint a multidisciplinary team to review the records of each person referred to the team pursuant to Section 44-48-40. These records may include, but are not limited to, the person's criminal offense record, any relevant medical and psychological records, treatment records, victim's impact statement, and any disciplinary or other records formulated during confinement or supervision. The team, within thirty days of receiving notice as provided for in Section 44-48-40, must assess whether or not there is probable cause to believe the person satisfies the definition of a sexually violent predator. If it is determined that probable cause does exist, then the multidisciplinary team must forward a report of the assessment to the prosecutor's review committee and notify the victim. The assessment must be accompanied by all records relevant to the assessment. Membership of the team must include:

- (1) a representative from the Department of Corrections;
- (2) a representative from the Department of Probation, Parole and Pardon Services;
- (3) a representative from the Department of Mental Health who is a trained, qualified mental health clinician with education, training, or experience in assessing, examining, or treating sex offenders;
- (4) a retired judge appointed by the Chief Justice who is eligible for continued judicial service pursuant to Section 2-19-100; and
- (5) an attorney with substantial experience in the practice of criminal defense law to be appointed by the Chief Justice to serve a term of one year.

(B) The Director of the Department of Corrections or his designee appointed pursuant to subsection (A)(1) shall be the chairman of the team.

Probable cause determination and evaluations

SECTION 5. Section 44-48-80(D) of the S.C. Code is amended to read:

(D) If the probable cause determination is made, then the court must direct that, upon completion of the criminal sentence, the person must be transferred to a local or regional detention facility pending the conclusion of the proceedings under this chapter. The court must further direct that the person be transported to an appropriate facility of the South Carolina Department of Mental Health for an evaluation as to whether the person is a sexually violent predator and must order the person to comply with all reasonable testing and assessments deemed necessary by a court-appointed qualified evaluator. The court-appointed qualified evaluator must complete the evaluation within ninety days after the Department of Mental Health provides written certification to the Attorney General's Office and the person's legal counsel that it has received all medical, psychological, criminal offense, and disciplinary records and reports concerning the person but not greater than one hundred eighty days after the probable cause order is filed. The court may grant one extension upon the request of the court-appointed qualified evaluator and a showing of extraordinary circumstances. After the evaluation by the court-appointed qualified evaluator, if the person or the Attorney General seeks an independent evaluation by an independent qualified evaluator, pursuant to Section 44-48-90(C), then that evaluation must be completed within ninety days after receipt of the report by the court-appointed qualified evaluator. The court may grant an extension upon the request of the independent qualified evaluator and a showing of extraordinary circumstances. Any qualified evaluator who will be submitted as an expert at either a hearing or trial must submit a written report available to both parties.

Trial proceedings

SECTION 6. Section 44-48-90(B) and (C) of the S.C. Code is amended to read:

(B) Within thirty days after the determination of probable cause by the court pursuant to Section 44-48-80, the person or the Attorney General may request, in writing, that the trial be before a jury. If no request is made, the trial must be before a judge in the county where the offense was committed within ninety days of the date the independent qualified evaluator requested by the person or Attorney General pursuant to

Section 44-48-90(C) issues a report as to whether the person is a sexually violent predator, pursuant to Section 44-48-80(D), or, if there is no term of court, the next available date thereafter, and the case shall be treated as a priority case. If neither party seeks an independent evaluation, then the trial must be before a judge, or a jury if a jury trial is requested, in the county where the offense was committed within ninety days of the date the court appointed qualified evaluator issues the report as to whether the person is a sexually violent predator, pursuant to Section 44-48-80(D), or, if there is no term of court, the next available date thereafter. The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and only if the respondent will not be substantially prejudiced. The Attorney General must notify the victim, in a timely manner, of the time, date, and location of the trial. At all stages of the proceedings under this chapter, a person subject to this chapter is entitled to the assistance of counsel, and if the person is indigent, the court must appoint counsel designated by the Office of Indigent Defense to handle sexual predator cases to assist the person.

(C) If the court appointed qualified evaluator determines that the person is not a sexually violent predator, then the Attorney General, with notice to the person, may seek an independent evaluation pursuant to this section. If the court appointed qualified evaluator determines that the person is a sexually violent predator, then the person, with notice to the Attorney General, may seek an opinion by an independent qualified evaluator pursuant to this section. In the case of an indigent person who requests an independent qualified evaluator, the indigent person must file and serve upon the Attorney General and the Commission on Indigent Defense a motion requesting payment and costs. The Attorney General shall have ten days from the date of service to file a response to the motion. If the court determines that the services are necessary and the requested compensation for the independent qualified evaluator is reasonable, then the court must authorize, in a written order prior to any fees or expenses being incurred, the person's attorney to obtain the services of an independent qualified evaluator to perform an evaluation or participate in the trial on the person's behalf and must authorize the payment from funds available to the Commission on Indigent Defense. All qualified evaluators are permitted to have reasonable access to the person for the purpose of the evaluation, as well as reasonable access to all relevant medical, psychological, criminal offense, and disciplinary records and reports. The court shall order the person to comply with any reasonable testing and assessments deemed necessary by the qualified evaluator for a thorough evaluation.

Persons incompetent to stand trial

SECTION 7. Section 44-48-100(B) of the S.C. Code is amended to read:

(B) If the person charged with a sexually violent offense has been found incompetent to stand trial and is about to be released and the person's commitment is sought pursuant to subsection (A), then the court first shall conduct a non-jury hearing, where it will hear evidence and determine whether the person committed the act or acts with which he is charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases apply, and all constitutional rights available to defendants at criminal hearings, except the right not to be tried while incompetent and the right to a jury trial, apply. After hearing evidence on this issue, the court must make specific findings on whether the person committed the act or acts with which he is charged; the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on the person's own behalf; the extent to which the evidence could be reconstructed without the assistance of the person; and the strength of the prosecution's case. If, after the conclusion of the hearing on this issue, the court finds beyond a reasonable doubt that the person committed the act or acts with which he is charged, then the court must enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this chapter.

Evaluation of mental condition and related proceedings

SECTION 8. Section 44-48-110 of the S.C. Code is amended to read:

Section 44-48-110. (A)(1) A resident committed pursuant to this chapter must have an evaluation of his mental condition performed by a Department of Mental Health-designated qualified evaluator within one year from the filing date of the initial commitment order. Thereafter, a Department of Mental Health-designated qualified evaluator will evaluate the resident's mental condition within one year after a pending review is resolved by a filed court order indicating:

- (a) a finding of no probable cause;
- (b) a waiver by the resident; or
- (c) an order of continued commitment after a periodic review

trial.

(2) The designated qualified evaluator's report must be provided to the clerk of the court in the jurisdiction that committed the resident pursuant to this chapter, the Attorney General, the solicitor who prosecuted the resident, and the resident. The resident is entitled to the assistance of counsel, and if the person is indigent, the court must appoint counsel designated by the Office of Indigent Defense to handle sexual predator cases to assist the person.

(B) The resident may retain or, if the resident is indigent and so requests, the court may appoint a qualified evaluator to evaluate the resident, and the resident's qualified evaluator must have reasonable access to all medical, psychological, criminal offense, disciplinary, and treatment records and reports concerning the resident. In the case of an indigent resident who seeks to retain a qualified evaluator, the indigent resident must file and serve upon the Attorney General and the Commission on Indigent Defense a motion requesting payment and costs. The Attorney General shall have ten days from the date of service to file a response to the motion. If, after considering the number and dates of the resident's prior requests for funding, the court determines the resident's request is reasonable, then the court must approve all reasonable expenses associated with the evaluation.

(C) The Attorney General must serve upon the resident a copy of the annual report along with a notice of the right to request a hearing within sixty days of service. The resident must request a hearing in writing for the court to review the resident's status. If no request is made within sixty days of service, the resident's right to a hearing pursuant to this chapter is deemed waived.

(D) The Department of Mental Health must provide the resident with written notice of the resident's right to petition the court for release without the Department of Mental Health's authorization and a waiver of rights form, within one year of the last periodic review order or waiver of rights. The department must forward the designated qualified evaluator's report with the notice and waiver form to the clerk of court in the jurisdiction that committed the resident pursuant to this chapter, the Attorney General, and the solicitor who prosecuted the resident.

(E) The resident has a right to have an attorney represent him at the periodic review hearing, but the resident is not entitled to be present at the hearing. The resident may only be present at the hearing upon the issuance of a transport order received by the Department of Mental Health within not less than fifteen days of the hearing date. The Department of Mental Health-designated qualified evaluator will only be required to be present at the hearing if subpoenaed by the resident's

attorney or the Attorney General in accordance with the South Carolina Rules of Civil Procedure. The Department of Mental Health must accept service of subpoenas for the appearance of the Department of Mental Health-designated qualified evaluator at the periodic review hearing.

(F) If the court determines that probable cause exists to believe that the resident's mental abnormality or personality disorder has so changed that the resident is safe to be at large and, if released, is not likely to commit acts of sexual violence, the court must schedule a trial on the issue. At the trial, the resident is entitled to the benefit of all constitutional protections that were afforded the resident at the initial commitment proceeding. The Attorney General must notify the victim of all proceedings. The Attorney General must represent the State and has the right to have the resident evaluated by a qualified evaluator chosen by the State. The trial must be before a jury if requested in writing by either the resident, the Attorney General, or the solicitor. If no request is made, the trial must be before a judge in the county where the offense was committed. The resident also has the right to have a qualified evaluator evaluate the resident on the resident's behalf, and the court must appoint a qualified evaluator if the resident is indigent and requests the appointment. The burden of proof at the trial is upon the State to prove beyond a reasonable doubt that the resident's mental abnormality or personality disorder remains such that the resident is not safe to be at large and, if released, is likely to engage in acts of sexual violence.

Ineffective assistance of counsel

SECTION 9. Chapter 48, Title 44 of the S.C. Code is amended by adding:

Section 44-48-115. (A) A resident committed to the South Carolina Sexually Violent Predator Treatment Program shall have the right to challenge the commitment and subsequent periodic reviews based on the ineffective assistance of counsel during the resident's commitment trial or periodic review proceedings. The resident shall have the burden of proof to establish ineffective assistance of counsel in accordance with the applicable law.

(B) Petitions shall be filed in the original jurisdiction of the South Carolina Supreme Court under the South Carolina Appellate Court Rules within one hundred eighty days of the date that any appeals from the commitment or periodic review proceedings are final. Upon the receipt of the petition, the Clerk of Court of the Supreme Court shall issue an order designating a circuit court or appellate court judge as a referee to

make appropriate findings of fact and conclusions of law and shall report the findings and conclusions to the Supreme Court. The designated judge shall have the statewide authority to issue orders as necessary.

(C) Except as provided in this chapter, the South Carolina Rules of Civil Procedure and the South Carolina Rules of Evidence apply to cases filed pursuant to this section, in evidentiary hearings before the designated hearing judge.

(D) The named respondent shall be the Department of Mental Health. A copy of the petition shall be served on the Department of Mental Health and the South Carolina Attorney General's Office.

(E) Upon the filing of a petition alleging that the resident is indigent and desires appointed counsel, the designated judge shall appoint an attorney to represent the resident. Counsel shall be appointed from the contract attorney list of post-conviction counsel maintained by the South Carolina Commission on Indigent Defense, or such other list of attorneys as the Executive Director of the South Carolina Commission on Indigent Defense shall designate. If no attorney is available from this list, then the designated circuit court judge shall appoint an attorney from the Appointment of Lawyers for Indigents. The designated judge shall not appoint an attorney who previously represented the resident in any prior criminal proceedings underlying the commitment or state post-conviction relief proceedings or appeals from those proceedings, in the original sexually violent predator civil commitment proceeding or appeal from that proceeding, or in any previous or present periodic reviews or appeals therefrom.

(F) The designated judge shall authorize by court order to the particular county clerks of court the disclosure of any pleadings, evidence, transcripts, or other documents filed in any circuit court or appellate court clerk's office of this State in any case in which the resident was a defendant, respondent, or party to a criminal action or an action under the Sexually Violent Predator Act that was ordered sealed. These materials shall be unsealed for the limited purpose of providing items to the appointed counsel for the resident or the resident himself, if he elects to proceed pro se, and to the Department of Mental Health and its attorneys.

(G) Regardless of whether the resident indicates that he has served the Department of Mental Health, the Clerk of Court of the South Carolina Supreme Court shall forward the filed petition and all accompanying papers to the Department of Mental Health's Office of General Counsel, as the agent for the service of process for the Department of Mental Health, and a copy to the Attorney General's Office. The Department of Mental Health, through the Attorney General's Office acting as its

representative, shall file its responsive pleading within thirty days of the receipt of the order appointing counsel, or within thirty days of the receipt of the petition, if counsel is retained, or the receipt of the petition, if the resident is proceeding pro se without a request for counsel at the time of the filing.

(H) In the event that a habeas petition alleging ineffective assistance of counsel claims relating to the resident's commitment or periodic review is filed before the conclusion of the resident's appeal from such proceeding, the Clerk of the Supreme Court shall dismiss the petition without prejudice and without requiring a response from the Department of Mental Health.

(I) Within thirty days of an assignment, the designated judge shall issue a scheduling order, including a discovery schedule, and shall set a hearing within not more than one hundred eighty days from the filing of the petition. A final report to the Supreme Court shall be submitted within thirty days from the conclusion of the hearing, including findings of fact and conclusions of law supporting the designated judge's recommendation. This does not preclude the designated judge from recommending to the Supreme Court that the petition be denied on the basis of the pleadings without a hearing. The recommendation shall set forth the basis for dismissal.

(J) Upon receipt by the Supreme Court of the findings and conclusions of the designated judge, the Clerk of the Supreme Court may set forth an appropriate briefing schedule. The clerk may consider expediting the matter to determine whether the writ of habeas corpus should be granted and the appropriate relief. The court may also issue, as appropriate, orders relating to whether intervening and on-going statutory status review proceedings or appeals from the proceedings are affected in any manner by the habeas corpus actions in its original jurisdiction.

Petition for release

SECTION 10. Section 44-48-120 of the S.C. Code is amended to read:

Section 44-48-120. (A) If the Director of the Department of Mental Health determines that the resident's mental abnormality or personality disorder has so changed that the resident is safe to be at large and, if released, is not likely to commit acts of sexual violence, the director must certify such determination in writing with the specific basis thereof, authorize the resident to petition the court for release, and notify the Attorney General of the certification and authorization. Upon receipt of the certification and authorization, the resident or the Attorney General

may file a petition for release, which must be served upon the court and the Attorney General, or on opposing counsel if filed by the Attorney General. The Attorney General must notify the victim of the proceeding.

(B) The court, upon receipt of the petition for release filed pursuant to subsection (A), must order a hearing within thirty days unless the Attorney General, with notice to the resident, requests an evaluation by a qualified evaluator as to whether the resident's mental abnormality or personality disorder has so changed that the resident is safe to be at large and, if released, is not likely to commit acts of sexual violence, or the resident or the Attorney General requests a trial before a jury. The Attorney General must represent the State and has the right to have the resident examined by a qualified evaluator chosen by the State. If the Attorney General retains a qualified expert who concludes that the petitioner's mental abnormality or personality disorder remains such that the petitioner is not safe to be at large and, if released, is likely to commit acts of sexual violence, the petitioner may retain a qualified expert of his own choosing to perform a subsequent examination. In the case of an indigent petitioner who would request an independent qualified evaluator, the indigent petitioner must file and serve upon the Attorney General and the Commission on Indigent Defense a motion requesting payment and costs for the evaluator. If the court determines that the services are necessary and the requested compensation is reasonable, then the court must authorize, in written order prior to any fees or expenses being incurred, the petitioner's attorney to obtain the services of an independent qualified evaluator to perform an evaluation or participate in the trial on the petitioner's behalf and authorize the payment from funds available to the Commission on Indigent Defense. All qualified evaluators are permitted to have reasonable access to the resident for the purpose of the examination, as well as reasonable access to all relevant medical, psychological, criminal offense, and disciplinary records and reports, and the court shall order the resident to comply with any reasonable testing and assessments deemed necessary by a qualified evaluator. The burden of proof is upon the Attorney General to show beyond a reasonable doubt that the resident's mental abnormality or personality disorder remains such that the resident is not safe to be at large and, that if released, is likely to commit acts of sexual violence.

Grounds for denial of petition for release

SECTION 11. Section 44-48-130 of the S.C. Code is amended to read:

Section 44-48-130. Nothing in this chapter prohibits a resident from

filing a petition for release pursuant to this chapter. However, if a resident has previously filed a petition for release without the approval of the Director of the Department of Mental Health, and the court determined either upon review of the petition or following a hearing that the resident's petition was frivolous or that the resident's condition had not changed so that the resident continued to be a threat and, if released, would commit acts of sexual violence, the court must deny the subsequent petition unless the petition contains facts upon which a court could find the condition of the resident had so changed that a hearing was warranted. Upon receipt of a first or subsequent petition from a resident without the director's approval, the court must, whenever possible, review the petition and determine if the petition is based upon frivolous grounds and, if so, must deny the petition without a hearing.

Evidentiary records

SECTION 12. Section 44-48-150 of the S.C. Code is amended to read:

Section 44-48-150. Psychological reports, drug and alcohol reports, treatment records, reports of the diagnostic center, medical records, or victim impact statements which have been submitted to the court or admitted into evidence under this chapter must be part of the record, but must be sealed and opened only on order of the court. Nothing in this section prohibits the release of records to the Attorney General and the counsel of record for a person.

Registration requirements

SECTION 13. Section 44-48-160 of the S.C. Code is amended to read:

Section 44-48-160. A resident released from commitment pursuant to this chapter must register pursuant to and comply with the requirements of Article 7, Chapter 3 of Title 23.

Reentry supervision

SECTION 14. Section 24-21-32(C) of the S.C. Code is amended to read:

(C) The individual terms and conditions of reentry supervision shall be developed by the department using an evidence-based assessment of the inmate's needs and risks. An inmate placed on reentry supervision must be supervised by a probation agent of the department. The

department shall promulgate regulations for the terms and conditions of reentry supervision. Until such time as regulations are promulgated, the terms and conditions shall be based on guidelines developed by the director. However, if, under the Sexually Violent Predator Act, the multidisciplinary team finds probable cause to believe that an inmate is a sexually violent predator pursuant to Section 44-48-50, then the inmate is not eligible for the supervised reentry program until the resolution of the proceedings pursuant to the Sexually Violent Predator Act.

Priority hearing status

SECTION 15. Chapter 48 of Title 44 of the S.C. Code is amended by adding:

Section 44-48-180. All cases pursuant to this chapter shall be given priority status for the purposes of scheduling any hearings or trials.

Time effective

SECTION 16. This act takes effect upon approval by the Governor.

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 20

(R27, S164)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE 44 AS THE “STATE HEALTH FACILITY LICENSURE ACT”; BY AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, SO AS TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED; BY AMENDING SECTION 44-7-160, RELATING TO CERTIFICATE OF NEED REQUIREMENTS, SO AS TO APPLY

ONLY TO NURSING HOMES; BY ADDING SECTION 44-7-161 SO AS TO PROVIDE THAT THE MEDICAL UNIVERSITY OF SOUTH CAROLINA MUST APPEAR BEFORE THE JOINT BOND REVIEW COMMITTEE AND OBTAIN APPROVAL FROM THE STATE FISCAL ACCOUNTABILITY AUTHORITY PRIOR TO TAKING CERTAIN ACTIONS; BY ESTABLISHING THE CERTIFICATE OF NEED STUDY COMMITTEE TO ASSESS HEALTH CARE IN RURAL SOUTH CAROLINA; BY ADDING SECTION 44-7-266 SO AS TO REQUIRE AMBULATORY SURGICAL FACILITIES TO PROVIDE UNCOMPENSATED INDIGENT CARE AND FOR OTHER PURPOSES; BY AMENDING SECTION 44-7-170, RELATING TO CERTIFICATE OF NEED EXEMPTIONS, SO AS TO MAKE CONFORMING CHANGES TO CERTAIN EXEMPTIONS; BY AMENDING SECTION 44-7-190, RELATING TO PROJECT REVIEW CRITERIA, SO AS TO REQUIRE THE PRIORITIZATION OF TIMELY ACCESS TO HEALTH CARE SERVICES; BY AMENDING SECTION 44-7-200, RELATING TO THE CERTIFICATE OF NEED APPLICATION PROCESS, SO AS TO CHANGE THE TIMELINE FOR THE APPLICATION PROCESS; AND BY AMENDING SECTIONS 44-7-210 AND 44-7-220, RELATING TO CERTIFICATE OF NEED ADMINISTRATIVE AND JUDICIAL PROCEEDINGS, SO AS TO SHORTEN CERTAIN TIME FRAMES OF THESE PROCEEDINGS AND ELIMINATE THE ROLE OF THE COURT OF APPEALS.

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

Citation

SECTION 1.A. (A) Article 3, Chapter 7, Title 44 of the S.C. Code is renamed the “State Health Facility Licensure Act”.

B. Section 44-7-110 of the S.C. Code is amended to read:

Section 44-7-110. This article may be cited as the “State Health Facility Licensure Act”.

Purpose

SECTION 2. Section 44-7-120 of the S.C. Code is amended to read:

Section 44-7-120. The purpose of this article is to ensure that high quality services are provided in health facilities in this State. To achieve these purposes, this article requires the licensure of facilities rendering medical, nursing, and other health care.

Definitions

SECTION 3. Section 44-7-130 of the S.C. Code is amended to read:

Section 44-7-130. As used in this article:

(1) “Affected person” means the applicant, a person residing within the geographic area served or to be served by the applicant, persons located in the health service area in which the project is to be located and who provide similar services to the proposed project, persons who before receipt by the department of the proposal being reviewed have formally indicated an intention to provide similar services in the future, persons who pay for health services in the health service area in which the project is to be located and who have notified the department of their interest in Certificate of Need applications, the State Consumer Advocate, and the State Ombudsman. Persons from another state who would otherwise be considered “affected persons” are not included unless that state provides for similar involvement of persons from South Carolina in its certificate of need process.

(2) “Ambulatory surgical facility” means a facility organized and administered for the purpose of performing surgical procedures for which patients are scheduled to arrive, receive surgery, and be discharged on the same day. The owner or operator makes the facility available to other providers who comprise an organized professional staff.

(3) “Birthing center” means a facility or other place where human births are planned to occur. This does not include the usual residence of the mother, any facility that is licensed as a hospital, or the private practice of a physician who attends the birth.

(4) “Board” means the State Board of Health and Environmental Control.

(5) “Children, adolescents, and young adults in need of mental health treatment in a residential treatment facility” means a child, adolescent, or young adult under age twenty-one who manifests a substantial disorder of cognitive or emotional process that lessens or impairs to a marked degree that child's, adolescent's, or young adult's capacity either to develop or to exercise age-appropriate or age-adequate behavior

including, but not limited to, marked disorders of mood or thought processes; severe difficulties with self-control and judgment, including behavior dangerous to himself or others; and serious disturbances in a child's, adolescent's, or young adult's ability to care for and relate to others.

(6) "Community residential care facility" means a facility which offers room and board and provides a degree of personal assistance for two or more persons eighteen years old or older.

(7) "Competing applicants" means two or more persons or health care facilities as defined in this article who apply for Certificates of Need to provide similar services or facilities in the same service area within a time frame as established by departmental regulations and whose applications, if approved, would exceed the need for services or facilities.

(8) "Crisis stabilization unit facility" means a facility, other than a health care facility, operated by the Department of Mental Health or operated in partnership with the Department of Mental Health that provides a short-term residential program, offering psychiatric stabilization services and brief, intensive crisis services to individuals eighteen and older, twenty-four hours a day, seven days a week.

(9) "Daycare facility for adults" means a facility for adults eighteen years or older that:

(a) offers in a group setting a program of individual and group activities and therapies;

(b) is directed toward providing community-based care for those in need of a supportive setting for less than twenty-four hours a day, in order to prevent unnecessary institutionalization; and

(c) provides a minimum of four and a maximum of fourteen hours of operation a day.

(10) "Department" means the Department of Health and Environmental Control.

(11) "Facility for chemically dependent or addicted persons" means a facility organized to provide outpatient or residential services to chemically dependent or addicted persons and their families based on an individual treatment plan including diagnostic treatment, individual and group counseling, family therapy, vocational and educational development counseling, and referral services.

(12) "Facility wherein abortions are performed" means a facility, other than a hospital, in which any second trimester or five or more first trimester abortions are performed in a month.

(13) "Freestanding emergency service" or "off-campus emergency service" means an extension of an existing hospital emergency

department that is intended to provide comprehensive emergency service but does not include a service that does not provide twenty-four hour, seven day per week operation or that is not capable of providing basic services as defined for hospital emergency departments. A service that does not qualify as a freestanding emergency service must not be classified as a freestanding emergency service and must not advertise, or display or exhibit any signs or symbols, that would identify the service as a freestanding emergency service.

(14) “Freestanding or mobile technology” means medical equipment owned or operated by a person other than a health care facility for which the total cost is in excess of that prescribed by regulation and for which specific standards or criteria are prescribed in the State Health Plan.

(15) “Health care facility” means, at a minimum, acute care hospitals, psychiatric hospitals, alcohol and substance abuse hospitals, nursing homes, ambulatory surgical facilities, hospice facilities, radiation therapy facilities, rehabilitation facilities, residential treatment facilities for children and adolescents, intermediate care facilities for persons with intellectual disability, or narcotic treatment programs.

(16) “Health service” means clinically related, diagnostic, treatment, or rehabilitative services and includes alcohol, drug abuse, and mental health services.

(17) “Hospital” means a facility that is organized and administered to provide overnight medical or surgical care or nursing care for an illness, injury, or infirmity and must provide on-campus emergency services; that may provide obstetrical care; and in which all diagnoses, treatment, or care is administered by or under the direction of persons currently licensed to practice medicine, surgery, or osteopathy.

“Hospital” may include a residential treatment facility for children, adolescents, or young adults in need of mental health treatment that is physically a part of a licensed psychiatric hospital. This definition does not include facilities that are licensed by the Department of Social Services. A residential treatment facility for children, adolescents, or young adults in need of mental health treatment that is physically part of a licensed psychiatric hospital is not required to provide on-campus emergency services.

(18) “Intermediate care facility for persons with intellectual disability” means a facility that serves four or more persons with intellectual disability or persons with related conditions and provides health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services including room, board, and active treatment for their intellectual disability or related conditions.

(19) “Like equipment with similar capabilities” means medical

equipment in which functional and technological capabilities are identical to the equipment to be replaced; and the replacement equipment is to be used for the same or similar diagnostic, therapeutic, or treatment purposes as currently in use; and does not constitute a material change in service or a new service.

(20) "Nursing home" means a facility with an organized nursing staff to maintain and operate organized facilities and services to accommodate two or more unrelated persons over a period exceeding twenty-four hours which is operated either in connection with a hospital or as a freestanding facility for the express or implied purpose of providing intermediate or skilled nursing care for persons who are not in need of hospital care.

(21) "Person" means an individual, a trust or estate, a partnership, a corporation including an association, joint stock company, insurance company, and a health maintenance organization, a health care facility, a state, a political subdivision, or an instrumentality including a municipal corporation of a state, or any legal entity recognized by the State.

(22) "Radiation therapy facility" means a person or a health care facility that provides or seeks to provide mega-voltage therapeutic services to patients through the use of high energy radiation.

(23) "Residential treatment facility for children and adolescents" means a facility operated for the assessment, diagnosis, treatment, and care of two or more "children and adolescents in need of mental health treatment" which provides:

(a) a special education program with a minimum program defined by the South Carolina Department of Education;

(b) recreational facilities with an organized youth development program; and

(c) residential treatment for a child or adolescent in need of mental health treatment.

(24) "Solely for research" means a service, procedure, or equipment which has not been approved by the Food and Drug Administration (FDA) but which is currently undergoing review by the FDA as an investigational device. FDA research protocol and any applicable Investigational Device Exemption (IDE) policies and regulations must be followed by a facility proposing a project "solely for research".

Duties, Department of Health and Environmental Control

SECTION 4. Section 44-7-150 of the S.C. Code is amended to read:

Section 44-7-150. (A) In carrying out the purposes of this article, the department shall:

(1) require reports and make inspections and investigations as considered necessary;

(2) to the extent that is necessary to effectuate the purposes of this article, enter into agreements with other departments, commissions, agencies, and institutions, public or private;

(3) adopt in accordance with Article I of the Administrative Procedures Act substantive and procedural regulations considered necessary by the department and approved by the board to carry out the department's licensure duties under this article;

(4) accept on behalf of the State and deposit with the State Treasurer, any grant, gift, or contribution made to assist in meeting the cost of carrying out the purpose of this article and expend it for that purpose; and

(5) promulgate regulations, in accordance with the Administrative Procedures Act, that establish fees as authorized by this article.

(B) Fee schedules authorized by Article 3, Chapter 7, Title 44 that are in effect as of January 1, 2023, shall remain in effect until further regulations are promulgated pursuant to Section 44-7-150(5), as amended by this act.

Licensing, grounds for sanctions

SECTION 5. Section 44-7-320 of the S.C. Code is amended to read:

Section 44-7-320. (A)(1) The department may deny, suspend, or revoke licenses or assess a monetary penalty, or both, against a person or facility for:

(a) violating a provision of this article or departmental regulations;

(b) engaging in conduct or practices detrimental to the health or safety of patients, residents, clients, or employees of a facility or service. This provision does not refer to health practices authorized by law;

(c) refusing to admit and treat alcoholic and substance abusers, the mentally ill, or persons with intellectual disability, whose admission or treatment has been prescribed by a physician who is a member of the facility's medical staff, or discriminating against alcoholics, the mentally ill, or persons with intellectual disability solely because of the alcoholism, mental illness, or intellectual disability; or

(d) failing to allow a team advocacy inspection of a community residential care facility by the South Carolina Protection and Advocacy

System for the Handicapped, Inc., as allowed by law.

(2) Consideration to deny, suspend, or revoke licenses or assess monetary penalties, or both, is not limited to information relating to the current licensing period but includes consideration of all pertinent information regarding the facility and the applicant.

(3) If in the department's judgment conditions or practices exist in a facility that pose an immediate threat to the health, safety, and welfare of the residents, the department immediately may suspend the facility's license and shall contact the appropriate agencies for placement of the residents. Within five calendar days of the suspension a preliminary hearing must be held to determine if the immediate threatening conditions or practices continue to exist. If they do not, the license must be immediately reinstated. Whether the license is reinstated or suspension remains due to the immediate threatening conditions or practices, the department may proceed with the process for permanent revocation pursuant to this section.

(B) Should the department determine to assess a penalty, deny, suspend, or revoke a license, it shall send to the appropriate person or facility, by certified mail, a notice setting forth the particular reasons for the determination. The determination becomes final thirty days after the mailing of the notice, unless the person or facility, within such thirty-day period, requests in writing a contested case hearing before the board, or its designee, pursuant to the Administrative Procedures Act. On the basis of the contested case hearing, the determination involved must be affirmed, modified, or set aside. Judicial review may be sought in accordance with the Administrative Procedures Act.

(C) The penalty imposed by the department for violation of this article or its regulations must be not less than one hundred nor more than five thousand dollars for each violation of any of the provisions of this article. Each day's violation is considered a subsequent offense.

(D) Failure to pay a penalty within thirty days is grounds for suspension, revocation, or denial of a renewal of a license. A license must not be issued, reissued, or renewed until all penalties finally assessed against a person or facility have been paid.

(E) All penalties collected pursuant to this article must be deposited in the state treasury and credited to the general fund of the State.

Certificate of Need requirements

SECTION 6. Section 44-7-160 of the S.C. Code is amended to read:

Section 44-7-160. (A) A person or nursing home as defined in this

article is required to obtain a Certificate of Need from the department before undertaking any of the following:

(1) the construction or other establishment of a new nursing home;

(2) a change in the existing bed complement of a nursing home through the addition of one or more beds or change in the classification of licensure of one or more beds;

(3) an expenditure by or on behalf of a nursing home in excess of an amount to be prescribed by regulation which, under generally acceptable accounting principles consistently applied, is considered a capital expenditure except those expenditures exempted in Section 44-7-170(B)(1). The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the development, acquisition, improvement, expansion, or replacement of any plant or equipment must be included in determining if the expenditure exceeds the prescribed amount;

(4) a capital expenditure by or on behalf of a nursing home which is associated with the addition or substantial expansion of a health service for which specific standards or criteria are prescribed in the South Carolina Health Plan;

(5) the offering of a health service by or on behalf of a nursing home which has not been offered by the facility in the preceding twelve months and for which specific standards or criteria are prescribed in the South Carolina Health Plan;

(6) the acquisition of medical equipment by or on behalf of a nursing home which is to be used for diagnosis or treatment if the total project cost is in excess of that prescribed by regulation.

(B) A person or health care facility, as defined in this article, is required to obtain a Certificate of Need from the department before undertaking the following:

(1) the construction or other establishment of a hospital;

(2) a change in the existing bed complement of a hospital through the addition of one or more beds or change in the classification of licensure of one or more beds.

(C) Effective January 1, 2027, Section 44-7-160(B) is repealed.

Medical University of South Carolina

SECTION 7. Article 3, Chapter 7, Title 44 of the S.C. Code is amended by adding:

Section 44-7-161. (A) Notwithstanding any provision of law to the contrary and prior to obtaining a Certificate of Need or licensure

pursuant to this article for acquiring a hospital facility, the Medical University of South Carolina shall:

(1) submit details of the proposed acquisition for review and comment of the Joint Bond Review Committee;

(2) receive approval of proposed acquisition by the Fiscal Accountability Authority; and

(3) apply for a Certificate of Need or licensure.

(B) For purposes of this section:

(1) "Medical University of South Carolina" means the Medical University of South Carolina, the Medical University Hospital Authority, or any affiliate thereof.

(2) "Acquiring" means purchasing, leasing, acceptance of a gift, or otherwise, whether by obtaining options for the acquisition of existing hospital facilities, by new construction, or by the acquisition of any property, real or personal, improved or unimproved, including interests in land in fee or less than fee for any hospital facility.

Certificate of Need Study Committee

SECTION 8. (A) There is created the Certificate of Need study committee to examine the effect of the repeal of the Certificate of Need program on the quality and quantity of access to health care in rural portions of South Carolina. For the purposes of the study committee, "rural" means those areas considered "rural" by the United States Census Bureau, using factors including, but not limited to, population and population density.

(B)(1) The study committee shall be composed of six members to include three members of the Senate, as appointed by the President of the Senate, and three members of the House of Representatives, as appointed by the Speaker of the House of Representatives.

(2) The study committee shall meet as soon as practicable to organize and elect a cochairman from the Senate and the House of Representatives. The cochairmen shall be elected by a majority vote of the study committee members.

(3) The study committee shall consult with a nonvoting advisory board as needed. The nonvoting advisory board shall include one representative from the South Carolina Hospital Association, the South Carolina Medical Association, the Department of Health and Environmental Control, and the Department of Health and Human Services.

(C)(1) The study committee shall:

(a) examine the effect that the repeal of the Certificate of Need

program has on the quality and quantity of access to health care in rural portions of the State;

(b) prepare a report of its work and findings to the General Assembly that may include recommendations for action on any of the rural health care access measures studied. Recommendations may include legislative, regulatory, or policy changes to address any identified trends associated with the decrease in the quality and quantity of access to health care in the rural portions of the State. A recommendation for action shall be based upon a finding by a majority of the voting members that one or more measures would promote the quality and quantity of health care access to rural areas; and

(c) draft any recommended legislation.

(2) The study committee shall provide a report to the General Assembly of its findings and recommendations by January 1, 2024. The study committee shall dissolve upon providing its report to the General Assembly, or on January 1, 2024, whichever occurs first.

(D) The study committee may obtain data or other information it deems necessary from state agencies that is relevant to the purposes of the study committee, including from the Department of Health and Environmental Control, the Department of Health and Human Services, and the Department of Employment and Workforce. Agencies are required to respond promptly and provide requested information.

(E) The Senate Medical Affairs Committee and the House Medical, Military, Public and Municipal Committee shall provide staff for the study committee.

Uncompensated indigent care requirements, ambulatory surgical facilities

SECTION 9. Article 3, Chapter 7, Title 44 of the S.C. Code is amended by adding:

Section 44-7-266. (A) In order to be licensed by the department, a hospital is prohibited from using economic criteria unrelated to quality of care or professional competency in determining an individual's qualifications for initial or continuing hospital medical staff membership or privileges.

(B) The requirements of this section shall apply to new contracts or renewals of contracts entered into on or after the effective date of this section.

(C) In order to be licensed by the department, any ambulatory surgical facility established or constructed after the effective date of this section

and which does not require a Certificate of Need under this chapter, shall provide indigent/charity care in one of the amounts below after it has been in operation for two calendar years:

(1) if the ambulatory surgical facility provides care to Medicaid beneficiaries, it must provide uncompensated indigent/charity care to the underinsured or medically indigent in an amount equal to or greater than two percent of its adjusted gross revenue; or

(2) if the ambulatory surgical facility does not provide care to Medicaid beneficiaries, it must provide uncompensated indigent/charity care to the underinsured or medically indigent in an amount equal to or greater than three percent of its adjusted gross revenue.

(3) For purposes of this section, “medically indigent” is defined as in Section 44-6-5(5).

(4) An ambulatory surgical facility subject to this provision must provide annual reports to the department to demonstrate its compliance. Noncompliance of this provision shall result in a monetary penalty in the amount of the difference between the services which the facility is required to provide and the amount actually provided.

(D) The department shall promulgate regulations within one year of the effective date of this act setting forth the necessary duties to comply with this provision.

Certificate of Need exemptions

SECTION 10. Section 44-7-170 of the S.C. Code is amended to read:

Section 44-7-170. (A) The following are exempt from Certificate of Need review:

(1) the relocation of a licensed hospital in the same county in which the hospital is currently located, as long as:

(a) any Certificate of Need issued to the hospital for a project to be located at the hospital’s existing location has been fulfilled, withdrawn, or has expired in accordance with Section 44-7-230 and the department’s implementing regulations; and

(b) the proposed site of relocation is utilized in a manner that furthers health care delivery and innovation for the citizens of the State of South Carolina;

(2) the purchase, merger, or otherwise the acquisition of an existing hospital by another person or health care facility;

(3) crisis stabilization unit facilities. Notwithstanding subsection (C), crisis stabilization unit facilities will not require a written exemption from the department.

(B) This article does not apply to:

(1) construction of a new hospital with up to fifty beds in any county currently without a hospital;

(2) hospitals owned and operated by the South Carolina Department of Mental Health and the South Carolina Department of Disabilities and Special Needs, except an addition of one or more beds to the total number of beds of the departments' health care facilities existing on July 1, 1988;

(3) any federal hospital sponsored and operated by this State;

(4) hospitals owned and operated by the federal government.

(C) Before undertaking a project enumerated in subsection (A), a person shall obtain a written exemption from the department as may be more fully described in regulation.

Project review criteria

SECTION 11. Section 44-7-190 of the S.C. Code is amended by adding:

(C) Project review criteria must prioritize timely access to health care services and seek a balance between competition in the marketplace and regulation in the provision of health care and must support reasonable patient choice in health care facilities and services. The department shall promulgate regulations within one year of the effective date of this act identifying how the department will incorporate these considerations in reviewing Certificate of Need applications.

Certificate of Need application

SECTION 12. Section 44-7-200(D) of the S.C. Code is amended to read:

(D) After receipt of an application with proof of publication and payment of the initial application fee, the department shall publish in the State Register a notice that an application has been accepted for filing. Within fifteen days of acceptance of the application, the department may request additional information as may be necessary to complete the application. The applicant has fifteen days from the date of the request to submit the additional information. If the applicant fails to submit the requested information within the fifteen-day period, the application is considered withdrawn.

Certificate of Need application review process

SECTION 13. Section 44-7-210(A), (F), and (G) of the S.C. Code is amended to read:

Section 44-7-210. (A) After the department has determined that an application is complete, affected persons must be notified in accordance with departmental regulations. The notification to affected persons that the application is complete begins the review period; however, in the case of competing applications, the review period begins on the date of notice to affected persons that the last of the competing applications is complete and notice is published in the State Register. The staff shall issue its decision to approve or deny the application no earlier than thirty calendar days, but no later than ninety calendar days, from the date affected persons are notified that the application is complete, unless a public hearing is timely requested as may be provided for by department regulation. If a public hearing is properly requested, the staff's decision must not be made until after the public hearing, but in no event shall the decision be issued more than one hundred twenty calendar days from the date affected persons are notified that the application is complete. The staff may reorder the relative importance of the project review criteria no more than one time during the review period. The staff's reordering of the relative importance of the project review criteria does not extend the review period provided for in this section.

(F) Notwithstanding any other provision of law, including Section 1-23-650(C), in a contested case arising from the department's decision to grant or deny a Certificate of Need application, grant or deny a request for exemption under Section 44-7-170, or the issuance of a determination regarding the applicability of Section 44-7-160, the following apply:

(1) each party may name no more than five witnesses who may testify at the contested case hearing;

(2) each party is permitted to take only the deposition of a person listed by an opposing party as a witness who may testify at the contested case hearing and one Federal Rules of Civil Procedure Rule 30(b)(6) deposition;

(3) each party is permitted to serve only ten interrogatories pursuant to Rule 33 of the South Carolina Rules of Civil Procedure;

(4) each party is permitted to serve only ten requests for admission, including subparts;

(5) each party is permitted to serve only fifteen requests for production, including subparts; and

(6) the parties shall complete discovery within one hundred twenty days after the assignment of the administrative law judge.

(G) Notwithstanding any other provision of law, in a contested case arising from the department's decision to grant or deny a Certificate of Need application, grant or deny a request for exemption under Section 44-7-170, or the issuance of a determination regarding the applicability of Section 44-7-160, the Administrative Law Court shall file a final decision no later than twelve months after the contested case is filed with the Clerk of the Administrative Law Court. An affected person who was a party to the contested case has a right to appeal to the Supreme Court final decisions issued by the Administrative Law Court for a contested case arising from the department's decision to grant or deny a Certificate of Need application, grant or denial of a request for exemption under Section 44-7-170, or the issuance of a determination regarding the applicability of Section 44-7-160.

Judicial review

SECTION 14. Section 44-7-220 of the S.C. Code is amended to read:

Section 44-7-220. (A) A party who is aggrieved by the Administrative Law Court's final decision may seek judicial review of the final decision in accordance with Section 1-23-380.

(B)(1) If a party does not prevail in a contested case at the Administrative Law Court when requesting the reversal of the department's decision concerning a Certificate of Need application, when claiming an exemption under Section 44-7-170, or when claiming that the article is not applicable pursuant to Section 44-7-160, the Administrative Law Court shall award the party whose project is the subject of the appeal reasonable attorney's fees and costs incurred in the contested case.

(2) If a party does not prevail in an appeal to the Supreme Court when requesting the reversal of the Administrative Law Court's decision concerning a Certificate of Need application, when claiming an exemption under Section 44-7-170, or when claiming that the article is not applicable pursuant to Section 44-7-160, the Supreme Court shall award the party whose project is the subject of the contested case reasonable attorney's fees and costs incurred in the appeal.

(C) If the relief requested in the appeal is the reversal of the Administrative Law Court's decision to approve the Certificate of Need application or approve the request for exemption under Section 44-7-170 or approve the determination that Section 44-7-160 is not applicable, the

party filing the appeal shall deposit a bond with the Clerk of the Supreme Court within five calendar days after filing the petition to appeal. The bond must be secured by cash or a surety authorized to do business in this State in an amount equal to five percent of the total cost of the project or one hundred thousand dollars, whichever is greater, up to a maximum of one million five hundred thousand dollars. If the Supreme Court affirms the Administrative Law Court's decision or dismisses the appeal, the Supreme Court shall award to the party whose project is the subject of the appeal all of the bond. If a party appeals the denial of its own Certificate of Need application or of an exemption request under Section 44-7-170 or appeals the determination that Section 44-7-160 is applicable and there is no competing application involved in the appeal, the party filing the appeal is not required to deposit a bond with the Supreme Court.

(D)(1) If at the conclusion of the contested case or judicial review the Administrative Law Court or the Supreme Court finds that the contested case or a subsequent appeal was frivolous, the Administrative Law Court or the Supreme Court shall award damages incurred as a result of the delay, as well as reasonable attorney's fees and costs, to the party whose project is the subject of the contested case or judicial review.

(2) As used in this subsection, "frivolous appeal" means a reasonable person in the same circumstances would believe that:

(a) the contested case or subsequent appeal was clearly not warranted under existing law and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law;

(b) the procurement, initiation, or continuation of the contested case or subsequent appeal was intended merely to harass or injure the other party; or

(c) the contested case or subsequent appeal was not reasonably founded in fact or was interposed merely for delay or was merely brought for a purpose other than securing proper discovery or adjudication of the claim upon which the proceedings are based.

(3) This subsection must not be construed to prohibit any party from seeking sanctions pursuant to the South Carolina Frivolous Civil Proceedings Sanctions Act pursuant to Section 15-36-10, et. seq.

(E)(1) The court must not assess attorney's fees or costs awarded against or to the department in any contested case or appeal involving a Certificate of Need application or an exemption request pursuant to Section 44-7-170 or a request for a determination as to the applicability of Section 44-7-160.

(2) This subsection must not be interpreted to abrogate the

contractual rights of any party concerning the recovery of attorney's fees or other monies in accordance with the provisions of any written contract between the parties to the action.

Severability

SECTION 15. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 16. This act takes effect upon approval by the Governor.

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 21

(R28, S256)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-63-85 SO AS TO PROVIDE PUBLIC SCHOOLS SHALL NOT PROHIBIT THE POSSESSION OR PERSONAL USE OF SUNSCREEN, AND TO DEFINE NECESSARY TERMS.

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

Sunscreen use in public schools, definitions

SECTION 1. Article 1, Chapter 63, Title 59 of the S.C. Code is amended by adding:

Section 59-63-85. (A) As used in this section:

(1) "School" means a public or charter school.

(2) "Sunscreen" means a topical, non-aerosol product regulated by the United States Food and Drug Administration for over-the-counter use for the purpose of limiting ultraviolet light-induced skin damage. Sunscreen does not include prescription medication.

(B) Public schools shall not prohibit the possession or personal use of sunscreen.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 22

(R29, S259)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15-50-20, RELATING TO DEFINITIONS FOR PURPOSES OF THE STRUCTURED SETTLEMENT PROTECTION ACT, SO AS TO PROVIDE ADDITIONAL DEFINITIONS; BY ADDING SECTION 15-50-25 SO AS TO PROVIDE A LIST OF ACTS IN WHICH A STRUCTURED SETTLEMENT PURCHASE COMPANY CANNOT ENGAGE; BY AMENDING SECTION 15-50-30, RELATING TO DISCLOSURE STATEMENTS, SO AS TO ADD TO THE LIST OF ITEMS WHICH MUST BE DISCLOSED TO THE PAYEE BY THE STRUCTURED SETTLEMENT PURCHASE COMPANY; BY AMENDING SECTION 15-50-40, RELATING TO APPROVAL BY FINAL COURT ORDER, SO AS TO ADD FACTORS WHICH THE COURT MUST CONSIDER IN

DETERMINING IF THE TRANSFER OF THE STRUCTURED SETTLEMENT PAYMENT RIGHTS IS IN THE BEST INTEREST OF THE PAYEE; BY AMENDING SECTION 15-50-50, RELATING TO RIGHTS AND OBLIGATIONS OF A STRUCTURED SETTLEMENT OBLIGOR, ANNUITY ISSUER, AND TRANSFEREE, SO AS TO PROVIDE WHEN CERTAIN PARTIES WILL BE DISCHARGED FROM LIABILITY; BY AMENDING SECTION 15-50-60, RELATING TO THE NOTICE OF AN APPROVAL HEARING, SO AS TO PROVIDE THAT A HEARING MUST BE HELD IN THE CIRCUIT COURT IN A COUNTY IN WHICH THE PAYEE RESIDES, A HEARING MUST BE HELD IN THE COUNTY IN WHICH THE AGREEMENT WAS APPROVED IF THE PAYEE IS A NONRESIDENT OF THE STATE, AND FURTHER REQUIRE THAT THE PAYEE MUST ATTEND THE HEARING IN PERSON UNLESS GOOD CAUSE EXISTS TO EXCUSE THE IN-PERSON ATTENDANCE; BY AMENDING SECTION 15-50-70, RELATING TO THE SCOPE OF TRANSFER AGREEMENTS, SO AS TO MAKE CONFORMING CHANGES; BY ADDING SECTION 15-50-80 SO AS TO PROVIDE THAT THE COURT MAY APPOINT AN ATTORNEY TO SERVE AS A GUARDIAN AD LITEM TO ADVISE THE COURT IN CERTAIN CASES; BY ADDING SECTION 15-50-90 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY WHO WANTS TO DO BUSINESS IN THIS STATE MUST REGISTER WITH THE SECRETARY OF STATE; BY ADDING SECTION 15-50-100 SO AS TO PROVIDE THAT REGISTRATION IS VALID FOR ONE YEAR AND A RENEWED APPLICATION MUST BE FILED EVERY YEAR THEREAFTER; BY ADDING SECTION 15-50-110 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY MUST POST A BOND WITH THE SECRETARY OF STATE OR PAY A CASH BOND IN THE AMOUNT OF FIFTY THOUSAND DOLLARS; BY ADDING SECTION 15-50-120 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY MUST FILE A NOTICE OF JUDGMENT WITH THE SECRETARY OF STATE AND PROVIDE A COPY OF THE JUDGMENT SECURED AGAINST THE COMPANY; BY ADDING SECTION 15-50-130 SO AS TO PROVIDE THAT LIABILITY IS NOT AFFECTED BY A BREACH OF CONTRACT, BREACH OF WARRANTY, OR ANY OTHER ACT OR OMISSION OF THE BONDED STRUCTURED

SETTLEMENT PURCHASE COMPANY; BY ADDING SECTION 15-50-140 SO AS TO PROVIDE THAT THE SECRETARY OF STATE MUST RECEIVE WRITTEN NOTICE OF THE CANCELLATION OR MODIFICATION OF A SURETY BOND WITHIN TWENTY DAYS PRIOR TO THE CANCELLATION OR MODIFICATION; BY ADDING SECTION 15-50-150 SO AS TO PROVIDE THAT AN ASSIGNEE IS NOT REQUIRED TO REGISTER AS A STRUCTURED SETTLEMENT PURCHASE COMPANY TO ACQUIRE STRUCTURED SETTLEMENT PAYMENT RIGHTS; BY ADDING SECTION 15-50-160 SO AS TO PROVIDE THAT THE SECRETARY OF STATE MAY ASSESS AN ADMINISTRATIVE FINE IF A PERSON WHO IS REQUIRED TO REGISTER DOES NOT DO SO WITHIN FIFTEEN DAYS AFTER RECEIPT OF NOTICE TO REGISTER; AND BY ADDING SECTION 15-50-170 SO AS TO PROVIDE THAT A TRANSFER ORDER DOES NOT CONSTITUTE A QUALIFIED ORDER PURSUANT TO FEDERAL LAW IF THE TRANSFEREE IS NOT REGISTERED AS A STRUCTURED SETTLEMENT PURCHASE COMPANY PURSUANT TO THIS ACT AT THE TIME THE ORDER IS SIGNED.

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

Definitions

SECTION 1. Section 15-50-20 of the S.C. Code is amended to read:

Section 15-50-20. As used in this chapter:

(1) "Annuity issuer" means an insurer that has issued a contract to fund periodic payments under a structured settlement.

(2) "Assignee" means a person acquiring or proposing to acquire structured settlement payments from a structured settlement purchase company or transferee after, or concurrently with, the transfer of the structured settlement payment rights by the payee to the structured settlement purchase company or transferee.

(3) "Dependents" include a payee's spouse and minor children and all other persons for whom the payee legally is obligated to provide support, including alimony.

(4) "Discounted present value" means the present value of future payments determined by discounting the payments to the present using the most recently published applicable federal rate for determining the

present value of an annuity, as issued by the United States Internal Revenue Service.

(5) “Effective annual interest rate” means the effective rate of interest per year the payee will be paying the transferee based on the net advance amount that a payee will receive from the transferee and the amounts and timing of the structured settlement payments that the payee is transferring to the transferee.

(6) “Gross advance amount” means the sum payable to the payee or for the payee's account as consideration for a transfer of structured settlement payment rights before a reduction for transfer expenses or other deduction is made from the consideration.

(7) “Independent professional advice” means advice of an attorney, certified public accountant, actuary, or other licensed professional advisor.

(8) “Interested parties” means, with respect to a structured settlement, the payee, a beneficiary irrevocably designated under the annuity contract to receive payments following the payee's death, the annuity issuer, the structured settlement obligor, and any other party to the structured settlement that has continuing rights or obligations to receive or make payments under the structured settlement.

(9) “Net advance amount” means the gross advance amount less the aggregate amount of the actual and estimated transfer expenses that must be disclosed pursuant to Section 15-50-30(5).

(10) “Payee” means an individual who is receiving tax-free payments under a structured settlement and who proposes to make a transfer of payment rights under the settlement.

(11) “Periodic payments” includes recurring payments and scheduled future lump-sum payments.

(12) “Prospective payee” means an individual who is receiving tax-free payments under a structured settlement pursuant to United States Code, Title 26, Section 130, and who has been personally and individually solicited by and has not yet proposed to transfer all or a portion of the structured settlement payment rights to a structured settlement purchase company.

(13) “Qualified assignment agreement” means an agreement providing for a qualified assignment within the meaning of Section 130 of the United States Internal Revenue Code, United States Code Title 26.

(14) “Secretary” means the Secretary of State.

(15) “Settled claim” means the original tort claim resolved by a structured settlement.

(16) “Structured settlement” means an arrangement for periodic payment of damages for personal injuries or sickness established by

settlement or judgment in resolution of a tort claim. Notwithstanding another provision of law, a structured settlement is not a consumer loan or otherwise subject to Title 37.

(17) “Structured settlement agreement” means the agreement, judgment, stipulation, or release embodying the terms of a structured settlement.

(18) “Structured settlement obligor” means, with respect to a structured settlement, the party that has the continuing obligation to make periodic payments to the payee under a structured settlement agreement or a qualified assignment agreement.

(19) “Structured settlement payment rights” means rights to receive periodic payments under a structured settlement, whether from the structured settlement obligor or the annuity issuer, if the:

(a) payee is domiciled in, or the domicile or principal place of business of the structured settlement obligor or the annuity issuer is located in, this State; or

(b) structured settlement agreement was approved by a court in this State; or

(c) structured settlement agreement is governed expressly by the laws of this State.

(20) “Structured settlement purchase company” means a person who acts as a transferee in the State and who is registered with the Secretary pursuant to Section 15-50-80 through Section 15-50-150.

(21) “Structured settlement transfer proceeding” means a court proceeding initiated by the filing of an application by a structured settlement purchase company seeking court approval of a transfer in accordance with this chapter.

(22) “Terms of the structured settlement” include the terms of the structured settlement agreement, the annuity contract, a qualified assignment agreement, and an order or other approval of a court that approved a structured settlement agreement.

(23) “Transfer” means the sale, assignment, pledge, hypothecation, or other alienation or encumbrance of structured settlement payment rights made by a payee for consideration; except that the term “transfer” does not include the creation or perfection of a security interest in structured settlement payment rights under a blanket security agreement entered into with an insured depository institution, in the absence of an action to redirect the structured settlement payments to the insured depository institution, or an agent or successor in interest of it, or otherwise to enforce the blanket security interest against the structured settlement payment rights.

(24) “Transfer agreement” means the agreement providing for a

transfer of structured settlement payment rights.

(25) "Transfer expenses" means all expenses of a transfer that are required under the transfer agreement to be paid by the payee or deducted from the gross advance amount including, without limitation, court filing fees, attorneys' fees, escrow fees, lien recordation fees, judgment and lien search fees, finder's fees, commissions, and other payments to a broker or other intermediary. "Transfer expenses" do not include preexisting obligations of the payee payable for the payee's account from the proceeds of a transfer.

(26) "Transfer order" means an order approving a transfer in accordance with this chapter.

(27) "Transferee" means a party acquiring or proposing to acquire structured settlement payment rights through a transfer.

Structured settlement purchase company prohibitions

SECTION 2. Chapter 50, Title 15 of the S.C. Code is amended by adding:

Section 15-50-25. (A) A transferee or structured settlement purchase company and an employee or other representative of a transferee or structured settlement purchase company must not engage in the following actions:

(1) pursue or complete a transfer with a payee without complying with all applicable provisions in this chapter;

(2) refuse or fail to fund a transfer after court approval of the transfer;

(3) acquire structured settlement payment rights from a payee without complying with all applicable provisions in this chapter, including obtaining court approval of the transfer;

(4) intentionally file a structured settlement transfer proceeding in any court other than the court specified in Section 15-50-60;

(5) except as otherwise provided in this chapter, pay a commission or finder's fee to any person for facilitating or arranging a structured settlement transfer with a payee. The provisions of this subsection do not prevent a structured settlement purchase company from paying:

(a) a commission or finder's fee to a person who is a structured settlement purchase company or is an employee of a structured settlement purchase company;

(b) to third parties, any routine transfer expenses including, without limitation, court filing fees, escrow fees, lien recordation fees, judgment and lien search fees, attorney's fees and other similar types of

fees relating to a transfer;

(6) intentionally advertise materially false or misleading information regarding its products or services;

(7) attempt to coerce, bribe, or intimidate a payee seeking to transfer structured settlement payment rights, including providing any gift, loan, extension of credit, advance, or other forms of consideration paid to or given to the payee as an inducement to enter a transfer agreement;

(8) attempt to defraud a payee or any party to a structured settlement transfer or any interested party in a structured settlement transfer proceeding by any means including, but not limited to, forgery or false identification;

(9) except as otherwise provided in this chapter, intervene in a pending structured settlement transfer proceeding if the transferee or structured settlement purchase company is not a party to the proceeding or an interested party relative to the proposed transfer which is the subject of the pending structured settlement transfer proceeding. The provisions of this chapter do not prevent a structured settlement purchase company from intervening in a pending structured settlement transfer proceeding if the payee has signed a transfer agreement with the structured settlement purchase company within sixty days before the filing of the pending structured settlement transfer proceeding and the structured settlement purchase company which filed the pending structured settlement transfer proceeding violated any provision of this chapter in connection with the proposed transfer that is the subject of the pending structured settlement transfer proceeding;

(10) except as otherwise provided in this chapter, knowingly contact a payee who has signed a transfer agreement and is pursuing a proposed transfer with another structured settlement purchase company for the purpose of inducing the payee into canceling the proposed transfer or transfer agreement with the other structured settlement purchase company if a structured settlement transfer proceeding has been filed by the other structured settlement purchase company and is pending. The provisions of this subsection do not apply if a hearing has not been held in the pending structured settlement transfer proceeding within ninety days after the filing of the pending structured settlement transfer proceeding;

(11) fail to dismiss a pending structured settlement transfer proceeding at the request of the payee. A dismissal of a structured settlement proceeding after a structured settlement purchase company has violated the provisions of this clause does not exempt the structured settlement purchase company from any liability under this section;

(12) solicit a prospective payee through the conveyance of a

document which resembles a check or other form of payment;

(13) provide a transfer agreement or related document that purports to give the transferee the first choice or option to purchase any remaining structured settlement payment rights belonging to the payee which are not subject to the structured settlement transfer proceeding; or

(14) communicate with a payee, a prospective payee, or a person associated with the payee:

(a) after the payee, a prospective payee, or a person associated with the payee has informed the structured settlement purchase company to cease further communication;

(b) at any unusual time, or at a time that the structured settlement purchase company knows is inconvenient to the consumer. In the absence of the structured settlement purchase company's knowledge of circumstances to the contrary, a time before 8:00 a.m. and after 9:00 p.m. local time at the consumer's location is inconvenient. This subsection will not apply to any payee, prospective payee, or person associated with the payee who has opted in and agreed to allow the structured settlement purchase company to contact the person when necessary; or

(c) repeatedly or continuously with intent to annoy, abuse, or harass a payee, prospective payee, or a person associated with the payee.

(B) A transferee or structured settlement purchase company and an employee or other representative of a transferee or structured settlement purchase company shall not instruct a payee to hire, or directly refer a payee or a prospective payee to seek independent professional advice from, a specific person, except that a structured settlement purchase company may refer a payee to a state or local referral service, bar association, legal aid, or any other entity unrelated to the structured settlement purchase company. A person rendering independent professional advice to a payee or prospective payee is not to be affected by whether a transfer occurs or does not occur and must not in any manner be affiliated with or compensated by the transferee or a structured settlement purchase company unless ordered by the court.

(C) A payee may file a motion in the court in which the structured settlement transfer proceeding is pending alleging a violation of subsection (A) and may pursue all rights and remedies to which the payee may be entitled under this chapter or any other applicable law.

(D) A structured settlement purchase company may file a motion in the court in which the structured settlement transfer proceeding is pending to enforce items in subsection (A) and may pursue all remedies to which the structured settlement purchase company may be entitled pursuant to this chapter or any other applicable law.

(E) If a court finds that a structured settlement purchase company or

transferee is in violation of this section, the court may:

- (1) revoke the registration of the structured settlement purchase company;
- (2) suspend the registration of the structured settlement purchase company for a period to be determined at the discretion of the court; and
- (3) enjoin the structured settlement purchase company or transferee from filing new structured settlement transfer proceedings in this State or otherwise pursuing transfers in this State.

Transfer agreements, disclosures to payees

SECTION 3. Section 15-50-30 of the S.C. Code is amended to read:

Section 15-50-30. Not less than ten days before the date on which a payee signs a transfer agreement, the transferee shall provide to the payee a separate disclosure statement, in bold type no smaller than fourteen points, including:

- (1) amounts and due dates of the structured settlement payments being transferred;
- (2) aggregate amount of the payments;
- (3) discounted present value of the payments being transferred, which must be identified as the “calculation of current value of the transferred structured settlement payments under federal standards for valuing annuities”, and the amount of the applicable federal rate used in calculating the discounted present value;
- (4) gross advance amount;
- (5) itemized listing of all applicable transfer expenses, other than attorney's fees and related disbursements payable in connection with the transferee's application for approval of the transfer, and the transferee's best estimate of the amount of the fees and disbursements;
- (6) the effective annual interest rate, which must be disclosed in a statement in the following form: “On the basis of the net amount that you will receive from us and the amounts and timing of the structured settlement payments that you are transferring to us, you will, in effect be paying interest to us at a rate of ___ percent per year.”;
- (7) net advance amount;
- (8) amount of penalties or liquidated damages payable by the payee if the payee breaches the transfer agreement;
- (9) a statement that the payee has the right to cancel the transfer agreement, without penalty or further obligation, not later than the third business day after the date the agreement is signed by the payee;
- (10) that the payee has the right to seek and receive independent

professional advice regarding the proposed transfer and should consider doing so before agreeing to the transfer of any structured settlement payment rights. The notice must also contain: “It is prohibited for us to refer you to a specific independent professional adviser. We may refer you to a state or local referral service, bar association, legal aid, or any other entity unrelated to us which assists people with locating independent professional advice, if requested”; and

(11) that the payee has the right to seek out and consider additional offers for transferring the structured settlement payment rights and should do so.

Transfer agreements, approval by final court order

SECTION 4. Section 15-50-40 of the S.C. Code is amended to read:

Section 15-50-40. (A) A direct or indirect transfer of structured settlement payment rights is not effective and a structured settlement obligor or annuity issuer is not required to make a payment directly or indirectly to a transferee of structured settlement payment rights unless the transfer has been approved in advance in a final court order based on express findings by the court that the:

- (1) transfer is in the best interest of the payee;
- (2) payee has been advised in writing by the transferee to seek independent professional advice regarding the legal, tax, and financial implications of the transfer and has knowingly and in writing waived receipt of that advice; and
- (3) transfer does not contravene an applicable statute or the order of any court or other government authority.

(B) In determining whether a proposed transfer is in the best interest of the payee pursuant to subsection (A)(1), the courts must take into consideration the welfare and support of the payee and the payee's dependents, if any. The court must also consider:

- (1) the reasonable preference of the payee, in light of the payee's age, mental capacity, maturity level, understanding of the terms of the agreement, and stated purpose for the transfer;
- (2) if the periodic payments were intended to cover future income or losses or future medical expenses, whether the payee has means of support aside from the structured settlement to meet these obligations;
- (3) whether the payee can meet the financial needs of, and obligations to, the payee's dependents if the transfer is allowed to proceed, including child support and spousal maintenance;
- (4) whether the payee completed previous transactions involving

the payee's structured settlement payment rights, and the timing, amount, stated purpose, and actual use of the proceeds;

(5) the impact of the proposed transfer on current or future eligibility of the payee or the payee's dependents for public benefits; and

(6) any other factors or facts the court determines to be relevant.

(C) No direct or indirect transfer of a payee's structured settlement payment rights by a payee's conservator, if a conservator has been appointed, shall be effective and no structured settlement obligor or annuity issuer shall be required to make a payment directly or indirectly to a transferee or assignee of structured settlement payment rights unless, in addition to the findings required under this section, the court also finds that the proceeds of the proposed transfer would be applied solely for the benefit of the payee.

(D) No direct or indirect transfer of a minor's structured settlement payment rights by a parent, conservator, or guardian shall be effective and no structured settlement obligor or annuity issuer shall be required to make a payment directly or indirectly to a transferee or assignee of structured settlement payment rights unless, in addition to the findings required under this section, the court also finds that:

(1) the proceeds of the proposed transfer would be applied solely for support, care, education, health, and welfare of the minor payee; and

(2) any excess proceeds would be preserved for the future support, care, education, health, and welfare of the minor payee and transferred to the minor payee upon emancipation.

(E) The final court order must expressly state that the best interest factors enumerated in subsection (B) have been considered, and if the court approves the transfer of payment rights, the order must state that the court finds that it is in the best interest of the payee to approve the transfer.

Rights and obligations of obligors, discharge of liability

SECTION 5. Section 15-50-50 of the S.C. Code is amended to read:

Section 15-50-50. Following a transfer of structured settlement payment rights pursuant to this chapter:

(1) the structured settlement obligor and the annuity issuer may rely on the court order approving the transfer in redirecting periodic payments to an assignee or transferee in accordance with the order approving the transfer and shall, as to all parties except the transferee or an assignee designated by the transferee, be discharged and released from liability for the redirected payments. Such discharge and release

shall not be affected by the failure of any party to the transfer to comply with this chapter or with the court order approving the transfer;

(2) the transferee is liable to the structured settlement obligor and the annuity issuer:

(a) for taxes incurred by the parties as a consequence of the transfer if the transfer contravenes the terms of the structured settlement; and

(b) for other liabilities or costs, including reasonable costs and attorney's fees, arising from compliance by the parties with the requirements of this chapter, with the order of the court, or for costs arising as a consequence of the transferee's failure to comply with this chapter;

(3) neither the annuity issuer nor the structured settlement obligor is required to divide a periodic payment between the payee and any transferee or assignee or between two or more transferees or assignees; and

(4) any further transfer of structured settlement payment rights by the payee may be made only after compliance with all the requirements of this chapter.

Notice of an approval hearing

SECTION 6. Section 15-50-60 of the S.C. Code is amended to read:

Section 15-50-60. (A) An application pursuant to this chapter for approval of a transfer of structured settlement payment rights may be made by the transferee and must be brought in the circuit court in the county in which the payee resides. If the payee is not a resident of this State the application must be brought in the circuit court in the county in which the structured settlement agreement was approved.

(B) For applications made on or after January 1, 2024, for the approval of a transfer of structured settlement payment rights pursuant to this chapter, the application of the transferee must include evidence that the transferee is registered to do business in this State as a structured settlement purchase company.

(C) A timely hearing must be held on an application for approval of a transfer of structured settlement payment rights. The payee must appear in person at the hearing unless the court determines that good cause exists to excuse the payee from appearing in person.

(D) Not less than twenty days before the scheduled hearing on an application for approval of a transfer of structured settlement payment rights pursuant to Section 15-50-40, the transferee must file with the court and serve on all interested parties a notice of the proposed transfer

and the application for its authorization. The notice must include:

- (1) a copy of the transferee's application;
- (2) a copy of the transfer agreement;
- (3) a copy of the disclosure statement required pursuant to Section 15-50-30;
- (4) the payee's name, age, and county of domicile;
- (5) a listing of each of the payee's dependents, and each dependent's age;
- (6)(a) any prior transfers by the payee to the transferee or an affiliate, or through the transferee or an affiliate to an assignee which were approved; (b) any proposed transfers by the payee to the transferee or an affiliate, or through the transferee or an affiliate; (c) and any applications for approval made by the transferee or an affiliate, or through the transferee or an affiliate to an assignee, which were denied;
- (7) a sworn affidavit from the transferee listing any prior transfers by the payee that includes the details of the reasonable measures taken to search for and identify prior transfers to any person or entity other than the transferee or an affiliate or an assignee of the transferee and any prior proposed transfer applications by the payee to any person or entity other than the transferee or an affiliate or an assignee of a transferee or affiliate which were denied;
- (8) an affidavit from the payee disclosing all prior transfers by the payee to any person or entity;
- (9) notification that an interested party may support, oppose, or otherwise respond to the transferee's application, in person or by counsel, by submitting written comments to the court, or by participating in the hearing; and
- (10) notification of the time and place of the hearing and notification of the manner and the time for filing written responses to the application, which must be not less than fifteen days after service of the transferee's notice, for consideration by the court.

(E) If the payee cancels a transfer agreement or if the transfer agreement otherwise terminates, after an application for approval of a transfer of structured settlement payment rights has been filed and before it has been granted or denied, the transferee must promptly request the dismissal of the application.

Scope of transfer agreements, conforming changes

SECTION 7. Section 15-50-70 of the S.C. Code is amended to read:

Section 15-50-70. (A) The provisions of this chapter may not be

waived by a payee.

(B) A transfer agreement entered into by a payee who resides in this State must provide that disputes under the transfer agreement, including a claim that the payee has breached the agreement, must be determined pursuant to the laws of this State. A transfer agreement shall not authorize the transferee or another party to confess judgment or consent to entry of judgment against the payee.

(C) Transfer of structured settlement payment rights do not extend to payments that are life-contingent unless, before the date on which the payee signs the transfer agreement, the transferee has established and has agreed to maintain procedures reasonably satisfactory to the annuity issuer and the structured settlement obligor for:

- (1) periodically confirming the payee's survival; and
- (2) giving the annuity issuer and the structured settlement obligor prompt written notice if the payee dies.

(D) A payee who proposes to make a transfer of structured settlement payment rights does not incur any penalty, forfeit any application fee or other payment, or otherwise incur a liability to the proposed transferee or an assignee based on a failure of the transfer to satisfy the conditions of this chapter.

(E) This chapter does not authorize a transfer of structured settlement payment rights in contravention of law.

(F) Compliance with the requirements of Section 15-50-30 and fulfillment of the conditions in Section 15-50-40 are the sole responsibility of the transferee in a transfer of structured settlement payment rights, and neither the structured settlement obligor nor the annuity issuer bears responsibility for, or liability arising from, noncompliance with the requirements or failure to fulfill the conditions.

Attorney guardian ad litem to advise the court

SECTION 8. Chapter 50, Title 15 of the S.C. Code is amended by adding:

Section 15-50-80. (A) The court may appoint an attorney to serve as a guardian ad litem to make an independent assessment, and to advise the court whether the proposed transfer is in the best interest of the payee, taking into consideration the factors enumerated in Section 15-50-40(B). The guardian ad litem may consult with a certified public accountant, actuary, or other licensed professional for independent professional advice, if necessary. All costs and reasonable fees for the guardian shall be borne by the transferee in an amount determined by the court.

(B) The court must appoint an attorney to serve as a guardian ad litem in any case involving:

(1) a proposed transfer of a minor's structured settlement payment rights by a conservator or by a parent or guardian if a conservator has not been appointed. The guardian ad litem must advise the court on whether the proposed transfer is of direct benefit to the minor; or

(2) a proposed transfer of structured settlement payment rights involving a payee who appears to the court to suffer from a mental or cognitive impairment.

(C) The transferee must file a motion for the appointment of an attorney to serve as a guardian ad litem prior to a hearing on the proposed transfer if the transferee is aware that:

(1) the underlying structured settlement arose from a case in which a finding was made in a court record of a mental or cognitive impairment on the part of the payee;

(2) a conservator or guardian has been appointed for the payee; or

(3) a finding has been made in a court record, other than that of the underlying structured settlement case, of a mental or cognitive impairment on the part of the payee.

(D) In conjunction with the motion filed pursuant to subsection (C), the transferee shall provide to the court, either in-camera or as directed by the court in a way to protect the privacy of the payee, any such findings known to the transferee that describe the nature, extent, or consequences of the payee's mental or cognitive impairment.

(E) An attorney appointed to serve as a guardian ad litem by the court must report to the court the guardian ad litem's assessment and advice at a time determined by the court.

(F) Nothing in this section affects the rights and protections of persons subject to guardianship or conservatorship under the laws of this State.

Structured settlement purchase companies to register with the Secretary of State

SECTION 9. Chapter 50, Title 15 of the S.C. Code is amended by adding:

Section 15-50-90. A person shall not act as a transferee, attempt to acquire structured settlement payment rights through a transfer from a payee who resides in this State, or file a structured settlement transfer proceeding unless the person is registered with the Secretary to do business in this State as a structured settlement purchase company.

Registration valid for one year

SECTION 10. Chapter 50, Title 15 of the S.C. Code is amended by adding:

Section 15-50-100. A person may apply with the Secretary for registration to do business in this State as a structured settlement purchase company. An application for an initial or renewed registration must be submitted on a form prescribed by the Secretary. An initial or renewed registration is valid for one year from the date it is issued and shall expire one year after the date it was issued. The registration may be renewed annually by the registrant on or before the expiration date. If a structured settlement purchase company fails to file with the Secretary a renewal application on or before the expiration date, then it will be required to file another initial application with the Secretary and pay the application fee for an initial application pursuant to this chapter.

Registration applications, bond

SECTION 11. Chapter 50, Title 15 of the S.C. Code is amended by adding:

Section 15-50-110. (A) Each initial or renewal application must contain a sworn certification by an owner, officer, director, or manager of the applicant, if the applicant is not a natural person, or by the applicant, if the applicant is a natural person, certifying that:

(1) the applicant has secured a surety bond payable to the State or has posted a cash bond in the amount of fifty thousand dollars. The bond must be in a form satisfactory to the Secretary and must run to the State for the benefit of any payee claimant to secure the faithful performance of the obligation of the structured settlement purchase company under the law; and

(2) the applicant must comply with this chapter when acting as a structured settlement purchase company and filing structured settlement transfer proceedings.

(B) The surety bond or cash bond is payable to the State of South Carolina.

(C) The surety bond or cash bond is effective concurrently with the applicant's registration with the Secretary and remains in effect for not less than three years after expiration or termination of that registration. The bond must be renewed each year when the registration of the applicant is renewed.

(D) The applicant must submit to the Secretary a copy of the surety bond or cash bond with its initial or renewal application.

(E) The surety bond or cash bond is intended to ensure that the structured settlement purchase company will comply with the provisions of this chapter relative to the payee and perform its obligations to the payee under this chapter, and to provide a source for recovery for the payee should a payee recover a judgment against a structured settlement purchase company for a violation of this chapter.

(F) An applicant must remit to the Secretary a fee of one thousand two hundred and fifty dollars for an initial registration and two hundred dollars for a renewed registration. This fee must be retained by the Secretary to offset the costs of processing and maintaining the registration of structured settlement purchase companies required by the chapter.

Notice of judgments required to be filed

SECTION 12. Chapter 50, Title 15 of the S.C. Code is amended by adding:

Section 15-50-120. Within ten days after a judgment is secured against a structured settlement purchase company by a payee, the structured settlement purchase company must file a notice with the Secretary and the surety providing a copy of the judgment and the name and address of the judgment creditor; and include the status of the matter, including whether the judgment will be appealed, or has been paid or satisfied.

Exclusions for breaches or omissions

SECTION 13. Chapter 50, Title 15 of the S.C. Code is amended by adding:

Section 15-50-130. The liability of the surety under the bond is not affected by any breach of contract, breach of warranty, failure to pay a premium or other act or omission of the bonded structured settlement purchase company, or by any insolvency or bankruptcy of the structured settlement purchase company.

Notice of modification or cancellation of bond

SECTION 14. Chapter 50, Title 15 of the S.C. Code is amended by

adding:

Section 15-50-140. (A) Neither the bonded structured settlement purchase company nor the surety shall cancel or modify the bond during the term for which it is issued, except with written notice to the Secretary at least twenty days prior to the effective date of such cancellation or modification.

(B) In the event of a cancellation of the bond, the registration of the structured settlement purchase company automatically expires unless a new surety bond, or cash bond, which complies with this chapter, is filed with the Secretary. The cancellation or modification of a bond does not affect any liability of the bonded surety company incurred before the cancellation or modification of the bond.

Assignees not required to register

SECTION 15. Chapter 50, Title 15 of the S.C. Code is amended by adding:

Section 15-50-150. (A) An assignee is not required to register as a structured settlement purchase company to acquire structured settlement payment rights or to take a security interest in structured settlement payment rights that were transferred by the payee to a structured settlement purchase company.

(B) An employee of a structured settlement purchase company, if acting on behalf of the structured settlement purchase company in connection with a transfer, is not required to register with the Secretary as provided under this chapter.

Fines for failure to register before the deadline

SECTION 16. Chapter 50, Title 15 of the S.C. Code is amended by adding:

Section 15-50-160. (A) If a person fails to file with the Secretary an application for registration as a structured settlement purchase company as required by this chapter, the Secretary must notify the person of this delinquency by mailing a notice by certified mail, with return receipt requested, to the person's last known address. If the required registration application is not filed within fifteen days after the receipt of the notice, the Secretary may assess an administrative fine of ten thousand dollars against the person.

(B) If the person does not claim a notice sent by certified mail, or the notice is returned to the Secretary by the United States Postal Service as undeliverable, then the Secretary shall serve the notice upon the person as provided by law.

(C) A registration application required to be filed with the Secretary pursuant to this chapter which contains false or misleading statements, or which is incomplete, may be rejected by the Secretary and returned to the submitting party without being filed.

(D) A person who is assessed an administrative fine or who is denied registration has thirty days from receipt of certified notice or formal service of the notice from the Secretary to pay the fine or request an evidentiary hearing before the administrative law court. If a person fails to remit fines or request a hearing after the required notice is given and after thirty days from the date of receipt of certified notice or service of the notice has elapsed, then the Secretary may bring an action before the administrative law court to enjoin the person from engaging in further activities related to the purchase or transfer of structured settlements in this State. The decision of the Administrative Law Court may be appealed as provided in Section 1-23-610.

(E) Any administrative fine revenue received pursuant to this chapter in a fiscal year may be retained by the Secretary to offset the expenses of enforcing this chapter.

Transfer orders, applicability to federal law

SECTION 17. Chapter 50, Title 15 of the S.C. Code is amended by adding:

Section 15-50-170. Except as otherwise provided, a transfer order signed by a court of competent jurisdiction pursuant to this act constitutes a qualified order under 26 U.S.C. Section 5891. If a transferee to which the transfer order applies is not registered as a structured settlement purchase company pursuant to this act at the time the transfer order is signed, the transfer order does not constitute a qualified order under 26 U.S.C. Section 5891.

Savings clause

SECTION 18. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under

the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

Severability clause

SECTION 19. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 20. SECTION 9 through SECTION 16 take effect on January 1, 2024. All other SECTIONS take effect on July 1, 2023, and apply to applications filed on or after the effective date.

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 23

(R30, S342)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-40, RELATING TO CHILDREN'S CODE DEFINITIONS, SO AS TO RESTATE THE EXISTING DEFINITIONS; AND BY ADDING SECTION 63-1-45 SO AS TO DEFINE "UNACCOMPANIED HOMELESS YOUTH", "HOMELESS CHILD OR YOUTH", AND "YOUTH AT RISK OF HOMELESSNESS".

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

Definitions, Children's Code

SECTION 1. Section 63-1-40 of the S.C. Code is amended to read:

Section 63-1-40. When used in this title and unless otherwise defined or the specific context indicates otherwise:

- (1) "Child" means a person under the age of eighteen.
- (2) "Court" means the family court.
- (3) "Guardian" means a person who legally has the care and management of a child.
- (4) "Judge" means the judge of the family court.
- (5) "Parent" means biological parent, adoptive parents, step-parent, or person with legal custody.
- (6) "Status offense" means any offense which would not be a misdemeanor or felony if committed by an adult, such as, but not limited to, incorrigibility (beyond the control of parents), truancy, running away, playing or loitering in a billiard room, playing a pinball machine or gaining admission to a theater by false identification.
- (7) "Child caring facility" means a campus with one or more staffed residences and with a total population of twenty or more children who are in care apart from their parents, relatives, or guardians on a continuing full-time basis for protection and guidance.
- (8) "Foster home" means a household of one or more persons who are licensed or approved to provide full-time care for one to five children living apart from their parents or guardians.
- (9) "Residential group care home" means a staffed residence with a population fewer than twenty children who are in care apart from their parents, relatives, or guardians on a full-time basis.

Definitions, homeless children and youth

SECTION 2. Chapter 1, Title 63 of the S.C. Code is amended by adding:

Section 63-1-45. For purposes of developing an accurate statewide count of homeless children and youth in this State, the following statewide definitions shall be used:

(1) “Unaccompanied homeless youth” means an unaccompanied individual twenty-four years of age or younger who is not in the physical custody of a parent or guardian and lacks a fixed, regular, and adequate nighttime residence and includes:

(a) children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

(b) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, a park, public spaces, an abandoned building, a bus or train station, or similar settings; or

(c) children and youth who live in a supervised publicly or privately owned shelter designated to provide temporary living arrangements or in a transitional housing program or other time-limited housing.

“Unaccompanied homeless youth” does not include any individual imprisoned or otherwise detained pursuant to a federal or state law except when a youth is exiting an institution having resided there for ninety days or fewer and meets the criteria in subitems (a), (b), or (c) immediately prior to entering the institution.

(2) “Homeless child or youth” means children and youth from birth through twenty-four years of age who lack a fixed, regular, and adequate nighttime residence and includes:

(a) children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

(b) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, a park, public spaces, an abandoned building, a bus or train station, or similar settings;

(c) children and youth who live in a supervised publicly or privately owned shelter designated to provide temporary living arrangements or in a transitional housing program or other time-limited housing; or

(d) migratory children as defined in 20 U.S.C. Section 6399, who are legally in the United States, and who qualify as homeless because they are living in circumstances described in subsections (a) through (c).

“Homeless youth” does not include any individual imprisoned or otherwise detained pursuant to a federal or state law except when a youth is exiting an institution having resided there for ninety days or less and met the criteria in subitems (a), (b), or (c) immediately prior to entering the institution.

(3) “Youth at risk of homelessness” means an individual twenty-four years of age or younger whose status or circumstances indicate a significant danger of experiencing homelessness in the near future and includes:

(a) children and youth exiting a publicly funded institution or system of care;

(b) children and youth who have previously experienced homelessness;

(c) children and youth whose primary caregivers are currently homeless or have previously been homeless; or

(d) children and youth who experience serious or sustained conflict with the individual’s caregivers that is likely to result in family separation.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 24

(R31, S363)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO RESTRICTIONS ON ELEVATING OR LOWERING MOTOR VEHICLES, SO AS TO MAKE TECHNICAL CHANGES, TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLES' FRONT FENDERS BEING RAISED OR LOWERED FOUR OR MORE INCHES GREATER THAN THE HEIGHT OF THE REAR FENDERS, TO PROVIDE FOR THE MANNER OF MEASURING THE HEIGHT OF THE FENDERS, TO DEFINE THE TERM "FENDER", AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

Restrictions on elevating and lowering motor vehicles

SECTION 1. Section 56-5-4445 of the S.C. Code is amended to read:

Section 56-5-4445. (A) It shall be unlawful for any person to drive a passenger motor vehicle on the highways of this State which has been elevated or lowered, yet still leveled, more than six inches by a modification, alteration, or change in the physical structure of the vehicle. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars nor more than fifty dollars. Provided, however, the provisions in this subsection shall not apply to motor vehicles commonly referred to as "pickup trucks".

(B)(1) It shall be unlawful for any person to drive a passenger motor vehicle, including vehicles commonly referred to as pickup trucks, on the highways of this State if, by alteration of the suspension, frame, or chassis, the height of the front fender is raised or lowered four or more inches greater than the height of the rear fender. For purposes of this subsection, the height of the fender shall be a vertical measurement from and perpendicular to the ground, through the centerline of the wheel, and to the bottom of the fender. As contained in this item, "fender" means the pressed and formed part mounted over the road wheels of a motor vehicle to reduce the splashing of mud, water, or similar substances.

(2) A person who violates the provisions of this subsection is guilty

of a misdemeanor and, upon conviction:

(a) for a first offense, shall be fined one hundred dollars;
(b) for a second offense, shall be fined two hundred dollars; and
(c) for a third or subsequent offense, shall be fined three hundred dollars and have his license suspended by the Department of Motor Vehicles for twelve months from the date of conviction.

(3) Only offenses which occur within five years of each other, including and immediately preceding the date of the last offense, shall constitute a prior offense within the meaning of this subsection.

Time effective

SECTION 2. This act takes effect one hundred eighty days after approval by the Governor. For a period of one hundred eighty days after the effective date of this act, only warning tickets may be issued for a violation of the provisions of this act.

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 25

(R32, S380)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-20, RELATING TO CHILDREN'S CODE DEFINITIONS, SO AS TO DEFINE "LEGAL GUARDIANSHIP" AND "LEGAL GUARDIAN"; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE FOR PROCEDURES TO ESTABLISH LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS WHEN ADOPTION IS NOT AN OPTION AND BY MAKING CONFORMING CHANGES; BY ADDING SECTION 63-7-1705 SO AS TO ESTABLISH PROCEDURES FOR INITIATING THE JUDICIAL ESTABLISHMENT OF LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING ARTICLE 9 TO

CHAPTER 7, TITLE 63 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO ESTABLISH AND ADMINISTER A PROGRAM OF SUPPLEMENTAL BENEFITS FOR LEGAL GUARDIANSHIP, TO DEFINE TERMS, TO PROVIDE ELIGIBILITY REQUIREMENTS FOR PROGRAM BENEFITS, TO REQUIRE THE DEPARTMENT TO PROMULGATE REGULATIONS, AND FOR OTHER PURPOSES; BY AMENDING SECTION 63-1-20, RELATING TO THE STATE'S CHILDREN'S POLICY, SO AS TO INCLUDE LEGAL GUARDIANSHIP WHEN ADOPTION IS NOT APPROPRIATE; AND BY AMENDING SECTION 63-7-2350, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, SO AS TO APPLY ALSO TO PLACEMENT OF A CHILD IN A LEGAL GUARDIAN'S HOME.

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

Definitions

SECTION 1. Section 63-7-20 (12) and (13) of the S.C. Code is amended to read:

When used in this chapter or Chapter 9 or 11 and unless the specific context indicates otherwise:

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

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

(13) "Legal Guardianship" means:

(a) a judicially established relationship between a child and caretaker that is intended to be permanent and self-sustaining and transfers to the caretaker the following parental rights and responsibilities with respect to the child:

(i) the duty to provide protection, support, food, clothing, shelter, supervision, education, and care;

(ii) physical custody of the child;

(iii) legal custody when family court has not awarded legal custody to another person, agency, or institution;

(iv) the right to consent to marriage, enlistment in the armed forces, and medical and surgical treatment;

(v) the duty and authority to represent the child in legal actions

and to make decisions of substantial legal significance affecting the child;

(vi) the right to determine the nature and extent of the child's contact with other persons; and

(vii) the right to manage the child's income and assets.

(b) Unless the court so orders, legal guardianship does not terminate the parent-child relationship, including the right of the child to inherit from his parent, the parent's right to consent to the child's adoption, and the parent's obligation to provide financial, medical, or other support for the child as the court may order.

Definitions

SECTION 2. Section 63-7-20 of the S.C. Code is amended by adding:

(32) "Legal Guardian" means a person appointed by the court through the judicial establishment of a legal guardianship to become the caretaker of a child.

Permanency planning, legal guardianship

SECTION 3. Section 63-7-1700(G) of the S.C. Code is amended to read:

(G)(1) If after assessing the viability of adoption, the department demonstrates that termination of parental rights is not in the child's best interests, the court may award custody or legal guardianship, or both, to a suitable, fit, and willing relative, nonrelative, or fictive kin if the court finds this to be in the best interest of the child; however, a home study on the individual whom the department is recommending for custody or legal guardianship of the child must be submitted to the court for consideration before custody or legal guardianship, or both, are awarded. If the child's plan is legal guardianship with a relative or fictive kin with supplemental benefits, the requirements of Section 63-7-1705 and Article 9 must be met. The supplemental report and child's case plan must address:

(a) how the child meets the eligibility requirements for legal guardianship with supplemental benefits;

(b) the steps the department has taken to determine that the child's return home and termination of parental rights and adoption are not appropriate;

(c) the department's efforts to discuss adoption with the relative

or fictive kin, and the reasons why adoption is not an option;

(d) the department's efforts to discuss legal guardianship with supplemental benefits with the child's parents or reason why efforts were not made;

(e) the reason why legal guardianship and receipt of supplemental benefits is in the child's best interests;

(f) if the child's placement with the relative or fictive kin does not include siblings, the reason why the child is separated from siblings during placement;

(g) if the child is fourteen years or older, that the child has been consulted regarding the legal guardianship arrangement; and

(h) that the relative or fictive kin meets all requirements for licensure as a kinship foster parent.

(2) The court may order a specified period of supervision and services not to exceed twelve months, and the court may authorize a period of visitation or trial placement prior to receiving a home study.

Permanency planning hearings

SECTION 4. Section 63-7-1700(I) of the S.C. Code is amended to read:

(I) If after the permanency planning hearing, the child is retained in foster care, future permanency planning hearings must be held as follows:

(1) If the child is retained in foster care and the agency is required to initiate termination of parental rights proceedings, the termination of parental rights hearing may serve as the next permanency planning hearing, but only if it is held no later than one year from the date of the previous permanency planning hearing.

(2) If the court ordered extended foster care for the purpose of reunification with the parent, the court must select a permanent plan for the child other than another extension for reunification purposes at the next permanency planning hearing. The hearing must be held on or before the date specified in the plan for expected completion of the plan; in no case may the hearing be held any later than six months from the date of the last court order.

(3) After the termination of parental rights hearing, the requirements of Section 63-7-2580 must be met. Permanency planning hearings must be held annually, starting with the date of the termination of parental rights hearing. No further permanency planning hearings may be required after filing a decree of adoption of the child or an order establishing legal guardianship.

(4) If the court places custody or guardianship with the parent, extended family member, or suitable nonrelative and a period of services and supervision is authorized, services and supervision automatically terminate on the date specified in the court order. Before the termination date, the department or the guardian ad litem may file a petition with the court for a review hearing on the status of the placement. Filing of the petition stays termination of the case until further order from the court. If the court finds clear and convincing evidence that the child will be threatened with harm if services and supervision do not continue, the court may extend the period of services and supervision for a specified time. The court's order must specify the services and supervision necessary to reduce or eliminate the risk of harm to the child.

(5) If the child is retained in foster care pursuant to a plan other than one described in items (1) through (4), future permanency planning hearings must be held at least annually.

Legal guardianship proceedings

SECTION 5. Subarticle 11, Article 3, Chapter 7, Title 63 of the S.C. Code is amended by adding:

Section 63-7-1705. (A) Upon motion by the department or any party in interest at any hearing held pursuant to this article, the court may establish legal guardianship with supplemental benefits.

(1) The department or any party in interest may request that the court establish legal guardianship with supplemental benefits by filing and service of a motion setting forth:

(a) the following case plan requirements:

(i) how the child meets the eligibility requirements for legal guardianship with supplemental benefits;

(ii) the steps the department has taken to determine that the child's return home and termination of parental rights and adoption are not appropriate;

(iii) the department's efforts to discuss adoption with the relative or fictive kin, and the reasons why adoption is not an option;

(iv) the department's efforts to discuss legal guardianship with supplemental benefits with the child's parents or reason why efforts were not made;

(v) the reason why legal guardianship and receipt of supplemental benefits is in the child's best interests;

(vi) if the child's placement with the relative or fictive kin does not include siblings, the reason why the child is separated from siblings

during placement;

(vii) if the child is fourteen years or older, that the child has been consulted regarding the legal guardianship arrangement; and

(viii) that the relative or fictive kin meets all requirements for licensure as a kinship foster parent;

(b) the movant's intention to join as a party to the action, a successor legal guardian who is identified in the legal guardianship with supplemental benefits agreement.

(B) The motion must be filed with the court and served on:

(1) the department, unless the department is the moving party;

(2) the child, if the child is fourteen years of age or older;

(3) the child's guardian ad litem;

(4) the child's parents;

(5) the relative or fictive kin; and

(6) the prospective successor legal guardian.

(C) The court shall order legal guardianship with supplemental benefits upon finding by a preponderance of evidence that the department has entered a written agreement with a relative or fictive kin for legal guardianship with supplemental benefits and that placement is in the child's best interests. The court shall issue a separate order establishing that the relative or fictive kin is the child's legal guardian, and the court shall specify in its order:

(1) return home and adoption are not in the child's best interests;

(2) the relative or fictive kin commits to providing the child permanency and stability until the child reaches age eighteen and to preparing the child for adulthood and independence;

(3) the child has resided in the home of the relative or fictive kin for six consecutive months, during which the child was in the legal custody of the department, and the relative was licensed as a kinship foster parent;

(4) the child and the relative share a strong attachment;

(5) the duties, rights, and responsibilities of the relative or fictive kin to the child;

(6) the child meets eligibility requirements for supplemental benefits;

(7) the date on which the department and the relative or fictive kin entered a written agreement for supplemental legal guardianship benefits;

(8) an adult who shall become the successor legal guardian and who is bound by the duties, rights, and responsibilities of the legal guardian stated in the order in the event of the death or incapacity of the legal guardian;

(9) that the relative, fictive kin, and the adult identified as the successor legal guardian received a copy of the supplemental legal guardianship benefits agreement; and

(10) the court's order shall further specify:

(a) the frequency and nature of any parental or sibling visitation;

(b) the frequency and nature of any parental contact;

(c) the effect the order has on other parental rights and responsibilities, including inheritance, child support, and medical decisions; and

(d) that the legal guardian is prohibited from returning the child to the care, custody, and control of the child's parents, except upon issuance of a court order finding clear and convincing evidence that there has been a material change in circumstances.

Legal guardianship, supplemental benefits

SECTION 6. Chapter 7, Title 63 of the S.C. Code is amended by adding:

Article 9

Legal Guardianship with Supplemental Benefits

Section 63-7-2810. The purpose of this article is to supplement the South Carolina legal guardianship law by making possible through public supplemental benefits the most appropriate placement of a child with a legal guardian certified by the Department of Social Services as requiring a supplemental benefit to assure legal guardianship.

Section 63-7-2820. When used in this article:

(1) "Child" means a person under the age of twenty-one.

(2) "Department" means the Department of Social Services.

(3) "Fictive kin" means an individual who is not related by birth, adoption, or marriage to a child but has an emotionally significant relationship with the child or the child's family.

(4) "Relative" means an individual within the first, second, or third degree to a parent or stepparent of a child who may be related through blood, marriage, or adoption or through the establishment of a fictive kin relationship.

(5) "Supplemental legal guardianship benefits" means monthly payments made by the department to a legal guardian pursuant to and after entering a written agreement with a relative or fictive kin to provide

support for a child who without supplemental support may not achieve permanency through legal guardianship.

Section 63-7-2830. The department shall establish and administer an ongoing program of supplemental benefits for legal guardianship. Supplemental benefits and services for children under this program must be provided with funds appropriated to the department for these purposes.

Section 63-7-2840. (A) In order for a child to be eligible for supplemental legal guardianship benefits, the department shall determine that the following provisions apply:

(1) the child is in the legal custody of the department by a removal action under Section 63-7-1660;

(2) the child resided in the home of the relative for a consecutive, six-month period during which the child was in the legal custody of the department and the relative was licensed as a kinship foster parent;

(3) the department determined that return home and adoption are not in the child's best interests;

(4) the child and the relative share a strong attachment, and the relative has a strong commitment to permanently caring for the child; and

(5) if the child is fourteen years of age or older, the department consulted the child regarding the legal guardianship; or

(6) due to the death or incapacity of the legal guardian, the child has been placed with the successor legal guardian named in the supplemental legal guardianship benefits agreement.

(B) Death or incapacity of the legal guardian does not affect the child's eligibility for supplemental legal guardianship benefits if the child is placed with the successor legal guardian named in the supplemental legal guardianship agreement, and the need for supplemental legal guardianship benefits still exists.

Section 63-7-2850. (A) When the department determines that a child is eligible for supplemental legal guardianship benefits, the department and relative must execute a written agreement before the court may order legal guardianship. The department must provide a copy of the written agreement to the relative. At a minimum, the written agreement must specify:

(1) the amount of supplemental legal guardianship benefits the department will provide;

(2) when and how the department will provide the payment;

(3) the manner in which the payment may be adjusted based upon the circumstances of the legal guardian or child, and that prior to making an adjustment, the department must consult with the legal guardian;

(4) any additional services or assistance for which the child and legal guardian will be eligible;

(5) when and how the legal guardian may request additional services;

(6) that the agreement remains in effect regardless of the legal guardian's state of residency; and

(7) that the amount of the payment cannot exceed the amount of the foster care board payment the child would have received if the child remained in foster care.

(B) The agreement terminates upon the occurrence of the following events:

(1) the department determines that the legal guardian is no longer responsible for a child under the age of eighteen;

(2) the department determines that the legal guardian is no longer providing support for the child; or

(3) the child attains the age of eighteen or twenty-one, if the child meets the department's requirements for extended assistance under the agreement.

Section 63-7-2860. A decision regarding supplemental legal guardianship benefits by the department that is adverse to the relative, fictive kin, or legal guardian is reviewable according to the department's fair hearing regulations, unless there is an action pending in family court that can dispose of the issue.

Section 63-7-2870. The department may promulgate regulations as necessary to implement the provisions of this article, including regulations targeting certain age groups for participation in this program, conditions for legal guardians, and child support enforcement regarding the child's parents.

State children's policy

SECTION 7. Section 63-1-20(D) of the S.C. Code is amended to read:

(D) When children or their families request help, state and local government resources shall be utilized to compliment community efforts to help meet the needs of children by aiding in the prevention and resolution of their problems. The State shall direct its efforts first to

strengthen and encourage family life as the most appropriate environment for the care and nurturing of children. To this end, the State shall assist and encourage families to utilize all available resources. For children in need of services, care, and guidance the State shall secure those services as are needed to serve the emotional, mental, and physical welfare of children and the best interests of the community, preferably in their homes or the least restrictive environment possible. When children must be placed in care away from their homes, the State shall insure that they are protected against any harmful effects resulting from the temporary or permanent inability of parents to provide care and protection for their children. It is the policy of this State to reunite the child with his family in a timely manner, whether or not the child has been placed in the care of the State voluntarily. When children must be permanently removed from their homes, they shall be placed in adoptive homes so that they may become members of a family by legal adoption or, when adoption is not appropriate, in the legal guardianship of relatives or fictive kin to preserve family connections, or absent that possibility, other permanent settings.

Foster care and adoption home placement restrictions

SECTION 8. Section 63-7-2350 of the S.C. Code is amended to read:

Section 63-7-2350. (A) No child in the custody of the Department of Social Services may be placed in a foster home, adoptive home, legal guardian's home, qualified residential treatment program, or residential facility with a person if the person or anyone eighteen years of age or older residing in the home or a person working in the qualified residential treatment program or residential facility:

- (1) has a substantiated history of child abuse or neglect; or
- (2) has pled guilty or nolo contendere to or has been convicted of:
 - (a) an "Offense Against the Person" as provided for in Chapter 3, Title 16;
 - (b) an "Offense Against Morality or Decency" as provided for in Chapter 15, Title 16;
 - (c) contributing to the delinquency of a minor as provided for in Section 16-17-490;
 - (d) the common law offense of assault and battery of a high and aggravated nature when the victim was a person seventeen years of age or younger;
 - (e) criminal domestic violence as defined in Section 16-25-20;
 - (f) criminal domestic violence of a high and aggravated nature as

defined in Section 16-25-65;

(g) a felony drug-related offense under the laws of this State;

(h) unlawful conduct toward a child as provided for in Section 63-5-70;

(i) cruelty to children as provided for in Section 63-5-80;

(j) child endangerment as provided for in Section 56-5-2947; or

(k) criminal sexual conduct with a minor in the first degree as provided for in Section 16-3-655(A).

(B) A person who has been convicted of a criminal offense similar in nature to a crime enumerated in subsection (A) when the crime was committed in another jurisdiction or under federal law is subject to the restrictions set out in this section.

(C) At a minimum, the department shall require that all persons referenced in subsection (A) undergo a fingerprint review to be conducted by the State Law Enforcement Division and a fingerprint review to be conducted by the Federal Bureau of Investigation. The department also shall check the State Central Registry of Child Abuse and Neglect, department records, the equivalent registry system for each state in which the person has resided for five years preceding an application for licensure as a foster parent, the National Sex Offender Registry, and the state sex offender registry for applicants and all persons twelve years of age and older residing in the home of an applicant.

(D) This section does not prevent placement in a foster home, adoptive home, legal guardian's home, or residential facility when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in subsection (A) has been pardoned. However, notwithstanding the entry of a pardon, the department or other entity making placement or licensing decisions may consider all information available, including the person's pardoned convictions or pleas and the circumstances surrounding them, to determine whether the applicant is unfit or otherwise unsuited to provide foster care services.

(E) For the purposes of this section, "residential facility" means a group home, residential treatment center, or other facility that, pursuant to a contract with or a license or permit issued by the department, provides residential services to children in the custody of the department. This includes, but is not limited to, child caring institutions, emergency shelters, group homes, wilderness therapeutic camps, and organizations with supervised individual living facilities.

Time effective

SECTION 9. This act takes effect upon approval by the Governor.

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 26

(R33, S394)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-37-30, RELATING TO NEONATAL TESTING OF CHILDREN, SO AS TO PROVIDE FOR CERTAIN NOTIFICATIONS OF ABNORMAL RESULTS.

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

Neonatal testing

SECTION 1. Section 44-37-30(B) of the S.C. Code is amended to read:

(B)(1) Information obtained as a result of the tests conducted pursuant to this section is confidential and may be released only to a parent or legal guardian of the child, the child's physician, and the child when eighteen years of age or older when requested on a form promulgated in regulation by the department.

(2) If the results of the neonatal testing are abnormal, the department may recommend additional testing and, in addition to the notification requirements established in Section 44-37-30(B)(1), notify one or more of the following to ensure timely provision of follow-up services:

(a) the physician or health care provider attending the child's birth or his designee;

(b) the physician or health care provider responsible for newborn care in the hospital; or

(c) the physician or health care provider identified for follow-up care after the newborn's discharge from the hospital.

(3) If the results of the neonatal testing are abnormal, time-sensitive, or time-critical, the department may, in addition to notification requirements established in Section 44-37-30(B)(1) and (2), notify and

provide information about the abnormal, time-sensitive, or time-critical screening results to a qualified pediatric specialist in accordance with guidelines established by the department's Newborn Screening Advisory Committee for the timely provision of the follow-up services.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 27

(R34, S405)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-19-70, RELATING TO CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REQUIRE THE GOVERNOR TO TRANSMIT TO THE ARCHIVIST OF THE UNITED STATES A CERTIFICATE OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS AT LEAST SIX DAYS BEFORE THE MEETING OF THE ELECTORS; BY AMENDING SECTION 7-19-90, RELATING TO THE MEETING OF ELECTORS, SO AS TO REVISE THE TIME FIXED FOR THE MEETING; AND BY AMENDING SECTION 7-19-100, RELATING TO THE DISPOSITION OF CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REVISE THE MANNER OF DISPOSITION.

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

Election of presidential electors

SECTION 1. Section 7-19-70 of the S.C. Code is amended to read:

Section 7-19-70. (A) Unless otherwise provided, the election of presidential electors shall be conducted and the returns made in the manner prescribed by this title for the election of state officers.

(B) The names of candidates for electors of President and Vice President nominated by any political party recognized in this State under Section 7-9-10 or by a valid petition shall be filed with the Secretary of State but shall not be printed on the ballot. In place of their names, in accordance with the provisions of Section 7-13-320, there shall be printed on the ballot the names of the candidates for President and Vice President of each political party recognized in this State and the names of any petition candidates for President and Vice President. A vote for the candidates named on the ballot shall be a vote for the electors of the party by which those candidates were nominated or the electors of petition candidates whose names have been filed with the Secretary of State.

(C) Upon receipt of the certified determination of the Board of State Canvassers and delivered to him in accordance with Section 7-17-300, the Secretary of State, under his hand and the seal of his office, as required by Section 7-17-310, shall certify to the Governor the names of the persons elected to the office of elector for President and Vice President of the United States as stated in the certified determination, who shall be deemed appointed as electors.

(D) It shall be the duty of the Governor, at least six days before the time fixed for the meeting of the electors, to transmit to the Archivist of the United States by the most expeditious method available a certificate of ascertainment of appointment of electors. The certificate must bear the seal of the State, contain at least one security feature, and set forth the names of the electors appointed and the canvass or other determination under the laws of this State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast. It shall also be the duty of the Governor to transmit to the electors of the State, on or before the day on which they are required by law to meet, six duplicate-originals of the same certificate.

(E) Any certificate of ascertainment of appointment of electors required to be issued or revised by any state or federal judicial relief granted prior to the date of the meeting of electors shall replace and supersede any other certificates submitted pursuant to this section.

Meeting of electors for President and Vice President

SECTION 2. Section 7-19-90 of the S.C. Code is amended to read:

Section 7-19-90. (A) The electors for President and Vice President shall convene at the capitol, in the office of the Secretary of State, at eleven in the forenoon, on the first Tuesday after the second Wednesday in December next following their appointment, and shall proceed to effect a permanent organization by the election of a president and secretary from their own body. The electors shall next proceed to fill by ballot and by plurality of votes all vacancies in the electoral college occasioned by the death, refusal to serve, or neglect to attend, of any elector. The electors shall then and there vote by ballot for President and Vice President, one of whom at least shall not be an inhabitant of the same state with themselves.

(B) The electors shall make and sign six certificates of all the votes given by them for President and Vice President, each of which certificates shall contain two distinct lists, one of the votes for President and the other for Vice President, and shall annex to each of the certificates of votes one of the certificates of ascertainment of appointment of electors which shall have been furnished to them by direction of the Governor.

(C) The electors shall seal up the certificates of votes so made by them, together with the annexed certificates of ascertainment of appointment of electors, and certify upon each that the list of all the votes of the State given for President, and of all of the votes given for Vice President, are contained therein.

Disposition of certificates of electors

SECTION 3. Section 7-19-100 of the S.C. Code is amended to read:

Section 7-19-100. (A) The electors shall immediately transmit at the same time and by the most expeditious method available the certificates of votes so made by them, together with the annexed certificates of ascertainment of appointment of electors, as follows:

(1) One set shall be sent to the to the President of the Senate of the United States at the seat of government.

(2) Two sets shall be sent to the Executive Director of the State Election Commission, one of which shall be held subject to the order of the President of the Senate of the United States, the other to be preserved by the Executive Director of the State Election Commission for one year and shall be a part of the public records of the State Election Commission and shall be open to public inspection.

(3) Two sets shall be sent to the Archivist of the United States at the seat of government.

(4) One set shall be sent to the judge of the district in which the electors shall have assembled.

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 28

(R35, S449)

**AN ACT TO AMEND SECTION 4 OF ACT 71 OF 2021,
RELATING TO THE TRANSPORTATION OF LIVE SWINE
WITHOUT IDENTIFICATION, SO AS TO REPEAL THE
SUNSET CLAUSE.**

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

Repeal

SECTION 1. SECTION 4 of Act 71 of 2021 is repealed.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 29

(R36, S500)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-75-485, RELATING TO THE SOUTH CAROLINA HURRICANE DAMAGE MITIGATION PROGRAM, SO AS TO ESTABLISH GRANT CRITERIA, ESTABLISH A NONMATCHING GRANT FORMULA, AND TO REMOVE A CAP ON THE AMOUNT OF THE GRANT; BY AMENDING SECTION 38-3-110, RELATING TO DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, SO AS TO ALLOW THE DIRECTOR TO PROVIDE INFORMATION REGARDING FACTORS THAT MAY AFFECT PREMIUM RATES; BY AMENDING SECTION 38-73-1085, RELATING TO THE PUBLICATION OF REPRESENTATIVE SAMPLE PREMIUMS, SO AS TO ALLOW THE DIRECTOR OR HIS DESIGNEE TO MAKE AVAILABLE INFORMATION THAT AFFECTS PRIVATE PASSENGER PREMIUM RATES; BY AMENDING SECTION 38-61-80, RELATING TO WITHDRAWING FROM THE MARKET, SO AS TO REQUIRE NOTICE TO THE DIRECTOR BY THE INSURER; AND BY AMENDING SECTION 38-1-20, RELATING TO THE DEFINITION OF “SURPLUS LINES INSURANCE”, SO AS TO INCLUDE A REFERENCE TO COMMERCIAL MOTOR VEHICLE LIABILITY.

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

South Carolina Hurricane Damage Mitigation Program

SECTION 1. Section 38-75-485 of the S.C. Code is amended to read:

Section 38-75-485. (A) There is established within the Department of Insurance, the South Carolina Hurricane Damage Mitigation Program. The advisory committee, established pursuant to Section 38-75-470, shall provide advice and assistance to the program administrator with regard to his administration of the program.

(B) This section does not create an entitlement for property owners or obligate the State in any way to fund the inspection or retrofitting of residential property in this State. Implementation of this program is subject to annual legislative appropriations.

(C) The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that includes the following:

(1) The program may award matching or nonmatching grants based upon the availability of funds. The program administrator also shall apply for financial grants to be used to assist single-family, site-built or manufactured or modular, owner-occupied, residential property owners to retrofit their primary legal residence to make them less vulnerable to hurricane damage.

(a) To be eligible for a matching grant, a residential property must:

(i) be the applicant's primary legal residence;

(ii) be actually owned and occupied by the applicant;

(iii) be the owner's legal residence as described in Section 12-43-220(c);

(iv) be a single-family, site-built, manufactured, or modular, owner-occupied residential property;

(v) be a residential property covered by a current homeowners or dwelling insurance policy that:

(A) is issued by an insurer licensed in this State or a surplus lines insurer, where the policy is lawfully placed by a broker authorized to do business in this State; and

(B) provides insurance coverage of the residential property equal to or greater than the fair market value of the residential property as defined in Section 12-37-3135(a)(2) and reflected in the county records;

(vi) have undergone an acceptable wind certification and hurricane mitigation inspection in accordance with program requirements.

(b) All matching grants must be matched on a dollar-for-dollar basis up to the maximum allowed depending on the type of retrofit. Grants will be awarded based on the following requirements:

(i) a Resilient Mitigation Award will be awarded for roof retrofits meeting SC Safe Homes Retrofit Guidelines and Institute for Business and Home Safety Fortified Roof Retrofit Guidelines for a residential property and may not exceed seven thousand five hundred dollars for nonmatching grant awards or six thousand dollars for matching grants; and

(ii) a Sustainable Mitigation Award will be awarded for roof retrofits meeting SC Safe Home Retrofit Guidelines only or for Window Replacement and Opening Protection Retrofits meeting SC Safe Home Opening Protection Guidelines for residential property and may not

exceed five thousand dollars for nonmatching grants awards or four thousand dollars for matching grants. For Hurricane Shuttering and Protective Barrier Systems only meeting SC Safe Home Opening Protection Guidelines, grants may not exceed three thousand dollars for both matching and nonmatching grants.

(c) The program must create a process in which mitigation contractors agree to participate and seek reimbursement from the State and homeowners selected from a list of participating contractors. All mitigation projects must be based upon the securing of all required local permits and inspections. Mitigation projects are subject to random reinspection. The program may reinspect up to ten percent of all projects.

(d) Matching fund grants also must be made available to local governments and nonprofit entities, on a first-come, first-served basis, for projects that reduce hurricane damage to single-family, site-built or manufactured or modular owner-occupied, residential property, provided that:

(i) no matching grant for any one local government or nonprofit entity may exceed fifty thousand dollars in any fiscal year;

(ii) the total amount of matching grants awarded to all local governments and nonprofit entities combined may not exceed two hundred fifty thousand dollars in any fiscal year; and

(iii) the difference between two hundred fifty thousand dollars and the total amount of grants awarded to all local governments and nonprofit entities combined in any fiscal year may be applied to grants to individual homeowners who meet the qualifications for a grant described in subitems (a) through (d) or in subitem (g).

(e) Grants may be used for the following improvements:

(i) roof deck attachment;

(ii) secondary water barrier;

(iii) roof covering;

(iv) brace gable ends;

(v) reinforce roof-to-wall connections;

(vi) opening protection;

(vii) exterior doors, including garage doors;

(viii) tie downs;

(ix) problems associated with weakened trusses, studs, and other structural components;

(x) inspection and repair or replacement of manufactured home piers, anchors, and tiedown straps; and

(xi) any other mitigation techniques approved by the advisory committee.

(f) To be eligible for a nonmatching grant, a residential property

must comply with the requirements set forth in subsection (C)(1)(a), (c), and (e).

(i) For nonmatching grants, applicants who otherwise meet the requirements of subitems (a), (c), and (e) may be eligible for a grant of up to seven thousand five hundred dollars for a Resilient Mitigation Grant Award and may not be required to provide a matching amount to receive a Resilient Mitigation Grant Award, up to five thousand dollars for a Sustainable Mitigation Grant Award or up to three thousand dollars for a Sustainable Mitigation Hurricane Shutters and Protective Barrier Systems Award. These grants must be used to retrofit single-family, site-built or manufactured or modular, owner-occupied, residential properties in order to make them less vulnerable to hurricane damage. The grant must be used for the retrofitting measures set forth in Section 38-75-485(C)(1)(e).

(ii) Nonmatching grant award amounts will be determined based on the cost of the mitigation project and a percentage of the total adjusted household income of the applicant according to the most recent federal income tax return. Those applicants with a total annual adjusted gross household income of which does not exceed eighty percent of the median annual adjusted gross income for households within the county in which the person or family resides may be eligible for the maximum grant award amount. Applicants with a higher total annual adjusted household income may be awarded a lower amount. The director or his designee shall issue a bulletin annually that sets forth the maximum grant award amounts based on the total annual adjusted gross household income of the applicant adjusted for family size relative to the county area median income or the state median family income, whichever is higher, as published annually by the United States Department of Housing and Urban Development. If the cost of the mitigation project exceeds the amount of the grant award, the remaining cost is the applicant's responsibility.

(2) The department shall define by regulation the details of the mitigation measures necessary to qualify for the grants described in this section.

(3) Multimedia public education, awareness, and advertising efforts designed to specifically address mitigation techniques must be employed, as well as a component to support ongoing consumer resources and referral services.

(4) The department shall use its best efforts to obtain grants or funds from the federal government to supplement the financial resources of the program. In addition to state appropriations, if any, this program must be implemented by the department through the use of the premium taxes

due to this State by the South Carolina Wind and Hail Underwriting Association, and one percent of the premium taxes collected annually and remitted to the Department of Insurance.

(5) The director or his designee may promulgate regulations necessary to implement the provisions of this article.

Duties of the Director of the Department of Insurance

SECTION 2. Section 38-3-110(5)(b)(iii) of the S.C. Code is amended to read:

(iii) providing information regarding the factors that can affect premium rates;

Publication of representative sample of premiums

SECTION 3. Section 38-73-1085 of the S.C. Code is amended to read:

Section 38-73-1085. The director or his designee shall make available information regarding the factors that can affect private-passenger premium rates.

Withdrawing from the market

SECTION 4. Section 38-61-80 of the S.C. Code is amended to read:

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

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

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

(B) An insurer's rates, rules, and forms filed with the department are

considered no longer on file for use with any new business in the market affected by the insurer's withdrawal plan on and after the date the withdrawal plan goes into effect.

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

(D) An insurer must not cancel, nonrenew, or otherwise terminate all or substantially all of an entire line or class of business in this State unless the insurer notified the director, in writing, of the action, including the reasons for such action, and plans for the orderly cessation of business at least thirty (30) days before the insurer begins the process of notifying insureds of the decision to nonrenew, cancel, or otherwise terminate the policy. This provision does not apply to action relating to the transfer of risks within a group of insurers with common ownership. This item must not be construed to prevent an insurer from canceling, nonrenewing, or terminating policies provided that the insurer complies with the processes required under Sections 38-75-730, 38-75-740, or 38-77-120.

Definition

SECTION 5. Section 38-1-20(56) of the S.C. Code is amended to read:

(56) "Surplus lines insurance" means insurance in this State of risks located or to be performed in this State, permitted to be placed through a licensed broker, or a licensed broker as provided in Section 38-45-10(8)(b)(ii), with a nonadmitted insurer eligible to accept the insurance, other than reinsurance, wet marine and transportation insurance, insurance independently procured, and life and health insurance and annuities. Excess and stop-loss insurance coverage upon group life, accident, and health insurance or upon a self-insured's life, accident, and health benefits program, disability insurance in excess of any benefit limit available from an admitted insurer, commercial motor vehicle liability, and international major medical insurance may be approved as surplus lines insurance.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 30

(R37, S520)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 18 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY AUDIT RIGHTS, SO AS TO EXPAND THE RIGHTS AND DUTIES OF PHARMACIES DURING AUDITS; BY AMENDING ARTICLE 21 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY BENEFITS MANAGERS, SO AS TO DEFINE TERMS AND MAKE CONFORMING CHANGES; BY ADDING ARTICLE 23 TO CHAPTER 71, TITLE 38 SO AS TO DEFINE TERMS AND OUTLINE RESPONSIBILITIES AND DUTIES OF PHARMACY SERVICES ADMINISTRATIVE ORGANIZATIONS; AND BY REPEALING SECTION 38-71-147 RELATING TO FREEDOM OF SELECTION AND PARTICIPATION IN HEALTH INSURANCE POLICIES OR HEALTH MAINTENANCE ORGANIZATION PLANS.

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

Pharmacy audit rights

SECTION 1. Article 18, Chapter 71, Title 38 of the S.C. Code is amended to read:

Article 18

Pharmacy Audit Rights

Section 38-71-1810. (A) For the purposes of this article:

(1) "Insurer" means an entity that provides health insurance coverage in this State as defined in Section 38-71-670(7) and Section

38-71-840(16).

(2) "Responsible party" means the entity responsible for payment of claims for health care services other than:

(a) the individual to whom the health care services were rendered; or

(b) that individual's guardian or legal representative.

(3) "Audit" means an evaluation, investigation, or review of claims paid to a pharmacy that takes place at the pharmacy location and does not include review of claims or claims payments that an insurer conducts as a normal course of business. Nothing in this definition limits the review of claims or claims payments through an electronic or algorithmic system designed to reduce fraud, waste, or abuse, provided that recoupments may not be calculated based on extrapolation pursuant to Section 38-71-1810(21).

(4) "Abuse" means any practice that:

(a)(i) is inconsistent with sound fiscal or business practices; or

(ii) fails to meet professionally recognized standards for pharmacy services; and

(b) directly or indirectly causes financial loss to a responsible party.

(B) If a managed care organization, insurer, third-party payor, or any entity that represents a responsible party conducts an audit of the records of a pharmacy, then, with respect to this audit, the pharmacy has a right to:

(1) not have an audit initiated or scheduled during the first five days of any month without the express consent of the pharmacy, which shall cooperate with the auditor to establish an alternate date if the audit would fall within the excluded days, and no audit may be performed during a state of emergency declared by the Governor that applies to the pharmacy location unless the state of emergency extends beyond ninety days or is agreed to by the pharmacy location;

(2) have an audit that involves clinical judgment be conducted with a pharmacist who is licensed and employed by or working under contract with the auditing entity;

(3) not have clerical or recordkeeping errors, including typographical errors, scrivener's errors, and computer errors, on a required document or record considered fraudulent in the absence of any other evidence or serve as the sole basis of rejection of a claim; however, the provisions of this item do not prohibit recoupment of fraudulent payments;

(4) have the auditing entity to provide the pharmacy, upon request, all records related to the audit in an electronic format or contained in

digital media;

(5) have at least thirty days to respond to an audit notice and to submit records requested by the auditing entity related to the audit in electronic format or by certified mail. If a pharmacy requests an extension during this thirty-day period, it must be granted an additional thirty days to respond. The auditing entity must confirm receipt of all materials and documentation provided by the pharmacy to the auditing entity;

(6) have the properly documented records of a hospital or of a person authorized to prescribe controlled substances for the purpose of providing medical or pharmaceutical care for their patients transmitted by any means of communication approved by the auditing entity in order to validate a pharmacy record with respect to a prescription or refill for a controlled substance or narcotic drug pursuant to federal and state regulations;

(7) have a projection of an overpayment or underpayment based on either the number of patients served with a similar diagnosis or the number of similar prescription orders or refills for similar drugs; however, the provisions of this item do not prohibit recoupments of actual overpayments unless the projection for overpayment or underpayment is part of a settlement by the pharmacy;

(8) prior to the initiation of an audit, if the audit is conducted for an identified problem, have the audit limited to claims that are identified by prescription number or by range of prescription numbers;

(9) if an audit is conducted for a reason other than described in item (8), have the audit limited to one hundred selected prescriptions per pharmacy benefits manager;

(10) if an audit reveals the necessity for a review of additional claims, the audit may be conducted on-site;

(11) except for audits initiated for the reason described in items (8) or (10), be subject to no more than one audit in one calendar year, unless fraud or misrepresentation is reasonably suspected;

(12) be free of recoupments based on either of the following subitems unless defined within the billing, submission, or audit requirements set forth in the pharmacy provider manual not inconsistent with current State Board of Pharmacy Regulations, except for cases of Food and Drug Administration regulation or drug manufacturer safety programs in accordance with federal or state regulations:

(a) documentation requirements in addition to, or exceeding requirements for, creating or maintaining documentation prescribed by the State Board of Pharmacy;

(b) a requirement that a pharmacy or pharmacist perform a

professional duty in addition to, or exceeding, professional duties prescribed by the State Board of Pharmacy unless otherwise agreed to by contract with the auditing entity;

(13) be subject, so long as a claim is made within the contractual claim submission time period, to recoupment only following the correction of a claim and to have recoupment limited to amounts paid in excess of amounts payable under the corrected claim unless a prescription error occurs. For purposes of this subsection, a prescription error includes, but is not limited to, wrong drug, wrong strength, wrong dose, or wrong patient;

(14) be subject to reversals of approval, except for Medicare claims, for drug, prescriber, or patient eligibility upon adjudication of a claim only in cases in which the pharmacy obtained the adjudication by fraud or misrepresentation of claim elements;

(15) be audited under the same standards and parameters as other similarly situated pharmacies audited by the same entity;

(16) have at least thirty days following receipt of the preliminary audit report to produce documentation to address any discrepancy found during an audit;

(17) have the option of providing documentation in electronic format or by certified mail;

(18) have the period covered by an audit limited to twenty-four months from the date a claim was submitted to, or adjudicated by, a managed care organization, an insurer, a third-party payor, or an entity that represents responsible parties, unless a longer period is permitted by or under federal law;

(19) have the preliminary audit report delivered to the pharmacy within one hundred twenty days after conclusion of the audit;

(20) have a final audit report delivered to the pharmacy within ninety days after the end of the appeals period;

(21) not have the accounting practice of extrapolation used in calculating recoupments or penalties for audits, unless otherwise required by federal requirements or federal plans; and

(22) have the right to an external review pursuant to Section 38-71-2240 for any denied appeals of recoupment if the pharmacy believes the recoupment amounts were calculated in violation of this article.

(C) Notwithstanding Section 38-71-1840, the auditing entity shall provide the pharmacy, if requested, a masked list that provides a prescription number range the auditing entity is seeking to audit.

Section 38-71-1820. (A) Each entity that conducts an audit of a

pharmacy shall establish an appeals process under which a pharmacy may appeal an unfavorable preliminary audit report to the entity.

(B) If, following the appeal, the entity finds that an unfavorable audit report or any portion of the unfavorable audit report is unsubstantiated, the entity shall dismiss the unsubstantiated portion of the audit report without any further proceedings.

(C) Each entity conducting an audit shall provide a copy, if required under the terms of the contract with the responsible party, of the audit findings to the plan sponsor after completion of any appeals process.

Section 38-71-1830. (A) Recoupments of any funds disputed on the basis of an audit must occur only after final internal disposition of the audit, including the appeals process as provided for in Section 38-71-1820 or the external review pursuant to Section 38-71-2240, unless fraud or misrepresentation is reasonably suspected.

(B) Recoupment on an audit must be refunded to the responsible party as contractually agreed upon by the parties involved in the audit.

(C) The entity conducting the audit may charge or assess the responsible party, directly or indirectly, based on amounts recouped if both of the following conditions are met:

(1) the responsible party or payor and the entity conducting the audit have entered into a contract that explicitly states the percentage charge or assessment to the responsible party; and

(2) a commission or other payment to an agent or employee of the entity conducting the audit is not based, directly or indirectly, on amounts recouped.

Section 38-71-1840. The provisions of this article do not apply to an audit, review, or investigation:

(1) that involves alleged insurance fraud or abuse, Medicare fraud or abuse, or other fraud or misrepresentation;

(2) conducted by or on the behalf of the Department of Health and Human Services in the performance of its duties in administering Medicaid under Titles XIX and XXI of the Social Security Act; or

(3) notwithstanding the exemptions under subitems (1) and (2) of this section, contracts between the South Carolina Department of Health and Human Services and Medicaid-managed care organizations must include provisions for biannual audits of Medicaid-managed care organizations' pharmacy pricing and include limitations on any pharmacy benefits manager contract arrangements that bill the Medicaid program for more than the total price paid to pharmacies for actual claims.

Pharmacy benefits managers

SECTION 2. Article 21, Chapter 71, Title 38 of the S.C. Code is amended to read:

Article 21

Pharmacy Benefits Managers

Section 38-71-2200. As used in this article:

(1) "Claim" means a request from a pharmacy or pharmacist to be reimbursed for the cost of administering, filling, or refilling a prescription for a drug or for providing a medical supply or device.

(2) "Claims processing services" means the administrative services performed in connection with the processing and adjudicating of claims relating to pharmacist services that include:

(a) receiving payments for pharmacist services;

(b) making payments to pharmacists or pharmacies for pharmacist services; or

(c) both receiving and making payments.

(3) "Health benefit plan" means any individual, blanket, or group plan, policy, or contract for health care services issued or delivered by a health care insurer in this State as defined in Sections 38-71-670(6) and 38-71-840(14), including the state health plan as defined in Section 1-11-710. Notwithstanding this section, the state health plan is not subject to the provisions of this title unless specifically referenced.

(4) "Health care insurer" means an entity that provides health insurance coverage in this State as defined in Section 38-71-670(7) and Section 38-71-840(16).

(5) "Maximum Allowable Cost List" means a listing of generic drugs used by a pharmacy benefits manager to set the maximum allowable cost at which reimbursement to a pharmacy or pharmacist may be made.

(6) "Other prescription drug or device services" means services other than claims processing services, provided directly or indirectly by a pharmacy benefits manager, whether in connection with or separate from claims processing services, including without limitation:

(a) negotiating rebates, discounts, or other financial incentives and arrangements with drug companies;

(b) disbursing or distributing rebates;

(c) managing or participating in incentive programs or arrangements for pharmacist services;

(d) negotiating or entering into contractual arrangements with

pharmacists or pharmacies, or both;

- (e) developing formularies;
- (f) designing prescription benefit programs; or
- (g) advertising or promoting services.

(7) "Pharmacist" has the same meaning as provided in Section 40-43-30(65).

(8) "Pharmacist services" means products, goods, and services, or any combination of products, goods, and services, provided as a part of the practice of pharmacy.

(9) "Pharmacy" has the same meaning as provided in Section 40-43-30(67).

(10) "Pharmacy benefits manager" means an entity that contracts with pharmacists or pharmacies on behalf of an insurer, third-party administrator, or the South Carolina Public Employee Benefit Authority to:

- (a) process claims for prescription drugs or medical supplies or provide retail network management for pharmacies or pharmacists;
- (b) pay pharmacies or pharmacists for prescription drugs or medical supplies; or
- (c) negotiate rebates with manufacturers for drugs paid for or procured as described in this article.

(11) "Pharmacy benefits manager affiliate" means a pharmacy or pharmacist that directly or indirectly, through one or more intermediaries, owns or controls, is owned or controlled by, or is under common ownership or control with a pharmacy benefits manager.

(12) "Pharmacy Services Administrative Organization" (PSAO) means an entity that has contracted with pharmacy clients in the State to conduct business on their behalf with third-party payers or pharmacy benefits managers. PSAOs provide administrative services to pharmacies and negotiate and enter into contracts with third-party payers or pharmacy benefits managers on behalf of pharmacies.

(13) "Specialized delivery drug" means a prescription drug that meets a majority of the following criteria, as set forth by the manufacturer, FDA, or other applicable law or regulatory body and:

- (a) requires special handling or storage;
- (b) requires complex and extended patient education or counseling;
- (c) requires intensive monitoring;
- (d) requires clinical oversight; or
- (e) requires product support services; and the drug is used to treat chronic and complex, or rare medical conditions:
 - (i) that can be progressive; or
 - (ii) that can be debilitating or fatal if left untreated or

undertreated.

Section 38-71-2210. (A)(1) A person or organization may not establish or operate as a pharmacy benefits manager in this State for health benefit plans without obtaining a license from the Director of the Department of Insurance.

(2) The director shall prescribe the application for a license to operate in this State as a pharmacy benefits manager and may charge an initial application fee of one thousand dollars and an annual renewal fee of five hundred dollars, provided the pharmacy benefits manager application form must collect the following information:

(a) the name, address, and telephone contact number of the pharmacy benefits manager;

(b) the name and address of the pharmacy benefits manager's agent for service of process in the State;

(c) the name and address of each person with management or control over the pharmacy benefits manager;

(d) the name and address of each person with a beneficial ownership interest in the pharmacy benefits manager;

(e) a signed statement indicating that, to the best of their knowledge, no officer with management or control of the pharmacy benefits manager has been convicted of a felony or has violated any of the requirements of state law applicable to pharmacy benefits managers, or, if the applicant cannot provide such a statement, a signed statement describing the relevant conviction or violation; and

(f) in the case of a pharmacy benefits manager applicant that is a partnership or other unincorporated association, limited liability company, or corporation, and has five or more partners, members, or stockholders:

(i) the applicant shall specify its legal structure and the total number of its partners, members, or stockholders who, directly or indirectly, own, control, hold with the power to vote, or hold proxies representing ten percent or more of the voting securities of any other person; and

(ii) the applicant shall agree that, upon request by the department, it shall furnish the department with information regarding the name, address, usual occupation, and professional qualifications of any other partners, members, or stockholders who, directly or indirectly, own, control, hold with the power to vote, or hold proxies representing ten percent or more of the voting securities of any other person.

(3) An applicant or a pharmacy benefits manager that is licensed to conduct business in the State shall, unless otherwise provided for in this

chapter, file a notice describing any material modification of this information.

(B) The director may promulgate regulations establishing the licensing and reporting requirements of pharmacy benefits managers consistent with the provisions of this article.

(C) The fees and penalties assessed pursuant to this article must be retained by the department for the administration of this chapter.

Section 38-71-2220. (A) In any participation contracts between pharmacy benefits managers and pharmacists or pharmacies providing prescription drug coverage for health benefit plans, no pharmacy or pharmacist may be prohibited, restricted, or penalized in any way from disclosing to any covered person any health care information that the pharmacy or pharmacist deems appropriate within their scope of practice.

(B) A pharmacy or pharmacist must not be proscribed by a pharmacy benefits manager from discussing information regarding the total cost for pharmacist services for a prescription drug or from selling a more affordable alternative to the insured if a more affordable alternative is available, but a pharmacy benefits manager may proscribe a pharmacy or pharmacist from sharing proprietary or confidential information.

(C) A pharmacy benefits manager contract with a participating pharmacist or pharmacy may not prohibit, restrict, or limit disclosure of information to the director investigating or examining a complaint or conducting a review of a pharmacy benefits manager's compliance with the requirements pursuant to this act. The information or data acquired during an examination or review pursuant to this section is considered proprietary and confidential and is not subject to the South Carolina Freedom of Information Act.

Section 38-71-2230. (A) A pharmacy benefits manager or representative of a pharmacy benefits manager shall not:

(1) cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading;

(2) charge a pharmacist or pharmacy a fee related to the adjudication of a claim unless the fee is:

(a) agreed to by a Pharmacy Services Administrative Organization acting on behalf of a pharmacy that it represents; or

(b) identified and agreed to in contract and identified and reported on the remittance advice;

(3) engage in an anticompetitive pattern of reimbursing independent

or unaffiliated pharmacies or pharmacists in this State consistently less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services or prescription drug unless the difference in reimbursement is justified according to uniform, defined standards that apply to each network provider;

(4) collect or require a pharmacy or pharmacist to collect from an insured a copayment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(a) the contracted copayment amount;

(b) the amount an individual would pay for a prescription drug if that individual was paying cash; or

(c) the contracted amount for the drug;

(5) require the use of mail order for filling prescriptions unless required to do so by the health benefit plan or the health benefit plan design;

(6) Reserved;

(7) penalize or retaliate against a pharmacist or pharmacy for exercising rights provided pursuant to the provisions of this chapter;

(8) prohibit a pharmacist or pharmacy from offering and providing direct and limited delivery services including incidental mailing services, to an insured as an ancillary service of the pharmacy; or

(9) any combination thereof.

(B) No pharmacy benefits manager shall, directly or indirectly, impose retroactive fees, reductions, or recoupments of the amount paid to a pharmacist or pharmacy for any claim for prescription drugs other than the Medicare Part D Program as set forth in 42 U.S.C. 1395w-102 and 42 C.F.R. 423 or as provided in this subsection.

(C) Notwithstanding subsection (B), a pharmacy benefits manager may make or permit a reduction or recoupment of payment for pharmacist or pharmacy services for:

(1) claims submitted fraudulently;

(2) claims where the pharmacist or pharmacy was previously paid for the same pharmacy goods or services;

(3) claims not properly rendered or billed by the pharmacy or pharmacist; or

(4) otherwise in accordance with state pharmacy audit laws.

(D) This section does not preclude a pharmacy benefits manager from engaging in claims reconciliation activities relating to brand effective rates and generic effective rates if:

(1) such activities are agreed to by a Pharmacy Services Administrative Organization acting on behalf of a pharmacy it represents

and identified in the contract; or

(2) if a pharmacy is not represented by a Pharmacy Services Administrative Organization, such activities are permitted if:

(a) they are agreed to by a pharmacy and identified in a contract;

(b) they do not result in a retroactive reduction or recoupment of payment to a pharmacist or pharmacy for a previously adjudicated covered claim, unless the pharmacy or pharmacist has clearly consented to retroactive reductions as part of participation in the program and the reductions are explained in an annual reconciliation statement; and

(c) a pharmacy is allowed to choose not to participate in programs that include the activities. A pharmacy benefits manager offering different terms and conditions including, but not limited to, differing reimbursement rates, for participation versus nonparticipation in the activities shall not constitute a violation of Section 38-71-2230(A)(7).

(E) This subsection may not be construed to limit overpayment recovery efforts as set forth in Section 38-59-250.

A pharmacy may not be subject to a charge-back or recoupment for a clerical or recordkeeping error in a required document or record, including a typographical or computer error, unless the error resulted in overpayment to the pharmacy.

(F) Termination of a pharmacy or pharmacist from a pharmacy benefits manager network does not release the pharmacy benefits manager from the obligation to make any payment due to the pharmacy or pharmacist for pharmacist services properly rendered according to the contract.

(G) A pharmacy benefits manager must not directly or indirectly engage in patient steering to a pharmacy that is a pharmacy benefits manager affiliate without first making a written disclosure to the patient informing such patient of the pharmacy benefits manager's relationship with the pharmacy and providing the patient with access to information about unaffiliated, in-network pharmacies that are located near the patient. A pharmacy benefits manager must not prohibit a patient from choosing to use an alternative in-network pharmacy.

(H) Nothing in this article abridges the right of a pharmacist to refuse to fill or refill a prescription as referenced in Section 40-43-86(E)(6) of the South Carolina Pharmacy Practice Act.

Section 38-71-2235. (A) A pharmacy benefits manager must perform its duties to a health benefit plan or health care insurer exercising good faith and fair dealing.

(B) A pharmacy benefits manager must provide during normal business hours a phone number through which a pharmacy or pharmacist

can obtain answers within a reasonable time to questions regarding networks, patient benefits, appeals, and other contractual or service issues.

(C) A pharmacy benefits manager may not prohibit a pharmacy services administrative organization or pharmacy from sharing information directly with the department.

Section 38-71-2240. (A) Before a pharmacy benefits manager places or continues to place a particular drug on a Maximum Allowable Cost List, the drug must:

(1) be listed as “A” or “B” rated in the most recent version of the Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations, also known as the Orange Book, or has an “NR” or “NA” rating, or a similar rating, by a nationally recognized reference;

(2) be available for purchase in the State from national or regional wholesalers operating in this State; and

(3) not be obsolete.

(B) A pharmacy benefits manager shall:

(1) provide a process for network pharmacy providers to readily access the maximum allowable cost specific to that provider;

(2) update its Maximum Allowable Cost List at least once every seven calendar days;

(3) provide a process for each pharmacy subject to the Maximum Allowable Cost List to access any updates to the Maximum Allowable Cost List;

(4) ensure that dispensing fees are not included in the calculation of maximum allowable cost;

(5) establish a reasonable internal appeal procedure by which a contracted pharmacy can appeal the provider's reimbursement for a drug subject to maximum allowable cost pricing if the reimbursement for the drug is less than the net amount that the network provider paid to the suppliers of the drug. The reasonable internal appeal procedure must include:

(a) a dedicated telephone number and email address or website for the purpose of submitting internal appeals; and

(b) the ability to submit an internal appeal directly to the pharmacy benefits manager regarding the pharmacy benefits plan or program or through a pharmacy service administrative organization if the pharmacy service administrative organization has a contract with the pharmacy benefits manager that allows for the submission of such appeals;

(6) participate in a reasonable external review procedure by which a contracted pharmacy can request an external review of a pharmacy benefits manager's denial of an internal appeal by an independent review organization in accordance with the procedures promulgated by the director in subsection (F) of this section; and

(7) permit an unaffiliated retail pharmacy to participate in programs that reconcile payments with actual cost on the same basis as retail pharmacy benefits manager affiliates.

(C) A pharmacy must be allowed no less than ten calendar days after the applicable fill date to file an internal appeal or request for an external review of a denied internal appeal.

(D) If an internal appeal is initiated, the pharmacy benefits manager shall within ten calendar days after receipt of notice of the appeal either:

(1) if the internal appeal is upheld:

(a) notify the pharmacy or pharmacist or his designee of the decision;

(b) make the change in the maximum allowable cost effective as of the date the internal appeal is resolved;

(c) permit the appealing pharmacy or pharmacist to reverse and rebill the claim in question; and

(d) make the change effective for each similarly situated pharmacy as defined by the payor subject to the Maximum Allowable Cost List effective as of the date the internal appeal is resolved; or

(2) if the internal appeal is denied:

(a) provide the appealing pharmacy or pharmacist the reason for the denial, the National Drug Code number, and the name of the national or regional pharmaceutical wholesalers operating in this State; and

(b) notify the pharmacy or pharmacist in writing of the right to request an external review of the internal appeal and include clear and concise documents describing the external review process.

(E) A pharmacy may request an external review of a denied internal appeal if the pharmacy believes the pharmacy benefits manager erred in denying an internal appeal which resulted in a reimbursement amount inconsistent with the provisions of this section.

(F)(1) The director must promulgate regulations to establish an external review process to facilitate the review of a denied internal appeal. The external review process must be consistent with the Health Carrier External Review Act pursuant to Article 19 of this chapter, to the degree possible, given the unique operations of a pharmacy benefits manager, the prescription drug industry, and the provisions of this section. At a minimum, the director must promulgate regulations regarding the following:

(a) the appropriate time frames for all parties to the external review to submit documentation and respond accordingly;

(b) the qualifications and selection of independent review organizations; and

(c) the time frame for an independent review organization to render its decision.

(2) If the independent review organization determines the pharmacy benefits manager reimbursed a pharmacy or pharmacist in an amount inconsistent with the provisions of this section, the pharmacy benefits manager must:

(a) make the change in the maximum allowable cost effective as of the date the external review is resolved;

(b) permit the appealing pharmacy or pharmacist to reverse and rebill the claim in question; and

(c) make the change effective for each similarly situated pharmacy as defined by the payor subject to the Maximum Allowable Cost List effective as of the date the external review is resolved.

(3) An external review decision is binding on the pharmacy benefits manager and the appealing pharmacy or pharmacist. An appealing pharmacy or pharmacist may not file a subsequent request for an external review involving the same type of prescription drug unless there is an update to the Maximum Allowable Cost List that would change the circumstances of the pharmacy's or pharmacist's reimbursement.

(4) The pharmacy benefits manager must pay for all costs related to the external review. The director must establish a reasonable filing fee associated with a pharmacist's request for an external review, which is to be retained by the department for administration of this chapter. The director may require a pharmacy or pharmacist to pay for costs related to the external review if the director determines the pharmacy or pharmacist has abused the external review process.

(5) The information or data acquired during an appeal pursuant to this section is considered proprietary and confidential and is not subject to the South Carolina Freedom of Information Act.

(G) The provisions of this section:

(1) do not apply to the Maximum Allowable Cost List maintained by the State Medicaid Program, the Medicaid-managed care organizations under contract with the South Carolina Department of Health and Human Services or the South Carolina Public Employee Benefit Authority; and

(2) apply to the pharmacy benefits manager employed by the South Carolina Public Employee Benefit Authority if, at any time, the South Carolina Public Employee Benefit Authority engages the services of a

pharmacy benefits manager to maintain the Maximum Allowable Cost List.

Section 38-71-2245. (A)(1) A pharmacy benefits manager may neither limit an insured from selecting an in-network pharmacy or pharmacist of the insured's choice nor deny the right of a pharmacy or pharmacist to participate in a network if the pharmacy or pharmacist meets the requirements for network participation set forth by the pharmacy benefits manager, and the pharmacy or pharmacist agrees to the contract terms, conditions, and rates of reimbursements.

(2) A pharmacy benefits manager may not impose any pharmacy accreditation standards or recertification requirements for network participation that unreasonably exceed state or federal requirements for licensure as a pharmacy in this State unless authorized under this chapter.

(B) Notwithstanding subsection (A), a pharmacy benefits manager may for specialized delivery drugs specify requirements for network participation that:

(1) directly relate to the ability of the pharmacy or pharmacist to store, handle, or deliver a prescription drug in a manner that ensures the quality, integrity, or safety of the drug, its delivery, or its use; or

(2) relate to quality metrics that affect a pharmacy's or pharmacist's ability to participate, provided that the pharmacy benefits manager applies such terms equally to all network participants.

(C) For prescription drugs that qualify as a high-cost prescription drug, subsection (A) of this section does not apply to a pharmacy benefits manager. A high-cost prescription drug is defined as a prescription drug whose current or prior year's annual average wholesale price exceeded 300 percent of the Federal Poverty Level for a single-member household.

(D) A pharmacy benefits manager must provide notification of any changes to all applicable specialized delivery drug lists and high-cost prescription drug lists and must make such lists available on a website and upon request to participating pharmacies. A pharmacy may appeal a classification determination to the Department of Insurance.

(E) The provisions of this section do not apply to the coverage provided to employees, retirees, and their eligible dependents pursuant to Section 1-11-710 by the South Carolina Public Employee Benefit Authority or through its contracted pharmacy benefits manager.

Section 38-71-2250. (A) The director shall enforce this article.

(B)(1) As often as the director deems appropriate, but not less frequently than once every five years, the director may examine or audit

the books and records of a pharmacy benefits manager providing claims processing services or other prescription drug or device services for a health benefit plan that are relevant to determining if the pharmacy benefits manager is in compliance with this act. The pharmacy benefits manager shall pay the charges incurred in the examination, including the expenses of the director or his designee and the expenses and compensation of his examiners and assistants. The director or his designee promptly shall institute a civil action to recover the expenses of examination against a pharmacy benefits manager which refuses or fails to pay.

(2) The information or data acquired during an examination pursuant to this section is considered proprietary and confidential and is not subject to the South Carolina Freedom of Information Act.

(C) Violations of this article are subject to the penalties provided in Sections 38-2-10 through 38-2-30.

(D) The director may promulgate regulations regarding pharmacy benefits managers that are not inconsistent with this article.

Section 38-71-2260. (A) Nothing in this act is intended or may be construed to be in conflict with existing relevant federal law.

(B) Other than the antisteering provisions contained in Section 38-71-2230(G), this article does not apply to the South Carolina Department of Health and Human Services in the performance of its duties in administering Medicaid under Titles XIX and XXI of the Social Security Act or to the Medicaid-managed care organizations under contract with the South Carolina Department of Health and Human Services.

(C) Notwithstanding the exemption under subsection (B), contracts between the South Carolina Department of Health and Human Services and Medicaid-managed care organizations must include provisions for biannual audits of Medicaid-managed care organizations' pharmacy pricing mechanisms and include limitations on any pharmacy benefits manager contract arrangements that bill the Medicaid program for more than the total price paid to pharmacies for actual claims.

Pharmacy services administrative organizations

SECTION 3. Chapter 71, Title 38 of the S.C. Code is amended by adding:

Pharmacy Services Administrative Organizations

Section 38-71-2310. As used in this article:

(1) “Pharmacist” has the same meaning as provided in Section 40-43-30(65).

(2) “Pharmacy” has the same meaning as provided in Section 40-43-30(67).

(3) “Pharmacy services” has the same meaning as provided in Section 38-71-2200(8).

(4) “Pharmacy benefits manager” or “PBM” has the same meaning as provided in Section 38-71-2200(10).

(5) “Pharmacy Services Administrative Organization” (PSAO) means an entity that has contracted with pharmacy clients in the State to conduct business on their behalf with third-party payers or pharmacy benefits managers. PSAOs provide administrative services to pharmacies and negotiate and enter into contracts with third-party payers or pharmacy benefits managers on behalf of pharmacies.

(6) “PSAO-pharmacy contract” means a contractual agreement between a PSAO and a pharmacy by which a PSAO agrees to negotiate with third-party payers or pharmacy benefits managers on behalf of a pharmacy.

Section 38-71-2320. (A)(1) A person or organization may not establish or operate as a pharmacy services administrative organization in this State for prescription drug coverage or benefits without obtaining a license from the director.

(2) The director shall prescribe the application for a license to operate in this State as a pharmacy services administrative organization and may charge an initial application fee of one thousand dollars and an annual renewal fee of five hundred dollars, provided the pharmacy services administrative organization application form must collect the following information:

(a) the name, address, and telephone contact number of the pharmacy services administrative organization;

(b) the name and address of the pharmacy services administrative organization’s agent for service of process in the State;

(c) the name and address of each person with management or control over the pharmacy services administrative organization;

(d) the name and address of each person with a beneficial ownership interest in the pharmacy services administrative organization;

(e) a signed statement indicating that, to the best of their knowledge, no officer with management or control of the pharmacy

services administrative organization has been convicted of a felony or has violated any of the requirements of state law applicable to pharmacy services administrative organization, or, if the applicant cannot provide such a statement, a signed statement describing the relevant conviction or violation; and

(f) in the case of a pharmacy services administrative organization applicant that is a partnership or other unincorporated association, limited liability company, or corporation, and has five or more partners, members, or stockholders:

(i) the applicant shall specify its legal structure and the total number of its partners, members, or stockholders who, directly or indirectly, own, control, hold with the power to vote, or hold proxies representing ten percent or more of the voting securities of any other person; and

(ii) the applicant shall agree that, upon request by the department, it shall furnish the department with information regarding the name, address, usual occupation, and professional qualifications of any other partners, members, or stockholders who, directly or indirectly, own, control, hold with the power to vote, or hold proxies representing ten percent or more of the voting securities of any other person.

(3) An applicant or a pharmacy services administrative organization that is licensed to conduct business in the State shall, unless otherwise provided for in this chapter, file a notice describing any material modification of this information.

(B) The director may promulgate regulations establishing the licensing and reporting requirements of pharmacy services administrative organizations consistent with the provisions of this article.

(C) The fees and penalties assessed pursuant to this article must be retained by the department for the administration of this chapter.

Section 38-71-2330. (A) A pharmacy service administrative organization must:

(1) act as a fiduciary to a pharmacy and perform its duties to a pharmacy exercising good faith and fair dealing;

(2) in the event of a dispute between a pharmacy and a pharmacy benefits manager or third-party payer, ensure and facilitate timely communication from the pharmacy to the pharmacy benefits manager or third-party payer;

(3) forward any and all notices of appeals from a pharmacy to the pharmacy benefits manager or third-party payer in a timely manner and provide in a timely manner information that has been requested as part

of an appeal to the external review organization and, upon request, the department;

(4) provide during normal business hours a phone number through which a pharmacy or pharmacist can obtain answers within a reasonable time to questions regarding networks, contracts, appeals, and other contractual or service issues; and

(5) provide a detailed breakdown of the prescription numbers, amounts, and contractual basis for each recoupment and regular updates on the status of appeals.

(B) In connection with any appeal, a third-party payer or pharmacy benefits manager's notice or provision of information to a PSAO is deemed to be notice or provision of information to the pharmacy on whose behalf the PSAO has contracted.

(C) A PSAO-pharmacy contract must include a provision that requires the PSAO to provide to the pharmacy a copy of any contract, amendments, payment schedules, or reimbursement rates within three calendar days after the execution of a contract, or an amendment to a contract, signed on behalf of the pharmacy.

(D) Prior to entering into a PSAO-pharmacy contract, a PSAO must furnish to a pharmacy a written disclosure of ownership or control. This disclosure must include the extent of any ownership or control by any parent company, subsidiary, or other organization that:

(1) provides pharmacy services;

(2) provides prescription drug or devices services; or

(3) manufactures, sells, or distributes prescription drugs, biologicals, or medical devices.

(E) Any PSAO-pharmacy contract must provide that the PSAO must notify the pharmacy in writing within five calendar days of any material change in its ownership or control related to any company, subsidiary, or other organization outlined in subsection (D).

(F) A PSAO that owns or is owned by, in whole or in part, any entity that manufactures, sells, or distributes prescription drugs, biologicals, or medical devices must not, as a condition of entering into a PSAO-pharmacy contract, require that the pharmacy purchase any drugs or medical devices from the entity with which the PSAO has an ownership interest, or an entity with an ownership interest in the PSAO.

(G) A PSAO that owns or is owned by, in whole or in part, any entity that manufactures, sells, or distributes prescription drugs, biologicals, or medical devices must disclose to the Department of Insurance any agreement with a pharmacy in which the pharmacy purchases prescription drugs, biologicals, or medical devices from a PSAO or any entity that owns or is owned by, in whole or in part, the PSAO.

Section 38-71-2340. (A) The director shall enforce this article.

(B)(1) As often as the director deems appropriate, but not less frequently than once every five years, the director may examine or audit the books and records of a pharmacy services administrative organization providing prescription drug coverage or benefits on behalf of pharmacies or pharmacy benefits managers that are relevant to determining if the pharmacy services administrative organization is in compliance with this act. The pharmacy services administrative organization must pay the charges incurred in the examination, including the expenses of the director or his designee and the expenses and compensation of his examiners and assistants. The director or his designee promptly must institute a civil action to recover the expenses of examination against a pharmacy services administrative organization which refuses or fails to pay.

(2) The information or data acquired during an examination pursuant to this section is considered proprietary and confidential and is not subject to the South Carolina Freedom of Information Act.

(C) Violations of this article are subject to the penalties provided in Sections 38-2-10 through 38-2-30.

(D) The director may promulgate regulations regarding pharmacy services administrative organizations that are not inconsistent with this article.

Section 38-71-2350. (A) Nothing in this act is intended or may be construed to be in conflict with existing relevant federal law.

(B) This article does not apply to the South Carolina Department of Health and Human Services in the performance of its duties in administering Medicaid under Titles XIX and XXI of the Social Security Act or to the Medicaid-managed care organizations under contract with the South Carolina Department of Health and Human Services.

Repeal

SECTION 4. Section 38-71-147 of the S.C. Code is repealed.

Department of Insurance study

SECTION 5. The Department of Insurance must commission a study of the cost of applying the provisions of Articles 18, 21, and 23 of this chapter to payors that are not currently included in the definition of pharmacy benefits manager. This study must be delivered to the Senate and House of Representatives before January 1, 2024.

Severability

SECTION 6. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 7. This act takes effect January 1, 2024, but the recurring examinations by the Department of Insurance provided for in Sections 38-71-2250(B)(1) and 38-71-2340(B)(1) must not begin before January 1, 2025.

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 31

(R38, S566)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CRAFT BEER ECONOMIC DEVELOPMENT ACT"; BY AMENDING SECTION 61-4-1515, RELATING TO THE SALE OF BEER BY BREWERIES, SO AS TO PROVIDE THAT CERTAIN BEER SOLD FOR ON-PREMISES CONSUMPTION MUST BE PRODUCED BY THE BREWERY ON ITS PERMITTED PREMISES OR TRANSFERRED TO THE BREWERY AND TO DELETE THE CONDITION THAT SALES TO CONSUMERS MUST BE HELD IN CONJUNCTION WITH A TOUR.

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

Citation

SECTION 1. This act may be cited as the “South Carolina Craft Beer Economic Development Act”.

South Carolina Craft Beer Economic Development Act

SECTION 2. Section 61-4-1515 of the S.C. Code is amended to read:

Section 61-4-1515. (A) A brewery permitted in this State is authorized to sell beer to consumers on its permitted premises with an alcoholic content of twelve percent by weight, or less, subject to the following conditions:

(1) beer sold for on-premises consumption must be produced by the brewery on its permitted premises or transferred to the brewery, subject to the following conditions: (a) the transferring and receiving breweries operate under one hundred percent identical ownership, and (b) the annual volume of beer received by a brewery does not exceed the annual volume of beer produced by such brewery on its permitted premises;

(2) sales to consumers must be held in conjunction with a tour by the consumer of the permitted premises and the entire brewing process utilized at the permitted premises;

(3) sales shall not be offered or made to, or allowed to be offered, made to, or consumed by an intoxicated person or a person who is under the age of twenty-one;

(4)(a) no more than a total of forty-eight ounces of beer brewed at or transferred to the permitted premises shall be sold to a consumer for on-premises consumption within a twenty-four hour period; and

(b) of that forty-eight ounces of beer available to be sold to a consumer within a twenty-four hour period, no more than sixteen ounces of beer with an alcoholic weight of above eight percent, including any samples offered and consumed with or without cost, shall be sold to a consumer for on-premises consumption within a twenty-four hour period;

(5) a brewery must report in a manner required by the department the amounts, types, and brewing locations of beer sampled or sold to a consumer for on-premises consumption;

(6) a brewery must sell the beer at the permitted premises at a price approximating retail prices generally charged for identical beverages in the county where the permitted premises are located;

(7) a brewery must remit appropriate taxes to the Department of Revenue for beer sales in an amount equal to and in a manner required for excise taxes assessed by the department. A brewery also must remit appropriate sales and use taxes and local hospitality taxes;

(8) a brewery must post information that states the alcoholic content by weight of the various types of beer available in the brewery and the penalties for convictions for:

- (a) driving under the influence;
- (b) unlawful transport of an alcoholic container; and
- (c) unlawful transfer of alcohol to minors.

And, the information shall be in signage that must be posted at each entrance, each exit, and in places in a brewery seen during a tour;

(9) a brewery must provide department or DAODAS approved alcohol enforcement training for the employees who serve beer on the permitted premises to consumers for on-premises consumption, so as to prevent and prohibit unlawful sales, transfer, transport, or consumption of beer by persons who are under the age of twenty-one or who are intoxicated; and

(10) a brewery must maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement in the amount of at least one million dollars for the biennial period for which it is permitted. Within ten days of receiving its biennial permit, a brewery must send proof of this insurance to the State Law Enforcement Division and to the Department of Revenue, where the proof of insurance information shall be retained with the department's alcohol beverage licensing section.

(B)(1) In addition to the sales provisions set forth in subsection (A) and subject to this subsection (B), a brewery permitted in this State is authorized to sell beer to consumers on-site for on-premises consumption within an area of its permitted and licensed premises approved by the rules and regulations of the Department of Health and Environmental Control governing eating and drinking establishments and other food service establishments. These establishments also may apply for a retail on-premises consumption permit for the sale of beer and wine that has been purchased from a wholesaler through the three-tier distribution chain set forth in Section 61-4-735 and Section 61-4-940.

(2) In addition to a retail on-premises consumption permit for the sale of beer and wine as authorized in this subsection, a brewery that has a Department of Health and Environmental Control approved and licensed food establishment on its premises as provided in subsection (B)(1) may apply for a license to sell alcoholic liquor by the drink for

on-premises consumption within a specified area of its licensed or permitted premises physically partitioned from the brewing operation and designated for the purpose of engaging substantially and primarily in the preparation and serving of meals. The brewery must:

(a) maintain compliance with all provisions of Section 61-6-1610 and all other provisions of Chapter 6 regulating the purchase and sale by food establishments of alcoholic liquor by the drink for on-premises consumption not inconsistent with other provisions of this section;

(b) not sell or allow the consumption of alcoholic liquor by the drink on that part of the brewery's premises designated and permitted for the brewing operation;

(c) maintain the books, records, and bank accounts of the restaurant operation separately from the books, records, and bank accounts of the brewing operation, and allocate expenses common to both operations in a manner the brewery considers reasonable, when applicable; and

(d) maintain a physical partition between the brewing and food establishment operations. The physical partition may be a permanent wall or a divider permanently affixed to the premises in a manner that the general public may not freely enter the brewing operation, and may contain a door or doors which remain locked during hours when the brewery is not in operation.

(C) The department shall terminate and a brewery shall surrender each permit and license issued to the brewery pursuant to subsection (B) immediately following inspection, determination, and report by the division to the department that brewing operations have ceased on the brewery's permitted premises. This includes the food establishment permits and licenses. Following reinstatement of brewing operations on the formerly permitted premises, a brewery may re-apply for the applicable permits and licenses authorized by subsection (B).

(D) The sale of beer for on-premises consumption pursuant to subsection (B) must comply with the following provisions:

(1) all provisions of subsection (A) shall apply to sales under subsection (B) and this subsection, except subsection (A)(2),(4), and (5);

(2) the brewery must comply with all state and local laws concerning hours of operation applicable to eating and drinking establishments and other food service establishments holding permits to sell beer and wine for on-premises consumption;

(3) the brewery must comply with the discount pricing provisions of Section 61-4-160, applicable to persons holding permits to sell beer and wine for on-premises consumption;

(4) the brewery must sell the beer at a price approximating retail

prices generally charged for identical beverages by on-premises retailers in the county where the licensed premises are located; and

(5) a wholesaler must not provide and a brewery must not accept services, equipment, fixtures, or free beer prohibited by Section 61-4-940(B), except those items authorized by Section 61-4-940(C). Changes to the brewery laws pursuant to subsection (B) and this subsection do not alter or amend the structure of the three-tier laws of this State, and the wholesalers and the breweries must not discriminate in pricing at the producer or wholesaler levels.

(E) A brewery located in this State is authorized to sell beer to consumers on its permitted premises for off-premises consumption, provided that the sealed beer was brewed on the brewery's permitted premises or received pursuant to subsection (A) with an alcohol content of fourteen percent by weight or less, subject to the following conditions:

(1) the maximum amount of beer that may be sold to an individual per day for off-premises consumption shall be equivalent to eight hundred sixty-four ounces in total;

(2) the beer only shall be sold in conjunction with a tour by the consumer of the permitted premises and the entire brewing process utilized at the permitted premises;

(3) the beer sold is for personal use only and must not be resold;

(4) the beer must not be sold to anyone holding a retail beer and wine license for the purpose of resale in their establishment;

(5) the brewery must sell the beer at the permitted premises at a price approximating retail prices generally charged for identical beverages in the county where the permitted premises are located;

(6) the brewery must remit taxes to the Department of Revenue for beer sales in an amount equal to and in a manner required for taxes assessed by Section 12-21-1020 and Section 12-21-1030. The brewery also must remit appropriate sales and use taxes and local hospitality taxes; and

(7) beer sold in kegs must comply with the requirements of Article 19, entitled "Keg Registration".

(F) A brewery must report monthly in a manner required by the department the amounts and brands of beer present on its licensed premises at the month's beginning, brewed on its licensed premises, transferred to and received from a separate licensed brewery under identical ownership, sold to wholesalers for resale, sold to consumers for off-premises consumption, sold to consumers for on-premises consumption, lost to spillage and spoilage, removed for owner consumption, and present on its licensed premises at the month's end.

(G) A brewpub permitted pursuant to Article 17, which is a retailer for

purposes of Sections 61-4-735(D) and 61-4-940(D), may make application to the department for a brewery permit and the permits and licenses authorized pursuant to subsection (B) for the brewpub's existing permitted premises. For these applications, the department shall waive newspaper notice and sign posting requirements, except the requirements shall not be waived for an alcoholic liquor by the drink application if the brewpub does not possess this license at the time of application. Excluding operations authorized pursuant to subsection (B), the department must not approve an application if the applicant or any principal or person acting directly or indirectly on behalf of the applicant would have ownership or financial interest in a wholesale or retail beer, wine, or alcoholic liquor operation following the issuance of the brewery permit. Contemporaneous with obtaining the brewery and applicable permits or licenses authorized pursuant to subsection (B), the applicant shall surrender the brewpub permit and the alcoholic liquor by the drink license previously issued for the premises.

(H) In addition to other applicable fines or penalties, a person permitted as a brewery in this State who violates the provisions of this section must be assessed a fine of five hundred dollars for a first violation. For a second violation that occurs within three years of the first violation, a person must be assessed an additional five hundred dollars. For subsequent violations within a three-year period, the department must suspend the brewery permit for a period of not less than thirty days. The revenue from the fines established in this section must be directed to the State Law Enforcement Division for supplementing funds required for the regulation and enforcement of this section.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 32

(R39, S603)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 46-41-230, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND'S AMOUNT AND CLAIMS, SO AS TO PROVIDE THAT, IF THERE IS AN INSUFFICIENT AMOUNT OF MONEY TO COVER ALL CLAIMS, THEN PAYMENTS MUST BE MADE ON A PRO RATA BASIS, AND THE PRO RATA DETERMINATION SHALL BE BASED UPON THE PRODUCER'S TOTAL LOSS AMOUNT AS WELL AS THE TOTAL NUMBER OF EXEMPTIONS GRANTED TO THE PRODUCER; AND BY AMENDING SECTION 46-41-250, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND, SO AS TO INCLUDE COTTON.

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

Insufficiency in fund

SECTION 1. Section 46-41-230(D) of the S.C. Code is amended to read:

(D) If there is an insufficient amount of money in the fund to cover all claims, payments must be made on a pro rata basis up to one hundred percent of the total loss of each producer. The pro rata determination shall be based upon the producer's total loss amount as well as the total number of exemptions granted to the producer as set forth in Section 46-41-250. The more exemptions granted to a producer, the lower the share the producer will receive. Claims against the fund must be paid in the order in which they have been verified and approved.

Application for exemption

SECTION 2. Section 46-41-250(C) and (D) of the S.C. Code is amended to read:

(C) Upon filing of the application, the department must issue the applicant an exemption certificate specifying the producer, commodity

exempted, and period of exemption. The certificate, when presented to the grain or cotton dealer upon delivery of the grain or cotton, entitles the specified producer to an exemption from the dealer's and handler's assessment on the specified commodity.

(D) When an exemption is granted under this section, the grain or cotton dealer must retain a copy of the exemption certificate for a period of no less than two years. Any producer who elects not to participate in the fund is not eligible to be reimbursed for any loss for the commodity exempted for that calendar year.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 33

(R40, S612)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-10, RELATING TO THE PURPOSE OF THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO REVISE STATED CHILD WELFARE SERVICE PRINCIPLES AND REQUIRE CERTAIN REPORTING; AND BY AMENDING SECTION 63-7-920, RELATING TO INVESTIGATIONS AND CASE DETERMINATION, SO AS TO CHANGE GUIDELINES FOR INVESTIGATION AND REPORTING IN THE CASE OF A REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT.

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

Child welfare service principles

SECTION 1. Section 63-7-10 of the S.C. Code is amended to read:

Section 63-7-10. (A) Any intervention by the State into family life on behalf of children must be guided by law, by strong philosophical underpinnings, and by sound professional standards for practice. Child welfare services must be based on these principles:

(1) Parents have the primary responsibility for and are the primary resource for their children.

(2) Children should have the opportunity to grow up in a family unit if at all possible.

(3) State and community agencies have a responsibility to implement prevention programs aimed at identifying high risk families and to provide supportive intervention to reduce occurrence of maltreatment.

(4) Services for families should be accessible and designed to encourage and enable families to adequately deal with their problems within their own family system.

(5) Child welfare intervention into a family's life should be structured so as to avoid a child's entry into the protective service and foster care systems if at all possible.

(6) The state's child welfare system must be designed to be child-centered, family-focused, community-based, and culturally competent in its prevention and protection efforts.

(7) Neighborhoods and communities are the primary source of opportunities and supports for families and have a primary responsibility in assuring the safety and vitality of their members.

(8) The Department of Social Services shall collaborate with the community to identify, support, and treat families in a nonthreatening manner, in both investigative and family assessment situations.

(9) A family assessment approach, stressing the safety of the child, building on the strengths of the family, and identifying and treating the family's needs is the appropriate approach for cases not requiring law enforcement involvement or the removal of the child.

(10) Only a comparatively small percentage of current child abuse and neglect reports are criminal in nature or will result in the removal of the child or alleged perpetrator.

(11) Should removal of a child become necessary, the state's foster care system must be prepared to provide timely and appropriate placements for children with relatives or in licensed foster care settings and to establish a plan which reflects a commitment by the State to achieving permanency for the child within reasonable timelines.

(12) The Department of Social Services staff who investigates serious child abuse and neglect reports with law enforcement must be competent in law enforcement procedures, fact finding, evidence

gathering, and effective social intervention and assessment.

(13) Services should be identified quickly and should build on the strengths and resources of families and communities.

(B) It is the purpose of this chapter to:

(1) acknowledge the different intervention needs of families;

(2) establish an effective system of services throughout the State to safeguard the well-being and development of endangered children and to preserve and stabilize family life, whenever appropriate;

(3) ensure permanency on a timely basis for children when removal from their homes is necessary;

(4) establish fair and equitable procedures, compatible with due process of law to intervene in family life with due regard to the safety and welfare of all family members; and

(5) establish an effective system of protection of children from injury and harm while living in public and private residential agencies and institutions meant to serve them.

(C) All child welfare intervention by the State has as its primary goal the welfare and safety of the child.

(D) Beginning September 1, 2023, the department must provide to the General Assembly an annual report that enumerates each case accepted for investigation in which the department failed to comply with the time frames established in this chapter, the amount of time beyond the time frames established that the department required to complete the proceeding, and the good cause for the department's inability or failure to comply.

Investigations and case determination

SECTION 2. Section 63-7-920 of the S.C. Code is amended to read:

Section 63-7-920. (A)(1) Within twenty-four hours of the receipt of a report of suspected child abuse or neglect, the department must begin an appropriate and thorough investigation to decide whether the report should be "indicated" or "unfounded" when the department concludes the report alleges that:

(a) a child is at imminent and substantial risk of physical or mental injury due to abuse, neglect, or harm;

(b) the family may flee or the child may be unavailable for purposes of conducting a child protective services investigation; or

(c) the department has assumed legal custody of a child pursuant to Section 63-7-660 or 63-7-670 or the department has been notified that a child has been taken into emergency protective custody.

(2) The department must begin an appropriate and thorough investigation of all reports of suspected child abuse or neglect that do not meet criteria established in subsection (A)(1) within two business days of receiving the report to determine whether the report should be “indicated” or “unfounded”.

(3) The finding must be made no later than forty-five days from the receipt of the report. A single extension of no more than fifteen days may be granted by the director of the department, or the director's designee, for good cause shown, pursuant to guidelines adopted by the department.

(4) If the investigation cannot be completed because the department is unable to locate the child or family or for other compelling reasons, the report may be classified as unfounded Category III and the investigation may be reopened at a later date if the child or family is located or the compelling reason for failure to complete the investigation is removed. The department must make a finding within forty-five days after the investigation is reopened.

(B) The department may file with the family court an affidavit and a petition to support issuance of a warrant at any time after receipt of a report. The family court must issue the warrant if the affidavit and petition establish probable cause to believe the child is an abused or neglected child and that the investigation cannot be completed without issuance of the warrant. The warrant may authorize the department to interview the child, to inspect the condition of the child, to inspect the premises where the child may be located or may reside, and to obtain copies of medical, school, or other records concerning the child.

(C) The department or law enforcement, or both, may interview the child alleged to have been abused or neglected and any other child in the household during the investigation. The interviews may be conducted on school premises, at childcare facilities, at the child's home or at other suitable locations and in the discretion of the department or law enforcement, or both, may be conducted outside the presence of the parents. To the extent reasonably possible, the needs and interests of the child must be accommodated in making arrangements for interviews, including time, place, method of obtaining the child's presence, and conduct of the interview. The department or law enforcement, or both, shall provide notification of the interview to the parents as soon as reasonably possible during the investigation if notice will not jeopardize the safety of the child or the course of the investigation. All state, law enforcement, and community agencies providing child welfare intervention into a child's life should coordinate their services to minimize the number of interviews of the child to reduce potential emotional trauma to the child.

(D) The department must furnish to parents or guardians on a standardized form the following information as soon as reasonably possible after commencing the investigation:

- (1) the names of the investigators;
- (2) the allegations being investigated;
- (3) whether the person's name has been recorded by the department as a suspected perpetrator of abuse or neglect;
- (4) the right to inspect department records concerning the investigation;
- (5) statutory and family court remedies available to complete the investigation and to protect the child if the parent or guardian or subject of the report indicates a refusal to cooperate;
- (6) how information provided by the parent or guardian may be used;
- (7) the possible outcomes of the investigation; and
- (8) the telephone number and name of a department employee available to answer questions.

(E) This subarticle does not require the department to investigate reports of child abuse or neglect which resulted in the death of the child unless there are other children residing in the home, or a resident of the home is pregnant, or the subject of the report is the parent, guardian, or person responsible for the welfare of another child regardless of whether that child resides in the home.

(F) The department or law enforcement, or both, may collect information concerning the military affiliation of the person having custody or control of the child subject to an investigation and may share this information with the appropriate military authorities pursuant to Section 63-11-80.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 34

(R42, H3142)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE THIRTEENTH DAY OF MAY EACH YEAR AS “ROBERT SMALLS DAY” IN SOUTH CAROLINA.

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

Robert Smalls Day

SECTION 1. Chapter 3, Title 53 of the S.C. Code is amended by adding:

Section 53-3-270. The thirteenth day of May each year is designated as “Robert Smalls Day” in South Carolina.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 35

(R43, H3204)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-55-420, RELATING TO PSYPACT DISPUTE RESOLUTION, SO AS TO PROVIDE FOR THE UNITED STATES DISTRICT COURT OF GEORGIA TO RESOLVE DISPUTES.

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

Dispute resolution

SECTION 1. Section 40-55-420 (B)(6) and (D)(2) of the S.C. Code is amended to read:

(6) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the State of Georgia or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 36

(R44, H3231)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTIONS 44-6-300, 44-6-310, AND 44-6-320 ALL RELATING TO THE RESPONSIBILITY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH AND EXPAND CHILD DEVELOPMENT

SERVICES.

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

Repeal

SECTION 1. Sections 44-6-300, 44-6-310, and 44-6-320 of the S.C. Code are repealed.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 37

(R45, H3269)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 50-3-140 RELATING TO THE PUBLICATION OF DESCRIPTIONS OF UNIFORMS AND EMBLEMS BY THE DEPARTMENT OF NATURAL RESOURCES.

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

Repeal

SECTION 1. Section 50-3-140 of the S.C. Code is repealed.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 38

(R46, H3681)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-95-45 SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, OR TOBACCO PRODUCTS AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT; BY AMENDING SECTIONS 16-17-500, 16-17-501, 16-17-502, 16-17-503, 16-17-504, AND 16-17-506, RELATING TO THE PREVENTION OF YOUTH ACCESS TO TOBACCO AND OTHER NICOTINE PRODUCTS, SO AS TO CHANGE THE DEFINITION OF “TOBACCO PRODUCT” AND ADD DEFINITIONS FOR “TOBACCO RETAIL ESTABLISHMENT” AND “TOBACCO RETAILER”; TO PROHIBIT MINORS FROM ENTERING A TOBACCO RETAIL ESTABLISHMENT; TO CHANGE CERTAIN PENALTIES FOR TOBACCO RETAILER VIOLATIONS; TO REQUIRE TOBACCO RETAILERS TO SECURE AND DISPLAY A TOBACCO RETAIL SALES LICENSE FROM THE DEPARTMENT OF REVENUE AND TO ESTABLISH AN ASSOCIATED FEE AND PENALTY FOR VIOLATIONS; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES; BY AMENDING SECTION 59-1-380, RELATING TO THE MANDATORY PUBLIC SCHOOL TOBACCO-FREE CAMPUS POLICY, SO AS TO MAKE CONFORMING CHANGES; AND BY ADDING SECTION 12-36-511 SO AS TO REQUIRE RETAILERS TO PROVIDE THE DEPARTMENT OF

**REVENUE CERTAIN TOBACCO-RELATED INFORMATION
IN THEIR RETAIL LICENSE APPLICATIONS.**

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

Citation

SECTION 1. This act may be cited as the “Omnibus Tobacco Enforcement Act of 2023”.

Preemption

SECTION 2. Chapter 95, Title 44 of the S.C. Code is amended by adding:

Section 44-95-45.(A) Political subdivisions of this State may not enact any laws, ordinances, or rules pertaining to ingredients, flavors, or licensing, beyond a general business license, related to the sale of the following products:

- (1) cigarettes, as defined in Section 12-21-620;
- (2) electronic smoking devices, e-liquid, vapor products, or tobacco products, each as defined in Section 16-17-501; or
- (3) any other product containing nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any means.

(B) Nothing in this section shall be construed to interfere with a political subdivision's authority to determine its own public-use policies relating to any of the products referenced in this section.

Preemption exemptions

SECTION 3. Laws, ordinances, or rules enacted by political subdivisions of this State prior to December 31, 2020, pertaining to ingredients, flavors, or licensing, related to the sale of cigarettes, electronic smoking devices, e-liquid, vapor products, tobacco products, or any other products containing nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any means, and municipal code amendments to said laws, ordinances, or rules, are exempt from the preemption imposed by this act. Nothing in this act shall be construed to interfere with a political subdivision's authority to determine its own public-use policies relating to any of the products referenced in this act.

Land use regulation, local authority

SECTION 4. Nothing in this act shall be construed to interfere with a political subdivision's authority under Chapter 29, Title 6, including, without limitation, with respect to land use regulation, land development regulation, zoning, or permitting.

Tobacco product sale prohibitions, minors

SECTION 5. Section 16-17-500 of the S.C. Code is amended to read:

Section 16-17-500. (A) It is unlawful for an individual to sell, furnish, give, distribute, purchase for, or provide a tobacco product to a minor under the age of eighteen years.

(B) It is unlawful to sell a tobacco product to an individual without a demand of proper proof of age. Failure to demand identification to verify an individual's age is not a defense to an action initiated pursuant to this subsection. Proof that is demanded, is shown, and reasonably is relied upon for the individual's proof of age is a defense to an action initiated pursuant to this subsection.

(C) A person engaged in the sale of tobacco products made through the Internet or other remote sales methods shall perform an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the individual during the ordering process that establishes the individual is eighteen years of age or older and shall use a method of mailing, shipping, or delivery that requires the signature of a person at least eighteen years of age before a tobacco product will be released to the purchaser, unless the Internet or other remote sales methods employ the following protections to ensure age verification:

(1) the customer creates an online profile or account with personal information including, but not limited to, name, address, social security information, and a valid phone number, and that personal information is verified through publicly available records; or

(2) the customer is required to upload a copy of his government-issued identification in addition to a current photograph of the customer; and

(3) delivery is made to the customer's name and address.

(D) It is unlawful to sell a tobacco product through a vending machine.

(E)(1) An individual who knowingly violates a provision of subsections (A), (B), (C), (D), or (J) in person, by agent, or in any other way is guilty of a misdemeanor and, upon conviction, must be:

(a) for a first offense, fined not less than two hundred dollars and not more than three hundred dollars;

(b) for a second and subsequent offense, fined not less than four hundred dollars and not more than five hundred dollars, imprisoned for not more than thirty days, or both.

(2) In lieu of the fine, the court may require an individual, at the expense of the tobacco retailer or tobacco retail establishment, to successfully complete a Department of Alcohol and Other Drug Abuse Services-approved merchant tobacco enforcement education program.

(3) A tobacco retailer who knowingly violates or permits an employee to violate a provision of subsections (A), (B), (C), (D), or (J) in the tobacco retail establishment is subject to an administrative penalty as follows:

(a) for a first violation, issued a warning;

(b) for a second violation within a thirty-six-month period, fined not less than three hundred dollars;

(c) for a third violation within a thirty-six-month period, fined not less than six hundred dollars;

(d) for a fourth and subsequent violation within a thirty-six-month period, fined not less than one thousand two hundred dollars and the tobacco retailer is prohibited from selling or distributing tobacco products for a period of at least seven days and no greater than thirty days. For purposes of this subsection, a tobacco retailer that knowingly sells or distributes during the period that the tobacco retailer is prohibited from selling or distributing is subject to a fine of not more than two hundred dollars and is prohibited from selling or distributing tobacco products for an additional period of seven days; and

(e) A tobacco retailer or tobacco retail establishment may request a contested case hearing for the fine or for the prohibition from selling or distributing tobacco products in front of the South Carolina Administrative Law Court, pursuant to the South Carolina Administrative Procedures Act, Section 1-23-310 et. seq.

(4) In lieu of the fine and prohibition from selling or distributing tobacco products, the court may require the tobacco retailer or tobacco retail establishment's employees, at the expense of the tobacco retailer or tobacco retail establishment, to successfully complete a Department of Alcohol and Other Drug Services-approved merchant tobacco enforcement education program.

(5) Failure to require identification for the purpose of verifying a person's age is prima facie evidence of a violation of this section.

(6) Local law enforcement and the State Law Enforcement Division may enforce subsections (A), (B), (C), (D), (E), or (J). The Department

of Revenue must administer the provisions of subsection (E)(3) and the State Law Enforcement Division may enforce subsection (E)(3).

(7) A violation of subsection (A), (B), (C), (D), or (J) is prima facie evidence of a violation of subsection (E)(3). The Department of Revenue is authorized to present evidence of a violation of subsection (A), (B), (C), (D), or (J) to establish the violation of subsection (E)(3). Evidence of compliance with a merchant tobacco enforcement education program is an affirmative defense to subsection (E)(3)(a) and (b).

(F)(1)(a) A minor under the age of eighteen years must not present or offer proof of age that is false or fraudulent for the purpose of purchasing or possessing these products.

(b) A minor under the age of eighteen years is prohibited from entering a tobacco retail establishment that has as its primary purpose the sale of tobacco products, unless the minor is actively supervised and accompanied by an adult.

(c) The provisions of this subsection do not apply to a minor under the age of eighteen who is recruited and authorized by a law enforcement agency to test an establishment's compliance with laws relating to the unlawful transfer of tobacco products. The testing must be conducted under the direct supervision of a law enforcement agency, and the law enforcement agency must have the consent of a parent or legal guardian of the minor.

(2) A minor who knowingly misrepresents his age to purchase or attempt to purchase a tobacco product commits a noncriminal offense and is subject to a civil fine of twenty-five dollars.

(3) In lieu of the civil fine, the court may require a minor to successfully complete a Department of Health and Environmental Control-approved smoking cessation or tobacco prevention program, a South Carolina Department of Alcohol and other Drug Abuse Services tobacco prevention program, or to perform not more than five hours of community service for a charitable institution.

(4) A violation of this subsection is not a criminal or delinquent offense and no criminal or delinquent record may be maintained. A minor may not be taken into custody, arrested, placed in jail or in any other secure facility, committed to the custody of the Department of Juvenile Justice, or found to be in contempt of court for a violation of this subsection or for the failure to pay a fine, successfully complete a smoking cessation or tobacco prevention program, or perform community service.

(5) A violation of this subsection is not grounds for denying, suspending, or revoking an individual's participation in a state college or university financial assistance program including, but not limited to, a

Life Scholarship, a Palmetto Fellows Scholarship, or a need-based grant.

(6) The uniform traffic ticket, established pursuant to Section 56-7-10, may be used by law enforcement officers for a violation of this subsection, including civil penalties and warnings. A violation of subsection (F) does not constitute a criminal offense. A law enforcement officer issuing a uniform traffic ticket pursuant to this subsection must immediately seize the tobacco product.

(G) This section does not apply to the possession of a tobacco product by a minor working within the course and scope of his duties as an employee or participating within the course and scope of an authorized inspection or compliance check.

(H) Jurisdiction to hear a violation of this section is vested exclusively in the municipal court and the magistrates court. A hearing pursuant to subsection (F) must be placed on the municipal or magistrates court's appropriate docket for traffic violations, and not on the court's docket for civil matters. For the purposes of contesting a tobacco retailer being fined or prohibited from selling or distributing tobacco products under subsection (E)(3), the jurisdiction is vested in the South Carolina Administrative Law Court.

(I) A retail establishment must train all tobacco retail sales employees regarding the unlawful distribution of tobacco products to minors.

(J)(1) A tobacco retail establishment that has as its primary purpose the sale of tobacco products must prohibit minors under the age of eighteen years from entering the tobacco retail establishment, unless the minor is actively supervised and accompanied by an adult, and shall determine whether a person is at least eighteen years of age by requiring proper proof of age in accordance with subsection (B), prior to the sale of a tobacco product.

(2) A tobacco retail establishment described in item (1) must conspicuously post on all entrances to the establishment the following:

(a) a sign in boldface type that states "NOTICE: It is unlawful for a person under eighteen years of age to enter this store, unless the minor is actively supervised and accompanied by an adult. Age will be verified prior to sale.";

(b) a sign printed in letters and numbers at least one-half inch high that displays a toll free number for assistance to callers in quitting smoking, as determined by the Department of Health and Environmental Control.

(3) For purposes of this section, whether a tobacco retail establishment has as its primary purpose the sale of tobacco products must be based on the totality of the circumstances. Facts that must be considered, but not be limited to, are the tobacco retail establishment's

business filings, business name and signage, marketing and other advertisements, and the percentage of revenue and inventory directly related to the sale of tobacco products.

(K) Notwithstanding any other provision of law, a violation of this section does not violate the terms and conditions of an establishment's beer and wine permit and is not grounds for revocation or suspension of a beer and wine permit.

Definitions

SECTION 6. Section 16-17-501 of the S.C. Code is amended to read:

Section 16-17-501. As used in this section and Sections 16-17-500, 16-17-502, 16-17-503, 16-17-504, and 16-17-506:

(1) "Distribute" means to sell, furnish, give, provide, or attempt to do so, whether gratuitously or for any type of compensation, tobacco products, including tobacco product samples, cigarette paper, or a substitute for them, to the ultimate consumer.

(2) "Distribution" means the act of selling, furnishing, giving, providing, or attempting to do so, whether gratuitously or for any type of compensation, tobacco products, including tobacco product samples, cigarette paper, or a substitute for them, to the ultimate consumer.

(3) "Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized substance, including e-liquid, to the person inhaling from the device including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. "Electronic smoking device" includes any component, part, or accessory of the device, and also includes any substance intended to be aerosolized or vaporized during the use of the device whether or not the substance includes nicotine. "Electronic smoking device" does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

(4) "E-liquid" means a substance that:

(a) may or may not contain nicotine;

(b) is intended to be vaporized and inhaled using an electronic smoking device; and

(c) is a legal substance under the laws of this State and the laws of the United States.

"E-liquid" does not include cannabis or CBD as defined under the laws of this State and the laws of the United States unless it also contains nicotine.

(5) “Proof of age” means a driver's license or identification card issued by this State or any other state or a United States Armed Services identification card.

(6) “Sample” means a tobacco product distributed to members of the general public at no cost for the purpose of promoting the products.

(7) “Sampling” means the distribution of samples to members of the general public in a public place.

(8) “Tobacco product” means:

(a) any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;

(b) any electronic smoking device as defined in this section and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or

(c) any component, part, or accessory of subitem (a) or subitem (b), whether or not any of these contains tobacco or nicotine including, but not limited to, filters, rolling papers, blunt or hemp wraps, and pipes. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

(9) “Tobacco retail establishment” means any place of business where tobacco products are available for sale to the general public. The term includes, but is not limited to, grocery stores, tobacco product shops, kiosks, convenience stores, gasoline service stations, bars, and restaurants.

(10) “Tobacco retailer” means any person, partnership, joint venture, society, club, trustee, trust association, organization, or corporation who owns, operates, or manages any tobacco retail establishment. Tobacco retailer does not mean the nonmanagement employees of any tobacco retail establishment.

Tobacco product samples

SECTION 7. Section 16-17-502 of the S.C. Code is amended to read:

Section 16-17-502. (A) It is unlawful for a person to distribute a tobacco product sample to a person under the age of eighteen years.

(B) A person engaged in sampling shall demand proof of age from a prospective recipient if an ordinary person would conclude on the basis of appearance that the prospective recipient may be under the age of

eighteen years.

(C) A person violating this section is subject to the penalties set forth in Section 16-17-500(E).

(D) A tobacco retail establishment violating this section is subject to administrative penalties as provided in Section 16-17-500(E)(3).

Enforcement

SECTION 8. Section 16-17-503 of the S.C. Code is amended to read:

Section 16-17-503. (A) The State Law Enforcement Division may conduct unannounced compliance checks for violations of Sections 16-17-500, 16-17-502, and 16-17-506. A person under the age of eighteen may be recruited and authorized by the State Law Enforcement Division to test the tobacco retail establishment's compliance with Sections 16-17-500, 16-17-502, and 16-17-506. The testing must be under direct supervision of a law enforcement agency and with the consent of the person's parent or guardian. The State Law Enforcement Division must notify the Department of Revenue of violations under Section 16-17-500(E)(3). The results of compliance checks resulting in a tobacco retailer being prohibited from selling or distributing tobacco products must be published by the Department of Revenue annually and made available to the public upon request. Penalties collected pursuant to Sections 16-17-500, 16-17-502, and 16-17-506 must be used to offset the costs of enforcement.

(B) The Director of the South Carolina Department of Alcohol and Other Drug Abuse Services shall conduct random, unannounced inspections at locations where tobacco products are sold and at locations that have notified the Department of Revenue under Section 12-36-511 that the tobacco retailer sells or distributes tobacco products. A person under the age of twenty-one may be recruited and authorized by a law enforcement agency on behalf of the Department of Alcohol and Other Drug Abuse Services to test a tobacco retail establishment's compliance with federal laws relating to the unlawful sale of tobacco to minors for the purposes of federal reporting requirements. The Director of South Carolina Department of Alcohol and Other Drug Abuse Services shall provide for the preparation of and submission annually to the Secretary of the United States Department of Health and Human Services the report required by Section 1926 of the federal Public Health Service Act (42 U.S.C. 300x-26) and otherwise is responsible for ensuring the state's compliance with that provision of federal law and implementing regulations promulgated by the United States Department of Health and

Human Services.

Enforcement

SECTION 9. Section 16-17-504 of the S.C. Code is amended to read:

Section 16-17-504. (A) Sections 16-17-500, 16-17-502, 16-17-503, and 16-17-506 must be enforced to ensure the eligibility for and receipt of federal funds or grants the State receives or may receive relating to the sections. Any laws, ordinances, or rules enacted pertaining to tobacco products may not supersede state law or regulation. Nothing in this section affects the right of any person having ownership or otherwise controlling private property to allow or prohibit the use of tobacco products on the property.

(B) Smoking ordinances in effect before the effective date of this act are exempt from the requirements of subsection (A).

E-liquid containers

SECTION 10. Section 16-17-506 of the S.C. Code is amended to read:

Section 16-17-506. (A) For purposes of this section, “container” means a bottle or other container of any kind that contains e-liquid and is offered for sale, sold, or otherwise distributed, or intended for distribution to consumers, but that does not include a cartridge that is prefilled and sealed by the manufacturer and not intended to be opened by the customer.

(B) It is unlawful to sell, hold for sale, or distribute a container of e-liquid unless:

(1) the container satisfies the requirements of 21 C.F.R. 1143.3, if applicable, for the placement of labels, warnings, or any other information upon a package of e-liquid that is to be sold within the United States;

(2) the container complies with child-resistant effectiveness standards under 16 C.F.R. 1700.15(b)(1) when tested in accordance with the requirements of 16 C.F.R. 1700.20; and

(3) the container complies with federal trademark or copyright laws.

(C) A person who knowingly sells, holds for sale, or distributes e-liquid containers in violation of subsection (B) is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than three years or fined not more than one thousand dollars, or both.

(D) In addition to the other penalties provided by law, law

enforcement may seize and destroy or sell to the manufacturer, for export only, any containers in violation of this section.

(E) Any tobacco retailer or tobacco retail establishment that permits an employee to violate or knowingly violates subsection (B) is subject to the penalties in Section 16-17-500(E)(3).

Tobacco-free school campus policy

SECTION 11. Section 59-1-380 of the S.C. Code is amended to read:

Section 59-1-380. (A) Every local school district in the State shall implement and enforce a written policy prohibiting at all times the use of any tobacco product by any person in school buildings, in school facilities, on school campuses, and in or on any other school property owned or operated by the local school administrative unit. The policy also must prohibit the use of any tobacco product by persons attending a school-sponsored event at a location not listed in this subsection when in the presence of students or school personnel or in an area where smoking or other tobacco use is otherwise prohibited by law.

(B) The policy must include at least all of the following elements:

(1) adequate notice to students, parents or guardians, the public, and school personnel of the policy;

(2) posting of signs prohibiting at all times the use of tobacco products by any person in and on school property; and

(3) requirements that school personnel enforce the policy, including appropriate disciplinary action.

(C) Disciplinary actions for violating the policy may include, but not be limited to:

(1) for students: administrator and parent or legal guardian conference, mandatory enrollment in tobacco prevention education or cessation programs, community service, in-school suspension, suspension for extracurricular activities, or out-of-school suspension;

(2) for staff: verbal reprimand, written notification in personnel file, mandatory enrollment in tobacco prevention education, voluntary enrollment in cessation programs, or suspension;

(3) for contract or other workers: verbal reprimand, notification to contract employer, or removal from district property; and

(4) for visitors: verbal request to leave district property or prosecution for disorderly conduct for repeated offenses.

(D) The local school district shall collaborate with the Department of Health and Environmental Control, the Department of Alcohol and Other Drug Abuse Services, and the South Carolina Department of

Education, as appropriate, to implement the policy, including as part of tobacco education and cessation programs and substance use prevention efforts.

(E) The policy may permit tobacco products to be included in instructional or research activities in public school buildings if the activity is conducted or supervised by the faculty member overseeing the instruction or research and the activity does not include smoking, chewing, inhaling, or otherwise ingesting the tobacco product.

(F) For purposes of this section “tobacco product” has the same meaning as defined in Section 16-17-501.

Disclosure, sale of tobacco products by retailer

SECTION 12. Chapter 36, Title 12 of the S.C. Code is amended by adding:

Section 12-36-511. A retailer must submit whether it sells tobacco, tobacco products, including electronic smoking devices or e-liquid, as defined in Section 16-17-501(3) and (4), or any other product used for smoking with its retail application. A retailer not previously designated as a tobacco retail establishment, as defined in Section 16-17-501, shall notify the department in the manner prescribed by the department prior to selling tobacco products. For the purposes of this section, tobacco retailers and tobacco retail establishments that have a retail license must supplement their retail license application to notify the department that they sell or distribute tobacco or tobacco products. For the purposes of this section, a retailer that sells tobacco, tobacco products, or any other product used for smoking that does not disclose on their initial retail application or supplement their retail license application is subject to a fine of not more than two hundred dollars and must file within fifteen days of notification of a failure to file. A retailer that fails to file within fifteen days after the notification is subject to a fine of two thousand dollars.

Time effective

SECTION 13. This act takes effect ninety days after approval by the Governor except SECTION 2, SECTION 3, and SECTION 4 which take effect upon approval by the Governor.

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 39

(R47, H3689)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-860, RELATING TO RESTRICTIONS ON THE USE OF AIRBOATS, SO AS TO LIMIT USE ON THE BROAD RIVER AND STEVENS CREEK.

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

Restrictions on the use of airboats

SECTION 1. Section 50-21-860 of the S.C. Code is amended to read:

Section 50-21-860. As used in this section, “airboat” means a watercraft propelled by air pressure caused by a motor mounted on the watercraft aboveboard.

(A) It is unlawful for a person to operate an airboat on the public waters of this State from the freshwater-saltwater dividing line, established by Section 50-17-30, seaward.

(B) It is unlawful to operate an airboat on the waters of the Waccamaw, the Great Pee Dee, the Little Pee Dee, the Black, and the Sampit Rivers in Georgetown and Horry Counties from one hour before legal sunset to one hour after legal sunrise and anytime during the season for hunting duck.

(C) It is unlawful to operate an airboat on the waters of that portion of Lake Marion and Santee Swamp west of the I-95 bridge upstream to the confluence of the Congaree and Wateree Rivers during the season for hunting waterfowl.

(D) It is unlawful to operate an airboat on the waters of the Broad River in Richland County from one hour before legal sunset to one hour after legal sunrise.

(E) It is unlawful to operate an airboat on the waters of Stevens Creek in Edgefield County from one hour before legal sunset to one hour after legal sunrise.

A person violating the provisions of this section, upon conviction,

must be punished as provided by Section 50-1-130.

The provisions of this section do not apply to the operation of airboats by law enforcement, emergency medical, civil defense, noxious weed control, military personnel, state and federally approved wildlife banding, surveying, biological research programs, and private waters.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 40

(R48, H3797)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “MILITARY TEMPORARY REMOTE SCHOOL ENROLLMENT ACT” BY ADDING SECTION 59-63-33 SO AS TO PROVIDE PUBLIC SCHOOL PUPILS COMPLY WITH SCHOOL ENROLLMENT REQUIREMENTS IF THEIR PARENTS ARE TRANSFERRED TO OR ARE PENDING TRANSFER TO MILITARY INSTALLATIONS IN THIS STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO OFFICIAL MILITARY ORDERS, TO PROVIDE SCHOOL DISTRICTS SHALL ACCEPT APPLICATIONS FOR ENROLLMENT AND COURSE REGISTRATION FROM SUCH PUPILS BY ELECTRONIC MEANS, TO PROVIDE PARENTS OF SUCH STUDENTS SHALL PROVIDE CERTAIN PROOF OF RESIDENCE AFTER ARRIVAL, TO PROVIDE THE PROVISIONS OF THIS ACT APPLY NOTWITHSTANDING ANOTHER PROVISION OF LAW, TO PROVIDE AMBIGUITIES IN CONSTRUING THE PROVISIONS OF THIS ACT MUST BE RESOLVED IN FAVOR OF ENROLLMENT, AND TO DEFINE NECESSARY TERMINOLOGY.

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

Citation

SECTION 1. This act may be cited as the “Military Temporary Remote School Enrollment Act”.

Residency requirements compliance, enrollment, proof, construction

SECTION 2. Article 1, Chapter 63, Title 59 of the S.C. Code is amended by adding:

Section 59-63-33. (A) A pupil complies with the residency requirements for school attendance in a school district if a parent or legal guardian of the pupil is transferred to or is pending transfer to a military installation within this State while on active military duty pursuant to an official military order.

(B) A school district shall accept an application for enrollment and course registration by electronic means for a pupil who meets the requirements prescribed in subsection (A), including enrollment in a specific school or program within the school district.

(C)(1) The parent or legal guardian of a pupil who meets the requirement prescribed in subsection (A) shall provide proof of residence to the school district after arrival. The parent or legal guardian may use the address of any of the following as proof of residence for the purposes of this subsection:

- (a) a temporary on-base billeting facility;
- (b) a purchased or leased home or apartment; or
- (c) any federal government housing or off-base military housing, including off-base military housing that may be provided through a public-private venture.

(2) In determining what documentation may be considered acceptable for complying with the provisions of item (1), a district shall consider that traditional forms of documentation, such as utility bills or tax bills, would not be available for newly relocated military personnel.

(D) The provisions of this section apply notwithstanding the provisions of Sections 59-63-30, 59-63-31, 59-63-32, or another provision of law.

(E) Any ambiguity in construing the provisions of this section must be resolved in favor of enrolling the pupil.

(F) For the purposes of this section:

(1) "Active military duty" means full-time military duty status in the active uniformed service of the United States, including members of the National Guard and the State Military Reserve on active duty orders.

(2) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other installation.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 41

(R49, H3857)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-103-15, RELATING TO CATEGORIES OF INSTITUTIONS OF HIGHER LEARNING IN THIS STATE AND THEIR RESPECTIVE MISSIONS, SO AS TO ADD A NEW CATEGORY FOR DOCTORAL/PROFESSIONAL UNIVERSITIES AND TO PROVIDE THEIR RELATED MISSIONS.

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

Categories of institutions, doctoral/professional universities added

SECTION 1. Section 59-103-15(B) of the S.C. Code is amended to read:

(B) The General Assembly has determined that the primary mission or focus for each type of institution of higher learning or other post-secondary school in this State is as follows:

(1) Research institutions

(a) college-level baccalaureate education, master's, professional,

and doctor of philosophy degrees which lead to continued education or employment;

(b) research through the use of government, corporate, nonprofit-organization grants, or state resources, or both; and

(c) public service to the State and the local community;

(2) Doctoral/professional universities

(a) college-level baccalaureate education, master's, professional, and no more than a combined five professional doctorate or doctor of philosophy degrees, that lead to continued education or employment;

(b) limited and specialized research; and

(c) public service to the State and the local community;

(3) Four-year colleges and universities

(a) college-level baccalaureate education and selected master's degrees which lead to employment or continued education, or both, except for doctoral degrees currently being offered;

(b) bachelor of science degree in Mechanical Engineering approved by the Commission on Higher Education at South Carolina State University;

(c) bachelor of science degree in Electrical Engineering approved by the Commission on Higher Education at South Carolina State University;

(d) doctoral degree in Marine Science approved by the Commission on Higher Education;

(e) subject to subsection (C), doctoral degree in Nursing Practice approved by the Commission on Higher Education at Francis Marion University;

(f) subject to subsection (C), doctoral degree in Nursing Practice approved by the Commission on Higher Education at the University of South Carolina Aiken;

(g) subject to subsection (C), doctor of philosophy degree in Education Administration approved by the Commission on Higher Education at Coastal Carolina University;

(h) subject to subsection (C), doctor of philosophy degree in Computer and Information Science approved by the Commission on Higher Education at the College of Charleston;

(i) limited and specialized research; and

(j) public service to the State and the local community;

(4) Two-year institutions-branches of the University of South Carolina

(a) college-level pre-baccalaureate education necessary to confer associates degrees which lead to continued education at a four-year or research institution; and

- (b) public service to the State and the local community;
- (5) State technical and comprehensive education system
 - (a) all post-secondary vocational, technical, and occupational diploma and associate degree programs leading directly to employment or maintenance of employment and associate degree programs which enable students to gain access to other post-secondary education;
 - (b) up-to-date and appropriate occupational and technical training for adults;
 - (c) special school programs that provide training for prospective employees for prospective and existing industry in order to enhance the economic development of South Carolina;
 - (d) public service to the State and the local community;
 - (e) continue to remain technical, vocational, or occupational colleges with a mission as stated in item (4) and primarily focused on technical education and the economic development of the State; and
 - (f) subject to subsection (C), an Applied Baccalaureate in Advanced Manufacturing Technology degree approved first by the Board for Technical and Comprehensive Education and then the Commission on Higher Education.

Conforming changes

SECTION 2. Section 59-103-15(C) of the S.C. Code is amended to read:

(C) Notwithstanding subsection (B), the degrees set forth in subsection (B) (3)(e), (f), (g), and (h), and subsection (B) (5)(f) are only allowed so long as new state general funds are not appropriated for the operations of the degree program.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 42

(R50, H3868)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DECLARE THE THIRD SATURDAY IN NOVEMBER OF EACH YEAR IS DESIGNATED AS “WOMEN IN HUNTING AND FISHING AWARENESS DAY”.

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

Women in Hunting and Fishing Awareness Day

SECTION 1. Chapter 3, Title 53 of the S.C. Code is amended by adding:

Section 53-3-270. The third Saturday in November of each year is designated as “Women in Hunting and Fishing Awareness Day” in South Carolina.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 43

(R51, H3870)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-43-72 SO AS TO AUTHORIZE THE PERMITTING AND OPERATION OF NARCOTIC TREATMENT PROGRAMS, TO ESTABLISH CERTAIN REQUIREMENTS FOR NARCOTIC TREATMENT

PROGRAMS AND THEIR ASSOCIATED PHARMACISTS, PRACTITIONERS, AND PRACTITIONER AGENTS, TO REQUIRE THE BOARD OF PHARMACY TO FULFILL CERTAIN OBLIGATIONS, AND FOR OTHER PURPOSES; AND BY AMENDING SECTION 44-53-720, RELATING TO RESTRICTIONS ON USE OF METHADONE, SO AS TO MAKE CONFORMING CHANGES.

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

Narcotic treatment programs

SECTION 1. Chapter 43, Title 40 of the S.C. Code is amended by adding:

Section 40-43-72. (A) For purposes of this section:

(1) "Narcotic treatment program" or "NTP" means a program licensed by the Department of Health and Environmental Control that dispenses and administers methadone or other narcotic treatment medications.

(2) "NTP permit" means a permit issued by the South Carolina Board of Pharmacy that governs dispensing and administration of medications in an NTP.

(3) "NTP satellite permit" means a permit issued by the South Carolina Board of Pharmacy that governs dispensing and administration of medication in a mobile component or satellite medication unit operated by a licensed NTP.

(4) "Pharmacist" means an individual licensed as a pharmacist pursuant to Chapter 43.

(5) "Practitioner" means a physician, physician assistant, or advanced practice registered nurse licensed in South Carolina and registered under South Carolina and federal law to prescribe, dispense, and administer opioid drugs.

(6) "Practitioner agent" means a registered nurse or licensed practical nurse supervised by and under the order of a practitioner.

(7) "Stat box" means an additional drug box that contains stock doses of medications prepared by a pharmacist prior to receipt of a patient-specific order from a practitioner.

(B) An NTP shall apply for and must be issued an NTP permit before methadone or other narcotic treatment medications may be administered, dispensed, or delivered at that NTP.

(C) An NTP with an NTP permit shall:

(1) retain a pharmacist-in-charge who, along with the NTP permit holder, shall sign a new or renewal application for an NTP permit. The pharmacist-in-charge must agree in writing to assume the responsibilities of pharmacist-in-charge of the NTP. The NTP permit holder and pharmacist-in-charge shall notify the Board of Pharmacy in writing within ten days of a change of the NTP's pharmacist-in-charge. A designation of an individual as a pharmacist-in-charge or delegation of duties to a pharmacist-in-charge by a holder of an NTP permit does not relieve the permit holder of the NTP permit holder's duties under federal laws or regulations;

(2) be inspected annually by the Board of Pharmacy; and

(3) comply with the security control requirements of 21 C.F.R. Chapter II.

(D)(1)(a) A pharmacist must be physically present at the NTP to dispense drugs for administration and to dispense and label drugs for delivery to patients for at-home use.

(b) A pharmacist is not required to be physically present at the NTP when drugs are administered or delivered to patients for at-home use, provided that the pharmacist-in-charge must be onsite a sufficient amount of time necessary to perform all duties, including those set forth in Section 40-43-86(B)(3). Regulations or guidance of the Board of Pharmacy establishing specific percentages of time or hours during which a pharmacist-in-charge must be physically present at a pharmacy do not apply to the pharmacist-in-charge of an NTP.

(c) The pharmacist-in-charge of an NTP may not be the pharmacist-in-charge for more than two NTP permit holders, which does not include NTP satellite permits.

(2)(a) A practitioner agent may administer and deliver doses of narcotic drugs which have been previously prepared, checked, and labeled with a patient-specific label by a pharmacist.

(b) If a practitioner-ordered dose change is needed immediately, and a pharmacist is not physically present at the NTP, a stat box with properly labeled stock doses may be used to provide immediate service to a patient.

(c) A practitioner agent performing administration and delivery of medications in an NTP is not required to register as a pharmacy technician.

(3) The provisions of Section 40-43-86(A)(12) shall be waived in the NTP to allow practitioners and practitioner agents access to an NTP pharmacy at a time when a pharmacist is not on duty for the purpose of obtaining drugs from the NTP pharmacy's medication safe for administration and retrieving pharmacist-verified take-home doses of

narcotics for delivery. The bulk inventory must be secured against access and alteration when the pharmacist is not present.

(4) A pharmacist is in compliance with the requirement of patient counseling in Section 40-43-86(L)(1) by ensuring that written directions for use and other information relating to proper utilization of the medication prescribed are included with each new order of medication delivered by the opioid treatment program. The written information must include a telephone number at which the pharmacist may be contacted by patients.

(5) An NTP satellite permit holder is exempt from the requirements of subsections (D)(1) and (D)(2) and may:

(a) facilitate the administration and delivery of take-home doses of narcotic drugs without the presence of a pharmacist so long as the doses are prepared in advance by a pharmacist; and

(b) utilize a stat box.

Methadone use restrictions

SECTION 2. Section 44-53-720 of the S.C. Code is amended to read:

Section 44-53-720. Methadone and its salts are restricted to:

(1) use in treatment, maintenance, or detoxification programs as approved by the Department of Health and Environmental Control, including narcotic treatment programs operating pursuant to Section 40-43-72.

(2) dispensing by a hospital for analgesia, pertussis, and detoxification treatment as approved by the Department of Health and Environmental Control.

(3) dispensing by a retail pharmacy for analgesia as provided for by R. 61-4, Section 507.5.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 44

(R52, H3905)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-13-920, RELATING TO THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS TO PROVIDE FOR FILLING A BOARD VACANCY FOR PHYSICAL OR MENTAL INCAPACITATION OR NONATTENDANCE; AND BY AMENDING SECTION 6-13-1010, RELATING TO PENALTIES FOR INJURING OR DESTROYING FACILITIES OF THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS TO INCREASE PENALTIES.

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

Authority composition, terms, appointment

SECTION 1. Section 6-13-920 of the S.C. Code is amended to read:

Section 6-13-920. The authority shall be composed of seven members, who shall be resident electors of either Edgefield or Aiken Counties; provided, however, that no more than two members may be resident electors of Aiken County. Those members of the authority who are resident electors of Edgefield County must be appointed by the Governor, upon the recommendation of a majority of the members of the Edgefield County Council with the approval of the Edgefield County Legislative Delegation. The Governor, upon the recommendation of the members of the Edgefield County Legislative Delegation, may appoint no more than two members of the authority who must be resident electors of Aiken County and who must reside within the service area of the authority in Aiken County. Of those originally appointed, two shall be appointed for terms of two years, two for terms of four years, and one for a term of six years. Upon the termination of the terms of the original members, their successor shall be appointed by the Governor, in the same manner as is provided for the original appointment, for terms of six years. Any vacancy occurring by reason of death, resignation, physical or mental incapacitation, nonattendance, or otherwise shall be filled for the remainder of the unexpired term by appointment of the Governor in the same manner as is provided for the original appointment. Physical or mental incapacitation and nonattendance must

be determined by majority vote of board members and with the consent of the legislative delegation. All members of the authority shall hold office until their successors shall have been appointed and shall have qualified.

Penalties

SECTION 2. Section 6-13-1010 of the S.C. Code is amended to read:

Section 6-13-1010. It shall be unlawful for any person to wilfully injure or destroy, or in any manner hurt, damage, tamper with, or impair the facilities of the authority, or any part of such facilities, or any machinery, apparatus, or equipment of the authority, or to pollute the water in any part of its service area, or to obtain water therefrom except in accordance with the regulations promulgated by the authority. Any person so offending shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars nor more than one thousand dollars, or shall be imprisoned for not more than thirty days at the discretion of the court, and shall be further liable to pay all damages suffered by the authority.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 45

(R54, H3952)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE, TO REQUIRE

THE FEE BE REASONABLE, AND TO SPECIFY THE MANNER IN WHICH THE DEPARTMENT OF CONSUMER AFFAIRS IS TO PROVIDE ENFORCEMENT MEASURES.

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

Motor vehicle closing fees

SECTION 1. Section 37-2-307 of the S.C. Code is amended to read:

Section 37-2-307. (A) As used in this section:

(1) A closing fee is defined as a fee for recovery of a motor vehicle dealer's actual costs for all administrative and financial work needed to transfer and deliver the motor vehicle to the consumer including, but not limited to, compliance with all state, federal, and lender requirements, preparation and retrieval of documents, protection of the private personal information of the consumer, records retention, and storage costs.

(2) "Department" means the South Carolina Department of Consumer Affairs.

(3) "Dealer" means a "motor vehicle dealer" as defined in Section 56-15-10.

(B)(1) Every dealer charging closing fees in a motor vehicle sale or lease transaction shall pay a filing fee of ten dollars to the department each time the dealer provides notice of a new closing fee amount to the department. The department shall set the filing fee annually in an amount not to exceed twenty-five dollars.

(2) The closing fee must be disclosed on the motor vehicle sale or lease contract, displayed in a conspicuous location in the motor vehicle dealership, and clearly and conspicuously disclosed in any advertisement of a specific motor vehicle for sale or lease.

(C)(1) Prior to charging a closing fee, a dealer shall provide written notice to the department of the maximum amount of the closing fee the dealer intends to charge.

(2) If the maximum amount of the proposed closing fee the dealer intends to charge is not more than two hundred twenty-five dollars for each vehicle, the closing fee is considered to be approved by the department, and the dealer does meet and fulfill all reasonable requirements and criteria in compliance with this section. If the proposed closing fee exceeds two hundred twenty-five dollars, the department may review the amount of the closing fee for reasonableness using the criteria in item (5).

(3) If the department intends to conduct a formal review of a

proposed closing fee, the department shall provide written notice to the dealer of the department's intention to review the proposed closing fee within fifteen days of receiving the complete proposed closing fee notice. If the department determines that a proposed closing fee is not reasonable, the department shall issue a written order detailing the department's findings within thirty days of receiving the complete proposed closing fee notice. If the department does not provide the dealer with written notice of the department's approval of the proposed closing fee within thirty days of receiving the proposed closing fee notice, the dealer is authorized to charge the proposed closing fee.

(4) The dealer is at all times authorized to submit a new closing fee that is equal to or less than two hundred twenty-five dollars per vehicle which is not subject to review. If the department finds that a proposed closing fee is not reasonable, the dealer may request a hearing in accordance with the Administrative Procedures Act. During the pendency of the department's review period, or the pendency of any action before the Administrative Law Court, the dealer is authorized to charge a closing fee at an amount not to exceed the amount most recently on file and permitted to be charged by the department.

(5)(a) In determining the reasonableness of a closing fee, the department shall accept and allow all of the dealer's actual costs and expenses including, but not limited to, employee compensation, information processing, facilities costs, supplies, and materials associated with the following closing and delivery activities:

(i) closing the motor vehicle sale or lease transaction, including any associated loan or lease and transferring title of the motor vehicle to the consumer;

(ii) delivering the motor vehicle to the consumer;

(iii) complying with all state, federal, and lender requirements;

(iv) preparing, storing, and retrieving transaction documents; and

(v) protecting the private personal information of the consumer.

(b) Dealer costs must be calculated using generally accepted cost accounting principles for the preceding twelve-month period.

(c) In determining the reasonableness of a closing fee, the department may compare a particular dealer's costs only with other similarly situated dealers.

(D) Whether the vehicle transaction is a credit sale, consumer lease, or cash transaction:

(1) notwithstanding any other provision of law, a dealer who complies with this section and any regulation promulgated under it and who charges a closing fee is not engaging in any action which is arbitrary, in bad faith, unconscionable, an unfair or deceptive practice,

or an unfair method of competition for purposes of Sections 56-15-30, 56-15-40, and 39-5-20 with regard to the charging of a closing fee and may lawfully charge a closing fee;

(2) a dealer may assert any defenses provided to a creditor pursuant to the provisions of this title; and

(3) a purchaser injured or damaged by an action of a dealer in violation of this section or any regulation promulgated thereunder, may assert the remedies available pursuant to the provisions of this title.

(E)(1) The department shall administer and enforce the subject of motor vehicle dealer closing fees as limited by this section. The department may make and promulgate such rules and regulations relating to motor vehicle dealer closing fees to administer and enforce this section. The department shall have access to a dealer's records, but only to the extent necessary to determine the dealer's compliance with the disclosure provisions of subsection (B)(2) and the accuracy of the dealer's cost and expense information in subsection (C)(5), and this information must be kept confidential and privileged from disclosure, except as otherwise provided by law.

(2) In administering and enforcing this section, or for any other review or investigation of dealers, the department shall:

(a) promote education for consumers and best practices for dealers; and

(b) mediate complaints between a consumer and a dealer, whenever possible.

(3) The department may review or investigate a dealer upon receipt of a complaint or other credible evidence that the dealer has violated a provision of this section or a provision of this title related to closing fees. In administering and enforcing this section:

(a) The department must provide a written notice by certified mail to the dealer regarding the complaint or other credible evidence. If the department's records show an email address for the dealer, the department must also send an email to the dealer. This written notice must contain sufficient information for the dealer to identify documents related to the alleged violation, request only such information as is reasonably related to the alleged violation, and state that the dealer may provide a written response to the allegation.

(b) The dealer must respond to the department's notice within forty-five days from the date the written notice described in item (3)(a) was received via certified mail. If a dealer fails to provide the requested information within sixty days from the date of receipt of the written notice via certified mail, the department may commence a proceeding pursuant to the Administrative Procedures Act.

(c) The department must issue a decision within fifteen days of receipt of the requested information from the dealer. If the department determines the dealer failed to comply with the requirements of this section or of this title regarding closing fees, the department's decision must determine if the violation was either (1) not intentional and resulted from a bona fide error, or (2) an intentional violation.

(i) In the event of a violation that was not intentional and resulted from a bona fide error, the dealer must refund any excess charge paid by the consumer. The department must close the investigation upon notice that the consumer received the refund.

(ii) In the event of an intentional violation, the department may request only those records reasonably related to the alleged violation for the ten transactions immediately preceding and the ten transactions immediately after the transaction identified in the complaint or other credible evidence received by the department. If the department discovers a potential violation of any kind related to closing fees in any of these transactions, the department may request only those records reasonably related to the alleged violation for transactions occurring on the date of the transaction identified in the complaint or other credible evidence, and transactions thirty days immediately preceding and thirty days immediately after the transaction identified in the complaint or other credible evidence received by the department.

(4) A dealer may not be held liable in any action for a violation of this section or a violation of this title regarding closing fees if the dealer (a) shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid the error; and (b) the dealer refunded any excess charge paid by the consumer.

(5) A dealer who is found to have intentionally violated this section, or any other provision in this title regarding closing fees, must refund any excess charge paid by the customer within thirty days from the date of written notice from the department regarding its determination of a violation. Notwithstanding any other provision of law, the following remedies also apply for an intentional violation:

(a) for the first violation in a twelve-month period, the department must send a written warning to the dealer;

(b) for a second violation in a twelve-month period, the department may charge a five hundred dollar administrative penalty;

(c) for a third violation in a twelve-month period, the department may charge not more than a one thousand dollar administrative penalty; and

(d) for a fourth or subsequent violation in a twelve-month period,

the department may charge not more than a five thousand dollar administrative penalty, provided that cumulative administrative penalties shall not exceed one hundred thousand dollars in the twelve-month period.

(F)(1) It is the intent of the General Assembly to authorize a motor vehicle dealer to charge a closing fee in compliance with this section and to protect a motor vehicle dealer from civil liability for charging a closing fee if the fee is charged in compliance with this title and any Department of Consumer Affairs regulation or administrative interpretation. It is further the intent to protect consumers by the disclosure and notice provisions established in this section and with the remedies provided by this title.

(2) Nothing in this section is intended to prohibit the department from administering and enforcing other laws under the department's jurisdiction.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 46

(R56, H4017)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-40, RELATING TO APPLICATION OF THE FEDERAL INTERNAL REVENUE CODE TO STATE TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2022 AND TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.

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

Internal Revenue Code conformity

SECTION 1. Section 12-6-40(A)(1)(a) and (c) of the S.C. Code is amended to read:

(a) Except as otherwise provided, “Internal Revenue Code” means the Internal Revenue Code of 1986, as amended through December 31, 2022, and includes the effective date provisions contained in it.

(c) If Internal Revenue Code sections adopted by this State which expired or portions thereof expired on December 31, 2022, are extended, but otherwise not amended, by congressional enactment during 2023, these sections or portions thereof also are extended for South Carolina income tax purposes in the same manner that they are extended for federal income tax purposes.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 47

(R57, H4122)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-95, RELATING TO THE AUTHORIZED USE OF EPINEPHRINE AUTO-INJECTORS IN SCHOOLS, SO AS TO EXPAND THE PROVISIONS OF THIS SECTION TO INCLUDE THE PROVISION OF LIFESAVING MEDICATIONS, AND TO PROVIDE CERTAIN RELATED RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH

**AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT
OF EDUCATION.**

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

Lifesaving medications in schools

SECTION 1. Section 59-63-95 of the S.C. Code is amended to read:

Section 59-63-95. (A) As used in this section, and unless the specific context indicates otherwise:

(1) "Administer" means the direct application of a lifesaving medication into the body of a person.

(2) "Advanced practice registered nurse" means a registered nurse prepared for an advanced practice registered nursing role by virtue of the additional knowledge gained through an advanced formal education program in a specialty area pursuant to Chapter 33, Title 40.

(3) "Designated school personnel" means an employee, agent, or volunteer of a school designated by the governing authority of the school district or the governing authority of the private school who has completed the training required in accordance with the guidelines of the Department of Health and Environmental Control to provide for or administer a lifesaving medication to a student or other individual on a school premises or attending a school function.

(4) "Governing authority of a school" means the board of trustees of a school district or the board of trustees of a private school.

(5) "Lifesaving medication" means any prescription medication that can be administered to a person experiencing a medical emergency. The Department of Health and Environmental Control, in consultation with the Department of Education, will publish a list of lifesaving medications that can be administered by designated school personnel in response to a medical emergency pursuant to this section and shall publish training guidelines for the administration of such lifesaving medications.

(6) "Participating governing authorities" means governing authorities of school districts and governing authorities of private schools that authorize schools to maintain a supply of lifesaving medications and to provide and administer lifesaving medications to students and other people on a school premises or attending a school function pursuant to subsections (B) and (C).

(7) "Physician" means a doctor of medicine licensed by the South Carolina Board of Medical Examiners pursuant to Article 1, Chapter 47,

Title 40.

(8) "Physician assistant" means a health care professional licensed to assist with the practice of medicine with a physician supervisor pursuant to Article 7, Chapter 47, Title 40.

(9) "Provide" means to supply one or more lifesaving medications to a student or other person on a school premises or attending a school function.

(10) "School" means a public or private school.

(11) "Self-administration" means a student or other person's discretionary use of lifesaving medication, whether provided by the student or the other person or by a school nurse or other designated school personnel pursuant to this section.

(B) Notwithstanding another provision of law, a physician, including the Director of Public Health for the Department of Health and Environmental Control pursuant to subsection (I); an advanced practice registered nurse licensed to prescribe medication pursuant to Section 40-33-34; and a physician assistant licensed to prescribe medication pursuant to Sections 40-47-955 through 40-47-965 may prescribe lifesaving medications maintained in the name of a school for use in accordance with subsection (D). Notwithstanding another provision of law, licensed pharmacists and physicians may dispense lifesaving medications in accordance with a prescription issued pursuant to this subsection. Notwithstanding another provision of law, a school may maintain a stock supply of lifesaving medications in accordance with a prescription issued pursuant to this subsection. For the purposes of administering and storing lifesaving medications, schools are not subject to Chapter 43, Title 40 or Chapter 99 of the South Carolina Code of State Regulations.

(C) The governing authority of a school district or private school may authorize school nurses and other designated school personnel to:

(1) provide a lifesaving medication to a student in accordance with a prescription specific to the student that is on file with the school;

(2) administer a lifesaving medication to a student in accordance with a prescription specific to the student on file with the school;

(3) administer a lifesaving medication to a student or other person on a school premises whom the school nurse or other designated school personnel believes in good faith is experiencing a medical emergency, in accordance with a standing protocol of a physician, including the Director of Public Health for the Department of Health and Environmental Control pursuant to subsection (I); an advanced practice registered nurse licensed to prescribe medication pursuant to Section 40-33-34; or a physician assistant licensed to prescribe medication

pursuant to Sections 40-47-955 through 40-47-965, regardless of whether the student or other person has a prescription for a lifesaving medication.

(D) The governing authority of a school district or the governing authority of a private school may enter into arrangements with manufacturers of lifesaving medications or third-party suppliers of lifesaving medications to obtain lifesaving medications at fair-market, free, or reduced prices.

(E) Participating governing authorities, in consultation with the State Department of Education and the Department of Health and Environmental Control, shall implement a plan for the management of students with life-threatening allergies or medical emergencies enrolled in the schools under their jurisdiction. The plan must include, but need not be limited to:

(1) education and training for school personnel on the management of students with life-threatening allergies or medical emergencies, including training related to the administration of lifesaving medications, techniques on how to recognize symptoms of severe allergic reactions or medical emergencies, including anaphylaxis, and the standards and procedures for the storage and administration of lifesaving medications;

(2) procedures for responding to life-threatening allergic reactions and medical emergencies, including emergency follow-up procedures; and

(3) a process for the development of individualized health care and allergy action plans for every student with a known life-threatening allergy.

(F) Participating governing authorities shall make the plan developed pursuant to subsection (E) available on the websites of the school district and private school governing authorities and on the websites of schools; however, if a school does not have a website, make the plan publicly available through other practicable means as determined by participating governing authorities.

(G) This section applies only to participating governing authorities.

(H)(1) A school, school district, school district governing authority, private school governing authority, the Department of Health and Environmental Control, the State Department of Education, and employees, volunteers, and other agents of all of those entities including, but not limited to, a physician, advanced practice registered nurse, physician assistant, pharmacist, school nurse, and other designated school personnel, who undertake an act under this section, are not subject to civil or criminal liability for damages caused by injuries to a student

or another person resulting from the administration or self-administration of a lifesaving medication, regardless of whether:

(a) the student's parent or guardian, or a physician, advanced practice registered nurse, or physician assistant, authorized the administration or self-administration; or

(b) the other person to whom a school nurse or other designated school personnel provides or administers a lifesaving medication gave authorization for the administration.

(2) The immunity granted pursuant to item (1) applies to individuals and entities who:

(a) develop or implement, or participate in the development or implementation of, a plan, pursuant to subsection (E), including, but not limited to, providing training to school nurses and other designated school personnel;

(b) make publicly available a plan, pursuant to subsection (F);

(c) prescribe lifesaving medications, pursuant to subsection (B);

(d) dispense lifesaving medications, pursuant to subsection (B);

(e) provide lifesaving medications to students or other people for self-administration, pursuant to subsection (C); or

(f) administer lifesaving medications to students or other people, pursuant to subsection (C).

(3) The immunity granted pursuant to this subsection:

(a) does not apply to acts or omissions constituting gross negligence or wilful, wanton, or reckless conduct; and

(b) is in addition to, and not in lieu of, immunity provided pursuant to Sections 15-1-310, 15-78-10, and any other provisions of law.

(4) The administration of lifesaving medications pursuant to this section is not the practice of medicine or nursing.

(I) Notwithstanding another provision of law, the Director of Public Health for the Department of Health and Environmental Control is authorized to issue a standing order for the prescription of lifesaving medication on a schoolwide basis under conditions that he determines are in the best interests of this State and in furtherance of this section. In the event the current director of public health is not a physician, the department may appoint a designee if he is a physician as defined in subsection (A)(7).

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 48

(R58, H4177)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-490, RELATING TO DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO DELETE CERTAIN PRECINCTS, ADD NEW PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

Spartanburg County voting precincts

SECTION 1. Section 7-7-490 of the S.C. Code is amended to read:

Section 7-7-490. (A) In Spartanburg County there are the following voting precincts:

Abner Creek Baptist
Airport
Anderson Mill Baptist
Anderson Mill Elementary
Apalache Baptist
Arcadia Elementary
Beacon
Beech Springs Intermediate
Ben Avon Methodist
Bethany Wesleyan
Blackstock
Boiling Springs Elementary
Boiling Springs High School

Boiling Springs Jr. High
Boiling Springs 9th Grade
Broome High School
Canaan
Cannons Elementary
Carlisle Fosters Grove
Carlisle Wesleyan
Cavins Hobbysville
C.C. Woodson Recreation
Chapman High School
Cherokee Springs Precinct
Chesnee Elementary
Chestnut Lake
Clifton Glendale
Converse Fire Station
Cooley Springs Baptist
Converse
Cornerstone Baptist
Cowpens
Croft Baptist
Cross Anchor Fire Station
Cudd Memorial
D. R. Hill Middle School
Daniel Morgan Technology Center
Drayton
Duncan United Methodist
Eastside Baptist
Enoree First Baptist
Enoree River
E.P. Todd Elementary
Fairforest Elementary
Fairgrounds
Gable Middle School
Gramling Methodist
Greater St. James
Hanging Rock
Hayne
Hearon Circle
Hendrix Elementary
Holly Springs Baptist
Holly Springs-Motlow
Hope

Inman
Jesse Bobo Elementary
Jesse Boyd Elementary
Lake Bowen Baptist
Lake Cooley
Landrum
Landrum High School
Landrum United Methodist
Lyman
Lyman Elementary
Mayo Elementary
McCracken Middle School
Middle Tyger
Moore-Duncan
Morningside Baptist
Motlow Creek Baptist
Mt. Calvary Presbyterian
Mt. Moriah Baptist
New Prospect
Oakland Elementary
Old Bridge
Pacolet Elementary School
Palmetto
Pauline Glenn Springs Elementary
Peach Blossom
Pelham Fire Station
Poplar Springs Fire Station
Powell Saxon Una
Rainbow
R.D. Anderson Vocational
Reidville Elementary
Reidville Fire Station
River Ridge Elementary
Roebuck Bethlehem
Roebuck Elementary
Shoally
Silverhill Memorial UMC
Southport
Spartangreen
Startex Fire Station
St. John's Lutheran
Swofford Career Center

Travelers Rest Baptist
Trinity Methodist
Trinity Presbyterian
Two Mile Creek
Tyger River
Valley Falls
Victor Mill Methodist
Wade Hampton
Wellford Fire Station
Holy Communion
West View Elementary
Whitlock Jr. High
Willow Creek
Woodland Heights Recreation Center
Woodruff Leisure Center

(B) Precinct lines defining the precincts in subsection (A) are as shown on the official map on file with the Revenue and Fiscal Affairs Office, and as shown on copies provided to the Board of Voter Registration and Elections of Spartanburg County by the Revenue and Fiscal Affairs Office designated as document P-83-23A.

(C) Polling places for the precincts listed in subsection (A) must be determined by the Board of Voter Registration and Elections of Spartanburg County with the approval of a majority of the Spartanburg County Legislative Delegation.

Time effective

SECTION 2. This act takes effect on July 1, 2023

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 49

(R59, H4291)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE EIGHTH DAY OF AUGUST OF EACH YEAR AS “CLOG DANCING DAY” IN SOUTH CAROLINA.

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

Clog Dancing Day

SECTION 1. Chapter 3, Title 53 of the S.C. Code is amended by adding:

Section 53-3-270. The eighth day of August of each year is designated as “Clog Dancing Day” in South Carolina.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 50

(R60, H4350)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-160, RELATING TO DESIGNATION OF VOTING PRECINCTS IN CHEROKEE COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

Cherokee County voting precincts

SECTION 1. Section 7-7-160(B) of the S.C. Code is amended to read:

(B) The polling places of the various voting precincts in Cherokee County must be designated by the Board of Voter Registration and Elections of Cherokee County. The precinct lines defining the above precincts are as shown on the official map designated as P-21-23 on file with the Revenue and Fiscal Affairs Office and as shown on copies provided to the Board of Voter Registration and Elections of Cherokee County by the Revenue and Fiscal Affairs Office. The official map may not be changed except by act of the General Assembly.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 51

(R72, S549)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE

PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVER'S LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, INSURED MUST OBTAIN NEW INSURANCE OR SURRENDER REGISTRATIONS AND PLATES, WRITTEN NOTICES BY INSURER, SUSPENSION OF REGISTRATIONS AND PLATES, APPEALS OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO THE PER DIEM FINES FOR LAPSE IN REQUIRED MOTOR VEHICLE INSURANCE COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED

MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES; BY AMENDING SECTION 56-9-20, RELATING TO DEFINITIONS FOR THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT, SO AS TO REVISE REFERENCES IN THE DEFINITIONS OF “INSURED MOTOR VEHICLE” AND “UNINSURED MOTOR VEHICLE”; BY AMENDING SECTION 56-3-210, RELATING TO THE TIME PERIOD FOR PROCURING MOTOR VEHICLE REGISTRATIONS AND LICENSES, TEMPORARY LICENSE PLATES, AND THE TRANSFER OF LICENSE PLATES, SO AS TO REVISE THE REQUIREMENT FOR TEMPORARY LICENSE PLATES AND WHO MAY DISTRIBUTE TEMPORARY LICENSE PLATES; BY ADDING SECTION 56-3-211 SO AS TO PROVIDE FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES TO CERTAIN MOTOR VEHICLES AND FARM TRUCKS; BY ADDING SECTION 56-3-212 SO AS TO PROVIDE FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES TO CERTAIN MOTOR VEHICLES; BY ADDING SECTION 56-3-213 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE SPECIAL PERMITS TO OPERATE CERTAIN MOTOR VEHICLES; BY AMENDING SECTION 56-3-2340, RELATING TO LICENSED MOTOR VEHICLE DEALERS ISSUING FIRST-TIME REGISTRATIONS AND LICENSE PLATES FROM DEALERSHIPS, CERTIFICATIONS OF THIRD-PARTY PROVIDERS, AND FEES, SO AS TO REVISE THE ISSUANCE OF TEMPORARY MOTOR VEHICLE REGISTRATIONS AND LICENSE PLATES; BY ADDING SECTION 56-3-214 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL IMPLEMENT A QUALITY ASSURANCE PROGRAM TO ENSURE THE INTEGRITY OF THE ELECTRONIC REGISTRATION AND

TITLING PROGRAM; BY AMENDING SECTION 8-21-15, RELATING TO NO FEES FOR PERFORMING DUTIES, RESPONSIBILITIES, OR FUNCTIONS OF THE AGENCY UNLESS AUTHORIZED BY STATUTE AND REGULATION, SO AS TO PROVIDE THAT THE AGENCY MAY COLLECT VENDOR FEES, CONVENIENCE FEES, TRANSACTION FEES, OR SIMILAR FEES WHEN RECEIVING PAYMENTS BY ANY PAYMENT METHOD OTHER THAN CASH; BY AMENDING SECTION 56-14-30, RELATING TO LICENSES FOR RECREATIONAL VEHICLE DEALERS, EXHIBITION LICENSES, FEES, AND PENALTIES, SO AS TO REVISE THE EXPIRATION DATE OF LICENSES AND FEES, TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES PROVIDE CERTAIN INFORMATION TO LICENSE APPLICANTS NEEDED IN AUDITS OR REVIEWS, AND TO PROVIDE FOR DEPARTMENTAL INSPECTIONS AND COMPLAINTS ARISING FROM ALLEGED VIOLATIONS, TO REVISE PENALTIES FOR THE UNAUTHORIZED SALE OF RECREATIONAL VEHICLES, AND TO PROVIDE FOR THE ENFORCEMENT OF THIS SECTION AND DISBURSEMENT OF FINES; BY AMENDING SECTION 56-14-40, RELATING TO APPLICATIONS FOR RECREATIONAL VEHICLE DEALER LICENSES, BONDS, AND THE DUTY TO NOTIFY THE DEPARTMENT OF MOTOR VEHICLES WHERE INFORMATION GIVEN BY APPLICANTS CHANGES OR LICENSEES CEASE OPERATIONS, SO AS TO REVISE THE BOND AMOUNTS REQUIRED, TO PROVIDE FOR THE PAYMENT OF BACK TAXES OR FEES, AND TO PROVIDE FOR THE CONTINUANCE OF THE BUSINESS IN THE EVENT OF LICENSEES' DEATHS; BY AMENDING SECTION 56-14-50, RELATING TO REQUIREMENTS REGARDING DEALERS' MAINTENANCE OF BONA FIDE PLACES OF BUSINESS AND PERMANENT SIGNS, SO AS TO PROVIDE FOR BUSINESS OPERATIONS ON PROPERTY ADJACENT TO A LICENSEE'S BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-14-70, RELATING TO DENIALS, SUSPENSIONS, OR REVOCATIONS OF DEALER LICENSES, SO AS TO REVISE THE REASONS THAT THE DEPARTMENT OF MOTOR VEHICLES MAY DENY, SUSPEND, OR REVOKE A LICENSE; BY AMENDING SECTION 56-15-310, RELATING TO DEALER AND WHOLESALER LICENSES, TERMS OF LICENSES, FEES, SCOPE OF LICENSES, AND PENALTIES

FOR VIOLATIONS, SO AS TO INCREASE THE TIME PERIOD FOR A VALID LICENSE TO THIRTY-SIX MONTHS, TO INCREASE THE LICENSE FEE, TO REVISE THE LOCATIONS WHERE A LICENSE MAY OPERATE, TO ELIMINATE THE TEMPORARY LICENSE, TO PROVIDE FOR A CURE PERIOD FOR CERTAIN COMPLAINTS FROM CONSUMERS, TO INCREASE THE PENALTY, TO ALLOW LAW ENFORCEMENT AGENCIES TO ENFORCE THIS PROVISION, AND TO PROVIDE FOR THE DISTRIBUTION OF FINES; BY AMENDING SECTION 56-15-320, RELATING TO APPLICATIONS FOR LICENSES, BONDS, AND DUTIES UPON CHANGE OF CIRCUMSTANCES AND TERMINATION OF BUSINESSES RELATING TO WHOLESALERS AND DEALERS, SO AS TO PROVIDE THAT NEW BONDS OR CONTINUATION CERTIFICATES MUST BE PROVIDED TO THE DEPARTMENT OF MOTOR VEHICLES EVERY TWELVE MONTHS DURING A LICENSE PERIOD, TO PROVIDE WHEN DEALERS' LICENSES EXPIRE, TO PROVIDE FOR THE RECOVERY OF BACK TAXES AND FEES, TO INCREASE THE AGGREGATE LIABILITY OF SURETIES FOR CLAIMS, AND TO PROVIDE FOR THE CONTINUATION OF BUSINESSES IN THE EVENT OF LICENSEES' DEATHS; BY AMENDING SECTION 56-15-330, RELATING TO FACILITIES REQUIRED FOR ISSUANCE OF DEALERS' LICENSES, SO AS TO INCLUDE WHOLESALERS, AND TO PROVIDE FOR BUSINESS OPERATIONS ON PROPERTY ADJACENT TO OR WITHIN SIGHT OF BONA FIDE ESTABLISHED PLACES OF BUSINESS; BY AMENDING SECTION 56-15-350, RELATING TO DENIALS, SUSPENSIONS, OR REVOCATIONS OF LICENSES, GROUNDS, AND PROCEDURES, SO AS TO REVISE THE GROUNDS FOR DENIALS, SUSPENSIONS, OR REVOCATIONS OF A LICENSE; BY ADDING CHAPTER 37 TO TITLE 56 SO AS TO ESTABLISH THE MOTOR VEHICLE DEALER PERFORMANCE EVALUATION SYSTEM TO EVALUATE THE PERFORMANCE RECORD OF DEALERS LICENSED UNDER THIS TITLE, TO CREATE A DEALER REVIEW BOARD, AND PROVIDE A PROCESS TO SUSPEND OR REVOKE DEALERS' LICENSES FOR CERTAIN VIOLATIONS; BY AMENDING SECTION 56-16-140, RELATING TO LICENSES FOR MOTORCYCLE DEALERS OR WHOLESALERS, EXHIBITION LICENSES, FEES, AND PENALTIES FOR NONCOMPLIANCE, SO AS TO PROVIDE

THE SECTION ALSO APPLIES TO MOTORCYCLE WHOLESALERS, TO PROVIDE THE LICENSES LAST FOR THIRTY-SIX MONTHS, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MUST PROVIDE CERTAIN INFORMATION TO LICENSE APPLICANTS, TO PROVIDE COMPLAINT PROCEDURES, TO REVISE THE PENALTIES FOR DEALERS SELLING MOTORCYCLES WITHOUT LICENSES, AND TO PROVIDE FOR THE DISTRIBUTION OF FINES; BY AMENDING SECTION 56-16-150, RELATING TO APPLICATIONS FOR MOTORCYCLE DEALERS' OR WHOLESALERS' LICENSES, BONDS, AND THE DUTY TO NOTIFY THE DEPARTMENT OF MOTOR VEHICLES WHERE INFORMATION GIVEN BY APPLICANTS CHANGE OR LICENSEES CEASE OPERATIONS, SO AS TO PROVIDE THE PROVISION APPLIES TO MOTORCYCLE WHOLESALERS AND DEALERS, TO REVISE THE BOND REQUIREMENTS, TO PROVIDE FOR THE RECOVERY OF BACK TAXES AND FEES, AND TO PROVIDE FOR THE CONTINUATION OF BUSINESS IN THE EVENT OF LICENSEES' DEATHS; BY AMENDING SECTION 56-16-160, RELATING TO REQUIREMENTS REGARDING MOTORCYCLE DEALERS' MAINTENANCE OF BONA FIDE ESTABLISHED PLACES OF BUSINESS, SIZE OF BUSINESSES, AND PERMANENT SIGNS, SO AS TO PROVIDE THAT DEALERS MAY CONDUCT BUSINESS ON PROPERTY ADJACENT TO BONA FIDE ESTABLISHED PLACES OF BUSINESS UNDER CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 56-16-180, RELATING TO DENIALS, SUSPENSIONS, OR REVOCATIONS OF CERTAIN LICENSES, SO AS TO REVISE THE REASONS THE DEPARTMENT OF MOTOR VEHICLES MAY DENY, SUSPEND, OR REVOKE MOTORCYCLE DEALERS' LICENSES; BY AMENDING SECTION 56-19-370, RELATING TO PROCEDURES FOR VOLUNTARY TRANSFERS AND DEALERS PURCHASING VEHICLES FOR RESALE, SO AS TO PROVIDE PROCEDURES FOR DEALERS TO TITLE AND REGISTER CERTAIN VEHICLES, AND PENALTIES FOR VIOLATING THESE PROVISIONS; TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES SHALL ENSURE THAT NO ONE IS REGISTERED AS AN UNINSURED MOTORIST; TO REPEAL SECTIONS 56-3-180, 56-3-215, ARTICLE 29 OF CHAPTER 3, TITLE 56, AND ARTICLE 30 OF CHAPTER 3, TITLE 56, RELATING TO THE ISSUANCE OF CERTAIN SPECIAL PERMITS, TEMPORARY

PERMITS, TEMPORARY LICENSE PLATES, AND REGISTRATION CARDS BY THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56-23-60, RELATING TO STANDARDS FOR OPERATING DRIVER TRAINING SCHOOLS, SO AS TO DELETE THE TERM “DEFENSIVE DRIVING COURSE” AND REPLACE IT WITH THE TERM “DRIVER TRAINING COURSE”; BY ADDING SECTION 56-23-105 SO AS TO DEFINE THE TERM “CLASSROOM TRAINING”; TO AMEND SECTION 56-1-20, RELATING TO REQUIRING CERTAIN PERSONS TO POSSESS DRIVERS’ LICENSES TO DRIVE MOTOR VEHICLES, SO AS TO PROVIDE CERTAIN DRIVERS POSSESSING OUT-OF-STATE DRIVERS’ LICENSES MUST SURRENDER THEM WITHIN FORTY-FIVE DAYS OF BECOMING RESIDENTS BEFORE BEING ISSUED SOUTH CAROLINA DRIVERS’ LICENSES; TO AMEND SECTION 56-1-220, RELATING TO VISION SCREENING TESTS REQUIRED FOR RENEWAL OF DRIVERS’ LICENSES, SO AS TO PROVIDE EXEMPTIONS FOR CERTAIN ACTIVE-DUTY MEMBERS OF THE ARMED FORCES; AND TO AMEND SECTION 56-23-40, RELATING TO DRIVER TRAINING SCHOOL LICENSE FEES, SO AS TO INCREASE FEES AND REVISE THE LICENSES’ EXPIRATION DATE.

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

Driver’s license reinstatement fee payment program

SECTION 1. Section 56-1-395 of the S.C. Code is amended to read:

Section 56-1-395. (A) The Department of Motor Vehicles shall establish a driver’s license reinstatement fee payment program. A person who is a South Carolina resident, is eighteen years of age or older, and has had his driver’s license suspended may apply to the Department of Motor Vehicles to obtain a license valid for no more than twelve months to allow time for payment of reinstatement fees. If the person has served all of his suspensions, has met all other conditions for reinstatement, and owes two hundred dollars or more of South Carolina reinstatement fees only for suspensions that are listed in subsection (E), the Department of Motor Vehicles may issue a twelve-month license upon payment of a forty-dollar administrative fee and payment of ten percent of the reinstatement fees owed. Of the forty-dollar administrative fee, the

department may retain five dollars to cover the cost of operating the program. The remainder must be credited to the State Highway Fund established in Section 57-11-20.

(B) During the period of the twelve-month license, the person must make periodic payments of the reinstatement fees owed. Monies paid shall be applied to suspensions in chronological order, with the oldest fees being paid first. The department may provide the person with a fee schedule that shows how much the person may pay every month to satisfy the fees that he owes in a timely manner. The department may allow a person to make payments toward the payment program online. However, the first and final payments must be paid in person at one of the department's branch offices.

(C) When all fees are paid, and the department records demonstrate that the person has no other suspensions, the person is eligible to renew his regular driver's license.

(D) If all fees are not paid by the end of the twelve-month period, existing suspensions shall be reactivated.

(E) This subsection applies only to a person whose driver's license has been suspended pursuant to Sections 34-11-70, 56-1-170, 56-1-185, 56-1-240, 56-1-270, 56-1-290, 56-1-460(A)(1), 56-9-351, 56-9-354, 56-9-357, 56-9-430, 56-9-490, 56-9-610, 56-9-620, 56-10-225, 56-10-240, 56-10-520, 56-10-530, and 56-25-20.

(F) No person may participate in the payment program more than one time in any two-year period. Once a person has participated in the payment program for a suspension, the person cannot enter into another payment program for the same suspension. If the person receives another payment program-qualifying suspension pursuant to subsection (E) while already enrolled in the payment program, the person cannot add the new suspension to the existing payment program. If a person who is currently participating in a payment plan commits a subsequent infraction for which his license is suspended for some period of time, then he may no longer participate in the payment plan for the prior offense.

Driver's license suspensions

SECTION 2. Section 56-1-396(F) of the S.C. Code is amended to read:

(F) Qualifying suspensions include, and are limited to, suspensions pursuant to Sections 56-1-185, 56-1-290, 56-1-460(A)(1), and 56-10-520. Qualifying suspensions do not include suspensions pursuant to Section 56-5-2990 or 56-5-2945, and do not include suspensions

pursuant to Section 56-1-460, if the person drives a motor vehicle when the person's license has been suspended or revoked pursuant to Section 56-5-2990 or 56-5-2945.

Uninsured motor vehicles

SECTION 3. Section 56-10-240(A) and (B) of the S.C. Code is amended to read:

(A) If, during the period for which it is licensed, a motor vehicle is or becomes an uninsured motor vehicle, then the vehicle owner immediately shall obtain insurance on the vehicle or surrender the motor vehicle license plate and registration certificate issued for the motor vehicle.

(B) The Department of Motor Vehicles may not reissue a registration certificate and license plate for that vehicle until satisfactory evidence has been filed by the owner or by the insurer who gave the cancellation or refusal to renew notice to the department that the vehicle is insured. Upon receiving information to the effect that a policy is canceled or otherwise terminated on a motor vehicle registered in South Carolina, the department shall suspend the owner's driving privileges, license plate, and registration certificate and shall initiate action as required within fifteen days of the notice of cancellation to pick up the license plate and registration certificate. A person who has had his driving privileges, vehicle license plate, and registration certificate suspended by the department, but who at the time of suspension possesses liability insurance coverage sufficient to meet the financial responsibility requirements as set forth in this chapter, has the right to provide documents showing that the vehicle was actually insured during the suspension period to the department. If the department determines that the person has sufficient liability insurance coverage the suspension is voided immediately. The department shall give notice by first class mail of the cancellation or suspension of driving and registration privileges to the vehicle owner at his last known address.

Proof of insurance

SECTION 4. Section 56-10-245 of the S.C. Code is amended to read:

Section 56-10-245. Whenever a person furnishes proof of liability insurance, or surrenders or has his registration or license tags confiscated for failure to produce proof of insurance, after the Department of Motor

Vehicles receives notice of the lapse or termination of the required liability insurance, the department shall compare the effective date of the lapse or termination with the date of the proof of insurance or the date of the confiscation or surrender. If the department determines there was a lapse in the required coverage, the department shall assess, in addition to other fines or penalties imposed by the law, a per diem fine in the amount of five dollars. The fine provided for in this section and the two hundred dollar reinstatement fee pursuant to Section 56-10-240 must not be assessed if the person furnishes proof, as documented by his sworn statement, that the motor vehicle upon which the coverage has lapsed or been terminated has not been operated upon the roads, streets, or highways of this State during the lapse or termination, and the lapse or termination is due to military service or illness as documented by a signed physician's statement. The total amount of the fine provided for in this section may not exceed two hundred dollars per vehicle for a first offense. Revenue generated by the fine imposed pursuant to this section must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

Operating uninsured motor vehicles

SECTION 5. Article 5, Chapter 10, Title 56 of the S.C. Code is amended to read:

Article 5

Operating an Uninsured Motor Vehicle

Section 56-10-510. Reserved.

Section 56-10-520. (A)(1) It is unlawful for a person who owns an uninsured motor vehicle licensed in this State or subject to registration in this State to operate or allow the operation of the uninsured motor vehicle in this State.

(2) It is unlawful for a person who is not the owner of an uninsured motor vehicle to operate the uninsured motor vehicle in this State if the person operating the motor vehicle knows that the motor vehicle is uninsured.

(3) A person who violates subsection (A)(1) or (2) is guilty of a misdemeanor and, upon conviction:

(a) for a first offense, must be fined not less than one hundred

dollars and not more than two hundred dollars or imprisoned for thirty days;

(b) for a second offense, must be fined two hundred dollars or imprisoned for thirty days, or both; or

(c) for a third or subsequent offense, must be imprisoned for not less than forty-five days nor more than six months.

(4) Only convictions pursuant to this section which occurred within five years, including and immediately preceding the date of the last conviction, constitute prior convictions within the meaning of this section.

(B) The Department of Motor Vehicles shall suspend the driver's license and all registration certificates and license plates of any owner of an uninsured motor vehicle upon receiving notice of a violation of this section, and the department shall not thereafter reissue the driver's license and the registration certificates and license plates issued in the name of the person until the person pays the reinstatement fee as provided in this section.

(C) The department shall suspend the driver's license of any person who is the operator but not the owner of a motor vehicle upon receiving notice of a violation of any provisions of this section, and he shall not thereafter reissue the driver's license until thirty days from the date of the order of suspension.

(D) The reinstatement fee shall be six hundred dollars until adjusted in accordance with this section. The reinstatement fee may be adjusted annually, at the beginning of the calendar year, based upon and in relation to the average rate level for private passenger automobile insurance coverages by insurers in this State. The Department of Insurance, by annual order, will set the exact fee. The Department of Insurance shall annually notify the Department of Motor Vehicles by the first business day of October of the reinstatement fee for the upcoming calendar year.

Section 56-10-530. When it appears to the Department of Motor Vehicles from its records that an uninsured motor vehicle as defined in Section 56-9-20, subject to registration in the State, is involved in a reportable accident in the State resulting in death, injury, or property damage, the department shall, in addition to enforcing the applicable provisions of Section 56-10-10, et seq. suspend such owner's driver's license and all of his license plates and registration certificates until such person has complied with those provisions of law and has paid to the department a reinstatement fee as provided by Section 56-10-520. However, no order of suspension required by this section must become

effective until the department has offered the person an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings to show cause why the order should not be enforced. Notice of the opportunity for a contested case hearing must be included in the order of suspension. The presentation by a person subject to the provisions of this section of a certificate of insurance, executed by an agent or representative of an insurance company qualified to do business in this State, showing that on the date and at the time of the accident the vehicle was an insured motor vehicle as herein defined is sufficient bar to the suspension provided for in this section.

Section 56-10-535. Reserved.

Section 56-10-540. A person whose driver's license or registration certificates, or license plates and decals have been suspended as provided in this chapter and have not been reinstated shall immediately return, either in person or electronically, every such license, registration certificate, and set of license plates and decals held by him to the department. A person failing to comply with this requirement shall be guilty of a traffic infraction and, upon conviction, shall be punished as provided in Section 56-9-340, et seq.

Section 56-10-550. Except as provided in Sections 56-10-552 and 56-10-554, funds collected by the Department of Motor Vehicles under the provisions of this chapter must be placed on deposit with the State Treasurer and held in a special fund to be known as the "Uninsured Motorists Fund" to be disbursed as provided by law. The Department of Insurance as provided in Sections 38-77-151 and 38-77-154 may expend monies from such funds for the administration of Title 38.

Section 56-10-551. When any insurance policy certified under this chapter is canceled or terminated, the insurer shall report the fact to the Department of Motor Vehicles within fifteen days after the cancellation electronically or on a form prescribed by the department.

Section 56-10-552. (A) For each two dollars of the yearly premium for uninsured motorist coverage paid to the Department of Motor Vehicles pursuant to Section 38-73-470, one dollar twenty cents must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The remaining eighty cents must be placed in a special fund, to be known as the "Uninsured Enforcement Fund", to be used by the

Department of Public Safety for the purpose of enforcement and administration of Article 3, Chapter 10, Title 56.

(B) Fifty percent of the reinstatement fee as provided by Section 56-10-520 must be transferred by the Department of Public Safety and recorded to the Uninsured Enforcement Fund to be used by the Department of Public Safety as provided by subsection (A) of this section. The remaining fifty percent of the reinstatement fee as provided by Section 56-10-520 must be retained in the Uninsured Motorist Fund to be used as provided in Sections 56-10-550, 38-77-151, and 38-77-154.

Section 56-10-553. Reserved.

Section 56-10-554. Reserved.

“Insured motor vehicle” defined

SECTION 6. Section 56-9-20(1) of the S.C. Code is amended to read:

(1) “Insured motor vehicle”: A motor vehicle as to which there is bodily injury liability insurance and property damage liability insurance, meeting all of the requirements of item (5) of this section, or as to which a bond has been given or cash or securities delivered in lieu of such insurance or as to which the owner has qualified as a self-insurer in accordance with the provisions of Section 56-9-60;

“Uninsured motor vehicle” defined

SECTION 7. Section 56-9-20(14) of the S.C. Code is amended to read:

(14) “Uninsured motor vehicle”: Any motor vehicle which is not an insured motor vehicle as defined in item (1) of this section.

Temporary license plates

SECTION 8. Section 56-3-210 of the S.C. Code is amended to read:

Section 56-3-210. (A)(1) The department is authorized to administer a program for and regulate the issuance of temporary license plates for items required to be registered in this State and items that are purchased in this State that may be registered in a foreign jurisdiction.

(2) The department, pursuant to this section and with input from temporary license plate distributors, shall establish the design and layout

of all temporary license plates to be issued within the State. Temporary license plates shall be of a material specified by the department so as to resist deterioration or fading from exposure to the elements during the period for which display is required.

(3) Temporary license plates must be six inches wide and at least eleven inches in length. Temporary motorcycle and moped license plates must be four inches wide and seven inches in length.

(4) Each temporary license plate must contain a vehicle's identifying information as determined by the department including, but not limited to, the date of expiration, the name of the issuing entity or standard identifier as determined by the department and a unique identifying license plate text assigned by the department. The temporary license plate text must be linked to the vehicle record and the vehicle's owner in the department's vehicle database. In order to operate on the highways of this State, an item must display either a valid temporary license plate issued pursuant to this title or a valid metal license plate, and, when applicable, a decal that the owner intends to transfer pursuant to Section 56-3-1290.

(5) Licensed motor vehicle dealers, leasing companies, the department, and other entities shall not obtain or procure a temporary license plate from any entity other than a registered temporary license plate distributor.

(B)(1) Only statewide motor vehicle dealer associations in which at least thirty percent and no fewer than two hundred members are licensed South Carolina motor vehicle dealers may be temporary license plate distributors. Except as otherwise provided in this section, only temporary license plate distributors may sell or distribute temporary license plates.

(2) If a temporary license plate distributor is unable to provide temporary license plates for the department in a timely manner, the department may solicit for and select a different temporary license plate distributor. The department's solicitation and selection of a different temporary license plate distributor is subject to the provisions of the State Consolidated Procurement Code.

(3) If the only temporary license plate distributors in this State do not respond to a solicitation as provided for in item (2) then this subsection is of no force or effect.

(C)(1) The department is authorized to administer an electronic system for county auditors' offices, licensed motor vehicle dealers, leasing companies, and other entities authorized by the department to use in issuing temporary license plates. The department may contract with third parties to provide service connection between the issuing entities

and the department, or may provide the service directly to participating entities. Licensed dealers, leasing companies, and other entities participating in the electronic registration and titling program that fail to comply with the program's requirements may be removed from the program by the department.

(2) Third parties contracted pursuant to this section are authorized to produce temporary license plates and temporary vehicle registration transactions on behalf of the department. The department shall develop program terms, conditions, standards, and specifications required for certification. Third parties requesting certification must agree to the terms, conditions, standards, and specifications in order to participate.

(D) The department, with input from temporary license plate distributors, shall develop program specifications that define the requirements of the temporary license plate program governing the issuance of temporary license plates by all authorized entities. The design, specifications, and method of distribution of all temporary plates shall be the same.

(E) Issuing entities may utilize no more than the upper fifty percent free space on their temporary license plates for dealer or company identification. Traceable temporary license plates from issuing entities that do not utilize the plate for dealer or company identification must include an identifier selected by the department. Third-party providers that produce temporary license plates must not charge an additional fee to issuing entities that chose to issue traceable temporary license plates that include the identifier selected by the department. The lower fifty percent of all temporary license plates is reserved to display the temporary license plate number and other information required by the department pursuant to Section 56-3-210(A)(4).

(F) Except as provided for in this chapter, a dealer or leasing company may not use a temporary license plate for any other purpose, which includes, but is not limited to, vehicle demonstration, employee use, or transporting vehicles from one location to another location. A dealer or leasing company may not place a temporary license plate on a vehicle until the vehicle is sold to a purchaser and until the temporary license plate number and other identifying information has been recorded in the electronic database and printed on the lower fifty percent of the temporary license plate. A dealer that issues or allows a temporary license plate to be issued in violation of this section also may have the dealer violation points, as determined by the department, assessed. A nondealer issuing entity that violates this section may have its issuing privileges suspended by the department. The department shall develop a

process for tracking fraudulently issued or sold temporary plates.

(G) Any person or entity authorized by this chapter to issue a temporary license plate shall maintain records as required by the department. Records maintained pursuant to this subsection shall be open to inspection by the department or its agents during reasonable business hours. Records must include the inventory control number of each temporary license plate, the vehicle identification number, issuance date, and expiration date.

(H) Licensed motor vehicle dealers, leasing companies, and other entities may provide temporary license plates only for items that are purchased from that dealer company or entity.

(I) The total fee for the temporary license plates the department or counties issue pursuant to this chapter shall be calculated based on:

(1) the five-dollar cost of the plate, which must be placed in a special restricted account to be used solely by the department for the costs associated with the production and issuance of new license plates; and

(2) an additional five dollars which must be disbursed to the South Carolina Transportation Infrastructure Bank's state highway account pursuant to Section 56-3-910.

(J)(1) The total fee for the temporary license plates issued pursuant to this chapter by licensed dealers, leasing companies, and other entities must be calculated based on:

(a) the actual cost of the license plate plus issuing and printing, as well as standard shipping and handling costs; and

(b) an additional five dollars which must be remitted to the department. The department shall disburse two dollars and fifty cents of each additional five dollars remitted to the State Highway Fund, as established by Section 57-11-167, to be distributed as provided in Section 11-43-167. The remaining two dollars and fifty cents of each additional five dollars remitted shall be disbursed to the South Carolina Transportation Infrastructure Bank's state highway account pursuant to Section 56-3-910.

(2) Dealers, leasing companies, and other entities shall not charge any fees for traceable temporary license plates in excess of the fees provided for in this subsection.

(K) The bill of sale, title, lease contract, temporary registration card issued in conjunction with a temporary license plate or copy of one of these documents must be maintained in the vehicle at all times to verify the vehicle's date of purchase or lease. The bill of sale, title, lease contract, or copy of one these documents must contain a description of the vehicle, the name and address of both the seller and the purchaser of

the vehicle, and its date of sale or lease.

(L) All temporary license plates must be valid for no more than forty-five days and must be affixed at all times to the rear of the item in an unobscured and secure manner.

(M) Only one temporary license plate may be issued to a purchaser of an item. The temporary license plate must be used only on the item for which it was issued and must not be transferred, loaned, or assigned to any other person or item.

Temporary license plates

SECTION 9. Article 3, Chapter 3, Title 56 of the S.C. Code is amended by adding:

Section 56-3-211. The department, licensed dealers, leasing companies, and other entities may issue temporary license plates to operate any item that is purchased in this State that may be registered in a foreign jurisdiction and farm trucks registered in another jurisdiction that are harvesting and transporting seasonal crops. Temporary license plates issued pursuant to this section must meet all standards specified in Section 56-3-210.

Temporary license plates

SECTION 10. Article 3, Chapter 3, Title 56 of the S.C. Code is amended by adding:

Section 56-3-212. (A) The department, licensed dealers, leasing companies, and other entities may issue temporary license plates to operate any item that will be registered in this State or vehicles used solely for corporate research and development. In the case of the need to move trailers and semi-trailers before they have been purchased, temporary license plates may be issued to those items for the sole purpose of being moved from the manufacturer to the dealer's or purchaser's place of business. Temporary license plates issued pursuant to this section must meet all standards specified in Section 56-3-210.

(B) A person who newly acquires a vehicle or an owner of a vehicle registered in a foreign jurisdiction that is being moved into this State, that is required to be registered under this title, and that is not properly registered and licensed, before operating the vehicle on the state's highways during the forty-five-day period contained in this section, must:

(1) transfer a license plate from another vehicle pursuant to Section 56-3-1290;

(2) purchase a new license plate and registration;

(3) purchase a temporary license plate from the department; or

(4) purchase a temporary license plate from the county auditor's office in the county in which the person resides.

(C) The department, upon proper application, must issue a temporary license plate to a casual buyer of any item that will be registered in this State.

(D) If a person intends to transfer a license plate from one item to another item that is the same type and classification, then he may place the license plate to be transferred on the newly acquired item on the date of its purchase. The bill of sale and a copy of the registration which corresponds to the license plate must be maintained with the newly acquired item at all times to verify its date of purchase to a law enforcement officer. The purchaser must register the item with the department within forty-five days from its purchase date. A person who transfers a license plate or allows a license plate to be transferred in violation of this subsection is subject to the vehicle registration and licensing provisions of law.

(E) A person must replace a temporary license plate issued pursuant to this section with a permanent license plate and registration card as soon as he receives them, or by the end of the expiration period of the temporary license plate, whichever occurs first, unless the provisions of Section 56-3-213 apply. A person who operates an item in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars. This subsection does not apply to vehicles used solely for corporate research and development or trailers and semi-trailers that have temporary license plates for the sole purpose of being moved from the manufacturer to the dealer's or purchaser's place of business.

(F) The owner of a foreign vehicle being moved into this State from a state in which the vehicle is properly licensed and registered has forty-five days to properly license and register the vehicle in South Carolina, unless his foreign registration is expired, in which case he must license and register the vehicle immediately.

(G) Nothing in this section may be construed to displace or effect the responsibility of a person to obtain insurance before operating a vehicle.

Issuance of special permits

SECTION 11. Article 3, Chapter 3, Title 56 of the S.C. Code is amended

by adding:

Section 56-3-213. (A) The department may issue solely to South Carolina residents, as proven by showing their driver's license or identification card issued by the department, special permits to operate any item otherwise required to be registered under this title when the item does not display the required license plate or registration card. In the case of a newly acquired vehicle, the department may issue a special permit pursuant to this section only when it has reason to believe that a person has made all attempts to appropriately register the item within the forty-five days of acquiring the vehicle. The department retains the authority to issue special permits at other times when extenuating circumstances exist. Special permits issued pursuant to this section must be valid for no more than forty-five days and must be affixed to the rear of the item in an unobscured and secure manner to operate. The department is the only entity authorized to provide a special permit pursuant to this section. There is no fee for special permits issued pursuant to this section.

(B) The provisions of this section do not apply to items registered in a foreign jurisdiction or used for corporate research and development.

Temporary motor vehicle registrations and license plates

SECTION 12. Section 56-3-2340(A) of the S.C. Code is amended to read:

(A) The Department of Motor Vehicles, or its designated agent, shall require licensed motor vehicle dealers to issue temporary motor vehicle registrations and temporary license plates directly from the dealership. Unless disallowed by the department, any dealership that begins a transaction through a third-party vendor pursuant to Section 56-3-210(C)(2) that provides a service connection between issuing entities and the department must complete the entire transaction, including titling and registering the vehicle in the same manner. Unless extenuating circumstances apply, at the department's discretion, dealers may not obtain certificates of title, temporary motor vehicle registrations, or temporary license plates from the department's branch offices. A dealership must make attempts to apply to the department electronically, including utilizing digital scans of forms approved and provided by the department.

Quality assurance program

SECTION 13. Article 3, Chapter 3, Title 56 of the S.C. Code is amended by adding:

Section 56-3-214. (A) The department shall implement a quality assurance program to ensure the integrity of the electronic registration and titling program. Pursuant to this section, the quality assurance entity shall perform quality assurance reviews of data and submitted forms through the electronic vehicle registration system. The department shall develop program standards and specifications for quality assurance. Quality assurance entities must agree to the program terms, conditions, standards, specifications, and bond requirement in order to participate.

(B)(1) A quality assurance entity must be a statewide motor vehicle dealer association in which at least thirty percent and no fewer than two hundred members are licensed South Carolina motor vehicle dealers.

(2) If the quality assurance entity does not meet reasonable accuracy standards, the department may solicit for and select a different quality assurance provider without regard to this subsection and in accordance with the State Consolidated Procurement Code.

(3) If a statewide motor vehicle dealer association in which at least thirty percent and no fewer than two hundred members are licensed South Carolina motor vehicle dealers does not respond to a solicitation to be a quality assurance entity, then this subsection does not apply.

(C) The quality assurance entity shall review all required documents for all transactions for all applications of title and registration submitted by dealers in accordance with department standards.

(D) The quality assurance entity shall charge a fee of ten dollars per vehicle sold by the dealer. The ten-dollar fee is an official fee and may be charged to the consumer by the dealership. The fee shall be a stand-alone line item on a dealer invoice or bill of sale and is not calculated as part of the purchase price of the vehicle.

(E) The department may allow or refuse a dealership the right to issue temporary motor vehicle registrations or temporary license plates through the electronic registration and titling program should the accuracy rate of its documentation fall below ninety-five percent as determined through the quality assurance entity and reported to the Department of Motor Vehicles on a monthly basis or upon request by the department.

(F) If a dealership previously is denied the privilege to issue registrations and temporary license plates, upon meeting the established criteria, the dealership may be allowed to issue registrations or license plates again.

(G) The quality assurance entity shall carry a bond to ensure departmental standards and the protection of personally identifiable information remains intact. The bond amount shall be determined by the department.

(H) The department is authorized to collect a transaction fee from the quality assurance entity that transmits or retrieves data from the department pursuant to this section. The fee must not exceed five dollars for each transaction. Two dollars fifty cents of each fee collected pursuant to this subsection must be credited to the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The other two dollars fifty cents of each fee collected pursuant to this subsection shall be retained by the Department of Motor Vehicles and earmarked in an account for the sole purpose of technology modernization. Fees in the account may be carried forward from fiscal year to fiscal year.

Fee for performing duties

SECTION 14. Section 8-21-15(B) of the S.C. Code is amended to read:

- (B) This section does not apply to:
- (1) state-supported governmental health care facilities;
 - (2) state-supported schools, colleges, and universities;
 - (3) educational, entertainment, recreational, cultural, and training programs;
 - (4) the State Board of Financial Institutions;
 - (5) sales by state agencies of goods or tangible products produced for or by these agencies;
 - (6) charges by state agencies for room and board provided on state-owned property;
 - (7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;
 - (8) charges for vendor fees, convenience fees, transaction fees, or other similar fees that allow a person to pay a state agency or contracted vendor on behalf of a state agency for goods, services, fees, or other items through any payment method other than cash;
 - (9) court fees or fines levied in a judicial or adjudicatory proceeding.

Recreational vehicle dealer licenses

SECTION 15. Section 56-14-30 of the S.C. Code is amended to read:

Section 56-14-30. (A) Before engaging in business as a recreational vehicle dealer in this State, a person first must apply to the Department of Motor Vehicles for a license. Each license issued expires on the last day of the month thirty-six months from the date of issue, the "licensing period", and must be displayed prominently at the established place of business. The fee for the license is one hundred fifty dollars. The license applies to only one place of business of the applicant and is not transferable to another person or place of business.

(B)(1) During the dealer license application process, the department shall provide all information that would be needed in an audit or a review by its agents. Upon issuing a license, the department shall be reasonable in its requests to inspect or copy a dealer's records. If a complaint has been filed against a dealer, the department must present that complaint to the dealer in writing and allow the dealer the opportunity to cure before proceeding with punitive or enforcement action. Complaints arising from alleged violations of:

(a) Section 56-37-30(B) must be cured by the dealer within sixty days of being notified of the complaint;

(b) Section 56-37-30(C) must be cured by the dealer within forty-five days of being notified of the complaint; or

(c) Section 56-37-30(D) must be cured by the dealer within thirty days of being notified of the complaint.

(2) If the department determines that the same dealer has received a similar type of complaint within twelve months of a previous complaint, the department may proceed with an enforcement action against that dealer without regard to the time period provided in this subsection.

(C) A licensed South Carolina recreational vehicle dealer may exhibit and sell recreational vehicles, as defined by Section 56-14-10, at fairs, recreational or sports shows, vacation shows, and other similar events or shows upon obtaining a temporary dealer's license in the manner required by this section. No other exhibitions may be allowed, except as may be permitted by this section. Any recreational vehicle displayed must be owned by the dealer holding the temporary license. Before exhibiting and selling recreational vehicles at temporary locations, the dealer shall first apply to the department for a license. To be eligible for a temporary license, a dealer shall hold a valid recreational vehicle dealer's license issued pursuant to this chapter. Every temporary dealer's license issued is valid for a period not to exceed ten consecutive days and must be prominently displayed at the temporary place of business. No dealer may purchase more than six temporary licenses every twelve

months. The fee for each temporary license issued is twenty dollars. A temporary license applies to only one dealer operating in a temporary location and is not transferable to any other dealer or location.

(D) The provisions of this section may not be construed as allowing the sale of any type of motor vehicles other than recreational vehicles at authorized temporary locations.

(E) A person who fails to secure either a temporary or a permanent license as required in this chapter and sells a recreational vehicle is guilty of a misdemeanor and, upon conviction, must be fined:

(1) not less than one hundred dollars or more than five hundred dollars or imprisoned for not more than thirty days for the first offense;

(2) five hundred dollars or imprisoned for not more than thirty days, or both, for the second offense; and

(3) not less than two thousand dollars or more than ten thousand dollars or imprisoned for not more than two years, or both, for the third or any subsequent offense.

(F) For purposes of this section, each unauthorized sale of a recreational vehicle where the dealer has not applied for and received a license from the department appropriate for that sale constitutes a separate offense. Nothing in this chapter may be construed to prohibit any law enforcement agency from enforcing the provisions relating to non-licensed dealers within the law enforcement agency's jurisdiction. The ticketing agency shall retain fifty percent of all fines collected pursuant to this section.

(G) Nothing in this section shall be construed to prevent a licensed recreational vehicle dealer from providing vehicles for demonstration or test driving purposes.

Recreational vehicle dealer licenses

SECTION 16. Section 56-14-40 of the S.C. Code is amended to read:

Section 56-14-40. (A) Before a license as a recreational vehicle dealer is issued, an applicant shall file an application with the department and provide information the department may require including, but not limited to, the name and addresses of individuals who own or control ten percent or more of the interest in the business.

(B)(1) Each applicant shall furnish a surety bond in the penal amount of fifty thousand dollars on a form prescribed by the department.

(2) A new bond or a proper continuation certificate must be provided to the department every twelve months during the license period. The dealer or surety, or the dealer's or surety's designee, must

notify the department of any bond name or address changes during the licensing period. Notice must be provided within thirty days of a change. Proof of the bond and the proper continuation of the bond may be provided to the Department of Motor Vehicles on the same database used for vehicle insurance pursuant to Article 7, Chapter 10, Title 56.

(3) A dealer's license expires immediately upon expiration or termination of a dealer's bond, or a decrease of a dealer's bond below fifty thousand dollars.

(4) The bond must be given to the department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety.

(5) The bond must be conditioned upon the applicant or licensee complying with the statutes applicable to the license and as indemnification for loss or damage suffered by an owner of a recreational vehicle, or his legal representative, by reason of fraud practiced or fraudulent representation made in connection with the sale or transfer of a recreational vehicle by a licensed recreational vehicle dealer or the dealer's agent acting for the dealer, or within the scope of employment of the agent or loss or damage suffered by reason of the violation by the dealer or his agent of any provisions of this chapter.

(6)(a) In instances of taxes or fees owed to the State that pertain solely to the process of buying, selling, titling, or registering vehicles by a recreational vehicle dealer, the department may maintain a cause of action against the dealer's surety bond and may recover damages if the owed taxes and fees are not paid in full within the time period prescribed by law. The department shall distribute the collected taxes and fees to the appropriate entity as prescribed by law.

(b) In the event of concurrent claims for the same vehicle from the owner and the State, the owner's claim prevails.

(c) This subsection does not apply to monies a recreational vehicle dealer has attempted to refund to a customer due to an error made by the dealer when the dealer can demonstrate that he has made a bona fide, good faith effort by registered or certified mail, return receipt requested, or by private delivery service acceptable to the Internal Revenue Service to ensure the customer's refund was delivered. For purpose of this subsection, the dealer should make a bona fide, good faith effort to refund the monies due to the customer within sixty days of the date of sale.

(7) An owner or his legal representative who suffers the loss or damage has a right of action against the dealer and against the dealer's surety upon the bond and may recover damages as provided in this chapter. However, regardless of the number of years a bond remains in

effect, the aggregate liability of the surety for claims is limited to fifty thousand dollars on each bond and to the amount of the actual loss incurred.

(8) The surety may terminate its liability under the bond by giving the department thirty days' written notice of its intent to cancel the bond. The cancellation does not affect liability incurred or accrued before the cancellation.

(C) If, during a license period, there is a change in the information a dealer gave the department in obtaining or retaining a license, the licensee must report the change to the department within thirty days on a form prescribed by the department.

(D) If a licensee ceases to be a recreational vehicle dealer, he shall notify the department within ten days and return any license and all dealer license plates.

(E) In the event of a licensee's death, the personal representative of the deceased licensee may, with the consent of the probate court and upon an application to the department, continue the operation of the business covered by the license for the remainder of the licensing period, but no longer than eighteen months after the licensee's death. At the conclusion of the license period or eighteen months after the licensee's death, the personal representative must take all actions to apply for a recreational vehicle dealer license under his name and meet all requirements for a licensed recreational vehicle dealer in order to continue operating the business.

Recreational vehicle dealer licenses

SECTION 17. Section 56-14-50 of the S.C. Code is amended to read:

Section 56-14-50. No recreational vehicle dealer may be issued or allowed to maintain a recreational vehicle dealer's license unless:

(1) The dealer maintains a bona fide place of business for selling or exchanging recreational vehicles, which must be the principal business conducted from the location. A bona fide place of business includes a permanent, enclosed building, not excluding a permanently installed mobile home containing at least ninety-six square feet of floor space, occupied by the owner or operator and easily accessible by the public, at which a permanent business of bartering, trading, or selling recreational vehicles or displaying vehicles for bartering, trading, or selling is conducted, wherein the public may contact the owner or operator at all reasonable times and in which must be kept and maintained the books, records, and files required by this chapter.

(2) The business must display a permanent sign identifying the business with letters at least six inches in height, clearly readable from the nearest major avenue of traffic.

(3) The business must have a reasonable area or lot to properly display recreational vehicles.

(4) A recreational vehicle dealer may use his license to conduct business on property adjacent to or within sight of his bona fide established place of business. The property adjacent to or within sight of his bona fide established place of business is deemed to be contiguous even if there exists a single intervening landmark such as a road or a railroad track. The property adjacent to or within sight of his bona fide established place of business must display the same permanent sign as the bona fide established place of business pursuant to item (2). The property adjacent to or within sight of his bona fide established place of business need not include a permanent, enclosed building or structure, but all records for business conducted on the property adjacent to or within sight of his bona fide established place of business must be maintained at the bona fide established place of business. Any sales transactions pursuant to this section must take place at the location of the bona fide established place of business. Dealers applying for a license pursuant to this item must provide on the dealer license application the street address of the property adjacent to or the property within sight of his bona fide place of business and affirm that the dealer has met any local requirements to lawfully conduct business at that location.

Recreational vehicle dealer licenses

SECTION 18. Section 56-14-70 of the S.C. Code is amended to read:

Section 56-14-70. The department may deny, suspend, or revoke an application or licensee for any reason prescribed in Section 56-15-350.

Dealer or wholesaler licenses

SECTION 19. Section 56-15-310 of the S.C. Code is amended to read:

Section 56-15-310. (A)(1) Before engaging in business as a dealer or wholesaler in this State, a person first must apply to the Department of Motor Vehicles for a license. Each license issued expires thirty-six months from the month of issue, the licensing period, and must be displayed prominently at the established place of business. The fee for

the license is one hundred fifty dollars. The license applies to only one place of business of the applicant and is not transferable to another person or place of business.

(2) During the dealer license application process, the department shall provide any information that would be needed in an audit or a review by its agents. Upon issuing a license, the department shall be reasonable in its requests to inspect or copy a dealer's records. If a complaint has been filed against a dealer, the department must present that complaint to the dealer in writing and allow the dealer the opportunity to cure before proceeding with punitive or enforcement action. Complaints arising from alleged violations of:

(a) Section 56-37-30(B) must be cured by the dealer within sixty days of being notified of the complaint;

(b) Section 56-37-30(C) must be cured by the dealer within forty-five days of being notified of the complaint; or

(c) Section 56-37-30(D) must be cured by the dealer within thirty days of being notified of the complaint.

(3) If the department determines that the same dealer has received a similar type of complaint within twelve months of a previous complaint, the department may proceed with an enforcement action without regard to the time periods provided in this subsection.

(B) A person who fails to secure a license as required in this chapter and facilitates an unauthorized sale of a motor vehicle in violation of this chapter is guilty of a misdemeanor and, upon conviction, must be fined:

(1) not less than one hundred dollars or more than five hundred dollars or imprisoned for not more than thirty days for the first offense;

(2) five hundred dollars or imprisoned for not more than thirty days, or both, for the second offense; and

(3) not less than two thousand dollars or more than ten thousand dollars or imprisoned for not more than two years, or both, for the third or any subsequent offense.

For purposes of this section, each instance of an unauthorized sale of a motor vehicle where the dealer has not applied for and received a license from the department appropriate to that sale is conclusively deemed to be a separate and distinct offense. Nothing in this chapter may be construed to prohibit any law enforcement agency from enforcing the provisions relating to nonlicensed dealers within the law enforcement agency's jurisdiction. The ticketing entity shall retain fifty percent of any fines collected under this section.

Wholesaler or dealer licenses

SECTION 20. Section 56-15-320 of the S.C. Code is amended to read:

Section 56-15-320. (A) Before a license as a “wholesaler” or “dealer” is issued to an applicant, he shall file an application with the Department of Motor Vehicles and furnish the information the department may require including, but not limited to, information adequately identifying by name and address individuals who own or control ten percent or more of the interest in the business. The policy of this section is full disclosure.

(B)(1) Each applicant for licensure as a dealer or wholesaler shall furnish a surety bond in the penal amount of fifty thousand dollars on a form prescribed by the director of the department.

(2) A new bond or a proper continuation certificate must be provided to the department every twelve months during the license period. The dealer or surety, or his designee must alert the department of any bond name or address changes during the license period within thirty days of the change. Proof of the bond and the proper continuation of it may be provided to the Department of Motor Vehicles using the same database as vehicle insurance pursuant to Article 7, Chapter 10, of Title 56.

(3) A dealer’s license expires immediately upon expiration, termination, or a decrease of a dealer’s bond below fifty thousand dollars.

(4) The bond must be given to the department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety.

(5) The bond must be conditioned upon the applicant or licensee complying with the statutes applicable to the license and as indemnification for loss or damage suffered by an owner of a motor vehicle, or his legal representative, by reason of fraud practiced or fraudulent representation made in connection with the sale or transfer of a motor vehicle by a licensed dealer or wholesaler or the dealer’s or wholesaler’s agent acting for the dealer or wholesaler or within the scope of employment of the agent or loss or damage suffered by reason of the violation by the dealer or wholesaler or his agent of this chapter.

(6) In instances of taxes or fees owed to the State that pertain to the process of buying, selling, titling, or registering vehicles by the dealer, the department has a right of action against the dealer’s surety bond and may recover damages if those taxes and fees are not paid in full within the time period prescribed by law. The department shall distribute the

taxes and fees to the appropriate entity as prescribed in state law.

(a) In the event of concurrent claims for the same vehicle from the owner and the State, the owner's claim prevails.

(b) This subsection does not apply to monies the dealer has attempted to refund to a customer due to an error made by the dealer when the dealer can demonstrate that he has made an attempt by registered or certified mail, return receipt requested, or by private delivery service which is acceptable to the Internal Revenue Service to ensure the customer's refund was delivered. The dealer must make a bona fide, good faith attempt to refund money due to the customer within sixty days of the date of sale.

(7) An owner or his legal representative who suffers the loss or damage has a right of action against the dealer or wholesaler and against the dealer's or wholesaler's surety upon the bond and may recover damages as provided in this chapter. However, regardless of the number of years a bond remains in effect, the aggregate liability of the surety for claims is limited to fifty thousand dollars on each bond and to the amount of the actual loss incurred. The surety may terminate its liability under the bond by giving the department thirty days' written notice of its intent to cancel the bond. The cancellation does not affect liability incurred or accrued before the cancellation.

(C) If, during a license period, there is a change in the information a dealer or wholesaler gave the department in obtaining or retaining a license under this section, the licensee shall report the change to the department within thirty days after the change occurs on the form the department requires.

(D) If a licensee ceases being a dealer or wholesaler, within ten days of that time, he shall notify the department of this fact and return to the department a license issued pursuant to this chapter and all current dealer license plates issued to the dealer or wholesaler.

(E) In the event of the licensee's death, the personal representative of the deceased licensee may, with the explicit consent of the probate court and upon an application to the department, continue the operation of the business covered by the license for the remainder of the licensing period, but no longer than eighteen months after the licensee's death. At the conclusion of the licensing period or eighteen months after the death, the personal representative must take all actions to apply for a vehicle dealer license under his or her own name and meet all requirements for a licensed vehicle dealer in order to continue operating the business.

Motor vehicle dealers' licenses

SECTION 21. Section 56-15-330 of the S.C. Code is amended to read:

Section 56-15-330. No dealer or wholesaler may be issued or allowed to maintain a motor vehicle dealer's license unless:

(1) The dealer maintains a bona fide established place of business for conducting the business of selling or exchanging motor vehicles which must be the principal business conducted from the fixed location. A bona fide established place of business for any motor vehicle dealer includes a permanent, enclosed building or structure, not excluding a permanently installed mobile home containing at least ninety-six square feet of floor space, actually occupied by the applicant and easily accessible by the public, at which a permanent business of bartering, trading, or selling of motor vehicles or displaying vehicles for bartering, trading, or selling is carried on, wherein the public may contact the owner or operator at all reasonable times and in which must be kept and maintained the books, records, and files required by this chapter. A bona fide established place of business does not mean a residence, tent, temporary stand, or other temporary quarters. Wholesaler dealers are not required to have space to display vehicles.

(2) The dealer's place of business must display a permanent sign with letters at least six inches in height, clearly readable from the nearest major avenue of traffic. The sign must clearly identify the licensed business. This subsection does not apply to wholesale dealers.

(3) The dealer's place of business must have a reasonable area or lot to properly display motor vehicles. This subsection does not apply to wholesale dealers.

(4) A dealer may use his license to conduct business on property adjacent to or within sight of his bona fide established place of business. The property adjacent to or within sight of the bona fide established place of business is deemed to be contiguous even if there exists a single intervening landmark such as a road or a railroad track. The property adjacent to or the property within sight of the bona fide place of business must display the same permanent dealership sign as the bona fide established place of business pursuant to item (2). The property adjacent to or property within sight of the bona fide place of business need not include a permanent, enclosed building or structure, but all records for business conducted on the property adjacent to or property within sight of the bona fide place of business must be maintained at the bona fide established place of business. Any sales transactions pursuant to this section must take place at the location of the bona fide established place

of business. Dealers applying for a license pursuant to this subsection must provide on the dealer license application, the street address of the adjacent property or the property within sight and affirm that the dealer has met any local requirements to lawfully conduct business at that location.

Licenses in the name of the same applicants

SECTION 22. Section 56-15-350 of the S.C. Code is amended to read:

Section 56-15-350. (A) Any licenses in the name of the same applicant issued under this chapter may be denied, suspended, or revoked, if the applicant or licensee or an agency of the applicant or licensee acting for the applicant or licensee is determined by the Department of Motor Vehicles to have refused to comply with, been convicted of, or pleaded nolo contendere to any of the following offenses in this State or another jurisdiction in the United States:

- (1) made a material misstatement in the application for the license;
- (2) violated any provision of this chapter or the requirements contained in Article 3, Chapter 19, Title 56;
- (3) committed any fraud connected with the sale or transfer of a motor vehicle;
- (4) employed fraudulent devices, methods, or practices in connection with meeting the requirements placed on dealers and wholesalers by the laws of this State;
- (5) violated any law involving the acquisition or transfer of a title to a motor vehicle;
- (6) tampered with, altered, or removed motor vehicle identification numbers or markings;
- (7) to have violated any federal or state law regarding the disconnecting, resetting, altering, or other unlawful tampering with a motor vehicle odometer, including the provisions of 49 U.S.C. 32701-32711 (Title 49, Subtitle VI, Part C, Chapter 327);
- (8) refused or failed to comply with the department's reasonable requests to inspect or copy the records, books, and files of the dealer or wholesaler or failed to maintain records of each motor vehicle transaction as required by this chapter or by state and federal law pertaining to odometer records;
- (9) given, loaned, or sold a dealer license plate to any person or otherwise to have allowed the use of any dealer license plate in any way not authorized by Section 56-3-2320. Any dealer license plate issued to a dealer or wholesaler pursuant to Section 56-3-2320 which is

determined by the department to be improperly displayed on any vehicle or in the possession of any unauthorized person is prima facie evidence of a violation of this section by the dealer or wholesaler to whom the license plate was originally issued.

(10) accepted or delivered a certificate of title to any other dealer, wholesaler, or any other person in which the title or assignment of title is signed in blank;

(11) committed any of the following crimes for which there is a conviction or plea of guilty or plea of nolo contendere and for which the conviction or plea date was ten or less years from the date of the application or renewal application of:

(a) a violent crime as defined in Section 16-1-60;

(b) a crime involving illegal drugs, other than simple possession of marijuana;

(c) a crime involving tax evasion or failure to pay taxes or fees as required by law;

(d) a crime involving the illegal use, carrying, or possession of a dangerous weapon;

(e) any crime having an element of identity theft, misuse of another person's identity information, larceny, embezzlement, false statements, falsification of documents, false swearing or dishonest or deceitful dealing; or

(f) a crime having an element of criminal sexual battery or conduct of any type or degree with a minor or an adult;

(12) failed to pay on demand any civil penalty imposed by the department authorized by this chapter which the person or licensee has failed to appeal or for which the person or licensee has exhausted appeals;

(13) failed to surrender a dealer license as required by this chapter or allowing any third party to sell any vehicles or operate a dealership; or

(14) had a previous dealer license revoked for that applicant under this section.

(B) Items (A)(1)-(11) do not apply to any pardoned or expunged crime within the ten-year time period.

(C) The department may deny future dealer licenses for the same applicant if a previous dealer license was revoked for that applicant under this section. When assessing the license application, with respect to acts identified in item (A)(14) in a foreign jurisdiction, the department shall determine if the facts of the act would constitute a violation in this State. If the acts leading to a revocation in a foreign jurisdiction would not constitute a violation in this State, then the department may not use

the act as sole justification to deny, suspend, or revoke a license.

(D) The department shall notify the licensee or applicant in writing at the mailing address provided in his application of its intention to deny, suspend, or revoke his license at least twenty days in advance and shall inform the licensee of his right to request a contested case hearing with the Office of Motor Vehicle Hearings in accordance with the rules of procedure for the Administrative Law Court and pursuant to the Administrative Procedures Act of this State. A licensee desiring a hearing shall file a request in writing with the Office of Motor Vehicle Hearings within ten days of receiving notice of the proposed denial, suspension, or revocation of his dealer's or wholesaler's license.

(E) Upon a denial, suspension, or revocation of a license, the licensee shall immediately return to the department the license and all dealer license plates.

Motor Vehicle Dealer Performance Evaluation System

SECTION 23. Title 56 of the S.C. Code is amended by adding:

CHAPTER 37

Motor Vehicle Dealer Performance Evaluation System

Section 56-37-10. This article applies to any dealer licensed under Title 56 regardless of the dealer license type.

Section 56-37-20. As used in this title:

(1) "Immediate family" means spouse, parent, stepparent, child, stepchild, sister, brother, grandparent, and grandchild.

(2) "Suspend" means temporarily prevent from continuing.

(3) "Revoke" means prevent from continuing for at least ten years.

(4) "Violation" means a single found incident leading to the issuance of points. For purposes of this article, a violation could be a single sale, a single vehicle, a single document, or other similar items.

(5) "Out-of-trust" means a dealer selling a vehicle without paying the complete financial obligation needed to obtain the title for the sold vehicle.

(6) "Open title" means, upon the purchase of a vehicle by a dealer and the seller has completed his portion of the certificate of title, the dealer or purchaser intentionally leaves the buyer or purchaser assignment blank on the title.

(7) "Dealer" means any entity licensed as a dealer under this title

without regard to the type of dealer license issued by the department.

Section 56-37-30. (A) There is established a points system for evaluating the performance record of any dealer licensed under this title and its continuing ability to operate as a dealer in this State. The department may only impose the sanctions described below if they are found to have occurred in the course of dealer-related business, to include a private citizen acting on behalf of a licensed dealer in their role as a dealer. If any dealer or employee of a dealership makes these errors in their role as a private citizen, those violations are not counted against the dealer license but may be penalized in accordance with state law.

(B) For multiple record errors over a six-month period of time, the department may impose a two-point violation against a dealer license for the following:

- (1) errors or omissions on transactions regarding incoming or outgoing documents;
- (2) incorrect acquisition or sale dates;
- (3) incorrect vehicle identification numbers;
- (4) incorrect make, model, or type of body;
- (5) incorrect incoming or outgoing odometer reading;
- (6) incorrect name and address of the person a vehicle was acquired from or transferred to;
- (7) inability to provide an account for a dealer, transporter, or wholesale auto auction plate; or
- (8) issuance of a second temporary plate to a purchaser.

(C) The following are four-point violations:

- (1) dealer selling at address different than indicated on dealer application and license;
- (2) failure to deliver a title to a buyer or the department within forty-five days of the date of sale;
- (3) reasonable records request unavailable upon the demand of the department;
- (4) issuance of any temporary license plate to a person not authorized to have the plate;
- (5) misuse of dealer, transporter, or wholesale auto auction plate; and
- (6) operating or allowing the operation of a vehicle with a suspended dealer plate.

(D) The following are six-point violations:

- (1) selling out-of-trust or breach-of-trust;
- (2) possession of an open title;
- (3) altering or changing documents to avoid or delay registration;

- (4) maintaining or producing fraudulent records;
- (5) licensure as a wholesaler dealer only, but selling vehicles retail;
- (6) having a volume of sales that do not warrant the number of license plates issued;
- (7) dealer or auction facilitating a wholesaler selling retail;
- (8) failure to remit any state-owed fees within the time period prescribed by law to the department;
- (9) conviction by the licensee involving acquisition or transfer of a title to a vehicle;
- (10) conviction by the licensee of a criminal offense or judgment in a civil case in which there is fraud connected to the sale or transfer of a vehicle; and
- (11) use of fraudulent methods or practices.

(E) The department's Inspector General or the Inspector General's designee has the authority to issue sanctions based on findings during inspections and audits. The department may turn any records of sanctions over to the law enforcement entity with jurisdiction over the licensed location of the dealership for criminal prosecution.

Section 56-37-40. (A) There is created a Dealer Sanction Review Board that consists of the executive director of the department or his designee, a department employee with expertise in dealer licensing regardless of dealer license type, two nonfranchise automobile dealers, and three franchise automobile dealers. All dealers serving on the board must have been in business no less than ten years and be in good standing with the department. The department is responsible for ensuring the board is seated at the beginning of each fiscal year. Unless the board decides otherwise or a board member no longer qualifies to remain on the board, individuals on the board serve for three fiscal years and may serve a maximum of nine consecutive years. The department in conjunction with the board should take efforts to ensure that dealers represent all regions of the State and the sizes of dealerships owned. The two statewide dealer associations shall choose their members. The chairperson shall be elected and rotated between dealer members serving on the board.

(B) Dealers licensed pursuant to this title may contest sanctions provided for in this article by written request to the department no later than thirty days after receiving formal notice of the sanctions being levied.

- (1) All notices of sanctions are deemed received no later than thirty days after mailing by the department.
- (2) No later than sixty days after receiving the written request from

the dealer, the board must determine if the sanctions and corresponding points must be posted to the dealer's record as maintained by the department.

(3) No contested sanctions and corresponding points may be posted until the board has made a determination.

(4) The board's decision is considered final unless a dealer files a protest in administrative law court within twenty days of being provided written notice.

(5) The board may decide to decrease the number of points levied for a sanction, but the board may not increase the number of points levied for a sanction beyond those specified in this article.

(C) If a dealer licensed under this title does not contest sanctions within the time period prescribed in subsection (B), the assessed points are effective and will be posted to the dealer's record maintained by the department.

Section 56-37-50. In computing the total number of points levied against any dealer after a particular violation, those accrued as a result of violations during the twelve-month period including and immediately preceding the last violation must be counted at their full value. Those accrued from twelve to twenty-four months preceding the last violation must be counted at one-half their established value, and those resulting from violations which occurred more than twenty-four months prior to the last violation must not be counted.

Section 56-37-60. (A) Any dealer who has accumulated points under the provisions of this article must have the number of points reduced by four upon proving to the satisfaction of the Department of Motor Vehicles that the dealer has completed a voluntary course related to the proper licensing of dealers in this State. Before an entity may administer the course, and every three years thereafter, the department must approve the course. Entities offering this course must provide documentation, to the satisfaction of the department, regarding the training provided during the course. The department is not obligated to offer this course on its own.

(B) No dealer's points may be reduced more than one time in a three-year period by completing a course related to the proper licensing of a dealer in this State.

Section 56-37-70. (A) The department must suspend the license of any dealer for seven days upon the accumulation of twelve points or if the dealer has misused any department computer system or third-party

computer system that contains department data, including allowing another dealer location other than the one licensed by the department access to the system.

(B) The department must suspend the license of any dealer for thirty days upon the second accumulation of twelve points within a three-year period from the end date of the prior suspension.

(C) The department must suspend the license of any dealer for three years upon the third accumulation of twelve points within a three-year period. Dealers may not reapply for any kind of dealer license for three years after the last issued points. Should the provisions of this subsection apply, then the department may deny applications for any type of dealer license when the applicant is a member of the immediate family of the suspended dealer. The department shall notify the licensee or applicant by certified mail at the mailing address provided in his application of its intention to suspend his license at least thirty days in advance and shall provide the licensee an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure and the Administrative Procedures Act of this State. A licensee desiring a contested case hearing must request the hearing in writing within thirty days of receiving notice of the proposed suspension of his dealer's or wholesaler's license. Should the dealer not request a contested case hearing from the Office of Motor Vehicle Hearings within thirty days of receiving notice of the proposed suspension, then the suspension of the dealer license must go into effect. If the dealer requests a contested case hearing from the Office of Motor Vehicle Hearings within thirty days of receiving notice of the proposed suspension, then the dealer may continue to operate until the Office of Motor Vehicle Hearings makes a final ruling in the contested case. Upon the suspension of a license, the licensee shall immediately return to the department the license and all dealer license plates.

Section 56-37-80. (A) The Department of Motor Vehicles must immediately revoke the license of any dealer issued pursuant to this title upon:

(1) a conviction involving theft or possessions of a stolen vehicle, involvement with a chop shop, or a violation of law involving tampering with, altering, or removing vehicle identification numbers or markings;
or

(2) a conviction in administrative, civil, or criminal court of a dealer violation of state or federal law regarding the disconnecting, resetting, altering, or otherwise unlawful tampering with a motor vehicle's odometer.

(B) Upon the revocation of a license, the licensee, or his designee, shall immediately return to the department the license and all dealer license plates. The department must revoke the dealer license plates if the plates are not returned to the department.

(C) The department may deny any application for dealer licenses for ten years after notification of the conviction if the applicant is a member of the immediate family as a dealer whose license has been revoked. At the conclusion of the ten-year period, a dealer whose license has been revoked may apply to the Dealer Sanctions Review Board to be relicensed. However, upon review of the board, a dealer whose license has been revoked may continue to be denied a dealer license of any type.

Motorcycle dealer or wholesaler licenses

SECTION 24. Section 56-16-140 of the S.C. Code is amended to read:

Section 56-16-140. (A)(1) Before engaging in business as a motorcycle dealer or motorcycle wholesaler in this State, every person must first apply to the Department of Motor Vehicles for a license. Every license issued expires thirty-six months from the date of issue and must be prominently displayed at the established place of business. The fee for the license is one hundred fifty dollars. The license applies to only one place of business of the applicant and is not transferable to any other person or place of business, except as provided in item (2).

(2)(a) A licensed dealer may exhibit motorcycles and their related products at fairs, recreational or sports shows, vacation shows, and other similar events or shows upon obtaining a dealer's exhibition license. Before exhibiting motorcycles and their related products as provided in this item, the dealer shall first apply to the department for an exhibition license. The applicant shall provide the department with the name, location, and dates of the particular exhibition for which he is seeking an exhibition license.

(b) A dealer must hold a valid dealer's license pursuant to this section to be issued an exhibition license. Exhibition licenses are valid for a period not to exceed ten consecutive days, must be prominently displayed at the exhibition site, apply to only the licensee, and may not be transferred to another dealer or exhibition location. A dealer may not purchase more than six exhibition licenses every twelve months.

(B)(1) During the dealer license application process, the department shall provide all information that would be needed in an audit or a review by its agents. Upon issuing a license, the department shall be reasonable in its requests to inspect or copy a dealer's records. If a complaint has

been filed against a dealer, the department must present that complaint to the dealer in writing and allow the dealer the opportunity to cure before proceeding with punitive or enforcement action. Complaints arising from alleged violations of:

(a) Section 56-37-30(B) must be cured by the dealer within sixty days of being notified of the complaint;

(b) Section 56-37-30(C) must be cured by the dealer within forty-five days of being notified of the complaint; or

(c) Section 56-37-30(D) must be cured by the dealer within thirty days of being notified of the complaint.

(2) If the department determines that the same dealer has received a similar type of complaint within twelve months of a previous complaint, the department may proceed with an enforcement action against that dealer without regard to the time period provided in this subsection.

(C) A person who fails to secure a license as required in this chapter has facilitated an unauthorized sale of a motorcycle and is guilty of a misdemeanor and, upon conviction, must be fined:

(1) not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days for the first offense;

(2) five hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days, or both, for the second offense; and

(3) not less than one thousand dollars nor more than ten thousand dollars or imprisoned for not more than two years, or both, for the third or any subsequent offense.

(D) For purposes of this section, each instance of an unauthorized sale of a motorcycle where the dealer has not applied for and received a license from the department appropriate to the sale is conclusively deemed to be a separate and distinct offense. This provision does not apply to instances where a rightfully licensed retail dealer, pursuant to Chapter 15 of this title, accepts a motorcycle on trade to then sell at his retail location. Nothing in this chapter may be construed to prohibit any law enforcement agency from enforcing the provisions relating to nonlicensed dealers within the law enforcement agency's jurisdiction. The ticketing entity shall retain fifty percent of any fines collected under this section.

Motorcycle wholesaler or dealer licenses

SECTION 25. Section 56-16-150 of the S.C. Code is amended to read:

Section 56-16-150. (A) Before any license as a motorcycle “wholesaler” or “dealer” is issued to an applicant, he must file an application with the Department of Motor Vehicles and furnish the information the department may require including, but not limited to, information adequately identifying by name and address any individual who owns or controls ten percent or more of the interest in the business. The policy of this section is full disclosure.

(B)(1) Each applicant for licensure as a motorcycle dealer or wholesaler must furnish a surety bond in the penal amount of twenty-five thousand dollars on a form to be prescribed by the director of the department.

(2) A new bond or a proper continuation certificate must be provided to the department every twelve months during the license period. The dealer or surety, or his designee must alert the department of any bond name or address changes during the license period within thirty days of the change. Proof of the bond and the proper continuation of it may be provided to the Department of Motor Vehicles using the same database as vehicle insurance pursuant to Article 7, Chapter 10, Title 56.

(3) A dealer’s license expires immediately upon expiration, termination, or a decrease of a dealer’s bond below twenty-five thousand dollars.

(4) The bond must be given to the department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety. The bond must be conditioned upon the applicant or licensee complying with the provisions of the statutes applicable to the license and as indemnification for any loss or damage suffered by an owner of a motorcycle, or his legal representative, by reason of any fraud practiced or fraudulent representation made in connection with the sale or transfer of a motorcycle by a licensed dealer or wholesaler or the dealer’s or wholesaler’s agent acting for the dealer or wholesaler or within the scope of employment of the agent or any loss or damage suffered by reason of the violation by the dealer or wholesaler or his agent, of any of the provisions of this chapter.

(5) In instances of taxes or fees owed to the State that pertain solely to the process of buying, selling, titling, or registering motorcycles by a motorcycle dealer, the department has a right of action against the dealer’s surety bond and may recover damages if those taxes and fees are not paid within the time period prescribed by law. The department shall distribute the taxes and fees to the appropriate entity as prescribed in state law.

(a) In the event of concurrent claims for the same vehicle from the owner and the State, the owner’s claim prevails.

(b) This subsection does not apply to monies the motorcycle dealer has attempted to refund to a customer due to an error made by the dealer when the dealer can demonstrate that he has made an attempt by registered or certified mail, return receipt requested, or by private delivery service which is acceptable to the Internal Revenue Service to ensure the customer's refund was delivered. For the purposes of this subsection, the dealer should make a bona fide, good faith attempt to refund money due to the customer within sixty days of the date of sale.

(6) An owner or his legal representative who suffers the loss or damage has a right of action against the dealer or wholesaler and against the dealer's or wholesaler's surety upon the bond and may recover damages as provided in this chapter. A new bond or a proper continuation certificate must be delivered to the department annually before the license is renewed. However, regardless of the number of years a bond remains in effect, the aggregate liability of the surety for any and all claims is limited to fifteen thousand dollars on each bond and to the amount of the actual loss incurred.

(7) The surety has the right to terminate its liability under the bond by giving the department thirty days' written notice of its intent to cancel the bond. The cancellation does not affect any liability incurred or accrued prior to the cancellation.

(C) If, during any license year, there is any change in the information that a dealer or wholesaler gave the department in obtaining or retaining a license under this section, the licensee shall report the change to the department within thirty days after the change occurs on the form the department requires.

(D) In the event a licensee ceases being a dealer or wholesaler, he shall, within ten days thereafter, notify the department of this fact and return to the department any license issued pursuant to this chapter and all current dealer license plates issued to the dealer or wholesaler.

(E) In the event of the licensee's death, the personal representative of the deceased licensee may, with the consent of the probate court and upon an application to the department, continue the operation of the business covered by the license for the remainder of the licensing period, but no longer than eighteen months after the licensee's death. At the conclusion of the licensing period or eighteen months after the death, the personal representative must take all actions to apply for a recreational vehicle dealer license under his or her own name and meet all requirements for a licensed recreational vehicle dealer in order to continue operating the business.

Motorcycle dealers' licenses

SECTION 26. Section 56-16-160 of the S.C. Code is amended to read:

Section 56-16-160. No dealer may be issued or allowed to maintain a motorcycle dealer's license unless:

(1) The dealer maintains a bona fide established place of business for conducting the business of selling or exchanging motorcycles which must be the principal business conducted from the fixed location. The sale of motorcycles or motor driven cycles need not be the principal business conducted from the fixed location. A bona fide established place of business for any motorcycle dealer includes a permanent, enclosed building or structure, not excluding a permanently installed mobile home containing at least ninety-six square feet of floor space, actually occupied by the applicant and easily accessible by the public, at which a permanent business of bartering, trading, or selling of motorcycles or displaying vehicles for bartering, trading, or selling is carried on, wherein the public may contact the owner or operator at all reasonable times and in which must be kept and maintained the books, records, and files required by this chapter. A bona fide established place of business does not mean a residence, tent, temporary stand, or other temporary quarters.

(2) The dealer's place of business must display a permanent sign with letters at least six inches in height, clearly readable from the nearest major avenue of traffic. The sign must clearly identify the licensed business.

(3) The dealer's place of business must have a reasonable area or lot to properly display motorcycles.

(4) A motorcycle dealer may use his license to conduct business on property adjacent to or within site of his bona fide established place of business. The property adjacent to or property within sight of his bona fide established place of business is deemed to be contiguous to his bona fide established place of business even if there exists a single intervening landmark such as a road or a railroad track. The property adjacent to or within sight of his bona fide established place of business must display the same permanent sign as the bona fide established place of business pursuant to item (2). The adjacent property or the property within sight of his bona fide established place of business need not include a permanent, enclosed building or structure, but all records for business conducted on the adjacent property must be maintained at the bona fide established place of business pursuant to this section. Any sales transactions pursuant to this section must take place at the location of the

bona fide established place of business. Dealers applying for a license under this item must declare to the department on the dealer license application the street address of the adjacent property or property within sight of his bona fide established place of business and affirm that the dealer has met any local requirements to lawfully conduct business at that location.

Motorcycle dealer licenses

SECTION 27. Section 56-16-180 of the S.C. Code is amended to read:

Section 56-16-180. The department may deny, suspend, or revoke an applicant or licensee for a motorcycle dealer license, to include existing licenses in the name of the same applicant, for any reason prescribed in Section 56-15-350.

Dealer purchase and resale of vehicles

SECTION 28. Section 56-19-370 of the S.C. Code is amended to read:

Section 56-19-370. (A) If a dealer buys a vehicle and holds it for resale and procures the certificate of title from the owner within forty-five days after delivery to him of the vehicle, he need not send the certificate to the Department of Motor Vehicles, but, upon transferring the vehicle to another person other than by the creation of a security interest, promptly shall execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of his security agreement, in the spaces provided on the certificate or as the department prescribes, and mail or deliver the certificate to the department with the transferee's application for a new certificate.

(B)(1) The dealer must properly title and, if applicable, register the vehicle within forty-five days after the sale. A dealer who receives in a timely manner a title lien release from a financial institution, titling agent, or another state department of motor vehicles, or its equivalent, and who fails to either properly title or, if applicable, register the vehicle the dealer sold within forty-five days after the sale may be assessed points against his dealer record pursuant to Section 56-37-370.

(2) If the department has reason to believe that the dealer knowingly did not properly title, or if applicable, register the vehicle within forty-five days after the sale, the dealer is guilty of a misdemeanor and must

be fined not less than five hundred dollars or imprisoned not more than thirty days, or both, and is further subject to the provisions of Section 56-15-350.

(3) If a title is in suspended status, the department must make the information regarding the reason for suspension available in a timely manner through the third-party provider pursuant to Section 56-3-210.

(4) No dealer may be prosecuted for not properly titling or registering a vehicle within forty-five days if the department has placed the title in suspended status or if a financial institution has not released the lien in a timely manner.

Department of Motor Vehicles

SECTION 29. The Department of Motor Vehicles shall ensure that no one is registered as an uninsured motorist on the effective date of this act.

Repeal

SECTION 30. Section 56-3-180 of the S.C. Code is repealed.

Repeal

SECTION 31. Section 56-3-215 of the S.C. Code is repealed.

Repeal

SECTION 32. Article 29, Chapter 3, Title 56 of the S.C. Code is repealed.

Repeal

SECTION 33. Article 30, Chapter 3, Title 56 of the S.C. Code is repealed.

Dealers

SECTION 34. Dealers subject to the provisions contained in Section 56-14-50, 56-15-330, or 56-16-160 who maintain business operations on adjacent properties or properties within sight as described in the code section applicable to the dealer but who do not meet the requirements of Section 56-14-50, 56-15-330, or 56-16-160, as applicable to the dealer

and as amended by this act may be grandfathered by the Department of Motor Vehicles for the remainder of the license under which the dealer is operating as of the effective date of this act.

Driver training course

SECTION 35. Section 56-23-60 of the S.C. Code is amended to read:

Section 56-23-60. The Department of Motor Vehicles may establish minimum standards for the operation of driver training schools authorized to be licensed under the provisions of this chapter and prescribe conditions of operation of the schools. The minimum standards must include, but are not limited to, a requirement that driver training schools have or have access to sufficient facilities and equipment to conduct an eight-hour driver training course for a minimum of ten students. All activities and operations of licensed driver training schools are at all times subject to inspection or examination by authorized representatives of the department. In addition, records of these activities and operations must be made available at the permanent location in this State for review by the department upon its request.

“Classroom training” defined

SECTION 36. Chapter 23, Title 56 of the S.C. Code is amended by adding:

Section 56-23-105. For purposes of this chapter, “classroom training” means either in-person, virtual, or remote online training. The online classroom training must utilize a student username and password, measure the amount of time that the student spends in the course, provide technical support to students that is available twenty-four hours per day, seven days per week, utilize personal validation questions which appear periodically throughout the entire course, have measures in place that prevent a student from completing more than four hours of instruction in a calendar day, and provide a final examination at the completion of the program. A passing score of 80 percent or higher is required. Students may take up to three attempts to pass the online test to successfully complete the course.

Issuance of motor vehicle drivers’ licenses

SECTION 37. Section 56-1-20 of the S.C. Code is amended to read:

Section 56-1-20. No person, except those expressly exempted in this article shall drive any motor vehicle upon a highway in this State unless such person has a valid motor vehicle driver's license issued to him under the provisions of this article. No person shall receive a motor vehicle driver's license unless and until he surrenders to the Department of Motor Vehicles all valid operators' licenses in his possession issued to him by any other state within forty-five days of becoming a resident of this State, unless specifically exempted by law. All surrendered licenses shall be returned by the department to the issuing department, agency, or political subdivision. No person shall be permitted to have more than one valid motor vehicle driver's license or operator's license at any time.

Any person holding a currently valid motor vehicle driver's license issued under this article may exercise the privilege thereby granted upon all streets and highways in the State and shall not be required to obtain any other license to exercise such privilege by any county, municipal, or local board or body having authority to adopt local police regulations; provided, however, that this provision shall not serve to prevent a county, municipal, or local board from requiring persons to obtain additional licenses to operate taxis, buses, or other public conveyances.

Vision screenings

SECTION 38. Section 56-1-220 of the S.C. Code is amended to read:

Section 56-1-220. (A) Unless otherwise exempted, the department shall require vision screening for all persons obtaining an initial license and upon license renewal. The vision screening must be offered by the department, however, a person's screening must be waived upon the submission of a certificate of vision examination dated within the previous thirty-six months from an ophthalmologist or optometrist licensed in any state.

(B) Active-duty members of the Armed Services are exempt from the requirements of this section, provided they provide the department with a Leave and Earnings Statement dated within thirty-one days of applying for or renewing their driver's license and a nonexpired military identification card.

(C) The renewal license forms distributed by the department must be designed to contain a certification that the vision of the person screened meets the minimum standards required by the department or have been corrected to meet these requirements. The certification must be executed by the person conducting the screening. A Certificate of Vision

Examination form must be executed by the certifying ophthalmologist or optometrist and must be transmitted to the department electronically pursuant to its electronic specifications. The minimum standards of the department shall not require a greater degree of vision than 20/40 corrected in one eye. Persons using bioptic lenses must adhere to the provisions contained in Section 56-1-222.

(D) A person whose vision is corrected to meet the minimum standards shall have the correction noted on his driver's license by the department.

(E) It is unlawful for a person whose vision requires correction in order to meet the minimum standards of the department to drive a motor vehicle in this State without the use of the correction.

(F) Unless otherwise provided in this section, any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.

Driver training school license fees

SECTION 39. Section 56-23-40 of the S.C. Code is amended to read:

Section 56-23-40. The license fee for each driver training school licensed under the provisions of this chapter is two hundred dollars. Prior to operation, each licensed driver training school also must obtain a corporate surety bond in the amount of ten thousand dollars. The bond must be given to the department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety. The bond must be conditioned upon the applicant or licensee complying with the statutes applicable to the license and as indemnification for loss or damage suffered by a person having retained services of a driver training school. Licenses issued pursuant to this section expire on the last day of the month, forty-eight months after the license is issued. The proceeds from the sale of driver training school licenses must be placed in the state general fund for the administration and enforcement of this chapter and title.

Time effective

SECTION 40. (A) SECTION 1 and Section 56-1-220 take effect twelve months after the approval by the Governor.

(B) SECTION 5 takes effect on the first day of the fiscal year following twelve months after approval by the Governor.

(C)(1) SECTIONS 8, 9, 10, 11, 12, 30, 31, 32, and 33 take effect eight months after the approval by the Governor, provided that necessary solicitations are awarded in a timely manner in accordance with the State Consolidated Procurement Code.

(2) Section 56-3-214(C), 56-3-214(D), 56-3-214(E), 56-3-214(F), and 56-3-214(H) take effect ten months after the effective date of SECTIONS 8, 9, 10, 11, and 12.

(D) SECTIONS 15 through 28 take effect on January 1, 2024. Any dealership applying for or renewing licenses, or operating on a currently issued license on or after January 1, 2024, is subject to the provisions of SECTIONS 15 through 28.

(E) SECTION 29 takes effect on the first day of the fiscal year following twelve months after approval by the Governor.

(F) The remaining SECTIONS of this act, and Sections 56-3-214(A), 56-3-214(B)(1), 56-3-214(B)(2), 56-3-214(B)(3), 56-3-214(G), 56-1-20, 56-23-40, 56-23-60, and 56-23-105 take effect upon approval by the Governor.

Ratified the 17th day of May, 2023

Approved the 18th day of May, 2023

No. 52

(R73, S564)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-330, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, SO AS TO ADD ONE PRECINCT, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

Jasper County voting precincts

SECTION 1. Section 7-7-330 of the S.C. Code is amended to read:

Section 7-7-330. (A) In Jasper County there are the following voting precincts:

Coosawhatchie
Gillisonville
Grahamville 1
Grahamville 2
Grays
Hardeeville 1
Hardeeville 2
Hardeeville 3
Levy
Margaritaville
Okatie
Okatie 2
Pineland
Ridgeland 1
Ridgeland 2
Ridgeland 3
Sun City
Tillman

(B) The precinct lines defining the precincts in subsection (A) are as shown on maps filed with the clerk of court of the county and also on file with the State Election Commission as provided and maintained by the Revenue and Fiscal Affairs Office designated as document P-53-23.

(C) The polling places for the precincts listed in subsection (A) must be determined by the Board of Voter Registration and Elections of Jasper County with the approval of a majority of the Jasper County Legislative Delegation.

Time effective

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

Ratified the 17th day of May, 2023

Approved the 18th day of May, 2023

No. 53

(R75, S639)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-530, RELATING TO DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO ADD NEW PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

York County voting precincts

SECTION 1. Section 7-7-530(A) of the S.C. Code is amended to read:

(A) In York County there are the following voting precincts:

Adnah
Airport
Allison Creek
Anderson Road
Baxter
Bethany
Bethel
Bethel School
Bowling Green
Bullocks Creek
Cannon Mill
Carolina
Catawba
Celanese
Clover
Cotton Belt
Crescent
Delphia
Dobys Bridge
Ebenezer

Ebinport
Edgewood
Fairgrounds
Ferry Branch
Fewell Park
Field Day
Filbert
Fort Mill No. 1
Fort Mill No. 2
Fort Mill No. 3
Fort Mill No. 4
Fort Mill No. 5
Fort Mill No. 6
Friendship
Gold Hill
Hampton Mill
Hands Mill
Harvest
Hickory Grove
Highland Park
Hollis Lakes
Hopewell
Independence
India Hook
Kanawha
Lakeshore
Lakewood
Larne
Laurel Creek
Lesslie
Manchester
McConnells
Mill Creek
Mountain View
Mt. Holly
Mt. Gallant
Nation Ford
Neelys Creek
New Home
Newport
Northside
Northwestern

Oakridge
Oakwood
Old Pointe
Ogden
Orchard Park
Palmetto
Pleasant Road
Pole Branch
River's Edge
River Hills
Riverview
Rock Creek
Rock Hill No. 2
Rock Hill No. 3
Rock Hill No. 4
Rock Hill No. 5
Rock Hill No. 6
Rock Hill No. 7
Rock Hill No. 8
Roosevelt
Rosewood
Sharon
Shoreline
Six Mile
Smyrna
Springdale
Springfield
Stateline
Steele Creek
Tega Cay
Tirzah
Tools Fork
University
Waterstone
Windjammer
Wylie
York No. 1
York No. 2

Precinct map

SECTION 2. Section 7-7-530(B) of the S.C. Code is amended to read:

(B) The precinct lines defining the precincts in subsection (A) are as shown on the official map on file with the Revenue and Fiscal Affairs Office, or its successor agency, designated as document P-91-23A and as shown on copies provided to the Board of Voter Registration and Elections of York County by the Revenue and Fiscal Affairs Office.

Time effective

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

Ratified the 17th day of May, 2023

Approved the 18th day of May, 2023

No. 54

(R82, H3583)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING "GAVIN'S LAW" BY ADDING SECTION 16-15-430 SO AS TO CREATE THE OFFENSES OF "SEXUAL EXTORTION" AND "AGGRAVATED SEXUAL EXTORTION", TO DEFINE NECESSARY TERMS, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

Citation

SECTION 1. This act may be cited as "Gavin's Law".

Sexual extortion, aggravated sexual extortion

SECTION 2. Article 3, Chapter 15, Title 16 of the S.C. Code is amended by adding:

Section 16-15-430. (A) As used in this section:

(1) “Adult” means a person eighteen years or older.

(2) “Minor” means any person under eighteen years of age at the time of the alleged offense.

(3) “Great bodily injury” means bodily injury which causes a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

(4) “Private image” means an image depicting sexually explicit nudity or sexual activity, as defined in Section 16-15-375, or sexual conduct, as defined in Section 16-15-305.

(5) “Image” means a photograph, film, videotape, recording, live transmission, digital or computer-generated visual depiction, or any other reproduction made by electronic, mechanical, or other means.

(6) “Disclose” means exhibit, transfer, publicize, distribute, or reproduce.

(7) “Vulnerable adult” has the same meaning as in Section 43-35-10.

(B) A person commits the offense of felony sexual extortion if the actor intentionally and maliciously threatens to release, exhibit, or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing any act against his will, with the intent to obtain additional private images or anything else of value. Except as provided in subsections (C) and (D), a person convicted of felony sexual extortion must be imprisoned:

(1) not more than five years for a first offense;

(2) not more than ten years for a second offense; or

(3) not more than twenty years for a third or subsequent offense.

(C)(1) A person commits the offense of aggravated felony sexual extortion if the actor intentionally and maliciously threatens to release, exhibit, or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing any act against his will, with the intent to obtain additional private images or anything else of value and either:

(a) the victim is a minor or a vulnerable adult and the person convicted of sexual extortion is an adult; or

(b) the victim suffers great bodily injury or death and the finder of fact finds beyond a reasonable doubt that the sexual extortion of the victim was the proximate cause of the great bodily injury or death.

(2) A person convicted of aggravated felony sexual extortion must be imprisoned not more than twenty years.

(D) If the person convicted is a minor, then the person is guilty of misdemeanor sexual extortion and must be sentenced by the family

court. The court may order as a condition of sentencing behavioral health counseling from an appropriate agency or provider.

Collaboration required

SECTION 3. Local school districts shall collaborate with the State Department of Education, the South Carolina Law Enforcement Division, and the Attorney General's office, as appropriate, to implement a policy to educate and notify students of the provisions of this act which includes adequate notice to students, parents or guardians, the public, and school personnel of the change in law. The State Department of Education must file a report as to the status of the adoption and implementation of the education policies under this act to the Governor, the President of the Senate, and the Speaker of the House of Representatives, annually by July first of each year.

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 17th day of May, 2023

Approved the 18th day of May, 2023

No. 55

(R64, S36)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-286, RELATING TO SUSPENSION OF LICENSE OR PERMIT OR DENIAL OF ISSUANCE OF LICENSE OR PERMIT TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES WITH A CERTAIN AMOUNT OF ALCOHOL CONCENTRATION, SO AS TO ALLOW PERSONS UNDER THE AGE OF TWENTY-ONE WHO ARE SERVING A SUSPENSION OR ARE DENIED A LICENSE OR PERMIT TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, OR

REQUEST A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS; BY AMENDING SECTION 56-1-385, RELATING TO REINSTATEMENT OF PERMANENTLY REVOKED DRIVERS' LICENSES, SO AS TO LIMIT ITS APPLICATION TO OFFENSES OCCURRING BEFORE OCTOBER 1, 2014; BY AMENDING SECTION 56-1-400, RELATING TO SURRENDER OF LICENSES; ISSUANCE OF NEW LICENSES; ENDORSING SUSPENSION AND IGNITION INTERLOCK DEVICES ON LICENSES, SO AS TO REVISE THE PROVISIONS THAT RELATE TO THE DURATION OF THE PERIOD FOR WHICH THE IGNITION INTERLOCK DEVICES MUST BE MAINTAINED TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE AND DELETE THE REQUIREMENT THAT REQUIRES PERSONS SEEKING TO HAVE LICENSES ISSUED MUST FIRST PROVIDE PROOF THAT FINES OWED HAVE BEEN PAID, AND TO PROVIDE THIS SECTION SHALL NOT BE CONSTRUED TO REQUIRE A PERSON TO OBTAIN AN IGNITION INTERLOCK DEVICE UNLESS AT LEAST ONE OFFENSE THAT RESULTED IN SUSPENSION WAS ALCOHOL RELATED; BY AMENDING SECTION 56-1-1090, RELATING TO REQUEST FOR RESTORATION OF PRIVILEGES TO OPERATE MOTOR VEHICLES, CONDITIONS, AND APPEALS OF DENIALS OF REQUESTS, SO AS TO PROVIDE HABITUAL OFFENDERS MAY OBTAIN DRIVERS' LICENSES WITH INTERLOCK RESTRICTIONS IF THEY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM AND OBTAINED LICENSES WITH INTERLOCK RESTRICTIONS; BY AMENDING SECTION 56-1-1320, RELATING TO PROVISIONAL DRIVERS' LICENSES, SO AS TO ELIMINATE THE ISSUANCE OF PROVISIONAL DRIVERS' LICENSES FOR CERTAIN OFFENSES THAT OCCURRED BEFORE THE EFFECTIVE DATE OF THIS ACT; BY AMENDING SECTION 56-1-1340, RELATING TO LICENSES THAT MUST BE KEPT IN POSSESSION, ISSUANCE OF LICENSES AND CONVICTIONS TO BE RECORDED, SO AS TO CONFORM STATUTORY REFERENCES; BY AMENDING SECTION 56-5-2941, RELATING TO IGNITION INTERLOCK DEVICES, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE CERTAIN PERSONS ISSUED TEMPORARY ALCOHOL LICENSES ARE REQUIRED TO HAVE IGNITION INTERLOCK DEVICES INSTALLED ON CERTAIN MOTOR

VEHICLES, TO DELETE THE PROVISION THAT PROVIDES THIS SECTION DOES NOT APPLY TO PERSONS CONVICTED OF CERTAIN FIRST OFFENSE VIOLATIONS, TO PROVIDE THAT DRIVERS OF MOTORCYCLES ARE EXEMPT FROM HAVING IGNITION INTERLOCK DEVICES INSTALLED ON THESE VEHICLES, TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE, TO PERMIT DRIVERS WITH LIFETIME IGNITION INTERLOCK REQUIREMENTS DUE TO CONVICTIONS ON OR AFTER OCTOBER 1, 2014, TO SEEK TO HAVE THE DEVICES REMOVED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE RESTRICTIONS FROM THEIR DRIVERS' LICENSES, REQUIRE DEVICE MANUFACTURERS TO APPLY TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR CERTIFICATION OF THE DEVICES, PAY A CERTIFICATION FEE AND PROVIDE FOR THE DISPOSITION OF THE FEE, TO PROVIDE THIS SECTION SHALL NOT BE CONSTRUED TO REQUIRE INSTALLATION OF AN IGNITION INTERLOCK DEVICE UNTIL A SUSPENSION IS UPHELD AT A CONTESTED CASE HEARING OR THE CONTESTED HEARING IS WAIVED, AND TO PROVIDE FOR THE COLLECTION AND RETENTION OF THE INFORMATION RECORDED BY THE DEVICES; BY AMENDING SECTION 56-5-2951, RELATING TO THE SUSPENSION OF LICENSES FOR REFUSAL TO SUBMIT TO TESTING OR FOR CERTAIN LEVELS OF ALCOHOL CONCENTRATION, TEMPORARY ALCOHOL LICENSES, ADMINISTRATIVE HEARINGS, RESTRICTED DRIVERS' LICENSES AND PENALTIES, SO AS TO PROVIDE WITHIN THIRTY DAYS OF THE ISSUANCE OF NOTICES OF SUSPENSION, PERSONS MAY REQUEST A CONTESTED HEARING BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS, ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, OR OBTAIN TEMPORARY ALCOHOL LICENSES WITH IGNITION INTERLOCK DEVICE RESTRICTIONS, TO PROVIDE FOR THE DISPOSITION OF TEMPORARY ALCOHOL LICENSE FEES, TO PROVIDE IF SUSPENSIONS ARE UPHELD, PERSONS MUST ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, TO PROVIDE IF SUSPENSIONS ARE OVERTURNED, THE PERSONS' DRIVING PRIVILEGES MUST BE REINSTATED, TO MAKE TECHNICAL CHANGES, TO ALLOW PERSONS TO

RECEIVE CERTAIN CREDITS FOR MAINTAINING IGNITION INTERLOCK RESTRICTIONS ON TEMPORARY ALCOHOL LICENSES UNDER CERTAIN CIRCUMSTANCES, AND TO DELETE THE PROVISIONS RELATING TO ROUTE-RESTRICTED LICENSES, TO PROVIDE PROSECUTING AUTHORITIES ARE NOT PRECLUDED FROM WAIVING OR DISMISSING CHARGES UNDER THIS SECTION; AND BY AMENDING SECTION 56-5-2990, RELATING TO SUSPENSION OF CONVICTED PERSONS DRIVERS' LICENSES, AND PERIODS OF SUSPENSION, SO AS TO REVISE THE PENALTIES RELATING TO CONVICTIONS FOR FIRST OFFENSE DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS TO ONLY REQUIRE PERSONS TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, END THE SUSPENSION, AND OBTAIN INTERLOCK RESTRICTED LICENSES, DELETE THE PROVISION ALLOWING THE USE OF ROUTE-RESTRICTED OR SPECIAL RESTRICTED DRIVERS' LICENSES TO ATTEND CERTAIN PROGRAMS AND FUNCTIONS, AND TO DELETE THE PROVISION THAT ESTABLISHES THE DATE WHEN DRIVER'S LICENSE SUSPENSION PERIODS BEGIN AND WHEN CERTAIN APPEALS MAY BE FILED.

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

Department of Motor Vehicles

SECTION 1. Section 56-1-286 of the S.C. Code is amended to read:

Section 56-1-286. (A) The Department of Motor Vehicles shall suspend the driver's license, permit, or nonresident operating privilege of, or deny the issuance of a license or permit to a person under the age of twenty-one who drives a motor vehicle and has an alcohol concentration of two one-hundredths of one percent or more. In cases in which a law enforcement officer initiates suspension proceedings for a violation of this section, the officer has elected to pursue a violation of this section and is subsequently prohibited from prosecuting the person for a violation of Section 63-19-2440, 63-19-2450, 56-5-2930, or 56-5-2933, arising from the same incident.

(B) A person under the age of twenty-one who drives a motor vehicle in this State is considered to have given consent to chemical tests of the

person's breath or blood for the purpose of determining the presence of alcohol.

(C)(1) A law enforcement officer who has arrested a person under the age of twenty-one for a violation of Chapter 5 of this title (Uniform Act Regulating Traffic on Highways), or any other traffic offense established by a political subdivision of this State, and has reasonable suspicion that the person under the age of twenty-one has consumed alcoholic beverages and driven a motor vehicle may order the testing of the person arrested to determine the person's alcohol concentration.

(2) A law enforcement officer may detain and order the testing of a person to determine the person's alcohol concentration if the officer has reasonable suspicion that a motor vehicle is being driven by a person under the age of twenty-one who has consumed alcoholic beverages.

(D)(1) A test must be administered at the direction of the primary investigating law enforcement officer. At the officer's direction, the person first must be offered a breath test to determine the person's alcohol concentration. If the person physically is unable to provide an acceptable breath sample because the person has an injured mouth or is unconscious or dead, or for any other reason considered acceptable by licensed medical personnel, a blood sample may be taken. The breath test must be administered by a person trained and certified by the South Carolina Criminal Justice Academy, pursuant to the State Law Enforcement Division's policies. The primary investigating officer may administer the test. Blood samples must be obtained by physicians licensed by the State Board of Medical Examiners, registered nurses licensed by the State Board of Nursing, or other medical personnel trained to obtain these samples in a licensed medical facility. Blood samples must be obtained and handled in accordance with procedures approved by the division. The division shall administer the provisions of this subsection and shall promulgate regulations necessary to carry out the subsection's provisions. The costs of the tests administered at the officer's direction must be paid from the state's general fund. However, if the person is subsequently convicted of violating Section 56-5-2930, 56-5-2933, or 56-5-2945, then, upon conviction, the person shall pay twenty-five dollars for the costs of the tests. The twenty-five dollars must be placed by the Comptroller General into a special restricted account to be used by the State Law Enforcement Division to offset the costs of administration of the breath testing devices, breath testing site video program, and toxicology laboratory.

(2) The person tested or giving samples for testing may have a qualified person of the person's choice conduct additional tests at the person's expense and must be notified in writing of that right. A person's

request or failure to request additional blood tests is not admissible against the person in any proceeding. The person's failure or inability to obtain additional tests does not preclude the admission of evidence relating to the tests or samples taken at the officer's direction. The officer shall provide affirmative assistance to the person to contact a qualified person to conduct and obtain additional tests. Affirmative assistance shall, at a minimum, include providing transportation for the person to the nearest medical facility which provides blood tests to determine a person's alcohol concentration. If the medical facility obtains the blood sample but refuses or fails to test the blood to determine the person's alcohol concentration, the State Law Enforcement Division shall test the blood and provide the result to the person and to the officer. Failure to provide affirmative assistance upon request to obtain additional tests bars the admissibility of the breath test result in a judicial or administrative proceeding.

(E) A qualified person and the person's employer who obtain samples or administer the tests or assist in obtaining samples or administering of tests at the primary investigating officer's direction are immune from civil and criminal liability unless the obtaining of samples or the administering of tests is performed in a negligent, reckless, or fraudulent manner. A person may not be required by the officer ordering the tests to obtain or take any sample of blood or urine.

(F) If a person refuses upon the primary investigating officer's request to submit to chemical tests as provided in subsection (C), the department shall suspend the person's license, permit, or nonresident operating privilege, or deny the issuance of a license or permit to the person for:

(1) six months; or

(2) one year, if the person, within the three years preceding the violation of this section, has been previously convicted of violating Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, or the person has had a previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990.

(G) If a person submits to a chemical test and the test result indicates an alcohol concentration of two one-hundredths of one percent or more, the department shall suspend the person's license, permit, or nonresident operating privilege, or deny the issuance of a license or permit to the person for:

(1) three months; or

(2) six months, if the person, within the three years preceding the violation of this section, has been previously convicted of violating Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that

prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, or the person has had a previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990.

(H)(1) In lieu of serving the remainder of a suspension or denial of the issuance of a license or permit, a person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension or denial of the issuance of a license or permit, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person's suspension or denial of the issuance of a license or permit. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months.

(2) The person must receive credit for the number of days the person maintained an ignition interlock restriction on the temporary alcohol license.

(3) Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(I) A person's driver's license, permit, or nonresident operating privilege must be restored when the person's period of suspension or ignition interlock restricted license requirement pursuant to subsection (F) or (G) has concluded, even if the person has not yet completed the Alcohol and Drug Safety Action Program. After the person's driving privilege is restored, the person shall continue the services of the Alcohol and Drug Safety Action Program. If the person withdraws from or in any way stops making satisfactory progress toward the completion of the Alcohol and Drug Safety Action Program, the person's license must be suspended until completion of the Alcohol and Drug Safety Action Program. A person shall be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990 before the person's driving privilege can be restored at the conclusion of the suspension period or ignition interlock restricted license requirement.

(J)(1) A test may not be administered or samples taken unless, upon activation of the video recording equipment and prior to the commencement of the testing procedure, the person has been given a written copy of and verbally informed that:

(a) the person does not have to take the test or give the samples but that the person's privilege to drive must be suspended or denied for at least six months if the person refuses to submit to the tests, and that the person's refusal may be used against the person in court;

(b) the person's privilege to drive must be suspended for at least three months if the person takes the test or gives the samples and has an alcohol concentration of two one-hundredths of one percent or more;

(c) the person has the right to have a qualified person of the person's own choosing conduct additional independent tests at the person's expense;

(d) the person has the right to request a contested case hearing within thirty days of the issuance of the notice of suspension; and

(e) the person shall enroll in an Alcohol and Drug Safety Action Program within thirty days of the issuance of the notice of suspension if the person does not request a contested case hearing or within thirty days of the issuance of notice that the suspension has been upheld at the contested case hearing.

(2) The primary investigating officer promptly shall notify the department of a person's refusal to submit to a test requested pursuant to this section as well as the test result of a person who submits to a test pursuant to this section and registers an alcohol concentration of two one-hundredths of one percent or more. The notification must be in a manner prescribed by the department.

(K) If the test registers an alcohol concentration of two one-hundredths of one percent or more or if the person refuses to be tested, the primary investigating officer shall issue a notice of suspension, and the suspension is effective beginning on the date of the alleged violation of this section. The person, within thirty days of the issuance of the notice of suspension, shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990 if the person does not request an administrative hearing. If the person does not request an administrative hearing and does not enroll in an Alcohol and Drug Safety Action Program within thirty days, the suspension remains in effect, and a temporary alcohol license must not be issued. If the person drives a motor vehicle during the period of suspension without a temporary alcohol license, the person must be penalized for driving while the person's license is suspended pursuant to Section 56-1-460.

(L)(1) Within thirty days of the issuance of the notice of suspension the person may:

(a) request a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure;

(b) enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941; or

(c) obtain a temporary alcohol license from the Department of Motor Vehicles. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license. Twenty-five dollars of the fee must be

distributed to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment. The remaining seventy-five dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The temporary alcohol license allows the person to drive a motor vehicle pending the outcome of the contested case hearing provided for in this section or the final decision or disposition of the matter.

(2) The ignition interlock restriction must be maintained on the temporary alcohol license for three months. If the contested case hearing has not reached a final disposition by the time the ignition interlock restriction has been removed, then the person can obtain a temporary alcohol license without an ignition interlock restriction.

(3) At the contested case hearing if:

(a) the suspension is upheld, the person shall enroll in an Alcohol and Drug Safety Action Program and the person's driver's license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension periods provided for in subsections (F) and (G); and

(b) enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941.

(4) If the suspension is overturned, the person's driver's license, permit, or nonresident operating privilege must be reinstated.

(M) The periods of suspension provided for in subsections (F) and (G) begin on the day the notice of suspension is issued, or at the expiration of any other suspensions, and continue until the person applies for a temporary alcohol license and requests an administrative hearing.

(N) If a person does not request a contested case hearing, the person has waived the person's right to the hearing and the person's suspension must not be stayed but shall continue for the periods provided for in subsections (F) and (G).

(O) The notice of suspension must advise the person of the requirement to enroll in an Alcohol and Drug Safety Action Program and of the person's right to obtain a temporary alcohol license and to request a contested case hearing. The notice of suspension also must advise the person that, if the person does not request a contested case hearing within thirty days of the issuance of the notice of suspension, the person shall enroll in an Alcohol and Drug Safety Action Program, and the person waives the person's right to the contested case hearing, and the suspension continues for the periods provided for in subsections (F) and (G).

(P) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings.

(1) The scope of the hearing is limited to whether the person:

(a) was lawfully arrested or detained;

(b) was given a written copy of and verbally informed of the rights enumerated in subsection (J);

(c) refused to submit to a test pursuant to this section; or

(d) consented to taking a test pursuant to this section, and the:

(i) reported alcohol concentration at the time of testing was two one-hundredths of one percent or more;

(ii) individual who administered the test or took samples was qualified pursuant to this section;

(iii) test administered and samples taken were conducted pursuant to this section; and

(iv) the machine was operating properly.

(2) Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the breath test result.

(3) The Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings conducted pursuant to this section. If neither the Department of Motor Vehicles nor the arresting officer appears at the contested case hearing, the hearing officer shall rescind the suspension of the person's license, permit, or nonresident's operating privilege regardless of whether the person requesting the contested case hearing or the person's attorney appears at the contested case hearing.

(4) A written order must be issued to all parties either reversing or upholding the suspension of the person's license, permit, or nonresident's operating privilege, or denying the issuance of a license or permit. If the suspension is upheld, the person must receive credit for the number of days the person's license was suspended before the person received a temporary alcohol license and requested the contested case hearing and must receive credit for the number of days the person maintained an ignition interlock restriction on the temporary alcohol license.

(Q) A contested case hearing is a contested proceeding under the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with its appellate rules. The filing of an appeal shall stay the suspension until a final decision is issued.

(R) A person who is unconscious or otherwise in a condition rendering him incapable of refusal is considered to be informed and not to have

withdrawn the consent provided for in subsection (B) of this section.

(S) When a nonresident's privilege to drive a motor vehicle in this State has been suspended under the procedures of this section, the department shall give written notice of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license or permit.

(T) A person required to submit to a test must be provided with a written report including the time of arrest, the time of the tests, and the results of the tests before any proceeding in which the results of the tests are used as evidence. A person who obtains additional tests shall furnish a copy of the time, method, and results of any additional tests to the officer before any trial, hearing, or other proceeding in which the person attempts to use the results of the additional tests as evidence.

(U) A person whose driver's license or permit is suspended under this section is not required to file proof of financial responsibility.

(V) The department shall administer the provisions of this section, not including subsection (D), and shall promulgate regulations necessary to carry out its provisions.

(W) Notwithstanding any other provision of law, no suspension imposed pursuant to this section is counted as a demerit or result in any insurance penalty for automobile insurance purposes if at the time the person was stopped, the person whose license is suspended had an alcohol concentration that was less than eight one-hundredths of one percent.

Driver's license revocation

SECTION 2. Section 56-1-385(A) of the S.C. Code is amended to read:

(A) Notwithstanding any other provision of law, a person whose driver's license or privilege to operate a motor vehicle has been revoked permanently pursuant to Section 56-5-2990 for an offense that occurred prior to October 1, 2014, excluding persons convicted of felony driving under the influence of alcohol or another controlled substance under Section 56-5-2945, may petition the circuit court in the county of his residence for reinstatement of his driver's license and shall serve a copy of the petition upon the solicitor of the circuit. The solicitor or his designee within thirty days may respond to the petition and demand a hearing on the merits of the petition. If the solicitor or his designee does not demand a hearing, the circuit court shall consider any affidavit submitted by the petitioner and the solicitor or his designee when determining whether the conditions required for driving privilege

reinstatement have been met by the petitioner. The court may order the reinstatement of the person's driver's license upon the following conditions:

(1) the person must not have been convicted in this State or any other state of an alcohol or drug violation during the previous seven-year period;

(2) the person must not have been convicted of or have charges pending in this State or another state for a violation of driving while his license is canceled, suspended, or revoked during the previous seven-year period;

(3) the person must have completed successfully an alcohol or drug assessment and treatment program provided by the South Carolina Department of Alcohol and Other Drug Abuse Services or an equivalent program designated by that agency; and

(4) the person's overall driving record, attitude, habits, character, and driving ability would make it safe to grant him the privilege to operate a motor vehicle.

Driver's license suspension or revocation

SECTION 3. Section 56-1-400 of the S.C. Code is amended to read:

Section 56-1-400. (A)(1) The Department of Motor Vehicles, upon suspending or revoking a license, shall require that the license be surrendered to the department. At the end of the suspension period, other than a suspension for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or pursuant to the point system, the department shall issue a new license to the person.

(2) If the person has not held a license within the previous nine months, the department shall not issue or restore a license which has been suspended for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or for violations under the point system, until the person has filed an application for a new license, submitted to an examination as upon an original application, and satisfied the department, after an investigation of the person's driving ability, that it would be safe to grant the person the privilege of driving a motor vehicle on the public highways. The department, in the department's discretion, where the suspension is for a violation under the point system, may waive the examination, application, and investigation. A record of the suspension must be endorsed on the license

issued to the person, showing the grounds of the suspension.

(B) If a person is permitted to operate a motor vehicle only with an ignition interlock device installed pursuant to Section 56-5-2941, the restriction on the license issued to the person must conspicuously identify the person as a person who only may drive a motor vehicle with an ignition interlock device installed, and the restriction must be maintained on the license for the duration of the period for which the ignition interlock device must be maintained pursuant to Section 56-1-286; 56-1-1090; 56-5-2945; 56-5-2951; 56-5-2990; or 56-5-2947, except if the conviction was for Section 56-5-750.

(C) For purposes of Title 56, the license must be referred to as an ignition interlock restricted license. The fee for an ignition interlock restricted license is one hundred dollars, which shall be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(D) Unless the person establishes that the person is entitled to the exemption set forth in subsection (G), no ignition interlock restricted license may be issued by the department without written notification from the authorized ignition interlock service provider that the ignition interlock device has been installed and confirmed to be in working order.

(E) If a person chooses to not have an ignition interlock device installed when required by law, the license will remain suspended indefinitely. If the person subsequently decides to have the ignition interlock device installed, the device must be installed for the length of time set forth in subsection (B).

(F) This provision does not affect nor bar the reckoning of prior offenses for reckless driving and driving under the influence of intoxicating liquor or narcotic drugs, as provided in Article 23, Chapter 5 of this title.

(G)(1) A person who does not own a vehicle, as shown in the Department of Motor Vehicles' records, and who certifies that the person:

(a) cannot obtain a vehicle owner's permission to have an ignition interlock device installed on a vehicle;

(b) will not be driving a vehicle other than a vehicle owned by the person's employer; and

(c) will not own a vehicle during the ignition interlock period, may petition the department, on a form provided by the department, for issuance of an ignition interlock restricted license that permits the person to operate a vehicle specified by the employee according to the employer's needs as contained in the employer's statement during the days and hours specified in the employer's statement without having to

show that an ignition interlock device has been installed.

(2) The form must contain:

(a) identifying information about the employer's noncommercial vehicles that the person will be operating;

(b) a statement that explains the circumstances in which the person will be operating the employer's vehicles; and

(c) the notarized signature of the person's employer.

(3) This subsection does not apply to:

(a) a person convicted of a second or subsequent violation of Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, unless the person's driving privileges have been suspended for not less than one year or the person has had an ignition interlock device installed for not less than one year on each of the motor vehicles owned or operated, or both, by the person;

(b) a person who is self-employed or to a person who is employed by a business owned in whole or in part by the person or a member of the person's household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle's ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section; or

(c) a person participating in the Ignition Interlock Device Program as an habitual offender as provided for in Section 56-1-1090(A).

(4) Whenever the person operates the employer's vehicle pursuant to this subsection, the person shall have with the person a copy of the form specified by this subsection.

(5) The determination of eligibility for the waiver is subject to periodic review at the discretion of the department. The department shall revoke a waiver issued pursuant to this exemption if the department determines that the person has been driving a vehicle other than the vehicle owned by the person's employer or has been operating the person's employer's vehicle outside the locations, days, or hours specified by the employer in the department's records. The person may seek relief from the department's determination by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings.

(H) Nothing in this section shall be construed to require a person to obtain an ignition interlock device unless one or more of the offenses that resulted in the suspension were alcohol related.

Habitual offender

SECTION 4. Section 56-1-1090(A) of the S.C. Code is amended to read:

(A) No license to operate motor vehicles in this State may be issued to an habitual offender nor shall a nonresident habitual offender operate a motor vehicle in this State for a period of five years from the date of a determination by the Department of Motor Vehicles that a person is an habitual offender unless the period is reduced to two years as permitted in item (1) or (2) or, if one or more of the convictions that resulted in the person's habitual offender status were alcohol-related offenses, the person has enrolled in the Ignition Interlock Device Program pursuant to Section 56-5-2941 and has obtained a license with an ignition interlock restriction pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person's suspension or denial of the issuance of a license or permit. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(1)(a) Upon request to the department on a form prescribed by it, the department may restore to the person the privilege to operate a motor vehicle in this State subject to other provisions of law relating to the issuance of drivers' licenses. The request permitted by this item may be filed after two years have expired from the beginning date of the habitual offender suspension and if the following conditions are met:

(i) the person must not have had a previous habitual offender suspension in this or another state;

(ii) the person must not have driven a motor vehicle during the habitual offender suspension period;

(iii) the person must not have been convicted of or have charges pending for any alcohol or drug violations committed during the habitual offender suspension period;

(iv) the person must not have been convicted of or have charges pending for any offense listed in Section 56-1-1020 committed during the habitual offender suspension period; and

(v) the person must not have any other mandatory driver's license suspension that has not yet reached its end date.

(b) The department will issue its decision within thirty days after

receipt of the request.

(2) If the department denies the request referenced in item (1), the person may seek relief from the department's determination by filing a request for a de novo contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings. For good cause shown, the Office of Motor Vehicle Hearings may restore to the person the privilege to operate a motor vehicle in this State subject to other provisions of law relating to the issuance of driver's licenses. The provisions of item (1) shall not be construed to limit the discretion or authority of the Office of Motor Vehicle Hearings in considering the person's request for a reduction of the five-year suspension period; however, those provisions may be used as guidelines for determinations of good cause for relief from the normal five-year suspension period.

Provisional driver's license

SECTION 5. Section 56-1-1320(A) of the S.C. Code is amended to read:

(A) A person with a South Carolina driver's license, a person who had a South Carolina driver's license at the time of the offense referenced below, or a person exempted from the licensing requirements by Section 56-1-30, who is or has been convicted of a first offense violation of a law of this State that prohibits a person from operating a vehicle while under the influence of intoxicating liquor, drugs, or narcotics, including Sections 56-5-2930 and 56-5-2933, whose license is not presently suspended for any other reason, and whose offense date is prior to the effective date of this section, may apply to the Department of Motor Vehicles to obtain a provisional driver's license of a design to be determined by the department to operate a motor vehicle. The person shall enter an Alcohol and Drug Safety Action Program pursuant to Section 56-1-1330, and shall pay to the department a fee of one hundred dollars for the provisional driver's license. The provisional driver's license is not valid for more than six months from the date of issue shown on the license. The determination of whether or not a provisional driver's license may be issued pursuant to the provisions of this article as well as reviews of cancellations or suspensions under Sections 56-1-370 and 56-1-820 must be made by the director of the department or his designee.

Provisional driver's license

SECTION 6. Section 56-1-1340 of the S.C. Code is amended to read:

Section 56-1-1340. The applicant shall have a provisional driver's license in his possession at all times while driving a motor vehicle, and the issuance of such license and the violation convictions shall be entered in the records of the Department of Motor Vehicles for a period of ten years as required by Sections 56-5-2930, 56-5-2933, and 56-5-2990.

Ignition interlock device

SECTION 7. Section 56-5-2941 of the S.C. Code is amended to read:

Section 56-5-2941. (A)(1) The Department of Motor Vehicles shall require a person who is convicted of violating the provisions of Sections 56-5-2930, 56-5-2933, 56-5-2945, 56-5-2947 except if the conviction was for Section 56-5-750, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, or who is issued a temporary alcohol license pursuant to Section 56-1-286 or 56-5-2951, to have installed on any motor vehicle the person drives, except a moped or motorcycle, an ignition interlock device designed to prevent driving of the motor vehicle if the person has consumed alcoholic beverages. This requirement shall not apply to a person who submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of .00 one-hundredths of one percent.

(2) The department may waive the requirements of this section if the department determines that the person has a medical condition that makes the person incapable of properly operating the installed device. If the department grants a medical waiver, the department shall suspend the person's driver's license for the length of time that the person would have been required to hold an ignition interlock restricted license. The department may withdraw the waiver at any time that the department becomes aware that the person's medical condition has improved to the extent that the person has become capable of properly operating an installed device.

(3) The department also shall require a person who has enrolled in the Ignition Interlock Device Program in lieu of the remainder of a driver's license suspension, denial of license to operate a vehicle as an habitual offender pursuant to Section 56-1-1090, or denial of the issuance of a driver's license or permit to have an ignition interlock device installed on any motor vehicle the person drives, except a moped or motorcycle.

(4) The length of time that a device is required to be affixed to a

motor vehicle is set forth in Section 56-1-286; 56-1-1090; 56-5-2945; 56-5-2951; 56-5-2990; or 56-5-2947, except if the conviction was for Section 56-5-750.

(5) Nothing in this section shall be construed to require installation of an ignition interlock device until the suspension is upheld at a contested case hearing or the contested hearing is waived.

(B) Notwithstanding the pleadings, for purposes of a second or a subsequent offense, the specified length of time that a device is required to be affixed to a motor vehicle is based on the Department of Motor Vehicle's records for offenses pursuant to Section 56-1-286; 56-1-1090; 56-5-2930; 56-5-2933; 56-5-2945; 56-5-2950; 56-5-2951; or 56-5-2947, except if the conviction was for Section 56-5-750.

(C) If a resident of this State is convicted of violating a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, and, as a result of the conviction, the person is subject to an ignition interlock device requirement in the other state, the person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

(D) If a person from another state becomes a resident of South Carolina while subject to an ignition interlock device requirement in another state, the person only may obtain a South Carolina driver's license if the person enrolls in the South Carolina Ignition Interlock Device Program pursuant to this section. The person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

(E) The person must be subject to an Ignition Interlock Device Point System managed by the Department of Probation, Parole and Pardon Services. A person accumulating a total of:

(1) two points or more, but less than three points, must have the length of time that the device is required extended by two months;

(2) three points or more, but less than four points, must have the length of time that the device is required extended by four months, shall submit to a substance abuse assessment pursuant to Section 56-5-2990, and shall successfully complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. Should the person not complete the recommended plan, or not make progress toward completing the plan, the Department of Motor Vehicles shall suspend the person's ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan;

(3) four points or more must have the person's ignition interlock restricted license suspended for a period of six months, shall submit to a substance abuse assessment pursuant to Section 56-5-2990, and successfully shall complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. Should the person not complete the recommended plan or not make progress toward completing the plan, the Department of Motor Vehicles shall leave the person's ignition interlock restricted license in suspended status, or, if the license has already been reinstated following the six-month suspension, shall resuspend the person's ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan. The Department of Alcohol and Other Drug Abuse Services is responsible for notifying the Department of Motor Vehicles of a person's completion and compliance with education and treatment programs. Upon reinstatement of driving privileges following the six-month suspension, the Department of Probation, Parole and Pardon Services shall reset the person's point total to zero points, and the person shall complete the remaining period of time on the ignition interlock device.

(F) The cost of the device must be borne by the person. However, unless a person is participating in the Ignition Interlock Device Program as an habitual offender pursuant to Section 56-1-1090(A), if the person is indigent and cannot afford the cost of the device, the person may submit an affidavit of indigency to the Department of Probation, Parole and Pardon Services for a determination of indigency as it pertains to the cost of the device. The affidavit of indigency form must be made publicly accessible on the Department of Probation, Parole and Pardon Services' internet website. If the Department of Probation, Parole and Pardon Services determines that the person is indigent as it pertains to the device, the Department of Probation, Parole and Pardon Services may authorize a device to be affixed to the motor vehicle and the cost of the initial installation and standard use of the device to be paid for by the Ignition Interlock Device Fund managed by the Department of Probation, Parole and Pardon Services. Funds remitted to the Department of Probation, Parole and Pardon Services for the Ignition Interlock Device Fund also may be used by the Department of Probation, Parole and Pardon Services to support the Ignition Interlock Device Program. For purposes of this section, a person is indigent if the person is financially unable to afford the cost of the ignition interlock device. In making a determination whether a person is indigent, all factors concerning the person's financial conditions should be considered including, but not limited to, income, debts, assets, number of

dependents claimed for tax purposes, living expenses, and family situation. A presumption that the person is indigent is created if the person's net family income is less than or equal to the poverty guidelines established and revised annually by the United States Department of Health and Human Services published in the Federal Register. "Net income" means gross income minus deductions required by law. The determination of indigency is subject to periodic review at the discretion of the Department of Probation, Parole and Pardon Services.

(G) The ignition interlock service provider shall collect and remit monthly to the Ignition Interlock Device Fund a fee as determined by the Department of Probation, Parole and Pardon Services not to exceed thirty dollars per month for each month the person is required to drive a vehicle with a device. A service provider who fails to properly remit funds to the Ignition Interlock Device Fund may be decertified as a service provider by the Department of Probation, Parole and Pardon Services. If a service provider is decertified for failing to remit funds to the Ignition Interlock Device Fund, the cost for removal and replacement of a device must be borne by the service provider.

(H)(1) The person shall have the device inspected every sixty days to verify that the device is affixed to the motor vehicle and properly operating, and to allow for the preparation of an ignition interlock device inspection report by the service provider indicating the person's alcohol content at each attempt to start and running retest during each sixty-day period. Failure of the person to have the interlock device inspected every sixty days must result in one ignition interlock device point.

(2) Only a service provider authorized by the Department of Probation, Parole and Pardon Services to perform inspections on ignition interlock devices may conduct inspections. The service provider immediately shall report devices that fail inspection to the Department of Probation, Parole and Pardon Services. The report must contain the person's name, identify the vehicle upon which the failed device is installed, and the reason for the failed inspection.

(3) If the inspection report reflects that the person has failed to complete a running retest, the person must be assessed one ignition interlock device point.

(4) If any inspection report or any photographic images collected by the device shows that the person has violated subsection (M), (O), or (P), the person must be assessed one and one-half ignition interlock device points.

(5) The inspection report must indicate the person's alcohol content at each attempt to start and running retest during each sixty-day period. If the report reflects that the person violated a running retest by having

an alcohol concentration of:

(a) two one-hundredths of one percent or more but less than four one-hundredths of one percent, the person must be assessed one-half ignition interlock device point;

(b) four one-hundredths of one percent or more but less than fifteen one-hundredths of one percent, the person must be assessed one ignition interlock device point; or

(c) fifteen one-hundredths of one percent or more, the person must be assessed two ignition interlock device points.

(6) A person may appeal less than four ignition interlock device points received to an administrative hearing officer with the Department of Probation, Parole and Pardon Services through a process established by the Department of Probation, Parole and Pardon Services. The administrative hearing officer's decision on appeal is final and no appeal from such decision is allowed.

(I)(1) If a person's license is suspended due to the accumulation of four or more ignition interlock device points, the Department of Probation, Parole and Pardon Services must provide a notice of assessment of ignition interlock points which must advise the person of his right to request a contested case hearing before the Office of Motor Vehicle Hearings. The notice of assessment of ignition interlock points also must advise the person that, if he does not request a contested case hearing within thirty days of the issuance of the notice of assessment of ignition interlock points, he waives his right to the administrative hearing and the person's driver's license is suspended pursuant to subsection (E).

(2) The person may seek relief from the Department of Probation, Parole and Pardon Services' determination that a person's license is suspended due to the accumulation of four or more ignition interlock device points by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act. The filing of the request for a contested case hearing will stay the driver's license suspension pending the outcome of the hearing. However, the filing of the request for a contested case hearing will not stay the requirements of the person having the ignition interlock device.

(3) At the contested case hearing:

(a) the assessment of driver's license suspension can be upheld;

(b) the driver's license suspension can be overturned, or any or all of the contested ignition interlock points included in the device inspection report that results in the contested suspension can be overturned, and the penalties as specified pursuant to subsection (E) will then be imposed accordingly.

(4) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings. Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the ignition interlock device. However, if the ignition interlock device is found to not be in working order due to failure of regular maintenance and upkeep by the person challenging the accumulation of ignition interlock points pursuant to the requirement of the ignition interlock program, such allegation cannot serve as a basis to overturn point accumulations.

(5) A written order must be issued by the Office of Motor Vehicle Hearings to all parties either reversing or upholding the assessment of ignition interlock points.

(6) A contested case hearing is governed by the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with its appellate rules. The filing of an appeal does not stay the ignition interlock requirement.

(J) Five years from the date of the person's driver's license reinstatement and every five years thereafter, a fourth or subsequent offender whose license has been reinstated pursuant to Section 56-1-385, or a person with a lifetime ignition interlock requirement due to a conviction on or after October 1, 2014, may apply to the Department of Probation, Parole and Pardon Services for removal of the ignition interlock device and the removal of the restriction from the person's driver's license. The Department of Probation, Parole and Pardon Services may, for good cause shown, notify the Department of Motor Vehicles that the person is eligible to have the restriction removed from the person's license.

(K)(1) Except as otherwise provided in this section, it is unlawful for a person who is subject to the provisions of this section to drive a motor vehicle that is not equipped with a properly operating, certified ignition interlock device. A person who violates this subsection:

(a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year. The person must have the length of time that the ignition interlock device is required extended by six months;

(b) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than five thousand dollars or imprisoned not more than three years. The person must have the length of time that the ignition interlock device is required extended by one year; and

(c) for a third or subsequent offense, is guilty of a felony, and, upon conviction, must be fined not less than ten thousand dollars or imprisoned not more than ten years. The person must have the length of time that the ignition interlock device is required extended by three years.

(2) No portion of the minimum sentence imposed pursuant to this subsection may be suspended.

(3) Notwithstanding any other provision of law, a first or second offense punishable pursuant to this subsection may be tried in summary court.

(4) Nothing in this subsection shall be construed to prevent a person who is participating in the Ignition Interlock Device Program pursuant to Section 56-1-1090(A) and who drives a motor vehicle that is not equipped with a properly operating, certified ignition interlock device from being charged with a violation of Section 56-1-1100, or Section 56-1-1105.

(L)(1) A person who is required in the course and scope of the person's employment to drive a motor vehicle owned by the person's employer may drive the employer's motor vehicle without installation of an ignition interlock device, provided that the person's use of the employer's motor vehicle is solely for the employer's business purposes.

(2) This subsection does not apply to:

(a) a person convicted of a second or subsequent violation of Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, unless the person's driving privileges have been suspended for not less than one year or the person has had an ignition interlock device installed for not less than one year on each of the motor vehicles owned or operated, or both, by the person;

(b) a person who is self-employed or to a person who is employed by a business owned in whole or in part by the person or a member of the person's household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle's ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section; or

(c) a person participating in the Ignition Interlock Device Program as an habitual offender pursuant to Section 56-1-1090(A).

(3) Whenever the person operates the employer's vehicle pursuant to this subsection, the person shall have with the person a copy of the Department of Motor Vehicles' form specified by Section 56-1-400(B).

(4) This subsection will be construed in parallel with the

requirements of Section 56-1-400(B). A waiver issued pursuant to this subsection will be subject to the same review and revocation as described in Section 56-1-400(B).

(M) It is unlawful for a person to tamper with or disable, or attempt to tamper with or disable, an ignition interlock device installed on a motor vehicle pursuant to this section. Obstructing or obscuring the camera lens of an ignition interlock device constitutes tampering. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(N) It is unlawful for a person to knowingly rent, lease, or otherwise provide a person who is subject to this section with a motor vehicle without a properly operating, certified ignition interlock device. This subsection does not apply if the person began the lease contract period for the motor vehicle prior to the person's arrest for a first offense violation of Section 56-5-2930 or 56-5-2933 or prior to a person who is participating in the Ignition Interlock Device Program as a habitual offender pursuant to Section 56-1-1090(A) receiving his license with an ignition interlock restriction. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(O) It is unlawful for a person who is subject to the provisions of this section to solicit or request another person, or for a person to solicit or request another person on behalf of a person who is subject to the provisions of this section, to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section or to conduct a running retest while the vehicle is in operation. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(P) It is unlawful for another person on behalf of a person subject to the provisions of this section to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section or to conduct a running retest while that vehicle is in operation. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(Q) Only ignition interlock devices certified by the Department of Probation, Parole and Pardon Services may be used to fulfill the requirements of this section.

(1) The Department of Probation, Parole and Pardon Services shall

certify whether a device meets the accuracy requirements and specifications provided in guidelines or regulations adopted by the National Highway Traffic Safety Administration, as amended from time to time. Manufacturers of ignition interlock devices shall apply to the Department of Probation, Parole and Pardon Services for certification of devices provided to South Carolina drivers who are subject to the ignition interlock restriction. The Department of Probation, Parole and Pardon Services may charge an initial annual fee on the manufacturer's application for certification of each device, and a subsequent fee for every year the manufacturer continues to provide the certified device to South Carolina drivers. This fee shall be remitted to the Ignition Interlock Device Fund for use by the Department of Probation, Parole and Pardon Services in support of the Ignition Interlock Device Program.

(2) All devices certified to be used in South Carolina must be set to prohibit the starting of a motor vehicle when an alcohol concentration of two one-hundredths of one percent or more is measured and all running retests must record violations of an alcohol concentration of two one-hundredths of one percent or more, and must capture a photographic image of the driver as the driver is operating the ignition interlock device. The photographic images recorded by the ignition interlock device may be used by the Department of Probation, Parole and Pardon Services to aid in the Department of Probation, Parole and Pardon Services' management of the Ignition Interlock Device Program; however, neither the Department of Probation, Parole and Pardon Services, the Department of Probation, Parole and Pardon Services' employees, nor any other political subdivision of this State may be held liable for any injury caused by a driver or other person who operates a motor vehicle after the use or attempted use of an ignition interlock device.

(3) The Department of Probation, Parole and Pardon Services shall maintain a current list of certified ignition interlock devices and manufacturers. The list must be updated at least quarterly. If a particular certified device fails to continue to meet federal requirements, the device must be decertified, may not be used until it is compliant with federal requirements, and must be replaced with a device that meets federal requirements. The cost for removal and replacement must be borne by the manufacturer of the noncertified device.

(4) Only ignition interlock installers certified by the Department of Probation, Parole and Pardon Services may install and service ignition interlock devices required pursuant to this section. The Department of Probation, Parole and Pardon Services shall maintain a current list of vendors that are certified to install the devices.

(R) In addition to availability under the Freedom of Information Act, any Department of Probation, Parole and Pardon Services' policy concerning ignition interlock devices must be made publicly accessible on the Department of Probation, Parole and Pardon Services' internet website. The information regarding a person's participation in the Ignition Interlock Device Program recorded by the ignition interlock device is collected at the direction of the Department of Probation, Parole and Pardon Services and is a record of the department. Information obtained by the Department of Probation, Parole and Pardon Services and ignition interlock service providers regarding a person's participation in the Ignition Interlock Device Program is to be used for internal purposes only and is not subject to the Freedom of Information Act. A person participating in the Ignition Interlock Device Program or the person's family member may request that the Department of Probation, Parole and Pardon Services provide the person or family member with information obtained by the department and ignition interlock service providers. The Department of Probation, Parole and Pardon Services may release the information to the person or family member at the department's discretion. The Department of Probation, Parole and Pardon Services and ignition interlock service providers must purge all photographic images collected by the device no later than twelve months from the date of the person's completion of the Ignition Interlock Device Program. The Department of Probation, Parole and Pardon Services may retain the images past twelve months if there are any pending appeals or contested hearings involved with that person, and at their conclusion must purge the images. The Department of Probation, Parole and Pardon Services and ignition interlock service providers must purge all personal information regarding a person's participation in the Ignition Interlock Device Program no later than twelve months from the date of the person's completion of the Ignition Interlock Device Program except for that information which is relevant for pending legal matters.

(S) The Department of Probation, Parole and Pardon Services shall develop policies including, but not limited to, the certification, use, maintenance, and operation of ignition interlock devices and the Ignition Interlock Device Fund.

(T) This section shall apply retroactively to any person currently serving a suspension or denial of the issuance of a license or permit due to a suspension listed in subsection (A).

Driver's license suspension

SECTION 8. Section 56-5-2951 of the S.C. Code is amended to read:

Section 56-5-2951. (A) The Department of Motor Vehicles shall suspend the driver's license, permit, or nonresident operating privilege of, or deny the issuance of a license or permit to, a person who drives a motor vehicle and refuses to submit to a test provided for in Section 56-5-2950 or has an alcohol concentration of fifteen one-hundredths of one percent or more. The arresting officer shall issue a notice of suspension which is effective beginning on the date of the alleged violation of Section 56-5-2930, 56-5-2933, or 56-5-2945.

(B)(1) Within thirty days of the issuance of the notice of suspension, the person may:

(a) request a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure;

(b) enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941; or

(c) obtain a temporary alcohol license from the Department of Motor Vehicles. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license and such fee must be held in trust by the Department of Motor Vehicles until final disposition of any contested case hearing. Should the temporary suspension provided for in this subsection be upheld during the contested case hearing, twenty-five dollars of the fee must be distributed by the Department of Motor Vehicles to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment, while the remaining seventy-five dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The temporary alcohol license allows the person to drive without any restrictive conditions pending the outcome of the contested case hearing provided for in subsection (F), this section or the final decision or disposition of the matter. If the suspension is upheld at the contested case hearing, the temporary alcohol license remains in effect until the Office of Motor Vehicle Hearings issues the hearing officer's decision and the Department of Motor Vehicles sends notice to the person that the person is eligible to receive a restricted license pursuant to subsection (H); and

(2) request a contested case hearing before the Office of Motor Vehicle Hearings in accordance with the Office of Motor Vehicle Hearings' rules of procedure.

(3) At the contested case hearing, if:

(a) the suspension is upheld, the person's driver's license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension period provided for in subsection (I). Within thirty days of the issuance of the notice that the suspension has been upheld, the person shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990 and must enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941;

(b) the suspension is overturned, the person must have the person's driver's license, permit, or nonresident operating privilege reinstated and the person must be reimbursed by the Department of Motor Vehicles in the amount of the fees provided for in subsection (B)(1)(c).

(4) If the suspension is overturned, the person's driver's license, permit, or nonresident operating privilege must be reinstated.

(5) The provisions of this subsection do not affect the trial for a violation of Section 56-5-2930, 56-5-2933, or 56-5-2945.

(C) The period of suspension provided for in subsection (I) begins on the day the notice of suspension is issued, or at the expiration of any other suspensions, and continues until the person applies for a temporary alcohol license and requests a contested case hearing.

(D) If a person does not request a contested case hearing, the person waives the person's right to the hearing, and the person's suspension must not be stayed but continues for the period provided for in subsection (I).

(E) The notice of suspension must advise the person:

(1) of the person's right to obtain a temporary alcohol driver's license and to request a contested case hearing before the Office of Motor Vehicle Hearings;

(2) that, if the person does not request a contested case hearing within thirty days of the issuance of the notice of suspension, the person waives the person's right to the contested case hearing, and the suspension continues for the period provided for in subsection (I); and

(3) that, if the suspension is upheld at the contested case hearing or the person does not request a contested case hearing, the person shall enroll in an Alcohol and Drug Safety Action Program.

(F)(1) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings. The scope of the hearing is limited to whether the person:

(a) was lawfully arrested or detained;

(b) was given a written copy of and verbally informed of the rights enumerated in Section 56-5-2950;

- (c) refused to submit to a test pursuant to Section 56-5-2950; or
- (d) consented to taking a test pursuant to Section 56-5-2950, and

the:

- (i) reported alcohol concentration at the time of testing was fifteen one-hundredths of one percent or more;
- (ii) individual who administered the test or took samples was qualified pursuant to Section 56-5-2950;
- (iii) tests administered and samples obtained were conducted pursuant to Section 56-5-2950; and
- (iv) machine was working properly.

(2) Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the breath test result.

(3) A written order must be issued to all parties either reversing or upholding the suspension of the person's license, permit, or nonresident's operating privilege, or denying the issuance of a license or permit. If the suspension is upheld, the person must receive credit for the number of days the person's license was suspended before the person received a temporary alcohol license and requested the contested case hearing and must receive credit for the number of days, if any, the person maintained an ignition interlock restriction on the temporary alcohol license.

(4) The Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings conducted pursuant to this section. If neither the Department of Motor Vehicles nor the arresting officer appears at the contested case hearing, the hearing officer shall rescind the suspension of the person's license, permit, or nonresident's operating privilege regardless of whether the person requesting the contested case hearing or the person's attorney appears at the contested case hearing.

(G) A contested case hearing is governed by the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with the Administrative Law Court's appellate rules. The filing of an appeal stays the suspension until a final decision is issued on appeal.

(H) If the person did not request a contested case hearing or the suspension is upheld at the contested case hearing, the person shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990.

(I)(1) Except as provided in item (3), the period of a driver's license, permit, or nonresident operating privilege suspension for, or denial of

issuance of a license or permit to, an arrested person who has no previous convictions for violating Section 56-5-2930, 56-5-2933, or 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs within the ten years preceding a violation of this section, and who has had no previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990, within the ten years preceding a violation of this section is:

(a) six months for a person who refuses to submit to a test pursuant to Section 56-5-2950; or

(b) one month for a person who takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more.

(2) The period of a driver's license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, a person who has been convicted previously for violating Section 56-5-2930, 56-5-2933, or 56-5-2945, or another law of this State or another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or another drug within the ten years preceding a violation of this section, or who has had a previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990, within the ten years preceding a violation of this section is:

(a) for a second offense, nine months if the person refuses to submit to a test pursuant to Section 56-5-2950, or two months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more;

(b) for a third offense, twelve months if the person refuses to submit to a test pursuant to Section 56-5-2950, or three months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more; and

(c) for a fourth or subsequent offense, fifteen months if the person refuses to submit to a test pursuant to Section 56-5-2950, or four months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more.

(3)(a) In lieu of serving the remainder of a suspension or denial of the issuance of a license or permit, a person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension or denial of the issuance of a license or permit, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person's suspension or denial of the issuance of a license or permit. If the length of time remaining is less than three months, the ignition interlock device is

required to be affixed to the motor vehicle for three months.

(b) The person must receive credit for the number of days the person maintained an ignition interlock restriction on the temporary alcohol license.

(c) Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(J) A person's driver's license, permit, or nonresident operating privilege must be restored when the person's period of suspension or ignition interlock restricted license requirement pursuant to subsection (I) has concluded, even if the person has not yet completed the Alcohol and Drug Safety Action Program. After the person's driving privilege is restored, the person shall continue the services of the Alcohol and Drug Safety Action Program. If the person withdraws from or in any way stops making satisfactory progress toward the completion of the Alcohol and Drug Safety Action Program, the person's license must be suspended until the completion of the Alcohol and Drug Safety Action Program. A person shall be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990 before the person's driving privilege can be restored at the conclusion of the suspension period or ignition interlock restricted license requirement.

(K) When a nonresident's privilege to drive a motor vehicle in this State has been suspended pursuant to the provisions of this section, the department shall give written notice of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license or permit.

(L) The department shall not suspend the privilege to drive of a person under the age of twenty-one pursuant to Section 56-1-286, if the person's privilege to drive has been suspended pursuant to this section arising from the same incident.

(M) A person whose driver's license or permit is suspended pursuant to this section is not required to file proof of financial responsibility.

(N) An insurer shall not increase premiums on, add surcharges to, or cancel the automobile insurance of a person charged with a violation of Section 56-1-286, 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs based solely on the violation unless the person is convicted of the violation.

(O) The department shall administer the provisions of this section.

(P) Nothing in this section shall prevent the prosecuting authority from waiving or dismissing the charge.

Driving under the influence of alcohol or drugs

SECTION 9. Section 56-5-2990 of the S.C. Code is amended to read:

Section 56-5-2990. (A)(1) The Department of Motor Vehicles shall suspend the driver's license of a person who is convicted for a violation of Section 56-5-2930, 56-5-2933, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs.

(2) For a first offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for six months. The person is not eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56.

(3) For a second offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for two years.

(4) For a third offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for three years. If the third offense occurs within five years from the date of the first offense, the ignition interlock device is required to be affixed to the motor vehicle for four years.

(5) For a fourth or subsequent offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for life.

(6) Except as provided in subsection (A)(4), only those offenses which occurred within ten years, including and immediately preceding the date of the last offense, shall constitute prior offenses within the meaning of this section.

(B) A person whose license is suspended pursuant to this section, Section 56-1-286, 56-5-2945, or 56-5-2951 must be notified by the department of the suspension and of the requirement to enroll in and successfully complete an Alcohol and Drug Safety Action Program certified by the Department of Alcohol and Other Drug Abuse Services. An assessment of the extent and nature of the alcohol and drug abuse

problem, if any, of the person must be prepared and a plan of education or treatment, or both, must be developed for the person. Entry into the services, if the services are necessary, recommended in the plan of education or treatment, or both, developed for the person is a mandatory requirement of the issuance of an ignition interlock restricted license to the person whose license is suspended pursuant to this section. Successful completion of the services, if the services are necessary, recommended in the plan of education or treatment, or both, developed for the person is a mandatory requirement of the full restoration of driving privileges to the person whose license is suspended pursuant to this section. The Alcohol and Drug Safety Action Program shall determine if the person has successfully completed the services. Alcohol and Drug Safety Action Programs shall meet at least once a month. The person whose license is suspended shall attend the first Alcohol and Drug Safety Action Program available after the date of enrollment.

(C) The Department of Alcohol and Other Drug Abuse Services shall determine the cost of services provided by each certified Alcohol and Drug Safety Action Program. Each person shall bear the cost of services recommended in the person's plan of education or treatment. The cost may not exceed five hundred dollars for education services, two thousand dollars for treatment services, and two thousand five hundred dollars in total for all services. No person may be denied services due to an inability to pay. Inability to pay for services may not be used as a factor in determining if the person has successfully completed services. A person who is unable to pay for services shall perform fifty hours of community service as arranged by the Alcohol and Drug Safety Action Program, which may use the completion of this community service as a factor in determining if the person has successfully completed services. The Department of Alcohol and Other Drug Abuse Services shall report annually to the House Ways and Means Committee and Senate Finance Committee on the number of first and multiple offenders completing the Alcohol and Drug Safety Action Program, the amount of fees collected and expenses incurred by each Alcohol and Drug Safety Action Program, and the number of community service hours performed in lieu of payment.

(D) If the person has not successfully completed the services as directed by the Alcohol and Drug Safety Action Program within one year of enrollment, a hearing must be provided by the Alcohol and Drug Safety Action Program whose decision is appealable to the Department of Alcohol and Other Drug Abuse Services. If the person is unsuccessful in the Alcohol and Drug Safety Action Program, the Department of Motor Vehicles may waive the successful completion of the program as

a mandatory requirement of the issuance of an ignition interlock restricted license upon the recommendation of the Medical Advisory Board as utilized by the Department of Motor Vehicles, if the Medical Advisory Board determines public safety and welfare of the person may not be endangered.

(E) The Department of Motor Vehicles and the Department of Alcohol and Other Drug Abuse Services shall develop procedures necessary for the communication of information pertaining to relicensing, or otherwise. These procedures must be consistent with the confidentiality laws of the State and the United States. If a person's driver's license is suspended pursuant to this section, an insurance company shall not refuse to issue insurance to cover the remaining members of the person's family, but the insurance company is not liable for any actions of the person whose license has been suspended or who has voluntarily turned the person's license in to the Department of Motor Vehicles.

Time effective

SECTION 10. A. Sections 56-5-2941(J), (Q)(1), and (R), as amended by this act, take effect upon approval by the Governor.

B. Except as otherwise provided, this act takes effect one year after the date approved by the Governor.

Ratified the 17th day of May, 2023

Approved the 19th day of May, 2023

No. 56

(R65, S252)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 5 TO CHAPTER 2, TITLE 30 SO AS TO ENACT THE "LAW ENFORCEMENT PERSONAL INFORMATION PRIVACY PROTECTION ACT", TO GIVE LAW ENFORCEMENT OFFICERS THE OPTION OF MAKING PERSONAL CONTACT INFORMATION HELD BY STATE OR LOCAL GOVERNMENTS CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE, AND TO PROVIDE LIMITED

EXCEPTIONS, TO PROVIDE RELATED PROCEDURES FOR EXERCISING THIS OPTION, AMONG OTHER THINGS; TO PROVIDE THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY SHALL CREATE A FORM FOR USE BY LAW ENFORCEMENT OFFICERS WHEN REQUESTING NONDISCLOSURE OF PERSONAL CONTACT INFORMATION, AND TO SPECIFY REQUIREMENTS FOR THE FORM; BY ADDING ARTICLE 7 TO CHAPTER 2, TITLE 30 SO AS TO ENACT THE “JUDICIAL PERSONAL PRIVACY PROTECTION ACT”, TO GIVE ACTIVE OR FORMER MEMBERS OF THE JUDICIARY THE OPTION OF MAKING PERSONAL CONTACT INFORMATION HELD BY STATE OR LOCAL GOVERNMENTS CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE, TO PROVIDE LIMITED EXCEPTIONS, AND TO PROVIDE RELATED PROCEDURES FOR EXERCISING THIS OPTION, AMONG OTHER THINGS; AND TO PROVIDE SOUTH CAROLINA COURT ADMINISTRATION SHALL CREATE A FORM FOR USE BY ACTIVE OR FORMER MEMBERS OF THE JUDICIARY WHEN REQUESTING NONDISCLOSURE OF PERSONAL CONTACT INFORMATION, AND TO SPECIFY REQUIREMENTS FOR THE FORM.

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

Law Enforcement Personal Information Privacy Protection Act

SECTION 1. Chapter 2, Title 30 of the S.C. Code is amended by adding:

Article 5

Law Enforcement Personal Privacy Protection Act

Section 30-2-500. For the purposes of this article:

(1) “Personal contact information” means the home address or personal cellular telephone number of the eligible requesting party.

(2) “Eligible requesting party” means an active or former law enforcement officer who has filed a formal request under the provision of this article.

(3) “Law enforcement officer” means an active or former federal, state, or local certified law enforcement officer or corrections officer.

Section 30-2-510. (A) Information that relates to the personal contact information of an eligible requesting party and is held or maintained by a state or local government agency is confidential and must not be disclosed to the public by the state or local government agency if the law enforcement officer:

(1) notifies the state or local government agency of the law enforcement officer's choice to restrict public access to or posting of personal contact information by submission of a form produced by the South Carolina Criminal Justice Academy; and

(2) provides a verification of current employment or previous employment as a law enforcement officer to include contact information for his employer.

(B) A choice made under this article remains valid with the following exceptions:

(1) the law enforcement officer rescinds the request in writing and provides notice to the state or local government agency;

(2) the state or local government agencies disclose personal contact information related to violations of law or regulation as permitted by law;

(3) the law enforcement officer requests release of the law enforcement officer's personal contact information from a state or local government agency for a specific purpose and for a limited time; or

(4) the personal contact information is included in a collision report or uniform traffic ticket maintained and provided by the South Carolina Department of Motor Vehicles as permitted by law.

(C) Information protected under the provisions of this article may be disclosed to another governmental agency, under subpoena, by order of the court, or upon written consent of the eligible law enforcement officer.

(D) Any personal contact information as defined under this article must be redacted from any public document otherwise eligible to be released under any other provision of law. The provisions of this article must not be construed to prevent the disclosure of any other otherwise public information allowed by law.

(E) A governmental agency that redacts or withholds information under this article shall provide to the requestor a description of the redacted or withheld information and a citation to this act.

(F) Nothing in this article shall be construed to limit access to otherwise protected information in public records by applicable law including, but not limited to, the Driver's Privacy Protection Act (18 U.S.C.A. Section 2721, et seq.) and the Fair Credit Reporting Act (15 U.S.C. Section 1681, et seq.).

Criminal Justice Academy responsibilities

SECTION 2. The South Carolina Criminal Justice Academy shall create a form for law enforcement officers to use to request a state or local government agency restrict public access or posting of personal contact information. The form must contain fields for the following information: legal name, date of birth, home address, driver's license number, personal email address, law enforcement identification number, law enforcement agency, federal employee number (if applicable), dates of service, service status, and an exception section to permit disclosure of personal contact information for a specific purpose for a limited time.

Judicial Personal Privacy Protection Act

SECTION 3. Chapter 2, Title 30 of the S.C. Code is amended by adding:

Article 7

Judicial Personal Privacy Protection Act

Section 30-2-700. For the purpose of this article:

- (1) "Personal contact information" means the home address or personal cellular telephone number of the eligible requesting party.
- (2) "Eligible requesting party" means an active or a former judge who has filed a formal request under the provisions of this article.

Section 30-2-710. (A) Information that relates to the personal contact information of an eligible requesting party and is held or maintained by a state or local government agency is confidential and must not be disclosed to the public by the state or local government agency if the judge:

- (1) notifies the state or local government agency of the judge's choice to restrict public access to or posting online of personal contact information by submission of a form provided by the South Carolina Court Administration; and
- (2) provides verification of current or prior service as a judge from the South Carolina Court Administration.

(B) A choice made under this article remains valid with the following exceptions:

- (1) the judge rescinds in writing the request to restrict public access

to or posting online of personal contact information and provides notice to the state or local government agency;

(2) the state or local government agencies disclose personal contact information related to violations of law or regulation, as permitted by law;

(3) the judge requests release of the judge's personal contact information from a state or local government agency for a specific purpose and for a limited time; or

(4) the personal contact information is included in a collision report or uniform traffic ticket maintained and provided by the South Carolina Department of Motor Vehicles, as permitted by law.

(C) Personal contact information provided under the provisions of this article may be disclosed to another government agency, under subpoena, by order of the court, or upon written consent of the eligible judge.

(D) Any personal contact information, as defined under this article, must be redacted from any public document otherwise eligible to be released under any other provision of law. The provisions of this article must not be construed to prevent disclosure of other public information otherwise allowed by law.

(E) A state or local government agency that redacts or withholds information under this article shall provide to the requestor a description of the redacted or withheld information and a citation to this article.

(F) Nothing in this article shall be construed to limit access to otherwise protected information available by applicable law including, but not limited, to the Driver's Privacy Protection Act (18 U.S.C.A. Section 2721, et seq.) and the Fair Credit Reporting Act (15 U.S.C.A. Section 1681, et seq.).

Court Administration responsibilities

SECTION 4. The South Carolina Court Administration shall create a form for judges to use to request a state or local government agency restrict public access or posting of personal contact information. The form must contain fields for the following information: legal name, date of birth, home address, driver's license number, personal email address, dates of service, status of service, and an exception section to notify a state or local government agency of rescission of the request to protect personal contact information and to permit disclosure of personal contact information for a specific purpose and for a limited time.

Time effective

SECTION 5. This act takes effect on July 1, 2024.

Ratified the 17th day of May, 2023

Approved the 19th day of May, 2023

No. 57

(R66, S284)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-1-530, RELATING TO USE OF REVENUE FROM LOCAL ACCOMMODATIONS TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL ACCOMMODATIONS TAXES MAY BE USED; BY AMENDING SECTION 6-4-10, RELATING TO THE USE OF CERTAIN REVENUE FROM THE ACCOMMODATIONS TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH THE FUNDS MAY BE USED; BY AMENDING SECTION 6-4-15, RELATING TO THE USE OF REVENUES TO FINANCE BONDS, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH BONDS MAY BE ISSUED; BY ADDING SECTION 6-4-12 SO AS TO REQUIRE A LOCAL GOVERNMENT TO PREPARE A HOUSING IMPACT ANALYSIS BEFORE USING SUCH FUNDS FOR WORKFORCE HOUSING; BY AMENDING SECTIONS 6-4-5 AND 6-1-510, RELATING TO DEFINITIONS, SO AS TO ADD CERTAIN DEFINITIONS; BY AMENDING SECTION 6-29-510, RELATING TO LOCAL PLANNING, SO AS TO REQUIRE THE PLANNING COMMISSION MUST SOLICIT INPUT FOR THE ANALYSIS FROM HOMEBUILDERS AND OTHER EXPERTS WHEN DEVELOPING A HOUSING ELEMENT FOR THE LOCAL COMPREHENSIVE PLAN; TO CREATE THE LAND DEVELOPMENT STUDY COMMITTEE TO EXAMINE CURRENT AND PROSPECTIVE METHODS TO PLAN FOR

AND MANAGE LAND DEVELOPMENT; AND TO REQUIRE A REPORT DETAILING THE EFFECTS OF THIS ACT ON TOURISM AND WORKFORCE HOUSING.

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

Local accommodations tax for workforce housing

SECTION 1. Section 6-1-530(A) of the S.C. Code is amended to read:

(A) The revenue generated by the local accommodations tax must be used exclusively for the following purposes:

- (1) tourism-related buildings including, but not limited to, civic centers, coliseums, and aquariums;
 - (2) tourism-related cultural, recreational, or historic facilities;
 - (3) beach access, renourishment, or other tourism-related lands and water access;
 - (4) highways, roads, streets, and bridges providing access to tourist destinations;
 - (5) advertisements and promotions related to tourism development;
 - (6) water and sewer infrastructure to serve tourism-related demand;
- or
- (7) development of workforce housing, which must include programs to promote home ownership. However, a county or municipality may not expend or dedicate more than fifteen percent of its annual local accommodations tax revenue for the purposes set forth in this item. The provisions of this item are no longer effective after December 31, 2030.

State accommodations tax for workforce housing

SECTION 2. Section 6-4-10(4) of the S.C. Code is amended to read:

(4)(a) The remaining balance plus earned interest received by a municipality or county must be allocated to a special fund and used for tourism-related expenditures. This section does not prohibit a municipality or county from using accommodations tax general fund revenues for tourism-related expenditures.

(b) The funds received by a county or municipality which has a high concentration of tourism activity may be used to provide additional county and municipal services including, but not limited to, law enforcement, traffic control, public facilities, and highway and street

maintenance, as well as the continual promotion of tourism. The funds must not be used as an additional source of revenue to provide services normally provided by the county or municipality but to promote tourism and enlarge its economic benefits through advertising, promotion, and providing those facilities and services which enhance the ability of the county or municipality to attract and provide for tourists.

“Tourism-related expenditures” include:

(i) advertising and promotion of tourism so as to develop and increase tourist attendance through the generation of publicity;

(ii) promotion of the arts and cultural events;

(iii) construction, maintenance, and operation of facilities for civic and cultural activities including construction and maintenance of access and other nearby roads and utilities for the facilities;

(iv) the criminal justice system, law enforcement, fire protection, solid waste collection, and health facilities when required to serve tourists and tourist facilities. This is based on the estimated percentage of costs directly attributed to tourists;

(v) public facilities such as restrooms, dressing rooms, parks, and parking lots;

(vi) tourist shuttle transportation;

(vii) control and repair of waterfront erosion, including beach renourishment;

(viii) operating visitor information centers;

(ix) development of workforce housing, which must include programs to promote home ownership. However, a county or municipality may not expend or dedicate more than fifteen percent of its annual local accommodations tax revenue for the purposes set forth in this item (4)(b)(ix). The provisions of this item (4)(b)(ix) are no longer effective after December 31, 2030.

(c)(i) Allocations to the special fund must be spent by the municipality or county within two years of receipt. However, the time limit may be extended upon the recommendation of the local governing body of the county or municipality and approval of the oversight committee established pursuant to Section 6-4-35. An extension must include provisions that funds be committed for a specific project or program.

(ii) Notwithstanding the provisions of subsubitem (i), upon a two-thirds affirmative vote of the membership of the appropriate local governing body, a county or municipality may carry forward unexpended allocations to the special fund beyond two years provided that the county or municipality commits use of the funds exclusively to the control and repair of waterfront erosion, including beach

renourishment or development of workforce housing, which must include programs to promote home ownership. The county or municipality annually shall notify the oversight committee, established pursuant to Section 6-4-35, of the basic activity of the committed funds, including beginning balance, deposits, expenditures, and ending balance.

(d) In the expenditure of these funds, counties and municipalities are required to promote tourism and make tourism-related expenditures primarily in the geographical areas of the county or municipality in which the proceeds of the tax are collected where it is practical.

Bonds for workforce housing

SECTION 3. Section 6-4-15 of the S.C. Code is amended to read:

Section 6-4-15. A municipality or county may issue bonds, enter into other financial obligations, or create reserves to secure obligations to finance all or a portion of the cost of constructing facilities, all of which must fulfill the purpose of this chapter, for civic activities, the arts, cultural events, or workforce housing that includes programs to promote home ownership. The annual debt service of indebtedness incurred to finance the facilities or lease payments for the use of the facilities may be provided from the funds received by a municipality or county from the accommodations tax in an amount not to exceed the amount received by the municipality or county after deduction of the accommodations tax funds dedicated to the general fund and the advertising and promotion fund. However, none of the revenue received by a municipality or county from the accommodations tax may be used to retire outstanding bonded indebtedness unless accommodations tax revenue was obligated for that purpose when the debt was incurred.

Housing impact analysis

SECTION 4. Chapter 4, Title 6 of the S.C. Code is amended by adding:

Section 6-4-12. (A) If a local government intends to use the funds for the development of workforce housing, then the local government shall prepare a housing impact analysis prior to giving second reading to the ordinance.

(B) The analysis required by subsection (A) must include:

(1) information about the effect of the ordinance on housing, including the effect of the ordinance on each of the following:

(a) the cost of developing, construction, rehabilitating, improving, maintaining, or owning single-family or multifamily dwellings;

(b) the purchase price of new homes or the fair market value of existing homes;

(c) the cost and availability of financing to purchase or develop housing;

(d) housing costs; and

(e) the density, location, setback, size, or height development on a lot, parcel, land division, or subdivision; and

(2) an analysis of the relative impact of the ordinance on low- and moderate-income households.

(C) The following applies to information on housing costs required to be included in the analysis conducted pursuant to subsection (B)(1)(d):

(1) the analysis must include reasonable estimates of the effect of the ordinance on housing costs, expressed in dollar amounts. The local government shall include a brief summary of, or worksheet demonstrating, the computations used in determining the dollar amounts. However, if the local government determines that it is not possible to make an estimate expressed in dollar amounts, then the analysis must include a statement setting forth the reasons for the local government's determination; and

(2) the analysis must include descriptions of both the immediate effect and, to the extent ascertainable, the long-term effect of the ordinance on housing costs.

(D) Except as otherwise provided in this section, a housing impact analysis required pursuant to this section must be based on costs associated with the development, construction, financing, purchasing, sale, ownership, or availability of a median-priced single-family residence. However, the analysis may include estimates for larger developments as part of an analysis of the long-term effects of the ordinance.

(E) A local government may request information from any state agencies, local units of government, universities or colleges, organizations, or individuals as necessary to prepare a housing impact analysis pursuant to this section.

(F) The local government shall provide the housing impact analysis for an ordinance to the members of the legislative body of the local government, the Department of Revenue, and the Tourism Expenditure Revenue Committee before the ordinance is considered by the legislative body. The Department of Revenue may not disburse any accommodations taxes to the local government for purposes of

development of workforce housing unless and until the local government has provided the housing impact analysis to the parties required pursuant to this subsection.

Definitions

SECTION 5. Section 6-4-5 of the S.C. Code is amended to read:

Section 6-4-5. As used in this chapter:

(1) "County area" means a county and municipalities within the geographical boundaries of the county.

(2) "Cultural", as it applies to members of advisory committees in Section 6-4-25, means persons actively involved and familiar with the cultural community of the area including, but not limited to, the arts, historical preservation, museums, and festivals.

(3) "Hospitality", as it applies to members of the committees in item (2), means persons directly involved in the service segment of the travel and tourism industry including, but not limited to, businesses that primarily serve visitors such as lodging facilities, restaurants, attractions, recreational amenities, transportation facilities and services, and travel information and promotion entities.

(4) "Travel" and "tourism" mean the action and activities of people taking trips outside their home communities for any purpose, except daily commuting to and from work.

(5) "Housing costs" for housing occupied by the owner means:

(a) the principal and interest on a mortgage loan that finances the purchase of the housing;

(b) the closing costs and other costs associated with a mortgage loan;

(c) mortgage insurance;

(d) property insurance;

(e) utility-related costs;

(f) property taxes; and

(g) if the housing is owned and occupied by members of a cooperative or an unincorporated cooperative association, fees paid to a person for managing the housing.

(6) "Housing costs" for rented housing means:

(a) rent; and

(b) utility-related costs, if not included in the rent.

(7) "Ordinance" means an ordinance adopted pursuant to Section 6-29-530.

(8) "Utility-related costs" means costs related to power, heat, gas,

light, water, and sewage.

(9) “Workforce housing” means residential housing for rent or sale that is appropriately priced for rent or sale to a person or family whose income falls within thirty percent and one hundred twenty percent of the median income for the local area, with adjustments for household size, according to the latest figures available from the United States Department of Housing and Urban Development (HUD).

Definition

SECTION 6. Section 6-1-510 of the S.C. Code is amended by adding:

(4) “Workforce housing” means residential housing for rent or sale that is reasonably and appropriately priced for rent or sale to a person or family whose income falls within thirty percent and one hundred twenty percent of the median income for the local area, with adjustments for household size, according to the latest figures available from the United States Department of Housing and Urban Development (HUD).

Local comprehensive plan

SECTION 7. Section 6-29-510(D)(6) of the S.C. Code is amended to read:

(6) a housing element which considers location, types, age, and condition of housing, owner and renter occupancy, and affordability of housing. This element includes an analysis to ascertain nonessential housing regulatory requirements, as defined in this chapter, that add to the cost of developing affordable housing but are not necessary to protect the public health, safety, or welfare and an analysis of market-based incentives that may be made available to encourage development of affordable housing, which incentives may include density bonuses, design flexibility, and streamlined permitting processes. The planning commission must solicit input for this analysis from homebuilders, developers, contractors, and housing finance experts when developing this element;

Land Development Study Committee

SECTION 8. (A) There is created the Land Development Study Committee to examine current and prospective methods to plan for and manage land development in South Carolina.

(B) The study committee must be comprised of three members of the Senate appointed by the President of the Senate and three members of the House of Representatives appointed by the Speaker of the House. Staff from the Senate and House of Representatives shall assist the study committee.

(C) The members of the study committee shall seek assistance from governmental agencies including the South Carolina Building Codes Council, the South Carolina Housing Authority, and the South Carolina Department of Agriculture, and from members of the private sector including, but not limited to, the Homebuilders Association of South Carolina, Habitat for Humanity South Carolina, the Realtors Association of South Carolina, the Municipal Association of South Carolina, the South Carolina Association of Counties, South Carolina Land Trust, Conservation Voters of South Carolina, the South Carolina Chapter of the American Planning Association, and the Manufactured Housing Institute of South Carolina.

(D) The study committee shall provide a report to the General Assembly by December 31, 2023, at which time the study committee shall dissolve.

Report

SECTION 9. Before the beginning of the 2030 Legislative Session, the Director of the Department of Parks, Recreation and Tourism, in consultation with the Secretary of Commerce and the Commissioner of Agriculture, shall issue a report to the General Assembly detailing the effects on tourism and workforce housing resulting from the codified provisions of this act.

Time effective

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

Ratified the 17th day of May, 2023

Approved the 19th day of May, 2023

No. 58

(R67, S317)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-20, RELATING TO THE ESTABLISHMENT OF THE BOARD OF TRUSTEES FOR THE VETERANS' TRUST FUND OF SOUTH CAROLINA, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN, TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS, AND TO ESTABLISH A FOUR-YEAR TERM.

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

Veterans' Trust Fund

SECTION 1. Section 25-21-20 of the S.C. Code is amended to read:

Section 25-21-20. (A) There is created the Board of Trustees for the Veterans' Trust Fund of South Carolina composed of eleven voting members. The Governor, with the advice and consent of the Senate, shall appoint the board consisting of seven members selected at large, two members currently serving as county veterans' affairs officers, and two members who represent veterans' service organizations. Of the seven members appointed at large, three must come from a rural county as designated by the U.S. Census Bureau. Of the eleven appointed members, at least six must be United States Armed Forces veterans. Any veteran who serves on the board, must have been honorably discharged from the armed services. No more than one appointed member may reside in the same county. The Secretary of the Department of Veterans' Affairs shall serve as the Executive Director of the Trust Fund and an ex officio non-voting member of the board. The members of the board shall elect officers from among themselves as necessary and shall utilize the staff of the Veterans' Affairs Department in order to carry out its duties, as provided in Section 25-21-30.

(B) Individuals appointed at large by the Governor shall serve four-year terms, and the remaining initial appointees shall serve two-year terms. Upon the expiration of the terms of those members initially appointed, the term of office for the members of the board is

four years, and until their successors are appointed and qualify. Members may succeed themselves; however, no member may serve more than two consecutive terms or eight continuous years, whichever is greater. A member shall not serve on the board in a hold-over capacity at the conclusion of his term for more than 180 days. Vacancies on the board must be filled in the same manner as the initial appointment for the unexpired term.

(C) Members of the board who are not full-time employees of the State of South Carolina or any of its political subdivisions may be paid per diem, mileage, and subsistence at rates established by the board, not to exceed standards provided by law for state boards, commissions, and committees. Per diem, mileage, and subsistence may be paid to members of the board only for travel and costs incurred due to meetings of the board.

(D) A complete report of the activities of the Veterans' Trust Fund must be made to the General Assembly annually.

Time effective

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

Ratified the 17th day of May, 2023

Approved the 19th day of May, 2023

No. 59

(R68, S343)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-7-130, RELATING TO DEFINITIONS IN THE STATE HEALTH FACILITY LICENSURE ACT, SO AS TO INCLUDE ALL SHORT-TERM RESIDENTIAL STABILIZATION AND INTENSIVE CRISIS SERVICES IN THE DEFINITION OF CRISIS STABILIZATION UNIT FACILITIES AND TO CHANGE THE AGE OF THE INDIVIDUALS SERVED IN SAME.

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

Definitions

SECTION 1. Section 44-7-130(26) of the S.C. Code is amended to read:

(26) "Crisis stabilization unit facility" means a facility, other than a health care facility, that provides a short-term residential program, offering psychiatric stabilization services and brief, intensive crisis services to individuals five and older, twenty-four hours a day, seven days a week.

Time effective

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

Ratified the 17th day of May, 2023

Approved the 19th day of May, 2023

No. 60

(R70, S399)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-1-20, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO PROVIDE FOR THE CREATION OF A DEPARTMENT OF PUBLIC HEALTH TO ASSUME THE HEALTH-RELATED FUNCTIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND FOR OTHER PURPOSES; BY AMENDING SECTIONS 44-1-60, 44-1-140, AND 44-1-150, ALL RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, ALL SO AS TO MAKE CONFORMING CHANGES; BY REPEALING SECTIONS 1-30-45 AND 44-1-65 RELATING TO THE DEPARTMENT OF HEALTH AND

ENVIRONMENTAL CONTROL AND THE PERMITTING OF CERTAIN ANIMAL FACILITIES; BY RENAMING CHAPTER 1 OF TITLE 44, "DEPARTMENT OF PUBLIC HEALTH"; BY ADDING CHAPTER 6 TO TITLE 48 SO AS TO CREATE THE DEPARTMENT OF ENVIRONMENTAL SERVICES TO ASSUME THE ENVIRONMENTAL-RELATED FUNCTIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR BY THE GOVERNOR, AND FOR OTHER PURPOSES; BY AMENDING CHAPTER 3 OF TITLE 49, RELATING TO WATER RESOURCES, SO AS TO TRANSFER THE WATER RESOURCES DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES TO THE DEPARTMENT OF ENVIRONMENTAL SERVICES AND FOR OTHER PURPOSES; BY AMENDING SECTION 1-30-10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF PUBLIC HEALTH AND THE DEPARTMENT OF ENVIRONMENTAL SERVICES; BY ADDING SECTIONS 1-30-135 AND 1-30-140 SO AS TO MAKE CONFORMING CHANGES; BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 25 SO AS TO TRANSFER TO THE DEPARTMENT OF VETERANS' AFFAIRS THE AUTHORITY TO ESTABLISH AND OPERATE VETERANS HOMES; BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO CREATE THE DIVISION OF FOOD SAFETY WITHIN THE DEPARTMENT OF AGRICULTURE AND TO TRANSFER CERTAIN FOOD SAFETY RESPONSIBILITIES FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO THE DEPARTMENT OF AGRICULTURE; BY AMENDING SECTION 24-9-20, RELATING TO CERTAIN FOOD INSPECTIONS IN PRISON FACILITIES, SO AS TO TRANSFER INSPECTION RESPONSIBILITY TO THE DEPARTMENT OF AGRICULTURE; BY AMENDING SECTION 39-37-120, RELATING TO FROZEN MILK PRODUCT CONSUMER SAFETY, SO AS TO TRANSFER RESPONSIBILITY TO THE DEPARTMENT OF AGRICULTURE; BY AMENDING SECTION 1-23-600, RELATING TO CONTESTED CASE HEARINGS DECIDED BY CERTAIN BOARDS OR COMMISSIONS, SO AS TO MAKE CONFORMING CHANGES; BY REQUIRING THE DEPARTMENT OF ADMINISTRATION TO PERFORM CERTAIN FUNCTIONS TO EFFECT THE RESTRUCTURING OF THE DEPARTMENT OF HEALTH AND

ENVIRONMENTAL CONTROL AND THE CREATION OF THE DEPARTMENT OF PUBLIC HEALTH AND DEPARTMENT OF ENVIRONMENTAL SERVICES, INCLUDING THE ANALYSIS OF THE PROGRAMS, SERVICES, AND POPULATIONS SERVED BY THE PREDECESSOR AGENCIES AND THE PREPARATION OF REPORTS SUMMARIZING THE ANALYSIS AND MAKING RECOMMENDATIONS AS TO THE APPROPRIATE STRUCTURE AND OPERATION OF THE RESTRUCTURED STATE AGENCIES; AND FOR OTHER PURPOSES.

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

Governmental agency restructuring

SECTION 1. On July 1, 2024:

(1) There is created the Department of Public Health to be headed by a director who is appointed by the Governor pursuant to Section 1-30-10, with the advice and consent of the Senate; provided, however, until the Governor appoints the initial director after creation of the Department of Public Health, the Director of the Department of Health and Environmental Control shall serve as the Director of the Department of Public Health.

(2) There is created the Department of Environmental Services to be headed by a director who is appointed by the Governor pursuant to Section 1-30-10, with the advice and consent of the Senate; provided, however, until the Governor appoints the initial director after creation of the Department of Environmental Services, the Director of Environmental Affairs of the Department of Health and Environmental Control shall serve as the Director of the Department of Environmental Services.

(3) The South Carolina Department of Health and Environmental Control and the South Carolina Board of Health and Environmental Control are abolished.

(4) The food safety program in the Division of Food and Lead Risk Assessment and the Milk and Dairy Lab of the Department of Health and Environmental Control shall become a division of the Department of Agriculture with the director of that department being deemed the head of the division unless otherwise specified, and all relevant powers and duties assigned to the Department of Health and Environmental Control being transferred to and devolved upon the Department of Agriculture.

(5) The authority to establish, manage, and operate veterans homes

shall be transferred to the Department of Veterans' Affairs, and all powers and duties assigned to the Department of Mental Health regarding veterans homes being transferred to and devolved upon the Department of Veterans' Affairs. To the extent, the Department of Mental Health owns the grounds upon which these veterans homes are located, title shall be transferred to the Department of Veterans' Affairs.

(6) The hydrology and aquatic nuisance species programs of the Land, Water and Conservation Division of the Department of Natural Resources shall become a division of the Department of Environmental Services, and all relevant powers and duties assigned to the Department of Natural Resources being transferred to and devolved upon the Department of Environmental Services.

Department of Administration, restructuring analysis and reporting responsibilities

SECTION 2. (A) It is the intent of the General Assembly to restructure and transfer the programs, services, duties, and authority of the Department of Health and Environmental Control into the Department of Public Health or the Department of Environmental Services. Accordingly, the Department of Administration immediately shall commence the process of analyzing the circumstances and determining the best manner to efficiently and effectively restructure and transfer all programs, services, duties, and authority of the Department of Health and Environmental Control to the Department of Public Health or the Department of Environmental Services, consistent with the provisions of this act. The Department of Health and Environmental Control shall cooperate with the Department of Administration and assign such personnel as requested by the Executive Director of the Department of Administration to assist the department and enable it to complete its duties under this SECTION. To complete its duties under this SECTION the Department of Administration shall consult with the existing Director of the Department of Health and Environmental Control and the existing Director of Environmental Affairs of the Department of Health and Environmental Control.

(B) The Department of Administration's analysis required by this SECTION must include the submission of a report to the General Assembly no later than December 31, 2023, with specific recommendations of statutory changes needed throughout the South Carolina Code of Laws to reflect the restructuring and transfer of the health-related programs, services, duties, and authority of the Department of Health and Environmental Control to the Department of

Public Health and to reflect the restructuring and transfer of the environmental related programs, services, duties, and authority of the Department of Health and Environmental Control to the Department of Environmental Services. The Department of Health and Environmental Control shall assign such legal, programmatic and administrative personnel as requested by the Executive Director of Department of Administration to assist the department in identifying statutory provisions requiring change and in suggesting appropriate language to effectuate required changes. The Code Commissioner shall be available to consult with and assist the Department of Administration in making the recommendations required by this SECTION.

(C) The Department of Administration may procure such supplies, services, information technology, and experts, including attorneys, as are necessary to perform the requirements of this SECTION. Such procurements are exempt from the purchasing procedures of the South Carolina Consolidated Procurement Code but must be made with as much competition as is practicable. Additionally, if determined necessary, the State Fiscal Accountability Authority shall assign such personnel as requested by the Executive Director of Department of Administration to assist the department in any required procurements. The Department of Health and Environmental Control shall pay the costs of any supplies, services, information technology, and experts, including attorneys, procured pursuant to this subsection.

Department of Public Health

SECTION 3.A. Section 44-1-20 of the S.C. Code is amended to read:

Section 44-1-20. There is created the South Carolina Department of Public Health.

B. Section 44-1-60(A) of the S.C. Code is amended to read:

(A) All department decisions involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other actions of the department which may give rise to a contested case must be made using the procedures set forth in this section.

C. Section 44-1-140 of the S.C. Code is amended to read:

Section 44-1-140. (A) The Department of Public Health may make, adopt, promulgate, and enforce reasonable rules and regulations

from time to time requiring and providing for:

(1) the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats, and other vehicles of transportation in this State and all convict camps, penitentiaries, jails, hotels, schools, and other places used by or open to the public;

(2) the sanitation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands, and all other places or establishments providing eating or drinking facilities and all other places known as private nursing homes or places of similar nature, operated for gain or profit;

(3) the safety and sanitation in the harvesting, storing, processing, handling and transportation of mollusks, fin fish, and crustaceans;

(4) the safety, safe operation and sanitation of public swimming pools and other public bathing places, construction, tourist and trailer camps, and fairs;

(5) the care, segregation, and isolation of persons having or suspected of having any communicable, contagious, or infectious disease; and

(6) the thorough investigation and study of the causes of all diseases, epidemic and otherwise, in this State, the means for the prevention of contagious disease and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease.

(B) The department may make separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other danger to the public life and health.

D. Section 44-1-150(A) and (E) of the S.C. Code is amended to read:

(A) Except as provided in Section 44-1-151, a person who after notice violates, disobeys, or refuses, omits, or neglects to comply with a regulation of the Department of Public Health, made by the department pursuant to Section 44-1-140, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for thirty days.

(E) Reserved.

E. Sections 1-30-45 and 44-1-65 of the S.C. Code are repealed.

F. Chapter 1, Title 44 of the S.C. Code is renamed "Department of Public

Health”.

Department of Environmental Services

SECTION 4. Title 48 of the S.C. Code is amended by adding:

CHAPTER 6

Department of Environmental Services

Section 48-6-10. (A) There is created the Department of Environmental Services which shall be headed by a director appointed by the Governor, upon the advice and consent of the Senate. The director is subject to removal by the Governor as provided for in Section 1-3-240.

(B) As the governing authority of the department, the director is vested with all authorities and duties as provided for in Section 1-30-10.

(C) The Department of Environmental Services is comprised of:

- (1) the Division of Air Quality;
- (2) the Division of Land and Waste Management;
- (3) the Division of Water;
- (4) the Division of Regional and Laboratory Services, which includes the Office of Emergency Response and the Office of Onsite Wastewater and Enforcement; and
- (5) the Division of Coastal Management.

(D) The Director of the Department of Environmental Services may realign the bureaus, divisions, offices, and programs to gain additional efficiencies or to better align resources with changes in environmental statutes or regulation.

Section 48-6-20. (A) The Department of Environmental Services is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of the Department of Health and Environmental Control on the effective date of this act.

(B) The department may promulgate regulations necessary to implement the provisions of this chapter.

(C) The department may apply for and accept funds, grants, gifts, and services from the State, the United States government or any of its agencies, or any other public or private source and may use funds derived from these sources to defray clerical and administrative costs, as may be necessary for carrying out the department’s duties.

Section 48-6-30. (A) All decisions of the Department of

Environmental Services involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, certificates, or other actions of the department which may give rise to a contested case, except a decision to establish a baseline or setback line, must be made using the procedures set forth in this section. A department decision referenced in this subsection relating to a poultry facility or another animal facility, except a swine facility, also must comply with the provisions of Section 48-6-40.

(B) The department shall comply with all requirements for public notice, receipt of public comments, and public hearings before making a decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment, and public hearings.

(C) In making a decision about a permit, license, certification, or other approval, the department shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny, or condition a permit, license, certification, or other approval. At the time that a decision is made, the department shall issue a written decision and shall base its decision on the administrative record, which must consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification, or other approval. The administrative record also may include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as those materials are referred to specifically in the department decision. The department is not required to issue a written decision for issuance of routine permits for which the department has not received adverse public comments.

(D)(1) The department shall send notice of a decision by certified mail, return receipt requested to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified. Affected persons may request in writing to be notified by regular mail or electronic mail in lieu of certified mail. Notice of decisions for which a department decision is not required pursuant to subsection (C) must be provided by mail, delivery, or other appropriate means to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified.

(2) Within thirty calendar days after the mailing of a decision pursuant to item (1), an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the department decision may request a contested case hearing before the Administrative Law Court,

in accordance with the Administrative Procedures Act. Notwithstanding Section 1-23-600(H)(1), the entirety of Section 1-23-600(H) shall apply to timely requests for a contested hearing of decisions from the Department of Environmental Services. The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.

(E) If a deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.

Section 48-6-40. (A) In making a decision on a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, pursuant to Section 48-6-30(C), the department shall base its decision solely on whether the permit complies with the applicable department regulations governing the permitting of poultry and other animal facilities, other than swine facilities.

(B) For purposes of permitting, licensing, certification, or other approval of a poultry facility or another animal facility, other than a swine facility:

(1) only an applicant, permittee, licensee, or affected person may request a contested case hearing pursuant to Section 48-6-30(D)(2);

(2) only an applicant, permittee, licensee, or affected person may become a party to a contested case hearing; and

(3) only an applicant, permittee, licensee, or affected person is entitled as of right to be admitted as a party pursuant to Section 1-23-310(5) of the Administrative Procedures Act.

(C)(1) In determining whether to issue a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, the department only may take into consideration the existing development on and use of property owned or occupied by an affected person on the date the department receives the applicant's complete application package as prescribed by regulation. The department must not take into consideration any changes to the development or use of property after receipt of the application including, but not limited to, the construction of a residence.

(2) If a property owner signs a setback waiver of the right to contest the issuance of a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, including waiver of the right to notice and a public hearing on a permit, license, certification, or other approval and to file a contested case or other action, then the affected person has seventy-two hours to provide in writing a withdrawal or rescission of the waiver.

(D)(1) An applicant, permittee, licensee, or affected person who is aggrieved by a decision to issue or deny a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act.

(2) Notwithstanding any other provision of law, a decision to issue a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, may not be contested if the proposed building footprint is located eight hundred feet or more from the facility owner's property line or located one thousand feet or more from an adjacent property owner's residence.

(E) For purposes of this section, "affected person" means a property owner with standing within a one mile radius of the proposed building footprint or permitted poultry facility or other animal facility, except a swine facility, who is challenging on his own behalf the permit, license, certificate, or other approval for the failure to comply with the specific grounds set forth in the applicable department regulations governing the permitting of poultry facilities and other animal facilities, other than swine facilities.

Section 48-6-50. All rules and regulations promulgated by the department shall be null and void unless approved by a concurrent resolution of the General Assembly at the session of the General Assembly following their promulgation.

Section 48-6-60. (A) The Department of Environmental Services may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:

- (1) the classification of waters;
- (2) the control of disease-bearing insects, including the impounding of waters;
- (3) the control of industrial plants, including the protection of workers from fumes, gases, and dust, whether obnoxious or toxic;
- (4) the use of water in air humidifiers;
- (5) the regulation of the methods of disposition of garbage or sewage and any like refuse matter in or near any village, town, or city of the State, incorporated or unincorporated, and to abate obnoxious and offensive odors caused or produced by septic tank toilets by prosecution, injunction, or otherwise; and
- (6) the alteration of safety glazing material standards and the defining of additional structural locations as hazardous areas, and for

notice and hearing procedures by which to effect these changes.

(B) The department may make separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the environment.

Section 48-6-70. (A) A person who after notice violates, disobeys, or refuses, omits, or neglects to comply with a regulation of the Department of Environmental Services, made by the department pursuant to Section 48-6-60, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for thirty days.

(B) A person who after notice violates a rule, regulation, permit, permit condition, final determination, or order of the department issued pursuant to Section 48-6-60 is subject to a civil penalty not to exceed one thousand dollars a day for each violation.

(C) Fines collected pursuant to subsection (B) must be remitted by the department to the State Treasurer for deposit in the state general fund.

(D) The term "notice" as used in this section means either actual notice or constructive notice.

(E) This section does not apply to fines levied pursuant to Section 48-6-60(3) or any other areas regulated by the South Carolina Occupational Health and Safety Act, Section 41-12-10, et seq.

Section 48-6-80. Nothing contained in Section 48-6-60 in any way abridges or limits the right of a person to maintain or prosecute a civil or criminal proceeding against a person maintaining a nuisance.

Transfer of Water Resources Division to Department of Environmental Services

SECTION 5. Chapter 3, Title 49 of the S.C. Code is amended to read:

CHAPTER 3

Water Resources Planning and Coordination Act

Section 49-3-10. The former Water Resources Division of the Department of Natural Resources is transferred to the Division of Water in the Department of Environmental Services. The regulatory functions of the former Water Resources Commission that were transferred to the Department of Health and Environmental Control are further transferred

to the Department of Environmental Services.

Section 49-3-20. As used in this chapter:
“Department” means the Department of Environmental Services.

Section 49-3-40. (A) The department shall advise and assist the Governor and the General Assembly in:

(1) formulating and establishing a comprehensive water resources policy for the State, such as a State Water Plan, including coordination of policies and activities among the state departments and agencies;

(2) developing and establishing policies and proposals designed to meet and resolve special problems of water resource use and control within or affecting the State, including consideration of the requirements and problems of urban and rural areas;

(3) reviewing the actions and policies of state agencies with water resource responsibilities to determine the consistency of such actions and policies with the comprehensive water policy of the State and to recommend appropriate action where deemed necessary;

(4) reviewing any project, plan, or program of federal aid affecting the use or control of any waters within the State and to recommend appropriate action where deemed necessary;

(5) developing policies and recommendations to assure that the long-range interests of all groups, urban, suburban, and rural, are provided for in the state's representation on interstate water issues;

(6) recommending to the General Assembly any changes of law or regulation required to implement the policy declared in this chapter; and

(7) such other water resources planning, policy formulation, and coordinating functions as the Governor and the General Assembly may designate.

(B) The department is authorized to conduct or arrange for such studies, inquiries, surveys, or analyses as may be relevant to its duties in assisting the Governor and the General Assembly in the implementation of the policy declared in this chapter, and in developing recommendations for the General Assembly. For these purposes, the department shall have full access to the relevant records of other state departments and agencies and political subdivisions of the State, and may hold public hearings, and may cooperate with or contract with any public or private agency, including educational, civic, and research organizations. The studies, inquiries, surveys, or analyses shall incorporate and integrate, to the maximum extent feasible, plans, programs, reports, research, and studies of federal, state, interstate, regional, metropolitan, and local units, agencies and departments of

government.

(C) In developing recommendations for the Governor and the General Assembly relating to the use and control of the water resources of the State, the department shall:

(1) coordinate its activities by distribution of copies of its notices of meetings with agenda, minutes and reports of all state agencies concerned with water resources;

(2) consult with representatives of any federal, state, interstate, or local units of government which would be affected by such recommendations; and

(3) be authorized to appoint such interdepartmental and public advisory boards as necessary to advise them in developing policies for recommendations to the Governor and the General Assembly.

(D) The department shall encourage, assist, and advise regional, metropolitan, and local governmental agencies, officials, or bodies responsible for planning in relation to water aspects of their programs, and shall assist in coordinating local and regional water resources activities, programs, and plans.

(E) The department may publish reports, including the results of such studies, inquiries, surveys, and analyses as may be of general interest, and shall make an annual report of its activities to the Governor and the General Assembly within ten days after the convening of each session of the General Assembly.

(F) The department may receive and expend grants, gifts, and monies donated or given by any state, federal, or private agency, person, corporation, water or sewer authority, or political subdivision in connection with water resource investigations in which the results of such investigations will be made publicly available.

(G) The department is authorized and required to review and approve the expenditure of funds derived from the United States Army Corps of Engineers when any funds are authorized and appropriated for any water resources related projects or purposes including, but not limited to, the following:

- (1) navigation,
- (2) irrigation,
- (3) water storage,
- (4) aquatic weed management,
- (5) flood control,
- (6) salinity control,
- (7) interstate water concerns, and

(8) any studies, surveys, or analyses performed by the Corps of Engineers.

The review and approval required by this subsection is not applicable to any Corps of Engineers funds which must be expended in a different manner pursuant to express statutory direction.

Section 49-3-50. In exercising its responsibilities under this chapter, the department shall take into consideration the need for:

- (1) adequate supplies of surface and groundwaters of suitable quality for all uses, including domestic, municipal, agricultural, and industrial;
- (2) water of suitable quality for all purposes;
- (3) water availability for recreational and commercial needs;
- (4) hydroelectric power;
- (5) flood damage control or prevention measures including zoning to protect people, property, and productive lands from flood losses;
- (6) land stabilization measures;
- (7) drainage measures, including salinity control;
- (8) watershed protection and management measures;
- (9) outdoor recreational and fish and wildlife opportunities;
- (10) studies on saltwater intrusion into groundwater and surface water;
- (11) measures to protect the state's fisheries and other aquatic resources;
- (12) any other means by which development of water and related land resources can contribute to economic growth and development, the long-term preservation of water resources, and the general well-being of all the people of the State.

Section 49-3-60. (A) All decisions of the Department of Environmental Services involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, certificates, or other actions of the department which may give rise to a contested case, except a decision to establish a baseline or setback line, must be made using the procedures set forth in this section. A department decision referenced in this subsection relating to a poultry facility or another animal facility, except a swine facility, also must comply with the provisions of Section 49-3-65.

(B) The department shall comply with all requirements for public notice, receipt of public comments, and public hearings before making a decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment, and public hearings.

(C) In making a decision about a permit, license, certification, or other approval giving rise to a contested case, the department shall take into consideration all material comments received in response to the public

notice in determining whether to issue, deny, or condition a permit, license, certification, or other approval. At the time that a final departmental decision is made, the department shall issue a final written decision and shall base its decision on the administrative record, which must consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification, or other approval. The administrative record also may include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as such materials are specifically referred to in the department decision. The department is not required to issue a final written departmental decision for issuance of routine permits for which the department has not received adverse public comments. The department is required to make a final decision granting the permit where the applicant has met all conditions in statutes and regulations governing that permit.

(D)(1) The department shall send a notice of a final departmental decision by certified mail, returned receipt requested to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified. Affected persons may request in writing to be notified by regular mail or electronic mail in lieu of certified mail. Notice of decisions for which a written decision is not required pursuant to subsection (C) must be provided by mail, delivery, or other appropriate means to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified.

(2) Decisions by the department become final thirty days after the mailing of a notice pursuant to item (1) unless the applicant, permittee, licensee, certificate holder, or affected person files a request for a contested case hearing with the Administrative Law Court.

(3) Within thirty calendar days after the mailing of the decision pursuant to item (1), an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the agency decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. Notwithstanding Section 1-23-600(H)(1), the entirety of Section 1-23-600(H) shall apply to timely requests for a contested case hearing of decisions from the Department of Environmental Services. The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.

(E) If a deadline provided for in this section falls on a Saturday,

Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.

Departments of state government

SECTION 6.A. Section 1-30-10(A)8. of the S.C. Code is amended to read:

8. Department of Public Health

B. Section 1-30-10(A) of the S.C. Code is amended by adding:

25. Department of Environmental Services

Creation of Department of Public Health and Department of Environmental Services

SECTION 7.A. Chapter 30, Title 1 of the S.C. Code is amended by adding:

Section 1-30-135. There is hereby created, within the executive branch of the state government, the Department of Public Health, headed by a director appointed by the Governor, with the advice and consent of the Senate. The divisions, offices, and programs of the Department of Health and Environmental Control performing functions related to regulation and protection of the public health prior to the effective date of this act, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with these divisions, offices, programs, and other related entities, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Public Health.

B. Chapter 30, Title 1 of the S.C. Code is amended by adding:

Section 1-30-140. There is hereby created, within the executive branch of the state government, the Department of Environmental Services, headed by a director appointed by the Governor pursuant to Section 48-6-10. The divisions, offices, and programs of the Department of Health and Environmental Control performing functions related to regulation and protection of the environment prior to the effective date

of this act, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with these divisions, offices, programs, and other related entities, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Environmental Services.

South Carolina Veterans Homes

SECTION 8. Chapter 11, Title 25 of the S.C. Code is amended by adding:

Article 7

South Carolina Veterans Homes

Section 25-11-710. The Department of Veterans' Affairs, in mutual agreement with the authorities of the United States Veterans Administration, may establish and operate South Carolina veterans homes to provide treatment for South Carolina veterans who require long-term nursing care. The Department of Veterans' Affairs is designated as the agency of the State to apply for and to accept gifts, grants, and other contributions from the federal government or from any other governmental unit for the operation and construction of South Carolina veterans homes. The Department of Veterans' Affairs may consult with the Department of Public Health and the Office of the Governor concerning the policies, management, and operation of the South Carolina veterans homes.

Section 25-11-720. For the purpose of Section 25-11-710, "South Carolina veterans" means any ex service South Carolina citizen who was discharged under other than dishonorable conditions and who served in any branch of the military or naval service of the United States.

Food Safety, Department of Agriculture

SECTION 9. Title 46 of the S.C. Code is amended by adding:

Food Safety

Section 46-57-10. The Department of Agriculture shall administer and enforce the provisions contained in this chapter.

Section 46-57-20. (A) For the purposes of this section:

(1) "Home-based food production operation" means an individual, operating out of the individual's dwelling, who prepares, processes, packages, stores, and distributes nonpotentially hazardous foods for sale directly to a person.

(2) "Nonpotentially hazardous foods" means candy and baked goods that are not potentially hazardous foods.

(3) "Person" means an individual consumer.

(4) "Potentially hazardous foods" means:

(a) an animal food that is raw or heat treated, a plant food that is heat treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes, or mixtures of cut tomatoes not modified to prevent microorganism growth or toxin formation, or garlic in oil mixtures not modified to prevent microorganism growth or toxin formation;

(b) certain foods that are designated as Product Assessment Required (PA) because of the interaction of the pH and Aw values in these foods. Below is a table indicating the interaction of pH and Aw for control of spores in food heat treated to destroy vegetative cells and subsequently packaged:

	Aw values		pH values	
		4.6 or less	> 4.6 - 5.6	> 5.6
(1)	< 0.92	non-PHF	non-PHF	non-PHF
(2)	> 0.92 - 0.95	non-PHF	non-PHF	PHF
(3)	> 0.95	non-PHF	PHF	PHF

Foods in item (2) with a pH value greater than 5.6 and foods in item (3) with a pH value greater than 4.6 are considered potentially hazardous unless a product assessment is conducted pursuant to the 2009 Federal Drug Administration Food Code.

(B) The operator of the home-based food production operation must take all reasonable steps to protect food items intended for sale from contamination while preparing, processing, packaging, storing, and distributing the items including, but not limited to:

(1) maintaining direct supervision of any person, other than the operator, engaged in the processing, preparing, packaging, or handling of food intended for sale;

(2) prohibiting all animals, including pets, from entering the area in the dwelling in which the home-based food production operation is located while food items are being prepared, processed, or packaged and prohibiting these animals from having access to or coming in contact with stored food items and food items being assembled for distribution;

(3) prohibiting all domestic activities in the kitchen while the home-based food production operation is processing, preparing, packaging, or handling food intended for sale;

(4) prohibiting any person who is infected with a communicable disease that can be transmitted by food, who is a carrier of organisms that can cause a communicable disease that can be transmitted by food, who has an infected wound, or who has an acute respiratory infection from processing, preparing, packaging, or handling food intended for sale by the home-based food production operation; and

(5) ensuring that all people engaged in processing, preparing, packaging, or handling food intended for sale by the home-based food production operation are knowledgeable of and follow safe food handling practices.

(C) Each home-based food production operation shall maintain a clean and sanitary facility to produce nonpotentially hazardous foods including, but not limited to:

(1) department-approved water supply;

(2) a separate storage place for ingredients used in foods intended for sale;

(3) a properly functioning refrigeration unit;

(4) adequate facilities, including a sink with an adequate hot water supply to meet the demand for the cleaning and sanitization of all utensils and equipment;

(5) adequate facilities for the storage of utensils and equipment;

(6) adequate hand washing facilities separate from the utensil and equipment cleaning facilities;

(7) a properly functioning toilet facility;

(8) no evidence of insect or rodent activity; and

(9) department-approved sewage disposal, either on-site treatment or publicly provided.

(D) All food items packaged at the operation for sale must be properly labeled. The label must comply with federal laws and regulations and must include:

(1) the name and address of the home-based food production operation;

(2) the name of the product being sold;

(3) the ingredients used to make the product in descending order of

predominance by weight; and

(4) a conspicuous statement printed in all capital letters and in a color that provides a clear contrast to the background that reads: "NOT FOR RESALE PROCESSED AND PREPARED BY A HOME-BASED FOOD PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA'S FOOD SAFETY REGULATIONS."

(E) Home-based food operations only may sell, or offer to sell, food items directly to a person for his own use and not for resale. A home-based food operation may not sell, or offer to sell, food items at wholesale. Food produced from a home-based food production operation must not be considered to be from an approved source, as required of a retail food establishment pursuant to Regulation 61-25.

(F) A home-based food production operation is not a retail food establishment and is not subject to regulation by the department pursuant to Regulation 61-25.

(G) The provisions of this section do not apply to an operation with net earnings of less than five hundred dollars annually but that would otherwise meet the definition of a home-based food operation provided in subsection (A)(1).

Section 46-57-30. (A) Notwithstanding any other provision of law, ground beef or any food containing ground beef prepared by a food service provider for public consumption must be cooked to heat all parts of the food to at least one hundred fifty-five degrees Fahrenheit, or sixty-eight degrees Celsius, unless otherwise ordered by the immediate consumer.

(B) The food service provider, its business, or its employees or agents, are not liable for any adverse effects to the purchaser or anyone else for providing a ground beef product cooked at an internal temperature less than one hundred fifty-five degrees Fahrenheit, or sixty-eight degrees Celsius, if providing the product is at the request of the purchaser and if the food service provider has notified the purchaser in advance that a possible health risk may exist by eating the product. The notice must state that a possible health risk may exist in eating undercooked ground beef at an internal temperature less than one hundred fifty-five degrees Fahrenheit, or sixty-eight degrees Celsius, and be given to the purchaser:

- (1) in writing;
- (2) as stated on the menu; or
- (3) by visible sign warning.

(C) In order for an immediate consumer or purchaser, as used in this section, to request or order ground beef to be cooked to a temperature less than one hundred fifty-five degrees Fahrenheit (sixty-eight degrees

Celsius), the individual must be eighteen years of age or older.

Section 46-57-40. Fresh meat or fresh meat products sold to a consumer may not be offered to the public for resale for human consumption if the fresh meat or fresh meat products have been returned by the consumer.

Section 46-57-50. The Department of Agriculture may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:

(1) the sanitation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands, all other places or establishments providing eating or drinking facilities, and all other places known as private nursing homes or places of similar nature, operated for gain or profit; and

(2) the production, storing, labeling, transportation, and selling of milk and milk products, filled milk and filled milk products, imitation milk and imitation milk products, synthetic milk and synthetic milk products, milk derivatives, and any other products made in semblance for milk or milk products; and

(3) the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for that purpose or used in connection with other businesses, and bottling plants; and

(4) the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for that purpose or used in connection with other business, and bottling plants.

Section 46-57-60. The department may not use any funds appropriated or authorized to the department to enforce Regulation 61-25 to the extent that its enforcement would prohibit a church or charitable organization from preparing and serving food to the public on their own premises at not more than one function a month or not more than twelve functions a year.

Section 46-57-70. (A) Except as provided in Section 46-57-50, a person who after notice violates, disobeys, or refuses, omits, or neglects to comply with a regulation of the Department of Agriculture promulgated pursuant to this chapter, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for thirty days.

(B) A person who after notice violates a rule, regulation, permit, permit condition, final determination, or order of the department issued pursuant to this chapter is subject to a civil penalty not to exceed one

thousand dollars a day for each violation.

(C) Fines collected pursuant to subsection (B) must be remitted by the department to the State Treasurer for deposit in the state general fund.

(D) The term “notice” as used in this section means either actual notice or constructive notice.

Food service inspections, prisons

SECTION 10. Section 24-9-20 of the S.C. Code is amended to read:

Section 24-9-20. The division shall be responsible for inspecting, in conjunction with a representative of the State Fire Marshal, at least annually every facility in this State housing prisoners or pretrial detainees operated by or for a state agency, county, municipality, or any other political subdivision, and such inspections shall include all phases of operation, fire safety, and health and sanitation conditions at the respective facilities. Food service operations of the facilities must be inspected at least annually by an employee of the Department of Agriculture. The inspections of local confinement facilities shall be based on standards established by the South Carolina Association of Counties and adopted by the Department of Corrections, and appropriate fire and health codes and regulations. The division, the inspecting fire marshal, and the food service inspector of the Department of Agriculture shall each prepare a written report on the conditions of the inspected facility. Copies of the reports shall be filed with the chairman of the governing body of the political subdivision having jurisdiction of the facility inspected, the chairman of the governing body of each political subdivision involved in a multi-jurisdictional facility, the administrator, manager, or supervisor for the political subdivision, the responsible sheriff or police chief if he has operational custody of the inspected facility, and the administrator or director of the inspected facility. All reports shall be filed through the Director of the Department of Corrections.

Frozen milk product consumer safety, Department of Agriculture

SECTION 11. Section 39-37-120 of the S.C. Code is amended to read:

Section 39-37-120. The Department of Agriculture shall enforce the provisions of this chapter and shall from time to time, after inquiry and public hearing, adopt and promulgate rules and regulations to supplement and give full effect to the provisions of this chapter. The

Department of Agriculture shall establish and enforce sanitary regulations pertaining to the manufacture and distribution of frozen desserts, including the sanitary condition of (a) buildings, ground, and equipment where frozen desserts are manufactured, (b) persons in direct physical contact with frozen desserts during manufacture, (c) containers in which frozen desserts are held or shipped and (d) premises, buildings, surroundings, and equipment where frozen desserts are sold. Such rules and regulations shall be filed and open for public inspection at the principal office of the department and shall have the force of law.

Contested case hearings

SECTION 12. Section 1-23-600(H)(1) of the S.C. Code is amended to read:

(1) This subsection applies to timely filed requests for a contested case hearing of decisions by the Department of Environmental Services. Emergency actions taken by the Department of Environmental Services pursuant to an applicable statute or regulation are not subject to the provisions of this subsection.

Department of Administration analysis

SECTION 13. (A) This SECTION is effective upon approval by the Governor.

(B) The Department of Administration shall identify, select, retain, and procure the services of independent, third-party experts, consultants, or advisors to analyze the missions and delivery models of all state agencies concerned with the overall public health of the State, as well as certain specific populations including, but not limited to, children and adolescents, newborns, pregnant women, the elderly, disabled, mentally ill, special needs individuals, those with chemical dependencies, the chronically ill, economically disadvantaged, and veterans. This analysis will include, but not be limited to, the Department of Health and Environmental Control and its successor entities, the Department of Mental Health, the Department of Alcohol and Other Drug Abuse Services, the Department of Disabilities and Special Needs, and the Department on Aging. Any agencies identified by the Department of Administration as being subject to this analysis shall provide the department with any and all information requested and shall fully participate as requested and required.

(C) The analysis procured by the Department of Administration shall

consider whether structural changes are necessary to improve health services delivery in the State, recognize operational efficiencies, and maximize resource utilization. Structural changes to be analyzed include reorganizations or mergers of existing health agencies, or divisions or components thereof, as well as the establishment of any new health agencies or the privatization of services currently provided by existing health agencies.

(D) The third-party experts, consultants, or advisors must make appropriate recommendations based on the analysis required pursuant to this section and the benefits of each recommendation.

(E) The Department of Administration shall prepare a final report summarizing the aforementioned analysis and recommendations and shall submit the final report to the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Medical Affairs Committee, the Chairman of the Medical, Military and Municipal Affairs Committee, the Chairman of the Finance Committee, the Chairman of the Ways and Means Committee, and the Governor by April 1, 2024, and shall submit interim reports on October 1, 2023, and January 1, 2024. Procurements by the Department of Administration of all experts, consultants, and advisors pursuant to and required by this SECTION are exempt from the purchasing procedures of the South Carolina Consolidated Procurement Code in Chapter 35, Title 11 of the S.C. Code. If requested by the Executive Director of the Department of Administration, staff from the State Fiscal Accountability Authority's Procurement Services Division shall assist in procuring the necessary services.

(F) The Department of Health and Human Services shall give support to the Department of Administration in fulfilling the purposes of this SECTION.

State agency restructuring, effect of transfer of agencies and parts of agencies

SECTION 14. (A) When the provisions of this act transfer particular state agencies, departments, boards, commissions, committees, or entities, or sections, divisions, or portions thereof (transferring departments), to another state agency, department, division, or entity or make them a part of another department or division (receiving departments), the employees, authorized appropriations, bonded indebtedness, if applicable, real and personal property, assets, and liabilities of the transferring department also are transferred to and become part of the receiving department or division unless otherwise

specifically provided. All classified or unclassified personnel of the affected agency, department, board, commission, committee, entity, section, division, or position employed by these transferring departments on the effective date of this act, either by contract or by employment at will, shall become employees of the receiving department or division, with the same compensation, classification, and grade level, as applicable. The Department of Administration shall cause all necessary actions to be taken to accomplish this transfer and shall in consultation with the agency head of the transferring and receiving agencies prescribe the manner in which the transfer provided for in this section shall be accomplished. The Department of Administration's action in facilitating the provisions of this section are ministerial in nature and shall not be construed as an approval process over any of the transfers.

(B) When an agency, department, entity, or official is transferred to or consolidated with another agency, department, division, entity, or official, regulations promulgated by that transferred agency, department, entity, or official under the authority of former provisions of law pertaining to it are continued and are considered to be promulgated under the authority of present provisions of law pertaining to it. When powers and duties of an agency, department, entity, or official are transferred to and devolved upon another department, agency, or subdivision thereof, the power and duty to promulgate regulations is also transferred to and devolved upon that department, agency, or subdivision thereof.

(C) References to the names of agencies, departments, entities, or public officials changed by this act, to their duties or functions herein devolved upon other agencies, departments, entities, or officials, or to provisions of law consolidated with or transferred to other parts of the S.C. Code are considered to be and must be construed to mean appropriate references.

(D) Unless otherwise provided herein or by law, all fines, fees, forfeitures, or revenues imposed or levied by agencies, personnel, or portions thereof, so transferred to other agencies or departments must continue to be used and expended for those purposes provided prior to the effective date of this act. If a portion of these fines, fees, forfeitures, or revenues were required to be used for the support, benefit, or expense of personnel transferred, these funds must continue to be used for these purposes.

Savings

SECTION 15. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

Time effective

SECTION 16. The provisions contained in SECTION 8 of this act relating to South Carolina Veterans Homes go into effect on July 1, 2024, for the veterans homes for which the Department of Mental Health has a service contract with a third-party provider as of May 1, 2023. The provisions contained in SECTION 8 of this act relating to South Carolina Veterans Homes go into effect on July 1, 2025, for the veterans homes for which the Department of Mental Health does not have a service contract with a third-party provider as of May 1, 2023.

Time effective

SECTION 17. This act takes effect on July 1, 2024, except that the provisions of SECTION 2 and SECTION 13, relating to the Department of Administration's duties, take effect upon approval by the Governor.

Ratified the 17th day of May, 2023

Approved the 19th day of May, 2023

No. 61

(R71, S459)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 55-9-235, SO AS TO PROVIDE FOR THE SALE AND CONSUMPTION OF LIQUOR BY THE DRINK THROUGHOUT THE TRANSPORTATION SECURITY ADMINISTRATION-SCREENED PORTION OF QUALIFYING SOUTH CAROLINA AIRPORTS.

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

Alcohol sales at airports

SECTION 1. Chapter 9, Title 55 of the S.C. Code is amended by adding:

Section 55-9-235. (A) During the hours of airport operation, any business establishment or concessionaire operating in the Transportation Security Administration-screened portion of Charleston International Airport, Columbia Metropolitan Airport, Florence Regional Airport, Greenville-Spartanburg Airport, Hilton Head Island Airport, or Myrtle Beach International Airport may, upon the written approval of the respective airport authority, sell alcoholic liquor by the drink to a person twenty-one years of age or older for consumption throughout the Transportation Security Administration-screened portion of the establishment's or concessionaire's respective airport terminal, provided that the establishment or concessionaire is licensed in South Carolina to sell alcoholic liquor by the drink for on-premise consumption.

(B) A person twenty-one years of age or older may purchase and consume alcoholic liquor by the drink throughout the interior of the Transportation Security Administration-screened portion of the respective airport terminal, provided that the purchase is from an approved business establishment or concessionaire licensed in South Carolina to sell alcoholic liquor by the drink for on-premise consumption.

Time effective

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

Ratified the 17th day of May, 2023

Approved the 19th day of May, 2023

No. 62

(R74, S569)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-36-320, RELATING TO THE DUTIES OF THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER, SO AS TO ADD TO THE CENTER'S DUTIES CONCERNING THE STATEWIDE PLAN TO ADDRESS ALZHEIMER'S DISEASE AND RELATED DEMENTIAS; BY AMENDING SECTION 44-36-330, RELATING TO THE ADVISORY COUNCIL TO THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER, SO AS TO PROVIDE THAT THE ADVISORY COUNCIL MUST DEVELOP A STATEWIDE PLAN TO ADDRESS ALZHEIMER'S DISEASE AND RELATED DEMENTIAS AND TO PROVIDE THAT THE STATEWIDE PLAN MUST BE UPDATED EVERY FIVE YEARS; AND TO PROVIDE THAT THE STATEWIDE PLAN MUST BE UPDATED IN 2028 AND EVERY FIVE YEARS THEREAFTER.

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

Alzheimer's Disease and Related Disorders Resource Coordination Center, duties

SECTION 1. Section 44-36-320 of the S.C. Code is amended by adding:

(9) convene the advisory council to update the statewide plan to address Alzheimer's disease and related dementias;

(10) when updating the statewide plan, the advisory council must solicit input from the Department of Health and Environmental Control,

the Department of Health and Human Services, and the Department of Social Services to ensure the formulation of a comprehensive statewide plan that meets the needs of the State; and

(11) submit an annual report to the Governor and the General Assembly by September thirtieth concerning progress toward fulfilling the statewide plan.

Advisory council

SECTION 2. Section 44-36-330 of the S.C. Code is amended by adding:

(C) The advisory council shall maintain and update a statewide plan to address Alzheimer's disease and related dementias. The plan must be updated every five years.

Statewide plan

SECTION 3. The statewide plan to address Alzheimer's disease and related dementias must be updated in 2028 and every five years thereafter.

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 17th day of May, 2023

Approved the 19th day of May, 2023

No. 63

(R79, H3340)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 23-3-330, RELATING TO THE ENDANGERED PERSON NOTIFICATION SYSTEM, SO AS TO PROVIDE THE SYSTEM ALSO SHALL PROVIDE FOR THE

DISSEMINATION OF INFORMATION REGARDING MISSING PERSONS BELIEVED TO BE SUFFERING ALZHEIMER'S DISEASE OR A DEVELOPMENTAL DISABILITY SUCH AS AUTISM SPECTRUM DISORDER THROUGH THE USE OF WIRELESS EMERGENCY ALERT NOTIFICATIONS, DEPARTMENT OF TRANSPORTATION MESSAGE SIGNS, SLED WIRELESS EMERGENCY ALERTS, AND CERTAIN MEDIA OUTLETS.

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

Endangered person notification system

SECTION 1. Section 23-3-330 of the S.C. Code is amended to read:

Section 23-3-330. (A) The Endangered Person Notification System is established within the Missing Person Information Center. The purpose of the Endangered Person Notification System is to provide a statewide system for the rapid dissemination of information regarding a missing person who is believed to be suffering from Alzheimer's disease, dementia, a developmental disability such as autism spectrum disorder, or some other cognitive impairment.

(B) If the center receives a report that involves a missing person who is believed to be suffering from Alzheimer's disease, dementia, a developmental disability such as autism spectrum disorder, or some other cognitive impairment, for the protection of the person from potential abuse or other physical harm, neglect, or exploitation, the center shall issue a notification providing for the appropriate dissemination of information regarding the person.

(C) The center shall adopt guidelines and develop procedures for issuing notifications, including wireless emergency alert notifications, for missing persons believed to be suffering from Alzheimer's disease, dementia, a developmental disability such as autism spectrum disorder, or some other cognitive impairment, provide education and training to local law enforcement agencies, and encourage radio and television broadcasters to participate in the notifications.

(D) The center shall consult with the Department of Transportation and develop a procedure for the use of overhead permanent changeable message signs to provide information on a missing person who is believed to be suffering from Alzheimer's disease, dementia, a developmental disability such as autism spectrum disorder, or some other cognitive impairment when the person's vehicle and license tag

information is available. The Department of Transportation shall utilize current protocol for the content, length, and frequency of any message to be placed on an overhead permanent changeable message sign.

(E) The South Carolina Law Enforcement Division shall be authorized to send wireless emergency alerts pursuant to this section.

Time effective

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

Ratified the 17th day of May, 2023

Approved the 19th day of May, 2023

No. 64

(R80, H3433)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 50-5-2545 RELATING TO POINTS AND SUSPENSIONS PRIOR TO THE MARINE RESOURCES ACT OF 2000; BY REPEALING SECTION 50-9-1160 RELATING TO JUDICIAL REVIEW OF A SUSPENSION OF HUNTING AND FISHING PRIVILEGES; BY AMENDING SECTION 50-5-2510, RELATING TO THE SUSPENSION OF SALTWATER PRIVILEGES FOR THE ACCUMULATION OF POINTS, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-5-2515, RELATING TO THE NOTICE OF SUSPENSION OF SALTWATER PRIVILEGES, SO AS TO ALLOW FOR WRITTEN NOTICE BY UNITED STATES MAIL; BY AMENDING SECTION 50-9-1140, RELATING TO THE SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; AND BY AMENDING SECTION 50-9-1150, RELATING TO THE NOTICE OF SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO ALLOW FOR WRITTEN NOTICE BY UNITED STATES MAIL AND TO

PROVIDE FOR A METHOD OF APPEAL.

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

Repeal

SECTION 1. Sections 50-5-2545 and 50-9-1160 of the S.C. Code are repealed.

Suspension of saltwater privileges, notice

SECTION 2.A. Section 50-5-2510 of the S.C. Code is amended to read:

Section 50-5-2510. (A) The department must suspend for one year the related saltwater privileges and associated licenses and permits issued to a person or entity that has accumulated eighteen or more points under any point category. Privileges related to each point category are as follows:

(1) commercial: commercial saltwater fishing license, equipment license, and bait dealer license, and

(2) recreational: recreational saltwater fishing license, pier license, charter fishing vessel license, shrimp baiting license, and any other saltwater licenses utilized for recreational purposes.

(B) Any suspension under this article begins the twenty-first day after the department mails written notice of the suspension and ends the same day the following year.

B. Section 50-5-2515 of the S.C. Code is amended to read:

Section 50-5-2515. (A) Upon determination by the department that a person or entity has accumulated sufficient points to warrant the suspension of any saltwater privilege, the department must notify the person or entity in writing that the person's or entity's saltwater privilege has been suspended, and the person or entity must return all the suspended licenses or permits in the person's or entity's name to the department no later than ten days following the effective date of the suspension.

(B) The notice of the suspension must be given by the department by depositing the notice in the United States mail with postage prepaid addressed to the person or entity at the address contained in the records of the department. The giving of notice by mail is complete twenty days after the deposit of the notice. A certificate by the director of the

department, or his designee, that the notice has been sent as required in this section is presumptive proof that the requirements as to notice of suspension have been met even if the notice has not been received by the addressee.

Suspension of hunting and fishing privileges, notice

SECTION 3.A. Section 50-9-1140 of the S.C. Code is amended to read:

Section 50-9-1140. The department shall suspend for one year the hunting and fishing privileges of a person who has eighteen or more points. The suspension begins the twenty-first day after the department mails written notice of the suspension, and ends the same day the following year.

B. Section 50-9-1150 of the S.C. Code is amended to read:

Section 50-9-1150. (A) Upon determination that a person has accumulated sufficient points to warrant suspension of privileges, the department shall notify him in writing that his privileges are suspended, and the person shall return the license and any tags in the person's name to the department no later than ten days following the effective date of the suspension.

(B) The notice of the suspension must be given by the department by depositing the notice in the United States mail with postage prepaid addressed to the person at the address contained in the records of the department. The giving of notice by mail is complete twenty days after the deposit of the notice. A certificate by the director of the department, or his designee, that the notice has been sent as required in this section is presumptive proof that the requirements as to notice of suspension have been met even if the notice has not been received by the addressee.

(C) A person whose privileges have been suspended may appeal the decision of the department under the Administrative Procedures Act.

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 17th day of May, 2023

Approved the 19th day of May, 2023

No. 65

(R81, H3538)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-546, RELATING TO ELECTRONIC HARVEST REPORTING, SO AS TO INCLUDE REFERENCES TO BIG GAMES SPECIES AND TO OUTLINE REQUIREMENTS OF THE PERSON WHO TAKES A BIG GAME CARCASS FOR PROCESSING AND OF THE PROCESSOR; BY AMENDING SECTION 50-11-320, RELATING TO THE ISSUANCE OF TAGS FOR HUNTING AND TAKING DEER, SO AS TO INCLUDE A REFERENCE TO THE ELECTRONIC HARVEST REPORTING SYSTEM; BY AMENDING SECTION 50-11-390, RELATING TO THE DEPARTMENTAL AUTHORITY OF GAME ZONES, SO AS TO INCLUDE A REFERENCE TO THE ELECTRONIC HARVEST REPORTING SYSTEM; AND BY AMENDING SECTION 50-9-1120, RELATING TO THE POINT SYSTEM FOR VIOLATIONS, SO AS TO INCLUDE A REFERENCE TO BIG GAME SPECIES.

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

Electronic harvest reporting system

SECTION 1. Section 50-11-546 of the S.C. Code is amended to read:

Section 50-11-546. (A) In order to document the harvest of big game species and to assist with the enforcement of seasons, methods of harvest, and bag limits, the department must implement an electronic harvest reporting system.

(B) A person who harvests a big game species must report the harvest to the electronic harvest reporting system as prescribed by the department. A harvest report must be submitted by midnight of the day of harvest unless a person is incapable of accessing the reporting system, in which case a report must be submitted prior to the carcass leaving the person's possession.

(C) Upon completion of the harvest reporting process, a harvest report

confirmation number will be provided by the department and it must be recorded by the person submitting the harvest report. A person who takes a big game carcass to a processor must provide the tag number and harvest report confirmation number to the processor at the time the carcass transfers from the person to the processor. The processor must record and maintain the harvest report confirmation number until the processed meat is received by the hunter or their designee.

(D) The department must promulgate regulations to implement the provisions of this section, including the methods of telephonic and electronic reporting, contents of the report, and recording and maintenance of the harvest report confirmation number.

(E) The department is prohibited from requesting or acquiring the geolocation data of a person submitting a harvest report through electronic means and from requesting a person to self-report location information to the harvest reporting system more specific than the county and wildlife management area, if applicable, in which a big game species is harvested.

(F) There is no cost to a person for reporting a harvest, and the department may exempt the harvest reporting requirement for persons who harvest big game species under specific conditions or department programs.

(G) A person who violates this section or provisions established by the department for electronic harvest reporting is guilty of a misdemeanor and, upon conviction, must be fined not more than twenty-five dollars.

Issuance of tags for hunting and taking deer

SECTION 2. Section 50-11-320(B) of the S.C. Code is amended to read:

(B)(1) Deer taken pursuant to individual deer tags, during any season regardless of weapon, must be tagged with a valid individual deer tag. Each tag must be attached to the deer as prescribed by the department before the animal is moved from the point of kill.

(2) Deer taken pursuant to Deer Quota Program tags must be tagged with a valid Deer Quota Program tag and reported to the electronic harvest reporting system pursuant to the provisions of Section 50-11-546. Each tag must be attached to the deer as prescribed by the department before the animal is moved from the point of kill.

Departmental authority over game zones

SECTION 3. Section 50-11-390(D) of the S.C. Code is amended to read:

(D) Deer taken pursuant to a Deer Quota Program permit must be tagged with a valid Deer Quota Program tag and reported to the electronic harvest reporting system pursuant to the provisions of Section 50-11-546. Each tag must be attached to the deer as prescribed by the department before the animal is moved from the point of kill.

Point system for violations

SECTION 4. Section 50-9-1120(2)(t) of the S.C. Code is amended to read:

(t) failing to report the harvest of big game species as required by Section 50-11-546: 6.

Time effective

SECTION 5. This act takes effect on July 1, 2024.

Ratified the 17th day of May, 2023

Approved the 19th day of May, 2023

No. 66

(R83, H3691)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-5-135 SO AS TO ALLOW CORONERS, DEPUTY CORONERS, OR CORONERS' DESIGNEES TO POSSESS AND ADMINISTER OPIOID ANTIDOTES UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 44-130-90 SO AS TO PROVIDE PROCEDURES FOR THE ADMINISTRATION OF OPIOID

ANTIDOTES BY CORONERS, DEPUTY CORONERS, AND CORONERS' DESIGNEES AND FOR THE REPORTING OF THEIR USE; BY AMENDING SECTION 17-5-510, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, SO AS TO RESTATE THE SECTION; AND BY ADDING SECTION 17-5-150 SO AS TO PROVIDE THAT CORONERS AND DEPUTY CORONERS ARE CONSIDERED PUBLIC SAFETY OFFICERS IF KILLED IN THE LINE OF DUTY.

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

Coroners, opioid antidote administration

SECTION 1. Article 3, Chapter 5, Title 17 of the S.C. Code is amended by adding:

Section 17-5-135. A coroner, deputy coroner, or coroner's designee may possess and administer an opioid antidote pursuant to the requirements of the South Carolina Overdose Prevention Act. The coroner, deputy coroner, or coroner's designee must comply with all of the requirements of Section 44-130-90 and is entitled to immunity from civil or criminal liability or professional disciplinary action when administering an opioid antidote to a person he believes in good faith is experiencing an opioid overdose.

Coroners, opioid antidote administration procedures

SECTION 2. Chapter 130, Title 44 of the S.C. Code is amended by adding:

Section 44-130-90. (A) A coroner, deputy coroner, or coroner's designee may administer an opioid antidote if the coroner, deputy coroner, or coroner's designee believes in good faith that the person is experiencing an opioid overdose and exercises reasonable care.

(B) The coroner, deputy coroner, or coroner's designee must comply with all applicable requirements for possession, administration, and disposal of the opioid antidote and administration device. The department may promulgate regulations to implement this section, including appropriate training for coroners, deputy coroners, or coroners' designees who carry or have access to an opioid antidote.

(C) A coroner, deputy coroner, or coroner's designee who administers an opioid antidote in accordance with the provisions of this section to a

person who the coroner, deputy coroner, or coroner's designee believes in good faith is experiencing an opioid overdose is not by an act or omission subject to civil or criminal liability or to professional disciplinary action.

(D)(1) A coroner, deputy coroner, or coroner's designee who administers an opioid antidote as provided in this section shall report to the department's Bureau of Emergency Medical Services information regarding the opioid antidote administered for inclusion in the prescription monitoring program. The information submitted must include:

(a) date the opioid antidote was administered; and

(b) name, address, and date of birth of the person to whom the opioid antidote was administered, if available.

(2) A coroner, deputy coroner, or coroner's designee shall submit the information required pursuant to item (1) electronically or by facsimile to the Bureau of Emergency Medical Services within thirty days of administration. The Bureau of Emergency Medical Services shall transmit the information to the department's Bureau of Drug Control.

(3)(a) If a coroner, deputy coroner, or coroner's designee submits the name, address, and date of birth of a person to whom an opioid antidote was administered, Drug Control shall verify whether any prescription history of the person appears in the prescription monitoring program and, if prescription history exists, shall document for review by a practitioner or an authorized delegate the date on which the opioid antidote was administered to the person. If no history exists, then Drug Control shall confirm that the antidote was administered in response to a verified opioid overdose. If the antidote was administered in error, then Drug Control shall document the error.

(b) Drug Control also shall maintain data on the administering of opioid antidotes by coroners, deputy coroners, or coroners' designees including, but not limited to, the frequency with which coroners, deputy coroners, or coroners' designees administer opioid antidotes by geographic location, coroner, deputy coroner, or coroner's designee, and dispenser.

Coroners and medical examiners duties

SECTION 3. Section 17-5-510 of the S.C. Code is amended to read:

Section 17-5-510. In counties which have both a coroner and a medical examiner:

(1) the coroner has the ultimate responsibility for carrying out the duties required by this article;

(2) the medical examiner's duties must be specified in an annual written contract between the county governing body and the medical examiner.

Coroners and deputy coroners considered public safety officers

SECTION 4. Article 3, Chapter 5, Title 17 of the S.C. Code is amended by adding:

Section 17-5-150. Coroners and deputy coroners are considered public safety officers under 34 U.S.C. Section 10281, et seq., if killed in the line of duty.

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 17th day of May, 2023

Approved the 19th day of May, 2023

No. 67

(R84, H3726)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 30 TO TITLE 41 SO AS TO ENACT THE "STATEWIDE EDUCATION AND WORKFORCE DEVELOPMENT ACT", TO STATE THE PURPOSE OF THE CHAPTER, TO CREATE THE OFFICE OF STATEWIDE WORKFORCE DEVELOPMENT IN THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE AND PROVIDE FOR THE MANAGEMENT AND FUNCTIONS OF THE OFFICE, TO TRANSFER THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT TO THE DEPARTMENT AND PROVIDE FOR THE COMPOSITION AND FUNCTIONS OF

THE COUNCIL, TO CREATE AN EXECUTIVE COMMITTEE OF THE COORDINATING COUNCIL AND PROVIDE FOR THE COMPOSITION AND FUNCTIONS OF THE COMMITTEE, TO REDESIGNATE REGIONAL EDUCATION CENTERS AS REGIONAL WORKFORCE ADVISORS AND PROVIDE FOR THE OVERSIGHT, FUNCTIONS, RESPONSIBILITIES, AND GEOGRAPHIC CONFIGURATION REQUIREMENTS OF THE CENTERS, AMONG OTHER THINGS; TO AMEND SECTION 41-31-160, RELATING TO CONTRIBUTION AND WAGE REPORTS REQUIRED BY THE DEPARTMENT, SO AS TO REVISE CRITERIA FOR EMPLOYERS WHO MUST FILE THE REPORTS, AND TO REQUIRE THE ELECTRONIC FILING OF THE REPORTS ABSENT DEMONSTRATED HARDSHIP; TO AMEND SECTION 41-35-615, RELATING TO DEPARTMENT NOTICES TO EMPLOYERS CONCERNING INSURED STATUS DETERMINATIONS AND EMPLOYER RESPONSES, SO AS TO REQUIRE THE ELECTRONIC FILING OF CERTAIN EMPLOYER RESPONSES ABSENT DEMONSTRATED HARDSHIP; AND BY REPEALING ARTICLE 13 OF CHAPTER 1, TITLE 13 RELATING TO OVERSIGHT OF REGIONAL EDUCATION CENTERS BY THE DEPARTMENT OF COMMERCE, AND ARTICLE 15 OF CHAPTER 1, TITLE 13 RELATING TO THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT.

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

Citation

SECTION 1. This act may be cited as the “Statewide Education and Workforce Development Act”.

Statewide education and workforce development provisions

SECTION 2. Title 41 of the S.C. Code is amended by adding:

CHAPTER 30

Employment and Workforce – Workforce
Development

Article 1

General Provisions

Section 41-30-110. (A) The purpose of this chapter is to endeavor to reach the workforce potential of this State. It seeks to coordinate, align, and enhance all publicly funded workforce development services and centralize oversight of the entities that provide these services to enhance accountability, enhance transparency, and promote a customer-centric workforce system so that the opportunities available through it are easy to access, highly effective, and simple to understand, and to provide a mechanism to marshal workforce development resources and services to meet the immediate and future needs of specialized industry workforce demands and economic development commitments of this State and in specific areas of the State. Further, this chapter seeks to:

(1) deliver value-added services to business customers by collaborating with them to address skills shortages in priority industries and in-demand occupations;

(2) provide for broader dissemination of information to help students, parents of students, and job seekers make career choices based on an awareness of jobs, skills in demand, and related educational pathways;

(3) develop methods for coupling workforce training with a continuum of services to assist those who are struggling to overcome workforce participation barriers; and

(4) address obstacles unique to those in rural areas.

(B) To achieve this purpose:

(1) a unified comprehensive statewide education and workforce development plan is established;

(2) all entities performing publicly funded workforce development-related functions are required to comply with the obligations under the plan; and

(3) their compliance will be monitored and, when necessary, compelled by the Office of Statewide Workforce Development, and such reports will be made publicly available in order to further transparency and better inform workforce development spending and policymaking.

Section 41-30-120. As used in this chapter, unless the context clearly indicates otherwise:

(1) "Department" means the Department of Employment and Workforce;

(2) “Director” means the Director of the Office of Statewide Workforce Development;

(3) “Executive director” means the Executive Director of the Department of Employment and Workforce;

(4) “Executive committee” means the executive committee of the Coordinating Council for Workforce Development;

(5) “Unified State Plan” or “USP” means the comprehensive statewide education and workforce development plan that provides a systemwide approach to streamline and unify efforts of entities involved in education and workforce development in the State;

(6) “Office of Statewide Workforce Development” or “OSWD” means the Office of Statewide Workforce Development created in this chapter; and

(7) “Coordinating Council for Workforce Development” or “CCWD” means the Coordinating Council for Workforce Development administered by the department.

Section 41-30-130. On July 1, 2023, all functions, powers, and duties provided by law to the Department of Commerce with respect to the Coordinating Council for Workforce Development, formerly the Education and Economic Development Coordinating Council, are hereby transferred from the Department of Commerce to the Department of Employment and Workforce, and these functions, powers, and duties are devolved upon the Department of Employment and Workforce, and the Coordinating Council for Workforce Development’s officers, members, records, property, personnel, and unexpended appropriations also are transferred to the Department of Employment and Workforce. All rules, regulations, standards, orders, or other actions of these entities shall remain in effect unless specifically changed or voided by the department in accordance with the Administrative Procedures Act. The Department of Commerce and the Department of Employment and Workforce shall work together at all stages of the process until the transition is complete.

Article 3

Office of Statewide Workforce Development

Section 41-30-310. The Office of Statewide Workforce Development is created in the Department of Employment and Workforce to coordinate, align, and direct workforce efforts throughout the State to maximize available resources and actively foster a customer-centric

workforce development system that is readily accessible, highly effective, and easily understandable.

Section 41-30-320. The Governor shall appoint the Director of the OSWD with advice and consent of the Senate, subject to removal from office by the Governor pursuant to the provisions of Section 1-3-240(B). The state agency head salary review process and the rules and guidelines thereunder apply to the director. The OSWD shall:

(1) oversee and ensure implementation of Coordinating Council for Workforce Development responsibilities pursuant to Section 41-30-540;

(2) efficiently marshal public resources to optimally align, consolidate, streamline, and coordinate publicly funded workforce development efforts in this State;

(3) provide centralized oversight of all publicly funded workforce development services in this State provided by state and local government agencies, nonprofit groups, and quasi-governmental groups that are appropriated state funds or are authorized to expend federal funds related to workforce development;

(4) provide oversight of Regional Workforce Advisors as required in Section 41-30-710, et. seq.;

(5) monitor compliance of each state and local government agency, nonprofit group, and quasi-governmental group that is appropriated state funds or is authorized to expend federal funds related to workforce development and, when necessary, direct those entities to take any action necessary to comply with the responsibilities set forth in the USP. Noncompliance with a directive of the OSWD must be recorded and made part of the report made as required in subitem (6); and

(6) shall submit an annual report by November first of each fiscal year to the Governor, Speaker of the House, President of the Senate, Chair of the House Ways & Means Committee, and Chair of the Senate Finance Committee detailing all funds used for workforce development projects by all reporting state and local government agencies, nonprofit groups, and quasi-governmental groups that are appropriated state funds or are authorized to expend federal funds related to workforce development. This report also must identify those entities that did not comply with the provisions of this chapter.

Section 41-30-330. Any decision of the executive committee must be made by a majority vote of the entire membership of the committee.

Section 41-30-340. The Director of the OSWD and the executive

committee of CCWD shall develop and publish uniform procedures and guidelines for the conduct of their responsibilities and duties, including the procedure for considering and voting on recommendations of the CCWD or the director.

Article 5

Coordinating Council for Workforce Development

Section 41-30-510. The Coordinating Council for Workforce Development is reconstituted and generally is responsible for:

- (1) engaging in discussions, collaboration, and information sharing concerning the ability of the State to prepare and train workers to meet current and future workforce needs; and
- (2) performing the other required duties of this chapter under the direction of the Chairman of the CCWD.

Section 41-30-520. The CCWD consists of the following members:

- (1) the Executive Director of the Department of Employment and Workforce or his designee, who shall serve as chairman;
- (2) the Director of the Office of Statewide Workforce Development or his designee;
- (3) the Director of the South Carolina Department of Veterans Affairs or his designee;
- (4) the Commissioner of South Carolina Vocational Rehabilitation or his designee;
- (5) the Chairman of the South Carolina Research Authority or his designee;
- (6) the Commissioner of Agriculture or his designee;
- (7) the Director of the Department of Labor, Licensing and Regulation or his designee;
- (8) the Director of the Office of Revenue and Fiscal Affairs or his designee;
- (9) the Director of the Education Oversight Committee or his designee;
- (10) the President of the South Carolina Manufacturing Extension Partnership or his designee;
- (11) the Secretary of the Department of Commerce or his designee;
- (12) the State Superintendent of Education or his designee;
- (13) the Executive Director of the State Board for Technical and Comprehensive Education or his designee;
- (14) the Executive Director of the Commission on Higher

Education or his designee;

(15) the Director of the South Carolina Department of Parks, Recreation and Tourism or his designee;

(16) the president or provost of a research university in this State who is selected by the presidents of the research universities in this State;

(17) the president or provost of a four-year college or university in this State who is selected by the presidents of the four-year universities in this State;

(18) the president of a technical college in this State who must be appointed by the Chairman of the State Board for Technical and Comprehensive Education;

(19) the following members appointed by the State Superintendent of Education who have expertise regarding the South Carolina Education and Economic Development Act:

(a) a school district superintendent;

(b) a school counselor; and

(c) a career and technology education director;

(20) the Chairman of the South Carolina State Workforce Development Board or his designee;

(21) a representative of a local workforce board, appointed by the Executive Director of the Department of Employment and Workforce;

(22) the Executive Director of South Carolina First Steps or his designee;

(23) the Director of the South Carolina Department of Revenue or his designee;

(24) two representatives from the business community, appointed by the Governor, who have professional expertise in economic development and workforce issues;

(25) one person appointed by the Chairman of the House Education and Public Works Committee and one person appointed by the House minority party leader;

(26) one person appointed by the Chairman of the Senate Education Committee and one person appointed by the Senate minority party leader;

(27) the Executive Director of South Carolina State Housing Finance and Development Authority or his designee;

(28) three persons appointed by the Governor who are considered current or past small business owners under the North American Industry Classification System (NAICS) code;

(29) representatives of any other agencies or entities selected by vote of the executive committee.

(30) one person appointed by the Speaker of the House and one

person appointed by the Senate President, both of whom have professional expertise in economic development and workforce issues, both of whom also shall serve on the executive committee.

Section 41-30-530. (A) The executive committee of the CCWD is created and consists of the following members or their designees:

(1) the Executive Director of the Department of Employment and Workforce, who shall serve as chairman;

(2) the Director of the Office of Statewide Workforce Development;

(3) the Secretary of the Department of Commerce;

(4) the State Superintendent of Education;

(5) the Executive Director of the State Board for Technical and Comprehensive Education;

(6) the Executive Director of the Commission on Higher Education; and

(7) the one person appointed by the Speaker of the House and the one person appointed by the Senate President to the full CCWD in Section 41-30-520(30).

(B) The executive committee:

(1) shall review and vote on recommendations made by the CCWD or Director of OSWD;

(2) shall review and approve any actions proposed to be undertaken by the CCWD including adoption or modification of the USP or any provision of the USP; and

(3) may recommend the appropriate actions necessary to eliminate duplicative programs and workforce activities that do not further the USP, improve programs not meeting stated performance targets, and, when necessary and to the extent not prohibited in law, recommend that entities discontinue programs that repeatedly do not meet targets or may no longer be needed.

Section 41-30-540. (A) The CCWD shall:

(1) make recommendations to the General Assembly as needed to implement the provisions of this chapter;

(2) regularly meet with industry associations to gain an understanding of their workforce needs and ideas;

(3) facilitate and coordinate the development of the USP;

(4) use data and analysis to create measurable, time-sensitive metrics for the USP in which all workforce pipeline stakeholders including, but not limited to, education and workforce boards, councils, and partner representatives, participate. These measurable,

time-sensitive metrics include, but are not limited to:

- (a) ten-year labor participation rate target; and
- (b) ten-year target for the number of South Carolinians who possess a high-quality credential or postsecondary degree;

(5) create an education and workforce dashboard or other application to enable the public to monitor and track progress of the USP; and

(6) annually review the USP and update as needed.

(B) The USP should include, but is not limited to, the following:

- (1) assurance that agency constituents remain served;
- (2) compliance with federal and state laws including, but not limited to, those relating to state plans, to avoid duplication of efforts;

(3) identification of statewide workforce priorities and methods for identifying and addressing long-term workforce needs;

(4) assurance that the components of Chapter 59, Title 59, the South Carolina Education and Economic Development Act, are implemented with fidelity to provide a better prepared workforce, student success in postsecondary education, and enhanced coordination between K-12, higher education, and employers;

(5) establishment and maintenance of standardized education and workforce terminology and definitions to be used across all agencies and sectors;

(6) development and implementation of an annual statewide workforce and education supply gap analysis which may include, but is not limited to:

- (a) evaluation of current and projected future employer demands;
- (b) determination of the makeup of the state's labor force and identifying the industries and occupations that are thriving by constructing a baseline analysis of the state's demographics and performing an analysis of the trends in the workforce and education infrastructure pipeline, including the supply of graduates in the State and the number of graduates by degree/certificate category;

(c) identifying the supply of skills found in the workforce, and demand for skills employers need from the workforce, and a means for determining how to close gaps that exist between the supply and demand of such skills; and

(d) reviewing growing industry and occupation clusters;

(7) creation and maintenance of an Education and Workforce Portal to provide South Carolinians with information critical to their lifelong educational journey, which may include, but is not limited to:

- (a) an "Educational Program Alignment Toolkit" that serves as an infrastructure of resources to enable the K-12, technical college, and

higher education systems to individually and collectively ensure their respective educational curriculum, initiatives, and programming match workforce needs;

(b) a “Career Pathways Tool” that uses applicable occupational data, educational programming, workforce needs, salary information, job market analyses, in-demand occupations, and other information to provide students, parents of students, job seekers, educators, and counselors with useful information about potential career pathways and the various routes to meaningful employment;

(c) real-time labor market information;

(d) comprehensive inventory of all education and training assets in the State; and

(e) global view of workforce-related program data including federal, state, and local education and training options and opportunities;

(8) development and implementation of a study, recommendations, and tools to address barriers to labor participation including, but not limited to, the following:

(a) affordable access to childcare and transportation;

(b) government assistance programs and requirements available to working families to determine potential opportunities to better incentivize and support employment, and employment-related activities, while easing the “cliff effect” during the transition to economic self-sufficiency;

(c) providing individuals who are receiving assistance from public benefit programs with the supports, skills, and credentials they need to gain and retain employment in occupations for which employers demonstrate persistent demands; and

(d) a “SC Benefits calculator” to help families, case managers, and community providers understand the impact of earnings and assist families planning their exit from the use of these public benefits, with the goal of promoting self-sufficiency and maximizing use of available opportunities;

(9) review of state and federal funding for all workforce development programs of which CCWD is aware, including passthrough funding to nonprofit/local/regional workforce programs to eliminate duplication and ensure funding is going toward meeting the goals of the USP;

(10) development of a reliable and replicable model for measuring returns on public investment in individual education and workforce programs, including a set of common measures used in a performance accountability system;

(11) development and delivery of a consolidated budget report that:

(a) improves transparency in workforce funding to enable smarter policy decisions; and

(b) makes recommendations for using legislative and executive means to improve system alignment, accountability, and efficiency;

(12) development and implementation of a method for conducting an ongoing inventory of existing workforce programs to identify duplications among and within the programs and identify ineffective programs; and

(13) coordinate with the South Carolina Department of Veterans' Affairs to develop and implement procedures that connect active duty military spouses, family members, veterans, and military retirees to job opportunities and career support.

(C) The Executive Director of the Department of Employment and Workforce shall serve as Chairman of the CCWD, and, as Chairman of the CCWD, monitor and audit the implementation of this chapter, review accountability and performance measures, and annually report to the Governor and the General Assembly by December first of each fiscal year, on the:

(1) actions taken by the council during the previous fiscal year;

(2) engagement of the council to include attendance, participation, and compliance with the USP, and;

(3) any recommendations for legislation.

The Executive Director or OSWD may submit additional reports on an ongoing basis as considered necessary.

(D) Agencies represented on the CCWD shall provide staff for the CCWD. These staff members may be provided by means of memorandums of agreement that address the scope of duties of each member agencies' personnel in providing this staff support.

(E) The Department of Employment and Workforce shall provide office space and equipment for the OSWD.

Article 7

Regional Workforce Advisors

Section 41-30-710. (A) The OSWD shall provide oversight to the regional workforce advisors (RWA), which are to coordinate and facilitate the delivery of information, resources, and services to students, educators, employers, and the community as provided in this article. The OSWD shall ensure that RWA's are providing services in schools and directly to students regarding opportunities available to students in industries and businesses across the State. The department shall hire

RWAs and shall seek input from the State Department of Education and others, as needed, in carrying out the requirements of this section.

(B) The primary responsibilities of these advisors are to:

(1) provide services to students and adults for career planning, employment seeking, training, and other support functions;

(2) provide information, resources, and professional development programs to educators;

(3) provide resources to school districts for compliance and accountability pursuant to the provisions of Chapter 59, Title 59;

(4) provide information and resources to employers including, but not limited to, education partnerships, career-oriented learning, and training services;

(5) facilitate local connections among businesses and those involved in education; and

(6) work with school districts and institutions of higher education to create and coordinate workforce education programs.

(C) Each RWA shall coordinate career development, and postsecondary transitioning for the schools in its region.

(D) The RWAs shall provide data and reports that the department requests.

(E) Each RWA's geographic area of responsibility must conform to the geographic configuration of the local areas designated pursuant to the Workforce Innovation and Opportunity Act, Pub.L. 113-128. Each RWA's geographic area of responsibility shall have an advisory board comprised of a school district superintendent, high school principal, local workforce investment board chairperson, technical college president, four-year college or university representative, career center director or school district career and technology education coordinator, parent-teacher organization representative, and business and civic leaders. Appointees must reside or do business in the geographic area of the RWA's geographic area of responsibility. Local legislative delegations shall make the appointments to their respective advisory boards.

Section 41-30-720. The Department of Employment and Workforce, in collaboration with the Department of Commerce, the State Board for Technical and Comprehensive Education, the Commission on Higher Education, and the State Department of Education shall plan and promote the career information and employment options and preparation programs provided for in this section by:

(1) identifying potential employers to participate in the career-oriented learning programs;

- (2) serving as a contact point for employees and job seekers who are seeking career information and training;
- (3) providing labor market information including, but not limited to, supply and demand;
- (4) promoting increased career awareness and career counseling through the management and promotion of the South Carolina Occupational Information System;
- (5) collaborating with local agencies and businesses to stimulate funds; and
- (6) cooperating in the creation and coordination of workforce education programs.

Contribution and wage reports, criteria and filing requirements revised

SECTION 3. Section 41-31-160 of the S.C. Code is amended to read:

Section 41-31-160. The department shall not require contribution and wage reports more frequently than quarterly. Effective with the quarter ending March 31, 2024, every employer with ten or more employees and every individual or organization that, as an agent, reports wages on a total of ten or more employees on behalf of one or more subject employers, shall file that portion of the "Employer Quarterly Contribution and Wage Reports" containing the employee's social security number, name, Standard Occupational Classification (SOC) code, total number of hours worked, and total wages electronically, in a format approved by the department. The department may waive the requirement to file electronically if a hardship is shown. In determining whether a hardship has been shown, the department shall take into account, among other relevant factors, the ability of the employer to comply with the filing requirement at a reasonable cost.

Requests for determination of insured status, employer criteria, filing requirements

SECTION 4. Section 41-35-615 of the S.C. Code is amended to read:

Section 41-35-615. All notices given to an employer concerning a request for determination of insured status, a request for initiation of a claim series in a benefit year, a notice of unemployment, a certification for waiting-week credit, a claim for benefits, and any reconsideration of a determination must be made by United States mail or electronic mail.

The employer may designate with the department its preferred method of notice. If an employer does not make a designation, then notices must be made by United States mail. The employer may not be required to respond to the notice until ten calendar days, or the next business day if the tenth day falls on a Saturday, Sunday, or state holiday, after the postmark on notices sent via United States mail or ten calendar days after the date a notice is sent via electronic mail. Effective March 1, 2024, every employer with ten or more employees and every individual or organization that, as an agent, reports information to the department on ten or more employees on behalf of one or more subject employers, shall file responses to department requests for information regarding an individual's claim for benefits (e.g. job separations, wage audits, etc.) electronically, in a format approved by the department. The department may waive the requirement to file electronically if a hardship is shown. In determining whether a hardship is shown, the department shall take into account, among other relevant factors, the ability of the employer to comply with the filing requirement at a reasonable cost.

Repeal

SECTION 5. Article 13 and Article 15 of Chapter 1, Title 13 of the S.C. Code are repealed.

Time effective

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

Ratified the 17th day of May, 2023

Approved the 19th day of May, 2023

No. 68

(R86, H4049)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 33-7-101, 33-31-701, 33-7-102, AND 33-31-702, ALL RELATING TO MEETINGS, SO AS TO ALLOW FOR REMOTE COMMUNICATION.

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

Annual meeting, remote communication

SECTION 1. Section 33-7-101 of the S.C. Code is amended by adding:

(d) If authorized by the board of directors, and subject to the guidelines and procedures the board of directors may adopt, shareholders and proxy holders not physically present at an annual meeting of shareholders may, by means of remote communication:

(1) participate in an annual meeting of shareholders;

(2) be deemed present in person and vote at an annual meeting of shareholders, whether such meeting is to be held at a designated place or solely by means of remote communication, provided that:

(i) the corporation implements reasonable measures to verify that each person deemed present and permitted to vote at the annual meeting is a shareholder or proxy holder;

(ii) the corporation implements reasonable measures to provide shareholders or proxy holders a reasonable opportunity to participate in the annual meeting and to vote on matters submitted to the shareholders including, without limitation, an opportunity to communicate and to read or hear the proceedings of the annual meeting substantially concurrently with such proceedings; and

(iii) if any shareholder or proxy holder votes or takes other action at the annual meeting by means of remote communication, a record of such vote or other action must be maintained by the corporation.

Annual and regular meetings, remote communication

SECTION 2. Section 33-31-701 of the S.C. Code is amended by adding:

(g) If authorized by the board of directors, and subject to the

guidelines and procedures the board of directors may adopt, members not physically present at annual or regular membership meetings may, by means of remote communication:

- (1) participate in an annual or regular membership meeting;
- (2) be deemed present in person and vote at an annual or regular membership meeting, whether such meeting is to be held at a designated place or solely by means of remote communication, provided that the corporation implements reasonable measures to verify that each person deemed present and permitted to vote at the annual or regular membership meeting is a member of the corporation or proxy holder.

Special meeting, remote communication

SECTION 3. Section 33-7-102 of the S.C. Code is amended by adding:

(e) If authorized by the board of directors, and subject to the guidelines and procedures the board of directors may adopt, shareholders and proxy holders not physically present at a special meeting of shareholders may, by means of remote communication:

- (1) participate in a special meeting of shareholders;
- (2) be deemed present in person and vote at a special meeting of shareholders, whether such meeting is to be held at a designated place or solely by means of remote communication, provided that:

(i) the corporation implements reasonable measures to verify that each person deemed present and permitted to vote at the special meeting is a shareholder or proxy holder;

(ii) the corporation implements reasonable measures to provide shareholders or proxy holders a reasonable opportunity to participate in the special meeting and to vote on matters submitted to the shareholders including, without limitation, an opportunity to communicate and to read or hear the proceedings of the special meeting substantially concurrently with such proceedings; and

(iii) if any shareholder or proxy holder votes or takes other action at the special meeting by means of remote communication, a record of such vote or other action must be maintained by the corporation.

Special meeting, remote communication

SECTION 4. Section 33-31-702 of the S.C. Code is amended by adding:

- (f) If authorized by the board of directors, and subject to the guidelines

and procedures the board of directors may adopt, members not physically present at special membership meetings may, by means of remote communication:

- (1) participate in a special membership meeting; and
- (2) be deemed present and in person and vote at a special membership meeting, whether such meeting is to be held at a designated place or solely by means of remote communication, provided that the corporation implements reasonable measures to verify that each person deemed present and permitted to vote at the special membership meeting is a member of the corporation or proxy holder.

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 17th day of May, 2023

Approved the 19th day of May, 2023

No. 69

(R87, H4115)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-11-10, RELATING TO THE CREATION OF THE SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD, SO AS TO MAKE A TECHNICAL CORRECTION; BY AMENDING SECTION 40-11-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF CONTRACTORS, SO AS TO REVISE DEFINITIONS AND PROVIDE NEW DEFINITIONS; BY AMENDING SECTION 40-11-30, RELATING TO CONTRACTING WORK FOR WHICH LICENSURE IS REQUIRED, SO AS TO INCREASE THE MINIMUM COST REQUIREMENT OF SUCH WORK; BY AMENDING SECTION 40-11-100, RELATING TO ADMINISTRATIVE PENALTIES FOR VIOLATIONS, SO AS TO REVISE THE PENALTIES; BY AMENDING SECTION 40-11-110, RELATING TO

DISCIPLINARY ACTIONS, SO AS TO REVISE THE GROUNDS FOR DISCIPLINARY ACTIONS, AMONG OTHER THINGS; BY AMENDING SECTION 40-11-230, RELATING TO CRITERIA FOR INDIVIDUALS TO BE PRIMARY QUALIFYING PARTIES, SO AS TO REVISE THE CRITERIA; BY AMENDING SECTION 40-11-240, RELATING TO CRITERIA FOR LICENSURE, SO AS TO REVISE THE CRITERIA; BY AMENDING SECTION 40-11-250, RELATING TO RENEWALS OF LAPSED LICENSES, SO AS TO PROVIDE RENEWALS COMPLETED WITHIN NINETY DAYS AFTER EXPIRATION ARE CONSIDERED RENEWED RETROACTIVELY TO THE EXPIRATION DATE AND PERIODS OF LICENSURE LAPSE ARE ELIMINATED; BY AMENDING SECTION 40-11-260, RELATING TO LICENSEE FINANCIAL STATEMENTS AND FINANCIAL REQUIREMENTS, SO AS TO REVISE SUCH REQUIREMENTS FOR LICENSE GROUPS AND TO PROHIBIT DISCLOSURE OF APPLICANT FINANCIAL STATEMENT INFORMATION; BY AMENDING SECTION 40-11-262, RELATING TO SURETY BONDS IN LIEU OF PROVIDING FINANCIAL STATEMENTS, SO AS TO MAKE CONFORMING CHANGES AND TO PROVIDE THE BOARD MAY INCREASE BOND REQUIREMENTS IN CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 40-11-290, RELATING TO LICENSURE OF APPLICANTS LICENSED IN OTHER STATES, SO AS TO SPECIFY THE EXAMINATION SUCH APPLICANTS MAY BE REQUIRED TO PASS; BY AMENDING SECTION 40-11-320, RELATING TO CONSTRUCTION MANAGERS, SO AS TO REVISE REGISTRATION PROCEDURES; BY AMENDING SECTION 40-11-360, RELATING TO EXEMPTIONS FROM APPLICATION OF THE CHAPTER AND REQUIRED CONTENT OF POSTERS DISTRIBUTED TO BUILDING PERMIT OFFICES, SO AS TO REVISE THE EXEMPTIONS, AND ELIMINATE THE POSTER REQUIREMENT, AMONG OTHER THINGS; BY AMENDING SECTION 40-11-410, RELATING TO LICENSE CLASSIFICATIONS AND SUBCLASSIFICATIONS, SO AS TO REVISE THE CLASSIFICATIONS; BY REPEALING SECTION 40-11-390 RELATING TO UNLICENSED ENTITIES ENGAGING IN GENERAL OR MECHANICAL CONSTRUCTION PRIOR TO APRIL 1, 1999; AND BY REPEALING SECTION 40-11-400 RELATING TO QUALIFYING PARTY CERTIFICATES.

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

Licensing board, technical correction

SECTION 1. Section 40-11-10(A) of the S.C. Code is amended to read:

(A) There is created the South Carolina Contractor's Licensing Board under the administration of the Department of Labor, Licensing and Regulation. The purpose of this board is to protect the health, safety, and welfare of the public through the regulation of businesses and individuals who identify, assess, and provide contracting work to individuals or other legal entities through the administration and enforcement of this chapter and any regulation promulgated under this chapter and Article 1, Chapter 1.

Definitions revised

SECTION 2. Section 40-11-20 of the S.C. Code is amended to read:

Section 40-11-20. For purposes of this chapter:

(1) "Ancillary work" means work that is directly associated with the building or structure which the licensee has been engaged to construct.

(2) "Board" means the South Carolina Contractors' Licensing Board.

(3) "Bid" means an offer to furnish labor, equipment, or materials or other services regulated by this chapter.

(4) "Certificate holder" means a qualifying party.

(5) "Contractor" means a general or mechanical contractor regulated under this chapter.

(6) "Construction manager" means an entity working for a fee whose duties are to supervise and coordinate the work of design professionals and multiple prime contractors, while allowing the design professionals and contractors to control individual operations and the manner of design and construction. Services provided by a construction manager may include:

(a) coordination, management, or supervision of design or construction;

(b) cost management, including estimates of construction costs and development of project budgets;

(c) scheduling, which may include critical path techniques, for all phases of a project;

(d) design review, including review of formal design submission and construction feasibility; and

(e) bid packaging and contractor selection. An owner, who performs construction management himself is not considered a construction manager for purposes of this chapter.

(7) “Department” means the Department of Labor, Licensing and Regulation.

(8) “Entity” means a sole proprietorship, partnership, limited liability partnership, limited liability company, association, joint venture, cooperative, corporation, or other legal entity authorized by law and approved by the board.

(9) “GAAP” stands for Generally Accepted Accounting Principles and means accounting principles generally accepted in the United States of America.

(10) “General construction” means the installation, replacement, or repair of a building, structure, highway, sewer, grading, asphalt or concrete paving, or improvement of any kind to real property.

(11) “General contractor” means an entity that performs or supervises or offers to perform or supervise general construction.

(12) “License classification” or “subclassification” means the type of construction for which a contractor may be licensed to do business.

(13) “License group” means the financial limitations for bidding and performing general or mechanical construction.

(14) “Licensee” means an entity that has been issued either a general or mechanical contractor's license by the department.

(15) “Licensed contractor” means an entity that is licensed by the South Carolina Contractor's Licensing Board to engage in general or mechanical contracting within the State.

(16) “Mechanical contractor” means an entity that performs or supervises, or offers to perform or supervise, mechanical construction.

(17) “Mechanical construction” means the installation, replacement, or repair of plumbing, heating, air conditioning, process piping, refrigeration, lightning protection equipment, or electrical components, fixtures, or devices of any kind, excluding burglar alarm work.

(18) “Net worth” means the total wealth of a company taking account of all financial assets and liabilities.

(19) “Individual” means a natural person.

(20) “Prime contractor” means an entity that contracts directly with an owner to perform general or mechanical construction.

(21) “Primary qualifying party” means a qualifying party who has been designated by a licensee as the principal individual responsible for directing or reviewing work performed by the licensee in a particular license classification or subclassification.

(22) “Public owner” means the State and any of its political

subdivisions, which includes all counties, municipalities, school districts, public service, or special purpose districts.

(23) "Qualifying party" means an individual who has been issued a certificate to qualify an entity for a license by way of examination in a license classification or subclassification.

(24) "Sole prime contractor" means the prime contractor for a project on which there is only one prime contractor.

(25) "Subcontractor" means an entity who contracts to perform construction services for a prime contractor or another subcontractor.

(26) "Total cost of construction" means the actual cost incurred by the owner, all contractors, subcontractors, and other parties for labor, material, equipment, profit, and incidental expenses for the entire project. This does not include the cost of design services unless those services are included in a construction contract.

(27) "Unlicensed contractor" means an entity performing or overseeing general or mechanical construction without a license.

(28) "Working capital" means the capital of a business calculated as the current assets minus the current liabilities.

Cost thresholds requiring licensure increased

SECTION 3. Section 40-11-30 of the S.C. Code is amended to read:

Section 40-11-30. No entity or individual may practice as a contractor by performing or offering to perform contracting work for which the total cost of construction is greater than ten thousand dollars for general contracting or greater than ten thousand dollars for mechanical contracting without a license issued in accordance with this chapter.

Administrative penalties revised

SECTION 4. Section 40-11-100(D) of the S.C. Code is amended to read:

(D) Administrative penalties assessed pursuant to this section may not exceed the following limits:

(1) for a first violation of a particular provision of this chapter or Article 1, Chapter 1 of this title, or any board regulation, not more than a five-hundred dollar penalty;

(2) for the second of two violations of the same or substantially similar provision in a five-year period, not more than a one-thousand

dollar penalty; and

(3) for the third or subsequent violation of the same or substantially similar provision in a five-year period, the citation may be referred to the board for action in accordance with Section 40-11-110 or issued a penalty as prescribed in Section 40-11-100(D)(2).

Grounds for discipline revised

SECTION 5. Section 40-11-110 of the S.C. Code is amended to read:

Section 40-11-110. (A) The board may impose disciplinary action authorized by this chapter upon a licensee, certificate holder, or other entity or individual if the board finds any of these conditions:

(1) subsequent discovery of facts which if known at the time of issuance or renewal of a license or certificate would have been grounds to deny the issuance or renewal of a license or certificate;

(2) gross negligence, performing substandard work, incompetence, or misconduct;

(3) abandonment of a contract or refusal to perform after submitting a bid on work without legal excuse for the abandonment or refusal;

(4) fraud or deceit in obtaining a license or certification;

(5) violation of a provision of this chapter, Article 1, Chapter 1 of this title or a regulation promulgated under these chapters;

(6) misrepresentation of a material fact by an applicant in obtaining a license or certificate;

(7) conviction or entering a guilty plea or plea of nolo contendere in a court of competent jurisdiction of this or any other state, district, or territory of the United States or of a foreign country of the offense of forgery, embezzlement, obtaining money under false pretenses, theft, extortion, or conspiracy to defraud or other like offense regardless of whether an appeal has been sought;

(8) conviction or entering a guilty plea or plea of nolo contendere of a felony or a crime involving moral turpitude in connection with the performance of a contract for construction regardless of whether an appeal has been sought;

(9) aiding or abetting an unlicensed entity to evade the provisions of this chapter, combining or conspiring with an unlicensed entity, allowing one's license to be used by an unlicensed entity, or acting as agent, partner, or associate, or an unlicensed entity;

(10) knowingly entering into a contract with an unlicensed contractor for work to be performed for which a license is required;

(11) false, misleading, or deceptive advertising whereby a member

of the public may be misled and injured;

(12) contracting or offering to contract or submitting a bid while a license is under suspension or probation;

(13) failure to obtain a building permit as required by a local or state government before engaging in construction;

(14) failure to take appropriate corrective action to comply with this chapter or a regulation promulgated under this chapter without valid justification within a reasonable period of time after receiving a written directive from the department;

(15) failure to maintain the net worth, working capital, or surety bond requirements for licensure;

(16) failure to comply with an order of the board;

(17) failure to provide pertinent records and documents as requested by the department or board;

(18) failure to maintain a business address accessible to the public;

(19) failure to comply with a directive of the department;

(20) failure to notify the department of changes in information required in an original or renewal application;

(21) contracting or offering to contract for construction work exceeding the limitations of a group or outside the classification or subclassification of a license;

(22) attempting to serve in the capacity of primary qualifying party while serving a house arrest, a jail sentence, or a prison sentence; or

(23) departure from an applicable building code of the State of South Carolina or any of its political subdivisions as determined by a court of competent jurisdiction.

(B) Disciplinary action may be taken against an entity or individual who the board determines to be responsible for violations of this chapter regardless of changes in corporate identity or federal employer identification subsequent to the violation. In determining responsibility, the board may consider, but is not limited to, an individual's:

(1) participation in management or supervision related to the violation;

(2) position as sole proprietor, partner, officer, or qualifying party.

(C) The board may, in addition to all other disciplinary actions, require a licensee, certificate holder, or other entity or individual to pay a civil penalty of up to five thousand dollars for each violation of this chapter or of a regulation promulgated under this chapter and may order an unlicensed contractor to cease and desist from violating a provision of this chapter.

(D) Upon presentation to the court of common pleas by the department of an affidavit for nonpayment of an administrative penalty under a

citation which is a final order or a civil penalty assessed by the board pursuant to subsection (C), the court shall issue an order for judgment to be filed in the office of the Clerk of Court.

(E) A license or certificate that is canceled by the department or revoked by the board must be returned to the department within fifteen days of notification by the department.

(F) No sooner than one year after revocation of a license or certificate by the board, the entity or individual who held that license or certificate may apply for another. The applicant must meet all requirements for initial licensure or certification and must appear before the board to present evidence that his practice will not unreasonably endanger the public.

(G) If a license is canceled by the department, the licensee must apply for initial licensure.

(H) Work in progress may be completed by the licensee if the licensee's license is revoked, canceled, lapsed, or suspended; however:

(1) no new work may be bid or started after revocation or suspension of a license upon proper notification by the department;

(2) unless otherwise directed by the board, the revocation, suspension, or restriction of a license or certificate does not become effective until the tenth day following the delivery to the licensee or qualifying party of a written decision of the board. Service of a petition for a review of the decision does not stay the board's decision pending completion of the appellate process in accordance with the Administrative Procedures Act.

(I) Where a licensee's business is dissolved for whatever reason, that license must be canceled by the department. However, if the business has been administratively dissolved by the Secretary of State, the licensee must be allowed ninety days from when the department notifies the licensee that it has obtained information that the licensee has been dissolved to provide proof of reinstatement by the Secretary of State, and if such proof is timely provided, any cancellation of the license by the department must be rescinded retroactively to the date of the cancellation.

(J) The board may revoke, suspend, or restrict an individual license classification or subclassification without effect to other license classifications or subclassifications.

(K) Sanctions, discipline, or administrative penalties authorized by this chapter or Section 40-1-120 may include a private reprimand. A final order of the board finding that an entity or individual is in violation of this chapter or Section 40-1-10, et seq., becomes public knowledge except for a final order dismissing the complaint, issuing a letter of

caution, or imposing a private reprimand.

Primary qualifying party criteria revised

SECTION 6. Section 40-11-230(B) of the S.C. Code is amended to read:

(B) To become designated by an entity as a primary qualifying party, an individual must meet all of the following:

- (1) hold a valid certificate issued pursuant to this chapter;
- (2) submit an affidavit verifying employment from former or current employers for whom the applicant was employed full-time for at least two years within the previous five years in the license classification or subclassification for which application is made or submit additional proof of employment experience as approved by the board;
- (3) submit documentation as approved by the board that they serve in a management capacity for the applicant and are actively involved in management, supervision, and operations for the work undertaken by the applicant. The primary qualifying party must be an integral party of the applicant's business and the work undertaken by the applicant.

A primary qualifying party may not take other employment that would conflict with the duties as primary qualifying party or diminish the ability to adequately supervise work performed by the licensee.

An individual desiring to be certified and serve as a primary qualifying party for a license group one, two, or three general contractor licensed pursuant to Section 40-11-410(A) must pass either the limited building contractor examination or the unlimited general contractor examination. Structures built by licensees for which the primary qualifying party has taken and passed the limited building contractor examination are restricted to three stories in height.

An individual desiring to be certified and serve as a primary qualifying party for a license group four or five general contractor licensed pursuant to Section 40-11-410(A) must pass the unlimited general contractor examination.

When a primary qualifying party ceases to serve as a primary qualifying party for a licensee, the licensee or the primary qualifying party shall notify the department in writing within fifteen days of the disassociation. If the licensee or primary qualifying party notifies the department within the prescribed time, the license remains in good standing for ninety days from the date the department receives notice of the disassociation. Failure to notify the department within fifteen days of a primary qualifying party's disassociation may result in license and

certificate cancellation.

If, after properly notifying the department of disassociation, the licensee fails to designate a replacement primary qualifying party pursuant to the requirements of this chapter within ninety days, the department shall suspend the licensee's license until a primary qualifying party is designated pursuant to the requirements of this chapter.

Licensure criteria revised

SECTION 7. Section 40-11-240(A) and (B) of the S.C. Code are amended to read:

(A) To qualify for licensure, an entity must:

(1) be a:

(a) sole proprietorship or general partnership; or

(b) limited partnership, limited liability partnership, limited liability company, or a for profit or nonprofit corporation that is either organized and registered under South Carolina law or is such an entity created under the laws of another state or jurisdiction and is registered with the South Carolina Secretary of State to do business in this State;

(2) have a certified qualifying party in a responsible management position; and

(3) meet all requirements for licensure as provided in this chapter.

(B) To qualify for a license, an entity must submit:

(1) a completed application on a form approved by the board;

(2) all required fees;

(3) a detailed statement of current financial condition or surety bond as required by this chapter;

(4) the name and certificate number of the primary qualifying party for each classification or subclassification for which a license is desired;

(5) proof that the entity's primary qualifying party in each classification or subclassification is in a responsible management position; and

(6) all documentation required by the department pursuant to the requirements of this chapter.

Lapsed license renewals, retroactivity

SECTION 8. Section 40-11-250(B) of the S.C. Code is amended to read:

(B) A license which has lapsed may be renewed within ninety days

from date of expiration by filing a renewal application and upon payment of renewal and late fees. If the application and all fees are submitted within the ninety-day period after the license expiration date and if the application is then approved, the renewal will be retroactive to the date of expiration, eliminating any period of licensure lapse. An entity whose license is lapsed for failure to renew must submit an application and meet all qualifications for initial licensure to engage in construction.

Financial statements and financial requirements, licensee group revisions, disclosures

SECTION 9. Section 40-11-260 of the S.C. Code is amended to read:

Section 40-11-260. (A) An applicant for a general contractor's license or a general contractor's license renewal who performs or offers to perform contracting work for which the total cost of construction is greater than ten thousand dollars, and an applicant for license group revisions must provide an acceptable financial statement with a balance sheet date no more than twelve months before the date of the relevant application meeting the requirements for each license group as follows:

(1) Group One

(a) bids and jobs not to exceed one hundred thousand dollars per job;

(b) required net worth of twenty thousand dollars or working capital of ten thousand dollars;

(c) on initial application, an owner-prepared financial statement on a form prescribed by the board with an affidavit of accuracy;

(d) on renewal, an owner-prepared financial statement on a form prescribed by the board with an affidavit of accuracy;

(2) Group Two

(a) bids and jobs not to exceed four hundred thousand dollars per job;

(b) required net worth of sixty thousand dollars or working capital of forty thousand dollars;

(c) on initial application, an owner-prepared financial statement on a form prescribed by the board with an affidavit of accuracy;

(d) on renewal, an owner-prepared financial statement on a form prescribed by the board with an affidavit of accuracy;

(3) Group Three

(a) bids and jobs not to exceed one million dollars per job;

(b) required net worth of one hundred fifty thousand dollars or working capital of one hundred thousand dollars;

(c) on initial application, a financial statement compiled by a licensed certified public accountant in accordance with Generally Accepted Accounting Principles (GAAP), including all disclosures required by GAAP indicating a required net worth of one hundred fifty thousand dollars or working capital of one hundred thousand dollars;

(d) on renewal, an owner-prepared financial statement on a form prescribed by the board with an affidavit of accuracy indicating a required net worth of one hundred fifty thousand dollars or working capital of one hundred thousand dollars, or a financial statement compiled by a licensed certified public accountant in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of one hundred fifty thousand dollars or working capital of one hundred thousand dollars;

(4) Group Four

(a) bids and jobs not to exceed three million dollars per job;

(b) required net worth of two hundred fifty thousand dollars or working capital of one hundred seventy-five thousand dollars;

(c) on initial application, a financial statement compiled by a licensed certified public accountant in accordance with GAAP, including all disclosures required by GAAP indicating a required net worth of two hundred fifty thousand dollars or working capital of one hundred seventy-five thousand dollars;

(d) on renewal, an owner-prepared financial statement on a form prescribed by the board with an affidavit of accuracy indicating a required net worth of two hundred fifty thousand dollars or working capital of one hundred seventy-five thousand dollars, or a financial statement compiled by a licensed certified public accountant in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of two hundred fifty thousand dollars or working capital of one hundred seventy-five thousand dollars;

(5) Group Five

(a) bids and jobs unlimited;

(b) required net worth of three hundred fifty thousand dollars or working capital of two hundred fifty thousand dollars;

(c) on initial application, an audited balance sheet prepared by a licensed certified public accountant or a licensed public accountant in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of three hundred fifty thousand dollars or working capital of two hundred fifty thousand dollars;

(d) on renewal, a financial statement reviewed by a licensed certified public accountant or a licensed public accountant in accordance with GAAP, including all disclosures required by GAAP.

(B) An applicant for a mechanical contractor's license or a mechanical contractor's license renewal who performs or offers to perform contracting work for which the total cost of construction is greater than ten thousand dollars, and an applicant for license group revisions must provide an acceptable financial statement with a balance sheet date no more than twelve months before the date of the relevant application meeting the requirements for each license group as follows:

(1) Group One

(a) bids and jobs not to exceed thirty-five thousand dollars per job;

(b) required net worth of seven thousand dollars or working capital of three thousand five hundred dollars;

(c) on initial application, an owner-prepared financial statement on a form prescribed by the board with an affidavit of accuracy;

(d) on renewal, an owner-prepared financial statement on a form prescribed by the board with an affidavit of accuracy;

(2) Group Two

(a) bids and jobs not to exceed one hundred thousand dollars per job;

(b) required net worth of fifteen thousand dollars or working capital of ten thousand dollars;

(c) on initial application, an owner-prepared financial statement on a form prescribed by the board with an affidavit of accuracy;

(d) on renewal, an owner-prepared financial statement with an affidavit of accuracy;

(3) Group Three

(a) bids and jobs not to exceed two hundred thousand dollars per job;

(b) required net worth of thirty thousand dollars or working capital of twenty thousand dollars;

(c) on initial application, a financial statement compiled by a licensed certified public accountant in accordance with Generally Accepted Accounting Principles (GAAP), including all disclosures required by GAAP indicating a net worth of thirty thousand dollars or working capital of twenty thousand dollars;

(d) on renewal, an owner-prepared financial statement on a form prescribed by the board with an affidavit of accuracy indicating a required net worth of thirty thousand dollars or working capital of twenty thousand dollars, or a financial statement compiled by a licensed certified public accountant or a licensed public accountant in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of thirty thousand dollars or working capital of

twenty thousand dollars;

(4) Group Four

(a) bids and jobs not to exceed four hundred thousand dollars per job;

(b) required net worth of sixty thousand dollars or working capital of forty thousand dollars;

(c) on initial application, a financial statement compiled by a licensed certified public accountant in accordance with GAAP, including all disclosures required by GAAP indicating a net worth of sixty thousand dollars;

(d) on renewal, an owner-prepared financial statement with an affidavit of accuracy indicating a required net worth of sixty thousand dollars, or a financial statement compiled by a licensed certified public accountant or a licensed public accountant in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of sixty thousand dollars or working capital of forty thousand dollars;

(5) Group Five

(a) bids and jobs unlimited;

(b) required net worth of three hundred thousand dollars or working capital of two hundred thousand dollars;

(c) on initial application, an audited balance sheet prepared by a licensed certified public accountant in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of three hundred thousand dollars or working capital of two hundred thousand dollars;

(d) on renewal, a financial statement on a form prescribed by the board reviewed by a licensed certified public accountant or a licensed public accountant in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of three hundred thousand dollars or working capital of two hundred thousand dollars.

(C) In reviewing an entity's balance sheet to determine the net worth or working capital of the applicant or licensee, the board may consider:

(1) deviations from the standard accountant's report;

(2) notes to the financial statement;

(3) additional financial information submitted by the applicant or licensee for renewals;

(4) personal financial statements of an entity's principals for an entity with less than two years' operating experience.

(D) If a licensee desires to change to a higher license group as established in this section, the licensee must meet the financial statement and net worth or working capital requirements in the higher license

group number as required in initial application.

(E) If the board has reasonable cause to believe that an entity has not maintained the minimum net worth or working capital for its group, the board may order the entity to submit additional financial information, and, if appropriate, may modify the entity's license to reflect the appropriate limitation group.

(F) Information contained in an applicant's financial statement is gathered for use by the department and board and may not be further disclosed.

Surety bonds in lieu of financial statements, conforming changes, bond increases

SECTION 10. Section 40-11-262 of the S.C. Code is amended to read:

Section 40-11-262. (A) In lieu of providing a financial statement showing a minimum net worth or working capital for a license group as required by Section 40-11-260, an applicant may provide a surety bond from a surety authorized to transact surety business in this State in the same amount as the net worth for the applicant's license group with his initial or renewal application.

(B) The surety bond provided in subsection (A) must:

(1) be continuous in form and must be maintained in effect for as long as the applicant maintains the license issued by the department or until the applicant submits a financial statement showing that he meets the net worth requirements for his license group as provided in Section 40-11-260;

(2) list the State of South Carolina as obligee for the bond;

(3) be for the benefit of any person who is damaged by an act or omission of the applicant constituting a breach of construction contract or a contract for the furnishing of labor, materials, or professional services for construction undertaken by the applicant, or by any unlawful act or omission of the applicant in performing construction; and

(4) be in addition to, and not in lieu of, any other surety bond required of the applicant by law or regulation, or by any party to a contract with the applicant.

(C) The surety bond provided in subsection (A) only may be canceled by notification to the board by the surety and the applicant thirty days prior to cancellation. When the surety bond is canceled, the licensee shall provide proof of net worth or working capital for his license group as required by Section 40-11-260 within ten days of cancellation or his license is suspended until written proof of net worth or working capital

is provided.

(D) Claims may be filed against the bond on a form approved by the board in accordance with procedures established by the board in regulation.

(E) The board, upon a finding of a violation by a licensee or that an applicant is unable to meet the financial responsibility guidelines, may further require the licensee to increase the amount of a surety bond or other approved security. An increase must be proportioned to the seriousness of the offense, the repeated nature of the licensee's violations, or related to the financial condition of an applicant. The board, after one year, may reduce an increased surety bond or other approved security when satisfied that violations have been cured by appropriate corrective action and that the licensee is otherwise in good standing.

Applicants licensed in other states, examination requirements

SECTION 11. Section 40-11-290 of the S.C. Code is amended to read:

Section 40-11-290. The board may grant a license or certificate to an applicant holding a license or certificate in good standing in another state whose requirements for licensure and certification are equal to or greater than those required by this chapter if the board has authorized an exam waiver agreement with the State. An applicant may exempt the technical examination required for certification if the applicant can verify passing an examination in another state which is essentially the same as the examination required by the department regardless of the absence of a reciprocal agreement with that state. An applicant for certification or licensure under this section may be required to pass the South Carolina Commercial Contractors Business, Law and Project Management examination, and must comply with all other licensing and certification requirements of this chapter.

Construction manager registration procedures revised

SECTION 12. Section 40-11-320 of the S.C. Code is amended to read:

Section 40-11-320. (A) A construction manager shall hold a South Carolina license in one or more of the following professional classifications:

(1) the general or mechanical contractor license classification and license group that would otherwise be applicable to a sole prime

contractor working on the construction project;

(2) a registered engineer pursuant to Chapter 21 of this title who meets the financial requirements set forth in Section 40-11-260 that would otherwise apply to a sole prime contractor working on the construction project. The proper financial statement must be submitted at any time when requested by the board. Failure to submit a proper financial statement is considered a violation of this chapter;

(3) an architect pursuant to Chapter 3 who meets the financial requirements set forth in Section 40-11-260 that would otherwise apply to a sole prime contractor working on the construction project. The proper financial statement must be submitted at any time when requested by the board. Failure to submit a proper financial statement is considered a violation of this chapter.

(B) An architect or engineer licensed in South Carolina who is monitoring the execution of design plans or who is performing as an on-site representative for construction quality control or quality assurance, or both, for a project owner is not a construction manager for the purposes of this section.

(C) An entity seeking registration as a construction manager shall file an application with the department designating one license being used to qualify for the practice of construction management pursuant to the requirements of this chapter. Complaints filed against construction managers who have qualified themselves as architects or engineers must be referred by the department to the appropriate board having jurisdiction over them. Those boards may impose disciplinary action and civil penalties as set forth in this chapter, or as otherwise provided by law. All other complaints filed against construction managers with a general contractor's license designation must be heard by the board and disciplinary action must be brought pursuant to this chapter. An entity's authority to practice as a construction manager may be revoked or suspended without other effect to the license held by that entity.

(D) The authority to assume the role of construction manager is granted to an entity holding a general or mechanical contractor's license or an architect's license or engineer's registration pursuant to the laws of this State. This authority does not permit architects and engineers to assume the role of general or mechanical contractors as defined in Section 40-11-20 unless properly licensed pursuant to this chapter. Construction managers may not perform design work themselves unless properly licensed as an architect or professional engineer. Entities performing construction themselves or holding construction contracts in their own name must be treated as general contractors or mechanical contractors, as appropriate, rather than construction managers for the

purposes of this chapter, and must be licensed pursuant to the requirements of this chapter to perform that work. Construction managers may hire or terminate the various design professionals and prime contractors with the direction and approval of an owner.

Exemptions, information posting requirements

SECTION 13. Section 40-11-360 of the S.C. Code is amended to read:

Section 40-11-360. This chapter does not apply to:

(1) An entity that installs fire sprinkler systems if the entity is licensed under Chapter 45, Title 23, or burglar and fire alarm systems if the entity is licensed under Chapter 79, Title 40.

(2) The installation of finished products, materials, or articles of merchandise that are not fabricated into and do not become a permanent fixed part of the structure. Work requiring licensure must be installed by a licensed contractor.

(3) Construction, alteration, improvement, or repair carried on within the limits of a site, the title to which is in the name United States of America or with respect to which federal law supersedes this chapter.

(4) Contractors performing construction work for the South Carolina Department of Transportation pursuant to that department's prequalification requirements with the exception of public/private partnerships performing work pursuant to Section 57-3-200.

(5) An owner of residential property who improves the property or who builds or improves structures or appurtenances on the property if he does the work himself, with his own employees, or with licensed contractors; provided that the structure, group of structures, or appurtenances, including the improvements, are intended for the owner's sole occupancy or occupancy by the owner's family and are not intended for sale or rent, and provided further, that the general public does not have access to this structure. In an action brought under this chapter, proof of the sale or rent or the offering for sale or rent of the structure by the owner-builder within two years after completion or issuance of a certificate of occupancy is prima facie evidence that the project was undertaken for the purpose of sale or rent and is subject to the penalties provided in this chapter. As used in this item, "sale" or "rent" includes an arrangement by which an owner receives compensation in money, provisions, chattel, or labor from the occupancy, or the transfer of the property or the structures on the property.

(6) An owner of nonowner-occupied property who improves the property or who builds or improves structures of less than five thousand

square feet or other appurtenances on the property, either by himself or with the owner's employees, if all structural and mechanical work is performed by licensed contractors if the work to be performed meets the threshold amount in Section 40-11-30 and if the property is not sold for two years after completion of the improvements. For purposes of this item, "structural" means foundation, pier, load-bearing partition, perimeter wall, internal wall exceeding ten feet in height, roof, floor, and any other work deemed by the board to be structural. "Mechanical" means work described in Section 40-11-410(5).

(7) An owner constructing a farm building or portable storage building with less than five thousand square feet of floor space and used only for livestock or storage.

(8) Public owners performing all or a portion of any work on a project themselves as long as the work performed falls within the limitations of a License Group 3 General Contractor or a License Group 4 Mechanical Contractor.

(9) Renovations and maintenance projects of the South Carolina Department of Corrections whereby all labor is supplied from that department's own labor forces.

(10) The South Carolina Public Service Authority when performing maintenance and renovations to existing facilities and when performing work in accordance with Section 40-11-410(4)(n).

(11) The installation, repair, or maintenance of signs of billboards; provided, however, an electrical license is required to perform a final connection to a branch circuit conductor. The installation or modification of a branch circuit conductor is not considered a part of the installation, repair, or maintenance of a sign or billboard.

Licensee classifications and subclassifications revised

SECTION 14. Section 40-11-410 of the S.C. Code is amended to read:

Section 40-11-410. The following license classifications are in effect:

(1) "General Contractors-Building" which includes commercial, industrial, institutional, modular, and all other types of building construction, including residential structures. This license classification includes all work under the subclassifications of Wood Frame Structures, Nonstructural Renovation, Masonry, Pre-engineered Metal Buildings, Roofing, Structural Framing, and Miscellaneous Metals.

Licensees under this classification may perform ancillary work referenced in the Concrete, Concrete Paving, Asphalt Paving, Glass and

Glazing, Grading, Public Electrical Utility, and Highway Incidental subclassifications, when the work is directly associated with the building or structure which the licensee has been engaged to construct. Ancillary work must be performed by the licensee, and it cannot exceed twenty percent of the total cost of construction or the work must be performed by a contractor licensed in the appropriate license subclassification. If a project includes work performed under a Mechanical Contractor subclassification or any of these license subclassifications, the licensee must have a license for this work or use a contractor licensed in the appropriate license classification or subclassification to perform the work: Swimming Pools, Bridges, Boring and Tunneling, Water and Sewer Lines, Pipe Lines, Railroad Lines, Marine, and Water and Sewer Plants.

(2) “General Contractors-Highway” which includes work under these subclassifications:

(a) “Bridges” which include bridge construction and repairs, railroad trestles and overpasses, and work under the subclassifications of Boring and Tunneling, Concrete, Marine, and Railroad Lines. Bridges are defined as structures over a depression or an obstruction such as water, highway, or railway, having a track or passageway designed for carrying vehicular traffic weighing over two thousand pounds.

(b) “Concrete Paving” which includes the construction, rehabilitation and repair of concrete streets, roads, highways, driveways, parking lots, airport runways and aprons, and concrete work incidental thereto including, but not limited to, sidewalks, curbs, medians, and barrier walls. This subclassification also includes work under the subclassification of Grading.

(c) “Asphalt Paving” which includes asphalt paving, repairs and rehabilitation of streets, roads, highways, driveways, parking lots, airport runways and aprons, concrete work including curbs, gutters, and concrete or asphalt paving of storm sewers, and includes paving with sealers, geotextile fabrics, slurry seals, and surface treatments incidental thereto. This subclassification also includes work under the subclassification of Grading.

(d) “Grading” which includes the soil preparation and rehabilitation of streets, roads, highways, railroad beds, building sites, parking lots, and storm sewers. This subclassification also includes work under the subclassification of Highway Incidental.

(e) “Highway Incidental” which includes highway work for grooving, milling, rehabilitating, and installing guardrails, gutters, highway signs, pavement marking, and painting.

(3) “General Contractors-Public Utility” which includes work under

these subclassifications:

(a) “Pipe Lines” which includes the construction, installation, alteration, maintenance, and repair of systems for the transmission or distribution of petroleum fuels, petroleum distillates, natural gas, chemicals, and slurries through pipeline from one station to another including all excavating, trenching, backfilling and installation of booster stations and equipment and installation and replacement of tanks connected to the system. This subclassification does not include the piping and tanks for the dispensing of any petroleum product at retail.

(b) “Water and Sewer Plants” which includes all classifications and subclassifications necessary for the construction of water treatment and wastewater treatment facilities. However, if a project includes work to be performed under any of these license subclassifications, the licensee must either have a license to perform this work or use a contractor licensed in the appropriate license classification or subclassification to perform the work: Bridges, Railroad Lines, Specialty Roofing, and Mechanical work.

(c) “Water and Sewer Lines” which includes construction work on water mains, water service lines, water storage tanks, sewer mains, sewer lines, lift stations, pumping stations and appurtenances to water storage tanks, lift stations, pumping stations, pavement patching, backfill, and erosion control as a part of construction, and which includes connection at the building of all lines to the appropriate lines contained in commercial structures, installation and repair of a project involving manholes, the laying of pipe for storm drains and sewer mains, all necessary connections, and excavation and backfilling, and concrete work incidental thereto.

Contractors in this license subclassification in license groups three, four, and five may install fire protection sprinkler system underground mains to a flanged outlet 1'-0" above the finished floor in compliance with National Fire Protection Association Standard 24. However, shop drawings must be submitted and approved by the State Fire Marshal with a copy of the approved drawings going to the licensed fire sprinkler contractor. Flushing and testing certificates must be delivered to the authority having jurisdiction and the performing licensed fire sprinkler contractor performing. General contractors in this license subclassification may not engage in water and sewer line work from the right-of-way to a residential structure unless the entity is a subcontractor to a licensee holding a plumbing subclassification.

(4) “General Contractors-Specialty” which includes work under these subclassifications:

(a) “Boring and Tunneling” which includes the construction of

underground or underwater passageways with diameters in excess of ninety-six inches or lengths in excess of three hundred fifty feet by digging or boring through and under the earth's surface, including the bracing and compacting of passageways to make them safe for the purpose intended. This subclassification includes the preparation of ground surfaces at points of ingress and egress. Underground structures less than ninety-six inches in diameter or less than three hundred fifty feet in length are considered normal excavation.

(b) "Concrete" which includes all work in connection with concrete forming and placing; assembling of forms, molds, slipforms and pans; centering, trenching, excavating, backfill, and grading in connection with concrete construction; construction of sidewalks, driveways, curbs, medians, and barrier walls; and installing of embedded items essential to or comprising an integral part of concrete or concrete construction including reinforcing elements and accessories including, but not limited to, concrete chimneys, floors, piers, and foundations when using concrete rebar and other materials common to the concrete industry. This subclassification does not include the General Contractor-Highway-Bridge license subclassification or the construction of streets, roads, parking lots, and highways.

(c) "Nonstructural Renovation" which includes interior and exterior installing, remodeling, renovations, and finishes of acoustical ceiling systems and panels, load-bearing and nonload-bearing drywall partitions, lathing and plastering, flooring (excluding carpet) and finishing, interior recreational surfaces, window and door installation, and installation of fixtures, cabinets, and millwork; and which also includes fireproofing, insulation, lining, painting, partitions, sandblasting, interior and exterior wall covering, and waterproofing. This subclassification does not include alterations to load-bearing portions of a structure.

(d) "Marine" which includes all water activities to construct seawalls, bulkheads, docks, piers, wharves, and other water structures including, but not limited to, pile driving, boat slips, and boardwalks. Licensees under this classification may perform ancillary work including fill grading, and foundations, including piling. This license subclassification does not include structures within the scope of the General Contractor-Building classification.

(e) "Masonry" which includes the installation, alteration, and repair of poured-in-place concrete foundations (e.g. footings or reinforced slabs), brick, concrete block, and products common to the masonry industry, including mortarless types and synthetic masonry products common to the building industry.

(f) “Pre-engineered Metal Buildings” which includes the construction of pre-engineered metal buildings consisting of no more than a concrete floor slab, metal frame, metal roof, metal sidewalls, foundations, and building insulation; but does not include mechanical work as described in Section 40-11-410(5).

(g) “Railroad Lines” which includes the installation and repair of railroad lines, including setting ties, tie plates, rails, rail connectors, frogs, switch plates, switches, and signal markers. This subclassification does not include grading, trestles, or overpasses.

(h) “Roofing” which includes the installation and repair of roofs and roof decking on commercial, industrial, residential, and institutional structures requiring materials that form a water-tight and weather-resistant surface. This license subclassification includes cedar, cement, asbestos, clay tile and composition shingles, all types of metal coverings, wood shakes, single-ply and built-up roofing, protective and reflective roof and deck coatings, sheet metal valleys, flashings, gravel stops, gutters and downspouts, and bituminous waterproofing.

(i) “Structural Framing” which includes the installation, repair, or alteration of metal or composite structural members for buildings or structures, including riveting, welding, and rigging. This subclassification also includes work under the subclassification of Miscellaneous Metals.

(j) “Miscellaneous Metals” which includes the installation, repair, or alteration of metal or composite shapes, tubing, pipes and bars, including minor field fabrication as may be necessary. This license classification includes fabricating, assembling, installing, and replacing solar panels and related components common to the building industry. Roof mounting of solar panels only may be performed by a licensed General Contractor with the Roofing or Building subclassification. Wiring and connections only may be performed by a licensed Mechanical Contractor with the Electrical subclassification. If a roof requires structural upgrades for the mounting and installing of solar panels, any structural upgrading of the roof must be performed by a licensed General Contractor with either the Building or Structural Framing subclassifications. Fences not over seven feet high do not require licensure under this subclassification.

(k) “Swimming Pools” which includes the construction, service, and repair of all residential, commercial, and institutional swimming pools and spas, including concrete, gunite, plastic, vinyl-lined, and fiberglass pools and spas; pool decks, walkways, tiling, and coping; and the installation of all equipment, including pumps, filters, and chemical feeders, water and gas service lines from the point of service to the pool

equipment, wiring from the pool equipment to the first readily accessible disconnect, pool piping, fittings, backflow prevention devices, waste lines, and other integral parts of a swimming pool or spa.

(l) “Wood Frame Structures” which include framing, roofing, siding, or flooring for wood-framed structures in excess of five thousand square feet used for housing livestock, storage, or processing, when such structures are not used for habitation or office facilities.

(m) “Public Electrical Utility” which includes the installation, replacement, alteration, and repair of transmission lines on or off public rights-of-way, including erection of poles, guying systems, tower line erection, street lighting, and outside lighting of all voltages and all underground systems, including ducts for signal communication and similar installations, transformers, circuit breakers, capacitors, primary metering devices, and other related equipment not used in connection with this subclassification. A contract that contains electrical work above fifty volts must be performed by a licensed public utility-electrical or mechanical-electrical contractor. This subclassification does not cover athletic field lighting, stadium lighting, or lighting which is not on public easements or rights-of-way.

(n) “Boiler Installation” which includes those who are qualified to install, repair, and service boilers and boiler piping including the boiler auxiliary equipment, controls, and actuated machinery and dryer rolls. To qualify for this subclassification, a person must pass a technical examination administered by the board or must be the holder of the American Society of Mechanical Engineers (ASME) “S” stamp or hold the National Board of Boiler and Pressure Vessel Inspectors (NBBPVI) “R” stamp and meet the requirements for licensure according to this chapter.

(o) “Glass and Glazing” which includes, but is not limited to, commercial, residential, industrial, institutional, modular, and all other types of glass and glazing construction. The construction is limited to selection, cutting, assembling, and installing all makes and kinds of glass for windows, sash and doors, metal frames, ornamental decorations, mirrors, tub and shower enclosures, guard and handrail systems, and other fixed openings. This license classification includes all work under the subclassifications of renovation, structural shapes, and architectural aluminum glazing systems which include aluminum entrance doors and frame systems, entrance and egress hardware, curtain wall systems, sliding doors/mall fronts, overhead glazing systems, and architectural window systems and accessories.

(5) “Mechanical Contractors” which includes work under these subclassifications:

(a) “Air Conditioning” which includes the installation, replacement, alteration, and repair of air conditioning equipment and systems which consist of a number of components necessary to produce conditioned air for environmental heating or cooling, or both, within buildings. Hot water or steam heating systems or components are not included under this classification. This subclassification also includes work under the subclassifications of Packaged Equipment and Refrigeration.

(b) “Heating” which includes installation, replacement, alteration, and repair of heating equipment and systems in buildings which require the use of high or low pressure steam vapor or hot water including all piping, ducts, and mechanical equipment, including boilers, within, adjacent to, or connected with a building and the installation of necessary gas lines if any of this equipment is gas-fired.

(c) “Packaged Equipment” (air conditioning-heating packaged equipment limited to twenty-five tons cooling and five hundred thousand BTU/HR heating per unit) which includes the installation, replacement, alteration, or repair of air conditioning equipment and systems which consist of a number of components necessary to produce conditioned air for environmental heating or cooling, or both, within buildings, including types of heating systems and any size package equipment; and the installation, alteration, and repair of ventilation systems, including duct work, air filtering devices, kitchen exhaust and other hood systems, water treatment devices, pneumatic or electrical controls, or control piping; thermal and acoustical insulation, vibration isolation materials and devices, liquid fuel piping and tanks, water and gas piping from service and heating circuits and air handling systems, including gas-fired furnaces and space heaters; and factory-assembled single-package units and split type direct expansion equipment, including heat pumps. This subclassification does not include installing, replacing, altering, or repairing hot water or steam heating systems or components.

(d) “Electrical” which includes the installation, alteration, or repair of wiring-related electrical material and equipment used in the generating, transmitting, or utilization of electrical energy less than six hundred volts, including all overhead electrical wiring on public rights-of-way for signs and street decorations and all underground electrical distribution systems of less than six hundred volts serving private properties. This subclassification also includes, but is not limited to, installing, altering, and repairing, panels, controls, conductors, conduits, cables, devices, plates, electric ceilings, control wiring; and electric heating, lighting fixtures, lamps, general outside lighting, underground and overhead feeder distribution systems for services, and related components or work necessary to provide a complete electrical

system and installing window or through-the-wall air conditioning units not to exceed three HP or three tons where no piping is necessary. Under this subclassification, general outside lighting is limited solely to within property lines and not on public easements or rights-of-way. A contract that contains electrical work above fifty volts must be performed by a contractor licensed under this subclassification or a licensed public electrical utility contractor. This license subclassification includes installing, altering, and repairing all lighting on private property, athletic fields, stadiums, parking lots, and the design, installation, and servicing of fire alarm systems.

(e) “Lightning Protection Systems” which includes installation, replacement, alteration, or repair of necessary lightning protection conduction, cables, rods, points, anchors, fastening devices, labels, ground clamps, braces, and all related component parts necessary for a complete lightning protection system.

(f) “Plumbing” which includes the installation, replacement, alteration, and repair of all plumbing including solar water heating when performed solely within property lines and not on public easements or rights-of-way except to make connections to water meters or sewer taps as allowed by the utility owner; and the installation, alteration, and repair of all piping, fixtures, and appliances related to water supply, including pressure vessels and tanks, and excluding municipal or related water supply systems; venting and sanitary drainage systems for all fluid and semi-fluid and organic wastes; roof leaders; water-conditioning equipment; piping and equipment for swimming pools; and installation of a system of pipes, fittings, fixtures, drains, and all necessary component parts upon the premises or in a building to supply water to buildings and to convey sewage or other waste products from buildings. If this equipment is gas-fired, the necessary gas lines may be installed under this subclassification used in connection with this subclassification. Plumbing contractors in license groups three, four, and five are not required to be licensed under Chapter 45, Title 23 to install standpipe systems, including water hose connections, water hose cabinets, and related branch lines if the water hoses do not supply water to automatic fire protection sprinklers.

(g) “Pressure and Process Piping” which includes the installation, maintenance, repair, alteration, or extension of a system of piping, tubing, vessels, containers, pumps, apparatus, and appurtenances in connection with pressure piping used for circulation, transporting, holding, or processing of gas, vapor, fluid, liquid, semi-liquid, or any combination of these. However, boilers, boiler piping, piping used to convey potable water, sanitary sewage, liquefied petroleum,

manufactured or natural gas or refrigeration, air conditioning and comfort heating piping are not included in this subclassification.

(h) "Refrigeration" which includes the installation, replacement, alteration, and repair of refrigeration equipment and systems used for processing, storage, and display of food products and other perishable commodities and commercial, industrial, and manufacturing processes requiring refrigeration, excluding comfort air conditioning. This subclassification also includes work on systems including related equipment for temperature, safety, and capacity controls, thermal insulation, vibration isolation materials and devices, water treatment devices, construction and installation of walk-in refrigeration boxes, liquid fuel piping and tanks, water and gas piping from equipment to service connection, and testing and balancing of refrigeration equipment and systems.

Repeal

SECTION 15. Section 40-11-390 of the S.C. Code is repealed.

Repeal

SECTION 16. Section 40-11-400 of the S.C. Code is repealed.

Time Effective

SECTION 17. This act takes effect upon approval by the Governor.

Ratified the 17th day of May, 2023

Approved the 19th day of May, 2023

No. 70

(R88, S474)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 6 OF CHAPTER 41, TITLE 44, RELATING TO THE FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT, SO AS TO PROVIDE THAT ABORTIONS MAY NOT BE PERFORMED IN THIS STATE AFTER A FETAL HEARTBEAT HAS BEEN DETECTED, WITH EXCEPTIONS FOR MEDICAL EMERGENCIES, RAPE, INCEST, OR FATAL FETAL ANOMALIES; TO CHANGE CERTAIN DEFINITIONAL TERMS; TO CREATE CRIMINAL PENALTIES; TO ESTABLISH CERTAIN RECORDKEEPING AND RECORD RETENTION REQUIREMENTS FOR PHYSICIANS AND OWNERS OF MEDICAL RECORDS; TO REQUIRE PHYSICIANS TO REPORT CERTAIN ALLEGATIONS OF RAPE OR INCEST TO LAW ENFORCEMENT; TO PROHIBIT CRIMINAL PROSECUTION OF ANY WOMAN WHO SEEKS OR OBTAINS AN ABORTION; TO CREATE A CIVIL RIGHT OF ACTION BY CERTAIN INDIVIDUALS FOR VIOLATIONS OF THE ARTICLE; TO REQUIRE PROFESSIONAL DISCIPLINE AGAINST PHYSICIANS IN CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES; BY ADDING SECTIONS 44-41-90, 63-17-325, AND 38-71-146 SO AS TO PROHIBIT THE USE OF STATE FUNDING FOR ABORTION-RELATED EXPENSES, TO REQUIRE CHILD SUPPORT FROM THE DATE OF CONCEPTION, AND TO REQUIRE HEALTH INSURANCE PLANS TO PROVIDE COVERAGE FOR CONTRACEPTIVES, RESPECTIVELY; BY AMENDING SECTIONS 44-41-10, 44-41-60, 44-41-70, 44-41-80, AND 44-41-330, ALL RELATING TO ABORTION, SO AS TO MAKE CONFORMING CHANGES; BY REQUIRING THE PUBLIC EMPLOYEE BENEFIT AUTHORITY AND THE STATE HEALTH PLAN TO PROVIDE COVERAGE FOR CONTRACEPTIVES; BY AUTHORIZING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO INTERVENE ON BEHALF OF THEIR RESPECTIVE BODY IN CERTAIN COURT ACTIONS; BY REPEALING SECTION 2 OF ACT 1 OF 2021, SECTION 44-41-20, AND ARTICLE 5, CHAPTER 41, TITLE 44 ALL RELATING TO ABORTION; AND FOR OTHER

PURPOSES.

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

Findings

SECTION 1. The General Assembly hereby finds all of the following:

(1) A fetal heartbeat is a key medical predictor that an unborn child will reach live birth.

(2) Cardiac activity begins at a biologically identifiable moment in time, normally when the fetal heart is formed in the gestational sac.

(3) The State of South Carolina has a compelling interest from the outset of a woman's pregnancy in protecting the health of the woman and the life of the unborn child.

Fetal Heartbeat and Protection from Abortion Act

SECTION 2. Article 6, Chapter 41, Title 44 of the S.C. Code is amended to read:

Article 6

Fetal Heartbeat and Protection from Abortion

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

(1) "Abortion" means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child. Such use, prescription, or means is not an abortion if done with the intent to save the life or preserve the health of the unborn child, or to remove a dead unborn child.

(2) "Clinically diagnosable pregnancy" means the point in time when it is possible to determine that a woman is pregnant due to the detectable presence of human chorionic gonadotropin (hCG).

(3) "Conception" means fertilization of an ovum by sperm.

(4) "Contraceptive" means a drug, device, or chemical that prevents ovulation, conception, or the implantation of a fertilized ovum in a woman's uterine wall after conception.

(5) "Fatal fetal anomaly" means that, in reasonable medical judgment, the unborn child has a profound and irremediable congenital or chromosomal anomaly that, with or without the provision of life-

preserving treatment, would be incompatible with sustaining life after birth.

(6) “Fetal heartbeat” means cardiac activity, or the steady and repetitive rhythmic contraction of the fetal heart, within the gestational sac.

(7) “Gestational age” means the age of an unborn child as calculated from the first day of the last menstrual period of a pregnant woman.

(8) “Gestational sac” means the structure that comprises the extraembryonic membranes that envelop the unborn child and that is typically visible by ultrasound after the fourth week of pregnancy.

(9) “Medical emergency” means in reasonable medical judgment, a condition exists that has complicated the pregnant woman’s medical condition and necessitates an abortion to prevent death or serious risk of a substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. A condition must not be considered a medical emergency if based on a claim or diagnosis that a woman will engage in conduct that she intends to result in her death or in a substantial and irreversible physical impairment of a major bodily function.

(10) “Physician” means a person licensed to practice medicine in this State.

(11) “Pregnant” means the human biological female reproductive condition of having a living unborn child within her body, whether or not she has reached the age of majority.

(12) “Rape” has the same meaning as criminal sexual conduct, regardless of the degree.

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

(14) “Unborn child” means an individual organism of the species homo sapiens from conception until live birth.

Section 44-41-620. An abortion may not be performed or induced without the voluntary and informed written consent of the pregnant woman or, in the case of incapacity to consent, the voluntary and informed written consent of her court-appointed guardian, and without compliance with the provisions of Section 44-41-330(A).

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

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

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

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

(B) Except as provided in Section 44-41-640, Section 44-41-650, and Section 44-41-660, no person shall perform or induce an abortion on a pregnant woman with the specific intent of causing or abetting an abortion if the unborn child's fetal heartbeat has been detected in accordance with Section 44-41-330(A). A person who violates this subsection is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned for not more than two years, or both.

Section 44-41-640. (A) It is not a violation of Section 44-41-630 if an abortion is performed or induced on a pregnant woman due to a medical emergency or is performed to prevent the death of the pregnant woman or to prevent the serious risk of a substantial and irreversible impairment of a major bodily function, not including psychological or emotional conditions, of the pregnant woman.

(B)(1) Section 44-41-630 does not apply to a physician who performs or induces an abortion if the physician determines according to standard medical practice that a medical emergency exists or is performed to prevent the death of the pregnant woman or to prevent the serious risk of a substantial or irreversible impairment of a major bodily function, not including psychological or emotional conditions, that prevents compliance with the section.

(2) A physician who performs or induces an abortion on a pregnant woman based on the exception in item (1) shall make written notations in the pregnant woman's medical records of the following:

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

(b) the medical condition of the pregnant woman that assertedly prevented compliance with Section 44-41-630; and

(c) the medical rationale to support the physician's or person's conclusion that the pregnant woman's medical condition necessitated the immediate abortion of her pregnancy to avert her death and a medical emergency necessitating the abortion existed.

(3) A physician performing a medical procedure pursuant to item (1) shall make reasonable medical efforts under the circumstances to preserve the life of the pregnant woman's unborn child, to the extent that

it does not risk the death of the pregnant woman or the serious risk of a substantial and irreversible physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions and in a manner consistent with reasonable medical practices. A medical procedure shall not be considered necessary if it is performed based upon a claim or diagnosis that the woman will engage in conduct that she intends to result in her death or in a substantial physical impairment of a major bodily function.

(4)(a) For at least seven years from the date the notations are made in the pregnant woman's medical records, the physician owner of the pregnant woman's medical records shall maintain a record of the notations and in his own records a copy of the notations.

(b) A person, if he is the owner of the pregnant woman's medical records, who violates this subsection is guilty of a felony and must be fined up to ten thousand dollars, imprisoned for not more than two years, or both.

(c) An entity with ownership of the pregnant woman's medical records that violates item (3) must be fined up to fifty thousand dollars.

(C)(1) It is not a violation of Section 44-41-630 for a physician to perform a medical procedure necessary in his reasonable medical judgment to prevent the death of a pregnant woman or the serious risk of a substantial and irreversible physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions.

(2) It is presumed that the following medical conditions constitute a risk of death or serious risk of a substantial and irreversible physical impairment of a major bodily function of a pregnant woman, not including psychological or emotional conditions: molar pregnancy, partial molar pregnancy, blighted ovum, ectopic pregnancy, severe preeclampsia, HELLP syndrome, abruptio placentae, severe physical maternal trauma, uterine rupture, intrauterine fetal demise, and miscarriage. However, when an unborn child is alive in utero, the physician must make all reasonable efforts to deliver and save the life of an unborn child during the process of separating the unborn child from the pregnant woman, to the extent that it does not adversely affect the life or physical health of the pregnant woman, and in a manner that is consistent with reasonable medical practice. The enumeration of the medical conditions in this item is not intended to exclude or abrogate other conditions that satisfy the exclusions contained in item (1) or prevent other procedures that are not included in the definition of abortion.

(3) A physician who performs a medical procedure pursuant to item

(1) shall declare, in a written document maintained with the woman's medical records, that the medical procedure was necessary, the woman's medical condition necessitating the procedure, the physician's rationale for his conclusion that the procedure was necessary, and that all reasonable efforts were made to save the unborn child in the event it was living prior to the procedure. The declaration required by this item must be placed in the woman's medical records not later than thirty days after the procedure was completed. A physician's exercise of reasonable medical judgment in relation to a medical procedure undertaken pursuant to this subsection is presumed to be within the applicable standard of care.

(D) Medical treatment provided to a pregnant woman by a physician which results in the accidental or unintentional injury or death of her unborn child is not a violation of Section 44-41-630.

(E) It is not a violation of Section 44-41-630 to use, sell, or administer a contraceptive measure, drug, chemical, or device if the contraceptive measure, drug, chemical, or device is used, sold, prescribed or administered in accordance with manufacturer's instructions and is not used, sold, prescribed or administered to cause or induce an abortion.

Section 44-41-650. (A) A physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman after the fetal heartbeat has been detected in accordance with Section 44-41-630 if:

(1) the pregnancy is the result of rape, and the probable gestational age of the unborn child is not more than twelve weeks; or

(2) the pregnancy is the result of incest, and the probable gestational age of the unborn child is not more than twelve weeks.

(B) A physician who performs or induces an abortion on a pregnant woman based on an exception contained in this section must report the allegation of rape or incest to the sheriff in the county in which the abortion was performed. The report must be made no later than twenty-four hours after performing or inducing the abortion, may be made orally or otherwise, and shall include the name and contact information of the pregnant woman making the allegation. Prior to performing or inducing an abortion, the physician who performs or induces an abortion based on an allegation of rape or incest must notify the pregnant woman that the physician will report the allegation of rape or incest to the sheriff. The physician shall make written notations in the pregnant woman's medical records that the abortion was performed pursuant to the applicable exception, that the doctor notified the sheriff of the allegation of rape or incest in a timely manner, and that the woman was notified prior to the

abortion that the physician would notify the sheriff of the allegation of rape or incest.

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

Section 44-41-660. (A) It is not a violation of Section 44-41-630 if an abortion is performed or induced on a pregnant woman due to the existence of a fatal fetal anomaly. Section 44-41-630 does not apply to a physician who performs or induces an abortion if the physician or person determines according to standard medical practice that there exists a fatal fetal anomaly.

(B)(1) A person who performs or induces an abortion based upon the existence of a fatal fetal anomaly shall make written notations in the pregnant woman's medical records of:

(a) the presence of a fatal fetal anomaly;
(b) the nature of the fatal fetal anomaly;
(c) the medical rationale for making the determination that with or without the provision of life-preserving treatment life after birth would be unsustainable.

(2) For at least seven years from the date the notations are made in the woman's medical records, the owner of the pregnant woman's medical records shall maintain a record of the notations.

(C) A person who violates this section is guilty of a felony and, upon conviction, must be fined up to ten thousand dollars, imprisoned for not more than two years, or both.

(D) An entity with ownership of the pregnant woman's medical records that violates item (2) must be fined up to fifty thousand dollars.

Section 44-41-670. A pregnant woman on whom an abortion is performed or induced in violation of this article may not be criminally prosecuted for violating any of the provisions of this article or for attempting to commit, or conspiring to commit a violation of any of the provisions of the article and is not subject to a civil or criminal penalty based on the abortion being performed or induced in violation of any of the provisions of this article.

Section 44-41-680. (A) In addition to all other remedies available under common or statutory law, failure to comply with the requirements of this article shall provide the basis for a civil action further described in this section.

(B) A pregnant woman upon whom an abortion has been performed,

induced, or coerced in violation of this article may maintain an action against the person who violated this article for actual and punitive damages. In addition to all other damages, and separate and distinct from all other damages, a plaintiff is entitled to statutory damages of ten thousand dollars for each violation of this article to be imposed on each defendant found to have violated this article.

(C) A separate and distinct cause of action for injunctive relief against any person who has violated this article may be maintained by:

(1) the woman upon whom the abortion was performed or induced in violation of this article;

(2) the parent or guardian of the pregnant woman if she had not attained the age of eighteen years at the time of the abortion or died as a result of the abortion;

(3) a solicitor or prosecuting attorney with proper jurisdiction; or

(4) the Attorney General.

(D) If a plaintiff prevails in an action initiated pursuant to this section the court shall award the plaintiff reasonable costs and attorney's fees.

(E) No damages, costs, or attorney's fees may be assessed against the woman upon whom an abortion was performed or induced.

(F) Under no circumstances may civil damages be awarded to a plaintiff if the pregnancy resulted from the plaintiff's criminal conduct.

(G) A civil cause of action pursuant to this section must be brought within three years of the date of the abortion and is not subject to the limitations and requirements contained in Chapter 79, Title 15.

Section 44-41-690. In addition to any other penalties imposed by law, a physician or any other professionally licensed person who intentionally, knowingly, or recklessly violates the prohibition on abortion contained in this article commits an act of unprofessional conduct. A physician's license to practice in this State immediately shall be revoked by the State Board of Medical Examiners, after due process according to the board's rules and procedures. Any other licensed person's professional license shall be immediately revoked by the appropriate licensing board, after due process according to that board's rules and procedures. A complaint may be originated by any person or by the board sua sponte. A licensing board acting pursuant to this section may assess costs of the investigation, fines, and other disciplinary actions as it may deem appropriate.

Section 44-41-700. Reserved.

Section 44-41-710. Reserved.

Section 44-41-720. Reserved.

Section 44-41-730. Reserved.

Section 44-41-740. Reserved.

State funding

SECTION 3. Article 1, Chapter 41, Title 44 of the S.C. Code is amended by adding:

Section 44-41-90. (A) No funds appropriated by the State for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except as provided in Sections 44-41-640, 44-41-650, and 44-41-660.

(B) No funds appropriated or authorized by the State may be used by any political subdivision of the State to purchase fetal tissue obtained from an abortion or fetal remains, nor may any political subdivision of the State accept donated fetal remains.

(C) No state funds may, directly or indirectly, be utilized by Planned Parenthood for abortions, abortion services or procedures, or administrative functions related to abortions.

Child support

SECTION 4. Article 3, Chapter 17, Title 63 of the S.C. Code is amended by adding:

Section 63-17-325. (A) A biological father of a child has a duty to pay the mother of the child the following financial obligations beginning with the date of conception:

(1) child support payment obligations in an amount determined pursuant to Section 63-17-470;

(2) fifty percent of the mother's pregnancy expenses.

(a) Any portion of a mother's pregnancy expenses paid by the mother or the biological father reduces that parent's fifty percent obligation regardless of when the mother or biological father pays the pregnancy expenses.

(b) Pregnancy expenses must include fifty percent of the mother's insurance premiums that are not paid by her employer or governmental program beginning from the date of conception and before the pregnancy ends, unless otherwise ordered by the court.

(c) Item (2) does not apply if a court apportions pregnancy expenses as part of an award of child support in item (1).

(B) In the case of a mother who becomes pregnant as a result of rape or incest, the biological father, in addition to the duties imposed by subsection (A), also is responsible for the full cost of any expenses incurred by the mother for mental health counseling arising out of the rape or incest.

(C) The duties imposed by this section accrue at the time of conception and must be applied retroactively when paternity is contested, and medical evidence establishes the paternity of the child. Interest accrues on any retroactive obligations beginning with conception until either the obligations are brought current or paid in full whichever happens first. The rate of interest must be calculated based on the applicable interest rate for money decrees and judgments in this State established annually by the South Carolina Supreme Court.

Health insurance

SECTION 5. Article 1, Chapter 71, Title 38 of the S.C. Code is amended by adding:

Section 38-71-146. All individual and group health insurance and health maintenance organization policies in this State shall include coverage for contraceptives. For purposes of this section, “contraceptive” means the same as in Section 44-41-610(4). A contraceptive may prevent ovulation, fertilization, or implantation in the uterus. A contraceptive does not include any drug, device, or medication used with the intent of terminating a pregnancy of a woman known to be pregnant. This section does not apply if an individual or entity asserts a sincerely held religious belief regarding the use of contraception.

Definitions

SECTION 6. Section 44-41-10 of the S.C. Code is amended to read:

Section 44-41-10. As used in this chapter:

(a) “Abortion” means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child. Such use, prescription, or means is not an abortion if done with the intent to save the life or

preserve the health of the unborn child, or to remove a dead unborn child.

(b) “Physician” means a person licensed to practice medicine in this State.

(c) “Department” means the South Carolina Department of Health and Environmental Control.

(d) “Hospital” means those institutions licensed for hospital operation by the department in accordance with Article 3, Chapter 7 of this title and which have also been certified by the department to be suitable facilities for the performance of abortions.

(e) “Clinic” shall mean any facility other than a hospital as defined in subsection (d) which has been licensed by the department, and which has also been certified by the department to be suitable for the performance of abortions.

(f) “Pregnant” means the human biological female reproductive condition of having a living unborn child within her body, whether or not she has reached the age of majority.

(g) “Conception” means the fertilization of an ovum by a sperm.

(h) “Consent” means a signed and witnessed voluntary agreement to the performance of an abortion.

(i) “First trimester of pregnancy” means the first twelve weeks of pregnancy commencing with conception rather than computed on the basis of the menstrual cycle.

(j) “Second trimester of pregnancy” means that portion of a pregnancy following the twelfth week and extending through the twenty-fourth week of gestation.

(k) “Third trimester of pregnancy” means that portion of a pregnancy beginning with the twenty-fifth week of gestation.

(l) “Minor” means a female under the age of seventeen.

(m) “Emancipated minor” means a minor who is or has been married or has by court order been freed from the care, custody, and control of her parents.

(n) “In loco parentis” means any person over the age of eighteen who has placed himself or herself in the position of a lawful parent by assuming obligations which are incidental to the parental relationship and has so served for a period of sixty days.

Abortion data

SECTION 7. Section 44-41-60 of the S.C. Code is amended to read:

Section 44-41-60. Any abortion performed in this State must be reported by the performing physician on the standard form for reporting

abortions to the State Registrar, Department of Health and Environmental Control, within seven days after the abortion is performed. The names of the patient and physician may not be reported on the form or otherwise disclosed to the State Registrar. The form must indicate from whom consent was obtained, circumstances waiving consent, and, if an exception was exercised pursuant to Section 44-41-640, 44-41-650, or 44-41-660, which exception the physician relied upon in performing or inducing the abortion.

Health care facility regulations

SECTION 8. Section 44-41-70(b) of the S.C. Code is amended to read:

(b) The department shall promulgate and enforce regulations for the licensing and certification of facilities other than hospitals as defined in Section 44-41-10(d) wherein abortions are to be performed.

Criminal offenses

SECTION 9. Section 44-41-80 of the S.C. Code is amended to read:

Section 44-41-80. (a) Any person, except as permitted by this chapter, who provides, supplies, prescribes or administers any drug, medicine, prescription or substance to any woman or uses or employs any device, instrument or other means upon any woman, with the intent to produce an abortion shall be deemed guilty of a felony and, upon conviction, shall be punished by imprisonment for a term of not less than two nor more than five years or fined not more than five thousand dollars, or both. Provided, that the provisions of this item shall not apply to any woman upon whom an abortion has been attempted or performed.

(b) Any woman upon whom an abortion has been performed or attempted in violation of the provisions of this chapter may be compelled to testify in any criminal prosecution initiated pursuant to subsection (a) of this section; provided, however, that such testimony shall not be admissible in any civil or criminal action against such woman and she shall be forever immune from any prosecution for having solicited or otherwise procured the performance of the abortion or the attempted performance of the abortion upon her.

Consent and ultrasound requirements

SECTION 10. Section 44-41-330(A) of the S.C. Code is amended to read:

(A) Except in the case of a medical emergency and in addition to any other consent required by the laws of this State, no abortion may be performed or induced without the voluntary and informed written consent of the pregnant woman and unless the following conditions have been satisfied:

(1)(a) While physically present in the same room, the woman must be informed by the physician who is to perform the abortion, an allied health professional working in conjunction with the physician, or the referring physician of the procedure to be involved, including:

(i) the nature and risks of undergoing or not undergoing the proposed procedure that a reasonable patient would consider material to making a knowing and wilful decision of whether to have an abortion;

(ii) the probable gestational age of the unborn child, verified by an ultrasound, at the time the abortion is to be performed;

(iii) the presence of the unborn child's fetal heartbeat, if present and viewable.

(b) If an ultrasound is required to be performed, an abortion may not be performed sooner than sixty minutes following completion of the ultrasound. The ultrasound must be performed by the physician who is to perform the abortion or by a person having documented evidence that he or she is a certified sonographer under South Carolina law and who is working in conjunction with the physician. The physician who is to perform the abortion or an allied health professional working in conjunction with the physician must inform the woman before the ultrasound procedure of her right to view the live ultrasound images and hear the unborn child's fetal heartbeat, if present, at her request during or after the ultrasound procedure and to have them explained to her.

(c) If the woman accepts the opportunity to view the images and hear the explanation, a physician or a registered nurse, licensed practical nurse, or physician assistant working in conjunction with the physician must contemporaneously review and explain the images to the woman before the woman gives informed consent to having an abortion procedure performed.

(d) The woman has a right to decline to view and hear the explanation of the live ultrasound images after she is informed of her right and offered an opportunity to view the images and hear the explanation. If the woman declines, the woman shall complete a form

acknowledging that she was offered an opportunity to view and hear the explanation of the images but that she declined that opportunity. The form also must indicate that the woman's decision was not based on any undue influence from any person to discourage her from viewing the images or hearing the explanation and that she declined of her own free will.

(e) If the physician who intends to perform or induce an abortion on a pregnant woman has determined pursuant to Sections 44-41-620, 44-41-630, and 44-41-330(A) that the unborn child the pregnant woman is carrying has a detectable fetal heartbeat, then that physician shall inform the pregnant woman in writing that the unborn child the pregnant woman is carrying has a fetal heartbeat. The physician shall further inform the pregnant woman, to the best of the physician's knowledge, of the statistical probability, absent an induced abortion, of bringing the human fetus possessing a detectable fetal heartbeat to term based on the gestational age of the human fetus or, if the director of the department has specified statistical probability information, shall provide to the pregnant woman that information. The department may promulgate regulations that specify information regarding the statistical probability of bringing an unborn child possessing a detectable fetal heartbeat to term based on the gestational age of the unborn child. Any regulations must be based on available medical evidence.

(2) The woman must be presented by the physician who is to perform the abortion or by an allied health professional working in conjunction with the physician a written form containing the following statement: "You have the right to review printed materials prepared by the State of South Carolina which describe fetal development, list agencies which offer alternatives to abortion, and describe medical assistance benefits which may be available for prenatal care, childbirth, and neonatal care. You have the right to view your ultrasound image." This form must be signed and dated by both the physician who is to perform the procedure and the pregnant woman upon whom the procedure is to be performed.

(3) The woman must certify in writing, before the abortion, that the information described in item (1) of this subsection has been furnished her, and that she has been informed of her opportunity to review the information referred to in item (2) of this subsection.

(4) Before performing the abortion, the physician who is to perform or induce the abortion must determine that the written certification prescribed by item (3) of this subsection or the certification required by subsection (D) has been signed. This subsection does not apply in the case where an abortion is performed pursuant to a court order.

State Health Plan

SECTION 11. The Public Employee Benefit Authority and the State Health Plan shall cover prescribed contraceptives for dependents under the same terms and conditions that the Plan provides contraceptive coverage for employees and spouses. The State Health Plan shall not apply patient cost sharing provisions to covered contraceptives.

Right of intervention, civil court actions

SECTION 12. The President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives have an unconditional right to intervene on behalf of their respective bodies in a state court action and may provide evidence or argument, written or oral, if a party to that court action challenges the constitutionality of this act. In a federal court action that challenges the constitutionality of this act the Legislature may seek to intervene, to file an amicus brief, or to present arguments in accordance with federal rules of procedure. Intervention by the Legislature pursuant to this provision does not limit the duty of the Attorney General to appear and prosecute legal actions or defend state agencies, officers or employees as otherwise provided. In any action in which the Legislature intervenes or participates, the Senate and the House of Representatives shall function independently from each other in the representation of their respective clients.

Repeal

SECTION 13. A. SECTION 2 of Act 1 of 2021 and Section 44-41-20 of the S.C. Code are repealed.

B. Article 5, Chapter 41, Title 44 of the S.C. Code is repealed. However, if some or all of the provisions contained in SECTION 2 of this act are ever temporarily or permanently restrained or enjoined by judicial order, or are held to be unconstitutional or invalid, then all of the provisions of Article 5, Chapter 41, Title 44 are reenacted retroactively to the date the judicial order either temporarily or permanently restraining or enjoining some or all of the provisions contained in SECTION 2 or declaring some or all of the provisions contained in SECTION 2 unconstitutional or invalid is entered.

Time effective

SECTION 14. This act takes effect upon approval by the Governor.

Ratified the 24th day of May, 2023

Approved the 25th day of May, 2023

No. 71

(R63, S31)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-7-240, RELATING TO INDEPENDENT AUDITS OF MUNICIPAL FINANCIAL RECORDS AND TRANSACTIONS, SO AS TO ALLOW MUNICIPALITIES WITH LESS THAN \$500,000 IN TOTAL REVENUES TO PROVIDE A COMPILATION OF FINANCIAL STATEMENTS; BY AMENDING SECTION 14-1-208, RELATING TO FINES AND ASSESSMENTS, SO AS TO INCLUDE REFERENCES TO FILING A COMPILATION OF FINANCIAL STATEMENTS; AND BY AMENDING SECTION 4-9-150, RELATING TO AUDITS OF COUNTY RECORDS, SO AS TO ALLOW FOR A FILING EXTENSION IN CERTAIN CIRCUMSTANCES.

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

Municipal audits

SECTION 1. Section 5-7-240 of the S.C. Code is amended to read:

Section 5-7-240. (A) The council of each municipality having total recurring revenues at or above the threshold in Section 5-7-240(D) shall provide for an annual audit of financial statements. The council may, without requiring competitive bids, designate a certified public accountant or public accounting firm annually or for a period not exceeding four years, provided, that the designation for any particular

fiscal year shall be made no later than thirty days after the beginning of such fiscal year.

(B) The council of each municipality having total recurring revenues below the threshold in Section 5-7-240(D) may elect to provide for either an audit of financial statements or a compilation of financial statements in lieu of an audit as follows:

(1) annually for municipalities that have a court system; or

(2) at least once every three years for municipalities that do not have a court system.

(C) The audit or compilation must be performed by an independent certified public accountant or a firm of certified public accountants. The report of the audit or compilation shall be made available for public inspection. Financial statements of municipalities with a court system must include the requirements of Section 14-1-208.

A municipality that exceeds the threshold in the current fiscal year but was below the threshold in the previous fiscal year must begin submitting audited financial statements annually beginning no later than the fiscal year following the year in which its total revenues exceed the threshold.

(D) Beginning with the municipality fiscal year which begins after January 1, 2024, the reporting threshold is \$500,000 of the total recurring revenue of a municipality. As soon as practicable at the beginning of each subsequent calendar year, the Revenue and Fiscal Affairs Office must determine the increase or decrease in the ratio of the Consumer Price Index to the index as of December 31 of the previous year and the threshold must be increased accordingly. If the average of the twelve-month consumer price index experiences a negative percentage, the average is deemed to be zero. For purposes of this subsection, "Consumer Price Index" means the Consumer Price Index for All Urban Consumers as published by the United States Department of Labor, Bureau of Labor Statistics.

Fines and assessments

SECTION 2. Section 14-1-208(E) of the S.C. Code is amended to read:

(E) To ensure that fines and assessments imposed pursuant to this section and Section 14-1-209(A) are properly collected and remitted to the State Treasurer, the audit or compilation performed for each municipality pursuant to Section 5-7-240 must include a Uniform Supplemental Schedule Form detailing all fines and assessments collected at the court level, the amount remitted to the municipal

treasurer, and the amount remitted to the State Treasurer.

(1) To the extent that records are made available in the format determined pursuant to subsection (E)(4), the Uniform Supplemental Schedule Form developed by the Office of the Attorney General, South Carolina Crime Victim Services Division, must be used by all counties and municipalities to report their crime victim services funds and must include the following elements:

- (a) all fines collected by the clerk of court for the municipal court;
- (b) all assessments collected by the clerk of court for the municipal court;
- (c) the amount of fines retained by the municipal treasurer;
- (d) the amount of assessments retained by the municipal treasurer;
- (e) the amount of fines and assessments remitted to the State Treasurer pursuant to this section; and
- (f) the total funds, by source, allocated to victim services activities, how those funds were expended, and any balances carried forward.

(2) For municipalities required to provide for an annual audit of financial statements pursuant to Section 5-7-240, the Uniform Supplemental Schedule Form must be included in the external auditor's report as required by generally accepted auditing standards when information accompanies the basic financial statements in auditor submitted documents.

(3) For municipalities allowed to provide for a compilation of financial statements pursuant to Section 5-7-240, the Uniform Supplement Schedule Form must be included in the compilation report as supplemental information. In addition, the municipality is required to engage the external accountant to perform agreed upon procedures related to the supplemental schedule as established annually by the Office of the State Treasurer and approved by the Office of the State Auditor.

(4) Within thirty days of issuance of the audited or compiled financial statement, the municipality must submit to the State Treasurer a copy of the audited or compiled financial statement and a statement of the actual cost associated with the preparation of the Uniform Supplemental Schedule Form required in this section and, if applicable, the agreed upon procedures. Upon submission to the State Treasurer, the municipality may retain and pay from the fines and assessments collected pursuant to this section the actual expense charged by the external auditor or accountant associated with the Uniform Supplemental Schedule Form required in this subsection, not to exceed

two thousand dollars each year.

(5) The clerk of court and municipal treasurer shall keep records of fines and assessments required to be reviewed pursuant to this subsection in the format determined by the municipal governing body and make those records available for review.

Audits of county records

SECTION 3. Section 4-9-150 of the S.C. Code is amended to read:

Section 4-9-150. The council shall provide for an independent annual audit of all financial records and transactions of the county and any agency funded in whole by county funds and may provide for more frequent audits as it considers necessary. Special audits may be provided for any agency receiving county funds as the county governing body considers necessary. The audits must be made by a certified public accountant or public accountant or firm of these accountants who have no personal interest, direct or indirect, in the fiscal affairs of the county government or any of its officers. The council may, without requiring competitive bids, designate the accountant or firm annually or for a period not exceeding three years. The designation for any particular fiscal year must be made no later than thirty days after the beginning of the fiscal year. The report of the audit must be made available for public inspection. A copy of the report of the audit must be submitted to the State Treasurer no later than January first each year following the close of the books of the previous fiscal year. Upon a showing of proper cause, as determined by the State Treasurer, the State Treasurer shall grant a county an extension of ninety days. To be considered, a request for extension must be signed by the chair of the council before the deadline for filing.

If the report is not filed with the State Treasurer by January first, or within the time extended for filing the report, funds distributed by the State Treasurer to the county in the current fiscal year must be withheld pending receipt of a copy of the report.

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 17th day of May, 2023

Vetoed by the Governor -- 5/22/23.

Veto overridden by Senate -- 5/23/23.

Veto overridden by House -- 6/7/23.

No. 72

(R97, H3503)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I SUBSTANCES, SO AS TO ADD FENTANYL-RELATED SUBSTANCES; BY AMENDING SECTION 44-53-370, RELATING TO PROHIBITED ACTS AND PENALTIES, SO AS TO ADD AN OFFENSE FOR TRAFFICKING IN FENTANYL; BY AMENDING SECTION 44-53-370, RELATING TO NARCOTICS AND CONTROLLED SUBSTANCES PROHIBITED ACTS AND PENALTIES, SO AS TO ADD TRAFFICKING IN FENTANYL; BY ADDING SECTION 44-53-393 SO AS TO PROVIDE THAT THE TERM "DRUG PARAPHERNALIA" DOES NOT INCLUDE CERTAIN TESTING EQUIPMENT; AND BY ADDING SECTION 44-53-379 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN INDIVIDUALS WHO HAVE BEEN CONVICTED OF CERTAIN DRUG-RELATED CRIMES TO POSSESS A FIREARM OR AMMUNITION WITHIN THIS STATE.

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

Fentanyl-related substances

SECTION 1. Section 44-53-190(B) of the S.C. Code is amended by adding an item to read:

(48) Fentanyl-related substances. Unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, that is structurally related to fentanyl by one or more of the following modifications:

- (a) replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;
- (b) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino or nitro groups;
- (c) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;
- (d) replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; or
- (e) replacement of the N propionyl group by another acyl group or hydrogen.

This definition includes, but is not limited to, the following substances: Methylacetyl fentanyl, Alpha methylfentanyl, Methylthiofentanyl, Benzylfentanyl, Beta hydroxyfentanyl, Beta hydroxy 3 methylfentanyl, 3 Methylfentanyl, Methylthiofentanyl, Fluorofentanyl, Thenylfentanyl or Thienyl fentanyl, Thiofentanyl, Acetylfentanyl, Butyrylfentanyl, Beta Hydroxythiofentanyl, Lofentanil, Ocfentanil, Ohmfentanyl, Benzodioxolefentanyl, Furanyl fentanyl, Pentanoyl fentanyl, Cyclopentyl fentanyl, Isobutyryl fentanyl, Remifentanil, Crotonyl fentanyl, Cyclopropyl fentanyl, Valeryl fentanyl, Fluorobutyryl fentanyl, Fluoroisobutyryl fentanyl, Methoxybutyryl fentanyl, Isobutyryl fentanyl, Chloroisobutyryl fentanyl, Acryl fentanyl, Tetrahydrofuran fentanyl, Methoxyacetyl fentanyl, Fluorocrotonyl fentanyl, Cyclopentenyl fentanyl, Phenyl fentanyl, Cyclobutyl fentanyl, Methylcyclopropyl fentanyl.

Trafficking in fentanyl offense and penalty

SECTION 2. Section 44-53-370(d) of the S.C. Code is amended to read:

- (d) A person who violates subsection (c) with respect to:
 - (1) a controlled substance classified in Schedule I (B) and (C) which is a narcotic drug or lysergic acid diethylamide (LSD) and in Schedule II which is a narcotic drug is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than two years or fined not more than five thousand dollars, or both. For a second offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than five thousand dollars, or both. For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than ten thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this

item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits;

(2) any other controlled substance classified in Schedules I through V is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not more than one thousand dollars, or both. For a second or subsequent offense, the offender is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not more than two thousand dollars, or both, except as provided in subsection (d)(4). Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits;

(3) cocaine is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years or fined not more than five thousand dollars, or both. For a first offense, the court, upon approval of the solicitor, may require as part of a sentence, that the offender enter and successfully complete a drug treatment and rehabilitation program. For a second offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than seven thousand five hundred dollars, or both. For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not more than twelve thousand five hundred dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits;

(4) more than two grains of fentanyl or fentanyl-related substance is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than five thousand dollars, or both. For a second offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not more than seven thousand five hundred dollars, or both. For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years or fined not more than ten thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item for a first or second offense may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits;

(5) possession of more than: one gram of cocaine, one hundred milligrams of alpha- or beta-eucaine, four grains of opium, four grains of morphine, two grains of heroin, two grains of fentanyl or a fentanyl-related substance as described in Section 44-53-190 or 44-53-210, one hundred milligrams of isonipecaine, twenty-eight grams or one ounce of marijuana, ten grams of hashish, fifty micrograms of lysergic acid diethylamide (LSD) or its compounds, fifteen tablets, capsules, dosage units, or the equivalent quantity of 3, 4-methylenedioxymethamphetamine (MDMA), or twenty milliliters or milligrams of gamma hydroxybutyric acid or a controlled substance analogue of gamma hydroxybutyric acid, is prima facie guilty of violation of subsection (a) of this section. A person who violates this subsection with respect to twenty-eight grams or one ounce or less of marijuana or ten grams or less of hashish is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days or fined not less than one hundred dollars nor more than two hundred dollars. Conditional discharge may be granted in accordance with the provisions of Section 44-53-450 upon approval by the circuit solicitor to the magistrate or municipal judge. As a part of a sentence, a magistrate or municipal judge may require attendance at an approved drug abuse program. Persons charged with the offense of possession of marijuana or hashish under this item may be permitted to enter the pretrial intervention program under the provisions of Sections 17-22-10 through 17-22-160. For a second or subsequent offense, the offender is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not less than two hundred dollars nor more than one thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits.

When a person is charged under this subsection for possession of controlled substances, bail shall not exceed the amount of the fine and the assessment provided pursuant to Section 14-1-206, 14-1-207, or 14-1-208, whichever is applicable. A person charged under this item for a first offense for possession of controlled substances may forfeit bail by nonappearance. Upon forfeiture in general sessions court, the fine portion of the bail must be distributed as provided in Section 14-1-205. The assessment portion of the bail must be distributed as provided in Section 14-1-206, 14-1-207, or 14-1-208, whichever is applicable.

Trafficking in fentanyl

SECTION 3. Section 44-53-370(e) of the S.C. Code is amended by adding an item to read:

(9) four grams or more of any fentanyl or fentanyl-related substance, as described in Section 44-53-190 or 44-53-210, or four grams or more of any mixture containing fentanyl or any fentanyl-related substance, is guilty of a felony which is known as “trafficking in fentanyl” and, upon conviction, must be punished as follows if the quantity involved is:

(a) four grams or more, but less than fourteen grams:

1. for a first offense, a term of imprisonment of not less than seven years nor more than twenty-five years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;

2. for a second or subsequent offense, a mandatory minimum term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of one hundred thousand dollars;

(b) fourteen grams or more but less than twenty-eight grams, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars;

(c) twenty-eight grams or more, a mandatory term of imprisonment of not less than twenty-five years nor more than forty years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars.

Drug paraphernalia

SECTION 4. Chapter 53, Title 44 of the S.C. Code is amended by adding:

Section 44-53-393. Notwithstanding any provision of law to the contrary, the term “drug paraphernalia” as defined in Section 44-53-110 shall not include rapid fentanyl test strips or any testing equipment or devices solely used, intended for use, or designed to determine whether a substance contains fentanyl or its analogues.

Savings clause

SECTION 5. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending

actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

Felony possession of a firearm

SECTION 6. Chapter 53, Title 44 of the S.C. Code is amended by adding:

Section 44-53-379. (A) It is unlawful for a person who has been convicted of possession with intent to distribute, distribution or delivery of, manufacturing of, or trafficking in a controlled substance as defined in Sections 44-53-370 and 44-53-375, to possess a firearm or ammunition within this State.

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

(C)(1) In addition to the penalty provided in this section, the firearm or ammunition involved in the violation of this section must be confiscated. The firearm or ammunition must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated firearm or ammunition may use it within the agency, transfer it to another law enforcement agency for the lawful use of that agency, trade it with a retail dealer licensed to sell firearms or ammunition in this State for a firearm, ammunition, or any other equipment approved by the agency, or destroy it. A firearm or ammunition must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined. If the State Law Enforcement Division seized the firearm or ammunition, the division may keep the firearm or ammunition for use by its forensic laboratory. Records must be kept of all confiscated firearms or ammunition received by the law enforcement agencies under the provisions of this section.

(2) A law enforcement agency that receives a firearm or

ammunition pursuant to this section shall administratively release the firearm or ammunition to an innocent owner. The firearm or ammunition must not be released to the innocent owner until the results of any legal proceedings in which the firearm or ammunition may be involved are finally determined. Before the firearm or ammunition may be released, the innocent owner shall provide the law enforcement agency with proof of ownership and shall certify that the innocent owner will not release the firearm or ammunition to the person who has been charged with a violation of this section which resulted in the confiscation of the firearm or ammunition. The law enforcement agency shall notify the innocent owner when the firearm or ammunition is available for release. If the innocent owner fails to recover the firearm or ammunition within thirty days after notification of the release, the law enforcement agency may maintain or dispose of the firearm or ammunition as otherwise provided in this section.

(D) The court with jurisdiction over an offense, as defined by subsections (A) or (B), shall make a specific finding on the record that the conviction is for possession with intent to distribute, distribution or delivery of, manufacturing of, or trafficking in a controlled substance as defined in Sections 44-53-370 and 44-53-375, and the person would be subject to the prohibitions of this section. A judge's failure to make a specific finding on the record does not bar or otherwise affect prosecution pursuant to this subsection and does not constitute a defense to prosecution pursuant to this subsection.

Time effective

SECTION 7. This act takes effect upon approval by the Governor.

Ratified the 14th day of June, 2023

Approved the 15th day of June, 2023

No. 73

(R85, H3890)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22-5-920, RELATING TO YOUTHFUL OFFENDER ELIGIBILITY FOR EXPUNGEMENT OF CERTAIN OFFENSES, SO AS TO ALLOW EXPUNGEMENT FOR CONVICTIONS INVOLVING A DRIVING UNDER SUSPENSION OFFENSE OR A DISTURBING SCHOOLS OFFENSE.

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

Expungement of driving under suspension and disturbing schools offenses

SECTION 1. Section 22-5-920(B) of the S.C. Code is amended to read:

(B)(1) Following a first offense conviction as a youthful offender for which a defendant is sentenced pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, the defendant, who has not been convicted of any offense, including an out-of-state offense, but not including a conviction for driving under suspension or a conviction for disturbing schools as provided for in Section 16-17-420 before May 17, 2018, while serving the youthful offender sentence, including probation and parole, and for a period of five years from the date of completion of the defendant's sentence, including probation and parole, may apply, or cause someone acting on the defendant's behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction.

(2) However, this section does not apply to:

- (a) an offense involving the operation of a motor vehicle;
- (b) an offense classified as a violent crime in Section 16-1-60;
- (c) an offense contained in Chapter 25, Title 16, except as otherwise provided in Section 16-25-30; or

(d) an offense for which the individual is required to register in accordance with the South Carolina Sex Offender Registry Act.

(3) If the defendant has had no other conviction, to include out-of-state convictions, but to not include a conviction for driving under suspension or a conviction for disturbing schools as provided for in Section 16-17-420 before May 17, 2018, during the service of the youthful offender sentence, including probation and parole, and during

the five-year period following completion of the defendant's sentence, including probation and parole, for a first offense conviction as a youthful offender for which the defendant was sentenced pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, the circuit court may issue an order expunging the records. No person may have the person's records expunged under this section more than once. A person may have the person's record expunged even though the conviction occurred before the effective date of this section. A person eligible for a sentence pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, and who is not sentenced pursuant to those provisions, is not eligible to have the person's record expunged pursuant to the provisions of this section; however, a person who was convicted prior to June 2, 2010, and was a youthful offender as that term is defined in Section 24-19-10(d) is eligible to have his record expunged pursuant to the provisions of this section.

Time effective

SECTION 2. This act takes effect upon approval by the Governor, and applies retroactively to convictions before the effective date of this act.

Ratified the 17th day of May, 2023

Vetoed by the Governor -- 5/22/23.

Veto overridden by House -- 6/7/23.

Veto overridden by Senate -- 6/14/23.

No. 74

(R90, S96)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS, SO AS TO DEFINE "PERSONAL WATERCRAFT" AND "SPECIALTY PROPCRAFT"; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS

TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; BY ADDING SECTION 50-21-95 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT POSSESSING A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; AND BY AMENDING SECTION 50-21-870, RELATING TO PERSONAL WATERCRAFT AND BOATING SAFETY, SO AS TO REMOVE THE DEFINITION OF "PERSONAL WATERCRAFT" AND TO REMOVE A BOATING PROHIBITION.

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

Definitions

SECTION 1. Section 50-21-10(20) through (29) of the S.C. Code are amended to read:

(20) "Personal watercraft" means a vessel, usually less than sixteen feet in length, that uses an inboard motor powering a water jet pump as its primary source of propulsion and that is intended to be operated by a person sitting, standing, or kneeling on the vessel, rather than within the confines of the hull.

(21) "Reportable boating accident" means an accident, collision, or other casualty involving a vessel subject to this chapter which results in loss of life, injury which results in loss of consciousness, necessity for medical treatment, necessity to carry a person from the scene, disability which prevents the discharge of normal duties beyond the day of casualty, or actual physical damage to property including vessels in excess of the minimum amount set by the United States Coast Guard for reportable accidents.

(22) "Serial number" means the identifying manufacturer's number affixed to a watercraft before November 2, 1972, and to outboard motors before, on, and after that date. The serial number of watercraft manufactured after November 1, 1972, is part of the hull identification number.

(23) "Specialty propcraft" means a vessel that is similar in appearance and operation to a personal watercraft but is powered by an outboard or propeller-driven motor.

(24) "Temporary certificate of number" is a temporary registration

assigned to a vessel to allow operation for a limited purpose.

(25) "Tender" means a small watercraft attendant to a larger vessel that meets United States Coast Guard requirements and is used solely for ferrying supplies or passengers and crew between its parent vessel and shore.

(26) "Use" means operate, navigate, or employ.

(27) "Vessel" means every description of watercraft, other than a seaplane regulated by the federal government, used or capable of being used as a means of transportation on water.

(28) "Water device" means a motorboat, boat, personal watercraft or vessel, water skis, an aquaplane, surfboard, or other similar device.

(29) "Waters of the State" means waters within the territorial limits of the State but not private lakes or ponds.

(30) "Watercraft" means anything used or capable of being used as a means of transportation on the water but does not include: a seaplane regulated by the federal government, water skis, aquaplanes, surfboards, windsurfers, tubes, rafts, and similar devices or anything that does not meet construction or operational requirements of the state or federal government for watercraft.

(31) "Wake surf" means to operate a vessel that is ballasted in the stern so as to create a wake that is, or is intended to be, surfed by another person.

Boating safety and educational program

SECTION 2. Section 50-21-90 of the S.C. Code is amended to read:

Section 50-21-90. (A) The department must administer a boating safety education course and may approve of additional boating safety education courses. A list of approved courses must be provided on the department's website.

(B) The following persons must be issued a South Carolina boating safety certificate in both physical and electronic forms by the department:

(1) a person who successfully completes a boating safety education course administered or approved by the department;

(2) a person who provides satisfactory proof to the department that the person was issued a boating safety certificate, or an equivalency, by another state; and

(3) a person who provides satisfactory proof to the department that the person was issued a license to operate a vessel by the United States Coast Guard or was issued a merchant mariner credential by the United

States Coast Guard.

(C) The department must approve of one or more boat rental safety education courses to be taken by persons renting a vessel, personal watercraft, or specialty propcraft from businesses engaged in the renting of vessels, personal watercrafts, or specialty propcrafts. A person who completes a boat rental safety education course approved by the department must be issued a boat rental safety certificate in either electronic or physical form in the person's name. A boat rental safety certificate is valid for thirty days from the date of issuance and only while operating a vessel, personal watercraft, or specialty propcraft from a business engaged in the renting of vessels, personal watercrafts, or specialty propcrafts.

(D) The department must maintain a database of all persons issued a South Carolina boating safety certificate.

Lawful operation of certain vessels, penalties

SECTION 3. Article 1, Chapter 21, Title 50 of the S.C. Code is amended by adding:

Section 50-21-95. (A) It is unlawful for a person to operate upon the waters of this State a vessel powered by an engine of ten horsepower or greater or equivalent to ten horsepower or greater, a personal watercraft, or a specialty propcraft unless the person:

(1) was born on or before July 1, 2007;

(2) is in possession of a South Carolina boating safety certificate issued in the person's name or is documented by the department as having been issued a South Carolina boating safety certificate;

(3) is in possession of a license to operate a vessel issued by the United States Coast Guard in the person's name, regardless of the expiration date on the license;

(4) is in possession of a merchant mariner credential issued by the United States Coast Guard in the person's name, regardless of the expiration date on the credential;

(5) is a nonresident in possession of a boating safety certificate, or an equivalency, issued by another state in the nonresident's name;

(6) is operating a vessel, personal watercraft, or specialty propcraft from a business engaged in the renting of vessels, personal watercrafts, or specialty propcrafts and is in possession of a valid boat rental safety certificate issued in the person's name; or

(7) is accompanied by a person at least eighteen years old who meets one of the criteria in items (1) through (5) of this subsection.

(B) A person who is adjudicated to be in violation of this section must be fined not less than fifty dollars and not more than three hundred dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this section does not constitute a criminal offense and must not be included in the records maintained by the department or in the records maintained by SLED.

Personal watercraft

SECTION 4. Section 50-21-870(A) of the S.C. Code is amended to read:

(A) As used in this section:

(1) "Class 'A' boat" means a motorboat which is less than sixteen feet in length.

(2) "Floating device" includes kneeboards, aqua planes, surfboards, saucers, inner tubes, and other similar equipment.

Boating safety

SECTION 5. Section 50-21-870(B)(9) and (10) of the S.C. Code are amended to read:

(9) wake surf in excess of idle speed within two hundred feet of a moored vessel, wharf, dock, bulkhead, pier, or person in the water.

Severability

SECTION 6. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 7. This act takes effect sixty days after approval by the Governor.

Ratified the 14th day of June, 2023

Approved the 19th day of June, 2023

No. 75

(R91, S108)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; BY AMENDING SECTION 42-7-90, RELATING TO EXPENDITURES FROM THE STATE ACCIDENT FUND, SO AS TO ADD "FIRST RESPONDER LINE OF DUTY DEATH BENEFIT"; AND BY ADDING SECTION 42-7-220 SO AS TO ESTABLISH THE SOUTH CAROLINA FIRST RESPONDER LINE OF DUTY DEATH BENEFIT FUND.

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

Preretirement death benefits under the South Carolina Retirement System

SECTION 1. Section 9-1-1770(D) of the S.C. Code is amended to read:

(D)(1) For the purposes of this subsection, a first responder is defined by Section 42-7-90(3)(a) who is an active member of the retirement system. Nothing in this subsection may be construed to expand the eligibility requirements for membership in the system.

(2) Upon receipt by the system of the satisfactory proof of death of a member of the system whose employer participates in the Preretirement Death Benefit Program and whose death was a natural and proximate result of an injury by external accident or violence incurred while undergoing a hazard peculiar to the member's employment as a first responder while in the actual performance of his duty, provided that his death is not the result of the member's wilful negligence, suicide, or intentionally self-inflicted bodily injury, there must be paid to the member's designated beneficiary a one-time, lump sum benefit payment of seventy-five thousand dollars.

(3) The amount of the benefit provided for in item (2) is increased to a total of one hundred fifty thousand dollars if the member is killed in the line of duty as defined above and the member's death is either:

(a) the result of an unlawful and intentional act of another person;

or

(b) the result of an accident that occurs:

(i) as a result of the member's response to fresh pursuit, defined as the pursuit of a person who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic infraction, or violation of a county or municipal ordinance;

(ii) as a result of the member's response to what is reasonably believed to be an emergency;

(iii) at the scene of a traffic accident to which the member has responded; or

(iv) while the member is enforcing what is reasonably believed to be a traffic law or ordinance.

(4) Payments made pursuant to this subsection must be paid to the beneficiary designated for this benefit by the member in writing and filed with the system during the member's lifetime. If no designation is made, then the payment must be paid to the member's surviving spouse. If there is no surviving spouse, the payment must be paid to the member's

surviving children in equal portions. If there is no surviving spouse or child, the benefit is payable to the member's surviving parents in equal portions. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the member's estate. The payments required by this subsection are in addition to any other benefit set forth in this chapter or otherwise in law, including worker's compensation, and are exempt from the claims and demands of creditors of the member.

(5) Payments made pursuant to this subsection must be paid from the contributions made by participating employers to the Preretirement Death Benefit Program. Notwithstanding any other provision of law, the board may adjust the required contributions to the Preretirement Death Benefit Program as necessary to fund these benefits on the basis of the program's actual experience and the recommendation of the system's actuary.

(6) Any benefits paid pursuant to this subsection are not subject to subrogation, assignment, set-off, or lien claimed pursuant to Section 42-1-560.

Preretirement death benefits under the Police Officers Retirement System

SECTION 2. Section 9-11-120(E) of the S.C. Code is amended to read:

(E)(1) For the purposes of this subsection, a first responder is defined by Section 42-7-90(3)(a) who is an active member of the retirement system. Nothing in this subsection may be construed to expand the eligibility requirements for membership in the system.

(2) Upon receipt by the system of the satisfactory proof of death of a member of the system whose employer participates in the Preretirement Death Benefit Program and whose death was a natural and proximate result of an injury by external accident or violence incurred while undergoing a hazard peculiar to the member's employment as a first responder while in the actual performance of his duty, provided that his death is not the result of the member's wilful negligence, suicide, or intentionally self-inflicted bodily injury, there must be paid to the member's designated beneficiary a one-time, lump sum benefit payment of seventy-five thousand dollars.

(3) The amount of the benefit provided for in item (2) is increased to a total of one hundred fifty thousand dollars if the member is killed in the line of duty as defined above and the member's death is either:

(a) the result of an unlawful and intentional act of another person;

or

(b) the result of an accident that occurs:

(i) as a result of the member's response to fresh pursuit, defined as the pursuit of a person who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic infraction, or violation of a county or municipal ordinance;

(ii) as a result of the member's response to what is reasonably believed to be an emergency;

(iii) at the scene of a traffic accident to which the member has responded; or

(iv) while the member is enforcing what is reasonably believed to be a traffic law or ordinance.

(4) Payments made pursuant to this subsection must be paid to the beneficiary designated for this benefit by the member in writing and filed with the system during the member's lifetime. If no designation is made, then the payment must be paid to the member's surviving spouse. If there is no surviving spouse, the payment must be paid to the member's surviving children in equal portions. If there is no surviving spouse or child, the benefit is payable to the member's surviving parents in equal portions. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the member's estate. The payments required by this subsection are in addition to any other benefit set forth in this chapter or otherwise in law, including worker's compensation, and are exempt from the claims and demands of creditors of the member.

(5) Payments made pursuant to this subsection must be paid from the contributions made by participating employers to the Preretirement Death Benefit Program. Notwithstanding any other provision of law, the board may adjust the required contributions to the Preretirement Death Benefit Program as necessary to fund these benefits on the basis of the program's actual experience and the recommendation of the system's actuary.

(6) Any benefits paid pursuant to this subsection are not subject to subrogation, assignment, set-off, or lien claimed pursuant to Section 42-1-560.

First responder line of duty death benefits

SECTION 3. Section 42-7-90 of the S.C. Code is amended by adding:

(3) first responder line of duty death benefit.

(a) For the purposes of this item, the term "first responder"

means:

(i) an emergency medical technician as defined in Section 44-61-20(12);

(ii) a law enforcement officer as defined in Section 23-23-10(E)(1);

(iii) a corrections officer as described in Section 23-1-145 or Section 24-1-280;

(iv) reserves as defined in Section 23-28-10(A);

(v) constables appointed pursuant to Section 23-1-60;

(vi) a fire department worker who serves on a paid or voluntary basis for a firefighting agency, fire department, or a volunteer fire department and who performs duties related to rescue, fire suppression, and public safety; or

(vii) a coroner as defined in Section 17-5-5(3) or a deputy coroner as defined in Section 17-5-5(5) who directly engages in examining, treating, or directing persons during an emergency.

(b) Upon receipt by the State Accident Fund of the satisfactory proof of death of a first responder as defined in subitem (a) whose death was a natural and proximate result of an injury by external accident or violence incurred while undergoing a hazard peculiar to the first responder's employment as a first responder while in the actual performance of his duty, provided that his death is not the result of the first responder's wilful negligence, suicide, or intentionally self-inflicted bodily injury, there must be paid from the State Accident Fund to the designated beneficiary a one-time, lump sum benefit payment of seventy-five thousand dollars.

(c) The amount of the benefit provided for in subitem (b) is increased to a total of one hundred fifty thousand dollars if the first responder is killed in the line of duty as defined above and the first responder's death is either:

(i) the result of an unlawful and intentional act of another person; or

(ii) the result of an accident that occurs:

(A) as a result of the first responder's response to fresh pursuit, defined as the pursuit of a person who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic infraction, or violation of a county or municipal ordinance;

(B) as a result of the first responder's response to what is reasonably believed to be an emergency;

(C) at the scene of a traffic accident to which the first responder has responded; or

(D) while the first responder is enforcing what is reasonably

believed to be a traffic law or ordinance.

(d) Payments made pursuant to this item must be paid to the beneficiary designated for this benefit by the first responder in writing and filed with the State Accident Fund in a manner prescribed by the agency during the first responder's lifetime. If no designation is made, then the payment must be paid to the first responder's surviving spouse. If there is no surviving spouse, the payment must be paid to the first responder's surviving children in equal portions. If there is no surviving spouse or child, the benefit is payable to the first responder's surviving parents in equal portions. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the first responder's estate. The payments required by this subsection are in addition to any other benefit set forth in this chapter or otherwise in law, including worker's compensation, but excluding first responder death benefit payments made to a member of a retirement system, and are exempt from the claims and demands of creditors of the first responder.

(e) Any benefits paid pursuant to this item are not subject to subrogation, assignment, set-off, or lien claimed pursuant to Section 42-1-560.

(f) Within thirty days after a written determination of the State Accident Fund regarding payment, a person or representative of the estate, as set out in subitem (d), may seek relief by requesting a contested case hearing before the Administrative Law Court in accordance with its rules. A hearing may be requested to contest any part of the decision made pursuant to this section.

South Carolina First Responder Line of Duty Death Benefit Fund

SECTION 4. Article 1, Chapter 7, Title 42 of the S.C. Code is amended by adding:

Section 42-7-220. There is established, within the office of the State Accident Fund, the South Carolina First Responder Line of Duty Death Benefit Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of the fiscal year carries forward in the fund in the succeeding fiscal year. This fund is created to ensure payment of line of duty death benefits to first responders as defined in Section 42-7-90 and only may be used for that purpose. The fund must be administered by the Director of the State Accident Fund who shall establish procedures to implement this section. Upon request from the Director of the State Accident Fund, the State

Treasurer shall transfer from general funds of the State into the separate fund such sufficient amounts to pay claims that are owing and due pursuant to this section. The State Accident Fund, in coordination with the Office of State Treasurer, shall provide a report on an annual basis on the claims from the fund to the Senate Finance Committee and the House Ways and Means Committee.

Time effective

SECTION 5. This act takes effect on May 11, 2023.

Ratified the 14th day of June, 2023

Approved the 19th day of June, 2023

No. 76

(R92, S330)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEMS, SO AS TO DEFINE THE TERM "ELECTRIC UTILITY SYSTEM", TO PROVIDE CERTAIN WILFUL AND MALICIOUS ACTS CONSTITUTE VIOLATIONS OF THIS SECTION, TO PROVIDE A TIERED SYSTEM OF PENALTIES FOR CERTAIN VIOLATIONS, TO PROVIDE IT IS UNLAWFUL TO USE FIREARMS OR DESTRUCTIVE DEVICES TO DESTROY OR DAMAGE UTILITY SYSTEMS AND PROVIDE PENALTIES, AND TO PROVIDE REMEDIES TO PERSONS INJURED BY VIOLATIONS OF THIS SECTION.

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

Wilful and malicious injury to utilities

SECTION 1. Section 16-11-740 of the S.C. Code is amended to read:

Section 16-11-740. (A) For purposes of this section only, “electric utility system” means all plants, facilities, assets, and equipment owned, leased, or operated for the generation, transmission, distribution, or storage of electricity, regardless of generation source, and all natural gas facilities, including natural gas pipeline infrastructure.

(B)(1) It is unlawful for a person, without the consent of the owner, to wilfully and maliciously:

(a) destroy, damage, or in any way injure a telegraph, telephone, electric utility system, satellite dish, or cable television system, including poles, cables, wires, fixtures, antennas, amplifiers, or other apparatus, equipment, or appliances;

(b) obstruct, impede, or impair their services or transmissions; or

(c) aid, employ, or conspire with a person to do or cause to be done any of the acts mentioned in this subsection.

(2) A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction:

(a) if the amount of the damage or loss is less than ten thousand dollars, must be fined in the discretion of the court or imprisoned not more than ten years, or both;

(b) if the amount of the damage or loss is ten thousand dollars or more but less than twenty-five thousand dollars, must be fined in the discretion of the court or imprisoned not more than fifteen years, or both;

(c) if the amount of the damage or loss is twenty-five thousand dollars or more, must be fined in the discretion of the court or imprisoned not more than twenty years, or both.

(3) A person who violates the provisions of this subsection is guilty of a felony if the destruction or damage results in the death or bodily injury of a person, or an imminent danger to the life, health, or safety of a person, and, upon conviction, must be fined in the discretion of the court or imprisoned for not more than twenty-five years, or both.

(4) Evidence of the amount of damages or loss shall be calculated to include the cost of the repair or replacement of equipment, buildings, or structures damaged, the estimated lost revenue caused by the destructive acts, and any related damages than can reasonably be associated with the interruption of service to affected, dedicated utility customers.

(C)(1) It is unlawful for a person, without consent of the owner, to wilfully and maliciously by means of or use of a firearm or destructive device as defined by Section 16-23-710, to:

(a) destroy, damage, or in any way injure:

(i) an electric utility system; or

(ii) a gasoline, natural gas, or propane utility system, including

poles, cables, wires, pipelines, storage containers, fixtures, or other apparatus, equipment, or appliances; or

(iii) a telegraph, telephone, satellite dish, or cable television system, including poles, cables, wires, fixtures, antennas, amplifiers, or other apparatus, equipment, or appliances;

(b) obstruct, impede, or impair their services or transmissions; or

(c) aid, employ, or conspire with a person to do or cause to be done any of the acts mentioned in subitems (a) and (b).

(2) A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be imprisoned for not more than twenty-five years and may be fined in the discretion of the court.

(D) Any person whose property or person is injured by reason of a violation of this section shall have a right of action on account of such injury done against the person who committed the violation and any person who acts as an accessory before or after the fact, aids or abets, solicits, conspires, or lends material support to the violation of this section. If damages are assessed in such case the plaintiff shall be entitled to recover damages fixed by the verdict, together with costs, including attorneys' fees and, in the discretion of the court, punitive damages. The rights and remedies provided by this subsection are in addition to any other rights and remedies provided by law. For purposes of this subsection, "damages" includes actual and consequential damages.

Savings clause

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

Time effective

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

Ratified the 14th day of June, 2023

Approved the 19th day of June, 2023

No. 77

(R94, S397)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING CHAPTER 75, TITLE 44 RELATING TO THE REGULATION OF ATHLETIC TRAINERS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; AND BY ADDING ARTICLE 11 TO CHAPTER 47, TITLE 40 SO AS TO TRANSFER REGULATORY AUTHORITY OF ATHLETIC TRAINERS TO THE BOARD OF MEDICAL EXAMINERS.

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

Repeal

SECTION 1. Chapter 75, Title 44 of the S.C. Code is repealed.

Athletic Trainer Act of South Carolina

SECTION 2. Chapter 47, Title 40 of the S.C. Code is amended by adding:

Article 11

Athletic Trainer Act of South Carolina

Section 40-47-1710. (1) "Athletic trainer (AT)" means an allied health professional with specific qualifications set forth in Section 40-47-1740(A) who provides services under the direction of or in collaboration with a licensed physician in accordance with their education, training, and state law. Services provided by athletic trainers may include the prevention, identification, assessment, treatment, or

rehabilitation of injuries and illnesses under the direction of a licensed physician as defined in Section 40-47-20; and, in carrying out these functions, the athletic trainer is authorized to use therapeutic interventions including, but not limited to, heat, light, sound, cold, electricity, or mechanical devices related to said functions.

(2) "Board" means the Board of Medical Examiners for South Carolina.

(3) "License" means official acknowledgement by the board that an individual has successfully completed educational and other requirements referred to in this act which entitle that individual to perform the functions and duties of an athletic trainer.

(4) "BOC" means the Board of Certification for the Athletic Trainer or Board of Certification, Inc.

Section 40-47-1720. The board, with the advice of the Athletic Trainers' Advisory Committee, must develop standards and promulgate regulations to implement the provisions of this article and for the improvement of athletic training services in this State. This includes the authority to unify and set the biennial renewal date of licenses. All administrative responsibility for this program is vested in the board.

(B)(1) An Athletic Trainers' Advisory Committee is created consisting of nine members appointed by the board. Two members must be physicians who are licensed to practice in South Carolina, five must be licensed athletic trainers, and two must be members of the general public who are not certified or licensed in any health care field and are not connected in any way with athletic trainers. Of the two physician members, at least one must regularly supervise an athletic trainer.

(2) Membership on the committee is by appointment by the board. The members appointed shall serve four-year terms and until their successors are appointed and qualify, except that the initial terms of two ATs, one consumer member, and one physician are for two years. Vacancies on the committee must be filled in the same manner of the original appointment for the unexpired portion of the term. Members may succeed themselves; however, no member may serve more than two consecutive terms or eight continuous years, whichever is greater, but he is eligible for reappointment four years from the date that the last full four-year term expires.

(3) The committee must meet at least once each year to review the standards and regulations for improving athletic training services and to make recommendations to the board.

Section 40-47-1730. (A) A person may not hold himself out as an

athletic trainer or perform, for compensation, any activities of an athletic trainer as defined in Section 40-47-1710 without obtaining a license.

(B) Any person desiring licensure as an athletic trainer must apply to the board. The board must make a determination of the applicant's qualifications and issue the license to the applicant.

(C) A license so issued is valid for a period not to exceed two years from the date of issuance and may be renewed subject to any requirements of this article and regulations promulgated by the board.

(D) The board must suspend or revoke a license issued if it is determined that the holder no longer meets the prescribed qualifications set forth by the board or has failed to provide athletic training services of a quality acceptable by the board.

(E) Any person whose application is denied, suspended, or revoked is entitled to a hearing before the board if he submits a written request to the board. Proceedings for denial, revocation, or suspension of a license must be conducted consistent with the Administrative Procedures Act.

Section 40-47-1740. (A) An applicant for an athletic trainer license must have satisfied the requirements to be an athletic trainer as determined by the BOC and hold a current BOC certification.

(B) An applicant for the renewal of a license must have completed the biennial continuing education requirements as determined by the BOC, be in good standing with the BOC, and complete two continuing education courses approved by the board in consultation with the Athletic Trainers' Advisory Committee.

Section 40-47-1750. A license may be issued to any qualified athletic trainer holding a license in any other state if such other state recognizes the license of this State in the same manner.

Section 40-47-1760. The board may levy fees in an amount sufficient to administer the requirements of this article.

Section 40-47-1770. (A) Nothing in this article prevents:

(1) licensed, registered, or certified professionals such as physicians, nurses, physical therapists, and chiropractors from practicing their professions if they do not hold themselves out to the public by any title or description as being athletic trainers;

(2) the continued employment of persons employed on the effective date of Act 441 of 1984 by the State Department of Education, local boards of education, or private secondary or elementary schools for the treatment of injuries received by students participating in school sports

activities; or

(3) any person from serving as an athletic training student or in any similar position if service is carried out under the supervision of a physician or certified athletic trainer.

(B) The provisions of this article shall not apply to any athletic trainer who is employed in another state by an educational institution or athletic organization when the athletic trainer accompanies the athletes or team of such institute or organization in the State for the purpose of an athletic contest or exhibition.

Section 40-47-1780. For purposes of this article, a person is engaged as an athletic trainer if the person is employed on a salary or contractual basis by an educational institution, hospital, rehabilitation clinic, physician's office, industry, performing arts group, professional athletic organization, military, governmental agency, or other bona fide organization which employs or serves a physically active population and performs the duties of athletic trainer as a major responsibility of this employment.

Section 40-47-1790. Nothing in this article may be construed to require school districts to hire licensed athletic trainers.

Section 40-47-1800. (A) It is unlawful for a person who is not licensed under this article to hold himself out as an athletic trainer. A person who holds himself out as an AT without being licensed under this article, during a period of suspension, or after his license has been revoked by the board is guilty of a misdemeanor and, upon conviction, must be fined not more than three hundred dollars or imprisoned for not more than ninety days, or both.

(B) For the purpose of any investigation or proceeding under the provisions of this article, the board or a person designated by the board may administer oaths and affirmations, subpoena witnesses, take testimony, and require the production of any documents or records which the board considers relevant to the inquiry.

(C) If the board has sufficient evidence that a person is violating a provision of this article, the board, in addition to all other remedies, may order the person to immediately desist and refrain from such conduct. The board may apply to an administrative law judge as provided under Article 5, Chapter 23, Title 1 for an injunction enjoining the person from such conduct. An administrative law judge may issue a temporary injunction ex parte and upon notice and full hearing may issue any other order in the matter it considers proper. No bond may be required of the

board by an administrative law judge as a condition to the issuance of any injunction or order contemplated by the provisions of this section.

(D) Investigations and disciplinary proceedings under this article must be conducted in accordance with the provisions of Article 1.

(E) No provision of this article may be construed as prohibiting the respondent or his legal counsel from exercising the respondent's constitutional right of due process under the law or prohibiting the respondent from normal access to the charges and evidence filed against him as a part of due process under the law.

Transfer of authority and related provisions

SECTION 3. The programmatic cash balance, powers, functions, duties, responsibilities, and authority statutorily exercised by the Department of Health and Environmental Control concerning the regulation of athletic trainers are transferred to and devolved upon the Board of Medical Examiners for South Carolina. Any regulations promulgated by the Department of Health and Environmental Control under former provisions of law pertaining to the regulation of athletic trainers are continued and are considered to be promulgated under the authority of present provisions of law pertaining to the same.

Savings

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

Assumption of licensure by LLR, regulations

SECTION 5. The Department of Labor, Licensing and Regulation shall assume the licensure of athletic trainers upon the effective date of new regulations promulgated by the Department of Labor, Licensing and

Regulation related to this article. The regulations shall include a fee schedule and a provision to create a uniform renewal date for all athletic trainers' licenses.

Time effective

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

Ratified the 14th day of June, 2023

Approved the 19th day of June, 2023

No. 78

(R95, S407)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-361, RELATING TO PRESCRIPTIONS FOR OPIOID ANTIDOTES, SO AS TO PROVIDE FOR OPIOID ANTIDOTES TO BE OFFERED CONSISTENT WITH THE EXISTING STANDARD OF CARE AND THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

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

Opioid antidotes

SECTION 1. Section 44-53-361 of the S.C. Code is amended to read:

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

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

(a) the prescription or offer consistent with the existing standard of care and the FDA dosage for the patient is fifty or more morphine

milligram equivalents of an opioid medication per day;

(b) an opioid medication is prescribed or offered consistent with the existing standard of care and the FDA concurrently with a prescription for benzodiazepine; or

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

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

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

This subsection does not apply in the following circumstances:

(a) patients who are receiving care for cancer or a cancer-related condition, patients in hospice, patients receiving palliative care; or

(b) any other patients who, in the prescriber's good faith medical judgment, would not benefit from a prescription for naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid-related respiratory and/or central nervous system depression.

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

(C) A prescriber is not subject to professional disciplinary actions including, but not limited to, disciplinary actions initiated by any board or licensing agency arising from the prescriber's compliance with the provisions of this section.

Time effective

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

Ratified the 14th day of June, 2023

Approved the 19th day of June, 2023

No. 79

(R96, H3360)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 17 TO CHAPTER 23, TITLE 23 SO AS TO ESTABLISH THE CENTER FOR SCHOOL SAFETY AND TARGETED VIOLENCE WITHIN THE STATE LAW ENFORCEMENT DIVISION.

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

Center for School Safety and Targeted Violence

SECTION 1. Chapter 23, Title 23 of the S.C. Code is amended by adding:

Article 17

Center for School Safety and Targeted Violence

Section 23-3-1500. (A) The Center for School Safety and Targeted Violence is established within the South Carolina Law Enforcement Division (SLED). The purpose of the center is to provide extensive training, education, and expertise in the fields of school safety and targeted violence.

(B) SLED shall adopt guidelines and establish procedures for training and educating local and state law enforcement, teachers, administrators, bus drivers, other school personnel, parents and the public on school safety and targeted violence.

(C) SLED may incorporate existing and new personnel from its Homeland Security Department, Investigative Services Department, Behavioral Science Unit and any other unit or department as assigned by the Chief of SLED as defined in Section 23-3-25.

Time Effective

SECTION 2. This act takes effect upon approval by the Governor and is contingent upon funding in the general appropriations act.

Ratified the 14th day of June, 2023

Approved the 19th day of June, 2023

No. 80

(R99, H3553)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-9-750, RELATING TO FINAL ADOPTION HEARINGS, SO AS TO ELIMINATE THE MANDATORY NINETY-DAY WAITING PERIOD TO FINALIZE AN ADOPTION; BY AMENDING SECTIONS 63-7-1710, 63-7-2530, 63-9-710, AND 63-7-1660, ALL RELATING TO CHILD PERMANENCY PROCEEDINGS, SO AS TO MAKE CERTAIN CHANGES TO EXPEDITE PERMANENCY FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES; BY AMENDING SECTION 63-7-40, RELATING TO INFANT SAFE HAVENS, SO AS TO ALLOW THE PERMANENCY PLANNING HEARING AND TERMINATION OF PARENTAL RIGHTS HEARING TO OCCUR IN THE SAME PROCEEDING, WITH EXCEPTIONS; BY AMENDING SECTION 63-9-30, RELATING TO TERMS DEFINED IN THE SOUTH CAROLINA ADOPTION ACT, SO AS TO CHANGE THE DEFINITION OF "SPECIAL NEEDS CHILD"; AND BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO MAKE CERTAIN CHANGES TO PROMOTE TIMELY PERMANENCE FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES; AND FOR OTHER PURPOSES.

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

Final adoption hearing

SECTION 1. Section 63-9-750(A) of the S.C. Code is amended to read:

(A) The final hearing on the adoption petition must be held no later than six months after the filing of the adoption petition. In the case of a special needs child, the hearing must be held no later than twelve months after the filing of the adoption petition. In its discretion, upon good cause shown, the court may extend the time within which the final hearing on the adoption petition may be held.

Termination of parental rights standards

SECTION 2. Section 63-7-1710(A) of the S.C. Code is amended to read:

(A) When a child is in the custody of the department, the department shall file a petition to terminate parental rights or shall join as party in a termination petition filed by another party or may amend or supplement a petition for removal or a complaint for removal to include an action for termination of parental rights if:

(1) a child has been in foster care under the responsibility of the State for fifteen of the most recent twenty-two months;

(2) a court of competent jurisdiction has determined the child to be an abandoned infant;

(3) a court of competent jurisdiction has determined that the parent has committed murder, voluntary manslaughter, or homicide by child abuse of another child of the parent;

(4) a court of competent jurisdiction has determined that the parent has aided, abetted, conspired, or solicited to commit murder, voluntary manslaughter, or homicide by child abuse of another child of the parent;

(5) a court of competent jurisdiction has determined that the parent has committed a felony assault that has resulted in serious bodily injury to the child or to another child of the parent; or

(6) a court of competent jurisdiction has found the parent to be in wilful contempt on two occasions over a twelve-month period for failure to comply with the terms of the treatment plan or placement plan established pursuant to subarticle 11.

Termination of parental rights petition

SECTION 3. Section 63-7-2530(B) of the S.C. Code is amended to read:

(B) The department may file an action for termination of parental rights without first seeking the court's approval of a change in the permanency plan pursuant to Section 63-7-1680 and without first seeking an amendment of the placement plan pursuant to Section 63-7-1700. Additionally, the department may amend or supplement a petition for removal or a complaint for removal to include a cause of action for termination of parental rights any time after grounds for termination of parental rights are present.

Adoption petition

SECTION 4. Section 63-9-710 of the S.C. Code is amended to read:

Section 63-9-710. (A) A petition for adoption shall specify:

(1) the full name, age, address, and place of residence of each petitioner, and, if married, the place and date of the marriage;

(2) when the petitioner acquired, or intends to acquire, custody or placement of the child and from what person or agency;

(3) the date and place of birth of the child, if known;

(4) the name used for the child in the proceeding, and if a change in name is desired, the new name;

(5) that it is the desire of the petitioner to establish the relationship of parent and child between the petitioner and the child, and that the petitioner is a fit and proper person and able to care for the child and to provide for the child's welfare;

(6) a full description and statement of value of all real property and of any personal property of value owned or possessed by the child;

(7) facts, if any, which excuse consent on the part of a parent to the adoption or which excuse notice of the adoption proceedings to a parent;

(8) facts, if any, which may permit placement with or adoption by nonresidents of this State, pursuant to Section 63-9-60;

(9) the existence and nature of any prior court orders known to the petitioner which affect the custody, support, or visitation of the child;

(10) the relationship, if any, of each petitioner to the child; and

(11) the name and address of the child placing agency or the person facilitating placement of the child for adoption, if any.

(B)(1) The petition must be filed within sixty days of the date the

adoptee is placed for the purpose of adoption in the home of the petitioner.

(2) For a child in the custody of the department by a removal action pursuant to Section 63-7-1660 or an infant who has been voluntarily left with a safe haven pursuant to Section 63-7-40, the petition for adoption may be filed prior to the issuance of a court order terminating parental rights to the child.

(C) All of the following must be filed at the time the adoption petition is filed or, after the filing, upon good cause shown:

- (1) any consent or relinquishment required by Section 63-9-310;
- (2) the preplacement investigation report;
- (3) the background investigation report;

(4) a statement of all payments of money or anything of value made within the past five years or agreed to be made in the future by or on behalf of the petitioner to any person, agency, or organization connected with the adoption that is not a disbursement made and reported pursuant to Section 63-9-740.

(D) For purposes of this article, the petitioner may employ the use of fictitious names where necessary to avoid disclosure of identities of parties or persons, so long as service of process or notice is considered sufficient by the court.

Removal actions

SECTION 5. Section 63-7-1660 of the S.C. Code is amended by adding:

(H)(1) If the court removes custody of the child and there is a pending petition for termination of parental rights filed by the department, the department shall promptly exercise and document every reasonable effort to promote and expedite an adoptive placement and the adoption of the child, and the department must not delay adoption planning because of a pending termination of parental rights action or because of an upcoming permanency planning hearing.

(2) If at any time after the court removes custody of the child and the department files a petition for termination of parental rights, then the department promptly shall exercise and document every reasonable effort to promote and expedite an adoptive placement and the adoption of the child prior to any permanency planning or termination of parental rights hearing, and the department must not delay adoption planning because of a pending termination of parental rights action or because of an upcoming permanency planning hearing.

Infant safe havens

SECTION 6. Section 63-7-40(E) of the S.C. Code is amended to read:

(E)(1) Within forty-eight hours after taking legal custody of the infant, the department shall publish notice, in a newspaper of general circulation in the area where the safe haven that initially took the infant is located, and send a news release to broadcast and print media in the area. The notice and the news release must state the circumstances under which the infant was left at the safe haven, a description of the infant, and the date, time, and place of the permanency planning and termination of parental rights hearing provided for in subsection (E)(2). The notice and the news release must also state that any person wishing to assert parental rights in regard to the infant must do so at the hearing. If the person leaving the infant identified anyone as being a parent of the infant, the notice must be sent by certified mail to the last known address of the person identified as a parent at least two weeks prior to the hearing.

(2) Within forty-eight hours after obtaining legal custody of the infant, the department shall file a petition for permanency planning alleging that the infant has been abandoned, that the court should dispense with reasonable efforts to preserve or reunify the family, that continuation of keeping the infant in the home of the parent or parents would be contrary to the welfare of the infant, and that termination of parental rights is in the best interest of the infant. The department shall file concurrently with the petition for permanency planning a petition for termination of parental rights pursuant to Section 63-7-2570 based on abandonment and any other applicable grounds. A hearing on both petitions must be held no earlier than thirty and no later than sixty days after the department takes legal custody of the infant. Unless a person wishing to assert parental rights does so at the hearing, this hearing shall serve as the permanency planning hearing and the termination of parental rights hearing for the infant. If the court approves the permanent plan of termination of parental rights and issues an order terminating parental rights to the infant, the order must also provide that the department shall, within thirty days of the close of the hearing, submit a plan to the court and to the infant's guardian ad litem for permanent placement of the infant and otherwise comply with the requirements of Section 63-7-2580(A). If a person asserts parental rights to the infant at the hearing, and the court approves a permanent plan of termination of parental rights and adoption, the court shall schedule a hearing on the petition to terminate parental rights no later than thirty days after the close of the permanency planning hearing.

Infant safe havens

SECTION 7. Section 63-7-40(F) of the S.C. Code is amended to read:

(F) In any judicial proceeding in which the abuse or neglect of an infant is an issue, the act of voluntarily leaving an infant with a safe haven pursuant to this section is conclusive evidence that the infant has been abused or neglected for purposes of Department of Social Services' jurisdiction and for evidentiary purposes. The act of voluntarily leaving an infant with a safe haven pursuant to this section is also conclusive evidence that the requirements for termination of parental rights have been satisfied as to any parent who left the infant or acted in concert with the person leaving the infant.

Definitions

SECTION 8. Section 63-9-30(10) of the S.C. Code is amended to read:

(10) For purposes of adoption, "special needs child" means children who fall into one or more of the following categories:

- (a) children who are members of a sibling group;
- (b) children of marginalized ethnic backgrounds, except for purposes of Section 63-9-60(B);
- (c) children aged six or older; or
- (d) children with physical, mental, or emotional disabilities.

Permanency planning

SECTION 9. Section 63-7-1700(C) of the S.C. Code is amended to read:

(C) At the permanency planning hearing, the court shall approve a plan for achieving permanence for the child.

(1) The court shall review the proposed plans of the department, the guardian ad litem, and the local foster care review board and shall address the recommendations of each in the record.

(2) At each permanency planning hearing where the department's plan is not reunification with the parents, custody or guardianship with a fit and willing relative, or termination of parental rights and adoption, the department must provide documentation of the department's intensive, ongoing, yet unsuccessful efforts to return the child home or secure a placement for the child with a fit and willing relative, a legal

guardian, or an adoptive parent. If the court approves a plan of another planned permanent living arrangement (APPLA), the court must find compelling reasons for approval of the plan, including compelling reasons why reunification with the parents, custody, or guardianship with a fit and willing relative, or termination of parental rights and adoption is not in the best interest, and that the plan is and continues to be in the child's best interest. The court shall not approve or order APPLA pursuant to this item for children under the age of sixteen. At each hearing in which the court approves or renews APPLA for a child over the age of sixteen, the court must ask the child about the child's wishes as to the placement plan.

(3) In addition to the requirements in items (1) and (2), at each permanency planning hearing, the court shall review the department's efforts to facilitate the caregiver's compliance with the reasonable and prudent parent standard pursuant to Section 63-7-20 and Section 63-7-25 and the department's efforts to determine whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities.

(4) Upon motion of any party or at the discretion of the court, a pending termination of parental rights action may be consolidated with a contested permanency planning hearing.

Time effective

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

Ratified the 14th day of June, 2023

Approved the 19th day of June, 2023

No. 81

(R100, H4023)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-152-60, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF APPOINTMENT, AND TERMS

OF MEMBERSHIP OF THE BOARDS, TO PROVIDE FOR THE TERMINATION OF CERTAIN CURRENT BOARD MEMBERS, AND TO PROVIDE FOR THE TRANSITION OF THE PERFORMANCE OF CERTAIN TASKS BY LOCAL FIRST STEPS PARTNERSHIPS; BY AMENDING SECTION 59-152-70, RELATING TO LOCAL PARTNERSHIP BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING THE ADMINISTRATION OF LOCAL PARTNERSHIPS, AND TO PROVIDE FOR THE ESTABLISHMENT OF MULTICOUNTY PARTNERSHIPS; BY AMENDING SECTION 59-152-150, RELATING TO DEVELOPMENT AND ADOPTION OF A STANDARD FISCAL ACCOUNTABILITY SYSTEM FOR LOCAL PARTNERSHIPS, SO AS TO REVISE PROVISIONS CONCERNING POLICES AND PROCEDURES FOR THE PROCUREMENT OF GOODS AND SERVICES; BY ADDING SECTION 63-11-1726 SO AS TO PROVIDE ALL PUBLICLY FUNDED EARLY CHILDHOOD-SERVING AGENCIES AND ENTITIES SHALL PARTICIPATE IN CERTAIN DATA SHARING INITIATIVES SUPPORTED BY THE ADVISORY COUNCIL; BY AMENDING SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO ADD THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AS A TRUSTEE; BY AMENDING SECTION 63-11-1725, RELATING TO THE FIRST STEPS ADVISORY COUNCIL, SO AS TO REVISE MEMBERSHIP OF THE ADVISORY COUNCIL, TO REVISE DATA GOVERNANCE POLICIES, TO PROVIDE FOR CERTAIN ACTIVITIES TO BUILD PARENT KNOWLEDGE, AND TO REQUIRE THE DEVELOPMENT, IMPLEMENTATION, AND REVIEW OF AN OVERALL STRATEGIC PLAN; BY AMENDING SECTION 63-11-1730, RELATING TO OVERSIGHT DUTIES OF THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO INCLUDE PROVISIONS CONCERNING LOCAL PARTNERSHIP PERSONNEL POLICIES; AND BY AMENDING SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS, SO AS TO CLARIFY THAT THE PROVISIONS OF THE AUTHORIZING ACT ARE PERMANENT AND FUTURE REAUTHORIZATIONS ARE NOT REQUIRED.

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

Local board membership, termination of existing boards, transition plans

SECTION 1.A. Section 59-152-60 of the S.C. Code is amended to read:

Section 59-152-60. (A) Each county must be represented on a Local First Steps Partnership Board and each local board must provide services within every county it represents. A local partnership board must be comprised of individuals with resources, skills, knowledge, and interest in improving the readiness of young children for school. A list of all local partnership board members must be published in the partnership's annual report, be reported annually to the local legislative delegation, and be on file with the Office of First Steps.

(B) The South Carolina First Steps to School Readiness Board of Trustees must establish bylaws for use by each local partnership board. These bylaws must, in addition to other requirements provided in this section, require that a meeting or election of a local partnership board comply with all Freedom of Information Act and IRS disclosure requirements.

(C) In accordance with the bylaws established by the board of trustees, appointed members shall comprise a voting majority of the board.

(1) No more than four may be elected to sit on a First Steps Partnership Board.

(2) Each county legislative delegation shall appoint six members to a local partnership board. In multicounty partnerships, the legislative delegations shall modify their appointments based on the plan approved by the South Carolina First Steps to School Readiness Board of Trustees pursuant to Section 59-152-70(E).

(3) Each of the following entities located within a particular First Steps Partnership coverage area shall recommend one member to the legislative delegation for appointment by the delegation to serve as a member of the local First Steps Partnership Board:

- (a) Department of Social Services;
- (b) Department of Health and Environmental Control; and
- (c) Head Start or early Head Start.

(4) The county public library system staff located within a particular First Steps Partnership coverage area shall recommend one employee of the system for appointment by its county council to serve as a member of the partnership, and the council either shall make the appointment or reject the appointment and ask the library staff to make

another recommendation.

(5) Each public school district board located within a particular First Steps Partnership coverage area shall appoint one of its employees to serve as a member of the local First Steps Partnership.

(6) The legislative delegation may by resolution delegate some or all of its appointments to county council.

(D) In conjunction with the independent external program evaluation established in Section 59-152-160, the South Carolina First Steps to School Readiness Board of Trustees shall conduct a formal review of the membership categories for First Steps Partnership Board composition. Upon completion of the review, the South Carolina First Steps to School Readiness Board of Trustees shall submit to the General Assembly a statement either verifying the continued applicability and appropriateness of the composition categories for First Steps Partnership Boards in place at that time, or recommending any appropriate and necessary changes.

(E)(1) Members who miss more than three consecutive meetings without excuse are considered terminated from membership and a vacancy is created.

(2) When any membership vacancy occurs, the vacancy timely must be filled with a person from the same category and in the same manner of election or appointment as the vacated member.

(3) The terms of the members of a local First Steps Partnership Board are for four years; however, excluding all appointed members, membership on the board may not exceed eight consecutive years. Elected members may not serve in a holdover capacity after their term ends.

(F) The chairman of a local partnership board must be elected by majority vote of the board. The chairman shall serve a one-year term; however, the chairman may be elected to subsequent terms not to exceed a total of four consecutive years.

(G) A local First Steps Partnership Board must have policies and procedures for conducting meetings and disclosing records comparable to those provided for in the Freedom of Information Act. Prior to every vote taken by the board, members must abstain from voting if the issue being considered would result in a conflict of interest. The abstention must be noted in the minutes of the meeting.

B. The terms of all local First Steps Partnership members designated pursuant to Section 59-152-60(C)(3) terminate on July 1, 2023. The South Carolina First Steps to School Readiness Board of Trustees shall design and implement a transition plan setting forth the tasks to be

accomplished by local First Steps Partnerships in compliance with the requirements of this act. This plan shall be fully implemented by July 1, 2024.

Local board powers and duties

SECTION 2. Section 59-152-70 of the S.C. Code is amended to read:

Section 59-152-70. (A) A First Steps Partnership Board shall, among its other powers and duties:

(1) adopt bylaws as established by the First Steps to School Readiness Board to effectuate the provisions of this chapter which must include the creation of a periodic meeting schedule;

(2) coordinate a collaborative effort at the county or multicounty level which will bring the community together to identify the area needs related to the goals of First Steps to School Readiness; develop a strategic long-term plan for meeting those needs; develop specific initiatives to implement the elements of the plan; and integrate service delivery where possible;

(3) coordinate and oversee the implementation of the comprehensive strategic plan including, but not limited to, direct service provision, contracting for service provision, and organization and management of volunteer programs;

(4) effective July 1, 2016, each partnership's comprehensive plan shall include the following core functions:

(a) service as a local portal connecting families of preschool children to community-based services they may need or desire to ensure the school readiness of their children;

(b) service as a community convener around the needs of preschool children and their families; and

(c) support of state-level school readiness priorities as determined by the State Board;

(5) update a needs assessment every three years;

(6) implement fiscal policies and procedures as required by the First Steps office and as needed to ensure fiscal accountability of all funds appropriated to the partnership;

(7) keep accurate records of the partnership's board meetings, board member's attendance, programs, and activities for annual submission to the First Steps to School Readiness Board of Trustees;

(8) collect information and submit an annual report by October first to the First Steps to School Readiness Board of Trustees, and otherwise participate in the annual review and the three-year evaluation of

operations and programs. Before December 1, 2017, and annually before December first thereafter, the Office of South Carolina First Steps shall publish each local partnership's comprehensive plan and annual report on the office's website. Reports must include, but not be limited to:

(a) determination of the current level and data pertaining to the delivery and effectiveness of services for young children and their families, including the numbers of preschool children and their families served;

(b) strategic goals for increased availability, accessibility, quality, and efficiency of activities and services for young children and their families which will enable children to reach school ready to succeed;

(c) monitoring of progress toward strategic goals;

(d) report on implementation activities;

(e) recommendations for changes to the strategic plan which may include new areas of implementation;

(f) evaluation and report of program effectiveness and client satisfaction before, during, and after the implementation of the strategic plan, where available; and

(g) estimation of cost savings attributable to increased efficiency and effectiveness of delivery of services to young children and their families, where available;

(9) submit for approval by the South Carolina First Steps to School Readiness Board of Trustees requests to hire a local First Steps partnership executive director. Such a request should provide the rationale for the request and include such information as qualifications of applicants, current and requested salaries of applicants, resumes of candidates, and any information to justify the salary requested;

(10) submit for approval by the South Carolina First Steps to School Readiness Board of Trustees justification of and recommendations for the salary and any salary increases for the local First Steps partnership executive director;

(11) implement and document an annual performance evaluation for the local First Steps partnership executive director. The completed document shall be submitted annually to the South Carolina First Steps to School Readiness Board of Trustees.

(B) Each local partnership may, in the performance of its duties, employ or acquire staff pursuant to the local partnership bylaws established by the South Carolina First Steps to School Readiness Board of Trustees. Overhead costs of a First Step partnership's operations may not exceed thirteen percent of the total state funds appropriated for partnership grants. The South Carolina First Steps to School Readiness

Board of Trustees shall contract with an independent cost accountant to provide recommendations as to an adequate, and not excessive, overhead cost rate for individual partnerships no later than July 1, 2017. Once these recommendations are received, the First Steps to School Readiness Board of Trustees may adjust the overhead percentage for the local partnership. Once the overhead rates are established, the rates may not be amended or revised for at least five years, and the board may not grant a waiver from this provision to the local partnership. Local partnerships that are not part of a multicounty partnership and exceed the overhead cost rate are ineligible to receive state funds.

(C) Each First Steps partnership may apply for, receive, and expend federal, state, and local funds, grants, and other funding in order to improve programs as provided in Section 59-152-25(A).

(D) To be designated a First Steps partnership, the local partnership must be a nonprofit corporation organized under Section 501(c)(3) of the Internal Revenue Code.

(E)(1) Multiple First Steps local partnerships may collaborate in a manner they determine will maximize the efficient and effective provision of First Steps services and programs to children and their families and best enable the partnerships to execute their duties and powers established in this chapter. In such a collaboration, partnerships may merge or work in concert with one or more of their programs, administrative, or development functions or establish multicounty partnerships.

(2) To establish a multicounty partnership, the partnerships shall submit a joint proposal to the South Carolina First Steps to School Readiness Board of Trustees including, but not limited to, a plan to ensure each county in the partnership coverage area is equally represented on the local partnership board. In furtherance of this process, the South Carolina First Steps to School Readiness Board of Trustees shall have the authority to set aside the local First Steps Partnership board requirements listed within Section 59-152-60(C)(1)-(6), as is necessary to establish a multicounty partnership. No multicounty partnership shall be established nor separated without prior approval by the South Carolina First Steps to School Readiness Board of Trustees.

(F) As a condition of receiving state funds, each local partnership must be subject to performance reviews by South Carolina First Steps, including, but not limited to, local board functioning and collaboration and compliance with state standards and fiscal accountability. If any significant operational deficiencies or misconduct is identified within the partnership, the South Carolina First Steps Board of Trustees must identify a remedy with input from the local legislative delegation.

Procurement policies and procedures

SECTION 3. Section 59-152-150(A) of the S.C. Code is amended to read:

(A) The Office of South Carolina First Steps to School Readiness shall develop and require local partnerships to adopt and implement a standard fiscal accountability system including, but not limited to, a uniform, standardized system of accounting, internal controls, payroll, fidelity bonding, chart of accounts, and contract management and monitoring. The Office of First Steps, in consultation with the Office of State Procurement, must adopt and develop procurement policies and procedures. Local partnerships must adopt these policies and procedures for the purchase of goods and services. The Office of First Steps may contract with outside firms to develop and ensure implementation of this standard fiscal accountability system, and the Office of First Steps may inspect fiscal and program records of partnerships and developing partnerships to ensure their compliance with the required system. The Office of First Steps may contract with a state entity with existing means for developing contracts and disbursing funds in order to make use of the existing infrastructure, if it is efficient and not administratively burdensome to partnerships.

Data-sharing initiatives

SECTION 4. Article 17, Chapter 11, Title 63 of the S.C. Code is amended by adding:

Section 63-11-1726. All publicly funded early childhood-serving agencies and entities shall participate in data-sharing initiatives supported by the advisory council in furtherance of the requirements listed in Section 63-11-1725.

First Steps Board membership

SECTION 5. Section 63-11-1720(C) of the S.C. Code is amended to read:

(C) The board shall include members appointed in the following manner:

(1) the Governor shall appoint one member from each of the following sectors:

- (a) parents of young children;
 - (b) business community;
 - (c) early childhood educators;
 - (d) medical providers;
 - (e) child care and development providers; and
 - (f) the General Assembly, one member from the Senate and one member from the House of Representatives;
- (2) the President of the Senate shall appoint one member from each of the following sectors:
- (a) parents of young children;
 - (b) business community;
 - (c) early childhood educators; and
 - (d) medical or child care and development providers;
- (3) the Speaker of the House of Representatives shall appoint one member from each of the following sectors:
- (a) parents of young children;
 - (b) business community;
 - (c) early childhood educators; and
 - (d) medical or child care and development;
- (4) the Chairman of the Senate Education Committee or his designee;
- (5) the Chairman of the House Education and Public Works Committee or his designee; and
- (6) the chief executive officer of each of the following shall serve as an ex officio voting member:
- (a) Department of Social Services;
 - (b) Department of Health and Environmental Control;
 - (c) Department of Health and Human Services;
 - (d) Department of Disabilities and Special Needs;
 - (e) State Head Start Collaboration Officer;
 - (f) Children's Trust of South Carolina; and
 - (g) Department of Mental Health.

Advisory council membership

SECTION 6. Section 63-11-1725(B) of the S.C. Code is amended to read:

(B) The membership of the advisory council is composed of the membership of the Board of Trustees of the South Carolina First Steps to School Readiness Initiative. Each voting and nonvoting member shall serve as a voting member of the South Carolina Advisory Council,

concurrent with his service on the board. In addition, two executive directors from local First Steps Partnerships must serve as voting members on the advisory council with one appointed by the House Education and Public Works Committee and one appointed by the Senate Education Committee.

State director

SECTION 7. Section 63-11-1725(D) of the S.C. Code is amended to read:

(D) The State Director of First Steps shall coordinate the activities of the advisory council. Pursuant to 42 U.S.C. Section 9837(b)(1)(D)(i), the advisory council shall:

(1) conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to the age of school entry, including an assessment of the availability of high-quality prekindergarten services for low income children in the State;

(2) identify opportunities for, and barriers to, collaboration and coordination among federally funded and state-funded child development, child care, and early childhood education programs and services, including collaboration and coordination among state agencies responsible for administering these programs;

(3) develop recommendations for increasing the overall participation of children in existing federal, state, and local child care and early childhood education programs, including outreach to underrepresented and special populations;

(4) develop, maintain, and serve as the governing body for a unified and integrated data collection system, implement sound data governance policies that protect privacy, and maintain a comprehensive infrastructure for integrated, and when applicable, longitudinal data for public early childhood education and development programs, and services, and state, local, and federal funding sources throughout the State;

(5) develop and maintain parent knowledge-building activities, including web-based portals to inform parents of all publicly funded early childhood programs and services which include, but are not limited to, an eligibility screener and common application;

(6) develop recommendations regarding statewide professional development and career advancement plans for early childhood educators in the State;

(7) assess the capacity and effectiveness of two-year and four-year public and private institutions of higher education in the State for supporting the development of early childhood educators, including the extent to which these institutions have in place articulation agreements, professional development and career advancement plans, and practice or internships for students to spend time in a Head Start or prekindergarten program;

(8) prepare an overall strategic plan at least once every five years that establishes clearly defined goals, objectives, strategies, and key measures of progress for optimizing the state's early childhood system. Following creation of such plan, the council shall periodically review the implementation of the plan and review any changes in the state's needs;

(9) make recommendations for improvements in state early learning standards and undertake efforts to develop high-quality comprehensive early learning standards, as appropriate;

(10) develop and publish, using available demographic data, an indicators-based measure of school readiness at the state and community level;

(11) incorporate, within the periodic statewide needs assessments required in 42 U.S.C. Section 9837b, any data related to the capacity and efforts of private sector providers, Head Start providers, and local school districts to serve children from birth to age five, including fiscal, enrollment, and capacity data; and

(12) perform all other functions, as permitted under federal and state law, to improve coordination and delivery of early childhood education and development to children in this State.

First Steps Board duties

SECTION 8. Section 63-11-1730 of the S.C. Code is amended to read:

Section 63-11-1730. To oversee and be accountable for the South Carolina First Steps to School Readiness Initiative, in accordance with the APA, the board shall:

(1) develop and promulgate a comprehensive long-range initiative for improving early childhood development and increasing school readiness and literacy, which shall include the specific requirements of Chapter 152, Title 59;

(2) in accordance with the APA, promulgate regulations and establish guidelines, policies, and procedures for the continued implementation of the South Carolina First Steps to School Readiness initiative;

(3) provide oversight on the continued implementation and evaluation

of the South Carolina First Steps to School Readiness initiative at the state and local levels;

(4) establish and promulgate grant qualification requirements and a formula by which allocations for qualifying partnership grants shall be calculated;

(5) ensure the provision of technical assistance, consultation services and support to First Steps Partnerships including: the creation and annual revision of county needs assessments; the prioritization, implementation, and evaluation of each First Steps Partnership's strategic plans based on needs assessments; and the identification of assets from other funding sources;

(6) assess and develop recommendations for ensuring coordination and collaboration among service providers at both the state and county level, for increasing the efficiency and effectiveness of state programs and funding and other programs and funding sources, as allowable, as necessary to carry out the First Steps to School Readiness initiative, including additional fiscal strategies, redeployment of state resources, and development of new programs;

(7) establish and promulgate results-oriented measures and objectives and assess whether services provided by First Steps Partnerships to children and families are meeting the goals and achieving the results established for the First Steps initiative pursuant to Chapter 152, Title 59;

(8) receive gifts, bequests, and devises for deposit for awarding grants to First Steps Partnerships;

(9) report annually to the General Assembly by January first on activities and progress to include recommendations for changes and legislative initiatives and results of program evaluations;

(10) establish and promulgate internal policies and procedures to allow the board to operate optimally, which shall include, but not be limited to, an established and consistent process for decision making;

(11) develop, implement, and document an annual performance process for the Director of the Office of South Carolina First Steps;

(12) establish and promulgate bylaws for adoption by local First Steps Partnerships;

(13) establish core personnel policies and procedures for adoption by local First Steps Partnerships;

(14) develop a standard process by July 1, 2024, for reviewing submissions made by local partnerships as it relates to the hiring, salaries, and annual performance evaluations of local partnership executive directors pursuant to Chapter 152, Title 59;

(15) establish and promulgate internal evaluation policies and

procedures for local partnerships for annual review pursuant to Chapter 152, Title 59; and

(16) arrange for the conduction of an independent external program evaluation pursuant to Chapter 152, Title 59.

Permanent enactment

SECTION 9. Section 59-152-10 of the S.C. Code is amended to read:

Section 59-152-10. (A) There is established the South Carolina First Steps to School Readiness, a comprehensive, results-oriented initiative for improving early childhood development by providing, through local partnerships, public and private funds, and support for high-quality early childhood development and education services for children by providing support for their families' efforts toward enabling their children to reach school ready to succeed.

(B) The provisions of the South Carolina First Steps to School Readiness Act, as enacted by Act 99 of 1999, and as subsequently amended, and this chapter are permanently enacted, and future reauthorization is not necessary.

Time effective

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

Ratified the 14th day of June, 2023

Approved the 19th day of June, 2023

No. 82

(R101, H4217)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-110, RELATING TO DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO REVISE THE NAMES OF CERTAIN PRECINCTS, ADD NEW PRECINCTS, REMOVE PRECINCTS,

AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

Beaufort County Voting Precincts

SECTION 1. Section 7-7-110 of the S.C. Code is amended to read:

Section 7-7-110.(A) In Beaufort County there are the following voting precincts:

- Beaufort 1
- Beaufort 2
- Beaufort 3
- Belfair 1
- Belfair 2
- Bluffton 1A
- Bluffton 1B
- Bluffton 1C
- Bluffton 1D
- Bluffton 2A
- Bluffton 2B
- Bluffton 2C
- Bluffton 2D
- Bluffton 2E
- Bluffton 3
- Bluffton 4A
- Bluffton 4B
- Bluffton 4C
- Bluffton 4D
- Bluffton 4E
- Bluffton 5A
- Bluffton 5B
- Bluffton 5C
- Bluffton 5D
- Bluffton 5E
- Bluffton 6A
- Bluffton 6B
- Bluffton 7A
- Buckwalter 1
- Buckwalter 2

Burton 1A
Burton 1B
Burton 1C
Burton 1D
Burton 2A
Burton 2B
Burton 2C
Burton 2D
Burton 3A
Burton 3B
Burton 4
Burton 5A
Burton 5B
Chechessee 1
Chechessee 2
Chechessee 3
Dale Lobeco
Daufuskie
Hilton Head 1A
Hilton Head 1B
Hilton Head 2A
Hilton Head 2B
Hilton Head 2C
Hilton Head 2D
Hilton Head 2E
Hilton Head 3
Hilton Head 4A
Hilton Head 4B
Hilton Head 4C
Hilton Head 4D
Hilton Head 5A
Hilton Head 5B
Hilton Head 5C
Hilton Head 6
Hilton Head 7A
Hilton Head 7B
Hilton Head 7C
Hilton Head 8
Hilton Head 9A
Hilton Head 9B
Hilton Head 9C
Hilton Head 9D

Hilton Head 10
Hilton Head 11
Hilton Head 12
Hilton Head 13
Hilton Head 14
Hilton Head 15A
Hilton Head 15B
Ladys Island 1A
Ladys Island 1B
Ladys Island 2A
Ladys Island 2B
Ladys Island 2C
Ladys Island 3A
Ladys Island 3B
Ladys Island 3C
Ladys Island 4A
Ladys Island 4B
Ladys Island 4C
Moss Creek
Mossy Oaks 1A
Mossy Oaks 1B
Mossy Oaks 2
New River 1
New River 2
Palmetto Bluff
Port Royal 1
Port Royal 2
Pritchardville 1
Riverbend
Rose Hill 1
Rose Hill 2
Sandy Pointe
Seabrook 1
Seabrook 2
Seabrook 3
Sheldon 1
Sheldon 2
Spanish Wells
St. Helena 1A
St. Helena 1B
St. Helena 1C
St. Helena 2A

St. Helena 2B
 St. Helena 2C
 Sun City 1
 Sun City 2
 Sun City 3
 Sun City 4
 Sun City 5
 Sun City 6
 Sun City 7
 Sun City 8
 Sun City 9
 Sun City 10

(B) The precinct lines defining the above precincts are as shown on the official map prepared by and on file with the Revenue and Fiscal Affairs Office designated as document P-13-23 and as shown on copies provided to the Board of Voter Registration and Elections of Beaufort County by the Revenue and Fiscal Affairs Office.

(C) The polling places for the precincts provided in this section must be established by the Board of Voter Registration and Elections of Beaufort County subject to the approval of a majority of the Beaufort County Delegation.

Time effective

SECTION 2. This act takes effect on January 1, 2024.

Ratified the 14th day of June, 2023

Approved the 19th day of June, 2023

No. 83

(R98, H3532)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO CREATE AN ADDITIONAL OFFENSE PUNISHABLE BY UP TO FIVE YEARS IF A PERSON COMMITS A SUBSEQUENT VIOLENT

CRIME WHILE SUBJECT TO A BOND ORDER OR PRETRIAL RELEASE ORDER FOR A PREVIOUS VIOLENT CRIME; BY AMENDING SECTION 17-15-15, RELATING TO CASH DEPOSITS IN LIEU OF BOND, SO AS TO PROVIDE THAT IF THE COURT FINDS THAT A DEFENDANT MAY BE RELEASED ON BOND WHO HAS BEEN CHARGED WITH A VIOLENT OFFENSE OR ANY FELONY OFFENSE INVOLVING A FIREARM WHILE OUT ON BOND OR OTHER PRETRIAL RELEASE, THE BOND MUST BE SET AT THE FULL UNITED STATES CASH CURRENCY BOND RATHER THAN TEN PERCENT; BY AMENDING SECTION 17-15-30, RELATING TO MATTERS TO BE CONSIDERED IN DETERMINING CONDITIONS OF RELEASE, SO AS TO INCLUDE WHETHER A PERSON IS CURRENTLY OUT ON BOND FOR ANOTHER OFFENSE; BY ADDING SECTION 17-15-35 SO AS TO DEFINE NECESSARY TERMS, AND TO PROVIDE PROCEDURES FOR COURT-ORDERED ELECTRONIC MONITORING IN LIEU OF SETTING BOND OR AS AN ADDITIONAL CONDITION OF BOND; BY ADDING SECTION 17-15-37 SO AS TO AUTHORIZE THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION TO PROMULGATE REGULATIONS REGARDING ELECTRONIC MONITORING AND TO PROVIDE PARAMETERS FOR WHICH AN ELECTRONIC MONITORING AGENCY MUST OPERATE WITHIN; BY AMENDING SECTION 17-15-55, RELATING TO RECONSIDERATION OF BOND BY THE CIRCUIT COURT SET BY A SUMMARY COURT, SO AS TO PROVIDE A DEFENDANT MUST BE ADVISED OF HIS RIGHT TO A SPEEDY TRIAL AND TO PROVIDE PROCEDURES RELATED TO SPEEDY TRIALS, TO PROVIDE FOR THE REVOCATION OF PREVIOUS BOND IF A PERSON COMMITS A VIOLENT OFFENSE OR A FELONY OFFENSE INVOLVING A FIREARM WHICH WAS COMMITTED WHILE THE PERSON WAS ALREADY OUT ON BOND FOR A PREVIOUS VIOLENT OFFENSE OR FELONY OFFENSE INVOLVING A FIREARM, TO REQUIRE A FULL BOND UNDER CERTAIN REPEAT OFFENDER CIRCUMSTANCES, AND TO PROVIDE CONFORMING PROCEDURES; BY AMENDING SECTION 22-5-510, RELATING TO BAIL AND BOND HEARINGS AND CONDITIONS OF RELEASE, SO AS TO INCLUDE WHETHER A PERSON IS CURRENTLY OUT ON BOND FOR ANOTHER OFFENSE; BY AMENDING SECTION 24-13-40, RELATING TO THE COMPUTATION OF TIME SERVED BY PRISONERS, SO

AS TO PROHIBIT CREDIT FOR TIME SERVED PRIOR TO TRIAL AND SENTENCING WHEN THE PRISONER COMMITTED A SUBSEQUENT CRIME WHILE OUT ON BOND OR HAD BOND REVOKED ON ANY CHARGE PRIOR TO TRIAL OR PLEA; BY AMENDING SECTION 24-13-425, RELATING TO THE OFFENSE OF TAMPERING WITH AN ELECTRONIC MONITORING DEVICE, SO AS TO DELETE AN UNNECESSARY DEFINITION AND EXEMPT CERTAIN AUTHORIZED EMPLOYEES OR AGENTS FROM THE PURVIEW OF THE STATUTE; BY ADDING SECTION 17-15-500 SO AS TO ESTABLISH THE SOUTH CAROLINA PRETRIAL REFORM COMMISSION, PROVIDE FOR ITS MEMBERSHIP AND DUTIES, AND TERMINATE THE COMMISSION ON A DATE CERTAIN; BY AMENDING SECTION 38-53-10, RELATING TO DEFINITIONS FOR PURPOSES OF THE CHAPTER ON BAIL BONDSMEN AND RUNNERS, SO AS TO REVISE THE DEFINITION OF "SURETY BONDSMAN" AND DEFINE THE TERM "ELECTRONIC MONITORING"; BY AMENDING SECTION 38-53-50, RELATING TO SURETY RELIEVED ON BOND, SO AS TO MAKE A TECHNICAL CHANGE REGARDING NONPAYMENT OF PREMIUM FEES ALONE NOT BEING SUFFICIENT TO WARRANT IMMEDIATE INCARCERATION OF THE DEFENDANT; BY AMENDING SECTION 38-53-70, RELATING TO THE ISSUANCE OF BENCH WARRANTS FOR FAILURE TO APPEAR, SO AS TO REVISE THE STATUTE TO APPLY MORE BROADLY WHEN A DEFENDANT VIOLATES THE CONDITIONS OF BOND AND REVISE TIME FRAMES PROVIDED FOR THE NOTICE OF THE BENCH WARRANT; BY ADDING SECTION 38-53-84 SO AS TO REQUIRE NOTIFICATION TO THE APPROPRIATE SOLICITOR IF A DEFENDANT VIOLATES AN ORDER FOR ELECTRONIC MONITORING, TO PROVIDE FOR RELIEF FROM THE BOND IF THE DEFENDANT FAILS TO PAY FOR THE MONITORING, AND TO PROVIDE FOR POSSIBLE REVOCATION OF A BONDSMAN'S LICENSE FOR FAILURE TO COMPLY WITH REPORTING REQUIREMENTS; BY AMENDING SECTION 38-53-170, RELATING TO UNLAWFUL ACTS BY BONDSMEN AND RUNNERS, SO AS TO PROVIDE ADDITIONAL PAYMENT PROCEDURES AND EXPENSE REIMBURSEMENT PROCEDURES; BY AMENDING SECTION 38-53-310, RELATING TO WRITTEN BAIL BOND REPORTS THAT MUST

BE FILED EACH MONTH WITH THE CLERK OF COURT, SO AS TO INCLUDE CURRENT DATA RETAINED AS AN EXPRESS CONDITION OF BOND, AND TO ALLOW FOR THE USE OF A DATA MANAGEMENT SOFTWARE SYSTEM IN LIEU OF THE WRITTEN REPORT; AND BY ADDING SECTION 38-53-55 SO AS TO REQUIRE A PERSON ENGAGED IN ELECTRONIC MONITORING OF A DEFENDANT CHARGED WITH A VIOLENT OFFENSE TO REPORT TO THE COURT AND LAW ENFORCEMENT OFFICIALS IF THE DEFENDANT HAS CONTACT WITH THE ALLEGED VICTIM.

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

Additional offense for persons violating bond, violent crimes

SECTION 1. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-270. (A) It is unlawful for a person to commit a violent crime while under a bond order or other pretrial release order for a previous violent crime. If the person is convicted of the subsequent violent crime, and is thereafter convicted of a violation of this section, the person is guilty of a felony and must be imprisoned not more than five years. The sentence may be imposed concurrently or consecutively to the punishment for the principal offense.

(B) For purposes of this section:

- (1) a violent crime is defined as those contained in Section 16-1-60;
- (2) a subsequent violent crime is one that occurs at a later date and time than the offense that resulted in the imposition of the bond order or other pretrial release order.

Full cash bonds

SECTION 2. Section 17-15-15 of the S.C. Code is amended to read:

Section 17-15-15. (A) Except as provided in subsection (D), in lieu of requiring actual posting of bond as provided in Section 17-15-10(A), the court setting bond may permit the defendant to deposit in cash with the clerk of court an amount not to exceed ten percent of the amount of bond set, which amount, when the defendant fulfills the condition of the bond, must be returned to the defendant by the clerk except as provided in subsection (C).

(B) The cash deposit provided for in subsection (A) must be assignable at any time after it is posted with the clerk of court by written assignment executed by the defendant and delivered to the clerk. After assignment and after the defendant fulfills the condition of his bond, the clerk shall return the cash deposit to the assignee.

(C) In the event the cash deposit is not assigned but the defendant is required by the court to make restitution to the victim of his crime, the deposit may be used for the purpose of restitution.

(D) The provisions of this section do not apply if the defendant is charged with a violent offense, as defined by Section 16-1-60, or any felony offense involving a firearm while out on bond or other pretrial release. If the court, pursuant to the limitations of Section 17-15-30, finds that such defendant may be released pending trial, bond must be set at the full United States currency cash bond to the exclusion of all other forms of bond whether the bond is posted by the defendant or with a bondsman. After the defendant fulfills the conditions of the bond, the clerk shall return the cash bond amount paid to the defendant. However, in the event the defendant is required by the court to make restitution to the victim of his crime, the cash bond may be used for the purpose of such restitution.

Any currency cash bond must be conditioned on the person charged personally appearing before the court specified to answer the charge or indictment and to do and receive what is enjoined by the court, and not to leave the State, and be of good behavior toward all the citizens of the State, or especially toward a person or persons specified by the court. Additionally, the court may impose any other conditions allowed under Chapter 15, Title 17, and any other provision of law.

Conditions of release

SECTION 3. Section 17-15-30 of the S.C. Code is amended to read:

Section 17-15-30. (A) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community or an individual, a court may, on the basis of the following information, consider the nature and circumstances of an offense charged and the charged person's:

- (1) family ties;
- (2) employment;
- (3) financial resources;
- (4) character and mental condition;
- (5) length of residence in the community;

(6) record of convictions; and
(7) record of flight to avoid prosecution or failure to appear at other court proceedings.

(B) A court must consider:

- (1) a person's criminal record;
- (2) any current charges pending against a person and any prior charges against a person at the time release is requested;
- (3) all incident reports generated as a result of an offense charged;
- (4) whether a person is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status;
- (5) whether the charged person appears in the state gang database maintained at the State Law Enforcement Division; and
- (6) whether a person is currently out on bond for another offense.

(C)(1) Prior to or at the time of a hearing, the arresting law enforcement agency must provide the court with the following information:

- (a) a person's criminal record;
- (b) any charges pending against a person at the time release is requested;
- (c) all incident reports generated as a result of the offense charged; and
- (d) any other information that will assist the court in determining conditions of release to include, but not be limited to, notification of any existing bonds for another offense.

(2) The arresting law enforcement agency shall inform the court if any of the information is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement agency to provide the court with the information does not constitute grounds for the postponement or delay of the person's hearing. Notwithstanding the provisions of this item, when a person is charged with a violation of Chapter 25, Title 16, the bond hearing may not proceed without the person's criminal record and incident report or the presence of the arresting officer. The bond hearing for a violation of Chapter 25, Title 16 must occur within twenty-four hours after the arrest.

(D) A court hearing these matters has contempt powers to enforce the provisions of this section.

Definitions, electronic monitoring as condition of bond

SECTION 4. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-35. (A) As used in this section:

(1) “Approved active electronic monitoring device” and “monitoring device” means a body worn or non-body worn device or mobile phone application approved by the South Carolina Law Enforcement Division which records or transmits oral or wire communications or an auditory sound, visual images, or information regarding the person's location and activities, that must verify live biometric, photographic, or videographic identification information, and that timely records and reports the person's location.

(2) “Approved electronic monitoring agency” means a law enforcement agency, licensed bondsman or bonding company, or electronic monitoring company that is certified by the South Carolina Law Enforcement Division to supply, maintain, and monitor electronic monitoring devices to participants ordered by the court to wear electronic monitoring devices under the provisions of this section.

(3) “SLED” means the South Carolina Law Enforcement Division.

(4) “Monitoring agency” or “agency” means an approved electronic monitoring agency.

(5) “Participant” means a person, ordered by the court or as a condition of bond to wear or possess an approved electronic monitoring device.

(B)(1) The court, in its discretion, may, for a person charged with a violation of criminal offense under the jurisdiction of the court of general sessions or any offense where the court finds sufficient evidence of a concern for the victim's safety or the safety of any member of the public, order that the person be placed on surveillance via an approved active electronic monitoring device which must be worn or possessed at all times for the duration specified by the court, either in lieu of setting or requiring the posting of bond or as an additional condition of the release on bond.

(2) For pretrial bond consideration, the judge is not limited to nonviolent offenses, but must take into consideration all concerns relating to the setting of an appropriate bond under Section 22-5-510, Sections 17-15-10, et seq., and Section 16-25-120. The device must be capable of recording the person's location at all times. If the court orders a device, before the participant is allowed to leave custody, the detention facility where the defendant is located, in coordination with the approved monitoring agency, must ensure the participant is fitted with an approved active electronic monitoring device, and that all appropriate bond paperwork, including the agreement with the bonding and electronic monitoring companies acknowledging the terms and restrictions of the bond, is completed.

(3) The participant who is ordered on supervision must:

(a) wear an approved device at all times to verify his compliance with the conditions of his detention or if the device is not body worn, must maintain possession of his approved device on or near his person at all times for the duration of the detention and must verify his identity and location at any time required by the order of the court and must maintain the monitoring device on or near his person at all times for the duration of the detention, subject to the order of the court and reasonable orders of an agent or employee of the monitoring agency in order to effectuate the conditions of the monitoring order. For purposes of this subsection, “near” means within hearing distance of the device’s notification or call alerts but not farther than thirty feet. In areas of the State where cellular coverage requires the use of an alternate device, the approved electronic monitoring company may use an alternate approved device with approval of the court;

(b) charge and maintain the monitoring device in working order and must report any damage, destruction, or noticeable malfunction of the active monitoring device, whether the incident was accidental or intentional, and including the device having a dead battery, to at least one of the following parties within two hours of the incident: the monitoring agency, the appropriate law enforcement agency with jurisdiction over the underlying offense, or any other party specified in the order;

(c) abide by other terms and conditions set forth by the approved electronic monitoring agency with regard to the monitoring device and electronic monitoring program;

(d) turn himself in to custody of the appropriate detention facility upon the order of the monitoring agency, or the appropriate law enforcement agency with jurisdiction over the offense; and

(e) pay for the cost of the approved active electronic monitoring device and the operation of the monitoring device for the duration of the time the person is required to be electronically monitored, subject to an order of indigency by the court. The summary court or circuit court has jurisdiction upon motion of the defendant to consider exempting a person from the payment of a part or all of the cost during a part or all of the duration of the time the person is required to be electronically monitored, if it is determined that exceptional circumstances exist such that these payments cause a severe hardship to the person who is deemed indigent. If the indigency hearing is held at a time and date separate from the initial bond hearing, the defense must notify the prosecutor, the bondsman, and the monitoring agency of the date, time, and location of the hearing subject to the notice requirements of the court.

The payment of the cost must be a condition of supervision of the person and a delinquency of two weeks or more in making payments may operate as a violation of a term or condition of the electronic monitoring and bond. No person shall be denied the privilege of electronic monitoring under this statute based on inability to pay upon a finding by the court that the defendant meets the qualifications for indigency. The State shall allocate funds to be housed in an indigency fund under the control of the Department of Public Safety to be distributed to the monitoring companies as appropriate to cover the cost of indigent participants.

(C) A participant ordered by the court to be monitored under the provisions of this section, who fails to comply with any of the provisions of this section or who fails to comply with any additional condition of the court order including location restrictions, may have his bond revoked or may be punished for contempt at the discretion of the court.

(D) It is unlawful for any person, knowingly and without authority, to remove, tamper with, damage, destroy, shield the signal from, or otherwise circumvent an active electronic monitoring device, or to aid or assist a person ordered by the court to be electronically monitored under the provisions of this section to remove, tamper with, damage, destroy, shield the signal from, or otherwise circumvent a monitoring device and, upon conviction, the person must be punished under the provisions of Section 24-13-425. This subsection does not apply to a person or agent of the electronic monitoring agency or bonding company, or a member of law enforcement acting under the authority of and with compliance to the court order.

(E)(1) Upon violation of any of these requirements and a showing by affidavit and supporting records by the electronic monitoring company on a domestic violence bond or general sessions bond or where emergency circumstances exist on any other bond, the approved electronic monitoring company may approach a summary court judge for a bench warrant if one is not already provided for in the bond paperwork or other court order. Law enforcement shall immediately attempt to locate and incarcerate the defendant upon notice of the bench warrant. After incarceration, the prosecutor must be notified and the defendant must be brought before a summary court judge within three calendar days or before a circuit court judge within three business days, whichever has jurisdiction of the underlying charge, to determine whether the bond is to be reconsidered or bond conditions amended. The prosecution must provide the defense with any relevant evidence regarding the alleged violation within a reasonable time before the hearing and the hearing may be continued for cause.

(2) Nothing in this section shall reduce any duty of the bondsman to pick up the offending bailee and immediately incarcerate him for violation of bond conditions. Failure to do so may lead to bond estreatment for failure to enforce bond conditions by the bondsman and possible other administrative or criminal action.

(3) Nothing in this section may be used to hold the electronic monitoring agency civilly liable for any criminal acts of the defendant committed while being monitored.

Regulations regarding electronic monitoring by SLED, electronic monitoring agency requirements

SECTION 5. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-37. (A) The South Carolina Law Enforcement Division may promulgate regulations to effectuate the intent of Section 17-15-35 and this section, develop standards for the use and approval of active electronic monitoring devices, and shall certify electronic monitoring agencies, including law enforcement agencies, electronic monitoring companies, and bondsmen and bonding companies. SLED must keep a public list of those companies that are certified.

(B) The approved electronic monitoring agency must:

(1) provide active electronic monitoring devices or mobile phone applications approved by SLED that must provide verifiable identity and location information at regular and random intervals throughout the day, and that timely record and report the person's presence near or within a prohibited area or the person's departure from a specified geographic location;

(2) allow any law enforcement agency, including the prosecutor's office, to have access to real-time monitoring, if possible, and any reports requested by law enforcement or the prosecution must be provided within twenty-four hours of the request;

(3) notify the solicitor having jurisdiction over the participant and the bondsman within forty-eight hours when he becomes aware or should have become aware that the participant has violated any provision of the court's order for electronic monitoring, or the participant has been surrendered to the custody of law enforcement; and

(4) immediately notify local law enforcement and make reasonable attempts to immediately notify the victim if the participant violates any exclusion zones related to the victim.

(C) Failure of the electronic monitoring agency to maintain

compliance with regulations established by SLED, the order of the court, or any applicable statute shall be reported to SLED by the solicitor for administrative action. SLED may impose a fine, or suspend or revoke the certification for any approved agency who demonstrates a failure to maintain the standards and reporting requirements set forth under the regulations and appropriate statutes.

Speedy trials, bond revocation, conforming provisions

SECTION 6. Section 17-15-55 of the S.C. Code is amended to read:

Section 17-15-55. (A)(1) The circuit courts, at their discretion, may review and reconsider bond for general sessions offenses set by summary court judges. Also, the circuit courts may consider motions regarding reconsideration of bond for general sessions offenses set by summary court judges upon motions filed with the clerks of court. Hearings on these motions must be scheduled. The rules of evidence do not apply to bond hearings.

(2) After a circuit court judge has heard and ruled upon a defendant's motion to reconsider a bond set by a summary court judge, further defense motions to reconsider may be heard by the circuit court only upon the defendant's prima facie showing of a material change in circumstances which relate to the factors provided in Section 17-15-30, and which have arisen since the prior motion to reconsider. In addition, the circuit court may hear further defense motions to reconsider based on the length of time the defendant has been held for trial after six months. The chief judge shall schedule a hearing or if such showing is not set forth in the written motion, deny the motion for failure to make a prima facie showing of a material change in circumstances. A defendant shall be advised of his right to a speedy trial. Notwithstanding another provision of law, nothing prevents a solicitor or the defendant from filing a motion for a speedy trial or requesting the court to set a date certain for trial based on the facts and circumstances in the case. If either party fails to comply with the terms of an order granting a speedy trial, the court may reconsider the terms of the defendant's bond, may consider sanctions and may grant other just and proper relief as the court determines.

(B)(1) Motions by the State to revoke or modify a bond must be made in writing, state with particularity the grounds for revocation or modification, and set forth the relief or order sought. The motions must be filed with the clerks of court, and a copy must be served on the chief judge, defense counsel of record, and bond surety, if any. The court must

have a hearing and rule on the state's motion within thirty days of the filing.

(2) After a circuit court judge has heard and ruled upon the state's motion to reconsider a bond set by a summary court judge, further state motions to reconsider may be heard by the circuit court only upon the state's prima facie showing of a material change in circumstances which have arisen since the prior motion to reconsider. The chief judge shall schedule a hearing or if such showing is not set forth in the written motion, deny the motion for failure to make a prima facie showing of a material change in circumstances.

(3) If the state's motion to revoke or modify bond includes a prima facie showing of imminent danger to the community, imminent danger to the defendant, or flight by the defendant, the chief judge or presiding judge shall conduct or order an emergency bond hearing to be conducted by the circuit court judge within forty-eight hours of receiving service of the state's motion or as soon as practical. The chief judge shall order the solicitor to notify the defense counsel of record and bond surety of the time and date of the hearing, and the solicitor shall provide proof that reasonable efforts were made to affect the notice. Upon notice by the State, the defense counsel of record and bond surety shall make reasonable efforts to notify the defendant of the emergency hearing. The court may proceed with the hearing despite the absence of the defendant or bond surety. The court may not proceed with the hearing if the defense counsel of record is not present. If an emergency bond hearing is held without the presence of the defendant and bond is revoked, the judge having heard the matter may conduct the hearing on the defendant's motion to reconsider the revocation. Defense motions to reconsider revocation must be filed with the clerk of court and served on the solicitor and bond surety.

(C) If a person commits a violent offense, as defined in Section 16-1-60, or any felony offense involving a firearm, which was committed when the person was already out on bond for a previous violent offense or any felony offense involving a firearm and the subsequent offense did not arise out of the same series of events as the previous offense, then:

(1) the bond for the original offense must be revoked by operation of law and a hearing for the subsequent violent offense or any felony offense involving a firearm must be held in the circuit court within thirty days;

(2) during the bond hearing for the subsequent violent offense or felony offense involving a firearm, the court must issue findings of fact and conclusions of law addressing the revocation of bond for the original

offense, whether a new bond is issued for the previous offense as well as if bond is appropriate for the subsequent violent offense or felony offense involving a firearm;

(3) if the court finds that certain conditions of release on bond will ensure that the person is unlikely to flee or pose a danger to any other person or the community and the person will abide by the terms of release on bond, the judge shall consider bond in accordance with the provisions of this chapter and set or amend bond accordingly. Notwithstanding the provisions of Section 17-15-15, any bond set for a violent offense or felony offense involving a firearm committed when the person was already out on bond for a previous violent offense or felony offense involving a firearm must be deposited to the court in cash or its equivalent in full, notwithstanding if posted by the person, his representative, or by a bond surety;

(4) if the court finds no such conditions will ensure that the person is unlikely to flee or not pose a danger to the community, the court shall not set a bond for the instant offense and must revoke all previously set bonds; and

(5) if a person commits a violent offense, as defined in Section 16-1-60, or felony offense involving a firearm which was committed when the person was already out on bond for a previous violent offense or felony offense involving a firearm, and the subsequent offense did not arise out of the same series of events as the previous offense, then the arresting law enforcement agency must transmit notice of the second arrest, implicating this subsection, to the solicitor of the circuit in which the offense was committed and the administrative chief judge of the circuit in which the offense was committed. The prosecuting agency must notify any victims of the initial or subsequent offenses pursuant to Chapter 3, Title 16 of any bond hearings.

(D) If a person commits a violent offense, as defined in Section 16-1-60, or felony offense involving a firearm which was committed when the person was already out on bond for two or more previous separate violent offenses or felony offenses involving a firearm for which separate bonds were set, and the subsequent offense did not arise out of the same series of events as the two or more previous separate offenses, and the court determines that under the totality of the circumstances the previous bonds should not be revoked and another bond should be set, any bond set by the court must be deposited in full and may not be posted by any bond surety company.

(E) Notwithstanding subsection (C)(2), if the original bond was set in another judicial circuit, that prosecution agency shall be notified of the revocation and any finding the court makes pursuant to this subsection.

The prosecution agency having jurisdiction over the subsequent charge must make the notification required in this subsection within forty-eight hours of the conclusion of the preceding. The presiding judge has jurisdiction to make a finding on record to deny a new bond on the original charge or may order a new bond hearing to be scheduled on the original charge in the judicial circuit where the charges are pending. This hearing must be scheduled within thirty days by the prosecution agency having jurisdiction over the original charges.

(F) For the purpose of bond revocation only, a summary court has concurrent jurisdiction with the circuit court for thirty days from the date bond is first set on a charge by the summary court or the date of the grand jury indictment whichever occurs first to determine if bond should be revoked.

Conditions of release

SECTION 7. Section 22-5-510 of the S.C. Code is amended to read:

Section 22-5-510. (A) Magistrates may admit to bail a person charged with an offense, the punishment of which is not death or imprisonment for life; provided, however, with respect to violent offenses as defined by the General Assembly pursuant to Section 15, Article I of the Constitution of South Carolina, 1895, magistrates may deny bail giving due weight to the evidence and to the nature and circumstances of the event including, but not limited to, any charges pending against the person requesting bail. "Violent offenses" as used in this section means the offenses contained in Section 16-1-60. If a person under lawful arrest on a charge not bailable is brought before a magistrate, the magistrate shall commit the person to jail. If the offense charged is bailable, the magistrate shall take recognizance with sufficient surety, if it is offered, in default whereof the person must be incarcerated.

(B) A person charged with a bailable offense must have a bond hearing within twenty-four hours of his arrest and must be released within a reasonable time, not to exceed four hours, after the bond is delivered to the incarcerating facility.

(C) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community or an individual, a court, on the basis of the following information, may consider the nature and circumstances of an offense charged and the charged person's:

- (1) family ties;
- (2) employment;

(3) financial resources;
(4) character and mental condition;
(5) length of residence in the community;
(6) record of convictions; and
(7) record of flight to avoid prosecution or failure to appear at other court proceedings.

(D) A court must consider:

(1) a person's criminal record;
(2) any charges pending against a person at the time release is requested;
(3) all incident reports generated as a result of an offense charged;
(4) whether a person is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status;
(5) whether the charged person appears in the state gang database maintained at the State Law Enforcement Division; and
(6) whether a person is currently out on bond for another offense.

(E) Prior to or at the time of the bond hearing, the arresting law enforcement agency must provide the court with the following information:

(1) the person's criminal record;
(2) any charges pending against the person at the time release is requested;
(3) all incident reports generated as a result of the offense charged; and
(4) any other information that will assist the court in determining conditions of release to include, but not be limited to, notification of any existing bonds for another offense.

(F) The arresting law enforcement agency shall inform the court if any of the information required in subsections (C), (D), and (E) is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement agency to provide the court with the information does not constitute grounds for the postponement or delay of the person's bond hearing. Notwithstanding the provisions of this subsection, when a person is charged with a violation of Chapter 25, Title 16, the bond hearing may not proceed without the person's criminal record and incident report or the presence of the arresting officer. The bond hearing for a violation of Chapter 25, Title 16 must occur within twenty-four hours after the arrest.

(G) A court hearing this matter has contempt powers to enforce these provisions.

Credit for time served

SECTION 8. Section 24-13-40 of the S.C. Code is amended to read:

Section 24-13-40. The computation of the time served by prisoners under sentences imposed by the courts of this State must be calculated from the date of the imposition of the sentence. However, when (a) a prisoner shall have given notice of intention to appeal, (b) the commencement of the service of the sentence follows the revocation of probation, or (c) the court shall have designated a specific time for the commencement of the service of the sentence, the computation of the time served must be calculated from the date of the commencement of the service of the sentence. In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense; (3) when the prisoner commits a subsequent crime while out on bond; or (4) has bond revoked on any charge prior to trial or plea.

Tampering with an electronic monitoring device

SECTION 9. Section 24-13-425 of the S.C. Code is amended to read:

Section 24-13-425. (A) For the purposes of this section, "electronic monitoring device" includes any device ordered by a court or pursuant to any statute that is utilized to track the location of a person.

(B) It is unlawful for any person to knowingly and without authority remove, destroy, or circumvent the operation of an electronic monitoring device which is being used for the purpose of monitoring a person who is:

(1) complying with the Home Detention Act as set forth in Article 15, Title 24;

(2) wearing an electronic monitoring device as a condition of bond or pretrial release;

(3) wearing an electronic monitoring device as a condition of probation, parole, or community supervision; or

(4) wearing an electronic monitoring device as required by any other provision of law.

(C) It shall be unlawful for any person to knowingly and without authority request or solicit any other person to remove, destroy, or circumvent the operation of an electronic monitoring device which is being used for the purposes described in subsection (B).

(D) This section does not apply to an employee or agent of the electronic monitoring company, bonding company, or law enforcement entity who removes or replaces an active electronic monitoring device in order to perform maintenance and repair on the device, who removes and replaces a non-working device, who removes the device once the person is placed into secure custody or if the underlying charges have been dismissed, or who otherwise is acting under the authority of the court order.

(E) Any person who violates the provisions of this section shall be guilty of the misdemeanor offense of tampering with the operation of an electronic monitoring device and shall be imprisoned for not more than three years, or fined up to three thousand dollars, or both.

Pretrial Reform Commission created

SECTION 10. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-500. (A) There is established the South Carolina Pretrial Reform Commission composed of fifteen members as follows:

(1) three members to be appointed by the Chairman of the Senate Judiciary Committee;

(2) three members to be appointed by the Chairman of the House of Representatives Judiciary Committee;

(3) three members of the judiciary to be appointed by the Chief Justice of the South Carolina Supreme Court;

(4) three members of the executive branch to be appointed by the Governor; and

(5) three members of the directly impacted community, including one crime survivor, one person that has been through the pretrial system, and a community member at large to be jointly appointed by the Chairmen of both the House and Senate Judiciary Committees.

(B) The members of the commission may begin meeting when at least a quorum has been appointed and shall elect one member to serve as chairman. A quorum shall consist of at least eight members.

(C) The primary duty of the South Carolina Pretrial Reform

Commission is to prepare a comprehensive report that reviews and recommends:

(1) appropriate changes to the current pretrial system for all criminal offenses;

(2) maintaining, amending, or abolishing the current system for determining pretrial release or detention; and

(3) guidelines for legislation to improve the processing of cases in the court of general sessions, community safety, and court appearance outcomes.

(D) The purpose of the report is to enable the General Assembly to consider the Pretrial Reform Commission's findings and determine whether state laws should be amended.

(E) In making its recommendations, the commission must consider current case processing and correctional resources including, but not limited to, the capacities of local jails, community-based service providers, and state courts.

(F) The Pretrial Reform Commission must deliver its report and recommendations to the Chairman of the Senate Judiciary Committee and the Chairman of the House Judiciary Committee no later than July 1, 2024, and the commission shall terminate when the report is made.

(G) The Supreme Court shall provide appropriate staff for the commission. The Chairman of the Senate Judiciary Committee may provide additional staff for the Senate members, and the Chairman of the House Judiciary Committee may provide additional staff for the House members.

(H) Members of the Pretrial Reform Commission may receive per diem, subsistence, and mileage as provided by law for members of state boards, committees, and commissions.

Definitions, bail bondsmen and runners

SECTION 11. Section 38-53-10(12) of the S.C. Code is amended to read:

(12) "Surety bondsman" means any person who is approved by and licensed by the director or his designee as a property and casualty insurance agent, appointed by an insurer by power of attorney to execute or countersign bail bonds for the insurer in connection with judicial proceedings, and receives or is promised money or other things of value for the execution or countersignature.

Definitions, electronic monitoring

SECTION 12. Section 38-53-10 of the S.C. Code is amended by adding:

(15) "Electronic monitoring" means monitoring a person by the use of a device which records or transmits oral or wire communications or an auditory sound, visual images, or information regarding the person's activities.

Nonpayment of premium fees alone insufficient to warrant incarceration

SECTION 13. Section 38-53-50(B) of the S.C. Code is amended to read:

(B) If the circumstances warrant immediate incarceration of the defendant to prevent imminent violation of one of the specific terms of the bail bond, or if the defendant has violated one of the specific terms of the bond, the surety may take the defendant to the appropriate detention facility for holding until the court orders that the surety be relieved. The surety, within three business days following recommitment, must file with the detention facility and the court an affidavit clocked in with the clerk of court on a form provided by the Division of Court Administration stating the facts to support the surrender of the defendant for good cause. Nonpayment of premium fees alone is not sufficient cause to warrant immediate incarceration of the defendant. When the defendant and the affidavit are presented at the appropriate detention facility, the facility shall take custody of the defendant. When the affidavit is filed with the court, the surety also shall file a motion to be relieved on the bond pursuant to subsection (A). A surety who surrenders a defendant and files an affidavit which does not show good cause is subject to penalties imposed for perjury as provided for in Article 1, Chapter 9, Title 16.

Violation of conditions of bond

SECTION 14. Section 38-53-70 of the S.C. Code is amended to read:

Section 38-53-70. If a defendant violates the conditions of release on bond, the court shall issue a bench warrant for the defendant. The court must provide written or electronic notice of the issuance of the bench warrant within thirty days of its issuance to every party bound in the recognizance. If the surety fails to surrender the defendant or place a

hold on the defendant's release from incarceration, commitment, or institutionalization within ninety days of the issuance of the bench warrant, the bond is forfeited. At any time before execution is issued on a judgment of forfeiture against a defendant or his surety, the court may direct that the judgment be remitted in whole or in part, upon conditions as the court may impose, if it appears that justice requires the remission of part or all of the judgment. In making a determination as to remission of the judgment, the court shall consider the costs to the State or a county or municipality resulting from the necessity to continue or terminate the defendant's trial and the efforts of law enforcement officers or agencies to locate the defendant. The court, in its discretion, may permit the surety to pay the estreatment in installments for a period of up to six months; however, the surety shall pay a handling fee to the court in an amount equal to four percent of the value of the bond. If at any time during the period in which installments are to be paid the defendant is surrendered to the appropriate detention facility and the surety complies with the recommitment procedures, the surety is relieved of further liability.

Notification when electronic monitoring violated

SECTION 15. Chapter 53, Title 38 of the S.C. Code is amended by adding:

Section 38-53-84. (A) A person engaged in electronic monitoring of a defendant must, within forty-eight hours, notify the solicitor having jurisdiction over the defendant when he becomes aware or should have become aware that the defendant has violated any provision of the court's order for electronic monitoring. Failure of a defendant to timely pay the bondsman the full monthly electronic monitoring fee associated with the cost of the electronic monitoring device and the associated cost of the monitoring service shall, in and of itself, constitute good cause for the bondsman to file a motion to be relieved on the bond and to surrender the defendant to the custody of the appropriate detention facility pursuant to Section 38-53-50.

(B) Failure of the bondsman to maintain compliance with the reporting requirement of subsection (A) shall be reported to the South Carolina Department of Insurance by the solicitor for administrative action whereby the bondsman's license may be fined, suspended, or revoked.

Payment and expense reimbursement procedures

SECTION 16. Section 38-53-170(e) and (f) of the S.C. Code is amended to read:

(e) accept anything of value from a principal except the premium, which may not exceed fifteen percent of the face amount of the bond, with a minimum fee of one hundred dollars or ten percent of the bond, whichever is greater, that must be charged and collected by the bondsman before the execution of the bond. Conditions of the bond which expressly or implicitly require payment of monies in excess of the premium, as a cost of satisfying the condition of the bond, shall not be considered part of the bondsman's premium, and are not affected by this code provision. The bondsman may collect these fees from the defendant and is not limited by any language requirements of this code provision.

However, the bondsman is permitted to enter into a payment agreement by attaching a statement of bondsman to the bond proceeding form and this agreement shall require the principal on the bail bond or any indemnitor to make a minimum down payment of one hundred dollars. This payment agreement may not be altered and must not exceed eighteen months after the date on which the bond was executed. If the payment has not been made for two consecutive months, the bondsman must send a certified notice to the last known address of the principal and indemnitor demanding payment be made within ten days to bring the agreement current. If no payment is received by the end of the notice period, the bondsman must surrender the principal to the proper detention facility for holding and file a motion to be relieved as provided in Section 38-53-50(A) or (B), at which time the agreement must be accelerated, and the balance paid in full, before or at the motion hearing for the principal to be rereleased on bond. The bondsman may accept collateral security or other indemnity from the principal which must be returned within ten days after final termination of liability on the bond unless a bench warrant has been issued. The bondsman shall identify who is paying the premium and shall represent that the collateral security or other indemnity has not been obtained from any person who has a greater interest in the principal's disappearance than appearance for trial. The collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond. If the bond is forfeited, a bondsman may not convert collateral described in the collateral receipt to cash until he has provided a ten-day notice of this pending conversion to the depositor. This notice must be sent by certified mail to the last known address of the depositor. After the

conversion, the bondsman must disclose the actual amount received to the depositor and must return any amount received that exceeds the final judgement or consent amount, less any reasonable expenses. These reasonable expenses include apprehension and legal costs incurred as a result of the violation of the bond. The bondsman must provide the depositor copies of all receipts and, if applicable, the overage money within three days after settlement;

(f) solicit business in any of the courts or on the premises of any of the courts of this State, in the office of any magistrate, or in or about any place where prisoners are confined. Law enforcement officers and jailers shall report any violations of this provision to the court. Any action taken pursuant to this provision resulting in a conviction, guilty plea, or plea of nolo contendere pursuant to Section 38-53-340 must be reported to the director or his designee by the court within thirty days; or

Bail Bond Reports

SECTION 17. Section 38-53-310 of the S.C. Code is amended to read:

Section 38-53-310. (A) Each professional bondsman shall by the fifteenth of each month file with the clerk of court of the county of his principal place of business and any other county where he is doing business a written report in a form prescribed by the director or his designee regarding all bail bonds on which he is liable as of the first day of each month.

(B) Each surety bondsman shall, within thirty days of executing a bail bond, file with their respective insurance provider a written or electronic report in a form approved by the director or his designee detailing all bail bonds on which he has cause to be executed.

(C) The reports referenced in subsections (A) and (B) shall include the following:

- (1) each individual bonded;
- (2) the date the bond was given;
- (3) the principal sum of the bond;
- (4) the state or local official with whom the bond was filed;
- (5) the fee charged for the bonding service in each instance;
- (6) all pending bonds; and
- (7) any current data on monies to be collected and retained as an

express condition of the bond, whether for electronic monitoring or otherwise.

(D) In lieu of the monthly submission of a written report to the clerk of court, the bondsman may utilize a data management software system,

which contains the above required current information, and is capable of providing the appropriate clerk of court or his designee with real-time access to the data management system through a portal, website, or other data access system through which the clerk of court can confirm he has access to the required information.

Contact with victim violations

SECTION 18. Chapter 53, Title 38 of the S.C. Code is amended by adding:

Section 38-53-55. When a person engaged in electronic monitoring of a defendant charged with a violent offense as defined by Section 16-1-60 becomes aware that the defendant has had contact with the alleged victim of the violent offense or with the immediate family of the alleged victim of the violent offense, he must immediately or within twenty-four hours, notify law enforcement, the solicitor, and the court having jurisdiction over the defendant of the contact.

Time effective

SECTION 19. This act takes effect upon approval by the Governor; however, the provisions of Sections 17-15-35 and 17-15-37 take effect six months after approval by the Governor, and the provisions of Section 38-53-10(12) take effect July 1, 2024.

Ratified the 14th day of June, 2023

Approved the 20th day of June, 2023

No. 84

(R102, H4300)

AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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

PART IA
APPROPRIATIONS

SECTION 1
H630-DEPARTMENT OF EDUCATION

	TOTAL FUNDS	GENERAL FUNDS
I. SUPERINTENDENT OF EDU		
STATE SUPERINTENDENT	214,000	214,000
OF EDUCATION	(1.00)	(1.00)
CLASSIFIED POSITIONS	21,755,473	14,059,008
	(325.04)	(175.48)
UNCLASSIFIED POSITIONS	248,655	248,655
	(3.00)	(1.00)
OTHER PERSONAL SERVICES	2,501,436	155,426
OTHER OPERATING EXPENSES	92,004,254	6,633,983
TOTAL I. SUPERINTENDENT	116,723,818	21,311,072
OF EDUCATION	(329.04)	(177.48)
 II. BOARD OF EDUCATION		
CLASSIFIED POSITIONS	130,000	130,000
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	74,787	74,787
OTHER OPERATING EXPENSES	53,247	53,247
TOTAL II. BOARD OF EDU	258,034	258,034
	(2.00)	(2.00)
 V. SCHOOL EFFECTIVENESS & VIRTUALSC		
CLASSIFIED POSITIONS	4,188,807	4,188,807
	(84.00)	(84.00)
UNCLASSIFIED POSITIONS	2,791,793	2,791,793
	(28.00)	(28.00)
OTHER PERSONAL SERVICES	5,379,651	5,379,651
OTHER OPERATING EXPENSES	2,757,276	2,757,276
TOTAL V. SCHOOL	15,117,527	15,117,527
EFFECTIVENESS & VIRTUALSC	(112.00)	(112.00)

OF SOUTH CAROLINA
General and Permanent Laws--2023
H630-DEPARTMENT OF EDUCATION

	TOTAL FUNDS	GENERAL FUNDS
VII. OPERATIONS AND SUPPORT		
B. BUS SHOPS		
CLASSIFIED POSITIONS	18,800,424	13,800,424
	(457.62)	(376.02)
OTHER PERSONAL SERVICES	485,624	98,102
OTHER OPERATING EXPENSES	52,958,535	38,410,935
AID TO DISTRICTS	500,000	500,000
AID SCHL DIST -	2,996,195	2,996,195
BUS DRIVERS' WORKERS' COMP		
AID SCH DISTRICT	86,961,682	86,961,682
- DRIVER SALARY/F		
AID SCH DISTRICT	1,023,062	1,023,062
- CONTRACT DRIVERS		
BUS DRV AIDE	129,548	129,548
AID OTHER STATE AGENCIES	69,751	69,751
TOTAL B. BUS SHOPS	163,924,821	143,989,699
	(457.62)	(376.02)
C. BUSES		
BUS LEASES	3,000,000	3,000,000
BUS PURCHASES	5,015,506	5,015,506
EAA TRANSPORTATION	3,153,136	3,153,136
EEDA TRANSPORTATION	608,657	608,657
TOTAL C. BUSES	11,777,299	11,777,299
TOTAL VII. OPERATIONS AND SUPPORT	175,702,120	155,766,998
	(457.62)	(376.02)
VIII. EDUC IMPROVEMENT ACT		
A. STANDARDS, TEACHING, LEARNING, ACCOUNT		
1. STUDENT LEARNING		
EEDA	8,413,832	
ST AID TO CLASSROOMS - EIA	709,106,434	
INDUSTRY	3,000,000	
CERTIFICATIONS/CREDENTIALS		
ADULT EDUCATION	17,073,736	
ALLOC EIA - ARTS CURRICULA	1,487,571	

STATUTES AT LARGE
General and Permanent Laws--2023
H630-DEPARTMENT OF EDUCATION

	TOTAL FUNDS	GENERAL FUNDS
CAREER & TECHNOLOGY		
EDUCATION	29,572,135	
COMPUTER SCIENCE CERT AND PROF LEARNING	3,000,000	
SUMMER READING CAMPS	7,500,000	
READING COACHES	9,922,556	
TOT 1. STUDENT LEARNING	789,076,264	
2. STUDENT TESTING		
ASSESSMENT/TESTING	27,561,400	
TOT 2. STUDENT TESTING	27,561,400	
3. CURRICULUM & STANDARDS		
CLASSIFIED POSITIONS	126,232	
	(2.00)	
OTHER PERSONAL SERVICES	4,736	
OTHER OPERATING EXPENSES	41,987	
INSTRUCTIONAL MATERIALS	20,922,839	
MATH RESOURCES AND SUPPORT	1,500,000	
READING	3,271,026	
TOTAL 3. CURRICULUM & STANDARDS	25,866,820	(2.00)
4. ASSIST, INTERVENTION & REWARD		
EAA TECHNICAL ASSISTANCE	23,801,301	
POWER SCH/DATA COLLECTION	7,500,000	
SCH VALUE ADDED INSTRUM	1,400,000	
TOTAL 4. ASSIST, INTERVENTION & REWARD	32,701,301	
TOTAL A. STANDARDS, TEACHING, LEARNING, ACCOUNT	875,205,785	(2.00)
B. EARLY CHILDHOOD EDU		
ALLOC EIA - 4 YR EARLY CHILDHOOD	11,513,846	
CDEPP - SCDE	63,465,168	
INTENSIVE DEVELOPMENTAL EDU & THERAPY	3,300,000	

	TOTAL FUNDS	GENERAL FUNDS
TOTAL B. EARLY CHILDHOOD EDUCATION	78,279,014	
C. TEACHER QUALITY		
1. RETENTION & REWARD		
TEACHER OF THE YEAR	155,000	
TEACHER QUALITY COMMISS	372,724	
TEACHER SUPPLIES	17,755,350	
NATIONAL BRD CERTIFI	44,500,000	
RURAL TEACHER RECRUITMENT	9,748,392	
TOT 1. RETENTION & REWARD	72,531,466	
2. PROFESSIONAL DEVMNT		
ADEPT	873,909	
PROFESSIONAL DEVELOPMENT	2,771,758	
TOTAL 2. PROFESSIONAL DEVELOPMENT	3,645,667	
TOTAL C. TEACHER QUALITY	76,177,133	
D. LEADERSHIP		
CLASSIFIED POSITIONS	6,058,244	
	(95.62)	
OTHER PERSONAL SERVICES	84,700	
OTHER OPERATING EXPENSES	3,648,123	
TECHNOLOGY	12,271,826	
TOTAL D. LEADERSHIP	22,062,893	
	(95.62)	
E. EIA EMPLOYER CONTRI		
EMPLOYER CONTRIBUTIONS	1,397,821	
TOTAL E. EIA EMPLOYER CONTRIBUTIONS	1,397,821	
F. PARTNERSHIPS		
LITERACY & DISTANCE LEARNING (P360)	415,000	
REACH OUT & READ (A850)	1,000,000	

STATUTES AT LARGE
General and Permanent Laws--2023
H630-DEPARTMENT OF EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
SC YOUTH CHALLENGE	1,000,000	
ACADEMY (E240)		
ARTS EDUCATION PROGS (H910)	1,170,000	
EDUCATION OVERSIGHT	1,793,242	
COMMITTEE (A850)		
SCIENCE PLUS (A850)	563,406	
STEM CENTERS SC (H120)	2,000,000	
TEACH FOR AMERICA SC (A850)	2,000,000	
GOVERNOR'S SCHOOL FOR ARTS	1,983,606	
& HUMANITIES (H640)		
WIL LOU GRAY	830,387	
OPPORTUNITY SCHOOL (H710)		
SCH FOR DEAF & BLIND (H750)	8,685,797	
DISABILITIES & SPECIAL	408,653	
NEEDS (J160)		
SC COUNCIL ON	300,000	
ECONOMIC EDUCATION (H270)		
JOHN DE LA HOWE SC (L120)	568,641	
CLEMSON AGRICULTURE EDUC	1,482,523	
TEACHERS (P200)		
CENTER FOR EDUCATIONAL	715,933	
PARTNERSHIPS (H270)		
CENTERS OF EXCELLENCE (H030)	1,137,526	
TEACHER RECRUIT PROG (H030)	4,243,527	
TEACHER LOAN PROG (E160)	5,089,881	
BABYNET AUTISM THRPY (J020)	3,926,408	
CALL ME MISTER (H120)	500,000	
REGIONAL EDUCATION	2,452,000	
CENTERS (P320)		
FAMILY CONNECTION SC (H630)	300,000	
SDE GRANTS COMMITTEE	2,004,313	
GOV SCHOOL FOR MATH	1,630,082	
& SCIENCE (H650)		
CENTER EDUC RECRUIT, RETEN,	2,031,680	
& ADV (CERRA) (H470)		
DEPT OF JUVENILE	2,600,000	
JUSTICE (N120)		
THE CONTINUUM (H630)	2,500,000	
EDUCATION DATA	3,500,000	
DASHBOARD (A850)		

OF SOUTH CAROLINA
General and Permanent Laws--2023
H630-DEPARTMENT OF EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
JOB'S FOR AMERICA'S GRADUATES (H590)	2,000,000	
DEPT OF CORRECTIONS (N040)	125,000	
SC TEACHER (H270)	1,000,000	
SAVE THE CHILDREN (A850)	1,000,000	
PROJECT HYPE (H630)	750,000	
PROJECT READ	100,000	
TRANSFORM SC (A850)	400,000	
TOTAL F. PARTNERSHIPS	62,207,605	
G. TRANSPORTATION		
OTHER OPERATING EXPENSES	22,032,195	
TOTAL G. TRANSPORTATION	22,032,195	
 I. FIRST STEPS TO SCHOOL READINESS		
CLASSIFIED POSITIONS	2,179,885	
	(50.50)	
UNCLASSIFIED POSITIONS	121,540	
	(1.00)	
OTHER PERSONAL SERVICES	150,000	
OTHER OPERATING EXPENSES	1,906,225	
CDEPP	19,983,799	
COUNTY PARTNERSHIPS	14,435,228	
EMPLOYER CONTRIBUTIONS	1,230,877	
TOTAL I. FIRST STEPS TO SCHOOL READINESS	40,007,554	
	(51.50)	
 TOTAL VIII. EDUCATION IMPROVEMENT ACT	 1,177,370,000	
	(149.12)	
 X. AID TO SCH DISTRICTS		
A. DISTRIBUTION TO SUBDIV		
STATE AID TO CLASSROOMS	3,392,786,411	3,392,786,411
CDEPP - SCDE	8,223,882	8,223,882
ALLOC SCHOOL DIST	2,564,413,600	
ALLOC OTHER ST AGENCIES	15,041,000	
ALLOC OTHER ENTITIES	20,673,744	
TEACHER SUPPLY	2,860,000	2,860,000
ADULT ED	500,000	500,000

STATUTES AT LARGE
General and Permanent Laws--2023
H630-DEPARTMENT OF EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
READING COACHES	29,483,100	29,483,100
AID SCHOOL DISTRICT - RETIREE INS	239,605,780	239,605,780
TOTAL A. DISTRIBUTION TO SUBDIVISIONS	6,273,587,517	3,673,459,173
 B. SPECIAL ALLOCATIONS		
STUDENT LOAN CORP - CAREER CHANGERS	1,065,125	1,065,125
AID TO OTHER ENTITIES	5,617	5,617
SC COUNCIL ON HOLOCAUST	350,000	350,000
ARCHIBALD RUTLEDGE SCHOLARSHIPS	10,478	10,478
POWER SCHLS/DATA COLLECT	3,190,000	3,190,000
TOT B. SPECIAL ALLOCATIONS	4,621,220	4,621,220
 TOTAL X. AID TO SCHOOL DISTRICTS	 6,278,208,737	 3,678,080,393
 XIII. FIRST STEPS TO SCH READINESS		
CLASSIFIED POSITIONS	988,743	294,743
	(20.00)	(15.00)
NEW POSITIONS - GRANTS ADMINISTRATOR I	(1.00)	(1.00)
NEW POSITIONS - PROGRAM COORDINATOR II	64,611	64,611
	(1.00)	(1.00)
NEW POSITIONS - PUBLIC INFORMATION DIRECTOR I	55,188	55,188
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	275,000	
OTHER OPERATING EXPENSES	5,688,472	685,080
CDEPP - PRIVATE	10,673,127	10,673,127
READY	3,000,000	3,000,000
EMPLOYER CONTRIBUTIONS	336,207	125,457
TOTAL XIII. FIRST STEPS TO SCH READINESS	21,081,348	14,898,206
	(23.00)	(18.00)
 XIV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	21,831,127	16,020,357
TOT XIV. EMPLOY BENEFITS	21,831,127	16,020,357

OF SOUTH CAROLINA
General and Permanent Laws--2023
H630-DEPARTMENT OF EDUCATION

TOTAL FUNDS _____ GENERAL FUNDS

TOTAL DEPTMNT OF EDU	7,806,292,711	3,901,452,587
	(1,072.78)	(685.50)

SECTION 3
H660-LOTTERY EXPENDITURE ACCOUNT

TOTAL FUNDS _____ GENERAL FUNDS

**I. LOTTERY EXPENDITURE
ACCOUNT**

LOTTERY EXPENDITURES	588,642,985
UNCLAIMED PRIZES	20,000,000
TOTAL I. LOTTERY	608,642,985
EXPENDITURE ACCOUNT	

TOTAL LOTTERY	608,642,985
EXPENDITURE ACCOUNT	

SECTION 4
A850-EDUCATION OVERSIGHT COMMITTEE

TOTAL FUNDS _____ GENERAL FUNDS

I. ADMINISTRATION

EXECUTIVE DIRECTOR	135,000
	(1.00)
UNCLASSIFIED LEGISLATIVE	350,000
MISC (P)	(9.00)
TAXABLE SUBSISTENCE	2,000
OTHER PERSONAL SERVICES	140,000
OTHER OPERATING EXPENSES	946,242
TOTAL I. ADMINISTRATION	1,573,242
	(10.00)

II. EMPLOYEE BENEFITS

EMPLOYER CONTRIBUTIONS	220,000
TOT II. EMPLOYEE BENEFITS	220,000

TOTAL EDUCATION	1,793,242
OVERSIGHT COMMITTEE	(10.00)

SECTION 5
H710-WIL LOU GRAY OPPORTUNITY SCHOOL

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
SUPERINTENDENT	127,500	127,500
	(1.00)	(1.00)
CLASSIFIED POSITIONS	208,031	208,031
	(5.00)	(5.00)
OTHER PERSONAL SERVICES	4,085	4,085
OTHER OPERATING EXPENSES	24,419	24,419
TOTAL I. ADMINISTRATION	364,035	364,035
	(6.00)	(6.00)
II. EDUCATIONAL PROGRAM		
A. ACADEMIC PROGRAM		
CLASSIFIED POSITIONS	763,510	763,510
	(16.62)	(16.36)
UNCLASSIFIED POSITIONS	545,411	450,411
	(11.55)	(6.45)
OTHER PERSONAL SERVICES	38,770	38,770
OTHER OPERATING EXPENSES	216,589	171,589
TOT A. ACADEMIC PROGRAM	1,564,280	1,424,280
	(28.17)	(22.81)
B. VOCATIONAL EDUCATION		
UNCLASSIFIED POSITIONS	101,960	101,960
	(4.43)	(3.50)
OTHER OPERATING EXPENSES	202,040	177,040
TOTAL B. VOCATIONAL EDU	304,000	279,000
	(4.43)	(3.50)
C. LIBRARY		
UNCLASSIFIED POSITIONS	31,523	31,523
	(0.81)	(0.61)
OTHER OPERATING EXPENSES	2,837	2,837
TOTAL C. LIBRARY	34,360	34,360
	(0.81)	(0.61)
TOT II. EDUCATIONAL PROG	1,902,640	1,737,640
	(33.41)	(26.92)

H710-WIL LOU GRAY OPPORTUNITY SCHOOL

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
III. STUDENT SERVICES		
CLASSIFIED POSITIONS	1,763,539	1,763,539
	(41.39)	(41.39)
OTHER PERSONAL SERVICES	15,000	15,000
OTHER OPERATING EXPENSES	158,000	125,000
TOT III. STUDENT SERVICES	1,936,539	1,903,539
	(41.39)	(41.39)
IV. SUPPORT SERVICES		
CLASSIFIED POSITIONS	800,747	704,747
	(18.61)	(15.84)
OTHER PERSONAL SERVICES	55,000	25,000
OTHER OPERATING EXPENSES	2,569,233	1,722,912
TOT IV. SUPPORT SERVICES	3,424,980	2,452,659
	(18.61)	(15.84)
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,691,506	1,636,506
TOT V. EMPLOYEE BENEFITS	1,691,506	1,636,506
TOTAL WIL LOU	9,319,700	8,094,379
GRAY OPPORTUNITY SCHOOL	(99.41)	(90.15)

SECTION 6
H750-SCHOOL FOR THE DEAF AND THE BLIND

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
PRESIDENT	125,174	125,174
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,630,971	1,611,597
	(26.62)	(26.12)
UNCLASSIFIED POSITIONS	77,851	40,485
	(3.00)	(0.50)
OTHER PERSONAL SERVICES	134,084	1,200
OTHER OPERATING EXPENSES	5,536,140	3,006,477
S C ASSOC FOR THE BLIND	138,256	138,256
TOTAL I. ADMINISTRATION	7,642,476	4,923,189
	(30.62)	(27.62)

H750-SCHOOL FOR THE DEAF AND THE BLIND

	TOTAL FUNDS	GENERAL FUNDS
II. EDUCATION		
A. DEAF EDUCATION		
CLASSIFIED POSITIONS	441,640	441,640
	(9.20)	(9.20)
UNCLASSIFIED POSITIONS	282,618	
	(14.54)	
OTHER OPERATING EXPENSES	667,323	667,323
TOTAL A. DEAF EDUCATION	1,391,581	1,108,963
	(23.74)	(9.20)
B. BLIND EDUCATION		
CLASSIFIED POSITIONS	410,434	410,434
	(7.90)	(7.90)
UNCLASSIFIED POSITIONS	229,258	
	(10.69)	
OTHER OPERATING EXPENSES	725,757	725,757
AID OTHER STATE AGENCIES	50,000	50,000
TOTAL B. BLIND EDUCATION	1,415,449	1,186,191
	(18.59)	(7.90)
C. MULTIHANDICAPPED EDUC		
CLASSIFIED POSITIONS	554,734	554,734
	(16.90)	(16.90)
UNCLASSIFIED POSITIONS	320,679	
	(12.79)	
OTHER OPERATING EXPENSES	333,421	333,421
TOTAL C.	1,208,834	888,155
MULTIHANDICAPPED EDUC	(29.69)	(16.90)
TOTAL II. EDUCATION	4,015,864	3,183,309
	(72.02)	(34.00)
III. STUDENT SUPPORT SVCS		
CLASSIFIED POSITIONS	551,380	262,338
	(27.15)	(13.35)
UNCLASSIFIED POSITIONS	587,186	523,372
	(24.05)	(7.76)
OTHER PERSONAL SERVICES	499,003	14,823
OTHER OPERATING EXPENSES	1,828,831	373,039

H750-SCHOOL FOR THE DEAF AND THE BLIND

	TOTAL FUNDS	GENERAL FUNDS
TOTAL III. STUDENT SUPPORT SERVICES	3,466,400 (51.20)	1,173,572 (21.11)
IV. RESIDENTIAL LIFE		
CLASSIFIED POSITIONS	1,526,512 (69.67)	1,526,512 (69.67)
UNCLASSIFIED POSITIONS	62,750 (4.36)	62,750 (2.10)
OTHER PERSONAL SERVICES	331,596	331,596
OTHER OPER EXPENSES	555,000	255,000
TOT IV. RESIDENTIAL LIFE	2,475,858 (74.03)	2,175,858 (71.77)
V. OUTREACH SERVICES		
CLASSIFIED POSITIONS	1,708,652 (33.02)	118,467 (2.50)
UNCLASSIFIED POSITIONS	579,504 (31.61)	
OTHER PERSONAL SERVICES	1,063,173	
OTHER OPERATING EXPENSES	1,781,910	
TOT V. OUTREACH SERVICES	5,133,239 (64.63)	118,467 (2.50)
VI. PHYSICAL SUPPORT		
CLASSIFIED POSITIONS	943,895 (22.88)	943,895 (22.88)
OTHER PERSONAL SERVICES	18,500	18,500
OTHER OPERATING EXPENSES	1,378,525	1,378,525
TOT VI. PHYSICAL SUPPORT	2,340,920 (22.88)	2,340,920 (22.88)
VII. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	6,495,770	4,145,757
TOT VII. EMPLOYEE BENEFITS	6,495,770	4,145,757
TOTAL SCHOOL FOR THE DEAF AND THE BLIND	31,570,527 (315.38)	18,061,072 (179.88)

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

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
SUPERINTENDENT	126,500	126,500
	(1.00)	(1.00)
CLASSIFIED POSITIONS	262,885	262,885
	(4.00)	(4.00)
OTHER PERSONAL SERVICES	20,761	1,952
OTHER OPERATING EXPENSES	136,600	111,600
TOTAL I. ADMINISTRATION	546,746	502,937
	(5.00)	(5.00)
II. EDUCATION		
CLASSIFIED POSITIONS	86,704	52,367
	(3.35)	(1.90)
UNCLASSIFIED POSITIONS	446,388	421,169
	(15.82)	(6.56)
OTHER PERSONAL SERVICES	83,000	53,000
OTHER OPERATING EXPENSES	382,293	10,076
TOTAL II. EDUCATION	998,385	536,612
	(19.17)	(8.46)
III. CHILDREN'S SERVICES		
A. RESIDENTIAL SERVICES		
CLASSIFIED POSITIONS	1,592,388	1,592,388
	(28.48)	(28.48)
OTHER PERSONAL SERVICES	1,064	1,064
OTHER OPERATING EXPENSES	1,295,731	1,106,094
CASE SERVICES	2,000	
TOT A. RESIDENTIAL SRVCS	2,891,183	2,699,546
	(28.48)	(28.48)
B. BEHAVIORAL HEALTH		
CLASSIFIED POSITIONS	278,581	278,581
	(10.40)	(9.72)
OTHER OPERATING EXPENSES	102,516	44,641
TOT B. BEHAVIORAL HEALTH	381,097	323,222
	(10.40)	(9.72)

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

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
C. EXPERIMENTAL LEARNING		
CLASSIFIED POSITIONS	185,349	185,349
	(6.27)	(6.27)
OTHER OPERATING EXPENSES	50,000	5,000
TOTAL C.	235,349	190,349
EXPERIMENTAL LEARNING	(6.27)	(6.27)
D. EDUCATION CENTER		
CLASSIFIED POSITIONS	382,941	382,941
	(11.07)	(11.07)
UNCLASSIFIED POSITIONS	1,257	1,257
OTHER OPERATING EXPENSES	213,700	138,700
TOTAL D. EDUCATION CENTER	597,898	522,898
	(11.07)	(11.07)
TOTAL III.	4,105,527	3,736,015
CHILDREN'S SERVICES	(56.22)	(55.54)
IV. SUPPORT SERVICES		
CLASSIFIED POSITIONS	542,321	542,321
	(18.00)	(17.75)
OTHER OPERATING EXPENSES	1,109,850	903,873
TOTAL IV. SUPPORT SERVICES	1,652,171	1,446,194
	(18.00)	(17.75)
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,138,932	1,082,729
TOTAL V. EMPLOYEE BENEFITS	1,138,932	1,082,729
TOTAL GOVERNOR'S SCHOOL FOR AGRICULTURE AT JOHN DE LA HOWE	8,441,761	7,304,487
	(98.39)	(86.75)

SECTION 8
H670-EDUCATIONAL TELEVISION COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
I. INTERNAL ADMINISTRATION		
PRESIDENT & GENERAL MANAGER	175,000	
	(1.00)	
CLASSIFIED POSITIONS	1,043,310	204,810
	(18.00)	(1.00)
OTHER PERSONAL SERVICES	225,000	
OTHER OPERATING EXPENSES	1,195,000	50,000
TOTAL I.	2,638,310	254,810
INTERNAL ADMINISTRATION	(19.00)	(1.00)
II. PROGRAM AND SERVICES		
A. TOWNET		
CLASSIFIED POSITIONS	4,898,394	2,393,394
	(51.00)	(38.00)
OTHER PERSONAL SERVICES	115,000	
OTHER OPERATING EXPENSES	3,165,813	776,313
TOTAL A. TOWNET	8,179,207	3,169,707
	(51.00)	(38.00)
B. EDUCATION		
CLASSIFIED POSITIONS	2,294,799	1,209,799
	(31.00)	(20.00)
OTHER PERSONAL SERVICES	133,124	67,124
OTHER OPERATING EXPENSES	3,470,000	1,485,000
TOTAL B. EDUCATION	5,897,923	2,761,923
	(31.00)	(20.00)
C. CONTENT		
CLASSIFIED POSITIONS	2,636,444	984,444
	(44.20)	(17.00)
OTHER PERSONAL SERVICES	222,608	47,608
OTHER OPERATING EXPENSES	9,508,600	55,000
TOTAL C. CONTENT	12,367,652	1,087,052
	(44.20)	(17.00)
D. ENTERPRISE ACTIVITIES		
CLASSIFIED POSITIONS	300,000	
	(6.00)	
OTHER OPERATING EXPENSES	195,000	

H670-EDUCATIONAL TELEVISION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL D.	495,000	
ENTERPRISE ACTIVITIES	(6.00)	
TOTAL II. PROGRAM AND SERVICES	26,939,782 (132.20)	7,018,682 (75.00)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	3,736,582	1,626,182
TOT III. EMPLOYEE BENEFITS	3,736,582	1,626,182
IV. NON-RECURRING APPROPRIATIONS		
INFRASTRUC PLAN FUNDING	7,500,000	
TOTAL IV. NON-RECURRING APPROPRIATIONS	7,500,000	
TOTAL EDUCATIONAL TELEVISION COMMISSION	40,814,674 (151.20)	8,899,674 (76.00)

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

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. GOVERNOR'S SCHOOL FOR ARTS AND HUMANITIES		
CLASSIFIED POSITIONS	2,794,068	2,729,068
	(53.02)	(52.52)
NEW POSITIONS -		
CLERICAL SPECIALIST	(1.00)	(1.00)
NEW POSITIONS -		
PROGRAM COORDINATOR I	(3.00)	(3.00)
NEW POSITIONS -		
SECURITY SPECIALIST III	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	2,786,076	2,717,076
	(38.33)	(37.58)
NEW POSITIONS -	55,750	55,750
NON CERTIFIED TEACHER	(1.00)	(1.00)
OTHER PERSONAL SERVICES	845,106	526,835

STATUTES AT LARGE
General and Permanent Laws--2023
H640-GOVERNOR'S SCHOOL FOR
ARTS AND HUMANITIES

	TOTAL FUNDS	GENERAL FUNDS
OTHER OPERATING EXPENSES	2,460,416	2,010,416
TOT I. GOVERNOR'S SCHOOL FOR ARTS AND HUMANITIES	8,941,416 (97.35)	8,039,145 (96.10)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,589,883	2,487,383
TOT II. EMPLOYEE BENEFITS	2,589,883	2,487,383
 TOT GOVERNOR'S SCHOOL FOR ARTS AND HUMANITIES	 11,531,299 (97.35)	 10,526,528 (96.10)

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

	TOTAL FUNDS	GENERAL FUNDS
I. GOVERNOR'S SCHOOL FOR SCIENCE AND MATHEMATICS		
CLASSIFIED POSITIONS	3,474,157 (69.30)	3,474,157 (69.30)
UNCLASSIFIED POSITIONS	4,234,958 (35.79)	4,124,958 (35.02)
OTHER PERSONAL SERVICES	171,100	68,600
OTHER OPERATING EXPENSES	6,203,237	5,224,237
ALLOC OTHER ENTITIES	13,200	
TOT I. GOVERNOR'S SCH FOR SCIENCE AND MATHEMATICS	14,096,652 (105.09)	12,891,952 (104.32)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,828,676	2,786,876
TOT II. EMPLOYEE BENEFITS	2,828,676	2,786,876
 TOT GOVERNOR'S SCH FOR SCIENCE AND MATHEMATICS	 16,925,328 (105.09)	 15,678,828 (104.32)

SECTION 11
H030-COMMISSION ON HIGHER EDUCATION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	238,520	238,520
	(1.00)	(1.00)
CLASSIFIED POSITIONS	2,102,543	1,945,543
	(40.00)	(29.95)
NEW POSITIONS -	75,000	75,000
DATABASE ADMINISTRATOR II	(1.00)	(1.00)
NEW POSITIONS - IT	65,000	65,000
BUSINESS ANALYST II	(1.00)	(1.00)
UNCLASSIFIED POSITIONS		
	(4.70)	(4.15)
OTHER PERSONAL SERVICES	60,765	60,765
OTHER OPERATING EXPENSES	511,020	483,520
TOTAL I. ADMINISTRATION	3,052,848	2,868,348
	(47.70)	(37.10)
II. OTHER AGENCIES AND ENTITIES		
ACADEMIC ENDOWMENT	160,592	160,592
AFRICAN AMERICAN LOAN PROG	119,300	119,300
EPSCOR	161,314	161,314
GREENVILLE TC - UNIV CNT	594,390	594,390
PERFORMANCE FUNDING	1,397,520	1,397,520
STATE ELECTRONIC LIBRARY	4,350,866	164,289
UNIVERSITY CNTR	1,969,899	1,969,899
OF GRNVILLE-OPERATIONS		
TOTAL II. OTHER AGENCIES AND ENTITIES	8,753,881	4,567,304
III. LICENSING		
CLASSIFIED POSITIONS	239,534	47,972
	(3.00)	(0.60)
OTHER OPERATING EXPENSES	109,929	
TOTAL III. LICENSING	349,463	47,972
	(3.00)	(0.60)
IV. STATE APPROVING SECTION		
UNCLASSIFIED POSITIONS	42,600	
	(0.30)	

H030-COMMISSION ON HIGHER EDUCATION

	TOTAL FUNDS	GENERAL FUNDS
OTHER PERSONAL SERVICES	162,129	
OTHER OPERATING EXPENSES	144,200	
TOTAL IV. STATE	348,929	
APPROVING SECTION	(0.30)	
V. CHE GRANT & OTHER		
HIGHER EDUCATION		
COLLABORATION		
AMERICORPS GRANTS	160,000	
ASCEND 60 X 30	750,000	750,000
COLLEGE GOAL SUNDAY	41,000	
EEDA	1,180,576	1,180,576
GEAR UP	3,620,801	177,201
IMPROVING TEACHER	876,879	
QUALITY (ITQ)		
SMARTSTATE PROGRAM	885,284	
ADMINISTRATION		
TOTAL V. CHE GRANT &	7,514,540	2,107,777
OTHER HIGHER EDUCATION		
COLLABORATION		
VI. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,217,815	1,043,555
TOT VI. EMPLOYEE BENEFITS	1,217,815	1,043,555
VII. SCHOLARSHIPS &		
ASSISTANCE		
EDUCATIONAL ENDOWMENT	24,000,000	24,000,000
SREB CONTRACT PROGRAM	6,585,183	6,585,183
& ASSESSMENTS		
TOTAL VII. SCHOLARSHIPS	30,585,183	30,585,183
& ASSISTANCE		
TOTAL COMMISSION ON	51,822,659	41,220,139
HIGHER EDUCATION	(51.00)	(37.70)

SECTION 12
H060-HIGHER EDUCATION
TUITION GRANTS COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR	104,226	104,226
	(1.00)	(1.00)
CLASSIFIED POSITIONS	145,119	145,119
	(4.00)	(4.00)
OTHER OPERATING EXPENSES	296,608	296,608
TOTAL I. ADMINISTRATION	545,953	545,953
	(5.00)	(5.00)
II. TUITION GRANTS		
OTHER OPERATING EXPENSES	43,808,624	27,558,624
TOTAL II. TUITION GRANTS	43,808,624	27,558,624
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	118,434	118,434
TOT III. EMPLOYEE BENEFITS	118,434	118,434
TOTAL HIGHER EDUCATION	44,473,011	28,223,011
TUITION GRANTS COMMISSION	(5.00)	(5.00)

SECTION 13
H090-THE CITADEL

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
A. E&G-UNRESTRICTED		
PRESIDENT	249,682	249,682
	(1.00)	(1.00)
CLASSIFIED POSITIONS	16,204,315	4,323,348
	(384.05)	(170.71)
UNCLASSIFIED POSITIONS	23,172,806	8,882,383
	(163.50)	(97.93)
OTHER PERSONAL SERVICES	5,521,551	
OTHER OPERATING EXPENSES	24,604,443	4,127,219
TOT A. E&G-UNRESTRICTED	69,752,797	17,582,632
	(548.55)	(269.64)

STATUTES AT LARGE
General and Permanent Laws--2023
H090-THE CITADEL

	TOTAL FUNDS	GENERAL FUNDS
B. E&G-RESTRICTED		
OTHER PERSONAL SERVICES	3,029,402	
OTHER OPERATING EXPENSES	57,664,152	
TOTAL B. E&G-RESTRICTED	60,693,554	
TOTAL I. EDUCATION & GENERAL	130,446,351 (548.55)	17,582,632 (269.64)
II. AUXILIARY ENTERPRISES		
CLASSIFIED POSITIONS	2,058,237 (95.20)	
UNCLASSIFIED POSITIONS	2,951,807 (28.00)	
OTHER PERSONAL SERVICES	1,301,054	
OTHER OPERATING EXPENSES	26,042,779	
TOTAL II. AUXILIARY ENTERPRISES	32,353,877 (123.20)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	15,325,398	3,220,578
TOT III. EMPLOYEE BENEFITS	15,325,398	3,220,578
TOTAL THE CITADEL	178,125,626 (671.75)	20,803,210 (269.64)

SECTION 14
H120-CLEMSON UNIVERSITY -
EDUCATION & GENERAL

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
A. E&G-UNRESTRICTED		
PRESIDENT	318,781 (1.00)	318,781 (1.00)
CLASSIFIED POSITIONS	107,798,983 (1,817.16)	3,102,124 (1,003.85)
NEW POSITIONS - APPLICATION DEVELOPER IV	(5.00)	
NEW POSITIONS - IT BUSINESS ANALYST III	(19.00)	

OF SOUTH CAROLINA
General and Permanent Laws--2023
H120-CLEMSON UNIVERSITY -
EDUCATION & GENERAL

	TOTAL FUNDS	GENERAL FUNDS
NEW POSITIONS -		
IT MANAGER II	(2.00)	
NEW POSITIONS -		
IT SECURITY ADMINISTRATOR	(3.00)	
NEW POSITIONS - IT		
SENIOR BUSINESS ANALYST	(3.00)	
NEW POSITIONS -		
SYSTEMS ENGINEER II	(6.00)	
UNCLASSIFIED POSITIONS	240,803,782	94,853,462
	(1,093.62)	(301.86)
OTHER PERSONAL SERVICES	56,542,164	13,942,717
OTHER OPERATING EXPENSES	199,639,498	9,509,685
SCHOLARSHIPS	47,336,735	
TOT A. E&G-UNRESTRICTED	652,439,943	121,726,769
	(2,949.78)	(1,306.71)
 B. E&G-RESTRICTED		
CLASSIFIED POSITIONS	3,729,099	
	(60.33)	
UNCLASSIFIED POSITIONS	23,088,397	
	(117.83)	
OTHER PERSONAL SERVICES	35,028,841	
OTHER OPERATING EXPENSES	110,297,604	
SCHOLARSHIPS	156,052,215	
TOTAL B. E&G-RESTRICTED	328,196,156	
	(178.16)	
 TOT I. EDUCATION & GENERAL	980,636,099	121,726,769
	(3,127.94)	(1,306.71)
 II. AUXILIARY ENTERPRISES		
CLASSIFIED POSITIONS	29,005,583	
	(366.59)	
UNCLASSIFIED POSITIONS	42,796,585	
	(143.38)	
OTHER PERSONAL SERVICES	11,398,381	
OTHER OPERATING EXPENSES	162,185,165	
SCHOLARSHIPS	15,943,914	
DEBT SERVICE	6,879,163	

STATUTES AT LARGE
General and Permanent Laws--2023
H120-CLEMSON UNIVERSITY -
EDUCATION & GENERAL

	TOTAL FUNDS	GENERAL FUNDS
PRINCIPAL - LOAN NOTE	4,927,278	
INT PYMNT - CLEMSON STOCK	7,363,124	
TOTAL II.	280,499,193	
AUXILIARY ENTERPRISES	(509.97)	
 III. COLLEGE OF VETERINARY MEDICINE		
A. VETERINARY MEDICINE UNRESTRICTED		
NEW POSITIONS -	135,000	135,000
ADMINISTRATIVE COORDINATOR II	(2.00)	(2.00)
NEW POSITIONS - ASSOCIATE DEAN	440,000	440,000
	(2.00)	(2.00)
NEW POSITIONS - ASST	125,000	125,000
ACADEMIC PROGRAM DIRECTOR	(1.00)	(1.00)
NEW POSITIONS - DEAN	361,000	361,000
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	10,000,000	10,000,000
TOTAL A. VETERINARY MEDICINE UNRESTRICTED	11,061,000	11,061,000
	(6.00)	(6.00)
 B. VETERINARY MEDICINE EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,439,000	1,439,000
TOTAL B. VETERINARY MED EMPLOYEE BENEFITS	1,439,000	1,439,000
 TOTAL III. COLLEGE OF VETERINARY MEDICINE	 12,500,000	 12,500,000
	(6.00)	(6.00)
 IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	326,445,222	28,079,367
TOT IV. EMPLOY BENEFITS	326,445,222	28,079,367
 TOT CLEMSON UNIV - EDUCATION & GENERAL	 1,600,080,514	 162,306,136
	(3,643.91)	(1,312.71)

SECTION 15
H150-UNIVERSITY OF CHARLESTON

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
PRESIDENT	246,618	246,618
	(1.00)	(1.00)
CLASSIFIED POSITIONS	37,724,673	8,962,994
	(746.94)	(248.47)
UNCLASSIFIED POSITIONS	71,057,232	30,137,111
	(562.49)	(238.91)
OTHER PERSONAL SERVICES	19,492,220	
OTHER OPERATING EXPENSES	77,373,320	979,175
LOWCOUNTRY GRAD CENTER	785,099	785,099
TOT I. EDUC & GENERAL	206,679,162	41,110,997
	(1,310.43)	(488.38)
 II. AUXILIARY SERVICES		
CLASSIFIED POSITIONS	3,017,553	
	(77.50)	
UNCLASSIFIED POSITIONS	2,974,443	
	(26.25)	
OTHER PERSONAL SERVICES	2,553,791	
OTHER OPERATING EXPENSES	37,732,732	
TOT II. AUXILIARY SERVICES	46,278,519	
	(103.75)	
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	37,411,603	6,695,521
TOTAL III. EMPLOYEE BENEFITS	37,411,603	6,695,521
 TOTAL UNIVERSITY	 290,369,284	 47,806,518
OF CHARLESTON	(1,414.18)	(488.38)

SECTION 16
H170-COASTAL CAROLINA UNIVERSITY

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
A. E&G-UNRESTRICTED		
PRESIDENT	245,000	245,000
	(1.00)	(1.00)

STATUTES AT LARGE
 General and Permanent Laws--2023
H170-COASTAL CAROLINA UNIVERSITY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
CLASSIFIED POSITIONS	36,856,263	1,587,884
	(796.20)	(55.83)
UNCLASSIFIED POSITIONS	58,122,222	16,898,650
	(578.31)	(140.91)
OTHER PERSONAL SERVICES	26,903,452	6,327,452
OTHER OPERATING EXPENSES	38,404,476	
SCHOLARSHIPS	12,000,000	
TOT A. E&G-UNRESTRICTED	172,531,413	25,058,986
	(1,375.51)	(197.74)
 B. E&G-RESTRICTED		
CLASSIFIED POSITIONS	248,500	
	(3.50)	
UNCLASSIFIED POSITIONS	80,585	
	(7.12)	
OTHER PERSONAL SERVICES	1,242,869	
OTHER OPERATING EXPENSES	10,332,589	
SCHOLARSHIPS	18,060,000	
TOTAL B. E&G-RESTRICTED	29,964,543	
	(10.62)	
 TOTAL I. EDUCATION & GENERAL	 202,495,956	 25,058,986
	(1,386.13)	(197.74)
 II. AUXILIARY ENTERPRISES		
CLASSIFIED POSITIONS	3,830,653	
	(85.92)	
OTHER PERSONAL SERVICES	1,530,000	
OTHER OPERATING EXPENSES	11,789,347	
TOTAL II. AUXILIARY ENTERPRISES	17,150,000	
	(85.92)	
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	49,064,365	4,241,204
TOTAL III. EMPLOYEE BENEFITS	49,064,365	4,241,204
 TOTAL COASTAL CAROLINA UNIVERSITY	 268,710,321	 29,300,190
	(1,472.05)	(197.74)

SECTION 17
H180-FRANCIS MARION UNIVERSITY

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION AND GENERAL		
A. E&G-UNRESTRICTED		
PRESIDENT	256,105	256,105
	(1.00)	(1.00)
CLASSIFIED POSITIONS	11,359,384	3,726,467
	(242.07)	(166.19)
UNCLASSIFIED POSITIONS	26,592,782	14,613,131
	(235.04)	(132.99)
OTHER PERSONAL SERVICES	553,614	
OTHER OPERATING EXPENSES	10,156,072	6,866,758
TOT A. E&G-UNRESTRICTED	48,917,957	25,462,461
	(478.11)	(300.18)
 B. E&G-RESTRICTED		
CLASSIFIED POSITIONS	68,412	
	(1.25)	
UNCLASSIFIED POSITIONS	1,003,223	
	(5.00)	
OTHER PERSONAL SERVICES	832,842	
OTHER OPERATING EXPENSES	31,503,252	
TOT B. E&G-RESTRICTED	33,407,729	
	(6.25)	
 TOTAL I. EDUCATION AND GENERAL	 82,325,686	 25,462,461
	(484.36)	(300.18)
 II. AUXILIARY SERVICES		
CLASSIFIED POSITIONS	9,804	
	(7.00)	
OTHER PERSONAL SERVICES	4,864	
OTHER OPERATING EXPENSES	1,035,704	
TOT II. AUXILIARY SERVICES	1,050,372	
	(7.00)	
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	12,489,286	4,745,420

STATUTES AT LARGE
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H180-FRANCIS MARION UNIVERSITY

	TOTAL FUNDS	GENERAL FUNDS
TOT III. EMPLOYEE BENEFITS	12,489,286	4,745,420
TOT FRANCIS MARION UNIVERSITY	95,865,344 (491.36)	30,207,881 (300.18)

SECTION 18
H210-LANDER UNIVERSITY

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
PRESIDENT	238,520 (1.00)	238,520 (1.00)
CLASSIFIED POSITIONS	19,394,657 (226.60)	3,281,390 (92.75)
UNCLASSIFIED POSITIONS	18,662,665 (252.31)	9,940,760 (79.95)
NEW POSITIONS - ASSISTANT PROFESSOR	566,896 (8.00)	
NEW POSITIONS - ASSOCIATE PROFESSOR	64,947 (1.00)	
NEW POSITIONS - INSTRUCTOR	43,527 (1.00)	
OTHER PERSONAL SERVICES	2,085,055	
OTHER OPERATING EXPENSES	40,596,027	3,451,133
TOTAL I. EDUCATION & GENERAL	81,652,294 (489.91)	16,911,803 (173.70)
II. AUXILIARY ENTERPRISES		
CLASSIFIED POSITIONS	794,415 (11.00)	
UNCLASSIFIED POSITIONS	70,500	
OTHER PERSONAL SERVICES	371,420	
OTHER OPERATING EXPENSES	17,459,964	
TOTAL II. AUXILIARY ENTERPRISES	18,696,299 (11.00)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	10,423,063	2,945,601

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H210-LANDER UNIVERSITY

	TOTAL FUNDS	GENERAL FUNDS
TOT III. EMPLOYEE BENEFITS	10,423,063	2,945,601
TOTAL LANDER UNIVERSITY	110,771,656 (500.91)	19,857,404 (173.70)

SECTION 19
H240-SOUTH CAROLINA STATE UNIVERSITY

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
A. E&G-UNRESTRICTED		
PRESIDENT	248,067 (1.00)	248,067 (1.00)
CLASSIFIED POSITIONS	9,258,605 (11.51)	5,549,044 (10.16)
UNCLASSIFIED POSITIONS	16,848,961 (299.47)	11,496,653 (203.12)
OTHER PERSONAL SERVICES	2,049,280	
OTHER OPERATING EXPENSES	13,227,103	387,493
TEACHER TRAINING & DEV	51,506	
TRANSPORTATION CENTER	1,334,489	
TOT A. E&G-UNRESTRICTED	43,018,011 (311.98)	17,681,257 (214.28)
B. E&G-RESTRICTED		
CLASSIFIED POSITIONS	549,426 (0.07)	
UNCLASSIFIED POSITIONS	13,493,782 (0.20)	
OTHER PERSONAL SERVICES	4,676,603	
OTHER OPERATING EXPENSES	45,511,798	
EIA-TEACHER RECRUITMENT	467,000	
TOTAL B. E&G-RESTRICTED	64,698,609 (0.27)	
TOTAL I. EDUCATION & GENERAL	107,716,620 (312.25)	17,681,257 (214.28)

H240-SOUTH CAROLINA STATE UNIVERSITY

	TOTAL FUNDS	GENERAL FUNDS
II. AUXILIARY ENTERPRISES		
CLASSIFIED POSITIONS	842,970	
	(62.73)	
OTHER PERSONAL SERVICES	1,094,336	
OTHER OPERATING EXPENSES	10,322,914	
TOTAL II.	12,260,220	
AUXILIARY ENTERPRISES	(62.73)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	24,594,324	4,833,860
TOTAL III. EMPLOYEE BENEFITS	24,594,324	4,833,860
TOTAL SOUTH CAROLINA	144,571,164	22,515,117
STATE UNIVERSITY	(374.98)	(214.28)

SECTION 20A
H270-UNIVERSITY OF SOUTH CAROLINA

	TOTAL FUNDS	GENERAL FUNDS
I. UNIV OF SOUTH CAROLINA		
A. USC-NON-MED UNRESTRIC E&G		
PRESIDENT	320,459	320,459
	(1.00)	(1.00)
CLASSIFIED POSITIONS	117,422,805	33,306,504
	(2,371.47)	(1,550.57)
UNCLASSIFIED POSITIONS	244,013,633	142,719,846
	(1,508.89)	(923.81)
OTHER PERSONAL SERVICES	90,620,863	
OTHER OPERATING EXPENSES	199,727,231	2,090,000
LAW LIBRARY	1,170,076	1,170,076
PALMETTO POISON CENTER	351,763	351,763
SMALL BUSINESS DEVELOP CTR	791,734	791,734
TOTAL A. USC-NON-MED	654,418,564	180,750,382
UNRESTRICTED E&G	(3,881.36)	(2,475.38)
B. USC-NON-MED-RESTRIC E&G		
CLASSIFIED POSITIONS	2,163,925	
	(44.09)	

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H270-UNIVERSITY OF SOUTH CAROLINA

	TOTAL FUNDS	GENERAL FUNDS
UNCLASSIFIED POSITIONS	18,617,643	
	(205.82)	
OTHER PERSONAL SERVICES	53,953,772	
OTHER OPERATING EXPENSES	213,240,354	
TOTAL B. USC-NON-MED-RESTRICTED E&G	287,975,694	
	(249.91)	
C. USC-NON-MED AUXILIARY		
CLASSIFIED POSITIONS	16,833,515	
	(259.08)	
UNCLASSIFIED POSITIONS	16,137,961	
	(112.00)	
OTHER PERSONAL SERVICES	34,692,182	
OTHER OPERATING EXPENSES	122,489,879	
TOTAL C. USC-NON-MED AUXILIARY	190,153,537	
	(371.08)	
TOTAL I. UNIVERSITY OF SOUTH CAROLINA	1,132,547,795	180,750,382
	(4,502.35)	(2,475.38)
II. USC-MEDICINE		
A. USC-MED UNRESTRICTED		
CLASSIFIED POSITIONS	5,513,068	1,085,721
	(168.55)	(86.70)
UNCLASSIFIED POSITIONS	19,600,625	15,473,871
	(187.13)	(127.30)
OTHER PERSONAL SERVICES	6,015,541	
OTHER OPERATING EXPENSES	17,292,526	2,000,000
CHILD ABUSE AND NEGLECT	3,200,000	3,200,000
MEDICAL RESPONSE PROGRAM		
TOTAL A. USC-MEDICINE UNRESTRICTED	51,621,760	21,759,592
	(355.68)	(214.00)
B. USC-MEDICINE RESTRICTED		
CLASSIFIED POSITIONS	1,956,700	
	(136.58)	
UNCLASSIFIED POSITIONS	8,179,419	
	(111.84)	
OTHER PERSONAL SERVICES	9,767,010	
OTHER OPERATING EXPENSES	27,316,490	

STATUTES AT LARGE
 General and Permanent Laws--2023
H270-UNIVERSITY OF SOUTH CAROLINA

	TOTAL FUNDS	GENERAL FUNDS
TOTAL B. USC-MEDICINE RESTRICTED	47,219,619 (248.42)	
C. USC-MEDICINE EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	14,347,754	3,457,145
TOTAL C. USC-MEDICINE EMPLOYEE BENEFITS	14,347,754	3,457,145
TOTAL II. USC-MEDICINE	113,189,133 (604.10)	25,216,737 (214.00)
III. USC GREENVILLE SCHOOL OF MEDICINE		
A. UNRESTRICTED		
CLASSIFIED POSITIONS	1,375,000 (15.00)	
UNCLASSIFIED POSITIONS	3,700,000 (30.00)	
OTHER PERSONAL SERVICES	1,300,000	
OTHER OPERATING EXPENSES	15,286,743	
TOTAL A. UNRESTRICTED	21,661,743 (45.00)	
B. RESTRICTED		
CLASSIFIED POSITIONS	120,000 (5.00)	
UNCLASSIFIED POSITIONS	(1.00)	
OTHER PERSONAL SERVICES	60,000	
OTHER OPERATING EXPENSES	12,990,000	
TOTAL B. RESTRICTED	13,170,000 (6.00)	
C. GREENVILLE-MEDICINE: EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,780,000	
TOT C. GREENVILLE-MED: EMPLOYEE BENEFITS	1,780,000	

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H270-UNIVERSITY OF SOUTH CAROLINA

	TOTAL FUNDS	GENERAL FUNDS
TOTAL III. USC GREENVILLE SCHOOL OF MEDICINE	36,611,743 (51.00)	
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	165,385,483	37,634,061
TOT IV. EMPLOYEE BENEFITS	165,385,483	37,634,061
TOTAL UNIVERSITY OF SOUTH CAROLINA	1,447,734,154 (5,157.45)	243,601,180 (2,689.38)

SECTION 20B
H290-USC - AIKEN CAMPUS

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
A. EDUCATION & GENERAL-UNRESTRICTED		
CLASSIFIED POSITIONS	6,484,591 (184.80)	1,479,591 (49.06)
UNCLASSIFIED POSITIONS	19,737,910 (166.42)	13,462,910 (106.82)
OTHER PERSONAL SERVICES	5,308,876	
OTHER OPERATING EXPENSES	7,460,073	2,031,334
TOTAL A. EDUCATION & GENERAL-UNRESTRICTED	38,991,450 (351.22)	16,973,835 (155.88)
B. EDUC & GENERAL-RESTRICTED		
CLASSIFIED POSITIONS	64,471 (5.44)	
UNCLASSIFIED POSITIONS	587,302 (6.85)	
OTHER PERSONAL SERVICES	575,217	
OTHER OPERATING EXPENSES	20,680,364	
TOTAL B. EDUC & GENERAL-RESTRICTED	21,907,354 (12.29)	
TOTAL I. EDUCATION & GENERAL	60,898,804 (363.51)	16,973,835 (155.88)

STATUTES AT LARGE
General and Permanent Laws--2023
H290-USC - AIKEN CAMPUS

	TOTAL FUNDS	GENERAL FUNDS
II. AUXILIARY SERVICES		
CLASSIFIED POSITIONS	524,713	
	(13.75)	
UNCLASSIFIED POSITIONS	20,000	
OTHER PERSONAL SERVICES	180,000	
OTHER OPERATING EXPENSES	3,002,789	
TOT II. AUXILIARY SERVICES	3,727,502	
	(13.75)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	8,975,689	2,670,798
TOT III. EMPLOYEE BENEFITS	8,975,689	2,670,798
TOTAL USC - AIKEN CAMPUS	73,601,995	19,644,633
	(377.26)	(155.88)

SECTION 20C
H340-USC - UPSTATE

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
A. EDUC & GENERAL-UNRESTRICTED		
CLASSIFIED POSITIONS	11,147,944	1,536,707
	(252.72)	(53.81)
UNCLASSIFIED POSITIONS	28,267,499	18,967,499
	(249.21)	(131.01)
OTHER PERSONAL SERVICES	7,200,000	
OTHER OPERATING EXPENSES	20,746,940	5,080,713
TOTAL A. EDUC & GENERAL	67,362,383	25,584,919
-UNRESTRICTED	(501.93)	(184.82)
B. EDUC & GENERAL-RESTRICTED		
CLASSIFIED POSITIONS	67,000	
	(0.54)	
UNCLASSIFIED POSITIONS	64,858	
	(1.53)	
OTHER PERSONAL SERVICES	748,397	

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General and Permanent Laws--2023
H340-USC - UPSTATE

	TOTAL FUNDS	GENERAL FUNDS
OTHER OPERATING EXPENSES	29,500,838	
TOTAL B. EDUC & GENERAL-RESTRICTED	30,381,093 (2.07)	
TOTAL I. EDUCATION & GENERAL	97,743,476 (504.00)	25,584,919 (184.82)
II. AUXILIARY SERVICES		
CLASSIFIED POSITIONS	525,000 (12.00)	
OTHER PERSONAL SERVICES	354,480	
OTHER OPERATING EXPENSES	3,430,750	
TOT II. AUXILIARY SERVICES	4,310,230 (12.00)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	14,457,276	3,599,083
TOT III. EMPLOYEE BENEFITS	14,457,276	3,599,083
TOTAL USC - UPSTATE	116,510,982 (516.00)	29,184,002 (184.82)

SECTION 20D
H360-USC - BEAUFORT CAMPUS

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
A. EDUC & GENERAL- UNRESTRICTED		
CLASSIFIED POSITIONS	4,521,771 (128.49)	388,642 (28.74)
UNCLASSIFIED POSITIONS	15,313,229 (108.60)	9,546,200 (22.75)
OTHER PERSONAL SERVICES	4,215,027	
OTHER OPERATING EXPENSES	5,778,547	2,414,362
TOTAL A. EDUC & GENERAL-UNRESTRICTED	29,828,574 (237.09)	12,349,204 (51.49)

STATUTES AT LARGE
General and Permanent Laws--2023
H360-USC - BEAUFORT CAMPUS

	TOTAL FUNDS	GENERAL FUNDS
B. EDUC & GENERAL-RESTRICTED		
CLASSIFIED POSITIONS	52,532	
	(2.00)	
UNCLASSIFIED POSITIONS	346,918	
	(1.75)	
OTHER PERSONAL SERVICES	227,292	
OTHER OPERATING EXPENSES	12,043,157	
TOTAL B. EDUC & GENERAL-RESTRICTED	12,669,899	
	(3.75)	
TOT I. EDUC & GENERAL	42,498,473	12,349,204
	(240.84)	(51.49)
II. AUXILIARY SERVICES		
CLASSIFIED POSITIONS		
	(5.00)	
OTHER OPERATING EXPENSES	30,000	
TOT II. AUXILIARY SERVICES	30,000	
	(5.00)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	6,103,677	998,020
TOT III. EMPLOYEE BENEFITS	6,103,677	998,020
TOT USC - BEAUFORT CAMPUS	48,632,150	13,347,224
	(245.84)	(51.49)

SECTION 20E
H370-USC - LANCASTER CAMPUS

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
A. EDUC & GENERAL-UNRESTRICTED		
CLASSIFIED POSITIONS	1,275,319	109,330
	(53.03)	(5.41)
UNCLASSIFIED POSITIONS	6,647,593	5,302,068
	(45.50)	(21.25)
OTHER PERSONAL SERVICES	1,911,481	

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H370-USC - LANCASTER CAMPUS

	TOTAL FUNDS	GENERAL FUNDS
OTHER OPERATING EXPENSES	6,653,792	2,970,012
TOTAL A. EDUC & GENERAL-UNRESTRICTED	16,488,185 (98.53)	8,381,410 (26.66)
 B. EDUC & GENERAL- RESTRICTED		
CLASSIFIED POSITIONS	11,376	
UNCLASSIFIED POSITIONS	10,000	
OTHER PERSONAL SERVICES	250,000	
OTHER OPERATING EXPENSES	7,667,375	
TOTAL B. EDUC & GENERAL-RESTRICTED	7,938,751	
 TOTAL I. EDUCATION & GENERAL	 24,426,936 (98.53)	 8,381,410 (26.66)
 II. AUXILIARY SERVICES		
OTHER OPERATING EXPENSES	15,000	
TOT II. AUXILIARY SERVICES	15,000	
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,872,533	758,558
TOT III. EMPLOYEE BENEFITS	2,872,533	758,558
 TOTAL USC - LANCASTER CAMPUS	 27,314,469 (98.53)	 9,139,968 (26.66)

SECTION 20F
H380-USC - SALKEHATCHIE CAMPUS

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
A. EDUC & GEN-UNRESTRICTED		
CLASSIFIED POSITIONS	1,090,833	127,417
	(34.75)	(3.00)
UNCLASSIFIED POSITIONS	3,435,125	3,103,549
	(24.02)	(21.24)
OTHER PERSONAL SERVICES	1,021,818	
OTHER OPERATING EXPENSES	4,023,594	1,250,494

STATUTES AT LARGE
 General and Permanent Laws--2023
H380-USC - SALKEHATCHIE CAMPUS

	TOTAL FUNDS	GENERAL FUNDS
SALKEHATCHIE LDERSHIP CNTR	100,460	100,460
TOTAL A. EDUC & GENERAL-UNRESTRICTED	9,671,830 (58.77)	4,581,920 (24.24)
 B. EDUC & GENERAL-RESTRICT		
CLASSIFIED POSITIONS	20,779	
UNCLASSIFIED POSITIONS	175,265 (1.00)	
OTHER PERSONAL SERVICES	112,310	
OTHER OPERATING EXPENSES	5,436,801	
TOTAL B. EDUC & GENERAL-RESTRICTED	5,745,155 (1.00)	
 TOTAL I. EDUCATION & GENERAL	 15,416,985 (59.77)	 4,581,920 (24.24)
 II. AUXILIARY		
CLASSIFIED POSITIONS	46,437	
OTHER PERSONAL SERVICES	15,000	
OTHER OPERATING EXPENSES	241,756	
TOTAL II. AUXILIARY	303,193	
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,638,550	522,809
TOT III. EMPLOYEE BENEFITS	1,638,550	522,809
 TOTAL USC - SALKEHATCHIE CAMPUS	 17,358,728 (59.77)	 5,104,729 (24.24)

SECTION 20G
H390-USC - SUMTER CAMPUS

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
A. EDUC & GEN-UNRESTRICT		
CLASSIFIED POSITIONS	1,386,599 (33.00)	512,116 (12.29)
UNCLASSIFIED POSITIONS	4,790,797 (34.10)	4,544,935 (14.11)

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H390-USC - SUMTER CAMPUS

	TOTAL FUNDS	GENERAL FUNDS
OTHER PERSONAL SERVICES	417,816	
OTHER OPERATING EXPENSES	6,655,031	2,490,133
TOTAL A. EDUC	13,250,243	7,547,184
& GENERAL-UNRESTRICTED	(67.10)	(26.40)
 B. EDUC & GEN-RESTRICTED		
CLASSIFIED POSITIONS	32,845	
	(1.46)	
OTHER PERSONAL SERVICES	254,534	
OTHER OPERATING EXPENSES	5,692,440	
TOTAL B. EDUC	5,979,819	
& GENERAL-RESTRICTED	(1.46)	
 TOTAL I. EDUCATION & GENERAL	 19,230,062	 7,547,184
	(68.56)	(26.40)
 II. AUXILIARY SERVICES		
CLASSIFIED POSITIONS	67,342	
	(4.00)	
OTHER PERSONAL SERVICES	40,416	
OTHER OPERATING EXPENSES	412,089	
TOT II. AUXILIARY SERVICES	519,847	
	(4.00)	
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,376,191	952,813
TOT III. EMPLOYEE BENEFITS	2,376,191	952,813
 TOT USC - SUMTER CAMPUS	 22,126,100	 8,499,997
	(72.56)	(26.40)

SECTION 20H
H400-USC - UNION CAMPUS

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
A. EDUC & GENERAL-UNRESTRICTED		
CLASSIFIED POSITIONS	1,101,241	121,241
	(26.76)	(6.54)

STATUTES AT LARGE
General and Permanent Laws--2023
H400-USC - UNION CAMPUS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	3,080,255	2,930,255
	(11.06)	(11.06)
OTHER PERSONAL SERVICES	1,300,000	
OTHER OPERATING EXPENSES	2,651,120	1,812,955
TOTAL A. EDUC &	8,132,616	4,864,451
GENERAL-UNRESTRICTED	(37.82)	(17.60)
 B. EDUC & GEN-RESTRICTED		
CLASSIFIED POSITIONS	11,416	
UNCLASSIFIED POSITIONS	134,456	
OTHER PERSONAL SERVICES	40,220	
OTHER OPERATING EXPENSES	3,932,454	
TOTAL B. EDUC	4,118,546	
& GENERAL-RESTRICTED		
 TOTAL I. EDUCATION &	12,251,162	4,864,451
GENERAL	(37.82)	(17.60)
 II. AUXILIARY SERVICES		
CLASSIFIED POSITIONS	25,000	
	(1.00)	
OTHER PERSONAL SERVICES	5,000	
OTHER OPERATING EXPENSES	200,000	
TOT II. AUXILIARY SERVICES	230,000	
	(1.00)	
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,279,988	307,386
TOTA III. EMPLOYEE BENEFITS	1,279,988	307,386
 TOTAL USC - UNION CAMPUS	13,761,150	5,171,837
	(38.82)	(17.60)

SECTION 21
H470-WINTHROP UNIVERSITY

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATION & GENERAL		
PRESIDENT	248,067	248,067
	(1.00)	(1.00)
CLASSIFIED POSITIONS	17,749,521	5,772,521
	(353.67)	(215.73)
UNCLASSIFIED POSITIONS	37,524,118	16,764,618
	(397.00)	(226.23)
OTHER PERSONAL SERVICES	8,584,219	744,219
OTHER OPERATING EXPENSES	85,489,942	3,604,942
ALLOC EIA-TCHR RECRUIT PROG	3,968,320	
TOT I. EDUCATION & GENERAL	153,564,187	27,134,367
	(751.67)	(442.96)
II. AUXILIARY ENTERPRISES		
CLASSIFIED POSITIONS	2,374,000	
	(60.11)	
UNCLASSIFIED POSITIONS	355,500	
	(3.00)	
OTHER PERSONAL SERVICES	760,500	
OTHER OPERATING EXPENSES	9,545,000	
TOTAL II. AUXILIARY ENTERPRISES	13,035,000	
	(63.11)	
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	17,356,694	4,307,459
TOT III. EMPLOYEE BENEFITS	17,356,694	4,307,459
TOTAL WINTHROP UNIVERSITY	183,955,881	31,441,826
	(814.78)	(442.96)

SECTION 23
H510-MEDICAL UNIVERSITY OF SOUTH CAROLINA

	TOTAL FUNDS	GENERAL FUNDS
I. EDUCATIONAL & GENERAL		
A. E&G-UNRESTRICTED		
PRESIDENT	354,951	354,951
	(1.00)	(1.00)
CLASSIFIED POSITIONS	73,617,745	19,016,211
	(2,028.85)	(789.76)
NEW POSITIONS -		
ACCOUNTANT/FISCAL ANALYST I	(2.00)	
NEW POSITIONS -		
ACCOUNTING/FISCAL MNGER I	(3.00)	
NEW POSITIONS -		
ADMINISTRATIVE ASSISTANT	(6.00)	
NEW POSITIONS -		
ADMINISTRATIVE COORD I	(14.00)	
NEW POSITIONS -		
ADMINISTRATIVE COORD II	(5.00)	
NEW POSITIONS -		
GRANTS ADMINISTRATOR II	(1.00)	
NEW POSITIONS - INFORMATION		
SYSTEMS/BUSINESS ANALYST I	(2.00)	
NEW POSITIONS -		
PROGRAM COORDINATOR I	(3.00)	
NEW POSITIONS -		
PROGRAM COORDINATOR II	(1.00)	
NEW POSITIONS -		
PROJECT MANAGER I	(1.00)	
NEW POSITIONS - STUDENT		
SERVICES PROGRAM COORD II	(2.00)	
UNCLASSIFIED POSITIONS	137,422,697	42,385,945
	(1,622.82)	(328.93)
NEW POSITIONS -		
ASSISTANT PROFESSOR	(41.00)	
NEW POSITIONS -		
ASSOCIATE PROFESSOR	(10.00)	
NEW POSITIONS -		
CLINICAL INSTRUCTOR	(2.00)	
NEW POSITIONS -		
INSTRUCTOR	(4.00)	

H510-MEDICAL UNIVERSITY OF SOUTH CAROLINA

	TOTAL FUNDS	GENERAL FUNDS
NEW POSITIONS -		
PROFESSOR	(14.00)	
OTHER PERSONAL SERVICES	14,459,685	
OTHER OPERATING EXPENSES	359,846,250	30,908,753
DIABETES CENTER	123,470	123,470
HOSPITAL AUTHORITY - TELEMEDICINE PROGRAM	14,225,000	6,225,000
HYPERTENSION INITIATIVE	240,433	240,433
INSTITUTE OF MEDICINE	100,000	100,000
MUSC HEALTH SOLUTIONS	3,000,000	3,000,000
RURAL DENTISTS INCENTIVE	176,101	176,101
SCHOLARSHIPS & FELLOWSHIPS	1,356,224	
TOT A. E&G-UNRESTRICTED	604,922,556	102,530,864
	(3,763.67)	(1,119.69)
 B. E&G-RESTRICTED		
CLASSIFIED POSITIONS	21,778,752	
	(151.59)	
UNCLASSIFIED POSITIONS	59,601,977	
	(364.16)	
OTHER PERSONAL SERVICES	25,626,950	
OTHER OPERATING EXPENSES	88,999,775	
SCHOLARSHIPS & FELLOWS	1,353,905	
TOTAL B. E&G-RESTRICTED	197,361,359	
	(515.75)	
 TOTAL I. EDUCATIONAL & GENERAL	 802,283,915	 102,530,864
	(4,279.42)	(1,119.69)
 II. AUXILIARY ENTERPRISES		
CLASSIFIED POSITIONS	1,259,562	
	(64.75)	
UNCLASSIFIED POSITIONS	6,924	
	(1.00)	
OTHER PERSONAL SERVICES	112,294	
OTHER OPERATING EXPENSES	12,235,939	
TOTAL II. AUXILIARY ENTERPRISES	13,614,719	
	(65.75)	

H510-MEDICAL UNIVERSITY OF SOUTH CAROLINA

	TOTAL FUNDS	GENERAL FUNDS
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	77,966,826	22,641,967
TOT III. EMPLOYEE BENEFITS	77,966,826	22,641,967
TOTAL MEDICAL UNIV OF SOUTH CAROLINA	893,865,460 (4,345.17)	125,172,831 (1,119.69)

SECTION 24
H530-AREA HEALTH EDUCATION CONSORTIUM

	TOTAL FUNDS	GENERAL FUNDS
I. CONSORTIUM		
A. CONSORTIUM-GENERAL		
CLASSIFIED POSITIONS	974,131 (8.67)	838,150 (8.39)
UNCLASSIFIED POSITIONS	1,659,991 (5.87)	1,431,680 (5.35)
OTHER PERSONAL SERVICES	228,044	217,528
OTHER OPERATING EXPENSES	6,136,983	3,904,535
RURAL PHYSICIANS PROGRAM	868,847	868,847
TOT A. CONSORTIUM-GENERAL	9,867,996 (14.54)	7,260,740 (13.74)
B. CONSORTIUM-RESTRICTED		
CLASSIFIED POSITIONS	39,740 (0.40)	6,740
UNCLASSIFIED POSITIONS	134,631 (1.35)	44,831
OTHER OPERATING EXPENSES	694,100	
TOTAL B. CONSORTIUM-RESTRICTED	868,471 (1.75)	51,571
TOTAL I. CONSORTIUM	10,736,467 (16.29)	7,312,311 (13.74)
II. FAMILY PRACTICE		
CLASSIFIED POSITIONS	294,008 (2.77)	294,008 (2.77)

H530-AREA HEALTH EDUCATION CONSORTIUM

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	1,748,835	1,748,835
	(8.26)	(8.26)
OTHER PERSONAL SERVICES	445	445
OTHER OPERATING EXPENSES	2,193,756	1,992,085
TOTAL II. FAMILY PRACTICE	4,237,044	4,035,373
	(11.03)	(11.03)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,019,970	1,992,170
TOT III. EMPLOYEE BENEFITS	2,019,970	1,992,170
TOTAL AREA HEALTH	16,993,481	13,339,854
EDUCATION CONSORTIUM	(27.32)	(24.77)

SECTION 25
H590-STATE BOARD FOR TECHNICAL
& COMPREHENSIVE EDUCATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
A. PRESIDENT'S OFFICE		
EXECUTIVE DIRECTOR	259,570	259,570
	(1.00)	(1.00)
CLASSIFIED POSITIONS	975,534	975,534
	(11.00)	(11.00)
UNCLASSIFIED POSITIONS	345,218	345,218
OTHER PERSONAL SERVICES	10,000	10,000
OTHER OPERATING EXPENSES	118,250	118,250
TOT A. PRESIDENT'S OFFICE	1,708,572	1,708,572
	(12.00)	(12.00)
B. FINANCE AND HUMAN RESOURCES		
CLASSIFIED POSITIONS	2,642,056	2,642,056
	(18.00)	(18.00)
UNCLASSIFIED POSITIONS	358,407	358,407
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	30,000	30,000
OTHER OPERATING EXPENSES	1,062,500	587,500

STATUTES AT LARGE
 General and Permanent Laws--2023
**H590-STATE BOARD FOR TECHNICAL
 & COMPREHENSIVE EDUCATION**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL B. FINANCE AND HUMAN RESOURCES	4,092,963 (20.00)	3,617,963 (20.00)
C. INFO TECHNOLOGY		
CLASSIFIED POSITIONS	1,188,971 (16.00)	1,138,971 (15.00)
UNCLASSIFIED POSITIONS	183,739 (1.00)	183,739 (1.00)
OTHER PERSONAL SERVICES	16,640	16,640
OTHER OPERATING EXPENSES	1,771,500	335,500
TOTAL C. INFORMATION TECHNOLOGY	3,160,850 (17.00)	1,674,850 (16.00)
TOTAL I. ADMINISTRATION	8,962,385 (49.00)	7,001,385 (48.00)
II. INSTRUCTIONAL PROG		
A. TECHNICAL COLLEGES		
CLASSIFIED POSITIONS	164,611,804 (2,684.62)	56,962,021 (1,714.67)
UNCLASSIFIED POSITIONS	200,101,033 (1,940.60)	60,401,305 (1,390.63)
OTHER PERSONAL SERVICES	48,111,487	9,732,349
OTHER OPERATING EXPENSES	203,401,361	14,428,139
CRITICAL NEEDS	322,512	322,512
NURSING INITIATIVE		
FLORENCE DARLINGTON SIMT	906,817	906,817
FLORENCE DARLINGTON-OPER	302,271	302,271
LOWCOUNTRY TECH -	500,000	500,000
MILITARY WORKFORCE INITIA		
MIDLANDS TECH NURSING PROG	370,943	370,943
OCTC TRUCK DRIVING	73,129	73,129
CERTIFICATE PROGRAM		
SPARTANBURG-CHEROKEE EXPAN	1,506,816	1,506,816
TRIDENT TECH-CULINARY ARTS	468,522	468,522
WTC PROMISE	300,000	300,000
SCHOLARSHIP PROGRAM		
TOTAL A. TECH COLLEGES	620,976,695 (4,625.22)	146,274,824 (3,105.30)

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H590-STATE BOARD FOR TECHNICAL
& COMPREHENSIVE EDUCATION

	TOTAL FUNDS	GENERAL FUNDS
B. SYSTEM WIDE PROGRAM INITIATIVES		
CLASSIFIED POSITIONS	656,138	611,138
	(18.00)	(16.00)
UNCLASSIFIED POSITIONS	154,799	154,799
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	91,691	
OTHER OPERATING EXPENSES	529,205	50,000
PATHWAYS TO PROSPERITY	604,545	604,545
WORKFORCE SCHOLARSHIPS AND GRANTS	2,642,000	2,642,000
TOTAL B. SYSTEM WIDE PROGRAM INITIATIVES	4,678,378	4,062,482
	(19.00)	(17.00)
C. EMPLOYEE BENEFITS FORMULA FUNDING		
EMPLOYER CONTRIBUTIONS	122,364,031	44,941,036
TOTAL C. EMPLOYEE BENEFITS FORMULA FUNDING	122,364,031	44,941,036
TOTAL II. INSTRUCTIONAL PROGRAMS	748,019,104	195,278,342
	(4,644.22)	(3,122.30)
III. ECONOMIC DEVELOPMENT		
A. ADMINISTRATION		
CLASSIFIED POSITIONS	989,663	989,663
	(66.00)	(41.00)
UNCLASSIFIED POSITIONS		
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	180,000	180,000
E&G STEM PROGRAMS: CRITICAL NEEDS WORKFORCE DEV INITIA	2,500,000	2,500,000
TOTAL A. ADMINISTRATION	3,669,663	3,669,663
	(67.00)	(42.00)
B. SPECIAL SCHOOLS TRAINING		
CLASSIFIED POSITIONS		
	(29.50)	(29.50)
OTHER DIRECT TRAINING COSTS	7,239,253	7,239,253

STATUTES AT LARGE
 General and Permanent Laws--2023
**H590-STATE BOARD FOR TECHNICAL
 & COMPREHENSIVE EDUCATION**

	TOTAL FUNDS	GENERAL FUNDS
TOTAL B. SPECIAL SCHOOLS TRAINING	7,239,253 (29.50)	7,239,253 (29.50)
TOTAL III. ECONOMIC DEVELOPMENT	10,908,916 (96.50)	10,908,916 (71.50)
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,495,596	2,452,492
TOTAL IV. EMPLOYEE BENEFITS	2,495,596	2,452,492
V. NON-RECURRING APPROPRIATIONS		
CATT PROGRAM/READY SC	5,500,000	
TOTAL V. NON-RECURRING APPROPRIATIONS	5,500,000	
TOTAL STATE BOARD FOR TECHNICAL & COMPREHENSIVE EDUCATION	775,886,001 (3,241.80)	215,641,135 (4,789.72)

**SECTION 26
 H790-DEPARTMENT OF ARCHIVES & HISTORY**

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION & PLANNING		
DIRECTOR	145,000 (1.00)	145,000 (1.00)
CLASSIFIED POSITIONS	220,107 (4.00)	220,107 (4.00)
OTHER PERSONAL SERVICES	64,000	
OTHER OPERATING EXPENSES	784,775	635,865
TOTAL I. ADMINISTRATION & PLANNING	1,213,882 (5.00)	1,000,972 (5.00)
II. ARCHIVES & RECORDS MANAGEMENT		
CLASSIFIED POSITIONS	975,774 (26.00)	952,774 (26.00)

H790-DEPARTMENT OF ARCHIVES & HISTORY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
NEW POSITIONS -	150,000	150,000
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	55,100	
OTHER OPERATING EXPENSES	596,000	100,000
TOTAL II. ARCHIVES & RECORDS MANAGEMENT	1,776,874 (28.00)	1,202,774 (28.00)
III. HISTORICAL SERVICES		
CLASSIFIED POSITIONS	605,000	225,000
	(9.00)	(1.00)
OTHER PERSONAL SERVICES	47,975	10,900
OTHER OPERATING EXPENSES	146,420	
AFRICAN AMERICAN HERITAGE HISTORY COMMISSION	125,000	125,000
HISTORIC BUILDINGS PRESERVATION	1,500,000	1,500,000
STATE HISTORIC GRANT FUND	415,000	
ALLOC MUNICIPALITIES - RESTRICTED	50,000	
ALLOC OTHER ST AGENCIES	50,000	
ALLOC PRIVATE SECTOR	40,000	
TOTAL III. HISTORICAL SERVICES	2,979,395 (9.00)	1,860,900 (1.00)
IV. REVOLUTIONARY WAR SESTERCENTENNIAL COMM		
CLASSIFIED POSITIONS	144,000	144,000
	(3.00)	(3.00)
UNCLASSIFIED POSITIONS	44,500	44,500
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	211,500	211,500
TOTAL IV. REVOLUTIONARY WAR SESTERCENTENNIAL COMM	400,000 (4.00)	400,000 (4.00)
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,271,222	984,986
TOT V. EMPLOYEE BENEFITS	1,271,222	984,986
TOTAL DEPARTMENT OF ARCHIVES & HISTORY	7,641,373 (46.00)	5,449,632 (38.00)

SECTION 27
H870-STATE LIBRARY

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR	128,108	128,108
	(1.00)	(1.00)
CLASSIFIED POSITIONS	302,458	302,458
	(8.00)	(8.00)
OTHER PERSONAL SERVICES	2,302	2,302
OTHER OPERATING EXPENSES	903,248	864,248
TOTAL I. ADMINISTRATION	1,336,116	1,297,116
	(9.00)	(9.00)
II. TALKING BOOK SERVICES		
CLASSIFIED POSITIONS	662,579	361,880
	(11.00)	(9.00)
OTHER OPERATING EXPENSES	261,397	131,000
TOTAL II. TALKING BOOK SERVICES	923,976	492,880
	(11.00)	(9.00)
III. LIBRARY RESOURCES		
CLASSIFIED POSITIONS	856,929	602,978
	(15.00)	(7.00)
OTHER OPERATING EXPENSES	1,295,343	97,110
DISCUS PROGRAMS (H870)	2,770,452	2,770,452
TOT III. LIBRARY RESOURCES	4,922,724	3,470,540
	(15.00)	(7.00)
IV. STATEWIDE DEVELOPMENT		
CLASSIFIED POSITIONS	442,456	302,096
	(18.00)	(12.00)
OTHER OPERATING EXPENSES	580,793	76,866
ALLOC COUNTY LIBRARIES	100,000	
ALLOC OTHER STATE AGENCIES	50,000	
ALLOC PRIVATE SECTOR	50,000	
AID COUNTY LIBRARIES	13,637,385	13,637,385
TOTAL IV. STATEWIDE DEVELOPMENT	14,860,634	14,016,347
	(18.00)	(12.00)
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	948,038	746,459

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H870-STATE LIBRARY

	TOTAL FUNDS	GENERAL FUNDS
TOT V. EMPLOYEE BENEFITS	948,038	746,459
TOTAL STATE LIBRARY	22,991,488 (53.00)	20,023,342 (37.00)

SECTION 28
H910-ARTS COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR	103,342	58,280
	(1.00)	(0.50)
TOTAL I. ADMINISTRATION	103,342 (1.00)	58,280 (0.50)
II. STATEWIDE ARTS SERVICES		
CLASSIFIED POSITIONS	1,096,343	797,511
	(27.50)	(18.50)
NEW POSITIONS -		
ARTS COORDINATOR I	(2.00)	
NEW POSITIONS -		
ARTS COORDINATOR II	(3.00)	(3.00)
OTHER OPERATING EXPENSES	510,608	145,000
DISTRIBUTION TO SUBDIVISIONS	8,272,947	7,658,318
TOTAL II. STATEWIDE ARTS SERVICES	9,879,898 (32.50)	8,600,829 (21.50)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	432,304	272,087
TOTAL III. EMPLOYEE BENEFITS	432,304	272,087
TOTAL ARTS COMMISSION	10,415,544 (33.50)	8,931,196 (22.00)

SECTION 29
H950-STATE MUSEUM COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR	135,000	135,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	224,801	224,105
	(6.00)	(6.00)
UNCLASSIFIED POSITIONS	145	145
OTHER PERSONAL SERVICES	22,715	
OTHER OPERATING EXPENSES	1,784,675	903,831
TOTAL I. ADMINISTRATION	2,167,336	1,263,081
	(7.00)	(7.00)
II. PROGRAMS		
CLASSIFIED POSITIONS	1,914,019	1,700,111
	(42.00)	(40.00)
OTHER PERSONAL SERVICES	541,008	100,113
OTHER OPERATING EXPENSES	3,152,843	1,805,243
TOTAL II. PROGRAMS	5,607,870	3,605,467
	(42.00)	(40.00)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,561,776	1,368,434
TOT III. EMPLOYEE BENEFITS	1,561,776	1,368,434
TOTAL STATE MUSEUM COMMISSION	9,336,982	6,236,982
	(49.00)	(47.00)

SECTION 30
H960-CONFEDERATE RELIC ROOM AND MILITARY MUSEUM COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
I. CONFEDERATE RELIC ROOM & MILITARY MUSEUM		
EXECUTIVE DIRECTOR	100,560	100,560
	(1.00)	(1.00)
CLASSIFIED POSITIONS	380,347	380,347
	(7.00)	(7.00)

**H960-CONFEDERATE RELIC ROOM AND MILITARY
MUSEUM COMMISSION**

	TOTAL FUNDS	GENERAL FUNDS
OTHER PERSONAL SERVICES	25,000	25,000
OTHER OPERATING EXPENSES	779,252	360,000
SOUTHERN MARITIME COLLECT	25,000	25,000
TOTAL I. CONFEDERATE RELIC ROOM & MILITARY MUSEUM	1,310,159 (8.00)	890,907 (8.00)
 II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	193,231	193,231
TOT II. EMPLOYEE BENEFITS	193,231	193,231
 TOT CONFEDERATE RELIC ROOM AND MILITARY MUSEUM COMMISSION		
	1,503,390 (8.00)	1,084,138 (8.00)

**SECTION 32
H730-DEPARTMENT OF VOCATIONAL
REHABILITATION**

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
COMMISSIONERS	193,352	193,352
	(1.00)	(1.00)
CLASSIFIED POSITIONS	4,377,657	1,129,281
	(69.00)	(15.80)
UNCLASSIFIED POSITIONS	125,743	39,376
	(1.00)	(0.24)
OTHER PERSONAL SERVICES	439,275	15,000
OTHER OPERATING EXPENSES	4,375,000	125,000
TOTAL I. ADMINISTRATION	9,511,027 (71.00)	1,502,009 (17.04)
 II. VOCATIONAL REHAB PROG		
A. BASIC SERVICE PROGRAM		
CLASSIFIED POSITIONS	36,227,227	9,114,992
	(827.57)	(182.54)
OTHER PERSONAL SERVICES	4,035,000	85,000
OTHER OPERATING EXPENSES	35,317,250	390,846
PERMANENT IMPROVEMENTS	781,491	

STATUTES AT LARGE
General and Permanent Laws--2023
H730-DEPARTMENT OF VOCATIONAL
REHABILITATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
CASE SERVICES	14,143,948	1,888,348
TOTAL A. BASIC	90,504,916	11,479,186
SERVICE PROGRAM	(827.57)	(182.54)
 B. SPECIAL PROJECTS		
CLASSIFIED POSITIONS	285,615 (16.50)	
OTHER PERSONAL SERVICES	373,000	
OTHER OPERATING EXPENSES	598,672	66,557
CASE SERVICES	261,889	
TOTAL B. SPECIAL PROJECTS	1,519,176 (16.50)	66,557
 TOTAL II. VOCATIONAL		
REHAB PROGRAMS	92,024,092 (844.07)	11,545,743 (182.54)
 III. DISABILITY DETERM DIV		
CLASSIFIED POSITIONS	22,959,471 (440.51)	
UNCLASSIFIED POSITIONS	1,504,991 (16.00)	
OTHER PERSONAL SERVICES	2,036,000	
OTHER OPERATING EXPENSES	5,814,284	
CASE SERVICES	16,701,023	
TOTAL III. DISABILITY	49,015,769 (456.51)	
 IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	25,670,236	5,491,064
TOT IV. EMPLOYEE BENEFITS	25,670,236	5,491,064
 TOTAL DEPARTMENT OF		
VOCATIONAL REHAB	176,221,124 (1,371.58)	18,538,816 (199.58)

SECTION 33
J020-DEPARTMENT OF HEALTH & HUMAN SERVICES

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	275,000	106,794
	(1.00)	(0.40)
CLASSIFIED POSITIONS	8,619,643	4,104,733
	(121.01)	(52.91)
UNCLASSIFIED POSITIONS	742,302	360,149
	(5.00)	(1.84)
OTHER PERSONAL SERVICES	695,000	300,000
OTHER OPERATING EXPENSES	34,656,166	14,884,878
TOTAL I. ADMINISTRATION	44,988,111	19,756,554
	(127.01)	(55.15)
II. PROGRAM AND SERVICES		
A. HEALTH SERVICES		
1. MED ADMINISTRATION		
CLASSIFIED POSITIONS	21,368,912	7,264,423
	(534.13)	(188.99)
OTHER PERSONAL SERVICES	3,530,643	1,050,000
OTHER OPERATING EXPENSES	2,369,534	854,319
TOTAL 1.	27,269,089	9,168,742
MEDICAL ADMINISTRATION	(534.13)	(188.99)
2. MEDICAL CONTRACTS		
PROVIDER SUPPORT	526,273	526,273
TELEMEDICINE	7,000,000	7,000,000
CLTC CONTRACTS	8,426,381	2,313,179
ELIGIBILITY CONTRACTS	85,443,930	20,013,990
MMIS-MEDICAL MGMT INFO	57,215,018	26,647,418
NURSING HOME CONTRACTS	8,960,468	2,133,893
PREGNANCY CRISIS CENTERS	2,400,000	2,400,000
PROVIDER SUPPORT	159,617,317	62,090,294
RURAL HEALTH INITIATIVE	8,075,000	8,075,000
TOT 2. MED CONTRACTS	337,664,387	131,200,047
3. MEDICAL ASSISTANCE		
PAYMENTS		
BEHAVIORAL HEALTH SRVCS	75,922,805	22,969,212
CHILDREN'S COMMUNITY CARE	31,191,318	9,431,770

J020-DEPARTMENT OF HEALTH & HUMAN SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
CLINICAL SERVICES	67,702,820	18,859,191
CLTC-COMMUNITY LONG TERM CARE	415,190,867	126,143,322
COORDINATED CARE	5,733,852,188	594,886,720
DENTAL SERVICES	168,780,875	49,425,193
DURABLE MED EQUIPMENT	52,807,395	15,965,178
EPSDT SERVICES	2,681,323	779,416
HOME HEALTH SERVICES	19,883,984	6,026,473
HOSPICE	21,016,078	6,354,180
HOSPITAL SERVICES	661,658,734	114,644,599
LAB & X-RAY SERVICES	13,573,269	4,089,520
MED PROFESSIONAL SERVICES	36,652,614	11,084,789
MMA PHASED DOWN CONTRIB	164,675,900	163,175,900
NURSING HOME SERVICES	712,089,542	210,751,149
OPTIONAL STATE SUPPLEMENT	22,160,118	22,160,118
OSCAP	6,199,576	6,199,576
PACE	23,843,325	7,229,296
PHARMACEUTICAL SERVICES	128,454,847	24,270,797
PHYSICIAN SERVICES	90,928,843	25,352,134
PREMIUMS 100% STATE	29,399,651	29,399,651
PREMIUMS MATCHED	366,766,251	99,471,554
TRANSPORTATION SERVICES	94,224,865	28,568,979
TOTAL 3. MEDICAL ASSISTANCE PAYMENTS	8,939,657,188	1,597,238,717
 4. ASST PAYMENTS-STATE AGENCIES		
DEPT OF EDUCATION	35,370,467	
DHEC	1,221,665	
DISAB & SPECIAL NEEDS	1,127,685,952	221,361,315
MENTAL HEALTH	47,944,654	5,249,346
MUSC	23,756,597	225,086
USC	4,297	
TOTAL 4. ASST PYMNTS-STATE AGENCIES	1,235,983,632	226,835,747
 5. OTHER ENTITIES ASSIST PAYMENTS		
DISPROPORTIONATE SHARE	593,600,000	18,628,621

J020-DEPARTMENT OF HEALTH & HUMAN SERVICES

	TOTAL FUNDS	GENERAL FUNDS
OTHER ENTITIES FUNDING	4,504,351	
TOTAL 5. OTHER ENTITIES ASSIST PAYMENTS	598,104,351	18,628,621
6. MEDICAID ELIGIBILITY		
CLASSIFIED POSITIONS	18,672,910	6,928,143
	(1,085.89)	(311.04)
OTHER PERSONAL SERVICES	8,582,383	2,215,457
OTHER OPERATING EXPENSES	13,359,739	4,363,635
TOT 6. MEDICAID ELIGIBILITY	40,615,032	13,507,235
	(1,085.89)	(311.04)
7. BABYNET		
CLASSIFIED POSITIONS	2,753,477	803,477
	(63.00)	(1.00)
OTHER PERSONAL SERVICES	800,000	
OTHER OPERATING EXPENSES	6,839,378	3,280,367
CASE SERVICES	56,120,211	28,266,960
TOTAL 7. BABYNET	66,513,066	32,350,804
	(63.00)	(1.00)
TOT A. HEALTH SERVICES	11,245,806,745	2,028,929,913
	(1,683.02)	(501.03)
TOTAL II. PROGRAM AND SERVICES	11,245,806,745	2,028,929,913
	(1,683.02)	(501.03)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	29,297,944	9,890,475
TOT III. EMPLOYEE BENEFITS	29,297,944	9,890,475
TOT DEPTMNT OF HEALTH & HUMAN SERVICES	11,320,092,800	2,058,576,942
	(1,810.03)	(556.18)

SECTION 34
J040-DEPARTMENT OF HEALTH &
ENVIRONMENTAL CONTROL

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
COMMISSIONERS	249,000	249,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	17,935,482	8,854,342
	(287.95)	(137.90)
UNCLASSIFIED POSITIONS	21,941	21,941
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	548,029	378,736
OTHER OPERATING EXPENSES	8,317,340	337,230
TOTAL I. ADMINISTRATION	27,071,792	9,841,249
	(289.95)	(139.90)
 II. PROGRAMS AND SERVICES		
A. WATER QUALITY IMPROVEMENT		
1. WATER MANAGEMENT		
CLASSIFIED POSITIONS	16,890,065	4,870,749
	(252.82)	(74.54)
NEW POSITIONS -	122,646	122,646
ENGINEER/ASSOCIATE ENGR II	(2.00)	(2.00)
NEW POSITIONS -	149,226	149,226
ENGINEER/ASSOCIATE ENGR III	(2.00)	(2.00)
NEW POSITIONS -	490,584	490,584
ENVIRONMENTAL/HLTH MGR II	(8.00)	(8.00)
NEW POSITIONS -	50,394	50,394
PROGRAM COORDINATOR I	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	143,991	143,991
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	840,923	180,646
OTHER OPERATING EXPENSES	17,123,852	2,470,673
SYSTEM UPGRADES	1,500,000	1,500,000
ALLOC MUNICIPALITIES	890,641	
- RESTRICTED		
ALLOC COUNTIES - RESTRICTED	8,404	
ALLOC OTHER STATE AGENCIES	534,147	
ALLOC OTHER ENTITIES	3,962,781	

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	TOTAL FUNDS	GENERAL FUNDS
ALLOCATIONS TO PLANNING DISTRICTS	509,852	
TOTAL 1. WATER MANAGEMENT	43,217,506 (266.82)	9,978,909 (88.54)
 2. ENVIRONMENTAL HEALTH		
CLASSIFIED POSITIONS	22,908,647 (395.52)	12,942,989 (230.87)
NEW POSITIONS - ENVIRONMENTAL/HLTH MGR III	1,865,326 (25.00)	1,865,326 (25.00)
OTHER PERSONAL SERVICES	2,283,353	728,002
OTHER OPERATING EXPENSES	13,178,793	4,238,460
ALLOC OTHER ST AGENCIES	121,019	
GENERAL FUND TRANSFER	40,000	40,000
TOTAL 2. ENVIRONMENTAL HEALTH	40,397,138 (420.52)	19,814,777 (255.87)
 TOTAL A. WATER QUALITY IMPROVEMENT	83,614,644 (687.34)	29,793,686 (344.41)
 B. COASTAL RESOURCE IMPROVEMENT		
CLASSIFIED POSITIONS	2,327,798 (36.30)	782,620 (11.77)
NEW POSITIONS - ENVIRONMENTAL/HLTH MGR II	367,938 (6.00)	367,938 (6.00)
OTHER PERSONAL SERVICES	81,884	15,544
OTHER OPERATING EXPENSES	2,076,730	396,634
OCEAN OUTFALLS	2,000,000	2,000,000
TOTAL B. COASTAL RESOURCE IMPROVEMENT	6,854,350 (42.30)	3,562,736 (17.77)
 C. AIR QUALITY IMPROVEMENT		
CLASSIFIED POSITIONS	7,646,855 (120.00)	3,036,412 (76.13)
OTHER PERSONAL SERVICES	153,146	93,396
OTHER OPERATING EXPENSES	1,592,415	586,292
ALLOC OTHER ENTITIES	1,862,008	

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	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL C. AIR	11,254,424	3,716,100
QUALITY IMPROVEMENT	(120.00)	(76.13)
D. LAND & WASTE		
MANAGEMENT		
CLASSIFIED POSITIONS	10,244,428	2,729,747
	(226.01)	(44.55)
OTHER PERSONAL SERVICES	378,254	60,135
OTHER OPERATING EXPENSES	8,987,351	1,804,698
ALLOC MUNICIPALITIES	475,830	
- RESTRICTED		
ALLOC CNTIES - RESTRICTED	6,935,510	
ALLOC SCHOOL DIST	161,167	
ALLOC OTHER ENTITIES	85,859	
ALLOC PRIVATE SECTOR	64,547	
ALLOCATIONS TO	470,000	
PLANNING DISTRICTS		
GENERAL FUND TRANSFER	950,000	950,000
AID TO OTHER ENTITIES	3,981,000	3,981,000
TOTAL D. LAND	32,733,946	9,525,580
& WASTE MANAGEMENT	(226.01)	(44.55)
E. FAMILY HEALTH		
1. INFECTIOUS DISEASE		
PREVENTION		
CLASSIFIED POSITIONS	24,261,358	11,466,729
	(469.52)	(226.26)
UNCLASSIFIED POSITIONS	611,044	343,593
	(4.96)	(4.70)
OTHER PERSONAL SERVICES	6,355,089	596,481
OTHER OPERATING EXPENSES	40,670,462	5,911,979
PALMETTO AIDS LIFE SUPPORT	50,000	50,000
SCBIO	300,000	300,000
CASE SERVICES	14,254,791	4,640,220
ALLOC SCHOOL DIST	50,658	
ALLOC OTHER ST AGENCIES	5,552,365	178,589
ALLOC OTHER ENTITIES	20,572,005	
AID TO OTHER ENTITIES	743,456	743,456
TOTAL 1. INFECTIOUS	113,421,228	24,231,047
DISEASE PREVENTION	(474.48)	(230.96)

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	TOTAL FUNDS	GENERAL FUNDS
2. MATERNAL/INFANT HEALTH		
CLASSIFIED POSITIONS	20,372,033	3,367,432
	(759.09)	(111.10)
NEW POSITIONS -	858,522	858,522
ENVIRONMENTAL/HLTH MGR II	(9.00)	(9.00)
UNCLASSIFIED POSITIONS	32,111	
	(0.40)	
OTHER PERSONAL SERVICES	1,574,203	50,285
OTHER OPERATING EXPENSES	20,617,828	792,735
ABSTINENCE UNTIL MARRIAGE	100,000	100,000
EMERGING PROGRAMS		
CONTINUATION TEEN	546,972	546,972
PREGNANCY PREVENTION		
NEWBORN HEARING SCREENINGS	421,750	421,750
	(3.00)	(3.00)
CASE SERVICES	32,085,522	15,005
ALLOC OTHER ST AGENCIES	379,398	
ALLOC OTHER ENTITIES	2,848,275	
AID TO OTHER ENTITIES	497,209	497,209
TOTAL 2.	80,333,823	6,649,910
MATERNAL/INFANT HEALTH	(771.49)	(123.10)
3. CHRONIC DISEASE PREVENTION		
CLASSIFIED POSITIONS	5,032,035	650,311
	(68.12)	(13.17)
OTHER PERSONAL SERVICES	1,963,560	51,363
OTHER OPERATING EXPENSES	8,698,045	650,028
SMOKING PREVENTION TRUST	6,124,341	
	(8.81)	
CASE SERVICES	3,656,229	510,304
ALLOC OTHER STATE AGENCIES	2,466,925	
ALLOC OTHER ENTITIES	9,161,279	
AID OTHER STATE AGENCIES	1,000,000	1,000,000
AID TO OTHER ENTITIES	134,220	134,220
TOTAL 3. CHRONIC DISEASE PREVENTION	38,236,634	2,996,226
	(76.93)	(13.17)

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	TOTAL FUNDS	GENERAL FUNDS
4. ACCESS TO CARE		
CLASSIFIED POSITIONS	24,892,672	17,201,638
	(442.00)	(324.41)
UNCLASSIFIED POSITIONS	908,102	704,865
	(6.64)	(5.16)
OTHER PERSONAL SERVICES	9,271,880	1,144,811
OTHER OPERATING EXPENSES	83,240,341	19,623,952
CASE SERVICES	173,148	101
ALLOC CNTIES - RESTRICTED	288,990	
ALLOC SCHOOL DIST	3,516,795	
ALLOC OTHER ST AGENCIES	230,000	
ALLOC OTHER ENTITIES	287,218	
AID OTHER ST AGENCIES	5,000	5,000
AID TO OTHER ENTITIES	1,238	1,238
TOTAL 4. ACCESS TO CARE	122,815,384	38,681,605
	(448.64)	(329.57)
5. DRUG CONTROL		
CLASSIFIED POSITIONS	3,125,706	456,540
	(33.29)	(5.75)
OTHER PERSONAL SERVICES	51,290	8,290
OTHER OPERATING EXPENSES	1,393,452	526,452
ALLOC OTHER ST AGENCIES	7,301	
TOTAL 5. DRUG CONTROL	4,577,749	991,282
	(33.29)	(5.75)
6. RAPE VIOLENCE PREVENTION		
CLASSIFIED POSITIONS	82,828	
	(1.00)	
OTHER PERSONAL SERVICES	40,998	
OTHER OPERATING EXPENSES	35,523	
CASE SERVICES	8,720	8,720
ALLOC OTHER ENTITIES	1,822,137	
AID TO OTHER ENTITIES	1,547,969	1,547,969
TOTAL 6. RAPE	3,538,175	1,556,689
VIOLENCE PREVENTION	(1.00)	

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	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
7. INDEPENDENT LIVING		
CLASSIFIED POSITIONS	3,334,407	1,068,745
	(66.74)	(19.49)
OTHER PERSONAL SERVICES	237,584	40,943
OTHER OPERATING EXPENSES	4,595,690	1,466,022
SICKLE CELL PROF EDUCATION	100,000	100,000
CASE SERVICES	10,434,135	2,822,996
ALLOC OTHER ENTITIES	50,000	
AID OTHER STATE AGENCIES	1,395	1,395
AID TO OTHER ENTITIES	99,214	99,214
TOTAL 7. INDEPENDENT LIVING	18,852,425	5,599,315
	(66.74)	(19.49)
TOTAL E. FAMILY HEALTH	381,775,418	80,706,074
	(1,872.57)	(722.04)
F. HEALTH CARE STANDARDS		
1. FACILITY & SRVC DEVLPMNT		
CLASSIFIED POSITIONS	854,317	448,317
	(10.89)	(6.51)
OTHER PERSONAL SERVICES	29,832	12,332
OTHER OPERATING EXPENSES	1,579,713	118,693
TOTAL 1. FACILITY & SRVC DEVELOPMENT	2,463,862	579,342
	(10.89)	(6.51)
2. FACILITY LICENSING		
CLASSIFIED POSITIONS	3,650,196	2,122,311
	(69.57)	(41.90)
UNCLASSIFIED POSITIONS	139,901	139,901
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	170,922	83,422
OTHER OPERATING EXPENSES	2,150,590	924,259
CASE SERVICES	4,000	
TOT 2. FACILITY LICENSING	6,115,609	3,269,893
	(70.57)	(42.90)
3. CERTIFICATION		
CLASSIFIED POSITIONS	5,565,150	175,019
	(56.79)	(2.54)

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	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	275,688	
OTHER OPERATING EXPENSES	5,378,334	
TOTAL 3. CERTIFICATION	11,219,172	175,019
	(56.79)	(2.54)
 4. EMERGENCY MEDICAL SERVICES		
CLASSIFIED POSITIONS	658,228	565,847
	(14.20)	(12.67)
OTHER PERSONAL SERVICES	63,677	35,752
OTHER OPERATING EXPENSES	1,019,926	665,687
TRAUMA CENTER FUND	2,268,886	2,268,886
	(2.00)	(2.00)
CASE SERVICES	95,116	95,116
ALLOC COUNTIES - RESTRICTED	59,882	
ALLOC ENTITIES - AID TO EMS REGIONAL	575,000	
AID TO COUNTIES - RESTRICTED	536,382	536,382
AID EMS - REGIONAL COUNCILS	164,579	164,579
AID TO OTHER ENTITIES	147,500	147,500
TOTAL 4. EMERGENCY MEDICAL SERVICES	5,589,176	4,479,749
	(16.20)	(14.67)
 TOTAL F. HEALTH CARE STANDARDS	 25,387,819	 8,504,003
	(154.45)	(66.62)
 G. HLTH SURVEILLANCE SUPPORT		
1. HEALTH LABORATORY		
CLASSIFIED POSITIONS	5,352,877	1,326,586
	(86.54)	(24.23)
OTHER PERSONAL SERVICES	978,845	79,915
OTHER OPERATING EXPENSES	21,352,869	720,055
PERMANENT IMPROVEMENTS	1,610,000	
ALLOC OTHER STATE AGENCIES	3,000	
TOT 1. HEALTH LABORATORY	29,297,591	2,126,556
	(86.54)	(24.23)

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	TOTAL FUNDS	GENERAL FUNDS
2. VITAL RECORDS		
CLASSIFIED POSITIONS	3,557,526	136,026
	(110.68)	(1.73)
OTHER PERSONAL SERVICES	563,921	178
OTHER OPERATING EXPENSES	2,760,110	90,718
TOTAL 2. VITAL RECORDS	6,881,557	226,922
	(110.68)	(1.73)
TOTAL G. HLTH	36,179,148	2,353,478
SURVEILLANCE SUPPORT	(197.22)	(25.96)
TOTAL II. PROGRAMS	577,799,749	138,161,657
AND SERVICES	(3,299.89)	(1,297.48)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	91,781,756	28,610,459
TOT III. EMPLOYEE BENEFITS	91,781,756	28,610,459
TOT DEPARTMENT OF HLTH	696,653,297	176,613,365
& ENVIRONMENTAL CONTROL	(3,589.84)	(1,437.38)

SECTION 35
J120-DEPARTMENT OF MENTAL HEALTH

	TOTAL FUNDS	GENERAL FUNDS
I. GENERAL ADMINISTRATION		
COMMISSIONERS	272,594	272,594
	(1.00)	(1.00)
CLASSIFIED POSITIONS	13,059,170	12,525,975
	(75.00)	(72.00)
UNCLASSIFIED POSITIONS	811,864	705,210
	(4.00)	(4.00)
OTHER PERSONAL SERVICES	318,386	158,279
OTHER OPERATING EXPENSES	2,566,529	961,617
CASE SERVICES	2,140,250	2,140,250
TOTAL I.	19,168,793	16,763,925
GENERAL ADMINISTRATION	(80.00)	(77.00)

J120-DEPARTMENT OF MENTAL HEALTH

	TOTAL FUNDS	GENERAL FUNDS
II. PROGRAMS AND SERVICES		
A. COMMUNITY MENTAL HLTH		
1. MENTAL HEALTH CENTERS		
CLASSIFIED POSITIONS	100,265,365	50,517,604
	(2,331.84)	(1,222.57)
UNCLASSIFIED POSITIONS	13,987,684	8,050,927
	(105.42)	(64.74)
OTHER PERSONAL SERVICES	5,316,304	2,566,467
OTHER OPERATING EXPENSES	52,526,194	5,365,981
CASE SERVICES	9,105,893	4,091,389
TOTAL 1. MENTAL HEALTH CENTERS	181,201,440	70,592,368
	(2,437.26)	(1,287.31)
2. PROJECTS & GRANTS		
CLASSIFIED POSITIONS	635,862	185,960
	(26.00)	(16.00)
UNCLASSIFIED POSITIONS	983,430	848,892
	(17.24)	(8.20)
OTHER PERSONAL SERVICES	568,430	116,430
OTHER OPERATING EXPENSES	12,384,553	1,823,304
ALLIAN FOR THE MENTALLY ILL	50,000	
SC SHARE	250,000	
CASE SERVICES	1,584,961	599,961
TOT 2. PROJECTS & GRANTS	16,457,236	3,574,547
	(43.24)	(24.20)
TOTAL A. COMMUNITY MENTAL HEALTH	197,658,676	74,166,915
	(2,480.50)	(1,311.51)
B. INPATIENT MENTAL HLTH		
1. BRYAN PSYCHIATRIC HOSP		
A. BRYAN CIVIL		
CLASSIFIED POSITIONS	15,369,071	9,268,055
	(317.84)	(215.95)
UNCLASSIFIED POSITIONS	1,283,524	830,814
	(14.71)	(5.08)
OTHER PERSONAL SERVICES	3,202,471	939,100
OTHER OPERATING EXPENSES	9,532,733	3,345

J120-DEPARTMENT OF MENTAL HEALTH

	TOTAL FUNDS	GENERAL FUNDS
CASE SERVICES	421,202	156,655
TOTAL A. BRYAN CIVIL	29,809,001	11,197,969
	(332.55)	(221.03)
B. BRYAN FORENSICS		
CLASSIFIED POSITIONS	7,046,786	5,832,226
	(166.38)	(138.38)
UNCLASSIFIED POSITIONS	2,787,152	1,650,087
	(13.64)	(8.13)
OTHER PERSONAL SERVICES	496,791	378,000
OTHER OPERATING EXPENSES	4,864,738	645,626
CASE SERVICES	20,538,893	12,670,161
TOTAL B. BRYAN FORENSICS	35,734,360	21,176,100
	(180.02)	(146.51)
C. BRYAN CHILD & ADOLESCENT (HALL INSTITUTE)		
CLASSIFIED POSITIONS	5,735,429	4,466,646
	(191.88)	(115.61)
UNCLASSIFIED POSITIONS	1,116,070	163,000
	(13.93)	(5.93)
OTHER PERSONAL SERVICES	1,437,801	446,477
OTHER OPERATING EXPENSES	2,159,735	
CASE SERVICES	75,534	12,000
TOTAL C. BRYAN CHILD & ADOLESCENT (HALL INST)	10,524,569	5,088,123
	(205.81)	(121.54)
TOTAL 1. BRYAN PSYCHIATRIC HOSPITAL	76,067,930	37,462,192
	(718.38)	(489.08)
2. HARRIS PSYCHIATRIC HOSP		
CLASSIFIED POSITIONS	12,336,017	7,873,137
	(305.55)	(175.55)
UNCLASSIFIED POSITIONS	2,240,720	822,318
	(13.49)	(6.60)
OTHER PERSONAL SERVICES	1,618,339	430,000
OTHER OPERATING EXPENSES	7,560,020	90,500
CASE SERVICES	494,850	178,500
TOTAL 2. HARRIS PSYCHIATRIC HOSPITAL	24,249,946	9,394,455
	(319.04)	(182.15)

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	TOTAL FUNDS	GENERAL FUNDS
3. MEDICAL CLINICS		
CLASSIFIED POSITIONS	1,389,082	1,196,599
	(30.20)	(25.20)
UNCLASSIFIED POSITIONS	457,373	360,348
	(5.00)	(3.00)
OTHER PERSONAL SERVICES	168,863	13,898
OTHER OPERATING EXPENSES	1,137,196	359,762
CASE SERVICES	25,000	6,000
TOTAL 3. MEDICAL CLINICS	3,177,514	1,936,607
	(35.20)	(28.20)
TOTAL B. INPATIENT MENTAL HEALTH	103,495,390	48,793,254
	(1,072.62)	(699.43)
C. ADDICTIONS		
CLASSIFIED POSITIONS	7,708,060	6,613,326
	(153.39)	(141.88)
UNCLASSIFIED POSITIONS	682,368	356,938
	(7.48)	(6.48)
OTHER PERSONAL SERVICES	1,477,507	898,507
OTHER OPERATING EXPENSES	3,343,843	800,000
CASE SERVICES	190,250	35,000
TOTAL C. ADDICTIONS	13,402,028	8,703,771
	(160.87)	(148.36)
D. CLINICAL & SUPPORT SRVCS		
1. ADMINISTRATIVE SERVICES		
CLASSIFIED POSITIONS	14,686,423	13,688,300
	(288.26)	(279.51)
UNCLASSIFIED POSITIONS	283,964	247,222
	(3.50)	(3.50)
OTHER PERSONAL SERVICES	602,752	550,752
OTHER OPERATING EXPENSES	14,482,580	8,188,481
CASE SERVICES	125,000	
TOTAL 1. ADMINISTRATIVE SERVICES	30,180,719	22,674,755
	(291.76)	(283.01)
2. PUBLIC SAFETY DIVISION		
CLASSIFIED POSITIONS	2,515,877	2,076,230
	(49.00)	(39.00)

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	TOTAL FUNDS	GENERAL FUNDS
OTHER PERSONAL SERVICES	131,465	50,000
OTHER OPERATING EXPENSES	1,119,486	146,305
TOTAL 2. PUBLIC	3,766,828	2,272,535
SAFETY DIVISION	(49.00)	(39.00)
 3. NUTRITIONAL		
CLASSIFIED POSITIONS	2,042,640	1,792,640
	(61.97)	(61.97)
OTHER PERSONAL SERVICES	328,361	78,361
OTHER OPERATING EXPENSES	3,734,526	1,994,950
TOTAL 3. NUTRITIONAL	6,105,527	3,865,951
	(61.97)	(61.97)
 4. TRAINING & RESEARCH		
CLASSIFIED POSITIONS	2,167,525	1,967,525
	(27.63)	(27.63)
UNCLASSIFIED POSITIONS	102,000	102,000
	(0.34)	(0.34)
OTHER PERSONAL SERVICES	70,000	20,000
OTHER OPERATING EXPENSES	1,219,879	719,879
TOT 4. TRAINING & RESEARCH	3,559,404	2,809,404
	(27.97)	(27.97)
 TOTAL D. CLINICAL	 43,612,478	 31,622,645
& SUPPORT SERVICES	(430.70)	(411.95)
 E. LONG TERM CARE		
1. STONE PAVILION		
CLASSIFIED POSITIONS	5,853,153	3,852,434
	(86.75)	(70.85)
UNCLASSIFIED POSITIONS	178,200	98,200
	(3.50)	(3.50)
OTHER PERSONAL SERVICES	2,172,711	642,282
OTHER OPERATING EXPENSES	3,224,826	184,055
CASE SERVICES	76,503	8,500
TOTAL 1. STONE PAVILION	11,505,393	4,785,471
	(90.25)	(74.35)

J120-DEPARTMENT OF MENTAL HEALTH

	TOTAL FUNDS	GENERAL FUNDS
2. CAMPBELL VETERANS HOME		
CLASSIFIED POSITIONS	145,528	135,528
	(4.10)	(4.10)
UNCLASSIFIED POSITIONS	16,200	16,200
	(0.05)	(0.05)
OTHER OPERATING EXPENSES	204,000	34,000
CASE SERVICES	23,444,357	9,156,363
TOTAL 2. CAMPBELL	23,810,085	9,342,091
VETERANS HOME	(4.15)	(4.15)
3. VETERANS' VICTORY HOUSE		
CLASSIFIED POSITIONS	127,954	117,954
	(1.10)	(1.10)
UNCLASSIFIED POSITIONS	16,200	16,200
	(0.05)	(0.05)
OTHER OPERATING EXPENSES	622,121	232,000
CASE SERVICES	20,097,272	8,161,663
TOTAL 3. VETERANS'	20,863,547	8,527,817
VICTORY HOUSE	(1.15)	(1.15)
4. RODDEY PAVILION (TUCKER CENTER)		
CLASSIFIED POSITIONS	14,244,661	8,302,589
	(265.85)	(138.67)
UNCLASSIFIED POSITIONS	1,006,679	231,679
	(7.88)	(4.88)
OTHER PERSONAL SERVICES	2,758,483	270,359
OTHER OPERATING EXPENSES	6,409,578	
CASE SERVICES	322,653	11,000
TOTAL 4. RODDEY	24,742,054	8,815,627
PAVILION (TUCKER CENTER)	(273.73)	(143.55)
5. VETERANS VILLAGE		
CLASSIFIED POSITIONS	279,969	279,969
	(4.05)	(4.05)
UNCLASSIFIED POSITIONS	16,200	16,200
	(0.05)	(0.05)
OTHER OPERATING EXPENSES	60,000	

J120-DEPARTMENT OF MENTAL HEALTH

	TOTAL FUNDS	GENERAL FUNDS
CASE SERVICES	15,097,544	9,782,544
TOT 5. VETERANS VILLAGE	15,453,713	10,078,713
	(4.10)	(4.10)
6. PALMETTO PATRIOTS HOME		
CLASSIFIED POSITIONS	109,969	109,969
	(4.05)	(4.05)
UNCLASSIFIED POSITIONS	16,200	16,200
	(0.05)	(0.05)
OTHER OPERATING EXPENSES	60,000	
CASE SERVICES	15,149,470	9,834,470
TOTAL 6. PALMETTO	15,335,639	9,960,639
PATRIOTS HOME	(4.10)	(4.10)
 TOTAL E. LONG TERM CARE	 111,710,431	 51,510,358
	(377.48)	(231.40)
 F. SEXUAL PREDATOR		
TREATMENT PGM		
CLASSIFIED POSITIONS	1,602,219	1,502,219
	(26.74)	(26.74)
UNCLASSIFIED POSITIONS	146,000	146,000
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	80,000	30,000
OTHER OPERATING EXPENSES	1,198,754	598,754
LEASE PAYMENT TO SFAA	2,763,472	2,763,472
CASE SERVICES	19,110,085	18,310,085
TOTAL F. SEXUAL	24,900,530	23,350,530
PREDATOR TREATMENT PGM	(27.74)	(27.74)
 TOTAL II. PROGRAMS	 494,779,533	 238,147,473
AND SERVICES	(4,549.91)	(2,830.39)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	105,488,652	64,023,467
TOT III. EMPLOYEE BENEFITS	105,488,652	64,023,467
 TOTAL DEPARTMENT OF	 619,436,978	 318,934,865
MENTAL HEALTH	(4,629.91)	(2,907.39)

SECTION 36
J160-DEPARTMENT OF DISABILITIES
& SPECIAL NEEDS

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
COMMISSIONERS	172,260	172,260
	(1.00)	(1.00)
CLASSIFIED POSITIONS	7,189,103	6,940,966
	(106.00)	(101.00)
OTHER PERSONAL SERVICES	362,637	200,000
OTHER OPERATING EXPENSES	3,606,871	48,000
TOTAL I. ADMINISTRATION	11,330,871	7,361,226
	(107.00)	(102.00)
II. PROGRAM & SERVICES		
A. PREVENTION PROGRAM		
OTHER OPERATING EXPENSES	307,098	50,000
GREENWOOD GENETIC CENTER	15,685,571	5,434,300
TOT A. PREVENTION PROG	15,992,669	5,484,300
B. INTELLECTUAL DISABILITY		
FAMILY SUPPORT		
1. CHILDREN'S SERVICES		
CLASSIFIED POSITIONS	125,439	125,439
	(2.00)	(2.00)
OTHER OPERATING EXPENSES	26,933,376	5,345,606
TOT 1. CHILDREN'S SRVCS	27,058,815	5,471,045
	(2.00)	(2.00)
2. IN-HOME FAMILY SUPPORTS		
CLASSIFIED POSITIONS	927,052	648,142
	(20.00)	(14.00)
OTHER OPERATING EXPENSES	55,865,259	1,710,025
CASE SERVICES	300,000	
TOTAL 2. IN-HOME	57,092,311	2,358,167
FAMILY SUPPORTS	(20.00)	(14.00)
3. ADULT DEVELOP & SUPPORT		
EMPLOYMENT		
OTHER OPERATING EXPENSES	67,337,876	1,354,344
CASE SERVICES	150,000	150,000

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& SPECIAL NEEDS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL 3. ADULT DEVELOP & SUPPORT EMPLOYMENT	67,487,876	1,504,344
4. SERVICE COORDINATION		
CLASSIFIED POSITIONS	604,964	450,234
	(11.00)	(10.00)
OTHER PERSONAL SERVICES	140,000	140,000
OTHER OPERATING EXPENSES	17,231,861	1,123,098
CASE SERVICES	50,000	
TOT 4. SRVC COORDINATION	18,026,825	1,713,332
	(11.00)	(10.00)
TOTAL B. INTELLECTUAL DISABILITY FAMILY SUPPORT	169,665,827	11,046,888
	(33.00)	(26.00)
C. AUTISM FAMILY SUPPORT PROGRAM		
1. AUTISM FAMILY SUPPORT SERVICES		
CLASSIFIED POSITIONS	136,496	136,496
	(7.00)	(7.00)
OTHER PERSONAL SERVICES	10,000	10,000
OTHER OPERATING EXPENSES	14,630,330	683,358
CASE SERVICES	12,000	
TOTAL 1. AUTISM FAMILY SUPPORT SRVCS	14,788,826	829,854
	(7.00)	(7.00)
TOTAL C. AUTISM FAMILY SUPPORT PROGRAM	14,788,826	829,854
	(7.00)	(7.00)
D. HEAD & SPINAL CORD INJURY FAM SUPP		
CLASSIFIED POSITIONS	457,926	397,926
	(8.00)	(6.00)
OTHER OPERATING EXPENSES	23,619,670	5,998,836
CASE SERVICES	1,600,000	100,000
TOTAL D. HEAD & SPINAL CORD INJURY FAM SUPP	25,677,596	6,496,762
	(8.00)	(6.00)

STATUTES AT LARGE
General and Permanent Laws--2023
J160-DEPARTMENT OF DISABILITIES
& SPECIAL NEEDS

	TOTAL FUNDS	GENERAL FUNDS
E. INTELLECTUAL DISABILITY		
COMM RESIDENTIAL		
CLASSIFIED POSITIONS	5,491,773	4,674,151
	(96.00)	(83.00)
OTHER PERSONAL SERVICES	385,000	85,000
OTHER OPERATING EXPENSES	268,699,248	9,127,906
CASE SERVICES	7,863,063	900,800
TOTAL E. INTELLECTUAL	282,439,084	14,787,857
DISABILITY COMM RESID	(96.00)	(83.00)
F. AUTISM COMMUNITY		
RESIDENTIAL PROGRAM		
CLASSIFIED POSITIONS	1,996,949	1,843,662
	(35.00)	(33.00)
OTHER PERSONAL SERVICES	565,171	281,312
OTHER OPERATING EXPENSES	30,825,282	417,895
CASE SERVICES	33,025	
TOT F. AUTISM COMMUNITY	33,420,427	2,542,869
RESIDENTIAL PROGRAM	(35.00)	(33.00)
G. HEAD & SPINAL CORD		
INJURY COMMUNITY RESI		
OTHER OPERATING EXPENSES	5,540,532	1,158,763
TOTAL G. HEAD & SPINAL	5,540,532	1,158,763
CORD INJURY COMMU RESI		
H. REGIONAL CENTERS		
RESIDENTIAL PGM		
CLASSIFIED POSITIONS	64,170,783	36,821,281
	(1,835.90)	(1,204.85)
UNCLASSIFIED POSITIONS	125,000	125,000
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	16,658,773	11,036,989
OTHER OPERATING EXPENSES	19,666,449	
CASE SERVICES	941,222	
TOTAL H. REGIONAL	101,562,227	47,983,270
CENTERS RESIDENTIAL PGM	(1,836.90)	(1,205.85)

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& SPECIAL NEEDS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL II. PROGRAM & SERVICES	649,087,188 (2,015.90)	90,330,563 (1,360.85)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	42,878,088	28,710,364
TOT III. EMPLOYEE BENEFITS	42,878,088	28,710,364
TOT DEPTMNT OF DISABIL & SPECIAL NEEDS	703,296,147 (2,122.90)	126,402,153 (1,462.85)

SECTION 37
J200-DEPARTMENT OF ALCOHOL & OTHER DRUG ABUSE SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	122,814 (1.00)	89,366 (0.50)
CLASSIFIED POSITIONS	301,330 (4.00)	140,235 (1.20)
OTHER OPERATING EXPENSES	69,500	15,000
TOTAL I. ADMINISTRATION	493,644 (5.00)	244,601 (1.70)
II. FINANCE & OPERATIONS		
CLASSIFIED POSITIONS	588,704 (21.91)	178,788 (9.26)
OTHER OPERATING EXPENSES	7,529,356	2,789,815
LOCAL SALARY SUPPLEMENT	4,490,093	4,490,093
STATE BLOCK GRANT	174,474	174,474
ALLOC CNTIES - RESTRICTED	20,000	
ALLOC OTHER ST AGENCIES	2,004,079	
ALCOHOL AND DRUG TREATMT	48,663,784	
ALCOHOL & DRUG MATCH FDS	2,206,462	
ALCOHOL & DRUG PREVEN	11,009,343	
AID TO CNTIES - RESTRICTED	94,428	94,428
AID OTHER STATE AGENCIES	1,915,902	1,915,902
ALCOHOL & DRUG TREATMT	7,696,716	7,696,716

STATUTES AT LARGE
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J200-DEPARTMENT OF ALCOHOL &
OTHER DRUG ABUSE SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
AID TO ENTITIES - ALCOHOL & DRUG MATCH FUNDS	100,166	100,166
AID TO ENTITIES - ALCOHOL & DRUG PREVENTION	84,329	84,329
TOTAL II. FINANCE & OPERATIONS	86,577,836 (21.91)	17,524,711 (9.26)
III. PROGRAMS		
CLASSIFIED POSITIONS	844,054 (9.95)	110,475 (0.10)
OTHER PERSONAL SERVICES	864,814	44,000
OTHER OPERATING EXPENSES	6,877,213	132,500
ALLOC OTHER STATE AGENCIES	55,000	
ALCOHOL & DRUG PREVENTION	35,184	
TOTAL III. PROGRAMS	8,676,265 (9.95)	286,975 (0.10)
IV. INFO TECHNOLOGY		
CLASSIFIED POSITIONS	424,423 (2.00)	124,980
OTHER PERSONAL SERVICES	64,909	
OTHER OPERATING EXPENSES	582,500	3,500
TOTAL IV. INFORMATION TECHNOLOGY	1,071,832 (2.00)	128,480
V. LEGAL & COMPLIANCE		
CLASSIFIED POSITIONS	242,145 (4.15)	68,215 (1.00)
OTHER PERSONAL SERVICES	99,258	22,267
OTHER OPERATING EXPENSES	102,925	15,500
TOT V. LEGAL & COMPLIANCE	444,328 (4.15)	105,982 (1.00)
VI. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,321,944	348,649
TOT VI. EMPLOYEE BENEFITS	1,321,944	348,649
TOTAL DEPT OF ALCOHOL & OTHER DRUG ABUSE SERVICES	98,585,849 (43.01)	18,639,398 (12.06)

SECTION 38
L040-DEPARTMENT OF SOCIAL SERVICES

	TOTAL FUNDS	GENERAL FUNDS
I. STATE OFFICE		
A. AGENCY ADMINISTRATION		
COMMISSIONERS	250,000	250,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	17,149,659	9,726,577
	(204.92)	(83.70)
UNCLASSIFIED POSITIONS	234,619	84,625
OTHER PERSONAL SERVICES	538,308	190,587
OTHER OPERATING EXPENSES	18,590,221	4,348,685
TOTAL A.	36,762,807	14,600,474
AGENCY ADMINISTRATION	(205.92)	(84.70)
 B. INFORMATION RESOURCE MANAGEMENT		
CLASSIFIED POSITIONS	4,941,766	1,903,703
	(82.00)	(28.21)
NEW POSITIONS -	93,391	63,984
ENDPOINT TECHNICIAN II	(1.00)	(0.69)
NEW POSITIONS - IT	63,080	43,217
CUSTOMER SPPRT SPECIALIST III	(1.00)	(0.70)
NEW POSITIONS - IT	563,633	190,609
SECURITY SPECIALIST II	(3.00)	(2.04)
NEW POSITIONS -	76,758	52,588
NETWORK ADMINISTRATOR	(1.00)	(0.70)
NEW POSITIONS -	181,612	63,984
PROJECT MANAGER I	(1.00)	(0.69)
OTHER PERSONAL SERVICES	828,686	160,541
OTHER OPERATING EXPENSES	59,366,344	5,791,394
TOTAL B. INFORMATION RESOURCE MANAGEMENT	66,115,270	8,270,020
	(89.00)	(33.03)
 C. COUNTY OFFICE ADMINISTRATION		
CLASSIFIED POSITIONS	13,374,331	5,330,663
	(379.11)	(148.02)
UNCLASSIFIED POSITIONS	122,294	45,710
	(0.99)	(0.38)
OTHER PERSONAL SERVICES	52,268	19,186

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	TOTAL FUNDS	GENERAL FUNDS
OTHER OPERATING EXPENSES	2,130,585	770,845
CASE SERVICES	336,001	121,565
TOTAL C. COUNTY	16,015,479	6,287,969
OFFICE ADMINISTRATION	(380.10)	(148.40)
D. COUNTY SUPPORT OF LOCAL DSS		
OTHER PERSONAL SERVICES	61,321	
OTHER OPERATING EXPENSES	390,758	
ALLOC CNTIES - UNRESTRICTED	3,900,703	
TOTAL D. COUNTY SUPPORT OF LOCAL DSS	4,352,782	
E. PROGRAM MANAGEMENT		
1. CHILDREN'S SERVICES		
CLASSIFIED POSITIONS	12,754,231	7,802,048
	(206.22)	(82.90)
OTHER PERSONAL SERVICES	342,157	8,211
OTHER OPERATING EXPENSES	8,400,878	2,408,272
STRENGTHENING FAMILIES PROG	700,000	700,000
CASE SERVICES	18,340,956	2,282,856
TOT 1. CHILDREN'S SERVICES	40,538,222	13,201,387
	(206.22)	(82.90)
2. ADULT SERVICES		
CLASSIFIED POSITIONS	383,751	6,582
	(9.00)	
OTHER OPERATING EXPENSES	4,976,631	
TOTAL 2. ADULT SERVICES	5,360,382	6,582
	(9.00)	
3. FAMILY INDEPENDENCE		
CLASSIFIED POSITIONS	336,759	23,932
	(11.00)	
OTHER PERSONAL SERVICES	986,228	
OTHER OPERATING EXPENSES	10,761,483	
CASE SERVICES	73,610	
TOT 3. FAMILY INDEPENDENCE	12,158,080	23,932
	(11.00)	

L040-DEPARTMENT OF SOCIAL SERVICES

	TOTAL FUNDS	GENERAL FUNDS
4. ECONOMIC SERVICES		
CLASSIFIED POSITIONS	3,481,473	938,464
	(181.22)	(27.43)
OTHER PERSONAL SERVICES	687,872	
OTHER OPERATING EXPENSES	5,733,347	1,653,863
TOTAL 4. ECONOMIC SERVICES	9,902,692	2,592,327
	(181.22)	(27.43)
TOTAL E. PROGRAM	67,959,376	15,824,228
MANAGEMENT	(407.44)	(110.33)
TOTAL I. STATE OFFICE	191,205,714	44,982,691
	(1,082.46)	(376.46)
II. PROGRAMS AND SERVICES		
A. CHILD PROTECTIVE SRVCS		
1. CPS CASE MANAGEMENT		
CLASSIFIED POSITIONS	79,974,565	48,026,711
	(1,338.02)	(706.52)
OTHER PERSONAL SERVICES	354,192	119,045
OTHER OPERATING EXPENSES	15,151,707	6,118,112
CASE SERVICES	1,500	495
TOT 1. CPS CASE MANAGEMENT	95,481,964	54,264,363
	(1,338.02)	(706.52)
2. LEGAL REPRESENTATION		
CLASSIFIED POSITIONS	7,078,430	3,813,976
	(137.00)	(60.54)
OTHER PERSONAL SERVICES	41,056	8,186
OTHER OPERATING EXPENSES	2,142,767	636,829
TOT 2. LEGAL REPRESENTATION	9,262,253	4,458,991
	(137.00)	(60.54)
TOTAL A. CHILD	104,744,217	58,723,354
PROTECTIVE SERVICES	(1,475.02)	(767.06)
B. FOSTER CARE		
1. FOSTER CARE CASE MGMNT		
CLASSIFIED POSITIONS	28,018,800	12,338,332
	(820.20)	(379.26)

STATUTES AT LARGE
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L040-DEPARTMENT OF SOCIAL SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	1,048,553	244,870
OTHER OPERATING EXPENSES	16,564,647	11,774,690
CASE SERVICES	1,097,326	910,565
TOTAL 1. FOSTER	46,729,326	25,268,457
CARE CASE MANAGEMENT	(820.20)	(379.26)
2. FOSTER CARE CASE SRVCS		
OTHER OPERATING EXPENSES	3,380,344	2,095,813
CASE SERVICES	57,071,706	20,251,651
TOTAL 2. FOSTER	60,452,050	22,347,464
CARE CASE SERVICES		
3. EDC CASE SERVICES		
IMD GROUP HOMES	26,232,836	24,846,477
CASE SERVICES	25,809,699	18,547,428
TOT 3. EDC CASE SERVICES	52,042,535	43,393,905
TOTAL B. FOSTER CARE	159,223,911	91,009,826
	(820.20)	(379.26)
C. ADOPTIONS		
1. ADOPTIONS CASE MGMNT		
CLASSIFIED POSITIONS	5,303,361	2,911,721
	(137.24)	(63.49)
OTHER PERSONAL SERVICES	87,872	62,031
OTHER OPERATING EXPENSES	1,786,220	403,881
CASE SERVICES	700	240
TOTAL 1. ADOPTIONS	7,178,153	3,377,873
CASE MANAGEMENT	(137.24)	(63.49)
2. ADOPTIONS CASE SERVICES		
CASE SERVICES	25,275,121	12,616,719
TOTAL 2. ADOPTIONS	25,275,121	12,616,719
CASE SERVICES		
TOTAL C. ADOPTIONS	32,453,274	15,994,592
	(137.24)	(63.49)

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	TOTAL FUNDS	GENERAL FUNDS
D. ADULT PROTECTIVE SRVCS		
1. APS CASE MANAGEMENT		
CLASSIFIED POSITIONS	2,982,614	98,909
	(91.00)	(0.68)
OTHER PERSONAL SERVICES	26,821	
OTHER OPERATING EXPENSES	240,895	
TOTAL 1. APS CASE MGMNT	3,250,330	98,909
	(91.00)	(0.68)
2. APS CASE SERVICES		
CRIMINAL DOMESTIC VIOLENCE	1,500,000	1,500,000
- SCCADVASA		
CASE SERVICES	607,000	432,000
TOTAL 2. APS CASE SERVICES	2,107,000	1,932,000
TOTAL D. ADULT PROTECTIVE SERVICES	5,357,330	2,030,909
	(91.00)	(0.68)
E. EMPLOYMENT AND TRAINING SERVICES		
1. EMPL & TRNG CASE MGMNT		
CLASSIFIED POSITIONS	20,428,163	8,738,831
	(660.15)	(237.71)
OTHER PERSONAL SERVICES	1,816,289	
OTHER OPERATING EXPENSES	566,886	41,690
TOTAL 1. EMPL & TRNG CASE MANAGEMENT	22,811,338	8,780,521
	(660.15)	(237.71)
2. EMPL & TRNG CASE SRVCS		
CASE SERVICES	7,520,582	2,500
TOTAL 2. EMPL & TRNG CASE SERVICES	7,520,582	2,500
3. TANF CASE SERVICES		
CASE SERVICES	62,048,519	3,625,903
TOT 3. TANF CASE SERVICES	62,048,519	3,625,903
TOTAL E. EMPLOYMENT AND TRAINING SERVICES	92,380,439	12,408,924
	(660.15)	(237.71)

L040-DEPARTMENT OF SOCIAL SERVICES

	TOTAL FUNDS	GENERAL FUNDS
F. CHILD SUPPORT ENFORCEMENT		
CLASSIFIED POSITIONS	7,916,111	2,385,136
	(253.00)	(60.18)
OTHER PERSONAL SERVICES	489,162	
OTHER OPERATING EXPENSES	70,449,908	6,934,863
ALLOC OTHER ENTITIES	6,500	
TOTAL F. CHILD SUPPORT ENFORCEMENT	78,861,681	9,319,999
	(253.00)	(60.18)
G. FOOD STAMP ASSISTANCE PROGRAM		
CLASSIFIED POSITIONS	13,134,060	6,337,250
	(350.00)	(88.50)
OTHER PERSONAL SERVICES	1,896,965	37,491
OTHER OPERATING EXPENSES	2,007,654	551,652
TOTAL G. FOOD STAMP ASSISTANCE PROGRAM	17,038,679	6,926,393
	(350.00)	(88.50)
H. FAMILY PRESERVATION		
CLASSIFIED POSITIONS	626,182	546,975
	(31.08)	(12.33)
OTHER PERSONAL SERVICES	896,650	24,541
OTHER OPERATING EXPENSES	6,044,663	2,494,090
CASE SERVICES	1,783,245	
TOT H. FAMILY PRESERVATION	9,350,740	3,065,606
	(31.08)	(12.33)
I. HOMEMAKER		
CLASSIFIED POSITIONS	1,241,586	3,487
	(73.00)	
OTHER OPERATING EXPENSES	276,400	
TOTAL I. HOMEMAKER	1,517,986	3,487
	(73.00)	
J. BATTERED SPOUSE		
CLASSIFIED POSITIONS	587	587
	(1.00)	
OTHER PERSONAL SERVICES	33,730	
OTHER OPERATING EXPENSES	23,875	

L040-DEPARTMENT OF SOCIAL SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
ALLOC OTHER ENTITIES	3,999,554	
AID TO OTHER ENTITIES	1,648,333	1,648,333
TOTAL J. BATTERED SPOUSE	5,706,079	1,648,920
	(1.00)	
K. PREGNANCY PREVENTION		
CLASSIFIED POSITIONS	91,228	
	(2.00)	
OTHER PERSONAL SERVICES	32,749	
OTHER OPERATING EXPENSES	26,200	
CONTINUATION OF TEEN PREGNANCY PREVENTION	546,972	546,972
TOTAL K. PREGNANCY PREVENTION	697,149	546,972
	(2.00)	
L. FOOD SERVICE		
CASE SERVICES	36,036,715	
TOTAL L. FOOD SERVICE	36,036,715	
M. CHILD CARE		
CLASSIFIED POSITIONS	5,118,224	73,947
	(251.99)	
OTHER PERSONAL SERVICES	2,636,821	
OTHER OPERATING EXPENSES	14,808,846	16,377
CASE SERVICES	68,651,307	10,197,437
ALLOC PRIVATE SECTOR	450,000	
TOTAL M. CHILD CARE	91,665,198	10,287,761
	(251.99)	
N. KINSHIP		
CASE SERVICES	696,833	198,018
TOTAL N. KINSHIP	696,833	198,018
TOTAL II. PROGRAMS AND SERVICES	635,730,231	212,164,761
	(4,145.68)	(1,609.21)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	79,261,033	41,839,265
TOT III. EMPLOYEE BENEFITS	79,261,033	41,839,265

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 General and Permanent Laws--2023
L040-DEPARTMENT OF SOCIAL SERVICES

	TOTAL FUNDS	GENERAL FUNDS
TOTAL DEPARTMENT OF SOCIAL SERVICES	906,196,978 (5,228.14)	298,986,717 (1,985.67)

SECTION 39
L240-COMMISSION FOR THE BLIND

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
COMMISSIONERS	118,314 (1.00)	118,314 (1.00)
CLASSIFIED POSITIONS	782,411 (14.77)	782,411 (14.00)
NEW POSITIONS - ATTORNEY III	87,329 (1.00)	87,329 (1.00)
OTHER PERSONAL SERVICES	38,100	38,100
OTHER OPERATING EXPENSES	463,912	444,061
TOTAL I. ADMINISTRATION	1,490,066 (16.77)	1,470,215 (16.00)
II. REHABILITATION SERVICES		
A. VOCATIONAL REHAB		
CLASSIFIED POSITIONS	1,583,273 (45.56)	565,670 (8.59)
OTHER PERSONAL SERVICES	5,000	
OTHER OPERATING EXPENSES	1,550,045	57,787
CASE SERVICES	1,126,476	407,000
TOTAL A.	4,264,794	1,030,457
VOCATIONAL REHABILITATION	(45.56)	(8.59)
B. BUSINESS ENTERPRISE PROG		
CLASSIFIED POSITIONS	585,100 (13.00)	144,567 (1.46)
OTHER PERSONAL SERVICES	5,000	
OTHER OPERATING EXPENSES	40,355,500	20,000
CASE SERVICES	296,680	20,000
TOTAL B. BUSINESS ENTERPRISE PROGRAM	41,242,280 (13.00)	184,567 (1.46)

OF SOUTH CAROLINA
General and Permanent Laws--2023
L240-COMMISSION FOR THE BLIND

	TOTAL FUNDS	GENERAL FUNDS
C. SCCB TRAINING CENTER		
CLASSIFIED POSITIONS	1,237,435	366,768
	(29.00)	(5.28)
OTHER PERSONAL SERVICES	204,932	
OTHER OPERATING EXPENSES	402,000	42,000
CASE SERVICES	385,202	35,202
TOT C. SCCB TRAINING CNTER	2,229,569	443,970
	(29.00)	(5.28)
D. TRANSITION SERVICES		
CLASSIFIED POSITIONS	149,536	318
	(4.00)	
OTHER OPERATING EXPENSES	11,000	1,000
CASE SERVICES	2,602,000	202,000
TOT D. TRANSITION SRVCS	2,762,536	203,318
	(4.00)	
TOTAL II. REHABILITATION SERVICES	50,499,179	1,862,312
	(91.56)	(15.33)
III. PREVENTION OF BLINDNESS		
CLASSIFIED POSITIONS	223,182	223,182
	(4.00)	(4.00)
OTHER OPERATING EXPENSES	108,100	108,100
CASE SERVICES	363,486	363,486
TOTAL III. PREVENTION OF BLINDNESS	694,768	694,768
	(4.00)	(4.00)
IV. OLDER BLIND SERVICES		
CLASSIFIED POSITIONS	327,948	100,390
	(6.63)	(0.52)
OTHER PERSONAL SERVICES	5,000	
OTHER OPERATING EXPENSES	90,000	
CASE SERVICES	216,188	69,000
TOTAL IV. OLDER BLIND SERVICES	639,136	169,390
	(6.63)	(0.52)
V. CHILDREN'S SERVICES		
CLASSIFIED POSITIONS	159,910	159,910
	(3.53)	(3.53)

STATUTES AT LARGE
General and Permanent Laws--2023
L240-COMMISSION FOR THE BLIND

	TOTAL FUNDS	GENERAL FUNDS
OTHER OPERATING EXPENSES	45,000	45,000
CASE SERVICES	97,000	97,000
TOT V. CHILDREN'S SERVICES	301,910	301,910
	(3.53)	(3.53)
 VI. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,019,967	1,016,044
TOT VI. EMPLOYEE BENEFITS	2,019,967	1,016,044
 TOTAL COMMISSION FOR		
THE BLIND	55,645,026	5,514,639
	(122.49)	(39.38)

SECTION 40
L060-DEPARTMENT ON AGING

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	125,000	125,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	2,229,619	1,085,637
	(23.25)	(10.90)
UNCLASSIFIED POSITIONS	85,000	85,000
OTHER PERSONAL SERVICES	62,090	35,840
OTHER OPERATING EXPENSES	1,803,757	594,284
TOTAL I. ADMINISTRATION	4,305,466	1,925,761
	(24.25)	(11.90)
 II. PROGRAMS AND SERVICES		
A. AGING ASSISTANCE		
OTHER OPERATING EXPENSES	900,000	900,000
ALZHEIMERS	150,000	150,000
FAMILY CAREGIVERS	2,400,000	2,400,000
GERIATRIC PHYSICIAN	35,000	35,000
LOAN PROGRAM		
HOME AND COMMUNITY	10,972,000	10,972,000
BASED SERVICES		
SILVER HAIRD LEGISLATURE	15,000	15,000
CASE SERVICES	825,000	
ALLOC OTHER STATE AGENCIES	100,000	

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L060-DEPARTMENT ON AGING

	TOTAL FUNDS	GENERAL FUNDS
ALLOC OTHER ENTITIES	26,939,714	466,482
AID TO OTHER ENTITIES	1,673,310	1,183,110
TOT A. AGING ASSISTANCE	44,010,024	16,121,592
 B. ADULT GUARDIAN AD LITEM		
CLASSIFIED POSITIONS	561,759	561,759
	(8.00)	(8.00)
OTHER OPERATING EXPENSES	447,943	447,943
TOTAL B. ADULT GUARDIAN AD LITEM	1,009,702	1,009,702
	(8.00)	(8.00)
 C. STATE LONG TERM CARE OMBUDSMAN		
CLASSIFIED POSITIONS	533,000	213,000
	(17.25)	(6.25)
ALLOC OTHER ENTITIES	2,950,000	450,000
TOTAL C. STATE LONG TERM CARE OMBUDSMAN	3,483,000	663,000
	(17.25)	(6.25)
 TOTAL II. PROGRAMS AND SERVICES	 48,502,726	 17,794,294
	(25.25)	(14.25)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,280,629	764,546
TOT III. EMPLOYEE BENEFITS	1,280,629	764,546
 TOT DEPARTMENT ON AGING	 54,088,821	 20,484,601
	(49.50)	(26.15)

SECTION 41
L080-DEPARTMENT OF CHILDREN'S ADVOCACY

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	127,500	127,500
	(1.00)	(1.00)
CLASSIFIED POSITIONS	110,717	110,717
	(1.00)	(1.00)

L080-DEPARTMENT OF CHILDREN'S ADVOCACY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
NEW POSITIONS -	75,000	75,000
SENIOR ENDPOINT TECHNICIAN	(1.00)	(1.00)
OTHER OPERATING EXPENSES	97,866	97,866
CHILDREN'S TRUST FUND	200,000	200,000
NETWORK OF CHILDREN'S ADVOCACY CENTERS	80,000	80,000
TOTAL I. ADMINISTRATION	691,083 (3.00)	691,083 (3.00)
 II. PROGRAMS AND SERVICES		
A. GUARDIAN AD LITEM		
CLASSIFIED POSITIONS	3,676,240 (118.00)	1,941,240 (52.05)
NEW POSITIONS -	90,000	90,000
PROGRAM ASSISTANT	(3.00)	(3.00)
NEW POSITIONS -	45,955	45,955
PROGRAM COORDINATOR II	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	256,312 (2.60)	156,312 (1.60)
OTHER PERSONAL SERVICES	418,380	40,000
OTHER OPERATING EXPENSES	3,793,065	1,628,523
TOT A. GUARDIAN AD LITEM	8,279,952 (124.60)	3,902,030 (57.65)
 B. FOSTER CARE		
CLASSIFIED POSITIONS	1,097,311 (28.00)	506,434 (9.58)
UNCLASSIFIED POSITIONS	10,250 (1.10)	10,250 (0.33)
OTHER PERSONAL SERVICES	36,000	6,000
OTHER OPERATING EXPENSES	677,503	200,503
TOTAL B. FOSTER CARE	1,821,064 (29.10)	723,187 (9.91)
 C. CONTINUUM OF CARE		
CLASSIFIED POSITIONS	1,869,907 (69.00)	670,907 (27.00)
UNCLASSIFIED POSITIONS	30,750 (0.30)	30,750 (0.30)
OTHER PERSONAL SERVICES	400,000	

L080-DEPARTMENT OF CHILDREN'S ADVOCACY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	3,051,492	1,051,492
CASE SERVICES	363,031	142,885
TOT C. CONTINUUM OF CARE	5,715,180	1,896,034
	(69.30)	(27.30)
 D. INVESTIGATIONS UNIT		
CLASSIFIED POSITIONS	208,992	208,992
	(3.00)	(3.00)
NEW POSITIONS -	60,000	60,000
PROGRAM COORDINATOR II	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	84,106	84,106
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	261,250	261,250
TOT D. INVESTIGATIONS UNIT	614,348	614,348
	(5.00)	(5.00)
 TOTAL II. PROGRAMS AND SERVICES	 16,430,544	 7,135,599
	(228.00)	(99.86)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	4,278,936	2,094,513
TOT III. EMPLOYEE BENEFITS	4,278,936	2,094,513
 TOTAL DEPARTMENT OF CHILDREN'S ADVOCACY	 21,400,563	 9,921,195
	(231.00)	(102.86)

SECTION 42**L320-HOUSING FINANCE & DEVELOPMENT AUTHORITY**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
A. EXECUTIVE DIVISION		
EXECUTIVE DIRECTOR	115,376	
	(1.00)	
CLASSIFIED POSITIONS	1,784,028	
	(18.00)	
OTHER PERSONAL SERVICES	63,596	
OTHER OPERATING EXPENSES	1,791,000	

L320-HOUSING FINANCE & DEVELOPMENT AUTHORITY

	TOTAL FUNDS	GENERAL FUNDS
ALLOC OTHER ST AGENCIES	2,500,000	
ALLOC OTHER ENTITIES	2,500,000	
TOT A. EXECUTIVE DIVISION	8,754,000	
	(19.00)	
 B. FINANCE DIVISION		
CLASSIFIED POSITIONS	717,000	
	(10.00)	
OTHER OPERATING EXPENSES	142,000	
TOTAL B. FINANCE DIVISION	859,000	
	(10.00)	
 C. SUPPORT SERVICES		
CLASSIFIED POSITIONS	1,747,678	
	(12.00)	
OTHER PERSONAL SERVICES	123,322	
OTHER OPERATING EXPENSES	1,883,000	
TOTAL C. SUPPORT SERVICES	3,754,000	
	(12.00)	
 TOTAL I. ADMINISTRATION	 13,367,000	
	(41.00)	
 II. HOUSING PROGRAMS		
A. CONTRACT ADMIN & COMPLIANCE		
CLASSIFIED POSITIONS	1,442,000	
	(35.00)	
UNCLASSIFIED POSITIONS	5,736	
OTHER PERSONAL SERVICES	157,264	
OTHER OPERATING EXPENSES	499,295	
CASE SERVICES	167,500,000	
TOTAL A. CONTRACT ADMIN & COMPLIANCE	169,604,295	
	(35.00)	
 B. RENTAL ASSISTANCE		
CLASSIFIED POSITIONS	877,356	
	(17.00)	
OTHER PERSONAL SERVICES	83,644	
OTHER OPERATING EXPENSES	1,137,000	

L320-HOUSING FINANCE & DEVELOPMENT AUTHORITY

	TOTAL FUNDS	GENERAL FUNDS
CASE SERVICES	15,000,000	
TOT B. RENTAL ASSISTANCE	17,098,000	
	(17.00)	
 C. HOUSING INITIATIVES		
CLASSIFIED POSITIONS	1,102,000	
	(19.00)	
UNCLASSIFIED POSITIONS	124,857	
OTHER PERSONAL SERVICES	51,143	
OTHER OPERATING EXPENSES	20,622,000	
CASE SERVICES	3,250,847	
ALLOC MUNICIPALITIES	1,700,000	
- RESTRICTED		
ALLOC COUNTIES - RESTRICTED	600,000	
ALLOC OTHER STATE AGENCIES	1,500,000	
ALLOC OTHER ENTITIES	18,324,153	
TOT C. HOUSING INITIATIVES	47,275,000	
	(19.00)	
 D. HOUSING CREDIT		
CLASSIFIED POSITIONS	543,000	
	(4.00)	
NEW POSITIONS -	166,000	
SR ACCNTANT/FISCAL ANALYST	(3.00)	
UNCLASSIFIED POSITIONS	1,668	
OTHER PERSONAL SERVICES	19,332	
OTHER OPERATING EXPENSES	496,485	
TOTAL D. HOUSING CREDIT	1,226,485	
	(7.00)	
 TOT II. HOUSING PROGRAMS	 235,203,780	
	(78.00)	
 III. HOMEOWNERSHIP PROGRAMS		
A. MORTGAGE PRODUCTION		
CLASSIFIED POSITIONS	839,169	
	(8.00)	
OTHER PERSONAL SERVICES	70,831	

L320-HOUSING FINANCE & DEVELOPMENT AUTHORITY

	TOTAL FUNDS	GENERAL FUNDS
OTHER OPERATING EXPENSES	1,478,000	
TOT A. MORTG PRODUCTION	2,388,000	
	(8.00)	
 B. MORTGAGE SERVICING		
CLASSIFIED POSITIONS	1,331,636	
	(21.00)	
OTHER PERSONAL SERVICES	23,364	
OTHER OPERATING EXPENSES	2,060,000	
TOT B. MORTGAGE SERVICING	3,415,000	
	(21.00)	
 TOTAL III.	 5,803,000	
HOMEOWNERSHIP PROGRAMS	(29.00)	
 IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	4,824,000	
TOT IV. EMPLOYEE BENEFITS	4,824,000	
 TOTAL HOUSING FINANCE	 259,197,780	
& DEVELOPMENT AUTHORITY	(148.00)	

SECTION 43
P120-FORESTRY COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
STATE FORESTER	134,895	134,895
	(1.00)	(1.00)
CLASSIFIED POSITIONS	648,382	648,382
	(15.20)	(15.20)
UNCLASSIFIED POSITIONS	88,000	88,000
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	10,000	10,000
OTHER OPERATING EXPENSES	141,520	141,520
TOTAL I. ADMINISTRATION	1,022,797	1,022,797
	(17.20)	(17.20)

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P120-FORESTRY COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
II. FOREST PROTECTION AND DEVELOPMENT		
CLASSIFIED POSITIONS	15,322,081	14,211,563
	(326.80)	(304.25)
OTHER PERSONAL SERVICES	353,000	175,000
OTHER OPERATING EXPENSES	15,962,777	5,232,210
FOREST RENEWAL PROGRAM	1,000,000	200,000
ALLOC MUNICIPALITIES	30,000	
- RESTRICTED		
ALLOC COUNTIES - RESTRICTED	47,000	
ALLOC OTHER ENTITIES	308,475	125,000
ALLOC PRIVATE SECTOR	545,000	
TOTAL II. FOREST PROTECTION AND DEVMNT	33,568,333	19,943,773
	(326.80)	(304.25)
III. STATE FORESTS		
CLASSIFIED POSITIONS	1,080,000	
	(27.60)	
OTHER PERSONAL SERVICES	150,000	100,000
OTHER OPERATING EXPENSES	1,047,713	
ALLOC CNTIES - RESTRICTED	1,095,000	
TOTAL III. STATE FORESTS	3,372,713	100,000
	(27.60)	
IV. EDUCATION		
CLASSIFIED POSITIONS	250,800	250,800
	(5.20)	(5.20)
OTHER PERSONAL SERVICES	5,000	5,000
OTHER OPERATING EXPENSES	54,925	54,925
TOTAL IV. EDUCATION	310,725	310,725
	(5.20)	(5.20)
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	9,202,924	8,257,924
TOT V. EMPLOYEE BENEFITS	9,202,924	8,257,924
TOT FORESTRY COMMISSION	47,477,492	29,635,219
	(376.80)	(326.65)

SECTION 44
P160-DEPARTMENT OF AGRICULTURE

	TOTAL FUNDS	GENERAL FUNDS
I. AGENCY OPERATIONS		
A. OPERATIONS		
COMMISSIONER OF AGRICULTURE	162,000	162,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	736,782	736,782
	(14.00)	(14.00)
OTHER OPERATING EXPENSES	1,043,272	953,272
TOTAL A. OPERATIONS	1,942,054	1,852,054
	(15.00)	(15.00)
 B. MARKET SERVICES		
CLASSIFIED POSITIONS	265,242	
	(19.12)	
OTHER PERSONAL SERVICES	64,500	
OTHER OPERATING EXPENSES	877,900	300,000
TOTAL B. MARKET SERVICES	1,207,642	300,000
	(19.12)	
 TOTAL I. AGENCY OPERATIONS	 3,149,696	 2,152,054
	(34.12)	(15.00)
 II. CONSUMER PROTECTION		
A. CONSUMER PROTECTION		
CLASSIFIED POSITIONS	2,229,993	2,090,888
	(71.00)	(56.50)
OTHER PERSONAL SERVICES	19,035	
OTHER OPERATING EXPENSES	4,249,460	2,114,913
TOT A. CONSUMER PROTECTION	6,498,488	4,205,801
	(71.00)	(56.50)
 B. INSPECTION SERVICES		
CLASSIFIED POSITIONS	1,337,963	
	(17.37)	
OTHER PERSONAL SERVICES	250,000	
OTHER OPERATING EXPENSES	1,796,200	
TOT B. INSPECTION SERVICES	3,384,163	
	(17.37)	

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P160-DEPARTMENT OF AGRICULTURE

	TOTAL FUNDS	GENERAL FUNDS
TOTAL II. CONSUMER PROTECTION	9,882,651 (88.37)	4,205,801 (56.50)
 III. EXTERNAL AFFAIRS & ECONOMIC DEVELOPMENT		
A. MARKETING & PROMOTIONS		
CLASSIFIED POSITIONS	535,025 (16.51)	490,025 (16.51)
OTHER OPERATING EXPENSES	8,930,645	4,413,341
TOTAL A. MARKETING & PROMOTIONS	9,465,670 (16.51)	4,903,366 (16.51)
 B. COMMODITY BOARDS		
CLASSIFIED POSITIONS	39,320 (3.00)	
OTHER PERSONAL SERVICES	50,280	
OTHER OPERATING EXPENSES	2,634,680	
TOT B. COMMODITY BOARDS	2,724,280 (3.00)	
 C. MARKET BULLETIN		
CLASSIFIED POSITIONS	50,230 (4.00)	
OTHER OPERATING EXPENSES	111,500	
TOTAL C. MARKET BULLETIN	161,730 (4.00)	
 D. AGRIBUSINESS DEVELOPMENT		
AGRIBUSINESS DEVELOPMENT	750,000	750,000
TOTAL D. AGRIBUSINESS DEVELOPMENT	750,000	750,000
 E. AGRICULTURAL CENTER FOR RESCH & ENTREPNSHIP		
AGRICULTURAL CENTER FOR RESEARCH & ENTREPRENEURSHIP	1,450,000	1,450,000
TOT E. AGRICULTURAL CENTER FOR RESCH & ENTREPNSHIP	1,450,000	1,450,000

STATUTES AT LARGE
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P160-DEPARTMENT OF AGRICULTURE

	TOTAL FUNDS	GENERAL FUNDS
F. INFRASTRUCTURE GRANTS		
INFRASTRUCTURE GRANTS	2,500,000	2,500,000
TOTAL F.	2,500,000	2,500,000
INFRASTRUCTURE GRANTS		
TOTAL III. EXTERNAL AFFAIRS & ECONOMIC DEVELOPMENT	17,051,680 (23.51)	9,603,366 (16.51)
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,664,331	1,854,518
TOT IV. EMPLOYEE BENEFITS	2,664,331	1,854,518
TOTAL DEPARTMENT OF AGRICULTURE	32,748,358 (146.00)	17,815,739 (88.01)

SECTION 45
P200-CLEMSON UNIVERSITY - PUBLIC SERVICE
ACTIVITIES

	TOTAL FUNDS	GENERAL FUNDS
I. REGULATORY & PUBLIC SERVICE		
A. REGULATORY & PUB SERV - GENERAL		
CLASSIFIED POSITIONS	2,747,970	938,043
	(66.00)	(22.00)
UNCLASSIFIED POSITIONS	832,274	294,905
	(6.42)	(4.42)
OTHER PERSONAL SERVICES	410,641	21,437
OTHER OPERATING EXPENSES	2,090,609	353,225
TOTAL A. REGULATORY & PUB SERV - GENERAL	6,081,494 (72.42)	1,607,610 (26.42)
B. REGULATORY & PUB SERV - RESTRICTED		
CLASSIFIED POSITIONS	708,881	
	(10.00)	
UNCLASSIFIED POSITIONS	68,500	
OTHER PERSONAL SERVICES	271,800	
OTHER OPERATING EXPENSES	4,879,068	
TOTAL B. REGULATORY & PUB SERV - RESTRICTED	5,928,249 (10.00)	

**P200-CLEMSON UNIVERSITY - PUBLIC SERVICE
ACTIVITIES**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL I. REGULATORY & PUBLIC SERVICE	12,009,743 (82.42)	1,607,610 (26.42)
II. LIVESTOCK - POULTRY HEALTH		
A. LIVESTOCK - POULTRY HLTH - GEN		
CLASSIFIED POSITIONS	1,743,176 (44.00)	1,576,320 (43.00)
UNCLASSIFIED POSITIONS	1,034,470 (7.33)	984,470 (7.33)
OTHER PERSONAL SERVICES	211,714	39,311
OTHER OPERATING EXPENSES	1,872,188	1,146,934
TOTAL A. LIVESTOCK - POULTRY HLTH - GEN	4,861,548 (51.33)	3,747,035 (50.33)
B. LIVESTOCK - POULTRY HLTH - REST		
CLASSIFIED POSITIONS	836,915 (21.00)	
UNCLASSIFIED POSITIONS	404,717 (4.50)	
OTHER PERSONAL SERVICES	77,219	
OTHER OPERATING EXPENSES	2,892,053	
TOTAL B. LIVESTOCK - POULTRY HLTH - REST	4,210,904 (25.50)	
TOTAL II. LIVESTOCK - POULTRY HEALTH	9,072,452 (76.83)	3,747,035 (50.33)
III. AGRICULTURAL RESEARCH		
CLASSIFIED POSITIONS	6,560,823 (178.42)	5,115,259 (126.99)
UNCLASSIFIED POSITIONS	13,104,514 (110.64)	8,957,924 (86.11)
OTHER PERSONAL SERVICES	1,574,486	457,772
OTHER OPERATING EXPENSES	6,425,095	2,864,808
TOTAL III. AGRICULTURAL RESEARCH	27,664,918 (289.06)	17,395,763 (213.10)

**P200-CLEMSON UNIVERSITY - PUBLIC SERVICE
ACTIVITIES**

	TOTAL FUNDS	GENERAL FUNDS
IV. COOPERAT EXTENS SRVC		
CLASSIFIED POSITIONS	6,226,847	4,475,823
	(199.04)	(106.54)
UNCLASSIFIED POSITIONS	15,602,115	10,598,935
	(286.40)	(198.14)
OTHER PERSONAL SERVICES	5,125,034	1,091,073
OTHER OPERATING EXPENSES	9,733,076	2,625,092
TOTAL IV. COOPERATIVE	36,687,072	18,790,923
EXTENSION SERVICE	(485.44)	(304.68)
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	23,680,101	16,802,387
TOTAL V. EMPLOYEE BENEFITS	23,680,101	16,802,387
TOTAL CLEMSON UNIVERSITY -	109,114,286	58,343,718
PUBLIC SERVICE ACTIVITIES	(933.75)	(594.53)

SECTION 46

**P210-SOUTH CAROLINA STATE UNIVERSITY - PUBLIC
SERVICE ACTIVITIES**

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
CLASSIFIED POSITIONS	92,992	58,024
	(4.00)	(1.75)
UNCLASSIFIED POSITIONS	384,837	132,837
	(5.00)	(1.25)
OTHER PERSONAL SERVICES	73,787	
OTHER OPERATING EXPENSES	617,925	95,106
TOTAL I. ADMINISTRATION	1,169,541	285,967
	(9.00)	(3.00)
II. RESEARCH & EXTENSION		
CLASSIFIED POSITIONS	1,392,973	712,248
	(33.00)	(12.00)
UNCLASSIFIED POSITIONS	1,226,612	721,105
	(32.00)	(9.00)
OTHER PERSONAL SERVICES	875,143	

**P210-SOUTH CAROLINA STATE UNIVERSITY - PUBLIC
SERVICE ACTIVITIES**

	TOTAL FUNDS	GENERAL FUNDS
OTHER OPERATING EXPENSES	6,488,576	4,495,235
TOTAL II. RESEARCH & EXTENSION	9,983,304 (65.00)	5,928,588 (21.00)
 III. AGRICULTURE INNOVATION RESEARCH		
OTHER PERSONAL SERVICES	214,000	214,000
OTHER OPERATING EXPENSES	215,931	215,931
TOTAL III. AGRICULTURE INNOVATION RESEARCH	429,931	429,931
 IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,677,060	1,114,955
TOT IV. EMPLOYEE BENEFITS	1,677,060	1,114,955
 TOT SOUTH CAROLINA ST UNIV - PUBLIC SERVICE ACTIVITIES	 13,259,836 (74.00)	 7,759,441 (24.00)

SECTION 47

P240-DEPARTMENT OF NATURAL RESOURCES

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	167,499	167,499
	(1.00)	(1.00)
CLASSIFIED POSITIONS	3,277,976	1,733,159
	(47.17)	(25.50)
NEW POSITIONS -		
GRANTS ADMINISTRATOR I	(1.00)	
NEW POSITIONS -		
PROCUREMENT SPECIALIST II	(1.00)	
UNCLASSIFIED POSITIONS	397,351	300,830
	(2.00)	(1.00)
OTHER PERSONAL SERVICES	33,811	
OTHER OPERATING EXPENSES	2,809,881	2,290,881
TOTAL I. ADMINISTRATION	6,686,518 (52.17)	4,492,369 (27.50)

P240-DEPARTMENT OF NATURAL RESOURCES

TOTAL FUNDS _____ GENERAL FUNDS

II. PROGRAMS AND SERVICES**A. CONSERVATION EDUCATION****1. OUTREACH PROGRAMS**

CLASSIFIED POSITIONS	959,389	793,619
	(21.60)	(17.60)
UNCLASSIFIED POSITIONS	92,266	
OTHER PERSONAL SERVICES	36,895	36,895
OTHER OPERATING EXPENSES	674,900	636,150
TOT 1. OUTREACH PROGRAMS	1,763,450	1,466,664
	(21.60)	(17.60)

2. MAGAZINE

CLASSIFIED POSITIONS	271,828	
	(3.15)	
OTHER OPERATING EXPENSES	644,176	
TOTAL 2. MAGAZINE	916,004	
	(3.15)	

3. WEB SERVICES AND TECHNOLOGY DEVELOPMENT

CLASSIFIED POSITIONS	2,182,968	1,402,031
	(24.18)	(18.83)
OTHER PERSONAL SERVICES	11,078	
OTHER OPERATING EXPENSES	2,295,866	1,560,144
TOTAL 3. WEB SERVICES AND TECHNOLOGY DVLPMNT	4,489,912	2,962,175
	(24.18)	(18.83)

TOTAL A. CONSERVATION EDUCATION	7,169,366	4,428,839
	(48.93)	(36.43)

B. TITLING & LICENSING SRVCS**1. BOAT TITLING & REGISTRATION**

CLASSIFIED POSITIONS	977,102	181,082
	(37.00)	(5.00)
OTHER PERSONAL SERVICES	46,000	
OTHER OPERATING EXPENSES	380,312	88,712
TOTAL 1. BOAT TITLING & REGISTRATION	1,403,414	269,794
	(37.00)	(5.00)

P240-DEPARTMENT OF NATURAL RESOURCES

TOTAL FUNDS _____ GENERAL FUNDS

**2. FISHING & HUNTING
LICENSES**

CLASSIFIED POSITIONS	383,491	
	(8.60)	
OTHER PERSONAL SERVICES	44,887	
OTHER OPERATING EXPENSES	2,809,730	
TOTAL 2. FISHING & HUNTING LICENSES	3,238,108	
	(8.60)	

TOTAL B. TITLING & LICENSING SERVICES	4,641,522	269,794
	(45.60)	(5.00)

C. REGIONAL PROJECTS**1. BOATING ACCESS**

CLASSIFIED POSITIONS	409,452	
	(6.00)	
NEW POSITIONS -	67,323	67,323
BUILDING/GROUNGS MANAGER	(1.00)	(1.00)
OTHER PERSONAL SERVICES	20,801	
OTHER OPERATING EXPENSES	2,062,170	17,920
ALLOC MUNICIPALITIES	75,000	
- RESTRICTED		
ALLOC COUNTIES - RESTRICTED	125,000	
ALLOC OTHER ENTITIES	35,000	
TOTAL 1. BOATING ACCESS	2,794,746	85,243
	(7.00)	(1.00)

**2. COUNTY WATER
RECREATION FUND**

OTHER OPERATING EXPENSES	263,000	
ALLOC MUNICIPALITIES	531,000	
- RESTRICTED		
ALLOC COUNTIES - RESTRICTED	825,000	
ALLOC OTHER ENTITIES	25,000	
TOTAL 2. COUNTY WATER RECREATION FUND	1,644,000	

3. COUNTY GAME & FISH FUND

OTHER PERSONAL SERVICES	5,583	
OTHER OPERATING EXPENSES	425,000	

P240-DEPARTMENT OF NATURAL RESOURCES

	TOTAL FUNDS	GENERAL FUNDS
ALLOC COUNTIES - RESTRICTED	125,000	
TOTAL 3. COUNTY GAME & FISH FUND	555,583	
TOT C. REGIONAL PROJECTS	4,994,329	85,243
	(7.00)	(1.00)
D. WILDLIFE & FRESHWATER FISHERIES		
1. WILDLIFE OPERATIONS		
CLASSIFIED POSITIONS	4,799,319	344,793
	(118.96)	(10.00)
UNCLASSIFIED POSITIONS	127,139	
	(1.00)	
OTHER PERSONAL SERVICES	412,672	50,000
OTHER OPERATING EXPENSES	15,225,010	3,205,557
ALLOC OTHER ST AGENCIES	600,000	500,000
ALLOC OTHER ENTITIES	150,000	
TOTAL 1. WILDLIFE OPERATIONS	21,314,140	4,100,350
	(119.96)	(10.00)
2. WILDLIFE-STATEWIDE OPERATIONS		
CLASSIFIED POSITIONS	1,692,092	179,107
	(29.40)	(3.50)
OTHER PERSONAL SERVICES	344,245	
OTHER OPERATING EXPENSES	2,163,883	332,155
ALLOC OTHER ENTITIES	95,000	
TOTAL 2. WILDLIFE- STATEWIDE OPERATIONS	4,295,220	511,262
	(29.40)	(3.50)
3. FISHERIES-REGIONAL OPERATIONS		
CLASSIFIED POSITIONS	2,429,437	356,742
	(49.34)	(7.00)
OTHER PERSONAL SERVICES	749,194	
OTHER OPERATING EXPENSES	3,135,724	616,680
ALLOC OTHER ENTITIES	75,000	
TOTAL 3. FISHERIES- REGIONAL OPERATIONS	6,389,355	973,422
	(49.34)	(7.00)

P240-DEPARTMENT OF NATURAL RESOURCES

	TOTAL FUNDS	GENERAL FUNDS
4. FISHERIES-HATCHERY OPERATIONS		
CLASSIFIED POSITIONS	1,492,724	306,704
	(37.50)	(7.00)
OTHER PERSONAL SERVICES	255,348	
OTHER OPERATING EXPENSES	2,984,493	1,323,491
TOTAL 4. FISHERIES-HATCHERY OPERATIONS	4,732,565	1,630,195
	(37.50)	(7.00)
TOTAL D. WILDLIFE & FRESHWATER FISHERIES	36,731,280	7,215,229
	(236.20)	(27.50)
E. LAW ENFORCEMENT		
1. CONSERVATION ENFORCEMENT		
CLASSIFIED POSITIONS	21,536,276	20,008,137
	(320.14)	(296.40)
NEW POSITIONS - LAW ENFORCEMENT OFFICER II	1,590,000	1,590,000
	(30.00)	(30.00)
NEW POSITIONS - LAW ENFORCEMENT OFFICER III	229,089	229,089
	(3.00)	(3.00)
NEW POSITIONS - LAW ENFORCEMENT OFFICER IV	417,456	417,456
	(4.00)	(4.00)
UNCLASSIFIED POSITIONS	154,133	154,133
OTHER PERSONAL SERVICES	1,231,127	960,367
OTHER OPERATING EXPENSES	11,770,584	7,115,314
TOTAL 1. CONSERVATION ENFORCEMENT	36,928,665	30,474,496
	(357.14)	(333.40)
2. BOATING SAFETY		
CLASSIFIED POSITIONS	1,278,105	
	(24.00)	
OTHER OPERATING EXPENSES	1,998,454	
TOTAL 2. BOATING SAFETY	3,276,559	
	(24.00)	
3. HUNTER SAFETY		
CLASSIFIED POSITIONS	1,155,665	
	(18.75)	

P240-DEPARTMENT OF NATURAL RESOURCES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
NEW POSITIONS - LAW	215,868	
ENFORCEMENT OFFICER III	(3.00)	
OTHER PERSONAL SERVICES	228,000	
OTHER OPERATING EXPENSES	2,503,384	
TOTAL 3. HUNTER SAFETY	4,102,917	
	(21.75)	
 TOT E. LAW ENFORCEMENT	 44,308,141	 30,474,496
	(402.89)	(333.40)
 F. MARINE RESOURCES		
1. MARINE CONSERVATION & MANAGEMENT		
CLASSIFIED POSITIONS	3,679,356	1,499,316
	(90.44)	(23.02)
UNCLASSIFIED POSITIONS	203,670	105,169
	(1.55)	(0.60)
OTHER PERSONAL SERVICES	415,811	10,000
OTHER OPERATING EXPENSES	6,367,034	860,845
ATLANTIC MARINE FISH COMM	46,000	
ALLOC OTHER ENTITIES	271,500	
TOT 1. MARINE CONSERV & MANAGEMENT	10,983,371	2,475,330
	(91.99)	(23.62)
 2. MARINE RESEARCH & MONITORING		
CLASSIFIED POSITIONS	1,879,198	302,718
	(71.04)	(4.00)
UNCLASSIFIED POSITIONS	778,129	426,082
	(14.45)	(3.90)
OTHER PERSONAL SERVICES	735,553	10,000
OTHER OPERATING EXPENSES	2,998,619	487,828
ALLOC OTHER ENTITIES	913,756	
TOTAL 2. MARINE RESEARCH & MONITORING	7,305,255	1,226,628
	(85.49)	(7.90)
 TOT F. MARINE RESOURCES	 18,288,626	 3,701,958
	(177.48)	(31.52)

P240-DEPARTMENT OF NATURAL RESOURCES

TOTAL FUNDS _____ GENERAL FUNDS

**G. LAND, WATER &
CONSERVATION****1. EARTH SCIENCE**

CLASSIFIED POSITIONS	1,898,830	1,484,355
	(33.66)	(21.32)
NEW POSITIONS -	75,100	75,100
GEOLOGIST/HYDROLOGIST I	(2.00)	(2.00)
UNCLASSIFIED POSITIONS	164,311	164,311
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	60,000	
OTHER OPERATING EXPENSES	2,059,522	1,529,522
ALLOC OTHER ENTITIES	120,000	
TOTAL 1. EARTH SCIENCE	4,377,763	3,253,288
	(36.66)	(24.32)

2. CONSERVATION

CLASSIFIED POSITIONS	837,026	402,549
	(22.39)	(8.89)
OTHER PERSONAL SERVICES	3,000	
OTHER OPERATING EXPENSES	2,339,152	254,052
ALLOC MUNICIPALITIES	250,000	
- RESTRICTED		
ALLOC COUNTIES - RESTRICTED	250,500	
ALLOC OTHER ENTITIES	30,000	
AID TO CONSERVATION DISTRICTS	1,150,000	1,150,000
TOTAL 2. CONSERVATION	4,859,678	1,806,601
	(22.39)	(8.89)

3. HERITAGE TRUST

CLASSIFIED POSITIONS	2,238,778	
	(28.66)	
OTHER PERSONAL SERVICES	434,863	
OTHER OPERATING EXPENSES	2,332,666	188,709
TOTAL 3. HERITAGE TRUST	5,006,307	188,709
	(28.66)	

4. ENVIRONMENTAL REVIEW

CLASSIFIED POSITIONS	331,815	
	(4.50)	
OTHER OPERATING EXPENSES	131,340	35,840

P240-DEPARTMENT OF NATURAL RESOURCES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL 4. ENVIRONMENTAL REVIEW	463,155 (4.50)	35,840
TOTAL G. LAND, WATER & CONSERVATION	14,706,903 (92.21)	5,284,438 (33.21)
TOTAL II. PROGRAMS AND SERVICES	130,840,167 (1,010.31)	51,459,997 (468.06)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	26,189,309	14,518,047
TOT III. EMPLOYEE BENEFITS	26,189,309	14,518,047
TOTAL DEPARTMENT OF NATURAL RESOURCES	163,715,994 (1,062.48)	70,470,413 (495.56)

SECTION 48
P260-SEA GRANT CONSORTIUM

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	110,000	110,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,036,335	459,671
	(18.00)	(8.75)
OTHER PERSONAL SERVICES	174,636	
OTHER OPERATING EXPENSES	880,036	246,528
ALLOC OTHER STATE AGENCIES	1,600,000	
ALLOC OTHER ENTITIES	1,630,000	30,000
ALLOC PRIVATE SECTOR	200,000	
TOTAL I. ADMINISTRATION	5,631,007 (19.00)	846,199 (9.75)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	447,676	232,484
TOT II. EMPLOYEE BENEFITS	447,676	232,484
TOT SEA GRANT CONSORTIUM	6,078,683 (19.00)	1,078,683 (9.75)

SECTION 49
P280-DEPARTMENT OF PARKS,
RECREATION & TOURISM

TOTAL FUNDS GENERAL FUNDS

I. ADMINISTRATION**A. EXECUTIVE OFFICES**

DIRECTOR	149,008	149,008
	(1.00)	(1.00)
CLASSIFIED POSITIONS	591,939	591,939
	(7.00)	(7.00)
UNCLASSIFIED POSITIONS	149,196	149,196
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	200,000	200,000
OTHER OPERATING EXPENSES	108,414	108,414
TOT A. EXECUTIVE OFFICES	1,198,557	1,198,557
	(10.00)	(10.00)

B. ADMINISTRATIVE SERVICES

CLASSIFIED POSITIONS	1,525,042	1,500,042
	(23.00)	(23.00)
NEW POSITIONS -	45,387	45,387
ACCOUNTANT/FISCAL ANALYST	(1.00)	(1.00)
NEW POSITIONS - IT	74,613	74,613
SECURITY SPEC/ANALYST II	(1.00)	(1.00)
OTHER PERSONAL SERVICES	368,343	368,343
OTHER OPERATING EXPENSES	1,869,151	1,859,151
FIRST IN GOLF	75,000	
PALMETTO TRAIL	300,000	300,000
PARD GRANTS	1,592,000	
SPORTS DEVELOPMENT FUND	50,000	
TOTAL B.	5,899,536	4,147,536
ADMINISTRATIVE SERVICES	(25.00)	(25.00)

TOTAL I. ADMINISTRATION	7,098,093	5,346,093
	(35.00)	(35.00)

II. PROGRAMS AND SERVICES**A. TOURISM SALES & MKTING**

CLASSIFIED POSITIONS	718,282	718,282
	(11.00)	(11.00)
OTHER PERSONAL SERVICES	5,000	5,000

STATUTES AT LARGE
General and Permanent Laws--2023
P280-DEPARTMENT OF PARKS,
RECREATION & TOURISM

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	88,800	88,800
ADVERTISING	15,014,793	13,214,793
DESTINATION-SPECIFIC ADVERTISING	14,000,000	14,000,000
REGIONAL PROMOTIONS	4,125,000	4,125,000
SPORTS MKTING GRANT PROG	2,000,000	2,000,000
TOTAL A. TOURISM	35,951,875	34,151,875
SALES & MARKETING	(11.00)	(11.00)
 B. WELCOME CENTERS		
CLASSIFIED POSITIONS	1,963,338	1,351,116
	(58.00)	(39.00)
OTHER PERSONAL SERVICES	267,771	195,000
OTHER OPERATING EXPENSES	4,832,447	111,200
TOTAL B. WELCOME CENTERS	7,063,556	1,657,316
	(58.00)	(39.00)
 C. STATE PARKS SERVICE		
CLASSIFIED POSITIONS	12,499,944	3,049,941
	(318.50)	(105.25)
NEW POSITIONS -	120,352	
ADMINISTRATIVE ASSISTANT	(4.00)	
NEW POSITIONS -	26,393	
ADMIN SPECIALIST I	(1.00)	
NEW POSITIONS -	27,976	
BLDING/GROUNDS SPECIALIST III	(1.00)	
NEW POSITIONS -	58,122	
BLDING/GROUNDS SUPERVISOR I	(2.00)	
NEW POSITIONS -	55,000	
GIS MANAGER I	(1.00)	
NEW POSITIONS -	50,000	
INSTRUCTOR/TRAINING COORD I	(1.00)	
NEW POSITIONS -	43,658	
PARK MANAGER I	(1.00)	
NEW POSITIONS -	52,786	
PARK TECHNICIAN	(2.00)	
OTHER PERSONAL SERVICES	5,000,000	

OF SOUTH CAROLINA
General and Permanent Laws--2023
P280-DEPARTMENT OF PARKS,
RECREATION & TOURISM

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERA EXPENSES	26,550,955	1,200,000
TOT C. STATE PARKS SRVC	44,485,186	4,249,941
	(331.50)	(105.25)
 D. COMMUNICATIONS		
CLASSIFIED POSITIONS	96,083	96,083
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	18,000	18,000
TOTAL D. COMMUNICATIONS	114,083	114,083
	(1.00)	(1.00)
 E. RESEARCH		
CLASSIFIED POSITIONS	161,994	161,994
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	20,000	20,000
OTHER OPERATING EXPENSES	20,000	20,000
TOTAL E. RESEARCH	201,994	201,994
	(2.00)	(2.00)
 F. STATE FILM OFFICE		
CLASSIFIED POSITIONS	177,872	
	(2.00)	
OTHER OPERATING EXPENSES	360,000	
ALLOC PRIVATE SECTOR	24,393,767	
TOT F. STATE FILM OFFICE	24,931,639	
	(2.00)	
 G. RECREATION, GRANTS & POLICY		
CLASSIFIED POSITIONS	279,349	225,349
	(3.00)	(3.00)
OTHER OPERATING EXPENSES	121,980	25,000
PARD GRANTS	2,000,000	500,000
SPORTS MKTING GRANT PROG	500,000	500,000
UNDISCOVERED SOUTH	500,000	500,000
CAROLINA GRANTS		
ALLOC MUNICIPALITIES	1,504,000	
- RESTRICTED		
ALLOC CNTIES - RESTRICTED	1,467,000	

STATUTES AT LARGE
General and Permanent Laws--2023
P280-DEPARTMENT OF PARKS,
RECREATION & TOURISM

	TOTAL FUNDS	GENERAL FUNDS
ALLOC OTHER ST AGENCIES	478,600	
ALLOC OTHER ENTITIES	878,530	
TOTAL G. RECREATION,	7,729,459	1,750,349
GRANTS & POLICY	(3.00)	(3.00)
 H. VENUES AT ARSENAL HILL		
CLASSIFIED POSITIONS	135,000	100,000
	(3.50)	(2.50)
OTHER OPERATING EXPENSES	347,000	60,000
TOTAL H. VENUES	482,000	160,000
AT ARSENAL HILL	(3.50)	(2.50)
 TOTAL II. PROGRAMS	 120,959,792	 42,285,558
AND SERVICES	(412.00)	(163.75)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	10,498,628	4,341,157
TOT III. EMPLOYEE BENEFITS	10,498,628	4,341,157
 TOT DPTMNT OF PARKS,	 138,556,513	 51,972,808
RECREATION & TOURISM	(447.00)	(198.75)

SECTION 50
P320-DEPARTMENT OF COMMERCE

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION & SUPPORT		
A. OFFICE OF SECRETARY		
DIRECTOR	252,000	252,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	222,000	222,000
	(3.00)	(3.00)
UNCLASSIFIED POSITIONS	155,000	155,000
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	113,000	113,000
TOT A. OFFICE OF SECRETARY	742,000	742,000
	(5.00)	(5.00)

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P320-DEPARTMENT OF COMMERCE

	TOTAL FUNDS	GENERAL FUNDS
B. FINANCIAL SERVICES		
CLASSIFIED POSITIONS	584,000	584,000
	(8.21)	(8.21)
NEW POSITIONS -	50,000	50,000
PROGRAM COORDINATOR I	(1.00)	(1.00)
OTHER PERSONAL SERVICES	5,000	5,000
OTHER OPERATING EXPENSES	360,000	185,000
TOT B. FINANCIAL SERVICES	999,000	824,000
	(9.21)	(9.21)
C. INFORMATION TECHNOLOGY		
CLASSIFIED POSITIONS	309,000	184,000
	(4.00)	(2.50)
OTHER OPERATING EXPENSES	235,000	106,000
TOTAL C.	544,000	290,000
INFORMATION TECHNOLOGY	(4.00)	(2.50)
TOTAL I. ADMIN & SUPPORT	2,285,000	1,856,000
	(18.21)	(16.71)
II. PROGRAMS AND SERVICES		
A. GLOBAL BUSINESS DVLPMNT		
CLASSIFIED POSITIONS	1,225,500	1,126,000
	(19.00)	(18.00)
NEW POSITIONS - ECONOMIC	70,000	70,000
DEVELOPMENT OFFICER I	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	139,000	139,000
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	100,000	100,000
OTHER OPERATING EXPENSES	1,892,000	1,867,000
LOCAL ECONOMIC	5,000,000	5,000,000
DEVELOPMENT ALLIANCES		
LOCATESC	9,000,000	9,000,000
PUBLIC-PRIVATE PARTNERSHIPS	101,065	101,065
TOTAL A. GLOBAL	17,527,565	17,403,065
BUSINESS DEVELOPMENT	(22.00)	(21.00)

STATUTES AT LARGE
General and Permanent Laws--2023
P320-DEPARTMENT OF COMMERCE

	TOTAL FUNDS	GENERAL FUNDS
B. SMALL BUSINESS/EXISTING INDUSTRY		
CLASSIFIED POSITIONS	1,031,000	850,000
	(13.00)	(10.80)
NEW POSITIONS -	56,000	56,000
PROGRAM COORDINATOR II	(1.00)	(1.00)
OTHER PERSONAL SERVICES	180,000	170,000
OTHER OPERATING EXPENSES	428,000	260,000
COUNCIL ON COMPETITIVENESS	250,000	250,000
PROCUREMENT TECHN ASSIST	170,000	170,000
PROGRAM (PTAP)		
SC SMALL BUSINESS	1,000,000	1,000,000
DEVELOPMENT CENTERS		
ALLOC PRIVATE SECTOR	425,000	125,000
TOTAL B. SMALL	3,540,000	2,881,000
BUSINESS/EXISTING INDUSTRY	(14.00)	(11.80)
 C. COMMUNITY & RURAL DEVELOPMENT		
CLASSIFIED POSITIONS	557,000	155,000
	(6.00)	(2.00)
OTHER PERSONAL SERVICES	50,000	
OTHER OPERATING EXPENSES	280,000	35,000
TOTAL C. COMMUNITY	887,000	190,000
& RURAL DEVELOPMENT	(6.00)	(2.00)
 D. MKTG, COMMUNICATIONS & RESEARCH		
CLASSIFIED POSITIONS	733,000	733,000
	(14.00)	(14.00)
NEW POSITIONS -	90,000	90,000
PROGRAM MANAGER II	(1.00)	(1.00)
NEW POSITIONS -	70,000	70,000
SENIOR CONSULTANT	(1.00)	(1.00)
NEW POSITIONS - STATISTICAL	100,000	100,000
AND RESEARCH ANALYST III	(2.00)	(2.00)
OTHER PERSONAL SERVICES	25,000	25,000
OTHER OPERATING EXPENSES	283,000	283,000
BUSINESS DEVELOPMENT	1,000,000	1,000,000
& MARKETING		

OF SOUTH CAROLINA
General and Permanent Laws--2023
P320-DEPARTMENT OF COMMERCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
SC MANUFACTURING	1,782,049	1,782,049
EXTENSION PARTNERSHIP		
TOTAL D. MKTG,	4,083,049	4,083,049
COMMUNICATIONS & RESRCH	(18.00)	(18.00)
E. GRANT PROGRAMS		
1. COORD COUNCIL ECO DEVELOP		
CLASSIFIED POSITIONS	514,000	
	(8.00)	
UNCLASSIFIED POSITIONS	149,750	
	(1.00)	
OTHER PERSONAL SERVICES	16,250	
OTHER OPERATING EXPENSES	217,000	
CLOSING FUND	21,300,000	21,300,000
ALLOC MUNICIPALITIES	4,000,000	
- RESTRICTED		
ALLOC CNTIES - RESTRICTED	46,266,000	
TOTAL 1. COORD	72,463,000	21,300,000
COUNCIL ECO DEVELOP	(9.00)	
2. COMMUNITY GRANTS		
CLASSIFIED POSITIONS	713,000	235,000
	(10.89)	(3.00)
OTHER PERSONAL SERVICES	50,000	25,000
OTHER OPERATING EXPENSES	465,000	215,000
ALLOC MUNICIPALITIES	14,850,000	
- RESTRICTED		
ALLOC CNTIES - RESTRICTED	4,469,015	
TOT 2. COMMUNITY GRANTS	20,547,015	475,000
	(10.89)	(3.00)
TOTAL E. GRANT PROGRAMS	93,010,015	21,775,000
	(19.89)	(3.00)
F. REGIONAL EDUCATION CENTERS		
CLASSIFIED POSITIONS	417,000	370,000
	(17.00)	(5.00)
OTHER PERSONAL SERVICES	5,000	5,000

STATUTES AT LARGE
General and Permanent Laws--2023
P320-DEPARTMENT OF COMMERCE

	TOTAL FUNDS	GENERAL FUNDS
OTHER OPERATING EXPENSES	790,000	415,000
APPLIED RESEARCH CENTERS	2,500,000	2,500,000
TOTAL F. REGIONAL	3,712,000	3,290,000
EDUCATION CENTERS	(17.00)	(5.00)
 G. INNOVATION/EMERGING INDUSTRIES		
CLASSIFIED POSITIONS	286,000	286,000
	(5.00)	(5.00)
OTHER PERSONAL SERVICES	5,000	5,000
OTHER OPERATING EXPENSES	176,500	176,500
INNOVATION GRANT PROGRAM	2,500,000	2,500,000
TOTAL G. INNOVATION	2,967,500	2,967,500
/EMERGING INDUSTRIES	(5.00)	(5.00)
 TOTAL II. PROGRAMS	 125,727,129	 52,589,614
AND SERVICES	(101.89)	(65.80)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	3,201,427	2,350,427
TOT III. EMPLOYEE BENEFITS	3,201,427	2,350,427
 TOTAL DEPARTMENT OF	 131,213,556	 56,796,041
COMMERCE	(120.10)	(82.51)

SECTION 51
P340-JOBS-ECONOMIC DEVELOPMENT AUTHORITY

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	110,000	
	(1.00)	
OTHER PERSONAL SERVICES	260,000	
OTHER OPERATING EXPENSES	618,500	
TOTAL I. ADMINISTRATION	988,500	
	(1.00)	
 II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	52,650	

P340-JOBS-ECONOMIC DEVELOPMENT AUTHORITY

TOTAL FUNDS _____ GENERAL FUNDS

TOTAL II. EMPLOYEE BENEFITS	52,650
TOTAL JOBS-ECONOMIC DEVELOPMENT AUTHORITY	1,041,150 (1.00)

SECTION 52**P360-PATRIOTS POINT DEVELOPMENT AUTHORITY**

TOTAL FUNDS _____ GENERAL FUNDS

I. NAVAL & MARITIME MUSEUM	
EXECUTIVE DIRECTOR	115,376 (1.00)
CLASSIFIED POSITIONS	3,453,624 (86.00)
OTHER PERSONAL SERVICES	1,004,000
OTHER OPERATING EXPENSES	7,806,000
PRINCIPAL PAYMENTS	700,000
INTEREST - LOAN NOTE	171,000
TOTAL I. NAVAL & MARITIME MUSEUM	13,250,000 (87.00)
II. EMPLOYEE BENEFITS	
EMPLOYER CONTRIBUTIONS	1,750,000
TOT II. EMPLOYEE BENEFITS	1,750,000
TOTAL PATRIOTS POINT DEVELOPMENT AUTHORITY	15,000,000 (87.00)

SECTION 53**P400-SC CONSERVATION BANK**

TOTAL FUNDS _____ GENERAL FUNDS

I. ADMINISTRATION		
DIRECTOR	136,772 (1.00)	136,772 (1.00)
CLASSIFIED POSITIONS	107,665 (4.00)	107,665 (4.00)

STATUTES AT LARGE
General and Permanent Laws--2023
P400-SC CONSERVATION BANK

	TOTAL FUNDS	GENERAL FUNDS
OTHER OPERATING EXPENSES	248,096	248,096
CONSERVATION BANK TRUST	11,500,000	11,500,000
NATL COASTAL WETLANDS CONSERVATION GRANT	10,000,000	
SAVANNAH HARBOR EXTENSION PROJECT	5,000,000	
TOT I. ADMINISTRATION	26,992,533	11,992,533
	(5.00)	(5.00)
 II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	101,982	101,982
TOTAL II. EMPLOYEE BENEFITS	101,982	101,982
 TOT SC CONSERVATION BANK	 27,094,515	 12,094,515
	(5.00)	(5.00)

SECTION 54
P450-RURAL INFRASTRUCTURE AUTHORITY

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR	180,000	
	(1.00)	
CLASSIFIED POSITIONS	625,000	
	(9.00)	
OTHER PERSONAL SERVICES	5,000	
OTHER OPERATING EXPENSES	210,000	
TOTAL I. ADMINISTRATION	1,020,000	
	(10.00)	
 II. SC RURAL INFRASTRUCTURE AUTHORITY		
PLANNING AND TECH ASST - SMALL & RURAL UTILITIES	5,000,000	5,000,000
SC RURAL INFRASTRUC FUND	27,870,056	7,870,056
STWIDE WATER AND SEWER FD	8,000,000	8,000,000
TOT II. SC RURAL INFRASTRUC AUTHORITY	40,870,056	20,870,056

P450-RURAL INFRASTRUCTURE AUTHORITY

	TOTAL FUNDS	GENERAL FUNDS
III. OFFICE OF LOCAL GOVERNMENT		
CLASSIFIED POSITIONS	340,000	
	(6.00)	
NEW POSITIONS -	60,000	
ACCOUNTANT/FIS ANALYST III	(1.00)	
OTHER PERSONAL SERVICES	10,000	
OTHER OPERATING EXPENSES	286,000	
LOANS	6,865,600	6,165,600
TOTAL III. OFFICE OF LOCAL GOVERNMENT	7,561,600	6,165,600
	(7.00)	
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	498,000	
TOT IV. EMPLOYEE BENEFITS	498,000	
TOTAL RURAL INFRASTRUC AUTHORITY	49,949,656	27,035,656
	(17.00)	

SECTION 57
B040-JUDICIAL DEPARTMENT

	TOTAL FUNDS	GENERAL FUNDS
I. THE COURT:		
A. SUPREME COURT		
CHIEF JUSTICE	223,988	223,988
	(1.00)	(1.00)
ASSOCIATE JUSTICE	853,285	853,285
	(4.00)	(4.00)
TAXABLE SUBSISTENCE	30,000	30,000
UNCLASSIFIED POSITIONS	2,468,900	2,468,900
	(50.00)	(47.00)
OTHER PERSONAL SERVICES	10,000	10,000
OTHER OPERATING EXPENSES	1,907,500	1,457,500
TOTAL A. SUPREME COURT	5,493,673	5,043,673
	(55.00)	(52.00)

STATUTES AT LARGE
General and Permanent Laws--2023
B040-JUDICIAL DEPARTMENT

	TOTAL FUNDS	GENERAL FUNDS
B. BOARD OF LAW EXAMINERS		
UNCLASSIFIED POSITIONS	314,000	
	(5.00)	
OTHER PERSONAL SERVICES	151,000	
OTHER OPERATING EXPENSES	405,000	
TOTAL B. BOARD	870,000	
OF LAW EXAMINERS	(5.00)	
 C. OFFICE OF DISCIPLINARY COUNSEL		
UNCLASSIFIED POSITIONS	2,012,500	1,012,500
	(16.00)	(7.00)
OTHER OPERATING EXPENSES	125,000	
TOTAL C. OFFICE	2,137,500	1,012,500
OF DISCIPLINARY COUNSEL	(16.00)	(7.00)
 D. COMMISSION ON CONDUCT		
UNCLASSIFIED POSITIONS	934,000	517,500
	(12.00)	(4.00)
OTHER PERSONAL SERVICES	2,000	
OTHER OPERATING EXPENSES	150,000	
TOTAL D. COMMISSION	1,086,000	517,500
ON CONDUCT	(12.00)	(4.00)
 TOTAL I. THE COURT:	 9,587,173	 6,573,673
	(88.00)	(63.00)
 II. COURT OF APPEALS		
CHIEF APPEALS COURT JUDGE	211,187	211,187
	(1.00)	(1.00)
ASSOC APPEALS COURT JUDGE	1,663,903	1,663,903
	(8.00)	(8.00)
TAXABLE SUBSISTENCE	60,000	60,000
UNCLASSIFIED POSITIONS	3,827,923	3,753,423
	(70.00)	(67.00)
OTHER PERSONAL SERVICES	10,000	10,000
OTHER OPERATING EXPENSES	1,262,600	874,600
TOTAL II. COURT OF APPEALS	7,035,613	6,573,113
	(79.00)	(76.00)

	TOTAL FUNDS	GENERAL FUNDS
III. CIRCUIT COURT		
NEW JUDGE	771,074	771,074
	(4.00)	(4.00)
CIRCUIT COURT JUDGE	9,930,112	9,930,112
	(49.00)	(49.00)
TAXABLE SUBSISTENCE	350,000	350,000
UNCLASSIFIED POSITIONS	5,579,500	4,632,500
	(124.00)	(98.00)
NEW POSITIONS -	141,869	141,869
ADMINISTRATIVE ASSISTANT	(4.00)	(4.00)
NEW POSITIONS -	228,293	228,293
COURT REPORTER I	(4.00)	(4.00)
NEW POSITIONS - LAW CLERK	228,293	228,293
	(4.00)	(4.00)
OTHER PERSONAL SERVICES	80,000	40,000
OTHER OPERATING EXPENSES	1,695,241	1,245,241
TOTAL III. CIRCUIT COURT	19,004,382	17,567,382
	(189.00)	(163.00)
IV. FAMILY COURT		
NEW JUDGE	563,087	563,087
	(3.00)	(3.00)
FAMILY COURT JUDGE	11,822,888	11,822,888
	(60.00)	(60.00)
TAXABLE SUBSISTENCE	450,000	450,000
UNCLASSIFIED POSITIONS	2,812,000	2,812,000
	(61.00)	(61.00)
NEW POSITIONS -	106,402	106,402
ADMINISTRATIVE ASSISTANT	(3.00)	(3.00)
NEW POSITIONS -	171,220	171,220
COURT REPORTER I	(3.00)	(3.00)
OTHER PERSONAL SERVICES	25,000	25,000
OTHER OPERATING EXPENSES	1,341,771	1,201,771
TOTAL IV. FAMILY COURT	17,292,368	17,152,368
	(130.00)	(130.00)
V. REACTIVATED JUDGES		
REACTIVATED JUDGES	500,000	500,000
TOT V. REACTIVATED JUDGES	500,000	500,000

STATUTES AT LARGE
General and Permanent Laws--2023
B040-JUDICIAL DEPARTMENT

	TOTAL FUNDS	GENERAL FUNDS
VI. COURT ADMINISTRATION		
A. OFFICE OF STATE COURT ADMINISTRATOR		
UNCLASSIFIED POSITIONS	1,545,000	1,145,000
	(18.00)	(18.00)
OTHER OPERATING EXPENSES	1,387,500	1,210,000
TOTAL A. OFFICE OF STATE COURT ADMINISTRATOR	2,932,500	2,355,000
	(18.00)	(18.00)
B. COURT SERVICES		
1. COURT SERVICES		
UNCLASSIFIED POSITIONS	2,553,650	1,680,650
	(15.00)	(15.00)
OTHER OPERATING EXPENSES	2,230,893	675,000
TOTAL 1. COURT SERVICES	4,784,543	2,355,650
	(15.00)	(15.00)
2. LANGUAGE INTERPRETERS		
OTHER OPERATING EXPENSES	440,000	440,000
TOTAL 2. LANGUAGE INTERPRETERS	440,000	440,000
3. COURT REPORTING		
UNCLASSIFIED POSITIONS	6,698,750	5,698,750
	(128.00)	(128.00)
OTHER OPERATING EXPENSES	978,000	950,000
TOTAL 3. COURT REPORTING	7,676,750	6,648,750
	(128.00)	(128.00)
TOTAL B. COURT SERVICES	12,901,293	9,444,400
	(143.00)	(143.00)
C. JUDGE SCHEDULING		
UNCLASSIFIED POSITIONS	388,996	263,996
	(4.00)	(4.00)
OTHER OPERATING EXPENSES	26,000	
TOTAL C. JUDGE SCHEDULING	414,996	263,996
	(4.00)	(4.00)

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	TOTAL FUNDS	GENERAL FUNDS
D. PUBLIC INFORMATION		
UNCLASSIFIED POSITIONS	98,500	98,500
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	26,000	
TOT D. PUBLIC INFORMATION	124,500	98,500
	(1.00)	(1.00)
E. INFORMATION TECHNOLOGY		
UNCLASSIFIED POSITIONS	3,735,330	1,115,330
	(16.00)	(16.00)
OTHER PERSONAL SERVICES	12,000	
OTHER OPERATING EXPENSES	5,445,050	2,505,000
CASE MGMNT TECH SUPPORT	3,000,000	
TOTAL E.	12,192,380	3,620,330
INFORMATION TECHNOLOGY	(16.00)	(16.00)
F. FISCAL SERVICES		
UNCLASSIFIED POSITIONS	1,547,324	849,824
	(10.00)	(10.00)
OTHER OPERATING EXPENSES	181,450	5,000
TOTAL F. FISCAL SERVICES	1,728,774	854,824
	(10.00)	(10.00)
G. HUMAN RESOURCES		
UNCLASSIFIED POSITIONS	1,443,000	803,000
	(11.00)	(11.00)
OTHER OPERATING EXPENSES	55,000	5,000
TOTAL G. HUMAN RESOURCES	1,498,000	808,000
	(11.00)	(11.00)
TOTAL VI.	31,792,443	17,445,050
COURT ADMINISTRATION	(203.00)	(203.00)
VII. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	33,766,699	30,208,699
TOT VII. EMPLOYEE BENEFITS	33,766,699	30,208,699
TOT JUDICIAL DEPARTMENT	118,978,678	96,020,285
	(689.00)	(635.00)

SECTION 58
C050-ADMINISTRATIVE LAW COURT

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
CHIEF JUDGE	182,389	182,389
	(1.00)	(1.00)
ASSOCIATE JUDGE	810,622	810,622
	(5.00)	(5.00)
UNCLASSIFIED POSITIONS	2,779,746	1,958,515
	(44.00)	(26.50)
OTHER OPERATING EXPENSES	1,020,673	435,150
TOTAL I. ADMINISTRATION	4,793,430	3,386,676
	(50.00)	(32.50)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,676,941	1,427,709
TOT II. EMPLOYEE BENEFITS	1,676,941	1,427,709
TOTAL ADMINISTRATIVE	6,470,371	4,814,385
LAW COURT	(50.00)	(32.50)

SECTION 59
E200-ATTORNEY GENERAL'S OFFICE

	TOTAL FUNDS	GENERAL FUNDS
I. STATE LITIGATION		
ATTORNEY GENERAL	208,000	208,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	15,401,514	13,181,156
	(243.25)	(192.05)
UNCLASSIFIED POSITIONS	125,000	
	(1.00)	
OTHER PERSONAL SERVICES	765,010	25,000
OTHER OPERATING EXPENSES	18,171,924	4,676,841
TOT I. STATE LITIGATION	34,671,448	18,090,997
	(245.25)	(193.05)
II. CRIME VICTIMS SERVICES		
CLASSIFIED POSITIONS	2,281,542	232,162
	(61.40)	(4.00)

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E200-ATTORNEY GENERAL'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	193,840	
OTHER OPERATING EXPENSES	35,697,966	3,289,000
VICTIMS RIGHTS	120,000	120,000
ALLOC MUNICIPALITIES	2,050,000	
- RESTRICTED		
ALLOC CNTIES - RESTRICTED	2,690,000	
ALLOC OTHER ST AGENCIES	2,400,000	
ALLOC OTHER ENTITIES	26,675,000	
TOTAL II. CRIME	72,108,348	3,641,162
VICTIMS SERVICES	(61.40)	(4.00)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	6,153,971	4,433,043
TOT III. EMPLOYEE BENEFITS	6,153,971	4,433,043
 TOTAL ATTORNEY		
GENERAL'S OFFICE	112,933,767	26,165,202
	(306.65)	(197.05)

SECTION 60

E210- COMMISSION ON PROSECUTION COORDINATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	140,868	140,868
	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	795,168	795,168
	(8.00)	(8.00)
OTHER PERSONAL SERVICES	99,550	2,400
OTHER OPERATING EXPENSES	632,362	410,921
TOTAL I. ADMINISTRATION	1,667,948	1,349,357
	(9.00)	(9.00)
 II. OFFICES OF CIRCUIT		
SOLICITORS		
CIRCUIT SOLICITOR	3,242,483	3,242,483
	(16.00)	(16.00)
UNCLASSIFIED POSITIONS	694,294	694,294
	(16.00)	(16.00)
OTHER OPERATING EXPENSES	192,000	192,000

E210- COMMISSION ON PROSECUTION COORDINATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
12TH JUDICIAL CIRCUIT DRUG CT	150,000	150,000
CASELOAD EQUALIZA FNDING	22,356,872	22,356,872
CONDITIONAL DISCHARGE FEE	300,000	
- GENERAL SESSIONS		
CONDITIONAL DISCHARGE FEE	200,000	
- MAGISTRATE		
CONDITIONAL DISCHARGE FEE	175,000	
- MUNICIPALITY		
COURT FEES	300,000	
CRIMINAL DOMESTIC	1,600,000	1,600,000
VIOLENCE PROSECUTOR		
DRUG COURT FUNDING	4,400,000	1,600,000
DUI PROSECUTION	1,179,041	1,179,041
FEE FOR MOTIONS	450,000	
JUDICIAL CIRCUIT ST SUPPORT	6,352,002	6,352,002
KERSHAW CNTY DRUG COURT	52,965	52,965
LAW ENFORCEMENT FUNDING	4,000,000	
RICHLAND CNTY DRUG COURT	56,436	56,436
SALUDA CNTY DRUG COURT	38,000	38,000
SUMMARY COURT DOMESTIC	2,980,117	2,980,117
VIOLENCE PROSECUTION		
TRAFFIC EDUCATION	50,000	
PROGRAM-MAGISTRATES COURT		
TRAFFIC EDUCATION	50,000	
PROGRAM-MUNICIPAL COURT		
VICTIM'S ASSISTANCE PROGRAM	132,703	132,703
VIOLENT CRIME PROSECUTION	1,600,000	1,600,000
TOTAL II. OFFICES	50,551,913	42,226,913
OF CIRCUIT SOLICITORS	(32.00)	(32.00)
III. COMMUNITY PROGRAMS		
SC CENTER FOR	400,000	400,000
FATHERS AND FAMILIES		
TOT III. COMMUNITY PROGRAMS	400,000	400,000
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	3,230,098	3,193,106
TOTAL IV. EMPLOYEE BENEFITS	3,230,098	3,193,106
TOTAL PROSECUTION	55,849,959	47,169,376
COORDINATION COMMISSION	(41.00)	(41.00)

SECTION 61
E230-COMMISSION ON INDIGENT DEFENSE

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	162,690	162,690
	(1.00)	(1.00)
CLASSIFIED POSITIONS	721,434	554,466
	(10.50)	(6.50)
OTHER PERSONAL SERVICES	81,234	1,234
OTHER OPERATING EXPENSES	313,418	6,377
CIVIL COMMITMENT	375,000	
VOUCHER PROCESSING		
CONFLICT FUND	2,500,000	
COURT FINE ASSESSMENT	665,060	
DEATH PENALTY TRIAL FUNDS	2,406,600	
FEE AND FINE STABLIZ FUND	1,300,000	1,300,000
INFORMATION TECHNOLOGY	127,192	127,192
SERVICES		
LEGAL AID FUNDING	1,700,000	
PROFESSIONAL TRAINING	286,414	
AND DEVELOPMENT		
RULE 608 APPOINTMENT	10,115,374	9,115,374
TOTAL I. ADMINISTRATION	20,754,416	11,267,333
	(11.50)	(7.50)
II. DIVISION OF APPELLATE DEFENSE		
CLASSIFIED POSITIONS	1,423,629	892,346
	(24.00)	(9.00)
OTHER OPERATING EXPENSES	352,600	
COURT RPRTER TRANSCRIPT FND	500,000	500,000
TOTAL II. DIVISION	2,276,229	1,392,346
OF APPELLATE DEFENSE	(24.00)	(9.00)
III. OFFICE OF CIRCUIT PUBLIC DEFENDER		
CIRCUIT PUBLIC DEFENDER	3,242,464	3,242,464
	(16.00)	(16.00)
UNCLASSIFIED POSITIONS	653,919	653,919
	(16.00)	(16.00)
OTHER OPERATING EXPENSES	192,000	192,000

E230-COMMISSION ON INDIGENT DEFENSE

	TOTAL FUNDS	GENERAL FUNDS
ASST PUBLIC DEFENDER	11,200,733	11,200,733
PERSONNEL AND RETEN FNDING		
CRIMINAL DOMESTIC VIOLENCE	1,377,185	1,377,185
DEFENSE OF INDIGENTS	20,074,101	15,901,049
/PER CAPITA		
DUI DEFENSE OF INDIGENTS	976,593	976,593
TOTAL III. OFFICE OF	37,716,995	33,543,943
CIRCUIT PUBLIC DEFENDER	(32.00)	(32.00)
IV. DEATH PENALTY TRIAL		
DIVISION		
UNCLASSIFIED POSITIONS	356,400	
	(5.00)	
OTHER OPERATING EXPENSES	115,200	
TOTAL IV. DEATH	471,600	
PENALTY TRIAL DIVISION	(5.00)	
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	3,710,376	3,307,645
TOT V. EMPLOYEE BENEFITS	3,710,376	3,307,645
TOTAL COMMISSION ON	64,929,616	49,511,267
INDIGENT DEFENSE	(72.50)	(48.50)

SECTION 62
D100-GOVERNOR'S OFF-STATE
LAW ENFORCEMENT DIVISION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
CHIEF	195,700	195,700
	(1.00)	(1.00)
CLASSIFIED POSITIONS	2,578,390	2,549,390
	(45.00)	(43.00)
UNCLASSIFIED POSITIONS	154,702	154,702
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	161,000	135,000

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D100-GOVERNOR'S OFF-STATE
LAW ENFORCEMENT DIVISION

	TOTAL FUNDS	GENERAL FUNDS
OTHER OPERATING EXPENSES	3,151,820	2,662,978
TOTAL I. ADMINISTRATION	6,241,612	5,697,770
	(47.00)	(45.00)
 II. PROGRAMS AND SERVICES		
A. INVESTIGATIVE SERVICES		
CLASSIFIED POSITIONS	14,443,359	13,823,739
	(152.95)	(142.95)
NEW POSITIONS - LAW	385,186	385,186
ENFORCEMENT OFFICER III	(6.00)	(6.00)
OTHER PERSONAL SERVICES	634,428	414,426
OTHER OPERATING EXPENSES	8,661,972	3,724,722
TOTAL A.	24,124,945	18,348,073
INVESTIGATIVE SERVICES	(158.95)	(148.95)
 B. FORENSIC SERVICES		
CLASSIFIED POSITIONS	8,999,839	8,574,139
	(145.80)	(134.00)
NEW POSITIONS -	62,127	62,127
CRIMINALIST I	(1.00)	(1.00)
NEW POSITIONS -	180,000	180,000
FORENSIC TECHNICIAN II	(5.00)	(5.00)
OTHER PERSONAL SERVICES	938,660	223,660
OTHER OPERATING EXPENSES	6,541,886	724,971
BREATHTESTING SITE VIDEOTAPING	250,000	
DNA DATABASE PROGRAM	370,000	
IMPLIED CONSENT	89,855	89,855
CASE SERVICES	3,000	3,000
TOT B. FORENSIC SERVICES	17,435,367	9,857,752
	(151.80)	(140.00)
 C. DATA CENTER		
CLASSIFIED POSITIONS	3,262,896	3,147,896
	(56.60)	(55.60)
OTHER PERSONAL SERVICES	509,751	31,601
OTHER OPERATING EXPENSES	7,551,517	2,850,530
TOTAL C. DATA CENTER	11,324,164	6,030,027
	(56.60)	(55.60)

STATUTES AT LARGE
General and Permanent Laws--2023
D100-GOVERNOR'S OFF-STATE
LAW ENFORCEMENT DIVISION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
D. REGULATORY		
CLASSIFIED POSITIONS	1,660,316	1,058,734
	(32.00)	(15.00)
OTHER PERSONAL SERVICES	647,103	225,788
OTHER OPERATING EXPENSES	3,291,313	2,100,950
PTSD TREATMENT	375,000	375,000
TOTAL D. REGULATORY	5,973,732	3,760,472
	(32.00)	(15.00)
E. HOMELAND SECURITY PROGRAM		
CLASSIFIED POSITIONS	608,492	454,772
	(7.65)	(5.85)
NEW POSITIONS -	35,000	35,000
ADMINISTRATIVE ASSISTANT	(1.00)	(1.00)
NEW POSITIONS - LAW	205,017	205,017
ENFORCEMENT OFFICER III	(3.00)	(3.00)
OTHER PERSONAL SERVICES	548,952	16,517
OTHER OPERATING EXPENSES	1,254,168	465,316
ALLOC MUNICIPALITIES	1,614,177	
- RESTRICTED		
ALLOC CNTIES - RESTRICTED	4,267,213	
ALLOC OTHER ST AGENCIES	7,353,460	
ALLOC OTHER ENTITIES	200,000	
TOTAL E. HOMELAND SECURITY PROGRAM	16,086,479	1,176,622
	(11.65)	(9.85)
F. CJIS/FUSION CENTER		
CLASSIFIED POSITIONS	5,340,434	4,234,410
	(92.00)	(61.00)
OTHER PERSONAL SERVICES	1,180,539	120,657
OTHER OPERATING EXPENSES	3,915,145	1,437,800
AMBER ALERT	65,000	65,000
TOT F. CJIS/FUSION CENTER	10,501,118	5,857,867
	(92.00)	(61.00)
G. COUNTER-TERRORISM		
CLASSIFIED POSITIONS	6,013,479	5,962,479
	(62.00)	(61.00)

OF SOUTH CAROLINA
General and Permanent Laws--2023
D100-GOVERNOR'S OFF-STATE
LAW ENFORCEMENT DIVISION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	498,648	443,648
OTHER OPERATING EXPENSES	4,604,137	1,311,250
TOT G. COUNTER-TERRORISM	11,116,264	7,717,377
	(62.00)	(61.00)
 H. VICE		
CLASSIFIED POSITIONS	7,920,062	7,021,250
	(114.00)	(98.00)
NEW POSITIONS - LAW	62,128	62,128
ENFORCEMENT OFFICER III	(1.00)	(1.00)
OTHER PERSONAL SERVICES	457,270	276,866
OTHER OPER EXPENSES	1,279,087	805,920
AGENT OPERATIONS	92,625	92,625
METH LAB CLEAN UP	500,000	500,000
TOTAL H. VICE	10,311,172	8,758,789
	(115.00)	(99.00)
 TOTAL II. PROGRAMS	 106,873,241	 61,506,979
AND SERVICES	(680.00)	(590.40)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	22,205,285	19,567,344
TOT III. EMPLOYEE BENEFITS	22,205,285	19,567,344
 TOT GOVERNOR'S OFF-STATE	 135,320,138	 86,772,093
LAW ENFORCEMENT DIVISION	(727.00)	(635.40)

SECTION 63
K050-DEPARTMENT OF PUBLIC SAFETY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATIVE SERVICES		
DIRECTOR	172,260	138,307
	(1.00)	(0.80)
CLASSIFIED POSITIONS	4,572,930	4,346,281
	(90.71)	(79.40)
UNCLASSIFIED POSITIONS	127,371	127,371
OTHER PERSONAL SERVICES	257,961	165,400

STATUTES AT LARGE
General and Permanent Laws--2023
K050-DEPARTMENT OF PUBLIC SAFETY

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	3,251,291	151,268
TOTAL I.	8,381,813	4,928,627
ADMINISTRATIVE SERVICES	(91.71)	(80.20)
 II. PROGRAMS AND SERVICES		
A. HIGHWAY PATROL		
CLASSIFIED POSITIONS	68,008,302	62,201,272
	(1,136.70)	(1,018.30)
UNCLASSIFIED POSITIONS	147,212	147,212
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	4,526,485	2,893,810
OTHER OPERATING EXPENSES	35,895,461	14,556,658
TOT A. HIGHWAY PATROL	108,577,460	79,798,952
	(1,137.70)	(1,019.30)
 B. STATE TRANSPORT POLICE		
CLASSIFIED POSITIONS	9,075,174	3,299,950
	(147.01)	(45.90)
NEW POSITIONS - INSPECTOR III	85,768	
	(2.00)	
NEW POSITIONS - LAW	130,902	
ENFORCEMENT OFFICER II	(2.00)	
UNCLASSIFIED POSITIONS	127,302	127,302
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	347,728	46,725
OTHER OPERATING EXPENSES	5,992,662	90,450
TOTAL B. STATE	15,759,536	3,564,427
TRANSPORT POLICE	(152.01)	(46.90)
 C. BUREAU OF PROTECTIVE SERVICES		
CLASSIFIED POSITIONS	4,931,609	3,999,977
	(101.00)	(63.00)
NEW POSITIONS - LAW	416,514	416,514
ENFORCEMENT OFFICER II	(7.00)	(7.00)
OTHER PERSONAL SERVICES	273,558	211,156
OTHER OPERATING EXPENSES	646,450	470,580
TOTAL C. BUREAU	6,268,131	5,098,227
OF PROTECTIVE SERVICES	(108.00)	(70.00)

OF SOUTH CAROLINA
General and Permanent Laws--2023
K050-DEPARTMENT OF PUBLIC SAFETY

	TOTAL FUNDS	GENERAL FUNDS
D. HALL OF FAME		
CLASSIFIED POSITIONS	137,000	
	(3.00)	
OTHER OPERATING EXPENSES	221,000	95,000
TOTAL D. HALL OF FAME	358,000	95,000
	(3.00)	
E. SAFETY AND GRANTS		
CLASSIFIED POSITIONS	1,948,430	690,584
	(34.58)	(6.40)
OTHER PERSONAL SERVICES	456,780	3,000
OTHER OPERATING EXPENSES	8,502,540	140,777
BODY CAMERAS	2,400,000	2,400,000
SCHOOL RESOURCE OFFICERS	46,102,500	33,102,500
ALLOC MUNICIPALITIES	3,033,720	
- RESTRICTED		
ALLOC CNTIES - RESTRICTED	4,000,547	
ALLOC OTHER ST AGENCIES	3,466,000	
ALLOC OTHER ENTITIES	1,240,000	
TOT E. SAFETY AND GRANTS	71,150,517	36,336,861
	(34.58)	(6.40)
TOTAL II. PROGRAMS AND SERVICES	202,113,644	124,893,467
	(1,435.29)	(1,142.60)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	43,046,182	35,813,893
TOTAL III. EMPLOYEE BENEFITS	43,046,182	35,813,893
TOTAL DEPARTMENT OF PUBLIC SAFETY	253,541,639	165,635,987
	(1,527.00)	(1,222.80)

SECTION 64
N200-LAW ENFORCEMENT TRAINING COUNCIL

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	124,448	
	(1.00)	

N200-LAW ENFORCEMENT TRAINING COUNCIL

	TOTAL FUNDS	GENERAL FUNDS
CLASSIFIED POSITIONS	3,107,309	642,289
	(61.00)	(7.00)
OTHER PERSONAL SERVICES	47,000	
OTHER OPERATING EXPENSES	4,099,910	2,749,600
TOTAL I. ADMINISTRATION	7,378,667	3,391,889
	(62.00)	(7.00)
 II. TRAINING		
CLASSIFIED POSITIONS	4,561,492	3,928,903
	(78.00)	(58.00)
OTHER PERSONAL SERVICES	265,980	
OTHER OPERATING EXPENSES	2,158,484	755,456
TOTAL II. TRAINING	6,985,956	4,684,359
	(78.00)	(58.00)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	3,298,159	1,853,048
TOT III. EMPLOYEE BENEFITS	3,298,159	1,853,048
 TOTAL LAW ENFORCEMENT	 17,662,782	 9,929,296
TRAINING COUNCIL	(140.00)	(65.00)

SECTION 65
N040-DEPARTMENT OF CORRECTIONS

	TOTAL FUNDS	GENERAL FUNDS
I. INTERNAL ADMIN & SUPPORT		
COMMISSIONERS	250,000	250,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	13,212,018	12,475,357
	(165.00)	(151.40)
UNCLASSIFIED POSITIONS	338,006	338,006
	(3.00)	(3.00)
OTHER PERSONAL SERVICES	1,521,731	1,434,522
OTHER OPERATING EXPENSES	26,537,709	23,481,280
TOTAL I. INTERNAL	41,859,464	37,979,165
ADMIN & SUPPORT	(169.00)	(155.40)

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General and Permanent Laws--2023
N040-DEPARTMENT OF CORRECTIONS

	TOTAL FUNDS	GENERAL FUNDS
II. PROGRAMS AND SERVICES		
A. HOUSING, CARE, SECURITY, AND SUPERVISION		
CLASSIFIED POSITIONS	199,433,509	197,060,707
	(5,586.13)	(5,516.76)
UNCLASSIFIED POSITIONS	3,998,137	3,998,137
	(3.00)	(3.00)
OTHER PERSONAL SERVICES	26,479,741	25,889,372
OTHER OPERATING EXPENSES	138,910,948	117,958,010
CASE SERVICES	52,374,611	52,374,611
TOTAL A. HOUSING, CARE, SECURITY, AND SUPERVISION	421,196,946	397,280,837
	(5,589.13)	(5,519.76)
B. QUOTA ELIMINATION		
QUOTA ELIMINATION	1,967,720	1,967,720
TOT B. QUOTA ELIMINATION	1,967,720	1,967,720
C. WORK & VOCATIONAL ACTIVITIES		
CLASSIFIED POSITIONS	7,756,504	1,983,812
	(161.52)	(50.00)
OTHER PERSONAL SERVICES	10,079,548	527,998
OTHER OPERATING EXPENSES	17,128,689	267,482
TOTAL C. WORK & VOCATIONAL ACTIVITIES	34,964,741	2,779,292
	(161.52)	(50.00)
D. PALMETTO UNIFIED SCH DIST 1		
CLASSIFIED POSITIONS	1,067,882	808,597
	(44.90)	(10.70)
UNCLASSIFIED POSITIONS	3,394,343	1,904,343
	(49.44)	(24.01)
OTHER PERSONAL SERVICES	2,364,798	1,152,004
OTHER OPERATING EXPENSES	1,890,238	70,190
TOTAL D. PALMETTO UNIFIED SCH DIST 1	8,717,261	3,935,134
	(94.34)	(34.71)
E. INDIVIDUAL GROWTH & MOTIV		
CLASSIFIED POSITIONS	2,594,737	2,594,737
	(78.00)	(78.00)

STATUTES AT LARGE
General and Permanent Laws--2023
N040-DEPARTMENT OF CORRECTIONS

	TOTAL FUNDS	GENERAL FUNDS
OTHER PERSONAL SERVICES	524,140	377,890
OTHER OPERATING EXPENSES	539,428	142,944
TOTAL E. INDIVIDUAL	3,658,305	3,115,571
GROWTH & MOTIVATION	(78.00)	(78.00)
 F. PENAL FACILITY INSPECTION SERVICE		
CLASSIFIED POSITIONS	543,511	543,511
	(9.00)	(9.00)
OTHER PERSONAL SERVICES	47,382	47,382
OTHER OPERATING EXPENSES	3,022	3,022
TOTAL F. PENAL	593,915	593,915
FACILITY INSPECTION SERVICE	(9.00)	(9.00)
 TOTAL II. PROGRAMS AND SERVICES		
	471,098,888	409,672,469
	(5,931.99)	(5,691.47)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	108,120,766	103,444,489
TOT III. EMPLOYEE BENEFITS	108,120,766	103,444,489
TOTAL DEPARTMENT OF CORRECTIONS	621,079,118	551,096,123
	(6,100.99)	(5,846.87)

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

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	145,448	145,448
	(1.00)	(1.00)
CLASSIFIED POSITIONS	2,582,312	1,112,481
	(53.00)	(19.00)
UNCLASSIFIED POSITIONS	212,219	212,219
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	47,596	15,000
OTHER OPERATING EXPENSES	323,182	
TOTAL I. ADMINISTRATION	3,310,757	1,485,148
	(55.00)	(21.00)

OF SOUTH CAROLINA
General and Permanent Laws--2023
N080-DEPARTMENT OF PROBATION,
PAROLE & PARDON SERVICES

	TOTAL FUNDS	GENERAL FUNDS
II. PROGRAMS AND SERVICES		
A. OFFENDER PROGRAMMING		
1. OFFENDER SUPERVISION		
CLASSIFIED POSITIONS	34,292,646	28,298,090
	(587.00)	(471.00)
UNCLASSIFIED POSITIONS	23,734	23,734
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	385,133	162,081
OTHER OPERATING EXPENSES	12,570,474	3,611,378
CASE SERVICES	32,425	
TOT 1. OFFENDER SUPERVISION	47,304,412	32,095,283
	(589.00)	(473.00)
2. SEX OFFENDER MONITORING		
CLASSIFIED POSITIONS	2,366,823	2,366,823
	(54.00)	(54.00)
OTHER PERSONAL SERVICES	10,000	10,000
OTHER OPERATING EXPENSES	1,185,001	1,175,001
EMPLOYER CONTRIBUTIONS	1,077,557	1,061,557
TOTAL 2. SEX OFFENDER MONITORING	4,639,381	4,613,381
	(54.00)	(54.00)
3. SENTENCING REFORM		
CLASSIFIED POSITIONS	1,330,934	1,330,934
	(39.00)	(39.00)
OTHER PERSONAL SERVICES	20,000	20,000
OTHER OPERATING EXPENSES	4,124,616	4,124,616
CASE SERVICES	340,000	340,000
TOT 3. SENTENCING REFORM	5,815,550	5,815,550
	(39.00)	(39.00)
TOTAL A. OFFENDER PROGRAMMING	57,759,343	42,524,214
	(682.00)	(566.00)
B. REHABILITATIVE SRVCS		
CLASSIFIED POSITIONS	1,175,616	875,616
	(26.00)	(20.00)
OTHER PERSONAL SERVICES	320,000	
OTHER OPERATING EXPENSES	716,516	176,516

STATUTES AT LARGE
General and Permanent Laws--2023
N080-DEPARTMENT OF PROBATION,
PAROLE & PARDON SERVICES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
ALSTON WILKES	1,500,000	1,500,000
RE-ENTRY SERVICES		
CASE SERVICES	10,000	
TOTAL B.	3,722,132	2,552,132
REHABILITATIVE SRVCS	(26.00)	(20.00)
 C. PAROLE OPERATIONS		
PROBATION,	155,230	155,230
PAROLE & PARDON BOARD		
CLASSIFIED POSITIONS	2,968,354	2,349,501
	(71.00)	(56.00)
OTHER PERSONAL SERVICES	159,853	100,000
OTHER OPERATING EXPENSES	220,816	123,684
CASE SERVICES	45,000	
TOT C. PAROLE OPERATIONS	3,549,253	2,728,415
	(71.00)	(56.00)
 TOTAL II. PROGRAMS	65,030,728	47,804,761
AND SERVICES	(779.00)	(642.00)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	17,511,212	14,712,397
TOT III. EMPLOYEE BENEFITS	17,511,212	14,712,397
 TOT DPTMENT OF PROBATION,	85,852,697	64,002,306
PAROLE & PARDON SERVICES	(834.00)	(663.00)

SECTION 67
N120-DEPARTMENT OF JUVENILE JUSTICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. PAROLE DIVISION		
PROBATION,	45,000	45,000
PAROLE & PARDON BOARD		
CLASSIFIED POSITIONS	293,476	293,476
	(6.00)	(6.00)
UNCLASSIFIED POSITIONS	100,120	100,120
	(1.00)	(1.00)

OF SOUTH CAROLINA
General and Permanent Laws--2023
N120-DEPARTMENT OF JUVENILE JUSTICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	51,869	51,869
TOTAL I. PAROLE DIVISION	490,465	490,465
	(7.00)	(7.00)
 II. ADMINISTRATION DIVISION		
A. SUPPORT SERVICES		
COMMISSIONERS	148,612	148,612
	(1.00)	(1.00)
CLASSIFIED POSITIONS	8,730,384	8,730,384
	(142.00)	(140.00)
UNCLASSIFIED POSITIONS	267,059	267,059
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	145,784	145,784
OTHER OPERATING EXPENSES	4,178,197	3,488,197
TOTAL A. SUPPORT SERVICES	13,470,036	12,780,036
	(145.00)	(143.00)
 B. INFO TECHNOLOGY		
CLASSIFIED POSITIONS	1,891,299	1,891,299
	(22.00)	(22.00)
OTHER OPERATING EXPENSES	2,500,000	2,500,000
TOTAL B.	4,391,299	4,391,299
INFORMATION TECHNOLOGY	(22.00)	(22.00)
 C. FACILITIES MANAGEMENT		
CLASSIFIED POSITIONS	2,915,779	2,915,779
	(42.93)	(34.00)
OTHER PERSONAL SERVICES	1,000,000	1,000,000
OTHER OPERATING EXPENSES	7,980,880	6,230,880
TOTAL C.	11,896,659	10,146,659
FACILITIES MANAGEMENT	(42.93)	(34.00)
 TOTAL II.	 29,757,994	 27,317,994
ADMINISTRATION DIVISION	(209.93)	(199.00)
 III. PROGRAMS AND SERVICES		
A. COMMUNITY SERVICES		
CLASSIFIED POSITIONS	16,399,644	16,399,644
	(372.00)	(372.00)

N120-DEPARTMENT OF JUVENILE JUSTICE

	TOTAL FUNDS	GENERAL FUNDS
UNCLASSIFIED POSITIONS	128,614	128,614
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	269,187	182,127
OTHER OPERATING EXPENSES	1,299,843	1,000,969
COMMUNITY ADVOCACY PROG	350,000	350,000
SEX OFFENDER MONITORING	27,410	27,410
TARGETED CASE MANAGEMENT	1,700,000	1,700,000
CASE SERVICES	24,191,853	23,183,908
TOTAL A. COMMUNITY SERVICES	44,366,551 (373.00)	42,972,672 (373.00)
 B. PROGRAMS & SERVICES		
CLASSIFIED POSITIONS	8,821,250	7,806,250
	(172.00)	(135.00)
UNCLASSIFIED POSITIONS	127,000	127,000
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	500,000	500,000
OTHER OPERATING EXPENSES	3,927,113	2,025,000
CASE SERVICES	3,870,000	2,175,000
TOTAL B. PROGRAMS & SERVICES	17,245,363 (173.00)	12,633,250 (136.00)
 C. COMMUNITY TREATMENT SERVICES		
CLASSIFIED POSITIONS	4,577,961	4,577,961
	(49.00)	(49.00)
UNCLASSIFIED POSITIONS	117,657	117,657
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	392,526	392,526
OTHER OPERATING EXPENSES	5,300,000	5,300,000
CASE SERVICES	275,000	275,000
TOTAL C. COMMUNITY TREATMENT SERVICES	10,663,144 (50.00)	10,663,144 (50.00)
 D. EDUCATION		
CLASSIFIED POSITIONS	790,186	340,369
	(43.00)	(18.00)
UNCLASSIFIED POSITIONS	4,010,897	257,477
	(56.00)	(18.00)
OTHER PERSONAL SERVICES	430,455	55,136

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General and Permanent Laws--2023
N120-DEPARTMENT OF JUVENILE JUSTICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	2,774,574	343,751
TOTAL D. EDUCATION	8,006,112	996,733
	(99.00)	(36.00)
 E. INVESTIGATIVE SERVICES		
CLASSIFIED POSITIONS	3,357,443	3,357,443
	(65.00)	(65.00)
UNCLASSIFIED POSITIONS	123,255	123,255
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	450,000	450,000
TOTAL E. INVESTIGATIVE SERVICES	3,930,698	3,930,698
	(66.00)	(66.00)
 F. SECURITY & OPERATIONS		
CLASSIFIED POSITIONS	15,920,189	13,920,189
	(512.00)	(385.68)
UNCLASSIFIED POSITIONS	144,691	144,691
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	500,000	500,000
OTHER OPERATING EXPENSES	9,126,785	6,500,000
TOTAL F. SECURITY & OPERATIONS	25,691,665	21,064,880
	(513.00)	(386.68)
 TOTAL III. PROGRAMS AND SERVICES	109,903,533	92,261,377
	(1,274.00)	(1,047.68)
 IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	31,470,045	27,559,502
TOT IV. EMPLOYEE BENEFITS	31,470,045	27,559,502
 TOTAL DEPARTMENT OF JUVENILE JUSTICE	171,622,037	147,629,338
	(1,490.93)	(1,253.68)

SECTION 70
L360-HUMAN AFFAIRS COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
COMMISSIONERS	126,500	126,500
	(1.00)	(1.00)
CLASSIFIED POSITIONS	662,824	662,824
	(11.00)	(11.00)
OTHER OPERATING EXPENSES	390,153	386,653
TOTAL I. ADMINISTRATION	1,179,477	1,175,977
	(12.00)	(12.00)
II. CONSULTATIVE SERVICES		
CLASSIFIED POSITIONS	225,944	225,944
	(7.00)	(6.00)
OTHER OPERATING EXPENSES	196,935	178,935
TOTAL II.	422,879	404,879
CONSULTATIVE SERVICES	(7.00)	(6.00)
III. COMPLIANCE PROGRAMS		
CLASSIFIED POSITIONS	1,404,929	821,083
	(36.00)	(22.50)
NEW POSITIONS -	50,394	50,394
PROGRAM COORDINATOR I	(1.00)	(1.00)
OTHER PERSONAL SERVICES	60,000	60,000
OTHER OPERATING EXPENSES	1,214,521	401,638
TOTAL III.	2,729,844	1,333,115
COMPLIANCE PROGRAMS	(37.00)	(23.50)
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,053,996	831,852
TOTAL IV. EMPLOYEE BENEFITS	1,053,996	831,852
TOTAL HUMAN	5,386,196	3,745,823
AFFAIRS COMMISSION	(56.00)	(41.50)

SECTION 71
L460-COMMISSION ON MINORITY AFFAIRS

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR	118,000	118,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,249,384	1,159,384
	(25.00)	(23.00)
OTHER PERSONAL SERVICES	9,341	9,341
OTHER OPERATING EXPENSES	1,144,264	996,450
TOTAL I. ADMINISTRATION	2,520,989	2,283,175
	(26.00)	(24.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	495,549	471,549
TOT II. EMPLOYEE BENEFITS	495,549	471,549
TOTAL COMMISSION ON	3,016,538	2,754,724
MINORITY AFFAIRS	(26.00)	(24.00)

SECTION 72
R040-PUBLIC SERVICE COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	140,172	
	(1.00)	
CHAIRMAN	137,283	
	(1.00)	
COMMISSIONERS	812,232	
	(6.00)	
CLASSIFIED POSITIONS	2,713,234	1,302
	(36.00)	
OTHER PERSONAL SERVICES	176,872	
OTHER OPERATING EXPENSES	1,834,372	
TOTAL I. ADMINISTRATION	5,814,165	1,302
	(44.00)	

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R040-PUBLIC SERVICE COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,585,559	
TOT II. EMPLOYEE BENEFITS	1,585,559	
TOTAL PUBLIC SERVICE COMMISSION	7,399,724 (44.00)	1,302

SECTION 73
R060-OFFICE OF REGULATORY STAFF

	TOTAL FUNDS	GENERAL FUNDS
I. OFFICE OF EXEC DIRECTOR		
DIRECTOR	265,000 (1.00)	
UNCLASSIFIED POSITIONS	1,284,676 (10.00)	
OTHER OPERATING EXPENSES	538,347	
DUAL PARTY RELAY FUNDS	4,165,696	
TOTAL I. OFFICE OF EXECUTIVE DIRECTOR	6,253,719 (11.00)	
II. SUPPORT SERVICES		
UNCLASSIFIED POSITIONS	1,624,147 (24.00)	33,161
OTHER OPERATING EXPENSES	750,000	
TOT II. SUPPORT SERVICES	2,374,147 (24.00)	33,161
III. ORS PROGRAMS		
UNCLASSIFIED POSITIONS	2,652,139 (39.00)	
OTHER OPERATING EXPENSES	750,000	
TOTAL III. ORS PROGRAMS	3,402,139 (39.00)	
IV. ENERGY OFFICE		
A. ENERGY PROGRAMS		
UNCLASSIFIED POSITIONS	807,605 (13.33)	

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R060-OFFICE OF REGULATORY STAFF

	TOTAL FUNDS	GENERAL FUNDS
OTHER PERSONAL SERVICES	33,360	
OTHER OPERATING EXPENSES	375,331	
ALLOC OTHER ENTITIES	135,000	
TOT A. ENERGY PROGRAMS	1,351,296	
	(13.33)	
B. RADIOACTIVE WASTE		
UNCLASSIFIED POSITIONS	131,610	
	(4.67)	
OTHER OPERATING EXPENSES	94,924	
TOT B. RADIOACTIVE WASTE	226,534	
	(4.67)	
TOTAL IV. ENERGY OFFICE	1,577,830	
	(18.00)	
V. STATEWIDE BROADBAND OFFICE		
UNCLASSIFIED POSITIONS	890,000	890,000
	(10.00)	(10.00)
OTHER OPERATING EXPENSES	1,771,800	1,771,800
TOTAL V. STATEWIDE BROADBAND OFFICE	2,661,800	2,661,800
	(10.00)	(10.00)
VI. SANTEE COOPER REGULATION		
UNCLASSIFIED POSITIONS	1,325,000	
	(8.00)	
OTHER OPERATING EXPENSES	675,000	
TOTAL VI. SANTEE COOPER REGULATION	2,000,000	
	(8.00)	
VII. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	3,021,125	358,046
TOT VII. EMPLOYEE BENEFITS	3,021,125	358,046
TOTAL OFFICE OF REGULATORY STAFF	21,290,760	3,053,007
	(110.00)	(10.00)

SECTION 74
R080-WORKERS' COMPENSATION COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR	146,418	146,418
	(1.00)	(1.00)
CLASSIFIED POSITIONS	841,220	49,235
	(22.00)	(1.00)
OTHER PERSONAL SERVICES	41,000	
OTHER OPERATING EXPENSES	2,700,713	75,000
TOTAL I. ADMINISTRATION	3,729,351	270,653
	(23.00)	(2.00)
II. JUDICIAL		
A. COMMISSIONERS		
CHAIRMAN	177,426	177,426
	(1.00)	(1.00)
COMMISSIONERS	1,033,541	1,033,541
	(6.00)	(6.00)
TAXABLE SUBSISTENCE	70,000	
CLASSIFIED POSITIONS	339,614	339,614
	(7.00)	(7.00)
OTHER OPERATING EXPENSES	230,700	
TOT A. COMMISSIONERS	1,851,281	1,550,581
	(14.00)	(14.00)
B. MANAGEMENT		
CLASSIFIED POSITIONS	333,833	31,539
	(8.00)	(1.00)
OTHER OPERATING EXPENSES	12,800	
TOTAL B. MANAGEMENT	346,633	31,539
	(8.00)	(1.00)
TOTAL II. JUDICIAL	2,197,914	1,582,120
	(22.00)	(15.00)
III. INSURANCE & MED SRVCS		
CLASSIFIED POSITIONS	488,866	29,403
	(9.00)	(1.00)
OTHER PERSONAL SERVICES	22,881	
OTHER OPERATING EXPENSES	54,500	

R080-WORKERS' COMPENSATION COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
TOTAL III. INSURANCE & MEDICAL SERVICES	566,247 (9.00)	29,403 (1.00)
IV. CLAIMS		
CLASSIFIED POSITIONS	364,108 (9.00)	83,258 (1.00)
OTHER OPERATING EXPENSES	19,700	
TOTAL IV. CLAIMS	383,808 (9.00)	83,258 (1.00)
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,497,247	801,288
TOT V. EMPLOYEE BENEFITS	1,497,247	801,288
TOTAL WORKERS' COMPENSATION COMMISSION	8,374,567 (63.00)	2,766,722 (19.00)

**SECTION 75
R120-STATE ACCIDENT FUND**

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
DIRECTOR	112,336 (1.00)	
CLASSIFIED POSITIONS	4,239,859 (76.00)	
OTHER OPERATING EXPENSES	5,128,563	
EDUCATIONAL TRAINING	5,000	
TOTAL I. ADMINISTRATION	9,485,758 (77.00)	
II. UNINSURED EMPLOYERS FUND		
CLASSIFIED POSITIONS	480,670 (11.00)	
OTHER OPERATING EXPENSES	667,434	
TOTAL II. UNINSURED EMPLOYERS FUND	1,148,104 (11.00)	

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General and Permanent Laws--2023
R120-STATE ACCIDENT FUND

	TOTAL FUNDS	GENERAL FUNDS
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,392,201	
TOT III. EMPLOYEE BENEFITS	2,392,201	
TOT STATE ACCIDENT FUND	13,026,063	
	(88.00)	

SECTION 78
R200-DEPARTMENT OF INSURANCE

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
CHIEF INSUR COMMISSIONER	133,243	133,243
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,969,987	936,353
	(28.25)	(22.30)
UNCLASSIFIED POSITIONS	260,410	179,361
	(1.50)	(1.50)
OTHER PERSONAL SERVICES	194,959	143,642
OTHER OPERATING EXPENSES	1,186,920	394,830
TOTAL I. ADMINISTRATION	3,745,519	1,787,429
	(30.75)	(24.80)
II. PROGRAMS AND SERVICES		
A. SOLVENCY		
CLASSIFIED POSITIONS	639,845	172,231
	(16.00)	(1.00)
UNCLASSIFIED POSITIONS	85,826	2,514
	(0.50)	
OTHER PERSONAL SERVICES	217,042	29,150
OTHER OPERATING EXPENSES	469,296	13,257
TOTAL A. SOLVENCY	1,412,009	217,152
	(16.50)	(1.00)
B. LICENSING		
CLASSIFIED POSITIONS	462,318	197,766
	(11.00)	(4.00)
UNCLASSIFIED POSITIONS	23,234	
	(0.50)	

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R200-DEPARTMENT OF INSURANCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER PERSONAL SERVICES	56,371	297
OTHER OPERATING EXPENSES	329,884	4,981
TOTAL B. LICENSING	871,807	203,044
	(11.50)	(4.00)
 C. TAXATION		
CLASSIFIED POSITIONS	250,149	94,134
	(3.00)	(0.50)
OTHER PERSONAL SERVICES	15,852	15,852
OTHER OPERATING EXPENSES	175,467	8,740
TOTAL C. TAXATION	441,468	118,726
	(3.00)	(0.50)
 D. CONSUMER SERVICES/ COMPLAINTS		
CLASSIFIED POSITIONS	458,830	321,827
	(9.00)	(2.00)
UNCLASSIFIED POSITIONS	82,137	28,366
	(0.50)	(0.50)
OTHER PERSONAL SERVICES	46,954	29,728
OTHER OPERATING EXPENSES	164,107	28,907
TOTAL D. CONSUMER SERVICES/COMPLAINTS	752,028	408,828
	(9.50)	(2.50)
 E. POLICY FORMS AND RATES		
CLASSIFIED POSITIONS	1,107,961	757,961
	(14.00)	(6.00)
UNCLASSIFIED POSITIONS	176,574	85,574
	(0.50)	(0.50)
OTHER PERSONAL SERVICES	5,564	5,564
OTHER OPERATING EXPENSES	338,439	101,671
TOTAL E. POLICY FORMS AND RATES	1,628,538	950,770
	(14.50)	(6.50)
 F. LOSS MITIGATION		
CLASSIFIED POSITIONS	131,637	
	(2.75)	
OTHER PERSONAL SERVICES	72,363	

STATUTES AT LARGE
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R200-DEPARTMENT OF INSURANCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	2,837,254	
TOTAL F. LOSS MITIGATION	3,041,254	
	(2.75)	
G. UNINSURED MOTORISTS		
ALLOC PRIVATE SECTOR	2,155,000	
TOT G. UNINSURED MOTORISTS	2,155,000	
H. CAPTIVES		
CLASSIFIED POSITIONS	665,913	
	(8.00)	
UNCLASSIFIED POSITIONS	67,002	
	(0.50)	
OTHER PERSONAL SERVICES	169,085	
OTHER OPERATING EXPENSES	1,249,655	
TOTAL H. CAPTIVES	2,151,655	
	(8.50)	
I. FRAUD		
CLASSIFIED POSITIONS	615,574	555,574
	(9.00)	(8.00)
OTHER OPERATING EXPENSES	1,232,000	910,000
TOTAL I. FRAUD	1,847,574	1,465,574
	(9.00)	(8.00)
TOTAL II. PROGRAMS AND SERVICES	14,301,333	3,364,094
	(75.25)	(22.50)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,439,420	1,303,995
TOT III. EMPLOYEE BENEFITS	2,439,420	1,303,995
TOTAL DEPARTMENT OF INSURANCE	20,486,272	6,455,518
	(106.00)	(47.30)

SECTION 79
R230-STATE BOARD OF FINANCIAL INSTITUTIONS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
OTHER PERSONAL SERVICES	3,500	
OTHER OPERATING EXPENSES	55,500	
TOTAL I. ADMINISTRATION	59,000	
II. BANKING EXAMINERS		
COMMISSIONER OF BANKING	150,560	
	(1.00)	
CLASSIFIED POSITIONS	1,640,440	
	(21.00)	
OTHER OPERATING EXPENSES	487,000	
TOT II. BANKING EXAMINERS	2,278,000	
	(22.00)	
III. CONSUMER FINANCE		
DIRECTOR	120,537	
	(1.00)	
CLASSIFIED POSITIONS	1,850,908	
	(33.00)	
OTHER PERSONAL SERVICES	2,600	
OTHER OPERATING EXPENSES	575,073	
TOT III. CONSUMER FINANCE	2,549,118	
	(34.00)	
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,650,000	
TOT IV. EMPLOYEE BENEFITS	1,650,000	
TOTAL STATE BOARD	6,536,118	
OF FINANCIAL INSTITUTIONS	(56.00)	

SECTION 80
R280-DEPARTMENT OF CONSUMER AFFAIRS

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
ADMINISTRATOR	132,149	132,149
	(1.00)	(1.00)

R280-DEPARTMENT OF CONSUMER AFFAIRS

	TOTAL FUNDS	GENERAL FUNDS
CLASSIFIED POSITIONS	215,936	
	(4.00)	
OTHER PERSONAL SERVICES	20,000	
OTHER OPERATING EXPENSES	150,000	150,000
TOTAL I. ADMINISTRATION	518,085	282,149
	(5.00)	(1.00)
 II. LEGAL		
CLASSIFIED POSITIONS	1,296,647	258,426
	(23.00)	(6.00)
OTHER PERSONAL SERVICES	25,000	5,000
OTHER OPERATING EXPENSES	319,670	114,670
TOTAL II. LEGAL	1,641,317	378,096
	(23.00)	(6.00)
 III. CONSUMER SERVICES		
CLASSIFIED POSITIONS	295,482	53,765
	(6.00)	(1.00)
OTHER PERSONAL SERVICES	33,000	
OTHER OPERATING EXPENSES	50,000	50,000
TOT III. CONSUMER SERVICES	378,482	103,765
	(6.00)	(1.00)
 IV. CONSUMER ADVOCACY		
CLASSIFIED POSITIONS	240,000	240,000
	(4.00)	(4.00)
OTHER OPERATING EXPENSES	260,000	260,000
TOT IV. CONSUMER ADVOCACY	500,000	500,000
	(4.00)	(4.00)
 V. PUBLIC INFO & EDUCATION		
CLASSIFIED POSITIONS	187,334	187,334
	(4.00)	(4.00)
OTHER OPERATING EXPENSES	53,150	45,000
TOTAL V. PUBLIC	240,484	232,334
INFORMATION & EDUCATION	(4.00)	(4.00)
 VI. ID THEFT UNIT		
CLASSIFIED POSITIONS	113,784	113,784
	(3.00)	(3.00)

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	TOTAL FUNDS	GENERAL FUNDS
OTHER OPERATING EXPENSES	50,000	50,000
TOTAL VI. ID THEFT UNIT	163,784	163,784
	(3.00)	(3.00)
 VII. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,064,232	385,762
TOTAL VII. EMPLOYEE BENEFITS	1,064,232	385,762
 TOTAL DEPARTMENT OF	 4,506,384	 2,045,890
CONSUMER AFFAIRS	(45.00)	(19.00)

SECTION 81
R360-DEPARTMENT OF LABOR,
LICENSING & REGULATION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR	143,560	
	(1.00)	
CLASSIFIED POSITIONS	4,668,837	
	(79.09)	
OTHER PERSONAL SERVICES	500,000	
OTHER OPERATING EXPENSES	1,505,464	
TOTAL I. ADMINISTRATION	6,817,861	
	(80.09)	
 II. PROGRAMS & SERVICES		
A. OSHA VOLUNTARY PROG		
CLASSIFIED POSITIONS	805,258	61,189
	(18.98)	(6.26)
OTHER OPERATING EXPENSES	476,354	40,000
TOTAL A. OSHA	1,281,612	101,189
VOLUNTARY PROGRAMS	(18.98)	(6.26)
 B. OCCUPATIONAL SAFETY & HEALTH		
CLASSIFIED POSITIONS	2,640,007	1,374,413
	(52.44)	(26.56)
OTHER PERSONAL SERVICES	78,397	74,302

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R360-DEPARTMENT OF LABOR,
LICENSING & REGULATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	1,450,355	291,562
TOTAL B. OCCUPATIONAL SAFETY & HEALTH	4,168,759 (52.44)	1,740,277 (26.56)
 C. FIRE ACADEMY		
CLASSIFIED POSITIONS	2,275,663 (42.76)	
OTHER PERSONAL SERVICES	1,789,100	
OTHER OPERATING EXPENSES	4,438,978	
TOTAL C. FIRE ACADEMY	8,503,741 (42.76)	
 D. OFFICE OF STATE FIRE MARSHAL		
CLASSIFIED POSITIONS	2,214,441 (35.96)	
OTHER PERSONAL SERVICES	305,622	
OTHER OPERATING EXPENSES	8,703,031	3,659,000
CANCER INSURANCE	3,500,000	3,500,000
TOTAL D. OFFICE OF STATE FIRE MARSHAL	14,723,094 (35.96)	7,159,000
 E. ELEVATORS & AMUSEMENT RIDES		
CLASSIFIED POSITIONS	744,800 (8.55)	
OTHER OPERATING EXPENSES	229,068	
TOTAL E. ELEVATORS & AMUSEMENT RIDES	973,868 (8.55)	
 F. PROF & OCCUPATIONAL LICENSING		
CLASSIFIED POSITIONS	9,243,695 (208.72)	
UNCLASSIFIED POSITIONS	97,618 (1.00)	
OTHER PERSONAL SERVICES	411,514	
OTHER OPERATING EXPENSES	5,777,732	
RESEARCH AND EDUCATION	200,000	

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R360-DEPARTMENT OF LABOR,
LICENSING & REGULATION

	TOTAL FUNDS	GENERAL FUNDS
TOTAL F. PROF & OCCUPATIONAL LICENSING	15,730,559 (209.72)	
G. LABOR SERVICES		
OTHER OPERATING EXPENSES	85,000	
TOTAL G. LABOR SERVICES	85,000	
H. BUILDING CODES		
CLASSIFIED POSITIONS	469,500 (12.56)	
OTHER OPERATING EXPENSES	343,869	
TOTAL H. BUILDING CODES	813,369 (12.56)	
TOTAL II. PROGRAMS & SERVICES	46,280,002 (380.97)	9,000,466 (32.82)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	11,153,587	600,912
TOT III. EMPLOYEE BENEFITS	11,153,587	600,912
TOT DEPARTMENT OF LABOR, LICENSING & REGULATION	64,251,450 (461.06)	9,601,378 (32.82)

SECTION 82
R400-DEPARTMENT OF MOTOR VEHICLES

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	143,490 (1.00)	143,490 (1.00)
CLASSIFIED POSITIONS	6,906,387 (126.00)	6,906,387 (126.00)
UNCLASSIFIED POSITIONS	345,573 (3.00)	345,573 (3.00)
OTHER PERSONAL SERVICES	85,174	85,174

R400-DEPARTMENT OF MOTOR VEHICLES

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	4,075,642	1,769,918
TOTAL I. ADMINISTRATION	11,556,266	9,250,542
	(130.00)	(130.00)
 II. PROGRAMS AND SERVICES		
A. CUSTOMER SRVC CENTERS		
CLASSIFIED POSITIONS	29,540,014	29,540,014
	(801.00)	(801.00)
UNCLASSIFIED POSITIONS	112,419	112,419
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	1,476,149	1,476,149
OTHER OPERATING EXPENSES	13,623,340	8,973,340
TOTAL A. CUSTOMER SERVICE CENTERS	44,751,922	40,101,922
	(802.00)	(802.00)
 B. DRIVER SERVICES		
CLASSIFIED POSITIONS	3,991,051	3,991,051
	(121.00)	(121.00)
UNCLASSIFIED POSITIONS	112,419	112,419
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	50,606	50,606
OTHER OPERATING EXPENSES	3,394,838	3,283,213
TOTAL B. DRIVER SERVICES	7,548,914	7,437,289
	(122.00)	(122.00)
 C. VEHICLE SERVICES		
CLASSIFIED POSITIONS	6,672,309	6,672,309
	(199.00)	(199.00)
UNCLASSIFIED POSITIONS	112,419	112,419
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	331,037	331,037
OTHER OPERATING EXPENSES	3,793,224	3,791,224
PLATE REPLACEMENT	7,500,000	
TOTAL C. VEHICLE SERVICES	18,408,989	10,906,989
	(200.00)	(200.00)
 D. INSPECTOR GENERAL		
CLASSIFIED POSITIONS	2,733,876	2,733,876
	(66.00)	(66.00)

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R400-DEPARTMENT OF MOTOR VEHICLES

	TOTAL FUNDS	GENERAL FUNDS
UNCLASSIFIED POSITIONS	112,419	112,419
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	28,500	28,500
OTHER OPERATING EXPENSES	754,458	692,557
FACIAL RECOGNITION PROGRAM	245,000	245,000
TOT D. INSPECTOR GENERAL	3,874,253	3,812,352
	(67.00)	(67.00)
 E. TECHNOLOGY & PROGRAM DEVELOPMENT		
CLASSIFIED POSITIONS	4,432,130	4,432,130
	(59.00)	(59.00)
OTHER PERSONAL SERVICES	50,000	50,000
OTHER OPERATING EXPENSES	13,682,212	10,865,866
TOTAL E. TECHNOLOGY & PROGRAM DEVELOPMENT	18,164,342	15,347,996
	(59.00)	(59.00)
 F. MOTOR CARRIER SERVICES		
CLASSIFIED POSITIONS	533,367	533,367
	(12.00)	(12.00)
UNCLASSIFIED POSITIONS	114,599	114,599
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	17,160	17,160
TOTAL F. MOTOR CARRIER SERVICES	665,126	665,126
	(13.00)	(13.00)
 TOTAL II. PROGRAMS AND SERVICES	 93,413,546	 78,271,674
	(1,263.00)	(1,263.00)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	24,721,604	24,721,604
TOT III. EMPLOYEE BENEFITS	24,721,604	24,721,604
 TOTAL DEPARTMENT OF MOTOR VEHICLES	 129,691,416	 112,243,820
	(1,393.00)	(1,393.00)

SECTION 83
R600-DEPARTMENT OF EMPLOYMENT
AND WORKFORCE

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	188,700	
	(1.00)	
CLASSIFIED POSITIONS	5,655,086	
	(140.60)	
UNCLASSIFIED POSITIONS	214,480	
	(1.00)	
OTHER OPERATING EXPENSES	8,280,977	
TOTAL I. ADMINISTRATION	14,339,243	
	(142.60)	
II. EMPLOYMENT SERVICE		
CLASSIFIED POSITIONS	10,004,712	66,308
	(137.40)	(1.00)
UNCLASSIFIED POSITIONS	31,928	
	(0.33)	
OTHER PERSONAL SERVICES	1,937,188	
OTHER OPERATING EXPENSES	17,562,372	922,000
	(1.00)	(1.00)
ALLOC OTHER STATE AGENCIES	50,000	
TOT II. EMPLOYMENT SRVC	29,586,200	988,308
	(138.73)	(2.00)
III. UNEMPLOYMENT INSUR		
CLASSIFIED POSITIONS	17,299,422	
	(362.58)	
UNCLASSIFIED POSITIONS	492,972	
	(1.34)	
OTHER PERSONAL SERVICES	5,448,781	
OTHER OPERATING EXPENSES	27,743,769	
TOTAL III. UNEMPLOYMENT	50,984,944	
INSURANCE	(363.92)	
IV. WORKFORCE INVESTMT ACT		
CLASSIFIED POSITIONS	1,271,712	
	(18.14)	

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AND WORKFORCE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	45,128	
	(0.33)	
OTHER PERSONAL SERVICES	198,198	
OTHER OPERATING EXPENSES	1,056,964	
ALLOC CNTIES - RESTRICTED	4,657,226	
ALLOC SCHOOL DIST	29,193	
ALLOCATIONS TO	36,325,861	
PLANNING DISTRICTS		
TOTAL IV. WORKFORCE	43,584,282	
INVESTMENT ACT	(18.47)	
 V. TRADE ADJUSTMENT ASSISTANCE		
CLASSIFIED POSITIONS	1,270,751	
	(75.05)	
UNCLASSIFIED POSITIONS	38,846	
OTHER PERSONAL SERVICES	41,045	
OTHER OPERATING EXPENSES	499,545	
ALLOC PRIVATE SECTOR	8,673,813	
TOTAL V. TRADE	10,524,000	
ADJUSTMENT ASSISTANCE	(75.05)	
 VI. APPEALS		
CLASSIFIED POSITIONS	1,369,478	107,207
	(37.50)	
NEW POSITIONS -	83,190	83,190
ADMINISTRATIVE ASSISTANT	(1.60)	(1.60)
UNCLASSIFIED POSITIONS	373,065	
	(1.00)	
NEW POSITIONS - PANELIST	323,994	323,994
- EXEC COMP	(3.00)	(3.00)
OTHER PERSONAL SERVICES	372,584	
OTHER OPERATING EXPENSES	696,688	88,173
TOTAL VI. APPEALS	3,218,999	602,564
	(43.10)	(4.60)
 VII. COORD WORKFORCE DEVT		
CLASSIFIED POSITIONS	2,239,703	2,239,703
	(34.00)	(34.00)

STATUTES AT LARGE
General and Permanent Laws--2023
R600-DEPARTMENT OF EMPLOYMENT
AND WORKFORCE

	TOTAL FUNDS	GENERAL FUNDS
UNCLASSIFIED POSITIONS	116,671	116,671
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	778,643	778,643
TOTAL VII. COORDINATED	3,135,017	3,135,017
WORKFORCE DEVELOPMENT	(35.00)	(35.00)
 VIII. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	17,890,768	1,531,832
TOT VIII. EMPLOYEE BENEFITS	17,890,768	1,531,832
 TOT DEPT OF EMPLOYMENT		
AND WORKFORCE	173,263,453	6,257,721
	(816.87)	(41.60)

SECTION 84
U120-DEPARTMENT OF TRANSPORTATION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
A. GENERAL		
EXECUTIVE DIRECTOR	298,000	
	(1.00)	
CLASSIFIED POSITIONS	18,460,150	
	(307.00)	
UNCLASSIFIED POSITIONS	220,371	
	(2.00)	
OTHER PERSONAL SERVICES	226,970	
OTHER OPERATING EXPENSES	48,445,998	
TOTAL A. GENERAL	67,651,489	
	(310.00)	
 B. LAND & BUILDINGS		
OTHER OPERATING EXPENSES	3,000,000	
PERMANENT IMPROVEMENTS	3,000,000	
TOTAL B. LAND & BUILDINGS	6,000,000	
 TOTAL I. ADMINISTRATION		
	73,651,489	
	(310.00)	

U120-DEPARTMENT OF TRANSPORTATION

TOTAL FUNDS _____ GENERAL FUNDS

II. HIGHWAY ENGINEERING**A. ENGR-ADMIN & PROJ MGMT**

CLASSIFIED POSITIONS	74,176,205	
	(1,299.00)	
UNCLASSIFIED POSITIONS	250,000	
	(1.00)	
OTHER PERSONAL SERVICES	1,892,140	
OTHER OPERATING EXPENSES	16,663,012	
TOTAL A. ENGR-ADMIN	92,981,357	
& PROJ MGMT	(1,300.00)	

**B. ENGINEERING -
CONSTRUCTION**

OTHER OPERATING EXPENSES	11,879,801	
OTHER OPERATING OTHER	35,219,285	7,413,399
PERM IMPR ENHANCEMENTS	36,096,825	6,123,755
PERM IMPR OPERATIONAL & SAFETY IMPROVEMENTS	438,314,811	32,289,976
PERM IMPR REHABILITATION & RESURFACING	783,006,352	14,647,828
PERM IMPR WIDENINGS & NEW LOCATIONS	419,449,202	36,502,144
PERM IMPROVEMENT BRIDGES	231,558,863	23,022,898
SIB ONE CENT EQUIVALENT	32,942,425	
TOTAL B. ENGINEERING	1,988,467,564	120,000,000
- CONSTRUCTION		

C. HIGHWAY MAINTENANCE

CLASSIFIED POSITIONS	132,918,347	
	(2,826.96)	
OTHER PERSONAL SERVICES	5,802,090	
OTHER OPERATING EXPENSES	188,372,000	2,000,000
TOT C. HIGHWAY	327,092,437	2,000,000
MAINTENANCE	(2,826.96)	

TOTAL II. HIGHWAY	2,408,541,358	122,000,000
ENGINEERING	(4,126.96)	

U120-DEPARTMENT OF TRANSPORTATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
III. NON-FEDERAL AID - HIGHWAY FUND		
OTHER OPERATING BRIDGES	19,250,000	
MINOR REPAIR		
OTHER OPERATING OTHER	35,750,000	
TOT III. NON-FEDERAL AID	55,000,000	
- HIGHWAY FUND		
IV. MASS TRANSIT		
CLASSIFIED POSITIONS	4,483,101	
	(68.00)	
UNCLASSIFIED POSITIONS	171,023	
	(1.00)	
OTHER PERSONAL SERVICES	34,064	
OTHER OPERATING EXPENSES	900,000	
ALLOC MUNICIPALITIES	3,000,000	
- RESTRICTED		
ALLOC OTHER ENTITIES	31,814,433	
AID TO OTHER ENTITIES	57,270	57,270
TOTAL IV. MASS TRANSIT	40,459,891	57,270
	(69.00)	
V. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	109,918,865	
TOT V. EMPLOYEE BENEFITS	109,918,865	
TOTAL DEPARTMENT OF TRANSPORTATION	2,687,571,603	122,057,270
	(4,505.96)	

SECTION 85
U150-INFRASTRUCTURE BANK BOARD

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
CLASSIFIED POSITIONS	410,750	
	(6.00)	
OTHER PERSONAL SERVICES	25,000	
OTHER OPERATING EXPENSES	532,520	
TRANSPORTATION INFRASTRU	125,090,000	

OF SOUTH CAROLINA
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U150-INFRASTRUCTURE BANK BOARD

	TOTAL FUNDS	GENERAL FUNDS
TOTAL I. ADMINISTRATION	126,058,270	
	(6.00)	
 II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	181,600	
TOT II. EMPLOYEE BENEFITS	181,600	
 TOTAL INFRASTRUCTURE	 126,239,870	
BANK BOARD	(6.00)	

SECTION 86
U200-COUNTY TRANSPORTATION FUNDS

	TOTAL FUNDS	GENERAL FUNDS
I. COUNTY TRANSPORTATION FUNDS		
OTHER OPERATING EXPENSES	1,000,000	
PERMANENT IMPROVEMENTS	30,000,000	
ALLOC MUNICIPALITIES	1,000,000	
- RESTRICTED		
ALLOC CNTIES - RESTRICTED	126,497,575	
TOTAL I. COUNTY	158,497,575	
TRANSPORTATION FUNDS		
 TOTAL COUNTY	 158,497,575	
TRANSPORTATION FUNDS		

SECTION 87
U300-DIVISION OF AERONAUTICS

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
CLASSIFIED POSITIONS	1,008,455	858,455
	(13.00)	(10.80)
UNCLASSIFIED POSITIONS	115,000	115,000
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	115,000	100,000
OTHER OPERATING EXPENSES	4,770,937	493,598

STATUTES AT LARGE
General and Permanent Laws--2023
U300-DIVISION OF AERONAUTICS

	TOTAL FUNDS	GENERAL FUNDS
ALLOC MUNICIPALITIES	1,545,000	
- RESTRICTED		
ALLOC CNTIES - RESTRICTED	12,041,528	500,000
ALLOC OTHER ENTITIES	400,000	
TOTAL I. ADMINISTRATION	19,995,920	2,067,053
	(14.00)	(11.80)
 II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	383,340	333,340
TOT II. EMPLOYEE BENEFITS	383,340	333,340
 TOTAL DIVISION OF		
AERONAUTICS	20,379,260	2,400,393
	(14.00)	(11.80)

SECTION 91A
A010-LEG DEPT - THE SENATE

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
SENATORS @ \$10,400	478,400	478,400
	(46.00)	(46.00)
PRESIDENT OF THE SENATE	11,000	11,000
UNCLASSIFIED POSITIONS	10,575,320	10,575,320
	(142.00)	(142.00)
OTHER OPERATING EXPENSES	5,612,784	5,612,784
JOINT CITIZENS & LEG	475,000	
COMM ON CHILDREN		
TOTAL I. ADMINISTRATION	17,152,504	16,677,504
	(188.00)	(188.00)
 II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	6,090,659	6,090,659
TOT II. EMPLOYEE BENEFITS	6,090,659	6,090,659
 TOTAL LEG DEPT -		
THE SENATE	23,243,163	22,768,163
	(188.00)	(188.00)

SECTION 91B
A050-LEG DEPT - HOUSE OF REPRESENTATIVES

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
THE SPEAKER	11,000	11,000
SPEAKER PRO TEMPORE	3,600	3,600
REPRESENTATIVES @ \$10,400	1,289,600	1,289,600
	(124.00)	(124.00)
UNCLASSIFIED POSITIONS	5,702,228	5,702,228
	(127.00)	(127.00)
OTHER OPERATING EXPENSES	14,252,627	14,252,627
TOTAL I. ADMINISTRATION	21,259,055	21,259,055
	(251.00)	(251.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	5,884,481	5,884,481
TOT II. EMPLOYEE BENEFITS	5,884,481	5,884,481
TOTAL LEG DEPT - HOUSE	27,143,536	27,143,536
OF REPRESENTATIVES	(251.00)	(251.00)

SECTION 91C
A150-LEG DEPT - CODIFICATION OF LAWS &
LEGISLATIVE COUNCIL

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
UNCLASS LEG MISC (P)	2,736,200	2,736,200
	(39.00)	(39.00)
CODE COMMMISSIONER & DIRECTOR (P)	195,455	195,455
	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	150,000	150,000
	(2.00)	(2.00)
OTHER OPERATING EXPENSES	1,697,797	1,697,797
CODE SUPPLEMENTS	400,000	100,000
TOTAL I. ADMINISTRATION	5,179,452	4,879,452
	(42.00)	(42.00)

STATUTES AT LARGE
 General and Permanent Laws--2023
**A150-LEG DEPT - CODIFICATION OF LAWS &
 LEGISLATIVE COUNCIL**

	TOTAL FUNDS	GENERAL FUNDS
II. DEVELOP/PRINT		
STATE REGISTER		
UNCLASS LEG MISC (P)	90,942	90,942
	(1.00)	(1.00)
TOT II. DEVELOP/PRINT	90,942	90,942
STATE REGISTER	(1.00)	(1.00)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,322,941	1,322,941
TOT III. EMPLOYEE BENEFITS	1,322,941	1,322,941
TOT LEG DEPT - CODIFICATION	6,593,335	6,293,335
OF LAWS & LEGIS COUNCIL	(43.00)	(43.00)

SECTION 91D
A170-LEG DEPT - LEGISLATIVE SERVICES AGENCY

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
UNCLASS LEG MISC -	3,014,124	3,014,124
PRNT & ITR (P)	(36.00)	(36.00)
DIRECTOR (P)	133,278	133,278
	(1.00)	(1.00)
UNCLASS - TEMP - LEGIS PRINT	80,000	80,000
UNCLASSIFIED POSITIONS	360,000	360,000
	(3.00)	(3.00)
OTHER OPERATING EXPENSES	6,201,697	6,201,697
TOTAL I. ADMINISTRATION	9,789,099	9,789,099
	(40.00)	(40.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,319,797	1,319,797
TOTAL II. EMPLOYEE BENEFITS	1,319,797	1,319,797
TOTAL LEG DEPT -	11,108,896	11,108,896
LEGISLATIVE SERVICES AGENCY	(40.00)	(40.00)

SECTION 91E
A200-LEG DEPT - LEGISLATIVE AUDIT COUNCIL

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR (P)	140,000	140,000
	(1.00)	(1.00)
UNCLASSIFIED LEGIS MISC	1,817,783	1,497,783
- LAC (P)	(25.00)	(25.00)
OTHER PERSONAL SERVICES	1,225	1,225
OTHER OPERATING EXPENSES	152,000	152,000
TOTAL I. ADMINISTRATION	2,111,008	1,791,008
	(26.00)	(26.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	560,689	480,689
TOT II. EMPLOYEE BENEFITS	560,689	480,689
TOTAL LEG DEPT -	2,671,697	2,271,697
LEGIS AUDIT COUNCIL	(26.00)	(26.00)

SECTION 92A
D050-GOVERNOR'S OFFICE -
EXECUTIVE CONTROL OF STATE

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
GOVERNOR	106,078	106,078
	(1.00)	(1.00)
LIEUTENANT GOVERNOR	46,545	46,545
	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	2,200,509	2,200,509
	(28.00)	(28.00)
OTHER PERSONAL SERVICES	60,000	60,000
OTHER OPERATING EXPENSES	1,200,000	1,200,000
TOTAL I. ADMINISTRATION	3,613,132	3,613,132
	(30.00)	(30.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	781,983	781,983

STATUTES AT LARGE
General and Permanent Laws--2023
D050-GOVERNOR'S OFFICE -
EXECUTIVE CONTROL OF STATE

	TOTAL FUNDS	GENERAL FUNDS
TOT II. EMPLOYEE BENEFITS	781,983	781,983
TOT GOVERNOR'S OFFICE -	4,395,115	4,395,115
EXECUTIVE CONTROL OF ST	(30.00)	(30.00)

SECTION 92C
D200-GOVERNOR'S OFFICE - MANSION AND GROUNDS

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
CLASSIFIED POSITIONS	70,696	60,696
	(2.00)	(1.00)
UNCLASSIFIED POSITIONS	169,104	119,104
	(7.00)	(3.50)
OTHER PERSONAL SERVICES	23,260	23,260
OTHER OPERATING EXPENSES	393,284	260,867
TOTAL I. ADMINISTRATION	656,344	463,927
	(9.00)	(4.50)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	96,124	88,541
TOTAL II. EMPLOYEE BENEFITS	96,124	88,541
TOTAL GOVERNOR'S OFFICE -	752,468	552,468
MANSION AND GROUNDS	(9.00)	(4.50)

SECTION 92D
D300-OFFICE OF RESILIENCE

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	135,000	135,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,143,395	1,143,395
	(16.00)	(12.00)
OTHER OPERATING EXPENSES	831,454	831,454

OF SOUTH CAROLINA
General and Permanent Laws--2023
D300-OFFICE OF RESILIENCE

	TOTAL FUNDS	GENERAL FUNDS
TOTAL I. ADMINISTRATION	2,109,849	2,109,849
	(17.00)	(13.00)
 II. PROGRAMS & SERVICES		
A. RESILIENCE		
CLASSIFIED POSITIONS	236,125	
	(5.00)	
TOTAL A. RESILIENCE	236,125	
	(5.00)	
 B. DISASTER RECOVERY		
CLASSIFIED POSITIONS	560,000	
	(10.00)	
OTHER PERSONAL SERVICES	2,340,000	
OTHER OPERATING EXPENSES	94,465,000	
ALLOC CNTIES - RESTRICTED	1,500,000	
TOT B. DISASTER RECOVERY	98,865,000	
	(10.00)	
 TOTAL II. PROGRAMS & SERVICES	 99,101,125	
	(15.00)	
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,787,780	540,621
TOT III. EMPLOYEE BENEFITS	1,787,780	540,621
 TOT OFFICE OF RESILIENCE	 102,998,754	 2,650,470
	(32.00)	(13.00)

SECTION 93
D500-DEPARTMENT OF ADMINISTRATION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	284,679	284,679
	(1.00)	(1.00)
CLASSIFIED POSITIONS	3,361,426	526,426
	(55.00)	(6.36)

D500-DEPARTMENT OF ADMINISTRATION

	TOTAL FUNDS	GENERAL FUNDS
NEW POSITIONS -	181,576	181,576
ACCOUNTING/FIS MANAGER II	(2.00)	(2.00)
NEW POSITIONS - HUMAN	90,788	90,788
RESOURCES DIRECTOR II	(1.00)	(1.00)
NEW POSITIONS -	90,788	90,788
PROGRAM MANAGER II	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	921,337	831,337
	(6.00)	(5.00)
OTHER PERSONAL SERVICES	50,200	
OTHER OPERATING EXPENSES	1,148,803	272,803
TECH INVESTMENT COUNCIL	98,784	98,784
TOTAL I. ADMINISTRATION	6,228,381	2,377,181
	(66.00)	(16.36)
 II. STATEWIDE PROGRAMS & SERVICES		
A. EXECUTIVE BUDGET OFFICE		
CLASSIFIED POSITIONS	1,258,678	1,258,678
	(18.00)	(18.00)
UNCLASSIFIED POSITIONS	150,254	150,254
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	725,000	725,000
TOTAL A. EXECUTIVE BUDGET OFFICE	2,133,932	2,133,932
	(19.00)	(19.00)
 B. HUMAN RESOURCES DIVISION		
CLASSIFIED POSITIONS	1,658,808	1,658,808
	(21.00)	(21.00)
NEW POSITIONS - HUMAN	160,000	160,000
RESOURCES CONSULTANT II	(2.00)	(2.00)
UNCLASSIFIED POSITIONS	141,894	141,894
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	60,000	60,000
OTHER OPERATING EXPENSES	1,150,000	1,100,000
TOTAL B. HUMAN RESOURCES DIVISION	3,170,702	3,120,702
	(24.00)	(24.00)

OF SOUTH CAROLINA
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D500-DEPARTMENT OF ADMINISTRATION

TOTAL FUNDS _____ GENERAL FUNDS

C. GENERAL SRVCS DIVISION**1. BUSINESS OPERATIONS**

CLASSIFIED POSITIONS	307,525	
	(2.50)	
UNCLASSIFIED POSITIONS	424,745	
	(3.50)	
OTHER PERSONAL SERVICES	12,000	
OTHER OPERATING EXPENSES	425,000	
TOT 1. BUSINESS OPERATIONS	1,169,270	
	(6.00)	

2. FACILITIES MANAGEMENT

CLASSIFIED POSITIONS	4,312,000	
	(126.50)	
OTHER PERSONAL SERVICES	300,000	
OTHER OPERATING EXPENSES	16,100,000	2,600,000
CAPITOL COMPLEX & MANSION	3,150,000	3,150,000
PERMANENT IMPROVEMENTS	16,353,781	13,353,781
TOTAL 2.	40,215,781	19,103,781
FACILITIES MANAGEMENT	(126.50)	

3. SURPLUS PROPERTY

CLASSIFIED POSITIONS	973,905	
	(26.00)	
OTHER PERSONAL SERVICES	70,000	
OTHER OPERATING EXPENSES	1,423,588	
TOTAL 3. SURPLUS PROPERTY	2,467,493	
	(26.00)	

4. PARKING

CLASSIFIED POSITIONS	100,683	
	(3.00)	
OTHER OPERATING EXPENSES	225,000	
TOTAL 4. PARKING	325,683	
	(3.00)	

5. STATE FLEET MANAGEMENT

CLASSIFIED POSITIONS	1,152,126	
	(26.00)	
OTHER OPERATING EXPENSES	28,904,606	

STATUTES AT LARGE
General and Permanent Laws--2023
D500-DEPARTMENT OF ADMINISTRATION

	TOTAL FUNDS	GENERAL FUNDS
DEBT SERVICE	750,386	
TOTAL 5. STATE	30,807,118	
FLEET MANAGEMENT	(26.00)	
6. STATE BUILDING & PROPERTY SERVICES		
CLASSIFIED POSITIONS	336,299	
	(5.50)	
UNCLASSIFIED POSITIONS	25,375	
	(0.50)	
OTHER OPERATING EXPENSES	70,000	
TOTAL 6. STATE BUILDING & PROPERTY SERVICES	431,674	
	(6.00)	
TOTAL C. GENERAL SERVICES DIVISION	75,417,019	19,103,781
	(193.50)	
D. SC ENTERPRISE INFO SYSTEM		
CLASSIFIED POSITIONS	5,787,570	5,787,570
	(81.00)	(81.00)
UNCLASSIFIED POSITIONS	250,696	250,696
	(3.00)	(3.00)
OTHER PERSONAL SERVICES	345,000	345,000
OTHER OPERATING EXPENSES	30,093,595	28,343,595
TOTAL D. SC ENTERPRISE INFORMATION SYSTEM	36,476,861	34,726,861
	(84.00)	(84.00)
E. DIVISION OF INFORMATION SECURITY		
CLASSIFIED POSITIONS	1,342,380	1,223,643
	(16.00)	(16.00)
UNCLASSIFIED POSITIONS	826,565	826,565
	(3.50)	(3.50)
OTHER OPERATING EXPENSES	607,250	607,250
ENTERPRISE TECHNOLOGY & REMEDIATION	14,811,366	14,811,366
TOTAL E. DIVISION OF INFORMATION SECURITY	17,587,561	17,468,824
	(19.50)	(19.50)

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D500-DEPARTMENT OF ADMINISTRATION

	TOTAL FUNDS	GENERAL FUNDS
F. ENTERPRISE PRIVACY OFFICE		
CLASSIFIED POSITIONS	88,000	88,000
	(1.00)	(1.00)
UNCLASSIFIED POSITIONS	124,627	124,627
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	205,000	205,000
TOTAL F. ENTERPRISE PRIVACY OFFICE	417,627	417,627
	(2.00)	(2.00)
G. STATE TECHNOLOGY OPERATIONS		
CLASSIFIED POSITIONS	8,062,712	638,871
	(155.71)	(7.00)
UNCLASSIFIED POSITIONS	991,017	
	(6.00)	
OTHER PERSONAL SERVICES	150,000	
OTHER OPERATING EXPENSES	46,349,010	3,611,090
K-12 SCHOOL TECHNOLOGY	23,450,000	
SERVICE CONTRACT 800 MHZ	6,938,247	6,938,247
TOTAL G. STATE TECHNOLOGY OPERATIONS	85,940,986	11,188,208
	(161.71)	(7.00)
H. SHARED SERVICES		
CLASSIFIED POSITIONS	2,275,656	2,275,656
	(31.00)	(31.00)
OTHER PERSONAL SERVICES	50,000	50,000
OTHER OPERATING EXPENSES	5,281,507	4,781,507
TOTAL H. SHARED SERVICES	7,607,163	7,107,163
	(31.00)	(31.00)
TOTAL II. STATEWIDE PROGRAMS & SERVICES	228,751,851	95,267,098
	(534.71)	(186.50)
III. EXECUTIVE POLICY & PROGRAMS		
A. CONSTITUENT SERVICES		
1. OMBUDSMAN		
CLASSIFIED POSITIONS	133,417	133,417
	(3.00)	(3.00)

STATUTES AT LARGE
General and Permanent Laws--2023
D500-DEPARTMENT OF ADMINISTRATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
UNCLASSIFIED POSITIONS	95,081	95,081
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	104,668	104,668
OTHER OPERATING EXPENSES	98,937	98,937
TOTAL 1. OMBUDSMAN	432,103	432,103
	(4.00)	(4.00)
 2. DEVELOPMENTAL		
DISABILITIES		
CLASSIFIED POSITIONS	213,682	19,889
	(6.00)	(0.44)
UNCLASSIFIED POSITIONS	71,637	7,417
	(1.00)	(0.10)
OTHER OPERATING EXPENSES	106,868	31,555
ALLOC OTHER ENTITIES	1,248,320	
TOT 2. DEVELOPMENTAL	1,640,507	58,861
DISABILITIES	(7.00)	(0.54)
 3. SMALL & MINORITY BUSINESS		
CLASSIFIED POSITIONS	118,716	118,716
	(2.00)	(2.00)
OTHER OPERATING EXPENSES	34,927	34,927
TOTAL 3. SMALL	153,643	153,643
& MINORITY BUSINESS	(2.00)	(2.00)
 4. ECONOMIC OPPORTUNITY		
CLASSIFIED POSITIONS	801,026	
	(16.91)	
UNCLASSIFIED POSITIONS	75,973	
OTHER PERSONAL SERVICES	303,901	
OTHER OPERATING EXPENSES	902,554	
ALLOC OTHER ENTITIES	136,090,773	
TOTAL 4. ECONOMIC	138,174,227	
OPPORTUNITY	(16.91)	
 TOTAL A. CONSTITUENT	 140,400,480	 644,607
SERVICES	(29.91)	(6.54)

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D500-DEPARTMENT OF ADMINISTRATION

	TOTAL FUNDS	GENERAL FUNDS
TOTAL III. EXECUTIVE POLICY & PROGRAMS	140,400,480 (29.91)	644,607 (6.54)
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	16,143,982	6,961,635
TOT IV. EMPLOYEE BENEFITS	16,143,982	6,961,635
TOTAL DEPARTMENT OF ADMINISTRATION	391,524,694 (630.62)	105,250,521 (209.40)

SECTION 94
D250-OFFICE OF INSPECTOR GENERAL

	TOTAL FUNDS	GENERAL FUNDS
I. OFFICE OF INSPECTOR GENERAL		
INSPECTOR GENERAL	124,993	124,993
	(1.00)	(1.00)
CLASSIFIED POSITIONS	850,257	850,257
	(13.50)	(13.50)
OTHER OPERATING EXPENSES	268,645	268,645
FRAUD HOTLINE	321	321
TOTAL I. OFFICE OF INSPECTOR GENERAL	1,244,216 (14.50)	1,244,216 (14.50)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	419,972	419,972
TOT II. EMPLOYEE BENEFITS	419,972	419,972
TOTAL OFFICE OF INSPECTOR GENERAL	1,664,188 (14.50)	1,664,188 (14.50)

SECTION 96
E080-SECRETARY OF STATE'S OFFICE

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
SECRETARY OF STATE	135,000	135,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,984,626	834,712
	(33.00)	(18.00)
NEW POSITIONS -	69,900	
ATTORNEY II	(1.00)	
OTHER PERSONAL SERVICES	65,000	
OTHER OPERATING EXPENSES	1,248,094	16,600
TOTAL I. ADMINISTRATION	3,502,620	986,312
	(35.00)	(19.00)
II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	926,410	391,568
TOT II. EMPLOYEE BENEFITS	926,410	391,568
TOTAL SECRETARY OF STATE'S OFFICE	4,429,030	1,377,880
	(35.00)	(19.00)

SECTION 97
E120-COMPTROLLER GENERAL'S OFFICE

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATIVE SRVCS		
COMPTROLLER GENERAL	151,000	151,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	161,049	161,049
	(2.00)	(2.00)
UNCLASSIFIED POSITIONS	172,570	172,570
	(3.00)	(3.00)
OTHER PERSONAL SERVICES	15,000	
OTHER OPERATING EXPENSES	59,301	1,500
OFFICE REHABILITATION	1,000,000	1,000,000
TOTAL I. ADMINISTRATIVE SERVICES	1,558,920	1,486,119
	(6.00)	(6.00)

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General and Permanent Laws--2023
E120-COMPTROLLER GENERAL'S OFFICE

	TOTAL FUNDS	GENERAL FUNDS
II. STATEWIDE PAYROLL/ ACCOUNTS PAYABLE		
CLASSIFIED POSITIONS	906,112	795,631
	(17.00)	(11.50)
OTHER OPERATING EXPENSES	75,779	2,000
TOTAL II. STATEWIDE PAYROLL/ACCOUNTS PAYABLE	981,891 (17.00)	797,631 (11.50)
III. STATEWIDE FINANCIAL REPORTING		
CLASSIFIED POSITIONS	358,506	358,506
	(6.00)	(6.00)
OTHER PERSONAL SERVICES	35,000	
OTHER OPERATING EXPENSES	139,390	1,748
TOTAL III. STATEWIDE FINANCIAL REPORTING	532,896 (6.00)	360,254 (6.00)
IV. INFORMATION TECHNOLOGY		
CLASSIFIED POSITIONS	158,492	50,000
	(2.00)	(1.00)
OTHER PERSONAL SERVICES	15,000	
OTHER OPERATING EXPENSES	169,811	1,065
TOTAL IV. INFORMATION TECHNOLOGY	343,303 (2.00)	51,065 (1.00)
V. STATEWIDE ACCOUNTING SERVICES		
CLASSIFIED POSITIONS	457,495	412,061
	(6.00)	(4.00)
OTHER OPERATING EXPENSES	32,023	1,351
TOTAL V. STATEWIDE ACCOUNTING SERVICES	489,518 (6.00)	413,412 (4.00)
VI. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	783,867	706,480
TOT VI. EMPLOYEE BENEFITS	783,867	706,480
TOTAL COMPTROLLER GENERAL'S OFFICE	4,690,395 (37.00)	3,814,961 (28.50)

SECTION 98
E160-STATE TREASURER'S OFFICE

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
STATE TREASURER	164,000	164,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	66,122	66,122
	(2.00)	(2.00)
OTHER OPERATING EXPENSES	14,115	14,115
TOTAL I. ADMINISTRATION	244,237	244,237
	(3.00)	(3.00)
II. PROGRAMS AND SERVICES		
CLASSIFIED POSITIONS	5,266,435	1,399,857
	(77.00)	(16.00)
UNCLASSIFIED POSITIONS	376,144	
	(3.00)	
OTHER PERSONAL SERVICES	118,500	
OTHER OPERATING EXPENSES	4,227,728	127,641
TOTAL II. PROGRAMS AND SERVICES	9,988,807	1,527,498
	(80.00)	(16.00)
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,551,295	636,795
TOT III. EMPLOYEE BENEFITS	2,551,295	636,795
TOTAL STATE TREASURER'S OFFICE	12,784,339	2,408,530
	(83.00)	(19.00)

SECTION 99
E190-RETIREMENT SYSTEM INVESTMENT COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR	230,000	
	(1.00)	
UNCLASSIFIED POSITIONS	4,508,745	
	(50.00)	
OTHER PERSONAL SERVICES	2,461,255	

E190-RETIREMENT SYSTEM INVESTMENT COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	6,103,000	
TOTAL I. ADMINISTRATION	13,303,000	
	(51.00)	
 II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,000,000	
TOT II. EMPLOYEE BENEFITS	2,000,000	
 TOT RETIREMENT SYSTEM	 15,303,000	
INVESTMENT COMMISSION	(51.00)	

SECTION 100
E240-ADJUTANT GENERAL'S OFFICE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	172,260	172,260
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,677,007	1,318,007
	(18.20)	(11.87)
OTHER PERSONAL SERVICES	88,903	73,903
OTHER OPERATING EXPENSES	803,800	802,800
BURIAL FLAGS	19,371	19,371
CIVIL AIR PATROL	55,000	55,000
FUNERAL CAISSON	100,205	100,205
TOTAL I. ADMINISTRATION	2,916,546	2,541,546
	(19.20)	(12.87)
 II. ARMORY OPERATIONS		
CLASSIFIED POSITIONS	21,424	
	(0.55)	
OTHER PERSONAL SERVICES	74,000	
OTHER OPERATING EXPENSES	8,504,580	4,000,004
ARMORY REVITALIZATIONS	16,400,000	2,550,000
TOTAL II. ARMORY	25,000,004	6,550,004
OPERATIONS	(0.55)	

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E240-ADJUTANT GENERAL'S OFFICE

	TOTAL FUNDS	GENERAL FUNDS
III. BUILDINGS & GROUNDS		
CLASSIFIED POSITIONS	291,159	149,664
	(13.75)	(8.25)
OTHER PERSONAL SERVICES	7,683	3,783
OTHER OPERATING EXPENSES	102,034	59,896
TOTAL III. BUILDINGS & GROUNDS	400,876	213,343
	(13.75)	(8.25)
IV. ARMY CONTRACT SUPPORT		
CLASSIFIED POSITIONS	1,076,749	
	(26.69)	(0.25)
OTHER PERSONAL SERVICES	4,793,082	42,128
OTHER OPERATING EXPENSES	23,120,685	154,000
YOUTH CHALLENGE PROGRAM	800,000	800,000
PERMANENT IMPROVEMENTS	21,700,000	
TOTAL IV. ARMY CONTRACT SUPPORT	51,490,516	996,128
	(26.69)	(0.25)
V. ENTERPRISE OPERATIONS		
CLASSIFIED POSITIONS	98,857	
	(2.00)	
OTHER PERSONAL SERVICES	839,436	
OTHER OPERATING EXPENSES	3,500,000	
TOTAL V. ENTERPRISE OPERATIONS	4,438,293	
	(2.00)	
VI. MCENTIRE ANG BASE		
CLASSIFIED POSITIONS	938,972	59,305
	(2.81)	(2.81)
OTHER PERSONAL SERVICES	1,250,897	63,880
OTHER OPERATING EXPENSES	3,006,805	322,951
TOT VI. MCENTIRE ANG BASE	5,196,674	446,136
	(2.81)	(2.81)
VII. EMERGENCY PREPAREDNESS		
CLASSIFIED POSITIONS	3,702,872	1,598,868
	(65.00)	(25.75)
OTHER PERSONAL SERVICES	383,490	17,508
OTHER OPERATING EXPENSES	5,447,652	1,650,199

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E240-ADJUTANT GENERAL'S OFFICE

	TOTAL FUNDS	GENERAL FUNDS
ALLOC MUNICIPALITIES	4,500,000	
- RESTRICTED		
ALLOC CNTIES - RESTRICTED	7,990,342	36,410
ALLOC OTHER ST AGENCIES	693,766	
ALLOC OTHER ENTITIES	60,000	
TOTAL VII.	22,778,122	3,302,985
EMERGENCY PREPAREDNESS	(65.00)	(25.75)
VIII. STATE GUARD		
CLASSIFIED POSITIONS	184,370	184,370
	(3.50)	(3.50)
OTHER PERSONAL SERVICES	1,373,157	1,373,157
OTHER OPERATING EXPENSES	221,064	221,064
TOTAL VIII. STATE GUARD	1,778,591	1,778,591
	(3.50)	(3.50)
 IX. SC MILITARY MUSEUM		
CLASSIFIED POSITIONS	272,693	272,693
	(5.00)	(5.00)
OTHER OPERATING EXPENSES	110,000	110,000
TOT IX. SC MILITARY MUSEUM	382,693	382,693
	(5.00)	(5.00)
 X. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	6,615,617	1,883,633
TOT X. EMPLOYEE BENEFITS	6,615,617	1,883,633
 TOTAL ADJUTANT	120,997,932	18,095,059
GENERAL'S OFFICE	(138.50)	(58.43)

SECTION 101
E260-DEPARTMENT OF VETERANS' AFFAIRS

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	139,085	139,085
	(1.00)	(1.00)
CLASSIFIED POSITIONS	278,430	278,430
	(4.00)	(4.00)

E260-DEPARTMENT OF VETERANS' AFFAIRS

	TOTAL FUNDS	GENERAL FUNDS
UNCLASSIFIED POSITIONS	106,041	106,041
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	100,000	100,000
TOTAL I. ADMINISTRATION	623,556	623,556
	(6.00)	(6.00)
 II. PROGRAMS AND SERVICES		
A. VETERANS' AFFAIRS		
CLASSIFIED POSITIONS	1,518,807	1,518,807
	(30.00)	(30.00)
NEW POSITIONS -	34,042	34,042
ADMINISTRATIVE SPECIALIST II	(1.00)	(1.00)
NEW POSITIONS -	102,126	102,126
BLDING/GROUNDS SPECIALIST III	(3.00)	(3.00)
OTHER PERSONAL SERVICES	33,281	33,281
OTHER OPERATING EXPENSES	820,183	820,183
POW COMMISSION	2,080	2,080
VETERANS COUNSELING	65,279	65,279
CASE SERVICES	300,000	
TOT A. VETERANS' AFFAIRS	2,875,798	2,575,798
	(34.00)	(34.00)
 B. VETERANS' CEMETERY		
CLASSIFIED POSITIONS	288,756	288,756
	(9.00)	(9.00)
OTHER OPERATING EXPENSES	308,730	63,730
TOT B. VETERANS' CEMETERY	597,486	352,486
	(9.00)	(9.00)
 C. MILITARY AFFAIRS		
CLASSIFIED POSITIONS	159,449	159,449
	(3.00)	(3.00)
OTHER OPERATING EXPENSES	70,996	70,996
MIL CONNECTED CHILDREN	350,000	350,000
TOT C. MILITARY AFFAIRS	580,445	580,445
	(3.00)	(3.00)
 TOTAL II. PROGRAMS AND SERVICES	 4,053,729	 3,508,729
	(46.00)	(46.00)

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General and Permanent Laws--2023
E260-DEPARTMENT OF VETERANS' AFFAIRS

	TOTAL FUNDS	GENERAL FUNDS
III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,147,239	1,147,239
TOTAL III. EMPLOYEE BENEFITS	1,147,239	1,147,239
TOTAL DEPARTMENT OF VETERANS' AFFAIRS	5,824,524 (52.00)	5,279,524 (52.00)

SECTION 102
E280-ELECTION COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	125,000	125,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	554,468	490,671
	(8.50)	(6.00)
NEW POSITIONS -	106,869	106,869
ACCOUNTING/FIS MANAGER I	(1.00)	(1.00)
NEW POSITIONS -	89,616	89,616
SR ACCOUNTANT/FIS ANALYST	(1.00)	(1.00)
OTHER OPERATING EXPENSES	679,101	463,198
TOTAL I. ADMINISTRATION	1,555,054 (11.50)	1,275,354 (9.00)
II. VOTER SERVICES		
CLASSIFIED POSITIONS	2,987,774	2,987,774
	(32.00)	(32.00)
NEW POSITIONS -	155,793	155,793
ENDPOINT TECHNICIAN II	(1.00)	(1.00)
NEW POSITIONS -	155,793	155,793
GIS MANAGER II	(1.00)	(1.00)
NEW POSITIONS - IT	546,315	546,315
CUSTOMER SUPPORT SPECIALIST III	(5.00)	(5.00)
NEW POSITIONS -	130,259	130,259
PROGRAM COORDINATOR II	(1.00)	(1.00)
OTHER OPERATING EXPENSES	2,553,845	2,553,845
HELP AMERICA VOTE	5,413,977	
TOTAL II. VOTER SERVICES	11,943,756 (40.00)	6,529,779 (40.00)

STATUTES AT LARGE
General and Permanent Laws--2023
E280-ELECTION COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
III. PUBLIC INFORMATION/ TRAINING		
CLASSIFIED POSITIONS	235,610	235,610
	(3.00)	(3.00)
NEW POSITIONS -	408,536	408,536
PROGRAM COORDINATOR II	(4.00)	(4.00)
NEW POSITIONS - PUBLIC	110,000	110,000
INFORMATION DIRECTOR II	(1.00)	(1.00)
OTHER OPERATING EXPENSES	60,000	25,000
TOTAL III. PUBLIC INFORMATION/TRAINING	814,146 (8.00)	779,146 (8.00)
IV. DISTRIBUTION TO SUBDIV		
AID TO COUNTIES	533,000	533,000
- ELECTION COMMISSION		
TOTAL IV. DISTRIBUTION TO SUBDIVISIONS	533,000	533,000
V. STATEWIDE/SPECIAL PRIMARIES		
SPECIAL PRIMARIES	100,000	
STWIDE PRIMARIES/GENERAL ELECTION	5,430,000	4,230,000
TOTAL V. STATEWIDE/ SPECIAL PRIMARIES	5,530,000	4,230,000
VII. TRAINING		
NEW POSITIONS -	117,870	117,870
PROGRAM MANAGER II	(1.00)	(1.00)
NEW POSITIONS -	785,148	785,148
TRAINING COORD I/INSTRUCTOR	(12.00)	(12.00)
NEW POSITIONS -	159,232	159,232
TRAINING COORD II/INSTRUCTOR	(2.00)	(2.00)
OTHER OPERATING EXPENSES	453,291	453,291
TOTAL VII. TRAINING	1,515,541 (15.00)	1,515,541 (15.00)

OF SOUTH CAROLINA
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E280-ELECTION COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
VIII. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,521,198	1,495,198
TOT VIII. EMPLOYEE BENEFITS	1,521,198	1,495,198
TOT ELECTION COMMISSION	23,412,695	16,358,018
	(74.50)	(72.00)

SECTION 103
E500-REVENUE & FISCAL AFFAIRS OFFICE

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	228,672	228,672
	(1.00)	(1.00)
APPOINTEE ALLOWANCE	16,000	16,000
CHAIRMAN'S ALLOWANCE	10,000	10,000
TOTAL I. ADMINISTRATION	254,672	254,672
	(1.00)	(1.00)
 II. PROGRAM SERVICES		
CLASSIFIED POSITIONS	5,206,714	2,985,857
	(84.75)	(47.45)
OTHER PERSONAL SERVICES	526,658	47,500
OTHER OPERATING EXPENSES	5,200,691	1,608,960
WIRELESS E911	47,333,315	
TOT II. PROGRAM SERVICES	58,267,378	4,642,317
	(84.75)	(47.45)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,397,891	1,442,404
TOT III. EMPLOYEE BENEFITS	2,397,891	1,442,404
TOTAL REVENUE &	60,919,941	6,339,393
FISCAL AFFAIRS OFFICE	(85.75)	(48.45)

SECTION 104
E550-STATE FISCAL ACCOUNTABILITY AUTHORITY

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	245,000	
	(1.00)	
CLASSIFIED POSITIONS	1,076,100	
	(23.50)	
NEW POSITIONS -	41,415	
ADMINISTRATIVE ASSISTANT	(1.00)	
NEW POSITIONS -	74,613	
PROGRAM MANAGER I	(1.00)	
UNCLASSIFIED POSITIONS	187,000	
	(2.50)	
OTHER PERSONAL SERVICES	157,000	
OTHER OPERATING EXPENSES	745,786	
TOTAL I. ADMINISTRATION	2,526,914	
	(29.00)	
II. PROCUREMENT SERVICES		
CLASSIFIED POSITIONS	3,828,827	1,158,827
	(62.50)	(17.50)
NEW POSITIONS -	41,415	
ADMINISTRATIVE ASSISTANT	(1.00)	
NEW POSITIONS -	61,324	
ENDPOINT TECHNICIAN I	(1.00)	
NEW POSITIONS -	74,613	
PROCUREMENT MANAGER II	(1.00)	
NEW POSITIONS -	41,415	
PROGRAM ASSISTANT	(1.00)	
NEW POSITIONS -	61,324	
PROJECT COORDINATOR	(1.00)	
NEW POSITIONS -	122,646	
SENIOR AUDITOR	(2.00)	
UNCLASSIFIED POSITIONS	316,293	66,293
	(3.50)	(1.00)
OTHER PERSONAL SERVICES	24,719	24,719
OTHER OPERATING EXPENSES	8,106,872	111,657
TOTAL II.	12,679,448	1,361,496
PROCUREMENT SERVICES	(73.00)	(18.50)

E550-STATE FISCAL ACCOUNTABILITY AUTHORITY

TOTAL FUNDS _____ GENERAL FUNDS

III. INSURANCE SERVICES**A. INSURANCE RESERVE FUND**

CLASSIFIED POSITIONS	2,425,000	
	(46.10)	
UNCLASSIFIED POSITIONS	245,000	
	(2.00)	
OTHER PERSONAL SERVICES	12,000	
OTHER OPERATING EXPENSES	3,598,000	
TOTAL A. INSURANCE	6,280,000	
RESERVE FUND	(48.10)	

B. SECOND INJURY FUND**SUNSET**

CLASSIFIED POSITIONS	107,000	
	(1.90)	
OTHER OPERATING EXPENSES	223,000	
TOTAL B. SECOND	330,000	
INJURY FUND SUNSET	(1.90)	

TOTAL III. INSURANCE	6,610,000	
SERVICES	(50.00)	

IV. BOND SERVICES AND TRANSFERS

OTHER OPERATING EXPENSES	4,475	
DEBT SERVICE	2,760,019	
TOTAL IV. BOND	2,764,494	
SERVICES AND TRANSFERS		

V. EMPLOYEE BENEFITS

EMPLOYER CONTRIBUTIONS	3,562,517	464,615
TOT V. EMPLOYEE BENEFITS	3,562,517	464,615
TOTAL STATE FISCAL	28,143,373	1,826,111
ACCOUNTABILITY AUTHORITY	(152.00)	(18.50)

SECTION 105
F270-SFAA - STATE AUDITOR'S OFFICE

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
STATE AUDITOR	180,000	180,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	265,946	265,946
	(3.00)	(3.00)
OTHER OPERATING EXPENSES	32,261	32,261
TOTAL I. ADMINISTRATION	478,207	478,207
	(4.00)	(4.00)
II. AUDITS		
CLASSIFIED POSITIONS	3,187,303	2,492,274
	(48.00)	(34.00)
UNCLASSIFIED POSITIONS	111,512	111,512
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	2,146,229	531,229
TOTAL II. AUDITS	5,445,044	3,135,015
	(49.00)	(35.00)
III. INTERNAL AUDIT SERVICES		
CLASSIFIED POSITIONS	577,156	577,156
	(6.00)	(6.00)
UNCLASSIFIED POSITIONS	123,324	123,324
	(1.00)	(1.00)
OTHER OPERATING EXPENSES	27,245	27,245
TOTAL III. INTERNAL AUDIT SERVICES	727,725	727,725
	(7.00)	(7.00)
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	2,095,068	1,825,458
TOT IV. EMPLOYEE BENEFITS	2,095,068	1,825,458
TOTAL SFAA - STATE AUDITOR'S OFFICE	8,746,044	6,166,405
	(60.00)	(46.00)

SECTION 106
F300-STATEWIDE EMPLOYEE BENEFITS

	TOTAL FUNDS	GENERAL FUNDS
I. STATE EMPLOYEE BENEFITS		
A. BASE PAY INCREASE		
BASE PAY INCREASE	155,653,029	155,653,029
TOT A. BASE PAY INCREASE	155,653,029	155,653,029
B. RATE INCREASES		
HEALTH INSURA-EMPLOYER CONTRIBUTIONS	121,522,000	121,522,000
SCRS RETIREMENT	40,176,566	40,176,566
TOTAL B. RATE INCREASES	161,698,566	161,698,566
TOTAL I. STATE EMPLOYEE BENEFITS	317,351,595	317,351,595
TOTAL STATEWIDE EMPLOYEE BENEFITS	317,351,595	317,351,595

SECTION 107
F310-CAPITAL RESERVE FUND

	TOTAL FUNDS	GENERAL FUNDS
I. RESERVE FUND		
CAPITAL RESERVE FUND	390,131,763	390,131,763
TOTAL I. RESERVE FUND	390,131,763	390,131,763
TOT CAP RESERVE FUND	390,131,763	390,131,763

SECTION 108
F500-PUBLIC EMPLOYEE BENEFIT AUTHORITY

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
DIRECTOR	236,625	
	(1.00)	

F500-PUBLIC EMPLOYEE BENEFIT AUTHORITY

	TOTAL FUNDS	GENERAL FUNDS
PUBLIC EMPLOYEE BENEFIT AUTHORITY	132,000	
OTHER OPERATING EXPENSES	10,000,000	
TOTAL I. ADMINISTRATION	10,368,625	
	(1.00)	
 II. PROGRAM AND SERVICES		
A. EMPLOYEE INSURANCE		
CLASSIFIED POSITIONS	6,481,301	
	(117.93)	
UNCLASSIFIED POSITIONS	341,064	
	(3.00)	
OTHER PERSONAL SERVICES	195,104	
OTHER OPERATING EXPENSES	3,945,263	
ADOPTION ASSISTANCE PROG	300,000	
TOT A. EMPLOYEE INSURANCE	11,262,732	
	(120.93)	
 B. SC RETIREMENT SYSTEMS		
CLASSIFIED POSITIONS	8,401,050	
	(155.50)	
UNCLASSIFIED POSITIONS	513,327	
	(5.00)	
OTHER PERSONAL SERVICES	303,835	
OTHER OPERATING EXPENSES	5,003,246	
TOTAL B. SC RETIREMENT SYSTEMS	14,221,458	
	(160.50)	
 TOTAL II. PROGRAM AND SERVICES	 25,484,190	
	(281.43)	
 III. STATEWIDE EMPLOYER CONTRIBUTIONS		
JSRS TRUST FUND	2,900,000	2,900,000
OPEB TRUST FUND	2,375,300	2,375,300
PENSIONS - RET NATL GUARD	5,289,727	5,289,727
PORS TRUST FUND	13,121,990	13,121,990
RET - POLICE INSURANCE & ANNUITY FUND	960	960

F500-PUBLIC EMPLOYEE BENEFIT AUTHORITY

	TOTAL FUNDS	GENERAL FUNDS
RET SUPP - POLICE OFFICERS	17,506	17,506
RETIRE SUPP - PUBLIC SCHOOL	199,855	199,855
RETIRE SUPP - ST EMPLOYEES	233,258	233,258
SCRS TRUST FUND SUPPLEMENT	88,230,143	88,230,143
TOTAL III. STATEWIDE EMPLOYER CONTRIBUTIONS	112,368,739	112,368,739
IV. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	6,177,276	
TOT IV. EMPLOYEE BENEFITS	6,177,276	
TOTAL PUBLIC EMPLOYEE BENEFIT AUTHORITY	154,398,830 (282.43)	112,368,739

**SECTION 109
R440-DEPARTMENT OF REVENUE**

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATIVE & PROGRAM SUPPORT		
DIRECTOR	196,311	196,311
	(1.00)	(1.00)
CLASSIFIED POSITIONS	276,289	276,289
	(10.00)	(10.00)
UNCLASSIFIED POSITIONS	123,375	123,375
	(2.00)	(2.00)
OTHER OPERATING EXPENSES	35,000	35,000
TOTAL I. ADMINISTRATIVE & PROGRAM SUPPORT	630,975 (13.00)	630,975 (13.00)
II. PROGRAMS AND SERVICES		
A. SUPPORT SERVICES		
CLASSIFIED POSITIONS	7,683,961	6,109,760
	(159.75)	(116.75)
UNCLASSIFIED POSITIONS		
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	150,000	100,000

STATUTES AT LARGE
General and Permanent Laws--2023
R440-DEPARTMENT OF REVENUE

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
OTHER OPERATING EXPENSES	47,872,089	6,996,060
TOT A. SUPPORT SERVICES	55,706,050	13,205,820
	(160.75)	(117.75)
 B. REVENUE & REGULATORY		
CLASSIFIED POSITIONS	21,552,894	21,183,540
	(618.50)	(589.50)
OTHER PERSONAL SERVICES	350,000	
OTHER OPERATING EXPENSES	6,431,052	5,376,963
TOT B. REVENUE & REGULATORY	28,333,946	26,560,503
	(618.50)	(589.50)
 C. LEGAL, POLICY & LEGIS		
CLASSIFIED POSITIONS	519,215	519,215
	(12.00)	(12.00)
OTHER OPERATING EXPENSES	80,000	80,000
TOTAL C. LEGAL, POLICY & LEGISLATIVE	599,215	599,215
	(12.00)	(12.00)
 TOTAL II. PROGRAMS AND SERVICES		
	84,639,211	40,365,538
	(791.25)	(719.25)
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	14,910,190	14,006,770
TOT III. EMPLOYEE BENEFITS	14,910,190	14,006,770
 TOTAL DEPARTMENT OF REVENUE		
	100,180,376	55,003,283
	(804.25)	(732.25)

SECTION 110
R520-STATE ETHICS COMMISSION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. ADMINISTRATION		
EXECUTIVE DIRECTOR	140,000	140,000
	(1.00)	(1.00)
CLASSIFIED POSITIONS	1,252,965	1,024,917
	(20.00)	(17.00)

OF SOUTH CAROLINA
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R520-STATE ETHICS COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
NEW POSITIONS -	41,415	41,415
ADMINISTRATIVE ASSISTANT	(1.00)	(1.00)
NEW POSITIONS -	61,323	61,323
ATTORNEY II	(1.00)	(1.00)
OTHER PERSONAL SERVICES	18,187	3,187
OTHER OPERATING EXPENSES	464,340	234,340
TOTAL I. ADMINISTRATION	1,978,230	1,505,182
	(23.00)	(20.00)
 II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	587,073	542,613
TOT II. EMPLOYEE BENEFITS	587,073	542,613
 TOTAL STATE ETHICS	 2,565,303	 2,047,795
COMMISSION	(23.00)	(20.00)

SECTION 111
S600-PROCUREMENT REVIEW PANEL

	TOTAL FUNDS	GENERAL FUNDS
I. ADMINISTRATION		
CLASSIFIED POSITIONS	97,333	97,333
	(2.00)	(2.00)
OTHER PERSONAL SERVICES	3,771	3,771
OTHER OPERATING EXPENSES	44,910	42,376
TOTAL I. ADMINISTRATION	146,014	143,480
	(2.00)	(2.00)
 II. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	45,889	45,889
TOT II. EMPLOYEE BENEFITS	45,889	45,889
 TOTAL PROCUREMENT	 191,903	 189,369
REVIEW PANEL	(2.00)	(2.00)

SECTION 112
V040-DEBT SERVICE

	TOTAL FUNDS	GENERAL FUNDS
I. GENERAL OBLIGATION BONDS		
AIR CARRIER HUB BONDS	4,308,400	4,308,400
CAPITAL IMPROVEMENT BONDS	49,343,728	49,343,728
ECONOMIC DEVELOPMENT BONDS	63,976,984	63,976,984
RESEARCH UNIVERSITIES BONDS	24,220,344	24,220,344
STATE SCH FACILITIES BONDS	12,050,289	12,050,289
TOTAL I. GENERAL	153,899,745	153,899,745
OBLIGATION BONDS		
II. SPECIAL BONDS/STOCKS/OTHER		
INT PAYMT-AGRI COLLEGE STOCK	11,508	11,508
INT PAYMT-CLEMSON STOCK	3,513	3,513
TOTAL II.	15,021	15,021
SPECIAL BONDS/STOCKS/OTHER		
TOTAL DEBT SERVICE	153,914,766	153,914,766

SECTION 113
X220-AID TO SUBDIVISIONS - STATE TREASURER

	TOTAL FUNDS	GENERAL FUNDS
I. AID TO SUBDIVISIONS		
AID TO COUNTY	291,602	291,602
VETERANS' OFFICES		
AID PLANNING DISTRICTS	1,556,253	1,556,253
AID TO FIRE DISTRICTS	16,496,453	16,496,453
AID - LOCAL GOVT FUND	277,456,909	277,456,909
RURAL COUNTY	12,000,000	12,000,000
STABILIZATION FUND		
TOT I. AID TO SUBDIVISIONS	307,801,217	307,801,217
II. AID TO SUBDIV- CATEGORICAL GRANTS CNTYS		
AID TO COUNTIES - CLERKS OF COURT	690,000	690,000

X220-AID TO SUBDIVISIONS - STATE TREASURER

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
AID TO COUNTIES	690,000	690,000
- PROBATE JUDGES		
AID TO COUNTIES - SHERIFFS	690,000	690,000
AID TO COUNTIES -	345,000	345,000
REGISTER OF DEEDS		
AID TO CNTIES - CORONERS	690,000	690,000
AID TO CNTIES - MAGISTRATES	3,000,000	3,000,000
AID TO CNTIES - AUDITORS	1,063,214	1,063,214
AID TO CNTIES - TREASURERS	1,063,213	1,063,213
AID TO CNTIES - LOCAL	1,600,000	1,600,000
CHILD FATALITY REVIEW TEAM		
TOTAL II. AID TO SUBDIV-	9,831,427	9,831,427
CATEGORICAL GRANTS CNTYS		
 III. EMPLOYEE BENEFITS		
EMPLOYER CONTRIBUTIONS	1,047,968	1,047,968
TOT III. EMPLOYEE BENEFITS	1,047,968	1,047,968
 TOTAL AID TO SUBDIVISIONS	318,680,612	318,680,612
- STATE TREASURER		

SECTION 115
X500-TAX RELIEF TRUST FUND

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
I. AID TO SUBDIVISIONS		
HOMESTEAD EXEMPTION	241,752,831	
REIMB-65YRS/DISABLED		
HOMESTEAD EXEMPTION-	249,069,750	
DIST TO SCHOOL DISTRICTS		
MANUFACTURERS' DEPRECIA	96,257,259	
REIMBURSEMENT		
MANUFACTURING EXEMPTION	168,305,635	
OF ASSESSED VALUE		
MERCHANTS' INVENTORY	40,557,257	
TAX EXEMPTION		
TOT I. AID TO SUBDIVISIONS	795,942,732	
 TOT TAX RELIEF TRUST FUND	795,942,732	

RECAPITULATION

<u>AGENCY</u>	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
H630 DEPARTMENT OF EDUCATION	7,806,292,711	3,901,452,587
H660 LOTTERY EXPENDITURE ACCOUNT	608,642,985	
A850 EDUCATION OVERSIGHT COMMITTEE	1,793,242	
H710 WIL LOU GRAY OPPORTUNITY SCHOOL	9,319,700	8,094,379
H750 SCHOOL FOR THE DEAF AND THE BLIND	31,570,527	18,061,072
L120 GOV'S SCH FOR AGRI AT JOHN DE LA H	8,441,761	7,304,487
H670 EDU TELEVISION COMMISSION	40,814,674	8,899,674
H640 GOV'S SCH FOR ARTS AND HUMANITIES	11,531,299	10,526,528
H650 GOV'S SCH FOR SCIENCE AND MAT	16,925,328	15,678,828
H030 COMMISSION ON HIGHER EDUCATION	51,822,659	41,220,139
H060 HIGHER EDU TUITION GRANTS COMM	44,473,011	28,223,011
H090 THE CITADEL	178,125,626	20,803,210
H120 CLEMSON UNIV - EDU & GENERAL	1,600,080,514	162,306,136
H150 UNIVERSITY OF CHARLESTON	290,369,284	47,806,518
H170 COASTAL CAROLINA UNIVERSITY	268,710,321	29,300,190
H180 FRANCIS MARION UNIVERSITY	95,865,344	30,207,881
H210 LANDER UNIVERSITY	110,771,656	19,857,404
H240 SOUTH CAROLINA STATE UNIVERSITY	144,571,164	22,515,117
H270 UNIVERSITY OF SOUTH CAROLINA	1,447,734,154	243,601,180
H290 USC - AIKEN CAMPUS	73,601,995	19,644,633
H340 USC - UPSTATE	116,510,982	29,184,002
H360 USC - BEAUFORT CAMPUS	48,632,150	13,347,224
H370 USC - LANCASTER CAMPUS	27,314,469	9,139,968
H380 USC - SALKEHATCHIE CAMPUS	17,358,728	5,104,729
H390 USC - SUMTER CAMPUS	22,126,100	8,499,997
H400 USC - UNION CAMPUS	13,761,150	5,171,837
H470 WINTHROP UNIVERSITY	183,955,881	31,441,826
H510 MEDICAL UNIV OF SOUTH CAROLINA	893,865,460	125,172,831
H530 AREA HEALTH EDU CONSORTIUM	16,993,481	13,339,854
H590 ST BOARD FOR TECH & COMPREH EDU	775,886,001	215,641,135
H790 DEPT OF ARCHIVES & HISTORY	7,641,373	5,449,632
H870 STATE LIBRARY	22,991,488	20,023,342
H910 ARTS COMMISSION	10,415,544	8,931,196
H950 STATE MUSEUM COMMISSION	9,336,982	6,236,982
H960 CONFED RELIC ROOM AND MIL MUS COMM	1,503,390	1,084,138
H730 DEPT OF VOCATIONAL REHABILITATION	176,221,124	18,538,816
J020 DEPT OF HEALTH & HUMAN SERVICES	11,320,092,800	2,058,576,942
J040 DEPT OF HEALTH & ENVIR CONTROL	696,653,297	176,613,365
J120 DEPARTMENT OF MENTAL HEALTH	619,436,978	318,934,865
J160 DEPT OF DISABILITIES & SPECIAL NEEDS	703,296,147	126,402,153
J200 DEPT OF ALCOH & OTHER DRUG ABUSE	98,585,849	18,639,398
L040 DEPARTMENT OF SOCIAL SERVICES	906,196,978	298,986,717
L240 COMMISSION FOR THE BLIND	55,645,026	5,514,639
L060 DEPARTMENT ON AGING	54,088,821	20,484,601
L080 DEPT OF CHILDREN'S ADVOCACY	21,400,563	9,921,195
L320 HOUSING FINANCE & DEVT AUTHORITY	259,197,780	
P120 FORESTRY COMMISSION	47,477,492	29,635,219
P160 DEPARTMENT OF AGRICULTURE	32,748,358	17,815,739
P200 CLEMSON UNIV - PUBLIC SRVE ACTIVITIES	109,114,286	58,343,718
P210 SC STATE UNI - PUBLIC SRVE ACTIVITIES	13,259,836	7,759,441
P240 DEPARTMENT OF NATURAL RESOURCES	163,715,994	70,470,413
P260 SEA GRANT CONSORTIUM	6,078,683	1,078,683
P280 DEPT OF PARKS, RECREATION & TOURISM	138,556,513	51,972,808

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RECAPITULATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
P320 DEPARTMENT OF COMMERCE	131,213,556	56,796,041
P340 JOBS-ECONOMIC DEV AUTHORITY	1,041,150	
P360 PATRIOTS POINT DEV AUTHORITY	15,000,000	
P400 SC CONSERVATION BANK	27,094,515	12,094,515
P450 RURAL INFRASTRUCTURE AUTHORITY	49,949,656	27,035,656
B040 JUDICIAL DEPARTMENT	118,978,678	96,020,285
C050 ADMINISTRATIVE LAW COURT	6,470,371	4,814,385
E200 ATTORNEY GENERAL'S OFFICE	112,933,767	26,165,202
E210 COMM ON PROSECUTION COORDINATION	55,849,959	47,169,376
E230 COMMISSION ON INDIGENT DEFENSE	64,929,616	49,511,267
D100 GOV'S OFF-ST LAW ENFORCEMENT DIV	135,320,138	86,772,093
K050 DEPARTMENT OF PUBLIC SAFETY	253,541,639	165,635,987
N200 LAW ENFORCEMENT TRAINING COUNCIL	17,662,782	9,929,296
N040 DEPARTMENT OF CORRECTIONS	621,079,118	551,096,123
N080 DEPT OF PROB, PAROLE & PARD SRVCS	85,852,697	64,002,306
N120 DEPARTMENT OF JUVENILE JUSTICE	171,622,037	147,629,338
L360 HUMAN AFFAIRS COMMISSION	5,386,196	3,745,823
L460 COMMISSION ON MINORITY AFFAIRS	3,016,538	2,754,724
R040 PUBLIC SERVICE COMMISSION	7,399,724	1,302
R060 OFFICE OF REGULATORY STAFF	21,290,760	3,053,007
R080 WORKERS' COMPENSATION COMM	8,374,567	2,766,722
R120 STATE ACCIDENT FUND	13,026,063	
R200 DEPARTMENT OF INSURANCE	20,486,272	6,455,518
R230 ST BOARD OF FINANCIAL INSTITUTIONS	6,536,118	
R280 DEPARTMENT OF CONSUMER AFFAIRS	4,506,384	2,045,890
R360 DEPT OF LABOR, LICENSING & REGU	64,251,450	9,601,378
R400 DEPARTMENT OF MOTOR VEHICLES	129,691,416	112,243,820
R600 DEPT OF EMPLOYMENT AND WORKFORCE	173,263,453	6,257,721
U120 DEPARTMENT OF TRANSPORTATION	2,687,571,603	122,057,270
U150 INFRASTRUCTURE BANK BOARD	126,239,870	
U200 COUNTY TRANSPORTATION FUNDS	158,497,575	
U300 DIVISION OF AERONAUTICS	20,379,260	2,400,393
A010 LEG DEPT - THE SENATE	23,243,163	22,768,163
A050 LEG DEPT - HOUSE OF REPRESENTATIVES	27,143,536	27,143,536
A150 LEG DEPT - CODIF OF LAWS & LEGIS CNCL	6,593,335	6,293,335
A170 LEG DEPT - LEGIS SRVCS AGENCY	11,108,896	11,108,896
A200 LEG DEPT - LEGISLATIVE AUDIT COUNCIL	2,671,697	2,271,697
D050 GOV'S OFFICE - EXECUTIVE CONTROL OF ST	4,395,115	4,395,115
D200 GOV'S OFFICE - MANSION AND GROUNDS	752,468	552,468
D300 OFFICE OF RESILIENCE	102,998,754	2,650,470
D500 DEPARTMENT OF ADMINISTRATION	391,524,694	105,250,521
D250 OFFICE OF INSPECTOR GENERAL	1,664,188	1,664,188
E080 SECRETARY OF STATE'S OFFICE	4,429,030	1,377,880
E120 COMPTROLLER GENERAL'S OFFICE	4,690,395	3,814,961
E160 STATE TREASURER'S OFFICE	12,784,339	2,408,530
E190 RETIREMENT SYS INVESTMENT COMM	15,303,000	
E240 ADJUTANT GENERAL'S OFFICE	120,997,932	18,095,059
E260 DEPARTMENT OF VETERANS' AFFAIRS	5,824,524	5,279,524
E280 ELECTION COMMISSION	23,412,695	16,358,018
E500 REVENUE & FISCAL AFFAIRS OFFICE	60,919,941	6,339,393
E550 ST FIS ACCOUNTABILITY AUTHORITY	28,143,373	1,826,111
F270 SFAA - STATE AUDITOR'S OFFICE	8,746,044	6,166,405
F300 STATEWIDE EMPLOYEE BENEFITS	317,351,595	317,351,595
F310 CAPITAL RESERVE FUND	390,131,763	390,131,763
F500 PUBLIC EMPLOYEE BENEFIT AUTH	154,398,830	112,368,739

STATUTES AT LARGE
General and Permanent Laws--2023
RECAPITULATION

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>
R440 DEPARTMENT OF REVENUE	100,180,376	55,003,283
R520 STATE ETHICS COMMISSION	2,565,303	2,047,795
S600 PROCUREMENT REVIEW PANEL	191,903	189,369
V040 DEBT SERVICE	153,914,766	153,914,766
X220 AID TO SUBDIV - STATE TREASURER	318,680,612	318,680,612
X500 TAX RELIEF TRUST FUND	795,942,732	
GRAND TOTAL	38,840,679,586	
STATE OF SOUTH CAROLINA		11,636,468,009
SOURCE OF FUNDS		
APPROP GENERAL FUNDS	11,636,468,009	
FEDERAL FUNDS	13,204,898,519	
OTHER FUNDS	13,999,313,058	
GRAND TOTAL	38,840,679,586	

STATEMENT OF REVENUES

ESTIMATE OF GENERAL, SCHOOL, TRANSPORTATION,
EDUCATION IMPROVEMENT ACT AND
EDUCATION LOTTERY REVENUES
FISCAL YEAR 2023-24

General Fund

Sales and Use Tax	4,504,576,000
Individual Income Tax	5,826,539,000
Corporate Income Tax	762,083,000
Insurance Taxes	352,379,000
Admissions Tax	38,729,000
Alcoholic Liquor Tax	110,143,000
Bank Tax	63,187,000
Beer and Wine Tax	117,630,000
Business Filing Fees	12,315,000
Circuit & Family Court Fines	4,992,000
Corporation License Tax	173,120,000
Documentary Tax	118,042,000
Earned on Investments	200,000,000
Indirect Cost Recoveries	20,212,000
Motor Vehicle Licenses	11,836,000
Nursing Home Licenses/Fees	3,092,000
Parole & Probation Supervision Fees	3,393,000
Private Car Lines Tax	6,616,000
Public Service Authority	17,807,000
Purchase Card Rebates	3,940,000

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STATEMENT OF REVENUES

Record Search Fees	4,461,000
Savings & Loan Association Tax	1,223,000
Security Dealer Fees	32,782,000
Tobacco Tax	29,070,000
Unclaimed Property Fund Transfer	15,000,000
Workers' Compensation Insurance Tax	10,138,000
Other Source Revenues	15,383,000
 Total General Fund Revenues	 12,458,688,000
Less:	
Transfer to Tax Relief	
Trust Funds (§11-11-150)	(795,942,732)
Revenue transferred to Nonrecurring Appropriations	<u>(26,277,259)</u>
 Net General Fund Revenues	 11,636,468,009
Education Improvement Act Fund Revenues	1,177,370,000
Nonrecurring:	
Estimated FY 2021-22 EIA Surplus	86,652,300
Estimated FY 2022-23 EIA Surplus	<u>207,072,000</u>
Total Edu Improvement Act Fund Revenues	1,471,094,300
 Transportation Fund Revenues	 2,565,514,333
 Education Lottery Account Revenues	 533,000,000
FY 2021-22 Surplus Lottery Revenues	26,142,985
FY 2022-23 Projected Surplus Lottery Revenues	49,500,000
Total Educ Lottery Account Revenues	608,642,985
 Total Estimated Revenues (§11-11-410)	 <u><u>17,077,662,359</u></u>

END OF PART IA

PART IB

OPERATION OF STATE GOVERNMENT

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

1.1. (SDE: Appropriation Transfer Prohibition) The amounts appropriated herein for aid to subdivisions, allocations to school districts, or special line items shall not be transferred and must be expended in accordance with the intent of the appropriation, except that the department may transfer funds that are deducted and retained from a school district’s transportation allocation to reimburse the department for the cost of unauthorized mileage. This transfer must be agreed upon by both the school district and the department. Those funds may be transferred into the department’s school bus transportation operating account.

1.2. (SDE: DHEC - Comprehensive Health Assessment) All school districts shall participate, to the fullest extent possible, in the Medicaid program by seeking appropriate reimbursement for services and administration of health and social services. Reimbursements to the school districts shall not be used to supplant funds currently being spent on health and social services.

1.3. (SDE: State Aid to Classrooms) For the current fiscal year, the total pupil count is projected to be 762,837, which includes traditional school districts, charter school authorizers, and the special school districts. For the current fiscal year, the total pupil count for traditional school districts is projected to be 717,486, the total pupil count for the charter authorizers is projected to be 44,648, and the total pupil count for the special districts is projected to be 703. These funds represent an average per pupil of \$5,377 in State Aid to Classrooms. The average per pupil funding is projected to be \$8,214 state, \$1,310 federal, and \$8,031 local. This is an average total funding level of \$17,555 excluding revenues of local bond issues.

The State Minimum Teacher Salary Schedule for the current fiscal year is as follows:

	CLASS 8 DR YRS DEGREE EXP	CLASS 7 MASTERS DEGREE +30 HRS	CLASS 1 MASTERS DEGREE	CLASS 2 BACHELORS DEGREE +18 HRS	CLASS 3 BACHELORS DEGREE
0	54,576	51,076	47,576	44,076	42,500
	4.80%	5.15%	5.55%	6.01%	6.25%

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

1	55,093 4.75%	51,313 5.12%	47,877 5.51%	44,338 5.98%	42,619 6.23%
2	55,424 4.72%	51,388 5.11%	48,025 5.49%	44,494 5.95%	42,813 6.20%
3	55,736 4.70%	51,457 5.11%	48,164 5.47%	44,607 5.94%	42,962 6.18%
4	56,078 4.67%	51,558 5.10%	48,331 5.45%	44,780 5.91%	43,167 6.15%
5	56,370 4.64%	51,625 5.09%	48,462 5.44%	44,888 5.90%	43,306 6.13%
6	57,634 4.53%	52,574 4.99%	49,411 5.33%	45,773 5.78%	44,191 6.00%
7	58,900 4.43%	53,522 4.90%	50,359 5.22%	46,627 5.67%	45,046 5.88%
8	60,165 4.34%	54,471 4.81%	51,308 5.12%	47,512 5.55%	45,931 5.76%
9	61,430 4.24%	55,421 4.72%	52,257 5.02%	48,366 5.45%	46,785 5.65%
10	62,696 4.15%	56,370 4.64%	53,207 4.93%	49,253 5.35%	47,671 5.53%
11	63,960 4.07%	57,318 4.56%	54,155 4.84%	50,106 5.25%	48,524 5.43%
12	65,226 3.99%	58,267 4.48%	55,104 4.75%	50,992 5.16%	49,411 5.33%
13	66,491 3.91%	59,216 4.41%	56,053 4.67%	51,846 5.07%	50,265 5.23%
14	67,756 3.83%	60,165 4.34%	57,001 4.59%	52,732 4.98%	51,150 5.14%
15	69,022 3.76%	61,114 4.27%	57,951 4.51%	53,586 4.89%	52,004 5.05%
16	70,287 3.69%	62,063 4.20%	58,900 4.43%	54,471 4.81%	52,890 4.96%
17	71,552 3.62%	63,011 4.13%	59,848 4.36%	55,325 4.73%	53,744 4.88%
18	72,193 3.59%	63,567 4.09%	60,372 4.32%	55,804 4.69%	54,206 4.84%
19	72,839 3.55%	64,128 4.06%	60,901 4.28%	56,287 4.65%	54,673 4.79%
20	73,493 3.52%	64,694 4.02%	61,435 4.24%	56,775 4.61%	55,146 4.75%

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21	74,153	65,265	61,974	57,267	55,621
	3.49%	3.98%	4.20%	4.56%	4.71%
22	74,820	65,843	62,519	57,764	56,103
	3.46%	3.95%	4.17%	4.52%	4.66%
23	75,493	66,427	63,070	58,267	56,589
	3.42%	3.91%	4.13%	4.48%	4.62%

For the current fiscal year, the funds appropriated for State Aid to Classrooms represent the State's contribution to the Aid to Classrooms program for direct instruction of students in kindergarten through grade twelve in our state, which is seventy-five percent of the total cost of funding one teacher salary for every 11.2 students. The salary cost used to determine the amount of funding required for the state effort is based on that of a teacher having a master's degree and twelve years of experience, which equates to \$55,104 on the statewide minimum salary schedule for the current fiscal year and including fringe benefits is \$72,991. The calculation of teachers for every student ratio includes those teachers eligible pursuant to Section 59-20-50(4)(b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the State. School districts are required to meet the statewide minimum salary schedule in the current fiscal year and are required to provide the annual step increase pursuant to Section 59-20-50. No school district is required to increase teacher salaries above the amount necessary to meet the statewide minimum salary schedule as prescribed in this act. For the current fiscal year, the provisions of Section 59-20-50(3) of the 1976 Code, as amended, are suspended.

To allocate the funds, the department will calculate the total number of weighted pupil units (WPU) in each school district and in the State. The funds appropriated herein for State Aid to Classrooms represent the state share of the total Aid to Classrooms program, which is seventy-five percent. The local required effort is twenty-five percent of the total program. The total Aid to Classrooms funding for each district is calculated based on the district's percentage of the total statewide weighted pupils multiplied by the total Aid to Classrooms program. The district's local share is calculated by multiplying the total local share by the district's imputed index of taxpaying ability, which is the district's relative fiscal capacity compared to that of all other districts in the State. The State Aid to Classrooms amount allocated to each district will be determined by subtracting the calculation of the district's local share

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from the calculation of the district's total Aid to Classrooms projected funding. The Statewide Public Charter School District and any approved institution of higher education authorizing charter schools shall receive one hundred percent of the Aid to Classrooms funding from the State. For Fiscal Year 2023-24, no local match is required for the State Aid to Classroom EIA distributions for the base funding rolled up from the previous fiscal year.

Each district will receive either the amount determined by this new methodology or the actual state funding received in Fiscal Year 2021-22 from State Aid to Classrooms, Aid School Districts, Student Health and Fitness, Guidance/Career Specialists, Handicapped – Profoundly Mentally, EIA - Aid to Districts, EIA - Students at Risk of School Failure, Allocations EIA – Teacher Salaries, Allocations EIA – Employer Contributions, EIA – Student Health and Fitness Act - Nurses, and EIA - South Carolina Public Charter Schools.

To provide flexibility, each district may expend the funds as determined by the local school board of trustees to meet the educational needs of students as defined in Section 59-1-50, Chapter 18, Title 59, and as delineated in a child's Individualized Education Program (IEP). Pursuant to Section 59-20-80, each school board of trustees must make available by September first of each fiscal year its annual budget that includes state, local, and federal investments in education. The budget must be available on the district's website. The department, in collaboration with local school districts, will provide a template that each district must use in reporting its budget.

To provide transparency, Revenue and Fiscal Affairs will document annually, through an online financial dashboard, the expenditure of all state, local, and federal funds by each district and by each charter school authorizer and other relevant data. To ensure that the public reporting meets the needs of educators, parents, citizens, and policymakers, the department, in conjunction with Revenue and Fiscal Affairs, will consult routinely with a group of educators, parents, citizens, and policymakers. District expenditures for the prior fiscal year must be published on the department's website for public disclosure by January 1.

If a traditional school district, charter school authorizer, or special school district fails to submit expenditure data needed for the online financial dashboard, the Revenue and Fiscal Affairs Office will notify the Department of Education. Within thirty days of such notification, the Department of Education must then withhold ten percent of all state

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payments to the district or authorizer until the district or authorizer complies and all payments will then be made.

To ensure accountability, each district's annual audit that is submitted to the Department of Education pursuant to Section 59-17-100 must be conducted using an auditing firm from an approved list provided by the State Auditor. The State Auditor will develop standards and criteria for determining qualifying auditors. Each district's annual audit must be available on the district's website.

For the current fiscal year the South Carolina Public Charter School District and any institution of higher education sponsoring a public charter school shall receive and distribute state Aid to Classroom funds to the charter school. Students enrolled in charter schools authorized by the South Carolina Public Charter School District or an institution of higher education will receive in addition to the base weight of 1.00 or in addition to the disability weight of 2.60 an additional weight based upon the type of charter school that they attend. These additional funds must support the provision of educational services for children served by a charter school that does not receive local revenues. These students are also eligible to receive additional weights for personalized instruction. The department will make any necessary adjustments to account for the state share for Charter and Special Districts.

Three and four year old students with a disability, who are eligible for services under IDEA and enrolled in brick and mortar charter schools sponsored by the South Carolina Public Charter School District or registered IHE, shall be included in student counts solely for the purposes of receiving the additional weighting for students attending a brick and mortar charter school.

For Fiscal Year 2023-24, special districts and alternative schools will receive the amount received in the prior fiscal year from these funds.

The Revenue and Fiscal Affairs Office, must post in a prominent place on their website for each school district projections, including the per pupil state, federal and local revenues, excluding revenues of local bond issues, for the current fiscal year. Also, as soon as practicable, upon determining the exact numbers regarding pupil count and funding, the Revenue and Fiscal Affairs Office, shall also post on their website the one hundred thirty-five-day average daily membership for each school district and per pupil state, federal and local revenues, excluding revenues of local bond issues, based on the most recent audited financial statement as reported annually pursuant to Section 59-17-100. The Department of Education and the Education Oversight Committee shall

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provide in a prominent place on their internet websites a link to the information posted by the Revenue and Fiscal Affairs Office, including the projected numbers and the exact numbers.

For the current fiscal year, the pupil classification weightings are as follows:

- | | |
|--|------|
| (1) K-12 pupils or base students including homebound students | 1.00 |
| Students served in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section 44-7-130 of the 1976 Code shall receive a weighting of 2.10. | |
| (2) Weights for students with disabilities as documented by their Individualized Education Plan (IEP) | 2.60 |
| (3) Precareer and Career Technology | 1.20 |
| (4) Charter school students | |
| (a) Enrolled in brick and mortar school | 1.25 |
| (b) Enrolled in virtual charter school | 0.65 |
| (5) Additional weights for personalized instruction: | |
| (a) Gifted and Talented | 0.15 |
| (b) Academic Assistance | 0.15 |
| (c) Limited English Proficiency | 0.20 |
| (d) Pupils in Poverty | 0.50 |

Students in poverty are students who qualify for Medicaid, SNAP, TANF, or are homeless, transient, or in foster care.

Gifted and talented students are students who are classified as academically or artistically gifted and talented or who are enrolled in Advanced Placement (AP), International Baccalaureate (IB), and Cambridge International courses in high school. Districts shall set-aside twelve percent of the funds for serving artistically gifted and talented students in grades three through twelve.

Students in need of academic assistance are students who do not meet state standards in mathematics, English language arts, or both on state approved assessments in grades three through eight and high school assessments for grades nine through twelve. The additional weight generates funds needed to provide additional instructional services to these students.

Students with limited English proficiency are students who require intensive English language instruction programs and whose families require specialized parental involvement intervention.

Further, the Department of Education may use school district student counts for personalized instruction as collected in the same manner as the prior fiscal year, PowerSchool or other available existing data

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sources as determined by the department to calculate the school district add on weightings for the personalized instruction classifications and the determination of the school districts monetary entitlement. End of year adjustments shall be based on the one hundred thirty-five-day student average daily membership for all classifications. During the current fiscal year, the department will update PowerSchool calculations, reports, screen development, documentation, and training to incorporate the new pupil classification weightings and to make final district allocation adjustments by June 30. The department must provide districts with technical assistance with regard to student count changes in PowerSchool.

Up to ten percent of any funds appropriated for State Aid to Classrooms at the end of the fiscal year may be carried forward into the subsequent fiscal year and allocated to school districts, the South Carolina Public Charter School District, and an institution of higher education that authorizes charter schools pursuant to this provision. The additional funds must first support increases in student enrollment and any balance may be allocated proportionately utilizing weighted pupil units to districts. Any additional unexpended funds shall revert to the general fund or to the EIA Fund.

With the funds that the Department of Education receives for health insurance for school districts, the department shall allocate the funds to school districts proportionately utilizing weighted pupil units. The department shall allocate to districts funds received for retirement benefits through the State Aid to Classrooms formula.

1.4. (SDE: Employer Contributions/Allocations) It is the intent of the General Assembly that the appropriation contained herein for “Public School Employee Benefits” shall not be utilized to provide employer contributions for any portion of a school district employee’s salary that is federally funded.

State funds allocated for school district employer contributions must be allocated by the formula and must be used first by each district to cover the cost of fringe benefits for personnel required by the Defined Program, food service personnel and other personnel required by law. Once a district has expended all state allocated funds for fringe benefits, the district may utilize food service revenues to fund a proportionate share of fringe benefits costs for food service personnel.

The Department of Juvenile Justice and the Department of Corrections’ school districts must be allocated funds under the fringe

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benefits program in accordance with criteria established for all school districts.

1.5. (SDE: Employer Contributions/Obligations) In order to finalize each school district's allocations of Employer Contributions funds for retiree insurance from the prior fiscal year, the Department of Education is authorized to adjust a school district's allocation in the current fiscal year accordingly to reflect actual payroll and payments to the Retirement System from the prior fiscal year. In the event the Department of Education is notified that an educational subdivision has failed to remit proper payments to cover Employee Fringe Benefit obligations, the Department of Education is directed to withhold the educational subdivision's state funds until such obligations are met.

1.6. (SDE: Educational Responsibility/Foster Care) The responsibility for providing a free and appropriate public education program for all children including disabled students is vested in the public school district wherein a child of lawful school age resides in a foster home, group home, orphanage, or a state operated health care facility including a facility for treatment of mental illness or chemical dependence and habilitation centers for persons with intellectual disabilities or persons with related conditions located within the jurisdiction of the school district or alternative residences. The districts concerned may agree upon acceptable local cost reimbursement. If no agreement is reached, districts providing education shall receive from the district where the child last resided before placement in a facility an additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. If a child from out of state is residing in a facility owned and/or operated by a for profit entity, the district providing educational services shall be reimbursed by the for profit entity the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. Participation will be evidenced by a written agreement from the IEP team or 504 team, written referral, or the school district initiating the placement process. School districts providing the education shall notify the nonresident district in writing within forty-five calendar days that a student from the nonresident district is receiving education services pursuant to the provisions of the proviso. The notice shall also contain the student's name, date of birth, and disabling condition if available. If appropriate financial arrangements cannot be effected

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between institutions of the state, including independent school districts under the authority of the Department of Disabilities and Special Needs, and school districts, institutions receiving educational appropriations shall pay the local base student cost multiplied by the appropriate pupil weighting. Children residing in institutions of state agencies shall be educated with nondisabled children in the public school districts if appropriate to their educational needs. Such institutions shall determine, on an individual basis, which children residing in the institution might be eligible to receive appropriate educational services in a public school setting. Once these children are identified, the institution shall convene an IEP meeting with officials of the public school district in which the institution is located. If it is determined by the committee that the least restrictive environment in which to implement the child's IEP is a public school setting, then the school district in which the institution is located must provide the educational services. However, that school district may enter into contractual agreements with any other school district having schools located within a forty-five mile radius of the institution. The cost for educating such children shall be allocated in the following manner: the school district where the child last resided before being placed in an institution shall pay to the school district providing the educational services an amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act; the school district providing the educational services shall be able to count the child for all funding sources, both state and federal. The institution and school district, through contractual agreements, will address the special education and related services to be provided to students. Should the school district wherein the institution is located determine that the child cannot be appropriately served in a public school setting, then the institution may request a due process hearing pursuant to the procedures provided for in the Individuals with Disabilities Education Act.

The agreed upon acceptable local cost reimbursement or the additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to out-of-district students, shall be paid within sixty days of billing, provided the billing district has provided a copy of the invoice to both the Superintendent and the finance office of the district being invoiced. Should the district not pay within sixty days, the billing district can seek relief from the Department of Education. The department shall withhold EFA funding equal to the

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billing from the district refusing to pay and submit the funding (equal to the invoice) to the billing school district.

The agency placing a child in any situation that requires changing school districts, must work with the schools to assure that all required school records, including confidential records, are transferred from the sending to the receiving school within three working days. School records to be transferred should include grade transcripts, state birth certificate, certificate of immunization, social security card, attendance records, discipline records, IEP's, psychological reports (or notation in the school records that a psychological report on the child is available at the school district office) and any other records necessary for the appropriate placement of the child in the new school. School districts must release all records upon presentation of a court order or appropriate permission for confidential release. If evaluation or placement is pending, the receiving school district is responsible to secure information and to complete the placement. The receiving school will maintain appropriate confidentiality of all records received on a child. Upon discharge or release from the treatment facility, the agency placing the child in the receiving school must work with the school district where the student will reside after treatment to assure continuity of the student's education.

1.7. (SDE: Instruction in Juvenile Detention Centers) It shall be the responsibility of the school district where a local juvenile detention center is located to provide adequate teaching staff and to ensure compliance with the educational requirements of this State. Students housed in local juvenile detention centers are to be included in the average daily membership count of students for that district and reimbursement by the Department of Education made accordingly.

1.8. (SDE: Revenue Authorization) The State Department of Education is hereby authorized to collect, expend, and carry forward revenues in the following areas to offset the cost of providing such services: the sale of publications, manuals and forms, the sale of Apple Tags, royalties, contributions, donations, foundation funds, special grants and contracts, brochures, photo copies, listings and labels, Directory of South Carolina Schools, student health record cards, items to be recycled, and high school diplomas and certificates; the collection of out-of-state and in-state investigation fees, registration fees for non-SDE employees, recurring facility inspection fees, teacher certification fees; the handling of audio-visual film; the provision of contract computer services to school districts and other state agencies,

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joint broadcast service to school districts, and education-related statistics through agreement with the National Center for Education Statistics; the lease or sale of programs of television, audio or microcomputer software; the lease or sale of virtual courses to other states; the collection of damage fees for instructional materials and the sale of unusable instructional materials; sale of fuel; use and repair of transportation equipment; fees for Medicaid reimbursable transportation; the receipt of insurance and warranty payments on Department of Education equipment and the sale of used school buses and support equipment. The Department of Education is authorized to collect revenue for deposit into the State General Fund for testing material purchases and test rescoring fees. The Department of Education is authorized to expend revenue collected for lost and damaged instructional materials and the sale of unusable instructional materials for the purpose of contracting for the purchase and maintenance of a statewide textbook inventory management system, provided that schools' newly-adopted instructional materials needs are met first.

1.9. (SDE: School District Bank Accounts) Each school district in this State, upon the approval of the district's governing body, may maintain its own bank account for the purpose of making disbursement of school district funds as necessary to conduct school district business and each county treasurer is hereby authorized to transfer such amount as needed, upon receipt of a written order certified by the district governing body or their designee. Such order shall contain a statement that such amount is for immediate disbursement for the payment of correct and legal obligation of the school district.

1.10. (SDE: Travel/Outside of Continental U.S.) School District allocations from General Funds, lottery, and EIA funds shall not be used for travel outside of the continental United States. The International Baccalaureate Program shall be exempt from this restriction.

1.11. (SDE: Year End Closeout) The State Department of Education is authorized to expend federal and earmarked funds (not including state or EIA funds) in the current fiscal year for expenditures incurred in the prior year; however, state funds appropriated in Part IA, Section 1, X, Aid to School Districts, for the Children's Case Resolution System or private placements for services provided to children with disabilities may be used for those expenditures in prior fiscal years. The department is also authorized to use appropriated funds to pay for textbooks shipped in the fourth quarter of the prior fiscal year.

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1.12. (SDE: Transportation Collaboration) The Department of Education School Bus Maintenance Shops shall be permitted, on a cost reimbursable-plus basis, to deliver transportation maintenance and services to vehicles owned or operated by public agencies in South Carolina.

School buses operated by school districts, other governmental agencies or head start agencies for the purpose of transporting students for school or school related activities shall not be subject to state motor fuel taxes. Further, that school districts, other governmental agencies or head start agencies may purchase this fuel, on a cost reimbursable-plus basis, from the Department of Education School Bus Maintenance Shops.

1.13. (SDE: School Bus Insurance) The Department of Education shall maintain comprehensive and collision insurance or self-insure state-owned buses. In no event shall the department charge local school districts for damages to the buses which are commonly covered by insurance.

1.14. (SDE: Teacher Data Collection) Of the non-program funds appropriated to the Department of Education, it and the Commission on Higher Education shall share data about the teaching profession in South Carolina. The data sharing should ensure (1) a systematic report on teacher supply and demand information and (2) data to determine classes being taught by public school teachers out of field of their preparation. The data collection should include but not be limited to: classes/subjects taught, number of students taught, percentage of teacher education graduates from South Carolina colleges/universities who go into teaching, percentage of teacher education graduates who teach in public schools in South Carolina, percentage of new teachers who leave the South Carolina teaching profession in the first three years of public school teaching due to unsuccessful evaluations, percentage of new teachers who leave the profession in the first three years of public school teaching in South Carolina who have successful evaluations, turnover rate of teachers and certification areas with highest vacancies. All database items should be set up so that it can be disaggregated by ethnicity, gender, geographic location, etc.

1.15. (SDE: School Bus Driver CDL) From funds provided in Part IA, Section 1, VII.B., local school districts shall request a criminal record history from the South Carolina Law Enforcement Division for past conviction of any crime before the initial employment of a school bus driver or school bus aide. The Department of Education and the

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school districts shall be treated as a charitable organization for purposes of the fee charged for the criminal records search.

1.16. (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State Superintendent of Education. The School Bus Specifications Committee shall allow for input from all school bus chassis and body manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus specifications of another state in the procurement of school buses. If the department uses the specifications of another state, the department must submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee detailing the methodology by which the alternative specifications were determined to be safe, more economical, and in the public interest, when compared to the specifications set forth by the School Bus Specifications Committee.

1.17. (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program VII.B. - Bus Shops and funds appropriated in VII.C. - Buses may be used to purchase buses, fuel, parts, or other school bus related items. All funds appropriated for bus fuel, parts/supplies, maintenance, and bus purchases may be carried forward from the prior fiscal year and expended in the current fiscal year to support bus transportation services.

1.18. (SDE: Mitford Transportation Costs) Transportation costs for the transporting of students from the Mitford area of Fairfield County to schools in the Great Falls area of Chester County is not the responsibility of and shall not be borne by the Chester County School District. These transportation costs shall continue to be the responsibility of the State Department of Education.

1.19. (SDE: School Board Meetings) Of the funds appropriated through the Department of Education for technology related expenses, school districts that have a website shall place a notice of a regularly scheduled school board meeting twenty-four hours in advance of such meeting. The notice shall include the date, time, and agenda for the board meeting. The school district shall place the minutes of the board meeting on their website within ten days of the next regularly scheduled board meeting.

1.20. (SDE: Proviso Allocations) In the event an official General Fund revenue shortfall is declared by the Board of Economic Advisors,

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the Department of Education may reduce any allocation in Section 1 specifically designated by proviso in accordance with the lower Board of Economic Advisors revenue estimate as directed by the Executive Budget Office-Carolina.

1.21. (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, and Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated specifically for state level maintenance of effort requirements under IDEA, funds allocated specifically for state level maintenance of effort requirement for federal program, funds provided for the Education and Economic Development Act, funds provided for Career and Technology Education, nor funds required for debt service or bonded indebtedness. All school districts must report the student teacher ratio for every classroom to the Department of Education at the forty-fifth and the one hundred and thirty-fifth day mark. The department shall report this information to the General Assembly for the current school year.

In order for a school district to take advantage of the flexibility provisions, at least seventy-five percent of the school district's per pupil expenditures must be utilized within the In\$ite categories of instruction, instructional support, and only transportation, food service, and safety within non-instruction pupil services. No portion of the seventy-five percent may be used for facilities, business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and transportation, food service, and safety within non-instruction pupil services for the current school year ending June thirtieth. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures.

"In\$ite" means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships,

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reducing transportation costs for extracurricular and academic competitions, restructuring administrative staffing, and expanding virtual instruction.

School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the current fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or nonessential programs have been suspended and the specific flexibility actions taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting, and the certification must be conspicuously posted on the internet website maintained by the school district.

For the current fiscal year, Section 59-21-1030 is suspended. The foreign language program assessment, and the physical education assessment must be suspended. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

For the current fiscal year, savings generated from the suspension of the assessments enumerated above must be allocated to school districts based on weighted pupil units.

School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register must be prominently posted on the district's internet website and made available for public viewing and downloading. The register must include for each expenditure:

- (i) the transaction amount;
- (ii) the name of the payee; and
- (iii) a statement providing a detailed description of the expenditure.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not

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include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

The Comptroller General must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, of the South Carolina Freedom of Information Act. Nothing in this proviso shall be interpreted as prohibiting the State Board of Education to exercise its authority to grant waivers under Regulation 43-261.

1.22. (SDE: Medical Examination and Security Reimbursement/Expenditures) From funds authorized in Part IA, Section 1, VII.B. Other Operating Expenses, the Department of Education may directly pay, or reimburse employees, for the cost of a medical examination as required in Part 391, Subpart E of the Federal Motor Carrier Safety Regulations, for employees that are required to operate a state vehicle transporting hazardous materials and that are required to undergo a national security background check because of the required Hazmat endorsement to their CDL.

1.23. (SDE: Budget Reduction) In compensating for any reduction in funding or an operating deficit publicly recognized by the School Board of Trustees, local districts must give priority to preserving classroom teachers and operations. Funding reductions should first be applied to administrative and non-classroom expenses before classroom expenses are affected.

1.24. (SDE: School District Furlough) Should there be a midyear reduction in state funding to the districts, school districts may institute employee furlough programs for district-level and school-level professional staff. Before any of these employees may be furloughed,

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the chairman of the governing body of the school district must certify that all fund flexibility provided by the General Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in force. The certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit. The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

The local school district board of trustees may implement a furlough of personnel once certification to the State Superintendent documents all funding flexibility has been exhausted and continued year-end deficits exist. Local school boards of trustees shall have the authority to authorize furloughs of these employees in the manner in which it sees fit. However, instructional personnel may be furloughed for up to five non-instructional days if not prohibited by an applicable employment contract with the district and provided district administrators are furloughed for twice the number of days. District administrators may only be furloughed on non-instructional days and may not be furloughed for a period exceeding ten days. District administrators shall be defined by the Department of Education using the Professional Certified Staff (PCS) System. For individuals not coded in PCS, the determination shall be made based upon whether the individual performs the functions outlined in position codes identified by the department as administration. Educators who would have received a year's experience credit had a furlough not been implemented, shall not have their experience credit negatively impacted because of a furlough implementation.

During any furlough, affected employees shall be entitled to participate in the same benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions, including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the district will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under any employee grievance procedure. The district may allocate the employee's reduction in pay

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over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs.

Each local school district must prominently post on the district's internet website and make available for public viewing and downloading the most recent version of the school district's policy manual and administrative rule manual.

This proviso shall not abrogate the terms of any contract between any school district and its employees.

1.25. (SDE: School Lunch/Attendance Supervisors) For those counties in which an entity other than the school district administers the school lunch supervisor and/or attendance supervisor programs, the school districts in that county shall transfer to the entity the amount available in the previous fiscal year for administration of the school lunch supervisor and/or attendance supervisor programs. Each district shall transfer a pro rata share of the total cost based upon the percentage of state EFA funds distributed to the districts within the county.

1.26. (SDE: No Discrimination Requirement) State funds must not be appropriated to a school that discriminates against or participates with or is a member of an association with policies that discriminate or afford different treatment of students based on race or national origin.

1.27. (SDE: Medicaid Cash Match Accounting) The department is granted authority to transfer funds between budget lines and object codes to identify, reconcile, reimburse, and remit funds required for Medicaid cash match to the Department of Health and Human Services.

1.28. (SDE: Student Report Card-GPA) For each high school student, school districts shall be required to print the student's individual cumulative grade point average for grades nine through twelve on the student's report card.

1.29. (SDE: Lost & Damaged Instructional Materials Fees) Fees for lost and damaged instructional materials for the prior school year are due no later than December first of the current school year when invoiced by the Department of Education. The department may withhold instructional materials funding from schools that have not paid their fees by the payment deadline.

1.30. (SDE: State Aid to Classrooms Reserve Fund) There is created in the State Treasury a fund separate and distinct from the General Fund of the State and all other funds entitled the State Aid to Classrooms Reserve Fund. All unexpended general funds appropriated to the Department of Education for the State Aid to Classrooms in the current fiscal year shall be transferred to the State Aid to Classrooms

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Reserve Fund. In the event that the amount appropriated for the State Aid to Classrooms is insufficient to fully fund the designated student-teacher ratio as established by this act, revenues from the State Aid to Classrooms Reserve Fund may be used to supplement the funds appropriated. The General Assembly may make direct appropriations to this fund. All unexpended funds in the State Aid to Classrooms Reserve Fund and any interest accrued by the fund must remain in the fund and may be carried forward into the current fiscal year.

1.31. (SDE: Prohibit Advertising on School Buses) The Department of Education and local school districts are prohibited from selling space for or the placement of advertisements on the outside or inside of state-owned school buses.

1.32. (SDE: Residential Treatment Facilities Student Enrollment and Funding) Each South Carolina resident of lawful school age residing in licensed residential treatment facilities (RTFs) for children and adolescents identified on the State Qualified Providers list and meets the requirements of Section 44-7-130 of the 1976 Code, (students) shall be entitled to receive educational services from the school district in which the RTF is located (facility school district). The responsibility for providing appropriate educational programs and services for these students, both with and without disabilities, who are referred, authorized, or placed by the State is vested in the facility school districts. For purposes of this proviso, an authorization must be pursuant to a physician's determination of medical necessity. If clinically appropriate, the facility school district, the RTF, and the parent or guardian of a student referred or placed in a RTF may consider the appropriateness of providing the student's education program virtually through enrollment in either the facility district's virtual program, the South Carolina virtual school program provided through the Department of Education (Virtual SC), or a virtual charter school authorized by the South Carolina Public Charter School District, or a virtual charter school authorized by an approved institute of higher education. This decision should be made jointly with the best interest of the student and what is clinically indicated being considered.

A facility school district must provide the necessary educational programs and services directly to the student at the RTF's facility, provided that the RTF facility provides and maintains comparable adequate space for the educational programs and services consistent with all federal and state least restrictive environment requirements. Adequate space shall include appropriate electrical support and Internet

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accessibility. Unless the parent or legal guardian of the student seeks to continue the student's enrollment in the resident school district under a medical homebound instruction program and the district approves, if appropriate, then, under these circumstances, the facility school district shall enroll the student and assume full legal and financial responsibility for the educational services including enrolling the student, approving the student's entry into a medical homebound instructional program, if appropriate, and receiving and expending funds, unless the resident school district undertakes to carry out its educational responsibilities for the student directly. Alternatively, a facility school district may choose to provide the necessary educational programs and services by contracting with the RTF provided that the RTF agrees to provide educational services to the student at the RTF's facility. Under these circumstances, the facility school district must enroll the student and pay the RTF for the educational services provided. If the facility school district determines the educational program being offered by the RTF does not meet the educational standards outlines in the contract, the facility district shall be justified in terminating the contract.

The facility school districts are entitled to receive the base student cost multiplied by the Education Finance Act pupil weighting for pupils in a Residential Treatment Facility of 2.10, as set forth in Proviso 1.3 of this act and any eligible categorical and federal funds. These funds may be retained by the facility school districts for the purpose of providing the educational programs and services directly to students referred or placed by the State or the facility school districts may use these funds to reimburse RTFs for the educational programs and services provided directly by the RTFs. A facility school district is entitled to reimbursement from a resident school district for the difference between (1) the reasonable costs expended for the educational services provided directly by the facility school district or the amount paid to the RTF; and (2) the aggregate amount of federal and state funding received by the facility school district for that student. However, the reimbursement rate may not exceed \$90 per student per day. Through a joint agreement with the facility school district and the RTF, the funding received for RTF students must be utilized to deliver an instructional program that meets the needs of the students, and when applicable, the requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973. Facility school districts providing the educational services shall notify the resident district in writing within forty-five calendar days that a student from the resident district is

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receiving educational services pursuant to the provisions of the proviso. Reimbursements shall be paid within sixty days of billing, provided the facility district has provided a copy of the invoice to both the District Superintendent and the finance office of the resident district being invoiced. Should the facility school district be unable to reach agreement with the resident school district regarding reasonable costs differences, the facility school district shall notify the Department of Education's Office of General Counsel. The Department of Education shall facilitate a resolution of the dispute between the facility school district and the resident school district within forty-five days of the notice of dispute. If the issue of reasonable cost differences should remain unresolved, a facility school district shall have the right to file a complaint in a Circuit Court. Should a resident school district fail to distribute the entitled funding to the facility school district by the one hundred thirty-five day count, the Department of Education is authorized to withhold the equivalent amount of EFA funds and transfer those funds to the facility school district.

RTF facilities on the State Qualified Provider List not located within the boundaries of the state shall be reimbursed at a rate that may not exceed \$45 per student per day for education services and school districts shall be eligible to receive a base student cost weighted funding of 2.10 provided that the student remains enrolled in the school district. Facilities providing the educational services shall notify the resident district in writing within forty-five calendar days that a student from the resident district is receiving educational services pursuant to the provisions of the proviso. Reimbursements shall be paid within sixty days of billing, provided the qualified facility has provided a copy of the invoice to both the District Superintendent and the finance office of the resident district being invoiced. Should the facility be unable to reach agreement with the resident school district regarding reasonable costs differences, the provider shall notify the Department of Education's Office of General Counsel. The Department of Education shall facilitate a resolution of the dispute between the facility and the resident school district within forty-five days of the notice of dispute. If the issue of reasonable cost differences should remain unresolved, a facility shall have the right to file a complaint in a Circuit Court. Additionally, qualified RTF providers' general education curriculum must be aligned to the South Carolina academic standards in the core content areas. All students with disabilities who are eligible for special education and related services under the Individuals with Disabilities Education Act

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(IDEA), as amended, and the State Board of Education (SBE) regulations, as amended, shall receive special education and related services in the least restrictive environment by appropriately certified personnel. Students in a qualified RTF will at all times be eligible to receive the educational credits (e.g., Carnegie Units) earned through their educational efforts. The resident school district and the RTF should develop a memorandum of understanding to outline the responsibilities of the RTF in providing the educational services and responsibilities, if any, of the resident school district while the student is housed in the RTF.

If a child from out of state is placed in a RTF by an out-of-state school district or agency, the child's home state remains responsible for the educational services. The facility school district may choose to provide the educational program to the child and, upon choosing to do so, shall contract with the appropriate entity for payment of educational services provided to the child. Out-of-state students provided educational services by a facility school district shall not be eligible for funding through the Education Finance Act.

If a child is placed in a RTF by the child's parent or guardian and is not referred, authorized, or placed by the State, the facility school district may choose to provide the educational program to the child, and upon doing so, must negotiate with the resident school district for services through medical homebound procedures. A facility school district is responsible for compliance with all child find requirements under Section 504 of the Rehabilitation Act of 1973 and Individuals with Disabilities Act of 2004 (IDEA).

All students enrolled in the facility school districts shall have access to the facility school districts' general education curriculum, which will be tied to the South Carolina academic standards in the core content areas. All students with disabilities who are eligible for special education and related services under the Individuals with IDEA, as amended, and the State Board of Education (SBE) regulations, as amended, shall receive special education and related services in the least restrictive environment by appropriately certified personnel. Students in an RTF will at all times be eligible to receive the educational credits (e.g., Carnegie Units) earned through their educational efforts.

With respect to students enrolled in the facility school districts, for accountability purposes, the assessment and accountability measures for students residing in RTFs shall be attributed to a specific school only if the child physically attends the school. The performance of students residing in a RTF who receive their educational program on site at the

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RTF must be reflected on a separate line on the facility school district's report card and must not be included in the overall performance ratings of the facility school district. The Department of Education shall examine the feasibility of issuing report cards for RTFs. For the current fiscal year, a facility school district shall not have the district's state accreditation rating negatively impacted by deficiencies related to the delivery of an educational program at a RTF.

RTFs shall notify the facility school district as soon as practical, and before admission to the RTF if practical, of a student's admission to the RTF. RTFs, the facility school districts and the Department of Education shall use their best efforts to secure and/or exchange information, including documents and records necessary to provide appropriate educational services and/or related services as necessary to assist the facility school district in determining the resident school district. The Department of Education, in collaboration with state placing agencies, RTFs, facility school districts, and resident school districts, shall implement a system to follow the release of students from a RTF and re-enrollment in public, private, or special schools to ensure these students, when appropriate, are not recorded as dropouts.

1.33. (SDE: Special Schools Flexibility) For the current fiscal year, the special schools are authorized to transfer funds among funding categories, including capital funds.

1.34. (SDE: High School Driver Education) For the current fiscal year, the requirement for high schools to provide a course in driver education is suspended however, high schools may continue to offer driver education courses if they choose to do so.

1.35. (SDE: Carry Forward Authorization) For the current fiscal year, the Department of Education is authorized to carry forward and expend any General Fund balances for school bus transportation.

1.36. (SDE: Administrative Costs Report Posting) School districts must report the amount of funds spent on administrative costs, as defined by InSight in the prior fiscal year and post the report on the districts website. School districts shall provide an electronic copy of this report to the Department of Education in conjunction with the financial audit report required by Section 59-17-100 of the 1976 Code. If a district fails to meet these requirements, they must be notified in writing by the department that the district has sixty days to comply with the reporting requirement. If the district does not report within sixty days, the department is authorized to reduce the district's State Aid to Classrooms

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cost by one percent until such time as the requirement is met. Once in compliance, any funds withheld will be returned to the district.

1.37. (SDE: Holocaust Funds) Funds appropriated to the Department of Education for the SC Council on Holocaust shall not be used for any other purpose nor transferred to any other program. In addition, in the event the department is required to implement a budget reduction, SC Council on Holocaust funds may not be reduced.

1.38. DELETED

1.39. (SDE: Impute Index Value) For the current fiscal year and for the purposes of calculating the index of taxpaying ability the Department of Revenue shall impute an index value for owner-occupied residential property qualifying for the special four percent assessment ratio by adding the second preceding taxable year total school district reimbursements for Tier 1, 2, and Tier 3(A) and not to include the supplement distribution. The Department of Revenue shall not include sales ratio data in its calculation of the index of taxpaying ability. The methodology for the calculations for the remaining classes of property shall remain as required pursuant to the General Appropriations Act and other applicable provisions of law.

1.40. (SDE: State Aid to Classrooms State Share) A school district that does not recognize a State share of State Aid to Classrooms shall be supplemented with an amount equal to seventy-five percent of the school district with the least State financial requirement.

1.41. (SDE: Health Education) (1) Each school district is required to ensure that all comprehensive health education, reproductive health education, and family life education conducted within the district, whether by school district employees or a private entity, must utilize curriculum that complies with the provisions contained in Chapter 32, Title 59 and aligns to all standards and regulations adopted by the South Carolina State Board of Education. Each district shall publish on its website the title and publisher of all health education materials it has approved, adopted, and used in the classroom. If the department determines that a district is non-compliant with mandated health education upon review of the district's annual CHE Compliance Survey or if the district fails to publish the title and publisher of materials on its website, then the Department of Education shall withhold one percent of the district's funds allocated in Part IA, Section 1, X - Student Health and Fitness Act until the department determines the district is in compliance.

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(2) Any person may complain in a signed, notarized writing to the chairman of the governing board of a school district that matter not in compliance with the requirements of Chapter 32, Title 59 is being taught in the district. Upon receiving a notarized complaint, the chairman of the governing board must ensure that the complaint is immediately investigated and, if the complaint is determined to be founded, that immediate action is taken to correct the violation. If corrective action is not taken within 60 days of such a determination, or if no investigation is made within 60 days of the chairman's receipt of the notarized statement, then the complainant may within 60 calendar days, give written notice to the department. The notice must include the original notarized complaint. If, upon investigation, the department determines that the district has not taken appropriate immediate action to correct a violation, then the Department of Education shall withhold one percent of the district's funds allocated in Part IA, Section 1, X - Student Health and Fitness Act until the department determines the district is in compliance.

1.42. (SDE: Bus Lease/Purchase) The Department of Education is permitted to purchase or lease school buses in order to continue replacement of the state's school bus fleet.

1.43. (SDE: School Enrollment Policy) For the current fiscal year, any school district with an open enrollment policy for all schools or certain schools which had previously accepted certain students residing outside of the district to an academic magnet school in the district must continue to accept these students and their siblings for enrollment at the academic magnet school under the same terms and conditions these students were previously permitted to attend the school.

1.44. (SDE: District Funding Flexibility) For the current fiscal year, districts must utilize funding flexibility provided herein to ensure that district approved safety precautions are in place at every school.

1.45. (SDE: Transportation Maintenance Facilities) For the current fiscal year, a school district wishing to include school bus maintenance in a contract with a private vendor may enter into an agreement with the Department of Education whereby the department releases the school district to include school bus maintenance in the private vendor contract.

1.46. (SDE: School District Activity Bus Advertisements) School Districts may sell commercial advertising space on the outside or inside of district owned activity buses. However, as defined and determined by the local school board, a school district may not sell such commercial advertising if the advertisement promotes a political candidate, ideology,

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or cause, a product that could be harmful to children, or a product that appeals to the prurient interest. Revenue generated from the sale of commercial advertising space shall be retained by the school district.

1.47. (SDE: School District Property) The requirements of Section 59-19-250 of the 1976 Code, as amended, which requires the consent of a governing board of a county in order for school trustees to sell or lease school property whenever they deem it expedient to do so are suspended for the current fiscal year.

1.48. (SDE: Full-Day 4K) Eligible students residing in any school district or attending any charter school authorized by the South Carolina Public Charter School District or an approved institution of higher education may participate in the South Carolina Early Reading Development and Education program (CERDEP) pending the availability of space and funding. Student eligibility as defined by Section 59-156-130 of the 1976 Code is an annual family income of one hundred eighty-five percent or less of the federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services or a statement of Medicaid eligibility.

A parent or guardian may choose to enroll their child in a public school participating in the program and approved by the Department of Education pursuant to Section 59-156-210 or in a private provider participating in the program and approved by the Office of First Steps pursuant to Section 59-156-200. A private provider includes, but is not limited to, a child care center, a military child care facility regulated by the United States Department of Defense, or a non-profit independent school. State funds appropriated for the provision of CERDEP services in military child care facilities may not be used to supplant existing federal child care funds. No school district can be denied participation in CERDEP or be denied CERDEP funding pursuant to the terms of this provision.

4K programs in public schools and non-profit independent schools participating in CERDEP are not required to be approved, registered, or licensed by the Department of Social Services in order to participate in CERDEP. Instead, the Department of Education and the Office of First Steps are responsible for ensuring that providers deliver high-quality educational programs pursuant to Section 59-156-160.

Public and private providers shall be funded for instructional costs at a minimum rate of \$5,100 per student enrolled. Eligible students enrolling during the school year or withdrawing during the school year shall be funded on a pro rata basis determined by the length of their

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enrollment. Private providers transporting eligible children to and from school shall also be eligible for reimbursement at a minimum of \$620 per eligible child transported. First Steps and the Department of Education must provide an equitable distribution above the minimum between public and private providers. First Steps and the Department of Education must provide a quarterly report beginning October 1 detailing funding above the minimum made to any provider to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. All providers who are reimbursed are required to retain records as required by their fiscal agent. New providers participating for the first time in the current fiscal year and enrolling between one and six eligible children shall be eligible to receive at a minimum of \$1,000 per child in materials and equipment funding, with providers enrolling seven or more such children eligible for funding at a minimum of \$10,000. The Department of Education and the Office of First Steps Readiness are authorized to utilize carry forward funds and federal funds to supplement the amount expended for materials and equipment. Providers receiving equipment funding are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps. The Department of Education shall only provide funding for public school students whose complete records have been entered into PowerSchool based on the one hundred and thirty-five day student average daily membership. For the current fiscal year, providers may enroll pay-lunch children who score at or below the twenty-fifth national percentile on two of the three DIAL-3 subscales by July 1 if at least seventy-five percent of the total number of children eligible or the Child Early Reading Development and Education Program in a district or county are projected to be enrolled in that program, Head Start, or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, Child Early Reading Development and Education Program. Providers may receive reimbursement for these children if funds are available. The Department of Education is required to offer waivers allowing students with disabilities to be served in multi-categorical classroom settings based on similar cognition and

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abilities. Funding appropriated for CERDEP may be carried forward and expended for the same purpose.

Annually, the Department of Education is directed to audit the annual allocations to public providers to ensure that allocations are accurate and aligned to the appropriate pro rata per student allocation, materials, and equipment funding. In the event the department, during the audit process determines that the annual allocations of the prior fiscal year are not accurate, the department must adjust the allocations for the current fiscal year to account for the audit findings. The department must provide the results of the annual audit findings to the General Assembly no later than December first. Likewise, in the event the Office of First Steps determines that the annual allocations of the prior fiscal year to private providers are not accurate, the Office of First Steps must adjust the allocations for the current fiscal year to account for the findings.

Of the funds appropriated, \$300,000 shall be allocated to the Education Oversight Committee to conduct an annual evaluation of the South Carolina Child Development Education Pilot Program and to issue findings in a report to the General Assembly by March first of each year. To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both public and private providers are required to submit the necessary data as a condition of continued participation in and funding of the program. This data shall include developmentally appropriate measures of student progress. Additionally, the Department of Education shall issue a unique student identifier for each child receiving services from a private provider. The Department of Education shall be responsible for the collection and maintenance of data on the public state funded full day and half-day four-year-old kindergarten programs. The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee shall use this data and all other collected and maintained data necessary to conduct a research based review of the program's implementation and assessment of student success in the early elementary grades along with information, recommendations, and a timeline for how the state can increase the number of students served in high-quality programs.

For eligible children residing in school districts that do not participate in CERDEP, the Department of Education is required to develop and implement inter-district transfer policies that give parents or guardians

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the option of their eligible child attending an out-of-district school that participates in CERDEP.

For the current fiscal year, the Office of First Steps may expend: (1) up to \$2,000,000 to pilot a program to provide higher reimbursement rates to high-quality providers. The reimbursement rate for students enrolled by child care providers rated B or higher in the ABC Quality System operated by the Department of Social Services may be increased by up to 10% of the per-student base following guidelines developed by the Office of First Steps; and (2) up to \$250,000 to provide one-time supplemental, needs-based incentive grants in an amount not to exceed \$30,000 for newly created and/or newly approved private providers proposing to expand service to ten or more CERDEP eligible children in communities unable to enroll all eligible students in a public, private, or Head Start setting during the prior fiscal year. These grants are designed to address building renovations, documented as necessary to bring proposed classrooms into compliance with licensing regulations, materials and staffing costs, and/or other obstacles currently preventing their participation in the program. The First Steps Board of Trustees shall develop and approve an application process that incorporates formal review and fiscal safeguards designed to ensure grant funds are used solely to address documented barriers to program participation. Providers receiving this one-time supplement shall be expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years shall require the provider to return a portion of the supplemental allocation at a level determined by the Office of First Steps to School Readiness. First Steps shall submit a report detailing its process, expenditures and expanded enrollment to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee by March 15.

If by August first, the Department of Education or the Office of First Steps determines that appropriations will exceed expenditures, available funds may be used to fund an extended program and to increase the length of the program to a maximum of eight and a half hours per day or two hundred and twenty days per year or to fund summer programs. If a district chooses to fund summer enrollment, the program funding shall conform to the funding in this act for full year programs; however, it shall be reduced on a pro rata basis to conform with the length of the program. A summer program shall be no more than eight and a half hours per day and shall be no more than ten weeks in length. The per

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pupil allocation and classroom grant must conform with the appropriated amount contained in this act and end of year adjustments shall be based on the one hundred and thirty-five-day student average daily membership or later student average daily membership for districts choosing to extend the program past one hundred and eighty days. Funds may also be used to provide parent engagement, professional development, and quality evaluations of programs. No later than April first, the Department of Education and the Office of First Steps shall report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on the expenditure of these funds to include the following information: the amount of money used and specific steps and measures taken to enhance the quality of the 4K program and the amount of money used for professional development as well as the types of professional development offered and the number of participants. The Office of First Steps is directed to determine if the provision of extended programs in private centers improves the ability of parents to enter the workforce or to pursue postsecondary training or industry credentials.

On or before November 15, the Department of Education and the Office of First Steps shall share data that identifies the total number of children enrolled in CERDEP in both public and private providers. If available appropriations exceed the instructional costs of serving children enrolled in the program and if a waiting list of eligible children can be documented by the Department of Education and by the Office of First Steps, then the Executive Budget Office may authorize the transfer of funds between the Department of Education and the Office of First Steps.

The Office of First Steps and the Department of Education shall collaborate with the South Carolina Head Start State Collaboration Office to inform parents of all publicly funded full-day 4K programs including Head Start by participating in PalmettoPreK and First5SC.

1.49. (SDE: Summer Reading Camps) For the current fiscal year, funds appropriated for summer reading camps must be allocated as follows: (1) up to twenty percent to the Department of Education to provide bus transportation for students attending the camps; (2) \$700,000 allocated to the department to provide grants to support community partnerships whereby community organizations shall partner with local school districts to provide enrichment activities as part of after school programs or summer reading camps that utilize volunteers, mentors or tutors to provide instructional support to struggling readers

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in elementary schools that have a poverty index of forty percent or greater. All mentors and tutors that are a part of these after school programs or summer reading camps must have passed a SLED criminal background check. Participant to volunteer or teacher ratio must conform to that of the school district in which the program is located; and (3) the remainder on a per pupil allocation to each school district based on the number of students who substantially failed to demonstrate third-grade reading proficiency as indicated on the prior year's state assessment as defined by Section 59-155-120(10) of the 1976 Code. Summer reading camps must be at least six weeks in duration with a minimum of four days of instruction per week and four hours of instruction per day, or the equivalent minimum hours of instruction in the summer. School transportation shall be provided. The camps must be taught by compensated teachers who have at least an add-on literacy endorsement or who have documented and demonstrated substantial success in helping students comprehend grade-level texts. The Department of Education shall assist districts that cannot find qualified teachers to work in the summer camps. Districts may also choose to contract for the services of qualified instructors or collaborate with one or more districts to provide a summer reading camp. Schools and school districts are encouraged to partner with county or school libraries, institutions of higher learning, community organizations, faith-based institutions, businesses, pediatric and family practice medical personnel, and other groups to provide volunteers, mentors, tutors, space, or other support to assist with the provision of the summer reading camps. In the current school year, any student in third grade who substantially fails to demonstrate third-grade reading proficiency by the end of the school year must be offered the opportunity to attend a summer reading camp at no cost to the parent or guardian. The purpose of the reading camp is to provide students who are significantly below third-grade reading proficiency with the opportunity to receive quality, intensive instructional services, and support. A district may also include in the summer reading camps students who are not exhibiting reading proficiency at any grade and may charge fees for these students to attend the summer reading camps based on a sliding scale pursuant to Section 59-19-90, except where a child is found to be reading below grade level in the first, second or third grade. A parent or guardian of a student who does not substantially demonstrate proficiency in comprehending texts appropriate for his grade level must make the final decision regarding the student's participation in the summer reading camp.

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1.50. (SDE: Interscholastic Athletic Association Dues) (A) A public school district supported by state funds shall not use any funds or permit any school within the district to use any funds to join, affiliate with, pay dues or fees to, or in any way financially support any interscholastic athletic association, body, or entity unless the constitution, rules, or policies of the association, body, or entity contain the following:

(1) a range of sanctions that may be applied to a student, coach, team, or program and that takes into account factors such as the seriousness, frequency, and other relevant factors when there is a violation of the constitution, bylaws, rules, or other governing provisions of the association, body, or entity;

(2)(a) guarantees that private or charter schools are afforded the same rights and privileges that are enjoyed by all other members of the association, body, or entity. A private or charter school may not be expelled from or have its membership unreasonably withheld by the association, body, or entity or restricted in its ability to participate in interscholastic athletics including, but not limited to, state playoffs or championships based solely on its status as a private school or charter school. The association, body, or entity shall set reasonable standards for private or charter school admission. A private or charter school denied membership must be provided, in writing within five business days, the reason or reasons for rejection of its application for membership;

(b) guarantees that a South Carolina home school athletic team that is a member of a home school athletic association may not be denied access to preseason and regular season interscholastic athletics including, but not limited to, jamborees and invitational tournaments, based solely on its status as a home school athletic team; other rules or policies of the association, body, or entity would apply;

(3)(a) an appeals process in which appeals of the association, body, or entity are made to a disinterested third-body appellate panel which consists of seven members who serve four year terms, with one person appointed by the delegation of each congressional district;

(b) a member of the panel serves until his successor is appointed and qualifies. A vacancy on the panel is filled in the manner of the original appointment;

(c) members of the appellate panel do not concurrently serve as officers of the association, body, or entity and may not have served as a member of the executive committee within the last three years.

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Principals and superintendents are able to appeal a ruling of the association, body, or entity to the panel. The appellate panel also must provide the final ruling in any appeal brought against a decision of the association, body, or entity;

(4) a procedure in place for emergency appeals to be held and decided upon in an expedited manner if the normal appellate process would prohibit the participation of a student, team, program, or school in an athletic event, to include practices; and

(5) provisions, implemented within one year after the effective date of this section, that require the composition of the executive committee of the association, body, or entity be geographically representative of this State.

(B) In the event an association, body, or entity fails to include one of the items listed in this proviso, public school districts and schools must end their affiliation with the association, body, or entity prior to the beginning of the upcoming school year and are prohibited from paying dues or fees to the association, body, or entity.

(C) Eligibility requirements for new students to participate in interscholastic athletics shall be no more restrictive in language or application than the rules or policies of the association, body, or entity that were in effect on January 1, 2020.

1.51. (SDE: Reading/Literacy Coaches) (A) For the current fiscal year, of the funds appropriated for Reading/Literacy Coaches, the Department of Education shall retain up to \$14,000,000 to be expended for the Palmetto Literacy Project. The Department shall identify schools in the Palmetto Literacy Project that have one-third or more of its third grade students scoring at the lowest achievement level on the statewide summative English language arts assessment. For each school identified and participating in the Palmetto Literacy Project in the prior school year, the Department of Education shall provide, at a minimum, the following support: provision of reading specialists, professional learning, and curriculum resources based on the science of reading. The reading specialist/coaches provided to the Palmetto Literacy Project schools shall be hired and evaluated annually by the Department of Education.

(B) The balance of funds appropriated to the Department for Reading/Literacy Coaches shall be allocated to school districts for schools not included in the Palmetto Literacy Project to support reading instruction and interventions which may include, but not be limited to, hiring reading/literacy coaches, interventionists, or professional

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development based on the science of reading. Expenditure of funding must be included in the district reading plan approved by the Department of Education.

(C) These funds must be allocated to school districts by the Department of Education as follows: for each primary and elementary school, the school district shall be eligible to receive up to \$62,730 or the actual cost of salary and benefits for a full-time reading/literacy coach.

(D) By accepting these funds, a school district warrants that they will not be used to supplant existing school district expenditures, except for districts that either are currently, or in the prior fiscal year, were paying for reading/literacy coaches with local funds. A district may only utilize these funds to employ reading/literacy coaches that may serve in a primary, elementary, or middle school or a combination of these schools depending on the area of highest need in the district except in the event that the district can request and receive a waiver from the Department of Education to expend the funds on interventionists who spend more than fifty percent of their time providing direct support to struggling readers in grades kindergarten through grade five. The school district must align the placement of coaches to the district reading plan that is approved by the department.

(E) Funds appropriated for reading/literacy Coaches are intended to be used to provide primary, elementary, and/or middle schools with reading/literacy coaches who shall serve according to the provisions in Chapter 155, Title 59.

(F) Schools and districts accepting funding to support a coaching position agree that the reading/literacy coach must not serve as an administrator. If the department finds that school districts are using these funds for administrative costs as defined in statute they must withhold that districts remaining balance of funds allocated pursuant to this proviso.

(G) The Department of Education must publish guidelines that define the minimum qualifications for a reading/literacy coach. These guidelines must deem any licensed/certified teacher qualified if, at a minimum, he or she:

(1) holds a bachelor's degree or higher and an add-on endorsement for literacy coach or literacy specialist; or

(2) holds a bachelor's degree or higher and is actively pursuing the literacy coach or literacy specialist endorsement; or

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(3) holds a master's degree or higher in reading or a closely-related field.

Within these guidelines, the Department of Education must assist districts in identifying a reading/literacy coach in the event that the school is not successful in identifying and directly employing a qualified candidate.

(H) The Department of Education shall require:

(1) any school district receiving funding to identify the name and qualifications of the supported reading/literacy coach; as well as the school in which the coach is assigned; and

(2) any school district receiving funding to account for the specific amounts and uses of such funds.

(I) With the data reported by the school districts, the department shall report by January fifteenth of the current fiscal year on the hiring of and assignment of reading/literacy coaches by school. The department shall also report the amount of funds that will be used for Summer Reading Camps.

(J) Any unspent or unallocated funds may be carried forward and expended for Summer Reading Camps.

1.52. (SDE: Sports Participation) Any school receiving state funds shall be required to allow a military dependent student who has transferred from their resident school district to another school district to participate in a sport that was not offered in the resident school district. Should a school fail to comply with this provision, the Department of Education shall withhold one percent of their total state allocation.

1.53. (SDE: Graduation Rates) For the current fiscal year, if a high school has a graduation rate below sixty percent, using appropriated funds a local school district board of trustees must provide a report detailing a plan to increase the graduation rate in accordance with the provisions of the Education Accountability Act to the State Board of Education.

1.54. (SDE: Proceeds from Sale of Bus Shop & Boat) For the current fiscal year the Department of Education is authorized to retain any funds received from the sale of any bus shop and the sale of the state-owned boat and expend those funds for transportation purposes.

1.55. (SDE: Teacher Certification Exemption) For the current fiscal year, a teacher certified at the secondary level may teach such courses in grades seven through twelve without having the add on certification for middle-level education. A teacher certified in elementary education may teach first grade without having the add on certification in early

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childhood education. Districts must report to the Department of Education and the Center for Educator Recruitment Retention and Advancement on the teachers and courses that utilize this exemption.

1.56. (SDE: Digital Instructional Materials) The Department of Education shall continue to create an instructional materials list composed of those items (print and/or digital) that have received State Board of Education approval through the normal adoption process. The department shall continue to work with the publishers of instructional materials to ensure that districts have options for print/digital student materials to include class sets of print student editions, if needed. Funds appropriated for the purchase of instructional materials (print/digital) may be used for reimbursing school districts to offset the costs of refurbishing science kits on the state-adopted instructional materials inventory, purchasing new kits or those adopted as supplemental from the central textbook depository, or a combination of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs, equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs. Funds provided for Instructional Materials may be carried forward from the prior fiscal year into the current fiscal year to be expended for the same purposes by the department, school districts, and special schools. These funds are not subject to flexibility.

1.57. (SDE: Technology Technical Assistance) Of the funds appropriated in VIII.D - Technology for the K-12 Technology Initiative, the department is authorized to withhold up to \$350,000 in order to provide technology technical assistance to school districts.

1.58. (SDE: Technology Technical Assistance) Funds appropriated to the Department of Education for Technology Technical Assistance must be used to increase the capacity of districts, first who are or were the original trial and plaintiff school districts in the Abbeville law suit, and then other districts that need such assistance. Funds shall be used by the department to assist school districts in procuring appropriate technology to include devices and infrastructure and to build capacity to offer online testing and increased access. For the current fiscal year, districts and individual public charter schools may request a waiver from the State Board of Education from the requirement that all assessments be administered online; however, any paper administrations must be completed according to the deadlines set by the department.

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1.59. (SDE: Assistance Funding) For the current fiscal year, any funds appropriated to the Department of Education to assist districts that are or were Plaintiffs in the Abbeville law suit and funding appropriated to the department to provide technical assistance to underperforming districts may not be transferred to any other program, are not subject to flexibility, and may be carried forward and expended for the same purposes.

1.60. (SDE: Reporting and Procurement) Any state agency or school for which the department acts as the fiscal agent must comply with any state and federal reporting requirements using agency procedures and shall follow all state procurement laws.

1.61. (SDE: School Leadership) Of the funds appropriated to and retained by the department for Professional Development, \$400,000 shall be used to contract with a non-profit statewide K-12 professional association located in South Carolina whose membership provides for the development and support of current and future school leaders. The provider must specialize in multiple assessments, executive coaching, and leadership development that provides the skills necessary for a progressive career path in school leadership.

1.62. (SDE: School Bus Drivers) For the current fiscal year, a driver candidate must possess a valid driver's license that meets the requirements in State and Federal law to operate commercial and non-commercial school bus type vehicles with no restrictions other than vision correction to qualify for issuance. Driver candidates must complete all Department of Education classroom and behind-the-wheel training requirements, including a medical examination and drug/alcohol testing, for initial certification as well as all Department of Education required in-service training annually to qualify for continued certification.

1.63. (SDE: Special Education Minutes Requirement) For the current fiscal year the required two-hundred fifty minutes of specialized instruction a student is required to receive in order to qualify for the special education weighting in the State Aid to Classrooms is waived. A special education weighting may be applied for any public school child with an Individualized Education Program in effect, regardless of the number of minutes of instruction.

1.64. (SDE: Retired Educators Employment) For the current fiscal year school districts may notify retired educators of employment in writing on or before May 1. School districts employing retired educators pursuant to Section 9-1-1795 of the 1976 Code shall provide

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documentation of compliance with the earnings limitation exemptions to the department. The department shall verify the compliance and send the verification to the Public Employee Benefit Authority.

1.65. (SDE: Education Rate Program) For purposes of the federal Educational Rate Program, a child attending a state-funded four-year-old kindergarten program must be considered an elementary school student.

1.66. (SDE: Safe Schools Initiative) (A) For the current fiscal year, the Department of Education and the State Law Enforcement Division shall continue to support, through the state level Threat Assessment Team, school threat assessment teams and training in school districts. Each school in the state shall continue to identify key staff and maintain a threat assessment team. The department shall work with stakeholders to provide professional development to staff serving on the team. The state level Threat Assessment Team shall continue to coordinate, collect, and compile Threat Assessment & School Safety Plans from each school district with their input. These plans shall be exempt from the provisions of Section 30-4-10, et seq. of the 1976 Code. The Department of Education and the State Law Enforcement Division shall continue to provide the Governor and the General Assembly with recommendations regarding school safety which shall include any projected costs or necessary statute changes.

1.67. (SDE: Alternative Certification Programs) For the current fiscal year, the department, through the State Board of Education, is authorized to award a conditional teaching certificate to a person who is enrolled in an approved alternative certification program provided the person has earned a bachelor's degree from a regionally accredited college or university with a major, or major equivalence, as defined by the State Board of Education in guidelines developed by the department in a certification area for which the board has determined there exists a critical shortage of teachers, and the person has passed the appropriate teaching examination.

1.68. (SDE: Student Meals) For the current fiscal year, all school districts shall conduct an updated analysis identify students in poverty according to the provisions in Proviso 1.3 of this act and increase access to free school meals for these students. School districts shall use the criteria to directly certify pupils eligible for free and reduced-price school meals to the extent permitted under federal law. The local board of trustees of a district in which all schools are eligible to receive the free federal reimbursement rate for all reimbursable school breakfasts and lunches served, pursuant to the Community Eligibility Provision in

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Section 1759(a) of Title 42 of the United States Code, shall adopt a resolution indicating participation. If a district is unable to participate because participation causes a financial hardship, the local board of trustees shall adopt a resolution stating that it is unable to participate in CEP and demonstrate the financial hardship. The resolution shall be published on a public meeting agenda concurrently with the proposed district budget as an action item and shall be approved by a majority of the board. School districts shall ensure that the parents or guardians of students eligible for free and reduced lunch receive the necessary applications and instructions and upon request are provided with assistance in completing the paperwork. Schools shall not publicly identify or penalize a student who is unable to pay for a meal or accrues meal debt for any reason including, but not limited to, denying meals, serving alternative meals, discarding meals after serving them to a student, requiring chores or work in exchange for meals, prohibiting participation in extracurricular activities, denying participation in graduation, withholding diplomas, or refusing transcript requests. Communications from the district regarding any meal debt owed must only be directed to the parent or guardian and may be sent home through the student.

1.69. (SDE: Consolidate Administrative Functions) For the current fiscal year, any school district that has an average daily membership of less than 1,500 students, has been designated in Fiscal Watch, Caution or Emergency status, has a risk assessment of medium or high, has a school or is a district with an accreditation status of probation or denied, or has a school or schools that have been in improvement status for three years may be directed by the State Superintendent of Education to consolidate administrative and professional services with one or more school districts. Administrative and professional services may include, but are not limited to: finance, human resources, procurement, administrative functions, transportation and collaboration on increasing instructional offerings. The Superintendent shall notify a district in writing that they meet one or more of the criteria. The district then has thirty business days from receipt of the notification to deliver a plan to the Superintendent for her approval. The Superintendent must either approve or amend the plan within fifteen days. Plans must be implemented within sixty days of approval. If a district fails to submit a plan, the Superintendent shall direct the consolidation of services with another school district and if the district fails to comply, the department shall withhold one percent of the district's State Aid to Classrooms

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allocation until the district does comply. At that time, the State Aid to Classrooms payments shall resume and any State Aid to Classrooms funds withheld shall be allocated to the district.

1.70. (SDE: Exceptional Needs Sports Participation) A student who meets the definition of 'Exceptional needs child' in Section 12-6-3790 (A)(2) and the definition of 'Qualifying Student' in Section 12-6-3790 (A)(5) of the 1976 Code shall be eligible to participate in any sport offered at the public school for which the child is zoned to attend.

1.71. (SDE: Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers' salaries of the southeastern states as projected by the Revenue and Fiscal Affairs Office. For the current school year, the Southeastern average teacher salary is projected to be \$58,048. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all eligible certified teachers employed by the district by no less than one year of experience credit using at a minimum the district salary schedule utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all eligible certified teachers. For Fiscal Year 2023-24, the requirement that school districts maintain local salary supplements per teacher no less than their prior fiscal year level is suspended.

For purposes of this provision, teachers shall be defined by the Department of Education using the Professional Certified Staff (PCS) System.

1.72. (SDE: School District Hold Harmless) If there is not an increase in state support for school districts that is disbursed pursuant to Proviso 1.3 in this act, any district that must use reserve funds to pay for teacher pay raises, to include step increases, shall be held harmless from the local school district's reserve fund requirement provisions in the Fiscal Accountability Act for the current fiscal year and upon approval by the Department of Education.

1.73. DELETED

1.74. (SDE: Standards-Based Assessments Suspended) In the current fiscal year, the provisions of Section 59-18-325(C)(3) of the 1976 Code requiring science standards-based assessments of students in grade eight and social studies standards-based assessments of students

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in grades five and seven are suspended. Of the funds available due to the suspension of these assessments, \$500,000 must be used by the Department of Education to fund educator professional development regarding the South Carolina Computer Science and Digital Literacy Standards. The remainder of the funds shall be used to pay for industry certification/credentials as approved to measure College/Career Readiness for purposes of the state accountability system.

1.75. (SDE: COVID-19 Emergency Powers) (A) The Superintendent of Education is authorized to provide maximum financial flexibility including, but not limited to, the authority to carry forward any cash balances to local school districts adjusting to operations in response to COVID-19.

(B) The State Superintendent of Education is authorized to carry forward any cash balances maintained by the Department of Education. The superintendent is further authorized to transfer any appropriations within the department to assist local school districts to use summer reading camps and all other available tools to ensure appropriate time is spent by students to keep them on grade level and satisfy their learning needs in response to pandemic learning loss.

(C) On or before August 1, 2023, the State Superintendent of Education shall provide a report to the Senate Finance Committee, the House of Representatives Ways and Means Committee, the Senate Education Committee, and the House of Representatives Education and Public Works Committee concerning the emergency powers exercised in this provision.

1.76. (SDE: Formative Assessment Data) For the current school year, districts must ensure all students in first through eighth grades are assessed using a state approved interim assessment tool during the fall, winter, and spring. School districts shall provide all interim and formative assessment data scores by grade and school to the Department of Education from the prior school year. The department is directed to compile the information received and submit a comprehensive report regarding performance on such assessments to the General Assembly by May 31 of the current fiscal year. Any school district failing to provide this data to the department shall have ten percent of their State Aid to Classrooms funding withheld until the data is provided.

1.77. DELETED

1.78. (SDE: ESSER Funds) Of the funds appropriated to the Department of Education, the department shall ensure that school districts are made aware of all the permissible uses of ESSER funds that

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are at their disposal. The department shall provide training and technical support to district personnel throughout the process.

1.79. (SDE: ESSER Monthly Funding Report) The Department of Education is required to submit a monthly report to the Department of Administration, Executive Budget Office documenting the expenditure of federal funds allocated to South Carolina through the Elementary and Secondary Emergency Education Relief Fund and the Emergency Assistance to Non-Public Schools Program. The Executive Budget Office, in collaboration with the Senate Finance Committee and the House Ways and Means Committee, shall determine how the data will be reported. The data shall document how federal funds are expended at the state and district level in accordance with federal guidelines on allowable expenditures and shall include information on how the funds have been used to offset the learning loss students are facing and mitigations taken due to the COVID-19 pandemic. The Department of Education and the Executive Budget Office shall post the monthly reports on their websites.

1.80. (SDE: Public School Virtual Program Funding) For the current fiscal year, all school districts and brick and mortar charter schools shall be permitted to offer a virtual education program for up to five percent of its student population based on the most recent 135 day ADM count without impacting any state funding. The Department of Education shall establish guidelines for the virtual program and parameters students must meet in order to participate in the virtual program. School districts must submit their plans for the virtual program to the State Board of Education for approval.

School districts offering a virtual program must report their ADM counts for students participating in their virtual program and the number of students participating face to face for the 5th, 45th, 90th, and 135th day to the Department of Education.

For every student participating in the virtual program above the five percent threshold, the school district will not receive 47.22% of the State per pupil funding provided to that district as reported in the latest Revenue and Fiscal Affairs revenue per pupil report pursuant to Proviso 1.3. This amount shall be withheld from State Aid to Classroom's district allocation.

The five percent threshold shall not apply to students whose IEP or 504 status requires their participation in a program administered in a virtual format.

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1.81. (SDE: Capital Funding for Schools) The funds appropriated for Capital Funding for Schools shall be prioritized by the Department of Education pursuant to subsections (A),(B), and (C).

(A) Up to \$20,000,000 of the funds shall be made available first to a local school district or districts that is consolidating with another school district. The funds may be used to support costs directly related to the consolidation which shall include, but are not limited to, salary adjustments, facilities, debt mitigation, millage rate adjustments, transportation, technology, and other factors for which the district or districts demonstrates are necessary to complete consolidation. On or before August 1, the eligible districts must submit a preliminary plan and timeline for pursuing consolidation, including the use of the consolidation funds requested, to the Department of Education for review and approval. When the department has approved the final plan, the districts shall forward the plan to the local legislative delegation outlining the specific request that local legislation be enacted to effect the consolidation. The legislation may include, but is not limited to, composition of the consolidated board, transition procedures, and disposition and/or assumption of district assets and liabilities. Upon approval of a consolidation plan, the department shall make an initial allocation to the impacted districts and shall allocate remaining funds upon enactment of legislation formally consolidating the districts for the benefit of the consolidated district.

(B) Up to \$10,000,000 of the funds shall be made available to a local school district consolidating at least three schools within a single district into a single school campus and consolidating other district-owned educational buildings or buildings that support district functions into a single building. The funds may be used to support costs directly related to the consolidation and other factors for which the district demonstrates are necessary to complete consolidation.

(C) Up to \$20,000,000 of the funds shall be made available for the direct benefit of all children of South Carolina enrolled in K-12 schools by funding facilities upgrades aligned with school safety priorities. The department shall allocate these funds to the public school districts and charter school districts. Eligible school facility upgrades shall include: (a) classroom/internal door locks; (b) secure school entry points and access control; (c) window covers; (d) bulletproof glass or bulletproof film for windows; and (e) electronic or other technology. School facilities eligible for safety upgrades under this subsection are defined as locations with daily student attendance and shall not include unimproved

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real property, centralized district administration facilities, or other facilities, including those normally identified with interscholastic sports activities.

The department shall develop an application process for public and charter school districts to request funding for facilities upgrades aligned with school safety priorities and establish policies, procedures, and priorities for the making of grants pursuant to this subsection. Criteria for prioritizing the awarding of grants shall include, but not be limited to, percentage of students enrolled from low-income families, the age and condition of the existing school facilities to be upgraded as well as the ability to commence construction in a timely matter and the quality of the application. The criteria must also require that all proposed projects do not create new recurring annual expenses and comply with local, state, and federal building codes.

Applications must be submitted to the department by September 1, 2023. Upon receipt of applications pursuant to the application process adopted by the department, the department shall prioritize the eligible projects with the greatest need using the established criteria and shall submit a list of recommended grant awards to the State Board of Education no later than November 30, 2023. Grants shall be awarded upon an affirmative vote of the State Board.

The financial assistance provided pursuant to this provision must be used for the eligible school facility project. The department is responsible for establishing policies and procedures to ensure that funds are expended in a manner consistent with this provision. Unexpended funds may be carried forward to be expended for the same purposes by the department and grant recipients. Following the close of the fiscal year, the department shall submit a report of approved projects to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

(D) The remaining funds shall be set aside by the department to create a source of state funding for local school district infrastructure based on need. Additional funds may be appropriated by the General Assembly with either recurring or non-recurring funds from the General Fund, EIA, or lottery. Federal funds authorized by a federal agency or authorized by the General Assembly may also be included in this fund. The fund may also accept gifts from private sources.

The department shall submit recommendations to the Senate Finance Committee and the House Ways and Means Committee to establish guidelines for the program consisting of award criteria, conditions for

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the awards and any match requirements by December 31. Criteria shall include, but not be limited to, consideration of a district's index of taxpaying ability, consideration of a district's or county's per capita income and the age and condition of the district's existing academic buildings as well as the ability to commence construction in a timely matter and the quality of the application.

For purposes of this provision, school infrastructure shall not include unimproved real property, centralized district administration facilities, or other facilities, including those normally identified with interscholastic sports activities.

(E) The Department of Education must submit to the General Assembly by June 30 of each year a report documenting, at a minimum, the number of applications received and approved, information on the types of infrastructure supported by these funds, and the projected and final costs of each project.

Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year to be expended for the same purposes by the department and school districts.

1.82. (SDE: Partisanship Curriculum) For the current fiscal year, of the funds allocated by the Department of Education to school districts, no monies shall be used by any school district or school to provide instruction in, to teach, instruct, or train any administrator, teacher, staff member, or employee to adopt or believe, or to approve for use, make use of, or carry out standards, curricula, lesson plans, textbooks, instructional materials, or instructional practices that serve to inculcate any of the following concepts: (1) one race or sex is inherently superior to another race or sex; (2) an individual, by virtue of his race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (3) an individual should be discriminated against or receive adverse treatment solely or partly because of his race or sex; (4) an individual's moral standing or worth is necessarily determined by his race or sex; (5) an individual, by virtue of his race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (6) an individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his race or sex; (7) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by members of a particular race to oppress members of another race; and (8) fault, blame, or bias should be assigned to a race or sex, or to members of a race or sex because of their race or sex. Nothing contained herein shall be construed as prohibiting any professional

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development training for teachers related to issues of addressing unconscious bias within the context of teaching certain literary or historical concepts or issues related to the impacts of historical or past discriminatory policies.

1.83. (SDE: Retired Teacher Salary Negotiation) With funds appropriated for State Aid to Classrooms, when hiring retired teachers for the 2023-24 school year, school districts uniformly may negotiate salaries below the school district salary schedule.

1.84. (SDE: Mask Mandate Prohibition) No school district, or any of its schools, may use any funds appropriated or authorized pursuant to this act to require that its students and/or employees wear a facemask at any of its education facilities. This prohibition extends to the announcement or enforcement of any such policy.

1.85. (SDE: Magnet School Athletics) From funds authorized or appropriated in the current fiscal year, any public magnet school which shares a physical campus with another public magnet school shall allow any student enrolled at a school on that physical campus to participate in an athletic sport not offered at the student's school of enrollment, provided the student meets all age and academic requirements for participation. For the purposes of determining athletic classification, competition status, or eligibility, schools with students participating pursuant to this provision shall not have their school enrollments joined or modified due to compliance with this provision, nor shall any school or student be subjected to a change in athletic classification competition status, or eligibility as a result of compliance with this provision. The Department of Education, all public schools, or all public school districts in this State, receiving or expending funds authorized or appropriated in the current fiscal year are prohibited from expending any funds to pay membership dues or other funds to any organization that changes or alters a school's or student's athletic classification, eligibility, or competition status as a result of any student, school, or school district's compliance with this provision, or to any organization that refuses to allow, accept, or approve participation pursuant to the terms of this provision. This provision shall not limit the ability of any magnet school student, provided the student meets all age and eligibility requirements, to otherwise elect to participate in sub-varsity or varsity athletics at the student's zoned or resident school.

1.86. DELETED

1.87. (SDE: Charter School Management Organizations) A person paid or employed by an (EMO) or a (CMO) shall not be allowed to serve

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on the board of any charter school sponsored by a public school district, the South Carolina Public Charter School District, or a public or independent institution of higher learning if the EMO or CMO is contracted to provide any services to the charter school. Any school violating this provision shall have fifty percent of all appropriated state funds withheld until the school becomes compliant with this provision. A person paid or employed by an EMO or a CMO shall not be allowed to serve on the board of any authorizer's board of a public school district, the South Carolina Public Charter School District, or a public or independent institution of higher learning. Any authorizing board violating this provision shall have fifty percent of all appropriated state funds retained for operations withheld until the authorizer and its board becomes compliant with this provision.

1.88. (SDE: READY Program) Funds for the Resources for Early Acceleration and Development in Youth (READY) program must be awarded by the South Carolina First Steps to School Readiness Board of Trustees to First Steps local partnerships through a competitive and targeted grants process. Grant awards must prioritize evidenced-based programs for children from birth through age three who live in rural communities and in communities where kindergarten readiness scores are consistently below the state average. Of the funds appropriated, no more than ten percent may be distributed to any one county, and no more than three percent may be retained by the Office of First Steps for administering, monitoring, and evaluating the program. An annual report on the state's investment in early learning and development must be provided by the Office of First Steps to the General Assembly and the Governor by December 1st of the current fiscal year.

1.89. (SDE: Education Data Dashboard) The Education Oversight Committee is directed to pilot an Education Data Dashboard. The data dashboard must interface with existing systems to provide school districts, schools, policymakers, families, and the public with meaningful information on school district, school, and system progress. The Education Data Dashboard would use existing data to document educational attainment and growth as well as financial expenditures of state, local, and federal funds. The Department of Education and public school districts shall provide accountability and financial data as requested by the committee for the establishment of the dashboard.

1.90. DELETED

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1.91. (SDE: Teaching Transformation Pilot Program) On or before July 31st of the current fiscal year, \$1,000,000 shall be allocated to the University of South Carolina's College of Education for the design and implementation of a pilot program to reinvent and transform the state's teaching profession. The goals of the pilot program are to:

(1) diversify the PK-12th grade educator workforce;

(2) address teacher shortages through innovations in educator development; and

(3) accelerate student learning and systems of whole child education.

The pilot program shall support at least three diverse school districts which shall include a minimum of one, with a maximum of two, large urban districts and a minimum of two, with a maximum of four, rural districts in order to:

(1) incentivize the recruitment and preparation of high quality educators including a focus on diversifying the teaching workforce for high-need students and stipends for student teachers/residents;

(2) support the development of a coherent and financially sustainable system, based on current school funding models, of teacher leadership that improves learning environments and educator retention and effectiveness; and

(3) produce several models of the school-university-community partnerships in South Carolina, testing evidence-based elements of a coherent system of teacher development including, but not limited to:

(a) prototyping a paid teacher residency for South Carolina, modeled from the medical profession, to develop well-prepared new recruits to teaching and new school designs to support teacher learning and leadership for whole child education;

(b) applying state of the art technology and tools that save time, not only to help teachers problem-solve instructional challenges, but also to teach students across schools and districts;

(c) reinventing the school day and/or school year calendar as teachers work on different contracts to create expanded and more personalized student learning as well as more opportunities for educators to lead;

(d) reducing teaching loads for some of the state's top teachers, including over six thousand who are National Board certified, so they can lead without leaving the classrooms; and

(e) rethinking the teacher salary schedule to:

(i) include opportunities for additional pay for increased responsibility, leadership roles, and expanded impact; and

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(ii) prototype a menu of financial and nonfinancial incentives for effective educators to work in priority schools, subjects, and grade levels.

State funding will support both an external evaluation of the pilot program as well as South Carolina districts participating in a national learning community of other school-university partnerships seeking to transform the educator workforce.

The pilot program to transform the teaching profession will be in partnership with selected South Carolina Historically Black Colleges and Universities which will be critical to recruiting and developing teachers of color. In addition, the pilot program will be designed and developed in collaboration with national partners, Education Resource Strategies and Bank Street College, bringing respective expertise in resource reallocations for innovative school staffing in public education and recruiting and preparing diverse teachers through teaching residences. The pilot program will be anchored in data collection underway by SC-TEACHER, with a grant funded by the Carnegie Corporation of New York, as well as in effective educator practices from across the globe.

The pilot program shall compliment and/or enhance the state's effective innovations in educator recruitment, induction, evaluation, and professional learning, and draw upon research evidence to create a transformative system of educator development including new ways to compensate teachers and principals that impact student learning and more efficient use of human capital across the State. Current teacher shortages cannot be addressed without transforming the teaching job and the profession itself.

1.92. (SDE: Base Student Cost/EFA) For the current fiscal year, references to Base Student Cost and EFA for reimbursement purposes for other entities shall have the same meaning as in the previous fiscal year.

For the current fiscal year, references to Base Student Cost and EFA for withholding purposes shall mean a withholding of State Aid to Classroom and for purposes of Section 59-71-155(B) references to amounts appropriated under the EFA shall mean all amounts appropriated as State Aid to Classrooms.

1.93. DELETED

1.94. (SDE: Surplus Property) A school district must transfer, or offer for sale or lease, any surplus real property or property which has been vacant, unused, or unused for direct student instruction for the

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previous four school years and is not currently included in any district capital improvement plan for future use on or before July 1, 2023. All school districts must publish on their website by September 15, 2023, a list of properties that qualify under this provision.

A school district shall comply with the requirements of this provision by transferring such property to another governmental subdivision or state agency that has provided written confirmation of an intent to accept the property for public use by December 31, 2023. Any governmental subdivision or state agency providing such written confirmation must comply with all requirements related to the acquisition of real property or surplus property, and/or requirements related to the establishment of permanent improvement projects prior to accepting property transferred pursuant to this provision.

If no governmental subdivision or state agency confirms an intent to accept the property, the district shall offer the property for sale or lease at fair market value as determined by a neutral appraiser and in compliance with existing law providing for sale or lease of such property by a school district. If a school district fails to comply with this provision, the Department of Education must withhold five percent of all state payments to the district until the district complies.

1.95. DELETED

1.96. (SDE: Competency-Based Education) (A) In the current fiscal year, districts seeking to implement competency-based education may submit a waiver application to the State Board of Education in a format developed by the State Department of Education. For purposes of this proviso, competency-based education refers to a comprehensive learning approach for a student to master competencies and related standards along a personalized, self-paced, and flexible pathway. As part of the waiver application, districts may include in-person instruction, virtual instruction, self-guided learning, and experiential learning through approved off-campus educational opportunities in calculating instructional hours and may offer the required instructional days at any time during the school year, consistent with the law.

(B) Of the funds appropriated to the department, the State Department of Education shall create evaluation criteria and guidelines for schools that are operating under a waiver pursuant to this proviso. A participating school shall submit required data for a biennial cyclical review on a form developed by the department. A report summarizing the reviews including the waivers requested and how they hindered

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implementation must be distributed to the Governor and members of the General Assembly no later than June 30, 2024.

1.97. (SDE: First Steps Transfer Plan) The Office of First Steps shall work with the Department of Administration, Executive Budget Office, in consultation with the Department of Education, to develop a plan to operate independently from the Department of Education. The plan should include, but is not limited to, proposed program structure, the amount of personal services, operating expenses, employer contributions funding which shall be transferred from the Department of Education, and personnel required to perform human resource and accounting functions. A report shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor by December 1, 2023.

1.98. (SDE: Career Readiness Assessments) For the current fiscal year, the Education Oversight Committee and the State Board of Education are directed to create a waiver form by which school districts and high schools may request an exemption from reporting student performance on the career readiness assessment for the 2022-23 school year only for students who are taking the career readiness assessment for the second time and when the career readiness assessment is different from the career readiness assessment the student took in 11th grade. The exemption form must be available for schools no later than July 31, 2023.

1.99. (SDE: Alternative Education Programs Options) The State Department of Education shall create, publish, and provide to all public schools in the State a list of alternative education programs that can award a high school degree or high school equivalency credential. The list must include, but not be limited to, the Wil Lou Gray Opportunity School and the South Carolina Youth Challenge Academy. As part of each student's annual review of his Individualized Graduation Plan, school counselors shall distribute information provided by the Wil Lou Gray Opportunity School, the South Carolina Youth Challenge Academy, and any other alternative education program to students who are not on track for on-time graduation or who otherwise are at risk of dropping out of school. School counselors shall provide those institutions the names and addresses of all students who are not on track for on-time graduation or who are otherwise at risk of dropping out of school, except for students who have opted out of disclosure of directory information under the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g. Parents or students age eighteen or older may

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complete a form to opt the student out of the disclosure of student contact information with these institutions. The department shall develop this opt-out and each district shall make the form available on its website.

1.100. (SDE: Incentive Prohibition) No school district, or any of its schools, may use any funds appropriated or authorized pursuant to this act to offer students any monetary incentive or inducement to receive a COVID-19 vaccination.

1.101. (SDE: Reporting Requirements) For the current fiscal year, the college freshman reporting requirements of Section 59-101-130 are suspended. The Department of Education, in collaboration with the Education Oversight Committee, is authorized to use data that is already collected to report on the in-state and out-of-state college enrollment, college persistence, and post-secondary completion of South Carolina's high school graduates.

The Department of Education shall work to streamline data collection timelines and processes to reduce burden and increase efficiency of data collection and reporting. For the current fiscal year, legislatively mandated due dates for school, district, and state plans including, but not limited to, District Strategic and School Renewal Plans, Read to Succeed Reading Plans, Academic Recovery Plans, District ADEPT Plans, and School Turnaround Plans are extended at the discretion of the Department of Education, but shall be due by June 30, 2024.

1.102. (SDE: ByteDance Ltd. Application Prohibition) No school district, or any of its schools, may use any funds appropriated or authorized pursuant to this act or use any devices or agency resources purchased or leased with any funds appropriated or authorized pursuant to this act to access the TikTok application. The prohibition extends to any application with any ownership by ByteDance Ltd., which is the parent company of TikTok.

1.103. (SDE: Student Technology Safety) The Department of Education is directed to create and maintain an approved list of third-party providers on an annual basis that provide technology to mitigate cyberbullying and assist in the prevention of self-harm, suicide, or possible harm to others by monitoring student digital activity on school-issued devices and accounts. Providers included on the list must meet all state and agency data use and governance policies and must be domiciled in the United States.

1.104. (SDE: Cash for Admissions) For the current fiscal year, any school district or school that receives funds appropriated in this act must

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accept cash as a payment option for admission to extracurricular activities.

1.105. (SDE: Read to Succeed Endorsement) For the 2023-2024 Fiscal Year, and with funds appropriated to the Department of Education, the requirement for teachers and administrators to obtain the Read to Succeed endorsement as a requirement for recertification is suspended for sixth through twelfth grade teachers who are not teaching English Language Arts or special education and middle and secondary administrators. Certified faculty and staff working outside of a school setting are exempt from having to earn the literacy endorsement to maintain certification.

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1A.1. (SDE-EIA: Prohibition on Appropriation Transfers) The amounts appropriated herein for aid to subdivisions or allocations to school districts shall not be transferred or reduced and must be expended in accordance with the intent of the appropriation. However, transfers are authorized from allocations to school districts or special line items with projected year-end excess appropriations above requirements, to allocations to school districts or special line items with projected deficits in appropriations.

1A.2. (SDE-EIA: African-American History) Funds provided for the development of the African-American History curricula may be carried forward into the current fiscal year. Funds that are currently a salary line item will be reallocated for the development of instructional materials and programs and the implementation of professional learning opportunities that promote African American history and culture. For the current fiscal year, not less than seventy percent of the funds carried forwarded must be expended for the development of additional instructional materials by nonprofit organizations, school districts, or institutions of higher education selected through a grant process by the Department of Education.

1A.3. (SDE-EIA: Teacher Evaluations, Implementation/Education Oversight) The Department of Education is directed to oversee the evaluation of teachers at the School for the Deaf and the Blind and the Department of Juvenile Justice under the ADEPT model.

1A.4. (SDE-EIA: Teacher Salaries/State Agencies) Each state agency which does not contain a school district but has instructional personnel shall receive an appropriation as recommended by the

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Department of Education and funded by the General Assembly for teacher salaries based on the following formula: Each state agency shall receive such funds as are necessary to adjust the pay of all instructional personnel to the appropriate salary provided by the salary schedules of the school district in which the agency is located. Instructional personnel may include all positions which would be eligible for EIA supplements in a public school district, and may at the discretion of the state agency, be defined to cover curriculum development specialists, educational testing psychologists, psychological and guidance counselors, and principals. The twelve-month agricultural teachers located at Clemson University are to be included in this allocation of funds for base salary increases. The Governor's School for the Arts and Humanities, the Governor's School for Science and Mathematics, and the Governor's School for Agriculture at John de la Howe are authorized to increase the salaries of instructional personnel by an amount equal to the percentage increase given by the school district in which they are both located.

Teacher salary increases recommended by the Department of Education and funded in this act shall be incorporated into each agency's EIA appropriation contained in Section 1, VIII.F.

1A.5. (SDE-EIA: Work-Based Learning) Of the funds appropriated in Part IA, Section 1, VIII.A.1. for the Work-Based Learning Program, \$75,000 shall be used by the State Department of Education to provide for regional professional development in contextual methodology techniques and integration of curriculum, and professional development in career guidance for teachers and guidance counselors and training mentors. Pilot-site delivery of contextual methodology training in mathematics will be supported by technology and hands-on lab activities. In addition, \$500,000 shall be allocated for Regional Career Specialists. Each Regional Career Specialist shall: (1) be housed within the regional centers/ WIOA geographic areas; (2) provide career development activities throughout all schools within the region; (3) be under the program supervision of the Office of Career and Technology Education, State Department of Education; and (4) adhere to an accountability and evaluation plan created by the Office of Career and Technology Education, State Department of Education. The Office of Career and Technology Education, State Department of Education, shall provide a report, in February of the current fiscal year to the Senate Finance Committee and the House Ways and Means Committee on accomplishments of the Career Counseling Specialists. Of the funds

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appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

1A.6. (SDE-EIA: CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1, VIII.F. for the Teacher Recruitment Program, the Commission on Higher Education shall distribute a total of ninety-two percent to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program, of which at least seventy-eight percent must be used for the Teaching Fellows Program specifically to provide scholarships for future teachers, and of which twenty-two percent must be used for other aspects of the state teacher recruitment program, including the Teacher Cadet Program and \$166,302 which must be used for specific programs to recruit minority teachers: and shall distribute eight percent to South Carolina State University to be used only for the operation of a minority teacher recruitment program and therefore shall not be used for the operation of their established general education programs. Working with districts with an absolute rating of At-Risk or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA will report annually by October first to the Education Oversight Committee and the Department of Education on the success of the recruitment and retention efforts in these schools. The Commission on Higher Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The South Carolina State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees, the State Board of Education, and the Education Oversight Committee by October first annually, in a format agreed upon by the Education Oversight Committee and the Department of Education.

With the funds appropriated CERRA shall also appoint and maintain the South Carolina Teacher Loan Advisory Committee. The Committee shall be composed of one member representing each of the following: (1) Commission on Higher Education; (2) State Board of Education; (3) Education Oversight Committee; (4) Center for Educator Recruitment,

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Retention, and Advancement; (5) South Carolina Student Loan Corporation; (6) South Carolina Association of Student Financial Aid Administrators; (7) a local school district human resources officer; (8) a public higher education institution with an approved teacher education program; and (9) a private higher education institution with an approved teacher education program. The members of the committee representing the public and private higher education institutions shall rotate among those institutions and shall serve a two-year term on the committee. The committee must be staffed by CERRA, and shall meet at least twice annually. The committee's responsibilities are limited to: (1) establishing goals for the Teacher Loan Program; (2) facilitating communication among the cooperating agencies; (3) advocating for program participants; and (4) recommending policies and procedures necessary to promote and maintain the program.

1A.7. (SDE-EIA: Disbursements/Other Entities) Notwithstanding the provisions of Sections 2-7-66 and 11-3-50, it is the intent of the General Assembly that funds appropriated in Part IA, Section 1, VIII.F. Other State Agencies and Entities shall be disbursed on a quarterly basis by the Department of Revenue directly to the state agencies and entities referenced except for the Teacher Loan Program, Centers of Excellence, the Education Oversight Committee and School Technology, which shall receive their full appropriation at the start of the fiscal year from available revenue. The Executive Budget Office is authorized to make necessary appropriation reductions in Part IA, Section 1, VIII.F. to prevent duplicate appropriations. If the Education Improvement Act appropriations in the agency and entity respective sections of the General Appropriations Act at the start of the fiscal year do not agree with the appropriations in Part IA, Section 1, VIII.F. Other State Agencies and Entities, the "other funds" appropriations in the respective agency and entity sections of the General Appropriations Act will be adjusted by the Executive Budget Office to conform to the appropriations in Part IA, Section 1, VIII.F. Other State Agencies and Entities. Further, the Department of Revenue is directed to provide the full appropriation of the funding appropriated in Part IA, Section 1, VIII.C.2. Teacher Supplies to the Department of Education at the start of the fiscal year from available revenue.

1A.8. (SDE-EIA: Arts in Education) Funds appropriated in Part IA, Section 1, VIII.A.1. Arts Curricula shall be used to support innovative practices in arts education curriculum, instruction, and assessment in the visual and performing arts including dance, music, theatre, and visual

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arts which incorporates strengths from the Arts in Education sites. They shall also be used to support the advancement of the implementation of the visual and performing arts academic standards. These funds shall be distributed to schools and school districts under a competitive grants program; however, up to thirty-three percent of the total amount of the grant fund shall be made available as "Aid to Other Agencies" to facilitate the funding of professional development arts institutes that have been approved by the Department of Education for South Carolina arts teachers, appropriate classroom teachers, and administrators. Arts Curricular Grants funds may be retained and carried forward into the current fiscal year to be expended in accordance with the proposed award.

1A.9. (SDE-EIA: Teacher Supplies) All certified and non-certified public school teachers identified in PCS, certified special school classroom teachers, certified media specialists, certified guidance counselors, and career specialists who are employed by a school district, a charter school, or lead teachers employed in a publicly funded full day 4K classroom approved by the South Carolina First Steps to School Readiness, as of November thirtieth of the current fiscal year, based on the public decision of the school board may receive reimbursement of \$350 each school year to offset expenses incurred by them for teaching supplies and materials. Funds shall be disbursed by the department to School districts by July fifteenth based on the last reconciled Professional Certified Staff (PCS) listing from the previous year. With remaining funds for this program, any deviation in the PCS and actual teacher count will be reconciled by December thirty-first or as soon as practicable thereafter. Based on the public decision of the school district and no later than May fifteenth annually, the district shall notify all individuals entitled to receive these funds the manner in which the funds will be disbursed. Funds may be disbursed to each teacher via check in a manner separate and distinct from their payroll check on the first day teachers, by contract, are required to be in attendance at school for the current contract year, or the funds may be disbursed to each teacher via direct deposit as long as the funds are handled in a manner to be separate and distinct from their payroll check. This reimbursement shall not be considered by the state as taxable income. Special schools include the Governor's School for Science and Math, the Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, Governor's School for Agriculture at John de la Howe, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice, and Palmetto Unified

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School District. Funds distributed to school districts or allocated to schools must not supplant existing supply money paid to teachers from other sources. If a school district requires receipts for tax purposes the receipts may not be required before December thirty-first. Districts that do not wish to require receipts may have teachers retain the receipts and certify for the district they have received the allocation for purchase of teaching supplies and/or materials and that they have purchased or will purchase supplies and/or materials during the fiscal year for the amount of the allocation. Districts shall not have an audit exception related to non-retention of receipts in any instances where a similar instrument is utilized. Any district requiring receipts must notify any teacher from whom receipts have not been submitted between November twenty-fifth and December sixth that receipts must be submitted to the district. Districts may not add any additional requirement not listed herein related to this reimbursement.

Any classroom teacher, including a classroom teacher at a South Carolina private school, that is not eligible for the reimbursement allowed by this provision, may claim a refundable income tax credit on the teacher's 2023 tax return, provided that the return or any amended return claiming the credit is filed prior to the end of the fiscal year. The credit is equal to \$350, or the amount the teacher expends on teacher supplies and materials, whichever is less. If any expenditures eligible for a credit are made after December thirty-first, the teacher may include the expenditures on his initial return or may file an amended 2023 return claiming the credit, so long as the return or amended return is filed in this fiscal year. The Department of Revenue may require whatever proof it deems necessary to implement the credit provided by this part of this provision. Any person receiving the reimbursement provided by this proviso is ineligible to take the income tax credit allowed by this proviso.

1A.10. (SDE-EIA: Teacher of the Year Awards) Of the funds provided herein for Teacher of the Year Awards, each district Teacher of the Year shall receive an award of \$1,000. In addition, the State Teacher of the Year shall receive an award of \$25,000, and each of the four Honor Roll Teachers of the Year will receive an award of \$10,000. To be eligible, districts must participate in the State Teacher of the Year Program sponsored by the State Department of Education. These awards shall not be subject to South Carolina income taxes.

1A.11. (SDE-EIA: EOC) The Education Oversight Committee may collect, retain and expend revenue from conference registration and fees; charges for materials supplied to local school districts or other entities

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not otherwise mandated to be provided by state law; and from other activities or functions sponsored by the committee including public awareness campaign activities. Any unexpended revenue from these sources may be carried forward into the current fiscal year and expended for the same purposes.

1A.12. (SDE-EIA: Proviso Allocations) In the event an official EIA revenue shortfall is declared by the Board of Economic Advisors, the Department of Education may reduce any allocation in Section 1A specifically designated by proviso in accordance with the lower Board of Economic Advisors revenue estimate as directed by the Executive Budget Office. No allocation for teacher salaries shall be reduced as a result of this provision.

1A.13. (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, and Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated specifically for state level maintenance of effort requirements under IDEA, funds allocated specifically for state level maintenance of effort requirement for federal program, funds provided for the Education and Economic Development Act, funds provided for Career and Technology Education, nor funds required for debt service or bonded indebtedness. All school districts must report the student teacher ratio for every classroom to the Department of Education at the forty-fifth and the one hundred and thirty-fifth day mark. The department shall report this information to the General Assembly for the current school year.

In order for a school district to take advantage of the flexibility provisions, at least seventy-five percent of the school district's per pupil expenditures must be utilized within the In\$ite categories of instruction, instructional support, and only transportation, food service, and safety within non-instruction pupil services. No portion of the seventy-five percent may be used for facilities, business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and transportation, food service, and safety within non-instruction pupil services for the current school year

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ending June thirtieth. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures.

"In\$ite" means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, restructuring administrative staffing, and expanding virtual instruction.

School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the current fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or nonessential programs have been suspended and the specific flexibility actions taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting, and the certification must be conspicuously posted on the internet website maintained by the school district.

For the current fiscal year, Section 59-21-1030 is suspended. The foreign language program assessment, and the physical education assessment must be suspended. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

For the current fiscal year, savings generated from the suspension of the assessments enumerated above must be allocated to school districts based on weighted pupil units.

School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register must be

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prominently posted on the district's internet website and made available for public viewing and downloading. The register must include for each expenditure:

- (i) the transaction amount;
- (ii) the name of the payee; and
- (iii) a statement providing a detailed description of the expenditure.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

The Comptroller General must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30 of the South Carolina Freedom of Information Act. Nothing in this proviso shall be interpreted as prohibiting the State Board of Education to exercise its authority to grant waivers under Regulation 43-261.

1A.14. (SDE-EIA: Teacher Salary Supplement) The department is directed to carry forward prior year unobligated teacher salary supplement and related employer contribution funds into the current fiscal year to be used for the same purpose. Any unexpended funds in teacher salary supplement may be used to fund shortfalls in the associated employer contribution funding in the current fiscal year.

1A.15. (SDE-EIA: Dropout Prevention and High Schools That Work Programs) The Department of Education must report annually by December first, to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of

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the House Education and Public Works Committee on the effectiveness of dropout prevention programs funded by the Education and Economic Development Act and on the High Schools that Work Programs' progress and effectiveness in providing a better prepared workforce and student success in post-secondary education. The department, school districts, and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal that were allocated for High Schools That Work.

1A.16. (SDE-EIA: Assessment) The department is authorized to carry forward into the current fiscal year, prior year state assessment funds for the same purpose. Reimbursements shall resume in the current fiscal year for PSAT, pre-ACT, or 10th grade Aspire.

1A.17. (SDE-EIA: Report Card Information) The percentage each school district expended on classroom instruction as defined by the Department of Education's InSite classification for "Instruction" must be printed on the Annual School and District Report Card.

1A.18. (SDE-EIA: Core Curriculum Materials) The funds appropriated in Part IA, Section 1, VIII.A.3 for instructional materials for core curriculum shall be expended consistent with the requirements of Section 59-31-600 of the 1976 Code requiring the development of higher order thinking skills and critical thinking which should be integrated throughout the core curriculum instructional materials. Furthermore, the evaluation criteria used to select instructional materials with funds appropriated in Part IA, Section 1, VIII.A.3 shall include a weight of up to ten percent of the overall criteria to the development of higher order thinking skills and critical thinking.

1A.19. (SDE-EIA: Accountability Program Implementation) To support implementation of the accountability program, the Education Oversight Committee may carry forward unexpended Education Accountability Act funds authorized specifically for the administration of the Education Oversight Committee. For the current fiscal year the Education Oversight Committee may carry forward prior year Education Data Dashboard funds.

1A.20. (SDE-EIA: 4K Targeting) EIA funds allocated for the provision of four-year-old kindergarten shall be utilized for the provision of services to age-eligible children in poverty, as defined in Proviso 1.3 of this act. Children with developmental delays documented through state approved screening assessments or children with medically documented disabilities who do not already qualify for special need services should also be considered for enrollment. In the event that more

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students seek to enroll than available space permits, districts shall prioritize students (at the time of acceptance) on the basis of family income expressed as a percentage of the federal poverty guidelines, with the lowest family incomes given the highest enrollment priority.

1A.21. (SDE-EIA: Reading) The funds allocated to the Department of Education for reading shall be used to provide districts with research-based strategies and professional development and to work directly with schools and districts to assist with implementation of research-based strategies. When providing professional development the department and school districts must use the most cost effective method and when able utilize ETV to provide such services throughout the state. The department shall establish measurements for monitoring impact on student achievement.

1A.22. (SDE-EIA: Professional Development) Of the funds appropriated for professional development, up to \$500,000 may be expended for gifted and talented teacher endorsement and certification activities. The Department of Education must provide professional development on assessing student mastery of the content standards through classroom, formative and end-of-year assessments. The Department of Education also must post on the agency's website the South Carolina Professional Development Standards and provide training through telecommunication methods to school leadership on the professional development standards. The department is authorized to carry forward and expend professional development funds for the same purpose.

1A.23. (SDE-EIA: Assessments-Gifted & Talented, Advanced Placement, & International Baccalaureate Exams) Funds appropriated and/or authorized for assessment shall be used for assessments to determine eligibility of students for gifted and talented programs and for the cost of Advanced Placement, International Baccalaureate, and Cambridge International exams.

1A.24. (SDE-EIA: Adult Education) A minimum of thirty percent of the funds appropriated for adult education must be allocated to school districts to serve adult education students between the ages of seventeen and twenty-one who are enrolled in programs leading to a state high school diploma, state high school equivalency diploma (GED), or career readiness certificate. The remaining funds will be allocated to districts based on a formula which includes factors such as target populations without a high school credential, program enrollment the previous school year, number of students making an educational gain the previous

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school year, and performance factors such as number of high school credentials and career readiness certificates awarded the previous school year. Overall levels of state funding must meet the federal requirement of state maintenance of effort. Each school district must collect information from both the student and the school including why the student has enrolled in Adult Education and whether or not the student is pursuing a GED or Diploma. The school district must then provide a quarterly report to the Department of Education and must include the unique student identifier. The department, in turn, will provide summary information to the House Ways and Means Committee, the House Education and Public Works Committee, the Senate Finance Committee and the Senate Education Committee on the information. Up to a maximum of \$300,000 of funds may be used to establish an initiative by which qualifying adult education students may qualify for a free high school equivalency test. The Department of Education shall establish guidelines for the free high school equivalency testing initiative.

1A.25. (SDE-EIA: Clemson Agriculture Education Teachers) The funds appropriated in Part IA, Section VIII.F. for Clemson Agriculture Education Teachers must be transferred to Clemson University PSA to fund summer employment of agriculture teachers and to cover state-mandated salary increases on that portion of the agriculture teachers' salaries attributable to summer employment. If sufficient funds remain, Clemson University PSA may utilize such funds for a Regional Coordinator.

1A.26. (SDE-EIA: Full-Day 4K) Eligible students residing in any school district or attending any charter school authorized by the South Carolina Public Charter School District or an approved institution of higher education may participate in the South Carolina Early Reading Development and Education program (CERDEP) pending the availability of space and funding. Student eligibility as defined by Section 59-156-130 of the 1976 Code is an annual family income of one hundred eighty-five percent or less of the federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services or a statement of Medicaid eligibility.

A parent or guardian may choose to enroll their child in a public school participating in the program and approved by the Department of Education pursuant to Section 59-156-210 or in a private provider participating in the program and approved by the Office of First Steps pursuant to Section 59-156-200. A private provider includes, but is not limited to, a child care center, a military child care facility regulated by

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the United States Department of Defense, or a non-profit independent school. State funds appropriated for the provision of CERDEP services in military child care facilities may not be used to supplant existing federal child care funds. No school district can be denied participation in CERDEP or be denied CERDEP funding pursuant to the terms of this provision.

4K programs in public schools and non-profit independent schools participating in CERDEP are not required to be approved, registered, or licensed by the Department of Social Services in order to participate in CERDEP. Instead, the Department of Education and the Office of First Steps are responsible for ensuring that providers deliver high-quality educational programs pursuant to Section 59-156-160.

Public and private providers shall be funded for instructional costs at a minimum rate of \$5,100 per student enrolled. Eligible students enrolling during the school year or withdrawing during the school year shall be funded on a pro rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall also be eligible for reimbursement at a minimum of \$620 per eligible child transported. First Steps and the Department of Education must provide an equitable distribution above the minimum between public and private providers. First Steps and the Department of Education must provide a quarterly report beginning October 1 detailing funding above the minimum made to any provider to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. All providers who are reimbursed are required to retain records as required by their fiscal agent. New providers participating for the first time in the current fiscal year and enrolling between one and six eligible children shall be eligible to receive at a minimum of \$1,000 per child in materials and equipment funding, with providers enrolling seven or more such children eligible for funding at a minimum of \$10,000. The Department of Education and the Office of First Steps Readiness are authorized to utilize carry forward funds and federal funds to supplement the amount expended for materials and equipment. Providers receiving equipment funding are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as

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requested by the Department of Education and the Office of First Steps. The Department of Education shall only provide funding for public school students whose complete records have been entered into PowerSchool based on the one hundred and thirty-five day student average daily membership. For the current fiscal year, providers may enroll pay-lunch children who score at or below the twenty-fifth national percentile on two of the three DIAL-3 subscales by July 1 if at least seventy-five percent of the total number of children eligible or the Child Early Reading Development and Education Program in a district or county are projected to be enrolled in that program, Head Start, or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, Child Early Reading Development and Education Program. Providers may receive reimbursement for these children if funds are available. The Department of Education is required to offer waivers allowing students with disabilities to be served in multi-categorical classroom settings based on similar cognition and abilities. Funding appropriated for CERDEP may be carried forward and expended for the same purpose.

Annually, the Department of Education is directed to audit the annual allocations to public providers to ensure that allocations are accurate and aligned to the appropriate pro rata per student allocation, materials, and equipment funding. In the event the department, during the audit process determines that the annual allocations of the prior fiscal year are not accurate, the department must adjust the allocations for the current fiscal year to account for the audit findings. The department must provide the results of the annual audit findings to the General Assembly no later than December first. Likewise, in the event the Office of First Steps determines that the annual allocations of the prior fiscal year to private providers are not accurate, the Office of First Steps must adjust the allocations for the current fiscal year to account for the findings.

Of the funds appropriated, \$300,000 shall be allocated to the Education Oversight Committee to conduct an annual evaluation of the South Carolina Child Development Education Pilot Program and to issue findings in a report to the General Assembly by March first of each year. To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both public and private providers are required to submit the necessary data as a condition of continued participation in and funding of the program. This data shall include developmentally appropriate measures of student progress. Additionally, the Department of Education shall issue a unique student

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identifier for each child receiving services from a private provider. The Department of Education shall be responsible for the collection and maintenance of data on the public state funded full day and half-day four-year-old kindergarten programs. The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee shall use this data and all other collected and maintained data necessary to conduct a research based review of the program's implementation and assessment of student success in the early elementary grades along with information, recommendations, and a timeline for how the state can increase the number of students served in high-quality programs.

For eligible children residing in school districts that do not participate in CERDEP, the Department of Education is required to develop and implement inter-district transfer policies that give parents or guardians the option of their eligible child attending an out-of-district school that participates in CERDEP.

For the current fiscal year, the Office of First Steps may expend: (1) up to \$2,000,000 to pilot a program to provide higher reimbursement rates to high-quality providers. The reimbursement rate for students enrolled by child care providers rated B or higher in the ABC Quality System operated by the Department of Social Services may be increased by up to 10% of the per-student base following guidelines developed by the Office of First Steps; and (2) up to \$250,000 to provide one-time supplemental, needs-based incentive grants in an amount not to exceed \$30,000 for newly created and/or newly approved private providers proposing to expand service to ten or more CERDEP eligible children in communities unable to enroll all eligible students in a public, private, or Head Start setting during the prior fiscal year. These grants are designed to address building renovations, documented as necessary to bring proposed classrooms into compliance with licensing regulations, materials and staffing costs, and/or other obstacles currently preventing their participation in the program. The First Steps Board of Trustees shall develop and approve an application process that incorporates formal review and fiscal safeguards designed to ensure grant funds are used solely to address documented barriers to program participation. Providers receiving this one-time supplement shall be expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years shall require the provider to return a portion

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of the supplemental allocation at a level determined by the Office of First Steps to School Readiness. First Steps shall submit a report detailing its process, expenditures and expanded enrollment to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee by March 15.

If by August first, the Department of Education or the Office of First Steps determines that appropriations will exceed expenditures, available funds may be used to fund an extended program and to increase the length of the program to a maximum of eight and a half hours per day or two hundred and twenty days per year or to fund summer programs. If a district chooses to fund summer enrollment, the program funding shall conform to the funding in this act for full year programs; however, it shall be reduced on a pro rata basis to conform with the length of the program. A summer program shall be no more than eight and a half hours per day and shall be not more than ten weeks in length. The per pupil allocation and classroom grant must conform with the appropriated amount contained in this act and end of year adjustments shall be based on the one hundred and thirty-five-day student average daily membership or later student average daily membership for districts choosing to extend the program past one hundred and eighty days. Funds may also be used to provide parent engagement, professional development, and quality evaluations of programs. No later than April first, the Department of Education and the Office of First Steps shall report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on the expenditure of these funds to include the following information: the amount of money used and specific steps and measures taken to enhance the quality of the 4K program and the amount of money used for professional development as well as the types of professional development offered and the number of participants. The Office of First Steps is directed to determine if the provision of extended programs in private centers improves the ability of parents to enter the workforce or to pursue postsecondary training or industry credentials.

On or before November 15, the Department of Education and the Office of First Steps shall share data that identifies the total number of children enrolled in CERDEP in both public and private providers. If available appropriations exceed the instructional costs of serving children enrolled in the program and if a waiting list of eligible children can be documented by the Department of Education and by the Office of First Steps, then the Executive Budget Office may authorize the transfer

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of funds between the Department of Education and the Office of First Steps.

The Office of First Steps and the Department of Education shall collaborate with the South Carolina Head Start State Collaboration Office to inform parents of all publicly funded full-day 4K programs including Head Start by participating in PalmettoPreK and First5SC.

1A.27. (SDE-EIA: Centers of Excellence) Of the funds appropriated for Centers of Excellence, \$350,000 must be allocated to the Francis Marion University Center of Excellence to Prepare Teachers of Children of Poverty to expand statewide training for individuals who teach children of poverty through weekend college, nontraditional, or alternative learning opportunities.

1A.28. (SDE-EIA: Career Cluster Industry Partnerships) From the funds appropriated to the Department of Education, \$800,000 must be provided as direct grants to the private sector statewide trade association or educational foundation providing nationally certified programs in career and technology education representing the automotive, construction, engineering, healthcare, mechanical contracting/construction, and hospitality tourism career clusters. Organizations applying for a grant must do so by July thirty-first and the Department of Education must award a minimum of one grant of at least \$150,000 in at least four of these specified career clusters to be used exclusively for career and technology education. The recipient industry organization must conduct end-of-course exams graded by a national industry organization and must include in their grant request how the money will be spent in direct support of students to further industry-specific career technology education; a description and history of their program nationally and within South Carolina; estimates of future employment growth in their industry; and the national scope of their program. By August first of the following year, the organization must submit to the department a report detailing how the grant increased industry/employer awareness; the number of increased schools using the industry-based curriculum and partnered with the industry organization; the increased number of students in the program; and an overview and analysis of the organization's statewide student competition. The grant must be used for career awareness programs for that industry cluster; statewide student competitions leading to national competitions; teacher development and training; post-secondary scholarships in industry-specific degree programs; student recruitment into that career cluster programs; programs to educate middle and high school Career or

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Guidance Counselors about the industry; service to disadvantaged youth; and administering business/employer awareness and partnerships which help lead to experience-based, career-oriented experiences including internships, apprenticeships, mentoring, co-op education and service learning. The Office of Career and Technology Education of the department will develop goals with each career cluster on the number of new schools using the industry-based curriculum and partnered with that career cluster organization. These funds may not be used to supplant or replace, in whole or in part, other existing resources/assets sourced outside the present grant being used to provide the same services or programs. Organizations may carry-over grants for up to three years when a large project is identified in the grant application to be used at a future date; otherwise excess funds must be returned to the state. Organizations awarded must submit a semi-annual programmatic and financial report on the last day of December in addition to the final report due August first that has been audited by a third party accounting firm.

1A.29. (SDE-EIA: Partnerships/Other Agencies & Entities) For the current fiscal year, agencies and other entities receiving funds appropriated in Part IA, Section 1, VIII. F. will continue to report annually to the Education Oversight Committee (EOC). Any entity receiving funds that must flow through a state agency will receive those funds through the EOC, unless requested in writing by the entity to match federal or other funds. The EOC will make funding recommendations to the Governor and General Assembly as part of the agency's annual budget request.

1A.30. (SDE-EIA: ETV Teacher Training/Support) Of the funds appropriated in Part IA, Section 1, VIII.F. South Carolina Educational Television must provide training and technical support on the educational resources available to teachers and school districts.

1A.31. (SDE-EIA: Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers' salaries of the southeastern states as projected by the Revenue and Fiscal Affairs Office. For the current school year, the Southeastern average teacher salary is projected to be \$58,048. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all eligible certified teachers employed by the district by no less than one year of experience

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credit using at a minimum the district salary schedule utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all eligible certified teachers. For Fiscal Year 2023-24, the requirement that school districts maintain local salary supplements per teacher no less than their prior fiscal year level is suspended.

For purposes of this provision, teachers shall be defined by the Department of Education using the Professional Certified Staff (PCS) System.

1A.32. (SDE-EIA: PowerSchool Dropout Recovery Data) With the funds appropriated to the Department of Education for PowerSchool and data collection, the department will begin in the current fiscal year to collect data from schools and school districts on the number of students who had previously dropped out of school and who reenrolled in a public school or adult education to pursue a high school diploma. The Education Oversight Committee working with the Department of Education will determine how to calculate a dropout recovery rate that will be reflected on the annual school and district report cards. The department may carry forward and expend the funds for the same purpose.

1A.33. (SDE-EIA: Assisting, Developing and Evaluating Professional Teaching -ADEPT) With funds appropriated in the current fiscal year, the Department of Education, school districts, the Department of Juvenile Justice and special schools of the state may continue implementation of the ADEPT program. Governing boards of public institutions of higher education may provide by policy or regulation for a tuition waiver for the tuition for one three-hour course at that institution for those public school teachers who serve as supervisors for full-time students completing education degree requirements. Unexpended funds appropriated for this purpose may be carried forward from the prior fiscal year into the current fiscal year and expended for the same purposes.

1A.34. (SDE-EIA: Educational Partnerships) The funds provided to the Center for Educational Partnerships at the College of Education at the University of South Carolina will be used to create a consortium of educational initiatives and services to schools and communities. These initiatives will include, but are not limited to, professional development in writing, geography and other content areas; training; research; advocacy; and practical consultancy. The Center will establish collaborative educational enterprises with schools, school districts,

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parents, communities, and businesses while fulfilling the responsibilities of the School Improvement Council Assistance. The Center will focus on connecting the educational needs and goals of communities to improve efficiency and effectiveness.

1A.35. (SDE-EIA: STEM Centers SC) All EIA-funded entities that provide professional development and science programming to teachers and students should be included in the state's science, technology, engineering, and mathematics education strategic plan.

1A.36. (SDE-EIA: EOC Partnerships for Innovation) Of the funds appropriated or carried forward from the prior fiscal year, the Education Oversight Committee is directed to participate in public-private partnerships to promote innovative ways to transform the assessment of public education in South Carolina that support increased student achievement in reading and college and career readiness. The Education Oversight Committee may provide financial support to districts and to public-private partnerships for planning and support to implement, sustain and evaluate the innovation and to develop a matrix and measurements of student academic success based on evidence-based models. These funds may also be used to support the innovative delivery of science, technology, and genetic education and exposure to career opportunities in science, including mobile science laboratory programs, to students enrolled in the Abbeville equity school districts and students in high poverty schools. These funds may also focus on creating public-private literacy partnerships utilizing a 2:1 matching funds provision when the initiative employs research-based methods, has demonstrated success in increasing reading proficiency of struggling readers, and works directly with high poverty schools and districts. The committee will work to expand the engagement of stakeholders including state agencies and boards like the Educational Television Commission, businesses, and higher education institutions. The committee shall annually report to the General Assembly on the measurement results.

1A.37. (SDE-EIA: Aid to Districts Draw Down) For the current fiscal year, in order to draw down funds appropriated in Part IA, Section 1, VIII.A.1, Aid to Districts, school districts, Palmetto Unified District and the Department of Juvenile Justice must work with local law enforcement agencies and fire marshals, and when necessary, state law enforcement agencies and the Office of the State Fire Marshal in order to ensure that the district has updated school safety and fire plans in place. The safety and fire plans must include safety directives in the

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classroom, a safe student and staff exit strategy and necessary safety staff. Notice of completion of the updated plans must be submitted to the Department of Education no later than September first, of the current fiscal year. In the current fiscal year, school districts may continue to negotiate with local law enforcement for the provision of School Resource Officers. The department must report to the Chairman of the House Ways and Means Committee, the Chairman of the House Education and Public Works Committee, the Chairman of the Senate Finance Committee, and the Chairman of the Senate Education Committee by September thirtieth, of the current fiscal year, on any districts that failed to submit an updated plan.

1A.38. (SDE-EIA: Education and Economic Development Act Carry Forward) Funds provided for the Education and Economic Development Act may be carried forward into the current fiscal year to be expended for the same purposes by the department, school districts, and special schools.

1A.39. (SDE-EIA: EEDA Regional Education Centers) Funds appropriated from the EEDA for Regional Education Centers must not be less than \$108,500.

1A.40. (SDE-EIA: Teach for America SC) Because Teach For America SC receives EIA funds in the current fiscal year, school districts that partner with Teach For America SC are required to provide to Teach For America SC by September first annually, information on the prior year's academic achievement of students who were directly taught by Teach For America corps members. The information must be in a format that protects the identity of individual students and must include state assessment data as appropriate.

1A.41. (SDE-EIA: EOC-South Carolina Autism Society) Of the funds appropriated in Section 1A, VIII.F. Partnerships, Education Oversight Committee (A85), \$500,000 must be transferred in quarterly installments from the Education Oversight Committee to the South Carolina Autism Society for the Autism Parent-School Partnership Program. No more than ten percent of these funds may be used for central office related administrative purposes, with the remaining funds used to directly provide services through the Parent-School Partnership Program.

On a quarterly basis, the South Carolina Autism Society shall submit to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee a comprehensive report concerning the society's finances. The report must include, but is not limited to:

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- (1) All income derived during the quarter from any source;
- (2) An itemized list of all expenditures for the quarter, including the amount of each expenditure;
- (3) A list of employees, independent contractors hired by the society, and any other person or entity that provides goods or services to the society, including the amount paid to each; and
- (4) Any other such information that aids in fully understanding the fiscal health of the society.

On or before August 1, 2023, the society shall provide the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee an audit of the society's books from the society's previous fiscal year. On or before June 30, 2024, the society shall provide an updated audit to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

1A.42. (SDE-EIA: CHE/CERRA) The Center for Educator Recruitment, Retention and Advancement (CERRA) must complete periodic evaluations of the institutions currently hosting a Teaching Fellows (TF) program and ensure that the TF programs at the current host institutions continue to meet the requirements for a TF program as set forth by the CERRA Board of Directors. Further, CERRA will continue implementing a long-range plan for approving additional TF programs at other public, four-year institutions who wish to be considered to host a TF program, provided the proposed programs meet the requirements set forth by the CERRA Board of Directors. CERRA will publish TF program criteria and requirements prominently on its website. Any institution who applies but is not selected to host a TF program will be informed in writing of the basis for the selection decision and be offered technical support if the institution elects to reapply. Any institution that applies but is not selected to host a TF program may appeal to the Commission on Higher Education.

1A.43. (SDE-EIA: Public Charter Pupil Counts) With funds appropriated to charter schools sponsored by either the South Carolina Public Charter School District or a registered Institution of Higher Education, the sponsor must require each charter school to submit a student attendance report for the 5th, 45th, 90th and 135th days. Reporting requirements shall include both Average Daily Membership and Weighted Pupil Unit membership. The South Carolina Public Charter School District or a registered Institution of Higher Education shall then provide the data for each charter school to the Department of Education. Quarterly, the department will submit the information to the House Ways

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and Means Committee, the House Education and Public Works Committee, the Senate Finance Committee, and the Senate Education Committee.

The South Carolina Public Charter School District or a registered Institution of Higher Education must also require each virtual charter school to collect the following information: (1) the reason or reasons why each student enrolled in the virtual charter school district from both the parent(s) and the referring school district; and (2) the reason or reasons why a student withdrew from the virtual charter school district. This data must be provided to the Department of Education quarterly and must include the unique student identifier. The department, in turn, will provide summary information to the House Ways and Means Committee, the House Education and Public Works Committee, the Senate Finance Committee and the Senate Education Committee on the enrollment and withdrawal information on June 30th of the current fiscal year.

1A.44. (SDE-EIA: CDEPP Student Information and Reporting) For the current fiscal year, the Department of Education and the Office of First Steps to School Readiness must acquire unique student identifiers or SUNS numbers for each student enrolled in the CDEPP program no later than the 45th day and must provide a report of such to the House Ways and Means Committee, the House Education Committee, the Senate Finance Committee, the Senate Education Committee and the Education Oversight Committee by November thirtieth. The Department of Education and the Office of First Steps to School Readiness must provide any information required by the Education Oversight Committee for the annual CDEPP report no later than November thirtieth.

1A.45. (SDE-EIA: Rural Teacher Recruiting Incentive) (A) There is created a program within the South Carolina Center for Educator Recruitment, Retention, and Advancement (CERRA) to recruit and retain classroom educators in rural and underserved districts experiencing excessive turnover of classroom teachers on an annual basis.

(B) During the current fiscal year CERRA shall publish eligibility requirements and applications for individual educators, school districts, and institutions of higher education not inconsistent with existing licensure requirements for each, but also including:

(1) Eligible districts identified by CERRA as experiencing greater than eleven percent average annual teacher turnover, as reported on the

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districts' five most recent district report cards issued by the South Carolina Department of Education and are not one of the fifteen wealthiest districts based on the index of taxpaying ability, may make application to participate in the program.

(2) Individuals eligible for incentives shall be willing to provide instructional services in an eligible district in exchange for participation in an incentive detailed in item (C) of this section, pursuant to the obligations and restrictions stated for each.

(3) Institutions of higher education eligible to receive education funding as a component of recruiting incentives created pursuant to item (C) of this section shall not be excluded from participation in Teaching Fellows Program.

(4) Any incentives requiring individuals to relocate into an eligible district to provide instructional services shall not be made available to individuals providing instructional services in other eligible districts.

(C) Pursuant to item (A), CERRA shall develop a set of incentives including, but not limited to, salary supplements, education subsidies, loan forgiveness, professional development, and mentorship to be provided to classroom educators that offer instructional services in eligible districts and shall provide incentive options for eligible individuals at all stages of their careers, including high-school and college or university students interested in entering the teaching profession and including individuals entering the field through an alternative certification pathway to include, but not limited to, PACE, ABCTE, Teach for American, and CATE Work-Based Certification.

At a minimum, the incentives shall include:

(1) Development of a program for forgiveness of undergraduate student loans, not to exceed \$5,000 per year, for up to 7 years, for teachers participating in this incentive that achieve certification through an alternative pathway or who have a loan from an institution other than the South Carolina Student Loan Corporation or program other than the South Carolina Teachers Loan Program.

(2) Development of a forgivable loan program for individuals pursuing graduate coursework in furtherance of a teaching career, including enrollment in graduate-level coursework necessary to seek additional credentialing or certification relevant to the participant's teaching practice, or individuals seeking an alternative pathway to certification as a teacher.

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(3) Support for the establishment and maintenance of a teaching mentorship program, including salary supplements for teaching mentors not to exceed \$2,500 per year.

(4) Other technical support and recruiting incentives as developed by CERRA in conjunction with the Department of Education and the Education Oversight Committee consistent with the objectives of this section.

(D) In addition to eligibility and application requirements, CERRA shall develop a process for recovering an amount equal to the incentives given to individual participants who fail to comply with the obligations associated with a relevant incentive in which they participate including, but not limited to, failure to complete a prescribed course of study, failure to obtain a relevant certification or licensure upon completion of a course of study, or failure to provide instructional services in an eligible district for a prescribed period of time.

(E) CERRA shall report by July thirty-first of the current fiscal year to the Governor, President of the Senate, and Speaker of the House on the incentives developed pursuant to item (C) of this section and make recommendations for attracting and retaining high quality teachers in rural and underserved districts. The report shall contain at a minimum eligibility requirements and application processes for districts and individuals, descriptions of and proposed budgets for each incentive program and an analysis of the number and demographics of individuals potentially eligible for each.

(F) Funds appropriated or transferred for use in the Rural Teacher Recruiting Incentive may be carried forward from prior fiscal years and used for the same purpose.

1A.46. (SDE-EIA: Project Read) Of the funds appropriated in Section 1A. VIII.A.3. for Reading, \$500,000 must be used for teacher in-service training and professional development related to Project Read. The department may set accountability guidelines to ensure that funds are spent in accordance with the proviso.

1A.47. (SDE-EIA: Reading/Literacy Coaches) (A) For the current fiscal year, of the funds appropriated for Reading/Literacy Coaches, the Department of Education shall retain up to \$14,000,000 to be expended for the Palmetto Literacy Project. The Department shall identify schools in the Palmetto Literacy Project that have one-third or more of its third grade students scoring at the lowest achievement level on the statewide summative English language arts assessment. For each school identified and participating in the Palmetto Literacy Project in the prior school

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year, the Department of Education shall provide, at a minimum, the following support: provision of reading specialists, professional learning, and curriculum resources based on the science of reading. The reading specialist/coaches provided to the Palmetto Literacy Project schools shall be hired and evaluated annually by the Department of Education.

(B) The balance of funds appropriated to the Department for Reading/Literacy Coaches shall be allocated to school districts for schools not included in the Palmetto Literacy Project to support reading instruction and interventions which may include, but not be limited to, hiring reading/literacy coaches, interventionists, or professional development based on the science of reading. Expenditure of funding must be included in the district reading plan approved by the Department of Education.

(C) These funds must be allocated to school districts by the Department of Education as follows: for each primary and elementary school, the school district shall be eligible to receive up to \$62,730 or the actual cost of salary and benefits for a full-time reading/literacy coach.

(D) By accepting these funds, a school district warrants that they will not be used to supplant existing school district expenditures, except for districts that either are currently, or in the prior fiscal year, were paying for reading/literacy coaches with local funds. A district may only utilize these funds to employ reading/literacy coaches that may serve in a primary, elementary, or middle school or a combination of these schools depending on the area of highest need in the district except in the event that the district can request and receive a waiver from the Department of Education to expend the funds on interventionists who spend more than fifty percent of their time providing direct support to struggling readers in grades kindergarten through grade five. The school district must align the placement of coaches to the district reading plan that is approved by the department.

(E) Funds appropriated for reading/literacy Coaches are intended to be used to provide primary, elementary, and/or middle schools with reading/literacy coaches who shall serve according to the provisions in Chapter 155, Title 59.

(F) Schools and districts accepting funding to support a coaching position agree that the reading/literacy coach must not serve as an administrator. If the department finds that school districts are using these funds for administrative costs as defined in statute they must

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withhold that districts remaining balance of funds allocated pursuant to this proviso.

(G) The Department of Education must publish guidelines that define the minimum qualifications for a reading/literacy coach. These guidelines must deem any licensed/certified teacher qualified if, at a minimum, he or she:

(1) holds a bachelor's degree or higher and an add-on endorsement for literacy coach or literacy specialist;

(2) holds a bachelor's degree or higher and is actively pursuing the literacy coach or literacy specialist endorsement; or

(3) holds a master's degree or higher in reading or a closely-related field.

Within these guidelines, the Department of Education must assist districts in identifying a reading/literacy coach in the event that the school is not successful in identifying and directly employing a qualified candidate.

(H) The Department of Education shall require:

(1) any school district receiving funding to identify the name and qualifications of the supported reading/literacy coach; as well as the school in which the coach is assigned; and

(2) any school district receiving funding to account for the specific amounts and uses of such funds.

(I) With the data reported by the school districts, the department shall report by January fifteenth of the current fiscal year on the hiring of and assignment of reading/literacy coaches by school. The department shall also report the amount of funds that will be used for Summer Reading Camps.

(J) Any unspent or unallocated funds may be carried forward and expended for Summer Reading Camps.

1A.48. (SDE-EIA: Digital Instructional Materials) The Department of Education shall continue to create an instructional materials list composed of those items (print and/or digital) that have received State Board of Education approval through the normal adoption process. The department shall continue to work with the publishers of instructional materials to ensure that districts have options for print/digital student materials to include class sets of print student editions, if needed. Funds appropriated for the purchase of instructional materials (print/digital) may be used for reimbursing school districts to offset the costs of refurbishing science kits on the state-adopted instructional materials inventory, purchasing new kits or those adopted as supplemental from

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the central textbook depository, or a combination of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs, equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs. Funds provided for Instructional Materials may be carried forward from the prior fiscal year into the current fiscal year to be expended for the same purposes by the department, school districts, and special schools. These funds are not subject to flexibility.

1A.49. (SDE-EIA: 4K Early Literacy Competencies Assessments) Of the funds carried forward from the full-day 4K program from the previous fiscal year, the Department of Education is authorized to expend up to \$800,000 on assessments and professional development to analyze the early literacy competencies of children in publicly funded prekindergarten. If these funds are not available, funds appropriated and/or authorized for assessment shall be used to administer the prekindergarten assessments. The department shall manage the administration of assessments that analyze the early literacy and language development of children in publicly funded prekindergarten as done in the prior fiscal year. Each school district and private provider participating in a publicly funded prekindergarten program will administer one of the formative assessments selected by the department to each child eligible for and enrolled in a publicly funded prekindergarten program during the first forty-five days of the school year and during the last forty-five days of the school year. Accommodations that do not invalidate the results of these assessments must be provided in the manner set forth by the student's Individualized Education Program or 504 Accommodations Plan and for students who are Limited English Proficient according to their LEP Plan. The department will provide the assessment data to the Education Oversight Committee. The results of the assessment and the developmental intervention strategies recommended or services needed to address the child's identified needs must also be provided, in writing, to the parent or guardian. The assessment may not be used to deny a student to admission to prekindergarten.

Furthermore, up to \$2,000,000 of the funds appropriated for half-day programs for four-year-olds and funds carried forward from assessment must be expended by the Department of Education to administer the Kindergarten Readiness Assessment (KRA) to each child entering kindergarten in the public schools. The assessment of kindergarten

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students must be administered at a minimum of once during the first forty-five days of the school year with the results collected by the department. The results of the assessments and the developmental intervention strategies recommended or services needed to address each child's identified needs must also be provided, in writing, to the parent or guardian. The assessment may not be used to deny a student admission to kindergarten. Accommodations that do not invalidate the results of these assessments must be provided in the manner set forth by the student's Individualized Education Program, 504 Accommodations Plan, or LEP Plan. Districts are given the option of designating up to two days of the one hundred eighty day school calendar to administer the assessment to kindergarten students. The department will also provide the results of the assessment of kindergarten students to the Education Oversight Committee. With available funds, the department will also provide or secure training for appropriate educators in how to administer the assessment.

For all students assessed with the Kindergarten Readiness Assessment (KRA), the Department of Education is required to collect data from schools and school districts on the prior early learning experience of each student. The data would include whether the kindergartener had attended in the prior school year a Head Start program, a South Carolina Early Reading Development and Education Program in a public school or a private center, a half-day 4K program in a public school, a full-day 4K program in a public school, a child care center (registered faith-based, registered family home, group home, or exempt provider), or informal child care.

1A.50. (SDE-EIA: Industry Certifications/Credentials) Of the funds appropriated for Industry Certifications/Credentials, \$3,000,000 must be allocated to school districts based upon the number of national industry exams administered in the prior school year with each district receiving a base amount of \$10,000. The department will identify the national industry exams that will be funded based upon the job availability in the state. School districts may carry forward funds from the prior fiscal year into the current fiscal year and expend the funds for the cost of national industry exams. The department shall work with the Department of Commerce, the Department of Employment and Workforce, state and local chambers of commerce and economic development offices and the Tech Board to ensure that students are aware of the industry required credentials for current job availability in the state organized by region. Any additional funds appropriated must be allocated to school districts

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based upon the number of national industry exams/credentials earned in the prior school year, and districts must expend these funds to pay for the cost of industry exams or to support students in preparing for the exams in the current fiscal year.

1A.51. (SDE-EIA: Career and Technology Education) Of the funds appropriated for Career and Technology Education, multi-district career centers that received funds in Fiscal Year 2022-23 from the State Aid to Classrooms line item shall receive in the current fiscal year at least \$2,750,000. The balance of funds appropriated for Career and Technology Education will be distributed to school districts and multi-district career centers based on the prior year actual student enrollment for career and technology education courses, with no district or multi-district career center receiving less than \$50,000. Funds may be expended for the purchase of career and technical equipment, the up fitting of facilities and the purchase of consumables, regional career specialists, and such evidence-based initiatives like High Schools that Work and Project Lead the Way. Each district must include in the district plan submitted to the Office of Career and Technology Education information on other career and technical equipment available. The district must include, at a minimum, equipment located at the career center and at the technical college, information on the alignment of equipment to current industry jobs and needs in the state as recommended by career and technical program advisory committees. District plans must include charter schools within the school district offering at least one career and technical education complete program. School districts and career centers may carry forward unexpended funds to be used for the same intended purposes to up fit career and technical facilities and replace career and technical program consumables. In addition, \$125,000 of the funds appropriated shall be allocated to the Palmetto Partners for Science and Technology for robotics competition, curriculum, and support.

1A.52. (SDE-EIA: Family Connection South Carolina) Funds appropriated in Part IA, Section 1, VIII.F, Partnerships, for Family Connection South Carolina (H63), shall be transferred in quarterly installments from the Department of Education to Family Connection South Carolina. Funds shall be used to provide support to families of children with disabilities. Support shall include home visits, transition assistance, education assistance, parent support, and parent training. The department shall establish guidelines through which Family Connection South Carolina shall provide planning documents to the department not

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later than July fifteenth of the current fiscal year, and quarterly reporting of expenditures thereafter; and a performance report submitted annually.

1A.53. (SDE-EIA: Assistance Funding) For the current fiscal year, any funds appropriated to the Department of Education to assist districts that are or were Plaintiffs in the Abbeville law suit and funding appropriated to the department to provide technical assistance to underperforming districts may not be transferred to any other program, are not subject to flexibility, and may be carried forward and expended for the same purposes.

1A.54. (SDE-EIA: Educator Preparation Provider) Of the funds carried forward from the prior fiscal year, the department is authorized to use up to \$300,000 to develop a data system to house post-certification data and employment for Education Preparation Provider (EPP) completers in accordance with S.C. Code Reg. 43-90. The system must provide the department with the ability to collect, store, and disseminate data elements needed for national accreditation of providers. Such data shall be exempted from disclosure under Section 30-4-40 of the 1976 Code, the South Carolina Freedom of Information Act.

1A.55. (SDE-EIA: Alternative Commitment to Truancy) As part of its plan for an alternative school, a school district receiving funds from the Department of Education for an alternative school shall identify available alternatives to commitment for children whose truancy is approaching the level of being referred to family court. When proceeding under Section 59-65-50 of the 1976 Code to bring an individual case before the family court, the school district must present this plan as well as the district's efforts with respect to the individual child to the court. Each school district's plan under this proviso shall include possible assignment to alternative school for a non-attending child before petitioning the court.

1A.56. (SDE-EIA: Grants Committee) Of the funds appropriated to the Department of Education for Innovation Grants, the grants committee shall accept applications per the established process for new grantees not to exceed the amount appropriated by the General Assembly.

The process shall include the application procedure, selection process, and matching grant formula if applicable. The grants committee must be comprised of seven members, three members selected from the education community and four members selected from the business community. The suggested criteria for awarding the grants to schools or

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school districts or directly purchasing services must include, but are not limited to:

- (1) a demonstrated ability to meet the match throughout the granting period;
- (2) a demonstrated ability to implement the initiative or model as set forth in the application;
- (3) identification of key measurable benchmarks in the education continuum that must be improved to raise student achievement and ensure all students graduate college, career and civic ready;
- (4) a demonstrated ability to be both replicable and scalable with priority given to those projects that focus on applied learning opportunities and experiences, especially in the STEM or STEAM fields;
- (5) blended and personalized learning focused on content mastery and experiential learning; and
- (6) innovative strategies to close student achievement gaps, with a focus on below average and unsatisfactory schools.

The required match may be met by funds or by in-kind donations, such as technology, to be further defined by the grants committee. Public school districts and schools that have high poverty and low achievement will receive priority for grants when their applications are judged to meet the criteria established for the grant program. The committee shall submit an annual report to the Governor, the Chairman of House Ways and Means and the Chairman of Senate Finance by June 30.

Grantees and service providers will be required to participate in an external evaluation as prescribed by the committee and agreed upon in the application and award process.

1A.57. (SDE-EIA: Teacher Loan Program) With the funds appropriated for the Teacher Loan Program and with funds in the revolving fund, in the current fiscal year the annual maximum award for eligible juniors, seniors and graduate students is \$7,500 per year and the aggregate maximum loan amount is \$27,500.

1A.58. (SDE-EIA: Digital Learning Plan) The implementation of the e-Learning program is the responsibility of the Department of Education. Those e-Learning school districts who meet the criteria for an e-Learning district as determined by the Department of Education may use up to five e-Learning days to allow for the make-up of short-term disruptions to in-person teaching and learning.

1A.59. (SDE-EIA: Teacher Recruitment Program) On or before September 30th of the current fiscal year, following the development of

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accountability metrics, \$750,000 of the funds appropriated in this act to the Department of Education for “Rural Teacher Recruitment” shall be allocated to the University of South Carolina’s College of Education (COE) for the development and implementation of a new teacher recruitment pilot program to be administered by the COE in partnership with the Center for Teaching Quality (CTQ). The purpose of the pilot program shall be the employment of innovative and cost-effective teacher recruitment strategies, customized training for new teachers, and dedicated, ongoing mentoring support. The pilot program shall compliment and/or enhance the state’s ongoing rural teacher recruitment initiatives such as those supported pursuant to Proviso 1A.45 of this act. At minimum, the pilot program must assist no fewer than ten school districts to include at least four districts along the 1-95 corridor and serve no fewer than 250 teacher candidates. The pilot program shall stipulate reasonable fees for participating candidates and districts and districts shall agree to release time for required on site mentors who shall be experienced, practicing teachers within the district for the purposes of co-teaching with and supporting candidates’ development. Within participating districts, the pilot program shall emphasize high-need schools and within selected schools, the emphasis shall be on developing teacher candidates teaching in high-need subject areas to include, but not be limited to, STEM and special education with all candidates receiving training in literacy skills. The pilot program design shall be based on emerging empirical evidence of effective teacher education as well as best practices from recent innovations in university-based and alternative certification and residency programs for the dual purpose of recruiting needed candidates with equal focus on retaining accomplished, experienced teachers utilizing, in part, a model which contains intensive mentoring and support for candidate teachers. For purposes of maximizing the impact of this pilot program in identifying qualified teacher candidates as required herein, subject area assessment requirements as they relate to permitted standard deviation tolerances shall mirror those of State Department of Education requirements for traditionally prepared candidates. The pilot program shall assess the certification outcomes of candidates in relation to these tolerances. Before any funds are disbursed to the COE, the COE and CTQ shall develop accountability metrics for the pilot program that must include, at minimum, employment outcome indicators such as job placement and retention statistics as well as survey instrumentation in order to measure candidate, mentor, and principal satisfaction with the pilot program. No

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later than June 30th, program data and evidence collected as a result of this accountability requirement must be shared in report form with the Department of Education, the Education Oversight Committee, the South Carolina Center for Educator Recruitment, Retention, and Advancement, the Commission on Higher Education, the Chairman of the Senate Education Committee, the Chairman of the House Education and Public Works Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee.

1A.60. (SDE: Bridge Program) Of the funds appropriated for “Rural Teacher Recruitment” in Fiscal Year 2023-24, \$1,400,000 shall be transferred to South Carolina State University for the implementation and enhancement of a BRIDGE program to recruit minority high school students along the I-95 corridor into the teaching profession by offering them, while still in high school, access to counseling, mentoring, on campus summer enrichment programs, and opportunities for dual enrollment credits at South Carolina State University for the purpose of preparing these students to major in education and to become future teachers along the I-95 corridor. South Carolina State University must utilize \$400,000 of these funds to partner with one or more institutions of higher education to establish a similar bridge program.

1A.61. (SDE-EIA: Return to Covered Employment) For compensation earned during the current fiscal year, the earnings limitation imposed pursuant to Sections 9-1-1790(A)(1) and 9-11-90(4)(a)(i) of the 1976 Code does not apply if the retired member is hired by the Department of Education to primarily provide services to the department for its tiered system of support for underperforming schools and districts. The department may not pay a retiree who qualifies for the earnings limitation exception under this provision more than \$125,000 per year. The department may only use this provision for a maximum of twenty employees during the fiscal year. The department shall report the number of employees hired under this provision to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee by June 30.

1A.62. (SDE-EIA: Kindergarten and Pre-K Start Dates) A district superintendent or charter school authorizer may submit a request to the department to waive the minimum one hundred eighty day school attendance requirement for CERDEP and kindergarten students for the purpose of scheduling assessments. Upon approval of the waiver request, the approved school may stagger administering the assessments

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to CERDEP and kindergarten students during the first five days of the academic year.

1A.63. (SDE-EIA: Surplus) For Fiscal Year 2023-24, EIA cash funds from the prior fiscal year and EIA funds not otherwise appropriated or authorized must be carried forward and expended on the following items in the order listed:

- 1. SDE-Grants Committee \$ 16,500,000;
 - 2. Instructional Materials \$ 30,000,000;
 - 3. Carolina Collaborative for Alternative
Preparation(H270)..... \$ 450,000;
 - 4. SC-TEACHER (H270) \$ 1,500,000;
 - 5. SC-TEACHER Working Conditions
Survey (H270)..... \$ 500,000;
 - 6. High Intensity Tutoring (H630) \$ 15,000,000;
 - 7. School Bus Lease/Purchase..... \$ 20,631,000;
 - 8. Capital Funding for Schools \$120,000,000;
 - 9. Literacy Instruction Program \$ 39,000,000;
 - 10. ESA Trust Fund – Startup Admin..... \$ 2,073,300;
 - 11. Instructional Support for Districts
(LMS, LOR, and AMS) \$ 10,240,000;
 - 12. Artificial Intelligence (H630)..... \$ 3,000,000;
 - 13. K12 Concussion Protocol..... \$ 400,000;**
 - 14. SC Academic Tutorial Services..... \$ 300,000;**
 - 15. First South Carolina (SC First Lego League) \$ 150,000;
 - 16. Due West Robotics..... \$ 200,000;
 - 17. Laurens Co. School District
55 and 56 - CATE Center..... \$ 2,500,000;
 - 18. The Next IT Girl \$ 300,000;
 - 19. Teachers Up & Kids Club..... \$ 500,000;
 - 20. Reading Partners \$ 500,000;
 - 21. The Bridge Tech..... \$ 75,000;
- and
- 22. Union County School District – Leader in Me
Program \$ 47,000.

Up to \$5,000,000 in additional funds carried forward and not otherwise appropriated or authorized may be used for instructional materials and school bus purchase.

1A.64. (SDE EIA: National Board Certification Incentive) Public school classroom teachers, to include teachers employed at the special schools or classroom teachers who work with classroom teachers, to

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include teachers employed at the special schools who are certified by both the State Board of Education and the National Board for Professional Teaching Standards (NBPTS), shall be paid an annual salary supplement of either \$7500 or \$5000. When all other criteria included in this provision are met, the amount of the supplement shall be determined by the teacher's date of application to NBPTS and the length of the national certificate as described below.

(A) A salary supplement of \$7500 shall be paid to National Board Certified Teachers (NBCTs) who made an initial application before July 1, 2010, and who hold a ten-year national certificate.

(B) A salary supplement of \$5000 shall be paid to NBCTs who made an initial application before July 1, 2010, and who hold a five-year national certificate.

(C) A salary supplement of \$5000 shall be paid to NBCTs who made an initial application after July 1, 2010, and who hold either a five-year or a ten-year national certificate.

The salary supplement shall begin in the year the teacher achieves national certification, be added to the teacher's annual pay, and continue as long as the teacher is certified by both the State Board of Education and NBPTS and employed as a public school classroom teacher as described above. However, the supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the districts payroll procedure.

The special schools include the Governors School for Science and Math, Governors School for the Arts and Humanities, Wil Lou Gray Opportunity School, Governor's School for Agriculture at John de la Howe, School for the Deaf and the Blind, Department of Juvenile Justice, and Palmetto Unified School District 1.

Public school classroom teachers who are certified by NBPTS shall enter a recertification cycle for their South Carolina certificate consistent with the length of the recertification cycle for National Board Certification. Teachers who are certified by NBPTS moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with the length of the recertification cycle for National Board Certification. The department is authorized to carry forward funds and only expend them for the same purpose. Appropriations in excess of applicable expenditures shall be distributed to school districts based on the EFA formula.

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1A.65. (SDE-EIA: ARP Maintenance of Equity): The Department of Education is authorized to utilize funds appropriated in State Aid to Classrooms - Maintenance of Effort and Equity to ensure Maintenance of Equity is met under the American Rescue Plan and maintenance of state financial support for IDEA.

1A.66. (SDE-EIA: Evaluation of Alternative Instruction Methods) With funds appropriated, the Education Oversight Committee is responsible for evaluating the impact of alternative methods of instruction on student learning and working with other agencies to expand access to quality remote instruction which can be dispatched if necessary. Alternative methods of instruction may include, but are not limited to, online or virtual instruction, remote learning, and hybrid models. The Department of Education and school districts providing alternative methods of instruction must provide data as requested by the committee to evaluate the effectiveness of the instruction. The Education Oversight Committee shall report annually to the Governor, the General Assembly, the Department of Education, and the State Board of Education.

1A.67. (SDE-EIA: Report Card) For the current fiscal year, the department is directed to produce the school report cards by October 15.

1A.68. (SDE-EIA: Return of Local Control) Utilizing funds appropriated to the Department of Education, any school or district declared under a state of emergency where management was taken over by the State Superintendent of Education in a previous fiscal year shall remain under such management until the Superintendent of Education deems the school or district has shown significant improvements and has met targets as set by the Superintendent of Education. Management of the school or district includes direct management, consolidation with another district, charter management, public/private management, or contracting with an educational management organization or another school district.

After management of a school district formerly under a state of emergency declared by the State Superintendent of Education has been relinquished and returned to the local board of education, the school district must provide the State Board of Education with monthly updates on the economic and academic conditions within the district for the remainder of the current fiscal year.

1A.69. (SDE-EIA: Developmental Education and Therapy Services) Of the funds appropriated for Developmental Education and Therapy Services for students with multiple documented disabilities, \$486,486

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shall be allocated to the Meyer Center, \$1,513,514 shall be allocated to Pattison's Academy, and \$1,300,000 shall be allocated to the SC Public Charter School District for Palmetto Excel. The funding allocated to the Public Charter School District is estimated to serve 150 students. If less students are served, the money must be retained and not expended by the Public Charter School District on a pro rata basis.

1A.70. (SDE-EIA: Instructional Materials) Of the funds appropriated for Instructional Materials, \$250,000 shall be used to assist individual schools and/or districts to implement Ronald Rouse's Law requiring high school students to receive non-credentialed CPR instruction in health education class. Funds may be used to purchase, replace, and maintain equipment and training materials. Priority shall go to schools and districts determined high-need. High-need may be determined by using a district's Index of Taxpaying Ability.

1A.71. (SDE-EIA: Testing Pilot) Of the funds appropriated for assessment, the Department of Education will expend \$300,000 to pilot the feasibility of requiring a passing score on a rigorous test of scientifically research-based reading instruction and intervention and data-based decision-making principles, as determined by the State Board of Education, for initial early childhood and elementary education licensure.

1A.72. (SDE-EIA: High Intensity Tutoring) The Department of Education is authorized to provide funds to school districts and community partners in the current fiscal year to pilot academic support programs providing high-dosage, low-ratio tutoring to students in mathematics and reading by compensated tutors.

The Department of Education should prioritize available funding for academic support program applications that include LEA or local funding matches, LEA capacity for successful program implementation, or a large proportion of students needing priority placement within an academic support program.

The Department of Education may collaborate with community partners to implement and conduct academic support programs. Academic support program partners shall comply with personnel criminal history checks and any applicable building safety standards.

At a minimum, eligible academic support programs shall include tutoring sessions totaling one and a half hours per week. Tutoring sessions should be scheduled at least twice weekly for forty-five minutes. Tutoring sessions shall be held in small group settings of no more than three students per tutor but may occur within or outside the

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regular school day. Students scoring, or expected to achieve, “Does Not Meet Expectations” on the statewide summative assessment should be given priority placement within the academic support program.

The Department of Education, in collaboration with the Education Oversight Committee, shall prepare a report on the effectiveness of the academic support programs for the Governor and General Assembly. Participating LEAs and public charter schools shall submit data as requested by the Department of Education, including, but not limited to, student enrollment, attendance, and student pre-/post-test scores from a state-approved formative assessment or high school content assessment.

1A.73. (SDE-EIA: Foundational Literacy Skill Training) Beginning with the current fiscal year, the Department of Education shall provide training in foundational literacy skills to public school educators working with students in kindergarten through grade three, pending the availability of funding and space. The Department of Education shall deliver professional development that has demonstrated success in establishing deep knowledge of evidence-based foundational literacy skills grounded in the science of reading and promoting student reading achievement.

Each school district shall participate in the implementation of this foundational literacy skills training. The department and school districts shall create an implementation plan to include educator cohorts to begin in the fall and spring of the 2023-24 school year, with a goal of state-wide implementation for every educator working with students in kindergarten through grade three certified in early childhood, elementary, and special education. Elementary administrators should also be included in the foundational literacy skills training.

Selected educators shall participate in foundational literacy skills training provided and paid for by the Department of Education. Successful completion of this training shall satisfy the requirements of the literacy teacher endorsement. Educators who successfully complete the training, as determined by the department, shall receive a monetary stipend.

The Department of Education shall identify reliable and valid universal reading screeners as potential replacements for the readiness assessment required under Section 59-155-150. The identified screeners may be selected and used by school districts to screen and monitor kindergarten through second grade student progress in foundational literacy skills, and to identify or predict those who may be at risk for poor reading outcomes. Each identified universal reading screener must:

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(1) provide screening and diagnostic capabilities for monitoring student progress in reading;

(2) measure, at a minimum, phonological awareness, phonemic awareness, phonics, fluency, vocabulary, and comprehension; and

(3) identify students with a reading deficiency, including identifying students with characteristics of dyslexia.

In its annual Reading Proficiency Plan, each district shall:

(1) document how the reading and writing curriculum, instruction, and assessment for all PK-5 students are aligned with the science of reading, structured literacy, and foundational skills. PK-5 textbooks or instructional materials that employ the three-cueing system model of reading, visual memory as the primary basis for teaching word recognition, or the three-cueing system model of reading based on meaning, structure and syntax, and visual, which is also known as “MSV”, shall not be used in reading instruction;

(2) document the number of first and second grade students who are projected to score “Does Not Meet” on the statewide summative reading assessment;

(3) document how scientifically-based supplemental interventions are provided to struggling readers who fail to demonstrate grade-level proficiency as demonstrated by a score of “Meets or Exceeds Expectations”; and

(4) explain how the district will provide teacher training in the science of reading, structured literacy, and foundational literacy skills.

As used in this provision:

(1) “Foundational literacy skills” means phonological awareness, phonemic awareness, phonics, fluency, vocabulary, and reading comprehension. This definition of foundational literacy skills specifically excludes the “Three-cueing system”, which is any model of teaching students to read based on meaning, structure and syntax, and visual cues, which may also be known as “MSV”.

(2) “Science of Reading” means the body of research that identifies evidence-based approaches of explicitly and systematically teaching students to read, including foundational literacy skills that enable students to develop reading skills required to meet state standards in literacy.

(3) “Structured Literacy” means an evidence-based approach to teaching oral and written language aligned to the science of reading founded on the science of how children learn to read and characterized by explicit, systematic, cumulative, and diagnostic instruction in

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phonology, sound-symbol association, syllable instruction, morphology, syntax, and semantics.

1A.74. (SDE-EIA: Artificial Intelligence) The SC Department of Education will expend \$3 million to develop, pilot, and implement a high school curriculum for high school students in an artificial intelligence (AI) career and technology program. The program will include a four-year sequential pathway that is aligned with two- and four-year college automotive programs and includes teacher training, third-party assessments, and certifications.

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

3.1. (LEA: Audit) Each state agency receiving lottery funds shall develop and implement procedures to monitor the expenditures of lottery funds in order to ensure that lottery funds are expended in accordance with applicable state laws, rules, and regulations.

For institutions of higher learning, adopted procedures to monitor expenditures of lottery funds shall be reported to the Commission on Higher Education and the Executive Budget Office by October 1 of the current fiscal year, and these expenditures are subject to annual verification and audit by the Commission on Higher Education on a rotational schedule not to exceed three years. The annual verification and audit shall be funded from the funds appropriated to or authorized for the Commission on Higher Education and the commission shall not assess a fee or charge institutions of higher learning for performing this function. In addition, the Commission on Higher Education shall provide a report to the Executive Budget Office, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee by October first each year summarizing, by institution, how lottery funds were expended in the prior fiscal year, issues and concerns as well as institution responses to those issues and concerns discovered as a result of the commission's verification and/or audit activity during the prior fiscal year, if any.

For the Department of Education, adopted procedures to monitor expenditures of lottery funds that are allocated to the South Carolina school districts and other recipient institutions according to law and Department of Education guidelines shall be reported to the Executive Budget Office by October 1 of the current fiscal year. In addition, the Department of Education shall provide a report to the Executive Budget Office, the Chairman of the Senate Finance Committee, and the

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Chairman of the House Ways and Means Committee on the amount of lottery funds the department distributed to each entity in the prior fiscal year.

All other state agencies must submit their adopted procedures to monitor expenditures of lottery funds to the Executive Budget Office by October 1 of the current fiscal year.

The Executive Budget Office shall ensure that state agencies receiving lottery funds have procedures in place to monitor expenditures of lottery funds and that the monitoring procedures are operating effectively.

3.2. (LEA: Election Day Sales) For the current fiscal year, Section 59-150-210(E) is suspended.

3.3. (LEA: Student Unique Identifiers) For the current fiscal year, in order to provide longitudinal data, institutions of higher education and technical colleges accepting lottery funds must retain the student unique identifier or SUNS number assigned to students who attended public high schools in South Carolina. This shall not prohibit institutions of higher education or technical colleges from using additional student identifiers.

3.4. DELETED

3.5. (LEA: Disclosure of Winner Information) Pursuant to Section 30-4-40, the South Carolina Freedom of Information Act, the Lottery Board of Commissioners is prohibited from disclosing a winner's name, address, telephone number, date of birth, social security number, electronic address, and any copy of the forms of identification provided to the board unless consent is given by the winner. In response to a request, the board only may allow the release of the date of the claim and draw, game played, amount of prize won, retailer location where the ticket was sold, and the hometown of the winner.

3.6. (LEA: FY 2023-24 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Executive Budget Office as directed below. These appropriations must be used to supplement and not supplant existing funds for education. For cash flow purposes, the Executive Budget Office may facilitate limited transfers from the general deposits of the state for the exclusive purpose of ensuring the timely distribution of scholarships and tuition assistance payments as provided below. Any use of this transfer allowance must include full reimbursement from the Education Lottery Account to the general deposit accounts of the state prior to the close of the fiscal year.

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

The Executive Budget Office is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.

All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.

For Fiscal Year 2023-24, certified net lottery proceeds and investment earnings for the current fiscal year, Fiscal Year 2021-22 certified surplus, and Fiscal Year 2022-23 projected surplus and undesignated fund balance are appropriated as follows:

- (1) Commission on Higher Education -
LIFE Scholarships as
provided in Chapter 149, Title 59..... \$201,194,944;
- (2) Commission on Higher Education -
HOPE Scholarships as
provided in Section 59-150-370 \$ 12,574,147;
- (3) Commission on Higher Education -
Palmetto Fellows Scholarships
as provided in Section 59-104-20 \$ 67,328,890;
- (4) Commission on Higher Education
and State Board for Technical
and Comprehensive Education –
Tuition Assistance \$ 51,100,000;
- (5) Commission on Higher Education -
Need-Based Grants..... \$ 80,000,000;
- (6) Higher Education Tuition Grants
Commission - Tuition
Grants..... \$ 20,000,000;
- (7) Commission on Higher Education -
SC National Guard College
Assistance Program as provided
in Section 59-111-75 \$ 6,200,000;
- (8) State Board for Technical and
Comprehensive Education –
South Carolina Workforce
Industry Needs Scholarship..... \$ 93,739,407;
- (9) South Carolina State University..... \$ 2,500,000;
- (10) State Board for Technical and
Comprehensive Education –

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

	High Demand Job Skill	
	Training Equipment.....	\$ 7,000,000;
(11)	Commission on Higher Education - College Transition	
	Program Scholarships.....	\$ 4,105,597;
(12)	Commission on Higher Education - Nursing Initiative.....	\$ 10,000,000;
(13)	Commission on Higher Education - PASCAL.....	\$ 1,500,000;
(14)	State Board for Technical and Comprehensive Education – readySC	\$ 2,000,000;
(15)	USC System – Carolina Internship Pilot Program.....	\$ 4,500,000;
(16)	State Board for Technical and Comprehensive Education – South Carolina Youth and Small Businesses Grant	\$ 3,500,000;
(17)	Medical University of South Carolina – SC First Scholarship	\$ 3,500,000;
(18)	State Department of Education - School Bus Lease Purchase	\$ 4,000,000;
(19)	Commission on Higher Education – Technology – Public Four-Year, Two-Year, and State Technical Colleges	\$ 8,000,000;
(20)	Clemson University – Student Experiential Learning.....	\$ 3,500,000;
(21)	Commission on Higher Education – Coker University – Jim Lemke Endowment.....	\$ 150,000;
(22)	Commission on Higher Education – Morris College – Partnership with U.S. Military.....	\$ 450,000;
(23)	Commission on Higher Education – Vorhees University – Rebranding Efforts	\$ 100,000;
(24)	Commission on Higher Education – SCIII Program	\$ 700,000;

and

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

- (25) Commission on Higher Education –
 Clafin University –
 Nursing Scholarships.....\$ 1,000,000.

For Fiscal Year 2023-24, funds certified from unclaimed prizes are appropriated as follows:

- (1) Department of Alcohol and Other Drug
 Abuse Services –
 Gambling Addiction Services.....\$ 100,000;
- (2) State Board for Technical and
 Comprehensive Education –
 High Demand Job Skill
 Training Equipment.....\$ 5,000,000;
- (3) Commission on Higher Education -
 Higher Education
 Excellence Enhancement
 Program\$ 10,500,000;

and

- (4) Department of Education - School
 Bus Lease/Purchase.....\$ 4,400,000.

Any unclaimed prize funds available in excess of the Board of Economic Advisors estimate of \$20,000,000 shall be appropriated as follows:

- Department of Education--School Bus
 Lease/Purchase and
 Instructional Materials.....\$ All

remaining equally split.

If the lottery revenue received from certified unclaimed prizes for Fiscal Year 2023-24 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis.

Fiscal Year 2023-24 funds appropriated to the Commission on Higher Education and the State Board for Technical and Comprehensive Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided in Section 59-150-360. Annually, the State Board for Technical and Comprehensive Education and the Commission on Higher Education shall develop the Tuition Assistance distribution of funds.

The provisions of Section 2-75-30 regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full-time students.

Fiscal Year 2023-24 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for Fiscal Year 2023-24 are fully funded.

If the lottery revenue received for Fiscal Year 2023-24 certified net lottery proceeds and investment earnings for the current fiscal year, Fiscal Year 2022-23 projected surplus, and Fiscal Year 2021-22 certified surplus and the undesignated fund balance are less than the amounts appropriated, the Executive Budget Office is authorized to use surplus lottery proceeds accumulated in the lottery account from previous fiscal years to fully fund appropriations from the lottery authorized by the General Assembly. If a revenue shortfall still exists once the fund balance has been exhausted, then the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

The Higher Education Tuition Grants Commission is authorized to use up to \$70,000 of the funds appropriated in this provision for Tuition Grants to provide the necessary level of program support for the grants award process.

Of the funds appropriated to the Commission on Higher Education for College Transition Scholarships, the commission shall provide scholarships to South Carolina resident students enrolled at a public institution of higher education in an established College Transition Program (CTP) that serves students with intellectual disabilities. The commission, in consultation with the CTPs, shall develop guidelines establishing scholarship eligibility, retention, and/or renewal requirements in accordance with this paragraph. Scholarships shall be awarded to each South Carolina resident student enrolled in an established public CTP in an amount of at least \$2,500 per semester, not to exceed \$10,000 per academic year (including summer semester), and no student may receive a scholarship for more than eight semesters in total. In addition, the limitations of Proviso 11.12 notwithstanding, individual CTPs shall have the discretion to allocate a portion of their

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

aggregate funding provided pursuant to this provision for need-based grants to eligible students. This discretion is allowable only to the extent that the funding for need-based grants for eligible CTP students provided pursuant to Proviso 11.12 has first been fully exhausted. The commission, in cooperation with the CTPs, shall collect and report the number of scholarship recipients and other information determined necessary to evaluate the effectiveness of these scholarships in assisting students with intellectual disabilities in college transition programs. The commission shall provide this report to the Governor, the Chairman of the House Education and Public Works Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee no later than September 30. Unexpended funds may be carried forward and used for the same purpose, except that up to \$250,000 may be used by the CTP consortium (known as The South Carolina Inclusive Post-Secondary Education Consortium) to be used collaboratively by the consortium to promote better awareness of CTP programs statewide as an option for youth with intellectual disabilities after high school through dedicated support for activities such as, but not necessarily limited to, student recruitment, development and maintenance of a consortium website and associated materials, and the provision of strategic informational events for prospective students and families across the State. Additionally, unexpended or carried forward funds may be used by individual college transition programs in partnership with third party providers for technology resources for students participating in these programs. Not more than \$1,000,000 of total unexpended funds may be used for this purpose among all CTPs. The commission shall establish the criteria for which these funds will be allocated.

Of the funds appropriated to the Commission on Higher Education for Need-Based Grants, public colleges and universities must submit requests to carry forward Need-Based Grants to the Commission on Higher Education by June 30, 2024, and final invoices for Need-based Grants by a date determined by the commission. For Fiscal Year 2023-24, all eligible students must be awarded up to the maximum allowable amount prior to any Need-Based Grant funds being carried forward. Funds only shall be carried forward if all eligible Need-based Grant students at the public colleges and universities are fully funded with financial aid that does not require student repayment. Funds allocated for Fiscal Year 2023-24 must be distributed in the same academic year.

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

Of the funds appropriated to the Commission on Higher Education for the Nursing Initiative, the commission shall use the funds to address the nursing shortage. Funds shall be allocated accordingly to the state’s public colleges and universities, including technical colleges, that have accredited nursing programs accredited by a national accrediting agency recognized by the United States Department of Education. The first \$5 million shall be used to provide bonuses or supplement the salaries of existing full-time faculty and the hourly rates of part-time faculty, or the salaries of clinical nursing faculty, which includes adjunct faculty. The funds shall be allocated to each public college or university, including technical colleges, based on the number of students enrolled in nursing programs. The second \$5 million shall be used to provide tuition reimbursement or scholarships for students enrolled in graduate-level nurse educator programs, Doctor of Nursing Practice, or Ph.D. programs. The scholarship recipients must agree to assume a faculty role in a state nursing program after graduation for a minimum of two years for each year they receive the scholarship. Annually by September 15, the Commission shall report on the Nursing Initiative, at a minimum, the following: (1) total number of students receiving tuition reimbursements or scholarships; (2) total number of students receiving tuition reimbursements or scholarships subsequently hired as faculty; (3) total number of students receiving tuition reimbursements or scholarships not hired as faculty; (4) amount of funding allocated to each institution with eligible nursing programs; (5) expenditures and encumbrances of Nursing Initiative funds for eligible faculty for each program; and (6) retention rates, new hires and vacancies for full-time, part-time (including adjunct), and clinical faculty for each eligible program. The Commission may also request institutions to provide other information related to nursing workforce development. This report shall be submitted to the House Education and Public Works Committee, House Ways and Means Committee, Senate Education Committee, and Senate Finance Committee.

Of the funds appropriated to the Commission on Higher Education for institutions of higher learning entitled “Technology-Public Four Year Institutions, Two Year Institutions, and State Technical Colleges,” (Technology), the commission shall allocate the realized funds on a proportional basis as follows:

- (1) The Citadel\$ 336,141;
- (2) University of Charleston\$ 704,188;
- (3) Coastal Carolina University\$ 699,612;

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

(4) Francis Marion University	\$ 320,888;
(5) Lander University.....	\$ 341,677;
(6) South Carolina State University.....	\$ 262,080;
(7) USC - Aiken Campus.....	\$ 310,494;
(8) USC - Upstate	\$ 394,951;
(9) USC - Beaufort Campus.....	\$ 240,556;
(10) USC - Lancaster Campus	\$ 131,927;
(11) USC - Salkehatchie Campus	\$ 98,932;
(12) USC - Sumter Campus	\$ 116,052;
(13) USC - Union Campus.....	\$ 109,659;
(14) Winthrop University.....	\$ 389,413;

and

(15) State Technical Colleges and State Board for Technical and Comprehensive Education.....	\$ 3,543,430.
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Each institution shall use the amount appropriated only for technology repair and related technology maintenance and/or upgrades that are necessary to support an institution’s educational purpose.

Prior to the utilization of these funds, institutions must certify to the Commission on Higher Education, in a manner it prescribes, the extent to which they have met this requirement.

Not later than one hundred twenty days after the close of the fiscal year, the Commission on Higher Education shall report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding the utilization of this provision.

Funds not expended in the prior fiscal year may be carried forward into the current fiscal year and utilized for the same purpose, subject to certification from the Commission on Higher Education that they continue to meet the requirement of this provision.

**SECTION 5 - H710 - WIL LOU GRAY
OPPORTUNITY SCHOOL**

5.1. (WLG: Truants) The Opportunity School will incorporate into its program services for students, ages fifteen and over, who are deemed truant; and will cooperate with the Department of Juvenile Justice, the Family Courts, and School districts to encourage the removal of truant students to the Opportunity School when such students can be served appropriately by the Opportunity School’s program.

5.2. (WLG: GED Test) Students attending school at the Wil Lou Gray Opportunity School that are sixteen years of age and are unable to

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OPPORTUNITY SCHOOL

remain enrolled due to the necessity of immediate employment or enrollment in post-secondary education may be eligible to take the General Education Development (GED) Test.

5.3. (WLG: Deferred Salaries Carry Forward) Wil Lou Gray is authorized to carry forward into the current fiscal year the amount of the deferred salaries and employer contributions earned in the prior fiscal year for non-twelve month employees. These deferred funds are not to be included or part of any other authorized carry forward amount.

5.4. (WLG: Lease Revenue) Wil Lou Gray Opportunity School is authorized to retain revenues derived from the lease of school properties titled to or utilized by the school and may use revenues retained for general school operations, including, but not limited to, maintenance of such properties. Unexpended funds may be carried forward into the current fiscal year and used for the same purposes.

5.5. (WLG: USDA Federal Grants) All revenues generated from USDA federal grants may be retained and expended by the school in accordance with Federal regulations for the purpose of covering actual expenses in the cafeteria/food service operations of the school.

5.6. (WLG: By-Products Revenue Carry Forward) The Wil Lou Gray Opportunity School is authorized to sell goods that are by-products of the school's programs and operations, charge user fees and fees for services to the general public, individuals, organizations, agencies and school districts, and such revenue may be retained and carried forward into the current fiscal year and expended for the purpose of covering expenses of the school's programs and operations.

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

6.1. (SDB: Weighted Student Cost) The School for the Deaf and the Blind shall receive through the Education Finance Act the average State share of the required weighted cost for each student enrolled in the School.

6.2. (SDB: Cafeteria Revenues) All revenues generated from cafeteria operations may be retained and expended by the institution for the purpose of covering actual expenses in cafeteria operations.

6.3. (SDB: School Buses) The school buses of the South Carolina School for the Deaf and the Blind are authorized to travel at the posted speed limit.

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

6.4. (SDB: By-Products Revenue Carry Forward) The School for the Deaf and the Blind is authorized to sell goods that are by-products of the school's programs and operations, charge user fees and fees for services to the general public: individuals, organizations, agencies and school districts, and such revenue may be retained and carried forward into the current fiscal year and expended for the purpose of covering expenses of the school's programs and operations.

6.5. (SDB: Deferred Salaries Carry Forward) South Carolina School for the Deaf and the Blind is authorized to carry forward in the current fiscal year the amount of the deferred salaries and employer contributions earned in the prior fiscal year for non-twelve month employees. These deferred funds are not to be included or part of any other authorized carry forward amount.

6.6. (SDB: Sale of Property) After receiving approval from the Department of Administration or State Fiscal Accountability Authority for the sale of property, the school may retain revenues associated with the sale of property titled to or utilized by the school. These funds shall be expended on capital improvements approved by the Joint Bond Review Committee and the State Fiscal Accountability Authority. For the current fiscal year, the school is authorized to use the retained revenue from the sale of donated property for educational and other operating purposes.

6.7. (SDB: USC-Upstate Visual Impairment Master of Education Program) Of the funds appropriated to the South Carolina School for the Deaf and the Blind, \$50,000 shall be used to fund the Master of Education Program In Visual Impairment at the University of South Carolina - Upstate.

6.8. (SDB: Educational Program Initiatives) The School for the Deaf and Blind is authorized to utilize funds received from the Department of Education for vocational equipment on educational program initiatives.

6.9. (SDB: School Leave Policy) The School for the Deaf and Blind is authorized to promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of the School's board of directors. This policy shall address the school calendar in order to comply with the instructional needs of students attending the school.

6.10. (SDB: Deferred Maintenance) The School for the Deaf and the Blind is authorized to establish a Deferred Maintenance Project for the upkeep and maintenance of campus facilities and to transfer remaining balances from The Early Childhood Center Construction (Part

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

1A Sec. 4 2012-13), Robertson Hall Wing Construction (Part 1B Sec. 90 90.20 B17 2012-13), and Deferred Maintenance (Part 1A Sec. 4 2012-13).

**SECTION 7 - L120 - GOVERNOR'S SCHOOL FOR
AGRICULTURE AT JOHN DE LA HOWE****7.1. DELETED**

7.2. (JDLHS: Campus Private Residence Leases) The Governor's School for Agriculture at John de la Howe is authorized to lease, to its employees, private residences on the agency's campus. Funds generated may be retained and used for general operating purposes including, but not limited to, maintenance of the residences.

7.3. DELETED**SECTION 8 - H670 - EDUCATIONAL
TELEVISION COMMISSION**

8.1. (ETV: Grants/Contributions Carry Forward) The Educational Television Commission shall be permitted to carry forward any funds derived from grant awards or designated contributions and any state funds necessary to match such funds, provided that these funds be expended for the programs which they were originally designated.

8.2. (ETV: Spectrum Auction) The Educational Television Commission shall be authorized to receive and retain up to \$35,000,000 of the proceeds from the Federal Communication Commission TV Auction and place them in a segregated, restricted account. These proceeds shall be used to fund capital needs, including broadcast industry standards changes, existing equipment repair, maintenance and replacement needs, and operational costs. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year and used for the same purpose. No later than June thirtieth of the current fiscal year, ETV must report to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee the amount of money expended from the fund and the balance of the fund.

8.3. (ETV: Antenna and Tower Placement) All leases for antenna and tower operations within institutions of higher learning campuses must

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conform to master plans for such property, as determined solely by the institution of higher learning.

8.4. (ETV: Wireless Communications Tower) The Educational Television Commission is directed to coordinate tower and antenna operations within South Carolina state government. The commission shall: (1) approve all leases regarding antenna placement on state-owned towers and buildings; (2) coordinate all new tower construction on state-owned property; (3) promote and market excess capacity on the State's wireless communications infrastructure; (4) generate revenue by leasing, licensing, or selling excess capacity on the State's wireless communications infrastructure; and (5) construct new communications assets on appropriate state-owned property for the purpose of generating revenue pursuant to this proviso. The commission shall retain and expend such funds for agency operations. The commission shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year. The commission shall annually report to the Chairmen of the Senate Finance and House Ways and Means Committees by October first of each year all revenue collected and disbursed.

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

9.1 (GSAH: Leave Policy) The Governor's School for the Arts and Humanities shall be authorized to promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of their board of directors. This policy shall address their school calendar in order to comply with the instructional needs of students attending the special school.

9.2. (GSAH: Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year of funds appropriated to or generated by the Governor's School for the Arts and Humanities may be carried forward and expended in the current fiscal year pursuant to the discretion of the board of trustees of the school.

9.3. (GSAH: Schools' Fees) The Governor's School for the Arts and Humanities shall be authorized to charge, collect, expend, and carry forward student fees as approved by their Board of Directors. The purpose and amount of any such fees shall be to maintain program quality in both academics and residential support. No student shall be

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

denied admittance or participation due to financial inability to pay. The Board of Directors shall promulgate administrative policy governing the collection of all student fees. The school shall conspicuously publish a fee schedule on their website. All student fees must be reported by August first of the current fiscal year to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

9.4. (GSAH: Certified Teacher Designation) Because of the unique nature of the Governor's School for the Arts and Humanities, the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are authorized to employ, at its discretion, noncertified classroom teachers teaching in the literary, visual, and performing arts subject areas who are otherwise considered to be appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.

9.5. (GSAH: Residency Requirement) Of the funds appropriated, the Governor's School for the Arts and the Humanities shall ensure that a parent(s) or guardian(s) of a student attending the Governor's School must prove that they are a legal resident of the state of South Carolina at the time of application and must remain so throughout time of attendance. The Governor's School for the Arts and the Humanities may not admit students whose parent(s) or guardian(s) are not legal residents of South Carolina.

9.6. (GSAH: Informational Access to Students) For the current fiscal year, school districts must permit the Governor's School for the Arts and Humanities to collaborate with individual schools and their staff to share information with students and families about the educational opportunities offered at the Governor's School through avenues including school visits, informational presentations, and posters. By June thirtieth of the current fiscal year, the Governor's School for the Arts and Humanities must report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee the results of these informational access efforts. Further, the Governor's School shall work with districts, the Department of Education, and School Report Card administrators to ensure that SAT scores of current Governor's School students are included in the School Report Card of those students' resident schools and districts.

9.7. (GSAH: Telepsychiatry) The Governor's School for Arts and Humanities shall establish and maintain, with the Department of Mental

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

Health and the Medical University of South Carolina, a contractual relationship to provide psychiatric services from a licensed psychiatrist for its students upon the request of a student or the recommendation of a school employee who provides mental health services to students. The psychiatric services may be provided in person or through the use of telepsychiatry. The interactions between students and the psychiatrist shall be HIPPA compliant. Psychological fitness for continued attendance at the school shall be determined solely by the psychiatrist providing psychiatric services to a student. A student who receives psychiatric services from a psychiatrist may continue to receive those services in lieu of receiving services as provided for in this provision.

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

10.1. (GSSM: Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year of funds appropriated to or generated by the Governor's School for Science and Mathematics may be carried forward and expended in the current fiscal year pursuant to the direction of the board of trustees of the school.

10.2. (GSSM: Leave Policy) The Governor's School for Science and Mathematics shall be authorized to promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of their board of directors. This policy shall address their school calendar in order to comply with the instructional needs of students attending the special school.

10.3. (GSSM: Schools' Fees) The Governor's School for Science and Mathematics shall be authorized to charge, collect, expend, and carry forward student fees as approved by their Board of Directors. The purpose and amount of any such fees shall be to maintain program quality in both academics and residential support. No student shall be denied admittance or participation due to financial inability to pay. The Board of Directors shall promulgate administrative policy governing the collection of all student fees. The school shall conspicuously publish a fee schedule on their website. All student fees must be reported by August first of the current fiscal year to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

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

10.4. (GSSM: Residency Requirement) Of the funds appropriated, the Governor's School for Science and Mathematics shall ensure that a parent(s) or guardian(s) of a student attending the Governor's School for Science and Mathematics must prove that they are a legal resident of the state of South Carolina at the time of application and must remain so throughout time of attendance. The Governor's School for Science and Mathematics may not admit students whose parent(s) or guardian(s) are not legal residents of South Carolina.

10.5. (GSSM: Informational Access to Students) For the current fiscal year, school districts must permit the Governor's School for Science and Mathematics to collaborate with individual schools and their staff to share information with students and families about the educational opportunities offered at the Governor's School through avenues including school visits, informational presentations, and posters. By June thirtieth of the current fiscal year, the Governor's School for Science and Mathematics must report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee the results of these informational access efforts. Further, the Governor's School shall work with districts, the Department of Education, and School Report Card administrators to ensure that SAT scores of current Governor's School students are included in the School Report Card of those students' resident schools and districts.

10.6. (GSSM: Telepsychiatry) The Governor's School for Science and Mathematics shall establish and maintain, with the Department of Mental Health and the Medical University of South Carolina, a contractual relationship to provide psychiatric services from a licensed psychiatrist for its students upon the request of a student or the recommendation of a school employee who provides mental health services to students. The psychiatric services may be provided in person or through the use of telepsychiatry. The interactions between students and the psychiatrist shall be HIPPA compliant. Psychological fitness for continued attendance at the school shall be determined solely by the psychiatrist providing psychiatric services to a student. A student who receives psychiatric services from a psychiatrist may continue to receive those services in lieu of receiving services as provided for in this provision.

**SECTION 11 - H030 - COMMISSION ON
HIGHER EDUCATION**

11.1. (CHE: Contract for Services Program Fees) The amounts appropriated in this section for “Southern Regional Education Board Contract Programs” and “Southern Regional Education Board Dues” are to be used by the commission to pay to the Southern Regional Education Board the required contract fees for South Carolina students enrolled under the Contract for Services program of the Southern Regional Education Board, in specific degree programs in specified institutions and the Southern Regional Education Board membership dues. The funds appropriated may not be reduced to cover any budget reductions or be transferred for other purposes.

11.2. (CHE: African-American Loan Program) Of the funds appropriated to the Commission on Higher Education for the African-American Loan Program, 73.7 percent shall be distributed to South Carolina State University and 26.3 percent shall be distributed to Benedict College, and must be used for a loan program with the major focus of attracting African-American males to the teaching profession. The Commission of Higher Education shall act as the monitoring and reporting agency for the African-American Loan Program. Of the funds allocated according to this proviso, no more than ten percent shall be used for administrative purposes.

11.3. (CHE: GEAR-UP) Funds appropriated for GEAR-UP shall be used for state grants programs to reach disadvantaged middle school students to improve their preparation for college. Eligible South Carolina public schools and public institutions of higher education shall cooperate with the Commission on Higher Education in the provision of services under the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR-UP) grant.

11.4. (CHE: EPSCoR Committee Representation) With the intent that the four-year teaching institutions receive a portion of EPSCoR funding, the State EPSCoR Committee shall have an executive committee consisting of one representative from each of the research institutions and one representative from the four-year teaching university sector.

11.5. (CHE: SREB Funds Exempt From Budget Cut) In the calculation of any across the board cut mandated by the Executive Budget Office or General Assembly, the amount which the Commission on Higher Education is appropriated for Southern Regional Education Board (SREB) Professional Scholarship Programs and Fees, Dues and

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HIGHER EDUCATION

Assessments shall be excluded from the Commission on Higher Education's base budget. Funds appropriated for SREB programs may be carried forward into the current fiscal year and expended for the same purpose by the Commission on Higher Education.

11.6. (CHE: Performance Improvement Pool Allocation) Of the funds appropriated to the Commission on Higher Education under Section II. Other Agencies & Entities: Special Items: Performance Funding, eighty percent will be allocated to the EPSCoR program under the Commission on Higher Education to improve South Carolina's research capabilities and twenty percent will be allocated to support the management education programs of the School of Business at South Carolina State University.

11.7. (CHE: Troop-to-Teachers) Members of the Armed Forces either active-duty, retired, or separated who are admitted to and enrolled in the South Carolina Troop-to-Teachers Alternative Route to Certification program are entitled to pay in-state rates at participating state institutions for requisite program work.

11.8. (CHE: Need-Based Grants for Foster Youth) For the current academic year, youth in the custody of the Department of Social Services and attending a higher education institution in South Carolina are eligible for additional need-based grants funding of up to \$2,000 above the \$2,500 maximum. Foster youth must apply for these funds no later than May first, of the preceding year. All other grants, both state and federal, for which these foster youth are eligible must be applied first to the cost of attendance prior to using the additional need-based grant funding. If the cost of attendance for a foster youth is met with other grants and scholarships, then no additional need-based grant may be used. The Department of Social Services, in cooperation with the Commission on Higher Education will track the numbers of recipients of this additional need-based grant to determine its effectiveness in encouraging more foster youth to pursue a secondary education. No more than \$100,000 may be expended from currently appropriated need-based grants funding for this additional assistance.

11.9. (CHE: Tuition Age) For the current fiscal year, the age limitation for those children of certain war veterans who may be admitted to any state-supported college, university, or post high school technical education institution free of tuition is suspended for eligible children that successfully appeal the Department of Veterans' Affairs on the grounds of a serious extenuating health condition.

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11.10. (CHE: LIFE and Palmetto Fellows Enhancement Stipends) In the current fiscal year before fall awards are made, to continue eligibility for LIFE and Palmetto Fellows Enhancement Stipends, students shall certify and the institutions shall verify that the student is meeting all requirements as stipulated by the policies established by the institution and the academic department to be enrolled as a declared major in an eligible program and is making academic progress toward completion of the student's declared eligible major. These determinations are subject to the verification and audit of the Commission on Higher Education. Institutions shall return funds determined to have been awarded to ineligible students.

11.11. (CHE: SmartState) The Commission on Higher Education is prohibited from expending any source of funds on the marketing of the SmartState Program.

11.12. (CHE: College Transition Need-Based Grants) Of the currently appropriated need-based grants funding, no more than \$700,000 shall be used to provide need-based grants to South Carolina resident students enrolled at a public institution of higher education in an established college transition program that serves students with intellectual disabilities. The Commission on Higher Education shall allocate the available funds to eligible institutions on the basis of student need and enrollment in the established college transition programs. All other grants and gift aid for which these students are eligible must be applied first to the cost of attendance prior to using the need-based grant funding. If the cost of attendance for an eligible student is met with all other grants and gift aid, the need-based grant shall not be used. The participating institutions, in cooperation with the Commission on Higher Education, shall track the number of grant recipients and other information determined necessary to evaluate the effectiveness of these grants in assisting students with intellectual disabilities in college transition programs.

11.13. (CHE: Scholarship Awards) A student may receive a Palmetto Fellows or LIFE scholarship award during the summer, in addition to fall and spring semesters of an academic year, provided continued eligibility requirements are met as of the end of the spring semester. Students must enroll full-time, which for purposes of the summer award will require enrollment in at least twelve hours over the course of the summer. The summer is defined as the period between the end of the spring term and prior to the opening of the fall term. The total summer

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award per student may not exceed half of the allowable academic year award up to the cost of attendance and must be reimbursed if less than twelve hours for academic credit are not attempted by the student during summer sessions. If awarded in the summer, a student's total award during his or her enrollment may not exceed the amount that would otherwise be provided under current semester limits applied for the scholarship awards. The Commission on Higher Education may provide additional guidelines necessary to ensure uniform implementation.

11.14. (CHE: Other Funded FTE Revenue) When institutions of higher learning request additional other funded full-time equivalent positions, the Executive Budget Office shall inform the Commission on Higher Education of its decision regarding the request and whether or not sufficient revenues exist to fund the salary and fringe benefits for the positions.

11.15. (CHE: Abatements) By November first of each year, state supported institutions of higher learning must submit to the Commission on Higher Education the total number of out-of-state undergraduate students during the prior fiscal year that received abatement of rates pursuant to Section 59-112-70 of the 1976 Code as well as the total dollar amount of the abatements received. The report must include the geo-origin of the student, class of the student, comprehensive listing of all financial awards received by the student, number of semesters the student has received the abated rate, as well as the athletic status of the student. The report must also include the calculation method used to determine the abatement amount awarded to students as well as the number of students that received educational fee waivers pursuant to Section 59-101-620. The Commission on Higher Education is directed to compile the information received from the state-supported institutions of higher learning into a comprehensive report and submit such report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January fifth each year.

11.16. (CHE: Outstanding Institutional Debt) By November first, institutions of higher learning must submit to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Commission on Higher Education, or its successor entity, data on all outstanding institutional debt for their respective institution. Data shall include, but not be limited to, the amount of the initial debt, year in which the debt was incurred, the year in which the

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debt will be satisfied, the repayment schedule, and the purpose for which the debt was incurred.

11.17. (CHE: Longitudinal Data Reports) By December first each year, the Commission on Higher Education is directed to provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on tuition and required fee trends submitted to the commission by the state's public colleges and universities. The baseline of the report must be the most recent fall semester compared to the previous five fall semesters. The commission shall also provide comparable data and trends for and among SREB states for the same period of time. For the same time periods noted above, the commission shall also calculate in the report the level of recurring base state operating funding received by each college and university as measured on an in-state student basis as well as the average of such funding provided in each SREB state. In addition, for the same time periods noted above, the commission shall also provide in the report a calculation of the level of recurring and/or non-recurring funding provided by the state to each college and university for capital related needs, including facilities and/or equipment related capital funding, as measured on an in-state student basis as well as the average of such funding provided in each SREB state.

11.18. (CHE: Suspend Governor's Professor of the Year Award) The requirements of Section 59-104-220 of the 1976 Code pertaining to the Governor's Professor of the Year Award shall be suspended for the current fiscal year.

11.19. (CHE: Prohibition of Discriminatory Practices) (A) In the current fiscal year and from the funds appropriated to the Commission on Higher Education, the commission shall print and distribute to all South Carolina public colleges and universities the definition of anti-Semitism.

(B) For purposes of this proviso, the term "definition of anti-Semitism" includes:

- (1) a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities;
- (2) calling for, aiding, or justifying the killing or harming of Jews;

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(3) making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective;

(4) accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the state of Israel, or even for acts committed by non-Jews;

(5) accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust;

(6) accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interest of their own nations;

(7) using the symbols and images associated with classic anti-Semitism to characterize Israel or Israelis;

(8) drawing comparisons of contemporary Israeli policy to that of the Nazis;

(9) blaming Israel for all inter-religious or political tensions;

(10) applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation;

(11) multilateral organizations focusing on Israel only for peace or human rights investigations; and

(12) denying the Jewish people their right to self-determination, and denying Israel the right to exist, provided, however, that criticism of Israel similar to that leveled against any other country cannot be regarded as anti-Semitic.

(C) South Carolina public colleges and universities shall take into consideration the definition of anti-Semitism for purposes of determining whether the alleged practice was motivated by anti-Semitic intent when reviewing, investigating, or deciding whether there has been a violation of a college or university policy prohibiting discriminatory practices on the basis of religion.

(D) Nothing in this proviso may be construed to diminish or infringe upon any right protected under the First Amendment to the Constitution of the United States or Section 2, Article I of the South Carolina Constitution, 1895.

11.20. (CHE: Doctoral/Professional University Classification) In the current fiscal year, the Commission on Higher Education is directed to study and implement a classification system for South Carolina public institutions of higher education that includes a classification of a Doctoral/Professional University. Institutions in

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this classification shall have a mission or focus to advance the post-secondary educational opportunities for South Carolina citizens. These institutions shall be permitted to offer college-level baccalaureate, master's, and no more than a combined five terminal professional or Ph.D. degrees that lead to continued education or employment.

11.21. (CHE: Institutes of Innovation and Information) Of the funds appropriated to the Commission on Higher Education for the Institutes of Innovation and Information (Institutes), the commission may provide administrative services, oversight, consulting, technical assistance, and other services in support of the Institutes. The commission shall also establish a separate and distinct fund and/or nonprofit foundation to receive private donations on behalf of the program. This fund shall retain its interest earnings.

For accountability purposes, by March first, each institution shall submit a final report to the Commission on Higher Education that details the Institutes: (a) final expenditures and any remaining funds in the operating budget; (b) achieved goals and the timeline detailing when the goals were achieved; and (c) specific measures demonstrating success in implementing and meeting the stated goals. By March fifteenth, the Commission on Higher Education shall report this information to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

The Executive Director of the commission shall order an audit of any participating institution's Institutes of Innovation and Information program activities and expenditures as he deems necessary.

11.22. (CHE: Educator Report Card) To maximize the effectiveness and to minimize cost, the Commission on Higher Education shall collaborate with the Education Oversight Committee and the Department of Education to develop and build out the online educator report card by expending up to \$350,000 in funds carried forward from Fiscal Year 2022-23 into Fiscal Year 2023-24 by the Education Oversight Committee for implementing the Education Data Dashboard.

11.23. DELETED

11.24. (CHE: Battelle Alliance at Savannah River National Lab) Of the funds appropriated for the Battelle Alliance, twenty percent shall be allocated to South Carolina State University, forty percent to the University of South Carolina, and forty percent to Clemson University. The funds must be expended collaboratively to conduct research

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partnerships and develop workforce training programs designed to fill engineering, science, research, and management positions. The three universities shall provide the Battelle Alliance with accredited academic personnel, intellectual capital, and resources necessary to build out research capabilities and programs.

Prior to the allocation or expenditure of any funds, the three universities shall collaborate and submit to the Commission on Higher Education a comprehensive plan and timeline for how the funds will be utilized to further the mission and support of the Savannah River National Lab. The plan also must be reviewed by Battelle for alignment with laboratory missions and university goals. This collaborative plan must be submitted to the Commission on Higher Education and approved by its Board of Commissioners. After approval of the plan, the commission shall submit the plan to the Joint Bond Review Committee for review and comment and to the State Fiscal Accountability Authority for approval before any funds can be allocated or expended. If the plan is not approved by June 30, 2024 by the Commission on Higher Education, Joint Bond Review Committee, and State Fiscal Accountability Authority, all funds must then be remitted back to the general fund of the state. Funds allocated for this purpose shall not be transferred or utilized for any other purpose.

11.25. DELETED**SECTION 14 – H120 – CLEMSON UNIVERSITY**

14.1. (CU: College of Veterinary Medicine) With the funds appropriated in this act, Clemson University is authorized to undertake permanent improvements necessary for the construction of a College of Veterinary Medicine. Further, the funds appropriated in Part 1A and 1B of this act for the College of Veterinary Medicine may be carried forward and expended for the necessary permanent improvements. The funds must be accounted for separately, and the university shall report semiannually to the Chairman of the Joint Bond Review Committee on the amount of funding carried forward, the amount remaining to be expended, the overall status of the project, and any other information requested by the committee.

SECTION 15 - H150 - UNIVERSITY OF CHARLESTON**15.1. DELETED****SECTION 19 - H240 – SOUTH CAROLINA
STATE UNIVERSITY**

19.1. (SCSU: Truth Hall and Green Student Center) Any appropriations carried forward from prior fiscal years or received in the current fiscal year by South Carolina State University for maintenance, repairs, and renovations may be expended on Truth Hall and Green Student Center. Any excess funds may be carried forward by the University and expended for the same purposes.

SECTION 20 - H450 - UNIVERSITY OF SOUTH CAROLINA

20.1. (USC: Palmetto Poison Center) Of the funds appropriated or authorized herein, the University of South Carolina shall expend at least \$150,000 on the Palmetto Poison Center.

20.2. (USC: School Improvement Council) Of the funds appropriated to the University of South Carolina Columbia Campus, \$100,000 shall be used for the School Improvement Council.

20.3. (USC: South Carolina Children’s Advocacy Medical Response System) Of the funds appropriated to the University of South Carolina School of Medicine, not less than \$3,200,000 shall be expended for the South Carolina Children’s Advocacy Medical Response System. In addition, when instructed by the Executive Budget Office or the General Assembly to reduce funds by a certain percentage, the university may not reduce the funds for the South Carolina Children’s Advocacy Medical Response System greater than such stipulated percentage.

20.4. (USC: Maintenance, Renovation, and Replacement) Funds appropriated in this act and the Capital Reserve Fund to University of South Carolina-Aiken for Maintenance, Renovation, and Replacement, and any amounts remaining after the completion of other capital projects, may be used to offset impacts on its campus caused by the construction of any building for the U.S. Department of Energy’s Advanced Manufacturing Collaborative.

20.5. (USC: Science and Technology Center) With funds appropriated for the University of South Carolina Science and Technology Center, in support of furthering education of the state’s future workforce in STEM and other high-demand fields, the University

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is authorized to undertake permanent improvements necessary for the renovation and upfit of the University's existing Science and Technology Building "East Tower" and/or construction of the University's new Science and Technology Center as funds are available. Further, funds appropriated in this act for the University's Science and Technology Center may be carried forward and expended exclusively in support of completing the necessary permanent improvements described herein. The funds must be accounted for separately, and the University shall report semiannually to the Chairman of the Joint Bond Review Committee on the amount of funding carried forward, the amount remaining to be expended, the overall status of the project(s), and any other information requested by the committee.

20.6. (USC: Permanent Improvement Projects) Of the funds appropriated in Act 239 of 2022, Section 118.19, Item (18)(b) to the University of South Carolina, the remaining \$5,800,000 shall be redirected to be used by the University for permanent improvement projects.

**SECTION 23 - H510 - MEDICAL UNIVERSITY OF
SOUTH CAROLINA**

23.1. (MUSC: Rural Dentist Program) The Rural Dentist Program, in coordination with the Department of Health and Environmental Control's Public Health Dentistry Program, is established at the Medical University of South Carolina. The funds appropriated to the Medical University of South Carolina for the Rural Dentist Program shall be administered by the South Carolina Area Health Education Consortium physician recruitment office. The costs associated with administering this program are to be paid from the funds appropriated to the Rural Dentist Program and shall not exceed four percent of the appropriation. The Medical University of South Carolina is responsible for the fiscal management of funds to ensure that state policies and guidelines are adhered to. MUSC shall be permitted to carry forward unspent general funds appropriated to the Rural Dentist program provided that these funds be expended for the program for which they were originally designated. A board is created to manage and allocate these funds to insure the location of licensed dentists in rural areas of South Carolina and on the faculty of the College of Dental Medicine at MUSC. The board will be composed of the following: the Dean, or his designee, of the MUSC College of Dental

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Medicine; three members from the South Carolina Dental Education Foundation Board who represent rural areas; and the President, or his designee, of the South Carolina Dental Association. The Director of DHEC's Office of Primary Care; the Director or his designee of the Department of Health and Human Services; and the Executive Director of the South Carolina Dental Association shall serve as ex officio members without vote. This board shall serve without compensation.

23.2. (MUSC: Rural Access Plan) The MUSC Hospital Authority, in conjunction with the Department of Health and Human Services, shall study how to partner with existing rural hospitals and other entities to ensure that these regions maintain access to medical care. The MUSC Hospital Authority shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee detailing efforts to maintain medical care at rural hospitals no later than the end of the fiscal year.

23.3. (MUSC: Children's Hospital Infrastructure) Of the funds appropriated for South Carolina Children's Hospitals infrastructure, the Medical University of South Carolina shall establish the South Carolina Children's Hospital Innovation Center to ensure that all children in South Carolina have access to high-quality medical services in a coordinated, cost-effective manner. Under the direction of the South Carolina Children's Hospital Collaborative, the center annually shall establish children's healthcare infrastructure priorities, determining allocations for those priorities, and then contracting with qualifying children's hospitals to fund established priorities. Qualifying South Carolina children's hospitals must be not-for-profit systems providing comprehensive pediatric inpatient and outpatient services, serve as the regional perinatal center for their region, serve as training sites for the Medical University of South Carolina and the University of South Carolina medical schools, and participate in the South Carolina Telehealth Alliance pediatric telehealth workgroup. The center shall submit an annual report to the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee within 120 days of the close of the fiscal year detailing established children's healthcare infrastructure priorities and expenditures made to fund these priorities, specifying both innovation center funds and matching institutional funds.

23.4. (MUSC: Pediatric Transgender Clinic) No funds appropriated to MUSC pursuant to this appropriations act shall be used to fund or

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support any action furthering the gender transition of a minor child under the age of sixteen. This proviso shall not prohibit MUSC from providing medically necessary treatment that is unrelated to physical gender transition. Further, this proviso does not prohibit mental health counseling services.

23.5. DELETED

23.6. DELETED

23.7. DELETED

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

25.1. (TEC: Training of New & Expanding Industry) (A) Notwithstanding the amounts appropriated in this section for readySC it is the intent of the General Assembly that the State Board for Technical and Comprehensive Education expend the funds necessary to provide direct training for new and expanding business or industry.

(B) In the event projected expenditures are above the appropriation, the appropriation in this section for readySC may be appropriately adjusted, if and only if, the Executive Budget Office determines that the projected expenditures are directly related to:

(1) an existing technology training program where the demand for the program exceeds the program's capacity and the additional funds are to be utilized to meet the demand; or

(2) a new program is necessary to provide direct training for new or expanding business or industry.

(C) The adjustment may occur only upon approval by the Executive Budget Office. Upon the Executive Budget Office's approval of the adjustment, the Director of the Executive Budget Office must certify, in writing, that the adjustment is directly related to either subsection (B)(1) or (B)(2). The Director must immediately provide a copy of the written certification, including the amount of the adjustment, to the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

(D) Upon the Director's written certification approving an adjustment, the State Board for Technical and Comprehensive Education must submit a statement to the President of the Senate, the Speaker of

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AND COMPREHENSIVE EDUCATION**

the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee containing a detailed itemization of the manner in which funds initially appropriated for technology training were utilized, the specific purpose for the adjustment, and the ultimate recipient of the adjusted amount.

(E) The aggregate amount of all adjustments made pursuant to this section may not exceed ten million dollars.

(F) In the event that projected expenditures for readySC exceed the amounts appropriated and the amount of any adjustments authorized, the State Board for Technical and Comprehensive Education may request a supplemental appropriation from the General Assembly.

25.2. (TEC: Training of New & Expanding Industry Carry Forward) In addition to the funds appropriated in this section, any of the funds appropriated under this section for the prior fiscal year which are not expended during that fiscal year may be carried forward and expended for direct training of new and expanding industry in the current fiscal year.

25.3. (TEC: Training of New & Expanding Industry - Payments of Prior Year Expenditures) The State Board for Technical and Comprehensive Education may reimburse business and industry for prior year training costs billed to the agency after fiscal year closing with the concurrence of the Comptroller General.

25.4. (TEC: Critical Statewide Workforce Needs) Of the funds appropriated in this act to the State Board for Technical and Comprehensive Education for E&G STEM Programs: Critical Needs Workforce Development Initiative, the State Board must allocate the funds between the colleges based on a methodology designed to best meet the state's workforce needs and demands. This methodology should be created by the State Board in consultation with the Department of Commerce and the Department of Employment and Workforce and should identify the areas with the most critical need. For this purpose, critical need shall be defined as unmet employment demand in areas or fields of Science, Technology, Engineering, Mathematics, and Manufacturing. Funds must be used by the college for STEM programs.

25.5. (TEC: Florence-Darlington Marion Campus) Nonrecurring funds appropriated in this act or the Capital Reserve Fund to Florence-Darlington Technical College for Maintenance, Renovation, and Replacement may be used to conduct a feasibility study and engineering related to the construction of a Marion County Campus.

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

These funds may also be used for the completion of construction of the Darlington County Campus.

SECTION 27 - H870 - STATE LIBRARY

27.1. (LIB: Aid to Counties Libraries Allotment) The amount appropriated in this section for "Aid to County Libraries" shall be allotted to each county on a per capita basis according to the official United States Census For 2020, as aid to the County Library. No county shall be allocated less than \$150,000 under this provision. To receive this aid, local library support shall not be less than the amount actually expended for library operations from local sources in the second preceding year.

27.2. (LIB: Information Service Fees) The State Library may charge a fee for costs associated with information delivery and retain such funds to offset the costs of maintaining, promoting and improving information delivery services.

27.3. (LIB: Continuing Education Fees) The State Library may charge a fee for costs associated with continuing education and retain such funds to offset the costs of providing continuing education opportunities.

27.4. (LIB: Books and Materials Disposal) The State Library may sell or otherwise dispose of books and other library materials that are deemed by the State Library as no longer of value to the State of South Carolina and the State Library's collection. Funds received from the sale of books and materials shall be retained and expended to purchase new materials for the collection. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year and be used for the same purpose.

27.5. (LIB: SCLENDS) The State Library may accept money for the South Carolina Library Evergreen Network Delivery System (SCLENDS), a consortium providing patrons access to more library materials. The consortium shall allow South Carolina libraries the ability to share resources and provide a forum for sharing expertise in technical areas such as systems administration and cataloging. Funds received by the State Library for SCLENDS shall be placed in a special account and shall only be utilized to pay for items related to SCLENDS. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year and be used for the same purpose.

SECTION 27 - H870 - STATE LIBRARY

27.6. (LIB: Donations) The State Library may accept donation funds to be used for administration, operation, and programs from any donor source. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year.

27.7. (LIB: Sale of Promotional Items) The State Library shall be allowed to sell promotional items with the South Carolina State Library brand and logo for the purpose of generating funds for the State Library. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year.

27.8. (LIB: Consortium Purchasing) The State Library shall be authorized to accept funds to be used for consortium purchasing between libraries (public, academic, special) that serve South Carolina residents. Funds received by the State Library for consortium purchasing agreements shall be placed in a designated account and shall only be used to pay for items related to specific consortium purchasing agreements. These funds may be retained, expended, and carried forward from the prior fiscal year into the current fiscal year and used for the same purpose.

SECTION 28 - H910 - ARTS COMMISSION

28.1. (ARTS: Professional Artists Contract) Where practicable, all professional artists employed by the Arts Commission in the fields of music, theater, dance, literature, musical arts, craft, media arts, and environmental arts shall be hired on a contractual basis as independent contractors. Where such a contractual arrangement is not feasible employees in these fields may be unclassified, however, the approval of their salaries shall be in accord with the provisions of Section 8-11-35 of the 1976 Code.

28.2. (ARTS: Special Revolving Account) Any income derived from Arts Commission sponsored arts events or by gift, contributions, or bequest now in possession of the Arts Commission including any federal or other funds balance remaining at the end of the prior fiscal year, shall be retained by the commission and placed in a special revolving account for the commission to use solely for the purpose of supporting the programs provided herein. Any such funds shall be subject to the review procedures as set forth in Act 651 of 1978.

28.3. (ARTS: Partial Indirect Cost Waiver) The commission is allowed to apply a fifteen percent indirect cost rate for continuing federal grants for which they must compete. The commission shall apply the

full approved negotiated rate to the Basic State Grant and any new grants received by the commission.

28.4. (ARTS: Grants) The Arts Commission must expend seventy percent of appropriated state funds on grants to support the statewide improvement of learning and enrichment opportunities for children and communities through educational and cultural programs with proven research based strategies.

28.5. (ARTS: Distribution to Subdivisions) No later than December first of the current fiscal year, the Arts Commission must report to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee the amount of aid/allocations distributed to subdivisions during the most recently completed fiscal year, detailed by specific subdivisions.

SECTION 29 - H950 - STATE MUSEUM COMMISSION

29.1. (MUSM: Removal From Collections) The commission may remove accessioned objects from its museum collections by gift to another public or nonprofit institution, by trade with another public or nonprofit institution, by public sale, by transfer to the commission's education, exhibit, or study collections or to its operating property inventory; or as a last resort, by intentional destruction on the condition that the objects so removed meet with one or more of the following criteria: (1) they fall outside the scope of the South Carolina Museum Commission's collections as defined in the Collection Policy; (2) they are unsuitable for exhibition or research; (3) they are inferior duplicates of other objects in the collection; or (4) they are forgeries or were acquired on the basis of false information; funds from the sale of such objects will be placed in a special revolving account for the commission to use solely for the purpose of purchasing objects for the collections of the State Museum.

29.2. (MUSM: Museum Store) The Museum Commission shall establish and administer a museum store in the State Museum. This store may produce, acquire, and sell merchandise relating to historical, scientific, and cultural sources. All profits received from the sale of such merchandise shall be retained by the Museum Commission in a restricted fund to be carried forward into the following fiscal year. These funds may be used for store operations, publications, acquisitions, educational programs, exhibit production and general operating expenses provided

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that the expenditures for such expenses are approved by the General Assembly in the annual Appropriation Act.

29.3. (MUSM: Retention of Revenue) The Museum Commission may retain revenue received from admissions, program fees, facility rentals, professional services, donations, food service, exhibits and exhibit components, and other miscellaneous operating income generated by or for the museum and may expend such revenue for general operating expenses provided that such expenditures are approved by the General Assembly in the annual Appropriation Act. Any unexpended revenue from these sources may be carried forward into the current fiscal year to be expended for the same purposes.

29.4. (MUSM: School Tour Fee Prohibition) The commission may not charge admission fees to groups of children from South Carolina who have made reservations that are touring the museum as part of a school function.

29.5. (MUSM: Dining Area Rent) Of the space currently vacant in the Columbia Mills Building, space large enough for the museum to have dining space for school-aged children shall be provided to the State Museum at no cost.

29.6. (MUSM: Remittance to General Services) The State Museum is directed to remit not less than \$1,800,000 to the Department of Administration as compensation for expenses associated with the premises it leases in the Columbia Mills Building. In the event the General Assembly or the Executive Budget Office implements a mid-year across-the-board budget reduction, the rent that the State Museum remits to the Department of Administration shall be reduced by the same percentage as the assessed budget reduction.

**SECTION 30 - H960 - CONFEDERATE RELIC ROOM AND
MILITARY MUSEUM COMMISSION**

30.1. (CRR: Southern Maritime Collection) The Confederate Relic Room and Military Museum Commission, on behalf of the Hunley Commission is authorized to expend funds appropriated for such purpose to pay the outstanding note entered into to finance the purchase of the Southern Maritime Collection and the Hunley Commission will assume custody and management of the Collection for the State. The commission is authorized to use up to \$500,000 of the funds transferred for implementation of this proviso. The balance of the funds transferred may be used by the commission for costs associated with other Museum

**SECTION 30 - H960 - CONFEDERATE RELIC ROOM AND
MILITARY MUSEUM COMMISSION**

operations. The General Assembly will provide for funds in future fiscal years to cover the costs of the financing of the Southern Maritime Collection.

**SECTION 32 - H730 - DEPARTMENT OF
VOCATIONAL REHABILITATION**

32.1. (VR: Production Contracts Revenue) All revenues derived from production contracts earned by people with disabilities receiving job readiness training at the agency's Work Training Centers may be retained by the State Agency of Vocational Rehabilitation and used in the facilities for Client Wages and any other production costs; and further, any excess funds derived from these production contracts may be used for other operating expenses and/or permanent improvements of these facilities.

32.2. (VR: Reallotment Funds) To maximize utilization of federal funding and prevent the loss of such funding to other states in the Basic Service Program, the State Agency of Vocational Rehabilitation be allowed to budget reallotment and other funds received in excess of original projections in following State fiscal years.

32.3. (VR: User/Service Fees) Any revenues generated from user fees or service fees charged to the general public or other parties ineligible for the department's services may be retained to offset costs associated with the related activities so as to not affect the level of service for regular agency clients.

32.4. (VR: Meal Ticket Revenue) All revenues generated from sale of meal tickets may be retained by the agency and expended for supplies to operate the agency's food service programs or cafeterias.

32.5. (VR: Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) The Department of Vocational Rehabilitation is authorized to establish an interest bearing fund with the State Treasurer to deposit funds appropriated for deferred maintenance and other one-time funds from any source. After receiving any required approvals, the department is authorized to expend these funds for the purpose of deferred maintenance, capital projects, and ordinary repair and maintenance. These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.

**SECTION 33 - J020 - DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

33.1. (DHHS: Recoupment/Restricted Fund) The Department of Health and Human Services shall recoup all refunds and identified program overpayments and all such overpayments shall be recouped in accordance with established collection policy. Further, the Department of Health and Human Services is authorized to maintain a restricted fund, on deposit with the State Treasurer, to be used to pay for liabilities and improvements related to enhancing accountability for future audits. The restricted fund will derive from prior year program refunds. The restricted fund shall not exceed one percent of the total appropriation authorization for the current year. Amounts in excess of one percent will be remitted to the general fund.

33.2. (DHHS: Long Term Care Facility Reimbursement Rate) The department, in calculating a reimbursement rate for long term care facility providers, shall obtain for each contract period an inflation factor, developed by the Revenue and Fiscal Affairs Office. Data obtained from Medicaid cost reporting records applicable to long term care providers will be supplied to the Revenue and Fiscal Affairs Office. A composite index, developed by the Revenue and Fiscal Affairs Office will be used to reflect the respective costs of the components of the Medicaid program expenditures in computing the maximum inflation factor to be used in long term care contractual arrangements involving reimbursement of providers. The Revenue and Fiscal Affairs Office shall update the composite index so as to have the index available for each contract renewal.

The department may apply the inflation factor in calculating the reimbursement rate for the new contract period from zero percent up to the inflation factor developed by the Revenue and Fiscal Affairs Office.

33.3. (DHHS: Medical Assistance Audit Program Remittance) The Department of Health and Human Services shall remit to the State Auditor's Office an amount representing fifty percent (allowable Federal Financial Participation) of the cost of the Medical Assistance Audit Program as established in the State Auditor's Office of the State Fiscal Accountability Authority, Section 105. Such amount shall also include appropriated salary adjustments and employer contributions allocable to the Medical Assistance Audit Program. Such remittance to the State Auditor's Office shall be made monthly and based on invoices as provided by the State Auditor's Office of the State Fiscal Accountability Authority.

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33.4. (DHHS: Third Party Liability Collection) The Department of Health and Human Services is allowed to fund the net costs of any Third Party Liability and Drug Rebate collection efforts from the monies collected in that effort.

33.5. (DHHS: Medicaid State Plan) Where the Medicaid State Plan has been altered to cover services that previously were provided by one hundred percent state funds, or that have been requested to be added by other state agencies, the department can bill other agencies for the state share of services provided through Medicaid. In order to comply with Federal regulations regarding allowable sources of matching funds, state agencies are authorized to make appropriation transfers to the Department of Health and Human Services to be used as the state share when certified public expenditures are not allowed for those state agency Medicaid services. The department will keep a record of all services affected and submit periodic reports to the Senate Finance and House Ways and Means Committees.

33.6. (DHHS: Medically Indigent Assistance Fund) The department is authorized to expend disproportionate share funds to all eligible hospitals with the condition that all audit exceptions through the receipt and expenditures of these funds are the liability of the hospital receiving the funds.

33.7. (DHHS: Registration Fees) The department is authorized to receive and expend registration fees for educational, training, and certification programs.

33.8. (DHHS: Fraud and Abuse Collections) The Department of Health and Human Services may offset the administrative costs associated with controlling fraud and abuse.

33.9. (DHHS: Medicaid Eligibility Transfer) The South Carolina Department of Health and Human Services (DHHS) is hereby authorized to determine the eligibility of applicants for the South Carolina Medicaid Program in accordance with the State Plan Under Title XIX of The Social Security Act Medical Assistance Program. The governing authority of each county shall provide office space and facility service for this function as they do for DSS functions under Section 43-3-65.

With funds available to the department and by November first, the Director of the Department of Health and Human Services shall provide the governing authority and the legislative delegation of each county with information on the condition of space furnished for this purpose and shall specifically identify any known deficiencies with respect to the

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accessibility requirements of the Americans with Disabilities Act (ADA). By May first, the governing authority of any county with an identified ADA-related deficiency shall report to its legislative delegation and the Director of the Department of Health and Human Services on its progress in correcting such deficiency.

33.10. (DHHS: Franchise Fees Suspension) Franchise fees imposed on nursing home beds and enacted by the General Assembly during the 2002 session are suspended.

33.11. (DHHS: Program Integrity Efforts) The Department of Health and Human Services is instructed to expand its program integrity efforts by utilizing resources both within and external to the agency including, but not limited to, the ability to contract with other entities for the purpose of maximizing the department's ability to detect and eliminate provider fraud.

33.12. (DHHS: Post Payment Review) The department is directed to perform post payment reviews as permitted under Medicaid regulations to ensure compliance with the Hyde Amendment provisions as it relates to the performance of medically necessary services under the Medicaid program. The results of such reviews shall be available to the General Assembly upon request in a format that meets the requirements of the Health Insurance Accountability and Portability Act (HIPAA) and Medicaid confidentiality regulations.

33.13. (DHHS: Long Term Care Facility Reimbursement Rates) The department shall direct staff to complete and submit its Medicaid State Plan Amendment for long term care facility reimbursement rates to the Director of the Department of Health and Human Services by August first of each year. The director shall review the plan and submit to the Federal Government on or before August fifteenth of each year provided the State Appropriations Act has been enacted by that date. All additional requests for information from CMS concerning the plan shall be promptly submitted to CMS by the Department of Health and Human Services.

33.14. (DHHS: Nursing Services to High Risk/High Tech Children) The Department of Health and Human Services shall continue a separate classification and compensation plan for Registered Nurses (RN) and Licensed Practical Nurses (LPN) who provide services to Medically Fragile Children, who are Ventilator dependent, Respirator dependent, Intubated, and Parenteral feeding or any combination of the above. The classification plan shall recognize the skill level that these nurses caring

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for these Medically Fragile Children must have over and above normal home-care or school-based nurses.

33.15. (DHHS: CHIP Enrollment and Recertification) The Department of Health and Human Services shall enroll and recertify eligible children and households to the Children's Health Insurance Program (CHIP) and/or Medicaid and must use available state agency program data including, but not limited to, that housed in the Revenue and Fiscal Affairs Office, the Department of Social Services' Supplemental Nutritional Assistance Program (SNAP) and poverty-related information from the Department of Education. Use of this data and cooperative efforts between state agencies reduces the cost of outreach and eligibility activities. In the current fiscal year and with funds available to it, the department shall submit to the Centers for Medicare and Medicaid Services such waivers and/or plan amendments necessary to ensure that the CHIP upper income limit is at least that of the average of the states within CMS Region IV and shall enroll children into the program accordingly.

33.16. (DHHS: Carry Forward) The Department of Health and Human Services is authorized to carry forward and expend any General Fund balance and any cash balances from the prior fiscal year into the current fiscal year for any earmarked or restricted trust and agency, or special revenue account or subfund. The department shall submit a comprehensive reporting of all cash balances brought forward from the prior fiscal year. The report shall, at a minimum, for each account or subfund include the following: the statutory authority that allows the funds to be carried forward, the maximum authorized amount that can be carried forward, the general purpose or need for the carry forward, the specific source(s) of funding or revenue that generated the carry forward, and a detailed description of any pending obligations against the carry forward. The report must be submitted to the President of the Senate, Chairman of the Senate Finance Committee, Speaker of the House of Representatives, and Chairman of the House Ways and Means Committee, within fifteen days after the Comptroller General closes the fiscal year.

33.17. (DHHS: Medicaid Provider Fraud) The department shall expand and increase its effort to identify, report, and combat Medicaid provider fraud. The department shall publish on its' agency homepage by April first, of the current fiscal year, the results of these efforts, the

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funds recovered, and information pertaining to prosecutions of such cases, including pleas agreements entered into.

33.18. (DHHS: GAPS) The requirements of Article 5, Chapter 6, Title 44 shall be suspended for the current state fiscal year.

33.19. (DHHS: Contract Authority) The Department of Health and Human Services is authorized to contract with community-based not-for-profit organizations for local projects that further the objectives of department programs. The department shall develop policies and procedures and may promulgate regulations to assure compliance with state and federal requirements associated with the funds used for the contracts and to assure fairness and accountability in the award and administration of these contracts. The department may require a match from contract recipients. The department shall report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committees on the contracts administered.

33.20. (DHHS: Medicaid Accountability and Quality Improvement Initiative) From the funds appropriated and authorized to the Department of Health and Human Services, the department is authorized to implement the following accountability and quality improvement initiatives:

(A) Community Health Improvement Initiative - To improve community health, the department may explore various health quality outreach, education, patient wellness and incentive programs. The department may pilot health interventions targeting diabetes, smoking cessation, weight management, heart disease, and other health conditions. These programs may be expanded as their potential to improve health and lower costs are identified by the department.

(B) Community Health Alignment Initiative - The department shall contract with the Center for Community Health Alignment (CCHA) at the University of South Carolina in a collaborative effort to expand the community health worker program to hospital settings. The goal of this program shall be to improve health outcomes for individuals that do not have access to affordable health insurance by facilitating resource connections and access to safety net providers. The department shall facilitate the Center's coordination of placement and funding of qualified community health workers in hospital settings to achieve program goals. The Center must provide the department with patient, service, and other data to assist in the operation and ongoing evaluation of this initiative.

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The department may tie hospital reimbursements, as appropriate, to participation in this Community Health Alignment Initiative.

(C) Improving Access Initiatives - The department may pursue Medicaid reimbursement and health care delivery methodologies to sustain and improve access to services particularly in underserved and designated rural areas. The department shall review existing reimbursement levels and, as funds are available, take measures to implement competitive rate structures that provide incentives for providers to treat Medicaid, uninsured, and underinsured individuals. These structures may include the use of disproportionate share, directed payments, and other supplemental payment programs. The department may adjust provider assessments to align with available supplemental funding not to exceed the safe harbor threshold under the federal hold harmless provision. Utilizing income, population, provider capacity, and other relevant data, the department may designate certain areas of the state as rural for Medicaid initiatives. To be eligible for these initiatives, the department may require providers to participate in quality, accountability, and reporting programs.

(D) Quality Through Technology and Innovation in Pediatrics (QTIP) Initiative – The department shall explore ways to enhance the existing QTIP program. The goal of this program is to improve quality measure outcomes, promote medical home concepts, and support mental health skill-building and integration through targeted quality improvement and technical assistance to pediatric practices.

(E) Health Services Initiative – The department may use available funds from the Children’s Health Insurance Program (CHIP) allotment to implement specific health service initiatives to improve the public health of children, including targeted low-income children and other low-income children as defined in 42 CFR 457.10. These initiatives may include preventive care and other interventions that improve the overall health and mental well-being of children. These initiatives may not supplant federal funds currently used to provide services under the state’s CHIP program.

(F) Primary Care Safety Net Initiative - The department shall formulate a separate methodology to allocate at least \$1,500,000 of funding to Free Clinics throughout the state, \$1,500,000 of funding for local alcohol and drug abuse authorities created under Act 301 of 1973, and up to \$4,000,000 for capital improvements to the Act 301 facilities through consultation with the Department of Alcohol and Other Drug

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Abuse Services, to ensure funds are provided on a needs based approach. The department may continue to develop and implement a process for obtaining encounter-level data that may be used to assess the cost and impact of services provided through this proviso.

(G) To be eligible for funds in this proviso, providers must provide the department with patient, service and financial data to assist in the operation and ongoing evaluation of both the initiatives resulting from this proviso, and other price, quality, transparency, and accountability efforts currently underway or initiated by the department. The Revenue and Fiscal Affairs Office shall provide the department with any information required by the department in order to implement this proviso in accordance with state law and regulations.

(H) The department annually shall evaluate each initiative within this provision to measure its effectiveness in meeting expected goals. The department shall continually monitor all third-party contracts employed under this provision to ensure that appropriations are being efficiently and effectively utilized for their intended purpose. The department also shall annually report on the results of each evaluation to the House Ways and Means Healthcare Budget Subcommittee and the Senate Finance Health and Human Services Subcommittee.

33.21. DELETED

33.22. (DHHS: Rural Health Initiative) From the funds appropriated to the Department of Health and Human Services for the Rural Health Initiative in the current fiscal year, the department shall partner with the following state agencies, institutions, and other key stakeholders to implement these components of a Rural Health Initiative to better meet the needs of medically underserved communities throughout the state. The department may leverage any and all available federal funds to implement this initiative. Recurring and non-recurring funding for the Rural Health Initiative may be carried forward by the department and expended for the same purpose.

(A) The Department of Health and Human Services shall incentivize the development of primary care access in rural and underserved areas, leverage Medicaid spending on Graduate Medical Education (GME) and continue to leverage the use of teaching hospitals to ensure rural physician coverage in counties with a demonstrated lack of adequate access and coverage through the following provisions:

(1) Rural and Underserved Area Provider Capacity - The department shall partner with the University of South Carolina School

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of Medicine to develop a statewide Rural Health Initiative to identify strategies for significantly improving health care access, supporting physicians, and reducing health inequities in rural communities. In addition, the department shall also contract with the MUSC Hospital Authority in the amount of \$1,500,000, and the USC School of Medicine in the amount of \$2,000,000 to further develop statewide teaching partnerships. The department shall also expend \$5,000,000 to fund medical education and graduate nursing and health science programs approved jointly by the Presidents of the following institutions: the Medical University of South Carolina, the University of South Carolina, and Francis Marion University.

(2) Rural Healthcare Coverage and Education - The USC School of Medicine, in consultation with statewide rural health stakeholders and partners, shall continue to operate a Center of Excellence to support and develop rural medical education and delivery infrastructure with a statewide focus, through clinical practice, training, and research, as well as collaboration with other state agencies and institutions. The Center shall submit to the department an annual spending plan centered on efforts to improve access to care and expand healthcare provider capacity in rural communities. Upon approval of the annual spending plan, the department shall authorize at least \$3,000,000 to support center staffing as well as the programs and collaborations delivering rural health research, the ICARED program, workforce development scholarships and recruitment, rural fellowships, health education development, and/or rural practice support and education. Funding released by the department pursuant to this section must not be used by the recipient(s) to supplant existing resources already used for the same or comparable purposes. No later than February first of the current fiscal year, the USC School of Medicine shall report to the Chairman of the House Ways and Means Committee, the Chairman of the Senate Finance Committee, and the Director of the Department of Health and Human Services on the specific uses of funds budgeted and/or expended pursuant to this provision.

(3) Rural Medicine Workforce Development - The department shall support the development of additional residency and/or fellowship slots or programs in rural medicine, family medicine, and any other appropriate primary care specialties that have been identified by the department as not being adequately served by existing Graduate Medical Education programs. New training sites and/or residency positions are

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subject to approval as specified by the Accreditation Council for Graduate Medical Education (ACGME). As funds are made available, the department may also accept proposals and award grants for programs designed to expose resident physicians to rural practice and enhance the opportunity to recruit these residents for long-term practice in these rural and/or underserved communities.

(4) Statewide Health Innovations - At least \$2,500,000 must be expended by the department to contract with the USC School of Medicine and at least \$1,000,000 to Clemson University to develop and continue innovative healthcare delivery and training opportunities through collaborative community engagement via ICARED, Clemson Rural Health Programming, and other innovative programs that provide clinical services, mental and behavioral health services, children's health, OB/GYN services, and/or chronic disease coverage gaps. In consultation with statewide rural health stakeholders and partners, the department must ensure collaborative efforts with the greatest potential for impact are prioritized.

(5) Rural Health Network Revitalization Project – For the purpose of establishing self-sustaining rural health networks that will improve care delivery in rural communities, funds appropriated for Rural Health Network Revitalization shall be expended, in consultation with the Director of Department of Health and Human Services, by the South Carolina Center for Rural and Primary Healthcare within the University of South Carolina School of Medicine to provide material support, facilitation, technical assistance, and other resources to rural communities seeking to create or renew their rural health networks. The Center shall submit to the department an annual spending plan. Upon approval of the annual spending plan, the Center shall:

(a) be authorized to provide funding to such communities for a time to establish and support the work;

(b) work with partners across the State to implement evidence-based models of community development and healthcare delivery;

(c) evaluate the implementation and impact of the network development work undertaken; and

(d) facilitate the development, implementation, and evaluation of alternative payment models with payors within the State.

No later than February first of the current fiscal year, the South Carolina Center for Rural and Primary Healthcare within the University

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of South Carolina School of Medicine shall report to the Chairman of the House Ways and Means Committee, the Chairman of the Senate Finance Committee, and the Director of the Department of Health and Human Services on the specific uses of funds budgeted and/or expended pursuant to this provision.

(B) The department shall continue to investigate the potential use of disproportionate share, directed payment, and/or any other source of funds in order to improve access to medical services in one or more rural or underserved communities identified by the department in which such access has been determined to be unstable or at-risk. As funds are available to the department, it may establish a grant program for providers to implement sustainable delivery models or capital improvements to enhance access to health care services. When the program is in force, the department shall publish grant criteria and guidelines and, at its discretion, may cap or limit the amount of available funds at any time. The department shall require written proposals and may include stipulations it deems necessary and prudent to ensure funds are used to improve the sustainability of access to services in rural or other underserved areas. The department shall also ensure that a facility has been properly sized to meet the needs of its service area. By October 1st of each year, the department shall report to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee on the status of outstanding grants.

(C) The Revenue and Fiscal Affairs Office and the Area Health Education Consortium's Office of Healthcare Workforce Analysis and Planning shall provide the department with any information required by the department in order to implement this proviso in accordance with state law and regulations. Not later than January 1, of the current fiscal year, the department shall submit to the President of the Senate and Speaker of the House of Representatives an evaluation of the state's safety-net providers that includes, at a minimum, Federally Qualified Health Centers, Rural Health Clinics, and to the extent applicable to funding received by the state, free clinics.

33.23. (DHHS: IDEA Part C Compliance) With the funds available to the department, the Department of Health and Human Services shall report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee no later than December 31, 2023 on the status of the department's efforts to bring the Individuals With Disabilities Education Act (IDEA) Part C program

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into compliance with federal requirements. This report must specifically address areas in which the IDEA Part C program has received low performance scores and include any relevant correspondence from the U.S. Department of Education. The report must explain the department's plan for bringing the program into compliance, including specific steps and the associated timeline.

33.24. (DHHS: Personal Emergency Response System) *With funds appropriated and authorized to the Department of Health and Human Services for Fiscal Year 2023-24, the department shall develop one or more Requests for Proposals, to provide for Personal Emergency Response Systems (PERS) to be issued to Medicaid recipients pursuant to the department's Medicaid Home and Community-based waiver. The PERS devices must include in addition to emergency response services, unlimited twenty-four hour, seven-day a week live phone contact with experienced registered nurses for triage services. A PERS nurse triage call center must be accredited and must be separate from the PERS emergency response call center. The PERS device must have a wireless radio transmitter and a console that is cellular and does not require a traditional land line. A PERS device that includes nurse triage services also must comply with the requirements of Federal Communications Commission rules, 47 C.F.R. Part 68; and be approved by the Underwriters Laboratory or Equipment Testing Laboratories as a health care signaling product. The Department of Health and Human Services shall apply for any waiver necessary under the department's Medicaid Home and Community-based waiver to implement these provisions.*

33.25. (DHHS: Family Planning Funds) The State has enacted Section 43-5-1185 of the 1976 Code that prohibits state funds, directly or indirectly, from being utilized by Planned Parenthood for abortions, abortion services or procedures, or administrative functions related to abortions. Having prevented Planned Parenthood from performing abortions with state funds, once the federal injunction is lifted, the Department of Health and Human Services may not direct any federal funds to Planned Parenthood. An otherwise qualified organization may not be disqualified from receipt of these funds because of its affiliation with an organization that provides abortion services, provided that the affiliated organization that provides abortion services is independent of the qualified organization. An independent affiliate that provides abortion services must be separately incorporated from any organization that receives these funds. An organization that provides abortion services

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in compliance with Part 1.B., Proviso 33.12 of this act is excepted from the above restriction on state family planning funds and may receive state family planning funds.

33.26. (DHHS: Meals in Emergency Operations) The cost of meals may be provided to state employees who are not permitted to leave their stations and are required to work during actual emergencies, emergency situation exercises, and when the Governor declares a state of emergency.

33.27. (DHHS: Optional State Supplement Adjustments) Cost-of-living adjustments in benefit payments made by the federal government will result in adjustments in the Optional State Supplementation (OSS) Program as determined necessary by the Department of Health and Human Services to ensure that payment amounts are not reduced. The department shall adjust the OSS net income limitation, the OSS facility rate, and the personal needs allowance to ensure that payment amounts are not reduced. OSS benefit payment amounts shall be adjusted to reflect the changes in recipients' countable income.

33.28. DELETED

33.29. DELETED

33.30. (DHHS: Broadband and Telehealth Digital Literacy) With funds available to the Department of Health and Human Services, the department shall partner with a member of the South Carolina Telehealth Alliance that has relevant expertise for no less than \$500,000 to establish a pilot program that leverages telehealth capabilities to improve the health status and condition of other social determinants for rural or other underserved segments of the Medicaid beneficiary population to be identified by the department. Implemented through grant or contract at the department's discretion, the pilot program shall:

(1) offer digital devices and digital inclusion training for specific categories of Medicaid beneficiaries in one or more communities to be identified by the department;

(2) make Medicaid beneficiaries aware of the eligibility criteria for the Federal Communications Commission's Lifeline program and of the benefits available to them through this program, and if appropriate, support outreach and enrollment; and

(3) result in the development of a report, which shall be provided to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee, that uses survey and/or

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other comparable data to explain why many eligible Medicaid members have not previously enrolled for Lifeline, along with findings or recommendations as to how these obstacles may be overcome in the future.

33.31. DELETED

33.32. (DHHS: Brain Health Initiative) South Carolina has been identified as one of five states with the most significant gap between an available neurology workforce and the health needs of people with Alzheimer's and other dementias. From funds appropriated, the Department of Health and Human Services is authorized to contract with the University of South Carolina to develop and implement a rural brain health network for the purpose of improving brain health, enhancing the quality of care, and increasing statewide access to dementia care. This includes advancing the clinical care of dementia, promoting translational research, improving cardiovascular and brain health, expanding and improving the Alzheimer's Disease Registry provided for in Section 44-36-10, establishing training and fellowship programs for health care providers, and obtaining a better understanding of population risk factors. The University shall partner and collaborate with the Medical University of South Carolina (MUSC) and Clemson University to leverage existing programs to meet the unmet dementia care needs for citizens in rural areas throughout South Carolina including, but not limited to, providing informed clinical care, early detection, early diagnosis disclosure, caregiver support, healthy aging, and education of primary care providers. The University also shall utilize and disseminate the brain health resources through DHEC's "Take Brain Health to Heart" campaign as a tool for community education. The department annually shall evaluate this initiative, including all partnerships and agreements, to assess its effectiveness in achieving expected outcomes.

33.33. (DHHS: Pregnancy Crisis Centers) For Fiscal Year 2023-24, funding provided to the Department of Health and Human Services for Pregnancy Crisis Centers may only be expended by pregnancy care centers for the purposes of direct care to pregnant women and mothers for related medical care, support, and resources for women and infants.

33.34. (DHHS: Healthcare) From the funds appropriated and authorized to the Department of Health and Human Services, the department shall partner with safety net providers to ensure that high quality reproductive healthcare is incorporated into primary care services and practice and available to all safety net patients. The

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department shall allocate up to \$7,500,000 to ensure that patients eligible for Medicaid and other safety net patients are served by participating providers. In order to administer the program, the department shall partner with a non-profit to administer the program. The department may leverage any and all available federal funds to implement this program. For the purposes of this section, high quality reproductive healthcare does not include abortion services.

33.35. (DHHS: Psychiatric Residency Program) The department is authorized to expend funds appropriated for the psychiatric residency program in South Carolina. Funding should be directed in a manner that places emphasis on program quality, post-residency retention, and training in rural service areas. No later than December 31, 2023, the department shall provide to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee a report on the disposition of funds and progress of the residency program. This report shall include funding recommendations for future training classes.

33.36. (DHHS: Biomedical Research Center) From funds appropriated, the department shall contract with South Carolina public entities that include health service districts, health authorities, or agencies to develop a biomedical research center for the purpose of analyzing biological pathways, networks, and molecular systems. The center shall perform an evaluation of gene and protein structures along with their functions, variations in sequences and their significance, interactions between genes, proteins, and the environment, and other key discreet elements of the human condition. The purpose of this initiative is the evaluation of genetic profiles and patterns associated with disease risk to establish effective detection and therapeutic responses. The ultimate goal is to transform the orientation of healthcare from current disease treatment to one of wellness and prevention.

The center shall have or source significant relevant experience in the following areas: (1) an established medical data research Institutional Review Board (IRB) to conduct data and human test condition studies; (2) an established record of success recruiting patients to clinical trials particularly from underserved and rural areas of the state; (3) an established model for de-identification of patient data meeting all HIPAA requirements, along with proven information technology infrastructure to gather and successfully incorporate and organize data including System and Organizational Controls 2 (SOC2) to manage

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information related risk; and (4) robust and documented experience in the realm of molecular medicine insights.

The department is authorized to establish necessary contract conditions, parameters, and targets. For each year that contracts are in place, the department shall provide to the Chairmen of the House Ways and Means Committee, Medical Military Public and Municipal Affairs Committee, State Medical Affairs Committee, and to the Senate Finance Committee a written report by January 1st describing the distribution of funds and progress made in this effort.

**SECTION 34 - J040 - DEPARTMENT OF HEALTH AND
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34.1. (DHEC: County Health Departments Funding) Out of the appropriation provided in this section for "Access to Care," the sum of \$25,000 shall be distributed to the county health departments by the commissioner, with the approval of the Board of Department of Health and Environmental Control, for the following purposes:

(1) To insure the provision of a reasonably adequate public health program in each county.

(2) To provide funds to combat special health problems that may exist in certain counties.

(3) To establish and maintain demonstration projects in improved public health methods in one or more counties in the promotion of better public health service throughout the State.

(4) To encourage and promote local participation in financial support of the county health departments.

(5) To meet emergency situations which may arise in local areas.

(6) To fit funds available to amounts budgeted when small differences occur.

The provisions of this proviso shall not supersede or suspend the provisions of Section 13-7-30 of the 1976 Code.

34.2. (DHEC: County Health Units) General funds made available to the Department of Health and Environmental Control for the allocation to the counties of the State for operation of county health units be allotted on a basis approved by the Board of the Department of Health and Environmental Control. The amount of general funds appropriated herein for Access to Care shall be allocated on a basis such that no county budget shall receive less than the amount received in the prior fiscal year,

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except when instructed by the Executive Budget Office or the General Assembly to reduce funds within the department by a certain percentage, the department may unilaterally reduce the county health units up to the stipulated percentage.

34.3. (DHEC: Camp Burnt Gin) Private donations or contributions for the operation of Camp Burnt Gin shall be deposited in a restricted account. These funds may be carried forward and shall be made available as needed to fund the operation of the camp. Withdrawals from this restricted account must be in accordance with approved procedures.

34.4. (DHEC: Children's Rehabilitative Services) The Children's Rehabilitative Services shall be required to utilize any available financial resources including insurance benefits and/or governmental assistance programs, to which the child may otherwise be entitled in providing and/or arranging for medical care and related services to physically handicapped children eligible for such services, as a prerequisite to the child receiving such services.

34.5. (DHEC: Cancer/Hemophilia) Notwithstanding any other provisions of this act, the funds appropriated herein for prevention, detection and surveillance of cancer as well as providing for cancer treatment services, \$545,449 and the hemophilia assistance program, \$1,186,928 shall not be transferred to other programs within the agency and when instructed by the Executive Budget Office or the General Assembly to reduce funds within the department by a certain percentage, the department may not act unilaterally to reduce the funds for any cancer treatment program and hemophilia assistance program provided for herein greater than such stipulated percentage.

34.6. (DHEC: Local Health Departments) Counties of the state will be relieved of contribution requirements for salary, fringe benefits and travel reimbursement to local health departments. The amount of \$5,430,697 is appropriated for county health department salaries, fringe benefits and travel. These funds and other state funds appropriated for county health units may, based upon need, be utilized in either salary or travel categories. Each county shall provide all other operating expenses of the local health department in an amount at least equal to that appropriated for operations for each county in Fiscal Year 1981. In the event any county makes uniform reductions in appropriations to all agencies or departments for maintenance and operations, exclusive of salaries and fringe benefits, a like reduction shall be made in funds appropriated for the operating expenses of the local health department.

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34.7. (DHEC: Insurance Refunds) The Department of Health and Environmental Control is authorized to budget and expend monies resulting from insurance refunds for prior year operations for case services in family health.

34.8. (DHEC: Emergency Medical Services) Funds appropriated herein for Emergency Medical Services, shall be allocated for the purpose of improving and upgrading the EMS system throughout the state. The monies allocated to the Counties are for the purpose of improving or upgrading the local EMS system through the licensed ambulance services, the monies allocated to the EMS Regional Councils are for the administration of training programs and technical assistance to local EMS organizations and county systems. All additional funds are to be allocated as follows: to the counties at the ratio of eighty-one percent of the additional funds appropriated herein, to the EMS Regions at a ratio of twelve percent of the additional funds appropriated herein and to the state EMS Office at the ratio of seven percent of the additional funds appropriated herein. The Department of Health and Environmental Control shall develop criteria and guidelines and administer the system to make allocations to each region and county within the state, based on demonstrated need and local match. Funds appropriated to Emergency Medical Services shall not be transferred to other programs within the department's budget. Unexpended funds appropriated to the program may be carried forward to succeeding fiscal years, and may be expended for administrative and operational support and for temporary and contract employees to assist with duties related to improving and upgrading the EMS system throughout the state, including training of EMS personnel and administration of grants to local EMS providers. After January 1st of the current fiscal year, fifty percent of unclaimed funds utilized for aid to counties from the prior fiscal year shall be transferred to the South Carolina EMS Association to promote and encourage education of emergency medical technicians and directors of emergency medical services; to collect, analyze, and distribute information about emergency medical services; to promote the improvement of patient care; to cooperate with other organizations; and to effect more efficient administration of emergency medical services in the State of South Carolina. In addition, when instructed by the Executive Budget Office or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds

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appropriated for EMS Regional Councils or Aid to Counties greater than such stipulated percentage.

34.9. (DHEC: Rape Violence Prevention Contract) Of the amounts appropriated in Rape Violence Prevention, \$1,303,956 shall be used to support programmatic efforts of the state's rape crisis centers with distribution of these funds based on the Standards and Outcomes for Rape Crisis Centers and each center's accomplishment of a preapproved annual action plan. For the current fiscal year, the department shall not reduce these contracts below the current funding level.

34.10. (DHEC: Sickle Cell Blood Sample Analysis) \$16,000 is appropriated in Independent Living for the Sickle Cell Program for Blood Sample Analysis and shall be used by the department to analyze blood samples submitted by the four existing regional programs - Region I, Barksdale Sickle Cell Anemia Foundation in Spartanburg; Region II, Clark Sickle Cell Anemia Foundation in Columbia; Region III, Committee on Better Racial Assurance Hemoglobinopathy Program in Charleston; and the Orangeburg Area Sickle Cell Anemia Foundation.

34.11. (DHEC: Sickle Cell Programs) \$761,233 is appropriated for Sickle Cell program services and shall be apportioned as follows:

(1) sixty-seven percent is to be divided equitably between the existing Community Based Sickle Cell Programs located in Spartanburg, Columbia, Orangeburg, and Charleston; and

(2) thirty-three percent is for the Community Based Sickle Cell Program at DHEC.

The funds shall be used for providing prevention programs, educational programs, testing, counseling, and newborn screening. The existing Community Based Sickle Cell Programs will provide counseling for families of newborns who test positive for sickle cell trait or other similar blood traits upon referral from DHEC. The balance of the total appropriation must be used for Sickle Cell Services operated by the Independent Living program of DHEC. The funds appropriated to the community based sickle cell centers shall be reduced to reflect any percent reduction assigned to the Department of Health and Environmental Control by the Executive Budget Office; provided, however, that the department may not act unilaterally to reduce the funds for the Sickle Cell program greater than such stipulated percentage. The department shall not be required to undertake any treatment, medical management or health care follow-up for any person with sickle cell disease identified through any neonatal testing program, beyond the

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level of services supported by funds now or subsequently appropriated for such services. No funds appropriated for ongoing or newly established sickle cell services may be diverted to other budget categories within the DHEC budget. For the current fiscal year, the department shall not reduce these funds below the current funding level.

34.12. (DHEC: Genetic Services) The sum of \$104,086 appearing under the Independent Living program of this act shall be appropriated to and administered by the Department of Health and Environmental Control for the purpose of providing appropriate genetic services to medically needy and underserved persons. Such funds shall be used by the department to administer the program and to contract with appropriate providers of genetic services. Such services will include genetic screening, laboratory testing, counseling, and other services as may be deemed beneficial by the department, and these funds shall be divided equally among the three Regional Genetic Centers of South Carolina, composed of units from the Medical University of South Carolina, the University of South Carolina School of Medicine, and the Greenwood Genetic Center.

34.13. (DHEC: Revenue Carry Forward Authorization) The Department of Health and Environmental Control is hereby authorized to collect, expend, and carry forward revenues in the following programs: Sale of Goods (confiscated goods, arm patches, etc.), sale of meals at Camp Burnt Gin, sale of publications, brochures, Spoil Easement Areas revenue, performance bond forfeiture revenue for restoring damaged critical areas, beach renourishment appropriations, photo copies and certificate forms, including, but not limited to, pet rabies vaccination certificate books, sale of listings and labels, sale of State Code and Supplements, sale of films and slides, sale of maps, sale of items to be recycled, including, but not limited to, used motor oil and batteries, sale and/or licensing of software products developed and owned by the Department, and collection of registration fees for non-DHEC employees. Any unexpended balance carried forward must be used for the same purpose.

34.14. (DHEC: Medicaid Nursing Home Bed Days) Pursuant to Section 44-7-84(A) of the 1976 Code, the maximum number of Medicaid patient days for which the Department of Health and Environmental Control is authorized to issue Medicaid nursing home permits is 4,452,015.

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34.15. (DHEC: Health Licensing Fee) Funds resulting from an increase in the Health Licensing Fee Schedule shall be retained by the department to fund increased responsibilities of the health licensing programs. Failure to submit a license renewal application or fee to the department by the license expiration date shall result in a late fee of \$75 or twenty-five percent of the licensing fee amount, whichever is greater, in addition to the licensing fee. Continual failure to submit completed and accurate renewal applications and/or fees by the time period specified by the department shall result in enforcement actions. The department may waive any or all of the assessed late fees in extenuating circumstances, as long as it is with public knowledge.

34.16. (DHEC: Infectious Waste Contingency Fund) The Department of Health and Environmental Control is authorized to use not more than \$75,000 from the Infectious Waste Contingency Fund per year for personnel and operating expenses to implement the Infectious Waste Act.

34.17. (DHEC: Nursing Home Medicaid Bed Day Permit) When a Medicaid patient is transferred from a nursing home to a receiving nursing home due to violations of state or federal law or Medicaid certification requirements, the Medicaid patient day permit shall be transferred with the patient to the receiving nursing home, provided that the receiving nursing home is an enrolled Medicaid provider that already holds Medicaid patient day permits, in which case the receiving facility shall apply to permanently retain the Medicaid patient day permit within sixty days of receipt of the patient.

34.18. (DHEC: Spoil Easement Areas Revenue) The department is authorized to collect, retain and expend funds received from the sale of and/or third party use of spoil easement areas, for the purpose of meeting the State of South Carolina's responsibility for providing adequate spoil easement areas for the Atlantic Intracoastal Waterway in South Carolina.

34.19. (DHEC: Per Visit Rate) The Department of Health and Environmental Control is authorized to compensate nonpermanent, part-time employees on a fixed rate per visit basis. Compensation on a fixed rate per visit may be paid to employees for whom the department receives per visit reimbursement from other sources. These individuals will provide direct patient care in a home environment. The per visit rate may vary based on the discipline providing the care and the geographical location of services rendered. Management may pay exempt or nonexempt employees as defined by the Fair Labor Standards Act only

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when they are needed to work. Individuals employed in this category may exceed twelve months, but are not eligible for State benefits except for the option of contributing to the State Retirement System.

34.20. (DHEC: Allocation of Indirect Cost and Recoveries) The department shall continue to deposit in the general fund all indirect cost recoveries derived from state general funds participating in the calculation of the approved indirect cost rate. Further administration cost funded with other funds used in the indirect cost calculation may, based on their percentage, be retained by the agency to support the remaining administrative costs of the agency.

34.21. (DHEC: Permitted Site Fund) The Department of Health and Environmental Control may expend funds as necessary from the permitted site fund established pursuant to Section 44-56-160(B)(1), for legal services related to environmental response, regulatory, and enforcement matters, including administrative proceedings and actions in state and all federal courts.

34.22. (DHEC: Shift Increased Funds) The director is authorized to shift increased appropriated funds in this act to offset shortfalls in other critical program areas.

34.23. (DHEC: Health Licensing Monetary Penalties) In the course of regulating health care facilities/services, the Bureau of Health Facilities Licensing (BHFL) assesses civil monetary penalties against nonconforming providers. BHFL shall retain up to the first \$50,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce the provisions of regulations applicable to that division. These funds shall be separately accounted for in the department's fiscal records.

34.24. (DHEC: Health Facilities Licensing Monetary Penalties) In the course of regulating health care facilities and services, the Bureau of Health Facilities Licensing (BHFL) assesses civil monetary penalties against nonconforming providers. BHFL shall retain up to the first \$100,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce the provisions of regulations applicable to that division. These funds shall be separately accounted for in the department's fiscal records. Regulations for nursing home staffing for the current fiscal year must (1) provide a minimum of one and sixty-three hundredths (1.63) hours of direct care per resident per day from the non-licensed nursing staff; and (2) maintain at least one licensed nurse per shift for each staff work area. All other staffing

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standards and non-staffing standards established in Standards for Licensing Nursing Homes: R61-17, Code of State Regulations, must be enforced.

34.25. (DHEC: Radiological Health Monetary Penalties) In the course of regulating health care facilities/services, the Bureau of Radiological Health (BRH) assesses civil monetary penalties against nonconforming providers. BRH shall retain up to the first \$30,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce the provisions of regulations applicable to that Bureau. These funds shall be separately accounted for in the department's fiscal records.

34.26. (DHEC: Prohibit Use of Funds) The Department of Health and Environmental Control must not use any state appropriated funds to terminate a pregnancy or induce a miscarriage by chemical means.

34.27. (DHEC: Meals in Emergency Operations) The cost of meals may be provided to state employees who are required to work during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

34.28. (DHEC: Compensatory Payment) In the event the President of the United States has declared a state of emergency or the Governor has declared a state of emergency in a county in the State, Fair Labor Standards Act exempt employees of the department may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency Director, and providing funds are available.

34.29. DELETED

34.30. (DHEC: South Carolina State Trauma Care Fund) Of the funds appropriated to the South Carolina State Trauma Care Fund, \$2,268,885 shall be utilized for increasing the reimbursement rates for trauma hospitals, for trauma specialists' professional fees, for increasing the capability of EMS trauma care providers from counties with a high rate of traumatic injury deaths to care for injury patients, and for support of the trauma system, based on a methodology as determined by the department with guidance and input from the Trauma Council as established in Section 44-61-530 of the 1976 Code. The methodology to be developed will include a breakdown of disbursement of funds by percentage, with a proposed seventy-six and one half percent disbursed to hospitals and trauma physician fees, sixteen percent of the twenty-one percent must be disbursed to EMS providers for training EMTs, Advanced EMTs and paramedics by the four regional councils of this

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state and the remaining five percent must be disbursed to EMS providers in counties with high trauma mortality rates, and two and one half percent allocated to the department for administration of the fund and support of the trauma system. The Department of Health and Environmental Control shall promulgate regulations as required in Section 44-61-540 of the 1976 Code for the administration and oversight of the Trauma Care Fund.

34.31. (DHEC: Pandemic Influenza) The Department of Health and Environmental Control shall assess South Carolina's ability to cope with a major influenza outbreak or pandemic influenza and maintain an emergency plan and stockpile of medicines and supplies to improve the state's readiness condition. The department shall report on preparedness measures to the Speaker of the House of Representatives, the President of the Senate, and the Governor by November first of each year. The department, in conjunction with the Department of Health and Human Services, is authorized to establish a fund for the purpose of developing an emergency supply, stockpile, and distribution system of appropriate antiviral, antibiotic, and vaccine medicines and medical supplies. In the event the United States Department of Health and Human Services makes available medicines or vaccines for purchase by states via federal contract or federally subsidized contract or other mechanism, the department, with Executive Budget Office approval, may access appropriated or earmarked funds as necessary to purchase an emergency supply of these medicines for the State of South Carolina.

34.32. (DHEC: Pharmacist Services) For the current fiscal year, provisions requiring that all department facilities distributing or dispensing prescription drugs be permitted by the Board of Pharmacy and that each pharmacy have a pharmacist-in-charge are suspended. Each Department of Health and Environmental Control Public Health Region shall be required to have a permit to distribute or dispense prescription drugs. A department pharmacist may serve as the pharmacist-in-charge without being physically present in the pharmacy. The department is authorized to designate one pharmacist-in-charge to serve more than one department facility. Only pharmacists, nurses, or physicians are allowed to dispense and provide prescription drugs/products/vaccines for conditions or diseases that the department treats, monitors, or investigates. In the event of a public health emergency or upon activation of the strategic national stockpile, other medications may be dispensed as necessary.

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34.33. (DHEC: Rural Hospital Grants) Rural Hospital Grants funds shall be allocated to public hospitals in very rural or rural areas whose largest town is less than 25,000 and whose licensed bed capacity does not exceed two hundred beds. Hospitals qualifying for the grants shall utilize such funds for any of the following purposes: (a) the development of preventive health programs, medical homes, and primary care diversion from emergency departments; (b) expanded health services, including physician recruitment and retention; (c) to improve hospital facilities; (d) activities involving electronic medical records or claims processing systems; (e) to enhance disease prevention activities in diabetes, heart disease, etc.; and (f) activities to ensure compliance with State or Federal regulations.

34.34. (DHEC: Camp Burnt Gin) Notwithstanding any other provision of law, the funds appropriated to the department pursuant to Part IA, or funds from any other source, for Camp Burnt Gin must not be reduced in the event the department is required to take a budget reduction.

34.35. (DHEC: Metabolic Screening) The department may suspend any activity related to blood sample storage as outlined in Section 44-37-30 (D) and (E) of the 1976 Code, if there are insufficient state funds to support the storage requirements. In that event, the samples may be destroyed in a scientifically appropriate manner after testing. The department shall notify providers of the suspension within thirty days of its effective date.

34.36. (DHEC: Fetal Pain Awareness) (A) The department must utilize at least one hundred dollars to prepare printed materials concerning information that unborn children at twenty weeks gestation and beyond are fully capable of feeling pain and the right of a woman seeking an abortion to ask for and receive anesthesia to alleviate or eliminate pain to the fetus during an abortion procedure. The materials must be provided to each abortion provider in the State and must be placed in a conspicuous place in each examination room at the doctor's office. The materials must contain only the following information:

“Fetal Pain Awareness

An unborn child who is twenty weeks old or more is fully capable of experiencing pain. Anesthesia provided to a woman for an abortion typically offers little pain prevention for the unborn child. If you choose to end your pregnancy, you have a right to have anesthesia or analgesic

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administered to alleviate the pain to your unborn child during the abortion.”

(B) The materials must be easily comprehensible and must be printed in a typeface large and bold enough to be clearly legible.

34.37. (DHEC: SCHIDS) From funds appropriated for Chronic Disease Prevention, the department shall establish a South Carolina Health Integrated Data Services (SCHIDS) program to disseminate data about prevalence, treatment and cost of disease from the South Carolina Health and Human Services Data Warehouse and in particular the Medicaid System. The purpose of the program is to educate communities statewide about improving health and wellness through lifestyle changes.

The Revenue and Fiscal Affairs Office shall provide data needed by the SCHIDS program to fulfill its mission, and all state agencies and public universities involved in educating South Carolinians through public programs for the purpose of improving health and wellness shall communicate with the program in order to improve collaboration and coordination and the possible use of SCHIDS to assist in the evaluation of program outcomes.

Medicaid staff shall coordinate with the SCHIDS program staff to target Prevention Partnership Grant awards to those communities demonstrating a prevalence of chronic disease and/or lack of access to care.

34.38. (DHEC: Abstinence Education Contract) For the current fiscal year, funds made available to the State of South Carolina under the provisions of Title V, Section 510, may only be awarded to other entities through a competitive bidding process.

34.39. (DHEC: Immunizations) The department is authorized to utilize the funds appropriated for immunizations to hire temporary personnel to address periods of high demand for immunizations at local health departments.

34.40. (DHEC: Residential Treatment Facilities Swing Beds) In the current fiscal year, in coordination with the South Carolina Health Plan and to improve access for acute psychiatric beds as patient populations demand, Residential Treatment Facilities (RTF) may swing up to eighteen beds per qualifying facility to accommodate patients with a diagnosis of an acute psychiatric disorder. In order to qualify to utilize swing beds a facility must meet the following criteria: the facility must currently have both licensed acute psychiatric and residential treatment

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facility beds, the RTF beds must meet the same licensure requirements as the existing licensed acute psychiatric beds, and any facility utilizing swing beds must keep the acute and RTF patient populations separate and distinct. The utilization of swing beds must also comply with all federal Centers for Medicare and Medicaid Services rules and regulations.

34.41. (DHEC: Tuberculosis Outbreak) (A) Upon discovery of a tuberculosis outbreak, the Department of Health and Environmental Control may expend any funds available to the agency, for the purpose of surveillance, investigation, containment, and treatment activities related thereto.

(B) Upon identification of a tuberculosis outbreak, the department will conduct a comprehensive contact investigation and implement control measures consistent with guidance from the Centers for Disease Control and Prevention. As part of the investigation and control of the outbreak, the department will alert the appropriate healthcare providers and community members using the most effective means available.

(C) Upon being informed of or having reason to suspect a case of tuberculosis that is capable of transmitting tubercle bacilli at a school or child care center involving a student, teacher, employee, volunteer, or an individual working at the school or child care center for an employer providing services to the school or child care center, the department immediately shall notify:

(1) if the case is at a school, the principal, and the Superintendent of the school district if the school is a public school; and

(2) if the case is at a child care center, the director of the child care center; and

(D) When informing the principal of a school or the director of a child care center about a known or suspected case of tuberculosis that is capable of transmitting tubercle bacilli as provided for in subsection (C), the department shall provide:

(1) an update addressing the:

(a) status of the investigation, including the steps the department is taking to identify the source and extent of the exposure and the risks of additional exposure; and

(b) steps the school or child care center must take to assist the department in controlling the spread of the tuberculosis infection; and

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(2) information and other resources to distribute to parents and guardians that discuss how to assist the department in identifying and managing the tuberculosis infection.

34.42. (DHEC: Abstinence-Until-Marriage Emerging Programs) (A)

From the funds appropriated to DHEC in this act as a Special Item and titled "Abstinence-Until Marriage Emerging Programs" the department shall award a twelve month grant for abstinence-until-marriage emerging programs. This funding shall be awarded by the department only to nonprofit 501(c)(3) agencies meeting all the A-H Title V, Section 510 definitions of Abstinence Education, as defined in the 2017 Social Security Act.

(B) Contracts must be awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code.

(C) Applicants must provide a budget and budget narrative to the department that explains how the funds will be used.

(D) Prior to application, proposed programs/curricula must be certified by the National Abstinence Education Association (NAEA) as meeting and being in compliance with all of the Title V, Section 510 A-H requirements for abstinence-until-marriage education programs.

(E) The department shall determine and develop the necessary application for awards.

(F) The programs implemented by the entity awarded a contract pursuant to this proviso may not violate any portion of the South Carolina Comprehensive Health Education Act when implemented in a school setting. An entity that violates any portion of the South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed.

Organizations or individuals awarded grants must provide quarterly reports on expenditures and participation to the Department of Health and Environmental Control and the Department of Social Services within fifteen days of the end of each quarter.

(G) Grantees failing to submit reports within thirty days of the end of each quarter will be terminated.

34.43. (DHEC: Abstinence Until Marriage Evidence-Based Programs Funding) From the monies appropriated for the Continuation of Teen Pregnancy Prevention, contracts must be awarded to separate private, nonprofit 501(c)(3) entities to provide Abstinence Until Marriage teen pregnancy prevention programs and services within the State that meet all of the A-H Title V, Section 510 definitions of

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Abstinence Education, as defined in the 2017 Social Security Act. Contracts must be awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code. Proposed programs/curricula must be certified by the National Abstinence Education Association (NAEA) as meeting and being in compliance with all of the Title V, Section 510 A-H requirement for abstinence-until-marriage education programs. Applicants must provide a budget for the proposed project for which the application is being made. Monies will be paid over a twelve month basis for services rendered. Unexpended funds shall be carried forward for the purpose of fulfilling the department's contractual agreement. The programs implemented by the entity awarded a contract pursuant to this proviso may not violate any portion of the South Carolina Comprehensive Health Education Act when implemented in a school setting. An entity that violates any portion of the South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed.

34.44. (DHEC: Birth Center Inspections) With the funds appropriated and authorized to the Department of Health and Environmental Control for this fiscal year, the department shall ensure that all licensed birth centers must register an on-call agreement and any transfer policies with the Department of Health and Environmental Control. The on-call agreement shall contain provisions which provide that the on-call physician, or another physician designated by the on-call physician, is readily available to provide medical assistance either in person or by telecommunications or other electronic means, which means the physician must be within a thirty minute drive of the birth center or hospital, must be licensed in the State of South Carolina, and have hospital admitting or consulting privileges, and shall provide consultation and advice to the birth center at all times it is serving the public. Furthermore, a birth center shall document in its practice guidelines and policies the ability to transfer care to an acute care hospital with obstetrical and newborn services and must demonstrate this by: (a) coordinated transfer care plans, protocols, procedures, arrangements, or through collaboration with one or more acute care hospitals with appropriate obstetrical and newborn services; and (b) admitting or consulting privileges at one or more hospitals with appropriate obstetrical and newborn services by a birth center's consulting physician. The department shall require a \$25.00 registration fee upon receipt and review of the agreements containing these

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provisions. Acute care hospitals licensed by the department must negotiate in good faith and fair dealing effort with any birth center licensed by the department within a 50 mile radius to establish a written transfer agreement pursuant to this proviso. Birth centers registering on-call and transfer policies in accordance with this proviso shall be deemed by the department to be in compliance with Section 44-89-60(3) of the 1976 Code and any implementing regulations for this fiscal year.

34.45. (DHEC: Abortion Clinic Certification) Prior to January 31, 2017, a facility other than a hospital that is licensed and certified by the department to perform abortions must file a report with the department that provides the number of physicians that performed an abortion at the facility between July 1, 2016 and December 31, 2016, who did not have admitting privileges at a local certified hospital and staff privileges to replace on-staff physicians at the certified hospital and the percentage of these physician in relation to the overall number of physicians who performed abortions at the facility. The report must include a summation of any abortion that resulted in an outcome which required a level of aftercare that exceeds what is customarily provided by physicians in such cases in accordance with accepted medical practice and indicate whether or not the abortion was performed by a physician with admitting privileges at a local certified hospital and staff privileges to replace on-staff physicians at the certified hospital. Any summation of any abortion must not divulge any information that is privileged or required to be maintained as confidential by any provision of law. An applicable facility must remit a twenty-five dollar filing fee to the department for the report required by this provision.

34.46. (DHEC: Data Center Migration) Of the funds appropriated to the Department of Health and Environmental Control for Data Center Migration, the department must utilize the Department of Administration, Division of Technology Operations for shared services, including but not limited to, mainframe services, application hosting, servers, managed servers, storage, network services and disaster recovery services. Unexpended funds appropriated for the data center migration may be carried forward from the prior fiscal year and used for the same purpose.

34.47. (DHEC: AIDS Service Provision Program) For the current fiscal year, funds appropriated and authorized to the Department of Health and Environmental Control for clinical services and medical case management shall be used to direct the department to establish through

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contract a pilot program for the expansion of direct services to clients who are HIV positive. As part of the pilot program, the department shall facilitate 340b pricing for the AIDS Healthcare Foundation by utilizing Ryan White Part B federal funding to support this pilot in order to maximize the state's resources and service provision beyond its current levels. The department shall require that the AIDS Healthcare Foundation provide any reports or information required by the 340b pricing program, and shall provide proof of the contractual relationship between the department and the AIDS Healthcare Foundation to the Office of Pharmacy Affairs at HRSA.

34.48. (DHEC: EMS Monetary Penalties) In the course of regulating Emergency Medical Services (EMS) agencies and personnel, the Bureau of EMS assesses civil monetary penalties against nonconforming providers. The Bureau of EMS shall retain up to the first \$40,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce the provisions of regulations applicable to that bureau. These funds shall be separately accounted for in the department's fiscal records. The agency shall provide a report on how these funds are expended to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

34.49. (DHEC: Best Chance Network/Colon Cancer Prevention) Of the funds appropriated to the department for Best Chance Network and Colon Cancer Prevention, the department shall utilize \$1,000,000 for the Best Chance Network and \$1,000,000 as matching funds for the Colon Cancer Prevention Network.

34.50. (DHEC: Hazardous Waste Fund County Account) *Funds in each county's Hazardous Waste Fund County Account must be released by the State Treasurer, upon the written request of a majority of the county's legislative delegation representing the economically depressed area of the county, and shall be used for infrastructure within the economically depressed area of that county. For purposes of this provision the definition of "infrastructure" includes, but is not limited to, improvements for water, sewer, gas, steam, electric energy, communication, and other ancillary services that may be made to a building or land which are considered necessary, suitable, or useful to an eligible project that has a documented impact on economic development.*

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34.51. (DHEC: HIV/AIDS Treatment and Prevention) From the funds appropriated to the Department of Health and Environmental Control in the current fiscal year for HIV and AIDS prevention and treatment, the department shall develop a partnership with the Joseph H. Neal Health Collaborative and expend \$500,000 to provide comprehensive medical, dental, psychological, and educational services to all patients, regardless of their financial situation, insurance status, or ability to pay. In addition, the Joseph H. Neal Health Collaborative shall deploy its plan for the treatment and prevention of Hepatitis C. The department shall ensure the funds are expended solely for testing, treatment, and follow-up services of HIV/AIDS and Hepatitis C, and providing primary care and dental care. Funds may be used to enhance the services provided through a combination of Ryan White Part B Grant funds and other federal funds or the state's AIDS Drug Assistance Program rebate funds.

34.52. (DHEC: Storm Water and Ocean Outfalls) In the current fiscal year, funds appropriated to the department for Ocean Outfalls shall be distributed equally to the City of Myrtle Beach and the City of North Myrtle Beach for the purpose of storm water drainage and ocean outfall construction and repair as state matching funds for Horry County Ocean Water Quality Outfall Initiatives. The department shall be authorized to retain and carry forward these funds into the current fiscal year to be used for the same purpose. Any interest generated by the account must be retained and deposited into this account, to be used as state matching funds for either local or federal funding, and utilized for Ocean Water Quality Outfall Initiatives in Horry County.

34.53. (DHEC: Reimbursement of Expenditures) The Department of Health and Environmental Control is authorized to collect, expend, retain, and carry forward for general operating purposes all funds received in the current fiscal year as reimbursement of expenditures incurred in the current or prior fiscal year.

34.54. (DHEC: Organizations Receiving State Appropriations) Notwithstanding any other provisions of this act, the funds appropriated to the Department of Health and Environmental Control for the allocation/contribution of specific amounts of state aid to organizations, programs, special items, or activities shall be distributed as appropriated except when instructed by the Executive Budget Office or the General Assembly to reduce funds within the department by a certain percentage, the department may reduce these items up to the stipulated percentage.

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34.55. DELETED

34.56. DELETED

34.57. DELETED

34.58. (DHEC: Acute Hospital at Home Waiver) In the current fiscal year, a hospital approved by the Centers for Medicare and Medicaid Services to participate in an Acute Hospital Care at Home waiver program may not be deemed to be in violation of its hospital license solely on the basis of its participation in the program. Additionally, the department shall not subject such a hospital to any form of adverse enforcement action relating to its participation in the program.

34.59. DELETED

34.60. (DHEC: Pollutants Remediation Fund) (A) Of the funds appropriated for PFAS Remediation, there is established within the Department of Health and Environmental Control Environmental Affairs Division the PFOS, PFOA, and Emerging Pollutants Remediation Fund which shall be held and administered by the department for the purpose of remediating drinking water perfluorooctanesulfonic acid (PFOS) pollution, perfluorooctanoic acid (PFOA) pollution, cyanobacteria (blue-green algae), and pollution from other emerging contaminants of concern to the department, currently identified or later identified at or above the EPA Health Advisory Limit or EPA Maximum Containment Level. Earnings on balances in the fund shall be credited to the fund. Amounts remaining in the fund at the end of the fiscal year accrue only to the credit of the fund, and the fund shall be available in perpetuity for the purpose of remediating PFOS, PFOA, and other emerging contaminants.

(B) Sixty percent of the funds shall be made available to private well owners and municipal, county, joint, or otherwise public drinking water systems serving thirty thousand customers, or fewer, in the form of forgivable loans or grants. Forty percent of the funds shall be made available to municipal, county, joint, or otherwise public drinking water systems serving more than thirty thousand customers, in the form of forgivable loans or grants.

(C) Forgivable loans or grants may be disbursed from the fund for the purposes of:

(1) facilitating drinking water improvements that prevent exposure to PFOA and PFOS through drinking water if the combined concentrations of PFOA and PFOS are at or above the EPA Health

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Advisory Limit of 70 parts per trillion or an updated health advisory or Maximum Contaminant Level issued by EPA;

(2) facilitating drinking water improvements that prevent exposure to PFOA and PFOS through drinking water if a regulated water utility demonstrates evidence of a known source and the presence of PFOA or PFOS, and a department-approved risk assessment indicating the potential to adversely affect public health in the future, regardless of if the current combined concentrations are at or above the EPA Health Advisory Limit of 70 parts per trillion;

(3) facilitating drinking water improvements that prevent exposure to Cyanobacteria to include, but not be limited to, Microcystis, Lyngbya, Dolichospermum, and Planktothrix at or above EPA drinking water health advisories;

(4) facilitating drinking water improvements that prevent exposure to other emerging contaminants of concern to the department through drinking water if these concentrations of these contaminants exceed an EPA Health Advisory Limit or an EPA Maximum Contaminant Level; or

(5) facilitating drinking water improvements that prevent exposure to other emerging contaminants of concern to the department through drinking water if a regulated water utility demonstrates evidence of a known source and the presence of the contaminants, and a department-approved risk assessment indicating the potential to adversely affect public health in the future, regardless of if the current concentrations are at or above the EPA Health Advisory Limit or EPA Maximum Contaminant Level.

(D) For purposes of this provision, “facilitate drinking water improvements” means providing for the construction or improvements to drinking water supply, storage, treatment, and distribution facilities and associated costs, as determined in consultation between the department, water provider, and the well owner as the most reasonable, that are necessary to:

(1) change water sources including, but not limited to, connecting a private well to public water system or regionalization efforts that facilitate the merger of one or more drinking water systems to a source with no PFOS and PFOA or with lower combined concentrations of PFOS and PFOA; or

(2) treat drinking water, including the utilization of point-of-use or point-of-entry drinking water treatment or filtration systems that are

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certified by a third-party certification body as compliant with NSF/ANSI standards to remove or significantly reduce concentrations of perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), and other emerging contaminants of concern that meet or exceed the maximum contaminant level (MCL) as set forth by a national primary drinking water regulation proposed by the EPA.

(E) Additional funds may be deposited into the fund, which may include:

- (1) funds appropriated by the General Assembly;
- (2) private grants, gifts, and bequests;
- (3) contributions to the fund in satisfaction of any public or private obligation for environmental mitigation or remediation, whether such obligation arises out of law, equity, contract, regulation, administrative proceeding, or judicial proceeding;
- (4) net proceeds of bonds issued by the department; and
- (5) interest or other income earned on the monies in the fund.

(F) The department may use up to \$2,000,000 from the fund for implementation of its PFAS strategy and for staffing or other costs associated with the administration of the fund.

34.61. (DHEC: Immunity Passport) The Department of Health and Environmental Control shall be restricted from using any resources to issue an immunity passport related to COVID-19. This restriction also shall encompass any integration with or becoming an issuer of SMART Health Cards.

34.62. (DHEC: Poultry Manure Application) DHEC may not expend any funds in the current fiscal year to enforce any portion of a regulation that limits a facility that utilizes poultry manure and other animal by-products and does not allow up to at least seventy-two hours to incorporate the by-product after land application.

34.63. (DHEC: Community Violence Intervention and Prevention)

(A) In the current fiscal year and from the funds appropriated to the department, the department shall expend up to \$200,000 to establish the Community Violence Intervention and Prevention Program.

(B) The program shall:

- (1) establish, solicit, advertise, and administer the Community Violence Intervention and Prevention Grant Program to support, expand, and replicate evidence-informed violence intervention and prevention initiatives;

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(2) conduct program evaluations in partnership with internal program staff, external stakeholders, and contractors with evaluation expertise to determine the effectiveness of funded programs;

(3) develop data collection policies for funded programs and procedures for distributing that data to relevant state and academic researchers to aid research and analysis of community violence, health, economic development, and other metrics over time;

(4) provide technical assistance to funded violence intervention programs to implement national best practices and state data collection requirements; and

(5) collaborate and coordinate with other state agencies, including the South Carolina Attorney General's Crime Victim Services Division, to identify and apply for federal grants and other funding.

(C) The Community Violence Intervention and Prevention program shall award funds on a competitive basis to nonprofit organizations and community-based partnerships that serve communities that are disproportionately impacted by violence to support, expand, and replicate effective, evidence-informed violence reduction initiatives. The grants must be used to:

(1) implement, expand, or enhance coordination between evidence-informed violence reduction initiatives including, but not limited to, hospital-based violence intervention, street outreach, and group violence intervention strategies that have demonstrated effectiveness at reducing homicides, gun violence, and group violence without contributing to mass incarceration;

(2) support the development and delivery of intervention-based strategies by entities that provide targeted services to individuals at risk of being victimized or engaging in violence to interrupt cycles of violence, reinjury, and retaliation; and

(3) support initiatives that primarily target a reduction of violence among individuals who have been identified as having the highest risk of perpetrating or being victimized by violence in the near future based on the best available medical and public health research.

(D) In awarding grants, the program shall prioritize applicants operating in areas disproportionately affected by firearm violence and whose proposals demonstrate the greatest likelihood of reducing homicides, gun violence, and group violence without contributing to mass incarceration. The division shall not require grant recipients to

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participate in the policing, enforcement, or prosecution of any crime as a condition of receiving a grant.

34.64. (DHEC: Grant Authority) The department is authorized to make grants to nonprofit organizations and governmental entities to further the objective of its public health and environmental programs. The department shall develop policies and procedures and may promulgate regulations to assure compliance with state and federal requirements associated with the funds used for the grants and to assure fairness and accountability in the award and administration of these grants. The department shall be guided by the definitions of “grant” and “procurement” in the South Carolina Procurement Code and the principles of the Federal Grant and Cooperation Agreement Act, Section 33 U.S.C. 6301-6308, in determining whether an expenditure of funds will be in the form of a grant or a procurement.

34.65. (DHEC Dam Safety Emergency Fund) Of the funds appropriated for dam safety beginning with the General Appropriations Act for Fiscal Year 2023-24, there is established within the Department of Health and Environmental Control the Dam Safety Emergency Fund. The fund shall be utilized for emergency actions to protect life or property under Section 49-11-190(D). The Department shall deposit up to \$250,000 of appropriated funds into the fund at the beginning of each fiscal year. Fund balances shall be carried forward from each prior fiscal year into the current fiscal year and used for the same purpose. Expenses recovered from dam owners under Section 49-11-190(D) shall be deposited into the fund.

34.66. (DHEC: Deferred Maintenance, Capital Project, Ordinary Repair and Maintenance) The Department of Health and Environmental Control is authorized to establish an interest-bearing fund with the State Treasurer to deposit funds for deferred maintenance and other one-time funds from any source. The department is also authorized to retain and deposit into the fund proceeds from the sale of excess real property owned by, under the control of, or assigned to the department. After receiving any required approvals, the department is authorized to expend these funds for the purpose of deferred maintenance, capital project, and ordinary repair and maintenance. These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.

34.67. (DHEC: Lake Conestee Dam) For Fiscal Year 2023-24, any additional funds received for the Dam Safety Emergency Fund in excess

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of the \$250,000 appropriation shall be directed by grant to the Lake Conestee Dam Restoration Fund, Inc. for the Lake Conestee Dam mitigation project. The purpose of the project is to restore the Lake Conestee Dam's functionality and safety while preserving natural resources in the impoundment and the Reedy River.

34.68. DELETED

34.69. DELETED

34.70. (DHEC: Food Security Council) (A) For Fiscal Year 2023-24, there is created the Food Security Council to be housed in the Department of Health and Environmental Control. The purpose of the Council shall be to:

(1) examine all state agency programs that address food insecurity in the State by providing monetary benefits or meal services that cover infants through senior citizens;

(2) identify gaps in service, particularly for the most vulnerable populations; and

(3) make recommendations on improvements to services and additional programs that can address the gaps in services.

(B) The Council shall be composed of one member representing each agency and appointed by the agency's director as follows:

(1) the Department on Aging;

(2) the Department of Agriculture;

(3) the Department of Education;

(4) the Department of Health and Environmental Control;

(5) the Department of Social Services;

(6) the Department of Health and Human Services;

(7) Clemson University PSA; and

(8) South Carolina State PSA.

(C) Any administrative services or support for the Council shall be provided by the Department of Health and Environmental Control.

(D) The Council shall provide a report to the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on its findings and recommendations on the issues contained in this provision by January 31, 2024. Upon submission of the report, the Council shall be dissolved.

34.71. (DHEC: Innovative Reusable Byproduct Pilot Program) Of the funds appropriated to the Department of Health and Environmental Control, the department shall create the Innovative Reusable Byproduct

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Pilot Program. The purpose of the program is to determine whether innovations in manufacturing, food production, timber, and other similar industries regulated by the department can provide new opportunities to use byproduct which would otherwise require management as solid waste. The program shall not apply to: (1) hazardous waste; (2) infectious waste; (3) radioactive waste; or (4) refuse as defined and regulated pursuant to the South Carolina Mining Act.

Interested parties may apply to be considered for participation in the pilot program, but no more than five applicants can be selected for participation at any one time. The terms and conditions for participation by the projects selected by the department shall be set forth in a written agreement which shall provide, at a minimum, that a selected project must cease to operate if it is having a significant adverse impact on the environment.

The department shall submit a report on the program to the General Assembly no later than June 30, 2024. This report shall include any legislative recommendations to provide for the use of reusable byproducts.

34.72. DELETED

SECTION 35 - J120 - DEPARTMENT OF MENTAL HEALTH

35.1. (DMH: Patient Fee Account) The Department of Mental Health is hereby authorized to retain and expend its Patient Fee Account funds. In addition to funds collected for the maintenance and medical care for patients, Medicare funds collected by the department from patients' Medicare benefits and funds collected by the department from its veteran facilities shall be considered as patient fees. The department is authorized to expend these funds for departmental operations, for capital improvements and debt service under the provisions of Act 1276 of 1970, and for the cost of patients' Medicare Part B premiums. The department shall remit \$290,963 to the General Fund, \$400,000 to the Continuum of Care, \$50,000 to the Alliance for the Mentally Ill, and \$250,000 to S.C. Share Self Help Association Regarding Emotions.

35.2. (DMH: Institution Generated Funds) The Department of Mental Health is authorized to retain and expend institution generated funds which are budgeted.

35.3. (DMH: Crisis Intervention Training) Of the funds appropriated to the department, \$275,000 shall be utilized for the

SECTION 35 - J120 - DEPARTMENT OF MENTAL HEALTH

National Alliance on Mental Illness (NAMI) SC for Crisis Intervention Training (CIT).

35.4. (DMH: Uncompensated Patient Medical Care) There is created an Uncompensated Patient Care Fund to be used by the department for medical costs incurred for patients. These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.

35.5. (DMH: Meals in Emergency Operations) The cost of meals may be provided to state employees who are required to work during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

35.6. (DMH: Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) The Department of Mental Health is authorized to establish an interest bearing fund with the State Treasurer to deposit funds for deferred maintenance and other one-time funds from any source. The department is also authorized to retain and deposit into the fund proceeds from the sale of excess real property owned by, under the control of, or assigned to the department. After receiving any required approvals, the department is authorized to expend these funds for the purpose of deferred maintenance, capital projects, and ordinary repair and maintenance. These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.

35.7. (DMH: Lease Payments to SFAA for SVP Program, Excess Lease Funds) In the current fiscal year, funds appropriated and authorized to the Department of Mental Health for Lease Payments to the State Fiscal Accountability Authority for the Sexually Violent Predator Program are exempt from any across-the-board base reductions. In accordance with the Lease and Use Agreement between the Department of Mental Health and the State Fiscal Accountability Authority, the department is authorized to receive excess lease funds in the amount of \$1,914,471.41 and utilize such funds for the department's deferred maintenance, capital projects, ordinary repairs, and maintenance at the facility used to house the Sexually Violent Predator Program.

35.8. (DMH: Commitments to Treatment Facilities) The authorization for continued implementation of Article 7, Chapter 17, Title 44 of the 1976 Code, Chapter 24, Title 44 of the 1976 Code, and Chapter 52, Title 44 of the 1976 Code, relating to commitments, admissions and discharges to mental health facilities, or treatment

SECTION 35 - J120 - DEPARTMENT OF MENTAL HEALTH

facility for the purpose of alcohol and drug abuse treatment, shall be expended for the compensation of court appointed private examiners, guardians ad litem, and attorneys for proposed patients, and related costs arising from the filing, service and copying of legal papers and the transcription of hearings or testimony. Court appointed private examiners, guardians ad litem and attorneys shall be paid at such rates or schedules as are jointly determined to be reasonable by the South Carolina Association of Probate Judges, the Office of Court Administration, and the Department of Mental Health with the approval of the Attorney General. The Department of Mental Health shall notify the Senate Finance Committee and the House Ways and Means Committee of any fee adjustment or change in schedule before implementation and may enter into an agreement with the Commission on Indigent Defense solely for the purpose of processing vouchers for the payment of above fees and costs.

35.9. (DMH: Judicial Commitment) Except as otherwise provided in Proviso 117.5, no money authorized to be expended for the purposes set forth in Proviso 35.8 shall be used to compensate any state employees appointed by the court as examiners, guardians ad litem, or attorneys nor shall such funds be used in payment to any state agency for providing such services by their employees.

35.10. (DMH: Orangeburg Crisis Stabilization Unit Facility) The Department of Mental Health, through its Orangeburg Area Mental Health Center, is authorized to utilize up to two million dollars of its available one-time funds to secure an appropriate site for development, operations, or support of a Crisis Stabilization Unit Facility in Orangeburg County. The department shall provide a report on the status of its efforts to the Chairman of the Senate Finance Committee, the Chairman of the Senate Medical Affairs Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the Medical, Military, Public, and Municipal Affairs Committee by January 10, 2024.

35.11. (DMH: 988 Call Centers) In the current fiscal year, from the funds appropriated in this act for 988 Call Centers, the department is authorized to provide grants to call centers under a current network agreement with the 988 Suicide and Crisis Lifeline in this State. Call centers qualifying for the grants shall utilize the funds for the costs associated with answering calls, chats, or texts to the 988 line. Grants may be made available for up to one year. By the end of each month, grant recipients shall provide a report on their expenditures of the granted funds to the department. The department shall provide a report

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on the use of funds to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by June 30, 2024. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year to be expended for the same purposes by the department.

**SECTION 36 - J160 - DEPARTMENT OF DISABILITIES
AND SPECIAL NEEDS**

36.1. (DDSN: Work Activity Programs) All revenues derived from production contracts earned by individuals served by the department in Work Activity Programs be retained by the South Carolina Department of Disabilities and Special Needs and carried forward as necessary into the following fiscal year to be used for other operating expenses and/or permanent improvements of these Work Activity Programs.

36.2. (DDSN: Sale of Excess Real Property) The department is authorized to retain revenues associated with the sale of excess real property owned by, under the control of, or assigned to the department and may expend these funds as grants to purchase or build community residences and day program facilities for the individuals DDSN serves. The department shall follow all the policies and procedures of the Department of Administration or State Fiscal Accountability Authority and the Joint Bond Review Committee.

36.3. (DDSN: Prenatal Diagnosis) Revenues not to exceed \$126,000 from client fees, credited to the debt service fund and not required to meet the department's debt service requirement, may be expended only in the current fiscal year to promote expanded prenatal diagnosis of intellectual and/or other related disabilities by the Greenwood Genetic Center.

36.4. (DDSN: Medicaid-Funded Contract Settlements) The department is authorized to carry forward and retain settlements under Medicaid-funded contracts.

36.5. (DDSN: Departmental Generated Revenue) The department is authorized to continue to expend departmental generated revenues that are authorized in the budget.

36.6. (DDSN: Transfer of Capital/Property) The department shall only transfer capital to include property and buildings to local DSN providers with written consent of the providers by memorandum of understanding and upon State Fiscal Accountability Authority approval,

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AND SPECIAL NEEDS

otherwise, the department shall be responsible for maintenance and improvements.

36.7. (DDSN: Unlicensed Medication Providers) The provision of selected prescribed medications may be performed by designated unlicensed persons in community-based programs sponsored, licensed or certified by the South Carolina Department of Disabilities and Special Needs, provided the unlicensed persons have documented successful completion of medication training and competency evaluation. Licensed nurses, licensed pharmacists and licensed medical doctors may train and supervise designated unlicensed persons to provide medications and, after reviewing competency evaluations, may approve designated unlicensed persons for the provision of medications. The provision of medications by designated unlicensed persons is limited to oral, sublingual, buccal, topical, inhalation and transdermal medications; ear drops, eye drops, nasal sprays, injections of regularly scheduled insulin and injections of prescribed anaphylactic treatments. The provision of medications by designated unlicensed persons does not include rectal and vaginal medications, sliding scale insulin or other injectable medications. A written or electronic record regarding each medication provided, including time and amount administered, is required as part of the provision of medication. Provision of medication does not include judgment, evaluation, or assessment by the designated unlicensed persons. The designated unlicensed persons and the nurses, pharmacists, and medical doctors that train, approve, and supervise these staff shall be protected against tort liability provided their actions are within the scope of their job duties and the established medical protocol.

The Department of Disabilities and Special Needs shall establish curriculum and standards for training and oversight.

This provision shall not apply to a facility licensed as an intermediate care facility for individuals with intellectual and/or related disability.

36.8. (DDSN: Child Daycare Centers) Of the funds appropriated to the department, the department shall provide reimbursement for services provided to department eligible children at daycare centers previously under contract prior to December 31, 2008. The reimbursement shall not be less than eighty percent of the amount reimbursed in the previous fiscal year. By September fifteenth, the department must transfer \$100,000 to the Anderson County Disabilities Board for the provision of these services.

**SECTION 36 - J160 - DEPARTMENT OF DISABILITIES
AND SPECIAL NEEDS**

36.9. (DDSN: Debt Service Account) The department shall utilize the uncommitted dollars in their debt service account, account E164660, for operations and services that are not funded in the appropriations bill. By August first, the department must report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on the remaining balance in this account and on the amounts and purposes for which the account was used in the prior fiscal year.

36.10. (DDSN: Traumatic Brain Injury) Funds appropriated to the agency for Traumatic Brain Injury/Spinal Cord Injury Post-Acute Rehabilitation shall be used for that purpose only. In the event the department receives a general fund reduction in the current fiscal year, any reductions to the post-acute rehabilitation funding shall not exceed reductions in proportion to the agency as a whole.

36.11. (DDSN: Medicaid Direct Billing) The department shall facilitate Medicaid direct billing for all providers, including local disabilities and special needs boards, who choose to initiate the direct billing process regardless of the receipt of capital grant funds from the department for the specific facility involved. All entities receiving capital grant funds must use the funds as originally specified in the award. If the purpose or use of a facility constructed or purchased with departmental grant funds is altered without the department's approval, the entity must repay the department the amount of the funds awarded. The use of direct billing shall not be construed as a change in the purpose or use of a facility.

36.12. (DDSN: Carry Forward Authorization) For the current fiscal year, the department is authorized to carry forward any balance of General Funds appropriated for the reduction of the department's waiting lists in the prior fiscal year and must utilize these funds for the same purpose in the current fiscal year. Within thirty days after the close of the fiscal year, the department shall report the balance carried forward to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

36.13. DELETED

**SECTION 37 - J200 - DEPARTMENT OF ALCOHOL AND
OTHER DRUG ABUSE SERVICES**

37.1. (DAODAS: Training & Conference Revenue) The department may charge fees for training events and conferences. The revenues from such events shall be retained by the department to increase education and professional development initiatives.

37.2. (DAODAS: Gambling Addiction Services) In that gambling is a serious problem in South Carolina, the department through its local county commissions may provide, from funds appropriated to the department, information, education, and referral services to persons experiencing gambling addictions.

37.3. (DAODAS: Medicaid Match Transfer) At the beginning of the fiscal year, the Department of Alcohol and Other Drug Abuse Services will transfer \$1,915,902 to the Department of Health and Human Services to meet federal Medicaid Match participation requirements for the delivery of alcohol and other drug abuse services to the Medicaid beneficiary population.

37.4. (DAODAS: Carry Forward Unexpended Funds) The Department of Alcohol and Other Drug Abuse Services is authorized to carry forward from the prior fiscal year into the current fiscal year unexpended funds in excess of ten percent of the agency's general fund appropriations to continue to fund prevention, treatment and recovery services for opioid addiction services and addiction programs as prioritized by the department.

37.5. (DAODAS: South Carolina Center of Excellence in Addiction) Through the South Carolina Center of Excellence in Addiction, Clemson University, the University of South Carolina, the Medical University of South Carolina, DAODAS, and DHEC will collaborate on research, training, program implementation, and service delivery for preventing and addressing opioid use disorder and other substance use disorders. The Center will offer statewide support for evidence-based practices and strategies to address the opioid crisis.

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

38.1. (DSS: Fee Retention) The Department of Social Services shall recoup all refunds and identified program overpayments and all such overpayments shall be recouped in accordance with established collection policy. All funds shall be retained by the department and may be used to fund Self-Sufficiency and Family Preservation and Support

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

initiatives, to make improvements to the security for FTI and PII data, and for child support operations.

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

38.3. (DSS: Burial Expenses) The expenditure of funds allocated for burials of foster children and adults in the custody of the Department of Social Services shall not exceed one thousand five hundred dollars per burial.

38.4. (DSS: Battered Spouse Funds) Appropriations included in Subprogram II.J. entitled Battered Spouse shall be allocated through contractual agreement to providers of this service. These appropriations may also be used for public awareness and contracted services for victims of this social problem including the abused and children accompanying the abused. Such funds may not be expended for any other purpose nor be reduced by any amount greater than that stipulated by the Executive Budget Office or the General Assembly for the agency as a whole.

38.5. (DSS: Court Examiner Service Exemption) In order to prevent the loss of federal funds to the State, employees of the Department of Social Services whose salaries are paid in full or in part from federal funds will be exempt from serving as court examiners.

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38.6. (DSS: TANF Advance Funds) The Department of Social Services is authorized to advance sufficient funds during each fiscal year from the Temporary Assistance for Needy Families Assistance Payments general fund appropriations to the Temporary Assistance for Needy Families Assistance Payments federal account only for the purpose of allowing a sufficient cash flow in the federal account. The advance must be refunded no later than April of the same fiscal year. Upon the advance of funds as provided herein, the Comptroller General is authorized to process the July voucher for the funding of benefit checks.

38.7. (DSS: Fee Schedule) The Department of Social Services shall be allowed to charge fees and accept donations, grants, and bequests for social services provided under their direct responsibility on the basis of a fee schedule. The fees collected shall be utilized by the Department of Social Services to further develop and administer these program efforts. The below fee schedule is established for the current fiscal year.

Day Care

Family Child Care Homes (up to six children)	\$15
Group Child Care Homes (7-12 children)	\$30
Registered Church Child Care (13+)	\$50
Licensed Child Care Centers (13-49)	\$50
Licensed Child Care Centers (50-99)	\$75
Licensed Child Care Centers (100-199)	\$100
Licensed Child Care Centers (200+)	\$125

Central Registry Checks

Nonprofit Entities	\$8
For-profit Agencies	\$25
State Agencies	\$8
Schools	\$8
Day Care	\$8
Other – Volunteer Organizations	\$8

Other Children's Services

Services Related to Adoption of Children from Other Countries	\$225
Court-ordered Home Studies in non- DSS Custody Cases	\$850
Licensing Residential Group Homes Fee for an Initial License	\$250
For Renewal	\$75

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Licensing Child Caring Institutions Fee for an	
Initial License	\$500
For Renewal	\$100
Licensing Child Placing Agencies Fee for an	
Initial License	\$500
For Renewal	\$60
For Each Private Foster Home Under the Supervision of a Child Placing Agency	\$15
Responsible Father Registry	
Registry Search	\$50

38.8. (DSS: Food Stamp Fraud) The state portion of funds recouped from the collection of recipient claims in the TANF and Food Stamp programs shall be retained by the department. A portion of these funds shall be distributed to local county offices for emergency and program operations.

38.9. (DSS: TANF - Immunizations Certificates) The department shall require all TANF applicants and/or recipients to provide proof of age appropriate immunizations for children. If such immunizations have not been administered, the department shall assist in referring applicants to appropriate county health departments to obtain the immunizations. For the purposes of this proviso, COVID-19 vaccinations are not “age appropriate immunizations”.

38.10. (DSS: County Directors’ Pay) With respect to the amounts allocated to the Department of Social Services for Employee Pay Increase in this act, the Department of Social Services is authorized to allot funds for pay increases to individual county directors and regional directors in classified positions without uniformity. Pay increases for DSS county directors and regional directors shall be administered in accordance with the guidelines established by the Department of Administration for Executive Compensation System and other nonacademic unclassified employees. Any employees subject to the provisions of this paragraph shall not be eligible for any other compensation increases provided in this act.

38.11. (DSS: Use of Funds Authorization) Department investigative units shall be authorized to receive and expend funds awarded to these units as a result of a donation, contribution, prize, grant, and/or court order. These funds shall be retained by the department on behalf of the investigative units and deposited in a separate, special account and shall be carried forward from year to year and withdrawn and expended as needed to fulfill the purposes and conditions of the donation,

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contribution, prize, grant, and/or court order, if specified, and if not specified, as may be directed by the Director of the Department of Social Services. These accounts shall not be used to supplant operating funds in the current or future budgets. The agency shall report to the Senate Finance Committee and Ways and Means Committee by January thirtieth of the current fiscal year on the amount of funds received and how expended.

38.12. (DSS: Use of Funds Authorization) Unless specifically directed by the General Assembly, when DSS is directed to provide funds to a not-for-profit or 501(c)(3) organization, that organization must use the funds to serve persons who are eligible for services in one or more DSS programs.

38.13. (DSS: Grant Authority) The Department of Social Services is authorized to make grants to community-based not-for-profit organizations for local projects that further the objectives of DSS programs. The department shall develop policies and procedures and may promulgate regulations to assure compliance with state and federal requirements associated with the funds used for the grants and to assure fairness and accountability in the award and administration of these grants. The department shall require a match from all grant recipients.

38.14. (DSS: Family Foster Care Payments) The Department of Social Services shall furnish as Family Foster Care payments for individual foster children under their sponsorship and under kinship care:

ages 0 - 5	\$644	per month
ages 6 - 12	\$752	per month
ages 13 +	\$794	per month

These specified amounts are for the basic needs of the foster children to include kinship care assistance. Basic needs within this proviso are identified as food (at home and away), clothing, housing, transportation, education, and other costs as defined in the U.S. Department of Agriculture study of "Annual Cost of Raising a Child to Age Eighteen". Further, each agency shall identify and justify, as another line item, all material and/or services, in excess of those basic needs listed above, which were a direct result of a professional agency evaluation of clientele need. Legitimate medical care in excess of Medicaid reimbursement or such care not recognized by Medicaid may be considered as special needs if approved by the sponsoring/responsible agency and shall be reimbursed by the sponsoring agency in the same manner of reimbursing other special needs of foster children.

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

38.15. (DSS: Penalty Assessment) The Department of Social Services may impose monetary penalties against a person, facility, or other entity for violation of statutes or regulations pertaining to programs, other than foster home licensing, that the department regulates. Penalties collected must be remitted to the State Treasurer for deposit into the State General Fund. The department shall promulgate regulations for each program in which penalties may be imposed. The regulations must include guidance on the decision to assess a penalty, the effect of failure to pay a penalty in a timely manner, and a schedule of penalty ranges that takes into account severity and frequency of violations. These regulations must provide for notice of the penalty and the right to a contested case hearing before a designee of or panel appointed by the director of the department. Judicial review of the final agency decision concerning a penalty must be in accordance with statutes or regulations that apply to judicial review of final revocation and denial decisions in that particular program. The department, in accordance with regulations promulgated pursuant to this provision, shall have discretion in determining the appropriateness of assessing a monetary penalty against a person or facility and the amount of the penalty. The authority to assess monetary penalties shall be in addition to other statutory provisions authorizing the department to seek injunctive relief or to deny, revoke, suspend, or otherwise restrict or limit a license or other types of operating or practice registrations, approvals, or certificates.

38.16. (DSS: Child Support Enforcement Automated System Carry Forward) The department shall be authorized to retain and carry forward any unexpended funds appropriated for the Child Support Enforcement automated system and related penalties.

38.17. (DSS: Child Care Voucher) State funds allocated to the Department of Social Services and used for child care vouchers must be used to enroll eligible recipients within provider settings exceeding the state's minimum child care licensing standards. The department may waive this requirement on a case by case basis.

38.18. (DSS: Meals in Emergency Operations) The cost of meals may be provided to state employees who are not permitted to leave their stations and are required to work during actual emergencies, emergency situation exercises, and when the Governor declares a state of emergency.

38.19. (DSS: Day Care Facilities Supervision Ratios) For the current fiscal year, staff-child ratios contained in Regulations 114-504(B),

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114-504(C), 114-524(B), and 114-524(C) shall remain at the June 24, 2008 levels.

38.20. (DSS: Foster Care Goals) To comply with the requirements of 42 U.S.C. Section 671(a)(14) and 45 C.F.R. Section 1356.21(n), it shall be the goal of the state that the maximum number of Title IV-E funded children who will remain in foster care for more than twenty-four months will not exceed a total of 2,617 during the fiscal year. The Department of Social Services shall develop appropriate plans for timely permanency and use appropriate data benchmarks and targets that will achieve this goal.

38.21. (DSS: Comprehensive Teen Pregnancy Prevention Funding)

(A) From the monies appropriated for the Continuation of Teen Pregnancy Prevention, the department must award the dollars allocated to a nonprofit 501(c)(3) entity to provide abstinence first, age appropriate comprehensive approach to health and sexuality education with a goal of preventing adolescent pregnancy throughout South Carolina.

(B) Contracts must be awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code.

(C) The monies appropriated must be paid over a twelve month basis for services rendered. Unexpended funds shall be carried forward for the purpose of fulfilling the department's contractual agreement.

(D) The programs implemented by the entity awarded a contract pursuant to this proviso may not violate any portion of the South Carolina Comprehensive Health Education Act when implemented in a school setting. An entity that violates any portion of the South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed.

38.22. (DSS: SNAP Coupons) The Department of Social Services shall continue the "Healthy Bucks" program established to provide coupons that allow Supplemental Nutrition Assistance Program (SNAP) recipients to obtain additional fresh fruits and vegetables when purchasing fresh produce at authorized farmers markets and vendors with SNAP benefits through their EBT cards. Healthy Buck coupons shall allow the beneficiary to increase the amount of produce purchased, up to twenty dollars per month. The agency shall be authorized to retain and carry forward any unexpended funds appropriated for the Healthy Bucks Program. The agency shall report semi-annually to the General Assembly on the status of the program. The report shall include, at a minimum, the number of recipients, counties served, and cumulative expenditure data for the program.

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38.23. (DSS: Internal Child Fatality Review Committees) For Fiscal Year 2023-24, the Department of Social Services shall continue the work of the Internal Child Fatality Review Committees (internal committees) pursuant to the authority granted in Sections 43-1-60(3), 43-1-80, and 63-7-910(E) of the 1976 Code to allow for the rapid and expeditious review of reported child fatalities that are reported to the Department of Social Services on suspicion of abandonment, child abuse, neglect or harm as defined in Section 63-7-20. This review process will enable the department to respond to the safety needs of any surviving siblings and will lead to improvement in the department's efforts to prevent child fatalities caused by abandonment, child abuse, neglect, or harm. Each internal committee shall be composed of a board-certified child abuse pediatrician, an agent from the State Law Enforcement Division, a local law enforcement officer, a representative from the local coroner's office, and representatives from the Department of Social Services. The internal committee may invite other service provider organizations as deemed necessary. The department is authorized to provide reasonable compensation for board-certified child abuse pediatricians serving on an internal committee. Internal committees shall have access to information and records maintained by a provider of medical care regarding a child whose death is being reviewed by the internal committee, including information on prenatal care; all information and records maintained by any state, county, or local government agency, including, but not limited to, birth certificates, law enforcement investigation data, county coroner or medical examiner investigation data, parole and probation information and records, and information and records of health agencies that provided services to the child or family. The meetings, information obtained by, reports prepared by, and statements made before the internal committees are confidential and protected from disclosure pursuant to the Freedom of Information Act, criminal and civil proceedings, and subpoenas as set forth in Sections 63-7-940 and 63-7-1990.

38.24. (DSS: Tuition Reimbursement/Student Loan Repayment) The Department of Social Services is allowed to spend state, federal, and other sources of revenue to provide tuition reimbursement and/or student loan repayment to aid in retaining caseworkers and critical needs department jobs based on objective guidelines established by the State Director of the Department of Social Services.

The department may also provide paid educational leave for any employees in an FTE position to attend class while enrolled in programs

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

that are related to the agency's mission. All such leave is at the agency head's discretion.

The department may enter into an agreement with staff employed in critical need departments to repay them for their outstanding student loans and/or reimburse tuition expenses. The employee must be employed in a critical needs area, which would be identified at the agency head's discretion, be in a covered FTE, and not have any significant or performance-based disciplinary actions. Payments cannot exceed the balance of the student loan or the cost of tuition.

38.25. (DSS: Federally Certified Child Support Enforcement System Project) In order to expedite the completion and certification of the Automated Child Support Enforcement System required by the Social Security Act (42 U.S.C. Section 654a), the Department of Social Services is authorized to adopt, to the fullest extent possible, the system and operating procedures of the Delaware Transfer System. To the extent the Transfer System operating processes deviate from, or are incompatible with, current South Carolina practice, the department is authorized to determine the most effective and efficient practice to comply with federal requirements. The department shall work with Clerks of Court to identify and prepare for the changes involved in the implementation of the Transfer System which may impact their current operating practices with regards to performance of required child support functions. Pursuant to the Social Security Act and S.C. Code Section 63-17-610, Clerks of Court shall utilize the federally certifiable child support system and the state disbursement unit developed by the department to perform required child support functions.

38.26. (DSS: Wilderness Therapeutic Camps) The Department of Social Services shall make and promulgate such rules and regulations relating to licensing standards and other matters as may be necessary to carry out the purposes of Title 63, Chapter 11, Article 1 of the 1976 Code as applied to Wilderness Therapeutic Camps. For this purpose, a "Wilderness Therapeutic Camp" is a therapeutic camp organization or facility with an outdoor or wilderness focus that is engaged in receiving children for care and maintenance, either part or full time, but shall not include any summer camp, day camp, or after school program, and shall also not include any other outdoor education or youth development program or facility where participants usually attend for less than 15 days, and does not include any licensed residential group care organization, child caring institution or group home or facility that meets the facility requirements of S.C. Code of Regulations Section 114-590.

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

38.27. (DSS: Group Home Transition) For the current fiscal year, the Department of Social Services shall provide financial and administrative support and flexibility to Group Homes in order to best enable any necessary transition of services or the development of new service models for children and young adults. Group Homes with young adults between the ages of 18 to 23 years residing in approved and supervised independent living programs shall not be required to provide 24 hours per day face to face supervision for the resident. Regulatory and contractual requirements must not be different for supervision and staff ratios when a young adult aged 18 to 23 is a resident in an approved and supervised independent living program.

38.28. (DSS: SNAP Eligibility) The Department of Social Services shall not seek, apply for, accept, or renew any waiver of the requirements established pursuant to 7 U.S.C. Section 2015(o), relating to the mandatory work requirements of the Supplemental Nutrition Assistance Program.

38.29. (DSS: Pro Bono Program) From the funds appropriated to the Department of Social Services the director shall be authorized to utilize the funds appropriated to the department to establish a pro bono program for private attorneys to represent the department in hearings. Attorneys that volunteer for the program must meet the same qualifications as the attorney's hired by the department. The department shall provide training for the pro bono attorneys.

38.30. (DSS: Economic Services System Application Modernization) The department shall be authorized to retain and carry forward any unexpended funds appropriated for the Economic Services System Application Modernization (ESSAM) Project.

SECTION 39 - L240 - COMMISSION FOR THE BLIND

39.1. (BLIND: Matching Federal Funds) For the current fiscal year the amount appropriated in this section under Program II for Rehabilitative Services is conditioned upon matching by federal funds to the maximum amount available under the Federal Vocational Rehabilitation Program.

39.2. (BLIND: Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) The Commission for the Blind is authorized to establish an interest-bearing fund with the State Treasurer to deposit funds appropriated for deferred maintenance and other one-time funds from any source. After receiving any required approvals, the commission

SECTION 39 - L240 - COMMISSION FOR THE BLIND

is authorized to expend these funds for the purpose of deferred maintenance, capital projects, and ordinary repair and maintenance. These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.

39.3. (BLIND: Remodeling) The Commission for the Blind shall utilize the \$30,000 appropriated in Part 1B, Section 118 - X910 - Statewide Revenue in the 2019-20 General Appropriations Act, by proviso 118.16(30), for agency facility remodeling and renovation needs.

39.4. (BLIND: Reallotment Funds) To maximize utilization of federal funding in the Basic Service Program, the Commission for the Blind shall be allowed to reallocate funds received in excess of original projections.

SECTION 40 - L060 - DEPARTMENT ON AGING

40.1. (AGING: State Matching Funds Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year of the required state matching funds appropriated in Part IA, Section 40, Aging Assistance, shall be carried forward into the current fiscal year to be used as required state match for federal funds awarded to subdivisions on or before September thirtieth of the current fiscal year.

40.2. (AGING: State Match Funding Formula) Of the state funds appropriated under "Aging Assistance," the first allocation by the Department on Aging shall be for the provision of required State matching funds according to the Department on Aging formula for distributing Older Americans Act funds. The balance of this item shall be distributed to the planning and service areas of the State. In the event state appropriations are reduced, reductions to the planning and service areas shall be based on amounts distributed in accordance with the previous requirements.

40.3. (AGING: Registration Fees) The Department on Aging is authorized to receive and expend registration fees for educational, training and certification programs.

40.4. (AGING: Council Meeting Requirements) The duties and responsibilities, including the statutory requirement to hold meetings of the Coordinating Council established pursuant to Section 43-21-120 under the Department on Aging, are suspended for the current fiscal year.

SECTION 40 - L060 - DEPARTMENT ON AGING

40.5. (AGING: Home and Community-Based Services) State funds appropriated for Home and Community-Based Services shall be used to fund those services that most directly meet the goal of allowing seniors to live safely and independently at home. Allowable services as defined in the Department on Aging's State Plan include: group dining, home delivered meals, transportation to group dining sites, transportation for essential trips, personal care, homemaker, Home Chore, Home Modification, Legal Assistance, and Assessments. Area Agencies on Aging (AAAs) may expend no more than ten percent for administrative services and one-quarter of one percent shall be retained by the Department on Aging to provide monitoring and oversight of the program. However, up to three percent of the annual state appropriation for Home and Community-Based Services may be retained at the Department on Aging to be allocated by the department to the affected regions in cases of an emergency and/or natural disaster recognized by the Governor. If these funds are not utilized in the fiscal year allocated, they are to be treated as carry forward funds and reallocated to the AAAs. The Intrastate Funding Formula shall be used as a guideline for the allocation of state funds appropriated for Home and Community-Based Services. The Department on Aging shall develop and implement a structured methodology to allocate the state Home and Community-Based Services funding. The methodology shall include flexibility to reallocate funds amongst the AAAs, and be composed of, at a minimum, the following factors: a minimum base amount, the fiscal year's federally allocated funds, federal and state carry forwards funds, and an appropriate weighted proportion that will achieve the mission of the Department on Aging to provide as many services as possible to the citizens of South Carolina. Each AAA shall submit a budget for approval by the Department on Aging indicating the services to be provided. Any unexpended Home and Community-Base Services funds in this program shall be carried forward by the Department on Aging and used for the same purposes. Funds may not be transferred from the Home and Community-Based special line item for any other purpose.

40.6. (AGING: Geriatric Loan Forgiveness Program) In lieu of quarterly payments to a recipient of the Geriatric Physician Loan Program, the Department on Aging is authorized to make a single lump sum payment to the lending institution of up to \$35,000 or the loan balance, whichever is less.

Any unexpended balance on June thirtieth of the prior fiscal year of funds appropriated in Part IA, Section 40, Geriatric Physician Loan

SECTION 40 - L060 - DEPARTMENT ON AGING

Program, shall be carried forward and used for the same purpose as originally appropriated.

40.7. (AGING: Caregivers Carry Forward) Unexpended funds from appropriations to the Department on Aging for caregivers shall be carried forward from the prior fiscal year and used for the same purpose.

40.8. (AGING: Vulnerable Adult Guardian ad Litem Carry Forward) Any unexpended funds from appropriation to the Department on Aging for the Vulnerable Adult Guardian ad Litem Program shall be carried forward from the prior fiscal year and used for the same purpose.

40.9. (AGING: Alzheimer's Respite Program) Funds appropriated to the Department on Aging for Alzheimer's Respite Program must be used to provide respite care and diagnostic services and must be maximized, to the extent feasible, to attain federal matching dollars. On or before September thirtieth of each year, the department must submit to the Governor, Senate Finance Committee, and House Ways and Means Committee an annual financial statement and outcomes measures attained for the fiscal year just ended. In addition, when instructed by the Executive Budget Office or the General Assembly to reduce funds by a certain percentage, the department may not reduce the program funds greater than such stipulated percentage.

**SECTION 41 - L080 - DEPARTMENT OF
CHILDREN'S ADVOCACY**

41.1. (DCA: Foster Care-Private Foster Care Reviews) The Department of Children's Advocacy, Foster Care Program is authorized to restructure its programs, including but not limited to, suspending reviews of children privately placed in private foster care and/or changing the location of reviews of children in public foster care, to maintain continuous operations within existing resources as dictated by recent budget reductions. These decisions must be based upon the availability of existing funds. This provision supersedes any previous statutory or regulatory mandate.

41.2. (DCA: Guardian Ad Litem Program) For the current fiscal year, the Department of Revenue is directed to reduce the rate of interest paid on eligible refunds by two percentage points. The revenue resulting from this reduction must be used exclusively for operations of the Guardian ad Litem program and be deposited in the State Treasury in a separate and distinct fund known as the "South Carolina Guardian ad Litem Trust Fund." Unexpended

**SECTION 41 - L080 - DEPARTMENT OF
CHILDREN'S ADVOCACY**

revenues in this fund carry forward to succeeding fiscal years, and earnings in this fund must be credited to it. The Guardian ad Litem program may carry forward the other funds authorized herein for its operations from the prior fiscal year into the current fiscal year.

41.3. (DCA: Continuum of Care Carry Forward) The Department of Children's Advocacy, Continuum of Care Program may carry forward funds appropriated herein to continue services.

**SECTION 42 - L320 - HOUSING FINANCE AND
DEVELOPMENT AUTHORITY**

42.1. (HFDA: Federal Rental Assistance Administrative Fee Carry Forward) All federal rental assistance administrative fees shall be carried forward to the current fiscal year for use by the authority in the administration of the federal programs under contract with the authority.

42.2. (HFDA: Program Expenses Carry Forward) For the prior fiscal year monies withdrawn from the authority's various bond-financed trust indentures and resolutions, which monies are deposited with the State Treasurer to pay program expenses, may be carried forward by the authority into the current fiscal year.

42.3. (HFDA: Advisory Committee Mileage Reimbursement) Members of the nine member South Carolina Housing Trust Fund Advisory Committee are eligible for mileage reimbursement at the rate allowed for state employees as established in Proviso 117.20(J) (Travel-Subsistence Expenses & Mileage) in this act.

42.4. (HFDA: Allocation of Indirect Cost Recoveries) The authority shall deposit in the state general fund indirect cost recoveries for the authority's portion of the Statewide Central Services Cost Allocation Plan (SWCAP). The authority shall retain recoveries in excess of the SWCAP amount to be deposited in the state general fund.

42.5. (HFDA: Housing Trust Fund Disaster Initiative) Funds allocated, granted, or awarded under the Housing Trust Fund's Disaster Initiative shall not be included when calculating the percentage of trust fund expenditures per county.

42.6. (HFDA: SC Housing Statewide Assessment) For Fiscal Year 2022-23, of the funds appropriated to the Housing Finance and Development Authority, \$100,000 shall be used for a comprehensive statewide housing needs assessment prepared by the Darla Moore School of Business. The assessment must include the following:

**SECTION 42 - L320 - HOUSING FINANCE AND
DEVELOPMENT AUTHORITY**

(1) a statement by the authority on housing policies and recommendations for South Carolina; and

(2) an evaluation and summary of housing conditions and trends in South Carolina broken down by geographic regions including, but not limited to, the Upstate, the Midlands, and the Lowcountry, including housing stock of all types and housing costs analyses, general population and household composition demographic analyses, and housing and demographic forecasts.

The assessment also must include an evaluation of housing assistance needs that is based in part on the evaluation described in item (2). Further, the assessment must include a discussion of major housing issues, including housing production, housing and neighborhood conservation, housing for persons with special needs, fair housing and accessibility, and housing affordability. In preparing the assessment, the authority and the Darla Moore School of Business may obtain input from housing authorities, community-based organizations, the private housing industry, and other persons interested in housing assistance and development. A copy of the assessment must also be provided to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by June 30, 2023.

SECTION 43 - P120 - FORESTRY COMMISSION

43.1. (FC: Grant Funds Carry Forward) The Forestry Commission is authorized to use unexpended federal grant funds in the current year to pay for expenditures incurred in the prior year.

43.2. (FC: Retention of Emergency Expenditure Refunds) The Forestry Commission is authorized to retain all funds received as reimbursement of expenditures from other state or federal agencies when personnel and equipment are mobilized due to an emergency.

43.3. (FC: Commissioned Officers' Physicals) The Forestry Commission is authorized to pay the cost of physical examinations for agency personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

43.4. (FC: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the Forestry Commission may be paid for actual hours worked in lieu of

SECTION 43 - P120 - FORESTRY COMMISSION

accruing compensatory time, at the discretion of the agency director, and providing funds are available.

43.5. (FC: Sale of Promotional Items) The Forestry Commission may sell promotional items that advocate for the forestry and forest culture, including items featuring the South Carolina Forestry Commission Forest Life brand logo, for the purposes of generating funds for the agency operations. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year and used for the same purposes.

43.6. (FC: Firefighting Equipment and Response Carry Forward) The Forestry Commission is authorized to carry forward any unspent funds appropriated for firefighting equipment into the current fiscal year to be expended for the same purpose.

SECTION 44 - P160 - DEPARTMENT OF AGRICULTURE

44.1. (AGRI: Market Bulletin) The Market Bulletin shall be mailed only to those persons who request it in writing and a record of each request shall be maintained by the department. Provided further, that the Department of Agriculture is authorized to charge a yearly subscription fee to each person requesting the bulletin and may charge for classified advertisements printed in the bulletin. The funds collected pursuant to this provision shall be retained by the department to defray the costs of publication and related incidental expenses.

44.2. (AGRI: Fruit/Vegetable Inspectors Subsistence) A daily subsistence allowance of up to \$30.00 may be allowed for temporarily employed fruits and vegetables inspectors from funds generated by fruits and vegetables inspection fees and budgeted under other funds in Program III. Marketing Services, D. Inspection Services, in lieu of reimbursements for meals and lodging expense.

44.3. (AGRI: Warehouse Receipts Guaranty Fund) The Department of Agriculture may retain and expend fifty thousand dollars from the Warehouse Receipts Guaranty Fund established by Section 39-22-150 of the 1976 Code as is necessary for the department to administer the funding of the program.

44.4. (AGRI: Weights & Measures Registration) All servicepersons required to be registered with the Department of Agriculture pursuant to the provisions of Section 39-9-65 of the 1976 Code shall pay to the department a registration fee of \$25.00. Revenues generated by this

SECTION 44 - P160 - DEPARTMENT OF AGRICULTURE

provision shall be for use by the Department of Agriculture to offset expenses incurred in administering this registration program.

44.5. (AGRI: Sale of Property Revenue) The department may retain revenues associated with the sale of the property titled to or utilized by the department, except for the State Farmers Market property, and must expend these funds on capital improvements approved by the Joint Bond Review Committee and the State Fiscal Accountability Authority. The department must continue to occupy any property until replacement capital improvements are completed.

44.6. (AGRI: Export Certification) The Department of Agriculture is allowed to charge up to \$250 for each export certification of agricultural products and to retain revenues to offset expenses incurred in performing certifications.

44.7. (AGRI: Feed Label Registration) The Department of Agriculture is authorized to require the annual registration of feed labels by manufacturers and to charge a fee of \$15.00 for such registrations. Revenues generated by these fees shall be retained and used by the department to offset expenses incurred in operating the Feed Inspection Program.

44.8. (AGRI: Commodity Boards) In the current fiscal year, the provisions of the Consolidated Procurement Code related to a commodity board's expenditure of assessments collected from producers, as those terms are defined in Section 46-17-40 of the 1976 Code, are suspended.

44.9. (AGRI: Agribusiness Infrastructure Carry Forward) The Department of Agriculture is authorized to carry forward any revenues, accrued interest, and unexpended Agribusiness Infrastructure funds from the prior fiscal year into the current fiscal year to be expended for the same purpose. Any Agribusiness Infrastructure funds carried forward are not considered part of and should not be deducted from the base for purposes of calculating the agency's general fund appropriations ten percent carry forward amount, as provided for in this act.

44.10. (AGRI: South Carolina Tax Exemption Program) The Department of Agriculture is authorized to charge up to \$24 for a three-year registration card for agricultural producers to claim a sales tax exemption on certain qualified purchases. The Department of Agriculture is also authorized to charge \$5 for any replacement cards. The funds collected pursuant to this provision shall be retained by the department to defray any costs associated with the South Carolina Agricultural Tax Exemption Program.

SECTION 44 - P160 - DEPARTMENT OF AGRICULTURE**44.11. DELETED**

44.12. (AGRI: State Farmers Market Escrow Accounts) The department may retain remaining revenues associated with the State Farmers Market Escrow and the State Farmers Market Sale Proceeds and may expend these funds for the planning, development, construction, improvement, and maintenance of the State Farmers Market including, but not limited to, capital improvements approved by the Joint Bond Review Committee and the State Fiscal Accountability Authority.

SECTION 45 - P200 - CLEMSON UNIVERSITY - PSA

45.1. (CU-PSA: Phytosanitary Certificates) Revenues collected from the issuance of phytosanitary certificates shall be retained by the Division of Regulatory and Public Service for the purpose of carrying out phytosanitary inspections.

45.2. (CU-PSA: Witness Fee) The Public Service Activities of Clemson University are hereby authorized to charge a witness fee of \$100.00 per hour up to \$400.00 per day for each PSA employee testifying as a fact witness regarding matters related to his or her professional expertise, or the exercise of his or her employment duties, in civil matters which do not involve the State as a party in interest. This fee shall be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances and deposited into a designated revenue account.

45.3. (CU-PSA: Nursery/Nursery Dealer Registration Fee) The Division of Regulatory and Public Service Programs is authorized to retain up to \$92,000 of revenue collected from the issuance of Nursery/Nursery Dealer Fees for the purpose of carrying out nursery/nursery dealer inspections. Revenue collected from this fee above \$92,000 shall be deposited into the general fund.

45.4. (CU-PSA: Retention of Fees) All revenues collected from the regulatory programs of agrichemical, plant industry and crop protection including: fertilizer, lime, and soil amendments registration fees; pesticide licensing fees; seed certification fees; and fertilizer tax/inspection fees must be retained by Clemson University PSA regulatory programs.

45.5. (CU-PSA: Pesticide Registration) All revenues collected from pesticide registration fees and revenue collected from structural pest control businesses for business licensing must be retained by Clemson University PSA Regulatory and Public Service Programs to support

SECTION 45 - P200 - CLEMSON UNIVERSITY - PSA

general regulatory, enforcement, and education programs and to carry out provisions of the South Carolina Pesticide Control Act and regulations related to it.

45.6. (CU-PSA: Lime Inspection Fee) The Public Service Activities of Clemson University are hereby authorized to charge an inspection fee of \$0.50 per ton on Agricultural Liming Materials sold or distributed in this state. Clemson University-PSA may retain, expend, and carry forward these funds to maintain its programs.

45.7. (CU-PSA: Livestock-Poultry Health Programs) For the current fiscal year Clemson University Public Service Activities shall maintain operation of the state Meat Inspection Program. All revenues and recoveries from USDA Food Safety Inspection Services and from USDA Animal and Plant Health Inspection Services for Clemson University PSA's Livestock-Poultry Health Programs and its departments shall be retained by Clemson University-PSA's Livestock-Poultry Health Program for purposes of carrying out the operation of its programs.

45.8. (CU-PSA: Boll Weevil Eradication) For the current fiscal year, Clemson University Public Services Activities shall maintain operation of the Boll Weevil Eradication Program. In the calculation of any across-the-board budget reduction mandated by the Executive Budget Office or the General Assembly, the amount appropriated for the Boll Weevil Eradication Program shall be excluded from Clemson PSA's base budget. In the event of such a reduction Clemson PSA may reduce the amount of funds appropriated for this program by an amount not to exceed the percentage associated with the mandated reduction.

45.9. (CU-PSA: Landplaster Inspection Fee) For the purpose of regulating its use as applied to land for crop production, landplaster (gypsum), shall be defined as a product consisting chiefly of calcium sulfate with two combined water ($\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$) and is incapable of neutralizing soil acidity. It shall contain not less than seventy percent $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$. All registrants of landplaster who sell or distribute in this state that previously were required to pay an inspection fee of \$1.50 per ton shall now pay to Clemson University Regulatory Services an inspection fee of fifty cents for each ton sold. Clemson University-PSA may retain, expend, and carry forward these funds from the prior fiscal year into the current fiscal year to maintain its programs.

45.10. (CU-PSA: Regulatory Services Programs) For the current fiscal year, Clemson University Public Service Activities shall lead state and federal eradication efforts of the Asian Longhorned Beetle

SECTION 45 - P200 - CLEMSON UNIVERSITY - PSA

(Anoplophora glabripennis). All revenues and recoveries from USDA Animal and Plant Health Inspection Service (USDA-APHIS) for Clemson University PSA's Regulatory Services Programs and its departments shall be retained by Clemson University-PSA's Regulatory Services Program for purposes of carrying out the operation of its programs.

**SECTION 47 - P240 - DEPARTMENT OF
NATURAL RESOURCES**

47.1. (DNR: Publications Revenue) For the current fiscal year all revenue generated from the sale of the "South Carolina Wildlife" magazine, its by-products and other publications, shall be retained by the department and used to support the production of same in order for the magazine to be self-sustaining. In addition, the department is authorized to sell advertising in the magazine and to increase the magazine's subscription rate, if necessary, to be self-sustaining. No general funds may be used for the operation and support of the "South Carolina Wildlife" magazine.

47.2. (DNR: Casual Sales Tax Collection) The Department of Natural Resources shall continue to collect the casual sales tax as contained in the contractual agreement between the Department of Revenue and the Department of Natural Resources and the State Treasurer is authorized to reimburse the department on a quarterly basis for the actual cost of collecting the casual sales tax and such reimbursement shall be paid from revenues generated by the casual sales tax.

47.3. (DNR: Proportionate Funding) Each of South Carolina's forty-six soil and water conservation districts shall receive a proportionate share of funding set aside for Aid to Conservation Districts at \$25,000 per district for general assistance to the district's program. Available funding above \$25,000 for each district will be apportioned by the Department of Natural Resources based upon local needs and priorities as determined by the board. During the fiscal year, the districts' funding may only be reduced in an amount not to exceed the percentage of each agency budget reduction. No district shall receive any funds under this provision unless the county or counties wherein the district is located shall have appropriated no less than three hundred dollars to the district from county funds for the same purposes.

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47.4. (DNR: Carry Forward - Contract for Goods & Services) If any funds accumulated by the Department of Natural Resources Geology Program, under contract for the provision of goods and services not covered by the department's appropriated funds, are not expended during the preceding fiscal years, such funds may be carried forward and expended for the costs associated with the provision of such goods and services.

47.5. (DNR: Revenue Carry Forward) The department may collect, expend, and carry forward revenues derived from the sale of goods and services in order to support aerial photography, map services, climatology data, and geological services. The department shall annually report to the Senate Finance Committee and the House Ways and Means Committee the amount of revenue generated from the sale of these goods and services.

47.6. (DNR: Clothing Allowance) The Department of Natural Resources is hereby authorized to provide Natural Resource Enforcement Officers on special assignment with an annual clothing allowance (on a prorata basis) not to exceed \$600 per officer for required clothing used in the line of duty.

47.7. (DNR: Commissioned Officers' Physicals) The department is authorized to pay for the cost of physical examinations for department personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

47.8. (DNR: Web Services and Technology Development) The department may carry forward any unexpended general fund balance remaining on the Other Operating Expenses line, identified in the "Web Services and Technology Development" program of the department appropriations from Part IA in this act. Balances carried forward from the prior fiscal year are only authorized to be expended to support technology operating expenses within the department.

47.9. (DNR: Predator Control Program) Of the funds authorized and appropriated in this act, the Department of Natural Resources is directed to develop and implement a coyote tagging and reward program within this state. The department must tag and release four coyotes in each of the four game zones and apply a reward of three thousand dollars per tagged coyote to the hunter/trapper, or their designee. No hunter/trapper, or their designee, may collect the reward on more than two coyotes per fiscal year. Employees of the Department of Natural Resources,

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members of the General Assembly, and their immediate families are not eligible to receive a reward.

47.10. (DNR: Triploid Grass Carp) For the current fiscal year, no water recreation funds or any other funding source may be used to fund the stocking of triploid grass carp on Lake Marion and Lake Moultrie.

47.11. (DNR: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the Department of Natural Resources may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency director, and providing funds are available.

47.12. (DNR: Exempted Fishing Permits) The Department of Natural Resources shall explore the feasibility of employing exempted fishing permits (EFPs) within the South Atlantic region as a mechanism to allow limited state-level management of the federally managed snapper-grouper complex. The department shall work cooperatively with natural resources management agencies from the states of North Carolina, Georgia and Florida, the South Atlantic Fishery Management Council (SAFMC) and NOAA Fisheries to determine interest in and the possibility of jointly pursuing individual state EFPs as well as an overarching EFP that might allow for a new management approach for the South Atlantic snapper-grouper complex.

47.13. (DNR: Funds Transfer to Forestry Commission) For the current fiscal year, the Department of Natural Resources shall transfer \$100,000 of the funds appropriated for operating expenses of Wildlife and Freshwater Fisheries (Wildlife Management Areas) to the Forestry Commission.

47.14. (DNR: Waterfowl Impoundments Projects) The Department of Natural Resources, when procuring goods and services for the planning, development, construction, improvement, and/or maintenance of waterfowl impoundments on land owned by the department or owned by the state and managed by the department, may enter into agreements with a qualified, not-for-profit entity that has received North American Wetlands Conservation Act (NAWCA) funds for a project and specializes in waterfowl impoundment development, and that entity is considered a sole source provider under the provisions of Section 11-35-1560 of the 1976 Code. The department shall be required to have a representative of the agency present to view the opening of bids with this provision.

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47.15. (DNR: Building Maintenance Carry Forward) At the end of each fiscal year, the department may transfer any unexpended general fund balance remaining on the “Other Operating Expenses” line identified in the “Administration” program to a separate and distinct account to be carried forward by the department. Balances carried forward in this account must only be expended for rent, maintenance, and capital improvement needs in the headquarters building. The department must report to the Chairmen of the Senate Finance Committee and House Ways and Means Committee any amount transferred and expenditures made from the fund by October first.

47.16. (DNR: Matching Grant Programs) Of the funds appropriated and/or authorized to the South Carolina Conservation Bank, \$1,000,000 shall be provided to the Department of Natural Resources as the state match for the North American Wetlands Conservation Act (NAWCA) matching grant program and \$3,000,000 as the state match for the Pittman-Robertson Wildlife Restoration Act matching grant program. The department annually shall report to the Senate Finance Committee, the House Ways and Means Committee, and the South Carolina Conservation Bank regarding utilization of the funds and the impact of the funds on conservation efforts in the State of South Carolina.

47.17. DELETED

47.18. (DNR: Special Carryforward Delayed Vehicle/Equipment Delivery) The department may carry forward appropriations and authority encumbered by purchase orders issued to procure vehicles, trailers, boats, outboard motors, and other specialized equipment. Each purchase order must meet or exceed \$16,000, and only delivery of items delayed due to manufacturing and material supply chain or transportation disruptions qualify for carryforward. The department will provide a report to the Executive Budget Office listing open purchasing documents with encumbered amounts supporting the special carry forward by August 1.

47.19. (DNR: Wildlife Habitat Management) Funds appropriated to the department shall be used to conduct wildlife habitat management activities on the Department of Parks, Recreation, and Tourism property in Georgetown County known as Ramsey Grove. The Department may provide opportunities for limited public waterfowl hunts on the property through the department’s Wildlife Management Area program.

47.20. (DNR: Deer Processing Pilot Program) Funds appropriated to the Department of Natural Resources for the Pilot Deer Donation

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Program shall be used for the creation and implementation of a deer processing pilot program. This program shall be designated to incentivize the harvesting of antlerless deer in areas that are having impacts on the agriculture sector of the State's economy. The grants to processors will allow hunters to deliver antlerless deer to the processors without a processing fee if the deer is to be donated as established by the department in the grant. The department is authorized to create a program and provide grants year-round to deer processors in this state. Grants shall only be provided to deer processors who agree to donate the processed meats to non-profit organizations. The department shall establish a fee structure to be paid to cooperating deer processors before awarding grants. The department may contract with vendors without competition. A report shall be provided by the department to the Chairmen of the Senate Finance and House Ways and Means Committees by June 30, 2024, on the implementation of the pilot program and the grants awarded.

SECTION 48 - P260 - SEA GRANT CONSORTIUM

48.1. (SGC: Publications Revenue) Funds generated by the sale of pamphlets, books, and other promotional materials, the production of which has been paid for by non-state funding, may be deposited in a special account by the consortium and utilized as other funds for the purchase of additional pamphlets, books, and other promotional materials for distribution to the public.

48.2. (SGC: Collection of Fees for Consortium Programs and Events) The South Carolina Sea Grant Consortium shall generate funds to support programs and outreach events including the state's Clean Marina Program through the collection of registration fees that do not exceed the direct cost of the associated program.

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49.1. (PRT: Tourism and Promotion) The funds appropriated in this act for Regional Promotions shall be distributed equally to the eleven Regional Tourism groups, except that the Grand Strand Tourism Region's funds shall be divided, with \$71,237 distributed to the Myrtle Beach Chamber of Commerce, \$163,784 distributed to the Georgetown

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Chamber of Commerce, \$42,717 distributed to the City of Georgetown, and \$42,717 distributed to the Williamsburg Chamber of Commerce for tourism related activities. In addition, \$150,000 shall be distributed to the Lake Wylie Chamber of Commerce. The Myrtle Beach Chamber of Commerce and the Georgetown Chamber of Commerce shall submit a report to the Senate Finance Committee and the House Ways and Means Committee by December first each year describing how these funds were expended in the prior fiscal year.

49.2. (PRT: Destination Specific Tourism Marketing) The minimum grant awarded by the Destination Specific Tourism Program shall be \$250,000. Each state dollar must be matched with two dollars of private funds. An organization receiving a state grant must certify that, as of the date of the application: (i) the private funds are new dollars specifically designated for the purpose of matching state funds; (ii) the private funds have not been previously allocated or designated for tourism-related destination marketing; and (iii) the organization has on hand or has an approved line of credit of not less than the amount of private funds needed to provide the required match. Organizations applying for a grant must include in the grant application, information on how the organization proposes to measure the success of the marketing and public relations program, including the estimated return on investment to the state. Promotional programs proposed by an applicant must be based on research-based outcomes. Grants must be made only to organizations that have a proven record of success in creating and sustaining new and repeat visitation to its area and must have sufficient resources to create, plan, implement, and measure the marketing and promotional efforts undertaken as a part of the program. The department must award a grant only to one qualified destination marketing organization within their tourism region where the organization's private funds are raised. An organization receiving a grant must use the public and private funds only for the purpose of destination specific marketing and public relations designed to target international and/or domestic travelers outside the state to destinations within the state. All grants that qualify under the program must be funded if funds are available. Funding of all qualified grants will be on a first come first served basis with such basis retained throughout the term of this proviso. No organization shall receive in the first quarter more than fifty percent of the state dollars allocated to the program. If by the end of the third quarter matching funds are still available with no

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other organizations meeting the criteria for funding, the funds will be distributed to the organization or organizations that have and can meet all of the requirements of this proviso. Grant recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee and the director of the Department of Parks, Recreation and Tourism on the expenditure of the grants funds and on the proposed outcome measures.

49.3. (PRT: Advertising Funds Carry Forward) The Department of Parks, Recreation and Tourism may carry forward any unexpended funds appropriated on the Advertising line within Program II. A. Tourism Sales and Marketing from the prior fiscal year into the current fiscal year to be used for the same purposes which include the Tourism Partnership Fund, Destination Specific Marketing Grants, and the agency advertising fund.

49.4. (PRT: Film Marketing) From the funds authorized to the Department of Parks, Recreation and Tourism in Section 49, Part IA of this act for the South Carolina Film Commission, the department may use the film marketing funds for the following purposes: (1) to allow for assistance with recruitment and infrastructure development of the film industry; (2) to develop a film crew base; (3) to develop ally support in the film industry; (4) marketing and special events; and (5) to allow for assistance with the auditing and legal service expenses associated with the Motion Picture Incentive Act.

49.5. (PRT: Motion Picture Administration Application Fee) The Department of Parks, Recreation and Tourism may charge an application fee for the Motion Picture Incentive programs and may retain and expend these funds for the purposes of meeting administrative, data collection, credit analysis, cost-benefit analysis, reporting and auditing, and other statutory obligations. A fee schedule must be established and approved by the Director of the Department of Parks, Recreation and Tourism.

49.6. (PRT: Gift Shops) At the discretion of the Department of Parks, Recreation and Tourism, the State House Gift Shop may close on weekends.

49.7. (PRT: PARD Interest) The department is hereby prohibited from utilizing the interest generated in the PARD program for anything other than the uses authorized by the law creating PARD. Should the PARD account not reach the required amount of \$920,000 to activate the minimum \$20,000 per county distribution, the department shall carry

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forward the funding until such time as the funds are sufficient to distribute as originally intended.

49.8. (PRT: Wage and Supplier Rebate Funds) From the funds set aside pursuant to the Motion Picture Incentive Act, any funds committed to film projects shall be carried forward from the prior fiscal year and used for the same purpose. Any uncommitted funds shall be carried forward from the prior fiscal year and must be used solely for wage and supplier rebate funds pursuant to the Motion Picture Incentive Act and may not be used for any other purpose.

49.9. (PRT: Funds Exempt from Budget Cut) In the calculation of any across the board cut mandated by the Executive Budget Office or the General Assembly, any amounts appropriated for pass through, special items, or other items specified in any general proviso, which are exempt from reduction, shall be excluded from the Department of Parks, Recreation and Tourism's base budget.

49.10. (PRT: PARD) The Department of Parks, Recreation, and Tourism shall be authorized to expend restricted funds for the Parks and Recreation Development Fund (PARD) in accordance with the Section 51-23-20 of the 1976 Code, Regulations, and generally accepted accounting standards. The department is allowed to reimburse PARD grantees from current year funds for prior year expenditures as allowed in Section 51-23-30 of the 1976 Code.

For the current fiscal year, funds placed in a County Area account as allowed in Section 51-23-30 of the 1976 Code may remain unexpended in the account indefinitely, any regulation or provision to the contrary notwithstanding. However, once an application is approved by a county delegation, the project must be completed and funds expended within three years of the approved application.

49.11. (PRT: Admission Fees and Charges) The department may impose reasonable fees and charges for admission to and/or use of park and recreational facilities and the revenues from such fees and charges must be used for park and recreational uses.

49.12. (PRT: Vending Services) The State Park Service, an office within the Department of Parks, Recreation and Tourism shall be granted an exemption requiring the State Park Service to use the Commission for the Blind for vending services. All revenues earned by vending and retail operations at the State Parks shall be retained by the department to support the operational costs of the South Carolina State Parks. These funds may be carried forward from the prior fiscal year and must be used

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for the same purpose. This exemption does not apply to vending services at the State Welcome Centers.

49.13. (PRT: State Funded Grant Programs) Any unexpended general funds appropriated for the PARD Grants, Undiscovered SC, and Sports Marketing Grants Programs shall be carried forward from the prior fiscal year into the current fiscal year and used for the same purpose.

49.14. (PRT: SC Film Office Rebate Funds) From the funds authorized pursuant to the Motion Picture Incentive Act, any rebates awarded by the SC Film Office may be paid without distinction of the source of funds.

49.15. (PRT: Compensatory Payment) In the event the Governor declares a State of Emergency, employees of the Department of Parks, Recreation and Tourism may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency director, and providing funds are available.

49.16. (PRT: Destination Specific Tourism) In the current fiscal year, non-recurring funds appropriated to the Destination Specific Tourism Marketing grant program shall not be subject to a match requirement.

49.17. (PRT: State Park Employee Housing) The Comptroller General shall, upon request of an employee of the South Carolina Department of Parks, Recreation and Tourism's State Park Service, and with the authorization of the department, make deductions from the employee's compensation for rental payments of an employee's residential housing that is located within a South Carolina State Park. The Comptroller General shall pay over to the Department of Parks, Recreation and Tourism all amounts collected by payroll deduction for this purpose for the exclusive use by the department for state park operations.

49.18. DELETED

49.19. (PRT: State Parks Carry Forward) The department may carry forward any prior year unexpended general operating funds allocated to the State Park Service. The funds carried forward must be used for the same purpose.

49.20. (PRT: South Carolina Welcome Centers) Funds appropriated in this Act designated for South Carolina welcome centers and funds remaining from Proviso 118.18(B)(41)(f) and (g) of Act 94 of 2021 designated for South Carolina welcome centers may be expended for any

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welcome center project as needed by the Department of Parks, Recreation and Tourism.

49.21. (PRT: Revolutionary Park Funds) Funds remaining of the \$30,000 appropriated in Act 239 of 2022, Section 118.19 (B)(93)(oooo) to the Department of Parks, Recreation and Tourism for the Revolutionary Park shall be transferred and used for the Hagood Mill Historic Site.

SECTION 50 - P320 - DEPARTMENT OF COMMERCE

50.1. (CMRC: Development - Publications Revenue) The proceeds from the sale of publications may be retained in the agency's printing, binding, and advertising account to offset increased costs.

50.2. (CMRC: Economic Dev. Coordinating Council - Set Aside Fund) From the amount set aside in Section 12-28-2910, the council is authorized to use up to ten percent of such amount for actual operating expenses in support of administrative program costs and business recruitment and retention and up to \$60,000 to support the Geographic Information Systems (GIS) program, as approved by council. Any balance on June thirtieth of the prior fiscal year may be carried forward and expended for the same purposes in the current fiscal year.

50.3. (CMRC: Coordinating Council Funds) In order to provide maximum flexibility to encourage the creation of new jobs and capital investment, the Coordinating Council for Economic Development has the authority to transfer economic development funds at its disposal to the Closing Fund, provided the transfer is approved by a majority vote of the Coordinating Council members in a public meeting. Any unexpended balance on June thirtieth, of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of Commerce for the same purpose.

50.4. (CMRC: Export Trade Show Funds) Funds collected from South Carolina companies for offsetting costs associated with participation in future trade shows may be carried forward from the prior fiscal year to the current fiscal year and used for that purpose.

50.5. (CMRC: Special Events Advisory Committee) The Department of Commerce is required to establish a Special Events Advisory Committee to provide oversight to the department as it relates to the department's Special Events Fund. The Advisory Committee shall be made up of contributors to the Fund appointed by the Secretary of

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Commerce and shall consist of no fewer than eight members, including a chairman. The Advisory Committee shall establish guidelines for the use of these funds. The Department of Commerce shall prepare a detailed report and have an independent audit of all expenditures of the fund during the previous calendar year. None of these funds shall be used for operating expenses. The report shall be submitted to the Governor, the Speaker of the House, the President of the Senate, the Chairman of the House Ways and Means Committee, and Chairman of the Senate Finance Committee.

50.6. (CMRC: Development-Rental Revenue) Revenue received from the sublease on non-state-owned office space may be retained and expended to offset the cost of the department's leased office space.

50.7. (CMRC: Development-Ad Sales Revenue) The department may charge a fee for ad sales in department authorized publications and may use these fees to offset the cost of printing and production of the publications. Any revenue generated above the actual cost shall be remitted to the General Fund.

50.8. (CMRC: Foreign Offices) The Secretary of Commerce shall be authorized to appoint the staff of the department's foreign offices on a contractual basis on such terms as the Secretary deems appropriate, subject to review by the Department of Administration.

50.9. (CMRC: Funding For I-73) Of the funds authorized for the Coordinating Council Economic Development, \$500,000 shall be made available for the routing, planning, and construction of I-73.

50.10. (CMRC: Closing Fund) In order to encourage and facilitate economic development, funds appropriated for the Closing Fund for competitive recruitment purposes shall be used as approved by the Coordinating Council for Economic Development. Any unexpended at the end of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of Commerce for the same purposes.

50.11. (CMRC: Coordinating Council - Application Fee Deposits) Application fees received by the department must be deposited within five business days from the Coordinating Council application approval date.

50.12. (CMRC: Recycling Advisory Council Reporting) The Recycling Market Development Advisory Council must submit an annual report outlining recycling activities to the Governor and members of the General Assembly by March fifteenth each year.

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50.13. (CMRC: Regional Economic Development Organizations) The Department of Commerce shall utilize \$5,000,000 appropriated in the current fiscal year for Regional Economic Development Organizations to provide funds to the following economic development organizations and must be disbursed as follows:

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| (1) Upstate Alliance | \$750,000; |
| (2) Central SC Economic Development Alliance | \$750,000; |
| (3) North Eastern Strategic Alliance (NESA) | \$745,000; |
| (4) Charleston Regional Development Alliance | \$660,000; |
| (5) I-77 Alliance | \$660,000; |
| (6) Economic Development Partnership | \$450,000; |
| (7) Southern Carolina Alliance | \$600,000; |

and

- | | |
|--------------------------------|------------|
| (8) The LINK Economic Alliance | \$385,000. |
|--------------------------------|------------|

Each dollar of state funds must be matched with one dollar of private funds. The organization receiving state funds must certify that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously allocated or designated for economic development. No funds appropriated in this proviso may be used for routine operating costs of the organization as defined by the Department of Commerce.

Upon receipt of the request for the funds and certification of the matching funds, the Department of Commerce shall disburse the funds to the requesting organization.

Funds recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee and the Secretary of Commerce on the expenditure of the funds and on the outcome measures. Fund recipients shall also provide electronic copies of the annual report to the General Assembly by November first. The Department of Commerce shall post these reports on their website.

Any unexpended, unallocated, or undistributed funds appropriated in prior fiscal years for Regional Economic Development Organizations shall first be made available to Regional Economic Development Organizations and any remainder shall be transferred to the Rural Infrastructure Fund at the Department of Commerce. If more than one alliance applies for the same funds, the funds will be distributed pro-rata.

50.14. (CMRC: SC Mfg Extension Partnership) No funds appropriated to the department that are designated for the SC Manufacturing Extension Partnership may be utilized to compensate

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employees or individuals who engage in lobbying services on behalf of the department or the partnership. In addition, the department shall prepare an annual report on the SC Manufacturing Extension Partnership's expenditures for the prior fiscal year and shall submit the report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by November first.

50.15. (CMRC: Business Incubator/Innovation Program) Any funds appropriated to the department for the Business Incubator/Innovation Program shall be used for eligible projects that address one or more of the goals in the South Carolina Innovation Plan and any investments must be accompanied by a dollar-for-dollar match from non-state appropriated funds. Up to \$300,000 may be used by the department for administrative costs associated with this program.

50.16. (CMRC: Council on Competitiveness) The Department of Commerce shall utilize the funds appropriated in the current fiscal year for the South Carolina Council on Competitiveness to provide funds for existing business economic development activities. Each dollar of state funds disbursed must be matched equally with non-state appropriated funds and prior to the disbursement of funds, the Council on Competitiveness must certify that these funds are new dollars specifically designated for the purpose of matching state funds and have not been previously allocated or designated for economic development. The Council on Competitiveness shall provide a report on the expenditure of the funds and on the outcome measures by January first, to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee and the Secretary of Commerce.

50.17. (CMRC: Grant Funds Carry Forward) The Department of Commerce may carry forward any unexpended balance on June thirtieth of the prior fiscal year of grant funds appropriated and/or authorized for Innovation, Research/Applied Research Centers, SCOPE, and LocateSC and expend such funds in the current fiscal year for the same purpose.

50.18. DELETED

50.19. (CMRC: Funding for Rail Infrastructure) Of the funds authorized for the Coordinating Council for Economic Development under Section 12-10-85 (B) of the 1976 Code, the Secretary of Commerce may utilize these funds toward state-owned rail infrastructure projects.

50.20. DELETED

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50.21. (CMRC: Development - Funding for Rural Infrastructure) There is established within the Department of Commerce the Rural School District and Economic Development Closing Fund.

(A) The Secretary of Commerce shall use the fund to facilitate economic development and infrastructure improvements in counties that contain a school district that has been defined by the Department of Education as having a poverty rate greater than or equal to 86%.

(B) The Secretary of Commerce shall use the fund to facilitate economic development and infrastructure improvements in counties that meet each of the following criteria: (1) one of the top twelve counties in South Carolina with the highest population decline (by percentage) since 2010; (2) one of the top twelve counties with the highest average unemployment rate for 2018; and (3) according to the US Census 2017 - a county with a poverty rate in excess of twenty percent. Funds are to be used on, but not limited to, economic development projects, water and sewer infrastructure, and school building infrastructure. Once a project is committed, the funds may be utilized to finish that specified project, even if the county does not remain an eligible county in subsequent years. This plan must be reviewed by the Joint Bond Review Committee before these funds may be expended. Of the funds transferred to the fund, up to \$15,000,000 may be used in any county that is contiguous to an eligible county as long as that contiguous county has one county-wide consolidated public school district. Any unexpended funds at the end of the fiscal year shall be carried forward and expended in the current fiscal year by the Department of Commerce for the same purposes.

50.22. (CMRC: Coordinating Council Membership) For the current fiscal year, the Chairman of the Senate Finance Committee, or his designee, and the Chairman of the House Ways and Means Committee, or his designee, shall be included in the membership of the SC Coordinating Council for Economic Development and shall have the same rights and guidelines as pertains to the existing members of the council.

50.23. (CMRC: Strategic Economic Development Fund) In the current fiscal year, there is established, within the Department of Commerce, the Strategic Economic Development Fund for the purpose of funding projects that are essential to the State's ongoing and future economic development success. The Secretary of Commerce shall identify and recommend potential projects for review and comment by the Joint Bond Review Committee before any funds may be awarded or

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expended. Any unexpended funds at the end of the fiscal year shall be carried forward and expended in the current fiscal year by the Department of Commerce for the same purposes.

50.24. (CMRC: Emergency Services Pilot) There is established a pilot program within the Department of Commerce named the Public/Private Partnerships - Emergency Services Fund for the purpose of funding projects that increase a local government's emergency services capacity and capability. Every project must involve investment and participation by both private companies and local governments in order to be eligible for funding. The Department of Commerce will provide an annual update by January 15 of each year to the Chairmen of the Senate Finance Committee and House Ways and Means Committee until all funds are expended. Any unexpended funds at the end of the fiscal year shall be carried forward and expended in the current fiscal year for the same purposes.

50.25. DELETED

**SECTION 52 - P360 - PATRIOTS POINT
DEVELOPMENT AUTHORITY**

52.1. (PPDA: USS Laffey Overnight Stays) From the funds authorized or appropriated to Patriots Point Development Authority as "other operating expenses" members of the USS Laffey Association who are temporarily present at Patriots Point to perform voluntary maintenance on the USS Laffey may remain onboard the vessel overnight if the Executive Director approves and has deemed it safe to do so.

SECTION 53 - P400 - S.C. CONSERVATION BANK

53.1. (CB: Trust Program Carry Forward) The Conservation Bank may carry forward any unexpended funds allocated to the Conservation Bank Trust Program from the prior fiscal year into the current fiscal year to be used for the same purpose.

53.2. (CB: General Fund Carry Forward) Of the funds appropriated in the prior fiscal year to the Conservation Bank for administration, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

**SECTION 54 - P450 - RURAL INFRASTRUCTURE
AUTHORITY**

54.1. (RIA: Rural Infrastructure Fund Carry Forward) The Rural Infrastructure Authority may carry forward from the prior fiscal year into the current fiscal year, funds appropriated to the Rural Infrastructure Fund. The authority shall retain any unexpended funds at the close of the fiscal year and these funds shall be carried forward from the prior fiscal year into the current fiscal year.

54.2. (RIA: Carry Forward - Local Government Assistance) The Rural Infrastructure Authority may carry forward from prior fiscal years to the current fiscal year funds appropriated for the purpose of providing financial assistance and for matching federal funds for financial assistance to local governments with water, wastewater, and sewer projects.

54.3. (RIA: Carry Forward Calculation) For purposes of calculating the amount of funds which may be carried forward by the Rural Infrastructure Authority, grant and loan program funds carried forward by the Office of Local Government shall be excluded from the calculation of the carry forward authorized by provision elsewhere in this act.

54.4. (RIA: State Water Pollution Control Revolving Fund) In the event that any state funds remain after fully matching federal grants for the State Revolving Funds under the Clean Water Act or Safe Drinking Water Act, such funds may be deposited into the South Carolina Infrastructure Revolving Loan Fund established pursuant to Section 11-40-50.

54.5. (RIA: Statewide Water and Sewer Fund) The Rural Infrastructure Authority shall use the funds allocated for the Statewide Water and Sewer Fund to assist qualified infrastructure projects not eligible for the Rural Infrastructure Fund. The authority shall utilize the same procedures and guidelines established for the Rural Infrastructure Fund to select qualified projects for the Statewide Water and Sewer Fund. The authority may carry forward from the prior fiscal year into the current fiscal year, funds appropriated to the Statewide Water and Sewer Fund.

SECTION 57 - B040 - JUDICIAL DEPARTMENT

57.1. (JUD: Prohibit County Salary Supplements) County salary supplements of Judicial Department personnel shall be prohibited.

SECTION 57 - B040 - JUDICIAL DEPARTMENT

57.2. (JUD: County Offices For Judges) Every county shall provide for each circuit and family judge residing therein an office with all utilities including a private telephone, and shall provide the same for Supreme Court Justices and Judges of the Court of Appeals upon their request.

57.3. (JUD: Judicial Expense Allowance) Each Supreme Court Justice, Court of Appeals Judge, Family Court Judge and Circuit Court Judge and any retired judge who receives payment for performing full-time judicial duties pursuant to Section 9-8-120 of the South Carolina Code of Laws, shall receive one thousand dollars per month as expense allowance.

57.4. (JUD: Special Judge Compensation) In the payment of funds from "Contractual Services," and "Administrative Fund," that no special judge shall be paid for more than a two week term within a fiscal year except that this restriction will not apply in case of an ongoing trial.

57.5. (JUD: BPI/Merit) Judicial employees shall receive base and average merit pay in the same percentages as such pay are granted to classified state employees.

57.6. (JUD: Supreme Court Bar Admissions) Any funds collected from the Supreme Court Bar Admissions Office may be deposited into an escrow account with the State Treasurer's Office. The department is authorized to receive, expend, retain, and carry forward these funds.

57.7. (JUD: Travel Reimbursement) State employees of the Judicial Department traveling on official state business must be reimbursed in accordance with Proviso 117.20(J) of this act.

57.8. (JUD: Interpreters) The funds appropriated in this section for "Interpreters" shall be used to offset costs associated with interpreters appointed in judicial proceedings under Sections 17-1-50, 15-27-155, and 15-27-15. The selection, use, and reimbursement of interpreters shall be determined under such guidelines as may be established by the Chief Justice of the Supreme Court.

57.9. (JUD: Reimbursement Receipt Deposit) Amounts received as payment for reproducing, printing, and distributing copies of court rules and other department documents shall be retained for use by the department.

57.10. (JUD: Surplus Property Disposal) Technology equipment that has been declared surplus may be donated directly to counties for use in court-related activities.

57.11. (JUD: Judicial Carry Forward) In addition to the funds appropriated in this section, the funds appropriated for the Judicial

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Department in the prior fiscal year which are not expended during that fiscal year may be carried forward to be expended in the current fiscal year.

57.12. (JUD: Case Management Services) The Judicial Department shall retain revenue generated by charging a fee for technology support services provided to users of the State case management system. These funds may be expended and carried forward to offset the costs of supporting and maintaining the case management system.

57.13. (JUD: Magistrates' Training) From the funds appropriated to the Judicial Department, the department shall provide magistrates annual continuing education on domestic violence, which may include, but is not limited to:

- (1) the nature, extent, and causes of domestic and family violence;
- (2) issues of domestic and family violence concerning children;
- (3) prevention of the use of violence by children;
- (4) sensitivity to gender bias and cultural, racial, and sexual issues;
- (5) the lethality of domestic and family violence;
- (6) legal issues relating to domestic violence and child custody;
- (7) procedures, penalties, programs, and other issues relating to criminal domestic violence, including social and psychological issues relating to such violence, the vulnerability of victims and volatility of perpetrators, and the court's role in ensuring that the parties have appropriate and adequate representation; and
- (8) procedures and other matters relating to issuing orders of protection from domestic violence.

57.14. (JUD: Judges Salary Exemption) For the current fiscal year, judges' salaries and related employer contributions in Part IA, Section 57, are exempt from mid-year across-the-board reductions.

57.15. (JUD: Judicial Department Applicability) For purposes of this act and any other provision of law that would have any effect on the expenditure of state revenue through the applicability of the particular provision or through compliance with a mandate or requirement of the provision, the terms "state agency" or "agency" do not include any component of the Judicial Department unless the provision of law specifically includes these entities and the inclusion only applies for purposes of the particular provision.

57.16. (JUD: Court Costs Carry Forward) The Judicial Department shall retain the funds collected from costs related to court proceedings (including the cost of hearings, investigations, prosecution, service of process and court reporter services) under Rules 413 or 502 of the SC

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Appellate Court Rules, or from costs related to the appointment of a receiver or an attorney to assist the receiver under Rule 413, that are assessed against a party. The department is authorized to receive, expend, retain, and carry forward these funds which shall be used for the same purpose.

57.17. (JUD: Appellate Court Fee) The Judicial Department shall retain the funds collected as required by the SC Appellate Court Rules. The department is authorized to receive, expend, retain, and carry forward these funds which shall be used by the department.

57.18. (JUD: Interpreter Training and Certification) The Judicial Department shall collect and retain funds received from applicants for interpreter training and certification tests. These funds shall be used to offset expenses incurred for the SC Court Interpreter Certification Program. The department is authorized to receive, expend, retain, and carry forward these funds.

57.19 (JUD: Circuit Court Judges) From the funds appropriated to the Judicial Department, the requirements of Section 14-5-130 pertaining to circuit court judges absenting themselves from the State shall be suspended for the current fiscal year.

SECTION 58 - C050 - ADMINISTRATIVE LAW COURT

58.1. (ALC: Copying Costs Revenue Deposit) The Administrative Law Court shall retain and expend, for the same purpose for which it is generated, all revenue received during the current fiscal year as payment for printing and distributing copies of court rules and other agency documents.

58.2. (ALC: County Office Space for Judges) Every county shall provide for each Administrative Law Judge residing therein, upon their request, an office within the existing physical facilities if space is available, to include all utilities and a private telephone. The request shall only be made provided that the judge's residence is not within fifty miles of the official headquarters of the agency by which the Administrative Law Judge is employed.

58.3. (ALC: ALJ Travel) While holding court or on other official business outside the county in which he resides, within fifty miles of his residence, an Administrative Law Judge is entitled to a subsistence allowance in the amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of the State. While holding court or on other official business at a location fifty miles or more from

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his residence, an Administrative Law Judge is entitled to a subsistence allowance in the amount as provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other employees of the State. However, notwithstanding any other provision of law, the allowance as provided shall not exceed \$8,000 per judge in a fiscal year.

SECTION 59 - E200 - OFFICE OF ATTORNEY GENERAL

59.1. (AG: Prior Year Expenditures) The Office of Attorney General is authorized to use unexpended federal funds in the current fiscal year to pay for expenditures incurred in the prior fiscal year.

59.2. (AG: Other Funds Carry Forward) Any balance of unexpended funds, not including general fund appropriations, may be carried forward for the operation of the Office of Attorney General.

59.3. (AG: Reimbursement for Expenditures) The Office of Attorney General may retain for general operating purposes, any reimbursement of funds for expenses incurred in a prior fiscal year.

59.4. (AG: Donation Carry Forward) All revenue derived from donations received at the Office of the Attorney General shall be retained, carried forward, and expended according to agreement reached between the donor, or donors, and the Attorney General.

59.5. (AG: Securities Fee Revenue) Funds collected by the Office of the Attorney General pursuant to Section 35-1-702(b) may be carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose. All funds collected pursuant to Section 35-1-702 and not specifically directed in statute shall be remitted to the General Fund of the State.

59.6. (AG: Savannah River Maritime Commission Funds) The Office of the Attorney General is authorized to use funds appropriated for litigation expenses related to the Savannah River Maritime Commission to reimburse litigation expenditures incurred by the Office of the Attorney General on behalf of the Savannah River Maritime Commission, the State, or other state agency during the current fiscal year for any proposed or existing federal project on the Savannah River related to construction in navigable waters or water quality. Following the conclusion of these litigation matters any remaining funds shall be deposited in the General Fund.

59.7. (AG: Gang Violence Prevention/Youth Mentor) The Office of the Attorney General may expend other funds to implement and maintain

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gang prevention and youth mentoring programs in conjunction with Section 63-19-1430 of the 1976 Code, the Youth Mentor Act.

59.8. (AG: Litigation Recovery Account) During the current fiscal year, when there is a recovery or an award in any litigation managed by the Attorney General, any funds received that would have otherwise been credited to the General Fund shall be deposited to the credit of a special account created in the Office of State Treasurer entitled "Litigation Recovery Account." The funds deposited in this account must be expended only as prescribed by law.

59.9. (AG: Public Official Attorney Fees) The Executive Director of the State Fiscal Accountability Authority shall pay from the Insurance Reserve Fund, up to \$50,000 of opposing attorney's fees and court costs as ordered by the court in those cases in which the Attorney General defends one or more public officers in their official capacities.

The Attorney General must certify to the Executive Director the amount the court has ordered the Attorney General to pay for opposing attorney's fees and court costs and upon receipt of the certification, the Executive Director shall pay up to \$50,000 of the amount certified to the appropriate individual or entity. The Attorney General must report any court ordered payment of attorney's fees and court costs that exceed \$50,000 to the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee for consideration by the General Assembly.

59.10. (AG: Victim/Witness Program Formula Distribution) If funds in the South Carolina Victims' Compensation Fund exceed the amount required to operate the State Crime Victim Compensation Department and pay claims of crime victims, the first \$650,000 of such excess must be used for Victim/Witness programs by distribution to Judicial Circuits based on a formula and criteria developed by the policy committee, and otherwise subject to requirements of Proviso 60.8.

59.11. (AG: Physical Abuse Examinations) Of the funds appropriated in this section for Victims' Rights, up to \$120,000 may be expended for physical abuse examinations.

59.12. (AG: Procuring Services) In order to maximize services for victims of crime, if the fulfilling of requirements pursuant to Section 16-3-1410 of the 1976 Code, necessitates hiring any outside entities, the State Crime Victim Compensation Department must follow procedures established by the SC Consolidated Procurement Code. Any entity contracting with the agency will submit an annual report by August first

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to the Governor's Office and to the Chairmen of the Senate Finance Committee and House Ways and Means Committee detailing expenditures from the prior fiscal year in accordance with the State Office of Victims' Assistance. The Attorney General's Office is directed to transfer \$122,032 of the funds carried forward from the prior fiscal year in the Victims' Compensation Fund, and up to \$41,892 from general funds from Victim's Assistance to pay for any contracts or services procured.

59.13. DELETED

59.14. (AG: State Crime Victim Compensation Department) For the current fiscal year, The State Crime Victim Compensation Department may enter into memoranda of agreement with third-party victim service providers to secure emergency medical, transportation, or other crisis stabilization services on a reimbursable basis. Such agreements shall not allow for more than eight percent of the total reimbursement to cover a provider's administrative, marketing, and advocacy costs. Annually, and no later than October first of each year, the State Crime Victim Compensation Department shall report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of House Ways and Means Committee on the performance of third-party providers and the use of funds authorized pursuant to this provision in the prior fiscal year.

59.15. (AG: State Crime Victim Compensation) A county or municipality may retain carry forward funds that were collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208 (B) and (D), and 14-1-211 (B) of the 1976 Code, but no more than \$25,000 or ten percent of funds collected in the prior fiscal year, whichever is higher. If a county or municipality does not spend at least ninety percent of the funds collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208 (B) and (D), and 14-1-211 (B) on Article 16, Chapter 3, Title 16 first priority and/or second priority programs during the fiscal year that the funds are received then the county or municipality shall remit any unspent funds that are greater than the allowed carried forward funds, regardless of the year collected, to the State Victim Assistance Program (SVAP) with the Office of the Attorney General within 120 days after the end of the fiscal year. All funds must be accounted for in the annual audit for each county or municipality.

The State Crime Victim Compensation Department shall offer training and technical assistance to each municipality and county

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annually on acceptable use of both priority one and priority two funds and funds available for competitive bid.

The State Crime Victim Compensation Department is authorized to transfer to the State Victim Assistance Program any state funds deemed available under Crime Victims Compensation authority to the State Victim Assistance Programs be placed in the competitive bid process.

The State Victim Assistance Program shall offer any funds remitted to it to non-profit organizations that provide direct victim services on a competitive bid process. These funds may be used by the non-profit for administrative costs and victim services.

A county or municipality may be exempt from the remittance requirements of this proviso upon submission of a plan to the State Crime Victim Compensation Department that meets the statutory requirements for the use of funds. A county or municipality must submit the report within 60 days after the end of the fiscal year. The State Crime Victim Compensation Department shall review the submitted plan and advise the county or municipality of plan compliance with statutory requirements.

59.16. DELETED

59.17. (AG: Crime Victim Services Funeral and Burial Compensation) The Department of Crime Victim Compensation shall set a funeral and burial compensation maximum of \$6,500.

59.18. DELETED

59.19. (AG: Attorney General Representation) In the current fiscal year, when the Attorney General institutes or defends an action on behalf of the State of South Carolina pursuant to any power granted by the common law, the Constitution of South Carolina, 1895, or the South Carolina Code of Laws, he acts in the public interest of the State of South Carolina and not as the legal representative or attorney of any department or agency of state government, including the executive, legislative, or judicial branches, or boards. Departments, agencies, or boards are not parties to these actions, and the documents or electronically-stored information of such departments, agencies, or boards are not in the possession, custody, or control of the Attorney General. This provision does not affect the ability of the Attorney General to institute or defend an action in a proprietary capacity on behalf of or representing any department, agency, or board. Unless the Attorney General institutes actions for damages in the name of and on behalf of a department, state agency, or board, the Attorney General acts in the public interest of South Carolina as provided in this provision.

SECTION 60 - E210 - COMMISSION ON
PROSECUTION COORDINATION

60.1.(PCC: Solicitor Salary) The amount appropriated in this section for salaries of solicitors shall be paid to each full-time solicitor. Each full-time circuit solicitor shall earn a salary not less than each full-time circuit court judge.

60.2.(PCC: Solicitor Expense Allowance) Each solicitor shall receive one thousand dollars (\$1,000.00) per month as expense allowance.

60.3.(PCC: Judicial Circuits State Support) The amount appropriated and authorized in this section for Judicial Circuits (16) State Support shall be apportioned among the circuits. The first \$4,692,961 shall be distributed on a per capita basis based upon the current official census. The next \$1,659,041 shall be distributed on a pro-rata basis. Payment shall be made as soon after the beginning of each quarter as practical.

60.4.(PCC: Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year may be carried forward into the current fiscal year and expended for the operation of the Commission on Prosecution Coordination or the Offices of the Solicitor relating to operational expenses.

60.5.(PCC: Solicitor's Office - County Funding Level) It is the intent of the General Assembly that the amounts appropriated for solicitors' offices shall be in addition to any amounts presently being provided by the county for these services and may not be used to supplant funding already allocated for such services without any additional charges. If the county reduces the amount of support provided to solicitors' offices below the level provided in the prior fiscal year the Solicitor shall notify the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee of the amount of such reduced support.

60.6.(PCC: Solicitors Victim/Witness Assistance Programs) When funds are available, the amount appropriated and authorized in Part IA, Section 60 for Solicitors Victim/Witness Assistance Programs shall be apportioned among the circuits on a per capita basis and based upon the current official census. Payment shall be made as soon after the beginning of each quarter as practical.

60.7. (PCC: CDV Prosecution) The amount appropriated and authorized in this section for Criminal Domestic Violence Prosecution shall be apportioned among the circuits on a pro-rata basis. If not privileged information, the Commission on Prosecution Coordination shall collect and retain information and data regarding Criminal

**SECTION 60 - E210 - COMMISSION ON
PROSECUTION COORDINATION**

Domestic Violence Prosecution and shall include: the number of dispositions, types of dispositions and county in which the disposition took place and shall provide the General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year.

60.8. (PCC: Establish Victim/Witness Program) The funds appropriated in this section for Victim/Witness Program must be equally divided among the judicial circuits, less any adjustments made for budget reductions. The funds for each circuit must be distributed to the solicitor's office of that circuit and only used by the solicitor for the purpose of establishing a Victim/Witness Program in the circuit which shall provide, but not be limited to, the following services:

(1) Make available to victims/witnesses information concerning their cases from filing in general sessions court through disposition.

(2) Keep the victim/witness informed of his rights and support his right to protection from intimidation.

(3) Inform victims/witnesses of and make appropriate referrals to available services such as medical, social, counseling, and victims' compensation services.

(4) Assist in the preparation of victims/witnesses for court.

(5) Provide assistance and support to the families or survivors of victims where appropriate.

(6) Provide any other necessary support services to victims/witnesses such as contact with employers or creditors.

(7) Promote public awareness of the program and services available for crime victims.

The funds may not be used for other victim-related services until the above functions are provided in an adequate manner.

It is the intent of the General Assembly that the amounts appropriated in this section for victim assistance programs in solicitors' offices shall be in addition to any amounts presently being provided by the county for these services and may not be used to supplant funding already allocated for such services. Any reduction by any county in funding for victim assistance programs in solicitors' offices shall result in a corresponding decrease of state funds provided to the solicitors' office in that county for victim assistance services. Each solicitor's office shall submit an annual financial and programmatic report which describes the use of these funds. The report shall be submitted to the Governor, the Attorney General, the Chairman of the Senate Finance Committee, and the

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Chairman of the House Ways and Means Committee on October first, for the preceding fiscal year.

60.9. (PCC: DUI Prosecution) The amount appropriated and authorized in this section for Driving Under the Influence Prosecution shall be apportioned among the circuits on a pro-rata basis. If not privileged information, the Commission on Prosecution Coordination shall collect and retain information and data regarding Driving Under the Influence Prosecution and shall include: the number of dispositions, types of dispositions and county in which the disposition took place and shall provide the General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year.

60.10. (PCC: Violent Crime Prosecution) The amount appropriated and authorized in this section for Violent Crime Prosecution shall be apportioned pro rata among the circuits. Payment shall be made as soon after the beginning of each quarter as practical.

60.11. (PCC: Caseload Equalization Funding) The amount appropriated in this act and authorized for Caseload Equalization will have the first \$10,350,000 distributed at an amount of \$225,000 per county. The remaining \$12,006,872 shall be distributed based upon the average incoming caseload for each county as reported by the Judicial Department for the prior three fiscal years.

60.12. (PCC: Summary Court Domestic Violence Fund Distribution) The Summary Court Domestic Violence Prosecution funding shall be distributed based on the average incoming caseload for each county as reported by the South Carolina Judicial Department for the prior three fiscal years.

60.13. DELETED

60.14. (PCC: Drug Court Funding) The funds appropriated to the Commission on Prosecution Coordination for drug court funding and distributed to the Offices of Solicitor shall be used for the purpose of operating drug courts and other diversion programs.

60.15. (PCC: Solicitor Technology Funding Distribution) The amount appropriated in this act and authorized for Solicitor Technology Equipment and Software shall be apportioned in equal amounts among the sixteen circuits. Funding allocated for each circuit must be distributed for the development and implementation of a Criminal Justice Information Services compliant prosecution case management system capable of integration with the South Carolina Commission on Prosecution Coordination, the South Carolina Judicial Branch, all State

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PROSECUTION COORDINATION**

and Local Law Enforcement Departments, and other Offices of Circuit Solicitor. Each Circuit Solicitor shall submit to the Commission on Prosecution Coordination a comprehensive report detailing the capabilities and all associated expenditures for the Prosecution Case Management System. The Commission on Prosecution Coordination shall compile, summarize, and submit these reports to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December 31, 2023.

SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE

61.1. (INDEF: Defense of Indigents Formula) The amount appropriated in this act for “Defense of Indigents” shall have the first \$3,600,000 distributed as follows: \$1,200,000 shall be distributed in the amount of \$75,000 per circuit for 1.00 Public Defender and \$2,400,000 shall be distributed in the amount of \$150,000 per circuit for 2.00 investigators; the remaining amount appropriated shall be apportioned among counties in accord with Section 17-3-330 of the 1976 Code, but on a per capita basis and based upon the most current official decennial census of the United States; provided that no county shall receive funding in an amount less than the amount apportioned to it as of July 1, 2020. The level of contribution of each county as of July 1, 2001, must be maintained. No county shall be permitted to contribute less money than the amount the county contributed in the prior fiscal year. Within the amount of money established for indigent defense services, the State shall authorize the Commission on Indigent Defense to receive up to or spend no more than \$3,000,000 for the Death Penalty Trial Fund annually for use of the defense in capital cases pursuant to Section 16-3-26 of the 1976 Code, for juveniles facing the possibility of a sentence of life without parole, and for the expenses of the operation of the Commission on Indigent Defense to include salaries and operations expenses of the Death Penalty Trial Division. The State also shall authorize the Commission on Indigent Defense to receive up to or spend no more than \$2,500,000 annually to pay fees and expenses of private counsel appointed in noncapital cases pursuant to Section 17-3-50 (Conflict Fund). Of the funds generated from the fees imposed under Sections 14-1-206(C)(4), 14-1-207(C)(6) and 14-1-208(C)(6), on a monthly basis, fifty percent must be deposited into the Death Penalty Trial Fund, fifteen percent must be deposited into the Conflict Fund, and

SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE

thirty-five percent each month must be apportioned among the counties' public defender offices pursuant to Section 17-3-330. At the end of each fiscal year any leftover funds shall carryover to the next fiscal year for the same purposes. All applications for the payment of fees and expenses in capital cases shall be applied for from the Death Penalty Trial Fund which shall be administered by the Commission on Indigent Defense. All applications for the payment of fees and expenses of private counsel or expenses of public defenders pursuant to Section 17-3-50 shall be applied for from the Conflict Fund administered by the Commission on Indigent Defense. Reimbursement in excess of the hourly rate and limit set forth in Section 17-3-50 is authorized only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess

of the limit is appropriate because the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained, no additional fees shall be paid under any circumstances.

Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall be made from funds appropriated for this purpose from the Commission of Indigent Defense. If prior approval by written order of the court is not obtained, no additional expenses shall be paid under any circumstances.

Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the Senate Finance Committee and the House Ways and Means Committee.

61.2. (INDEF: State Employee Compensation Prohibited) Except as otherwise provided in Proviso 117.5, no money appropriated pursuant

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to Defense of Indigents shall be used to compensate any state employees appointed by the court as examiners, guardians ad litem or attorneys nor shall such funds be used in payment to any state agency for providing such services by their employees.

61.3. (INDEF: Appellate Conflict Fund) The purpose of the Appellate Conflict Fund is to provide money to pay attorneys for representing indigent defendants on appellate review when the Office of Appellate Defense is unable to do so. Funds designated for appellate use in conflict cases shall be administered by the Commission on Indigent Defense. The Office of Appellate Defense must first determine that it is unable to provide representation. Fees shall be \$40 per hour for out of court work and \$60 for in court work, with a maximum of \$3,500 per case for noncapital appeals. Fees shall be \$50 per hour for out of court work and \$75 per hour for in court work in capital appeals with a maximum of \$10,000 per capital appeal. The appropriate appellate court shall review and approve vouchers for payment for appellate conflict cases. The Office of Appellate Defense shall continue to provide printing and other support functions currently provided from their resources. On June thirtieth of each year, the Commission on Indigent Defense shall review all outstanding obligations in this fund. Any unspent and unobligated money shall be used to pay outstanding vouchers in the Death Penalty Trial Fund or the Conflict Fund, provided the designated fund has become exhausted during the year.

61.4. (INDEF: SC Appellate Court Rule 608 Appointments) The funds appropriated under "SC Appellate Court Rule 608 Appointments" shall be used for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate Court Commitments, Sexually Violent Predator Act, and Post-Conviction Relief (PCR) and Criminal Conflict appointments to reimburse court appointed private attorneys and for other expenditures as specified in this provision. SC Appellate Court Rule 608 Appointments funds may not be transferred or used for any other purpose.

A portion of the funds appropriated under "SC Appellate Court Rule 608 Appointments" shall be used for "Termination of Parental Rights" cases and "Abuse and Neglect" cases to reimburse private attorneys who are appointed by the Family Court to represent guardians ad litem, children, or parents under the provisions of Sections 63-7-1620 et seq., 63-7-2560 et seq., 63-9-320(A)(2) et seq., 63-19-810 et seq., and 63-19-2210 et seq.; for "Probate Court Commitment" cases to reimburse private attorneys who are appointed by the Probate Court to represent

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indigent persons; and for “Sexually Violent Predator” cases to reimburse private attorneys who are appointed by the Circuit Court pursuant to Sections 44-48-10, et seq., to represent indigent persons. When private counsel is appointed pursuant to these provisions, counsel shall be reimbursed a reasonable fee to be determined on the basis of fifty dollars per hour or reimbursement may also be made on the basis of a set (flat) fee. The method of payment and the amount of the set fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed two thousand dollars for any case under which such private attorney is appointed.

A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for noncapital Post Conviction Relief Cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed one thousand dollars in any single case.

A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for noncapital criminal cases pursuant to Section 17-3-50 (Conflict Fund). Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed three thousand five hundred dollars in any single felony case or one thousand dollars in any single misdemeanor case.

Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained, no additional fees shall be paid under any circumstances.

Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the representation of the defendant, the court shall authorize the defendant’s attorney to obtain such services on behalf of the defendant and shall authorize the payment,

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from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall be made from funds appropriated for this purpose from the Commission on Indigent Defense. If prior approval by written order of the court is not obtained, no additional expenses shall be paid under any circumstances.

Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the Senate Finance Committee and the House Ways and Means Committee.

A portion of the funds appropriated under "SC Appellate Court Rule 608 Appointments" may be used by the Commission on Indigent Defense to retain, on a contractual basis, the services of attorneys and other professionals to assist court appointed attorneys to provide quality and effective representation. The commission shall establish all policies, procedures, and contract provisions as it deems appropriate for the implementation of the system including, but not limited to, the selection and compensation of contract awardees.

61.5. (INDEF: Carry Forward) To offset budget reductions, the Commission on Indigent Defense may carry forward and utilize any unencumbered balances available in the Appellate Conflict Fund and the SC Appellate Court Rule 608 Appointment Fund at the end of the prior fiscal year.

61.6. (INDEF: Public Defender Fee) Every person placed on probation on or after July 1, 2003, who was represented by a public defender or appointed counsel, shall be assessed a fee of five hundred dollars. The revenue generated from this fee must be collected by the clerk of court and sent on a monthly basis to the Commission on Indigent Defense. However, if a defendant fails to pay this fee, this failure alone is not sufficient basis for incarceration for a probation violation. This assessment shall be collected and paid over before any other fees.

61.7. (INDEF: Defense of Indigents Civil Action Application Fee)

(A) A person requesting appointment of counsel in any termination of parental rights (TPR), abuse and neglect, or any other civil court action

SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE

in this state shall execute an affidavit that the person is financially unable to employ counsel and that affidavit shall set forth all of the person's assets. This affidavit must be completed before counsel may be appointed. If it appears that the person has some assets but they are insufficient to employ private counsel, the court, in its discretion, may order the person to pay these assets or a portion thereof to the State Treasurer's Office on a monthly basis separate from the application fee collected pursuant to Section 17-3-30(B).

(B) A forty dollar application fee for appointed counsel services must be collected from every person who executes an affidavit that they are financially unable to employ counsel. The person may apply to the court, the clerk of court, or other appropriate official for a waiver or reduction in the application fee. If it is determined that the person is unable to pay the application fee, the fee may be waived or reduced, provided that if the fee is waived or reduced, the clerk or appropriate official shall report the amount waived or reduced to the trial judge and the trial judge shall order the remainder of the fee paid by a time payment method or such method as the trial judge deems appropriate. The clerk of court or other appropriate official shall collect the application fee imposed by this section and remit the proceeds to the Commission on Indigent Defense on a monthly basis. The monies must be deposited in an interest-bearing account separate from the general fund and used only to provide for indigent defense services. The monies shall be administered by the Commission on Indigent Defense. The clerk of court or other appropriate official shall maintain a record of all persons applying for representation and the disposition of the application and shall provide this information to the Commission on Indigent Defense on a monthly basis as well as reporting the amount of funds collected or waived.

(C) In matters in which a juvenile is brought before a court, the parents or legal guardian of such juvenile shall execute the above affidavit based upon their financial status and shall be responsible for paying any fee. In matters concerning juveniles, the parents or legal guardians of said juvenile, shall be advised in writing of this requirement at the earliest stage of the proceedings against said juvenile.

(D) Nothing contained above shall restrict or hinder a court from appointing counsel in any emergency proceedings or where existing statutes do not provide sufficient time for an individual to complete the application process.

SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE

(E) The appointment of counsel, as herein before provided, creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in an amount equal to the costs of representation as determined by a voucher submitted by the appointed counsel and approved by the court, less that amount that the person pays to the appointed counsel.

(F) Such claim shall be filed in the office of the clerk of court in the county where the person is assigned counsel, but the filing of a claim shall not constitute a lien against real or personal property of the person unless, in the discretion of the court, part or all of such claim is reduced to judgment by appropriate order of the court, after serving the person with at least thirty days' notice that judgment will be entered. When a claim is reduced to judgment, it shall have the same effect as judgments, except as modified by this provision.

61.8. (INDEF: Exemption for Pass Through Funding) The funds distributed by the Commission on Indigent Defense to the Legal Services Corporation in accordance with Section 14-1-204 of the 1976 Code shall not be considered part of the commission's budget for purposes of calculating budget reductions.

61.9. (INDEF: Reporting Requirement) Circuit Public Defenders shall provide, in a manner and form as the agency head requires, information and data concerning caseloads, dispositions, and other information as required by the agency head or General Assembly. The agency shall withhold payments and transfers to Circuit Public Defenders who are not in compliance with the agency reporting requirements.

61.10. (INDEF: Capital Case Contract Attorneys) Funds appropriated from the Death Penalty Trial Fund may be used by the commission to retain, on a contractual basis, the service of attorneys qualified to provide representation in capital proceedings to include: capital trials, post-conviction relief actions, re-sentencing, appeals or any other capital litigation proceeding.

The commission shall establish all policies, procedures, and contract provisions as it deems appropriate for the implementation of the system, including but not limited to the selection and compensation of contract awardees. The commission may use these funds to retain, on a contractual basis, the services of other professionals to assist court appointed attorneys to provide quality and effective representation in the above capital proceedings.

SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE

61.11. (INDEF: Optional Courts and Indigent Representation) If a municipality has or elects to have an optional municipal court system, it must provide adequate funds for representation of indigents. No public defender shall be appointed in any such court unless the municipality and the office of the circuit public defender have reached an agreement for indigent representation and no funds allocated to the commission shall be used to provide compensation for appointed counsel in municipal courts.

61.12. DELETED

61.13. (INDEF: Indigent Sex Offender Registry Removal Cases) The funding appropriated under SC Appellate Court Rule 608 Appointments shall be used for Sex Offender Registry Removal actions to include court ordered investigative, expert, or other services necessary for representation by public defenders or other private appointed counsel.

Any private attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed three thousand five hundred dollars.

Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained, no additional fees shall be paid under any circumstances.

Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate. Payment in excess of the five-hundred-dollar limit is authorized only if the court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall be made from funds appropriated for this purpose from the Commission

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of Indigent Defense. If prior approval by written order of the court is not obtained, no additional expenses shall be paid under any circumstances.

The Commission on Indigent Defense may retain, on a contractual basis, the services of attorneys and other professionals to assist court appointed attorneys to provide quality and effective representation in these cases.

61.14. (INDEF: Assistant Public Defender Personnel and Retention Funding) The \$11,200,733 appropriated shall be distributed as follows: \$5,746,944 shall be distributed in the amount of \$359,184 per circuit for 3.00 Public Defenders; and the remaining amount of \$5,453,789 shall be apportioned on a per capita basis and based upon the most current official decennial census of the United States.

SECTION 62 - D100 - STATE LAW ENFORCEMENT DIVISION

62.1. (SLED: Special Account Carry Forward) Funds awarded to the State Law Enforcement Division by either court order or from donations or contributions shall be deposited in a special account with the State Treasurer, and shall be carried forward from year to year, and withdrawn from the Treasurer as needed to fulfill the purposes and conditions of the said order, donations or contributions, if specified, and if not specified, as may be directed by the Chief of the State Law Enforcement Division. Funds expended from the special account must be annually reported by October first to the Senate Finance Committee and the Ways and Means Committee.

62.2. (SLED: Computer/Communications Center Carry Forward) Revenue generated from the operation of the division's criminal justice computer/communications center and not expended during the prior fiscal year may be carried forward and expended for the same purpose during the current fiscal year.

62.3. (SLED: Agents Operations Carry Forward) Any unexpended balance on June thirtieth, of the prior fiscal year, in Part IA, Section 62 of the section "Agents Operations" may be carried forward and expended for the same purpose in the current fiscal year.

62.4. (SLED: Match for Federal Grants Carry Forward) State appropriations to SLED that are required to provide match for federal grant programs in the prior fiscal year may be carried forward into the current fiscal year and expended for the same purpose as originally appropriated.

SECTION 62 - D100 - STATE LAW ENFORCEMENT DIVISION

62.5. (SLED: Clothing Allowance) The State Law Enforcement Division is hereby authorized to provide agents and criminalists with an annual clothing allowance (on a pro rata basis) not to exceed \$600 per agent/criminalist for required clothing used in the line of duty.

62.6. (SLED: Witness Fee) The State Law Enforcement Division is hereby authorized to charge a witness fee of \$130.00 per hour up to \$1,000 per day for each employee testifying in civil matters which do not involve the State as a part in interest. This fee shall be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances and deposited into a designated revenue account.

62.7. (SLED: Commissioned Officers' Physicals) The department is authorized to pay for the cost of physical examinations for department personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

62.8. (SLED: Meals in Emergency Operations) The State Law Enforcement Division may provide meals to employees of SLED who are not permitted to leave assigned duty stations and are required to work during deployment, emergency simulation exercises and when the Governor declares a state of emergency.

62.9. (SLED: Hazardous Materials Security Detail) The State Law Enforcement Division (SLED) is authorized to be reimbursed for security related law enforcement services provided to entities authorized to transport sensitive materials within the borders of South Carolina. SLED shall determine all costs associated with security details and is authorized to coordinate the collection, retention, and distribution to any assisting agency. SLED and each assisting agency shall expend any funds associated with minimizing risks related to the transportation of these hazardous materials for the implementation of homeland security initiatives.

62.10. (SLED: Sex Offender Registry Fee) Each Sheriff is authorized to charge and collect an annual amount of one hundred fifty dollars from each sex offender required to register by law. If such sex offender has been declared indigent by the Sheriff of the county in which the offender must register and provides proof of the declaration at the time of registration, the fee will automatically be waived. If an offender is not declared indigent and fails to pay the fee, he is officially declared unregistered. This fee shall be divided between the Sheriffs and the State Law Enforcement Division with one hundred dollars of the fee retained by the Sheriffs and the remaining fifty dollars remitted by the Sheriffs to

SECTION 62 - D100 - STATE LAW ENFORCEMENT DIVISION

SLED on a quarterly basis. These funds must be used to support the Statewide Sex Offender Registry.

62.11. (SLED: Private Detective Fees Criminal History Checks) The State Law Enforcement Division is authorized to charge private detective companies, individual private detectives, private security companies, armed security guards, and proprietary security companies a fee of twenty-five dollars to process state criminal history checks and fifty dollars for federal fingerprint based criminal history checks. These funds shall be collected, retained, expended, and carried forward by the State Law Enforcement Division.

62.12. (SLED: CWP Instructors Certification) The State Law Enforcement Division is authorized to charge one hundred dollars for the issuance of a Certified Concealable Weapons Permit Instructor certificate, and one hundred dollars every three years for each renewal. These funds shall be collected, retained, expended, and carried forward by the State Law Enforcement Division.

62.13. (SLED: Expungement Requests) The State Law Enforcement Division is authorized to collect a twenty-five dollar expungement fee for each request to expunge criminal records. These funds shall be used to offset the operational and research expenses associated with processing these expungement requests. SLED is authorized to collect, retain, expend, and carry forward these funds. Persons found not guilty by a court of competent jurisdiction or where charges have been dismissed or nolle prossed shall be excluded from the fee requirement.

62.14. (SLED: Retention of Funds Reimbursed by State or Federal Agencies) The State Law Enforcement Division is authorized to collect, expend, retain, and carry forward all funds received from other state or federal agencies in the current fiscal year as reimbursement of expenditures incurred in the current or prior fiscal year.

62.15. (SLED: Monies Associated with Illegal Gaming Devices) The State Law Enforcement Division is authorized to retain, expend, and carry forward all monies associated with illegal gaming devices seized by the division, once orders of destruction and awarding of these monies have been received from a court of competent jurisdiction.

62.16. (SLED: Private Detective/Security Fee) The license and registration fees set by the State Law Enforcement Division for private detective businesses, private security businesses, including employees of these businesses, and companies which provide private security on their own premises must not exceed those fees set by regulation as of January 1, 2011, unless otherwise approved by the General Assembly. From the

SECTION 62 - D100 - STATE LAW ENFORCEMENT DIVISION

funds collected from these fees, the State Law Enforcement Division must transfer \$480,000 to the Department of Public Safety which shall be used for the purpose of providing security in the Capitol Complex area.

62.17. (SLED: Criminal Record Search Fees) The State Law Enforcement Division is authorized to charge and collect a fee of eight dollars for a criminal record search for local park and recreation volunteers through a commission, municipality, county, or the South Carolina Department of Parks, Recreation and Tourism. Any organization that is authorized to receive the reduced fee must not charge the volunteer, mentor, member, or employee more than the eight dollars or any additional fee that is not required by the State Law Enforcement Division. All criminal record searches conducted under this provision must be for a volunteer, mentor, member or employee performing in an official capacity of the organization and must not be resold.

62.18. (SLED: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the State Law Enforcement Division may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the Chief, and providing funds are available.

62.19. (SLED: Meth Lab Clean Up Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year, in the special line "Meth Lab Clean Up" may be carried forward and expended for agency law enforcement operations in the current fiscal year.

62.20. (SLED: CWP Renewal and Replacement) A concealed weapons permit may not be suspended by a state official, agent, or employee supported by state funds if the permit holder has initiated a renewal or replacement application and the processing and issuance of a renewal or replacement permit is delayed for administrative reasons. A concealed weapons permit remains valid during the pendency of the renewal or replacement process so long as the application for replacement renewal is submitted prior to the expiration of the permit.

62.21. (SLED: Drug Lab Electronic Mandatory Reporting System) Of the funds appropriated for Meth Lab Clean Up, the State Law Enforcement Division is authorized to expend such funds for the development and implementation of a statewide electronic mandatory reporting system for municipal, county and state governmental entities to report information, as directed by the State Law Enforcement Division, pertaining to the discovery or seizure of methamphetamine laboratories and dumpsites.

SECTION 62 - D100 - STATE LAW ENFORCEMENT DIVISION

62.22. (SLED: Mandatory Meth Lab Reporting) If a municipal, county, or state governmental entity locates, finds, or seizes a methamphetamine laboratory or dumpsite within the State, the governmental entity shall report the incident within three business days to the State Law Enforcement Division.

The State Law Enforcement Division shall determine the reporting mechanism and is authorized to request, receive, catalogue, classify, and maintain all information it determines necessary pertaining to the laboratory or dumpsite including, but not limited to, the location, the type of manufacturing method used, and suspect information. The State Law Enforcement Division shall maintain information related to these governmental reports on its website, which must be made available to the public, and is authorized to use funds appropriated for Meth Lab Clean Up towards the prudent maintenance of information reported.

A governmental entity that fails to report information to the State Law Enforcement Division pursuant to this proviso is ineligible to receive public safety grants that are funded through the South Carolina Public Safety Coordinating Council pursuant to Section 23-6-520(2) of the 1976 Code.

62.23. (SLED: Human Trafficking) The State Law Enforcement Division is authorized to receive grant funding for the purposes of hiring human trafficking agents.

SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY

63.1. (DPS: Special Events Traffic Control) The highway patrol must not charge any fee associated with special events for maintaining traffic control and ensuring safety on South Carolina public roads and highways unless approved by the General Assembly. Nothing shall prohibit the Treasury of the State from accepting voluntary payment of fees from private or public entities to defray the actual expenses incurred for services provided by the Department of Public Safety.

63.2. (DPS: Retention of Private Detective Fees) The Department of Public Safety is hereby authorized to receive, expend, retain, and carry forward all funds transmitted from SLED related to fees charged and collected by SLED from license and registration fees for private detective businesses, private security businesses, including employees of these businesses, and companies which provide private security on their own premises. The funds transferred are to be used in the Bureau of

SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY

Protective Services Program to provide security for state agencies and the Capitol Complex.

63.3. DELETED

63.4. (DPS: CMV Driver Rest Areas) A joint working group is to be established between the Department of Transportation, Department of Public Safety, State Transport Police and the South Carolina Trucking Association to review and evaluate where critical rest areas may be made available for commercial motor vehicle drivers to park and obtain their federally mandated required rest.

63.5. (DPS: SC Law Enforcement Officers Hall of Fame Scholarships/Donations) The Department of Public Safety is hereby authorized to accept donations from the public in order to provide scholarships to the children of law enforcement officers killed in the line of duty. The South Carolina Law Enforcement Officers Hall of Fame Advisory Committee is authorized to set the criteria for awarding such scholarships. All revenue received for this purpose shall be used to provide scholarships and shall be retained, carried forward, and expended for the same purpose. Funds received and designated for scholarships shall not be used for any other purpose.

The department shall also be authorized to receive and expend funds including any donations, contributions, grants, or gifts from private individuals, foundations, agencies, corporations, or the state or federal government, for the purpose of carrying out the programs and objectives of the South Carolina Law Enforcement Officers Hall of Fame. The department shall be authorized to retain, expend, and carry forward unexpended funds received for the South Carolina Law Enforcement Officers Hall of Fame and utilize those funds for the same purposes in the current fiscal year.

63.6. (DPS: Body Cameras) The Department of Public Safety is authorized to retain and carry forward unexpended funds associated with body cameras from the prior fiscal year into the current fiscal year and expend those funds for the same purpose.

63.7. (DPS: Overtime Pay) For the current fiscal year, the department is authorized and required to pay current non-exempt law enforcement officers by October 1st for any compensatory time earned and not used in the prior fiscal year. The funds for this compensation must be provided from available personal services, appropriated overtime funding, and/or employer contributions funds carried forward from the prior fiscal year. If the amount of carried forward funds is not sufficient to pay all the non-exempt law enforcement officers accrued

SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY

compensatory time, the department shall pay the officers on a percentage distribution based on the hours owed per officer up to the total amount that the department has carried forward.

63.8. (DPS: In-Car Camera Funding) For the current fiscal year, from funds appropriated to and/or authorized for the Department of Public Safety, there is maintained within the department an “In-Car Video Camera Fund” for the purpose of assisting law enforcement agencies in purchasing and maintaining in-car video cameras and ongoing costs related to the maintenance and storage of data recorded by in-car video cameras.

The Public Safety Coordinating Council shall oversee the fund and establish a process for the application for and disbursement of monies to law enforcement agencies. The council shall disburse the funds in a fair and equitable manner, taking into consideration the DUI enforcement activity of the law enforcement agencies, with priority given to those law enforcement agencies who prioritize DUI enforcement activity.

63.9. (DPS: School Safety Program) Funds appropriated for the School Safety Program and School Resource Officers in this act shall be utilized by the department for the purpose of hiring certified law enforcement officers to serve as a school resource officer for school districts, including the South Carolina Public Charter School District and schools authorized by an institution of higher learning, that otherwise would lack the adequate resources to hire their own school resource officers. In making determinations of eligibility, the department shall use the most recent index of taxpaying ability as the district’s indicator of ability to pay with districts of the lowest index of taxpaying ability receiving priority consideration. Districts, in collaboration with a local law enforcement agency of its choosing, must apply for funding through the department. In making awards the department shall provide funding directly to the local law enforcement agency to pay for the cost of the law enforcement officer that shall serve as a full time school resource officer. Unexpended funds may be carried forward and expended for salaries, equipment, and training. School district superintendents shall provide to the department at the end of each quarter the number of full and part-time school resource officers that currently serve schools in their respective districts, regardless of the fund sources supporting those officers.

The Department of Education shall transfer any fund balance to the Department of Public Safety by August 15.

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63.10. (DPS: Governor's Law Enforcement Officer of the Year Award) The Department of Public Safety shall establish an advisory committee to create an award nomination and recipient selection process for the Governor's Law Enforcement Officer of the Year Award. The advisory committee annually shall select a state law enforcement officer of the year, a county law enforcement officer of the year, and a municipal law enforcement officer of the year. Each winner shall be recognized by the Office of the Governor and also shall receive an award of \$10,000 to be distributed by the department. These awards shall not be subject to South Carolina income taxes.

**SECTION 64 -N200 - LAW ENFORCEMENT
TRAINING COUNCIL**

64.1. (LETC: CJA-Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Law Enforcement Training Council, Criminal Justice Academy is authorized to expend federal and earmarked funds in the current fiscal year for expenditures incurred in the prior fiscal year.

64.2. (LETC: CJA-Retention of Emergency Expenditure Refunds) The Law Enforcement Training Council, Criminal Justice Academy is authorized to collect, expend, retain, and carry forward all funds received from other state or federal agencies in the current fiscal year as reimbursement of expenditures incurred in the current or prior fiscal year when personnel and equipment are mobilized and expenses incurred due to an emergency.

64.3. *(LETC: Center for Excellence in Policing and Public Safety) There is established at the Law Enforcement Training Council a Center for Excellence in Policing and Public Safety. The Council, in partnership with the University of South Carolina School of Law, shall create a professional development training program for South Carolina law enforcement personnel. The Center will be a resource for programming, technical assistance, support, research, and education. The Center will also provide professional development for command staff and mid-level supervisors for the benefit of the citizens of South Carolina, leading to certifications and providing advancement opportunities and promoting recruitment and retention for the state's law enforcement community. In the current fiscal year, funds received by the Council for the Center shall be transferred to the Center to be used for these purposes.*

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

65.1. (CORR: Canteen Operations) Revenue derived wholly from the canteen operations within the Department of Corrections on behalf of the inmate population, may be retained and expended by the department for the continuation of the operation of said canteens and the welfare of the inmate population or, at the discretion of the Director, used to supplement costs of operations. The canteen operation is to be treated as an enterprise fund within the Department of Corrections and is not to be subsidized by state appropriated funds.

65.2. (CORR: E.H. Cooper Trust Fund) Any unclaimed funds remaining in any inmate account, after appropriate and necessary steps are taken to determine and contact a rightful owner of such funds, shall be deposited into the Inmate Welfare Fund.

65.3. (CORR: Instructional Salaries) The certified instructional personnel of the Department of Corrections shall receive a percentage increase in their annual salary for the current fiscal year equal to the percentage allocated to the instructional personnel throughout the State.

65.4. (CORR: Funding Through State Criminal Assistance Program) All funds received by the State from the United States Department of Justice, State Criminal Alien Assistance Program, for care and custody of illegal aliens housed in the state correctional facilities shall be retained by the South Carolina Department of Corrections to offset incurred expenses.

65.5. (CORR: Remedial Education Funding) A criminal offender committed to the custody of the Department of Corrections, who has been evaluated to function at less than an eighth grade educational level, or less than the equivalent of an eighth grade educational level, may be required by department officials to enroll and actively participate in academic education programs. Funds appropriated to the Department of Corrections for educational programs shall be prioritized to assure such remedial services are provided.

65.6. (CORR: Tire Retreading Program Restriction) The tire retreading program at the Lieber Correctional Institution shall be limited to the marketing and sale of retreads to state governmental entities.

65.7. (CORR: Social Security Administration Funding) All funds received by the South Carolina Department of Corrections from the Social Security Administration under Section 1611 (e)(1)(I) of the Social Security Act, which provides payment for information regarding incarcerated Social Security Insurance recipients, shall be retained by the South Carolina Department of Corrections and credited to a fund entitled

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

“Special Social Security” for the care and custody of inmates housed in the state correctional facilities.

65.8. (CORR: Medical Expenses) The Department of Corrections shall be authorized to charge inmates a nominal fee for any medical treatment or consultation provided at the request of or initiated by the inmate. A nominal co-pay shall be charged for prescribed medications. Inmates shall not be charged for psychological or mental health visits.

65.9. (CORR: Prison Industry Funds) The Director of the Department of Corrections, at his discretion, is hereby authorized to utilize prison industry funds for projects or services benefiting the general welfare of the inmate population or to supplement costs of operations. These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.

65.10. (CORR: Reimbursement for Expenditures) The Department of Corrections may retain for general operating purposes any reimbursement of funds for expenses incurred in a prior fiscal year.

65.11. (CORR: Sale of Real Property) Funds generated from the sale of real property owned by the Department of Corrections shall be retained by the department to offset renovation and maintenance capital expenditures.

65.12. (CORR: Funds From Vehicle Cleaning) Monies generated by inmates engaged in the cleaning and waxing of private vehicles, or any other adult work activity center, shall be placed in a special account and utilized for the welfare of the inmate population.

65.13. (CORR: Release of Inmates) The Director of the Department of Corrections and other persons having charge of prisoners who are required to serve a period of six months or more, may release all such prisoners, including prisoners to whom Section 24-13-150(A) of the 1976 Code applies, on the first day of the month in which their sentences expire, and if the first day of the month falls on a Saturday, Sunday, or a legal holiday, such prisoners may be released on the last weekday prior to the first of the month which is not a holiday.

65.14. (CORR: Western Union Funding) All funds received by the South Carolina Department of Corrections from the Western Union Quick Collect Revenue Sharing Program or similar private sector entities, which provides payment for processing electronic transfers into the E.H. Cooper Trust Fund, shall be retained by the South Carolina Department of Corrections and credited to a fund entitled “Inmate Welfare Fund” to be expended for the benefit of the inmate population.

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

65.15. (CORR: Monitoring Fees) The Department of Corrections is authorized to charge an inmate who participates in community programs a reasonable fee for the cost of supplying electronic and telephonic monitoring. The fees charged may not exceed the actual cost of the monitoring.

65.16. (CORR: Inmate Insurance Policies) The Department of Corrections may collect and record private health insurance information from incarcerated individuals. The department may file against any private insurance policy covering an inmate to recoup any health care expenditures covered by the policy. Health care will be provided in accordance with law and standards regardless of whether or not an inmate is covered by insurance.

65.17. (CORR: Work Release Transportation Fee) The South Carolina Department of Corrections is authorized to charge a \$4.00 per day transportation fee to participants in the work release program only when such transportation is provided by the department. Monies collected shall be credited to the South Carolina Department of Corrections, and utilized solely to fund transportation of work release participants and vehicle replacement for the work release program.

65.18. (CORR: Special Assignment Pay Level 2 & 3 Facilities) Funds appropriated for special assignment pay at the Department of Corrections are for the purpose of addressing vacancies and turnover of staff by providing a pay differential for certain employees assigned to institutions with a Level II or Level III security designation. The funds are to be used for special assignment pay only and may not be transferred to any other program. If the employee leaves one of the qualifying job classes or leaves a Level II or Level III institution for a non-Level II or non-Level III facility, they shall no longer be eligible for this special assignment pay. Only employees in full-time equivalent positions are eligible for this special assignment pay.

The special assignment pay is not a part of the employee's base salary and is as determined by the Director of the Department of Corrections at Level II and Level III institutions:

- (1) Cadets;
- (2) Correctional Officers, including Class Code JD-30 (Officer I and II positions);
- (3) Corporals I and II;
- (4) Sergeants and Lieutenants;
- (5) Captains and Majors;
- (6) Nursing Staff;

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

- (7) Food Services Staff; and
- (8) Warden.

65.19. (CORR: Quota Elimination) Pursuant to Section 24-3-60 of the 1976 Code, upon notification by the county, the Department of Corrections shall accept newly sentenced inmates from each local jail and detention center.

For sentenced inmates who the county is willing to transport, the department may limit the acceptance at the Kirkland Correctional Institution to the hours of 8:00 a.m. to 1:00 p.m., Monday through Friday, excluding holidays, and at the Perry and Lieber Correctional Institutions to the hours of 8:00 a.m. to 10:30 a.m., Monday through Thursday, excluding holidays, and at the Camille Graham Correctional Institution to the hours of 8:00 a.m. to 1:00 p.m. on Thursdays and Fridays, excluding holidays.

By mutual agreement between the Department of Corrections and a local jail or detention center, the department may establish an alternate admissions schedule for receiving inmates at the Reception and Evaluation Center.

At least one day prior to the date for transfer of the inmate to the department, the county shall provide the sentencing order, and copies of all available medical history and screening records, booking reports, and other documents required to assist the department in its intake processing. Counties that have not completed additional medical screenings at the time of transfer shall not be required to do so. Counties shall not be allowed to have an inmate admitted to the department until after the sentencing order and medical history and screening records in their possession are transferred to the department.

In the event there are inadequate beds within the Reception and Evaluation Center, the Department of Corrections may create a "jail" within the Kirkland Correctional Institution using one or more of the available 192-bed housing units to accept newly sentenced state inmates who are awaiting R & E processing. The department may operate such "jail," to the extent feasible, in accordance with standards applicable to the local jails.

The department shall use the funds appropriated in this act for "Quota Elimination" to accomplish this initiative and to open a 96-bed unit at the MacDougall Correctional Institution and the 192-bed housing units at Kirkland Correctional Institution. The funds may not be transferred to any other program or used for any other purpose.

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

65.20. (CORR: Public/Private Partnerships for Construction) Funds appropriated in Act 407 of 2006, item 23, shall be used to construct as many multi-purpose buildings at Department of Corrections institutions as possible. For such facilities at Lieber, McCormick, Leath, Perry, or Allendale Correctional Institution, at least \$150,000 in matching funds and/or construction materials or services must be donated before construction of the facility may begin. At other Department of Corrections locations, the Director may require that donated funds and/or materials or services equal one-half of the cost of construction, including design and engineering costs.

65.21. (CORR: Inmate Barbering Program) Inmate barbers in the Inmate Barbering Program at the Department of Corrections, shall not be subject to the licensing requirement of Section 40-7-30 of the 1976 Code.

65.22. (CORR: Executed Inmate Autopsy) For the current fiscal year, the autopsy requirements of Section 17-7-10 of the 1976 Code are suspended when an inmate is executed by the Department of Corrections pursuant to a valid order of the Supreme Court of South Carolina.

65.23. (CORR: Recoupment of Expenses Associated with Inmate Cremation) If the Department of Corrections incurs expenses for cremating and disposing of an unclaimed deceased inmate, the department may recoup all associated costs of cremation, including transportation, through the deceased inmate's E.H. Cooper account, providing funds are available.

65.24. (CORR: Credited Jail Time; DNA Sample Collection) Inmates committed to the Department of Corrections for sentences greater than ninety days, but who have credit for jail time in excess of their sentence to incarceration are not required to be transported to the Reception and Evaluation Center of the Department of Corrections. Cities and counties housing inmates who have credit for jail time in excess of their sentence may, through written agreement with the Department of Corrections, transfer required commitment records to the department electronically or by other means. The Department of Corrections must establish reasonable documentation requirements to facilitate the implementation of this cost savings measure. Employees of the Department of Probation, Parole and Pardon Services assigned to the court or employees of the Department of Corrections, as applicable, shall obtain DNA samples from the offenders who are required to submit DNA samples. This provision does not exempt the above referenced inmates from the \$250 DNA fee as required by Section 23-3-670 of the

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1976 Code. The \$250 fee shall be collected in the same manner as other fines and fees and submitted to the State Treasurer for remittance to SLED.

65.25. (CORR: Cell Phone Interdiction) An inmate under the jurisdiction of the Department of Corrections is not permitted to possess a telecommunications device unless authorized by the Director. Therefore, the Director of the Department of Corrections is granted the right to add a surcharge to all inmate pay phone calls to offset the cost of equipment and operations of cell phone interdiction measures. The surcharge will be added to the cost per call, collected by chosen telephone vendor and paid to the department on a monthly basis. The department is authorized to retain the funds to pay, either directly or through the State lease program, for equipment required to enact cell phone interdiction or retrieval or for critical security needs. When the equipment has been paid in full, the surcharge amount will be reviewed and adjusted to cover the cost of ongoing operational expenses of the interdiction equipment. Any unexpended balance may be carried forward from the prior fiscal year into the current fiscal year and be used for the same purpose or for critical security needs.

65.26. (CORR: Correctional Institution Maintenance and Construction) For maintenance and construction activities funded in the current fiscal year, the Department of Corrections may utilize inmate labor to perform any portion of the work on its own grounds and facilities. The provisions of Section 40-11-360(A)(9) of the 1976 Code shall apply to any such project, including new construction.

65.27. (CORR: Meals in Emergency Operations) The Department of Corrections may provide meals to public employees who are not permitted to leave their stations and are required to work during actual emergencies, emergency simulation exercises, or when the Governor declares a state of emergency.

65.28. (CORR: Prohibition on Funding Certain Surgery) (A) The Department of Corrections is prohibited from using state funds or state resources to provide a prisoner in the state prison system sexual reassignment surgery; however, if a person is taking hormonal therapy at the time the person is committed to the Department of Corrections, the department shall continue to provide this therapy to the person as long as medically necessary for the health of the person.

(B) As used in this provision:

(1) "Hormonal therapy" means the use of hormones to stimulate the development or alteration of a person's sexual characteristics in order

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to alter the person's physical appearance so that the person appears more like the opposite gender.

(2) "Sexual reassignment surgery" means a surgical procedure to alter a person's physical appearance so that the person appears more like the opposite gender.

65.29. (CORR: Video Bond Conferencing) In the current fiscal year, and from the funds appropriated to the Department of Corrections, the video conferencing bond system shall be used for all bond hearings for inmates incarcerated at facilities with video conferencing capabilities that are compatible with county video conferencing equipment, network, firewalls, etc. and charged with criminal offenses that require a bond hearing. The Department of Corrections shall not be responsible for recording any of these proceedings or for providing the counties with any equipment.

65.30. (CORR: Safety & Security) The Department of Corrections shall be authorized to carry forward into the current fiscal year the funds reimbursed to the agency pursuant to Section 3 of Act 154 of 2020. The amount shall not be included or part of any other authorized carry forward amount. Funds carried forward pursuant to this provision, in addition to funds appropriated under the nonrecurring provision for security and maintenance funds to the Department of Corrections, shall be deposited into a separate and distinct fund known as the "Department of Corrections Security and Maintenance Reserve Fund." The department may expend these funds to meet the maintenance and security needs of the agency for critical repairs, deferred maintenance, renovations, security upgrades, and equipment which are directly related to the safety and security of the public, officers, employees, and inmates. Prior to the expenditure of these funds, the department shall develop a comprehensive security and maintenance plan which shall itemize the permanent improvement projects and equipment purchases needed to maintain the safety and security of the state's prison system. This plan shall be presented by September 30th of the current fiscal year to the Governor and the Joint Bond Review Committee for its favorable review and comment. Subsequent to the committee's review, the department shall be authorized to initiate the permanent improvement projects and equipment purchases included in the plan upon submitting the necessary documentation to the Executive Budget Office without further review by the committee. Any deviations from the plan shall be subject to further review and comment by the committee. The department shall provide a report to the Governor and Joint Bond Review Committee on its

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implementation of the comprehensive security and maintenance plan and its expenditures from the fund by September 30 of each fiscal year.

65.31. DELETED

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

66.1. (DPPP: Sale of Equipment) All revenue generated by the Department of Probation, Parole and Pardon Services from the sale of various equipment in excess of \$575, less the cost of disposition incurred by the Department of Administration, may be retained and carried forward into the current fiscal year and expended for the purpose of purchasing like items.

66.2. (DPPP: Interstate Compact Application Fee) The department may charge offenders an application fee set by the department, not to exceed the department's actual costs, to offenders applying for transfers out of or into the state under the Interstate Compact Act. The application fee shall be retained by the department to offset the cost of the Interstate Compact Act. All unexpended funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

66.3. (DPPP: Sex Offender Monitoring Carry Forward) The Department of Probation, Parole and Pardon Services is authorized to carry forward any unexpended funds in the Sex Offender Monitoring program. These funds must be used for the sex offender monitoring program. For the purpose of calculating the amount of funds which may be carried forward by the department, Sex Offender Monitoring program funds carried forward by this provision shall be excluded from the calculation of the carry forward authorized by provision elsewhere in this act.

66.4. (DPPP: Offender Drug Testing Fee) The department may charge offenders a fee set by the department, not to exceed \$50, for the purpose of drug testing. If it is determined that the offender is indigent, this fee must be waived. The fee shall be retained by the department to offset the cost of drug testing. All unexpended funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

66.5. (DPPP: Public Service Employment Set-Up Fee) In addition to any other fee, the department may charge an adult offender placed under the jurisdiction of the department, who is ordered to public service employment by the court, a twenty-five dollar Public Service

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

Employment set-up fee. The fee must be retained by the department and applied to the department's supervision process.

**SECTION 67 - N120 - DEPARTMENT OF
JUVENILE JUSTICE**

67.1. (DJJ: Meal Ticket Revenue) The revenue generated from sale of meal tickets by the Department of Juvenile Justice shall be retained and carried forward into the current fiscal year by the agency and expended for the operation of the agency's cafeterias and food service programs.

67.2. (DJJ: Interstate Compact Revenue) The revenue returned to the Interstate Compact Program shall be retained and carried forward into the current fiscal year by the agency and expended for the operation of the program.

67.3. (DJJ: Children's Projects Revenue) Funds generated from the projects undertaken by children under the supervision of the Department of Juvenile Justice may be retained by the department and utilized for the benefit of those children. Such funds may be carried forward into the following fiscal year.

67.4. (DJJ: Instructional Salaries) The certified instructional personnel of the Department of Juvenile Justice shall receive a percentage increase in their annual salary for the current fiscal year equal to the percentage allocated to the instructional personnel throughout the State.

67.5. (DJJ: Reimbursements for Expenditures) The Department of Juvenile Justice may retain for general operating purposes any reimbursement of funds for expenses incurred in a prior fiscal year.

67.6. (DJJ: Juvenile Arbitration/Community Advocacy Program) The amount appropriated and authorized in this section for the Juvenile Arbitration Program shall be retained and expended by the Department of Juvenile Justice for the purpose of providing juvenile arbitration services through the sixteen Judicial Circuit Solicitors' offices in the state and used to fund necessary administrative and personnel costs for the programs.

The Department of Juvenile Justice shall contract with Solicitors to administer the Juvenile Arbitration Program and disburse up to \$60,000 per Judicial Circuit based on services rendered. The amount payable to

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Solicitors may vary based on consistent adherence to established statewide program guidelines to assess program performance.

The \$350,000 appropriated for the Community Advocacy Program in the first Judicial Circuit, will be used to fund necessary administrative and personnel costs for this status offender diversion program. The Department of Juvenile Justice shall monitor and provide support to this program.

All unexpended funds may be retained and carried forward from the prior fiscal year to be used for the same purposes.

67.7. (DJJ: Sale of Real Property) After receiving approval from the Department of Administration or State Fiscal Accountability Authority, for the sale of property, the department is authorized to retain revenues associated with the sale of department-owned real property and may expend these funds on capital improvements reviewed by the Joint Bond Review Committee and approved by the State Fiscal Accountability Authority.

67.8. (DJJ: Sale of Timber) The Department of Juvenile Justice is hereby authorized to sell mature trees and other timber suitable for commercial purposes from lands owned by the department. Prior to such sales, the director shall consult with the State Forester to determine economic and environmental feasibility and to obtain approval for such sales. Funds derived from timber sales shall be retained and utilized for family support services after setting aside a reasonable amount, as determined by the State Forester, for reforestation of the lands from which the trees and timber are sold.

67.9. (DJJ: Drug Free Workplace) The critical mission of the Department of Juvenile Justice requires a safe and drug free work environment. In order to accomplish this, the department may conduct and pay for the cost of pre-employment drug testing and random employee drug testing. The department is authorized to expend funds in order to provide or procure these services.

67.10. (DJJ: Definition of Juveniles) The Department of Juvenile Justice is authorized to place juveniles in marine and wilderness programs or other community residence programs operated by nongovernmental entities. Juveniles receiving services in these community residence programs must either be referred to such a program by the Family Court as a condition of probation, released to such a program by the Board of Juvenile Parole, or voluntarily agree to

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be assigned and released to such a program by the Department of Juvenile Justice.

67.11. (DJJ: Adult Education - GED) Juveniles committed to the Department of Juvenile Justice who have been enrolled in, but not yet completed, a GED educational program while at the department, at the discretion of the local school district, upon release from the department shall be allowed to enroll in either the juvenile's local school district's regular education program, in their appropriate grade placement, or allowed to enroll in that district's or county's adult education program. If enrolled in an adult education program, the juvenile's eligibility for taking the GED shall be based upon the regulations promulgated by the Department of Education for youth who are confined in, or under the custody of, the Department of Juvenile Justice.

67.12. (DJJ: Local District Effort) Upon commitment or confinement to a Department of Juvenile Justice facility, the school district in which that child resides shall pay an amount equivalent to the statewide average of the local base student cost (thirty percent), multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to out-of-district students to the Department of Juvenile Justice for the time period in which the child is committed or confined to a department facility. EFA funding for school districts is provided for a one hundred eighty day school year. The billing provided by the department shall be calculated by dividing the local base student cost by two hundred twenty-five days to determine the daily rate. The department shall notify the school district in writing within forty-five calendar days that a student from the nonresident district is receiving education services pursuant to this provision. The notice shall also contain the student's name, date of birth, disabling condition if available, and dates of service.

The invoice shall be paid within sixty days of billing, provided the department has provided a copy of the invoice to both the superintendent and the finance office of the school district being invoiced. Should the school district fail to pay the invoice within sixty days, the department can seek relief from the Department of Education. The Department of Education shall withhold EFA funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the department. If adequate funding is not received, the department shall have the flexibility to use funds from other programmatic areas to maintain an appropriate level of service.

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67.13. (DJJ: Early Release Authorization) In order to avoid unconstitutional levels of overcrowding and other unconstitutional conditions from occurring in facilities operated by the department and in residential programs operated for the department, the number of children housed in residential placements (either committed to the custody of the Department of Juvenile Justice or who are under the department's supervision) shall not exceed the number of beds available to the department to house them. Should appropriation reductions necessitate that the department close any additional facility, program, or housing unit it operates, or to be unable to fund any additional residential program operated for its benefit, the department is authorized and empowered to release from its residential placements sufficient numbers of children committed to its custody or supervision for a status offense, a misdemeanor offense, other than Assault and Battery of a High and Aggravated Nature and Assault with Intent to Kill, or for violation of probation/contempt of a status offense or a misdemeanor offense, other than Assault and Battery of a High and Aggravated Nature and Assault with Intent to Kill, so that the number of children in its custody or under its supervision and placed in these residential placements does not exceed the number of housing units/beds available to properly house those children. No child adjudicated delinquent for a violent crime as defined in Section 16-1-60 of the 1976 Code, a felony offense as defined in Section 16-1-90 of the 1976 Code, or a sexual offense shall be released pursuant to this proviso.

67.14. (DJJ: Raise the Age) The department must use carry forward funds to implement Act 268 of 2016 by contracting in the current fiscal year with local child-serving non-profit organizations and Judicial Circuit Solicitor's offices for community-based diversion and intervention services. The department shall give preference to multi-agency and organizational collaborations that include stakeholders from the Family Court, Department of Education, Public Defenders' Offices, the Department of Mental Health, the Department of Social Services, and community based non-profits that utilize best practices.

67.15. (DJJ: Other Funds) Notwithstanding any provision of state law, for Fiscal Year 2023-24, the Department of Juvenile Justice is authorized to carry forward and expend for agency operating and/or capital needs any cash or fund balances from the following sources: Law Enforcement Funding; Traffic Education Program App; Juvenile Detention Services; Joint Children's Committee; Court Fines-Detention

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Services; and Dedicated Court Fines. For purposes of this provision, agency operating and/or capital needs includes the following items: (1) The recruitment and retention of qualified staff; (2) Youth Services Training and Community Programs; (3) Physical Plant Maintenance and Upgrades; and (4) Projects on both the Agency's Master Plan and Comprehensive Permanent Improvement Plan. The department shall submit a plan regarding the use of these funds to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Corrections and Penology Committee, and the Chairman of the House Judiciary Committee. This plan shall be submitted for review before the expenditure of any of these funds.

SECTION 70 - L360 - HUMAN AFFAIRS COMMISSION

70.1. (HAC: Human Affairs Forum Carry Forward) All revenue derived from donations and registration fees received for attendance at Human Affairs Forums shall be retained and carried forward and expended for the purpose of general operations of the Human Affairs Commission.

70.2. (HAC: Training Revenue) All revenue derived from fees received from training and technical assistance provided by the Human Affairs Commission to entities other than state agencies shall be retained, carried forward, and expended for the purpose of general operations of the Human Affairs Commission.

70.3. (HAC: Revenue from Copying Fees) All revenue derived from providing requested copies of commission files, final opinions, orders, and determinations shall be retained, carried forward, and expended for the purpose of general operations of the Human Affairs Commission.

SECTION 71 - L460 - COMMISSION FOR
MINORITY AFFAIRS

71.1. (CMA: Private Contributions and Sponsorship) Monies derived from private sources for agency research, forums, training, and institutes may be retained and expended by the commission for the said purpose. Any remaining balance may be carried forward and expended for the same purpose.

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MINORITY AFFAIRS

71.2. (CMA: Carry Forward Registration Fees) Revenue derived from registration fees received from training and institutes may be retained and carried forward for the purpose of conducting future training and institutes.

71.3. (CMA: Carry Forward Grant Awards) Revenues pooled from public and private sources for the purpose of awarding grants to address problems in the minority community may be retained and carried forward by the commission.

71.4. (CMA: Carry Forward Bingo Revenues) Bingo revenues received by the commission in the prior fiscal year pursuant to Section 12-21-4200(3) of the 1976 Code which are not expended during that fiscal year may be carried forward to be expended in the current fiscal year.

71.5. (CMA: Retention of Photocopy Fees) Revenue derived from photocopy fees and other fees related to Freedom of Information Act requests from the general public may be retained and carried forward by the Commission.

71.6. DELETED

SECTION 72 - R040 - PUBLIC SERVICE COMMISSION

72.1. DELETED

72.2. (PSC: Santee Cooper Funds Held by Public Service Commission) The balance of the funds transferred to the Public Service Commission by the Department of Administration, for the purpose of reforming Santee Cooper, shall remain available to the Public Service Commission for its continued reformation of Santee Cooper. The Public Service Commission is authorized to employ, through contract or otherwise, third-party consultants and experts in carrying out its duties for purposes of reforming Santee Cooper. The Public Service Commission is exempt from complying with the State Procurement Code in the selection and hiring of third-party consultants or experts authorized by this provision.

72.3. (PSC: South Carolina Integration Study) The Public Service Commission is authorized to initiate an independent study to evaluate the integration of renewable energy and emerging energy technology into the electric grid for the public interest pursuant to Section 58-37-60 of the 1976 Code. Prior to expending funds related to consultant engagement, the Public Service Commission will provide the Public

SECTION 72 - R040 - PUBLIC SERVICE COMMISSION

Utilities Review Committee with justification for approval of expenditure. The results of the independent study shall be reported to Governor and the General Assembly.

72.4. (PSC: Santee Cooper Billing) The Public Service Commission is authorized, subject to the Public Utilities Review Committee's approval of the commission's annual budget, to bill Santee Cooper for costs associated with its oversight of Santee Cooper performed pursuant to Act 90 of 2021 and any other relevant legislation, statute, or provision; provided such costs do not exceed the amounts authorized for the oversight of Santee Cooper in this act. Santee Cooper may reduce their remittance of revenues to the State by the amount paid to the commission for oversight costs under this provision. This reduction shall be made in Santee Cooper's second semi-annual remittance to the State.

SECTION 73 - R060 - OFFICE OF REGULATORY STAFF

73.1. (ORS: Transportation Fee Refund) The Transportation Department of the Office of Regulatory Staff is hereby authorized to make refunds of fees which were erroneously collected.

73.2. (ORS: Assessment Certification) Office of Regulatory Staff shall certify to the Department of Revenue the amounts to be assessed to cover appropriations in this section as follows: (1) the amount applicable to the assessment on public utility, telephone utility, radio common carrier and electric utility companies as provided for by Section 58-4-60, Code of Laws of 1976; (2) the amount to be assessed against gas utility companies as provided for in Section 58-5-940, Code of Laws of 1976; (3) the amount to be assessed against electric light and power companies as provided for in Sections 58-4-60 and 58-27-50, Code of Laws of 1976; and (4) the amount to be covered by revenue from motor transport fees as provided for by Section 58-23-630, and other fees as set forth in Section 58-4-60, Code of Laws of 1976. The amount to be assessed against railroad companies shall consist of all expenses related to the operations of the Railway subprogram of the Agency's Transportation Division, to include the related distribution of salary increments and employer contributions not reflected in the related subprogram of this act as set forth in Section 58-4-60, Code of Laws of 1976.

73.3. (ORS: Assessment Adjustments) If the Office of Regulatory Staff determines that a person or entity subject to Title 58 of the 1976 Code has been assessed an amount greater than that authorized by

SECTION 73 - R060 - OFFICE OF REGULATORY STAFF

Sections 58-4-60, 58-3-100 and 58-3-540, the Office of Regulatory Staff shall, at its discretion:

- (a) refund the person or entity the amount of over collection using funds from the current fiscal year;
- (b) refund the person or entity the amount of over collection using any unexpended funds from the prior fiscal year;
- (c) credit the amount the person or entity will be assessed in the next fiscal year for the amount of over collection; or
- (d) any combination of these.

The Office of Regulatory Staff, when determining the amount to be assessed in the next fiscal year, may take into consideration any underpayment or overpayment by a person or entity during a given year. Any unexpended funds from revenue generated pursuant to this section may be retained and carried forward and expended for the same purposes.

73.4. (ORS: SSEB Annual Dues) The annual dues of the Southern States Energy Board shall be paid from the Radioactive Waste Operating Fund.

73.5. (ORS: Office of Broadband Coordinator) (A) From funds appropriated for this purpose, there is established the Office of Broadband Coordinator within the Office of Regulatory Staff to serve as the central broadband planning body for the State and to coordinate with federal, state, regional, local, and private entities, to the extent practicable, to encourage the continued development of access to broadband in the State.

(B) The Office of Broadband Coordinator shall convene a collaborative stakeholder process to identify challenges to expediting broadband access and shall provide a report to the General Assembly with recommendations for which legislative, regulatory, or other governmental actions are appropriate to promote broadband access throughout the State.

(C) Funds appropriated to the Office of Broadband Coordinator for broadband infrastructure shall be used to continue to fund the Broadband Infrastructure Program, including the completion of those broadband infrastructure projects that were approved for funding pursuant to Act 142 of 2020 but not constructed by December of 2020. Expansion of broadband infrastructure shall emphasize services to rural communities and communities with a lack of access to broadband. The Office of Broadband Coordinator shall prioritize infrastructure expansion that will make high-speed broadband available to homes, businesses, schools,

SECTION 73 - R060 - OFFICE OF REGULATORY STAFF

health care facilities, and other institutions in unserved areas across South Carolina.

(D) The Office of Broadband Coordinator shall serve as a central resource to collect and publish information regarding federal and state programs to fund broadband expansion, and to the extent practicable, coordinate resources such that both state and federal resources are efficiently maximized.

(E) The Office of Broadband Coordinator may use assistance from state and federal agencies or from private organizations and industry to accomplish the purposes of this provision. Unexpended funds at the end of the prior fiscal year shall be carried forward and expended in the current fiscal year by the Office of Regulatory Staff for the same purposes.

73.6. (ORS: SC Broadband Map) (A)(1) From funds appropriated, the Office of Broadband Coordinator shall contact the appropriate entities to provide information necessary to compile the county-by-county broadband mapping plan required by Section 10 of Act 142 of 2020 showing the location and capability of broadband facilities throughout the State. In order to facilitate the provision of information necessary to this task, all information provided by a broadband service provider or other entity providing information for the purpose of creating a South Carolina broadband map shall be maintained by the Office of Broadband Coordinator and any other agency as confidential, proprietary, and a trade secret as defined in Section 30-4-40 of the 1976 Code, and subject to exemption from disclosure under state and federal law. The information shall not be subject to disclosure under Chapter 4, Title 30 of the 1976 Code, except in the form of a map where information that could be used to determine provider-specific information about the network of the broadband service provider or other providing entity is not disclosed.

(2) Except as otherwise provided in this provision, such broadband provider-specific information shall not be released to any person other than to the broadband service provider or other entity providing information, employees of the Office of Broadband Coordinator, agents designated to assist in developing the South Carolina broadband map, entities contracting with the Office of Broadband Coordinator, and other state agencies administering funds for broadband deployment without express permission of the submitting broadband service provider or other entity providing information. Such information shall be used solely for the purposes stated under this

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provision. The Office of Broadband Coordinator shall ensure that any such agents, entities, or agencies with whom the information is shared are aware of the confidential nature and restricted purposes for which the information may be used and that any such agents or entities that are not state agencies execute an appropriate nondisclosure agreement protecting the information from public disclosure before receiving the information.

(B) Entities providing broadband service or middle-mile infrastructure in South Carolina shall, on an annual basis, provide to the Office of Broadband Coordinator deployment data in a format specified by the office to provide the most accurate and granular representation of currently available broadband infrastructure. These same entities, when they serve residential or business customers, shall also provide the type of technology deployed together with the sustainable download and upload speeds available at each serviceable location. Entities failing to provide such data on an annual basis may be disqualified from state funding opportunities for the current fiscal year. Annually, the office shall compile this information, analyze, and update statewide broadband deployment information.

(C) Any unexpended funds at the end of the prior fiscal year shall be carried forward and expended in the current fiscal year by the Office of Regulatory Staff for the same purposes.

73.7. DELETED

73.8. (ORS: Santee Cooper Billing) The Office of Regulatory Staff is authorized, subject to the Public Utilities Review Committee's approval of the Office of Regulatory Staff's annual budget, to bill Santee Cooper for costs associated with its oversight of Santee Cooper performed pursuant to Act 90 of 2021 and any other relevant legislation, statute, or provision, provided such costs do not exceed the amounts authorized for the oversight of Santee Cooper in this act. Santee Cooper may reduce their remittance of revenues to the State by the amount paid to the Office of Regulatory Staff for oversight costs under this provision. This reduction shall be made in Santee Cooper's second semiannual remittance to the State.

73.9. (ORS: Rural Telephone Companies) From funds appropriated for Public Safety Infrastructure Management, the Office of Regulatory Staff may provide funds to South Carolina rural telephone companies and their affiliates for actual costs incurred and associated with 911 infrastructure and connections as part of the State's transition to next

SECTION 73 - R060 - OFFICE OF REGULATORY STAFF

generation 911 services pursuant to the State's contract with NextGen Communications, Inc.

**SECTION 74 - R080 - WORKERS' COMPENSATION
COMMISSION**

74.1. (WCC: Educational Seminar Revenue) All revenue earned from educational seminars shall be retained by the agency to be used for the printing of educational materials and other expenses related to conducting the seminar.

74.2. (WCC: Retention of Filing Fees) The Workers' Compensation Commission is authorized to retain and expend all revenues received as a result of a \$50.00 filing fee for each requested hearing, settlement, or motion. If it is determined that the individual is indigent, this filing fee must be waived.

74.3. (WCC: Tax on Self-Insurers) Notwithstanding another provision of law, the sunset provision provided for in Act 68 of 2017 is suspended for the current fiscal year to allow the commission to continue to collect tax on self-insurers.

SECTION 75 - R120 - STATE ACCIDENT FUND

75.1. (SAF: Educational Seminar Revenue) The State Accident Fund is authorized to set and collect fees for educational seminars. All revenue earned from educational seminars shall be retained by the agency and used for supplies, materials, and other expenses relating to the seminars.

75.2. (SAF: Adjuster License Fees) The State Accident Fund is authorized to use other appropriated funds to pay the costs of adjuster license fee dues owed to the Department of Insurance for any licensed adjusters employed as working adjusters with the State Accident Fund, where such license is an agency requirement for their position.

SECTION 78 - R200 - DEPARTMENT OF INSURANCE

78.1. (INS: Examiners Travel/Subsistence Reimbursement) Notwithstanding the limitations in this act as to amounts payable or reimbursable for lodging, meals, and travel, the Department of Insurance is authorized to reimburse department examiners in accordance with guidelines established by the National Association of Insurance

SECTION 78 - R200 - DEPARTMENT OF INSURANCE

Commissioners only when the State is reimbursed by an insurance company for the travel and subsistence expenses of Insurance Department examiners pursuant to Section 38-13-10 of the 1976 Code.

78.2. (INS: Reimbursement Carry Forward) Reimbursements received for Data Processing Services, Revenue, Miscellaneous Revenue and Sale of Listings and Labels shall be retained for use by the department. These funds may be carried forward in the current fiscal year.

78.3. (INS: Fees for Licenses) The Department of Insurance shall be authorized to charge a twenty-five dollar initial producer license fee; a twenty-five dollar biennial producer license renewal fee; and a two hundred-fifty dollar penalty fee for late appointment renewals. The director shall specify the time and manner of payment of these fees. These fees shall be retained by the department for the administration of Title 38.

78.4. DELETED

SECTION 79 - R230 - BOARD OF FINANCIAL INSTITUTIONS

79.1. (FI: Supervisory Fees) The Board of Financial Institutions shall fix supervisory fees of banks, savings and loan associations and credit unions on a scale which, together with fees collected by the Consumer Finance Division will fully cover the total funds expended under this section.

**SECTION 80 - R280 - DEPARTMENT OF
CONSUMER AFFAIRS**

80.1. (CA: Consumer Protection Code Violations Revenue) Funds, paid to the department in resolution of cases involving violations of the South Carolina Consumer Protection Code and other statutes enforced by the department be retained and expended within the agency's budget to help offset the costs of investigating, prosecuting, and the administrative costs associated with these violations, may be carried forward and expended for the same purposes in the current fiscal year.

80.2. (CA: Expert Witness/Assistance Carry Forward) Unexpended appropriated funds for the Consumer Advocacy expert witness/assistance program (under Section 37-6-603) may be carried forward into the current fiscal year and expended for the same purpose.

**SECTION 80 - R280 - DEPARTMENT OF
CONSUMER AFFAIRS**

80.3. (CA: Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention) The Department of Consumer Affairs may retain all filing fees collected under Chapters 2, 3 and 6, Title 37 of the 1976 Code. These fees shall be used to offset the cost of administering and enforcing Title 37 and may be applied to the cost of operations. Unexpended balances may be carried forward for the prior fiscal year into the current fiscal year and be utilized for the same purposes.

80.4. (CA: Retention of Fees) For the current fiscal year, the department may retain all fees collected pursuant to Sections 39-61-80, 39-61-120, 40-39-120, and 44-79-80 of the 1976 Code. The funds retained shall be utilized to implement the requirements of the programs mandated by those sections of the code.

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

81.1. (LLR: Fire Marshal - Authorization to Charge Fees for Training) The Fire Academy may charge participants a fee to cover the cost of education, training programs, and operations. The revenue generated may be applied to the cost of operations, and any unexpended balance may be carried forward to the current fiscal year and utilized for the same purposes.

81.2. (LLR: Real Estate - Special Account) Revenue in the Real Estate Appraisal Registry account shall not be subject to fiscal year limitations and shall carry forward each fiscal year for the designated purpose.

81.3. (LLR: POLA - Ten Percent, Other Funds) The Professional and Occupational Offices in Program II.F. Professional and Occupational Licensing must remit annually an amount equal to ten percent of the expenditures to the general fund. The Contractor's Licensing Board must remit all revenues above their expenditures to the general fund. The revenue remitted by the Contractor's Licensing Board to the general fund includes the ten percent. Professional and Occupational Offices with an overall negative ending cash balance for the current and prior completed fiscal years will be exempt from these requirements.

81.4. (LLR: Fire Marshal Fallen Firefighters Memorial) The Department of Labor, Licensing and Regulation - Division of the State Fire Marshal is authorized to accept gifts or grants of services,

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properties, or monies from individuals or public and private organizations to honor South Carolina firefighters who have died in the line of duty. All excess monies collected to erect a memorial are to be placed in a fund for upkeep and maintenance. Any later contributions are to be used for upkeep and maintenance.

81.5. (LLR: Firefighter Mobilization Project) The department is directed to utilize \$165,000 of the funds derived under Section 2 of Act 1377 of 1968, as amended by Act 60 of 2001 from the tax of thirty-five one-hundredths percent imposed annually on the gross premium receipts less premiums returned on canceled policy contracts and less dividends and returns of unabsorbed premium deposits of all fire insurance companies doing business in the State to fund the Firefighter Mobilization Project.

81.6. (LLR: Match for Federal Funds) State appropriations to the Department of Labor, Licensing and Regulation that are required to provide match for federal grant programs in the prior fiscal year may be carried forward into the current fiscal year and expended for the same purpose as originally appropriated.

81.7. (LLR: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions to the OSHA and OSHA Voluntary Programs, the Department of Labor, Licensing and Regulation shall be authorized to spend agency earmarked and restricted accounts to maintain these critical programs previously funded with general fund appropriations. Any increase in spending authorization for these purposes must receive the prior approval of the Executive Budget Office.

81.8. (LLR: Immigration Bill Funding Report) Prior to any funds carried forward from the prior fiscal year in Subfund 3135 being transferred to fund any other purpose, \$250,000 must be retained by the Department of Labor, Licensing and Regulation to fund the department's responsibilities under the South Carolina Illegal Immigration Reform Act. The department shall compile an accountability report outlining expenditures of the Immigration Bill funding to be issued to the President of the Senate, the Chairman of the Senate Finance Committee, the Chairman of the Senate Finance Natural Resources and Economic Development Subcommittee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, and the Chairman of the House Ways and Means

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Transportation and Regulatory Subcommittee. Said report must be issued on the first Tuesday of February in the current fiscal year.

81.9. (LLR: Authorized Reimbursement) The Director of the Department of Labor, Licensing and Regulation cannot authorize reimbursement under Section 40-1-50(A) of the 1976 Code to members of any board listed in Section 40-1-40(B) for meetings held at any location other than the offices of the department unless there has been a determination that the department is unable to provide space for the meeting in a state-owned or leased facility in Richland or Lexington County.

81.10. (LLR: Illegal Immigration Hotline Assistance) Upon the request of the Commission for Minority Affairs, the Department of Labor, Licensing and Regulation shall provide assistance to establish and maintain a twenty-four hour toll free telephone number and electronic website to receive, record, collect, and report allegations of violations of federal immigration laws or related provisions of South Carolina law by any non-United States citizen or immigrant, and allegations of violations of any federal immigration laws or related provisions in South Carolina law against any non-United States citizen or immigrant.

Such violations shall include, but are not limited to, E-Verify or other federal work authorization program violations, violations of Chapter 83, Title 40 of the 1976 Code relating to immigration assistance services, or any regulations enacted governing the operation of immigration assistance services, false or fraudulent statements made or documents filed in relation to an immigration matter, as defined by Section 40-83-20, violation of human trafficking laws, as defined in Section 16-3-930, landlord tenant law violations, or violations of any law pertaining to the provision or receipt of public assistance benefits or public services.

81.11. (LLR: Board of Pharmacy) The Board of Pharmacy must accept affidavits of practical experience from interns whose practical experience internships occurred in this State. The affidavit must provide that the supervising pharmacist and the site of experience is licensed and in good standing with the board and that the internship falls within the criteria for internships set by the board. The affidavit must be accompanied by a ten dollar fee to cover administrative costs associated with compliance with this proviso.

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81.12. (LLR: Office of State Fire Marshal - Clothing) The Department of Labor, Licensing and Regulation is authorized to purchase and issue clothing to the non-administrative staff of the Office of the State Fire Marshal that are field personnel working in a regulatory aspect and/or certified to be a resident state fire marshal.

81.13. (LLR: First Responder PTSD Treatment) Of the funds appropriated to the Department of Labor, Licensing and Regulation - State Fire Marshal's Office for first responder PTSD treatment, the department shall distribute funds to the South Carolina Firefighter Assistance Support Team (FAST) to reimburse firefighters and emergency medical technicians who incur mental injury as a result of a critical incident during the scope of employment for actual out-of-pocket expenses not covered through workers compensation claims and/or other insurance. These funds may also be utilized to provide services through the South Carolina Firefighter Assistance Support Team. The department shall promulgate any administrative regulations necessary to carry out these provisions.

81.14. (LLR: Compensatory Payment) In the event a State of Emergency is declared by the Governor or in the event of a situation requiring the use of mutual assistance under Section 25-1-450 of the 1976 Code, exempt employees of the Department of Labor, Licensing and Regulation's Office of State Fire Marshal may be paid for actual hours worked, in lieu of accruing compensatory time, at the discretion of the agency director, and providing funds are available.

81.15. (LLR: Indirect Cost Waiver OSHA) The Department of Labor, Licensing and Regulation shall retain indirect cost recoveries relating to federal OSHA grants in this act. Recoveries retained by the agency will be used for operations of the agency. All other federal grants within the agency will remit indirect cost recoveries pursuant to Section 2-65-70 of the 1976 Code.

81.16. DELETED

81.17. DELETED

**SECTION 82 - R400 - DEPARTMENT OF
MOTOR VEHICLES**

82.1. (DMV: Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Department of Motor

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Vehicles is authorized to expend federal and earmarked funds in the current fiscal year for expenditures incurred in the prior fiscal year.

82.2. (DMV: Cost Recovery Fee/Sale of Photos or Digitized Images) The Department of Motor Vehicles may collect processing fees and fees to recover the costs of the production, purchase, handling and mailing of documents, publications, records and data sets. The department may collect and retain fees to defray the cost associated with fulfilling a Freedom of Information Act (FOIA) request. The amount charged by the Department of Motor Vehicles for any fees collected pursuant to this proviso may not exceed the rates that the department charged as of February 1, 2001. The Department of Motor Vehicles may not sell, provide or otherwise furnish to private parties, copies of photographs, whether digitized or not, taken for the purpose of a driver's license or personal identification card. Photographs and digitized images from a driver's license or personal identification card are not considered public records. With the exception of the cost associated with fulfilling a FOIA request, revenue generated by the fees imposed by this provision must be placed into the State Highway Fund as established by Section 57-11-20 of the 1976 Code and be distributed as provided in Section 11-43-167.

82.3. (DMV: DPPA Compliance Audit) The Department of Motor Vehicles may charge fees to defray the costs associated with auditing and enforcing compliance of all Federal or State statutes and regulations pertaining to personal information for customers receiving information disseminated by the department as allowed by law. This provision does not pertain to state agencies.

82.4. (DMV: Underutilized Offices) The Director of the Department of Motor Vehicles is authorized to develop and implement a plan to reduce the hours of operation in underutilized DMV field offices; however the legislative delegation of the county in which the affected field office is located must be notified prior to implementation of the plan. In addition, the director shall review field offices which have a high volume of traffic to determine whether it would be beneficial to expand the hours of operation.

82.5. (DMV: Activities Allowed on Special Restricted Driver's License) In the current fiscal year, employing funds authorized or appropriated to the Department of Motor Vehicles pursuant to Section 82, Part IA of this act, the department must include employment, school, church-related or sponsored activities, and parentally approved sports

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activities in the categories for which it may waive or modify restrictions in the special restricted driver's license for certain minors. The licensee must provide the department a statement of the purpose of the waiver or modification of restrictions executed by the parents or legal guardian of the licensee and documents executed by church representatives and/or representatives of the sports entity for which the waiver is being requested.

82.6. (DMV: Fund Balance Carry Forward) The Department of Motor Vehicles may carry forward any unexpended general fund balance or other funds not designated for REAL ID and/or non-recurring expense in Act 37 of 2021 from the prior fiscal year and expend those funds in the current fiscal year for expenditures as needed.

82.7. (DMV: Real ID) For Fiscal Year 2023-24, the Department of Motor Vehicles may expend any available earmarked cash reserves on the implementation of Real ID.

82.8. (DMV: Electronic Verification Processing Fees) In the current fiscal year, the Department of Motor Vehicles is exempt from paying fees to the Department of Health and Environmental Control associated with the use of the Electronic Verification of Vital Events (EVVE) system to verify or certify birth certificates during the driver's license or identification card issuance process.

82.9. (DMV: Identification Card Fees) In the current fiscal year, the Department of Motor Vehicles may waive the fee associated with issuing an identification card if the card issuance is through an established partnership with a state or federal agency.

82.10. (DMV: Retention of Traceable Temporary License Plates Revenue) For the current fiscal year, the department shall be authorized to retain five dollars from the sale of traceable temporary license plates as found in Section 56-3-210 of the 1976 Code. The funds shall be placed in the department's Plate Replacement Fund and used solely for the purposes of plate production and reissuance costs.

82.11. (DMV: Provide Data to DOT) The Department of Motor Vehicles shall provide access, in compliance with all state and federal privacy protection statutes, to the following data and reports without charge to the Department of Transportation: (1) all collision data and collision reports; (2) registration information used for toll enforcement; and (3) driver records of employees or prospective employees.

82.12. (DMV: Commercial Driver's License Skills Test Fee) In the current fiscal year, the Department of Motor Vehicles may charge

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twenty-five dollars for all commercial driver's license (CDL) applicants who schedule a skills test with the agency. Applicants who schedule a CDL skills test with the department, but cancel at least two business days before the appointment, shall be refunded this fee from the department. Monies from first-time skills test attempts where the applicant does not appear for the skills test shall be retained by the department and used for advancement of the CDL and commercial motor vehicle programs of the State. All other monies for CDL skills test shall be distributed in accordance with Section 56-1-2080(A)(1) of the 1976 Code. In instances where the applicant appears for the scheduled appointment and passes the skills test, the department shall credit this fee towards the applicant's CDL and CDL application. In instances where the applicant appears for the scheduled appointment but does not pass the skills test on the first attempt, the department shall credit this fee towards the applicant's subsequent skills test attempts in accordance with Section 56-1-2080(A)(1).

82.13. DELETED

82.14. (DMV: Fees for Qualified Service Members) In the current fiscal year, the Department of Motor Vehicles must waive the application, learner's permit, and driver's license fee, and, when applicable, the knowledge test fee for any applicant who qualifies for commercial learner's permits or commercial driver's licenses under the provisions of 49 CFR Section 383.77.

82.15. (DMV: Biennial Plates Commercial Motor Vehicles) The department may issue biennial plates to large commercial motor vehicles until all provisions of Act 37 of 2021 are enacted.

82.16. DELETED

82.17. (DMV: Authorized to Charge a Witness Fee) In the current fiscal year, the Department of Motor Vehicles is authorized to charge a witness fee of \$100 an hour, up to \$1,000 a day, for each employee testifying in matters which do not involve the department as a party. This fee shall be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances and depositing into a designated revenue account. The department is authorized to receive, expend, retain, and carry forward these funds.

82.18. (DMV: Emergency Powers of the SCDMV) In the current fiscal year, in the event of a State of Emergency declared by the Governor or during extenuating circumstances outside of the Department of Motor Vehicle's control, the agency may:

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(1) temporarily extend expiration dates for any products issued by the department; provided that extensions are only granted for citizens with items due for expiration during the State of Emergency;

(2) temporarily waive delinquent fees and penalties of any type; provided that waivers are only granted for citizens with items that fall under the provisions of item (1);

(3) provide meals to employees who are working in support of the State of Emergency; or

(4) implement any waivers issued by the Federal Motor Carrier Safety Administration, International Fuel Tax Agreement, International Registration Plan, or other federal entities and programs issued during the State of Emergency as deemed necessary by the Executive Director or his or her designee.

SECTION 83 - R600 - DEPARTMENT OF EMPLOYMENT
AND WORKFORCE

83.1. (DEW: Business Intelligence Division Program Contracts) All earmarked funds collected for the Business Intelligence Division Program Contracts through the Department of Employment and Workforce may be retained by the agency to be used for the exclusive purpose of operating these programs. All funds not expended in the prior fiscal year may be carried forward for use in the current fiscal year.

83.2. (DEW: Federal and Earmarked Prior Year Payments) The Department of Employment and Workforce shall be allowed to pay federal and earmarked prior year obligations with current year funds.

83.3. (DEW: Transparency of Funding Appropriation) In order to promote accountability and transparency, the Department of Employment and Workforce must provide and release to the public via the agency's website, a report of all aggregate amounts of taxes, fees and payments that were charged, collected and paid by that state agency in the prior fiscal year. For the purpose of efficiency and conservation of resources, this report shall be incorporated into the Trust Fund Report due by October first as required by Section 41-33-45 of the 1976 Code. In addition to the requirements of Section 41-33-45, the Trust Fund Report shall include, but not be limited to: (1) SUTA taxes collected per Tier; (2) unemployment benefit claims paid; (3) how many unemployment claims were made in error; (4) loan repayments made to the federal government; and (5) the amount of funds left in the agency's

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account at the end of the fiscal year. The report must be posted online by October first of the current fiscal year. Additionally, the report must be delivered to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by October first. Funds appropriated to and/or authorized for use by the department shall be used to accomplish this directive.

83.4. (DEW: Negotiation of Interest) For the current fiscal year and upon final repayment of all Title XII advances from the Federal Unemployment Account received by the state beginning in December of 2008, any interest assessment funds received by the Department of Employment and Workforce Interest Assessment Fund pursuant to Section 41-33-810 of the 1976 Code shall be transferred to the Unemployment Compensation Fund.

83.5. (DEW: REED Act Spending Authority) The Department of Employment and Workforce is authorized to expend up to \$2,375,072 of funds made available to the State under Section 903 of the United States Social Security Act, as amended. The funds must be used under the direction of the Department of Employment and Workforce, for the purpose funding of Unemployment Insurance, Workforce Innovation and Opportunity Act, and Employment Services Programs. No part of the funds herein authorized may be obligated after a two-year period beginning on July 1, 2023. The amount obligated pursuant to this provision shall not at any time exceed the amount by which (a) the aggregate of amounts transferred to the accounts of the State pursuant to Section 903 of the Social Security Act exceeds (b) the aggregate of the amounts obligated for administration and paid out for administration and paid out for benefits and as required by law to be charged against the amounts transferred to the account of this State.

83.6. (DEW: Employment Training Outcomes Data Sharing) The Workforce Innovation and Opportunity Act (WIOA) (P.L. 113-128), requires integration of training and employment data for the purposes of improving assessment of employment outcomes for the various training providers eligible to receive funding appropriated or authorized by this act.

(A) The department must enter into a data-sharing agreement with eligible training providers (ETPs) prior to the ETP entering student data into the Palmetto Academic Training Hub (PATH). ETPs will submit data related to the types of training programs offered, individual student coursework, including personal identifying information (PII) to match

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training, employment data and performance outcomes, program completion and time to complete, and program costs, as outlined in federal guidance.

(B) State agencies needing data from the Department of Employment and Workforce must meet an exception permitting disclosure, pursuant to 20 C.F.R. Part 603. Prior to providing data to a state agency, the department must enter into a data sharing agreement with the requesting agency, as described in 20 C.F.R. Part 603. Requesting state agencies must identify a need in the administration of the official duties for department data, as required by 20 C.F.R. Part 603. The department shall charge state agencies, excluding the Department of Commerce, for costs, as described in federal and state law, for the data sharing requests. The Department of Commerce shall not be charged for costs associated with this provision.

83.7. (DEW: GED Incentive Program) Unexpended funds for the GED Incentive Program at the Department of Employment and Workforce may be carried forward and expended for the same purposes in the current fiscal year. \$1,500,000 shall be utilized as an incentive for individuals to obtain their GED or high school diploma with an additional incentive if they successfully complete a short-term occupational training provided by a South Carolina technical college. In order to be eligible, the individual must be a South Carolina resident who is at least nineteen years of age. The individual must certify to the department that they do not currently hold a GED or high school diploma from any state. They must also enroll in and complete the GED or high school diploma, and, if applicable, short-term occupational training, course work prior to June 1, 2024. The Department of Employment and Workforce shall enter into a data-sharing agreement with the Department of Education and the State Technical College System to cross match eligibility to ensure that participants do not currently hold a GED or high school diploma and to confirm that the individual enrolled in and completed the diploma process to obtain the GED or high school diploma along with enrollment in and completion of a short-term occupational training. The Department of Employment and Workforce shall issue a one-time payment in the amount of \$500 to the individual upon confirmation from the Department of Education that the individual has successfully received the GED or diploma and an additional \$500 to the individual upon confirmation from the State Technical College System that the individual also successfully completed qualifying

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occupational training. These incentive payments shall be issued on a first come first served basis based on completion date, until the funds from this program have been exhausted. Funds allocated for this incentive program shall not be transferred or utilized for any other purpose.

**SECTION 84 - U120 - DEPARTMENT OF
TRANSPORTATION**

84.1. (DOT: Expenditure Authority Limitation) The Department of Transportation is hereby authorized to expend all cash balances, unexpended general funds, and unexpended proceeds from bond sales or loans accruing to the department brought forward from the previous year. The department is also authorized to expend for activities and projects to be reimbursed in part or whole from federal funds from the United States Department of Transportation or other agencies that were obligated, but not expended in a prior fiscal year; and all income for funding for contracted activities and projects funded by another entity not expended in a previous fiscal year. The Department of Transportation shall provide the Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, and the Executive Budget Office a listing of cash balances; unexpended general funds; unexpended proceeds from bond sales or loans accruing to the department; activities and projects funded from previously obligated federal funds not expended in the previous fiscal year; income from contracted activities and projects not expended in the prior fiscal year; and federal funds or other sources approved during the current fiscal year. The Executive Budget Office shall establish expenditure authorization adjustments, pursuant to the South Carolina Federal and Other Funds Oversight Act, upon review of the listing provided by the department.

84.2. (DOT: Special Fund Authorization) The Department of Transportation with the approval of the State Treasurer, is hereby authorized to set up with the State Treasurer such special funds out of the Department of Transportation funds as may be deemed advisable for proper accounting purposes.

84.3. (DOT: Secure Bonds & Insurance) The Department of Transportation is hereby authorized to secure bonds and insurance covering such activities of the department as may be deemed proper and

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advisable, due consideration being given to the security offered and the service of claims.

84.4. (DOT: Benefits) Employees of the Department of Transportation shall receive equal compensation increases, health insurance benefits and employee bonuses provided in this act for employees of the State generally. The amount will be funded from Department of Transportation funding sources.

84.5. (DOT: Document Fees) The Department of Transportation is hereby authorized to establish an appropriate schedule of fees to be charged for copies of records, lists, bidder's proposals, plans, maps, etc. based upon approximate actual costs and handling costs of producing such copies, lists, bidder's proposals, plans, maps, etc.

84.6. (DOT: Meals in Emergency Operations) In the event a State of Emergency is declared by the Governor or in the event of a situation requiring the use of the Secretary of Transportation's authorities under Section 57-5-1620 of the 1976 Code, the Department of Transportation may provide meals to employees who are not permitted to leave assigned duty stations to include deployment and emergency simulation exercises.

84.7. (DOT: Rest Area Water Rates) For the current fiscal year, rest areas of the Department of Transportation shall be charged in-district water rates by providers of water and sewer services, unless the rate currently charged by the provider is less than in-district rates.

84.8. (DOT: Shop Road Farmers Market Bypass Carry Forward) Unexpended funds appropriated for the Shop Road Farmers Market Bypass may be carried forward into the current fiscal year and expended for the matching requirement for the widening and expansion of Leesburg Road from Fairmont to Wildcat Road (Lower Richland roads-Phase I).

84.9. (DOT: Project Priority List) From the funds appropriated to the department, the Department of Transportation Commission project priority lists, as required under Act 114 of 2007, shall be published in a conspicuous place on the department's website in a manner easily accessible to the public. The priority lists shall be accompanied by the associated engineering directives explaining the ranking process and methodology for applying the commission approved criteria.

84.10. (DOT: General Fund Balance Carry Forward) The Department of Transportation may carry forward any unexpended

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TRANSPORTATION**

general fund balance from the prior fiscal year and expend those funds in the current fiscal year.

84.11. (DOT: Reimbursement for Vehicle Damage) Of the funds appropriated to the Department of Transportation, the department must develop direct internet access from the department's home page to any document or claim form that may be used by the public to seek reimbursement for vehicle damages caused by poor road conditions. The department must post a link to the documents or claim forms on the department's home page in a prominent, easily viewed location.

84.12. (DOT: Preventative Maintenance Credit) The Department of Transportation is authorized to transfer a portion of proceeds of the motor fuel user fee received from Section 12-28-310(D) to the Department of Revenue in order to satisfy the requirements of the preventive maintenance credit in Section 12-6-3780(B)(2).

84.13. (DOT: Emergency Meetings) The Department of Transportation Commission is authorized to use funds under this act in order to convene a meeting in cases of emergency as determined by the Secretary of Transportation when a natural disaster or other dire situation requires immediate action. Notice shall be given to the press and the public as soon as a decision is made to convene an emergency meeting. Only emergency matters may be considered in such a meeting. The meeting shall be open to the public, and may be conducted over a conference call if necessary.

84.14. (DOT: CTC Donor Bonus) The Department of Transportation is authorized, in order to meet the requirements of Act 40 of 2017, to transfer a portion of the proceeds of the motor fuel user fee received from Section 12-28-310(D) of the 1976 Code to satisfy the donor bonus for County Transportation Committees in Section 12-28-2740(H).

84.15. (DOT: Compensatory Payment) In the event a State of Emergency is declared by the Governor or in the event of a situation requiring the use of the Secretary of Transportation's authorities under Section 57-5-1620 of the 1976 Code, exempt employees of the Department of Transportation may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the Secretary of Transportation, and providing funds are available.

84.16. (DOT: Non-Federal Aid Highway Fund) Funds deposited in the Non-Federal Aid Highway Fund established in Act 176 of 2005 may be used for repairs, maintenance, and improvements to the existing transportation system.

84.17. DELETED

SECTION 85 - U150 - INFRASTRUCTURE BANK BOARD

85.1. (IBB: Board Meeting Coverage) Of the funds authorized for the State Transportation Infrastructure Bank Board, the bank must provide live-streamed coverage of all board meetings to ensure transparency and access for the public. The board meetings shall be recorded and archived and made available on the South Carolina Transportation Infrastructure Bank's website.

SECTION 86 - U200 - COUNTY TRANSPORTATION FUNDS

86.1. (CTC: Increased Funding) The requirement of Section 13 of Act 40 of 2017 for increased funding to the County Transportation Committees shall come from the proceeds of Section 12-28-310(D), and shall be used exclusively for repairs, maintenance, and improvements to the state highway system.

86.2. (CTC: Expenditure Authority Limitation) County Transportation Funds are authorized to expend all cash balances brought forward from the previous fiscal year. A listing of cash balances shall be provided to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Executive Budget Office. The Executive Budget Office shall establish expenditure authorization adjustments, pursuant to the South Carolina Federal and Other Funds Oversight Act, upon review of the listing provided.

SECTION 87 - U300 - DIVISION OF AERONAUTICS

87.1. (AERO: Reimbursement for Services Carry Forward) The Division of Aeronautics may retain and expend reimbursements derived from charges to other government agencies for service and supplies for operating purposes and that a reserve not to exceed \$300,000 may be carried forward to the current fiscal year for the replacement of time limit aircraft components.

87.2. (AERO: Office Space Rental) Revenue received from rental of Division of Aeronautics office space may be retained and expended to cover the cost of building operations.

87.3. (AERO: Funding Sequence) All General Aviation Airports will receive funding prior to the six air carrier airports (i.e. Columbia, Charleston, Florence, Hilton Head Island, Greenville-Spartanburg, and Myrtle Beach International) as these qualify for special funding under the DOT/FAA appropriations based on enplanements in South Carolina.

SECTION 87 - U300 - DIVISION OF AERONAUTICS

87.4. (AERO: Hangar/Parking Facilities) The Division of Aeronautics will provide hangar/parking facilities for government owned and/or operated aircraft on a first come basis. Funds shall be retained by the division for the purpose of hangar and parking facility maintenance. The Hangar Fee Schedule shall be determined by the division and shall not exceed local average market rates.

Personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.

87.5. (AERO: Aviation Grants) The funds appropriated for Aviation Grants, in this bill or any bill supplemental thereto, shall be credited to the State Aviation Fund within the Division of Aeronautics for the following purposes:

- (1) to allow the maximization of grant funds available through the Federal Aviation Administration for capital improvement projects;
- (2) for maintenance projects of general aviation airports; and
- (3) for aviation education related programs including, but not limited to, educating young people about careers in the aviation industry and/or the promotion of aviation in general.

Sponsors of publicly owned airports for public use are eligible to receive grants pursuant to this provision, but the airport must have a current development plan that meets the planning requirements of the National Plan of Integrated Airports Systems.

The Aeronautics Commission shall promulgate regulations establishing the grants program that, at a minimum, address: (1) priorities among improvements qualifying for grants; (2) an airport selection process to ensure an equitable distribution of funds among eligible airports; and (3) the criteria for distribution of funds among eligible airports.

Enabling airport sponsors to meet basic Federal Aviation Administration safety guidelines for obstruction clearance must be a major factor in the priority guidelines established by the Aeronautics Commission pursuant to this provision. The Commission also shall have discretion consistent with Section 55-5-170 of the 1976 Code to establish a program to grant Aviation Fund dollars for these purposes at the ratio of eighty percent from the fund to twenty percent from the local airport sponsor, or any ratio with a smaller relative contribution from the fund.

A report on the expenditure of these funds shall be submitted to the Senate Finance Committee and the House Ways and Means Committee.

Unspent funds from the prior fiscal year may be carried forward to the current fiscal year and spent for like purposes.

SECTION 87 - U300 - DIVISION OF AERONAUTICS

87.6. (AERO: Asset Procurement Flexibility) The Division of Aeronautics is authorized, upon approval by the Aeronautics Commission, to acquire aircraft and assets for state service through purchase projects including, but not limited to, the Department of Defense Surplus Equipment Programs and the Federal Asset Transfer Program as long as the assets can be used to meet the typical mission requirements of the Division's operations. Aeronautics may participate in the Federal Asset Transfer program to secure aircraft for use in official state business by utilizing appropriated general funds, not to exceed \$50,000, and after the South Carolina Aeronautics Commission has provided the approval.

SECTION 88 - Y140 - STATE PORTS AUTHORITY

88.1. (SPA: Charleston Cooper River Bridge Project) The State Ports Authority shall, from other general fund or operating fund surplus available and any funds appropriated to the authority in prior fiscal years and left unexpended as of July 1, 2023, pay to the State Transportation Infrastructure Bank one million dollars before June 30, 2024, to continue the Charleston Cooper River Bridge Project.

88.2. (SPA: Harbor Deepening Reserve Fund) The State Ports Authority shall maintain the Harbor Deepening Reserve Fund. This fund shall be separate and distinct from the General Fund and interest accrued by the fund must remain in the fund. This fund must be used exclusively by the South Carolina Ports Authority for the activities associated with deepening the state's harbors. Prior to expending any amount from the fund, the State Ports Authority must present a comprehensive plan for the use of the fund for harbor deepening to the Joint Bond Review Committee for review and comment. These funds shall be carried forward from the prior fiscal year into the current fiscal year and must be used for the same purpose.

88.3. (SPA: Jasper Ocean Terminal) There is created within the State Ports Authority the Jasper Ocean Terminal Port Facility Permitting and Infrastructure Fund. The State Ports Authority shall maintain the Jasper Ocean Terminal Port Facility Permitting and Infrastructure Fund and the \$3,125,000 in state funds previously appropriated to the State Ports Authority for use in connection with the proposed Jasper Ocean Terminal Port shall be deposited into this account. This fund shall be separate and distinct from the General Fund and interest accrued by the fund must remain in the fund. This fund must be used exclusively by the State Ports Authority for permitting and capital infrastructure

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expenditures supporting the development of the Jasper Ocean Terminal Port facility, including, but not limited to, any and all permits and matters associated therewith that are required by the United States Army Corps of Engineers in order to develop the Jasper Ocean Terminal Port, roads, utilities, dredge disposal areas, and acquisition of property and property rights (such as easements, rights-of-way, and licenses) and any other matter reasonably related to the authorization and development of the Jasper Ocean Terminal Port. In regard to the permits and other activities associated with the Corps of Engineers, the State Ports Authority must ensure that the legal posture of the permitting is at all times such that the Jasper Ocean Terminal Port is qualified to be considered an alternative by the Corps of Engineers in connection with its consideration of any other permits for ports-related activity in the Savannah River, including, without limitation, any attempt to permit the development of port-related facilities on Hutchinson Island. These funds must be expended by the State Ports Authority for the stated purpose within the current fiscal year. The State Ports Authority is directed to take action against the Georgia Ports Authority in accordance with the Joint Venture Agreement between the parties dated December 2015, in the event the Georgia Ports Authority fails to expend funds in furtherance of that joint venture that are equal to the funds expended by the State Ports Authority, such action to include, without limitation, invocation of the mediation provisions of the Joint Venture Agreement. In the event of an assignment by the State Ports Authority of its interest in the Jasper Ocean Terminal Project to Jasper County that is consented to by the Georgia Ports Authority, the funds appropriated pursuant to this provision shall be transferred by the State Ports Authority to the Department of Administration, for subsequent disbursement by the department for the purposes set forth herein, upon applications for such made by Jasper County, and Jasper County shall assume all of the State Ports Authority's obligations hereunder.

88.4. (SPA: Transfer of Port of Georgetown) The South Carolina State Ports Authority will transfer the Port of Georgetown real property, including buildings, fixtures, and certain equipment, to the County of Georgetown in "as-is" condition including, but not limited to, any appurtenances and the assumption of any existing leases through a quit-claim deed no later than June 30, 2023. Any and all funds in the Georgetown Port Maintenance Dredging Fund shall be transferred to the South Carolina State Ports Authority in full consideration for such transfer, which is deemed to be just and fair compensation. Only the

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approval of the Georgetown County Council and the South Carolina State Ports Authority Board of Directors is required for this transaction, and such approval shall satisfy the fiduciary duties of each approving body related to this transfer.

88.5. (SPA: Road Closures Related to Navy Base Intermodal Facility) The State Ports Authority is authorized to close any street or road on or in the vicinity of the former Charleston Navy Base to the extent necessary to implement the Navy Base Intermodal Facility. Such closure shall not deny access to any property owners abutting the closed section of the street or road, or in the event access is denied, alternate access shall be provided.

88.6. (SPA: Distribution Facility) The Navy Base Intermodal Facility owned by the State Ports Authority shall be considered a distribution facility for the purpose of sales tax exemptions associated with the purchase of equipment and construction materials.

88.7. (SPA: Transfer of Funds to Georgetown County) Funds appropriated in Act 298 of 2014 to the State Ports Authority for Georgetown Port Dredging shall be transferred to Georgetown County. Of the funds transferred, the county may use up to \$1,500,000 for the purchase of excess port property within the county and shall use the balance of the funds for development of county property previously owned by the State Ports Authority.

88.8. (SPA: Transfer of Interest in Joint Venture Analysis) Of the funds previously appropriated to the South Carolina State Ports Authority (SCSPA) in the Jasper Ocean Terminal Facility Permitting and Infrastructure Fund, SCSPA is directed to distribute, in installments and subject to the approvals as hereinafter provided, up to \$1,500,000 to the Southern Carolina Regional Development Alliance (SCRDA) for SCRDA's service as an intermediary and service provider on behalf of a coalition of its interested member counties with economic interests in Jasper County's ocean terminal-related improvements to procure legal, financial, and other professional services necessary to analyze, and to the extent appropriate, engage in negotiations with the Georgia Ports Authority (GPA) regarding a potential assignment of SCSPA's one-half interest in the Jasper Ocean Terminal Joint Venture Agreement to either SCRDA or an entity comprised of its interested member counties. Prior to receiving funds from SCSPA, SCRDA shall submit a written request to the Department of Commerce for the review and written approval of a distribution from SCSPA to SCRDA, which approval shall not be unreasonably withheld, with a copy of the written request by SCRDA

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and the written approval from the Department of Commerce to be provided to SCSPA prior to the distribution of funds. On or before January 31, 2024, SCRDA shall submit a written report to the President of the South Carolina Senate, the Speaker of the South Carolina House of Representatives, and the Governor of South Carolina, summarizing the substance of its negotiations and communications with GPA and recommending a course of action for consideration.

88.9. (SPA: Term Limits) The requirements of Section 54-3-30 of the 1976 Code pertaining to the term limits shall be suspended for the current fiscal year.

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91.1. (LEG: Legislative Employee Designations) The positions included in this section designated (P) shall denote a permanent employee and the salary is an annual rate. The positions designated (T) shall denote a temporary employee and the salary is for a period of six months to be paid at that rate only while the General Assembly is in session. The positions designated as (Interim) shall denote a temporary employee and the salary is for a period of six months to be paid at that rate while the General Assembly is not in session. The positions designated (PTT) shall denote part-time temporary employees on a twelve-months basis. The positions designated (PPT) shall denote permanent part-time employees retained for full-time work for a period of months or the duration of the legislative session.

91.2. (LEG: Legislative Employee BPI/Merit) Legislative employees designated (P) or (PPT) shall receive base pay and average merit pay in the same manner as such pay is granted to classified state employees, but for purposes of this paragraph, the term "legislative employees" does not include employees of the House of Representatives. From the funds appropriated for Employee Pay Increases, the Speaker of the House and the President of the Senate shall determine the amount necessary for compensation of the employees of the House and Senate.

91.3. (LEG: Interim Expenses Allowance) The Chairman of the Standing House and Senate Committees shall each be allowed the sum of six hundred and fifty dollars for expenses during the interim, between sessions of the General Assembly, to be paid from the House or Senate approved accounts, with each body paying the expense allowance of the chairman in its membership. The Speaker of the House is authorized to

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approve not more than six hundred and fifty dollars for expenses during the interim for Chairmen of the Standing Committees of the House.

91.4. (LEG: Subsistence/Travel Regulations) (A) Members of the General Assembly shall receive subsistence for each legislative day that the respective body is in session and in any other instance in which a member is allowed subsistence expense. No member of the General Assembly except those present are eligible for subsistence on that day. Legislative day is defined as those days commencing on the regular annual convening day of the General Assembly and continuing through the day of adjournment sine die, excluding Friday, Saturday, Sunday, and Monday.

(B) Standing Committees of the Senate and House of Representatives are authorized to continue work during the interim; however, House members must receive advanced approval by the Speaker of the House and Senate members must receive advanced approval by the President of the Senate or Standing Committee Chairman to meet. If such advanced approval is not received, the members of the General Assembly shall not be paid the per diem authorized in this provision. When certified by the Speaker of the House, President of the Senate, or Standing Committee Chairman, the members serving on such committees shall receive a subsistence and mileage at the rate provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees while attending scheduled meetings. Members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The funds for allowances specified in this proviso shall be paid to the members of the Senate or House of Representatives from the Approved Accounts of the respective body except as otherwise may be provided.

(C) Joint Study Committees created pursuant to Acts and Resolutions of the General Assembly are authorized to continue work during the interim to secure such information and complete such investigations as may be assigned to the respective committees; however, House members must receive advanced approval by the Speaker of the House and Senate members must receive advanced approval by the President of the Senate or Standing Committee Chairman to meet. If such advanced approval is not received, the House and Senate members of the Joint Study Committee shall not be paid the per diem authorized in this provision. When certified by the appropriate authority, the members appointed to such committees shall receive a subsistence and mileage at the rate provided for by law, and the regular per diem established in this act for

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members of boards, commissions, and committees while attending scheduled meetings. Members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The allowances specified in this proviso shall be paid from funds appropriated to the respective committees for such purposes, or from Approved Accounts of the respective body of the General Assembly if no funds have been appropriated to such a committee for these purposes.

(D) Members of the Senate and the House of Representatives when traveling on official State business shall be allowed a subsistence and transportation expenses as provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees upon approval of the appropriate chairman. When traveling on official business of the Senate or the House of Representatives not directly associated with a committee of the General Assembly, members shall be paid the same allowance upon approval of the President of the Senate or the Speaker of the House of Representatives. In either instance, the members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The funds for the allowances specified in this proviso shall be paid from the Approved Accounts of the Senate or the House of Representatives or from the appropriate account of the agency, board, commission, task force or committee upon which the member serves.

(E) Members of the House of Representatives shall not be reimbursed for per diem, subsistence, or travel in connection with any function held outside of the regular session of the General Assembly unless prior approval has been received from the Speaker of the House.

(F) Notwithstanding any other provision of law, subsistence and mileage reimbursement for members of the General Assembly shall be the level authorized by the Internal Revenue Service for the Columbia area. Provided, in calculating the subsistence reimbursement for members of the General Assembly the reimbursement rate for the lodging component shall be the average daily rate for hotels in the Columbia Downtown area as defined by the Columbia Metro Convention and Visitor's Bureau for the preceding fiscal year.

91.5. (LEG: Senate Voucher Approval) All payroll vouchers, disbursement vouchers, and interdepartmental transfers of the Senate shall only require the approval of the Clerk of the Senate.

91.6. (LEG: Supplies Approval) All supplies for the Senate shall be purchased only upon the authority of the Clerk of the Senate and all

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supplies for the House of Representatives shall be purchased only upon the authority of the Clerk of the House.

91.7. (LEG: House Pages) Up to one hundred forty-four Pages may be appointed pursuant to House policies and procedures and they shall be available for any necessary service to the House of Representatives.

91.8. (LEG: Senate Research Personnel Compensation) Senate Research personnel other than Directors of Research and the committee research staff shall be paid from funds appropriated for Senate Research at the direction of the Clerk of the Senate.

91.9. (LEG: Contract for Services) The Standing Committees of the Senate may, upon approval of the President of the Senate, contract with state agencies and other entities for such projects, programs, and services as may be necessary to the work of the respective committees. Any such projects, programs, or services shall be paid from funds appropriated for contractual services.

91.10. (LEG: Jt. Leg. Committee Operational Authorization) Only the Joint Legislative Committees for which funding is provided herein are authorized to continue operating during the current fiscal year under the same laws, resolutions, rules or regulations which provided for their operations during the prior fiscal year.

91.11. (LEG: Legislative Carry Forward) In addition to the funds appropriated in this section, the funds appropriated under Part IA, Sections 91A, 91B, 91C, 91D, and 91E for the prior fiscal year which are not expended during that fiscal year may be carried forward to be expended for the same purposes in the current fiscal year.

91.12. (LEG: Senate Expenditures/O&M Committee) Notwithstanding any limitation or other provisions of law to the contrary, funds expended by the Senate for salary adjustments, professional fees and dues, and necessary expenses, supplies, and equipment for Senate employees, must be paid from funds appropriated to the Senate Operations and Management Committee and funds available in approved accounts of the Senate, and shall be authorized and allocated in such manner as determined by the Senate Operations and Management Committee. From the funds annually allocated to each Senator and Representative for postage and telephone, \$250 may be used to purchase American and State flags.

91.13. (LEG: In-District Compensation) All members of the General Assembly shall receive an in-district compensation of \$1,000 per month.

91.14. (LEG: Additional House Support Personnel) The House Operations and Management Committee shall determine procedures and

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policies for the administration and operation of the Legislative Aide program and the House Operations and Management Committee shall manage the program. Appropriations to the House of Representatives in Part IA shall fund the program.

91.15. (LEG: House Postage) The Speaker of the House is authorized to approve no more than \$1,200 per member per fiscal year for postage.

91.16. (LEG: Legislative Dual Employment) Each committee and joint legislative committee provide a list to the members of the General Assembly of all employees who hold dual positions of state employment.

91.17. (LEG: Code of Law Reimbursement) The Legislative Council may require reimbursement from public sector recipients except for the General Assembly of its cost of acquiring codes of law, supplements, or replacement volumes distributed to them.

91.18. (LEG: Statewide Acts Availability) From the funds appropriated in Part IA, Section 91D of this act, for the current fiscal year the clerks of the House of Representatives and the Senate are to make all statewide Acts available to the public electronically. The provisions of this section are in lieu of the House and Senate Clerks' duties related to the printing and mailing of acts as set forth in Sections 2-13-190, 2-13-210, and 11-25-640 through 11-25-680 of the 1976 Code.

91.19. (LEG: LAC Matching Federal Funds) The Legislative Audit Council is authorized to use funds appropriated in this act as state matching funds for federal funds available for audits and reviews. The council is also authorized to charge state agencies for federal funds, if available, for the costs associated with audits and reviews. Agencies shall remit the federal funds to the Legislative Audit Council as reimbursement for the costs of audits and reviews.

91.20. (LEG: DMV Audit Review) For the current fiscal year, the provisions of Section 56-1-5(F) are suspended. Any savings generated by not conducting the review shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.

91.21. (LEG: Electronic Correspondence) For the current fiscal year, the House of Representatives may not expend any funds for the printing or mailing of bills, summaries, committee agendas, etc. to committee members. The House of Representatives shall send all relevant information concerning committee meetings to committee members via electronic means.

91.22. (LEG: Technology Panel) Of the funds appropriated in the Department of Education's program VIII.D. for Technology the K-12

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Technology Initiative partnership shall provide a report to the House Education and Public Works Committee, the House Ways and Means Committee, the Senate Education Committee and the Senate Finance Committee, describing the state's efforts to facilitate the cost effective provision of connectivity and internet bandwidth to schools and libraries on a statewide basis, regardless of location, activities to assist schools and libraries in minimizing and detecting internet security threats, the development and utilization of technological and online resources to support student development and achievement, the development and utilization of curriculum and professional training to support the use of instructional technology in schools and libraries, and other educational technology related activities engaged in by the partnership. Further, the report must detail information on the expenditure of the K-12 Technology funds by each district as well as a list of the districts requesting flexibility in the use of those funds. The report shall be submitted no later than June first of the current fiscal year.

91.23. (LEG: Legislative Department Applicability) For purposes of this act and any other provision of law that would have any effect on the expenditure of state revenue through the applicability of the particular provision or through compliance with a mandate or requirement of the provision, the terms "state agency" or "agency" do not include any component of the Legislative Department unless the provision of law specifically includes these entities and the inclusion only applies for purposes of the particular provision.

91.24. (LEG: Requested Information) The departments, bureaus, officers, commissions, institutions, and other agencies or undertakings of the State, upon request, shall immediately furnish to President of the Senate or the Speaker of the House of Representatives in such form as he may require, any information requested in relation to their respective affairs or activities.

91.25. (LEG: Lawsuit Intervention by Legislature) The President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives have an unconditional right to intervene on behalf of their respective bodies in a state court action and may provide evidence or argument, written or oral, if a party to that court action challenges:

- (a) the constitutionality of a state statute;
- (b) the validity of legislation; or
- (c) any action of the Legislature.

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In a federal court action that challenges the constitutionality of a state statute, the validity of legislation, or any action of the Legislature, the Legislature may seek to intervene, to file an amicus brief, or to present argument in accordance with federal rules of procedure.

Intervention by the Legislature pursuant to this provision does not limit the duty of the Attorney General to appear and prosecute legal actions or defend state agencies, officers or employees as otherwise provided.

In any action in which the Legislature intervenes or participates, the Senate and the House of Representatives shall function independently from each other in the representation of their respective clients.

The Attorney General shall notify the President of the Senate and the Speaker of the House of Representatives of a claim that challenges the constitutionality of a state statute, the validity of legislation, or any action of the Legislature.

91.26. (LEG: Education Lawsuit Fund) Funds remaining in the Education Lawsuit Fund may be reallocated by the Senate to pay any other litigation related expenses.

SECTION 92 - D210 - OFFICE OF GOVERNOR

92.1. (GOV: Governor's Office Budget) All other provisions of law notwithstanding, the Executive Control of State section and Mansion and Grounds section shall be treated as a single budget section for the purpose of transfers and budget reconciliation.

92.2. (GOV: Mansion and Grounds Budget) The Governor's Office of Mansion and Grounds shall not exceed ten percent of its quarterly allocation of funds so as to provide for agency operations on a uniform basis throughout the fiscal year.

92.3. (GOV: Mansion and Grounds Maintenance and Complex Facilities) Revenue collected from rental of Mansion Complex facilities and grounds must be retained and expended by the Governor's Office, Mansion and Grounds to support its operations. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.

92.4. (GOV: Use of Funds Report) In order to ensure transparency and accountability, the Governor's Office of Executive Control of State shall report quarterly to the Senate Finance Committee and House Ways and Means Committee on financial transactions that have taken place between Executive Control of State and Mansion and Grounds. These

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transactions shall include, but are not limited to, any transfer of funds or payments or reimbursements for services rendered. For each transfer, payment, or reimbursement the report must specify the amount, the reason for, or circumstance that necessitated the transaction, and the source of funds used. In the event federal or other funds were utilized, the source from which the revenue was generated must also be included. The report must be submitted as soon after the end of each quarter as practicable.

92.5. DELETED**SECTION 92D - D300 - OFFICE OF RESILIENCE**

92D.1. (SCOR: Catastrophic Weather Event) Any improvements made to real property or personal property used as a residence, such as a mobile home or manufactured housing unit, damaged during the catastrophic weather event in October 2015, Hurricane Matthew of 2016, or Hurricane Florence of 2018, after the event and before June 30, 2024, is not considered an improvement and may not be reassessed at a higher rate as a result of the assistance provided. This provision only applies if as a result of the catastrophic weather event, the improvements made to the property were funded by the United States Department of Housing and Urban Development Block Grant - Disaster Recovery program implemented by the Office of Resilience, Disaster Recovery Office. This provision also applies if, at the discretion of the county and using qualifications determined by the county, the improvements were made with the assistance of a volunteer organization active in disaster, or a similar volunteer organization.

During the current fiscal year, the property tax value of an eligible property shall remain the same unless an assessable transfer of interest occurs. No refund is allowed on account of values adjusted as provided in this provision.

92D.2. (SCOR: Leave Balances) Any temporary grant employees transferred from the Department of Administration's Disaster Recovery Office to the Office of Resilience who become full time employees shall retain any leave accrued prior to the transfer.

92D.3. (SCOR: Carry Forward) The Office of Resilience shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year and expend the funds for the same purposes.

92D.4. DELETED

SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION

93.1. (DOA: Developmental Disabilities Council) Of the funds appropriated to the Department of Administration, Office of Executive Policy and Programs, \$50,000 must be used as state match for the Developmental Disabilities Council federal grant. These funds shall be excluded from the Department of Administration's base budget calculation of any across-the-board agency base reductions mandated by the Executive Budget Office or General Assembly.

93.2. (DOA: Capital Complex & Mansion) Funds appropriated to the Department of Administration - for Capital Complex & Mansion must be set aside in a separate account for the operation and maintenance of the Capital Complex & Mansion. The department shall report annually to the State House Committee on the amount expended from this fund for the operation and maintenance of the State House.

93.3. (DOA: Compensation - Reporting of Supplemental Salaries) No supplement shall be paid to an agency's employee unless the agency head or designated official of the employing agency, or in the case of supplements paid to college and university presidents, their board of trustees, has approved the conditions and amount of salary supplement. Any compensation, excluding travel reimbursement, from an affiliated public charity, foundation, clinical faculty practice plan, or other public source or any supplement from a private source to the salary appropriated for a state employee and fixed by the State must be reported by the employing agency to the Department of Administration. The report must include the employee's base salary, amount of the supplement, source of the supplement, and any condition of the supplement. The employing agency must report this information on or before August thirty-first of each year and must include the total amount and source of the salary supplement received by the employee during the preceding fiscal year (July first through June thirtieth). The Department of Administration shall formulate policies the reporting provisions of this proviso. Copies of the reports shall be made available to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, upon request.

93.4. (DOA: Compensation Increase - Appropriated Funds Ratio) Appropriated funds may be used for compensation increases for classified and unclassified employees and agency heads only in the same ratio that the employee's base salary is paid from appropriated sources.

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93.5. (DOA: Local Provider Health Insurance) The local health care providers of the Department of Disabilities and Special Needs shall be awarded funding increases as prescribed for state agencies to cover the employer's share for the cost of providing health and dental insurance to their employees.

93.6. (DOA: Military Service) Notwithstanding the provisions of Section 8-11-610 of the 1976 Code, a permanent full-time state employee who serves on active duty as a result of an emergency or conflict declared by the President of the United States, and performs such duty, may use up to forty-five days of accumulated annual leave and may use up to ninety days of accumulated sick leave in a calendar year as if it were annual leave.

93.7. (DOA: First Responder Interoperability) The Department of Administration is directed to administer and coordinate First Responder Interoperability operations for the statewide Palmetto 800 radio system to better coordinate public safety disaster responses and communications. First Responder Interoperability administration and coordination shall be funded as provided in this act. The cost-proportional funds shall be utilized for radio user fees of state agencies and public safety first responders (Fire, EMS and Law Enforcement) that participate in the statewide Palmetto 800 radio system (Palmetto 800 participants). The Department of Administration, in consultation with the State Law Enforcement Division, the Department of Public Safety, and the State Emergency Management Division, and a representative of the South Carolina Sheriff's Association, shall set a baseline number of radios used by each Palmetto 800 participant based on the technical aspects of the Palmetto 800 radio system and the jurisdictional requirements of the participant. If a Palmetto 800 participant reduces the baseline number of radios in use, the amount of funds allocated for the participant's radio user fees shall be reduced in a proportional amount. The funds shall also be utilized to provide private county and city radio systems with grant funds to be used for purchases of equipment that support interoperability with the statewide Palmetto 800 radio system and its users. Grant funds shall be allocated to private county and city radio systems based on the criteria used for Palmetto 800 Participants and in amounts proportional to the amounts allocated to support the per-site radio user fees of Palmetto 800 participants. A matching share is required by a Palmetto 800 participant or by a private county or city radio system in order to qualify for receipt of funds pursuant to this proviso. Each fiscal year the Department of

SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION

Administration shall establish the level of match required based upon funding provided by this act. These entities shall be required to furnish such documentation as may be required by the department to verify that the matching funds requirement is met. Upon funding state agency and public safety first responder user fees and private county and city equipment purchases, any remaining funds may be used to enhance and expand the statewide Palmetto 800 radio system. All funds shall be held in a separate account established by the department for the purposes set forth herein. Any unexpended portion of these funds may be carried forward and used for the same purpose. In the calculation of any across-the-board budget reduction mandated by the Executive Budget Office or General Assembly, the amount appropriated to the Department of Administration for First Responder Interoperability must be excluded from the department's base budget.

The Department of Administration shall provide a report on the status of the integration of the statewide Palmetto 800 radio system which shall include, but not be limited to, a list of entities who are not integrated into the system as of the end of the immediately preceding fiscal year and the reason why they are not integrated. The report shall be submitted by October first, of the current fiscal year to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

93.8. (DOA: Sale of Surplus Real Property) Up to fifty percent of the proceeds, net of selling expenses, from the sale of surplus real properties shall be retained by the Department of Administration and used for the deferred maintenance of state-owned buildings. The remaining fifty percent of the net proceeds shall be returned to the agency that the property is owned by, under the control of, or assigned to and shall be used by that agency for nonrecurring purposes. This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority; the Ports Authority; the MUSC Hospital Authority; the Myrtle Beach Air Force Redevelopment Authority; the Department of Transportation; the Columbia State Farmers Market; the Department of Agriculture's Columbia Metrology Lab building and property; the Charleston Naval Complex Redevelopment Authority; the Department of Commerce's Division of Public Railways; the Midlands Technical College Enterprise Campus Authority; the Trident Technical College Enterprise Campus Authority; the Commissioners residence at the Department of

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Corrections and the Educational Television Commission's Key Road property.

The Educational Television Commission shall be authorized to retain the net proceeds from the sale of its property on Key Road, and such proceeds may be used for the renovation of the ETV Telecommunications Center and other maintenance and operating expenses. If it is determined that sufficient net proceeds are not to be derived from the sale of its property on Key Road to cover the cost of all renovations of the Telecommunications Center, the property on Key Road shall not be sold. Any proposed sale hereunder shall, prior to said sale, be submitted to the Department of Administration for approval as being in compliance with the requirements of this subsection.

The Department of Corrections shall be authorized to retain the net proceeds from the sale of the residence provided for the Commissioner of the Department of Corrections and use such proceeds for deferred maintenance needs at the Department of Corrections.

The Forestry Commission shall be authorized to retain the net proceeds from the sale of surplus land for use in firefighting operations and replacement of firefighting equipment.

The Department of Natural Resources shall be authorized to retain the net proceeds from the sale of existing offices originally purchased with a federal grant or with restricted revenue from hunting and fishing license sales for the improvement, consolidation, and/or establishment of regional offices and related facilities.

The Department of Agriculture, the Educational Television Commission, the Department of Corrections, the Department of Natural Resources, and the Forestry Commission shall annually submit a report, within sixty days after the close of the fiscal year, to the Senate Finance Committee and the House Ways and Means Committee on the status of the sale of the identified property and a detailed accounting on the expenditure of funds resulting from such sale.

This provision is comprehensive and supersedes any conflicting provisions concerning disposition of state-owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

Any unused portion of these funds may be carried forward into succeeding fiscal years and used for the same purposes.

93.9. (DOA: Cyber Security) All state agencies must adopt and implement cyber security policies, guidelines and standards developed by the Department of Administration. The department may conduct audits on state agencies except public institutions of higher learning,

SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION

technical colleges, political subdivisions, and quasi-governmental bodies as necessary to monitor compliance with established cyber security policies, guidelines and standards. Upon request, public institutions of higher learning, technical colleges, political subdivisions, and quasi-governmental bodies shall submit sufficient evidence that their cyber security policies, guidelines and standards meet or exceed those adopted and implemented by the department. In addition, while agencies retain the primary responsibility and accountability for ensuring responses to breach incidents comply with federal and state laws, the department shall be informed of all agency cyber security breaches, and is authorized to oversee incident responses in a manner determined by the department to be the most prudent. Upon request of the Department of Administration for information or data, all agencies must fully cooperate with and furnish the department with all documents, reports, assessments, and any other data and documentary information needed by the department to perform its mission and to exercise its functions, powers, and duties. The Judicial and Legislative Branches are specifically exempt from the requirements set forth herein.

93.10. (DOA: Holidays) When a legal holiday specified in Section 53-5-10 of the 1976 Code falls on Sunday, the following Monday and when a holiday specified in that section falls on Saturday, the preceding Friday next preceding is deemed a public holiday for all of the purposes. If either the following Monday or the preceding Friday is also a legal holiday, then the State Human Resources Director will designate the day upon which the legal holiday will be observed by state employees. To insure that no more than the legal holidays specified in Section 53-5-10 are observed in the calendar year, a New Year's Day that falls on Saturday must be observed on the following Monday. All bills of exchange, checks, and promissory notes which would otherwise be presentable for acceptance or payment on a Monday or Friday observed as a holiday pursuant to this section are deemed presentable for acceptance or payment on the secular or business day succeeding the holiday.

93.11. (DOA: Nuclear Advisory Council) The Office of Regulatory Staff shall reimburse the Department of Administration for travel expenses associated with the Governor's Nuclear Advisory Council from the SC Energy Office's radioactive waste funds.

93.12. (DOA: QECB Allocation) From the funds appropriated to the department, the director of the Department of Administration shall develop and implement a plan to utilize the state's remaining Qualified

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Energy Conservation Bond allocation to fund energy conservation projects on state-owned buildings and other eligible capital expenditures that benefit state agencies.

93.13. (DOA: Federal/Other Fund Authorization Adjustments) The Executive Budget Office is authorized to approve agency requests for federal and other fund authorization adjustments. Requests will be approved and reported by the Executive Budget Office pursuant to Chapter 65, Title 2, the “South Carolina Federal and Other Funds Oversight Act”.

93.14. (DOA: Health Agencies Restructuring Study) With the funds appropriated in Proviso 118.19, the Department of Administration shall conduct a study on the proper organizational structures of the agencies that provide health services in state government. The study shall include, but not be limited to, a review of the current organizational structures of agencies that provide health services, a review of each agency’s mission, services provided, and financial performance, and recommendations for any organizational restructuring necessary to improve health services delivery in the State, recognize operational efficiencies, and maximize resource utilization. Any agencies identified by the department as being subject to the study shall provide the department with all information requested and shall fully participate as requested and required. The department may contract with experts, consultants, and advisors including, but not limited to, accountants and attorneys, to provide consultation, advice, and other relevant services to the department in taking actions necessary to accomplish the study. Procurements by the department of any experts, consultants, and advisors including, but not limited to, accountants and attorneys, are exempt from the purchasing procedures of the South Carolina Consolidated Procurement Code in Chapter 35, Title 11, and any other provisions of the general law of this State in conflict with these directives. Procurements made by the department pursuant to this provision shall be made with as much competition as is practicable under the circumstances. The department shall submit the final report to the Governor, Speaker of the House of Representatives, Chairman of the House Ways and Means Committee, President of the Senate, and Chairman of the Senate Finance Committee by June 30, 2024.

93.15. (DOA: Williston Town Hall) Funds remaining of the \$1,000,000 appropriated in Act 239 of 2022, Section 118.19, Item (72)(z) to the Department of Administration for the Williston City Park

SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION

Multipurpose Building shall be redirected to Williston Town Hall to be used for the same purpose.

93.16. (DOA: City of Barnwell Fire Department) Funds remaining of the \$2,000,000 appropriated in Act 239 of 2022, Section 118.19, Item (72)(x) to the Department of Administration for the Barnwell Multipurpose Building shall be redirected to City of Barnwell Fire Department to be used for the same purpose.

SECTION 94 - D250 - OFFICE OF INSPECTOR GENERAL

94.1. (OIG: Coordination with State Auditor) The State Inspector General will prepare an annual report to the Chairmen of the House Ways and Means Committee and the Senate Finance Committee and the Governor detailing all written referrals of fraud, waste, and abuse from the State Auditor and all corresponding actions taken by the State Inspector General.

94.2. (OIG: Carry Forward) The funds appropriated to the Office of Inspector General may be carried forward from the prior fiscal year and expended in the current fiscal year to secure legal services, forensic auditing, staff training, and other services to ensure the office can conduct investigations as needed.

SECTION 96 - E080 - OFFICE OF SECRETARY OF STATE

96.1. (SS: UCC Filing Fees) Revenues from the fees raised pursuant to Section 36-9-525(a), not to exceed \$180,000, may be retained by the Secretary of State for purposes of UCC administration.

96.2. (SS: Charitable Funds Act Disclosure Violations) The Secretary of State shall refer to the Attorney General for investigation under Section 33-56-145 of the Solicitation of Charitable Funds Act any person who is alleged to have violated the mandatory disclosure requirements of Section 33-56-90 of the Act, and who has been fined \$10,000 or more for those violations.

96.3. (SS: Charitable Funds Act Misrepresentation Violations) The Secretary of State shall refer to the Attorney General for investigation under Section 33-56-145 of the Solicitation of Charitable Funds Act any person who is alleged to have violated the misrepresentation provisions of Section 33-56-120 of the Act, and who has been fined \$10,000 or more for those violations.

SECTION 97 - E120 - OFFICE OF COMPTROLLER GENERAL

97.1. (CG: Signature Authorization) The Comptroller General is hereby authorized to designate certain employees to approve, in his stead, disbursement documents authorizing payment, and the State Treasurer is hereby authorized to accept such approved disbursement documents when notified by the Comptroller General. This provision shall in no way relieve the Comptroller General of responsibility.

97.2. (CG: GAAP Implementation & Refinement) It is the intent of the General Assembly that the State of South Carolina issue financial statements in conformance with Generally Accepted Accounting Principles (GAAP). To this end, the Comptroller General is directed, as the State Accounting Officer, to maintain an Enterprise Information System for State Government (SCEIS) that will result in proper authorization and control of agency expenditures, including payroll transactions, and in the preparation and issuance of the official financial reports for the State of South Carolina. Under the oversight of the General Assembly, the Comptroller General is given full power and authority to issue accounting policy directives to state agencies in order to comply with GAAP. The Comptroller General is also given full authority to conduct surveys, acquire consulting services, and implement new procedures required to implement fully changes required by GAAP.

97.3. (CG: Payroll Deduction Processing Fee) There shall be a fee for processing payroll deductions, not to exceed twenty-five cents, for insurance plans, credit unions, deferred compensation plans, benefit providers, and professional associations per deduction per pay day. This fee shall not be applied to charitable deductions. Vendors and other third parties receiving payroll deductions shall bear the entire cost of this fee, at no cost to state employees. The revenues generated from these fees and those provided for child support deductions in accordance with Section 63-17-1460(C), South Carolina Code of Laws, 1976, as amended, may be used to support the operations of the Office of Comptroller General and any unexpended balance may be carried forward from the prior fiscal year to the current fiscal year and utilized for the same purposes.

97.4. (CG: Unemployment Compensation Fund Administration) \$200,000 of the fund balance of the Unemployment Compensation Fund shall be paid out annually to the Office of Comptroller General to be used by that agency to recover the costs of administering the fund. The Unemployment Compensation Fund is provided for in Section 41-31-820, South Carolina Code of Laws, 1976, as amended. Any

SECTION 97 - E120 - OFFICE OF COMPTROLLER GENERAL

unexpended balance may be carried forward from the prior fiscal year to the current fiscal year and used for the same purposes.

97.5. (CG: Purchasing Card Rebate Program) The Office of Comptroller General is authorized to retain the first \$100,000 of rebate associated with the Purchasing Card Program and \$200,000 of agency incentive rebates.

The funds retained may be used to support the operations of the Office of Comptroller General and any unexpended balance may be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.

97.6. (CG: Annual Mapping Report) The Comptroller General shall provide to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee an implementation plan for creating and conducting an annual mapping report of funds for component units, also known as Audited Financial Statement Agencies or "Lump Sum" Agencies, by January 1, 2024. The plan shall include a detailed list of procedural steps for compiling the report, a determination of which steps will or will not be automated within SCEIS, which accounts will or will not be included, and any other relevant information required to conduct the report.

97.7. (CG: Comptroller General Account List) The Comptroller General shall provide a list of all accounts within SCEIS that have been created by the staff of the Comptroller General to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee. The list shall include whether the account is included in the compilation of the Annual Comprehensive Financial Report (ACFR) and an explanation for this condition.

97.8. DELETED

SECTION 98 - E160 - OFFICE OF STATE TREASURER

98.1. (TREAS: Nat'l. Forest Fund - Local Govt. Compliance) In order to conform to federal requirements local governments receiving distributions of National Forest Fund revenues are required to report annually to the State Treasurer indicating compliance with authorized purposes.

98.2. (TREAS: STARS Approval) Decisions relating to the Statewide Accounting and Reporting System (STARS) and the South Carolina Enterprise Information System (SCEIS) which involve the

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State Treasurer's Banking Operations and other functions of the State Treasurer's Office shall require the approval of the State Treasurer.

98.3. (TREAS: Investments) The State Treasurer may pool funds from accounts for investment purposes and may invest all monies in the same types of investments as set forth in Section 11-9-660.

98.4. (TREAS: Management Fees) The State Treasurer is authorized to charge a fee for the operating and management costs associated with the Local Government Investment Pool, the Deferred Compensation Program, the Tuition Prepayment Program, and the College Investment Program and is further authorized to retain and expend the fees to provide these services. The fees assessed may not exceed the cost of the provision of such services.

98.5. (TREAS: Investment Management Fees) Unless otherwise prohibited by law, the State Treasurer may charge a fee for the operating and management costs associated with the investment management and support operations of various state funds and programs, and further, may retain and expend the fees to provide these services. The fees assessed may not exceed the actual cost of the provision of these services or the earnings on these investments.

98.6. (TREAS: Debt Management Cost Allocation) Unless otherwise prohibited by law, the State Treasurer may charge actual costs associated with the administration and management of the indebtedness of the State, its agencies and institutions, and further, may retain and expend any amounts so allocated to provide these services. Costs associated with the original issuance of bonds and other indebtedness must be assessed on an hourly basis, must be taken from the costs of issuance of any bond issue or other indebtedness, and must not exceed the actual cost of providing these services. Ongoing costs of administration and maintenance must be assessed against expenses of debt service, and must not exceed the actual costs of providing these services.

98.7. (TREAS: Withheld Accommodations Tax Revenues) Before noncompliant expenditures and penalties withheld pursuant to Sections 6-4-35(B)(1)(a) and (b) are reallocated, the Tourism Expenditure Review Committee must certify to the Office of State Treasurer that the time period for an appeal of the committee's action to the Administrative Law Court has expired or that the action of the committee has been upheld or overturned by the Administrative Law Court. Noncompliant expenditures and penalties withheld must be reallocated annually after August first. Allocations withheld must be reallocated proportionately

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based on the most recent completed fiscal year's total statewide collections of the accommodations tax revenue according to the Office of State Treasurer records. Each annual reallocation of withheld funds to non-offending counties and municipalities must be calculated separately then combined if necessary. Each reallocation to a county or municipality calculated less than a dollar must be transferred to the General Fund of the State.

98.8. (TREAS: Tuition Prepayment Program) The South Carolina Tuition Prepayment Program shall not accept any new enrollment in the current fiscal year. The annual increase in tuition for the purposes of the Tuition Prepayment Program, for an institution cannot exceed seven percent per year from the 2006-07 level. To the extent that actual tuition for an institution exceeds an annual growth of seven percent per year since Fiscal Year 2006-07, colleges and universities must grant a waiver of the difference to the designated beneficiary and shall not pass along this difference to any student.

98.9. (TREAS: Penalties for Non-reporting) If a municipality fails to submit the audited financial statements required under Section 14-1-208 of the 1976 Code to the State Treasurer within thirteen months of the end of their fiscal year, the State Treasurer must withhold all state payments to that municipality until the required audited financial statement is received.

If the State Treasurer receives an audit report from either a county or municipality that contains a significant finding related to court fine reports or remittances to the Office of State Treasurer, the requirements of Proviso 117.48 shall be followed if an amount due is specified, otherwise the State Treasurer shall withhold twenty-five percent of all state payments to the county or municipality until the estimated deficiency has been satisfied.

If a county or municipality is more than ninety days delinquent in remitting a monthly court fines report, the State Treasurer shall withhold twenty-five percent of state funding for that county or municipality until all monthly reports are current.

After ninety days, any funds held by the Office of State Treasurer will be made available to the State Auditor to conduct an audit of the entity for the purpose of determining an amount due to the Office of State Treasurer, if any.

The penalty provisions in this proviso are suspended during Fiscal Year 2023-24 for municipalities. The State Treasurer is authorized and directed to release all funds withheld from municipalities in the prior two

SECTION 98 - E160 - OFFICE OF STATE TREASURER

fiscal years due to a municipality not submitting the required audited financial statements or submitting financial information to the Revenue and Fiscal Affairs Office as required by Section 6-1-50 of the 1976 Code.

98.10. (TREAS: Signature Authorization) The State Treasurer is hereby authorized to designate certain employees to sign payments for the current fiscal year in accordance with Section 11-5-140 of the 1976 Code to meet the ordinary expenses of the State. This provision shall in no way relieve the State Treasurer of responsibility.

98.11. (TREAS: Unclaimed Property) The State Treasurer may not expend funds to retain a third party, private sector auditor, or auditing firms to fulfill his duties pursuant to the South Carolina Uniform Unclaimed Property Act on a contingency basis or any basis other than an hourly basis, with the exception that the State Treasurer may join other state(s) in multi-state contingent fee auditors' examinations, not to include companies whose parent company is headquartered or incorporated in South Carolina, when there is a reason to believe that those companies being audited are holding funds belonging to South Carolina citizens. The Office of State Treasurer shall retain \$200,000 from the Unclaimed Property Program for the sole purpose of employing internal compliance auditors to enforce the Unclaimed Property Act.

98.12. (TREAS: Municipality Accommodations Tax Withholdings) If the State Treasurer is withholding accommodations tax revenue distributions to a municipality due to an expenditure the Tourism Expenditure Review Committee determined to be in noncompliance, then the municipality may refund an amount equivalent to the amount determined to be in noncompliance to the municipality's accommodations tax fund from the municipality's general fund. If the municipality certifies to the Tourism Expenditure Review Committee that the amount has been refunded, the State Treasurer shall refund the withheld funds to the municipality's general fund. The expenditure of funds refunded to the municipality's accommodations tax fund and any subsequent expenditures are subject to review by the Tourism Expenditure Review Committee. Prior to notification to the State Treasurer of noncompliance by a municipality, the Tourism Expenditure Review Committee must notify the municipality if an expenditure is found to be in noncompliance. If the committee informs the municipality of an expenditure determined to be in noncompliance and the municipality does not refund the noncompliant amount, the committee shall certify the noncompliance to the State Treasurer. If the committee determines an expenditure of any refunded amount to be in

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noncompliance, the municipality may not refund an equivalent amount in order to avoid future withholdings.

98.13. (TREAS: Investment Earnings and Interest) In accordance with the requirements of Section 11-13-125 of the 1976 Code, the State Treasurer shall remit earnings and interest from investments of general deposit funds into the General Fund of the State. Nothing in this provision shall be construed to limit the State Treasurer from incurring and paying fees, expenses, losses, statutory commitments, salaries, and other costs associated with the routine investment of funds pursuant to Section 11-9-660 of the 1976 Code.

98.14. (TREAS: Fund Balances & Closing Packages) For the current fiscal year, the Office of the State Treasurer shall provide the Office of the Comptroller General all cash and investment fund balances by aggregation of funds by unique disclosure entity for the purposes of cash reconciliation and annual comprehensive financial report compilation. Further, the Office of the State Treasurer shall fully comply with information requested in the form of closing packages from the Office of the Comptroller General for the same purposes.

SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

100.1 (ADJ: Use of Agency Property and Revenue Collections) The Adjutant General is authorized to rent, lease, or sub-lease any area under his ownership or control including facilities, unimproved real-estate, and parking areas. The Adjutant General is authorized to collect funds received from any sources including, but not limited to, county and city appropriations, short or long-term lease or rental payments, revenues from vending machines, military justice fines or other monetary penalties, federal reimbursements under cooperative agreements, and gifts to the agency. These revenues shall be retained and expended as authorized by the Adjutant General.

100.2. (ADJ: Rental Fee for Election Purposes) The maximum fee that an armory may charge for the use of its premises for election purposes shall be the cost of providing custodial services, utilities, and maintenance.

100.3. (ADJ: Event Parking Contracts) Notwithstanding other provisions of this act, the Adjutant General may execute agreements addressing event-parking related services, sub-leases or licenses, or other appropriate subject in order to generate revenue from parking areas under his ownership or control near the University of South Carolina's

SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

Williams-Brice Stadium. The Adjutant General's authority to enter such agreements applies to the headquarters building parking facilities currently owned by the Department of Administration, whether or not those are subject of a current lease to the Adjutant General. The agreements may relate to parking for specific events, a series of events (USC home football games), or for all events. The Adjutant General may enter agreements with a state chartered and federally recognized tax exempt 501(c)(4) agency employees' association which may then sub-lease or sub-license individual parking spaces for use during an event, or a series of events (USC home football games). The agreements must require the employees association to obtain either event coverage, general liability coverage against wrongful death or injury, or similar coverage that is suitable to the Adjutant General. All agreements must obligate the employees association to hold harmless, indemnify, and defend the Office of the Adjutant General, the Department of Administration, the State of South Carolina, and their respective officers and employees from any liability resulting from parking patrons or their guests activities or presence during these events. The agreements must specify that the Office of the Adjutant General shall receive no less than thirty-three percent of the gross profits from sub-leasing, licensing, or other grants of use for parking. The agreements must also allow the State to audit the employees association's funds.

100.4. (ADJ: Meals in Emergency Operations Centers) The cost of meals, or the advanced purchase of food products to be stored and prepared for meals, may be provided to state employees who are required to work at the State Emergency Operations Centers during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

100.5. (ADJ: Educational Seminar Revenue) All revenue earned from educational seminars shall be retained by the agency to be used for the printing of materials and other expenses related to conducting the seminars. The balance of funds shall be reported annually to the General Assembly.

100.6. (ADJ: Billeting Operations) All revenues collected by the Billeting operations at the R.L. McCrady Training Center shall be retained and expended in its budgeted operations. Expenditures from these funds shall be determined by the Billeting Committee for Billeting operations. Funds remaining in the Billeting Operation account may be retained, carried forward, and expended for the same purpose in the current fiscal year.

SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

100.7. (ADJ: EMD Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the Emergency Management Division may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the Agency Director, and providing funds are available.

100.8. (ADJ: Civil Air Patrol) The funds appropriated in this section for the Civil Air Patrol shall be expended by the Civil Air Patrol so as to discharge the state's obligations in conjunction with the Civil Air Patrol as outlined in the SARDA Plan, the South Carolina Operational Radiological Emergency Response Plan, and to assist county and local authorities and other state agencies as permitted by the regulations governing the Civil Air Patrol. All expenditures for equipment and services shall be in accordance with state fiscal policies.

100.9. (ADJ: Emergency Commodities) The Emergency Management Division shall be allowed to rotate and replace water, Meals Ready to Eat (MREs), and other essential emergency commodities housed in the state's Logistic Center through the provision of said commodities to neighboring states, counties, municipalities and other state agencies, and shall be allowed to accept compensation for said commodities not to exceed replacement costs. Revenues from this exchange shall be utilized solely for the replacement of state emergency commodities.

100.10. (ADJ: Behavioral Health Care Facilitator/Coordinator) The funds appropriated and or authorized to the Office of the Adjutant General may be utilized to hire a Behavioral Health Care Facilitator/Coordinator who shall act as a liaison to provide mental health care coordination for mental health services to all members of the South Carolina National Guard. The responsibilities of the position shall include, but are not limited to, focusing on individuals without health insurance or without adequate health insurance; facilitating Memorandum of Understanding with mental health facilities across the state to provide assistance to National Guard Service Members; assisting in coordinating Yellow Ribbon and Beyond and other post deployment and mental health events; coordinating treatment for Service Members for conditions that may or may not result in their being medically non deployable; and participating in staff meetings to discuss care of Service Members. The individual hired must be knowledgeable of state and federal privacy laws, including the HIPAA privacy regulations. In addition, it is preferred that the individual have a previous background

SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

in Social Work. A national security background check must be performed on the individual prior to a job offer being tendered.

100.11. (ADJ: National or State Guard State Active Duty) In the event of the activation of the South Carolina National Guard or State Guard to State Active Duty in response to a declared emergency or in response to an imminent or anticipated emergency, including support provided under Section 25-9-420 of the 1976 Code, the Emergency Management Assistance Compact, the State Treasurer and the Comptroller General are hereby authorized and directed to pay from the general fund of the State such funds as necessary, not to exceed \$1,500,000, to cover the actual costs incurred. Any funds reimbursed to the state shall be deposited in the state general fund, up to the amount of funds advanced to the Office of Adjutant General for these activities.

100.12. (ADJ: National Guard Association and Foundation Support) From the funds authorized or appropriated for State Military Department operations, the Adjutant General may authorize National Guard personnel to support and assist the National Guard Association of South Carolina and the South Carolina National Guard Foundation in their missions to promote the health, safety, education, and welfare of South Carolina National Guard personnel and their families.

100.13. (ADJ: State Guard Training) The Office of the Adjutant General shall compensate State Guard personnel at a rate of \$150 per day during State Guard training. State Guard members will not be covered by the South Carolina Retirement System. State Guard mandated training is not to exceed 12 training periods per year for each member.

100.14. (ADJ: Disasters Expenditure Status Report) The Emergency Management Division of the Office of the Adjutant General shall prepare a quarterly report on the status of the expenditure of the funds appropriated in the current fiscal year or in a previous fiscal year for FEMA Match for the 2015 Flooding, for Hurricane Matthew, and for the Pinnacle Mountain Fire. The quarterly report must include, but is not limited to, expenditure by category of work by state/local and by county and shall be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee beginning September 30, 2018.

100.15. (ADJ: Armory Revitalizations Carry Forward) The funds appropriated for Armory Revitalizations may be carried forward from the prior fiscal year and expended for the same purpose in the current fiscal year.

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100.16. (ADJ: Natural Disaster FEMA Match) The Office of Adjutant General, Emergency Management Division shall be authorized to utilize existing fund balances to provide the non-federal cost share to state and local government entities for work that is eligible under the Federal Emergency Management Agency Public Assistance Program for Hurricane Irma and Hurricane Florence. Existing fund balances may not be used to provide the non-federal cost share to private non-profit entities.

The Office of Adjutant General, Emergency Management Division is directed to use existing fund balances for the 2015 Flood disaster (Presidential Disaster Declaration DR-4241) to reimburse counties and municipalities with unreimbursed non-federal cost share from the 2014 Ice Storm disaster for storm cleanup expenses incurred during and after states of emergency declared by Executive Orders 2014-06 and 2014-11 and Presidential Disaster Declaration DR-4166. Counties and municipalities must submit an application for such funds by July 31, 2018.

The \$500,000 authorized by Proviso 100.21 in Act 264 of 2018 for grants for non-profit entities may be carried forward and used for the same purpose in Fiscal Year 2023-24. The Emergency Management Division shall prepare a report listing the name of the grant recipient and the amount received and submit the report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 15, 2024.

100.17. (ADJ: Use of Capital Funds-McEntire) For the current fiscal year, the Adjutant General may exercise the condemnation authority provided by Chapter 9, Title 55 of the 1976 Code to acquire property or air rights over private property near McEntire Joint National Guard Base and utilize funding for the “McEntire Joint National Guard Base - Land” received in Act 91 of 2019 for this and related purposes.

100.18. (ADJ: Use of Capital Funds-Joint Base Charleston) For the current fiscal year, the Adjutant General may accept a license on behalf of the State for the real estate to be utilized in construction of a National Guard facility at Joint Base Charleston and use the funds received for “Armory Construction and Revitalizations” in Act 91 of 2019 for the state’s share for construction and related costs.

100.19. (ADJ: PPE Stockpile) The Emergency Management Division shall be permitted to rotate and replace the State’s personal protection equipment stockpile, housed pursuant to a state contract. This may include the rotation of like-kind stock owned by participating

SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

entities, both public and private, in order to minimize the cost of maintaining a personal protective equipment stockpile for the State and to ensure the useful life of the State's personal protective equipment stockpile.

100.20. (ADJ: Dining Operations) All revenues collected by the Dining Facility operations at the R.L. McCrady Training Center shall be retained and expended in its budget operations. Funds remaining in the Dining Facility accounts may be retained, carried forward, and expended for the same purpose in the current fiscal year.

100.21. (ADJ: Facility Insurance Coverage) For the current fiscal year, the Adjutant General is authorized to work with the South Carolina State Fiscal Accountability Authority, Insurance Reserve Fund (IRF) to ensure state-owned or state-leased properties are properly insured. Consideration must be given to facilities which are eligible for federal and state cost-sharing agreements, which use federal funding to cover, either in whole or in part, costs of renovation, repair, or replacement in determining insurance coverage. The Adjutant General may utilize funds available from the federal government to pay for renovation, repair, or replacement following damage to the agency's state-owned or state-leased National Guard facilities. The Adjutant General also may utilize any federal funding which may be available for the procurement of building coverage insurance. This provision does not obligate the Insurance Reserve Fund to provide reimbursement or payments relating to any uninsured properties.

**SECTION 101 - E260 - DEPARTMENT OF
VETERANS' AFFAIRS**

101.1. (VET: M.J. "Dolly" Cooper Veterans Cemetery Carry Forward) The Department of Veterans' Affairs may carry forward unexpended funds appropriated and/or authorized for the M.J. "Dolly" Cooper Veterans Cemetery from the prior fiscal year and shall use such funds for the same purpose. In addition, any unexpended funds in the Department of Veterans' Affairs, including Special Line Items, shall be carried forward from the prior fiscal year into the current fiscal year and used for operation of the M.J. "Dolly" Cooper Veterans Cemetery. Funds carried forward in excess of the amount needed for the operation of the Cemetery may be used for other expenses of the Department of Veterans' Affairs.

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101.2. (VET: Budget Reduction Exemption) Funds appropriated for the Department of Veterans' Affairs shall be excluded from any across-the-board agency base reductions mandated by the Executive Budget Office or General Assembly.

101.3. (VET: Base Protection Plan Allocation) Funds appropriated to the department for the Base Protection Plan may be allocated to items including, but not limited to, land acquisition, recreational purposes, educational purposes, and facilities for military personnel. Eligible recipients are counties and municipalities with federal military installations.

SECTION 102 - E280 - ELECTION COMMISSION

102.1. (ELECT: County Boards of Voter Registration and Elections Compensation) The amounts appropriated in this section for "County Boards of Voter Registration and Elections Board Members," shall be disbursed annually to the County Treasurer at the rate of \$1,500 for each member, not to exceed \$13,500 per county. The County Treasurer shall use these funds only for the compensation of County Boards of Voter Registration and Elections Board Members. Any funds not used for this purpose shall be returned to the State Treasurer. These funds are exempted from mandated budget reductions. In addition, in the calculation of any across the board agency base reductions mandated by the Executive Budget Office or the General Assembly, the amount of funds appropriated for compensation of County Boards of Voter Registration and Elections Board Members shall be excluded from the agency's base budget. Unexpended funds shall be carried forward from the prior fiscal year and shall be utilized for special primaries, runoffs, and elections.

102.2. (ELECT: Elections Managers & Clerks Per Diem) Managers and clerks of state and county elections shall receive a per diem of \$75.00 for the day of work and \$60.00 for training and paperwork. Managers shall not be paid for more than two days for any election and clerks for not more than three days for any election. The commission may adjust the per diem of \$75.00 for the managers and clerks of the statewide election to a higher level only to the extent that the appropriation for the statewide election is sufficient to bear the added cost of increasing the per diem and the cost of the statewide election. Up to three additional managers per county may be appointed to assist county boards of voter

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registration and elections with the absentee/fail safe voting process prior to, on Election Day, and immediately following statewide elections. Managers assisting the county boards of voter registration and elections in the absentee/fail safe process may receive a per diem of \$75.00 per day for not more than a total of fifteen days regardless of whether one, two, or three additional managers are used.

102.3. (ELECT: Board of State Canvassers Compensation) \$100.00 additional compensation per day may be paid to each member of the Board of State Canvassers up to a total of fifteen days that may be required for hearings held by the members of the Board of State Canvassers.

102.4. (ELECT: Sale of Lists Revenue Carry Forward) Any revenue generated from the sale of election lists may be retained and expended by the South Carolina Election Commission to reimburse the Department of Administration, for the printing of such lists and to pay expenses of postage and shipment of these lists to electors who purchase them. After such reimbursement has been made an amount, not to exceed \$400,000, shall be used for nonrecurring expenses in conjunction with extraordinary special election and legal costs and costs for upgrading the Statewide Voter Registration System. Any balance in the Sale of Lists Account on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year.

102.5. (ELECT: Budget Reduction Exemption) Funds appropriated for recurring and nonrecurring general and primary election expenses are exempted from mandated across the board reductions. In addition, in the calculation of any across the board agency base reductions mandated by the Executive Budget Office or the General Assembly, the amount of funds appropriated for recurring and nonrecurring primary and general election expenses shall be excluded from the agency's base budget.

102.6. (ELECT: Primary and General Election Carry Forward) Filing fees received from candidates filing to run in statewide or special primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary elections. Any balance in the filing fee accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In addition, any balance in the Primary and General Election Accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current

SECTION 102 - E280 - ELECTION COMMISSION

fiscal year. In addition, the aforementioned funds may also be utilized to conduct the Presidential Preference Primary elections.

102.7. (ELECT: Training & Certification Program) All members and staff of County Boards of Voter Registration and Elections will receive a common curriculum to include core courses on the duties and responsibilities of county boards of voter registration and elections and electives to promote quality service and professional development. The State Election Commission shall make these courses available in various locations, including but not be limited to, the upstate, coastal, and midlands areas of the state. Up to \$35,000 of revenue generated by charging a fee to attend these courses may be retained and expended by the South Carolina Election Commission to help cover the cost of providing the training. Any balance in the training and certification account on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purpose during the current fiscal year.

The State Election Commission is required to withhold the stipend of members who do not complete the training and certification program as required in Section 7-5-10 of the 1976 Code. Additionally, funds will also be withheld if a board member completes the training and certification program, but fails to complete at least one training course per year. The board member and members of that county's legislative delegation will be notified of the withholding of the stipend and the requirements needed to bring the member into compliance with the law. If a board member cannot complete the program or complete the required continuing education due to extenuating circumstances, the board member must submit a written request to the county legislative delegation for approval or funds will continue to be withheld as described in this proviso. If a board member does not become compliant with the law within eighteen months of initial notification of stipend withholding, the county's legislative delegation must replace that person on the board.

102.8. (ELECT: Penalty for Late Submission of Reimbursable Expenses) In the event that a county submits reimbursable election expenses to the Commission for payment more than thirty days after the election is held, the Commission may deduct a penalty of ten percent of the late-submitted amount. The county is responsible for payment of this amount. If the Commission finds good reason for such late submission, the penalty may be waived. The Election Commission shall be authorized to expend funds appropriated/authorized in the current fiscal year to pay election expenses incurred by a county in the prior fiscal

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year. If a county submits a request for reimbursement of election expenses through any means other than the Voter Registration and Election Management System (VREMS), the Commission may deduct a penalty of ten percent of the amount submitted.

102.9. (ELECT: HAVA Carry Forward) The Election Commission shall be authorized to carry forward unexpended Help America Vote Act funds into the current fiscal year and to use these funds for the same purpose.

102.10. (ELECT: HAVA Match Funds) Funds appropriated through the General Fund for the purpose of providing a match for federal funds received through the Help America Vote Act (HAVA) shall be moved to a restricted account in order that the funds may accrue interest as per Section 254 (b) (1) of the Help America Vote Act. Unexpended funds shall be carried forward from the prior fiscal year and shall be utilized for special primaries, runoffs, and elections. These funds may also be used to reimburse local governmental entities for expenses incurred in the prior fiscal year associated with special primaries, runoffs, and general elections.

102.11. (ELECT: Use of Election Funds) Funds appropriated to the Election Commission for the purpose of conducting elections shall not be used for any other purpose unless specifically authorized in this act. However, up to \$200,000 may be transferred to other operating accounts from General Election accounts upon approval from the Executive Budget Office, which shall then notify the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor of such transfer of funds.

102.12. (ELECT: Match for Additional HAVA Funds) In the event that additional Help America Vote Act federal funds become available, the commission shall be authorized to utilize funds appropriated for primary and general elections and for voting system refurbishment to provide a match for the federal funds.

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103.1. (RFAO: Geodetic Mapping Program) Funds appropriated or authorized to the Revenue and Fiscal Affairs Office for Mapping, shall be used to clarify county boundary determinations as directed by Section 27-2-105, of the 1976 Code and resolution of the boundary between the states of South Carolina and North Carolina.

An affected party disagreeing with a county boundary certified by the Revenue and Fiscal Affairs Office may appeal the certification to the South Carolina Administrative Law Court, which is vested with jurisdiction to hear and decide the case subject to the provisions of Section 1-23-380 of the 1976 Code, except that the case must be heard “de novo.” Additionally, for purposes of determining the timelines of an appeal, notice is deemed to have been provided on the date of the written notice to affected parties. An affected party has sixty calendar days from the date of a written notice sent to the affected party to file an appeal with the Administrative Law Court.

103.2. (RFAO: Election File Merge) In order to assist the County Registration and Election Commissions to ensure that registered voters are assigned to proper election districts, the Revenue and Fiscal Affairs Office, in conjunction with the South Carolina Election Commission, shall merge the voter registration file with the office’s Geocoded Address List and the district boundaries of the Congress, South Carolina Senate, South Carolina House of Representatives, county councils, and such other districts as the office possesses official district boundary records in electronic format. The merged systems will allow the Revenue and Fiscal Affairs Office to provide the respective county officials with a list of potential voters who are possibly assigned to the wrong election district. File merger is required only for those districts in which elections are scheduled. Counties and municipalities shall release GIS to the Revenue and Fiscal Affairs Office upon the office’s written request. Written request must be sent to the chief administrative officer of the county or municipality and advise the county or municipality that failure to comply within thirty days of request may result in the withholding of ten percent of the county’s or municipality’s state aid. The Executive Director of the Revenue and Fiscal Affairs Office may grant additional time for good cause and must waive release if the county or municipality does not possess GIS data. For counties and municipalities that possess GIS data but do not release it, the Executive Director of the Revenue and Fiscal Affairs Office shall notify

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the State Treasurer of the failure to comply with this provision after the required notice. Notification shall result in the withholding of ten percent of subsequent payments of state aid to the entity until the GIS data is provided. Municipal and county data acquired by the Revenue and Fiscal Affairs Office in the course of performing its responsibilities may be used for other functions of the office as well as shared with other state agencies. For this provision GIS data includes, but is not limited to, road centerlines; orthophotography; parcel boundaries; address points; political boundaries; and administrative boundaries.

103.3. (RFAO: SC Health & Human Services Data Warehouse) There is hereby established within the Revenue and Fiscal Affairs Office, the South Carolina Health and Human Services Data Warehouse. The purpose of the Warehouse is to ensure that the operation of health and human services agencies may be enhanced by coordination and integration of client information. Client data is defined as person-level data that is created, received, and/or maintained by state agencies and other entities required to report client information to the Revenue and Fiscal Affairs Office under this provision. To integrate client information, client data from health and human services state agencies will be linked to improve client outcome measures, enabling state agencies to analyze coordination and continuity of care issues. The addition of these data will enhance existing agency systems by providing client data from other state agency programs to assist in the provision of client services. Certain client information shall be delivered to the Revenue and Fiscal Affairs Office in order to assist in the development and maintenance of this Warehouse. The following agencies shall report client information:

- Departments of:
 - (1) Health and Human Services;
 - (2) Health and Environmental Control;
 - (3) Mental Health;
 - (4) Alcohol and Other Drug Abuse Services;
 - (5) Disabilities and Special Needs;
 - (6) Social Services;
 - (7) Vocational Rehabilitation;
 - (8) Education;
 - (9) Juvenile Justice;
 - (10) Corrections;
 - (11) Probation, Parole and Pardon Services;

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- Department of Children’s Advocacy:
 - (1) Children’s Foster Care Review Board;
 - (2) Continuum of Care;
- Department on Aging;
- South Carolina School for the Deaf and the Blind;
- Commission for the Blind; and
- Other entities as deemed necessary by the Revenue and Fiscal Affairs Office.

These agencies and departments shall collect and provide client data in formats and schedules to be specified by the Revenue and Fiscal Affairs Office (Office). The Office shall establish a Memorandum of Agreement with each agency, department, or division. These Memorandums of Agreement shall specify, but are not limited to, the confidentiality of client information, the conditions for the release of data that may identify agencies, departments, divisions, programs and services, or clients, any restrictions on the release of data so as to be compliant with state and federal statutes and regulations on confidentiality of data, conditions under which the data may be used for research purposes, and any security measures to be taken to insure the confidentiality of client information.

To ensure accountability and the coordinated, efficient delivery of health and human services, the Office shall implement, in consultation with state health and human services agencies and other entities as deemed necessary by the Office, an integrated data system that includes client data from all participating agencies.

In order to provide for inclusion of other entities into the South Carolina Health and Human Services Data Warehouse and other research and analytic-oriented applications that will assist the state in the efficient and effective provision of services, the Office shall have the authority to enter into agreements or transactions with any federal, state or municipal agency or other public institution or with any private individual, partnership, firm, corporation, association or other entity to provide statistical, research and information dissemination services including, but not limited to, program and outcomes evaluation, program monitoring/surveillance, projects to determine the feasibility of data collection and/or analyses, information dissemination and research. The confidentiality of data collected under these initiatives shall comply with applicable state and federal laws governing the privacy of data. The Office shall have the power to promulgate regulations, policies, and

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procedures, in consultation with the participating agencies, for the development, protection and operation of the Data Warehouse, other research and analytic-oriented applications, and their underlying processes.

The Office shall develop internet-accessible secure analytic query tools (such as analytic cubes) using integrated client data from the Warehouse. All agencies shall cooperate with the Office in the development of these analytic tools. It is the intent of this provision that the analytic tools developed under this provision shall be made available to members of the South Carolina General Assembly and their research staff members, state agencies, and researchers. To that end, the Office shall, in consultation with the participating agencies, promulgate regulations addressing access to and use and release of information generated through use of the query tools.

All state agencies participating in the Warehouse shall utilize it and its associated software applications in the day-to-day operation of their programs and for coordination, collaboration, program evaluation and outcomes analysis. The Department of Health and Environmental Control shall be exempt from usage of the integrated client management system and the analytic query tools in the day-to-day operation of their Client Automated Record and Encounter System or other electronic health record system and their South Carolina Community Assessment Network, but shall provide the Warehouse with client data from the system and network.

No state agency shall duplicate any of the responsibilities of this provision.

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

103.4. (RFAO: E911 PSAPs) The Revenue and Fiscal Affairs Office, utilizing the funds appropriated and or authorized herein for the E911 program, must ensure that any new plans or proposed amendments to existing plans maintain comprehensive coverage for the full Public Safety Answering Points area as well as improve cost effectiveness. No new plans or amendments may be considered by Revenue and Fiscal Affairs that do not include the written agreement of all jurisdictions affected by the new plan or proposed change as well as provide cost savings on the state and local level. Local Public Safety Answering

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Points are encouraged to cooperate to find ways to continue to improve cost effectiveness and efficiencies for all affected entities.

103.5. (RFAO: Revenue for Goods and Services) The respective sections of the Revenue and Fiscal Affairs Office are authorized to provide and receive from other governmental entities, including other divisions, state and local agencies and departments, and the private sector, goods and services, as will in its opinion promote efficient and economical operations. The sections may charge and pay the entities for the goods and services, the revenue from which shall be deposited in the state treasury in a special account and expended only for the costs of providing the goods and services, and such funds may be retained and be expended for the same purposes.

103.6. DELETED

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104.1. DELETED

104.2. (SFAA: Public Procurement Unit) For purposes of participation in the Minnesota Multi State Contracting Alliance for Pharmacy (MMCAP), a private, nonprofit corporation that provides only free medical care may be allowed to participate as a local public procurement unit in the MMCAP cooperative purchase. The participation of nonprofit corporations in the program is contingent upon approval of the Minnesota Multi-State Contracting Alliance for Pharmacy. Participating nonprofit corporations must comply with all applicable federal laws or regulations for participation in the MMCAP cooperative purchase. The state shall not be liable for any action or inaction of such a nonprofit corporation.

104.3. (SFAA: Insurance Coverage for Aging Entity Authorized) The State Fiscal Accountability Authority, through the Insurance Reserve Fund, for the current fiscal year, is also authorized to offer insurance coverage to an aging entity and its employees serving clients countywide which previously obtained its tort liability insurance coverage through the board. The Insurance Reserve Fund and the State of South Carolina shall not be liable to any person or entity, including an insured, for any insufficiencies of coverage provided hereunder.

104.4. (SFAA: IRF Report) The State Fiscal Accountability Authority shall prepare a report on prior fiscal year utilization of the

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Insurance Reserve Fund to include for each transaction the amount, the recipient of the funds, the date of the transfer or payment, and the action or reason that necessitated the transfer. The report shall be submitted to the President of the Senate, the Chairman of the Senate Finance Committee, the Speaker of the House of Representatives, and the Chairman of the House Ways and Means Committee by October fifteenth of the current fiscal year.

104.5. (SFAA: Second Injury Fund Closure Plan) The State Fiscal Accountability Authority is authorized and empowered to take all necessary actions to administer the closure plan for the Second Injury Fund, as adopted pursuant to Section 42-7-320(A) of the 1976 Code, as amended, and to use the separate and distinct trust and administrative accounts established for this purpose.

104.6. (SFAA: IT Planning Transfer) The State Fiscal Accountability Authority shall transfer \$400,000 from revenue generated from contract administration fees on information technology contracts to the Department of Administration to support the state's information technology planning program.

104.7. (SFAA: Attorneys) For the current fiscal year, during the transition of the Insurance Reserve Fund from the Budget and Control Board to the State Fiscal Accountability Authority, the Insurance Reserve Fund shall continue to approve the attorneys-at-law retained to defend those it insures. In addition, the authority of the former Budget and Control Board under Section 1-7-170(A) is devolved upon the State Fiscal Accountability Authority.

104.8. (SFAA: Compensation - Agency Head Salary) In the event of an agency head or technical college president vacancy, the governing board of the agency or the Governor, or the appointing authority of a technical college president, must have the prior favorable recommendation of the Agency Head Salary Commission to set, discuss, offer, or pay a salary for the agency head or technical college president at a rate that exceeds the minimum of the range established by the Agency Head Salary Commission. No agency head or technical college president shall be paid a salary higher than that recommended by the commission. Boards and commissions, or the Governor if he is the appointing authority, of newly created agencies or technical colleges shall not offer or pay a salary to a prospective agency head until a salary range has been established and the salary approved by the Agency Head Salary Commission. The funding of the salaries of any agency head or

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technical college president should come from resources within the agency. The State Fiscal Accountability Authority shall contract every four years for a study of agency head, technical college president, and constitutional officer compensation, as required under Sections 8-11-160 and 8-11-165. The cost of the study must be shared by the participating agencies, technical colleges, and constitutional offices. The staff of the State Fiscal Accountability Authority shall serve as the support staff to the Agency Head Salary Commission. Limited only by the maximum of the respective salary range, the General Assembly authorizes the respective appointing authority for an agency head or technical college president to provide salary increases for an agency head or technical college president not to exceed that recommended by the Agency Head Salary Commission. No agency head or technical college president shall be paid less than the minimum of the pay range nor receive an increase that would have the effect of raising the salary above the maximum of the pay range.

104.9. (SFAA: Continuation of Authority) The respective divisions of the State Fiscal Accountability Authority are authorized to provide to and receive from other governmental entities, including other divisions and state and local agencies and departments, goods and services, as will in its opinion promote efficient and economical operations. The divisions may charge and pay the entities for the goods and services, the revenue from which shall be deposited in the state treasury in a special account and expended only for the costs of providing the goods and services, and such funds may be retained and expended for the same purposes.

104.10. (SFAA: Revenue Bonding Authority Study) The Executive Director of the State Fiscal Accountability Authority shall undertake a one-time study of revenue bonding authority by quasi-state agencies. The study must result in a report that (a) identifies every source of authority for such entities to undertake revenue bonds; and (b) summarizes all outstanding revenue bonds. The report shall be submitted to the Joint Bond Review Committee, the State Fiscal Accountability Authority, and any relevant legislative committee. Quasi-state agencies shall provide any assistance requested by the authority's executive director.

SECTION 105 - F270 - SFAA, OFFICE OF STATE AUDITOR

105.1. (SFAA-AUD: Annual Audit of Federal Programs) Each state agency receiving federal funds subject to the audit requirements of the Single Audit Act Amendments of 1996 and Title 2 U.S. Code of Federal Regulations (C.F.R) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) shall remit to the State Auditor an amount representing an equitable portion of the expense of conducting the audit of the State's federal financial assistance.

Each state agency's equitable portion of the expense will be determined by a schedule developed by the State Auditor. Such remittance will be based upon invoices provided by the State Auditor. The State Auditor shall retain and expend the funds received and shall carry forward any unexpended funds from the prior fiscal year into the current fiscal year for the same purpose.

105.2. (SFAA-AUD: Medical Assistance Audit Carry Forward) The State Auditor's Office shall retain and expend the funds received from the Department of Health and Human Services for the Medical Assistance Audit Program pursuant to Proviso 33.3 of this act and shall carry forward any unexpended funds from the prior fiscal year into the current fiscal year for the same purpose.

105.3. (SFAA-AUD: Coordination with Inspector General) In the event the State Auditor's Office identifies instances of fraud, waste, and abuse during any state agency audit, the State Auditor shall refer such instances to the State Inspector General for examination. The State Auditor shall prepare and submit an annual report to the Chairmen of the House Ways and Means Committee and the Senate Finance Committee and the Governor detailing all written referrals of fraud, waste, and abuse submitted to the State Inspector General.

105.4. (SFAA-AUD: Annual Audit of Court Fees and Fines Reports) The State Auditor shall conduct a minimum of fifteen audits annually of county treasurers, municipal treasurers, county clerks of court, magistrates and/or municipal courts as required by Section 14-1-210 of the 1976 Code and allowed by Section 14-1-240; however, the State Auditor shall not be required to spend more than the annual amount of \$250,000, received from the State Treasurer to conduct the said audits pursuant to Section 14-1-210 of the 1976 Code. The State Auditor may contract with one or more CPA/accounting firms to conduct the required audits. The State Auditor shall consult with the State Treasurer to

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determine the jurisdictions to be audited in the current fiscal year. Jurisdictions may be selected randomly or based on an instance in the current or previous fiscal year of failing to report, incorrectly reporting or under remitting amounts owed. The funds transferred to the State Auditor by the State Treasurer shall not be used for any purpose other than to conduct the described audits and report whether or not the assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed and/or mandated are properly collected and remitted to the State. Any unexpended balance on June thirtieth of the prior fiscal year shall be carried forward and must be expended for the same purpose during the current fiscal year. The State Auditor shall annually report by October first, its findings of the jurisdictions audited to the Senate Finance Committee and the House Ways and Means Committee.

105.5. (SFAA-AUD: Special Study of Long-Term Obligations) (A) The State Auditor shall identify certain long-term obligations by state institutions of higher learning, as defined by Section 59-107-10 of the 1976 Code, and report his findings to the General Assembly. The intent is to identify those obligations which are long-term debt or tantamount to long-term debt, or those which, if not honored, might result in a negative rating action on the institution's or the State's credit rating. Such obligations would not include either general obligation debt or bonded indebtedness issued directly by an institution.

(B) "Long-term obligation" means:

(1) an arrangement to acquire an interest in or a right to use, or have others use, any type of property if all or a portion of the money required to pay for the acquisition is secured through fare, toll, or user charges;

(2) an arrangement to acquire an interest in or a right to use, or have others use, any type of property if (a) the arrangement is financed, directly or indirectly, with indebtedness undertaken by another for that purpose; (b) the state institution knows or should know the acquisition is financed by indebtedness; and, (c) the state institution is obligated to make, or undertakes to have others make, recurring payments on, or that another will use to make payments on, the indebtedness; or

(3) any of the following arrangements: (a) lease-purchase agreement; (b) leaseback agreement; (c) installment purchase agreement; (d) lease with an option to purchase for other than the then-current fair market value; (e) lease with option to renew for nominal or no additional consideration; (f) an agreement involving collateral,

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such as a mortgage or security interest; (g) a public private partnership; (h) an agreement structured as either design-build-operate-maintain or design-build-finance-operate-maintain, as defined in Section 11-35-2910; (i) a finance lease, as defined in Section 36-2A-103(1)(g); (j) a transaction in the form of a lease that creates a security interest, as addressed in Section 36-1-203(b); or (k) a guaranteed energy, water, or wastewater savings contract, as authorized by Section 48-52-670(A).

(C) The report should include long-term obligations irrespective of the source of funds involved, if any, and whether or not the obligation is subject to the availability or appropriation of funds. The report should exclude the following: (1) general obligation debt authorized under Section 13, Article X of the Constitution of South Carolina, 1895, and debt issued by the state institution under Section 13, Article X of the Constitution of South Carolina, 1895, but not debt issued under Section 13 or 14 of Article X on its behalf or for its benefit; and (2) an institution's obligation to make payments when the total amount of money needed for the obligation is committed for that purpose, authorized for expenditure, and in hand.

(D) The report should be adequate to catalog the type, extent, and prevalence of long-term obligations by state institutions. Without limitation, the report should include the following information for each obligation identified, if applicable: (1) the interest or right acquired; (2) the initial, maximum, and then outstanding amount of indebtedness involved; (3) whether a credit rating was obtained for such indebtedness; (4) the amount and frequency of payments involved, and who makes the payments; (5) the total amount of payments remaining to be made; (6) the initial and remaining duration of the obligation; (7) the source of funds used to make payments; (8) the parties to the arrangement and any associated borrowing, including without limitation, the entity lending the funds or assets associated with the financed acquisition; and (9) any counterparty or intermediary involved.

(E) The State Auditor shall conduct the study and issue a final report no later than one hundred and twenty days after the beginning of the current fiscal year. State institutions must fully respond within forty-five days to any formal request for information from the State Auditor. If, in the State Auditor's judgment, a state institution does not timely submit a complete and accurate report, he may obtain the service of independent professionals to audit the institution's records and charge the institution for the associated cost. Sections 11-7-30, 11-7-35, and 11-7-45 of the 1976 Code shall apply to this special study as though it were an audit.

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105.6. (SFAA - AUD: Internal Audit Services) The State Auditor's Office is authorized to offer internal audit services to state agencies under a cost reimbursement, shared services model. Any state agency that does not have an internal audit function may opt to use the services to conduct such audit. The audit plan will be agreed upon between the State Auditor's Office and the state agency, and cost will be determined by nature, timing, and extent of the audit work.

SECTION 106 - F300 - STATEWIDE EMPLOYEE BENEFITS

106.1. (SEB: SCRS & PORS Allocation) The funds appropriated in the current fiscal year for SCRS Employer Contributions and PORS Employer Contributions shall be allocated to state agencies and school districts by the Department of Administration, Executive Budget Office for SCRS and PORS rate increases.

106.2. (SEB: Suspend SCRS & PORS Employer Contribution Rate Increase) The increase in the employer contribution rate imposed by Section 9-1-1085 and Section 9-11-225 for Fiscal Year 2023-24, respectively, are suspended. The employer contribution rate for the South Carolina Retirement Systems and the Police Officers Retirement Systems during Fiscal Year 2023-24, expressed as a percentage of earnable compensation, shall increase by 1% from Fiscal Year 2022-23 rates as set in Act 239 of 2022.

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108.1. (PEBA: Lottery, Infrastructure Bank, and Magistrates Health Insurance) South Carolina Lottery Commissioners and South Carolina Transportation Infrastructure Bank Board members and their eligible dependents are eligible to participate in the State Health and Dental Insurance Plan, upon paying the full premium costs as determined by the Public Employee Benefit Authority. If a county is participating in the State Health and Dental Insurance Plan, magistrates and their eligible dependents are eligible to participate in the State Health and Dental Insurance Plan, upon the magistrate paying the full premium costs as determined by the Public Employee Benefit Authority.

108.2. (PEBA: Adoption Assistance Program) The Employee Adoption Assistance Program is established to provide grants to eligible employees to assist them with the direct costs of adoption. The program

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shall be an employee benefit through the Public Employee Benefit Authority (PEBA) and shall be funded from the appropriation for the State Health Plan as provided in this act. Total funding for the Adoption Program shall not exceed the amount authorized by the General Assembly in the annual appropriations act. Employees are eligible for the Adoption Program if they participate in PEBA insurance benefits, have adopted a child during the prior fiscal year, apply for the grant during the annual application period, and meet any other Adoption Program criteria. The application period shall be July first through September thirtieth of the current fiscal year for an adoption in the prior fiscal year. The maximum grant amounts shall be \$10,000 in the case of the adoption of a special needs child and \$5,000 for all other child adoptions. Should the total amount needed to fund grants at the maximum level exceed the amount authorized, the amount of a grant to an eligible employee shall be determined by dividing the authorized amount evenly among qualified program applicants, with the adoption of a special needs child qualifying for two times the benefit of a non-special needs child.

108.3. (PEBA: Health Plan Tobacco User Differential) For health plans adopted under the authority of Section 1-11-710 of the 1976 Code by the Public Employee Benefit Authority during the current fiscal year, the board is authorized to differentiate between tobacco or e-cigarette users and nonusers regarding rates charged to enrollees in its health plans by imposing a surcharge on enrollee rates based upon tobacco or e-cigarette use. The surcharge for tobacco or e-cigarette use may not exceed \$40 per month per subscriber or \$60 per month per subscriber and dependent(s).

108.4. (PEBA: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases of rape, incest or where the mother's medical condition is one which, on the basis of the physician's good faith judgment, so complicates the pregnancy as to necessitate an immediate abortion to avert the risk of her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function, and the State Health Plan may not offer coverage for abortion services, including ancillary services provided contemporaneously with abortion services. The Public Employee Benefit Authority must determine the amount of the total premium paid for health coverage necessary to cover the risks

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associated with reimbursing participants in the plan for obtaining an abortion in the circumstances covered by this provision. The determination must be based on actuarial data and empirical study in the same manner and by the same method that other risks are adjusted for in similar circumstances. The plan must report this determination annually to the respective Chairmen of the Senate Finance Committee and the House Ways and Means Committee.

108.5. (PEBA: TRICARE Supplement Policy) The Public Employee Benefit Authority (PEBA) shall offer a group TRICARE Supplement policy or policies to its TRICARE-eligible subscribers through its flexible benefits program to provide that subscribers may pay premiums for such policies on a pretax basis, in accordance with federal law and regulations. PEBA may charge TRICARE Supplement subscribers an amount not to exceed \$2 per subscriber per month for any associated administrative costs.

108.6. (PEBA: State Health Plan) Of the funds authorized for the State Health Plan pursuant to Section 1-11-710(A)(2) of the 1976 Code, an employer premium increase of 3.7 percent and a subscriber premium increase of zero percent will result for the standard State Health Plan for Plan Year 2024. Notwithstanding the foregoing, pursuant to Section 1-11-710(A)(3), the Public Employee Benefit Authority may adjust the plan, benefits, or contributions of the State Health Plan during Plan Year 2024 to ensure the fiscal stability of the Plan.

108.7. (PEBA: Exempt National Guard Pension Fund) In the calculation of any across-the-board cut mandated by the Executive Budget Office or General Assembly, the amount of the appropriation for the National Guard Pension Fund shall be excluded.

108.8. (PEBA: Inactive SCRS Account Transfer) A current employee or teacher who is an active participant in the State Optional Retirement Program but who has an inactive account in the South Carolina Retirement Program due to previous service in that system, shall be allowed to transfer previous contributions to the employee's or teacher's active State Optional Retirement Program account.

108.9. (PEBA: Network Pharmacy Publications) All pharmacy publications or lists must include independent retail pharmacies. Abridged pharmacy lists are prohibited.

108.10. (PEBA: Covered Contraceptives) For the Plan year beginning in January of the current fiscal year, the State Health Plan shall not apply patient cost sharing provisions to covered contraceptives. This

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provision does not alter the current approved list of contraceptives and complies with the requirements of Proviso 108.4.

108.11. (PEBA: Former Spouses on the State Health Plan) For the Plan Year beginning in January of the current fiscal year, the State Health Plan shall cover a subscriber's former spouse, who is eligible to be covered pursuant to a court order, on the former spouse's own individual policy and at the full amount of the premium for the coverage elected, with such rates, billing, and other administrative policies to be determined by the Public Employee Benefit Authority. The former spouses may only elect such health, dental, and vision coverage as required by the court order. The former spouse's individual coverage may continue under the State Health Plan as long as authorized under the court order and the subscriber remains a participant in the State Health Plan. This proviso does not affect a subscriber's ability to cover a current spouse on an employee/retiree and spouse or full family policy when the subscriber's former spouse is covered on a separate policy.

108.12. (PEBA: COVID-19 Return to Work Extension) For Fiscal Year 2023-24, the earnings limitation imposed pursuant to Section 9-1-1790 and Section 9-11-90 of the 1976 Code does not apply to retired members of the South Carolina Retirement System or the Police Officers Retirement System who return to covered employment to participate in the state's public health preparedness and response to the COVID-19 virus. This section is not intended to supersede or conflict with Act 102 of 2021, S. 704 of 2021. In the event of a conflict, the provisions of the Act control.

108.13. (PEBA: Non-State Agency Furloughs) For the current fiscal year, a participating employer in the South Carolina Retirement System or Police Officers Retirement System that is not a state agency or institution of higher learning may make employee and employer contributions for a period of not more than ninety working days during a furlough program that was implemented as a result of and took place during the COVID-19 Public Health Emergency and if the terms of the furlough program are consistent with the requirements for an approved mandatory furlough program established by a state agency or institution of higher learning under state law. The participating employer shall make such contributions in order to ensure that a furloughed employee's retirement benefits are not interrupted as a result of the furlough, and the period for which such contributions are made will not be considered a break in consecutive employment.

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General and Permanent Laws--2023
SECTION 108 - F500 - PUBLIC EMPLOYEE
BENEFIT AUTHORITY

108.14. (PEBA: South Carolina Retiree Health Insurance Trust Fund) The provisions of Section 1-11-705(I)(2) of the 1976 Code are suspended for Fiscal Year 2023-24, and, notwithstanding any other provision of law, during Fiscal Year 2023-24, funds that would otherwise have been transferred to the South Carolina Retiree Health Insurance Trust Fund from the operating account for the State's employee health insurance program pursuant to Section 1-11-705(I)(2) may remain in the operating account for the State's employee health insurance program.

108.15. (PEBA: Fiduciary Audit) For Fiscal Year 2023-24, Section 9-4-40 of the 1976 Code and solicitation of the bid for the fiduciary audit are suspended.

108.16. (PEBA: PORS and SCRS Return to Work) For compensation earnings during the current fiscal year, the earnings limitation does not apply if a member of the Police Officer Retirement System has not been engaged to perform services for a participating employer in the system or any other system provided in Title 9 for compensation in any capacity, whether as an employee, independent contractor, leased employee, joint employee, or other classification of worker, for a period of at least twelve consecutive months subsequent to retirement. The exemption provided under this provision does not apply unless the member first certifies to the system that he satisfies the requirements for the exemption. If a member inaccurately certifies that he satisfies the requirements for the exemption provided in this provision, the member is responsible for reimbursing the system for any benefits wrongly paid to the member.

For compensation earnings during the current fiscal year, the earnings limitation does not apply if a member of the South Carolina Retirement System has not been engaged to perform services for a participating employer in the system or any other system provided in Title 9 for compensation in any capacity, whether as an employee, independent contractor, leased employee, joint employee, or other classification of worker, for a period of at least twelve consecutive months subsequent to retirement. The exemption provided under this provision does not apply unless the member first certifies to the system that he satisfies the requirements for the exemption. If a member inaccurately certifies that he satisfies the requirements for the exemption provided in this provision, the member is responsible for reimbursing the system for any benefits wrongly paid to the member.

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BENEFIT AUTHORITY

108.17. (PEBA: PORS Return to Work) If a member of the Police Officer Retirement System chooses to engage in the Return to Work program, their twelve month period spent not engaging in officer duties shall not cause a member to lose their license or be unable to perform the duties of a police officer. Officers participating in the Return to Work program shall be required to meet continuous training and education requirements of the South Carolina Law Enforcement Academy.

SECTION 109 - R440 - DEPARTMENT OF REVENUE

109.1. (DOR: Subpoenaed Employee Expense Reimbursement) If any employee of the Department of Revenue is subpoenaed to testify during litigation not involving the Department of Revenue, the party subpoenaing the employee(s) to testify shall reimburse the State for expenses incurred by the employee(s) requested to testify. Expenses shall include but are not limited to the cost of materials and the average daily salary of the employee or employees.

109.2. (DOR: Court Order Funds Carry Forward) Funds awarded to the Department of Revenue by court order shall be retained in a special account and shall be carried forward from year to year, and expended as needed to accomplish the purposes and conditions of said order if specified, and if not specified, as may be directed by the Director of the Department of Revenue.

109.3. (DOR: Rural Infrastructure Fund Transfer) Notwithstanding Section 12-10-85, the Department of Revenue is authorized to deposit revenues from the Rural Infrastructure Fund in excess of \$12 million dollars to the Rural Infrastructure Fund under the Rural Infrastructure Authority. Any revenues in excess of \$17 million shall be deposited in the Rural Infrastructure Fund under the Department of Commerce, Coordinating Council.

109.4. (DOR: SCBOS Funds) The Department of Revenue shall share equally the collection assistance fees imposed on overdue tax debt with the South Carolina Business One Stop program. The funds received by the department from this fee shall be used for continued administration of the revenue laws in a fair and impartial manner. Any unexpended funds generated by the fee shall be carried forward from the prior fiscal year into the current fiscal year and shall also be shared equally between the Department of Revenue and the South Carolina Business One Stop program.

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109.5. (DOR: Across the Board Cut Exemption) Whenever the Executive Budget Office or General Assembly implements an across the board budget reduction, the funds appropriated to the Department of Revenue shall be exempt from any such mandated budget reduction.

109.6. (DOR: Candidate Tax Return Programs) (A) From the funds appropriated in this act, the department must develop a program to process inquiries from a candidate for an office of this State or its political subdivisions or any gubernatorial appointee concerning whether that candidate or appointee has filed annual state income tax returns that he was required to file during the past ten years, regardless of the source of income, has paid all income taxes due during that time period, and has satisfied all judgments, liens, or other penalties for failure to pay income taxes when due. The department may only respond to an inquiry if the inquiry is made by a candidate or appointee concerning that candidate's or appointee's own income tax returns.

(B) Unless a candidate or appointee requests otherwise, the department must post the results of all inquiries from candidates or appointees in a prominent place on its internet website. The information must be organized in the following manner: (1) the candidate's name as it will appear on the ballot or the appointee's name as it appears on his income tax returns; (2) identify the years that the candidate or appointee was required to file income tax returns and identify the years, if any, that the candidate or appointee was not required to file income tax returns; (3) state whether the candidate or appointee filed income tax returns in each year that the candidate or appointee was required to file income tax returns; (4) state whether the candidate or appointee paid income taxes due each year that the candidate or appointee was required to file income tax returns; and (5) state whether the candidate or appointee had a judgment, lien, or other penalty levied against him for failure to pay income taxes when due, the year of the levy, and whether that judgment, lien, or other penalty has been satisfied. The department may not post a candidate's complete income tax return when fulfilling its obligations under this proviso.

(C)(1) Participation in this program by a candidate or appointee is voluntary.

(2) A candidate's or appointee's inquiry constitutes a waiver of confidentiality with the department concerning the information posted.

109.7. (DOR: Fraudulent Tax Return Program) The Department of Revenue may establish a Fraudulent Tax Return Detection Program to prevent payment of fraudulent tax refunds. To implement the program

SECTION 109 - R440 - DEPARTMENT OF REVENUE

the department may contract with information and technology entities to provide the necessary detection capabilities. The department shall pay for the program from the savings realized by implementation.

109.8. (DOR: Treasury Offset Program) The Department of Revenue is authorized to retain up to \$140,000 of mailing and associated administrative costs incurred as a result of the State's participation in and the notice requirements of the Federal Treasury Offset Program. Retained expenses shall be from tax offset revenue received from the federal government. Remaining revenue shall be deposited in the General Fund.

109.9. (DOR: Public Safety Events) Of the accommodation tax returned to Horry County or the municipalities therein, excluding municipalities that have enacted a Tourism Development Fee up to one third of the total allocation may be set aside and used for direct policing activities, fire safety, and emergency medical services during events held in May and December, or other dates if rescheduled due to emergency conditions within Horry County that significantly increase the burden of law enforcement and other first responders and require additional resources to ensure public safety during those events. By October thirty-first, the local government must inform the Department of Revenue the percentage of accommodation tax to withhold, not to exceed one third of the estimated yearly return, which will be dedicated to direct policing activities, fire safety, and emergency medical services. These funds shall be sent by the Department of Revenue to the local governing entity upon request of the local entity. A report on the expenditure of these funds, which must include the amount and purpose for which the funds were expended shall be submitted by the county or municipalities to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee no later than ninety days after the end of the fiscal year in which these funds are expended.

109.10. (DOR: Tourist Safety) Of the accommodation tax returned to any municipality in Horry County that has a Tourism Development Fee, up to fifty percent of the allocation designated under Section 6-4-10(3) of the 1976 Code may be set aside and used for direct policing purposes related to tourism. Direct policing purposes include temporary personnel, equipment, and the installation and maintenance of infrastructure related thereto. These funds may not exceed sixty-five percent of the total new funds dedicated to the additional policing purposes implemented. Each municipality utilizing this provision shall

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include expenditures and revenue sources in its annual report to the Tourism Expenditure Review Committee and shall submit copies of the report to the Governor, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

109.11. (DOR: Notification of Protest) In the current fiscal year and from the funds appropriated, if a taxpayer, other than an individual, files a written protest pursuant to Section 12-60-2120 of the 1976 Code, the department shall notify any affected county and school district of the written protest.

109.12. (DOR: Food Manufacturing Equipment) *Clothing required by Current Good Manufacturing Practices pursuant to 21 C.F.R. Section 111.10, as it may be amended, at perishable prepared food manufacturing facilities defined by the North American Industry Classification System 311991 to prevent health hazards, including outer garments, gloves of an impermeable material, hairnets, headbands, beard covers, caps, hair covers or other effective hair restraints, and other attire required pursuant to 21 C.F.R. Section 110.10 for persons working in direct contact with food, food contact services, and food packaging materials to protect against contamination of food in perishable prepared food manufacturing facilities shall be exempt from all sales and use taxes.*

109.13. (DOR: Renewable Fuel Credit) The date the taxpayer must place property or facility into service that is used for distribution or dispensing renewable fuel shall be extended to January 1, 2023.

109.14. (DOR: Electronic Filing) In the current fiscal year, in order to allow certain applications for licenses or permits to be filed electronically, the Department of Revenue may require a statement subject to penalties of perjury instead of a statement under oath.

109.15. (DOR: Referendum Notification) A county or municipal election commission must notify the Department of Revenue sixty days prior to a referendum on the imposition of a local sales tax or local option permit.

109.16. (DOR: Manufacturing Property Tax Reduction) In the current fiscal year, property owned by or leased to any utility, including solar farms, are not allowed the property tax reduction percentage for manufacturing property.

109.17. (DOR: Income Tax Withholding) For the current fiscal year and from funds available, the Department of Revenue shall clarify that any income tax withholding provision that requires withholding at

SECTION 109 - R440 - DEPARTMENT OF REVENUE

the rate of seven percent means withholding at the maximum individual income tax rate.

109.18. (DOR: Farm Fuels) For the current fiscal year, chemicals and oils including, but not limited to, greases, lubricants, and coolants used in an exempt farm machine that are essential to the functioning of the exempt machine are exempt fuels used in farm machinery and farm tractors.

SECTION 110 - R520 - STATE ETHICS COMMISSION

110.1. (ETHICS: Ethics Commission Website Changes) In the current fiscal year, prior to approving or adopting any changes to the State Ethics Commission Public Disclosure and Accountability Reporting System, the State Ethics Commission shall submit the proposed changes to the Senate Ethics Committee and House of Representatives Ethics Committee for their review and approval. As third party beneficiaries to any agreement between the State Ethics Commission and a vendor relating to the State Ethics Commission Public Disclosure and Accountability Reporting System, the General Assembly through its respective Ethics Committees can submit suggested changes to any proposed agreement or contract relating to the State Ethics Commission Public Disclosure and Accountability Reporting System and the State Ethics Commission shall be required to incorporate those suggestions into any contractual negotiation.

110.2. (ETHICS: Commission Meeting) The Ethics Commission must meet at least one time each month and post notice of meeting at least twenty-four hours in advance on the agency website.

SECTION 111 - S600 - PROCUREMENT REVIEW PANEL

111.1. (PRP: Filing Fee) Requests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the S.C. Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6), 11-35-4330, and/or 11-35-4410. The funds generated by the filing fee shall be retained by the panel and carried forward to be used for the operation of the panel. Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee

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because of financial hardship, the party shall submit a completed Request for Filing Fee Waiver form at the same time the request for review is filed. The panel shall make the Request for Filing Fee Waiver forms available to the chief procurement officers to provide to parties along with notice of right to appeal to the panel. If the filing fee is not waived, the party must pay the filing fee within fifteen days of the date of receipt of the order denying waiver of the filing fee. Requests for administrative review will not be accepted unless accompanied by the filing fee or a completed Request for Filing Fee Waiver form at the time of filing.

SECTION 112 - V040 - DEBT SERVICE

112.1. (DS: Ports Authority Loan) Upon receipt of the federal government's share of the Charleston Harbor Deepening Project, the State Ports Authority shall reimburse the General Fund the amount of the loan received pursuant to Proviso 112.2 of Act 264 of 2018 for cash flow needs related to the Charleston Harbor Deepening Project, together with interest accrued to the date of reimbursement, calculated at the rate earned on the General Fund for the period during which the loan remains outstanding.

112.2. (DS: Excess Debt Service) Excess debt service funds available in Fiscal Year 2023-24 may be expended in the fiscal year to pay down general obligation bond debt for which the State (1) is paying the highest rate of interest; (2) will achieve relief in constrained debt capacity; or (3) reduce the amount of debt issued. Prior to the use of these funds, the Office of the State Treasurer shall notify the Chairman and Vice Chairman of the Joint Bond Review Committee.

**SECTION 113 - X220 - AID TO SUBDIVISIONS,
STATE TREASURER**

113.1. (AS-TREAS: Veterans' Affairs-Aid to Counties) In the allocation of the appropriation in Part IA, Section 113, as adjusted for "Aid to County Veteran Offices," each county shall receive an effective annual amount equal to one hundred percent of the amount allocated to it for the prior fiscal year plus an amount equivalent to base pay increases for state employees, less any adjustments made for budget reductions. This allocation shall be distributed on a quarterly basis to the County

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Treasurer who will handle and distribute these monies for the sole benefit and use of the County Veterans' Affairs Offices.

113.2. (AS-TREAS: Quarterly Distributions) For the current fiscal year, one quarter of the amount appropriated in Part IA for Aid to Subdivisions-Local Government Fund shall be distributed as soon after the beginning of each quarter as practical with the four distributions together totaling the Fiscal Year 2023-24 Part IA appropriation for the Local Government Fund.

113.3. (AS-TREAS: Salary Supplements) The amounts appropriated in Part IA, Section 113, for Aid Cnty-Clerks of Court, Aid Cnty-Probate Judges, Aid Cnty-Coroners, and Aid Cnty-Sheriffs shall be distributed by the State Treasurer to each county treasurer equally on a quarterly basis, and shall be used as a salary supplement for each clerk of court, probate judge, county coroner, and county sheriff. The amounts appropriated in Part IA, Section 113 for Aid Cnty-Register of Deeds, shall be equally distributed by the State Treasurer to the appropriate county treasurer on a quarterly basis, and shall be used as a salary supplement for registers of deeds.

The amount appropriated in Part IA, Section 113, for Aid Cnty-Auditors and Aid Cnty-Treasurers, shall be equally distributed to each county auditor and county treasurer as a salary supplement in addition to the salary and other benefits presently being provided by the county for these positions. It is the intent of the General Assembly that the amount appropriated by the county as salaries for these positions shall not be reduced as a result of the appropriation and that such appropriation shall not disqualify each county auditor and each county treasurer for salary increases that they might otherwise receive from county funds in the future. The salary supplement for each county auditor and county treasurer shall be paid in accordance with the schedule and method of payment established for state employees.

The amounts appropriated in Part IA, Section 113 for Clerks of Court, Probate Judges, Sheriffs, Register of Deeds, Coroners, Auditors, and Treasurers shall be exempt from any across the board cut mandated by the Executive Budget Office or General Assembly. However, the governing body of a county may reduce the expenditures in the operation of the offices of these officials without any required corresponding reduction in the county's state aid to subdivisions distribution. However, any reduction in these officials' budgets must be made in consultation with the affected official.

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Of the amount appropriated in Part IA, Section 113 for Aid Cnty-Magistrates, a salary supplement of ten thousand dollars per full-time magistrate and two thousand five hundred dollars per part-time magistrate shall be provided. These amounts shall be distributed quarterly, and the amount appropriated by the county as salaries for these positions shall not be reduced as a result of the appropriation. The salary supplement shall not disqualify each magistrate for salary increases that they might otherwise receive from county funds in the future.

113.4. (AS-TREAS: Legislative Delegations) In the current fiscal year, a county government must fund its legislative delegation budget pursuant to Section 3, Act No. 283 of 1975. If a county council does not meet that funding level, the amount of the shortfall must be deducted from the responsible county's Aid to Subdivisions allocation and forwarded to the legislative delegation of the county. Additionally, the responsible county's remaining Aid to Subdivisions allotment must be reduced by twenty-five percent of the shortfall amount, which sum must be forwarded to the legislative delegation to be used for its administrative costs.

113.5. (AS-TREAS: Transparency - Political Subdivision Appropriation of Funds) (A) A political subdivision receiving aid from the Local Government Fund may not:

(1) appropriate money to any entity unless that appropriation appears as a separate and distinct line item in the political subdivision's budget or in an amendment to the political subdivision's budget;

(2) except in cases of emergency or unforeseen circumstances, donate funds to a nonprofit organization unless the amounts donated are appropriated on a separate and distinct line item in the political subdivision's budget or an amendment to the political subdivision's budget that includes the names of the entities to which the donations are being made. In the case of an emergency or unforeseen circumstances, a political subdivision may donate funds to a nonprofit organization if the amount and purpose of the proposed donation and the nature of the emergency or unforeseen circumstances necessitating the donation are announced in open session at a public meeting held by the governing body of the political subdivision and the funds are not delivered to the organization for five days following the announced intent to make the donation; or

(3) accept any funds from nongovernmental and inter-governmental organizations as defined in Agenda 21, adopted by

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the United Nations in 1992 at its Conference on Environment and Development, accredited and enlisted by the United Nations to assist in the implementation of its policies relative to Agenda 21 around the world without posting the following on the political subdivision's website for ten days:

- (a) a full and detailed list of the funding program, including a designation that the funding program is associated with Agenda 21;
- (b) the amount of funds involved;
- (c) every mandate or requirement or action that will result from the grant or funding program's implementation;
- (d) any and all projected costs to the political subdivision, business, or individual associated with the grant or funding program; and
- (e) the stated goals and expected results of the grant or funding program.

(B) A political subdivision receiving aid from the Local Government Fund may not appropriate money to any entity without the requirement that the entity provides at the end of the fiscal year a detailed description of the purposes for which the money was used.

113.6. DELETED

113.7. (AS-TREAS: Agricultural Use Exemption) A county shall have its portion of the Aid to Subdivisions, Local Government Fund withheld if the county imposes any additional requirements for an agricultural use exemption for a landowner's timberland beyond what is required by Section 12-43-230(a) and Section 12-43-232 of the 1976 Code.

113.8. (AS-TREAS: Excess Sales Tax Collections) In the current fiscal year, if a county has capital projects sales tax collections in excess of the amount necessary to complete all projects for which the tax was imposed and the tax has not yet expired, the county may pledge and use the excess collections to fund road improvements, intersection improvements, and pedestrian transportation. However, prior to the expiration of the tax, an eligible county must adopt an ordinance specifying the purposes for which the excess funds will be used. A county may expend distributions received pursuant to the Aid to Subdivisions, State Treasurer section to meet the requirements of this provision.

113.9. (AS-TREAS: Rural County Stabilization Fund) There is created in Aid to Subdivisions-State Treasurer the Rural County Stabilization Fund. Any county that has population growth, as

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determined by the 2020 Census, of less than 5.35% since the 2010 census shall be eligible to receive monies from the fund as follows:

- (1) a baseline of \$300,000 to each eligible county;
- (2) an additional \$100,000 to eligible counties with a population between 50,000 and 99,999; and
- (3) an additional \$200,000 to eligible counties with a population of more than 100,000. After disbursal of funds, any monies remaining shall be distributed to each eligible county on a pro rata basis.

In the event the amount of funds in the Rural County Stabilization Fund is not sufficient to provide monies to counties according to the above formula, the amounts distributed to counties shall be reduced on a pro rata basis.

113.10. (AS-TREAS: E-Filing System) The governing body of any county that has at least three municipalities within the county, in whole or in part, with a population of fifty thousand or more shall utilize sufficient funds received from the local government fund to implement an electronic or e-filing system in the county's Register of Deeds Office to be utilized for the recording of documents and for payment of associated fees. The Register of Deeds shall assist with the implementation and shall monitor, utilize, and maintain the system.

113.11. DELETED

SECTION 117 - X900 - GENERAL PROVISIONS

117.1. (GP: Revenues, Deposits Credited to General Fund) For the current fiscal year, except as hereinafter specifically provided, all general state revenues derived from taxation, licenses, fees, or from any other source whatsoever, and all institutional and departmental revenues or collections, including income from taxes, licenses, fees, the sale of commodities and services, and income derived from any other departmental or institutional source of activity, must be remitted to the State Treasurer at least once each week, when practical, and must be credited, unless otherwise directed by law, to the General Fund of the State. Each institution, department, or agency, in remitting such income to the State Treasurer, shall attach with each such remittance a report or statement, showing in detail the sources itemized according to standard budget classification from which such income was derived, and shall, at the same time, forward a copy of such report or statement to the Comptroller General and the Executive Budget Office. In order to

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facilitate the immediate deposit of collections, refunds of such collections by state institutions where properly approved by the authorities of same, may be made in accordance with directions from the State Comptroller General and State Treasurer. General fund appropriations herein made for the support of the public school system of the State must be greater than or equal to the revenues derived from the General Retail Sales Tax, the Soft Drinks Tax, and the state's portion of the Alcoholic Liquors Tax and Cable Television Fees as forecasted in the general fund revenue estimate of the Board of Economic Advisors as accounted for in the Statement of Revenues of this act. Appropriations in this act for the support of the public school system shall include the following:

Department of Education;

State Board for Technical and Comprehensive Education;

Educational Television Commission;

Wil Lou Gray Opportunity School;

School for the Deaf and the Blind;

Governor's School for Agriculture at John de la Howe;

Debt Service on Capital Improvement Bonds Applicable to Above Agencies;

Debt Service on School Bonds;

Other School Purposes. Nothing contained herein shall be construed as diminishing the educational funding requirements of this section.

117.2. (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year 2023-24, and for other purposes specifically designated.

117.3. (GP: Fiscal Year Definitions) For purposes of the appropriations made by this part, "current fiscal year" means the fiscal year beginning July 1, 2023, and ending June 30, 2024, and "prior fiscal year" means the fiscal year beginning July 1, 2022, and ending June 30, 2023.

117.4. (GP: Descriptive Proviso Titles) Descriptive proviso titles listed in this act are for purposes of identification only and are not to be considered part of the official text.

117.5. (GP: Judicial & Involuntary Commitment, Defense of Indigents) It is the responsibility of all agencies, departments and

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institutions of state government, to provide at no cost and as a part of the regular services of the agency, department or institutions such services as are necessary to carry out the provisions of Chapter 52, Title 44 (Involuntary Commitment), Article 7, Chapter 17, Title 44 of the 1976 Code (Judicial Commitment), Chapter 3, Title 17 of the 1976 Code (Defense of Indigents), and Article 1, Chapter 3, Title 16 of the 1976 Code (Death Penalty), as amended, upon request of the Judicial Department and/or the appropriate court. To this end, state agencies are directed to furnish to the Judicial Department a list of their employees who are competent to serve as court examiners. The Judicial Department shall forward a copy of this list to the appropriate courts, and the courts shall utilize the services of such state employees whenever feasible. State employees shall receive no additional compensation for performing such services. For the purpose of interpreting this section, employees of the Medical University of South Carolina and individuals serving an internship or residency as an academic requirement or employees who are not full-time state employees and who are not performing duties as state employees are not considered state employees.

117.6. (GP: Case Service Billing Payments Prior Year) Agencies appropriated case services funds who routinely receive prior year case service billings after the old fiscal year has been officially closed are authorized to pay these case service obligations with current funds. This authorization does not apply to billings on hand that have been through a timely agency payment approval process when the old fiscal year closes.

117.7. (GP: Fee Increases) (A) No state agency, department, board, committee, commission, or authority, may increase an existing fee for performing any duty, responsibility, or function unless the fee for performing the particular duty, responsibility, or function is authorized by statutory law and set by regulation except as provided in this paragraph.

(B) This paragraph does not apply to:

- (1) state-supported governmental health care facilities;
- (2) state-supported schools, colleges, and universities;
- (3) educational, entertainment, recreational, cultural, and training programs;
- (4) the State Board of Financial Institutions;
- (5) sales by state agencies of goods or tangible products produced for or by these agencies;

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(6) charges by state agencies for room and board provided on state-owned property;

(7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;

(8) court fees or fines levied in a judicial or adjudicatory proceeding; or

(9) the South Carolina Public Service Authority or the South Carolina Ports Authority.

(C) This paragraph does not prohibit a state agency, department, board, committee, or commission from increasing fees for services provided to other state agencies, departments, boards, committees, commissions, political subdivisions, or fees for health care and laboratory services regardless of whether the fee is set by statute.

(D) Statutory law for purposes of this paragraph does not include regulations promulgated pursuant to the State Administrative Procedures Act.

117.8. (GP: State Institutions - Revenues & Income) The University of South Carolina, Clemson University, the Medical University of South Carolina (including the Medical University Hospital), The Citadel, Winthrop University, South Carolina State University, Francis Marion University, University of Charleston, Lander University, Coastal Carolina University, and the Wil Lou Gray Opportunity School shall remit all revenues and income, collected at the respective institutions, to the State Treasurer according to the terms of Proviso 117.1 of this act, but all such revenues or income so collected, except fees received as regular term tuition, matriculation, and registration, shall be carried in a special continuing account by the State Treasurer, to the credit of the respective institutions, and may be requisitioned by said institutions, in the manner prescribed in Section 11-3-185 of the 1976 Code, and expended to fulfill the purpose for which such fees or income were levied, but no part of such income shall be used for permanent improvements without the express written approval of the State Fiscal Accountability Authority and the Joint Legislative Capital Bond Review Committee; and it is further required that no such fee or income shall be charged in excess of the amount that is necessary to supply the service, or fulfill the purpose for which such fee or income was charged. Notwithstanding other provisions of this act, funds at state institutions of higher learning derived wholly from athletic or other student contests, from the activities of student organizations, and from the operations of canteens and bookstores, and from approved Private Practice plans at

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institutions and affiliated agencies may be retained at the institution and expended by the respective institutions only in accord with policies established by the institution's Board of Trustees. Such funds shall be audited annually by the State but the provisions of this act concerning unclassified personnel compensation, travel, equipment purchases and other purchasing regulations shall not apply to the use of these funds.

117.9. (GP: Transfers of Appropriations) Agencies and institutions shall be authorized to transfer appropriations within programs and within the agency with notification to the Executive Budget Office and Comptroller General. No such transfer may exceed twenty percent of the program budget. Upon request, details of such transfers may be provided to members of the General Assembly on an agency by agency basis. Transfers of appropriations from personal service accounts to other operating accounts or from other operating accounts to personal service accounts may be restricted to any established standard level set by the State Fiscal Accountability Authority upon formal approval by a majority of the members of the State Fiscal Accountability Authority.

117.10. (GP: Federal Funds - DHEC, DSS, DHHS - Disallowances) Amounts appropriated to the Department of Health and Environmental Control, Department of Social Services and Department of Health and Human Services may be expended to cover program operations of prior fiscal years where adjustment of such prior years are necessary under federal regulations or audit exceptions. All disallowances or notices of disallowances by any federal agency of any costs claimed by these agencies shall be submitted to the State Auditor, the Senate Finance Committee and the House Ways and Means Committee, within five days of receipt of such actions.

117.11. (GP: Fixed Student Fees) During the current fiscal year, student fees at the state institutions of higher learning shall be fixed by the respective Boards of Trustees as follows:

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

(2) Student activity fees may be fixed at such rates as the respective Boards shall deem reasonable and necessary.

117.12. (GP: Tech Educ. Colleges Student Activity Fees) Notwithstanding any other provisions of this act, funds at technical

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education colleges derived wholly from the activities of student organizations and from the operations of canteens and bookstores may be retained by the college and expended only in accord with policies established by the respective college's area commission and approved by the State Board for Technical and Comprehensive Education.

117.13. (GP: Discrimination Policy) It is the policy of the State of South Carolina to recruit, hire, train, and promote employees without discrimination because of race, color, sex, national origin, age, religion or physical disability. This policy is to apply to all levels and phases of personnel within state government, including but not limited to recruiting, hiring, compensation, benefits, promotions, transfers, layoffs, recalls from layoffs, and educational, social, or recreational programs. It is the policy of the State to take affirmative action to remove the disparate effects of past discrimination, if any, because of race, color, sex, national origin, age, religion, or physical disability.

Each state agency shall submit to the State Human Affairs Commission employment and filled vacancy data by race and sex by October thirty-first, of each year.

In accordance with Section 1-13-110 of the 1976 Code, as amended, the Human Affairs Commission shall submit a report on the status of state agencies' Affirmative Action Plans and Programs to the General Assembly by February first each year. This report shall contain the total number of persons employed in each job group, by race and sex, at the end of the preceding reporting period, a breakdown by race and sex of those hired or promoted from within the agency during the reporting period, and an indication of whether affirmative action goals were achieved. For each job group referenced in the Human Affairs report, where the hiring of personnel does not reflect the percentage goals established in the agency's affirmative action plan for the year in question, the state agency shall submit a detailed explanation to the Human Affairs Commission by February fifteenth, explaining why goals were not achieved.

The Human Affairs Commission shall review the explanations and notify the Department of Administration of any agency not in satisfactory compliance with meeting its stated goals.

The Department of Administration shall notify any agency not in compliance that their request for additional appropriations for the current appropriation cycle, may not be processed until such time as the Department of Administration, after consultation with the Human Affairs Commission, is satisfied that the agency is making a good faith

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effort to comply with its affirmative action plan, and that the compliance must be accomplished within a reasonable length of time to be determined by the mission and circumstances of the agency. This requirement shall not affect additional appropriation requests for public assistance payments or aid to entities. This section does not apply to those agencies that have been exempted from the reporting requirements of the Human Affairs Commission.

117.14. (GP: FTE Management) In order to provide the necessary control over the number of employees, the Executive Budget Office is hereby directed to maintain close supervision over the number of state employees, and to require specifically the following:

(1) That no state agency exceed the total authorized number of full-time equivalent positions and those funded from state sources as provided in each section of this act except by majority vote of the State Fiscal Accountability Authority.

(2) That the Executive Budget Office shall maintain and make, as necessary, periodic adjustments thereto, an official record of the total number of authorized full-time equivalent positions by agency for state and total funding sources.

(a) That within thirty days of the passage of the Appropriation Act or by August first, whichever comes later, each agency of the State must have established on the Executive Budget Office records all positions authorized in the Act. Each agency may, upon notification to the Executive Budget Office, change the funding source of state FTE positions established on the Executive Budget Office records as necessary to expend federal and other sources of personal service funds to conserve or stay within the state appropriated personal service funds. No agency shall change funding sources that will cause the agency to exceed the authorized number of state or total full-time equivalent positions. Each agency may transfer FTEs between programs as needed to accomplish the agency mission.

(b) That by September thirtieth, the office shall prepare a FTE analysis, by agency, which shows the number of authorized, filled, and vacant positions by source of funds for the current and two previously completed fiscal years. The office shall provide a copy of each agency's FTE analysis to the Senate Finance and House Ways and Means Committees.

(3) That full-time equivalent (FTE) positions shall be determined under the following guidelines:

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(a) The annual work hours for each FTE shall be the agency's full-time standard annual work hours.

(b) The state FTE shall be derived by multiplying the state percentage of budgeted funds for each position by the FTE for that position.

(c) All institutions of higher education shall use a value of 0.75 FTE for each position determined to be full-time faculty with a duration of nine months.

The FTE method of accounting shall be utilized for all authorized positions.

(4) That the number of positions authorized in this act shall be reduced in the following circumstances:

(a) Upon request by an agency.

(b) When anticipated federal funds are not made available.

(c) When the Executive Budget Office, through study or analysis, becomes aware of any unjustifiable excess of positions in any state agency.

(5) That no new permanent positions in state government shall be funded by appropriations in acts supplemental to this act but temporary positions may be so funded.

(6) That the provisions of this section shall not apply to personnel exempt from the State Classification and Compensation Plan under item I of Section 8-11-260 of the 1976 Code.

The Governor, in making his appropriation recommendations to the Ways and Means Committee, must provide that the level of personal service appropriation recommended for each agency is at least ninety-seven percent of the funds required to meet one hundred percent of the funds needed for the full-time equivalents positions recommended by the Governor (exclusive of new positions).

117.15. (GP: Allowance for Residences & Compensation Restrictions) That salaries paid to officers and employees of the State, including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of office or of employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or employee. The charge for these items may be payroll deducted at the discretion of the Comptroller General or the chief financial officer at each agency maintaining its own payroll system. This shall not apply to the Governor's Mansion, nor to guards

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at any of the state's penal institutions and nurses and attendants at the Department of Disabilities and Special Needs, and registered nurses providing clinical care at the MUSC Medical Center, nor to the Superintendent and staff of the Governor's School for Agriculture at John de la Howe, nor to the cottage parents and staff of Wil Lou Gray Opportunity School, nor to full-time or part-time staff who work after regular working hours in the SLED Communications Center or Maintenance Area, nor to adult staff at the Governor's School for Science and Mathematics and the Governor's School for Arts and Humanities who are required to stay on campus by the institution because of job requirements or program participation. Any state institution of higher learning may provide complimentary membership privileges to employees who work at their wellness centers. The presidents of those state institutions of higher learning authorized to provide on-campus residential facilities for students may be permitted to occupy residences on the grounds of such institutions without charge.

Any state institution of higher learning may provide a housing allowance to the president in lieu of a residential facility, the amount to be approved by the State Fiscal Accountability Authority.

That the following may be permitted to occupy residences owned by the respective departments without charge: the Farm Director, Farm Managers, and Specialists employed at the Wateree River Correctional Institution; the South Carolina State Commission of Forestry fire tower operators, forestry aides, and caretaker at central headquarters; the Department of Natural Resources' Wildlife Management Area Personnel, Fish Hatchery Personnel, and Heritage Trust Personnel; Director of Wil Lou Gray Opportunity School; President of the School for the Deaf and the Blind; houseparents for the Commission for the Blind; South Carolina Department of Health and Environmental Control personnel at the State Park Health Facility and Camp Burnt Gin; Residence Life Coordinators at Lander University; Residence Life Directors, temporary and transition employees, student interns, and emergency personnel at Winthrop University; Farm Superintendent at Winthrop University; Residence Hall Directors at the College of Charleston; the Department of Disabilities and Special Needs' physicians and other professionals at Whitten Center, Clemson University Off-Campus Agricultural Staff and Housing Area Coordinators; and TriCounty Technical College's Bridge to Clemson Resident and Area Directors; and housing maintenance night supervisors, residence life directors, temporary and transition

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employees, and emergency medical personnel occupying residences owned by the University of South Carolina. Except in the case of elected officials, the fair market rental value of any residence furnished to a state employee shall be reported by the state agency furnishing the residence to the Agency Head Salary Commission, and the Department of Administration by October first of each fiscal year.

All salaries paid by departments and institutions shall be in accord with a uniform classification and compensation plan, approved by the Department of Administration, applicable to all personnel of the State Government whose compensation is not specifically fixed in this act. Such plan shall include all employees regardless of the source of funds from which payment for personal service is drawn. The Department of Administration is authorized to approve temporary salary adjustments for classified and unclassified employees who perform temporary duties which are limited by time and/or funds. When approved, a temporary salary adjustment shall not be added to an employee's base salary and shall end when the duties are completed and/or the funds expire. Academic personnel of the institutions of higher learning and other individual or group of positions that cannot practically be covered by the plan may be excluded therefrom but their compensations as approved by the Department of Administration shall, nevertheless, be subject to review by the State Fiscal Accountability Authority. Salary appropriations for employees fixed in this act shall be in full for all services rendered, and no supplements from other sources shall be permitted or approved by the State Fiscal Accountability Authority. With the exception of travel and subsistence, legislative study committees shall not compensate any person who is otherwise employed as a full-time state employee. Salaries of the heads of all agencies of the State Government shall be specifically fixed in this act and no salary shall be paid any agency head whose salary is not so fixed. As long as there is no impact on appropriated funds, state agencies and institutions shall be allowed to spend public funds and/or other funds for designated employee award programs which shall have written criteria approved by the agency governing board or commission. For purposes of this section, monetary awards, if any, shall not be considered a part of an employee's base salary, a salary supplement, or a perquisite of employment. The names of all employees receiving monetary awards and the amounts received shall be reported annually to the Department of Administration.

In the case of lodging furnished by certain higher education institutions to employees, the prevailing local rate does not apply if the

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institution meets the exceptions for inadequate rent described in the current Internal Revenue Code Section 119(d)(2). To meet the exception, rental rates must equal the lesser of five percent of the appraised value of the qualified campus lodging, or the average of the rentals paid by individuals (other than employees or students of the educational institution) during the calendar year for lodging provided by the educational institution which is comparable to the qualified campus lodging provided to the employee, over the rent paid by the employee for the qualified campus lodging during the calendar year. The appraised value shall be determined as of the close of the calendar year in which the taxable year begins, or, in the case of a rental period not greater than one year, at any time during the calendar year in which the period begins.

117.16. (GP: Universities & Colleges - Allowance for Presidents) Presidents of the University of South Carolina, Clemson University, the Medical University of South Carolina, The Citadel, Winthrop University, South Carolina State University, Francis Marion University, University of Charleston, Coastal Carolina University and Lander University must not be paid a fixed allowance for personal expenses incurred in connection with the performance of their official duties. Reimbursements may be made to the presidents from funds available to their respective institutions for any personal expenses incurred provided that all requests for reimbursement are supported by properly documented vouchers processed through the normal accounting procedures of the institutions.

117.17. (GP: Replacement of Personal Property) The Department of Juvenile Justice, Department of Corrections, Department of Probation, Parole and Pardon Services, Department of Mental Health, Department of Disabilities and Special Needs, Continuum of Care, Department of Social Services and School for the Deaf and the Blind may replace the personal property of an employee which has been damaged or destroyed by a client while in custody of the agency. The replacement of personal property may be made only if the loss has resulted from actions by the employee deemed to be appropriate and in the line of duty by the agency head and if the damaged or destroyed item is found by the agency head to be reasonable in value, and necessary for the employee to carry out the functions and duties of his employment. Replacement of damaged or destroyed items shall not exceed \$250 per item, per incident. Each agency must have guidelines to insure the reasonableness of the replacement payments.

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117.18. (GP: Business Expense Reimbursement) Agency heads and deputy commissioners or deputy directors designated by agency heads may receive reimbursements for business expenses incurred while performing their official duties, provided that receipts are presented when seeking reimbursement and justification is submitted to document the time, place, and purpose of the expense as well as the names of the individuals involved. The Department of Administration shall promulgate regulations governing these expenses.

117.19. (GP: Per Diem) The per diem allowance of all boards, commissions and committees shall be at the rate of \$50 per day. No full-time officer or employee of the State shall draw any per diem allowance for service on such boards, commissions, or committees.

117.20. (GP: Travel - Subsistence Expenses & Mileage) Travel and subsistence expenses, whether paid from state appropriated, federal, local or other funds, shall be allowed in accordance with the following provisions:

(A) Unless otherwise provided in paragraphs B through H of this section, all employees of the State of South Carolina or any agency thereof including employees and members of the governing bodies of each technical college while traveling on the business of the State shall, upon presentation of a paid receipt, be allowed reimbursement for actual expenses incurred for lodging, not to exceed the current maximum lodging rates, excluding taxes, established by the U.S. General Services Administration. The lodging reimbursement for employees of a school district must also conform to these rates when that employee's travel reimbursement is paid by state funds that are transferred to the school district. Agencies may contract with lodging facilities to pay on behalf of an employee. Failure to maintain proper control of direct payments for lodging may result in the revocation of the agency's authority by the Comptroller General or the State Auditor. The employee shall also be reimbursed for the actual expenses incurred in the obtaining of meals except that such costs shall not exceed \$35 per day within the State of South Carolina. For travel outside of South Carolina the maximum daily reimbursement for meals shall not exceed \$50. Agencies may contract with food or dining facilities to pay for meals on behalf of employees in accordance with rules and regulations established by the Office of Comptroller General. It shall be the responsibility of the agency head to monitor the charges for lodging which might be claimed by his employees in order to determine that such charges are following maximum lodging rates as established by the U.S. General Services

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Administration. Any exceptions must have the written approval of the agency head, taking into consideration location, purpose of travel or other extenuating circumstances. The provisions of this item shall not apply to Section 42-3-40 of the 1976 Code, and when pertaining to institutions of higher learning, for travel paid with funds other than General Funds.

(B) That employees of the State, when traveling outside the United States, Canada, and Puerto Rico upon promotional business for the State of South Carolina shall be entitled to actual expenses for both food and lodging.

(C) The Governor, Lieutenant Governor, Secretary of State, Comptroller General, Attorney General, State Treasurer, Adjutant General, Superintendent of Education and the Commissioner of Agriculture shall be reimbursed actual expenses for subsistence.

(D) Non-legislative members of committees appointed pursuant to Acts and Resolutions of the General Assembly whose membership consists solely of members of the General Assembly or members of the General Assembly and other personnel who are not employees of the State of South Carolina shall be allowed subsistence expenses of \$42 per day while traveling on official business, unless otherwise designated by law. Members of such committees may opt to receive actual expenses incurred for lodging and actual expenses incurred in the obtaining of meals in lieu of the allowable subsistence expense.

(E) Members of the state boards, commissions, or committees whose duties are not full-time and who are paid on a per diem basis, shall be allowed reimbursement for actual expenses incurred at the rates provided in paragraph A and I of this section while away from their places of residence on official business of the State. One person accompanying a handicapped member of a state board, commission, or committee on official business of the State shall be allowed the same reimbursement for actual expenses incurred at the rates provided in paragraph A through I of this section.

(F) No subsistence reimbursement shall be allowed to a Justice of the Supreme Court or Judge of the Court of Appeals while traveling in the county of his official residence. When traveling on official business of said court within fifty miles outside the county of his official residence, a Supreme Court Justice and a Judge of the Court of Appeals shall be allowed subsistence expenses in the amount of \$42 per day plus such mileage allowance for travel as is provided for other employees of the State. When traveling on official business of said court fifty or more

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miles outside the county of his official residence, each Justice and Judge of the Court of Appeals shall be allowed subsistence expenses in the amount as provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other employees of the State. The Chief Justice, or such other person as the Chief Justice designates, while attending the Conference of Chief Justices and one member of the Supreme Court while attending the National Convention of Appellate Court Judges, and three Circuit Judges while attending the National Convention of State Trial Judges shall be allowed actual subsistence and travel expenses.

Upon approval of the Chief Justice, Supreme Court Justices, Judges of the Court of Appeals, Circuit Judges, and Family Court Judges shall be reimbursed for actual expenses incurred for all other official business requiring out-of-state expenses at the rate provided in paragraph A of this section.

(G) No subsistence reimbursements are allowed to a Circuit Judge, a Family Court Judge, or an Administrative Law Judge while holding court within the county in which he resides. While holding court or on other official business outside the county, within fifty miles of his residence, a Circuit Court Judge, Family Court Judge, or an Administrative Law Judge is entitled to a subsistence allowance in the amount of \$42 per day plus such mileage allowance for travel as is provided for other employees of the State. While holding court or on other official business at a location fifty miles or more from his residence, a Circuit Court, Family Court or Administrative Law Judge is entitled to a subsistence allowance in the amount as provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other employees of the State.

(H) Any retired Justice, Circuit Court Judge or Family Court Judge or Master-in-Equity appointed by the Supreme Court to serve as a Special Circuit Judge, Family Court Judge, Appeals Court Judge, or Acting Associate Justice shall serve without pay but shall receive the same allowance for subsistence, expenses, and mileage as provided in Part I for Circuit Court Judges.

(I) No expense shall be allowed an employee either at his place of residence or at the official headquarters of the agency by which he is employed except as provided in paragraph E, of this section. When an employee is assigned to work a particular territory or district, and such territory or district and his official headquarters are in different localities or sections of the State, expenses may be allowed for the necessary travel

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to his official headquarters. The members of the Workers' Compensation Commission may be reimbursed at the regular mileage rate of one round trip each week from their respective homes to Columbia. No subsistence reimbursement shall be allowed to a member of the Workers' Compensation Commission while traveling in the county of his official residence. When traveling on official business of the commission outside the county of his official residence, a member of the Workers' Compensation Commission shall be allowed subsistence expenses in the amount of \$42 per day. When traveling on official business of the commission fifty or more miles outside the county of his official residence, each member shall be allowed a subsistence allowance in the amount as provided in this act for members of the General Assembly. When out-of-state, members of the Workers' Compensation Commission and the members of the Appellate Panel of the Department of Employment and Workforce may claim the established amount of per diem, as stated in the General Appropriation Act, or actual expenses as deemed reasonable by the Comptroller General. The members of the Appellate Panel of the Department of Employment and Workforce may be reimbursed at the regular mileage rate when the member is on official business fifty miles or more outside of Columbia. The members of the Appellate Panel of the Department of Employment and Workforce shall be allowed subsistence allowance in the amount as provided in this act for members of the General Assembly when the member is on official business fifty miles or more outside of Columbia.

(J) When an employee of the State shall use his or her personal automobile in traveling on necessary official business, a charge to equal the standard business mileage rate as established by the Internal Revenue Service will be allowed for the use of such automobile and the employee shall bear the expense of supplies and upkeep thereof. The standard business mileage rate used in this calculation shall be the current rate established by the Internal Revenue Service. Whenever state provided motor pool vehicles are reasonably available and their use is practical and an employee of the State shall request for his own benefit to use his or her personal vehicle in traveling on necessary official business, a charge of four cents per mile less than the standard business mileage rate as established by the Internal Revenue Service will be allocated for the use of such vehicle and the employee shall bear the expense of supplies and upkeep thereof. The standard business mileage rate used in this calculation shall be the current rate established by the Internal Revenue

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Service. When such travel is by a state-owned automobile, the State shall bear the expense of supplies and upkeep thereof but no mileage will be allowed. Agencies and employees are directed to use state fueling facilities to the maximum extent possible, when such use is cost beneficial to the State. When using commercial fueling facilities, operators of State-owned vehicles are directed to use self-service pumps. In traveling on the business of the State, employees are required to use the most economical mode of transportation, due consideration being given to urgency, schedules and like factors.

Mileage between an employee's home and his/her place of employment is not subject to reimbursement. However, when an employee leaves on a business trip directly from his/her home, and does not go by the employee's headquarters, the employee shall be eligible for reimbursement for actual mileage beginning at his/her residence.

(K) That a state agency may advance travel and subsistence expense monies to employees of that agency for the financing of ordinary and necessary travel required in the conducting of the business of the agency. The Office of Comptroller General is directed to develop and publish rules and regulations pertaining to the advancing of travel expenses and no state agency shall make such advances except under the rules and regulations as published. All advances for travel and subsistence monies shall be repaid to the agency within thirty days after the end of the trip or by July fifteenth, whichever comes first.

(L) That the state institutions of higher learning are authorized to reimburse reasonable relocation expenses for new employees when such reimbursements are considered by the agency head to be essential to successful recruitment of professionally competent staff members.

(M) The Office of Comptroller General is authorized to promulgate and publish rules and regulations governing travel and subsistence payments.

(N) No state funds may be used to purchase first class airline tickets.

117.21. (GP: Organizations Receiving State Appropriations Report). Each state agency receiving funds that are a direct appropriation to a non-profit organization, prior to disbursing the funds, shall require from each recipient organization a plan of how the state funds will be spent and how the expenditures will provide a public benefit. The Executive Budget Office, Department of Administration shall provide each state agency with a standard form for collecting the information required. After receiving the funds, non-profit organizations shall provide quarterly spending updates to the respective state agency.

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After all state funds have been expended, each organization shall provide an accounting of how the funds were spent, including an accounting of funds provided to subgrantees and affiliated non-profits. State agencies receiving funds pursuant to this provision shall report the information collected to the Executive Budget Office, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee by June 30th. No funds in this act shall be disbursed to organizations or purposes which practice discrimination against persons by virtue of race, creed, color or national origin.

117.22. (GP: State-Owned Aircraft - Flight Logs) Each agency having in its custody one or more aircraft shall maintain a continuing log on all flights, which in order to promote accountability and transparency shall be open for public inspection and shall also be posted online. Any and all aircraft owned or operated by agencies of the State Government shall be used only for official business. The Division of Aeronautics and other agencies owning and operating aircraft may furnish transportation to the Governor, Constitutional Officers, members of the General Assembly, members of state boards, commissions, and agencies and their invitees for official business only; no member of the General Assembly, no member of a state board, commission, or committee, and no state official shall use any state-owned or operated aircraft unless the member or official files within twenty-four hours after the completion of the flight with the agency that provided the flight a sworn statement certifying and describing the official nature of his trip; and no member of the General Assembly, no member of a state board, commission or committee, and no state official shall be furnished air transportation by a state agency unless such agency prepares and maintains in its files a sworn statement from the highest ranking official of the agency or its designee certifying that the member's or state official's trip was in conjunction with the official business of the agency. Official business shall not include routine transportation to and from meetings of the General Assembly or committee meetings for which mileage is authorized. Official business also does not include attending a press conference, bill signing, or political function.

All logs shall be signed by the parties using the flight and the signatures shall be maintained as part of the permanent record of any agency. All passengers shall be listed on the flight log by their legal name; passengers flying with an appropriate official of SLED or the Department of Commerce whose confidentiality must, in the opinion of SLED or the department, be protected shall be listed in writing on the

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flight log as “Confidential Passenger SLED or the Department of Commerce (strike one)” and the appropriate official of SLED or the department shall certify to the agency operating the aircraft the necessity for such confidentiality. The Division of Aeronautics shall post its flight logs on its website within one working day of completion of trips.

Violation of the above provisions of this section is prima facie evidence of a violation of Section 8-13-700(A) of the 1976 Code and shall subject a violating member of the General Assembly to the ethics procedure of his appropriate house and shall subject a violating member of a state board, commission or committee, or a state official to the applicable ethics procedure relating to them as provided by law. The above provisions do not apply to state-owned or operated aircraft when used by the Medical University of South Carolina, nor to aircraft of the athletic department or the educational foundations of any state-supported institution of higher education, nor to law enforcement officers when flying on state-owned aircraft in pursuit of fugitives, missing persons, or felons or for investigation of gang, drug, or other violent crimes.

Aircraft owned by agencies of state government shall not be leased to individuals for their personal use.

117.23. (GP: Carry Forward) Each agency is authorized to carry forward unspent general fund appropriations from the prior fiscal year into the current fiscal year, up to a maximum of ten percent of its original general fund appropriations less any appropriation reductions for the current fiscal year. Agencies shall not withhold services in order to carry forward general funds.

This provision shall be suspended if necessary to avoid a fiscal year-end general fund deficit. For purposes of this proviso, the amount of the general fund deficit shall be determined after first applying the Capital Reserve Fund provisions in Section 11-11-320(D) of the 1976 Code, and before any transfers from the General Reserve. The amount of general funds needed to avoid a year-end deficit shall be reduced proportionately from each agency’s carry forward amount.

Any funds that are carried forward as a result of this provision are not considered part of the base of appropriations for any succeeding years.

117.24. (GP: TEFRA-Tax Equity and Fiscal Responsibility Act) It is the intent of the General Assembly that the State Medicaid Plan be amended to provide benefits for disabled children as allowed by the Tax Equity and Fiscal Responsibility Act (TEFRA) option. State agencies, including but not limited to, the Department of Social Services - the Continuum of Care, the Department of Health and Environmental

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Control, the Department of Mental Health, the Department of Disabilities and Special Needs, and the Department of Health and Human Services shall collectively review and identify existing state appropriations within their respective budgets that can be used as state match to serve these children. Such funds shall be used effective January 1, 1995 to implement TEFRA option benefits. Agencies providing services under the provisions of this paragraph must not spend less in the current fiscal year than expended in the previous fiscal year.

117.25. (GP: Prison Industries) All agencies funded in this act, when procuring goods and services, shall first consider contracting for services or purchasing goods and services through the Department of Corrections' Prison Industries Program. The Department of Corrections shall furnish, upon request, to all agencies a catalogue of goods and services provided by Prison Industries. The department is hereby directed to develop and market a catalogue of Prison Industries products for nationwide circulation.

117.26. (GP: Travel Report) Annually on November first, the Comptroller General shall issue a report on travel expenditures for the prior fiscal year which shall be distributed to the Senate Finance Committee, the House Ways and Means Committee, and the Statehouse Press Room. The Comptroller General may use up to \$500 of general fund appropriations for the purpose of providing copies to the media or the public upon request. The report must contain a listing for every agency receiving an appropriation in the annual General Appropriations Act. The listing must show at a minimum the top ten percent of employees for whom travel expenses and registration fees were paid within each agency, not to exceed twenty-five employees per agency. Agencies should include position titles for each of the top twenty-five travelers for each agency. Expenditures must include state, federal and other sources of funds. Expenditures for in-state and out-of-state registration fees (fees to attend conferences, teleconferences, workshops, or seminars for training on a per person basis) must be shown as a separate subtotal within the grand total for the individual employees and the agency as a whole. The list for each agency must be in rank order with the largest expenditure first and the name of the employee must be shown with each amount. Agencies should include a brief summary of the type of travel the agency incurs. The Comptroller General may provide additional information as deemed appropriate. The Comptroller General shall provide no exceptions to this report in that the information contained is not considered confidential or restricted for economic

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development purposes. However, further disclosure of detailed information shall be restricted as provided for by law.

117.27. (GP: School Technology Initiative) From the funds appropriated/authorized for the K-12 technology initiative, the Department of Education, in consultation with the Department of Administration, the State Library, the Educational Television Commission, and a representative from the Education Oversight Committee, shall administer the K-12 technology initiative funds. These funds are intended to provide technology, encourage effective use of technology in K-12 public schools throughout the state, conduct cost/benefit analyses of the various technologies, and should, to the maximum extent possible, involve public-private sector collaborative efforts. Funds may also be used to establish pilot projects for new technologies with selected school districts as part of the evaluation process. K-12 technology initiative funds shall be retained and carried forward to be used for the same purpose.

117.28. (GP: State-Operated Day Care Facilities Fees) Any state agency receiving funding in this act and any higher education institution, including four-year institutions, two-year institutions, and technical colleges, that operates an early childhood development center or day care facility shall charge, at a minimum, fees that are comparable to those charged by private day care facilities in the local community. The institution or agency shall not restrict enrollment in the center solely to the children of faculty, staff, and students of the institution; nor shall fees be set at a lower level for faculty, staff, or students of the institution or agency.

117.29. (GP: Base Budget Analysis) Agencies' annual accountability reports for the prior fiscal year, as required in Section 1-1-810, must be accessible to the Governor, Senate Finance Committee, House Ways and Means Committee, and to the public on or before September fifteenth, for the purpose of a zero-base budget analysis and in order to ensure that the Agency Head Salary Commission has the accountability reports for use in a timely manner. Accountability Report guidelines shall require agencies to identify key program area descriptions and expenditures and link these to key financial and performance results measures. The Executive Budget Office is directed to develop a process for training agency leaders on the annual agency accountability report and its use in financial, organizational, and accountability improvement. Until performance-based funding is fully implemented and reported annually, the state supported colleges,

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universities and technical schools shall report in accordance with Section 59-101-350.

117.30. (GP: Collection on Dishonored Payments) In lieu of any other provision of law, any state agency may collect a service charge as provided in Section 34-11-70 to cover the costs associated with the processing and collection of dishonored instruments or electronic payments where any amount is not paid by the drawee due to insufficient funds on deposit with the bank or the person upon which it was drawn when presented, or the instrument has an incorrect or insufficient signature on it. Such funds shall be retained and expended by the agency in accordance with this purpose and any unused amount shall carry forward to the following fiscal year.

117.31. (GP: State DNA Database) Funds collected by the South Carolina Department of Corrections, the Department of Probation, Parole and Pardon, and Department of Juvenile Justice to process DNA samples must be remitted to the State Law Enforcement Division to offset the expenses incurred to operate the State DNA Database program. SLED may retain, expend, and carry forward these funds. Any carry forward funds resulting from the DNA Database program must be used solely to operate the DNA Database program.

117.32. (GP: Voluntary Separation Incentive Program) State agencies may implement, in consultation with the Department of Administration, a program to realign resources to include provisions for a separation incentive payment for employees which may include the employer portion of health and dental benefits not to exceed one year. Employees participating in such program shall be considered to have voluntarily quit their employment without good cause and be subject to the provisions of Section 41-35-120(1) of the South Carolina Employment Security Law. Any program developed under this provision will involve voluntary participation from employees and will be funded within existing appropriations. The program must be approved by the agency head and the Director of the Human Resources Division based on ability to demonstrate recurring cost savings for realignment and/or permanent downsizing. State agencies shall report the prior year's results to the Department of Administration by August fifteenth, of the current fiscal year. The Department of Administration, upon request, shall report to the Senate Finance Committee and the House Ways and Means Committee on these results.

117.33. (GP: Debt Collection Reports) Each state agency shall provide to the Chairmen of the Senate Finance and House of

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Representatives Ways and Means Committees and the Inspector General a report detailing the amount of its outstanding debt and all methods it has used to collect that debt. This report is due by the last day of February for the previous calendar year. For purposes of this provision, outstanding debt means a sum remaining due and owed to a state agency by a nongovernmental entity for more than sixty calendar days.

117.34. (GP: State-Funded Libraries - Web Filters) (A) A library receiving state funds, directly, indirectly, by grant, or otherwise, other than a library at an institution of higher learning, that has computers available for use by the public or students, or both, must equip these computers with software incorporating web-filtering technology designed to eliminate or reduce the ability of the computer to access sites displaying pornographic pictures or text. However, up to ten percent, and at least one, of the library's computers must be unfiltered. Each library's governing officials shall determine the physical location of any unfiltered computer(s). The library also must have a written policy providing sanctions against a person who instructs or demonstrates to another person how to bypass this web-filtering technology.

(B) State funds intended for a library not in compliance with subsection (A) must be reduced by fifty percent. Funds resulting from this reduction must be distributed among other libraries that are in compliance with subsection (A).

117.35. (GP: Tobacco Settlement Funds Carry Forward) State agencies are hereby authorized to retain and carry forward any unexpended Tobacco Settlement Agreement funds from the prior fiscal year into the current fiscal year and to expend such funds for the same purpose.

117.36. (GP: Use Tax Exemption) For the current fiscal year there is exempt from the use tax imposed pursuant to Chapter 36, Title 12 of the 1976 Code the sales price of tangible personal property purchased for use in private primary and secondary schools, including kindergartens and early childhood education programs, which are exempt from income taxes pursuant to Section 501(c)(3) of the Internal Revenue Code. For the purposes of this item, the Internal Revenue Code means Internal Revenue Code as described in Section 12-6-40 of the 1976 Code. This exemption applies for sales occurring after 1995. No refund is due any taxpayer of use tax paid on sales exempted by this paragraph.

117.37. (GP: Personal Property Tax Relief Fund) If the Personal Property Tax Exemption Sales Tax is imposed in a county and a sales

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tax rate of two percent of gross proceeds of sales is insufficient to offset the property tax not collected, sufficient amounts must be credited to the Trust Fund for Tax Relief established pursuant to Section 11-11-150 of the 1976 Code to provide the reimbursement to offset such a shortfall in the manner provided in Section 4-10-540(A) of the 1976 Code.

117.38. (GP: COG Annual Report) Each Council of Government shall submit a report to the Senate Finance Committee and the House Ways and Means Committee by December first each year describing how the funds which they received from the State in the prior fiscal year were expended.

117.39. (GP: South Carolina Recycling Initiative) To protect the public health and safety, protect and preserve the environment of this State, and to recover resources which have the potential for usefulness in the most environmentally safe, economically feasible and cost effective manner, state agencies shall purchase recycled iron and steel unless the item cannot be acquired competitively at a reasonable price.

117.40. (GP: Life and Palmetto Fellows Scholarships Waiver Exemption) Any provision in permanent law or in Part IB, Section 117 of this act, except that which is specified for LIFE and Palmetto Fellows Scholarships, that would require general fund appropriations other than what is specified in Part IA of this act is waived for the current fiscal year.

117.41. (GP: Sole Source Procurements) The State Fiscal Accountability Authority shall evaluate and determine whether the written determinations, explanations, and basis for sole source procurements, pursuant to South Carolina Code Section 11-35-1560, and emergency procurements, pursuant to South Carolina Code Section 11-35-1570, are legitimate and valid reasons for awarding noncompetitive contracts.

117.42. (GP: Parking Fees) State agencies shall not impose additional parking fees or increases in current fees for state employees during the current fiscal year. This provision does not apply to any college or university.

117.43. (GP: Facility Rental Fee) The Governor's School for the Arts and Humanities, Governor's School for Science and Mathematics, Wil Lou Gray Opportunity School, and the Governor's School for Agriculture at John de la Howe are authorized to charge, collect, expend and carry forward fees charged for facility and equipment rental and registration.

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117.44. (GP: Insurance Claims) Any insurance reimbursement to an agency may be used to offset expenses related to the claim. These funds may be retained, expended, and carried forward.

117.45. (GP: Organizational Charts) All agencies, departments and institutions of state government shall furnish to the Human Resources Division (1) a current personnel organizational chart annually no later than September first of the current fiscal year, or upon the request of the division and (2) notification of any change to the agency's organizational structure which impacts an employee's grievance rights within thirty days of such change. The organizational chart shall be in a form prescribed by the Human Resources Division showing all authorized positions, class title, class code, position number and indications as to whether such positions are filled or vacant. In addition, the organizational chart shall clearly identify those employees who are exempt from the State Employee Grievance Procedure Act.

117.46. (GP: Agencies Affected by Restructuring) Upon restructuring of state agencies by the General Assembly the Department of Administration is directed to work with affected State agencies in order to phase-in operations of restructured organizations during the current fiscal year. Restructured organizations should be operating entirely under the revised structure no later than December thirty-first, of the current fiscal year, unless otherwise directed by law. The department is further directed to work with the affected agencies in order to identify and facilitate the transfer of any portion of their operations, including transfer of funds during the current fiscal year, which is affected by the restructured organization adopted by the General Assembly, but which has not already been accomplished herein. Until sufficient changes can be made to the State's accounting system and the appointment of appropriate agency heads, the Comptroller General and the State Treasurer shall allow those agencies affected by restructuring to continue processing documents within the account structure existing on June thirtieth, of the prior fiscal year. Restructured agencies shall make all the necessary accounting adjustments to complete the transition to the new account structure as soon as possible, but no later than December thirty-first, of the current fiscal year, unless otherwise directed by law. The Executive Budget Office is directed to prepare the subsequent detail budget to conform Part IA and corresponding provisions in this act to any restructuring changes that are ratified.

117.47. (GP: Agency Administrative Support Collaboration) It is the intent of the General Assembly that state agencies continue to

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actively pursue cost savings measures through collaborative efforts and where feasible may combine administrative support functions with other agencies in order to maximize efficiency and effectiveness.

117.48. (GP: Assessment Audit / Crime Victim Funds) If the State Auditor finds that any county treasurer, municipal treasurer, county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B) and (D), 14-1-207(B) and (D), 14-1-208(B) and (D), and 14-1-211(B) of the 1976 Code, the State Auditor shall notify the State Department of Crime Victim Compensation. The State Department of Crime Victim Compensation is authorized to conduct an audit which shall include both a programmatic review and financial audit of any entity or nonprofit organization receiving victim assistance funding based on the referrals from the State Auditor or complaints of a specific nature received by the State Department of Crime Victim Compensation to ensure that crime victim funds are expended in accordance with the law. Guidelines for the expenditure of these funds shall be developed by the Victim Services Coordinating Council. The Victim Services Coordinating Council shall develop these guidelines to ensure any expenditure which meets the parameters of Article 15, Chapter 3, Title 16 is an allowable expenditure. Any local entity or nonprofit organization that receives funding from revenue generated from crime victim funds is required to submit their budget for the expenditure of these funds to the State Department of Crime Victim Compensation within thirty days of the budget's approval by the governing body of the entity or nonprofit organization. Failure to comply with this provision shall cause the State Department of Crime Victim Compensation to initiate a programmatic review and a financial audit of the entity's or nonprofit organization's expenditures of victim assistance funds. Additionally, the Department of Crime Victim Compensation will place the name of the noncompliant entity or nonprofit organization on their website where it shall remain until such time as they are in compliance with the terms of this proviso. Any entity or nonprofit organization receiving victim assistance funding must cooperate and provide expenditure/program data requested by the State Department of Crime Victim Compensation. If the State Department of Crime Victim Compensation finds an error, the entity or nonprofit organization has ninety days to rectify the error. An error constitutes an entity or nonprofit organization spending victim assistance funding on

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unauthorized items as determined by the State Department of Crime Victim Compensation. If the entity or nonprofit organization fails to cooperate with the programmatic review and financial audit or to rectify the error within ninety days, the State Department of Crime Victim Compensation shall assess and collect a penalty in the amount of the unauthorized expenditure plus \$1,500 against the entity or nonprofit organization for improper expenditures. This penalty plus \$1,500 must be paid within thirty days of the notification by the State Department of Crime Victim Compensation to the entity or nonprofit organization that they are in noncompliance with the provisions of this proviso. All penalties received by the State Department of Crime Victim Compensation shall be credited to the General Fund of the State. If the penalty is not received by the State Department of Crime Victim Compensation within thirty days of the notification, the political subdivision will deduct the amount of the penalty from the entity or nonprofit organization's subsequent fiscal year appropriation.

117.49. (GP: H.L. Hunley Museum Location) The General Assembly approves the Patriots Point Development Authority as the permanent site of the H.L. Hunley Museum. This approval is contingent upon the negotiation and execution of necessary contracts between the State of South Carolina and the Patriots Point Development Authority. The Hunley Commission is directed to expend funds from its account to negotiate and execute contracts on behalf of the State of South Carolina.

117.50. (GP: Secure Juvenile Confinement) The Attorney General shall review the interpretation of the current policies of the Department of Public Safety and the Department of Corrections regarding secure juvenile confinement that the departments indicate may jeopardize federal grant funds. The departments may not implement any changes to the current policies regarding secure juvenile confinement until the Attorney General considers the departments' interpretation of the federal Juvenile Justice and Delinquency Prevention Act in regard to the secure holding of juveniles for more than six hours in adult detention facilities that also serve as forty-eight-hour juvenile holdover facilities. The Attorney General will determine if the departments' interpretation is fair and equitable and how the local governments and the Department of Juvenile Justice would be impacted, to include any financial considerations.

117.51. (GP: ISCEDC Funding Transfer) The departments of Mental Health, Disabilities and Special Needs, and Juvenile Justice are directed to transfer a total of \$1,199,456 in funds to the Department of

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Social Services for the support of the Interagency System for Caring for Emotionally Disturbed Children. Funding transfers shall be in the following amounts: Department of Mental Health - \$595,000, Department of Disabilities and Special Needs - \$379,456, and Department of Juvenile Justice - \$225,000. The transfer of funds shall be accomplished by September thirtieth of the current fiscal year.

117.52. (GP: Employee Bonuses) State agencies and institutions are allowed to spend state, federal, and other sources of revenue to provide selected employees lump sum bonuses, not to exceed three thousand dollars per year, based on objective guidelines established by the Department of Administration. Payment of these bonuses is not a part of the employee's base salary and is not earnable compensation for purposes of employee and employer contributions to respective retirement systems. The employing agency must report this information on or before August thirty-first of each year and must include the total amount and source of the bonus received by the employee during the preceding fiscal year (July first through June thirtieth). The Human Resources Division of the Department of Administration shall formulate policies and procedures to ensure compliance with the reporting provisions of this proviso. Copies of the reports shall be made available to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, upon request.

117.53. (GP: FEMA Flexibility) Any appropriation designated as the state share for a federally declared disaster may be carried forward and used for the same purpose by the Emergency Management Division of the Adjutant General's Office in the event of additional federally declared disasters. Unallocated funds from established state accounts may be used as the state share in any federally declared disaster. These funds may also be used during a Governor's state of emergency to augment existing state appropriations of the South Carolina Emergency Management Division (SCEMD). When these funds are used during a Governor's state of emergency, the allocation of those funds following the event will be determined by the Governor based on the recommendation of the Adjutant General and the Director of the South Carolina Emergency Management Division.

In the event there is a federally declared disaster and state match funds are unavailable, the State Fiscal Accountability Authority may borrow from any internal account or accounts necessary to maximize federal matching funds through the Emergency Management Division. Any such borrowing must be reported to the General Assembly within five

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days. Funds borrowed from accounts shall be replenished by the General Assembly as soon as practicable.

117.54. (GP: Respiratory Syncytial Virus Prescription Sales and Use Tax Exemption) The effective date of the exemption from sales and use tax of prescription medicines used to prevent respiratory syncytial virus shall be January 1, 1999. No refund of sales and use taxes may be claimed as a result of this provision.

117.55. (GP: Year-End Financial Statements - Penalties) Agencies, institutions, and other reporting entities required to submit annual audited financial statements for inclusion in the State's Annual Comprehensive Financial Report must submit final audited financial statements to the Comptroller General not later than October first for those with fiscal year-end June thirtieth. The South Carolina Retirement Systems, Insurance Benefits, and Other Post-Employment Benefits Trust Funds administered by the South Carolina Public Employee Benefit Authority must submit their final audited financial statements no later than October fifteenth. For institutions and reporting entities with fiscal year-ends other than June thirtieth, final audited financial statements must be submitted to the Comptroller General within 120 days of that fiscal year-end. The Comptroller General shall provide a written report of each agency, institution, or other reporting entity not in compliance with this provision to the State Fiscal Accountability Authority by November thirtieth.

117.56. (GP: Purchase Card Incentive Rebates) In addition to the Purchase Card Rebate deposited in the general fund, any incentive rebate premium received by an agency from the Purchase Card Program may be retained and used by the agency to support its operations.

117.57. (GP: Sex Offender Monitoring and Supervision) The funds appropriated to the Department of Probation, Parole and Pardon Services in Part IA, Section 66, Program II.A.2. for the Sex Offender Monitoring Program and to the Department of Juvenile Justice in Part IA, Section 67, Program III.A. Special Item: Sex Offender Monitoring are to be used and expended only for GPS monitoring programs of the departments. In cases of limited funds, monitoring of "Jessie's Law" offenders shall take precedence over all other GPS programs of the departments. Funds appropriated for this program may not be used for any other purpose or transferred to any other program. Unexpended funds appropriated for Sex Offender Monitoring may be carried forward and used for the same purpose. The departments are directed to submit a report to the General Assembly by January fifteenth each year accounting for the expenditure

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of the funds including any carry-forward funding; the total costs and per-day costs for equipment, supervision, and monitoring; the total number of staff assigned to the activity and the average agent caseloads; the amount of funds collected from sex offenders for both intensive supervision and electronic monitoring; and the anticipated fiscal needs for the upcoming fiscal year. The report shall also include, but not be limited to, data regarding the number of offenders sentenced to electronic monitoring, including the number sentenced for life; the number of alert notifications received, investigated, and prosecuted; and the number of offenders returned to prison as a result of electronic monitoring violations.

117.58. (GP: Viscosupplementation Therapies Sales and Use Tax Exemption) For the current fiscal year only, sales and use taxes on viscosupplementation therapies shall be suspended. No refund or forgiveness of tax may be claimed as a result of this provision.

117.59. (GP: CID & PCC Agency Head Salaries) All hiring salaries and salary increases for the agency heads of the Commission on Indigent Defense and the Prosecution Coordination Commission shall be subject to all provisions related to agency heads covered by the Agency Head Salary Commission.

117.60. (GP: Prosecutors and Defenders Public Service Incentive Program) The Office of Attorney General, the Commission on Prosecution Coordination, and the Commission on Indigent Defense shall develop and implement a Prosecutors and Defenders Public Service Incentive Program for attorneys employed by the Office of Attorney General, the Commission on Prosecution Coordination, the Commission on Indigent Defense, a Circuit Solicitor's Office or a Circuit Public Defender's Office.

After more than three years of continuous service as a full-time attorney with any of these entities, qualifying attorneys may be reimbursed up to \$1,000 for payments made in the prior calendar year on outstanding law school loans. Reimbursements for law school loan payments may be increased by up to \$1,000 for each additional year of continuous service; however, such reimbursements shall not exceed \$5,000 in any year. The amount of law school loan payment reimbursement in any calendar year shall not exceed the amount of principal and interest paid on the loan in the prior calendar year. Reimbursements under the program may continue until all outstanding law school loans are satisfied; however, such reimbursements shall not

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exceed \$40,000 per qualifying attorney. Reimbursements shall be adjusted if necessary so as not to exceed appropriations for the program.

The Prosecutors and Defenders Public Service Incentive Program must be administered by the Commission on Prosecution Coordination, which shall pay for the cost of administration within the funds appropriated.

The Office of Attorney General, the Commission on Prosecution Coordination, and the Commission on Indigent Defense shall each compile a report that includes, but is not limited to, the number of applicants and the impact of the program on attracting and retaining attorneys. The Commission on Prosecution Coordination shall also compile a report that includes, but is not limited to, the cost of administering the program as well as the amount of reimbursements per agency or entity. Such reports shall be submitted to the Senate Finance Committee and the House Ways and Means Committee by April first.

Unexpended program funds from the prior fiscal year may be carried forward into the current fiscal year to be used for the same purpose.

117.61. (GP: Attorney Dues) Agencies and offices of the State of South Carolina that employ attorneys are authorized, if they so decide, to use other appropriated funds, including General Fund carry forward funds, to pay the costs of mandatory dues owed to the South Carolina Bar Association.

117.62. (GP: Critical Employee Recruitment and Retention) State agencies are allowed to spend state, federal, and other sources of revenue to provide lump sum bonuses to aid in recruiting and retaining workers in critical needs jobs which provide services that directly impact the health, safety, and welfare of the public. The employee bonus amount shall be approved by the State Human Resources Director based on State Human Resources guidelines, and shall not exceed \$10,000 per year. Payment of these bonuses is not a part of the employee's base salary and is not earnable compensation for purposes of employee and employer contributions to respective retirement systems. These bonuses shall, however, be considered earnings for determining if an employee who has returned to work after retirement is subject to the earning limitation imposed in either Section 9-1-1790(A)(1) or Section 9-11-(4)(a)(i).

These agencies may also provide paid educational leave for any employee in a FTE position deemed critical by the Department of Administration to attend class while enrolled in degree programs that are related to the agency's mission. All such leave is at the agency head's discretion.

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These agencies may enter into an agreement with individuals employed in critical needs positions to repay them for their outstanding student loans associated with completion of a relevant degree. Agencies may pay these employees up to twenty percent or \$7,500, whichever is less, of their outstanding student loan each year over a five-year period. Payments will be made directly to the employee at the end of each year of employment. The agency will be responsible for verifying the principal balance of the employee's student loan prior to issuing payments.

Agencies are also authorized to allow tuition reimbursement from a maximum of ten credit hours per semester; allow probationary employees to participate in tuition programs; and provide tuition prepayment instead of tuition reimbursement for employees willing to pursue a degree in a healthcare program. An agency may pay up to fifty percent of an employee's tuition through tuition prepayment. The remaining tuition could be reimbursed to the employee after successful completion of the class.

The Department of Administration shall approve of the designation of critical needs positions applicable to this provision using guidelines that include, but are not limited to: 1) the difficulty recruiting for the positions as reflected by data such as the vacancy rate maintained, the average time to fill, the lack of sufficient qualified applicants, and other objective factors; 2) the difficulty retaining employees in the positions as shown by turnover data; 3) justification by the state agency that the position is critical to the core mission of the agency and directly impacts the health, safety and welfare of the public; and 4) assurances from the state agency that there are sufficient existing funds available to pay for items under this provision.

Healthcare employees in approved critical needs positions working on a practicum or required clinical experience towards completion of a healthcare degree may be allowed to complete these requirements at their state agency or another state agency at the discretion of the agency head. This field placement at another state agency may be considered work time for participating employees.

State agencies must report to the Department of Administration by August 31st of each year any expenditure under this provision. The Department of Administration shall compile a report of the responses and submit them to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by October 1st of each year.

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117.63. (GP: Governor's Budget Certification) The annual Executive Budget proposed by the Governor must be certified by the Director of the Revenue and Fiscal Affairs Office or his designee in the same manner as the House Ways and Means and Senate Finance Committee versions of the budget bill are certified.

117.64. (GP: Voluntary Furlough) Agency heads may institute a voluntary employee furlough program of not more than ninety days per fiscal year. During this voluntary furlough, the state employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agencies, institutions and departments will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. In the event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

117.65. (GP: Governor's Security Detail) The State Law Enforcement Division, the Department of Public Safety, and the Department of Natural Resources shall provide a security detail to the Governor in a manner agreed to by the State Law Enforcement Division, the Department of Public Safety, the Department of Natural Resources, and the Office of Governor. Reimbursement to the State Law Enforcement Division, the Department of Public Safety, and the Department of Natural Resources to offset the cost of the security detail for the Governor shall be made in an amount agreed to by the State Law Enforcement Division, the Department of Public Safety, the Department of Natural Resources, and the Office of Governor from funds appropriated to the Office of Governor for this purpose. Law enforcement officers assigned to security detail for the Governor shall only perform services related to security and shall not provide any unrelated service during the assignment.

117.66. (GP: Reduction in Force Antidiscrimination) In the event of a reduction in force implemented by a state agency or institution, the state agency or institution must comply with Title VII of the Civil Rights Act of 1964 or any other applicable federal or state antidiscrimination laws.

117.67. DELETED

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117.68. (GP: Printed Report Requirements) (A) For the current fiscal year, state supported institutions of higher learning shall not be required to submit printed reports mandated by Sections 2-47-40, 2-47-50, and 59-103-110 of the 1976 Code, and shall instead only submit the documents electronically.

Submission of the plans or reports required by Sections 59-101-350, 59-103-30, 59-103-45(4), and 59-103-160(D) shall be waived for the current fiscal year, except institutions of higher learning must continue to report student pass rates on professional examinations, and data elements otherwise required for the Commission on Higher Education Management Information System. The commission, in consultation with institutions, shall take further action to reduce data reporting burdens as possible.

(B) For the current fiscal year, the Department of Agriculture shall not be required to submit printed reports mandated by Section 46-49-10 of the 1976 Code. The department shall provide these reports electronically and shall use any monetary savings for K5-12 agricultural education programs.

(C) For the current fiscal year, the Department of Health and Human Services shall not be required to provide printed copies of the Medicaid Annual Report required pursuant to Section 44-6-80 of the 1976 Code and shall instead only submit the documents electronically.

(D) For the current fiscal year, the Department of Transportation shall not be required to submit printed reports or publications mandated by Sections 1-11-58, 2-47-55, and 58-17-1450 of the 1976 Code.

The Department of Transportation may combine their Annual Report and Mass Transit Report into their Annual Accountability Report.

117.69. (GP: IMD Operations) The Department of Health and Human Services shall produce an annual report on Medicaid-funded out-of-home placements and associated expenditures which shall be provided to the Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, and the Governor no later than November first each year.

117.70. (GP: Fines and Fees Report) In order to promote accountability and transparency, each state agency must provide and release to the public via the agency's website, a report of all aggregate amounts of fines and fees that were charged and collected by that state agency in the prior fiscal year. The report shall include, but not be limited to: (1) the code section, regulation, or proviso that authorized the fines and fees to be charged, collected, or received; (2) the amount

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of the fine or fee; (3) the amount received by source; (4) the purpose for which the funds were expended by the agency; (5) the amount of funds transferred to the general fund, if applicable, and the authority by which the transfer took place; and (6) the amount of funds transferred to another entity, if applicable, and the authority by which the transfer took place, as well as the name of the entity to which the funds were transferred. The report must be posted online by September first. Additionally, the report must be delivered to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by September first. Funds appropriated to and/or authorized for use by each state agency shall be used to accomplish this directive.

117.71. (GP: Mandatory Furlough) In a fiscal year in which the general funds appropriated for a state agency are less than the general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Executive Budget Office implements a midyear across-the-board budget reduction, and agency heads institute a mandatory employee furlough program, in determining which employees must participate in the program, agency heads should give consideration to furloughs for contract employees, post-TERI employees, and TERI employees before other employees. During this mandatory furlough, the state employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agencies, institutions, and departments will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. In the event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

117.72. (GP: Reduction In Force) In a fiscal year in which the general funds appropriated for a state agency are less than the general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Executive Budget Office implements a midyear across-the-board budget reduction, and agency heads must make reductions in force, agency heads should give consideration to reductions of contract employees, post-TERI employees, and TERI employees before other employees. In the event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

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117.73. (GP: Cost Savings When Filling Vacancies Created by Retirements) During the current fiscal year, whenever classified FTEs become vacant because of employee retirements, it is the intent of the General Assembly that state agencies should realize personnel costs savings of at least twenty-five percent in the aggregate when managing these vacant positions. Prior to filling a classified FTE which has become vacant because of a retirement, an agency must review and determine the appropriate salary for the position as well as determine whether the agency can manage without filling the position or by delay in filling the position. Prior to filling the vacant FTE, agencies must follow all laws and regulations concerning posting and competitive solicitation and consideration of applicants. No agency shall enter into any agreement with any employee that violates the terms of this proviso.

117.74. (GP: Information Technology for Health Care) From the funds appropriated and authorized to the Department of Health and Human Services, the department shall advance the use of health information technology and health information exchange to improve quality and efficiency of health care by creating the capability of moving clinical information among different health care information systems.

The department shall procure, contract, and/or otherwise enter into agreements that it deems to be in furtherance of the recommendations of the Health Information Exchange Strategy Development Committee established pursuant to Act 94 of 2021 or other initiative it deems appropriate to facilitate the useful exchange of health information. Such initiatives may include allowing health care providers to appropriately access and securely share patient medical information, collecting statewide data on critical assets and workforce capacities, and implementing a Medicaid encounter notification system. Any systems should focus on providing connectivity to health care providers while minimizing administrative burden and allowing health care providers to maintain existing electronic health systems. The department shall incorporate measures to ensure that the confidentiality, integrity, and availability of patient data is always safeguarded and protected in accordance with state and federal laws. The department shall coordinate its efforts with the Department of Health and Environmental Control and other stakeholders the department deems appropriate.

117.75. (GP: Broadband Spectrum Lease) The General Assembly must approve any exercise of the Middle Band Segment Channel recapture provisions contained in the Educational Broadband Service Spectrum Lease Agreements if the exercise of the recapture provisions

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would result in a decrease in payments received by the State. The Educational Television Commission assumes management and administration of the lease and receives lease payments directly. The Educational Television Commission shall retain and expend funds received pursuant to the lease for agency operations. The commission shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year. In the event of a default by the current lease holder, the Educational Television Commission is authorized to use contingent funds up until such time as a new lease can be negotiated by the State and the Educational Television Commission.

117.76. (GP: Reduction in Compensation) For the current fiscal year, no state agency or political subdivision of this State may decrease the compensation of an employee, including dismissal, suspension, or demotion, solely because the employee gave sworn testimony regarding alleged wrongdoing to a standing committee, subcommittee of a standing committee, or study committee of the Senate or the House of Representatives. This proviso shall apply regardless of when the alleged wrongdoing occurred.

117.77. (GP: Deficit Monitoring) It is the responsibility of each state agency, department, and institution to operate within the limits of its authorized appropriations. All agencies, departments, and institutions are to budget, allocate and manage its authorized appropriations in a way to avoid an operating deficit for the fiscal year.

If at the end of each quarterly deficit monitoring review by the Executive Budget Office, it is determined by either the Executive Budget Office or a state agency, department, or institution that the likelihood of a deficit for the current fiscal year exists, the state agency shall notify the General Assembly within fifteen days of this determination and shall further request the Executive Budget Office to work with it to develop a plan to avoid the deficit. Within fifteen days of the deficit avoidance plan being completed, the Executive Budget Office shall either request the General Assembly to recognize the deficit if it determines the deficit avoidance plan will not be sufficient to avoid a deficit or notify the General Assembly of how the deficit will be avoided based on the deficit avoidance plan if the Executive Budget Office determines the plan will be sufficient to avoid a deficit.

Upon notification from the Executive Budget Office that an agency will run a deficit and requesting that it be recognized, the General Assembly, by joint resolution, may make a finding that the cause of, or likelihood of, a deficit is unavoidable due to factors which are outside

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the control of the state agency, department, or institution, and recognize the deficit. Any legislation to recognize a deficit must be in a separate joint resolution enacted for the sole purpose of recognizing the deficit of a particular state agency, department, or institution. A deficit may only be recognized by an affirmative vote of each branch of the General Assembly.

If the General Assembly recognizes the deficit, then the actual deficit at the close of the fiscal year must be reduced as necessary from surplus revenues or surplus funds available at the close of the fiscal year in which the deficit occurs and from funds available in the General Reserve Fund and the Capital Reserve Fund, as required by the Constitution of this State.

Once a deficit has been recognized by the General Assembly, the state agency, department, or institution shall limit travel and conference attendance to that which is deemed essential by the director of the agency, department, or institution. In addition, the General Assembly, when recognizing a deficit may direct that any pay increases and purchases of equipment and vehicles must be approved by the Executive Budget Office.

117.78. (GP: Commuting Costs) State government employees who use a permanently assigned agency or state-owned vehicle to commute from their permanently assigned work location to and from the employee's home must reimburse the agency in which they are employed for commuting use in accordance with IRS regulations based on guidance from the Office of Comptroller General which must use the Cents per mile Rule, unless they are exempted from such reimbursement by applicable IRS regulations. These permanently assigned vehicles must be clearly marked as a state or agency vehicle through the use of permanent state-government license plates and either state or agency seal decals unless the vehicle is used primarily in undercover operations. This requirement does not apply to a vehicle used by an employee for the purpose of a special travel assignment, for active certified law enforcement officers authorized to carry firearms, execute warrants, and make arrests, for Constitutional Officers, or for Department of Transportation employees on call for emergency maintenance.

117.79. (GP: Bank Account Transparency and Accountability) Each state agency, except state institutions of higher learning, which has composite reservoir bank accounts or any other accounts containing public funds which are not included in the Comptroller General's South Carolina Enterprise Information System shall prepare a report for each

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account disclosing every transaction of the account in the prior fiscal year. The report shall be submitted to the State Fiscal Accountability Authority by October first of each fiscal year. The report shall include the name(s) and title(s) of each person authorized to sign checks or make withdrawals from each account, the name and title of each person responsible for reconciling each account, the beginning and year-end balance of funds in each account, and data related to both deposits and expenditures of each account. The report shall include, but not be limited to, the date, amount, and source of each deposit transaction and the date, name of the payee, the transaction amount, and a description of the goods or services purchased for each expenditure transaction. To facilitate review, the State Fiscal Accountability Authority shall prescribe a common format for the report which agencies must use. In order to promote accountability and transparency, a link to the report shall be posted on the Comptroller General's website as well as the agency's homepage.

When the State Auditor conducts or contracts for an audit of a state agency, accounts of the agency subject to this proviso must be included as part of the review.

If an agency determines that the release of the information required in this provision would be detrimental to the state or the agency, the agency may petition the State Fiscal Accountability Authority to grant the agency an exemption from the reporting requirements for the detrimental portion. The meeting to determine whether an exemption should be granted shall be closed. However, the exemption may only be granted upon a majority vote of the State Fiscal Accountability Authority in a public meeting.

117.80. (GP: Websites) All agencies, departments, and institutions of state government shall be responsible for providing on its Internet website a link to the Internet website of any agency, other than the individual agency, department, or institution, that posts on its Internet website that agency, department, or institution's monthly state procurement card statements or monthly reports containing all or substantially all the same information contained in the monthly state procurement card statements. The link must be to the specific webpage or section on the website of the agency where the state procurement card information for the state agency, department, or institution can be found. The information posted may not contain the state procurement card number. Any information that is expressly prohibited from public

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disclosure by federal or state law or regulation must be redacted from any posting required by this section.

117.81. (GP: Regulations) For the current fiscal year, if a state agency proposes a regulation that levies or increases a fee, fine, or that otherwise generates revenues, the title to the Joint Resolution which proposes the regulation must indicate that a fee, fine, or revenue source is being proposed.

117.82. (GP: Joint Children's Committee) For the current fiscal year, the Department of Revenue is directed to reduce the rate of interest paid on eligible refunds by one percentage point. Of the revenue resulting from this reduction, \$475,000 shall be transferred to the Senate for the Joint Citizens and Legislative Committee on Children to provide the report, research, and other operating expenses as directed in Section 63-1-50 of the 1976 Code. Funds transferred to the University of South Carolina for the Joint Citizens and Legislative Committee on Children shall be maintained in a separate and distinct account. A detailed report of all expenditures shall be made to the Executive Budget Office within thirty days of the close each fiscal quarter, and the Executive Budget Office shall distribute this information to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. The remaining revenue resulting from this reduction shall be transferred to the Department of Juvenile Justice to be used for mentoring or alternatives to incarceration programs. Unexpended funds authorized by this provision may be retained and carried forward by the Senate or the Department of Juvenile Justice, respectively, and used for the same purposes. The rate of reduction authorized in this provision shall be in addition to the reduction authorized in Proviso 41.2.

117.83. (GP: Civil Conspiracy Defense Costs) For the current fiscal year, for any claim that has not reached a judgment, if a state or local government employee or former state or local government employee ("government employee") is personally sued for civil conspiracy based in part upon a personnel or employment action or decision regarding an employee, the court must, prior to trial, make a final determination whether the action or decision giving rise to the suit was made by the government employee within the scope of their official duty. If the court finds that the government employee was acting outside the scope of the employee's official duties, the government shall not thereafter expend any funds to pay or defend the claim. If the court finds the government employee was acting within the scope of their official duties, the employee is immune from suit, liability, and damages with respect to the

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civil conspiracy claim. The government may only expend funds to defend the claim if the determination is that the employee was acting within the scope of their official duties. Nothing in this proviso prevents an insurance provider from defending and paying, respectively, any claims that the provider has contractually agreed to defend and pay.

117.84. (GP: Recovery Audits) The State Fiscal Accountability Authority shall contract with one or more firms to conduct recovery audits of payments made by all state agencies to vendors for goods and services. The audits must be designed to detect, document, and recover overpayments and erroneous payments to the vendors and to recommend improved financial and operational practices and procedures. A state agency shall pay, from recovered monies received, the recovery audit firm responsible for obtaining for the agency a reimbursement or payment from a vendor a negotiated fee not to exceed twenty percent of the funds recovered by that firm.

Unless otherwise restricted by law, funds recovered, less the cost of recovery, shall be remitted to a special fund subject to appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation of this provision.

Recovery audits apply only to payments made more than one hundred eighty days prior to the date the audit is initiated and shall cover at least three complete fiscal years.

All information provided under a contract must be treated as confidential by the recovery audit firm. A violation of this provision shall result in the forfeiture by the firm of all compensation under the contract and to the same sanctions and penalties that would apply to that disclosure.

Each state agency shall participate in this recovery audit program and shall cooperate and provide the recovery audit firm with all information necessary for the audit in a timely manner. All vendors that provide goods or services to a state agency shall cooperate with the recovery audit firm in its audit.

A state agency shall expend or return to the federal government any federal money that is recovered through a recovery audit conducted under this provision. Payments to the recovery audit firm from the federal share of recovered funds shall be solely from the federal portion as allowed by the federal agency.

In addition to performing the recovery audits, the recovery audit firm may conduct an analysis of contracts and pricing structures, as determined and directed by the Executive Director of the State Fiscal

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Accountability Authority or her or his designee, to identify and recommend future cost-savings and improved state agency financial operations going forward. A state agency shall pay the recovery audit firm responsible for obtaining the agency actual cost-savings a fee as authorized by the contract with the recovery audit firm.

The recovery audit firm shall provide reports to the State Fiscal Accountability Authority detailing its findings, the causes for the overpayments and erroneous payments, future cost-savings opportunities and its recommendations for strengthening state operations and/or state contracts to prevent improper payments in the future.

For purposes of this proviso, the term “vendor” or “vendors” includes, but is not limited to, sellers, suppliers, service providers, other providers, contractors, and third party administrators; the term “overpayments and erroneous payments” includes, but is not limited to, overpayments, duplicate payments, erroneous payments, and rebates, discounts, and credits not received; and the term “state agency” or “state agencies” includes all state agencies, boards, commissions, institutions, and institutions of higher education.

The State Fiscal Accountability Authority shall provide copies, including electronic form copies, of final reports received from a firm under contract to: the Governor; the Chairman of the Senate Finance Committee; the Chairman of the House Ways and Means Committee; and the state auditor’s office. Not later than January first of each year, the board shall issue a report to the General Assembly summarizing the contents of all reports received under this provision during the prior fiscal year.

117.85. (GP: Means Test) All agencies providing Healthcare Services are directed to identify standards and criteria for means testing on all programs provided, where allowed by Federal guidelines. Once a consistent criteria has been established within an agency, they shall implement their respective plans. Each agency shall report all criteria and fiscal data to the Chairman of the Senate Finance Committee and to the Chairman of the House Ways and Means Committee no later than January first.

117.86. (GP: Agency Reduction Management) The General Assembly encourages state agencies, in the event agencies are assessed a base reduction, to endeavor to realize savings through: (1) payroll management, including, but not limited to, furloughs, reductions in employee compensation, and instituting a hiring freeze; (2) eliminate

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administrative overhead cost that does not directly impact the agency's mission; and as a final option (3) reductions to programmatic funding.

117.87. (GP: WIOA Service Advertising) For the current fiscal year, the Workforce Development Boards may promote outreach for their services via billboard, bus placard, newspapers, or radio in all workforce development areas. This outreach may not be limited to e-mail, online, or other internet-based outreach, publicity, or other promotions. Workforce development boards must adhere to all state procurement policies and procedures when utilizing outreach for the services provided by the Workforce Innovation and Opportunity Act.

117.88. (GP: WIOA Training Marketability Evaluation) (A) For the current fiscal year, the Department of Employment and Workforce shall submit a report that demonstrates how funds were expended in the prior fiscal year to provide marketable work skills training. The report shall include, but not be limited to the total number of local training recipients, a description of the training area in which each recipient participated, and the number and percentage of participants in each training area that, upon completion of training, have become employed in the field in which they were trained. The report shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the Senate Labor, Commerce and Industry Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Labor, Commerce and Industry Committee on or before December sixteenth.

(B) Also, the report must specifically describe any restructuring or realignment of agency functions, and any changes in staffing levels or service. The report must detail information on employees terminated, hired, re-hired, reassigned, or reclassified by program area and location. Further, the report must describe efforts made by the agency to reassign or retrain employees who were terminated for positions for which the department hired new employees.

117.89. (GP: Victims Assistance Transfer) The Department of Corrections shall transfer \$20,500 each month to the Office of Attorney General for distribution through the State Victims Assistance Program.

117.90. (GP: DOC & PPP Potential Consolidation Plan) From the funds appropriated to the Department of Corrections and the Department of Probation, Parole and Pardon Services, the directors of the departments may collaborate and develop a plan to consolidate the functions of the departments.

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117.91. (GP: USC Greenville Medical School) It is the intent of the General Assembly that during the current fiscal year, no general funds shall be appropriated for the new medical school at the University of South Carolina in Greenville. In addition, no state funds may be transferred from state earmarked or restricted funds held by the University of South Carolina to the medical school except for grants, contributions, contractual payments, and tuition and required fees for students attending the new medical school at the University of South Carolina in Greenville that are specifically designated for the medical school at the University of South Carolina in Greenville.

117.92. (GP: BabyNet Quarterly Reports) The School for the Deaf and Blind, the Department of Disabilities and Special Needs, the Department of Health and Human Services, and the Department of Mental Health shall each provide on a common template, a quarterly report to the Chairman of the House Ways and Means Committee and the Chairman of Senate Finance outlining all programs provided by them for BabyNet; all federal funds received and expended on BabyNet and all state funds expended on BabyNet. Each entity and agency shall report on its share of the state's ongoing maintenance of effort as defined by the US Department of Education under IDEA Part C.

117.93. (GP: Single Audit Schedule of Federal Expenditures) To ensure timely completion of the of the Statewide Single Audit, state agencies which do not receive a separate audit of federal expenditures, must submit to the Office of the State Auditor a schedule of federal program expenditures in a format prescribed by the Office of the State Auditor, no later than August fifteenth of each year.

117.94. (GP: Prohibits Local Government Fund Public Funded Lobbyists) All local governmental entities including, but not limited to, counties, municipalities, and associations are prohibited from using taxpayer funds received from the Local Government Fund to compensate employees for lobbying activities engaged in on behalf of such governmental entity.

117.95. (GP: Prohibit Use of State Aircraft for Athletic Recruitment) Institutions of higher learning may use the state aircraft operated by the Division of Aeronautics for the purpose of athletic recruiting, provided that they reimburse the Division of Aeronautics for all flight hours on an at cost basis, using non-general funds.

To ensure availability of the aircraft for purposes of official state business, the State Law Enforcement Division, the Department of Commerce, the Office of the Governor, the House of Representatives,

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and the Senate shall have first right of refusal in the event of scheduling conflicts with athletic recruiting flights.

117.96. (GP: Recreational Activities) Two counties that receive an allocation from the Local Government Fund may enter into a Memorandum of Understanding in order to provide recreational activities and projects that benefit the citizens of both counties.

117.97. (GP: Technology and Remediation) The funds appropriated to the Department of Administration for the Division of Information Security shall be used to develop and implement a statewide information security program. A portion of the nonrecurring funds may be used for enterprise technology and remediation, and distributed to state agencies to address the State's most serious information security vulnerabilities as determined by the Division of Information Security and the Division of Technology Operations. Funds appropriated for Enterprise Technology and Remediation shall be excluded from the Department of Administration's base budget calculation of any across-the-board agency base reduction mandated by the Executive Budget Office or the General Assembly. Unexpended Enterprise Technology and Remediation funds may be carried forward from the prior fiscal year and used for the same purpose.

117.98. (GP: Data Breach Notification) (A) An agency of this State owning or licensing computerized data or other data that includes personal identifying information shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of this State whose personal identifying information was, or is reasonably believed to have been, acquired by an unauthorized person. In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the agency may consider the following factors, among others:

- (1) indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information;
- (2) indications that the information has been viewed, downloaded, or copied; or
- (3) indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of reported identity theft.

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(B) An agency maintaining computerized data or other data that includes personal identifying information that the agency does not own shall notify the owner or licensee of the information of a breach of the security of the data immediately following discovery, if the personal identifying information was, or is reasonably believed to have been, acquired by an unauthorized person.

(C) The disclosure requirements of subsections (A) and (B) must be made in the most expedient time possible and without unreasonable delay; however, the notification required by this section may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation and must be made after the law enforcement agency determines that it no longer compromises the investigation. A delay in notification shall not exceed seventy-two hours after discovery, unless the agency requests and the attorney general grants, in writing, additional delays of up to seventy-two hours each upon a determination that such notification impedes a criminal investigation.

(D) For purposes of this proviso:

(1) "Agency" means any agency, department, board, commission, committee, or institution of higher learning of the State or a political subdivision of it.

(2) "Breach of the security of the system" means unauthorized access to and acquisition of computerized data that was not rendered unusable through encryption, redaction, or other methods that compromise the security, confidentiality, or integrity of personal identifying information maintained by the agency, when illegal use of the information has occurred or is reasonably likely to occur or use of the information creates a material risk of harm to the consumer. Good faith acquisition of personal identifying information by an employee or agent of the agency for the purposes of the agency is not a breach of the security of the system if the personal identifying information is not used or subject to further unauthorized disclosure.

(3) "Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies shall be compiled by the Department of Consumer Affairs and furnished

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upon request to the agency required to make a notification under this section.

(4) "Personal identifying information" means the first name or first initial and last name in combination with and linked to any one or more of the following data elements that relate to a resident of this State, when the data elements are neither encrypted nor redacted or when the data elements are encrypted with an encryption key and the encryption key that has also been acquired:

- (a) social security number;
- (b) driver's license number or state identification card number issued instead of a driver's license;
- (c) financial account number, or credit card or debit card number in combination with any required security code, access code, or password that would permit access to a resident's financial account; or
- (d) other numbers or information which may be used to access a person's financial accounts or numbers or information issued by a governmental or regulatory entity that uniquely will identify an individual.

The term does not include information that is lawfully obtained from publicly available information, or from federal, state, or local government records lawfully made available to the general public.

(E) The notice required by this section may be provided by:

- (1) written notice;
- (2) electronic notice, if the agency's primary method of communication with the individual is by electronic means, the person to whom notice is required has expressly consented to receiving said notice in electronic form, or is consistent with the provisions regarding electronic records and signatures set forth in Section 7001 of Title 15 USC and Chapter 6, Title 26 of the 1976 Code;
- (3) telephonic notice; or
- (4) substitute notice, if the agency demonstrates that the cost of providing notice exceeds two hundred fifty thousand dollars or that the affected class of subject persons to be notified exceeds five hundred thousand or the agency has insufficient contact information. Substitute notice consists of:
 - (a) e-mail notice when the agency has an e-mail address for the subject persons;
 - (b) conspicuous posting of the notice on the agency's website page, if the agency maintains one; or
 - (c) notification to major statewide media.

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Regardless of the method by which notice is provided, such notice shall include contact information for the agency making the notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

(F) A resident of this State who is injured by a violation of this section, in addition to and cumulative of all other rights and remedies available at law, may:

- (1) institute a civil action to recover damages;
- (2) seek an injunction to enforce compliance; and
- (3) recover attorney's fees and court costs, if successful.

(G) An agency that knowingly and willfully violates this section is subject to an administrative fine up to one thousand dollars for each resident whose information was accessible by reason of the breach, the amount to be decided by the Department of Consumer Affairs.

(H) If the agency provides notice to more than one thousand persons at one time pursuant to this section, the agency shall notify, without unreasonable delay, the Consumer Protection Division of the Department of Consumer Affairs and all consumer reporting agencies that compile and maintain files on a nationwide basis, as defined in 15 U.S.C. Section 1681a(p), of the timing, distribution, and content of the notice.

117.99. DELETED

117.100 (GP: Remittance of Court Fee and Fine Money) County and city treasurers are required to remit to the State Treasurer set percentages of revenues generated by assessments imposed by 14-1-206(A), 14-1-207(A), 14-1-208(A). This remittance is required on a monthly basis by the 15th day of each month.

Should a county and/or city treasurer fail to make the required remittance, the SC Criminal Justice Academy shall cease providing services to all law enforcement officers of all law enforcement agencies encompassed within the political subdivision if they have failed to make remittance for two consecutive months in a fiscal year. The finance director shall certify by July first, under oath, that the county and/or city has remitted all funds or the SC Criminal Justice Academy shall withhold services until such time as remittance is made.

117.101. (GP: Detailed Expenditure/Revenue Reports PCC/CID) The Prosecution Coordination Commission and the Commission on Indigent

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Defense shall provide detailed expenditure reports and associated revenue streams for each individual circuit, revenue streams shall include, but not be limited to, state funds, local funds, Federal funds, and also nongovernmental sources of funds, by no later than September first, on the prior fiscal year, to the appropriate commission. The commissions shall then provide the Chairman of the House Ways and Means Committee and Chairman of the Senate Finance Committee with a combined report by September fifteenth of the current fiscal year.

117.102. (GP: South Carolina Welcome Centers) The Department of Parks, Recreation and Tourism and the Department of Transportation shall maintain a Memorandum of Understanding (MOU) that provides that the Department of Parks, Recreation and Tourism shall control operations of all South Carolina Welcome Centers. The MOU shall include replacement, renovation and maintenance of the facilities, daily operations, and grounds maintenance and upkeep and shall clearly define responsibility for additional portions of Welcome Centers to include paving and sidewalks. The Department of Transportation shall transfer to the Department of Parks, Recreation and Tourism the amount stated in the Memorandum of Understanding less any state funds appropriated by the General Assembly for the same purpose. The Department of Parks, Recreation and Tourism assumes responsibility for this amount and the timing of the transfer of these funds shall be defined as part of the MOU. The funds transferred to the Department of Parks, Recreation and Tourism shall be placed in a separate and distinct fund and these funds shall be carried forward from the prior fiscal year into the current fiscal year and be expended for the same purposes.

117.103. (GP: Continuation of Teen Pregnancy Prevention Project Accountability) Qualifying organizations applying for General Funds provided as a special item in this act and titled Continuation of Teen Pregnancy Prevention must include in its application a proposed annual budget and agreement to provide quarterly reports to the grantor state agency detailing the expenditure of funds and the project's accomplishments which shall include:

(1) Financial:

(a) Personnel costs, including employer contributions, by position for each of the following areas: administration, training, and education, as well as for other positions as identified;

(b) Operational costs identified in the application; and

(c) One-time costs over \$500 for such items as supplies.

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Administration costs may not exceed ten percent of the total project budget. For purposes of this provision, "Administration" is defined as expenses other than educational.

- (2) Description of program and curriculum to be used;
- (3) Description of training;
- (4) Schedule and brief description of project activities for each quarter;
- (5) Participation reports on the following:
 - (a) Number of persons who participated;
 - (b) Total number of hours provided;
 - (c) Number of train the trainer events; and
 - (d) Other data regarding the activities of the project;
- (6) Description of the project evaluation to be used;
- (7) Copy of latest completed independent financial audit and agency's response to any audit exceptions;
- (8) Qualifications of project personnel;
- (9) Best Practices to be used; and
- (10) Evidence Based Curriculum.

An organization awarded a grant must provide these quarterly reports to the grantor state agency within fifteen days of the end of each quarter. Grantees failing to submit reports with thirty days of the end of each quarter shall have their grant terminated.

Unexpended funds for Continuation of Teen Pregnancy Prevention projects under the Department of Social Services or under the Department of Health and Environmental Control shall be carried forward for the purpose of fulfilling the department's contractual agreement.

117.104. (GP: Information Technology and Information Security Plans) (A) By August first of the current fiscal year, all state agencies must submit an information technology plan and an information security plan to the Department of Administration. State agencies must submit updates to their plans if there are changes following initial submission. Changes that would necessitate an updated plan include, but are not limited to, changes in response to technological advancements, changes in legislation, regulation or compliance requirements, newly identified funding sources, or new issues relating to information technology management or business requirements.

The information technology plans required by this section shall be in the form and level of detail required by the department and shall include at least: (1) the information technology objectives of the state agency;

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(2) an inventory of the state agency's information technology; (3) any performance measures used by the state agency for implementing its information technology objectives; (4) how the state agency's development of information technology coordinates with other governmental entities; (5) the state agency's budget plans for information technology for the coming fiscal year which must include: (a) all fixed, recurring information technology costs, regardless of funding sources; (b) new information technology expenditures for services, hardware upgrades/replacements and software purchases, regardless of funding sources; (c) new information technology projects, regardless of funding sources; and (d) FTE counts, temporary personnel counts, and salary information and position descriptions for all information technology personnel, regardless of funding sources; and (6) the state agency's need for appropriations for information technology.

The information security plans required by this section shall be in the form and level of detail required by the division and shall include at least: (1) the information security objectives of the state agency; (2) an inventory of the state agency's information security technology; (3) a profile of the state agency's compliance with security policies established by the division; (4) a profile of the state agency's sensitive data and a description of applicable state and federal privacy requirements; (5) a profile of risk management and other measures taken by the state agency to protect its data from unauthorized access and disclosure; (6) the state agency's budget plans for information security for the coming fiscal year which must include: (a) all fixed, recurring information security technology costs, regardless of funding sources; (b) new information security expenditures for services hardware upgrades/replacements and software purchases, regardless of funding sources; (c) new information security projects, regardless of funding sources; and (d) FTE counts, temporary personnel counts, and salary information and position descriptions for all information security personnel, regardless of funding sources; and (7) the state agency's need for appropriations for information security.

(B) The director of the Department of Administration should seek advice from private and public sector resources on the efficient use of information technology and best practices.

(C) The Judicial Department, Legislative Department, public institutions of higher learning, technical colleges, political subdivisions and quasi-governmental bodies are specifically exempt from the requirements as provided in this proviso.

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117.105. (GP: SCOIS Transfer) For the current fiscal year, the South Carolina Occupational Information System, its authority and responsibilities, to include the collections of user fees that must be used to operate the program, shall continue to be transferred from the Department of Employment and Workforce to the Department of Education.

117.106. (GP: Child Fatality Review) The agencies specified shall implement the following recommendations contained in the Legislative Audit Council's October 2014 report "A Review of Child Welfare Services at the Department of Social Services":

(1) Annually, the Department of Social Services and the State Child Fatality Advisory Committee shall jointly report statistics on child deaths from maltreatment and the number of those with prior Department of Social Services involvement.

(2) The Department of Social Services and the State Child Fatality Advisory Committee shall use their child fatality review findings to make recommendations to revise Department of Social Services policy or practice where appropriate.

(3) The Department of Social Services shall ensure that it includes child fatality statistics from all relevant sources when reporting to the National Child Abuse and Neglect Data System. These sources shall include, but not be limited to, law enforcement agencies and the Department of Health and Environmental Control.

(4) The State Law Enforcement Division and the Department of Health and Environmental Control shall establish a system for cross checking child fatalities in the state to ensure that all fatalities are being properly reported to the State Law Enforcement Division.

(5) The State Law Enforcement Division and the State Child Fatality Advisory Committee shall review the training provided to coroners on the reporting of child fatalities to ensure that information is provided on which fatalities are to be reported and what procedure is to be followed for reporting the fatalities.

(6) The Department of Public Safety shall report statistics on all child fatalities to the State Child Fatality Advisory Committee.

(7) The State Child Fatality Advisory Committee shall evaluate the feasibility of adopting the Child Death Review Case Reporting System developed by the National Center for the Review and Prevention of Child Deaths and shall submit a report on their findings to the General Assembly by December 1, 2016.

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Pursuant to Section 63-11-1930(E) of the 1976 Code, the director of each agency specified in this provision shall ensure that sufficient staff and administrative support is provided to the State Child Fatality Advisory Committee to accomplish the requirements of this provision.

117.107. (GP: Refugee Resettlement Program) No state funds shall be expended to assist in the United States Refugee Resettlement Program unless the county council of the county where the resettlement is to occur approves the relocation.

117.108. (GP: Family Planning Funds) (A) Notwithstanding any other law, federal family planning funds and state family planning funds shall be awarded to eligible individuals, organizations, or entities applying to be family planning contractors in the following order of descending priority:

(1) public entities that provide family planning services, including state, county, and local community health clinics and federally qualified health centers;

(2) nonpublic entities that provide comprehensive primary and preventive health services, as described in 42 U.S.C. 254b(b)(1)(A), in addition to family planning services; and

(3) nonpublic entities that provide family planning services but do not provide comprehensive primary and preventive health services.

(B) Family planning funds must be distributed in compliance with federal law to ensure distribution in a manner that does not severely limit or eliminate access to family planning services in any region of the State.

(C) Any department, agency, board, commission, office, or other instrumentality of the State that distributes family planning funds shall submit an annual report to the General Assembly listing any family planning contractors that fall under item (A)(3), and the amount of federal or state family planning funds they received. The report shall provide a detailed explanation of how it was determined that there were an insufficient number of eligible individuals, organizations, or entities in items (A)(1) and (A)(2) to prevent a significant reduction in family planning services in each region of the State where (A)(3) contractors are located.

117.109. (GP: Statewide Strategic Information Technology Plan Implementation) To ensure the uniform implementation of the Statewide Strategic Information Technology Plan developed pursuant to the Restructuring Act of 2014 and designed to improve the State's ability to provide reliable, secure, cost-efficient, and innovative information

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technology services and infrastructure, state agencies are directed as follows:

(1) Agencies shall use the shared services from the Department of Administration, Division of Technology Operations as those services become available and in a sequence to be determined by the division. Agencies shall coordinate with the division to accomplish a strategic transition to the shared services environment. Shared services include, but are not limited to, mainframe services, application hosting, servers, storage, network services, desktop services, and disaster recovery services. The State Chief Information Officer may grant an exception, to be revisited on a periodic basis, if the division determines that it cannot immediately satisfy the technical or security capabilities required to support the agency in question.

(2) With regard to information technology governance, standards, and enterprise architecture, agencies shall comply with the rules, standards, plans, policies, and directives of the Division of Technology Operations.

(3) With regard to information technology governance, standards, and enterprise architecture, agencies shall participate and comply with decisions determined by the information technology governance advisory groups.

(4) With regard to the annual Appropriations Act budget submission, agencies shall submit all information technology budget requests to the Executive Budget Office and the Division of Technology Operations. The Executive Budget Office and the Division of Technology Operations shall jointly review the budget requests and recommend for funding consideration only those proposals that fit into the overall Statewide Strategic Information Technology Plan.

(5) With the consultation and approval of the Division of Technology Operations, agencies must create an information technology plan for purchases that exceed \$50,000 to ensure compliance with the Statewide Strategic Information Technology Plan and the standards defined by the division.

(6) Agencies shall develop a three-year strategic plan for information technology, updated annually, for the Division of Technology Operations, that shall be approved by the Chief Information Officer, that sets forth: (a) operational and project priorities; (b) budget summaries; (c) planned projects and procurements; (d) staffing plans; (e) security initiatives; and (f) risks, issues, and concerns with the agency's information technology.

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(7) Agencies shall enter information technology costs into the South Carolina Enterprise Information System (SCEIS) as directed by the Division of Technology Operations and SCEIS.

The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding agency compliance no later than December thirty-first of each calendar year.

The Legislative Branch, the Judicial Branch, public institutions of higher learning, technical colleges, political subdivisions and quasi-governmental bodies are specifically exempt from the requirements as provided in this provision.

117.110. (GP: Sentencing Reform Oversight Committee Reauthorization) There is established for the current fiscal year the South Carolina Sentencing Reform Oversight Committee. The oversight committee shall be composed of eleven members, two of whom shall be members of the Senate, both appointed by the Chair of the Senate Judiciary Committee and one being the Chair of the Senate Judiciary Committee or his designee; two of whom shall be members of the Senate, one appointed by the President of the Senate and one appointed by the Chairman of the Senate Finance Committee; two of whom shall be members of the House of Representatives, both appointed by the Chair of the House Judiciary Committee and one being the Chair of the House Judiciary Committee or his designee; two of whom shall be members of the House of Representatives, one appointed by the Speaker of the House and one appointed by the Chairman of the House Ways and Means Committee; one of whom shall be appointed by the Chair of the Senate Judiciary Committee from the general public at large; one of whom shall be appointed by the Chair of the House Judiciary Committee from the general public at large; and one of whom shall be appointed by the Governor. Provided, however, that in making appointments to the oversight committee, race, gender, and other demographic factors should be considered to assure nondiscrimination, inclusion, and representation to the greatest extent of all segments of the population of the State. The members of the general public appointed by the chairs of the House and Senate Judiciary Committees must be representative of all citizens of this State and must not be members of the General Assembly.

The oversight committee must meet as soon as practicable after appointment and organize itself by electing one of its members as chair and such other officers as the oversight committee may consider necessary. Thereafter, the oversight committee must meet at the call of

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the chair or by a majority of the members. A quorum consists of seven members.

The oversight committee shall have the following powers and duties:

(1) to review the implementation of the recommendations made in the Sentencing Reform Commission report of February 2010, including, but not limited to:

(a) the plan required from the Department of Probation, Parole and Pardon Services on the parole board training and other goals identified in Section 24-21-10;

(b) the report from the Department of Probation, Parole and Pardon Services on its goals and the development of assessment tools consistent with evidence-based practices;

(c) the report from the Office of Pretrial Intervention Coordinator in the Commission on Prosecution Coordination on diversion programs required by the provisions of Article 11, Chapter 22, Title 17; and

(d) the report from the Department of Probation, Parole and Pardon Services on:

(i) the number and percentage of individuals placed on administrative sanctions and the number and percentage of individuals who have earned compliance credits; and

(ii) the number and percentage of probationers and parolees whose supervision has been revoked for violations of conditions or for convictions of new offenses;

(2) to request data similar to the information contained in the report required by Section 17-22-1120 from private organizations for which programs are operated through a court and that divert individuals from prosecution, incarceration, or confinement, such as diversion from incarceration for failure to pay child support, and for which programs are sanctioned by, coordinated with, or funded by federal, state, or local governmental agencies;

(3)(a) to calculate:

(i) any state expenditures that have been avoided by reductions in the revocation rate as calculated by the Department of Probation, Parole and Pardon Services and reported under Sections 24-21-450 and 24-21-680; and

(ii) any state expenditures that have been avoided by reductions in the new felony offense conviction rate as calculated by the Department of Probation, Parole and Pardon Services and reported under Sections 24-21-450 and 24-21-680;

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(b) to develop rules and regulations for calculating the savings in item (3)(a), which shall account at a minimum for the variable costs averted, such as food and medical expenses, and also to consider fixed expenditures that are avoided if larger numbers of potential inmates are avoided;

(c) on or before December first, to report the calculations made pursuant to item (3)(a) to the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the South Carolina Supreme Court, and the Governor. The report also shall recommend whether or not to appropriate up to thirty-five percent of any state expenditures that are avoided as calculated in item (3)(a) to the Department of Probation, Parole and Pardon Services. With respect to the recommended appropriations in this item (c), none of the calculated savings shall be recommended for appropriation for that fiscal year if there is an increase in the percentage of individuals supervised by the Department of Probation, Parole and Pardon Services who are convicted of a new felony offense as calculated in subitem (3)(a)(ii);

(d) any funds appropriated during this fiscal year pursuant to the recommendations in item (c) shall be used to supplement, not replace, any other state appropriations to the Department of Probation, Parole and Pardon Services;

(e) funds received through appropriations pursuant to this item shall be used by the Department of Probation, Parole and Pardon Services for the following purposes:

(i) implementation of evidence-based practices;

(ii) increasing the availability of risk reduction programs and interventions, including substance abuse treatment programs, for supervised individuals; or

(iii) grants to nonprofit victim services organizations to partner with the Department of Probation, Parole and Pardon Services and courts to assist victims and increase the amount of restitution collected from offenders;

(4) to submit to the General Assembly, on an annual basis, the oversight committee's evaluation of the implementation of the recommendations of the Sentencing Reform Commission report of February 2010;

(5) to make reports and recommendations to the General Assembly on matters relating to the powers and duties set forth in this section, including recommendations on transfers of funding based on the success or failure of implementation of the recommendations; and

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(6) to undertake such additional studies or evaluations as the oversight committee considers necessary to provide sentencing reform information and analysis.

The oversight committee members are entitled to such mileage, subsistence, and per diem as authorized by law for members of boards, committees, and commissions while in the performance of the duties for which appointed. These expenses shall be paid from the general fund of the State on warrants duly signed by the chair of the oversight committee and payable by the authorities from which a member is appointed.

The oversight committee is encouraged to apply for and may expend grants, gifts, or federal funds it receives from other sources to carry out its duties and responsibilities.

The oversight committee must use clerical and professional employees of the General Assembly for its staff, who must be made available to the oversight committee.

The oversight committee may employ or retain other professional staff, upon the determination of the necessity for other staff by the oversight committee.

The oversight committee may employ consultants to assist in the evaluations and, when necessary, the implementation of the recommendations of the Sentencing Reform Commission report of February 2010.

117.111. (GP: State Employee Leave Donation) In the event of a medical emergency, a state employee may make a written request to the employing agency that a specified number of hours of his accrued annual and/or sick leave be transferred from his annual and/or sick leave account to a specific leave recipient rather than to a leave pool account, subject to the approval of the agency director. An employee with less than fifteen days in his sick leave account may not transfer any sick leave to the recipient, and an employee with more than fifteen days in his sick leave account may transfer sick leave to the recipient if he retains a minimum of fifteen days in his own sick leave account. Once leave of an employee has been transferred to the recipient, it may not be restored or returned to the leave donor. For purposes of this provision, a medical emergency is defined under IRS Revenue Ruling 90-29 as a medical condition of the employee or a family member that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the leave-sharing plan.

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117.112. (GP: State Engineer) The State Engineer is an office located within the State Fiscal Accountability Authority, all references to the contrary notwithstanding.

117.113. (GP: Retail Facilities Revitalization Act Repeal Suspension) The repeal of Chapter 34, Title 6 of the 1976 Code as specified in Act 285 of 2006 as to sites for which written notification of election of mode of credit has been provided to the Department of Revenue prior to July 1, 2016 and for which a building permit has been issued prior to July 1, 2016, is suspended for Fiscal Year 2023-24.

117.114. (GP: Funds Exempt from Budget Reduction Calculations) The funds designated in F310, Section 107, Capital Reserve Fund, funds designated in V040, Section 112, Debt service, funds designated in X220, Section 113, Aid to Subdivisions - State Treasurer for the Local Government Fund, and funds designated in X500, Section 115, Tax Relief Trust Fund shall be excluded from the calculation of any across-the-board base reduction mandated by the Department of Administration, Executive Budget Office or the General Assembly and shall not be subject to any such reduction.

117.115. (GP: South Carolina Telemedicine Network) From the funds appropriated to the Medical University of South Carolina for the MUSC Hospital Authority for Telemedicine and the funds appropriated and authorized for the Department of Health and Human Services, the agencies must continue the development of the South Carolina Statewide Telemedicine Network. The South Carolina Telehealth Alliance shall submit a proposal to the MUSC Hospital Authority and the Department of Health and Human Services to determine which hospitals, clinics, schools or other entities are best suited for Telemedicine partnerships.

(A) The Department of Health and Human Services shall develop or continue a program to leverage the use of teaching hospitals to provide rural physician coverage by expanding the use of Telemedicine, to include new applications such as School Based Telehealth, and Tele-ICU. The department shall also amend its policy related to reimbursement for telemedicine to add Act 301 Behavioral Health Centers as a referring site for covered telemedicine services.

(B) During the current fiscal year the Department of Health and Human Services shall contract with the MUSC Hospital Authority in the amount of \$5,000,000 to lead the development and operation of a statewide, open access South Carolina Telemedicine Network. At the request of the department, MUSC shall provide the department with all information and materials necessary to seek federal medical assistance

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for this contract. The MUSC Hospital Authority shall contract with each Regional Support Hub to ensure funding and support of strategic plans submitted by the Regional Support Hubs and approved by both the MUSC Hospital Authority and the Department of Health and Human Services. Institutions and other entities participating in the network must be afforded the opportunity to meaningfully participate in the development of any annual refining to the initiative's strategic plan. Working with the department, the MUSC Hospital Authority shall collaborate with Palmetto Care Connections to pursue this goal. No less than \$1,000,000 of these funds shall be allocated toward support of Palmetto Care Connections and other hospitals in South Carolina. The MUSC Hospital Authority must provide the department with quarterly reports regarding the funds allocation and progress of telemedicine transformation efforts and networks. These reports must include an itemization of the ultimate recipients of these funds, whether vendors, grantees, specific participating institutions, or the Medical University of South Carolina, and must distinguish between funds allocation to the university as a participating institution as opposed to those retained and used by the university in its capacity as the administering entity for the network.

(C) The Department of Health and Human Services shall continue to identify and implement telehealth benefits and policies that are evidence-based, cost efficient, and aligned with the needs of the Medicaid population. The department must also continue to review the temporary telephonic and telehealth flexibilities it has adopted to address the COVID-19 public health emergency and make permanent those that are suitable for inclusion in the Medicaid benefit. No later than October 1, the department shall submit a report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on policy and benefit changes it has introduced in the furtherance of this goal and as part of its ongoing effort to improve the sustainability of telehealth services.

117.116. (GP: Prohibited Funding for Aborted Fetus Research) Notwithstanding any other provision of this act, general funds appropriated in this act may not be used to purchase fetal tissue obtained from an abortion to perform scientific or laboratory research or other kinds of investigation conducted on fetal tissue.

117.117. (GP: SCRS & PORS Trust Fund) Unless otherwise provided in Paragraphs A through D of this provision, the funds appropriated to the Public Employee Benefit Authority (PEBA) for the

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South Carolina Retirement System Trust Fund and the Police Officers' Retirement System Trust Fund in Part IA, Section 108 of this act shall be credited toward the contributions due from participating employers in SCRS and PORS for Fiscal Year 2023-24. Each employer's credit shall be determined at the same rate as calculated by PEBA for the pension funding allocation credit for Fiscal Year 2017-18. A participating employer shall not receive a credit that exceeds the employer contributions due from the employer.

(A) From the funds available for allocation pursuant to this provision, no credits shall be issued for covered employees of special purpose districts, joint authorities, or non-profit corporations; however, this provision does not apply to the South Carolina State Ports Authority and the South Carolina Public Service Authority.

(B) From the funds available for allocation pursuant to this provision, no credits shall be issued for covered employees of hospitals; however this provision does not apply to the Medical University Hospital Authority.

(C) From the funds available for allocation pursuant to this provision, no credits shall be issued for covered employees of participating associations or service organizations as defined in Section 9-1-10(11)(e) of the 1976 Code.

(D) From the funds available for allocation pursuant to this provision, no credits shall be issued for state employees who are funded with federal funds. The Public Employee Benefits Authority shall collaborate with the Department of Administration, Executive Budget Office and the Revenue and Fiscal Affairs Office to determine the amount of credit exclusion for federally-funded employees of state agencies.

117.118. (GP: Retirement System Assets and Custodial Banking Relationship Transfer) In order to facilitate the transfer of custodianship of the assets of the Retirement System to the Public Employee Benefit Authority and governance of the custodial banking relationship to the Retirement System Investment Commission, all portions of contracts, agreements, and exemptions from the Consolidated Procurement Code providing for and relating to custodial banking, general banking, accounting, or any other ancillary services are transferred to, and devolved upon, the Public Employee Benefit Authority and the Retirement System Investment Commission in accordance with the authority transferred to the respective agency.

117.119. (GP: Opioid Abuse Prevention and Treatment Plan) From the funds appropriated and authorized to the Department of Alcohol and

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Other Drug Abuse Services and the Department of Health and Human Services in the current fiscal year, the agencies shall establish a coalition of state agencies, providers and other related entities to combat the opioid epidemic in a collaborative manner and ensure that appropriate services and treatments are made available statewide. This initiative should include efforts to coordinate funding for the provision of treatment with an assessment of current programs and funding levels, to enhance available prevention, treatment and recovery services; expand provider capacity; and enable workforce development for substance use disorder services. General Funds appropriated to any state agency for Opioid Abuse Prevention and Treatment may be carried forward and expended for the same purpose.

(A) The Department of Alcohol and Other Drug Abuse Services, the State Law Enforcement Division, and the Department of Health and Human Services shall establish an advisory board with representation from both agencies, to provide both oversight and administrative direction to the coalition. The advisory board may also include representation from the Department of Health and Environmental Control, the Department of Mental Health, the Medical University of South Carolina, the University of South Carolina's School of Medicine, the Department of Labor Licensing and Regulation, the Department of Corrections, state and local law enforcement agencies, the judicial branch, the South Carolina Hospital Association, the South Carolina Medical Association, the South Carolina Primary Health Care Association, Behavioral Health Centers and other related entities. The advisory board must consider recommendations made in the 2018 report by the South Carolina House of Representatives Opioid Abuse Prevention Study Committee, as well as any recommendations made by the South Carolina Behavioral Health Coalition related to substance use disorders and create a plan to ensure implementation of appropriate recommendations.

(B) The Department of Health and Human Services may leverage any and all available federal funds to implement enhanced treatment services and resources for this coalition.

(C) In consultation with the Department of Alcohol and Other Drug Abuse Services and the Medical University of South Carolina Hospital Authority, the Department of Health and Human Services shall review and evaluate outcomes data from the program for MAT services for prescription opioid dependency and addiction established by Act 97 of 2017 and expanded by Act 264 of 2018. Based on the success rate and

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ability to continue expansion of this model, the department may provide funding not to exceed \$2,500,000 to continue and expand the program to additional providers that are necessary to ensure greater impact in geographical areas of critical need. All medications proven to be effective in treating opioid addiction shall be considered as viable options on a case by case basis to ensure the greatest level of success for individuals in the program.

(D) The Department of Alcohol and Other Drug Abuse Services and the Department of Health and Human Services shall assist the Department of Health and Environmental Control with any funding required to implement necessary programmatic enhancements to the Prescription Monitoring Program. The departments must consider changes to strengthen risk assessments and patient support tools, as well as the potential integration of Electronic Health Record systems. To the extent possible, the program must be expanded to include the administration of naloxone and other opioid overdose antidotes.

(E) In order to provide comprehensive treatment, from the point of incarceration, to individuals charged with criminal offenses who suffer from any substance use disorder that is treatable with medication, the Department of Alcohol and Other Drug Abuse Services must solicit potential cooperation from law enforcement, the state's solicitors, Magistrate Courts and Circuit Courts, to establish a diversion program in at least one judicial circuit. This program shall provide both behavioral and medical treatment, consultations with peer support specialists, and continued supervision of participants who are released, which may include electronic monitoring.

(F) The Department of Alcohol and Other Drug Abuse Services and the Department of Health and Human Services shall also coordinate with at least one four-year college or university and one two-year technical college with on-campus dormitories to establish pilot programs for Collegiate Recovery Programs to target intervention and the retention of students. These programs must offer academic support in designated spaces that provide for group meetings, clinical support, technology access, and academic advising, to assist students in recovery.

117.120. (GP: SCEIS Data Entry Compliance) The Department of Administration shall develop and issue written SCEIS data entry standards and guidelines for agency compliance. To ensure uniform compliance with these standards and guidelines, state agencies shall comply with all SCEIS data entry rules, standards, plans, policies,

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directives, and guidelines established by the Department of Administration.

The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding agency compliance no later than December thirty-first of each calendar year.

117.121. (GP: Statewide Real Estate Plan Implementation) Pursuant to legislative intent expressed in Proviso 118.2 (Titling of Real Property) of this act to establish a comprehensive central real property and office facility management process to plan for the needs of state government agencies; and to achieve maximum efficiency and economy in the use of state-owned, state-leased, and commercial leased facilities, all state agencies are directed as follows:

(1) In the current occupation of state-owned and commercial facilities or prior to incurring an obligation to expend funds through entering or renewing a lease for state-owned or commercial facilities, state agencies shall work in conjunction with the Department of Administration to achieve uniform space standards in state-owned, state-leased, and commercial leased facilities resulting over time in an overall target density of 210 square feet per person unless otherwise approved by the department.

(2) Prior to entering or renewing any contract for leasing real property, state agencies shall comply with the Department of Administration's site selection criteria for state-owned, state-leased, or commercial leased space,

(3) State agencies shall record into the South Carolina Enterprise Information System (SCEIS) all maintenance and operations expenditures for state-owned and state-leased facilities in the manner prescribed by the Department of Administration.

(4) State agencies shall provide to the Department of Administration a list of all contracts related to facilities management, maintenance, and support, and shall not renew or enter into any new contracts related to facilities management, maintenance or support without prior approval from the Department of Administration.

(5) Under guidance and direction of the Department of Administration, state agencies shall annually report on and submit plans to address ongoing and deferred maintenance for all state-owned real property.

(6) State agencies shall annually update and submit an inventory of state-owned facilities and land to the Department of Administration by

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June 30 of each fiscal year in the manner prescribed by the department. Each submission shall include a portfolio assessment with recommendations for any dispositions.

The Legislative Branch, the Judicial Branch, public institutions of higher learning, technical colleges, political subdivisions and quasi-governmental bodies are generally exempt from the requirements of this proviso; provided, however, that public institutions of higher learning and technical colleges shall be subject to the provisions of paragraph (6) in its entirety, and the provisions of paragraph (1) with respect to any facility or portion thereof used for administrative and office space.

The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding compliance with this proviso no later than December 31 of each calendar year, beginning December 31, 2018.

117.122. (GP: Statewide Administrative Services) The Department of Administration may provide consolidated administrative services to all agencies to promote cost savings, process integrity and other efficiencies, and to reduce duplication, overlap and redundancies, or any combination thereof and to provide for consistency in transactions and processes and to advance a statewide approach to agency administration. Consolidated administrative services may include, but are not limited to: 1) financial and accounting support, such as accounts payable and receivable processing, procurement processing, journal entry processing and financial reporting assistance; 2) human resources administrative support, such as transaction processing and reporting, payroll processing, and human resources training; and 3) budget support, such as budget transaction processing and budget reporting assistance.

Agencies that receive twenty million dollars or less in total appropriations in the current fiscal year shall consult with the Department of Administration to determine whether the use of consolidated administrative services offered by the department would be beneficial to the agency. The Legislative Branch, the Judicial Branch, public institutions of higher learning and technical colleges shall be exempt from the requirements of this provision.

The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding agency utilization of

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administrative services offered by the department no later than December 31 of the current fiscal year.

117.123. (GP: Mobile Device Protection Plan) With funds appropriated and authorized in the current fiscal year, the Department of Administration in the current fiscal year, shall implement updated policies for protecting mobile devices including, but not limited to, cellular phones, tablets and laptops. The department must also consider the potential consolidation of existing protection plans as established by other state agencies, to ensure an effective and efficient statewide approach to a protection plan that covers all state owned devices.

(A) The following factors shall be considered by the department as it reviews options for providing this protection, and to the extent possible, the following components must be included in the updated plan:

- (1) protective cases and screens available for all devices;
- (2) multi-year underwritten insurance coverage for both the device and the protective case;
- (3) zero deductible if possible to ensure cost savings to the department;
- (4) multiple claims per device should be allowable;
- (5) replacement policy if devices cannot be repaired;
- (6) local pickup and delivery service for efficient repair and replacement where possible; and
- (7) chain of custody notifications with real time progress and repair status updates.

(B) Upon development of these policies and to follow the new mobile device purchasing policy for state agencies, the State Fiscal Accountability Authority must establish a statewide contract for protecting all state-owned, mobile devices that can be included in one combined contract.

(C) The State Fiscal Accountability Authority must ensure that any contract developed for this purpose is awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code.

117.124. (PSA: Board Meeting Coverage) The South Carolina Public Service Authority must provide live-streamed coverage whenever practicable of all meetings of the Board of Directors to ensure transparency and access for the public. The board meetings shall be recorded and archived and made available on the South Carolina Public Service Authority's website. If a meeting cannot be live-streamed, then the authority must make transcripts available on the authority's website within three business days.

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117.125. (GP: Criminal History Investigations) (A) State agencies, state institutions and political subdivisions of the state are authorized, as necessary to comply with internal revenue service Publication 1075, including amendments thereto and publications replacing Publication 1075, to obtain state and national criminal history background checks and investigations performed by the State Law Enforcement Division and the Federal Bureau of Investigation on all employees and contractors with access to federal tax information. The State Law Enforcement Division is authorized to conduct fingerprint-based state and national background checks for state agencies, state institutions and political subdivisions of the state which have access to federal tax information in order to comply with Publication 1075.

(B) An employee or contractor of a state agency, state institution and political subdivision of the state with access to or that uses federal tax information must:

(1) agree to a national background check and the release of all investigative records to the state agency, state institution or political subdivision of the state for the purpose of verifying criminal history information for non-criminal justice purposes; and

(2) supply a fingerprint sample and submit to a state criminal history background check and investigation to be conducted by the State Law Enforcement Division, and then submit to a national criminal history background check to be conducted by the Federal Bureau of Investigation.

(C) Except as otherwise provided in this section, a state agency, state institution or political subdivision of the state shall pay any costs incurred to conduct background checks and investigations requested by the state agency. The state agency, state institution or political subdivision of the state may require a person or entity contracting with the agency to pay the costs associated with the background investigations for all employees of the contractor. The requirement may be a condition of the contract with the agency, state institution or political subdivision of the state.

(D) Each state agency, state institution or political subdivision of the state required to conduct background checks and investigations pursuant to this provision shall establish written policies concerning the implementation and use of the background checks and investigations conducted pursuant to this provision.

117.126. (GP: Medical Marijuana Research) With funds provided in this fiscal year, the University of South Carolina College of Pharmacy

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and the Medical University of South Carolina are authorized, to the extent permitted by and in accordance with federal laws and regulations, to undertake the following actions: acquire pharmaceutical grade marijuana, marijuana extracts, semi-pure isolates, and purified compounds, including, but not limited to, THC, CBD, CBO, cannabitol, and cannabigerol for use in research and clinical trials to develop potential therapeutic agents for epilepsy, Dravet's Syndrome, chronic pain, cancer, reduction of nausea, and vomiting induced by chemotherapy, glaucoma, obesity, multiple sclerosis, drug abuse, inflammation, and autoimmune disorders, including encephalomyelitis.

The University of South Carolina and the Medical University of the South Carolina are further authorized to form collaborations, agreements, and partnerships with other public and private entities in order to conduct this research and clinical trials, to the extent permitted by and in accordance with federal laws and regulations, as well as to pursue both public and private funding. Further, the University of South Carolina and the Medical University of South Carolina are directed to provide to the members of the South Carolina General Assembly, on or before the first day of the 2024 legislative session, with a written summary of the actions they have undertaken pursuant to this proviso and the material findings, if any, resulting from such activities.

117.127. (GP: Immigration Compliance Report) From the funds appropriated to the South Carolina Law Enforcement Division (SLED), the agency shall publish the Immigration Compliance Report (ICR). SLED may conduct investigations necessary to ensure the accuracy of information provided by counties and municipal governments within the ICR. Every agency of this State, and political subdivisions thereof, shall provide documentation that SLED considers necessary for the publication of the ICR. The ICR shall contain a list of county and municipal governments that SLED has certified to be compliant with Sections 17-13-170(E) and 23-3-1100 of the 1976 Code as well as compliance with any federal laws related to the presence of an unlawful person in the United States in the previous fiscal year. The ICR must be provided to the General Assembly, the Governor, and the State Treasurer by December thirty-first of the current fiscal year.

The State Treasurer shall withhold any remaining disbursement from the Local Government Fund to any county or municipality that is not certified as "compliant" in the ICR; however, this requirement may not be imposed until the first publication of the ICR.

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117.128. (GP: School Resource Officer Critical Needs) Any Class 1 law enforcement officer who retired under the Police Officers Retirement System on or before December 31, 2017, may return to employment with a public school district as a critical needs School Resource Officer without affecting the monthly retirement allowance that they are receiving from the Police Officers Retirement System. The Law Enforcement Training Council must develop guidelines and curriculum for these officers to be recertified and must not require recertification through basic training for those that have been inactive for a year or more.

117.129. (GP: Secure Area Duty Officers Program) The Office of Adjutant General, the State Law Enforcement Division, and other law enforcement authorities are authorized to conduct security-related activities as prescribed by the Governor in Executive Order 2015-18. Activities carried out under this program shall be considered state or federal training for purposes of Section 15-78-60(19) of the 1976 Code and the agency and its personnel shall be exempt from liability as described therein. State agencies involved in the Secure Area Duty Officers Program (SADOP) may expend state and federal funds in support of the program.

117.130. (GP: Magistrates Compensation) Notwithstanding Proviso 117.144 (Employee Compensation), in the current fiscal year, the salary for each magistrate must be calculated using the same schedule and same circuit judge salary, at a minimum, as was in effect in Fiscal Year 2018-19.

117.131. (GP: New Savannah Bluff Lock and Dam) The Department of Health and Environmental Control is prohibited from using any appropriated funds to process and approve any license, permit, authorization, or certification related to the New Savannah Bluff Lock and Dam inconsistent with the State's policy and the General Assembly's intent of maintaining the existing water quality and navigability conditions of that portion of the Savannah River in and around the New Savannah Bluff Lock and Dam. Consistency may occur by including conditions on any proposed project for the maintenance of the New Savannah Bluff Lock and Dam pool at elevation 114.5 NAVD88 for the preservation of adequate and sufficient water quality, navigation, water supply, and recreational activities.

117.132. (GP: Diverse Student Recruitment and Retention) Institutions of higher learning shall utilize a portion of the funds appropriated to or authorized for the institution to develop enrollment

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and retention programs to promote diversity in their student population, to include African Americans, Hispanics and other underrepresented minorities. Institutions are directed to report the effectiveness of these enrollment and retention programs to the Commission on Higher Education for inclusion in their annual report.

117.133. (GP: Offshore Oil) For the current fiscal year, no funds appropriated or authorized to the Department of Health and Environmental Control, or to local governmental entities, including but not limited to counties, municipalities and special purpose districts, may be expended to approve a plan, permit, license application or other authorization for:

(1) the construction or use of infrastructure for which the principal purpose is to facilitate the transportation of unrefined or unprocessed oil or gas into the territorial waters of South Carolina, or onto the lands of South Carolina, from offshore oil and gas production platforms and related infrastructure in the Atlantic Ocean;

(2) activities for which the principal purpose is the exploration, development, or production of unrefined or unprocessed oil or gas from within the territorial waters of South Carolina; or

(3) activities for which the principal purpose is the exploration, development, or production of unrefined or unprocessed oil or gas in the Atlantic Ocean.

For purposes of this proviso:

(1) "Development" means the design, planning, permitting, licensing, authorization or construction of infrastructure for which the principal purpose is the production of oil or gas.

(2) "Exploration" means any activity for which the principal purpose is to define, characterize, test for or evaluate oil or gas resources for possible commercial development or production.

(3) "Production" means any activity for which the principal purpose is to engage in, monitor, or conduct operations or maintenance related to the active extraction of unrefined or unprocessed oil or gas.

(4) "Territorial waters of South Carolina" means waters located within the state of South Carolina and waters of the Atlantic Ocean extending out to three nautical miles from the mean low-water mark of South Carolina's naturally occurring coastline.

117.134. (GP: PSA Contracts for Contributions) In the current fiscal year, the South Carolina Public Service Authority may not enter into any new contracts for contributions to the Executive Defined Benefit Plan or the Executive Retention Defined Contribution Plan.

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117.135. (GP: Transfer Student Credits) The Commission on Higher Education shall continue to work with the State Board for Technical and Comprehensive Education and the public institutions of higher learning to develop policies, to implement the recommendations of the South Carolina Transfer Task Force's Transfer and Articulation Action Plan. Implementation of the provisions shall be effective no later than April 30, 2024. The Commission shall report on the implementation of these policies to the Chairmen of the Senate Finance Committee, House Ways and Means Committee, Senate Education Committee, and House Education and Public Works Committee by April 30, 2024.

117.136. (GP: Permanent Improvement Projects) For the current fiscal year, permanent improvement projects, as defined in Title 2, Chapter 47 of the 1976 Code, where the cost is at least one million dollars but not greater than five million dollars for public research universities and not greater than two million dollars for all other public institutions of higher learning shall be exempt from the requirements of Section 2-47-50, except that a project shall not be considered approved without an institution's governing board having first voted to approve the project in a public session. Institutions shall provide a report of projects approved by their governing boards pursuant to this provision to the Chairman of the Commission on Higher Education, the Joint Bond Review Committee, and the State Fiscal Accountability Authority by November 15th of the current fiscal year.

117.137. (GP: Fixed Rate Compensation) The South Carolina public higher education institutions are authorized to compensate nonpermanent, non-FTE adjunct, temporary, or part-time instructors/faculty on a fixed rate basis. These individuals shall provide classroom and related instructional activities on an as needed basis depending on student enrollment per semester or academic term. Institutions may pay exempt or non-exempt employees as defined by the Fair Labor Standards Act only when they are needed to work. Adjunct, temporary, or part-time instructors/faculty employed in this category are non-covered employees who may exceed twelve months, but are not eligible for State benefits except for the option of contributing to the State Retirement System or Health Care Plan if eligible under the Affordable Care Act guidelines.

117.138. (GP: Sick Cell Disease) From the funds appropriated to the Department of Health and Human Services, the department shall transfer \$2,000,000 to the Medical University of South Carolina Hospital Authority to develop a comprehensive approach to advancing

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the awareness, detection, treatment, and scientific knowledge of sickle cell disease and trait within South Carolina. The Medical University of South Carolina Hospital Authority shall be authorized to partner with independent research entities to advance curative therapies for sickle cell disease and trait and shall be authorized to endow one or more nationally leading academic research centers with a research chair named the "Rena N. Grant Endowed Chair for Hematology" in furtherance of this goal. Additionally, to improve the quality of care provided to sickle cell patients, the authority shall perform statewide cultural competency training in all hospitals, including urgent care centers, in this State using its preexisting training model in order to educate and increase the awareness of health care professionals that are most likely to treat sickle cell patients on the symptoms and stigma associated with sickle cell disease and trait, especially pain relief.

For purposes of this proviso:

(1) "Health care professional" has the meaning as in Section 44-66-20 of the 1976 Code.

(2) "Hospital" means a facility organized and administered to provide overnight medical or surgical care or nursing care of illness, injury, or infirmity and may provide obstetrical care, and in which all diagnoses, treatment, or care is administered by or under the direction of persons currently licensed to practice medicine, surgery, or osteopathy.

In developing and implementing the South Carolina Statewide Telemedicine Network, the department and the authority shall include the goals set forth in this provision to bring better care to individuals with sickle cell disease or trait.

The Department of Health and Human Services shall be authorized to pursue a Health Services Initiative through the Children's Health Insurance Program for the purposes of improving child and maternal health when either or both exhibit the sickle cell disease or trait, and improve outreach, access to crisis stabilization, and coping resources for children with sickle cell disease.

By January fifteenth of the current fiscal year, the department and the authority shall each submit a report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor outlining their progress on these initiatives.

117.139. (GP: Statewide Strategic Personnel Budgeting) (A) To encourage consistency in human resources compensation decisions, support data driven decisions regarding expenditure of funds for

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personnel in state government, and improve the state's ability to recruit and retain top talent, all state agencies are directed as follows:

With regard to the annual Appropriations Act budget plan submission, agencies shall submit all human resources and personnel related budget requests to the Department of Administration's Executive Budget Office and Division of State Human Resources on or before September 1 of the current fiscal year. The Executive Budget Office and the Division of State Human Resources shall jointly review the budget requests and make recommendations for funding consideration. These funding recommendations shall be submitted to the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee.

Agencies shall comply with all human resources rules, regulations, standards, plans, policies, and directives of the Division of State Human Resources.

(B) The Judicial Department, Legislative Department, political subdivisions, and quasi-governmental bodies are exempt from the requirements of this provision.

117.140. (GP: COVID-19 Proof of Vaccination Restriction - Institutions) For the current fiscal year, state-supported institutions of higher learning that directly or indirectly receive funds appropriated or authorized through the general appropriations act shall be restricted from requiring proof of COVID-19 vaccination for any student as a condition of enrollment, attendance at on campus instruction, or residence on campus. In instances of off-campus learning events for which third party program providers require proof of vaccination, the third party requirements shall apply.

117.141. (GP: Agribusiness Processor) For the current fiscal year, local and state sales tax collection for material handling and construction materials on agribusiness facilities that invest at least \$100 million in the state are exempt.

117.142. (GP: Federal Gun Law) For the current fiscal year, no law enforcement agency that receives state or local funds shall enforce a federal law, regulation, statute, executive order, or procedure related to firearms put into effect after January 1, 2021, if any such federal action requires the seizure of a firearm, firearm part, or firearm component solely because of its classification or type of weapon.

117.143. (GP: National Guard College Assistance Program) For the current fiscal year, a member of the SC National Guard may qualify for college assistance program grants for more than one hundred thirty

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semester hours or related quarter hours. Additionally, service members may receive a total of twenty-two thousand dollars in total grants to cover one hundred percent of college tuition and fees for the academic year. Service members shall be required to meet all other requirements.

117.144. (GP: Employee Compensation) The amounts appropriated to F300-Statewide Employee Benefits for Employee Pay Increases must be allocated by the Department of Administration, Executive Budget Office to the various state agencies to provide for employee pay increases in accordance with the following plan:

(1) With respect to classified and non-judge judicial classified employees, effective on the first pay date that occurs on or after July first of the current fiscal year, the compensation of all classified employees shall be increased by \$2,500 for FTEs making \$50,000 and under and five percent for FTEs making over \$50,000.

(2) With respect to unclassified and non-judge judicial unclassified employees or unclassified executive compensation system employees not elsewhere covered in this act, effective on the first pay date that occurs on or after July first of the current fiscal year the compensation of all unclassified employees shall be increased by \$2,500 for FTEs making \$50,000 and under and five percent for FTEs making over \$50,000. Any employee subject to the provisions of this paragraph shall not be eligible for compensation increases provided in paragraphs 1, 3, 4, 5, or 6.

(3) With respect to unclassified employees of institutions of higher education and technical colleges eligible in this item, institutions and technical colleges are authorized to allot the total funds for compensation increases among individual employees without uniformity. The funds provided for compensation increases for any employee subject to the provisions of this item are based on an annual average \$2,500 for FTEs making \$50,000 and under and five percent for FTEs making over \$50,000 increase and may be based on performance.

(4) Effective on the first pay date that occurs on or after July first of the current fiscal year, agency heads not covered by the Agency Head Salary Commission, shall receive an annualized base pay increase of \$2,500 for FTEs making \$50,000 and under and five percent for FTEs making over \$50,000.

(5) With respect to Transformation Coaches at the Department of Education, compensation shall be increased by \$2,500 for Transformation Coaches making \$50,000 and under and five percent for Transformation Coaches making over \$50,000.

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(6) With respect to local health care providers, compensation increases shall be five percent effective on the first pay date that occurs on or after July first of the current fiscal year. School Bus Driver salary and fringe funding to school districts shall be increased by five percent.

(7) Effective on the first pay date that occurs on or after July first of the current fiscal year, the Chief Justice and other judicial officers shall receive an annualized base pay increase of \$2,500 for FTEs making \$50,000 and under and five percent for FTEs making over \$50,000.

(8) Effective on the first pay date that occurs on or after July first of the current fiscal year, county auditors and county treasurers shall receive an annualized base pay increase of five percent.

For Fiscal Year 2023-24, the Executive Budget Office is directed to review Executive Branch agencies to determine whether their budgets warrant another fund authorization increase due to the \$2,500 for FTEs making \$50,000 and under and five percent for FTEs making over \$50,000 compensation increase for all full-time employees. If so warranted, the Executive Budget Office shall work with the Office of the Comptroller General to increase such authorization for the affected agencies.

The Department of Administration shall allocate associated compensation increases for retirement employer contributions based on the retirement rate of the retirement system in which individual employees participate.

The Executive Director of the State Fiscal Accountability Authority is authorized to use excess appropriations for the current fiscal year designated for statewide employer contributions for other statewide purposes. At the discretion of the Executive Director of the State Fiscal Accountability Authority, such action may be considered a permanent transfer into the receiving agency's base budget.

Funds appropriated in Part IA, F300, Section 106, Statewide Employee Benefits may be carried forward from the prior fiscal year into the current fiscal year.

117.145. (GP: Fetal Remains) No funds appropriated or authorized by this act may be used by the State's public colleges or universities to purchase fetal remains resulting from an abortion for the purpose of research or experimentation. The State's public colleges and universities are further prohibited from accepting donated fetal remains resulting from an abortion for the purpose of research or experimentation. A public college or university that purchases or accepts donated fetal remains in violation of this proviso shall return to the General Fund an

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amount equal to ten percent of the funds appropriated to the college or university under Part 1A of this act.

117.146. (GP: Behavioral Health Capacity) (A) The Department of Health and Human Services, in coordination with the Department of Mental Health, the Department of Health and Environmental Control, the Department of Alcohol and Other Drug Abuse Services, and all other relevant agencies shall examine and analyze the existing statewide system for the delivery of Medicaid and non-Medicaid behavioral health services to assess the system's effectiveness in:

- (1) providing a range and supply of treatment options and settings that are appropriate to meet the varying needs of individual patients;
- (2) being responsive to changes in federal law, regulation, or policy that improve access to care and/or associated reimbursement, particularly where related to the treatment of patients in Institutions for Mental Disease (IMDs);
- (3) being economical in its approach, so as to obtain the greatest value possible for each state taxpayer dollar; and
- (4) ensuring that the statewide system for the delivery of behavioral health services complies with the requirements of Section 44-9-90(7) of the 1976 Code.

(B) With the support of the Department of Mental Health, the Department of Health and Human Services shall undertake an effort to assess existing gaps in coverage for or the supply of inpatient psychiatric care, crisis stabilization, and other inpatient or outpatient behavioral health services. Based upon this assessment, the Department of Health and Human Services shall establish, or with the full cooperation of any other requested state agency, request the establishment of coverage and reimbursement policies that it deems necessary to address existing deficiencies and bring about a more comprehensive and effective continuum of behavioral health care in South Carolina. Priorities for this effort may be piloted on a regional basis and shall include, but not be limited to:

- (1) increasing the number of beds available to provide inpatient psychiatric care, with emphasis on communities with the greatest current need, and using the appropriate combination of new construction, augmentation or reconfiguration of existing facilities, or contracting with psychiatric or acute care hospitals to obtain short-term capacity;
- (2) establishing crisis stabilization beds and services to provide needed short-term medication, counseling, and other support in previously unserved areas of the State, working toward the goal of

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having such services available within a 90-minute drive of each South Carolinian, and with coverage and reimbursement being funded through Medicaid for its beneficiaries or through the Department of Mental Health for indigent care, regardless of the provider of these services;

(3) formalizing and expanding the coverage of claims-based mobile crisis stabilization services that offer rapid and intensive interventions intended to stabilize individuals at the sites of behavioral health crises;

(4) developing one or more regional dedicated psychiatric emergency departments, operating twenty-four hours per day, seven days per week to effectively evaluate and triage patients experiencing acute behavioral health emergencies;

(5) developing effective referral and discharge strategies and engaging with existing community providers to ensure that sufficient outpatient services, case management services, and standards of care are in place;

(6) leveraging and building upon existing telehealth capacity to support and extend outpatient services; and

(7) promoting the development of in-state treatment options for specific behavioral health conditions for which patients are routinely placed out-of-state due to an insufficiency of treatment options or settings in South Carolina.

(C) The Executive Director of the Public Employee Benefit Authority shall be encouraged to consult with the Director of the Department of Health and Human Services to make appropriate coverage and reimbursement policy changes to ensure proper access to behavioral health services for covered beneficiaries.

(D) The Data Oversight Council, established pursuant to Section 44-6-170 of the 1976 Code, shall undertake whatever rulemaking is necessary to ensure that the data on the utilization of crisis stabilization units are collected in a manner generally consistent with the requirements for general acute care hospitals and specialized hospitals, so that the effectiveness of these services may be properly evaluated. The Data Oversight Council, Department of Health and Environmental Control, and any other state agency shall, upon the request of and in the format specified by the Department of Health and Human Services, furnish information on behavioral health service demand, utilization, or financing needed to facilitate the implementation of this provision.

(E) With the support of the Director of the Department of Mental Health, the Director of the Department of Alcohol and Other Drug Abuse

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Services, and any other identified agency head, the Director of the Department of Health and Human Services shall evaluate opportunities to improve and/or coordinate treatment capacity for individuals diagnosed with substance use disorder and/or serious mental illness including, but not limited to, options established pursuant to Sections 1115, 1915(l), and/or 1947 of the Social Security Act or made available to states by the Centers for Medicare and Medicaid Services through State Medicaid Director Letters 17-003, 18-011, or 19-0003.

(F) In consultation with the Department of Juvenile Justice and the Department of Mental Health, the Department of Health and Human Services shall ensure that access to “no eject, no reject” services is restored for children and adolescents requiring care in a private residential treatment facility.

(G) To ensure that individuals requiring behavioral health services are protected from unexpected or excessive billings, the Department of Mental Health shall examine ways to convert state-funded or DSH-funded indigent care to a sustainable reimbursement model that improves access to behavioral health treatment while potentially reducing uncompensated care levels and the department’s reliance on state funds. In the current fiscal year, the department shall report to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee on the results of this examination and the actions taken to address any findings. The department also shall:

(1) contract for an exhaustive independent review of its entire revenue cycle, to eliminate inefficiencies and improve business processes, ensure that bills are produced on a timely and accurate basis, and assess and maximize the proportion of the time during which the department’s clinicians and providers are rendering chargeable treatment services to the State’s citizens; and

(2) ensure its immediate and ongoing compliance with the hospital price transparency rules established at 45 C.F.R. Part 180, and also meet its obligation to provide certain patients with good faith estimates as required by the No Surprises Act, P.L. 116-260, and subsequent regulation.

(H) With the support and participation of the Department of Education and the Department of Mental Health, and with the intent of assuring access to behavioral health services to every student in the State through either a public or private provider, the Department of Health and Human Services must lead a comprehensive effort to improve access to and the quality of school-based behavioral health services in South

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Carolina, while identifying and taking steps to address community-level disparities in the availability of this care. This effort shall include, but not be limited to:

(1) the performance of a comprehensive review of Medicaid and non-Medicaid school-based behavioral health services in South Carolina, including an assessment of the availability of such services and the identification of any barriers to access, such as coverage and reimbursement rules, billing practices, other insurer policies, state agency, school district rules or procedures, or provider shortages;

(2) a revisitation of existing coverage policies for medically necessary services provided to children, including those with or without a disability determination, and whether those services are or are not required by a child's individualized education plan or individualized family services plan, whether they do or do not arise from a referral under the Early and Periodic Screening, Diagnostic, and Treatment program, and in the context of State Medicaid Director Letter 14-006;

(3) the rescission of any Medicaid or PEBA policies that deny coverage, solely on the basis that those services are being provided within a school or through a telehealth encounter that originates in a school, of medically necessary outpatient services that have been furnished to eligible children by enrolled and qualified providers;

(4) the issuance of any new Medicaid policies needed to durably enshrine any appropriate telehealth coverage that had been authorized on a temporary basis during the public health emergency;

(5) a review of statewide and school district-level policies and practices relating to suicide risk referral protocols and behavioral health training for student-facing personnel in schools; and

(6) reporting to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on any other relevant potential policy changes that the Director of the Department of Health and Human Services believes would advance the intent of this provision, but which would have a fiscal impact that is sufficiently substantial to require the General Assembly's direct consideration in the future.

(I) The Department of Health and Human Services is authorized to establish programs and/or fund in whole or in part, including through the potential use of CHIP Health Services Initiatives, various pilot projects or other initiatives that are intended to develop the health care workforce in South Carolina. Such efforts must be targeted toward current or future providers who demonstrate, by whatever means is selected by the

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department, commitments to remaining in-state and including Medicaid beneficiaries among their patients. The development of the behavioral health workforce shall be prioritized, although the department may also address other provider classes, such as respiratory therapists, for which shortages have been highlighted and/or exacerbated by the public health emergency. Further consideration also should be given to attracting additional qualified preceptors and increasing opportunities for clinical rotations. The department may partner with or enlist the support of the Technical College System, Area Health Education Centers, and/or Student Loan Corporation in designing or administering these programs and, where appropriate, is encouraged to structure them as public-private partnerships in conjunction with the state's hospital and health systems and other key employers of health providers.

(J) If either the Director of the Department of Mental Health or the Director of the Department of Health and Human Services finds that state personnel and/or procurement rules are limiting his ability to fulfill the intent of this provision, he shall notify the State Fiscal Accountability Authority of this in writing and request whatever exemptions are necessary to ensure that clinical staff may be recruited, retained, and/or contracted for so as to provide greater access to behavioral health treatment.

(K) In consultation with the Department of Mental Health, the Department of Health and Human Services shall assess the feasibility of, and if warranted, take steps to establish or obtain through grant, contract, subscription, or other procurement, a statewide system for the near-real time tracking of in-patient psychiatric hospital beds and crisis stabilization beds. This system should be generally designed to draw data from providers' existing electronic medical record systems and make summary-level data available to authorized users within state agencies, participating provider organizations, and any others to be specified by the Department of Health and Human Services, for the purposes of managing critical resources and ensuring that patients may be promptly treated in the most effective and clinically appropriate setting. To protect patient privacy and ensure HIPAA compliance, the system may only collect information on the types, counts, and availability of beds, or other categorical or aggregated information, as opposed to individually identifying patient details. In partnership with the following named agencies, the Department of Health and Human Services may also explore and pursue the use of such a system:

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(1) to meet the emergency preparedness and disaster recovery requirements of the Department of Health and Environmental Control and the Emergency Management Division that are currently met by the Bed Availability Report Tracking system; and/or

(2) to augment or replace the capabilities of the Department on Aging's GetCareSC website.

(L) From the funds appropriated to or otherwise made available to it, the Department of Health and Human Services is authorized to procure, enter into contracts and agreements, offer grants, and otherwise expend funds as well as establish demonstration projects in one or more areas of the state to encourage and promote necessary infrastructure and investment to achieve the objectives set out in this provision. The department shall develop policies and procedures as necessary to assure accountability in the expenditure of these funds and apply for federal matching funds when appropriate and available. The department shall report annually to the Senate Finance Committee and the House Ways and Means Committee on all expenditures made under this provision.

(M) Crisis stabilization unit facilities established or funded pursuant to this provision shall be eligible for licensure under Regulation 61-125 without being owned or operated by the Department of Mental Health.

(N) Funds appropriated for Behavioral Health Capacity may be retained by the Department of Health and Human Services and carried forward to be expended for any purpose specified in this provision.

117.147. (GP: Mental Health Transportation) (A) Funds appropriated to the Department of Mental Health for the Alternative Transportation Program shall exclusively be used to support the transportation of individuals pursuant to Article 5, Chapter 17, Title 44 of the 1976 Code and as defined herein. These funds may be carried forward and expended for the same purpose.

(B) In accordance with the terms of the contract awarded pursuant to Act 239 of 2022, Proviso 117.154, the Department may elect to amend the contract to add additional counties.

(C) When transportation is provided through this Alternative Transportation Program, the written agreement described in Section 44-17-440(A) of the 1976 Code shall not be required.

(D) No later than January 15, 2024, the authority shall provide the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee with a report on the implementation of this program. The report shall include a projection of the annualized amount by which the cost of a statewide Alternative

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Transportation Program might, at full implementation, exceed the amount appropriated for the program in the current fiscal year.

117.148. (GP: Rare Disease Advisory Council) (A) For the current fiscal year, there shall be established the South Carolina Rare Disease Council, to be housed within the Medical University of South Carolina. The council shall advise the Governor, the General Assembly, and other stakeholders on research, diagnosis, treatment, and education related to rare diseases as defined by 21 U.S.C. Section 360bb.

(B) The council shall be composed of fifteen members and shall be appointed as follows:

(1) one member appointed by the Director of the Department of Health and Environmental Control;

(2) one member appointed by the Director of the Department of Health and Human Services;

(3) one member from the Medical University of South Carolina as appointed by the President;

(4) one member from the University of South Carolina School of Medicine as appointed by the Dean;

(5) one member appointed by the Executive Director of the South Carolina Hospital Association;

(6) one member appointed by the Executive Director of the South Carolina Primary Healthcare Association;

(7) one member representing the biopharma industry as appointed by the President of the Medical University of South Carolina;

(8) three members with experience in the research and treatment of rare disease, one of whom must specialize in pediatrics, as appointed by the President of the Medical University of South Carolina;

(9) two members who are patients diagnosed with a rare disease as appointed by the President of the Medical University of South Carolina;

(10) one member from a rare disease organization operating in the state as appointed by the President of the Medical University of South Carolina;

(11) one caregiver of a person with a rare disease as appointed by the President of the Medical University of South Carolina; and

(12) one member representing the state health plan as appointed by the Executive Director of the State Public Benefit Authority.

(C) The council shall convene its first meeting by October 31 and hold public meetings at least quarterly throughout the year. The council

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shall, at a minimum, conduct the following activities to benefit rare disease patients in South Carolina:

(1) solicit comments from stakeholders, including patients and patient caregivers in South Carolina impacted by rare diseases, to assess the needs of rare-disease patients, caregivers, and providers in the State;

(2) consult with experts on rare diseases to develop recommendations to improve patient access to and quality of rare-disease specialists, affordable and comprehensive health care coverage, relevant diagnostics, timely treatment, and other needed services;

(3) research and identify priorities related to treatments and services provided to persons with rare diseases in South Carolina and develop recommendations that include safeguards against discrimination for these populations on such issues, including disaster and public health emergency-related planning;

(4) publish a list of existing, publicly accessible resources on research, diagnosis, treatment, and education relating to the rare diseases in South Carolina;

(5) identify and distribute educational resources to foster recognition and optimize treatment of rare diseases in South Carolina; and

(6) identify best practices to reduce health disparities and achieve health equity in the research, diagnosis, and treatment of rare diseases in South Carolina.

(D) The council shall provide an annual report no later than June 30 to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the Senate Medical Affairs Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Medical, Military, Public and Municipal Affairs Committee. The annual report shall describe the activities and progress of the council and provide recommendations to the Governor and General Assembly on ways to address the needs of people living with rare diseases in the State of South Carolina.

(E) Of the funding appropriated to the Department of Health and Human Services, up to \$250,000 shall be used to contract with MUSC Hospital Authority to provide staff support to the council and maintain a public website that shall include the annual reports, meeting notices and minutes, and the resources developed as part of section (C). Members of the council shall serve without compensation or per diem.

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117.149. (GP: Public Health Officer Liability) From the funds available to the respective departments, state agencies established pursuant to Title 44 of the 1976 Code shall have the same obligations to defend and indemnify as if these agencies were subject to Section 1-11-440 or Section 12-4-325.

117.150. (GP: Electricity Market Reform) The Electricity Market Reform Measures Study Committee shall issue a report on its work to the General Assembly no later than January 31, 2024; however, nothing in this provision prohibits the committee from continuing to meet past January 31, 2024 and issue additional reports pursuant to Act 187 of 2020.

117.151. (GP: Homestead Exemption Fund) For Fiscal Year 2023-24, Section 11-11-156(C) of the 1976 Code is suspended.

117.152. (GP: Actions on Election Law) (A) The President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives, have an unconditional right to intervene on behalf of their respective bodies in a state court action that challenges the validity of an election law, an election policy, or the manner in which an election is conducted.

(B) In a federal court action that challenges the validity of an election law, an election policy, or the manner in which an election is conducted, the President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives, have standing to intervene as a party on behalf of their respective bodies, to file an amicus brief, or to provide evidence or argument, written or oral, in accordance with the federal rules of procedure, irrespective of whether any other officer of the State has appeared in the action.

(C) A federal court presiding over an action that challenges the validity of an election law, an election policy, or the manner in which an election is conducted is requested to allow the President, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives, to intervene in any such action as a party.

(D) The State Election Commission and the Attorney General must notify the President of the Senate and the Speaker of the House of Representatives within twenty-four hours of the receipt of service of a complaint that challenges the validity of an election law, an election policy, or the manner in which an election is conducted.

(E) In any action in which the Senate or the House of Representatives intervenes or participates pursuant to this proviso, the Senate and the House of Representatives must function independently from each other

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in the representation of their respective bodies, unless otherwise agreed to by the President of the Senate and the Speaker of the House of Representatives.

(F) The Senate and House of Representatives may expend funds appropriated in this act to exercise the unconditional right set forth in subsection (A) and to sustain any other action set forth in this proviso. No county election commission may accept or expend any funds other than public funds to prepare for or to conduct elections.

117.153. (GP: Retained Counsel) In the current fiscal year, from the funds appropriated, public colleges and universities, including public technical schools, shall revise or adopt policies to allow a student facing disciplinary or honor code violations as a result of a criminal charge the right to retain counsel, at the student's expense, to provide full legal representation in all proceedings including, but not limited to, allowing counsel to appear on behalf of the student, speak on behalf of the student, question witnesses, protect the statutory and constitutional rights of the student, and to otherwise fully participate in all proceedings on behalf of the student.

117.154. (GP: Disinfection and Cleaning) Of the funds appropriated or authorized herein, agencies and political subdivisions, including public school districts, may implement or procure cleaning, sanitization, and disinfection services and products that, at a minimum, meet the most current requirements and guidelines issued by the Department of Health and Environmental Control to mitigate the impact of any COVID-19 strains, as well as other communicable diseases. All cleaning, disinfection, and sanitization products should be able to be safely used on a daily, weekly, or monthly basis and meet the following qualifications, as aligned with current DHEC guidelines:

- (1) be on the EPA approved disinfectant list;
- (2) be a broad-spectrum disinfectant that kills 99.9% of bacteria and viruses, including COVID-19, norovirus, influenza, e-coli, mold, fungi, and odor causing bacteria;
- (3) be safe for use on multiple solid surfaces without leaving a residue; and
- (4) be recognized by the Environmental Protection Agency and the United States Department of Agriculture as safe for use around food, including for use in cafeterias, kitchens, and other areas where food is prepared or consumed.

The preferred method for widespread disinfection and sanitization of public spaces, after all necessary and recommended cleaning, may

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include the use of a residual antimicrobial, electrostatic spraying application on surfaces and utilize ultraviolet (UV-C) technology for indoor air quality (IAQ) pursuant to CDC guidelines. All related products and services require independent lab testing for verification of claims, and an Underwriters Lab (UL) listing for any electrical products. When vendors are procured to provide such services the vendor must have evidence of industry experience and expertise.

117.155. (GP: Job Order Contracting Pilot Program) For the current fiscal year, the Division of Procurement Services of the State Fiscal Accountability Authority may pilot test a job order contracting method at the request and on behalf of up to six governmental bodies or public procurement units consisting of two state agencies and four school districts by entering into job order contracts to acquire construction services when the exact time or exact quantities of future jobs are not known at the time of contract award. The State Engineer must approve, in his sole discretion, which governmental bodies and public procurement units may participate in the pilot project. Procurement Services may enter into job order contracts with up to four businesses for each governmental body or public procurement unit for each licensing classification and sub-classification for construction. The job order contracts must terminate twenty-four months after award.

For purposes of this provision, the term “job order contract” means a contract that provides for the issuance of job orders for the performance of construction, renovation, and repair work, where contractors propose an adjustment factor or factors to be applied to a catalog of preset unit prices calculated using local prevailing wage rates, local equipment, and local material costs, and where individual job orders are issued to the awarded contractors on an as-needed basis and the price paid for the work is a lump sum of the preset unit prices needed to complete the job order multiplied by the quantity required multiplied by the adjustment factor.

For purposes of the pilot project, an individual project using job orders may not exceed five hundred thousand dollars and the sum of all individual job orders may not exceed four million dollars per contract. Work may not be divided artificially in order to avoid these limits. A single project must not be performed using job order contracts in combination with contracts awarded pursuant to Section 11-35-1550 of the 1976 Code.

For purposes of the pilot project, a job order must clearly specify all tasks to be performed or property to be delivered under the order so the

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full price for the performance of the work can be established when the order is placed. All job orders must be issued on a fixed-price basis. All job orders must be issued within the period of the contract and must be within the scope and maximum value of the contract. Each job order shall provide an itemized list of each construction tasks required to complete the work with the task's associated unit price and applied adjustment factor. Each job order proposal shall be certified as contract compliant by a reviewer independent of the contractor.

Any solicitation for a job order contract must include the following: (1) the period of the contract; (2) the maximum dollar value of the services to be procured under the contract; (3) the maximum dollar value of the services to be procured under a single job order; (4) a description that reasonably describes the licensing classification and the general scope, nature, complexity, and purposes of the services to be procured under the contract in a manner that will enable a prospective bidder to decide whether to submit a bid; (5) the procedures that the governmental body will use for issuing job orders for the pilot program; (6) if applicable, the geographic area to which the job order contract applies; ordinarily, a geographically contiguous area should not be subdivided; and (7) the number of job order contracts to be awarded.

117.156. (GP: In-State Tuition Mitigation) The following recurring funds have been appropriated in Part IA to institutions of higher learning to mitigate tuition and fee increases for in-state undergraduate students:

(1) The Citadel	\$ 2,102,077;
(2) Clemson University	\$ 8,357,408;
(3) University of Charleston	\$ 7,171,550;
(4) Coastal Carolina University	\$ 5,502,820;
(5) Francis Marion University	\$ 4,750,310;
(6) Lander University	\$ 4,398,129;
(7) South Carolina State University	\$ 2,723,896;
(8) University of South Carolina-Columbia	\$ 1,843,445;
(9) University of South Carolina-Aiken	\$ 3,814,830;
(10) University of South Carolina-Upstate	\$ 5,780,713;
(11) University of South Carolina-Beaufort	\$ 2,414,362;
(12) University of South Carolina-Lancaster	\$ 2,268,538;
(13) University of South Carolina-Salkehatchie	\$ 923,098;
(14) University of South Carolina-Sumter	\$ 1,968,634;
(15) University of South Carolina-Union	\$ 1,363,324;
(16) Winthrop University	\$ 4,616,866;

and

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(17) Medical University of South Carolina § 6,858,753.

In order to retain the above appropriations, each institution of higher learning listed above must certify to the Commission on Higher Education by August 15, 2023, there is no in-state undergraduate tuition or in-state undergraduate mandatory fee increase, excluding increases in auxiliary fees, for the 2023-2024 academic year.

The Commission on Higher Education shall develop the process by which institutions provide the certification. Any institution unable to provide such certification to the commission shall remit their respective above recurring allocation to the General Fund by September 15, 2023.

By November 1, 2023, the Commission on Higher Education shall report to the House Ways and Means Committee, the Senate Finance Committee, and the Executive Budget Office the institutions that failed to certify that the in-state undergraduate tuition or in-state undergraduate mandatory fee increase met the guidelines outlined in this provision. The Executive Budget Office is directed to reduce the recurring appropriation of any institution found to be non-compliant with the certification.

117.157. (GP: Historic Preservation Certification Fee) For the current fiscal year, the requirements of Section 12-6-3535(G) are suspended.

117.158. (GP: Name Image Likeness) In the current fiscal year, Act 35 of 2021 in its entirety pertaining to intercollegiate athlete (NIL) name, image, or likeness is suspended.

117.159. (GP: In-state Tuition Payment) For the current fiscal year, an individual enrolled in a public institution of higher learning who receives educational assistance under Chapter 35, Title 38 of the United States Code is entitled to pay in-state tuition and fees, while living in the State, without regard to the length of time the individual has resided in the State.

117.160. (GP: Human Affairs Commission and Commission for Minority Affairs Merger Study) The Department of Administration shall develop a plan merging the Human Affairs Commission and Commission for Minority Affairs. The plan shall include, but is not limited to, proposed organizational structure, proposed program structure, and proposed budgetary and human resources changes to perform the functions of the two existing agencies in the event of a merger of the two agencies. The Human Affairs Commission and the Commission for Minority Affairs shall each provide any information requested by the department for the completion of the plan. The plan

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shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor by December 1, 2023.

117.161. (GP: Statewide Mobile Health Units) For Fiscal Year 2023-24, the South Carolina Center for Rural and Primary Healthcare may provide coordination and requested technical assistance to mobile health units in South Carolina, in order to coordinate statewide delivery of services to increase access to preventative and diagnostic health care, and reduce health inequities for rural, vulnerable, underserved, and displaced populations in South Carolina. To support this goal, the South Carolina Center for Rural and Primary Healthcare shall: 1) be authorized to identify and maintain a directory of currently operating mobile health units, the areas of the state in which they serve, and the scope of services they provide, and the populations served by the mobile health unit; 2) offer technical assistance to these units, and any established in the future, in the form of operational, technical, or logistical guidance and consultation as requested; 3) provide collaborative learning and development opportunities for mobile health units to engage in best practices and increase access to underserved populations or communities; 4) partner with the University of South Carolina Salkehatchie and Denmark Technical College, other public institutions of higher education, state serving healthcare organization and other state serving agencies, including the Department of Health and Human Services and the Department of Health and Environmental Control to develop coordinating systems, support, training and health education services to meet the workforce needs of mobile health units and the communities that they serve; and also to develop competencies related to providing high impact mobile health services; and 5) initiate analyses and evaluation on the impact of services delivered through mobile health units. The center shall be available to assist and support implementation strategies driven by local, regional, and state data and research and aligned efforts, and may provide organization and collaboration among mobile health units and any units that may begin operating in the future.

117.162. (GP: Palmetto Autism Study Committee) (A) The Palmetto Autism Study Committee shall be housed in the South Carolina Department of Health and Human Services. The study committee shall address, but is not limited to, the following issues:

(1) the best ways to ensure the timely evaluation, diagnosis, and treatment of autism for individuals aged eighteen and under and their families;

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(2) the need for and viability of development of statewide autism centers of excellence that engage in the training of practitioners and advanced treatment practices and research related to autism;

(3) reviewing and evaluating the accessibility to initial autism evaluations and Medicaid eligibility to identify any barriers to diagnosis and enrollment; and

(4) methods by which financial assistance can be provided to families in order to obtain needed autism services.

(B) The study committee shall be composed of members appointed as follows:

(1) two appointees by the Governor, one of which may be a parent of an autistic child;

(2) three appointees by the Chairman of the House Ways and Means Committee, one of which may be a House member, one of which may be a practitioner, and one of which may be a parent of an autistic child;

(3) three appointees by the Chairman of the Senate Finance Committee, one of which may be a Senate member, one of which may be a practitioner, and one of which may be a parent of an autistic child;

(4) the director of the Department of Health and Human Services or his designee; and

(5) the director of the Department of Disabilities and Special Needs or his designee.

No member of the study committee shall be entitled to any compensation or reimbursement, and no three members of the study committee shall reside in the same public health region of the State.

(C) Any administrative services or support for the study committee shall be provided by the Department of Health and Human Services.

(D) No later than January 15, 2024, the study committee shall provide the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee with a report on its findings and recommendations on the issues contained in this provision.

117.163. (GP: COVID-19 Research) From the funds held in the COVID-19 Response Reserve Account established pursuant to Act 135 of 2020, an amount not to exceed \$27,650,000 may be transferred to the Medical University of South Carolina to conduct a clinical trial for an investigational drug to be used in the treatment of COVID-19. Funding is to be made in two phases, Phase I of which must be limited to an amount not to exceed \$13,063,639, and Phase II of which must be limited to an amount not to exceed \$14,586,361. These transfers are

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subject to direction by the Governor, and review and comment by the Joint Bond Review Committee, for each phase of the clinical trial. Without limitation, funding for Phase I of the clinical trial is contingent upon establishment of outcome measures against which efficacy of the treatment will be assessed, and which must be included in the University's request to the Governor for consideration of the proposed expenditure. Without limitation, funding for Phase II of the clinical trial is contingent upon outcomes clearly demonstrating success of Phase I of the clinical trial. The University may collaborate with other public and private entities in conducting the clinical trial; provided, however, that the University must reserve its sole accountability and responsibility for conduct of the clinical trial and management of the funding to ensure that funds are expended only for the public purpose of promoting the health, safety, and welfare of the citizens of this State. The University must establish a schedule of expenditure projections for each phase of the clinical trial, and must provide periodic reports to the Governor and the Joint Bond Review Committee in such form and at such times as each may prescribe. In addition to the foregoing, the University must provide to the Governor and the Joint Bond Review Committee an accounting of the expenditures for each phase of the clinical trial as soon as practicable following the earlier of conclusion of each phase of the clinical trial or exhaustion of the funding applicable thereto. In the event that any funds remain unexpended at the conclusion of either phase of the clinical trial, this authorization must lapse to the extent of the unexpended funds, and such unexpended funds must revert to their original funding source, with availability for expenditure in accordance with their original statutory purpose.

117.164. (GP: Licensure of Residential Treatment Facilities) From the funds appropriated in this act, the Department of Health and Environmental Control shall collaborate with the Department of Health and Human Services to determine the number of Residential Treatment Facility (RTF) beds needed to ensure availability of in-state services for South Carolina residents. In accordance with this determination, DHEC shall use RTF license application and renewal fees to issue and renew licenses only in a manner that specifies the percentage of beds each RTF must staff and reserve for South Carolina residents.

117.165. (GP: Lead Apprenticeship Agency) In the current fiscal year, the State Board for Technical and Comprehensive Education (SBTCE) shall be recognized as the lead agency for facilitating United States Department of Labor Registered Apprenticeships (USDOL) in

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South Carolina. All state agencies, public K-12 school districts, and other entities receiving state funds shall coordinate all USDOL Registered Apprenticeships and registered apprenticeship activities through SBTCE and its division Apprenticeship Carolina. SCTCS shall lead the creation and implementation of policies and coordinating efforts to foster the growth of Registered Apprenticeships in South Carolina. For the purposes of this provision, "Registered Apprenticeship" is defined as an industry-driven, high-quality career pathway where employers can develop and prepare their future workforce, and individuals can obtain paid work experience, receive progressive wage increases, classroom instruction, and a portable, nationally-recognized credential. Registered Apprenticeships are industry-vetted and approved and validated by the U.S. Department of Labor. With respect to occupational licensure for registered apprenticeships, the Department of Labor, Licensing and Regulation shall administer and enforce the regulations and direct all inspections and investigations related to issuing licenses for occupations regulated by the Department of Labor, Licensing and Regulation.

117.166. DELETED

117.167. DELETED

117.168. (GP: Millage Calculation) For Fiscal Year 2023-2024, a municipality is allowed an additional and permanent adjustment to its general operating millage rate increase limitation for population growth, calculated pursuant to Section 6-1-320, for any increase that would have been allowed in Fiscal Year 2021-2022 but was not known because of the delayed release of the 2020 Census. This adjustment must be calculated using the July 1, 2020 census population estimates, as originally published based on the 2020 Census, instead of the July 1, 2019 population estimates based on the 2010 Census.

117.169. (GP: Coverage for Contraceptives) For the plan year beginning in January of the current fiscal year, the Public Employee Benefit Authority and the State Health Plan shall cover prescribed contraceptives for dependents under the same terms and conditions that the Plan provides contraceptive coverage for employees and spouses. The State Health Plan shall not apply patient cost sharing provisions to covered contraceptives. This provision does not alter the current approved list of contraceptives and complies with the requirements of Proviso 108.4.

117.170. (GP: Employee Retention and Recruitment) For Fiscal Year 2023-24, funds will be appropriated to the Commission on Prosecution

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Coordination and to the Commission on Indigent Defense for “Assistant Solicitor Personnel and Retention” and “Assistant Public Defender Personnel and Retention.”

Prior to funds being disbursed to the judicial circuits, the Circuit Solicitor and Circuit Public Defender for each judicial circuit shall provide to the Commission on Prosecution Coordination Director and the Commission on Indigent Defense Director, respectively, a report of current warrants pending. The report shall provide the total number of warrants pending in Circuit Court on July 1st of the preceding and current fiscal year, and the total number of warrants disposed of in the previous fiscal year. In addition, the report shall provide the aging categories for pending warrants as follows: (1) those pending 365 days or less; (2) those pending 366 days to 544 days; and (3) the number of warrants pending more than 545 days. Each circuit shall also submit on a semiannual basis an updated report on the current number of warrants pending.

By July 15, 2023, the Commission on Prosecution Coordination and the Commission on Indigent Defense shall report to the Chief Administrative Judge of each respective circuit handling the General Sessions docket, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor’s Office the manner in which the funds will be distributed among the circuits, steps taken to retain current employees, the number of new FTEs that will be hired, and information obtained from circuits on how these measures will go towards reducing both the number and aging warrants pending.

After the initial report is submitted, the Commission on Prosecution Coordination and the Commission on Indigent Defense shall provide semiannual progress updates.

117.171. (GP: Athletic Admissions Revenue) For the current fiscal year, revenue derived from the provisions of Section 12-21-2420 from admissions to an athletic event of an accredited college or university shall be remitted to the Department of Revenue pursuant to Section 12-21-2420. Thereafter, the Department of Revenue shall allocate the same amount to the college or university so long as the use of the revenue is limited exclusively to supporting the college or university’s student-athletes through the provision of student aid, scholarship, and/or related financial support.

117.172. (GP: Comptroller General Financial Accountability & Remediation Task Force) For Fiscal Year 2023-24, with the funds

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appropriated and/or authorized to the Office of the Comptroller General, the Office shall work, in consultation with the Department of Administration, to conduct a study to evaluate the compensation and staffing of the Office. The study shall review all necessary components of compensation and staffing and shall recommend the required minimum appropriations needed for the operation of the Office. The results of the study shall be provided to the Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, and the Governor by December 1, 2023. The amount recommended shall be the minimum appropriations requested, net of any funding authorized in this proviso, for the Office by January 1, 2024.

Of the funds appropriated for office rehabilitation, the Office of the Comptroller General shall work in conjunction with the Division of State Human Resources to present a plan for salary and staffing adjustments and other operating expenses to the Joint Bond Review Committee for review and comment. The Executive Budget Office shall not approve any transfers from office rehabilitation until the plan has been presented before the committee. Any additional FTEs necessary as part of this request shall be deemed approved upon transfer of funding.

117.173. DELETED

117.174. DELETED

117.175. (GP: Abandoned Textile Mills) For any project involving an abandoned textile mill of between 130,000 and 135,000 square feet and estimated rehabilitation expenses of between \$5,500,000 and \$6,500,000, a Notice of Intent to Rehabilitate filed pursuant to the South Carolina Textile Communities Revitalization Act on or before June 30, 2024, shall be effective as of the effective date designated by the taxpayer in the Notice to Intent to Rehabilitate for purposes of Section 12-65-30(C)(2), which effective date may be earlier than the date of the Notice of Intent to Rehabilitate, and any rehabilitation expenses incurred on or after the effective date designated by the taxpayer shall be eligible for credits under Section 12-65-30(A)(2), provided all other applicable statutory requirements are satisfied.

117.176. (GP: Program Transfer) In Fiscal Year 2023-24, the Department of Health and Environmental Control shall work with the Department of Education and the Department of Administration, Executive Budget Office, to transition the Abstinence-Until-Marriage Emerging Program and Abstinence-Until-Marriage Evidence-Based Program to the Department of Education effective no later than June 30, 2024. The Executive Budget Office is authorized to make necessary

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permanent transfers to facilitate the transfer of these programs. The Department of Health and Environmental Control shall report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, no later than December 1, 2023, on the progress of the transition and any necessary proviso and budgetary changes required by the General Assembly to complete the transfer of the programs.

117.177. DELETED

117.178. DELETED

117.179. DELETED

117.180. DELETED

117.181. DELETED

117.182. (GP: Land Acquisitions) Prior to entering into contracts to utilize funds appropriated or authorized by the General Assembly to acquire interests in land for natural resource protection and rural land preservation, including conservation easements, the Department of Natural Resources, Department of Parks, Recreation, and Tourism, Office of Resilience, and Forestry Commission (Resource Agencies) shall coordinate and collaborate with the SC Conservation Bank to maximize the most cost effective options available for the acquisition with the greatest public benefit. The Conservation Bank shall coordinate with the Resource Agency to ensure that the funds are used for projects that support the agency's objectives, the State's broader conservation objectives, and that demonstrate a satisfactory degree of financial leverage, partnerships, and other indicators of quality as determined by the Bank and Resource Agency.

117.183. (GP: Life Scholarship Retention) For the current fiscal year, of the funds allocated to the Commission on Higher Education for Life Scholarships, no monies shall be withheld from a student otherwise eligible for their second year of Life Scholarship funding based solely upon a grade earned in a dual enrollment class.

117.184. (GP: Definition of Physician's Office) For the purposes of meeting the requirements of Section 12-36-2120(80) for insertable medicine used in the prevention, treatment, or cure of ophthalmologic diseases or conditions, the definition of a physician's office includes an independent surgery center and a hospital-based outpatient department.

117.185. (GP: JROTC Program) By February 1, 2024, the Department of Education, in collaboration with the Department of Veterans' Affairs, the Adjutant General, and the Education Oversight Committee, shall submit a report to the General Assembly, the Governor,

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and the State Board of Education on the status of JROTC program offerings in South Carolina public schools. The report shall include recommendations for expanding JROTC program offerings to more South Carolina students.

117.186. (GP: Festival Craftsmen) In the current fiscal year, a person including, but not limited to, artists, craftsmen, or hobbyists, who makes sales not more than four times in the fiscal year at a fair, festival, carnival, or event that operates for a period of less than twelve consecutive days is not engaged in business or making sales at retail. However, this proviso does not apply to persons who are engaged in the business of making sales at retail for which they are required to obtain a license.

117.187. (GP: Prostate Cancer Study Committee) (A) For the current fiscal year, there shall be established the South Carolina Prostate Cancer Study Committee. The study committee shall address, but is not limited to addressing, the following initiatives:

- (1) the best methods to ensure timely screening, accurate diagnosis, and treatment of prostate cancer;
- (2) the need for and viability of a continuum of care for those diagnosed with and in remission from prostate cancer;
- (3) reviewing and evaluating best practices for education and awareness about prostate cancer;
- (4) identifying areas in South Carolina with a high incidence of prostate cancer or poor outcomes;
- (5) researching the latest and proven methods for screening, diagnosing, and treating prostate cancer; and
- (6) reviewing current efforts to promote prostate cancer awareness and screening in South Carolina and how best to improve those efforts.

(B) In addition to two Senators appointed by the President of the South Carolina Senate and two members of the House of Representatives as appointed by the Speaker of the South Carolina House of Representatives, the committee shall consist of:

- (1) one Urology or Oncology Specialist from the MUSC School of Medicine;
- (2) one Urology or Oncology Specialist from the University of South Carolina School of Medicine;
- (3) three Urology or Oncology Specialists who are not affiliated with the MUSC School of Medicine or the University of South Carolina School of Medicine appointed jointly by the President of the Senate and

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the Speaker of the House of Representatives upon recommendation of the South Carolina Hospital Association;

(4) three Urology or Oncology Specialists who are not affiliated with the MUSC School of Medicine or the University of South Carolina School of Medicine appointed jointly by the President of the Senate and the Speaker of the House of Representatives upon recommendation of the South Carolina Medical Association;

(5) the Director of the Hollings Cancer Center or his designee;

(6) the Director of the South Carolina Office of Rural Health or his designee;

(7) the Director of the South Carolina Center for Rural and Primary Healthcare or his designee;

(8) the Director of Clemson Rural Health or his designee;

(9) the Dean of the Arnold School of Public Health or his designee;

(10) one representative from the American Cancer Society;

(11) one patient advocate, to be appointed by the Chairman of the Senate Finance Committee; and

(12) one patient advocate, to be appointed by the Chairman of the House Ways and Means Committee.

No member of the study committee shall be entitled to any compensation or reimbursement.

(C) From the membership of the committee, a Chairman shall be appointed jointly by the President of the Senate and the Speaker of the House of Representatives.

(D) Any administrative services or support for the study committee shall be provided by staff of the General Assembly.

(E) No later than January 15, 2024, the study committee shall provide the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee with a report on its findings and recommendations on the initiatives contained in this provision.

117.188. DELETED

117.189. DELETED

117.190. DELETED

117.191. DELETED

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118.1. (SR: Year End Cutoff) Unless specifically authorized herein, the appropriations provided in Part IA of this act as ordinary expenses of the State Government shall lapse on July 31, 2024. State agencies are required to submit all current fiscal year input documents and all electronic workflow for accounts payable transactions to the Office of Comptroller General by July 12, 2024. Appropriations for Permanent Improvements, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the State Fiscal Accountability Authority and Joint Bond Review Committee, toward the accomplishment of the purposes for which the appropriations were provided. Appropriations for other specific purposes aside from ordinary operating expenses, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the State Fiscal Accountability Authority, toward the accomplishment of the purposes for which the appropriations were provided.

118.2. (SR: Titling of Real Property) It is the intent of the General Assembly to establish a comprehensive central property and office facility management process to plan for the needs of state government agencies and to achieve maximum efficiency and economy in the use of state owned or state leased real properties. The Department of Administration is directed to identify all state owned properties whether titled in the name of the state or an agency or department, and all agencies and departments of state government are upon request to provide the department all documents related to the title and acquisition of the real properties that are occupied or used by the agency or titled in the name of the agency. Except for any properties where the department determines title should not be in the name of the State because the properties are subject to reverter clauses or other restraints on the property, or where the department determines the state would be best served by not receiving title, and with the exception of properties, highways and roadways owned by the Department of Transportation, title of any property held by or acquired by a state agency or department shall be titled in the name of the state under the control of the Department of Administration. Titling in the name of the state shall not affect the operation or use of real property by an agency.

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This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority; the Ports Authority; the South Carolina Division of Public Railways; the MUSC Hospital Authority; the Myrtle Beach Air Force Redevelopment Authority; the Department of Transportation; the Midlands Technical College Enterprise Campus Authority, the Trident Technical College Enterprise Campus Authority; the Area Commission of Tri-County Technical College; and the Charleston Naval Complex Redevelopment Authority.

With respect to any past or future acquisition of real property, the application of this provision and prior comparable titling provisions to the South Carolina Department of Natural Resources and real property under its ownership or control is subject to the exemption adopted by the South Carolina Budget and Control Board on March 21, 2006.

This provision is comprehensive and supersedes any conflicting provisions concerning title and acquisition and disposition of state owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

The Department of Administration is directed to provide to the Department of Education, funds equal to the amount realized from the sale of the Greenville Halton Road Bus Shop property for school bus maintenance shop relocations, construction, and shop equipment.

118.3. (SR: Contingency Reserve Fund) (A) There is created in the State Treasury a fund separate and distinct from the general fund of the State, the Capital Reserve Fund, and all other funds entitled the Contingency Reserve Fund. All general fund revenues accumulated in a fiscal year in excess of general appropriations and supplemental appropriations must be credited to this fund. Revenues credited to this fund in a fiscal year may be appropriated by the General Assembly. Upon determination by the Comptroller General as to the amount to be deposited in the Contingency Reserve Fund, the Comptroller General shall notify the Board of Economic Advisors and the board shall recognize that amount as surplus funds. Revenues in this fund may be appropriated only for the purposes provided in subsection (B).

(B)(1) If the balance in the general reserve fund established pursuant to Section 36, Article III of the Constitution of this State and Section 11-11-310 of the 1976 Code is less than the required balance, there must be appropriated to it all amounts in the Contingency Reserve Fund up to the total necessary to replenish the general reserve fund. This amount

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does not replace or supplant the minimum replenishment amount otherwise required to be made to the general reserve fund.

(2) After the appropriation of amounts required pursuant to item (1) of this subsection, any remaining balance may be appropriated by the General Assembly as it deems appropriate.

118.4. (SR: Increased Enforced Collections Carry Forward) Unexpended funds appropriated pursuant to Proviso 90.16 in Part IB of Act 291 of 2010 may be carried forward from the prior fiscal year into the current fiscal year and shall be expended for the same purposes.

118.5. (SR: Health Care Maintenance of Effort Funding) The revenue collected from the fifty cent cigarette surcharge and deposited into the South Carolina Medicaid Reserve Fund established by Act 170 of 2010 and any other funds deposited into the fund shall be deemed appropriated for use by the Department of Health and Human Services for the Medicaid program. Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

118.6. (SR: Prohibits Public Funded Lobbyists) All state agencies and institutions are prohibited from using general fund appropriations to compensate employees who engage in lobbying on behalf of the state agency or institution. The State Ethics Commission shall require state agencies and institutions that report lobbying activities to the commission to certify that the lobbying activities were not funded by general fund appropriations.

All state agencies and institutions are prohibited from entering into contracts using general fund appropriations to provide lobbying services to the agency or institution.

118.7. (SR: Admissions Tax) For the current fiscal year, up to one hundred fourteen thousand dollars in admissions tax revenue collected annually from all events held at a NASCAR sanctioned motor speedway or racetrack that hosts at least one race each year featuring the preeminent NASCAR cup series must be rebated to the motorsports entertainment complex facility in the current fiscal year to keep a NASCAR race at the motorsports entertainment complex facility. In addition, any sports facility that hosts at least one preeminent Women's Tennis Association-sanctioned tournament or any sports facility that operates as the home venue for a professional soccer team that participates in the United Soccer Leagues, second division or higher, must be rebated to the facility half of its admissions tax revenue for the

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fiscal year and used by that facility for marketing the events held at the facility.

118.8. (SR: Agency Deficit Notice) The Comptroller General or the Executive Budget Office shall: (1) provide written notice to each member of the General Assembly when it makes a report concerning an agency, department, or institution that is expending authorized appropriations at a rate which predicts or projects a general fund deficit for the agency, department, or institution; and (2) make monthly progress reports concerning an agency's, department's, or institution's plan to reduce or eliminate the deficit.

118.9. (SR: Tax Relief Reserve Fund) There is created the Tax Relief Reserve Fund, which shall be separate and distinct from the General Fund. Interest accrued by the fund must remain in the fund. Notwithstanding any other provision of law, on December 31, 2023, the State Treasurer shall transfer funds identified in this act from the General Fund to the Tax Relief Reserve Fund. These funds may only be used to provide tax relief to businesses and individuals as provided by law. Funds within the Tax Relief Reserve Fund shall be retained and carried forward to be used for the same purpose.

118.10. (SR: Tax Deduction for Consumer Protection Services) (A) In addition to the deductions allowed in Section 12-6-1140 of the 1976 Code, there is allowed a deduction in computing South Carolina taxable income of an individual the actual costs, but not exceeding three hundred dollars for an individual taxpayer, and not exceeding one thousand dollars for a joint return or a return claiming dependents, incurred by a taxpayer in the taxable year to purchase a monthly or annual contract or subscription for identity theft protection and identity theft resolution services. The deduction allowed by this item may not be claimed by an individual if the individual deducted the same actual costs as a business expense or if the taxpayer is enrolled in the identity theft protection and identity theft resolution services offered free of charge by the State of South Carolina. For purposes of this item, "identity theft protection" means products and services designed to prevent an incident of identify fraud or identity theft in order to protect the privacy of a person's personal identifying information, as defined in Section 16-13-510(D), by precluding a third party from gaining unauthorized acquisition of another's personal identifying information to obtain financial resources or other products, benefits or services; and identity theft resolution services means products and services designed to assist persons whose personal identifying information, as defined by Section 16-13-510(D),

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was obtained by a third party, whereby minimizing the effects of the identity fraud or identity theft incident and restoring the person's identity to pre-theft status.

(B) The deduction provided in (A) is only allowed for taxpayers that filed a return with the Department of Revenue for any taxable year after 1997 and before 2013, whether by paper or electronic transmission, or any person whose personally identifiable information was contained on the return of another eligible person, including minor dependents.

(C) By March fifteenth of each year, the department shall issue a report to the Governor and the General Assembly detailing the number of taxpayers claiming the deduction allowed by this item in the most recent tax year for which there is an accurate figure, and the total monetary value of the deductions claimed pursuant to this item in that same year.

(D) The department shall prescribe the necessary forms to claim the deduction allowed by this section. The department may require the taxpayer to provide proof of the actual costs and the taxpayer's eligibility.

118.11. (SR: Tobacco Settlement) (A) To the extent funds are available from payments received on behalf of the State by the Tobacco Settlement Revenue Management Authority from the Tobacco Master Settlement Agreement ("MSA") in the current fiscal year, the State Treasurer is authorized and directed, after transferring funds sufficient to cover the operating expenses of the Authority, to transfer the remaining funds as follows:

(1) \$1,253,000 to the Attorney General's Office for Diligent Enforcement and Arbitration Litigation; \$450,000 to the State Law Enforcement Division for Diligent Enforcement; and \$325,000 to the Department of Revenue for Diligent Enforcement, all to enforce Chapter 47 of Title 11, the Tobacco Escrow Fund Act;

(2) The Attorney General's Office shall maintain a balance of \$1,253,000 in a fund for future tobacco arbitration. Attorney General funds in excess of \$1,253,000 may be utilized for information technology expenses and building infrastructure upgrades. These funds may be carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose; and

(3) The remaining balance shall be transferred to a restricted account authorized solely for use by the Department of Health and Human Services for the Medicaid program. Earnings on this fund must

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be credited to the fund and balances may be carried forward from the prior fiscal year for the same purpose.

(B) The requirements of Section 11-11-170 of the 1976 Code shall be suspended for the current fiscal year.

118.12. (SR: One Dollar Appropriations) Funds appropriated in the amount of one dollar by this act shall not be disbursed. The Comptroller General shall adjust the affected agency's chart of accounts accordingly, if necessary.

118.13. (SR: Non-recurring Litigation Recovery Revenue) During the current fiscal year, if there is a recovery or an award in any litigation managed by the State through a party other than the Attorney General, or if a state tax audit results in a collection, any funds received in excess of twenty-five million dollars that are not likely to continue as recurring revenue and would have otherwise been credited to the General Fund shall be credited to the Litigation Recovery Account. The amount credited to this Litigation Recovery Account pursuant to this provision is deemed non-recurring revenue and must be expended only in the manner prescribed by law.

118.14. (SR: Farm Aid) There is created the "South Carolina Farm Aid Fund". This fund is separate and distinct from the general fund of the State and all other funds. Earnings on this fund must be credited to it. Revenues credited to this fund in a fiscal year must be used in that fiscal year to operate a grant program that provides financial assistance to farmers.

To be eligible for a grant, the person must have:

(1) experienced a verifiable loss of agricultural commodities of at least thirty percent as a result of the flooding occurring in the aftermath of Hurricanes Michael and Florence for which:

(a) the Governor declared a state of emergency in the State for the county in which the farm is located; and

(b) the United States Secretary of Agriculture issued a Secretarial Disaster Declaration for the county in which the farm is located;

(2) a farm number issued by the Farm Service Agency;

(3) signed an affidavit, under penalty of perjury, certifying that each fact of the loss presented by the person is accurate; and

(4) a signed affidavit, under penalty of perjury, certifying that no federal funds have been received for these specific disasters, and in the event that federal funds are received, the person will return all state monies received under this program.

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The Department of Agriculture shall administer the grant program authorized by this proviso. The Department of Revenue shall assist the Department of Agriculture in the administration of the grant program by providing auditing services, accounting services, and review and oversight of all financial aspects of the grant program. There is created the Farm Aid Advisory Board to make recommendations to the department regarding the duties of the department in administering the grant program. The Commissioner of Agriculture, or his designee, shall serve ex officio, as chairman of the board. Also, the Director of the Department of Revenue, or his designee, the Vice President for Public Service and Agriculture of Clemson Public Service Activities, or his designee, and the Vice President for Land Grant Services of South Carolina State Public Service Activities, or his designee, shall serve on the board. The following additional members shall be appointed to the board:

- (1) the Commissioner of Agriculture shall appoint one member representing the South Carolina Farm Bureau;
- (2) the Commissioner of Agriculture shall appoint one member representing a farm credit association;
- (3) the Director of the Department of Revenue shall appoint one member representing the crop insurance industry; and
- (4) the Director of the Department of Revenue shall appoint one member who is an agricultural commodities producer.

By July twentieth of the current fiscal year, the board shall hold its initial meeting to recommend an application process by which a person with a loss resulting from the flooding occurring in the aftermath of Hurricanes Michael and Florence may apply for a grant. Upon adoption of an application process, the Department of Agriculture shall provide the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee with a written copy of its application process within ten days after its adoption. A person shall apply not later than forty-five days after the adoption of the application process. The department must ensure every person interested in applying for a grant has access to adequate resources to submit his application in a timely manner, and upon request, the department must assist a person with the preparation of his application.

Each grant awarded by the department may not exceed twenty percent of the person's verifiable loss of agricultural commodities. However, a person, including any grant made to a related person, may not receive grants aggregating more than one hundred thousand dollars. Also, a

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person, including any grant made to a related person, may not receive grants that when combined with losses covered by insurance, exceed one hundred percent of the actual loss. If a grant is made to a related person, the amount to be included in the limits set by this proviso must be the amount of the grant multiplied by the person's ownership interest in the related person. However, a person who shares an ownership interest with another person or entity may not be refused a grant solely because the other person or related person has otherwise received the maximum grant amount, but in this case, the person's grant amount is limited by the person's ownership interest.

If the total amount of grants allowed pursuant to this proviso exceeds the monies in the fund, then each person's grant must be reduced proportionately.

To determine loss, the department:

(1) must measure the person's cumulative total loss of all affected agricultural commodities for the year in which the flooding occurred against the person's expected production of all agricultural commodities affected by the flooding occurring in the aftermath of Hurricanes Michael and Florence;

(2) shall use the person's applicable actual production history yield, as determined by the Federal Crop Insurance Corporation, to determine loss for insured agricultural commodities. In determining loss for uninsured agricultural commodities, the department shall use the most recent year's county price and county yield, as applicable, as determined by the National Agriculture Statistics Service, United States Department of Agriculture; and

(3) may require any documentation or proof it considers necessary to efficiently administer the grant program, including the ownership structure of each entity and the social security numbers of each owner. Minimally, in order to verify loss, the department shall require the submission of dated, signed, and continuous records. These records may include, but are not limited to, commercial receipts, settlement sheets, warehouse ledger sheets, pick records, load summaries, contemporaneous measurements, truck scale tickets, contemporaneous diaries, appraisals, ledgers of income, income statements of deposit slips, cash register tape, invoices for custom harvesting, u-pick records, and insurance documents.

Grant awards must be used for agricultural production expenses and losses due to the flooding which demonstrate an intent to continue the agricultural operation; however, awards may not be used to purchase

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new equipment. The department shall develop guidelines and procedures to ensure that funds are expended in the manner outlined in grant applications, and may require any documentation it determines necessary to verify the appropriate use of grant awards including receipts.

If the department determines that a person who received a grant provided inaccurate information, then the person shall refund the entire amount of the grant. If the department determines that a person who received a grant used the funds for ineligible expenses, then the person must refund the amount of the ineligible expenses. If the person does not refund the appropriate amount, the Department of Revenue shall utilize the provisions of the Setoff Debt Collection Act to collect the money from the person.

The department shall coordinate the exchange of information between the USDA and the Department of Revenue to identify any person that received a Farm Aid grant for the flooding occurring in the aftermath of Hurricanes Michael and Florence and also received federal aid relief for the same disaster. Any person that is determined to have received grant funds from both the state and federal government, must immediately repay the state grant they received.

If the department determines that a person knowingly provided false information to obtain a grant pursuant to this proviso or knowingly used funds for ineligible expenses, the person shall be subject to prosecution pursuant to Section 16-13-240.

Within forty-five days of the completion of the awarding of grants, but no later than the end of the fiscal year, the Farm Aid Advisory Board is dissolved. Any funds remaining in the fund upon dissolution shall lapse to the general fund.

The department may accept private funds, grants, and property to be used to make financial awards from the grant program.

The Department of Agriculture must administer the grant program authorized by this proviso using existing resources and funds.

If federal funds are allocated for persons that are otherwise eligible for a grant pursuant to this proviso before the current fiscal year begins, then the provisions of this proviso are not effective and no funds may be credited to the South Carolina Farm Aid Fund.

For purposes of this proviso:

(1) "Agricultural commodities" means wheat, cotton, flax, corn, dry beans, oats, barley, rye, tobacco, rice, peanuts, soybeans, sugar beets, sugar cane, tomatoes, grain sorghum, sunflowers, raisins, oranges, sweet

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corn, dry peas, freezing and canning peas, forage, apples, grapes, potatoes, industrial hemp, timber and forests, nursery crops, citrus, and other fruits and vegetables, nuts, tame hay, native grass, aquacultural species including, but not limited to, any species of finfish, mollusk, crustacean, or other aquatic invertebrate, amphibian, reptile, or aquatic plant propagated or reared in a controlled or selected environment, excluding stored grain.

(2) "Person" means any individual, trust, estate, partnership, receiver, association, company, limited liability company, corporation, or other entity or group.

(3) "Related person" means any person, joint venture, or entity that has a direct or indirect ownership interest of a person or legal entity; and

(4) "Department" means the Department of Agriculture.

118.15. (SR: Expenditure of Federal Funds) Any funds received from the Federal Government that are not allocated directly to a state agency must be expended through the legislative budgeting process.

118.16. (SR: State Ports Authority Projects) Any funds appropriated or authorized for the State Ports Authority by Proviso 118.17 (Nonrecurring Revenue) for the intermodal container transfer facility and waterborne cargo infrastructure must be deposited into a separate and distinct account and shall only be used for costs directly related to those two projects. Funds shall not be used for salaries, bonuses, or any kind of normal administrative costs. Funds shall not be used for personnel expenses not directly related to the implementation of the two projects. In addition, the State Ports Authority shall provide quarterly progress reports on the implementation of each facility to the Joint Bond Review Committee, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. These quarterly reports shall include, but are not limited to, financial results, operating plans, budgets, capital plans, and performance objectives and results for the projects. The Joint Bond Review Committee must review and provide comment on expenditures, and may prescribe the reporting format and such other informational requirements and reports as it deems useful and necessary, to ensure the financial integrity, accountability, and stewardship of the funds and the ongoing operations of the project. To the extent permitted by federal law, if federal funds become available to the State that can be used for the Intermodal Container Transfer Facility or for Waterborne Cargo Infrastructure, those federal funds must first be used to complete the

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project. Any remaining state funds appropriated for these projects shall be transferred to a restricted account at the Department of Administration.

118.17. DELETED

118.18. DELETED

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

(1) \$1,837,290,224 from Fiscal Year 2022-23 Projected Surplus;

(2) \$81,946,453 from Litigation Recovery Account;

(3) \$44,994,688 from COVID-19 Response Reserve Fund Remaining Balance (Act 135 of 2020);

(4) \$24,300,000 from Act 228 of 2022;

(5) \$4,283,276 from Act 239 of 2022 Proviso 118.19 Item 3(a);

(6) \$3,200,000 from Security Fee Revenue in Fund 30370001 shall be transferred to the General Fund by August 31 of the current fiscal year; and

(7) any residual certified unappropriated general fund dollars.

Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers shall occur no later than thirty days after the close of the books on Fiscal Year 2022-23 and shall be available for use in Fiscal Year 2023-24.

This revenue is deemed to have occurred and is available for use in Fiscal Year 2023-24 after September 1, 2023, following the Comptroller General's close of the state's books on Fiscal Year 2022-23.

(B) The appropriations in this provision are listed in priority order. Item (1) must be funded first and each remaining item must be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially funded in the order in which it appears to the extent that revenues are available.

The State Treasurer shall disburse the following appropriations by September 30, 2023, for the purposes stated:

(1) F310-General Reserve Fund

(a) General Reserve Fund Contribution \$139,956,882;

(b) Additional Reserves \$ 1;

(2) H630-State Department of Education

(a) Agency Technology Equipment
and Software \$ 3,150,000;

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(b) SC School for the Deaf and Blind - School Bus Purchase	\$ 250,000;
(c) SCDE Agency Systems and Performance Reviews	\$ 1,000,000;
(3) H710-Wil Lou Gray Opportunity School Renovations and Maintenance	\$ 850,000;
(4) L120-Governor's School for Agriculture at John de la Howe	
(a) Agriculture Shop	\$ 1,300,000;
(b) De La Howe Hall Renovation	\$ 2,100,000;
(5) H670-Educational Television Commission	
(a) Main Telecommunication Center Physical Infrastructure Upgrades	\$ 1,000,000;
(b) Transmission and Interconnection Facility Upgrades (Phase 1)	\$ 4,000,000;
(6) H640-Governor's School for Arts and Humanities	
(a) Dining Hall Expansion and Furniture Replacement (Phase 2)	\$ 512,950;
(b) Generator Upgrade	\$ 190,000;
(c) Gym Upgrade / Renovation	\$ 400,000;
(d) Residence Hall Renovations	\$ 5,000,000;
(7) H650-Governor's School for Science and Math Metal Roof Replacement	\$ 940,000;
(8) H030-Commission on Higher Education	
(a) Battelle Alliance at Savannah River National Lab	\$ 40,000,000;
(b) Data Migration	\$ 915,000;
(9) H090-The Citadel	
(a) Duckett Hall Renovation	\$ 1;
(b) Engineering Building	\$ 17,500,006;
(10) H120-Clemson University	
(a) College of Veterinary Medicine	\$ 75,000,000;
(b) Maintenance, Renovation, and Replacement	\$ 5,630,573;
(11) H150-University of Charleston	
Maintenance, Renovation, Replacement, and Expansion	\$ 7,500,000;

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(12) H240-South Carolina State University Turner Hall Replacement	\$ 44,702,850;
(13) H270-University of South Carolina - Columbia	
(a) College of Nursing - Midwifery Program	\$ 635,000;
(b) Law Library Digitization	\$ 2,000,000;
(c) Rural Brain Health Network and Brain Health Institute	\$ 1;
(d) Science and Technology Center	\$ 14,000,000;
(14) H290-University of South Carolina - Aiken	
(a) Engineering and Computer Science Equipment	\$ 475,000;
(b) Media Production Lab	\$ 125,000;
(15) H340-University of South Carolina - Upstate Health Education Complex Mechanical Repairs	\$ 3,512,657;
(16) H390-University of South Carolina - Sumter	
(a) Facilities Upgrades	\$ 1,350,000;
(b) Maintenance, Renovation, and Replacement	\$ 5,000,000;
(17) H400-University of South Carolina - Union Maintenance, Renovation, and Replacement	\$ 1,000,000;
(18) H470-Winthrop University Winthrop Lake Dam Repair	\$ 1,000,000;
(19) H510-Medical University of South Carolina - MUSC Hospital Authority - SC Children's Hospital Collaborative Infrastructure	\$ 1,000,000;
(20) H590-State Board for Technical and Comprehensive Education	
(a) Maintenance, Renovation, and Replacement:	
(i) Aiken Technical College	\$ 301,162;

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(ii) Central Carolina Technical College	\$ 1;
(iii) Denmark Technical College	\$ 650,000;
(iv) Florence-Darlington Technical College	\$ 1;
(v) Greenville Technical College	\$ 1;
(vi) Horry-Georgetown Technical College	\$ 1;
(vii) Northeastern Technical College	\$ 1;
(viii) Piedmont Technical College	\$ 3,500,000;
(ix) Spartanburg Community College	\$ 1;
(x) Technical College of the Lowcountry	\$ 1;
(xi) Tri-County Technical College	\$ 6,000,000;
(xii) Trident Technical College	\$ 1;
(xiii) York Technical College	\$ 2,000,000;
(b) Central Carolina Technical College - Kershaw County	\$ 10,000,000;
(c) Central Carolina Technical College - Lee County	\$ 5,000,000;
(d) Central Carolina Technical College - Sumter County	\$ 9,305,569;
(e) Florence-Darlington Technical College - Construction and Industrial Trades Training Facility	\$ 10,000,000;
(f) Greenville Technical College - Center for Workforce Development	\$ 15,000,000;
(g) Horry-Georgetown Technical College - Marine Technology Center	\$ 4,000,000;
(h) Midlands Technical College - QuickJobs and Dual Credit	\$ 4,500,000;
(i) Northeastern Technical College - Cheraw Campus	\$ 4,000,000;
(j) Northeastern Technical College - McBee Campus	\$ 3,000,000;

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| (k) Piedmont Technical College -
Saluda Advanced
Manufacturing Center and
New Campus | \$ 14,382,500; |
| (l) Spartanburg Community College -
Cherokee County
Campus - Spark Center | \$ 12,000,000; |
| (m) Spartanburg Community College -
Spark Centers | \$ 25,000,000; |
| (n) Technical College of the
Lowcountry Workforce
Development | \$ 10,000,000; |
| (o) Williamsburg Technical College -
Renovation of
Building for Nursing Program | \$ 11,000,000; |
| (21) H790-Department of Archives
and History
SC American Revolution
Sestercentennial Commission | \$ 5,000,000; |
| (22) H870-State Library
Digitization of the SC Collection | \$ 150,000; |
| (23) H910-Arts Commission | |
| (a) Arts Education Programs | \$ 1,500,000; |
| (b) Cultural Arts and Theater
Center Grants | \$ 450,000; |
| (c) Office Maintenance and Repairs | \$ 250,000; |
| (24) H950-State Museum Commission | |
| (a) Air Purification System Upgrade for
Workshop | \$ 200,000; |
| (b) IT Information Security Critical
Remediation Services | \$ 250,000; |
| (c) Security System Access Control
Upgrades | \$ 550,000; |
| (25) H730-Vocational Rehabilitation
Marlboro VR Center Paving | \$ 179,600; |
| (26) J020-Department of Health and
Human Services | |
| (a) Alzheimer's Disease Research
Center Designation | \$ 10,000,000; |

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- (b) James R. Clark Sickle Cell Foundation \$ 200,000;
- (c) Psychiatric Residency Program \$ 3,000,000;

(26.1) From the funds appropriated in item 26(a), the department is authorized to contract with Clemson University, the Medical University of South Carolina, and the University of South Carolina, and distribute funds to these entities for the purpose of a multi-institutional Alzheimer's Disease Research Center (ADRC) designation application through National Institutes on Aging. Each entity may use the funds to strengthen their dementia-related research efforts and increase the number of staff members contributing time to the ADRC designation application. To be eligible for these funds, a Memorandum of Understanding between the receiving entities stating they will collaborate shall exist. A collective quarterly report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on the use of funds and application progress is required.

- (27) J040-Department of Health and Environmental Control
 - (a) Dam Safety Emergency Fund \$36,000,000;
 - (b) Uncontrolled Hazardous Waste Sites Contingency Fund \$ 2,500,000;
- (28) J120-Department of Mental Health
 - (a) Alternative Transportation Program \$ 4,000,000;
 - (b) Contracted Community Beds \$ 900,000;
 - (c) State-Operated Intensive Group Home \$ 900,000;
- (29) J160-Department of Disabilities and Special Needs
 - (a) Annualization for FMAP State Increase \$ 4,000,000;
 - (b) Greenwood Genetic Center \$ 2,000,000;
 - (c) Greenwood Genetic Center - Carroll Campbell Project \$ 2,000,000;
- (30) J200-Department of Alcohol and Other Drug Abuse Services
 - SC Center for Excellence in Addiction \$ 2,000,000;
- (31) L040-Department of Social Services
 - (a) Healthy Bucks \$ 5,000,000;

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(b) Infrastructure Integrity and Information Security	\$ 14,222,574;
(32) L080-Department of Children's Advocacy Agency Workstations	\$ 315,900;
(33) P120-Forestry Commission	
(a) Contract Single Engine Air Tanker	\$ 1,245,000;
(b) Emergency Operations and Equipment	\$ 2,255,000;
(c) Equipment Replacement	\$ 1,600,000;
(34) P160-Department of Agriculture	
(a) Consumer Services Equipment Replacement	\$ 1,122,000;
(b) Greenville / Orangeburg State Farmers Market Buildings Renovations	\$ 1,878,000;
(c) Growing Agribusiness Fund	\$ 40,000,000;
(d) Statewide Farmers Markets Upgrades and Safety Improvements	\$ 3,000,000;
(35) P200-Clemson University Public Service Activities	
(a) Animal Farms Infrastructure	\$ 15,466,000;
(b) Critical PSA Research Infrastructure and Dam Maintenance	\$ 2,120,000;
(c) Poultry Science Research Facility	\$ 4,565,000;
(d) Statewide Program Support	\$ 1,000,000;
(36) P210-SC State University Public Service Activities	
(a) Agribusiness Development and Expansion Support	\$ 2,500,000;
(b) Business Development Training	\$ 300,000;
(c) Camp Daniels Training and Activity Center	\$ 2,500,000;
(d) Future Farm Planning	\$ 150,000;
(e) Health Quad Initiative	\$ 200,000;
(f) New and Beginner Farmer Assistance	\$ 150,000;
(g) SC Limnology Center	\$ 2,000,000;

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- (37) P240-Department of Natural Resources
- (a) Fish Hatcheries Deferred
Maintenance and Repairs \$ 10,830,850;
 - (b) Habitat Protection and
Land Conservation Acquisitions \$ 20,000,000;
 - (c) Marine Resources Coastal
Infrastructure Maintenance \$ 10,000,000;
 - (d) New Headquarters Building
Equipment \$ 2,200,000;
 - (e) New Officer Vehicles and
Equipment \$ 3,296,000;
 - (f) Public Recreational Property
Maintenance and
Operations \$ 1,500,000;
 - (g) State Water Planning: River
Basin Planning \$ 3,000,000;
 - (h) Waterfowl Impoundments
Infrastructure Maintenance \$ 2,000,000;
- (38) P280-Department of Parks, Recreation
and Tourism
- (a) Additional Park Property
Acquisitions \$ 2,500,000;
 - (b) Cheraw and Hickory Knob Golf
Course Improvements \$ 3,000,000;
 - (c) Destination Specific Grants \$ 13,500,000;
 - (d) Film Incentives \$ 7,500,000;
 - (e) Palmetto Trail \$ 750,000;
 - (f) SCATR - Regional Promotions \$ 2,000,000;
 - (g) Sports Marketing Program \$ 3,650,000;
 - (h) State Park Development,
Upgrades, and Maintenance \$ 11,750,000;
 - (i) State Park Fiber Installation \$ 1,000,000;
 - (j) State Parks Road Paving \$ 2,000,000;
 - (k) Undiscovered SC Grant Program \$ 250,000;
 - (l) Welcome Center Funding \$ 2,100,000;
- (39) P320-Department of Commerce
- (a) Deal Closing Fund \$ 3,700,000;
 - (b) LocateSC \$ 9,000,000;
 - (c) Office Modernization \$ 600,000;
 - (d) Palmetto Railways Repayment \$ 5,000,000;

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(e) Publicly Owned Aeronautics Infrastructure - New and Existing Business	\$ 55,000,000;
(f) Strategic Marketing	\$ 5,000,000;
(40) P400-Conservation Bank Conservation Grant Funding	\$ 25,000,000;
(41) P450-Rural Infrastructure Authority	
(a) I-85 Corridor Utility Upgrades	\$ 20,000,000;
(b) Rural Infrastructure Fund	\$ 7,500,000;
(c) Statewide Water and Sewer Fund	\$ 5,000,000;
(d) Water Quality Revolving Loan Fund Match	\$ 11,400,000;
(42) B040-Judicial Department Court Facilities	\$ 1;
(43) C050-Administrative Law Court	
(a) Facilities Renovations	\$ 92,905;
(b) IT Hardware	\$ 75,000;
(44) E200-Attorney General	
(a) Litigation Funds	\$ 551,000;
(b) Office Investment	\$ 2,000,000;
(45) E210-Prosecution Coordination Commission	
General Tort Liability Increase	\$ 1;
(46) D100-State Law Enforcement Division - SLED	
(a) Agency Personnel	\$ 450,600;
(b) Agency Vehicle Rotation	\$ 1;
(c) BAC Machine Replacements	\$ 1,915,520;
(d) Center for School Safety	\$ 2,607,900;
(47) K050-Department of Public Safety	
(a) Agency Vehicle Rotation	\$ 1;
(b) Code Blue Call Boxes and Cameras	\$ 263,230;
(c) Mental Health for Incarcerated Individuals Pilot Program	\$ 400,000;
(d) School Resource Officers and Equipment	\$ 13,160,000;
(e) Statewide Body-worn Camera Program	\$ 2,000,000;
(48) N200-Law Enforcement Training Council BAC Machine Replacements	\$ 360,260;

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(49) N040-Department of Corrections		
(a) Critical Capital Projects	\$	1;
(b) Insurance Reserve Fund		
Premium Increase	\$	1;
(c) Security and Maintenance Funds	\$	1;
(50) N080-Department of Probation, Parole and Pardon Services		
Information Technology	\$	2,000,000;
(51) N120-Department of Juvenile Justice		
(a) Broad River Road Complex Renovations	\$	17,000,000;
(b) Comprehensive Permanent Improvement Projects	\$	15,000,000;
(c) Facilities - Detention Center Construction	\$	16,000,000;
(d) Facilities Management Maintenance and Security Upgrades	\$	9,999,998;
(e) Master Plan and Facilities Assessment	\$	1,000,000;
(f) Project Management	\$	4,000,000;
(g) Safety and Security Upgrades	\$	1,500,000;
(52) R040-Public Service Commission		
SC Integration Study	\$	250,000;
(53) R060-Office of Regulatory Staff		
Public Safety Infrastructure Management	\$	1,500,000;
(54) R400-Department of Motor Vehicles		
IT System Modernization	\$	20,000,000;
(55) R600-Department of Employment and Workforce		
Statewide Workforce Development (H. 3726)	\$	3,005,800;
(56) U120-Department of Transportation		
Litter Off-Interstate	\$	6,000,000;
(57) U200-County Transportation Funds		
CTC Acceleration Fund	\$	20,000,000;
(58) U300-Division of Aeronautics		
(a) Aircraft Replacement	\$	10,000,000;
(b) Capital Investing for the Statewide Airport System	\$	20,000,000;
(c) Facility Maintenance	\$	300,000;

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(59) A010-The Senate		
Senate Chamber Maintenance	\$	500,000;
(60) A170-Legislative Services Agency		
Enterprise Software Implementation and Licensing	\$	8,500,000;
(61) D300-Office of Resilience		
Disaster Relief and Resilience Reserve Fund	\$	200,000,000;
(62) D500-Department of Administration		
(a) Health Agencies Restructuring Study	\$	5,000,000;
(b) SCEIS Enterprise System	\$	40,000,000;
(c) State-Owned Building Expenses	\$	1;
(63) E240-Adjutant General		
(a) Aiken Readiness Center	\$	2,102,000;
(b) Armory Revitalizations	\$	4,500,000;
(c) IT Initiatives	\$	200,000;
(d) State Guard Vehicles	\$	195,000;
(e) Summerville Readiness Center	\$	464,000;
(f) USC Aiken National Guard Dreamport Facility	\$	3,000,000;
(64) E260-Department of Veterans' Affairs		
(a) Cooper State Veterans Cemetery Enhancement	\$	500,000;
(b) Military Enhancement Plan Fund	\$	7,500,000;
(c) Perimeter Fencing for Cooper Veteran Cemetery	\$	114,000;
(d) Virtual Transition Assistance Program	\$	115,425;
(65) E280-Election Commission		
State Matching Funds for 2022 HAVA Grant	\$	216,977;
(66) R520-State Ethics Commission		
Attorney II and Equipment	\$	15,000;
(67) H630-State Department of Education		
(a) Altitude Academy	\$	10,000;
(b) Beaufort County Youth Conference	\$	50,000;
(c) Charleston Youth Leadership Council - The Beaux Affair	\$	20,000;
(d) Core4Success Foundation - After school programming	\$	270,000;

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(e) Dickerson Children's Advocacy Center - Supporting our Community and Schools	\$	250,000;
(f) Doors to Dream Mentorship Academy	\$	10,000;
(g) Greater Waverly Foundation - Village Initiative	\$	250,000;
(h) Historic Camden - Educational Center	\$	500,000;
(i) Hope School Community Repairs	\$	25,000;
(j) House of Champions Facility Improvements	\$	130,000;
(k) Lowcountry Christian Center - Pink House Neighborhood Resource Center	\$	38,000;
(l) Maroon Innovation Service - Adult and Juvenile Literacy	\$	100,000;
(m) North / South Football Game	\$	100,000;
(n) Palmetto Boys State	\$	25,000;
(o) Palmetto Girls State	\$	25,000;
(p) Palmetto Learning Academy	\$	65,000;
(q) Palmetto Project - SC Information and Referral Network	\$	250,000;
(r) St. James Learning Center Renovations and Construction	\$	167,000;
(s) The Extra Mile Club of the Lowcountry	\$	150,000;
(t) Trinity Educational Community Center - Project TECH	\$	300,000;
(u) Women In Unity	\$	325,000;
(v) York County School District 1 - York 4H (Phase 2)	\$	750,000;
(w) Youth Empowerment Services - Mentoring Programs and Annual Dream Girls Conference	\$	150,000;
(68) H030-Commission on Higher Education		
(a) American College of the Building Arts	\$	500,000;

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(b) <i>New Perspectives Media Local Television Partnership</i>	\$ 250,000;
(69) H270-University of South Carolina - Columbia USC Civil Rights History and Research Center	\$ 1,000,000;
(70) H790-Department of Archives and History	
(a) Abbeville County Historical Society - Barksdale – McGowan House	\$ 400,000;
(b) Berkeley County Courthouse Relocation	\$ 10,000,000;
(c) Cherokee Historical and Preservation Society	\$ 787,000;
(d) Chesterfield Co. Historic Preservation Comm. – Old St. David’s Church Historic Site	\$ 300,000;
(e) City of Bishopville - Depot Renovation	\$ 500,000;
(f) City of Hartsville - Greenlawn and Marion Avenue Cemeteries	\$ 526,396;
(g) City of Sumter - Lincoln Preservation Project	\$ 1,000,000;
(h) Colleton County - SC Artisans Center Building Uplift	\$ 75,000;
(i) Colleton County Historic and Preservation Society Pon Pon Chapel of Ease	\$ 1,250,000;
(j) Dorchester Heritage Center	\$ 1,500,000;
(k) Drayton Hall Preservation Trust - Public Archaeology Program	\$ 300,000;
(l) Historic Mitchelville Freedom Park Interpretation and Archaeology	\$ 922,000;
(m) Historic Thompson Lakeview Cemetery Preservation Site	\$ 100,000;
(n) Kingville Historical Foundation	\$ 50,000;
(o) Loris Historical Society - The State Theater Renovation	\$ 254,242;

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(p) McCormick County Historical Commission - 1898 Grist Mill	\$ 215,000;
(q) Preservation SC - Dawkins House	\$ 300,000;
(r) Preservation South Carolina	\$ 500,000;
(s) SC Historical Society	\$ 500,000;
(t) Seay House - Spartanburg	\$ 200,000;
(u) Town of Mayesville - Dr. Mary McLeod Bethune Project	\$ 25,000;
(v) Town of Nichols - Historic Library Restoration	\$ 50,000;
(w) Town of St. Stephen - Repair the History Building	\$ 100,000;
(x) WeGOJA Foundation - Rosenwald Schools Study	\$ 300,000;
(y) York County McCelvey Center Auditorium	\$ 2,546,183;
(71) H870-State Library	
(a) Orangeburg Co. Library - Bookmobile	\$ 305,220;
(b) Turbeville Library	\$ 50,000;
(72) H910-Arts Commission	
(a) Arts Center of Kershaw County	\$ 500,000;
(b) Dillon County Theater	\$ 60,000;
(c) Eagles Nest Art Center Renovation	\$ 100,000;
(d) Florence County - Pamplico Community Theater	\$ 65,000;
(e) McCormick County - McCormick Arts Council	\$ 208,000;
(f) Port Royal Sound Foundation - Port Royal Sound Maritime Museum	\$ 400,000;
(g) Public Works Art Center	\$ 250,000;
(73) H950-State Museum Commission	
(a) North Myrtle Beach Area Historical Museum	\$ 50,000;
(b) Town of Springfield Historic High School and Military Museum	\$ 150,000;

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(74) J020-Department of Health and Human Services		
(a)	ALPHA Behavioral Health Center	\$ 750,000;
(b)	Antioch Senior Center	\$ 300,000;
(c)	Association for the Blind and Visually Impaired SC	\$ 250,000;
(d)	Bluffton-Jasper County Volunteers in Medicine	\$ 300,000;
(e)	Brain Injury Association of SC - Brain Injury Outreach and Education Initiative	\$ 387,713;
(f)	Bridge Over Foundation - Project Bridge	\$ 25,000;
(g)	Building Better Communities - College Place Healthy Living Project	\$ 250,000;
(h)	Building Better Communities Ambassador Program	\$ 200,000;
(i)	Camp Happy Days	\$ 250,000;
(j)	Camp Kemo	\$ 100,000;
(k)	Closing the Gap in Healthcare	\$ 100,000;
(l)	Community Medicine Foundation - Sickle Cell Program	\$ 750,000;
(m)	Connie Maxwell Children's Ministry - Children's Healing Center	\$ 250,000;
(n)	CR Neal Dream Center	\$ 300,000;
(o)	Falcon Children's Home Turbeville	\$ 100,000;
(p)	First Impressions of SC Health Initiative	\$ 50,000;
(q)	Friends of Fisher House Columbia	\$ 300,000;
(r)	HopeHealth Community Health - The Men's Center	\$ 500,000;
(s)	Iron Wolf Recovery Fitness	\$ 250,000;
(t)	Kershaw Health District - Health and Recreation Plan	\$ 1,000,000;
(u)	Louvenic D. Barksdale Sickle Cell Foundation – Project Hope	\$ 100,000;
(v)	Marion County Long Term Recovery Group	\$ 250,000;

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(w) Medical Experience Academy	\$ 100,000;
(x) New Capernaum Life Services	\$ 300,000;
(y) New Morning Foundation	\$ 2,000,000;
(z) Outstanding Youth Awards	\$ 50,000;
(aa) Palmetto Center For Policy Alternatives - SC Cervical Cancer Prevention Initiative	\$ 175,000;
(bb) Pee Dee Healthy Start Program Support	\$ 300,000;
(cc) Phoenix Center Transition Housing	\$ 300,000;
(dd) Project Hope Foundation	\$ 3,783,269;
(ee) Reedy Fork Development Center Technology	\$ 200,000;
(ff) Ronald McDonald House - Charleston	\$ 9,000,000;
(gg) Safety Blitz Foundation Child ID Program	\$ 276,250;
(hh) Sight Savers America - Vision Screenings	\$ 250,000;
(ii) Smith Medical Clinic	\$ 250,000;
(jj) Sumter Behavioral Health Services	\$ 550,000;
(kk) The Holistic Wellness Center	\$ 100,000;
(ll) The Mitney Project	\$ 15,000;
(mm) Town of Eastover Healthy Community Program	\$ 50,000;
(nn) United Way of the Midlands - Young Men United	\$ 250,000;
(oo) Upstate Circle of Friends	\$ 80,500;
(pp) Urban League of the Upstate - McClaren Institute for Health and Quality of Life	\$ 500,000;
(qq) Vital Aging of Williamsburg County	\$ 60,000;
(rr) Wiley Kennedy Foundation	\$ 50,000;
(ss) Wiley Kennedy Foundation - Thriving Communities	\$ 150,000;
(75) J040-Department of Health and Environmental Control	
(a) Abandoned Barge Removal	\$ 250,000;
(b) Abbeville County EMS Equipment	\$ 400,997;
(c) Brookland Baptist - Fifth Quarter Café	\$ 200,000;

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(d) Charleston Animal Society	\$ 500,000;
(e) City of Charleston - Dupont Wappoo Drainage	\$ 2,000,000;
(f) City of Charleston - Windermere Drainage and Outfall	\$ 2,000,000;
(g) City of Isle of Palms Drainage Improvements	\$ 1,000,000;
(h) City of North Charleston - Environmental Cleanup	\$ 4,500,000;
(i) City of Sumter - Utility Improvements	\$ 5,500,000;
(j) Colleton County - Solid Waste Recycling Center	\$ 250,000;
(k) Darlington County Humane Society - Education and Adoption Center	\$ 2,264,000;
(l) Dorchester Paws Summerville	\$ 750,000;
(m) EMS Closet	\$ 50,000;
(n) Florence Crittenton Programs	\$ 500,000;
(o) Georgetown County - Georgetown Port Property Upgrades	\$ 1,000,000;
(p) Georgetown County - Murrells Inlet Dredging	\$ 10,000,000;
(q) Kind Keeper Animal Rescue - Diagnostic Equipment	\$ 50,000;
(r) Ocean Outfalls - North Myrtle Beach	\$ 1,000,000;
(s) Pregnancy Center and Clinic of the Low Country	\$ 50,000;
(t) Randolph Cemetery	\$ 100,000;
(u) Startex-Jackson-Welford-Duncan Water District	\$ 7,000,000;
(v) The Hive Community Circle	\$ 500,000;
(w) Town of Eastover Infrastructure Upgrades	\$ 300,000;
(x) Town of Pawleys Island - Sea Level Rise Adaptation Plan	\$ 250,000;
(y) Town of Sharon - Town Upgrades	\$ 500,000;

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(z) Tri-County Regional Biological Science Center – Forensic DNA Biological Lab	\$ 2,000,000;
(76) J120-Department of Mental Health	
(a) 988 Greenville Call Center	\$ 1,000,000;
(b) Anderson Mental Health Clinic Building	\$ 750,000;
(c) Berkeley Community Mental Health Center – Mental Health for Incarcerated Individuals Pilot Program	\$ 400,000;
(d) Circle Park Behavioral Health Services	\$ 800,000;
(e) Mental Illness Recovery Center	\$ 500,000;
(f) <i>Mental Wealth Alliance - Mental Health Gym</i>	\$ 275,000;
(g) Pathways Community Center	\$ 500,000;
(h) Pee Dee Mental Health Center	\$ 500,000;
(i) SC Infant Mental Health Association - Safe Baby Courts	\$ 500,000;
(77) J160-Department of Disabilities and Special Needs	
(a) ALS Association - ALS Care Services	\$ 500,000;
(b) Barbara Stone Foundation	\$ 185,000;
(c) Camp Cole	\$ 250,000;
(d) Osprey Village	\$ 1,000,000;
(e) Special Olympics of South Carolina	\$ 300,000;
(f) St. Francis Center at St. Helena	\$ 50,000;
(g) The Therapy Place	\$ 400,000;
(h) Town of Moncks Corner - Inclusive Playground	\$ 1,000,000;
(i) Unumb Center for Neurodevelopment	\$ 5,000,000;
(78) J200-Department of Alcohol and Other Drug Abuse Services	
(a) Community Wellness Outreach Opioid Addiction Program	\$ 150,000;
(b) Statewide Fentanyl Awareness Campaign	\$ 100,000;

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(c) The Courage Center - Substance Abuse Recovery	\$ 300,000;
(79) L040-Department of Social Services	
(a) Alternatives to Abortion Awareness Campaign	\$ 100,000;
(b) Beyond Basic Life Skills - Facility Support	\$ 600,000;
(c) Catholic Charities of SC - Getting Ahead Program	\$ 54,000;
(d) Crosswell Home for Children	\$ 200,000;
(e) Darkness to Light - Child Sexual Abuse Prevention	\$ 250,000;
(f) Dianne's Call - Food insecurity	\$ 250,000;
(g) Epworth Children's Home	\$ 600,000;
(h) Healthy Learners	\$ 100,000;
(i) Laurens County Bailey Municipal Center Upgrades	\$ 1,494,742;
<i>(j) M.A.D. USA</i>	\$ 250,000;
(k) Man 2 Man Fatherhood Initiative	\$ 284,239;
(l) Men Against Domestic Violence USA	\$ 350,400;
(m) My Sister's House Domestic Violence Response Services	\$ 100,000;
<i>(n) Nicholtown Child and Family Collaborative - Parent Café</i>	\$ 30,000;
(o) Rembert Area Community Coalition	\$ 75,000;
(80) L060-Department on Aging	
(a) Antioch Baptist - Senior Citizen Center	\$ 500,000;
(b) City of Mauldin - Ray W. Hopkins Senior Center	\$ 250,000;
(c) Dorchester County - North Charleston Area Senior Center	\$ 2,000,000;
(d) Foothills Agricultural Resource and Marketing Center	\$ 560,000;
(e) Friends of the Lowcountry Senior Center	\$ 60,000;
(f) Lourie Center - Facility Maintenance	\$ 250,000;

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(g) Senior Citizens Association - Leatherman Senior Center Expansion	\$ 250,000;
(h) Sumter YMCA - Senior Center	\$ 750,000;
(81) L080-Department of Children's Advocacy	
(a) Every 1 Voice Matters - Annual Christmas and Coat Drive	\$ 45,000;
(b) SC Network of Children's Advocacy Centers	\$ 1,080,000;
(82) L320-Housing Finance and Development Authority	
(a) Beaufort-Jasper Regional Housing Trust Fund	\$ 3,000,000;
(b) Hilton Head Regional Habitat for Humanity	\$ 2,000,000;
(c) Marion-Dillon Habitat for Humanity	\$ 500,000;
(d) N.O.W.W. Empowerment	\$ 25,000;
(e) Step by Step Hope Project - Supportive Housing	\$ 35,353;
(83) P160-Department of Agriculture	
(a) Colleton County - Western Colleton Comm. Ag Exposition Center	\$ 1,000,000;
(b) Mill Village Farms	\$ 600,000;
(c) Town of Cowpens - Town Upgrades	\$ 500,000;
(84) P240-Department of Natural Resources	
(a) Beyond Borders - Plant it Forward - Youth Education and Conservation	\$ 225,000;
(b) Boat Mooring Equipment	\$ 75,000;
(c) Farm Bureau - Swine Eradication	\$ 1,000,000;
(d) James Island Public Service District - Watershed Restoration - Pollution Mitigation	\$ 250,000;
(e) Lowcountry Land Trust - Land Conservation Capacity	\$ 1,000,000;
(f) SC Youth Shooting Foundation	\$ 500,000;

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(g) Waddell Mariculture Center	\$ 500,000;
(85) E260-Department of Veterans' Affairs	
(a) American Legion Johnston Post 222	\$ 60,000;
(b) Buffalo American Legion Post 87 - Facility Upgrades	\$ 6,000;
(c) Dorchester County - Veterans Services Center	\$ 500,000;
(d) Fisher House of Columbia Dorn VA	\$ 250,000;
(e) Jasper County Operation Patriots FOB	\$ 100,000;
(f) Lee County - Veterans Affairs Office	\$ 200,000;
(g) Pacolet Veteran's Park	\$ 23,000;
(h) Shaw Sumter Military Museum	\$ 15,000,000;
(i) Track Heroes	\$ 100,000;
(j) Upstate Warrior Solution - Rupert Huse Veteran Center	\$ 1,000,000;
(k) Williamsburg County Veterans Center	\$ 100,000;
(86) P280-Department of Parks, Recreation and Tourism	
(a) American Legion Post 250 - Indian Land Veterans Park	\$ 500,000;
(b) Anderson County - Dolly Cooper Park	\$ 750,000;
(c) Anderson County - Kid Venture Playground	\$ 750,000;
(d) Anderson County Small Town Historical Grants	\$ 45,000;
(e) Anderson County Watkins Community Center	\$ 30,000;
(f) ArtFields	\$ 1,500,000;
(g) Bamberg County - Courthouse Renovation	\$ 1,000,000;
(h) Bamberg County - Hospital Repurposing	\$ 1,000,000;
(i) Barnwell County YMCA	\$ 1,500,000;
(j) Beaufort Original Gullah Festival	\$ 50,000;
(k) Ben Mays Family Center	\$ 350,000;
(l) Bettis Academy Park - Edgefield County	\$ 800,000;

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(m) Calhoun County - Recreation Improvements	\$ 750,000;
(n) Calhoun County Resources - Historic Site Improvements	\$ 150,000;
(o) Cancer Survivors Park Alliance	\$ 1,000,000;
(p) Canoeing for Kids Facility Repairs	\$ 65,546;
(q) Capital City / Lake Murray Country Regional Tourism Board - Southeastern BBQ Showdown	\$ 200,000;
(r) Carolina Cup Racing Association - Upgrades	\$ 500,000;
(s) Centenary Community Park / Playground Construction	\$ 431,738;
(t) Chapman Cultural Center	\$ 60,000;
(u) Charleston Wine and Food	\$ 300,000;
(v) Cherokee County Family YMCA Upgrades	\$ 1,154,436;
(w) Cherokee County Former Broad River Electric Facility Renovation	\$ 750,000;
(x) Cherokee County Tourism Complex Feasibility Study	\$ 500,000;
(y) City of Belton Demolish Structures	\$ 250,000;
(z) City of Cayce 12,000 Year History Park	\$ 1,000,000;
(aa) City of Chester - Aquatic / Fitness Center	\$ 500,000;
(bb) City of Columbia - Saluda River Access / River Boat Ramp	\$ 500,000;
(cc) City of Columbia - Vista Greenway Extension	\$ 1,000,000;
(dd) City of Conway - Expansion of Recreation Center	\$ 900,000;
(ee) City of Conway Expansion of Crabtree Greenway	\$ 2,400,000;
(ff) City of Darlington - Darlington African American Museum	\$ 300,000;
(gg) City of Dillion - Outdoor Recreation	\$ 1,000,000;

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(hh) City of Easley - Senior League Host Committee	\$ 30,000;
(ii) City of Forest Acres Redevelopment of Richland Mall	\$ 2,000,000;
(jj) City of Greenville - Artisphere	\$ 300,000;
(kk) City of Greenville - Nicholtown Community Center Renovation	\$ 2,500,000;
(ll) City of Greenville - Public Space Upgrades and Safety Improvements	\$ 20,000,000;
(mm) City of Inman - Downtown and Streetscape Project	\$ 950,000;
(nn) City of Isle of Palms ADA Compliant Boardwalk	\$ 500,000;
(oo) City of Liberty - Infrastructure	\$ 150,000;
(pp) City of Mauldin - Multi-Purpose Stadium Project	\$ 4,000,000;
(qq) City of Mullins - Outdoor Marketplace / Park	\$ 500,000;
(rr) City of Newberry - Arts Center	\$ 600,000;
(ss) City of Orangeburg - City Hall Renovation	\$ 1,000,000;
(tt) City of Orangeburg North Road Recreational Complex	\$ 500,000;
(uu) City of Pickens - City Hall Improvements and Additions	\$ 150,000;
(vv) City of Rock Hill - UCI BMX World Championship	\$ 500,000;
(ww) City of Spartanburg - Wright Greenway Extension	\$ 422,300;
(xx) City of Sumter - Festival on the Avenue	\$ 100,000;
(yy) City of Sumter - Manning Avenue Art Corridor	\$ 2,000,000;
(zz) City of Sumter Memorial Park / Spray Park	\$ 1,400,000;
(aaa) City of Sumter Riley Park Renovations	\$ 1,000,000;

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(bbb)	City of Sumter Swan Lake Park Improvements	\$ 1,000,000;
(ccc)	City of Walhalla Community Center	\$ 5,566,895;
(ddd)	City of West Columbia - River Walk Expansion and Connectivity	\$ 7,000,000;
(eee)	City of Westminster Recreation Facility	\$ 5,000,000;
(fff)	Clarendon County - North Shore Development	\$ 700,000;
(ggg)	Colleton County - Neyles Community Center	\$ 40,000;
(hhh)	Colleton County - YMCA Type Facility	\$ 500,000;
(iii)	Congaree Complex CDC	\$ 100,000;
(jjj)	County of Dillon - Parks	\$ 263,980;
(kkk)	Croft State Park - Boy Scouts / Equestrian	\$ 750,000;
(lll)	Cypress Adventures Youth Leadership	\$ 200,000;
(mmm)	Daufuskie Marsh Tacky Society	\$ 20,000;
(nnn)	Dorchester County - Oakbrooks Sports Complex	\$ 1,000,000;
(ooo)	Edisto Island Recreation Facility	\$ 2,000,000;
(ppp)	Explore Charleston / College of Charleston - Office of Tourism	\$ 1,000,000;
(qqq)	Fairfield County - Greenbrier Community Development Center	\$ 50,000;
(rrr)	Florence County - Lions Park Recreation Enhancements	\$ 300,000;
(sss)	Florence County - Poyner Building Renovation	\$ 10,000,000;
(ttt)	Fork Shoals Historical Society - McCullough's Cedarhurst Historic Home and Garden	\$ 250,000;
(uuu)	Four Holes Indian Robert Davidson Center	\$ 250,000;

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(vvv) Friends of the Aiken Railroad Depot	\$ 300,000;
(www) Georgetown County - Murrells Inlet Bike Path Project	\$ 190,000;
(xxx) Gibbes Museum	\$ 500,000;
(yyy) Greater Chapin Community Foundation	\$ 100,000;
(zzz) Greenville Zoo	\$ 750,000;
(aaaa) Greenwood County Brewer Recreation Center	\$ 44,000;
(bbbb) Hampton County - Lighting Safety Upgrades	\$ 200,000;
(cccc) Hollywood American Legion - Building Repairs	\$ 80,000;
(dddd) Horry County - Public Safety Enhancements	\$ 5,000,000;
(eeee) Indian Land Green - Trail and Greenspace	\$ 750,000;
(ffff) International African-American Museum	\$ 1,000,000;
(gggg) Irmo Town Hall	\$ 500,000;
(hhhh) Jasper County BMX Track	\$ 750,000;
(iiii) Kershaw Area Resource Exchange	\$ 904,173;
(jjjj) Kershaw County - Patriot Landing Boat Ramp	\$ 500,000;
(kkkk) Laurens County YMCA - Child Development Center	\$ 500,000;
(llll) Lindsey Pettus Greenway - Greenway Expansion (Phase 2)	\$ 1,000,000;
(mmmm) Lower Richland Diamond Festival	\$ 25,000;
(nnnn) Manning Town Center Venue and Park	\$ 1,000,000;
(oooo) Mauldin Sidewalk Safety Improvements	\$ 1,000,000;
(pppp) Medal of Honor Museum	\$ 1,000,000;
(qqqq) Myrtle Beach Downtown Revitalization	\$ 5,000,000;
(rrrr) Myrtle Beach Football Hall of Fame	\$ 30,000;

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(ssss)	Newberry County YMCA	\$ 1,000,000;
(tttt)	Newberry Opera House Foundation	\$ 850,000;
(uuuu)	Ninety Six Historical Society	\$ 45,000;
(vvvv)	Open Space Institute - Black River Initiative	\$ 1,000,000;
(wwww)	Overmountain Victory Trail	\$ 325,000;
(xxxx)	Palmetto Park - Palmetto Park / Bobby Richardson Baseball Complex	\$ 6,465,000;
(yyyy)	Patriot Park - Miracle Park / Amphitheater Patriots Park	\$ 7,400,000;
(zzzz)	Pickens County - Little League Inc.	\$ 30,000;
(aaaaa)	Pickens County Meals on Wheels	\$ 300,000;
(bbbbb)	Port Royal Sound Foundation Maritime Center	\$ 500,000;
(ccccc)	Promised Land Community Association	\$ 9,340;
(dddd)	Richland County Recreation Commission	\$ 1,000,000;
(eeee)	Riverbanks Zoo and Garden	\$ 5,000,000;
(ffff)	Saluda and McCormick County Parks and Recreation Grants	\$ 75,000;
(ggggg)	Saluda River Pedestrian Bridge	\$ 175,000;
(hhhhh)	Saluda River Piedmont Park	\$ 750,000;
(iiii)	Sardis Community Center Repairs /Renovations	\$ 25,000;
(jjjj)	SC African American Tourism Conference	\$ 50,000;
(kkkkk)	SC Aquarium	\$ 1,500,000;
(llll)	SC Battleground Preservation Trust - Liberty Trail Interpretation	\$ 500,000;
(mmmmm)	SC Music and Entertainment Hall of Fame	\$ 25,000;
(nnnnn)	SC7 Expedition	\$ 400,000;
(ooooo)	Slater Hall	\$ 100,000;
(ppppp)	South Carolina Horse Council	\$ 250,000;

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(qqqqq)	Southeast Rural Community Outreach	\$ 25,000;
(rrrrr)	Southeastern Wildlife Exposition	\$ 300,000;
(sssss)	Spartanburg County - Boiling Springs Community Park	\$ 500,000;
(ttttt)	Spartanburg County - Saluda Grade Rail Trail	\$ 10,000,000;
(uuuuu)	Spartanburg County Historical Association – Walnut Grove Plantation Restoration	\$ 1,000,000;
(vvvvv)	Spoleto Festival USA	\$ 500,000;
(wwwww)	Sumter County - Heise Building Renovation	\$ 5,800,000;
(xxxxx)	Sumter County Rembert Mini Park	\$ 250,000;
(yyyyy)	Swamp Rabbit Trail	\$ 2,000,000;
(zzzzz)	The Peace Center Expansion	\$ 17,500,000;
(aaaaa)	Theatre of the Republic	\$ 345,000;
(bbbbb)	Town of Aynor - Community Recreation Center	\$ 1,000,000;
(ccccc)	Town of Blackville - Town Hall building	\$ 500,000;
(ddddd)	Town of Bluffton New River Linear Trail	\$ 2,000,000;
(eeeeee)	Town of Clover Economic Development /Revitalization	\$ 1,500,000;
(ffffff)	Town of Clover Roosevelt Park Field Lighting Replacement	\$ 695,000;
(ggggg)	Town of Dacusville - Dacusville Pavilion	\$ 25,000;
(hhhhh)	Town of Eastover - Lower Richland Tech Academy	\$ 500,000;
(iiiiii)	Town of Estill Project Hope	\$ 1,500,000;
(jjjjj)	Town of Gifford Playground Project	\$ 15,835;
(kkkkk)	Town of Great Falls Trail Connection Pedestrian Bridge	\$ 970,000;
(lllll)	Town of Great Falls Wayfinding System	\$ 25,000;

SECTION 118 - X910 - STATEWIDE REVENUE

(mmmmmm) Town of Greeleyville - Community Center Improvements	\$ 200,000;
(nnnnnn) Town of Hollywood - Town Upgrades	\$ 750,000;
(oooooo) Town of Honea Path - Soccer Field Construction	\$ 300,000;
(pppppp) Town of Honea Path Demolish Structures	\$ 300,000;
(qqqqqq) Town of Iva Purchase Train Depot	\$ 500,000;
(rrrrrr) Town of Jenkinsville - Recreational Activities Upgrades	\$ 60,000;
(ssssss) Town of Kingstree - Kingstree Recreation Center Park	\$ 500,000;
(tttttt) Town of Lake View - Community Center Upgrades	\$ 84,707;
(uuuuuu) Town of Lane - Community Center Building Improvements	\$ 100,000;
(vvvvvv) Town of Latta - Infrastructure Upgrades	\$ 195,400;
(wwwwww) Town of McColl - Downtown Improvements	\$ 750,000;
(xxxxxx) Town of Meggett - Church Flats Road Safety Upgrades	\$ 460,000;
(yyyyyy) Town of Norway - Infrastructure	\$ 500,000;
(zzzzzz) Town of Pacolet - Town Hall Upgrades	\$ 250,000;
(aaaaaa) Town of Port Royal - Repairs to Shrimp Deck	\$ 1,000,000;
(bbbbbb) Town of Ravenel - Town Upgrades	\$ 500,000;
(cccccc) Town of Ridgeway - Park Revitalization	\$ 50,000;
(dddddd) Town of Saluda - Saluda Recreation and Wellness Center	\$ 1,000,000;

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(eeeeeee)	Town of Six Mile New Recreation / Baseball Field	\$ 100,000;
(ffffff)	Town of St. George Rosenwald School Restoration	\$ 400,000;
(ggggggg)	Town of Summerville - Main St. Resiliency Project	\$ 4,000,000;
(hhhhhhh)	Town of Ware Shoals Amphitheater Walkway	\$ 59,272;
(iiiiiii)	Town of Williston - Town Hall Building	\$ 500,000;
(jjjjjjj)	Town of Winnsboro - Downtown Revitalization	\$ 500,000;
(kkkkkkk)	Union County Clerk of Court - Digital Records Conversion	\$ 20,000;
(lllllll)	Upstate Greenways and Trail Alliance - Trail Expansion	\$ 5,000,000;
(mmmmmmm)	Walhalla Performing Arts Center	\$ 1,000,000;
(nnnnnnn)	Westminster Senior Outreach	\$ 200,000;
(ooooooo)	Williamsburg County - Recreational Improvements	\$ 250,000;
(ppppppp)	YMCA of Cane Bay - Enrichment Programs	\$ 100,000;
(qqqqqqq)	YMCA of the Upper Pee Dee	\$ 1,930,000;
(rrrrrrr)	YMCA of Upper Palmetto - Camp Cherokee	\$ 750,000;
(sssssss)	York County - Park Enhancements	\$ 1,000,000;

(86.1) Of the funds appropriated in item 86(d), a \$5,000 grant shall be made to each of the following municipalities: Anderson, Belton, Honea Path, Iva, Pelzer, Pendleton, Starr, West Pelzer, and Williamston.

(86.2) Of the funds appropriated in item 86(fffff), a \$10,000 grant shall be made to both Saluda and McCormick Counties, and a \$5,000 grant shall be made to each of the following municipalities: Greenwood, Hodges, Ware Shoals, Ninety-Six, Bradley, Troy, Abbeville, Lowndesville, Calhoun Falls, Due West and Donalds.

(86.3) The funds appropriated for item 86(yyyyy) shall only be used for extending the trail and related ancillary cost and shall not be used for land acquisition or administrative cost.

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- (87) P320-Department of Commerce
- (a) City of Anderson - Economic Development Event \$ 600,000;
 - (b) City of Charleston Entrepreneurial Resource Center \$ 2,500,000;
 - (c) City of Clinton Industrial Park \$ 1,500,000;
 - (d) City of Forest Acres - Redevelopment of Forest Acres \$ 1,000,000;
 - (e) City of Loris - Old Loris High School Redevelopment \$ 1,000,000;
 - (f) City of Simpsonville - Economic Development / Capital Projects \$ 1,000,000;
 - (g) Fairfield County - Vision Center Inc \$ 2,000,000;
 - (h) Graduation Alliance \$ 1,000,000;
 - (i) South Carolina Quantum Association Curriculum Development and Use Study \$ 15,000,000;
 - (j) Southern Carolina Alliance - SCIC Industrial Park \$ 750,000;
 - (k) Spartanburg County - Spartanburg Infrastructure Upgrades \$ 20,000,000;
 - (l) Spartanburg Downtown Development Infrastructure \$ 10,000,000;
 - (m) Study of Offshore Wind Energy \$ 250,000;
 - (n) Sumter County - Pocotaligo Industrial Park \$ 2,000,000;
 - (o) Town of Lexington - Lexington Conference Center \$ 10,000,000;
 - (p) Town of Seneca - Downtown Revitalization \$ 12,000,000;
 - (q) Town of Timmons ville - Timmons ville Revitalization Project \$ 500,000;
 - (r) Umoja Village - Economic Development \$ 250,000;
- (88) P450-Rural Infrastructure Authority
- (a) Town of Campobello Sewer Project \$ 600,000;

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(b)	Town of Clover Water and Sewer Projects	\$ 5,000,000;
(c)	Town of Edisto Beach Automated Water Meter Project	\$ 500,000;
(d)	Town of James Island Sewer Project	\$ 1,000,000;
(e)	York County Water and Sewer - Blue Granite Acquisition Costs	\$ 20,000,000;
(89)	K050-Department of Public Safety	
(a)	Anderson County Sheriff's Dept - Equipment	\$ 200,000;
(b)	Beaufort County Sheriff's Dept. - Crime Lab	\$ 500,000;
(c)	Bennettsville Police Dept - Bennettsville Police Dept	\$ 155,000;
(d)	Charleston County Sheriff Reentry and Rehabilitation Program	\$ 591,725;
(e)	Chester County Sheriff's Office - Electronic Records Mgmt. System	\$ 600,000;
(f)	City of Beaufort - Maritime Cybersecurity	\$ 2,000,000;
(g)	City of Conway - Public Safety Technology Assistance	\$ 134,500;
(h)	City of Florence Police Department Automatic License Plate Reader	\$ 397,500;
(i)	City of Florence Police Department Camera Updates	\$ 600,000;
(j)	City of Fountain Inn - Historic Downtown Safety Upgrades	\$ 500,000;
(k)	City of Goose Creek - Fire and Police Training Facility	\$ 1,000,000;
(l)	City of Greenwood Police Department - Equipment	\$ 140,000;
(m)	City of Sumter Police Department - Equipment Funding	\$ 1,000,000;
(n)	Clarendon County Sheriff Equipment	\$ 73,819;

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(o)	Clarendon County Sheriff Training Upgrades	\$ 300,000;
(p)	Dillon County Sheriffs Office	\$ 440,000;
(q)	Dillon Police Department - Equipment and Facility Repairs	\$ 865,000;
(r)	Fairfield County - First Responder Equipment	\$ 250,000;
(s)	Florence County Local Police Department Grants	\$ 400,000;
(t)	Florence County Sheriff Equipment	\$ 488,250;
(u)	Greenville County Sheriff Dept. - Armored Vehicle	\$ 450,000;
(v)	Hemingway Police Department - Equipment	\$ 200,000;
(w)	Lancaster County Sheriff Dept - Crime Scene and Evidence Unit Improvement	\$ 500,000;
(x)	Latta Police Department - Equipment Funding	\$ 90,000;
(y)	Lexington County Sheriff - Crime Scene Lab	\$ 156,760;
(z)	Marion County Sheriff Law Enforcement Training Facility	\$ 500,000;
(aa)	Marlboro County Sheriff - Marlboro County Sheriff Equipment / Vehicles	\$ 500,000;
(bb)	McCormick Co. Sheriffs Dept. - Law Enforcement Equipment	\$ 553,500;
(cc)	Oconee County Sheriff Cameras and Body Scanner	\$ 450,000;
(dd)	Spartanburg County Sheriff's Office - Field Force Unit Gear and Aviation Unit Gear	\$ 137,472;
(ee)	Sumter County Sheriff's Office - Training Center Upgrades	\$ 625,000;
(ff)	Sumter Law Enforcement Center - Forensic Technology Annex	\$ 500,000;
(gg)	Tega Cay Police Dept. - Equipment	\$ 160,000;

STATUTES AT LARGE
General and Permanent Laws--2023
SECTION 118 - X910 - STATEWIDE REVENUE

(hh) Town of Bluffton Police Department - Law Enforcement Equipment	\$ 50,000;
(ii) Town of Clover Police Training Facility	\$ 250,000;
(jj) Town of Gifford Police Department - Equipment	\$ 63,541;
(kk) Town of Hampton - Fire and Police Equipment	\$ 320,000;
(ll) Union County Detention Center	\$ 1,500,000;
(90) N080-Department of Probation, Parole and Pardon Services	
(a) Fresh Start Transitional Project	\$ 250,000;
(b) Paths to Wholeness Transition Program	\$ 100,000;
(c) Turn90 Reentry Program	\$ 667,000;
(91) N120-Department of Juvenile Justice	
(a) Juveniles Upholding Morals and Principles of Society - Youth Mentoring Program	\$ 50,000;
(b) PACE Center for Girls	\$ 550,000;
(92) R360-Department of Labor, Licensing and Regulation	
(a) Buffalo Volunteer Fire Department	\$ 350,000;
(b) Chesterfield County - Life Safety Equipment	\$ 750,000;
(c) City of Barnwell - Fire station	\$ 500,000;
(d) City of Fountain Inn - Fire Station Upgrades	\$ 4,000,000;
(e) City of Gaffney Fire Department - Fire Training Center	\$ 400,000;
(f) City of Marion Fire Dept. - Fire Department Training Center	\$ 250,000;
(g) City of Mauldin - Mauldin Fire Station	\$ 250,000;
(h) Clover Fire Department	\$ 500,000;
(i) Colleton County - Fire Station Neyles Community	\$ 600,000;
(j) Lesslie Fire Dept. - Fire Dept. Training Tower	\$ 100,000;

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(k) Lewis Fire Dept. - Fire Truck with Gear	\$ 250,000;
(l) Lexington County Fire Services - PPE gear	\$ 184,000;
(m) Macedonia Fire Department	\$ 400,000;
(n) Marlboro County Fire Service	\$ 300,000;
(o) River Falls Fire Department	\$ 100,000;
(p) Sharon Volunteer Fire Department - (Phase 2)	\$ 30,000;
(q) Smyrna VFD - Smyrna VFD (Phase 2)	\$ 40,000;
(r) South Carolina State Association of Fire Chiefs	\$ 95,000;
(s) Town of St. Matthews Fire Department	\$ 750,000;
(t) Turbeville Area Fire Station	\$ 1,000,000;
(93) R600-Department of Employment and Workforce Colleton County - County Career Skills Center	\$ 150,000;
(94) U120-Department of Transportation	
(a) Chester County - Lighting Safety Upgrades	\$ 450,000;
(b) City of Columbia - Assembly St. Railroad Grade Separation Project	\$ 10,000,000;
(c) City of Columbia - Beltline Blvd Redevelopment Projects	\$ 2,000,000;
(d) City of Columbia - Williams Street Gateway	\$ 7,000,000;
(e) City of Conway - Carolina Bay Construction	\$ 677,000;
(f) City of Easley Traffic Congestion Mitigation	\$ 2,000,000;
(g) City of Sumter North Mainstreet Corridor Improvements	\$ 1,000,000;
(h) Devine Street Corridor and Accessibility	\$ 1,500,000;
(i) Dorchester County - Pedestrian Crossing for Bacons Bridge Road	\$ 2,200,000;

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(j) Elevate SC-22 Over Waccamaw River	\$ 30,000,000;
(k) Highway 90 Improvements and Expansion	\$ 5,000,000;
(l) Lexington County - Local Stormwater Management	\$ 200,000;
(m) Pickens County - Highway 183	\$ 10,000,000;
(n) Southern Evacuation Lifeline Permitting and Engineering	\$ 5,000,000;
(o) Town of Hilton Head Island Independent Bridge Replacement Study	\$ 300,000;
(p) Town of Summerville - Central Ave. Pedestrian Safety Sidewalk	\$ 400,000;
(95) U300-Division of Aeronautics	
(a) Beaufort County Airports - Hilton Head Airport Extension	\$ 750,000;
(b) Hilton Head Airport - Mandatory Relocation	\$ 750,000;
(96) D300-Office of Resilience Data Coordination Office	\$ 250,000;
(97) D500-Department of Administration Tri-City Visionaries	\$ 300,000;
(98) E160-State Treasurer	
(a) City of York - Downtown Development and Upgrades	\$ 4,774,000;
(b) Orangeburg County - County Marketing	\$ 100,000;
(c) Orangeburg County - Nix-Stilton Community Center	\$ 400,000;
(d) Ritter Community Center	\$ 400,000;
(99) E240-Adjutant General SCEMD Alternative Operating Center	\$ 750,000;
(100) E280-Election Commission Florence County - Election Storage Building	\$ 500,000;

and

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(101) P320-Department of Commerce
Town of Fort Mill -
Downtown Economic
Development

\$ 25,000,000.

(C) Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

(D) For purposes of item (B)(67) and all items thereafter, funds shall not be disbursed until verification that receiver's organization is registered as a business, nonprofit, or charitable organization with the South Carolina Secretary of State's office. This requirement does not apply to governmental entities or entities created by statute. Upon receipt and verification of all requirements in this act, the funds shall be transferred directly to the grant recipients within ten business days.

(E) For the purpose of item (B)(67) and all items thereafter, the Executive Budget Office may authorize the transfer of items among state agencies upon request of the agencies.

118.20. DELETED

118.21. (SR: Growing Agribusiness Fund Report) The Department of Agriculture shall prepare a report on the utilization of the Growing Agribusiness Fund that includes the amount of each grant awarded, the recipient of the funds, the date of the grant award, and the qualifications met by the recipient upon review by the Department of Agriculture Infrastructure Incentives Panel. The report shall be submitted quarterly to the Chairmen of the Senate Finance Committee, the House Ways and Means Committee, the Senate Finance Natural Resources and Economic Development Subcommittee, and the House Ways and Means Economic Development Subcommittee. The department is allowed to retain any accrued interest generated from the fund, for similar purpose of grant reimbursements.

118.22. (SR: Bull Street Corridor Relocation) From funds appropriated or authorized in this act, the Department of Administration is directed to conduct a Request for Proposal (RFP) for the purposes of relocating one or all the state agencies or their successor agencies currently located on Bull Street in the City of Columbia. Properties to be considered must have space to accommodate all of one or more agency to be relocated in one building or campus, to include any additional Columbia area offices of the same agency or agencies, as practicable. For the purposes of this proviso, a campus is defined as multiple buildings located on the same or adjacent parcels or property that share

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a common main entrance. In conducting the RFP, the Department of Administration must prioritize the condition of the proposed properties and all amenities, to include, large group meeting space, other amenities to support agency mission, amenities and conditions conducive to employee health and recruitment, employee and visitor safety and security, ease of access from the interstate, ease of public access to include, but not limited to, surface parking and the number of employees to be relocated. The Department of Administration must present the results of the RFP to include a recommended lease to the Joint Bond Review Committee (JBRC) on or before November 1, 2023. After review and comment of the JBRC, the lease is deemed legislatively approved and, notwithstanding other provision of law, no further approvals are required.

END OF PART IB

All acts or parts of acts inconsistent with any of the provisions of Part IA or Part IB of this act are suspended for Fiscal Year 2023-24.

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

Except as otherwise specifically provided, this act takes effect July 1, 2023.

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Ratified the 14th day of June 2023.

PLEASE NOTE

Text printed in *italic*, boldface indicates sections vetoed by the Governor on June 20, 2023.

Provisions not vetoed by the Governor took effect for the fiscal year beginning July 1, 2023.

PART II
LOCAL AND TEMPORARY LAWS

No. 85

(R89, H4299)

A JOINT RESOLUTION TO PROVIDE FOR THE CONTINUING AUTHORITY TO PAY THE EXPENSES OF STATE GOVERNMENT IF THE 2023-2024 FISCAL YEAR BEGINS WITHOUT A GENERAL APPROPRIATIONS ACT FOR THAT YEAR IN EFFECT, AND TO PROVIDE EXCEPTIONS.

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

Continuing authority to pay government expenses

SECTION 1. (A) If the 2023-2024 state fiscal year begins with no annual general appropriations act in effect for that year, the authority to pay the recurring expenses of state government continues at the level of amounts appropriated in Act 239 of 2022 for the recurring expenses of state government for Fiscal Year 2023-2024 except as provided in subsection (B).

The effective dates of Parts IA and IB of Act 239 of 2022 are extended until the effective date for appropriations made in a general appropriations act for Fiscal Year 2023-2024, after which appropriations made pursuant to this joint resolution are deemed to have been made pursuant to the general appropriations act for Fiscal Year 2023-2024.

(B) Notwithstanding debt service appropriations in Act 239 of 2022 and until the effective date of the appropriations made in a general appropriations act for Fiscal Year 2023-2024, there is appropriated from the general fund of the State whatever amount is necessary for timely debt service on state obligations and other amounts constitutionally required to be appropriated, including the Capital Reserve Fund. The General Reserve Fund is established in the amount required by law.

Time effective

SECTION 2. This joint resolution takes effect July 1, 2023, and applies as provided in SECTION 1.

Ratified the 24th day of May, 2023

Approved the 25th day of May, 2023

No. 86

(R103, H4301)

A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

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

Capital Reserve Fund

SECTION 1. In accordance with the provisions of Section 36(B)(2) and (3), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(C) and (D) of the S. C. Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2022-2023 the following amounts:

- (1) H090 - The Citadel
Engineering Building \$ 11,499,994
- (2) H120 - Clemson University
Maintenance, Renovation, and Replacement \$ 10,000,000
- (3) H150 - University of Charleston
Maintenance, Renovation, Replacement,
and Expansion \$ 9,000,000
- (4) H170 - Coastal Carolina
 - (a) Maintenance, Renovation, and
Replacement \$ 3,500,000
 - (b) Edwards Humanities Building Renovation \$ 4,000,000
- (5) H180 - Francis Marion University
 - (a) Maintenance, Renovation,
and Replacement \$ 1
 - (b) Founders Hall Renovation \$ 9,000,000

- (6) H210 - Lander University
 - (a) Maintenance, Renovation, and Replacement \$ 1
 - (b) Nursing Building \$ 4,000,000
 - (c) Information Technology Security \$ 3,500,000

- (7) H240 - South Carolina State University
 - (a) Maintenance, Renovation, and Replacement \$ 1
 - (b) Turner Hall Replacement \$ 10,000,000

- (8) H270 - USC Columbia
 - (a) Science and Technology Center \$ 15,000,000
 - (b) Rural Brain Health Network and Brain Health Institute \$ 1

- (9) H290 - USC Aiken
 - (a) Maintenance, Renovation, and Replacement \$ 2,000,000
 - (b) Etherredge Center HVAC Upgrades \$ 2,000,000

- (10) H340 - USC Upstate
 - (a) Maintenance, Renovation, and Replacement \$ 5,000,000
 - (b) Health Education Complex Mechanical Repairs \$ 5,000,000

- (11) H360 - USC Beaufort
 - Convocation Center \$ 10,000,000

- (12) H370 - USC Lancaster
 - Maintenance, Renovation, and Replacement \$ 5,000,000

- (13) H380 - USC Salkehatchie
 - Maintenance, Renovation, and Replacement \$ 5,000,000

- (14) H390 - USC Sumter
 - Maintenance, Renovation, and Replacement \$ 8,000,000

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| (15) H400 - USC Union
Maintenance, Renovation, and
Replacement | \$ 5,000,000 |
| (16) H470 - Winthrop University
Maintenance, Renovation, and
Replacement | \$ 2,500,000 |
| (17) H510 - Medical University of South Carolina
Maintenance, Renovation, and
Replacement | \$ 5,000,000 |
| (18) H590 - Board for Technical and
Comprehensive Education
Maintenance, Renovation, and Replacement | |
| (a) Aiken Technical College | \$ 3,000,000 |
| (b) Central Carolina Technical College | \$ 1 |
| (c) Denmark Technical College | \$ 1 |
| (d) Florence-Darlington Technical College | \$ 2,000,000 |
| (e) Greenville Technical College | \$ 7,000,000 |
| (f) Midlands Technical College | \$ 10,000,000 |
| (g) Horry-Georgetown Technical College | \$ 1,000,000 |
| (h) Northeastern Technical College | \$ 1,000,000 |
| (i) Orangeburg-Calhoun Technical College | \$ 2,000,000 |
| (j) Piedmont Technical College | \$ 6,500,000 |
| (k) Spartanburg Community College | \$ 6,000,000 |
| (l) Technical College of the Lowcountry | \$ 1,500,000 |
| (m) Tri-County Technical College | \$ 7,000,000 |
| (n) Trident Technical College | \$ 2,500,000 |
| (o) Williamsburg Technical College | \$ 1,000,000 |
| (p) York Technical College | \$ 4,000,000 |
| (q) Central Carolina Technical College
Sumter County | \$ 8,694,430 |
| (19) H590 - Board for Technical and
Comprehensive Education | |
| (a) Horry-Georgetown Technical College
Marine Technology Center | \$ 2,000,000 |
| (b) Trident Technical College
Electric Vehicle Institute | \$ 5,000,000 |
| (c) Trident Technical College
Workforce Training | \$ 5,000,000 |

(d) readySC

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Posting of appropriations

SECTION 2. The Comptroller General shall post the appropriations contained in this joint resolution as provided in Section 11-11-320(D) of the S.C. Code. Unexpended funds appropriated pursuant to this joint resolution may be carried forward to succeeding fiscal years and expended for the same purposes.

Time effective

SECTION 3. This joint resolution takes effect thirty days after the completion of the 2022-2023 Fiscal Year in accordance with the provisions of Section 36(B)(3)(a), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(D)(1) of the S.C. Code.

Ratified the 14th day of June, 2023

Approved the 20th day of June, 2023

No. 87

(R78, H3209)

**A JOINT RESOLUTION TO EXTEND CERTAIN
GOVERNMENTAL APPROVALS AFFECTING ECONOMIC
DEVELOPMENT WITHIN THE STATE.**

Whereas, a state of economic emergency existed in the State of South Carolina and the nation, which drastically affected various segments of the South Carolina economy; and

Whereas, the state of emergency for COVID-19 is no longer in effect; however, as a result of the pandemic, the economy experienced a decline, including reduced demand, canceled orders, declining sales and rentals, and layoffs; and

Whereas, the current national economic downturn has severely weakened several industries due to closures and a dearth of buyers during the COVID-19 pandemic, uncertainty over the state of the economy, and increasing levels of unemployment; and

Whereas, it is the purpose of this joint resolution to help rectify some of the hardships currently being faced through an extension of permits. Now, therefore,

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

Citation

SECTION 1. This joint resolution must be known and may be cited as the “Permit Extension Joint Resolution of 2023”.

Definitions

SECTION 2. As used in this resolution:

(1) “Department” means the South Carolina Department of Health and Environmental Control.

(2) “Development” means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure or facility; or any grading, soil removal or relocation, excavation or landfill, or any use or change in the use of any building, other structure, land, or extension of the use of land.

(3)(a) “Development approval” means an approval issued by the State, an agency or subdivision of the State, regardless of the form of the approval, that is for the development of land or for the provision of water or wastewater services by a governmental entity, including:

(i) a water or wastewater permit issued by the department, including authorization for construction and installation of lines and infrastructure extending water and sewer service and authorization to connect to available or proposed lines and infrastructure;

(ii) a critical area permit issued by the department’s Office of Ocean and Coastal Resource Management; and

(iii) an air quality permit issued by the department.

(b) However, “development approval”, for purposes of this resolution, shall not include development agreements entered pursuant to S.C. Code Ann. Section 6-31-10, et seq., which agreements are expressly excluded from the permit extension provisions herein.

Governmental approval extensions

SECTION 3. This joint resolution is intended to apply retroactively. For development approval that is current and valid at any point during the period beginning January 1, 2020, and ending December 31, 2023, the running of the period of the development approval and any associated vested right is suspended during the period beginning January 1, 2020, and ending December 31, 2023.

Exceptions

SECTION 4. This joint resolution may not be construed or implemented to:

- (1) extend a permit or approval issued by the United States or its agencies or instrumentalities;
- (2) extend a permit or approval issued by the department pursuant to authority delegated by the United States or its agencies or instrumentalities;
- (3) extend a permit or approval for which the term or duration of the permit or approval is specified or determined pursuant to federal law;
- (4) shorten the duration that a development approval would have had in the absence of this joint resolution;
- (5) prohibit the granting of additional extensions provided by law;
- (6) affect an administrative consent order issued by the department in effect or issued at any time from the effective date of this resolution to December 31, 2023;
- (7) affect the ability of a governmental entity to revoke or modify a development approval pursuant to law;
- (8) modify a requirement of law that is necessary to retain federal delegation by the State of the authority to implement a federal law or program;
- (9) affect a Certificate of Need issued pursuant to Article 3, Chapter 7, Title 44 of the S.C. Code or a Demonstration of Need issued pursuant to Article 2, Chapter 96, Title 44 of the S.C. Code; or
- (10) affect SCDHEC-OCRM permits issued pursuant to R.30-12(N) Access to Coastal Islands.

State Register notice

SECTION 5. Within thirty days after the effective date of this joint resolution, each agency or subdivision of the State to which this joint resolution applies shall place a notice in the State Register listing the

types of development approvals that the agency or subdivision issues and noting the extension provided in this joint resolution. This SECTION does not apply to units of local government.

Construction

SECTION 6. The provisions of this joint resolution must be liberally construed to effectuate the purposes of this joint resolution.

Time effective

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

Ratified the 17th day of May, 2023

Approved the 19th day of May, 2023

No. 88

(R76, S739)

A JOINT RESOLUTION PROVIDING FOR A ONE-TIME AUTHORIZATION FOR USE OF CERTAIN REMAINING SOUTH CAROLINA HOUSING TAX CREDITS PROVIDED PURSUANT TO SECTION 1.B.1 OF ACT 202 OF 2022, CERTAIN REMAINING SOUTH CAROLINA HOUSING TAX CREDITS AUTHORIZED PURSUANT TO SECTION 12-6-3795 FOR THE TAX YEAR ENDING DECEMBER 31, 2023, CERTAIN FEDERAL LOW-INCOME HOUSING CREDITS, AND NOT EXCEEDING \$25 MILLION IN ONE-TIME, NONRECURRING FUNDING FROM THE SOUTH CAROLINA HOUSING TRUST FUND ESTABLISHED PURSUANT TO ARTICLE 4 OF CHAPTER 13, TITLE 31 OF THE SOUTH CAROLINA CODE, ALL FOR THE LIMITED PURPOSE OF PROVIDING SUPPLEMENTAL FINANCIAL SUPPORT TO ADDRESS ESCALATIONS AND OTHER COSTS FOR CERTAIN MULTIFAMILY HOUSING DEVELOPMENTS.

Whereas, Act 137 of 2020 amended the South Carolina Code to enact the “Workforce and Senior Affordable Housing Act” by adding Section 12-6-3795 so as to allow a taxpayer eligible for the Federal Housing Tax Credit to claim a South Carolina Housing Tax Credit; and

Whereas, following the enactment of Act 137 of 2020 and through December 31, 2021, preliminary determinations of eligibility for the South Carolina Housing Tax Credit totaled approximately \$100 million annually and approximately \$1 billion for the ten-year term of the South Carolina Housing Tax Credit, far exceeding the estimated fiscal impact on the general fund at the time of enactment of approximately \$2.1 million annually and \$20.6 million for the ten-year term of the South Carolina Housing Tax Credit; and

Whereas, following study and a determination that the actual fiscal impact of the South Carolina Housing Tax Credit on the general fund was not sustainable, Act 202 of 2022 amended Section 12-6-3795 to, among other things, limit the South Carolina Housing Tax Credit; and

Whereas, Section 1.B.1 of Act 202 of 2022 provided for a one-time authorization of South Carolina Housing Tax Credits in an amount necessary but not exceeding \$100 million dollars to ratify amounts reflected in preliminary determination statements for qualified projects approved before December 31, 2021, with any allocations of South Carolina Housing Tax Credits made pursuant to this provision subject to the review and comment of the Joint Bond Review Committee; and

Whereas, in accordance with Section 1.B.1 of Act 202, the South Carolina State Housing Finance and Development Authority provided a report to, among others, the Joint Bond Review Committee identifying all qualified projects to which the \$100 million one-time authorization provided in Section 1.B.1 of Act 202 of 2022 was proposed to apply; and

Whereas, on August 23, 2022, the Joint Bond Review Committee determined that the amount of South Carolina Housing Tax Credits applicable to projects qualified for the one-time authorization provided pursuant to Section 1.B.1 of Act 202 of 2022 was \$87,110,848; and

Whereas, it has been asserted that escalations in costs of construction and materials, increases in interest rates, and other factors have negatively impacted the financial feasibility of certain projects to the extent that such projects face a threat that they cannot be completed in

the absence of supplemental funding; and

Whereas, there remains available \$12,889,152 in South Carolina Housing Tax Credits pursuant to the one-time authorization provided in Section 1.B.1 of Act 202 of 2022; and

Whereas, there remains available for the tax year ending December 31, 2023, a total of \$16,916,877 in South Carolina Housing Tax Credits, comprised of the amounts of \$6,726,825 and \$10,190,052 for allocation pursuant to Section 12-6-3795 to qualified projects utilizing the federal four percent tax credit and the federal nine percent tax credit, respectively; and

Whereas, there is available no less than \$25 million in undesignated funding held in the South Carolina Housing Trust Fund established pursuant to Article 4, Chapter 13, Title 31 of the South Carolina Code. Now, therefore,

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

South Carolina Housing Tax Credits

SECTION 1. The General Assembly hereby provides a one-time authorization of South Carolina Housing Tax Credits pursuant to and for the purposes described in this joint resolution in an amount necessary but not exceeding \$29,806,029, comprised of \$12,889,152 remaining available from the one-time authorization of South Carolina Housing Tax Credits provided in Section 1.B.1 of Act 202 of 2022, and a total of \$16,916,877 remaining available for allocations for the tax year ending December 31, 2023, pursuant to Section 12-6-3795. In addition to the foregoing, the General Assembly hereby authorizes pursuant to and for the purposes described in this joint resolution an amount necessary but not exceeding \$25,000,000 from the undesignated balance held in the South Carolina Housing Trust Fund established pursuant to Article 4, Chapter 13, Title 31 of the South Carolina Code, as nonrecurring, one-time funding, and not as South Carolina Housing Tax Credits. No later than June 30, 2023, the State Housing Finance and Development Authority must develop a plan to allocate the South Carolina Housing Tax Credits and nonrecurring, one-time funding made available pursuant to this joint resolution as supplemental financial support to certain multifamily housing projects that had by March 31, 2023, received a tentative allocation of South Carolina Housing Tax Credits pursuant to

Act 202 of 2022. The plan, and any project allocations proposed thereunder, must be submitted to the Joint Bond Review Committee for review and comment prior to awarding any South Carolina Housing Tax Credits or nonrecurring, one-time funding made available pursuant to this joint resolution.

Allocation Plan

SECTION 2. The plan must be provided in such form and substance as the Joint Bond Review Committee may prescribe, and must include for each project, the project name and location; the amount of any South Carolina Housing Tax Credits, state ceiling, or both, previously allocated to the project; project ownership; the total number of units assisted; any supplemental South Carolina Housing Tax Credits or nonrecurring, one-time funding proposed to be made available to the project pursuant to this joint resolution; and any supplemental amount of state ceiling, if any, proposed for allocation to the project. The plan must further include for each project a disclosure of every affiliate or other related legal entity having a direct or beneficial interest in the development of the project.

Supplemental Financial Support

SECTION 3. Any supplemental South Carolina Housing Tax Credits or nonrecurring, one-time funding made available pursuant to this joint resolution must be limited to the amount necessary to provide supplemental financial support to projects that (1) are under construction; and (2) have demonstrated independently verified costs exceeding original estimates as a consequence of escalations in costs of construction and materials, increases in interest rates, and such other extenuating factors as may be recommended by the State Housing Finance and Development Authority, subject to the review and comment of the Joint Bond Review Committee; provided, however, that no single project may receive an allocation of more than the lesser of (1) the actual amount of South Carolina Housing Tax Credits and nonrecurring, one-time funding made available pursuant to this joint resolution necessary to achieve financial feasibility of the project based on the independently verified costs exceeding the original estimate for the project; or (2) twenty percent of the South Carolina Housing Tax Credit reflected on the eligibility statement, as defined in Section 12-6-3795(A)(1), previously furnished for the project by the State Housing Finance and Development Authority; further provided, however, that the State Housing Finance and Development Authority

may recommend, subject to the review of the Joint Bond Review Committee, a de minimus adjustment not exceeding five percent beyond the limitations of this SECTION to promote financial feasibility of the project in marginal circumstances. Project sponsors must have requested consideration of and provided justification for any costs in excess of original estimates to the State Housing Finance and Development Authority no later than March 31, 2023.

Allocation Plan

SECTION 4. The plan must conform with such provisions of the Qualified Allocation Plan and the State Ceiling Allocation Plan as the State Housing Finance and Development Authority may recommend to be applicable to any supplemental South Carolina Housing Tax Credits or nonrecurring, one-time funding made available pursuant to this joint resolution; provided, however, that priority must be given to projects with highest rates of completion and earliest dates that the projects are expected to be placed in service.

South Carolina Housing Tax Credits

SECTION 5. Nothing in this joint resolution grants any rights to, or in the processes used in, the determination of any South Carolina Housing Tax Credits or nonrecurring, one-time funding made available pursuant to this joint resolution.

Agreement

SECTION 6. The State Housing Finance and Development Authority may require, as a condition of any supplemental South Carolina Housing Tax Credits or nonrecurring, one-time funding made available pursuant to the plan required by SECTION 1 and this joint resolution, an agreement from the project sponsor that the South Carolina Housing Tax Credits and any nonrecurring, one-time funding allocated to the project are deemed final, without recourse.

Carry Forward

SECTION 7. Any unallocated South Carolina Housing Tax Credits and nonrecurring, one-time funding made available pursuant to this joint resolution may be carried forward for allocation beyond the current tax year ending December 31, 2023, provided the unallocated South

Carolina Housing Tax Credits and nonrecurring, one-time funding are limited to the purposes and subject to the provisions of this joint resolution.

Suspension

SECTION 8. The allocation requirements of Section 12-6-3795(B)(5)(c) are suspended for the tax year ending December 31, 2023.

Suspension

SECTION 9. The provisions of Article 4, Chapter 13, Title 31 of the South Carolina Code are suspended in the amount of \$25 million for the tax year ending December 31, 2023, and beyond December 31, 2023, but only to the extent of any amounts carried forward pursuant to SECTION 7 of this joint resolution.

Supplemental Financial Support

SECTION 10. In addition to the other amounts made available by this joint resolution, the General Assembly hereby authorizes the State Housing Finance and Development Authority to allocate an amount necessary but not exceeding fifty percent of the federal low-income housing tax credit allocated to this State for the tax year ending December 31, 2023, as supplemental financial support to certain multifamily housing projects utilizing federal nine percent tax credits as defined in Section 12-6-3795(A)(7) that had by March 31, 2023, requested consideration of and provided justification for any costs in excess of original estimates to the State Housing Finance and Development Authority. Any allocations of federal tax credits made pursuant to this SECTION must be included and coordinated within the plan required pursuant to SECTION 1, and are subject to, without limitation, the same requirements, determinations, limitations, and other provisions as are applicable to the State Housing Tax Credits included in SECTIONS 1 through 7 of this joint resolution.

Time effective

SECTION 11. This joint resolution takes effect upon approval by the Governor.

Ratified the 17th day of May, 2023

Approved the 19th day of May, 2023

No. 89

(R13, H3312)

A JOINT RESOLUTION TO CREATE THE “CHILD FOOD AND NUTRITION SERVICES STUDY COMMITTEE”, TO PROVIDE FOR THE PURPOSES AND MEMBERSHIP OF THE STUDY COMMITTEE, TO REQUIRE THE STUDY COMMITTEE PREPARE A REPORT WITH FINDINGS AND RECOMMENDATIONS FOR THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE DISSOLUTION OF THE STUDY COMMITTEE.

Whereas, the South Carolina General Assembly finds the South Carolina Department of Agriculture currently administers numerous programs related to food and nutrition, including the South Carolina Farm to School Program, the Emergency Food Assistance Program, the Commodity Supplemental Food Program, and various food and dairy safety programs; and

Whereas, the South Carolina General Assembly finds the South Carolina Department of Education administers certain other child-related national food and nutrition programs and initiatives of the United States Department of Agriculture, including the school lunch program, school breakfast program, afterschool snack program, special milk program, and summer food service programs; and

Whereas, the South Carolina General Assembly finds it worthwhile to consider whether administration of these child-related national food and

nutrition programs by the Department of Agriculture rather than the Department of Education is a more logical and efficient approach, given the Department of Agriculture's relationship to matters concerning food and nutrition; and

Whereas, the South Carolina General Assembly finds it worthwhile to consider whether these child-related national food and nutrition programs should be provided at no cost to all South Carolina students. Now, therefore,

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

Creation, purposes, composition, functions, and dissolution of the study committee

SECTION 1. (A) There is created the "Child Food and Nutrition Services Study Committee" to examine the advisability of transferring the administration of certain food and nutrition programs and initiatives of the Food and Nutrition Service Child Nutrition Program of the United States Department of Agriculture currently administered by the State Department of Education to the State Department of Agriculture and whether these child-related national food and nutritional programs should be provided at no cost to all South Carolina students. These programs include, but are not limited to, the school lunch program, school breakfast program, afterschool snack program, special milk program, and summer food service programs. The committee must also examine ways to enhance collaboration and pricing to increase purchasing powers for South Carolina farmers to ensure locally sourced foods are being provided to schools.

(B) The study committee is composed of:

- (1) one member appointed by the Speaker of the House;
- (2) one member appointed by the Chairman of the House Education and Public Works Committee;
- (3) one member appointed by the Chairman of the House Agriculture, Natural Resources and Environmental Affairs Committee;
- (4) one member appointed by the House Minority Leader;
- (5) one member appointed by the President of the Senate;
- (6) one member appointed by the Chairman of the Senate Education Committee;
- (7) one member appointed by the Chairman of the Senate Agriculture and Natural Resources Committee;
- (8) one member appointed by the Senate Minority Leader;

(9) one member appointed by the State Superintendent of Education;

(10) the Director of the Department of Social Services or his designee;

(11) two members from a local school district's food services department appointed by the State Superintendent of Education;

(12) one member appointed by the State Commissioner of Agriculture;

(13) two members appointed by the Governor who are employed by nonprofit service providers that specialize in hunger relief; and

(14) two members who have a child that is a recipient of free and reduced lunch appointed by the State Superintendent of Education.

(C) Members of the study committee shall serve without compensation, but are allowed the mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions, to be paid equally from approved accounts of the House of Representatives and the Senate.

(D) The study committee shall choose its officers and must be provided with clerical, administrative, and research services by the House of Representatives and the Senate.

(E) The study committee shall make a report of its findings and recommendations to the General Assembly by January 1, 2024, at which time the study committee terminates.

Time effective

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 19th day of April, 2023

Approved the 25th day of April, 2023

No. 90

(R5, S478)

AN ACT TO AMEND ACT 549 OF 1973, AS AMENDED, RELATING TO THE BOARD OF DIRECTORS OF THE BROADWAY WATER AND SEWERAGE DISTRICT, SO AS TO REDUCE THE NUMBER OF MEMBERS OF THE BROADWAY WATER AND SEWERAGE DISTRICT BOARD FROM NINE TO SEVEN.

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

**Broadway Water and Sewerage District Board of Anderson County,
board**

SECTION 1. SECTION 3 of Act 549 of 1973 is amended to read:

SECTION 3. The district shall be operated and managed by a board of directors to be known as the Broadway Water and Sewerage District Board of Anderson County which shall constitute the governing body of the district. The board shall consist of seven resident electors of the area who shall be appointed by the Governor, upon recommendation of the majority of those persons attending a meeting of residents of the area held pursuant to at least one week's notice in a local newspaper giving the time and place of the meeting. The chairman and secretary of the meeting shall certify the names of those recommended to the Governor. The original appointments shall be for a term of two years for three appointees, for four years for three appointees, and for six years for three appointees. All terms after the initial appointments shall be for six years. All appointees shall hold the office until their successors shall have been appointed and qualify. The initial terms of office shall begin as of the effective date of this act. Any vacancy shall be filled in a like manner as the original appointment of the unexpired portion of the term. Immediately after appointment, the board shall meet and organize by the election of one of its members as chairman, one as vice chairman, one as secretary, and one as treasurer. The offices of the secretary and treasurer may be combined in the discretion of the board.

Time effective

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

Ratified the 15th day of March, 2023

Vetoed by the Governor -- 3/20/23.

Veto overridden by Senate -- 3/22/23.

Veto overridden by House -- 3/29/23.

No. 91

(R55, H3987)

AN ACT TO AMEND ACT 509 OF 1982, AS AMENDED, RELATING TO THE FIVE SCHOOL DISTRICTS OF ANDERSON COUNTY, SO AS TO REASSIGN TO ANDERSON COUNTY SCHOOL DISTRICT 1 A PARCEL OF ANDERSON COUNTY REAL PROPERTY PRESENTLY ZONED FOR ANDERSON COUNTY SCHOOL DISTRICT 5.

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

Tract reassignment

SECTION 1. Act 509 of 1982, as last amended by Act 300 of 2014, is amended by adding a new section to read:

Section 13B. Notwithstanding another provision of law, the exterior boundaries of Anderson County School Districts 1 and 5 are altered so as to reassign a tract of land (impacted property) that is presently zoned for Anderson County School District 5 to Anderson County School District 1. The impacted property that is hereby reassigned from Anderson County School District 5 to Anderson County School District 1 consists of the following parcel of real property identified by its tax map sheet number: TMS 1440005001-051.

Election districts

SECTION 2. The election districts for members of the Anderson County School District 1 Board of Trustees shall remain as provided in Section 13A of Act 300 of 2014 until such time as the districts are redrawn following the 2020 Decennial Census.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 92

(R11, S654)

AN ACT TO CONSOLIDATE BARNWELL SCHOOL DISTRICT 45, BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, AND BARNWELL COUNTY SCHOOL DISTRICT 80 INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE BARNWELL COUNTY SCHOOL DISTRICT; TO ABOLISH BARNWELL COUNTY SCHOOL DISTRICT 45, BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, AND BARNWELL COUNTY SCHOOL DISTRICT 80 ON JULY 1, 2024; TO PROVIDE THAT THE BARNWELL COUNTY SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF FIVE MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE BARNWELL COUNTY LEGISLATIVE DELEGATION, AND BEGINNING WITH THE 2024 GENERAL ELECTION, EACH OF THE FIVE MEMBERS OF THE BARNWELL COUNTY SCHOOL DISTRICT MUST BE ELECTED FROM SINGLE-MEMBER ELECTION DISTRICTS AS DELINEATED ON A DESIGNATED MAP NUMBER ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE; TO PROVIDE THAT THE MEMBERS OF

THE BARNWELL COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2024 GENERAL ELECTION AND EVERY FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS' TERMS; TO PROVIDE DEMOGRAPHIC INFORMATION FOR THE NEWLY DRAWN ELECTION DISTRICTS; TO ESTABLISH THE BOARD'S POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES; TO INCLUDE INTERIM MILLAGE PROVISIONS FOR YEARS 2024 AND 2025; AND TO PROVIDE THAT BEGINNING IN 2026, THE BARNWELL COUNTY SCHOOL DISTRICT SHALL HAVE TOTAL FISCAL AUTONOMY.

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

Consolidation

SECTION 1. (A) Notwithstanding another provision of law:

(1) on the effective date of this act, Barnwell County School District 45, Barnwell County Consolidated School District, and Barnwell County School District 80 (the three present school districts) shall commence all prudent and essential preparations necessary to achieve an efficient and well-organized consolidation of the districts;

(2) effective July 1, 2024, the three present districts must be abolished. The powers and duties of the Board of Trustees of Barnwell County School District 45, Barnwell County Consolidated School District, and Barnwell County School District 80 must be devolved on the Board of Trustees of the Barnwell County School District, which shall consist of the combined geographic area encompassed by the three present school districts as they existed on the effective date of this act; and

(3) pursuant to Section 59-17-100:

(a) the three present school districts are required to submit their 2024 annual audit reports to the State Department of Education on or before December 1, 2024; and

(b) the Barnwell County School District must submit its initial audit report to the State Department of Education on or before December 1, 2025.

(B) In order to facilitate the efficient consolidation of the three present school districts, the members of the districts' respective boards of trustees and their superintendents, administrators, and personnel shall cooperate fully with the Barnwell County Legislative Delegation and delegation staff, the initial five-member appointed Board of Trustees for the Barnwell County School District, and the South Carolina Department of Education officials assisting with the consolidation. In addition, after the effective date of this act, the three present school districts may not:

(1) create new full-time or part-time district level positions;

(2) approve, award, or authorize any salary increases, raises, bonuses, or severance pay or separation incentives of any type;

(3) create or incur new bonded indebtedness, except as set forth in SECTION 6(C);

(4) approve requests for planned out-of-state travel or requests for reimbursement for planned out-of-state travel, unless the five-member Barnwell County School District Board of Trustees created pursuant to SECTION 2 of this act has approved the requests, or for matters needing decision prior to that board's creation, approval by the legislative delegation; or

(5) make any significant district purchases unless the five-member Barnwell County School District Board of Trustees created pursuant to SECTION 2 of this act has approved the purchase. For purposes of this item, "significant district purchase" means any district purchase in excess of fifty thousand dollars. The provisions of this item do not apply to essential district purchases directly related to student health or safety; however, any such purchases will be reported to the Barnwell County School District Board of Trustees.

(C) Any current district level administrator for any of the three present school districts whose position will be eliminated due to the creation of an equivalent position in the consolidated district has priority consideration for the equivalent position if the administrator remains in his role at the time of hiring for the consolidated district and desires to be considered for the new position. Priority consideration is limited to review of an application for employment, or an interview; however, priority consideration does not mean that a position with the consolidated district must be offered. For purposes of this subsection, "current" means as of the effective date of this act, and "district level administrator" includes superintendents, chief academic officers, associate superintendents, assistant superintendents,

and district directors. Position equivalency must be determined based on the position's title and responsibilities.

Board of Trustees

SECTION 2. (A) The Barnwell County School District must be governed by a board of trustees of five members to be appointed initially by a majority of the Barnwell County Legislative Delegation. The five members initially appointed by the legislative delegation after the effective date of this act must be qualified electors of either Barnwell County School District 45, Barnwell County Consolidated School District, or Barnwell County School District 80, and these appointed members shall serve on the Barnwell County School District Board of Trustees until their successors are elected in school district elections conducted at the same time as the 2024 General Election and qualify.

(B) Beginning in 2024, the school district must be governed by a board of trustees of five members, elected in nonpartisan elections from the five single-member election districts as shown on the official Barnwell County School District map designated as S-11-00-23 and maintained by the Revenue and Fiscal Affairs Office. Each member must be a resident of the single-member district from which he is elected, and only those electors residing in the particular district are eligible to vote for the trustee who will represent the district. Elections for the Barnwell County School District Board of Trustees must be conducted at the same time as the general election and every four years thereafter, except as provided in this act to stagger the members' terms. Members of the Barnwell County School District Board of Trustees must be elected for four-year terms and until their successors are elected and qualify; however, in order to stagger the members' terms, of the five trustees elected in 2024 the trustees elected from the even-numbered election districts shall serve initial two-year terms, and the successors to these members must be elected in school district elections to be conducted at the same time as the 2026 General Election. The trustees elected in the 2026 School District Elections and their successors shall serve full four-year terms and until their successors are elected and qualify. The members elected in 2024 from odd-numbered election districts shall serve full four-year terms to expire in November 2028 when their successors elected at the 2028 School District Elections qualify and take office. In the event of a vacancy on the board occurring for any reason other than the expiration of a term, the vacancy must be filled for the remainder of the unexpired term through appointment by the county legislative delegation.

(C) All persons desiring to qualify as a candidate for the Barnwell

County School District Board of Trustees shall file written notice of candidacy with the Barnwell County Board of Voter Registration and Elections on forms furnished by the board. The filing period shall open at 12:00 p.m. on August first or, if August first falls on Saturday or Sunday, then 12:00 p.m. on the following Monday and shall run until 12:00 p.m. on August fifteenth or, if August fifteenth falls on Saturday or Sunday, no later than 12:00 p.m. on the following Monday. This notice of candidacy must be a sworn statement and shall include the candidate’s name, age, election district in which he resides and from which he seeks election, voting precinct, period of residence in the county and election district, and other information that the board requires. The Barnwell County Board of Voter Registration and Elections shall conduct and supervise the elections for members of the Barnwell County School District Board of Trustees in the manner governed by the election laws of this State, mutatis mutandis. The county board of voter registration and elections shall prepare the necessary ballots, appoint managers for the voting precincts, and do all things necessary to carry out the elections, including the counting of ballots and declaring the results. The county elections board also shall publish notices of the elections pursuant to Section 7-13-35. The results of the elections must be determined by the nonpartisan plurality method contained in Section 5-15-61. The members of the consolidated school district elected in these nonpartisan elections shall take office one week following certification of their election pursuant to Section 59-19-315.

(D) The demographic information for each of the five single-member districts shown on the Barnwell County School District map is as follows:

District	Pop.	Dev.	%Dev.	Hisp.	%Hisp.
1	3,973	-145	-3.52%	157	3.95%
2	4,176	58	1.41%	86	2.06%
3	4,266	148	3.59%	71	1.66%
4	3,920	-198	-4.81%	112	2.86%
5	4,254	136	3.30%	94	2.21%
Totals	20,589			520	2.53%

District	NH White	%NH White	NH Blk.	%NH Blk.	VAP	%VAP
1	2,754	69.32%	878	22.10%	3,087	77.70%
2	1,463	35.03%	2,542	60.87%	3,119	74.69%
3	2,408	56.45%	1,638	38.40%	3,439	80.61%
4	2,384	60.82%	1,296	33.06%	3,018	76.99%
5	1,343	31.57%	2,696	63.38%	3,301	77.60%
Totals	10,352	50.28%	9,050	43.96%	15,964	

District	HVAP	% HVAP	WVAP	% WVAP	BVAP	% BVAP
1	98	3.17%	2,198	71.20%	657	21.28%
2	58	1.86%	1,195	38.31%	1,811	58.06%
3	48	1.40%	2,000	58.16%	1,277	37.13%
4	69	2.29%	1,917	63.52%	935	30.98%
5	66	2.00%	1,111	33.66%	2,030	61.50%
Totals	339	2.12%	8,421	52.75%	6,710	42.03%

Board officers

SECTION 3. (A) The members of the Barnwell County School District Board of Trustees shall elect a chairman and other officers they consider necessary for terms that are coterminous with their appointed or elected terms of office.

(B) The Barnwell County School District Board of Trustees has the power, duty, and responsibility provided by law including to:

- (1) employ a superintendent as the chief executive officer;
- (2) establish other administrative departments upon the recommendation of the superintendent;
- (3) adopt the annual school district budget;
- (4) inquire into the conduct of an office, department, or agency of the school district;
- (5) adopt and modify attendance zones of schools within the school district;
- (6) provide for an independent annual audit of the books and business affairs of the school district and for a general survey of school district business;
- (7) cooperate to establish and maintain a central purchasing system for the purchase of contractual services, equipment, and supplies;
- (8) cooperate to establish and maintain educational consortia;
- (9) be responsible for policymaking action and the review of

regulations established to put these policies into operation; and

(10) set by majority vote of the board a salary that each member shall receive for attending meetings of the board, which may not exceed four hundred fifty dollars per month.

Superintendent

SECTION 4. The district superintendent is the chief operating officer of the district and is responsible to the board for the proper administration of all affairs of the district and subject to all other provisions of law relating to his duties. He shall:

(1) appoint and, when necessary for the good of the district, remove an appointed officer or employee of the district and fix the salaries of these officers and employees, unless otherwise provided by law and except as he may authorize the head of a department or office to appoint and remove subordinates in the department or office;

(2) prepare the budget annually, submit it to the board, and be responsible for its administration after adoption;

(3) prepare and submit to the board at the end of each fiscal year a complete annual report on the finances and administrative activities of the board for the preceding year and make other financial reports from time to time that may be required by the board or by law;

(4) keep the board advised of the financial condition and future needs of the district and make recommendations that seem desirable;

(5) perform other duties prescribed by law or required of him by the board not inconsistent with the provisions of law; and

(6) centralize all administrative functions including, but not limited to, human resources, accounting, procurement, transportation, school bus services, and maintenance.

Millage levy

SECTION 5. (A) For purposes of determining the 2024 property tax millage levy of the Barnwell County School District upon its creation, the millage levy for the district must be determined and calculated by the Department of Revenue based on the 2023 levy of the three present school districts and the value of a mill in each district. The county shall levy the millage as calculated and determined by the Department of Revenue, no less. Neither Section 12-43-285, nor any other state or local law shall be interpreted to provide a basis or discretion for the county to reduce the millage rate set by the Department of Revenue. Thereafter, the millage levy for the year 2025 must be the millage levy for the

previous year. To the allowed millage levy for 2024 and 2025 may be added any millage determined by the Department of Revenue necessary to comply with educational mandates imposed by federal or state law.

(B) Beginning in 2026, the Barnwell County School District is vested with total fiscal autonomy. In order to obtain funds for school purposes the board of trustees is authorized to impose an annual tax levy, exclusive of any millage imposed for bond debt service. Upon certification by the board of trustees to the county auditor of the tax levy to be imposed, the auditor shall levy and the county treasurer shall collect the millage so certified upon all taxable property in the district. The consolidated school district may raise its millage by no more than two mills over that levied for the previous year, in addition to any millage needed to adjust for the EFA inflation factor and sufficient to meet the requirements of Section 59-21-1030. An increase above this two mills for operations may be levied only after a majority of the registered electors of the district vote in favor of the millage increase in a referendum called by the district board of trustees and conducted by the county board of voter registration and elections. If the school district calls for the referendum provided for in this subsection to be held at any time other than at the general election conducted pursuant to Section 7-13-10 then the school district shall pay the cost of the referendum. To the extent the provisions of this section relating to increases in school millages conflict with the provisions of Section 6-1-320, relating to the millage rate increase limitation, the provisions of Section 6-1-320 control.

Assets and liabilities

SECTION 6. (A)(1) On July 1, 2024, the assets and liabilities of the three present school districts must be transferred to the Barnwell County School District. The records and employees of the three present school districts must be transferred to and, if applicable, assumed by the countywide school district.

(2) Any funds under paragraph 1.88, Part I of Act 91 of 2019 or paragraph 1.92 of Act 239 of 2022 to support school district consolidation and related purposes in certain specified school districts, which have been distributed to or which are to be made available to the three present school districts must be transferred to or made available to Barnwell County School District to be used for the same purposes unless otherwise amended per the terms of those two provisos.

(B) The constitutional debt limitation on the issuance of general obligation bonds applicable to the Barnwell County School District is to

be computed according to the law of this State and based on the assessed value of all taxable property in the district minus that bonded indebtedness of each of the present school districts made a part of the district that was includable against the constitutional debt limit of the present school districts.

(C)(1) During the transition period, which begins on the effective date of this act and runs until July 1, 2024, no new general obligation bonds may be issued against the constitutional debt limitation of the three present school districts unless such general obligation bonds are scheduled to mature and be paid in full prior to July 1, 2024. Bond anticipation notes and tax anticipation notes may be issued during the transition period by the three present school districts only if such notes are scheduled to mature and be paid in full prior to July 1, 2024.

(2) During the transition period, which begins on the effective date of this act and runs until July 1, 2024, no new general obligation bonds maturing on or after July 1, 2024, may be issued against the constitutional debt limitation of the three present school districts, except in the case of an emergency. If new general obligation bonds are issued, then the board of trustees of the issuing school district must adopt a resolution declaring the emergency and specifying the necessity of the issue.

Previous districts abolished

SECTION 7. (A) Barnwell County School District 45, Barnwell County Consolidated School District, and Barnwell County School District 80 are abolished on July 1, 2024, at which time the Barnwell County School District must be established as provided in this act. The terms of all members of the boards of trustees of the three present school districts of the county will expire on this date. However, the members of the countywide school district board of trustees appointed after the effective date of this act shall take office on the date they take the oath of office. From this date and until July 1, 2024, the boards shall organize, begin planning for the changeover to the consolidated district, enter into contracts to effectuate these purposes, begin spending SRS settlement funds designated to the Barnwell County School District, and perform other related matters, except that the responsibility and authority to manage the schools of the three present school districts rests solely with the individual boards for each of the three present school districts until July 1, 2024, and the appointed countywide board of trustees may not interfere with this authority.

(B) Funding for the activities of the appointed consolidated board of

trustees, from the date the members assume office until July 1, 2024, must be paid from funds provided to the Barnwell County School District by the State Department of Education for this purpose.

(C)(1) After the effective date of this act, a member of one of the three present school districts' governing boards may:

(a) be appointed to the Barnwell County School District Board of Trustees; or

(b) seek election to the Barnwell County School District Board of Trustees in 2024.

(2) If a member of one of the present boards is either appointed or elected to the Barnwell County School District Board of Trustees pursuant to item (1):

(a) prior to assuming his new duties on the consolidated school district board of trustees, he must first resign as a member of the present board; and

(b) notwithstanding another provision of law, the vacancy on the present board must be filled for the remainder of the unexpired term by appointment of the county legislative delegation if the vacancy will cause the loss of a quorum on the present board, or will cause a violation of Section 59-19-20.

Repeal of prior acts

SECTION 8. All local acts concerning Barnwell County School District 45, Barnwell County Consolidated School District, and Barnwell County School District 80 (known as Barnwell County Vocational Education School Board) inconsistent with the provisions of this act are repealed as of July 1, 2024, it being the intent of the General Assembly to have this act and the general law be the only provisions of law governing the school district of the county.

Severability

SECTION 9. If any provision of this act for any reason is held by a court of competent jurisdiction to be unconstitutional or invalid, that holding shall not affect the constitutionality or validity of the remaining portions of this act. The General Assembly declares that it would have passed this act and each and every provision in it, irrespective of the fact that any one or more provisions of it may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

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

Ratified the 19th day of April, 2023

Approved the 25th day of April, 2023.

No. 93

(R93, S335)

AN ACT TO AMEND ACT 596 OF 1969, AS AMENDED, RELATING TO THE MEMBERSHIP OF THE HILTON HEAD NO. 1 PUBLIC SERVICE DISTRICT COMMISSION, TO PROVIDE FOR SEVEN APPORTIONED ELECTION DISTRICTS, AND TO PROVIDE FOR THE ELECTION OF CANDIDATES IN 2024 AND 2026.

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

Hilton Head No. 1 Public Service District Commission redistricting and commissioner elections

SECTION 1. SECTION 3 of Act 596 of 1969, as last amended by Act 124 of 2003, is amended to read:

SECTION 3. (A) The district must be operated, managed, and governed by a commission to be known as "Hilton Head No. 1 Public Service District Commission". The commission shall consist of seven residents of the district who must be qualified electors of the district.

(B) The commissioners shall be elected from seven election districts established by the commission and properly apportioned with the assistance of the appropriate state agencies. The commission is authorized to participate in redistricting as necessary to comply with state and federal laws.

(C) On the first Tuesday after the first Monday in November 2024, four commissioners, one from District Two, one from District Three, and

two from District Four, as previously elected pursuant to Act 124 of 2003, shall be considered for election in accordance with the election districts established pursuant to subsection (B). On the first Tuesday after the first Monday in November 2026, the three remaining commissioners, one from District One, one from District Two, and one from District Four, as previously elected pursuant to Act 124 of 2003, shall be considered for election in accordance with the election districts established pursuant to subsection (B). Candidates shall file a statement of intention of candidacy with the county board of elections and registration pursuant to Section 7-13-35 of the S.C. Code, as amended. Commissioners shall reside in and be elected by the qualified electors of their respective election districts established pursuant to subsection (B). Commissioners must be elected for terms of four years until their successors are elected and qualify.

(D) The Beaufort County Board of Elections and Registration shall conduct and supervise the elections for commissioners in the manner governed by the election laws of this State, mutatis mutandis. Vacancies must be filled in the manner provided in Section 7-13-190 of the S.C. Code.

Time effective

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

Ratified the 14th day of June, 2023

Approved the 19th day of June, 2023

No. 94

(R12, S657)

AN ACT TO AMEND SECTION 3 OF ACT 802 OF 1954, AS AMENDED, RELATING TO THE COMPOSITION OF THE BOARD OF THE CHESTER COUNTY NATURAL GAS AUTHORITY, SO AS TO CHANGE THE METHOD OF APPOINTMENT; AND TO AMEND SECTION 5 OF ACT 802 OF 1954, RELATING TO REVENUES, SO AS TO ALLOW THE

BOARD TO UTILIZE NET REVENUES.

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

Findings

SECTION 1. The General Assembly finds that:

(A) The Chester County Natural Gas Authority “authority” was created pursuant to Act 802 of 1954, as amended by Act 527 of 1957, as amended by Act 528 of 1957, and as last amended by Act 1237 of 1966.

(B) As a result of the changes in the service area’s boundaries and population distribution, the General Assembly believes it is in the authority’s and its customers’ best interests that it alter the method whereby the members of the authority’s governing board are appointed; and that the revenues be used to expand the system as needed and to subsidize the rates charged to its customers.

(C) In order to better serve the populations residing within the authority’s service area, the General Assembly has determined that Act 802 of 1954, as amended, should be amended as provided in SECTIONS 2 and 3 of this act.

Board members

SECTION 2. SECTION 3 of Act 802 of 1954, as last amended by Act 527 of 1957 is amended to read:

SECTION 3. The authority shall consist of a board of five members from the service territory of the authority. The board members must be appointed by the Governor upon the recommendation of a majority of the existing board, and such recommendation is approved by the Chester County Delegation, including the Senator. The initial terms of office begin as of the effective date of this act and continue for a term of six years and until the appointment and qualification of their successors. A vacancy in office must be filled for the unexpired term in the manner of the original appointment. The members of the authority serve without salary, and must be compensated only for actual expenses incurred on official business of the authority and as provided by state law. A full record of all expenses that may be incurred by the members of the authority must be kept and must at all reasonable times be open to public inspection. As soon as convenient, the members of the authority shall convene and shall elect one of their number as chairperson and another

as secretary, each of whom shall hold office for terms to be fixed by the authority.

Revenues

SECTION 3. SECTION 5 of Act 802 of 1954 is amended to read:

SECTION 5. All net revenues derived from the system, whose disposition the authority shall not have covenanted or contracted to otherwise dispose of, shall be placed, as directed by the authority's governing board, in reserve in order that the authority:

(A) may act to supplement the fees charged to its customers so that the customers shall not have to bear inordinate increases in their rates when the price of gas to the authority rises precipitously; and

(B) shall have access to ready funding when the system requires expansion or extraordinary maintenance or updating.

Purpose

SECTION 4. The intended purpose of this act is to amend and replace SECTION 3 and SECTION 5 of Act 802 of 1954, as amended. Upon the effective date of this act, SECTION 3 and SECTION 5 of Act 802 of 1954 exist exclusively as set forth in this act, and all other provisions in Act 802 of 1954, as previously amended, shall remain unaltered and unaffected by this act, except in the event of a conflict between this act and other provisions of Act 802 of 1954, as amended, the provisions of this act shall govern and control.

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 19th day of April, 2023

Approved the 25th day of April, 2023.

No. 95

(R2, H3254)

AN ACT TO AMEND ACT 593 OF 1992, AS AMENDED, BY REPEALING SECTION 3 RELATING TO THE LIMIT ON CASH RESERVES THAT MAY BE MAINTAINED BY DORCHESTER COUNTY SCHOOL DISTRICTS.

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

Repeal

SECTION 1. SECTION 3 of Act 593 of 1992, as last amended by Act 254 of 2022, is repealed.

Time effective

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

Ratified the 28th day of February, 2023

Approved the 3rd day of March, 2023.

No. 96

(R8, H3961)

AN ACT TO AMEND ACT 535 OF 1982, AS AMENDED, RELATING TO THE ELECTION OF THE SEVEN MEMBERS OF THE BOARD OF TRUSTEES OF SUMMERVILLE SCHOOL DISTRICT 2 OF DORCHESTER COUNTY, SO AS TO CHANGE THE METHOD OF ELECTING FROM AT-LARGE TO SINGLE-MEMBER DISTRICTS, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, TO CHANGE THE CANDIDATE FILING METHOD, AND TO PROVIDE DEMOGRAPHIC INFORMATION FOR THE NEWLY DRAWN ELECTION

DISTRICTS.

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

Board of trustees Summerville School District 2, districts

SECTION 1. Section 2(b) of Act 535 of 1982, as last amended by Act 445 of 2000, is further amended to read:

(b)(1) Notwithstanding another provision of law, the Board of Trustees of Summerville School District 2 must be governed by a seven-member board of trustees. Beginning with the 2024 General Election, each of the seven members of the Summerville School District 2 Board of Trustees must be elected in nonpartisan elections to be conducted at the same time as the general election every two to four years thereafter, except as may be provided to stagger the members' terms. The board members must be elected by the qualified electors of Summerville School District 2 from one of the seven defined single-member districts as shown on the Summerville School District 2 map on file with the Revenue and Fiscal Affairs Office and designated as document S-35-02-23. This map, unless subsequently amended by the General Assembly or a court of competent jurisdiction, must be used for school district elections beginning with the 2024 General Election and to fill any vacancies that occur following the 2024 school district elections. A board member representing a numbered district must be a resident of the school district and the numbered single-member district from which he is elected, and only those electors residing in the particular district are eligible to vote for the trustee who will represent the district.

(2) Notwithstanding another provision of law, the seven incumbent members of the Board of Trustees of Summerville School District 2 holding office on June 30, 2024, shall serve until their successors are elected in the 2024 school district elections and qualify. These incumbent board members may seek election to the Board of Trustees of Summerville School District 2 in the 2024 school district elections.

(3) The members of the Board of Trustees of Summerville School District 2 must be elected to four-year terms and until their successors are elected and qualify, except that of the seven board members elected in the 2024 school district elections, all members elected to even-numbered districts shall serve initial two-year terms to expire in November of 2026, when their successors are elected in the 2026 school district elections and qualify, and all members elected to odd-numbered

districts shall serve full four-year terms and until their successors are elected in the 2028 school district elections and qualify.

(4) Vacancies on the board must be filled by appointment upon a majority vote of the members of the House of Representatives and a majority of the Senators representing Summerville School District 2 until the next general election, at which time a successor must be elected in the same manner provided in this act for the unexpired term or for a full term as the case may be.

(5) Any person who wishes to become a candidate for election to the Board of Trustees of Summerville School District 2 shall file a statement of intention of candidacy with the Dorchester County Board of Voter Registration and Elections as provided in Section 7-13-352.

(6) The results of the school district elections must be determined by the nonpartisan plurality method pursuant to Section 5-15-61.

(7) The demographic information for each of the seven single-member districts shown on the Summerville School District 2 map is as follows:

District	Pop.	Dev.	%Dev.	Hisp.	%Hisp.
1	20,949	192	0.92%	977	4.66%
2	21,561	804	3.87%	1,500	6.96%
3	19,856	-901	-4.34%	2,479	12.48%
4	20,762	5	0.02%	1,517	7.31%
5	21,296	539	2.60%	1,366	6.41%
6	20,187	-570	-2.75%	1,027	5.09%
7	20,689	-68	-0.33%	1,555	7.52%
Totals	145,300			10,421	7.17%

District	NH White	%NH White	NH Blk.	%NH Blk.	VAP	%VAP
1	14,818	70.73%	3,943	18.82%	15,211	72.61%
2	12,500	57.98%	5,774	26.78%	16,505	76.55%
3	9,744	49.07%	5,759	29.00%	14,246	71.75%
4	11,963	57.62%	5,570	26.83%	15,425	74.29%
5	14,447	67.84%	4,138	19.43%	16,204	76.09%
6	13,246	65.62%	4,695	23.26%	15,505	76.81%
7	14,091	68.11%	3,839	18.56%	14,937	72.20%
Totals	90,809	62.50%	33,718	23.21%	108,033	

District	HVAP	% HVAP	WVAP	% WVAP	BVAP	% BVAP
1	595	3.91%	11,022	72.46%	2,799	18.40%
2	940	5.70%	10,100	61.19%	4,196	25.42%
3	1,589	11.15%	7,444	52.25%	3,883	27.26%
4	975	6.32%	9,455	61.30%	3,800	24.64%
5	810	5.00%	11,596	71.56%	2,872	17.72%
6	639	4.12%	10,666	68.79%	3,357	21.65%
7	928	6.21%	10,637	71.21%	2,525	16.90%
Totals	6,476	5.99%	70,920	65.65%	23,432	21.69%

District boundaries

SECTION 2. The exterior boundaries of Summerville School District 2 are not altered by the provisions of this act. These school district lines are as defined by law and any census blocks which may be divided are done so only for statistical purposes and to establish a population base.

Time effective

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

Ratified the 15th day of March, 2023

Approved the 20th day of March, 2023.

No. 97

(R14, H4215)

AN ACT TO AMEND ACT 106 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 5 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS

OFFICE, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

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

Election districts

SECTION 1. Act 106 of 2015 is amended to read:

(A) Notwithstanding another provision of law, Spartanburg County School District 5 must be governed by a board of trustees of nine members, who must be elected as outlined in this section. A trustee must be a resident of the election district from which he is elected. Trustees must be elected for four-year terms and until their successors are elected and qualify. School district elections must be held in odd numbered calendar years, with four seats being contested during one election cycle and five being contested during the following cycle.

(B) Beginning with the school district elections in 2023, the election districts from which the nine members of the Spartanburg County School District 5 Board of Trustees must be elected are as shown on the Spartanburg County School District 5 map S-83-05-23 as maintained by the Revenue and Fiscal Affairs Office.

(C) The demographic information shown on this map is as follows:

District	Pop	Dev.	%Dev.	Hisp.	%Hisp.
1	5,807	-483	-7.68%	540	9.30%
2	12,706	126	1.00%	1,164	9.16%
3	38,104	364	0.96%	3,102	8.14%
Totals	56,617			4,806	

District	NH White	%NH White	NH Black	%NH Black	VAP	%VAP
1	2,430	41.85%	2,621	45.14%	4,250	73.19%
2	8,491	66.83%	2,238	17.61%	9,331	73.44%
3	27,443	72.02%	5,225	13.71%	28,641	75.17%
Totals	38,364		10,084		42,222	

District	HVAP	% HVAP	WVAP	% WVAP	BVAP	% BVAP
1	341	8.02%	1,883	44.31%	1,859	43.74%
2	691	7.41%	6,515	69.82%	1,592	17.06%
3	1,972	6.89%	21,261	74.23%	3,678	12.84%
Totals	3,004		29,659		7,129	

(D) After the effective date of this act:

(1) Election District 1 for Spartanburg County School District 5 must be represented by a single trustee to be elected in the 2023 school district elections who is elected by the registered voters who reside within Election District 1;

(2) Election District 2 for Spartanburg County School District 5 must be represented by two trustees who are elected by the registered voters who reside within Election District 2. One of these trustees must be elected in the 2023 school district elections, and the second trustee must be elected in the 2025 school district elections; and

(3) Election District 3 for Spartanburg County School District 5 must be represented by six trustees who are elected by the registered voters who reside in Election District 3. Two of these trustees must be elected in the 2023 school district elections, at which the two candidates receiving the highest number of votes, irrespective of whether the actual result constitutes a majority of those voting, must be declared elected. Four additional trustees must be elected in the 2025 school district elections, at which the four candidates receiving the highest number of votes, irrespective of whether the actual result constitutes a majority of those voting, must be declared elected.

Time effective

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

Ratified the 19th day of April, 2023

Approved the 25th day of April, 2023.

No. 98

(R15, H4216)

AN ACT TO AMEND ACT 107 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 7 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

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

Election districts

SECTION 1. Act 107 of 2015 is amended to read:

(A) Beginning with the school district elections in 2023, the election districts from which the nine members of the Spartanburg County School District 7 Board of Trustees must be elected are as shown on the Spartanburg County School District 7 map S-83-07-23 as maintained by the Revenue and Fiscal Affairs Office.

(B) The demographic information shown on this map is as follows:

District	Pop.	Dev.	%Dev.	Hisp.	%Hisp.
1	5,781	-230	-3.83%	294	5.09%
2	5,768	-243	-4.04%	542	9.40%
3	5,751	-260	-4.33%	387	6.73%
4	5,745	-266	-4.43%	333	5.80%
5	31,051	996	3.31%	1,871	6.03%
Totals	54,096			3,427	

District	NH White	%NH White	NH Black	%NH Black	VAP	%VAP
1	1,932	33.42%	3,384	58.54%	4,508	77.98%
2	1,215	21.06%	3,732	64.70%	4,385	76.02%
3	1,615	28.08%	3,521	61.22%	4,324	75.19%
4	1,673	29.12%	3,233	56.28%	4,370	76.07%

5	20,928	67.40%	6,574	21.17%	24,941	80.32%
Totals	27,363	50.58%	20,444	37.79%	42,528	78.62%

District	HVAP	% HVAP	WVAP	% WVAP	BVAP	% BVAP
1	213	4.72%	1,779	39.46%	2,384	52.88%
2	367	8.37%	1,090	24.86%	2,721	62.05%
3	259	5.99%	1,363	31.52%	2,536	58.65%
4	210	4.81%	1,371	31.37%	2,387	54.62%
5	1,278	5.12%	17,561	70.41%	4,845	19.43%
Totals	2,327	5.47%	23,164	54.47%	14,873	34.97%

Time effective

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

Ratified the 19th day of April, 2023

Approved the 25th day of April, 2023.

No. 99

(R61, H4412)

AN ACT TO AMEND ACT 939 OF 1954, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE INMAN-CAMPOBELLO WATER DISTRICT COMMISSION, SO AS TO PERMIT THE COMMISSION TO BECOME A MEMBER AND PARTICIPATE IN A JOINT AGENCY OR AUTHORITY ORGANIZED UNDER THE LAWS OF AN ADJOINING STATE.

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

Powers and duties of the commission

SECTION 1. SECTION 3 of Act 939 of 1954, as last amended by Act 579 of 1955, is further amended by adding an item to read:

21. Become a member of and participate in the governance, operation, and financing of a joint agency or authority organized within this State or an adjoining state and may take all such actions as may be necessary or convenient in furtherance thereof.

Time effective

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

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

No. 100

(R69, S360)

AN ACT TO AMEND ACT 471 OF 2002, AS AMENDED, RELATING TO THE WILLIAMSBURG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES, SO AS TO REQUIRE CANDIDATES SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN SIGNED PETITIONS.

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

Filing a statement of candidacy

SECTION 1. Section 1(C) of Act 471 of 2002, as last amended by Act 107 of 2017, is amended to read:

(C)(1) School board elections shall be nonpartisan and shall be conducted on the first Tuesday after the first Monday of November every two years. The Williamsburg County Office of Voter Registration and Elections shall conduct and supervise the elections for members of the board in the manner as for the election of the Williamsburg County Council, subject to the election laws of this State, mutatis mutandis. The

Williamsburg County Office of Voter Registration and Elections shall prepare the necessary ballots, appoint managers for the voting precincts, and perform all necessary duties to carry out the elections, including the counting of ballots and declaring the results. The Williamsburg County Office of Voter Registration and Elections shall publish notices of the elections in the same manner as provided by law. The results of the elections must be determined by the nonpartisan plurality method as provided by law.

(2) Candidates for election shall file a statement of candidacy with the Williamsburg County Voter Registration and Elections Board as provided in Section 7-13-352 as the means to be placed on the ballot.

(3) In the event of a vacancy on the board requiring a special election, the board of trustees shall call the special election to fill the unexpired term. The special election shall be conducted by the Williamsburg County Office of Voter Registration and Elections subject to the election laws of this State, mutatis mutandis.

Time effective

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

Ratified the 17th day of May, 2023

Approved the 18th day of May, 2023

No. 101

(R77, S764)

AN ACT TO AMEND ACT 470 OF 2000, AS AMENDED, RELATING TO THE ELECTION DISTRICTS OF MEMBERS OF ROCK HILL SCHOOL DISTRICT 3 IN YORK COUNTY, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO UPDATE THE MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

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

Election districts

SECTION 1. Section 2(A) of Act 470 of 2000, as last amended by Act 310 of 2014, is further amended to read:

(A)(1) Notwithstanding another provision of law, beginning with the elections conducted in 2024, the election districts for the members of the Board of Trustees of Rock Hill School District No. 3 of York County are established and delineated on map number S-91-03-23 created and maintained by the Revenue and Fiscal Affairs Office, or its successor agency.

(2) The demographic information shown on this map is as follows:

District	Pop.	Dev.	%Dev.	Hisp.	%Hisp.	NH White	%NH White
1	23,318	-927	-3.82%	1,430	6.13%	7,720	33.11%
2	24,520	275	1.13%	1,270	5.18%	17,672	72.07%
3	23,872	-373	-1.54%	1,023	4.29%	14,059	58.89%
4	24,857	612	2.52%	2,772	11.15%	16,180	65.09%
5	24,660	415	1.71%	1,924	7.80%	14,157	57.41%
Total	121,227			8,419		69,788	

District	NHBlk	%NHBlk	VAP	%VAP	HVAP	%HVAP
1	13,203	56.62%	18,335	78.63%	977	5.33%
2	4,166	16.99%	19,238	78.46%	851	4.42%
3	7,740	32.42%	18,410	77.12%	658	3.57%
4	4,375	17.60%	19,392	78.01%	1,873	9.66%
5	6,201	25.15%	19,279	78.18%	1,346	6.98%
Total	35,685		94,654		5,705	

District	NHWVAP	%NHWVAP	NHBVAP	%NHBVAP
1	6,615	36.08%	10,048	54.80%
2	14,351	74.60%	3,002	15.60%
3	11,370	61.76%	5,674	30.82%
4	13,258	68.37%	3,099	15.98%
5	11,773	61.07%	4,487	23.27%
Total	57,367		26,310	

Exterior boundaries unaffected

SECTION 2. The exterior boundaries of Rock Hill School District 3 in York County are not altered by the provisions of this act. These school district lines are as defined by law and any census blocks which may be divided are done so only for statistical purposes and to establish a population base.

Time effective

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

Ratified the 17th day of May, 2023

Approved the 19th day of May, 2023

No. 102

(R41, S698)

A JOINT RESOLUTION TO APPROVE REGULATIONS OF CLEMSON UNIVERSITY, RELATING TO PARKING, TRAFFIC, AND PUBLIC SAFETY REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5108, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

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

Regulations approved

SECTION 1. The regulations of the Clemson University, relating to Parking, Traffic, and Public Safety Regulations, designated as Regulation Document Number 5108, and submitted to the General Assembly pursuant to the provisions of Article 1, Chapter 23, Title 1 of the S.C. Code, are approved.

Time effective

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 11th day of May, 2023

Approved the 16th day of May, 2023

REGULATIONS OF STATE AGENCIES
August 26, 2022 - July 28, 2023

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The regulations contained in this index have been filed in the office of the Legislative Council and processed in accordance with the provisions of Article 1, Chapter 23, Title 1, *Code of Laws of South Carolina, 1976*, and became effective August 26, 2022 through July 28, 2023.

The texts of all regulations listed in this index have been published in the volume and issue of the *South Carolina State Register* noted opposite each entry and are available on the South Carolina General Assembly Home Page: www.scstatehouse.gov. If you do not have access to the Internet, the regulations are available for public inspection in the office of the promulgating agency, the Legislative Council, the State Library and the Department of Archives and History.

An explanation of abbreviations opposite regulations contained in this index, e.g. "SR47-1", means *South Carolina State Register*, Volume 47, Issue 1. Page numbers can be determined from the table of contents in the issue concerned. The number in parenthesis is the filing Document Number.

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