

2014 REGULAR SESSION

**Acts and Joint Resolutions**

of the

GENERAL ASSEMBLY  
OF THE STATE OF SOUTH CAROLINA

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Numbers in parenthesis to left of act numbers (numbers in bold face) refer as follows: number with R before it refers to ratification number, number with S before it refers to bill number in Senate, and number with H before it refers to bill number in House of Representatives.

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If the first portion of the act on the opposite page is incomplete, see the preceding Advance Sheet for the first portion.

**PART IB****OPERATION OF STATE GOVERNMENT****SECTION 1 - H63-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: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for one hundred percent of full implementation of the Education Finance Act to include an inflation factor projected by the Revenue and Fiscal Affairs Office to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be \$2,120. For the current fiscal year, the total pupil count is projected to be 708,231. The average per pupil funding is projected to be \$5,290 state, \$1,154 federal, and \$4,996 local. This is an average total funding level of \$11,440 excluding revenues of local bond issues. 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 EFA funds to the charter school as determined by one hundred percent of the current year's base student cost, as funded by the General Assembly multiplied by the weighted students pupils enrolled in the charter school, which must be subject to adjustment for student attendance.

The Revenue and Fiscal Affairs Office, must post in a prominent place on their website for each school district projections, including the

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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 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 prescribed in Section 59-20-40(1)(c) Special Programs
- (3) Precareer and Career Technology..... 1.29
- (4) 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..... 0.20

No local match is required for the additional weightings for personalized instruction in school year 2014-2015. After the 2014-2015 school year, a local match to conform with the Education Finance Act will be required. Charter school per pupil calculations for locally sponsored charters will continue to be calculated according to Section 59-40-140 of the 1976 Code.

Students may receive multiple weights for personalized instruction; however, within each weight, students should only be counted once. These weights are defined below:

Gifted and talented students are students who are classified as academically or artistically gifted and talented or who are enrolled in Advanced Placement (AP) and International Baccalaureate (IB) courses in high school. Districts shall set-aside twelve percent of the

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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.

For the 2014-2015 school year, students in poverty will continue to be defined as students eligible for free/reduced lunch and/or Medicaid. The Department of Education will continue to use counts from the 2013-14 school year to determine poverty funding for the add-on weighting.

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 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, 2015. The department must provide districts with technical assistance with regard to student count changes in PowerSchool.

**1.4.** (SDE: EFA - Formula) The amount appropriated in Part IA, Section 1 for "Education Finance Act" shall be the maximum paid under the provisions of Act 163 of 1977 (the South Carolina Education Finance Act of 1977) to the aggregate of all recipients. The South Carolina Education Department shall develop formulas to determine the state and required local funding as stipulated in the South Carolina Education Finance Act of 1977. Such formulas shall require the approval of the State Board of Education and the Budget and Control Board. After computing the EFA allocations for all districts, the department shall determine whether any districts' minimum required

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local revenue exceeds the districts' total EFA Foundation Program. When such instance is found, the department shall adjust the index of taxpaying ability to reflect a local effort equal to the cost of the districts' EFA Foundation Program. The districts' weighted pupil units are to be included in determination of the funds needed for implementation of the Education Finance Act statewide.

In the event that the formulas as devised by the Department of Education and approved by the State Board of Education and the Budget and Control Board should provide for distribution to the various school districts totaling more than the amount appropriated for such purposes, subject to the provisions of this proviso, the Department of Education shall reduce each school district entitlement by an equal amount per weighted pupil so as to bring the total disbursements into conformity with the total funds appropriated for this purpose. If a reduction is required in the state's contribution, the required local funding shall be reduced by the proportionate share of local funds per weighted pupil unit. The Department of Education shall continually monitor the distribution of funds under the provisions of the Education Finance Act and shall make periodic adjustments to disbursements to ensure the aggregate of such disbursements do not exceed the appropriated funds.

Local districts shall not be mandated or required to inflate the base number in their respective salary schedules by any percentage greater than the percentage by which the appropriated base student cost exceeds the appropriated base student cost of the prior fiscal year.

**1.5.** (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.

**1.6.** (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.

**1.7.** (SDE: Governor's School for Science & Math) 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.

**1.8.** (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. This also applies to John de la Howe School who also has the authority to seek reimbursement in any situation that the school district has participation in the placement of the student.

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John de la Howe School shall be reimbursed 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 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



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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 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.

**1.9. DELETED**

**1.10.** (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.

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**1.11.** (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, 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.

**1.12.** (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.

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**1.13.** (SDE: School Lunch Program Aid) The amount appropriated herein for School Lunch Program Aid shall be divided among the District and/or County Boards of Education of the State upon the basis of the number of schools participating in the School Lunch Program in each district during the prior school year. The travel expenses of the District and/or County School Lunch Supervisor shall be paid from this appropriation at the prevailing rate of mileage allowed by the State. These funds may be used as an aid in improving the School Lunch Program. These funds may not be used to supplement the salaries of school lunch supervisors. In the absence of a County Board of Education in multi-district counties, the funds will be divided among the school districts of the county on the basis of the number of schools participating in the School Lunch Program in each district during the prior school year.

**1.14.** DELETED

**1.15.** (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.

**1.16.** (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, XIV, 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.

**1.17.** (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

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reimbursable-plus basis, from the Department of Education School Bus Maintenance Shops.

**1.18.** (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.

**1.19.** (SDE: Teacher Data Collection) Of the nonprogram 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.

**1.20.** (SDE: School Building Aid) Of the funds appropriated in Part IA for School Building Aid, \$500,000 shall be allocated on a K-12 per pupil basis to Multi-District Area Vocational Schools.

**1.21.** DELETED

**1.22.** (SDE: School Bus Driver CDL) From funds provided in Part IA, Section 1, X.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 school districts shall be treated as a charitable organization for purposes of the fee charged for the criminal records search.

**1.23.** (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.

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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 Georgia or North Carolina in the procurement of school buses. If the department uses the specifications of Georgia or North Carolina, 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.

**1.24.** (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program X.B. - Bus Shops and funds appropriated in X.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.

**1.25.** (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.

**1.26.** (SDE: Status Offenders/John de la Howe) The funds appropriated for the Status Offender Program shall be distributed to John de la Howe School to expand residential programs to include court ordered status offenders. Components of such a program shall include collaboration between the home school district and the residential school and treatment or related services to the families of students in placement.

**1.27.** (SDE: Governor's School Leave Policy) The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of their respective board of directors. This policy shall address their respective school calendars in order to comply with the instructional needs of students attending both special schools.

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**1.28.** (SDE: School Facilities Management System) School Districts may use capital improvement bond funds, lapsed funds or any other unexpended appropriated funds or revenues to access the Department of Education's School Facilities Management System database.

**1.29.** (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.

**1.30.** (SDE: Proviso Allocations) In the event an official General Fund revenue shortfall is declared by the Board of Economic Advisors, 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 Office of State Budget, except the additional EFA allocation to the South Carolina Public Charter School District. The reduction may not be greater than the total percentage of reduction of the Section 1 appropriation. Should the department hold back funds in excess of the total percentage reduction those funds must be allocated per the proviso. No allocation for teacher salaries shall be reduced as a result of this proviso.

**1.31.** (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, 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, required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs and programs serving students with exceptional needs.

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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 noninstruction pupil services. No portion of the seventy-five percent may be used for 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 noninstruction 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, 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 noninstructional 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.

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For the current fiscal year, Section 59-21-1030 is suspended. Formative assessments for grades one, two, and nine, 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 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.



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School districts that do not maintain an internet website must transmit all information required by this provision to the Comptroller General in a manner and at a time determined by the Comptroller General to be included on the internet website.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

**1.32.** (SDE: Medical Examination and Security Reimbursement/Expenditures) From funds authorized in Part IA, Section 1, X.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.

**1.33.** (SDE: Budget Reduction) In compensating for any reduction in funding, local districts must give priority to preserving classroom teachers and operations. Funding reductions should first be applied to administrative and nonclassroom expenses before classroom expenses are affected.

**1.34.** (SDE: Governor's School for the Arts and Humanities 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.

**1.35.** (SDE: Governor's Schools' Fees) The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to charge, collect, expend, and carry forward student fees as approved by their respective Board of Directors. The purpose and amount of any such fees will be to maintain program quality in both academics and residential support. No student will be denied admittance or participation due to financial inability to pay. The respective Board of Directors shall promulgate administrative policy governing the collection of all student fees. Both schools shall conspicuously publish a fee schedule on their respective websites.

**1.36.** (SDE: School District Furlough) Should there be a midyear reduction in state funding to the districts, school districts may institute

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employee furlough programs for district-level and school-level professional staff. Before any of these employees may be furloughed, 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 noninstructional 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 noninstructional 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.

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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 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.

**1.37.** (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.

**\*\*1.38. (SDE: Replacement Facilities)** *The Department of Education is directed to proceed with the development of a joint-use school transportation maintenance and operations facility in Greenville County. Prior to the availability of this new facility the department shall continue to operate state school bus maintenance services from the existing Greenville School Bus Maintenance Facility located on Halton Road. All proceeds from the sale of the Halton Road Facility and Property shall become pupil transportation operating revenue of the department. The cost of the State share of the new joint-use facility, the cost of preparing the old Halton Road Facility and Property for disposal, interim relocation/construction financing, all associated relocation expenses, and all other related costs shall be funded from the proceeds received from the sale of the existing Halton Road Facility and Property. The State Treasurer shall make available all necessary interim financing to accomplish the proviso directives.*

**1.39.** (SDE: SCGSAH Certified Teacher Designation) Because of the unique nature of the South Carolina Governor's School for the Arts and Humanities, the Charleston School of the Arts, and the Greenville

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\*\* See note at end of Act.

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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.

**1.40.** (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.

**1.41.** DELETED

**1.42.** (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.

**1.43.** (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.

**1.44.** DELETED

**1.45.** (SDE: Lost & Damaged Textbook Fees) Fees for lost and damaged textbooks 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 textbook funding from schools that have not paid their fees by the payment deadline.

**1.46.** DELETED

**1.47.** (SDE: Education Finance Act 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 Education Finance Act Reserve Fund. All unexpended general funds appropriated to the Department of Education for the Education Finance Act in the current fiscal year shall be transferred to the Education Finance Act Reserve Fund. In the event that the amount appropriated for the Education Finance Act is insufficient to fully fund the base student cost as established by this act, revenues from the Education Finance Act 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 Education Finance Act Reserve Fund and any

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interest accrued by the fund must remain in the fund and may be carried forward into the current fiscal year.

**1.48.** (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.

**1.49.** (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 as defined under 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, or a virtual charter school authorized by the South Carolina Public Charter School District. 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 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

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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 Homebound pupils of 2.10, as set forth in Section 59-20-40 of the 1976 Code 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 \$45 per student per day. 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 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

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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.

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 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 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

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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.

**1.50.** (SDE: Special Schools Flexibility) For the current fiscal year, the special schools are authorized to transfer funds among funding categories, including capital funds.

**1.51.** (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.

**1.52.** (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.

**1.53.** (SDE: Administrative Costs Report Posting) School districts must report the amount of funds spent on administrative costs, as defined by In\$ight 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 base student cost by one percent until such time as the requirement is met. Once in compliance, any funds withheld will be returned to the district.

**1.54.** (SDE: Teaching Requirement for Certified School Employees) From the funds appropriated, all certified public school



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teachers, certified special school classroom teachers, certified media specialists, certified guidance counselors, certified full-time athletic directors, certified principals, certified assistant principals, and certified school district administrators that are employed by a school district should, if practicable, teach at least two classes per week within the school district they are employed.

**1.55.** (SDE: Governor's Schools Residency Requirement) Of the funds appropriated, the Governor's School for the Arts and the Humanities and the Governor's School for Science and Mathematics are to ensure that a parent(s) or guardian(s) of a student attending either the Governor's School for the Arts and the Humanities or 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 the Arts and the Humanities and Governor's School for Science and Mathematics may not admit students whose parent(s) or guardian(s) are not legal residents of South Carolina.

**1.56.** (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.

**1.57.** DELETED

**1.58.** (SDE: Governor's Schools Capacity) For the current fiscal year, funds appropriated to the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics must be used to bring the schools up to full capacity, to the extent possible. Each school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December first how the funds have been utilized and how many additional students have been served.

**1.59.** (SDE: Student Health and Fitness) Funds appropriated for Student Health and Fitness shall be allocated to school districts to increase the number of physical education teachers to the extent possible and to provide licensed nurses for elementary public schools. Twenty-seven percent of the funds shall be allocated to the districts based on average daily membership of grades K-5 from the preceding year for physical education teachers. The remaining funds will be made available through a grant program for school nurses and shall be distributed to the school districts on a per school basis. Schools that

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provide instruction in grades K-5 are eligible to apply for the school nurse grant program.

**1.60.** DELETED

**1.61.** DELETED

**1.62.** (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 EFA and other applicable provisions of law.

**1.63.** (SDE: EFA State Share) A school district that does not recognize a State share of the EFA financial requirement shall be supplemented with an amount equal to seventy percent of the school district with the least State financial requirement.

**1.64.** (SDE: Health Education) 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. 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, then the district must have its base student cost reduced by one percent.

**1.65.** (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.

**1.66.** DELETED

**1.67.** (SDE: Felton Lab Allocation) Of the funds distributed pursuant to the Education Finance Act, the Felton-Laboratory School at South Carolina State University shall receive each year, seventy

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percent of the funds it would have received for that year under the Education Finance Act and under aid to school districts-fringe benefits, as if it were a special school district. The calculation of the amount of funds which the Felton-Laboratory School is entitled to receive each year shall be made by the Department of Education.

***\*\*1.68. (SDE: Lee County Bus Shop) From the funds appropriated in program XB, Bus Shops, in the current fiscal year, the department must fund the Lee County School District Bus Shop and the Kershaw County School District Bus Shop at the same level as they were funded in the previous fiscal year.***

**1.69.** (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.

**1.70.** (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.

**1.71.** DELETED

**1.72.** DELETED

**1.73.** (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.

**1.74.** (SDE: First Steps) The South Carolina First Steps to School Readiness Board of Trustees shall incorporate findings of the Legislative Audit Council within the scope of the First Steps next external evaluation. The report shall be submitted to the General Assembly no later than November 15, 2014.

**1.75.** (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, or cause, a product that could be harmful to

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\*\* See note at end of Act.

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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.

**1.76.** (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.

**1.77.** (SDE: Digital Instructional Materials) Utilizing the funds appropriated for digital instructional materials, the Department of Education shall determine a per pupil amount using the prior year's 135 ADM. These funds shall be made available to all school districts using the following procedure:

(1) The Department of Education shall create a digital instructional materials list composed of those items which have been requested by districts and that have received Board approval;

(2) Districts may request that the State Board of Education review digital instructional materials for inclusion on the list when the material has been reviewed by the district, received approval by the local board of trustees for use in its district and been found to reflect the substance and level of performance outlined in the state adopted grade specific educational standards, contain current content information, and are cost effective;

(3) Within thirty days of receiving the request, the State Board of Education must approve or disapprove the district's request. Those materials receiving approval shall be placed on the department's approved digital instructional materials list. Once items are placed on the approved list, all districts may choose items from that list;

(4) On a form provided by the department, a district may request an allocation by denoting the number of students, grade level, and subject for which the digital materials will be used. Districts may only request digital materials in one subject area and may not receive textbooks for the students using digital materials in that subject area; and

(5) Digital Instructional Materials shall include the digital equivalent of materials and devices.

District requests must be submitted to the State Board of Education for consideration not later than August fifteenth of the current fiscal year. Any funds appropriated for digital instructional materials which have not been encumbered by January fifteenth, shall be distributed to school districts which have not previously received an allocation

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These districts shall receive a per pupil allocation which must be used for technology infrastructure needed to prepare the district for using digital instructional materials. These funds shall not be subject to flexibility.

**1.78.** (SDE: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program (CDEPP). This program shall be available for the current school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

(A) For the current school year, with funds appropriated by the General Assembly, the South Carolina Child Development Education Pilot Program shall first be made available to eligible children from the trial and plaintiff school districts in the Abbeville County School District et. al. vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of seventy percent or greater.

Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

(B) Each child residing in the pilot districts, who will have attained the age of four years on or before September first, of the school year, and meets the at-risk criteria is eligible for enrollment in the South Carolina Child Development Education Pilot Program for one year.

The parent of each eligible child may enroll the child in one of the following programs:

(1) a school-year four-year-old kindergarten program delivered by an approved public provider; or

(2) a school-year four-year-old kindergarten program delivered by an approved private provider.

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and documentation of the student's eligibility as evidenced by family income documentation showing an annual family income of one

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hundred eighty-five percent or less of the federal poverty guidelines as promulgated annually by the U.S. Department of Health and Human Services or a statement of Medicaid eligibility.

In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of 6.5 hours of instructional time daily and operates for a period of not less than one hundred eighty days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this provision. Nothing in this provision prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

If by October first of the school year at least seventy-five percent of the total number of eligible CDEPP children in a district or county are projected to be enrolled in CDEPP, Head Start or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, CDEPP providers may then enroll pay-lunch children who score at or below the twenty-fifth national percentile on two of the three DIAL-3 subscales and may receive reimbursement for these children if funds are available.

(C) Public school providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Department of Education. Private providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this provision, and will comply with all reporting and assessment requirements.

Providers shall:

- (1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;
- (2) comply with all state and local health and safety laws and codes;

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(3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;

(4) be accountable for meeting the education needs of the child and report at least quarterly to the parent/guardian on his progress;

(5) comply with all program, reporting, and assessment criteria required of providers;

(6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;

(7) designate whether extended day services will be offered to the parents/guardians of children participating in the program;

(8) be approved, registered, or licensed by the Department of Social Services; and

(9) comply with all state and federal laws and requirements specific to program providers.

Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved prekindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment. However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

(D) The Department of Education and the Office of First Steps to School Readiness shall:

(1) develop the provider application form;

(2) develop the child enrollment application form;

(3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;

(4) develop a list of approved prekindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;

(5) establish criteria for awarding new classroom equipping grants;

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(6) establish criteria for the parenting education program providers must offer;

(7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;

(8) develop a list of data collection needs to be used in implementation and evaluation of the program;

(9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;

(10) establish criteria for granting student retention waivers; and

(11) establish criteria for granting classroom size requirements waivers.

(E) Providers of the South Carolina Child Development Education Pilot Program shall offer a complete educational program in accordance with age-appropriate instructional practice and a research based preschool curriculum aligned with school success. The program must focus on the developmental and learning support children must have in order to be ready for school. The provider must also incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.

Providers shall offer high-quality, center-based programs that must include, but shall not be limited to, the following:

(1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;

(2) employ an education assistant with preservice or in-service training in early childhood education;

(3) maintain classrooms with at least ten four-year-old children, but no more than twenty four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of ten children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;

(4) offer a full day, center-based program with 6.5 hours of instruction daily for one hundred eighty school days;



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(5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;

(6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and

(7) adhere to professional development requirements outlined in this article.

(F) Every classroom providing services to four-year-old children established pursuant to this provision must have a lead teacher with at least a two-year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also have at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire. Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children five years old and younger. The providers must request this waiver in writing to their designated administrative agency (First Steps or the Department of Education) and provide appropriate documentation as to the qualifications of the teaching assistant.

(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of prekindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of fifteen hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

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(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than \$185 per student shall be retained by the Department of Education for the purposes of transporting four-year-old students. This amount must be increased annually by the same projected rate of inflation as determined by the Revenue and Fiscal Affairs Office for the Education Finance Act.

(I) For all private providers approved to offer services pursuant to this provision, the Office of First Steps to School Readiness shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

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(J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the current school year, the funded cost per child shall be \$4,218 increased annually by the rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers 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 be eligible for a reimbursement of \$550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. Providers enrolling between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed \$10,000. Providers receiving equipment grants are expected to participate in the program and provide high-quality, center-based programs as defined herein for a

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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.

(L) Pursuant to this provision, the Department of Social Services shall:

- (1) maintain a list of all approved public and private providers; and
- (2) provide the Department of Education and the Office of First Steps information necessary to carry out the requirements of this provision.

(M) 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.

(N) 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 January fifteenth of each year. The evaluation shall include, but is not limited to: (1) student data including the number of at-risk four-year-old kindergarten students served in publically funded programs, by county and by program; (2) program effectiveness including developmentally appropriate assessments of children to measure emerging literacy and numeracy; (3) individual classroom assessments to determine program quality; (4) longitudinal analysis of academic and nonacademic measures of success for children who participated in the program; and (5) an evaluation of the professional development, monitoring and assistance offered to public and private providers.

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

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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.

**1.79.** (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 to support community partnerships whereby community organizations would collaborate with local school districts to provide after school programs or summer reading camps that utilize volunteers, mentors or tutors to provide instructional support to struggling readers in elementary schools that have a poverty index of fifty percent or greater. The Education Oversight Committee will document and evaluate the partnerships and the impact of the partnerships on student academic success and make recommendations on the characteristics of effective partnerships and on methods of duplicating effective partnerships throughout the state; and (3) the remainder on a per pupil allocation to each school district based on the number of students who scored Not Met 1 on the third grade reading and research assessment of the prior year's Palmetto Assessment of State Standards administration. 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

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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.

**1.80.** (SDE: Educational Credit for Exceptional Needs Children)

(A) As used in this proviso:

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

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

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

(4) 'Resident public school district' means the public school district in which a student resides.

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

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

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

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

(c) is located in this State;

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

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

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

(7) 'Nonprofit scholarship funding organization' means a charitable organization that:

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

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

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

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

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

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parent, legal guardian, or member of their immediate family became a board member; and

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

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

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

(8) 'Person' means an individual, partnership, corporation, or other similar entity.

(9) 'Transportation' means transportation to and from school only.

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

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

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

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



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amount of the grant to the scholarship funding organization based on the number of days the qualifying student was enrolled in the school during the semester or school year within sixty days of the qualifying student's departure. An 'exceptional needs' child is defined as a child:

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

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

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

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

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

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

(3) The Department of Revenue shall prescribe the form and manner of proof required to obtain the credit authorized by

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subsection (B). Also, the department shall develop a method of informing taxpayers if either of the credit limits are met at any time during the current fiscal year.

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

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

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

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

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

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

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

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

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

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

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

**1.81.** (SDE: Interscholastic Athletic Association Dues) 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:

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(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. 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

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would prohibit the participation of a student, team, program, or school in an athletic event, to include practices;

(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.

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.

**1.82. DELETED**

**1.83.** (SDE: Technology/Device Pilot) For the current fiscal year, the Department of Education is authorized to utilize carry forward funds from the prior fiscal year and appropriated funds from recurring and nonrecurring sources for the purchase of Instructional Materials and Digital Instructional Materials to allow middle and high schools in up to six school districts receiving approval from the State Board of Education to opt out of the state rental system and purchase instructional materials, digital instructional materials and the digital equivalent of materials and devices directly from a state approved vendor in an amount not to exceed the total allocation that the district would have received from these appropriations.

In order to best serve the middle and high schools and students within the school district, the school district must develop an implementation plan listing the instructional materials, digital instructional materials and the digital equivalent of materials and devices by grade level and subject and the implementation plan must be presented to the local school board in a public meeting for approval and made available to the public on the school district website prior to the public school board meeting.

The department must provide a certification form for a local school board on behalf of the school district to approve in a public meeting, have signed by the board chairman and district superintendent requesting approval for funding equivalent to the school district's allocation of appropriated funds for instructional materials and digital instructional materials based on the number of students in middle and high schools of the school district. The department must develop the certification form with the intent of assisting school districts with meeting State Board of Education approval.

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Upon school board approval, and no later than July twenty-fifth, the certification form and the detailed plan must be submitted to the department for State Board of Education approval. The State Board of Education must notify the school district of their decision to approve or disapprove no later than August fifteenth. If a school district does not receive State Board of Education approval the valid cause along with measurements necessary for the school district to meet approval must be provided to the local school board. The school district may make the required adjustments to their implementation plan and resubmit their certification form and plan to the State Board of Education for subsequent approval no later than ten days from the date of resubmission.

The school district may utilize no more than ten percent of the funds for professional development on the use of the acquisitions and must utilize no less than ninety percent of the funding received for the acquisition of instructional materials, digital instructional materials and the digital equivalent of materials and devices. If approved the school district is required to ensure that all students in the middle and high schools have access to the curriculum without regard to the student's home internet access capabilities.

The school district shall establish rules and policies that provide for the reasonable care and safety of the materials to include reasonable penalties for abuse, destruction, and loss and excluding ordinary wear and tear, provide for reimbursement by the pupils, their parents or legal guardians.

No later than December 15, 2014 the department shall provide a report outlining the implementation and use in the selected districts 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.

***\*1.84. (SDE: Academic Standards Adoption Procedure) No funds shall be expended in the current fiscal year to revise or adopt any academic standards by the Department of Education, the Education Oversight Committee, or the State Board of Education if the changes being considered were not developed by the Department of Education. Furthermore, upon initiating a change to an existing academic standard, including a cyclical review, the Education Oversight Committee and the Department of Education shall provide***

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\* See note at end of Act.

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*notice of their plans and intent to the General Assembly and the Governor.*

**1.85.** (SDE: First Steps CDEPP Carry Forward and Other Funds) For Fiscal Year 2014-2015, First Steps may use no more than \$15,000 in unexpended CDEPP funds carried forward from the prior fiscal year and no more than \$325,000 in other, non-CDEPP funds to meet information technology needs and ensure secure, statewide IT network connectivity via the state Division of Information Technology (DSIT) and require data system connectivity and compatibility with PowerSchool through the Department of Education for the purpose of maintaining data for 4K students served through the CDEPP program.

No later than December 1, 2014, First Steps must report to the Executive Budget Office, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on the expenditure of the funds to include the following information: expenditures on data system upgrades, expenditures on technology services and infrastructure and expenditures on personnel and training.

**1.86.** (SDE: Governor's Schools Informational Access to Students) For the current fiscal year, school districts must permit both the Governor's School for the Arts and Humanities and 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 respective Governor's Schools, through avenues including school visits, informational presentations, and posters. By June 30, 2015, the Governor's School for the Arts and Humanities and 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 two Governor's Schools will work with districts, the Department of Education and School Report Card administrators, to ensure that SAT scores of current Governor's Schools' students are included in the School Report Card of those students' resident schools and districts.

**1.87.** (SDE: Alternative Fuel Transportation) For the current fiscal year, of the funds appropriated for School Bus Lease/Purchase, the Department of Education is directed to use at least five percent, but not more than ten percent to lease or purchase school buses that are designed to use alternative fuel or dual fuel as long as at least one

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school district desires to participate in this pilot project. The department shall select up to three school districts wishing to participate in a pilot project to use alternative fuel or dual fuel buses if an interested district pays for the following costs: (1) fueling station/facility; (2) the difference in the cost between a conventional and alternative fuel or dual fuel bus; and (3) appropriate training of department bus maintenance staff. Districts selected and agreeing to participate in the pilot project are required to use alternative fuel or dual fuel buses for routes approved by the department and shall submit quarterly reports to the department as directed by the agency. The department shall be responsible for the alternative fuel or dual fuel buses it purchases and shall pay for their maintenance costs and fuel. By June 1, 2015, the department must report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee how many alternative fuel or dual fuel buses were purchased, the cost of each bus, the type of alternative fuel used and the cost of the alternative fuel.

**1.88.** (SDE: Reading Coaches) (A) Funds appropriated for Reading Coaches must be allocated to school districts by the Department of Education as follows:

(1) for each elementary school in which twenty percent or more of the students scored Not Met on the reading and research test in the most recent year for which such data are available, the school district shall be eligible to receive the lesser of either up to \$62,730 or the actual cost of salary and benefits for a full-time reading coach; and

(2) for each elementary school in which fewer than twenty percent of the students scored Not Met on the reading and research test during the same period, the school district shall be eligible to receive the lesser of either up to \$31,365 or fifty percent of the actual cost of salary and benefits for a full-time reading coach. A school district must provide local support for state funds provided under this paragraph. School districts may use existing local funds currently used for reading assistance as the local support.

(B) By accepting these funds, a school district warrants that they will not be used to supplant existing school district expenditures. A district may, however, assign a reading coach to a primary school rather than to the elementary school to improve the early literacy skills of young children.

(C) Funds appropriated for Reading Coaches are intended to be used to provide elementary schools with reading coaches, who shall



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serve as job-embedded, stable resources for professional development throughout schools in order to generate improvement in reading and literacy instruction and student achievement. Reading coaches shall support and provide initial and ongoing professional development to teachers based on an analysis of student assessment and the provision of differentiated instruction and intensive intervention. The reading coach shall:

- (1) model effective instructional strategies for teachers by working weekly with students in whole, and small groups, or individually;
- (2) facilitate study groups;
- (3) train teachers in data analysis and using data to differentiated instruction;
- (4) coaching and mentoring colleagues;
- (5) work with teachers to ensure that research-based reading programs are implemented with fidelity;
- (6) work with all teachers (including content area and elective areas) at the school they serve, and help prioritize time for those teachers, activities, and roles that will have the greatest impact on student achievement, namely coaching and mentoring in the classrooms;
- (7) help lead and support reading leadership teams; and
- (8) The reading coach must not be assigned a regular classroom teaching assignment, must not perform administrative functions that deter from the flow of improving reading instruction and reading performance of students and must not devote a significant portion of his or her time to administering or coordinating assessments.

(D) No later than August 1, 2014, the Department of Education must publish guidelines that define the minimum qualifications for a reading coach for Fiscal Year 2014-2015. 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 bachelors 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 also establish a process for Fiscal Year 2014-2015 through which an elementary school may be permitted to use some or all of the allocation

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granted under subsection (A) in order to obtain in-school reading coaching services from a department-approved consultant or vendor, in the event that the school is not successful in identifying and directly employing a qualified candidate. The provisions of subsection (A), including the local support requirements, shall also apply to any allocations made pursuant to this paragraph.

(E) The Department of Education must develop procedures for monitoring the use of funds appropriated for Reading Coaches to ensure they are applied to their intended uses and are not redirected for other purposes. The Department of Education may receive up to \$100,000 of the funds appropriated for Reading Coaches in order to implement this program, provided that this allocation does not exceed the department's actual costs.

(F) Prior to the close of the current fiscal year, any remaining funds for Reading Coaches, but no more than \$5,000,000, shall be distributed by the Department of Education among the school districts containing elementary or primary schools that were eligible for and which elected to receive funding under subsection (A)(1) of this proviso; these funds shall be distributed in proportion to these districts' relative shares of students who scored Not Met on the research and reading test in the most recent year for which such data are available. Funds distributed under this subsection must be used exclusively to support reading-related professional development opportunities for teachers that lead to the literacy add-on endorsement.

(G) The Department of Education shall require:

(1) any school district receiving funding under subsection (A) to identify the name and qualifications of the supported reading coach; as well as the school in which the coach is assigned along with the rationale for how the school selection was made; and

(2) any school district receiving funding under subsection (F) to account for the specific amounts and uses of such funds.

(H) 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 coaches by school and on the expenditure of professional development funds for opportunities for teachers to earn the literacy endorsement. The department shall also report the amount of funds that will be carried forward.

(I) Funds appropriated for Reading Coaches shall be retained and carried forward to be used for the same purpose but may not be flexed.

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**1.89.** (SDE: Charter School Transition Funds) For Fiscal Year 2014-2015, charter schools sponsored by a local school district and located in a district receiving transition funds must receive transition funds from the local district in an amount equal to any reduction in funds received by the school due to the changes in the Education Finance Act formula. If the amount of transition funds for the charter schools exceeds the school district's allotment of transition funds, transition funds will be reduced pro rata for all parties.

**\*1.90. (SDE: Retired Teacher Salaries) For Fiscal Year 2014-2015, school districts may uniformly negotiate salaries below the school district salary schedule for the 2014-2015 school year for retired teachers who are not participants in the Teacher and Employee Retention Incentive program.**

**1.91.** (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.

**1.92.** (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.

**\*1.93. (SDE: Prohibit Air Conditioned Bus Purchases) For the current fiscal year, the Department of Education shall be prohibited from initiating any new request for proposal to purchase air conditioned school buses unless the buses are substantially used to transport special needs children.**

**1.94.** (SDE: South Carolina Community Block Grants for Education Pilot Program) There is created the South Carolina Community Block Grants for Education Pilot Program. The purpose of this matching grants program is to encourage and sustain partnerships between a community and its local public school district or school for the implementation of innovative, state-of-the-art education initiatives and models to improve student learning. The initiatives and models

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\* See note at end of Act.

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funded by the grant must be well designed, based on strong evidence of effectiveness, and have a history of improved student performance.

The General Assembly finds that the success offered by these initiatives and programs is assured best when vigorous community support is integral to their development and implementation. It is the intent of this proviso to encourage public school and district communities and their entrepreneurial public educators to undertake state-of-the-art initiatives to improve student learning and to share the results of these efforts with the state's public education community.

As used in this proviso:

(1) "Community" is defined as a group of parents, educators, and individuals from business, faith groups, elected officials, nonprofit organizations and others who support the public school district or school in its efforts to provide an outstanding education for each child. As applied to the schools impacted within a district or an individual school, "community" includes the school faculty and the School Improvement Council as established in Section 59-20-60 of the 1976 Code;

(2) "Poverty" is defined as the percent of students eligible in the prior year for the free and reduced price lunch program and or Medicaid; and

(3) "Achievement" is as established by the Education Oversight Committee for the report card ratings developed pursuant to Section 59-18-900 of the 1976 Code.

The executive director of the Education Oversight Committee is directed to appoint an independent grants committee to develop the process for awarding the grants including the application procedure, selection process, and matching grant formula. The grants committee will be comprised of seven members, three members selected from the education community and four members from the business community. The chairman of the committee will be selected by the committee members at the first meeting of the grants committee. The grants committee will review and select the recipients of the Community Block Grants for Education.

The criteria for awarding the grants must include, but are not limited to:

(1) the establishment and continuation of a robust community advisory committee to leverage funding, expertise, and other resources to assist the district or school throughout the implementation of the initiatives funded through the Block Grant Program;

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(2) a demonstrated ability to meet the match throughout the granting period;

(3) a demonstrated ability to implement the initiative or model as set forth in the application; and

(4) an explanation of the manner in which the initiative supports the district's or school's strategic plan required by Section 59-18-1310 of the 1976 Code.

In addition, the district or school, with input from the community advisory committee, must include:

(1) a comprehensive plan to examine delivery implementation and measure impact of the model;

(2) a report on implementation problems and successes and impact of the innovation or model; and

(3) evidence of support for the project from the school district administration when an individual school applies for a grant.

The match required from a grant recipient is based on the poverty of the district or school. No matching amount will exceed more than seventy percent of the grant request or be less than ten percent of the request. 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.

However, no grant may exceed \$250,000 annually unless the grants committee finds that exceptional circumstances warrant exceeding this amount.

The Education Oversight Committee will review the grantee reports and examine the implementation of the initiatives and models to understand the delivery of services and any contextual factors. The Oversight Committee will then highlight the accomplishments and common challenges of the initiatives and models funded by the Community Block Grant for Education Pilot Program to share the lessons learned with the state's public education community.

**1.95.** (SDE: EOC Efficiency Review) Funds appropriated to the Education Oversight Committee for the School District Efficiency Review Pilot Program shall be used to review certain school districts' central operations with a focus on noninstructional expenditures so as to identify opportunities to improve operational efficiencies and reduce costs for the district. The Education Oversight Committee shall make

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the school districts aware of the pilot program and accept applications to participate in the program. In the current fiscal year, the Education Oversight Committee shall select at least three applicant school districts to participate. The Education Oversight Committee may contract with an independent entity to perform the review. The review shall include, but not be limited to, examinations of: (1) overhead; (2) human resources; (3) procurement, (4) facilities use and management, (5) financial management; (6) transportation; (7) technology planning; and (8) energy management. The review shall not address the effectiveness of the educational services being delivered by the district. The review shall be completed no later than June 30, 2015. Upon completion, the Education Oversight Committee shall submit a report to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee; the Chairman of the House Ways and Means Committee, the Chairman of the House Education and Public Works Committee; and the Governor detailing the findings of the review, including the estimated savings that could be achieved, the manner in which the savings could be achieved, and the districts' plan for implementation of the recommendations.

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**1A.1.** (SDE-EIA: XII-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.** DELETED

**1A.3.** (SDE-EIA: XII.B - Half Day Program for Four-Year-Olds) Of the funds appropriated in Part IA, Section 1, XII.B. for half-day programs for four-year-olds, up to \$2,500,000 must be allocated for the administration in the current fiscal year of a formative readiness assessment or assessments that will analyze the early literacy competencies of children in publicly funded prekindergarten and public kindergarten so that students may receive the appropriate support and intervention to succeed in school. The assessments must be approved by the State Board of Education. Professional development and

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teacher training must be provided by the department. The remainder of the funds shall be distributed based on the prior year number of students in kindergarten eligible for free and reduce price lunch to school districts that are not participating or not eligible to participate in the Child Development Education Pilot Program.

**1A.4.** (SDE-EIA: XII.A.3. African-American History) Funds provided for the development of the African-American History curricula may be carried forward into the current fiscal year. For Fiscal Year 2014-2015 not less than seventy percent of the funds carried forwarded must be expended for the development of additional instructional materials by nonprofit organizations selected through a competitive bids process by the Department of Education. Priority must be given to organizations that have already produced materials that are currently being used by schools and outreach programs that reflect African-American culture and history and that support literacy efforts.

**1A.5.** (SDE-EIA: XII.C.2-Teacher Evaluations, XII.F.2-Implementation/Education Oversight) The Department of Education is directed to oversee the evaluation of teachers at the School for the Deaf and the Blind, the John de la Howe School and the Department of Juvenile Justice under the ADEPT model.

**1A.6.** (SDE-EIA: XII.F.2-Teacher Salaries/State Agencies) Each state agency which does not contain a school district but has instructional personnel shall receive an allocation from the line item "Alloc. EIA - Teacher/Other Pay" in Part IA, Section 1, XII.F.2. for teachers 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 South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to increase the salaries of instructional personnel by an

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amount equal to the percentage increase given by the School District in which they are both located.

The funds appropriated herein in the line item "Alloc. EIA-Teacher/Other Pay" must be distributed to the agencies by the Budget and Control Board.

**1A.7.** (SDE-EIA: XII.A.1-Work-Based Learning) Of the funds appropriated in Part IA, Section 1, XII.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/WIA 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 appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

**1A.8.** (SDE-EIA: XII.F.2-CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1, XII.F.2. for the Teacher Recruitment Program, the South Carolina 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



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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 South Carolina 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, 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)

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recommending policies and procedures necessary to promote and maintain the program.

**1A.9.** (SDE-EIA: XII.F.2-Disbursements/Other Entities) Notwithstanding the provisions of Sections 2-7-66 and 11-3-50, South Carolina Code of Laws, it is the intent of the General Assembly that funds appropriated in Part IA, Section 1, XII.F.2. 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 Comptroller General's Office is authorized to make necessary appropriation reductions in Part IA, Section 1, XII.F.2. 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, XII.F.2. 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 Comptroller General's Office to conform to the appropriations in Part IA, Section 1, XII.F.2. 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, XII.C.2 Teacher Supplies to the Department of Education at the start of the fiscal year from available revenue. The Department of Revenue is also directed to provide the first quarter appropriation of the funding appropriated in Part IA, Section 1, XII.H. Charter School District to the Department of Education at the start of the fiscal year from available revenue.

**1A.10.** (SDE-EIA: XII.A.1-Arts in Education) Funds appropriated in Part IA, Section 1, XII.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 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

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professional development arts institutes that have been approved by the State 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.11.** (SDE-EIA: XII.C.2-Teacher Supplies) All certified public school teachers, certified special school classroom teachers, certified media specialists, and certified guidance counselors who are employed by a school district or a charter school as of November thirtieth of the current fiscal year, based on the public decision of the school board may receive reimbursement of up to two hundred seventy-five dollars 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 these funds shall be disbursed 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. 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, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice, and Palmetto Unified 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 nonretention 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

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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 2014 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 two hundred seventy-five dollars, 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 2014 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.

**1A.12.** (SDE-EIA: XI.C.2-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.13.** (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 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.14.** (SDE-EIA: Technical Assistance) In order to best meet the needs of underperforming schools, funds appropriated for technical assistance to schools with an absolute rating of below average or at-risk on the most recent annual school report card must be allocated according to the severity of not meeting report card criteria.

Schools receiving an absolute rating of below average or at-risk must develop and submit to the Department of Education a school renewal plan outlining goals for improvements. Of the technical assistance funds allocated to below average or at-risk schools each allocation

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must address specific strategies designed to increase student achievement and must include measures to evaluate success. The school renewal plan may include expenditures for recruitment incentives for faculty and staff, performance incentives for faculty and staff, assistance with curriculum and test score analysis, professional development activities based on curriculum and test score analysis that may include daily stipends if delivered on days outside of required contract days. School expenditures of technical assistance shall be monitored by the Department of Education.

With the funds appropriated to the Department of Education for technical assistance services, the department will assist schools with an absolute rating of below average or at-risk in designing and implementing technical assistance school renewal plans and in brokering for technical assistance personnel as needed and as stipulated in the plan. In addition, the department must monitor student academic achievement and the expenditure of technical assistance funds in schools receiving these funds and report their findings to the General Assembly and the Education Oversight Committee by January first of each fiscal year as the General Assembly may direct. If the Education Oversight Committee or the department requests information from schools or school districts regarding the expenditure of technical assistance funds pursuant to evaluations, the school or school district must provide the evaluation information necessary to determine effective use. If the school or school district does not provide the evaluation information necessary to determine effective use, the principal of the school or the district superintendent may be subject to receiving a public reprimand by the State Board of Education if it is determined that those individuals are responsible for the failure to provide the required information.

No more than five percent of the total amount appropriated for technical assistance services to schools with an absolute rating of below average or at-risk may be retained and expended by the department for implementation and delivery of technical assistance services. Using previous report card data, the department shall identify priority schools. Up to \$6,000,000 of the total funds appropriated for technical assistance shall be used by the department to work with those schools identified as priority schools. These funds shall not be transferred to any other funding category by the school district without prior approval of the State Superintendent of Education.

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The department will create a system of levels of technical assistance for schools that will receive technical assistance funds. The levels will be determined by the severity of not meeting report card criteria. The levels of technical assistance may include a per student allocation, placement of a principal mentor, replacement of the principal, and/or reconstitution of a school.

Reconstitution means the redesign or reorganization of the school, which includes the declaration that all positions in the school are considered vacant. Certified staff currently employed in priority schools must undergo a formal evaluation in the spring following the school's identification as a priority school and must meet determined goals to be rehired and continue their employment at that school. Student achievement will be considered as a significant factor when determining whether to rehire existing staff. Educators who were employed at a school that is being reconstituted prior to the effective date of this proviso and to whom the employment and dismissal laws apply will not lose their rights in the reconstitution. If they are not rehired or are not assigned to another school in the school district they have the opportunity for a hearing. However, employment and dismissal laws shall not apply to educators who are employed in the district and assigned to the priority schools after the effective date of this proviso, in the event of a reconstitution of the school in which the educator is employed. Those rights are only suspended in the event of a reconstitution of the entire school staff. Additionally, the rights and requirements of the employment and dismissal laws do not apply to educators who are currently on an induction or annual contract, that subsequently are offered continuing contract status after the effective date of this proviso, and are employed at a school that is subject to reconstitution under this proviso.

The reconstitution of a school could take place if the school has been identified as a priority school that has failed to improve satisfactorily. The decision to reconstitute a school shall be made by the State Superintendent of Education in consultation with the principal and/or principal mentor, the school board of trustees, and the district superintendent. The decision to reconstitute a school shall be made by April first, at which time notice shall be given to all employees of the school. The department, in consultation with the principal and district superintendent, shall develop a staffing plan, recruitment and performance bonuses, and a budget for each reconstituted school.

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Upon approval of the school renewal plans by the department and the State Board of Education, a newly identified school or a currently identified school with an absolute rating of below average or at-risk on the report card will receive a base amount and a per pupil allocation based on the previous year's average daily membership as determined by the annual budget appropriation. No more than fifteen percent of funds not expended in the prior fiscal year may be carried forward and expended in the current fiscal year for strategies outlined in the school's renewal plan. Schools must use technical assistance funds to augment or increase, not to replace or supplant local or state revenues that would have been used if the technical assistance funds had not been available. Schools must use technical assistance funds only to supplement, and to the extent practical, increase the level of funds available from other revenue sources.

**1A.15.** (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 Office of State Budget. No allocation for teacher salaries shall be reduced as a result of this proviso.

**1A.16.** (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, 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, required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs and programs serving students with exceptional needs.

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 InSite categories of instruction, instructional support, and noninstruction pupil services.

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No portion of the seventy-five percent may be used for 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 noninstruction 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, 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 noninstructional 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. Formative assessments for grades one, two, and nine, the foreign language program assessment, and the physical education assessment must be suspended. School districts and the Department of Education



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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 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.

School districts that do not maintain an internet website must transmit all information required by this provision to the Comptroller General in a manner and at a time determined by the Comptroller General to be included on the internet website.

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The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

**1A.17.** (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.

**1A.18.** (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 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.19.** (SDE-EIA: Assessment) The department is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring statewide accountability assessment. Reimbursements shall resume in the current fiscal year for PSAT.

**1A.20.** (SDE-EIA: Report Card Information) The percentage each school district expended on classroom instruction as defined by the Department of Education's In\$ite classification for "Instruction" must be printed on the Annual School and District Report Card.

**1A.21.** (SDE-EIA: Core Curriculum Materials) The funds appropriated in Part IA, Section 1, XII.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, XII.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.

**SECTION 1A - H63-DEPARTMENT OF EDUCATION-EIA****1A.22. (SDE-EIA: XII-E.2.- Certified Staff Technology Proficiency)**

To ensure the effective and efficient use of the funding provided by the General Assembly in Part IA, Section 1 XII.E.2 for school technology in the classroom and internet access, the State Department of Education shall approve district technology plans that specifically address and incorporate certified staff technology competency standards and local school districts must require certified staff to demonstrate proficiency in these standards as part of each certified staff's Professional Development plan. The Department of Education's professional development tracking, prescriptive and electronic portfolio system for certified staff is the preferred method for demonstrating technology proficiency as this system is aligned to the International Society for Technology in Education (ISTE) teacher standards. Evidence that districts are meeting the requirement is a prerequisite to expenditure of a district's technology funds.

**1A.23. (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.

**1A.24. (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 qualifying for free or reduced-price lunch or Medicaid. 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 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.25. (SDE-EIA: Reading)** Of the funds appropriated for reading/literacy, the Department of Education, schools, and districts shall ensure that resources are utilized to improve student achievement in reading/literacy. To focus on the importance of early reading and writing skills and to ensure that all students acquire reading/literacy skills by the end of grade three, fifty percent of the appropriation shall be directed toward acquisition of reading proficiency to include, but not be limited to, strategies in phonemic awareness, phonics, fluency,

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vocabulary, and comprehension. Forty percent of the appropriation shall be directed toward classroom instruction and intervention to focus on struggling readers and writers in grades four through eight. Ten percent of the appropriation should be directed toward acceleration to provide additional opportunities for deepening and refinement of literacy skills.

Fifty percent of the funds shall be allocated to school districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the one hundred thirty-five day count of the prior school year. Fifty percent of the funds shall be allocated to the Department of Education 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 provide for an evaluation to review first year implementation activities and to establish measurements for monitoring impact on student achievement.

**1A.26. DELETED**

**1A.27.** (SDE-EIA: Students at Risk of School Failure) For the current fiscal year, EIA funds appropriated for students at academic risk of school failure, which include funds for Act 135 Academic Assistance, summer school, reduce class size, alternative schools, parent support and family literacy, must be allocated to school districts based two factors: (1) the poverty index of the district as documented on the most recent district report card, which measures student eligibility for the free or reduced price lunch program and Medicaid; and (2) the number of students not in poverty or eligible for Medicaid but who fail to meet state standards on state standards-based assessments in either reading or mathematics. At least eighty-five percent of the funds allocated for students classified as at academic risk must be spent on instruction and instructional support for these students who generated the funds. Instructional support may include family literacy and parenting programs to students at-risk for school failure and their families. Students at academic risk are defined as students who are at risk of not graduating from high school because they failed either the English language arts or mathematics portion of the High School Assessment Program on first attempt and who score not met on grades three through eight in reading and mathematics state

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assessments. Public charter schools, the Palmetto Unified School District, and the Department of Juvenile Justice must also receive a proportionate per pupil allocation based on the number of students at academic risk of school failure served.

**1A.28.** (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 balance of EIA funds appropriated for professional development must be allocated to districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the one hundred thirty-five day count of the prior school year. The funds must be expended on professional development for certificated instructional and instructional leadership personnel in grades kindergarten through twelve across all content areas, including teaching in and through the arts. No more than twenty-five percent of the funds appropriated for professional development may be retained by the Department of Education for the administration and provision of other professional development services. 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.

**1A.29.** (SDE-EIA: Assessments-Gifted & Talented, Advanced Placement, & International Baccalaureate Exams) Of the funds appropriated and/or authorized for assessment, up to \$4,600,000 shall be used for assessments to determine eligibility of students for gifted and talented programs and for the cost of Advanced Placement and International Baccalaureate exams.

**1A.30.** (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 (WorkKeys). The remaining funds will be allocated to districts based on a formula which includes target populations without a high school credential, program enrollment the previous school year, total hours of attendance the

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previous 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.

**1A.31.** (SDE-EIA: Clemson Agriculture Education Teachers) The funds appropriated in Part IA, Section XII.F.2 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.

**1A.32.** (SDE-EIA: Incentive for National Board Certification After June 30, 2010) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who complete the application process on or after July 1, 2010 shall be paid a \$5,000 salary supplement in the year of achieving certification. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$5,000 salary supplement shall be added to the annual pay of the teacher, not to exceed ten years of the national certificate. However, the \$5,000 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer whereby teachers who are United States citizens or permanent resident aliens apply to the National Board for Professional Teaching Standards for certification on or after July 1, 2010. Should the program not be suspended, up to nine hundred

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applications shall be processed annually. Of the funds appropriated in Part IA, Section 1, XII.C.2. for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of teachers applying to the National Board for Professional Teaching Standards for certification.

**1A.33.** (SDE-EIA: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program (CDEPP). This program shall be available for the current school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

(A) For the current school year, with funds appropriated by the General Assembly, the South Carolina Child Development Education Pilot Program shall first be made available to eligible children from the trial and plaintiff school districts in the Abbeville County School District et. al. vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of seventy percent or greater.

Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

(B) Each child residing in the pilot districts, who will have attained the age of four years on or before September first, of the school year, and meets the at-risk criteria is eligible for enrollment in the South Carolina Child Development Education Pilot Program for one year.

The parent of each eligible child may enroll the child in one of the following programs:

(1) a school-year four-year-old kindergarten program delivered by an approved public provider; or

(2) a school-year four-year-old kindergarten program delivered by an approved private provider.

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and

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documentation of the student's eligibility as evidenced by family income documentation showing 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.

In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of 6.5 hours of instructional time daily and operates for a period of not less than one hundred eighty days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this provision. Nothing in this provision prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

If by October first of the school year at least seventy-five percent of the total number of eligible CDEPP children in a district or county are projected to be enrolled in CDEPP, Head Start or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, CDEPP providers may then enroll pay-lunch children who score at or below the twenty-fifth national percentile on two of the three DIAL-3 subscales and may receive reimbursement for these children if funds are available.

(C) Public school providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Department of Education. Private providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this provision, and will comply with all reporting and assessment requirements.

Providers shall:

(1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;



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(2) comply with all state and local health and safety laws and codes;

(3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;

(4) be accountable for meeting the education needs of the child and report at least quarterly to the parent/guardian on his progress;

(5) comply with all program, reporting, and assessment criteria required of providers;

(6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;

(7) designate whether extended day services will be offered to the parents/guardians of children participating in the program;

(8) be approved, registered, or licensed by the Department of Social Services; and

(9) comply with all state and federal laws and requirements specific to program providers.

Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved prekindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment. However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

(D) The Department of Education and the Office of First Steps to School Readiness shall:

(1) develop the provider application form;

(2) develop the child enrollment application form;

(3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;

(4) develop a list of approved prekindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;

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- (5) establish criteria for awarding new classroom equipping grants;
  - (6) establish criteria for the parenting education program providers must offer;
  - (7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;
  - (8) develop a list of data collection needs to be used in implementation and evaluation of the program;
  - (9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;
  - (10) establish criteria for granting student retention waivers;
- and
- (11) establish criteria for granting classroom size requirements waivers.

(E) Providers of the South Carolina Child Development Education Pilot Program shall offer a complete educational program in accordance with age-appropriate instructional practice and a research based preschool curriculum aligned with school success. The program must focus on the developmental and learning support children must have in order to be ready for school. The provider must also incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.

Providers shall offer high-quality, center-based programs that must include, but shall not be limited to, the following:

- (1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;
- (2) employ an education assistant with preservice or in-service training in early childhood education;
- (3) maintain classrooms with at least ten four-year-old children, but no more than twenty four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of ten children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;

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(4) offer a full day, center-based program with 6.5 hours of instruction daily for one hundred eighty school days;

(5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;

(6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and

(7) adhere to professional development requirements outlined in this article.

(F) Every classroom providing services to four-year-old children established pursuant to this provision must have a lead teacher with at least a two-year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also have at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire. Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children five years old and younger. The providers must request this waiver in writing to their designated administrative agency (First Steps or the Department of Education) and provide appropriate documentation as to the qualifications of the teaching assistant.

(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of prekindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of fifteen hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and

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phonological awareness, and vocabulary and comprehension development.

(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than \$185 per student shall be retained by the Department of Education for the purposes of transporting four-year-old students. This amount must be increased annually by the same projected rate of inflation as determined by the Revenue and Fiscal Affairs Office for the Education Finance Act.

(I) For all private providers approved to offer services pursuant to this provision, the Office of First Steps to School Readiness shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and

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(9) promulgate guidelines as necessary for the implementation of the pilot program.

(J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:

(1) serve as the fiscal agent;

(2) verify student enrollment eligibility;

(3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;

(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;

(5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;

(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;

(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;

(8) maintain a database of the children enrolled in the program; and

(9) promulgate guidelines as necessary for the implementation of the pilot program.

(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the current school year, the funded cost per child shall be \$4,218 increased annually by the rate of inflation as determined by the Revenue and Fiscal Affairs Office for the Education Finance Act. Eligible students enrolling with private providers 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 be eligible for a reimbursement of \$550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. Providers enrolling between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed \$10,000. Providers receiving equipment grants are expected to participate in the program

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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.

(L) Pursuant to this provision, the Department of Social Services shall:

- (1) maintain a list of all approved public and private providers;
- and
- (2) provide the Department of Education and the Office of First Steps information necessary to carry out the requirements of this provision.

(M) 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.

(N) 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 January fifteenth of each year. The evaluation shall include, but is not limited to: (1) student data including the number of at-risk four-year-old kindergarten students served in publically funded programs, by county and by program; (2) program effectiveness including developmentally appropriate assessments of children to measure emerging literacy and numeracy; (3) individual classroom assessments to determine program quality; (4) longitudinal analysis of academic and nonacademic measures of success for children who participated in the program; and (5) an evaluation of the professional development, monitoring and assistance offered to public and private providers.

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

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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.

**1A.34.** (SDE-EIA: Aid to Districts) Funds appropriated in Part IA, Section 1, XII.A.1 Aid to Districts shall be dispersed to school districts based on the number of weighted pupil units.

**1A.35.** DELETED

**1A.36.** (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. Furthermore, with increased funds provided, the Commission on Higher Education will fund a new center in Fiscal Year 2014-2015 that will provide professional development to teachers to enable them to transform the P-12 experience to create a college-going and career readiness culture that prepares students for postsecondary education and the world of work.

**1A.37.** (SDE-EIA: IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section XII.A.1 Aid to Districts according to Proviso 1A.34 for the current fiscal year, the department shall direct funds appropriated in Section XII.A.1 Aid To Districts to school districts and special schools for supplemental support of programs and services for students with disabilities, to meet the estimated maintenance of effort for IDEA. Funds provided for the maintenance of effort for IDEA may not be transferred to any other purpose and therefore are not subject to flexibility. The department shall distribute these funds using the current fiscal year one hundred thirty-five day Average Daily Membership. For continued compliance with the federal maintenance of efforts requirements of the IDEA, funding for children with disabilities must, to the extent practicable, be held harmless to budget cuts or reductions to the extent those funds are required to meet federal maintenance of effort requirements under the IDEA. In the event cuts to funds that are needed to maintain fiscal effort are necessary, when administering such cuts, the department must not reduce funding to support children with disabilities who

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qualify for services under the IDEA in a manner that is disproportionate to the level of overall reduction to state programs in general. By December 1, 2013, the department must submit an estimate of the IDEA MOE requirement to the General Assembly and the Governor.

**1A.38.** (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 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 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 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



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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.39.** (SDE-EIA: Partnerships/Other Agencies & Entities) For the current fiscal year, agencies and other entities receiving funds appropriated in Part IA, Section 1, XII.F.2. 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. The EOC will make funding recommendations to the Governor and General Assembly as part of the agency's annual budget request.

**1A.40.** (SDE-EIA: ETV Teacher Training/Support) Of the funds appropriated in Part IA, Section 1, XII.F.2. South Carolina Educational Television must provide training and technical support on the educational resources available to teachers and school districts.

**1A.41.** (SDE-EIA: Career and Technology Education Consumables) Funds appropriated for Career and Technology Education may be utilized to purchase textbooks, instructional materials and other consumables used in classroom instruction.

**1A.42.** (SDE-EIA: XII.C.2. 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 \$48,892. 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.

The statewide minimum teacher salary schedule used in Fiscal Year 2012-2013 will continue to be used in Fiscal Year 2014-2015.

Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all eligible

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certified teachers employed by the district by no less than one year of experience credit using 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.

Funds appropriated in Part IA, Section 1, XII.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50(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.

For purposes of this provision teachers shall be defined by the Department of Education using the Professional Certified Staff (PCS) System.

**1A.43.** (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.

**1A.44.** (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.45.** (SDE-EIA: Summer Exit Exam Cost) Funds appropriated in Part IA, Section 1, XII.A.2 may be used to offset the costs of the summer administration of the Exit Examination. These funds may be expended to cover the costs related to developing, printing, shipping,

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scoring, and reporting the results of the assessments. Local school districts may absorb local costs related to administration.

**1A.46.** (SDE-EIA: Refurbishing Science Kits) Funds appropriated for the purchase of textbooks and other instructional materials may be used for reimbursing school districts to offset the costs of refurbishing science kits on the state-adopted textbook inventory, purchasing new kits 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.

**1A.47.** (SDE-EIA: Assessment Preparation) From the funds appropriated in Part IA for Assessment Preparation, the Department of Education shall institute a plan reviewing the strengths and weaknesses of students on national assessments such as, but not limited to, the SAT, ACT, WorkKeys, GED, Advanced Placement exams, and International Baccalaureate exams. The department shall use reports that analyze student strengths and weaknesses to provide guidance to local school districts.

**1A.48.** DELETED

**1A.49.** (SDE-EIA: XII.C.2-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 include teachers employed at the special schools who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first in the year following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina)

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shall administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010, may receive a loan equal to the amount of the application fee. Teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010 shall have one-half of the loan principal amount and interest forgiven when the required portfolio is submitted to the national board. Teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010 who attain certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward by the department. The department may retain up to ten percent of the funds collected to offset the administrative costs of loan collection. All other funds shall be retained by the department and used for National Board loan purposes. Of the funds appropriated in Part IA, Section 1, XII.C.2 for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program for teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010. In addition, teachers who have applied prior to July 1, 2010 and are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 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 national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local

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supplements except local supplements for National Board certification. Teacher specialists remain eligible for state supplement for National Board certification.

**1A.50.** (SDE-EIA: XII.F.2. 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, 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.51.** (SDE-EIA: XII.F.2. 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.52.** (SDE-EIA: Technology Academy Pilot) For Fiscal Year 2014-2015 the Department of Education is directed to use available Modernize Vocational Equipment funds to continue to offer high schools across the state the opportunity to participate in an IT certification pilot project. The department must report by February 1, 2015 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 number of high schools that participated in the pilot and the number of students participating in the program and earning certifications.

**1A.53.** (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

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on evidence-based models. 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.54. DELETED**

**1A.55.** (SDE-EIA: XII.A.1 - Aid to Districts Draw Down) For Fiscal Year 2014-2015, in order to draw down funds appropriated in Part IA, Section 1, XII.A.1, Aid to Districts, school districts, Palmetto Unified District and the Department of Juvenile Justice must work with local law enforcement agencies, and when necessary, state law enforcement agencies in order to ensure that the district has an updated school safety plan in place. The safety plan must include safety directives in the classroom, a safe student and staff exit strategy and necessary safety staff. Notice of completion of the updated plan must be submitted to the Department of Education no later than September 1, 2014. 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 30, 2014, on any districts that failed to submit an updated plan.

**1A.56. DELETED****1A.57. DELETED**

**1A.58.** (SDE-EIA: South Carolina Success Program) For Fiscal Year 2014-2015, school districts of this state may use assessment funds for the South Carolina Success Program, as piloted in the previous fiscal year, to students in the district. This program shall provide academic support to students and teachers to help ensure on grade level achievement in reading by making available for grades PreK-8 an online-delivered, interactive reading assessment and research-based intervention program for use both at school and at home. This online program must automatically place students into an individualized on-line curriculum and instruction, provide teachers and administrators with immediate reporting, provide recommendations for interventions

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and teacher lessons, and provide small group instruction lessons. The program must provide computer adaptive assessments at least eight times per year, and teachers, principals, and districts must have immediate on-line reporting to identify those students who are not reading on grade-level and those that are at risk of failing the state reading assessment pursuant to Section 59-18-310 of the 1976 Code, as amended. The program must make available to parents reporting and resources regarding student participation via a home portal.

**1A.59.** (SDE-EIA: Pilot Assessment) In the current fiscal year and from funds appropriated, there is created a pilot assessment. The Education Oversight Committee may select no more than five school districts to participate in the pilot. To be eligible to participate in the pilot, a school district must have received an absolute rating of Excellent on its most recent state report card and a letter grade of "A" on the most recent federal report card. The district must request and receive approval from the Education Oversight Committee and the State Board of Education to use an alternative assessment to current state assessments in grades three through eight to measure student performance on English language arts, mathematics and science, and in high school the district may use alternative assessments to the High School Assessment program to measure college and career readiness, or any combination thereof. The alternative assessments must be aligned to college and career readiness standards as approved by the State Board of Education and the Education Oversight Committee. The district may use financial flexibility to absorb any additional costs of the alternative assessments with state, local or other funds. The district must still administer the Palmetto Assessment of State Standards in grades three through eight in social studies and the state end-of-course assessment program as funded with EIA revenues. Unless otherwise provided for in law, students graduating in the current fiscal year must still pass all exit exam requirements. The Education Oversight Committee, working with school districts in the pilot, must devise an alternative state district and school report card. In addition the Department of Education must request changes to its ESEA waiver to permit alternative and innovative approaches to assessment.

**1A.60.** (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.

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**1A.61.** (SDE-EIA: EEDA Regional Education Centers) Funds appropriated from the EEDA for Regional Education Centers must not be less than \$108,500.

**1A.62.** (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.63.** DELETED

**1A.64.** (SDE-EIA: EOC-South Carolina Autism Society) Of the funds appropriated in Section 1A, XII.F, Partnerships, Education Oversight Committee (A85), \$350,000 must be transferred in quarterly installments from the Education Oversight Committee to the South Carolina Autism Society for the Autism Parent-School Partnership Program. Beginning October 10, 2014, the South Carolina Autism Society shall provide a quarterly accounting report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee and the Education Oversight Committee.

**1A.65.** (SDE-EIA: Technology/Device Pilot) For the current fiscal year, the Department of Education is authorized to utilize carry forward funds from the prior fiscal year and appropriated funds from recurring and nonrecurring sources for the purchase of Instructional Materials and Digital Instructional Materials to allow middle and high schools in up to six school districts receiving approval from the State Board of Education to opt out of the state rental system and purchase instructional materials, digital instructional materials and the digital equivalent of materials and devices directly from a state approved vendor in an amount not to exceed the total allocation that the district would have received from these appropriations.

In order to best serve the middle and high schools and students within the school district, the school district must develop an implementation plan listing the instructional materials, digital instructional materials and the digital equivalent of materials and devices by grade level and subject and the implementation plan must be presented to the local school board in a public meeting for approval and made available to the public on the school district website prior to the public school board meeting.



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The department must provide a certification form for a local school board on behalf of the school district to approve in a public meeting, have signed by the board chairman and district superintendent requesting approval for funding equivalent to the school district's allocation of appropriated funds for instructional materials and digital instructional materials based on the number of students in middle and high schools of the school district. The department must develop the certification form with the intent of assisting school districts with meeting State Board of Education approval.

Upon school board approval, and no later than July twenty-fifth, the certification form and the detailed plan must be submitted to the department for State Board of Education approval. The State Board of Education must notify the school district of their decision to approve or disapprove no later than August fifteenth. If a school district does not receive State Board of Education approval the valid cause along with measurements necessary for the school district to meet approval must be provided to the local school board. The school district may make the required adjustments to their implementation plan and resubmit their certification form and plan to the State Board of Education for subsequent approval no later than ten days from the date of resubmission.

The school district may utilize no more than ten percent of the funds for professional development on the use of the acquisitions and must utilize no less than ninety percent of the funding received for the acquisition of instructional materials, digital instructional materials and the digital equivalent of materials and devices. If approved the school district is required to ensure that all students in the middle and high schools have access to the curriculum without regard to the student's home internet access capabilities.

The school district shall establish rules and policies that provide for the reasonable care and safety of the materials to include reasonable penalties for abuse, destruction, and loss and excluding ordinary wear and tear, provide for reimbursement by the pupils, their parents or legal guardians.

No later than December 15, 2014, the department shall provide a report outlining the implementation and use in the selected districts 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.

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**1A.66.** (SDE-EIA: XII.F.2 - 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.67.** (SDE-EIA: Carry Forward) For Fiscal Year 2014-2015, EIA funds carry forward from the prior fiscal year and not otherwise appropriated or authorized must be carried forward and expended on the following items:

1. EOC - Partnerships for Innovation - \$900,000;
2. Allendale County School District - \$150,000;
3. \$5,929,553 must be used by the department for school bus transportation costs; and
4. Any additional funds carried forward and not otherwise appropriated or authorized may be used for Instructional Materials. If funds are available, districts may make application to the Department of Education to utilize funds for the Technology/Device Pilot as described herein.

If excess EIA revenues are less than the amounts appropriated, funding for the items listed herein shall be reduced on a pro rata basis.

**1A.68.** (SDE-EIA: Public Charter Pupil Counts) With funds appropriated to the South Carolina Public Charter School District, the district must require each charter school to submit a student attendance report for the 5<sup>th</sup>, 45<sup>th</sup>, 90<sup>th</sup> and 135<sup>th</sup> days. Reporting requirements shall include both Average Daily Membership and Weighted Pupil Unit membership. The South Carolina Public Charter School District 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 and Means Committee, the House Education and

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Public Works Committee, the Senate Finance Committee and the Senate Education Committee.

The South Carolina Public Charter School District 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.

**1A.69.** (SDE-EIA: South Carolina Public Charter School District Funding) The funds appropriated in Part IA, Section XI - South Carolina Public Charter School District must be allocated in the following manner to students at charter schools within the South Carolina Public Charter School District or at any approved institution of higher education sponsoring a public charter school: Pupils enrolled in virtual charter schools sponsored by the South Carolina Public Charter School District or institutions of higher education shall receive \$1,900 per weighted pupil and pupils enrolled in brick and mortar charter schools sponsored by the South Carolina Public Charter School District or institutions of higher education shall receive \$3,600 per weighted pupil. Any unexpended funds, not to exceed ten percent of the prior year appropriation, must be carried forward from the prior fiscal year and expended for the same purpose. Any unexpended funds exceeding ten percent of the prior year appropriation must be transferred to the Charter School Facility Revolving Loan Program established in Section 59-40-175.

**1A.70.** (SDE-EIA: Low Achieving Schools) Of the funds appropriated to the Education Oversight Committee for Partnerships for Innovation, \$500,000 must be allocated to support up to three low-achieving schools in designing and planning for implementation innovative, research-based strategies focused on recruiting and retaining highly effective teachers and on increasing time-on-task through the amount of time, the quality of instruction and the engagement of students. The committee will assist the schools in determining the evidence that will be collected to measure the

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effectiveness of the initiative and in identifying resources to support the initiative and in collaborating with TransformSC.

**1A.71.** (SDE-EIA: Public Charter School District Hold Harmless) For Fiscal Year 2014-2015, the South Carolina Public Charter School District must use up to \$3,000,000 in prior year carry forward funds to hold its schools harmless from any reduction in funds as a result of changes to the EFA weightings in the current fiscal year.

**1A.72.** (SDE-EIA: TransformSC) Of the funds appropriated to the Education Oversight Committee for Partnerships for Innovation, at least \$200,000 shall be allocated to the TransformSC public-private project.

**1A.73.** (SDE-EIA: Palmetto Priority School) Of the funds appropriated for EAA-Technical Assistance, up to \$2,200,000 must be expended to provide \$200,000 to each school that was designated by the department as a Palmetto Priority School in the prior year, but did not receive an allocation of EIA technical assistance funds in the prior fiscal year to improve teacher recruitment and retention, to reduce the district's dropout rate, to improve student achievement in reading/literacy, or to train teachers in how to teach children of poverty as stipulated in the school's renewal plan. If funds are not sufficient to provide \$200,000 to each qualifying school, the \$200,000 shall be reduced on a pro-rata basis.

**1A.74.** DELETED

**1A.75.** (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 first. 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.76.** (SDE-EIA: Prekindergarten and Kindergarten Assessments) For the current fiscal year, all students entering a publicly funded prekindergarten or public kindergarten must be administered a readiness assessment that shall focus on early language and literacy development no later than the forty fifth day of the school year. The

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readiness assessment must be approved by the State Board of Education. The approved readiness assessment must be aligned with kindergarten and first grade standards for English/language arts and mathematics. The results of the assessment and the developmental intervention strategies recommended or services needed to address the child's identified needs must be provided, in writing, to the parent or guardian. The readiness assessment may not be used to deny a student admission or to progress to kindergarten or first grade.

The Education Oversight Committee shall recommend the characteristics of the readiness assessment for children in prekindergarten and kindergarten, focused on early language and literacy development, to the State Board of Education no later than July thirtieth. Prior to submitting the recommendation to the State Board, the Education Oversight Committee shall seek input from the South Carolina First Steps to School Readiness Board of Trustees and other early childhood advocates. The State Board must move expeditiously to approve or modify the criteria submitted by the committee. Once approved, with the assistance of the Education Oversight Committee, the board shall develop a solicitation to be used in procuring the assessment. The solicitation must be forwarded to the Executive Director of the Budget and Control Board who must immediately move to procure the readiness assessment in order to meet the forty-five day requirement. The Executive Director is authorized to make changes to the solicitation with the consent of the Chairman of the State Board of Education and the Chairman of the Education Oversight Committee. The Department of Education must bear the costs of the procurement.

**1A.77.** (SDE-EIA: BabyNet Early Intervention Autism Therapy) The \$437,476 in funds appropriated in this act to the Office of First Steps to School Readiness for BabyNet Autism Therapy must be used only to increase the BabyNet autism therapy provider hourly rate and the individual hourly pay of line therapists during the current fiscal year. The Office of First Steps must consult with the Department of Disabilities and Special Needs regarding the implementation of these increases. The Office of First Steps must ensure that, prior to payment, these line therapists meet all current state requirements. It is the intent of the General Assembly that these monies be used solely for the purpose of increasing the BabyNet autism therapy provider rate to \$13.58 per hour and the hourly pay to individual line therapists being increased to a minimum of \$10.00 per hour. Quarterly, the Office of First Steps must send a letter to the Chairman of the Senate Finance

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Committee and the Chairman of the House Ways and Means Committee reporting on their compliance with the requirements of this proviso. The report must include information regarding the expenditure of state funds as well as the receipt and expenditure of Federal Medicaid funds associated with the program.

**SECTION 3 - H66-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. The Office of the State Auditor 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: Technology Lottery Funds) For the purposes of the allocation of technology funds from the lottery proceeds, \$125,000 shall be transferred from the portion designated for two-year institutions to the portion designated for four-year institutions for each University of South Carolina two-year institution that has moved to a four-year status since 2000.

**3.3.** (LEA: Election Day Sales) For the current fiscal year, Section 59-150-210(E) is suspended.

**3.4. DELETED**

**3.5.** (LEA: FY 2014-15 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.

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.

**SECTION 3 - H66-LOTTERY EXPENDITURE ACCOUNT**

For Fiscal Year 2014-2015 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:

- (1) Commission on Higher Education and State Board for Technical and Comprehensive Education--Tuition Assistance .....\$47,400,000;
- (2) Commission on Higher Education--LIFE Scholarships as provided in Chapter 149, Title 59 .....\$140,824,027;
- (3) Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370 ..... \$8,476,245;
- (4) Commission on Higher Education--Palmetto Fellows Scholarships as provided in Section 59-104-20 .....\$37,648,288;
- (5) Commission on Higher Education--Need-Based Grants .....\$13,000,000;
- (6) Tuitions Grants Commission--Tuition Grants..... \$8,258,764;
- (7) Commission on Higher Education--National Guard Tuition Repayment Program as provided in Section 59-111-75 ..... \$4,545,000;
- (8) South Carolina State University ..... \$2,500,000;
- (9) Technology--Public Four-Year Universities, Two-Year Institutions, and State Technical Colleges ..... \$1,127,825;
- (10) Department of Education--K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525 .....\$24,591,798;
- (11) Department of Education--Grades 6-8 Reading, Math, Science & Social Studies Program..... \$2,000,000;
- (12) School for the Deaf and the Blind--Technology..... \$200,000; and
- (13) Commission on Higher Education--Higher Education Excellence Enhancement Program ..... \$1,028,053.

Fiscal Year 2014-2015 funds appropriated to the Commission on Higher 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 appropriated.

Of the funds appropriated to South Carolina State University, \$250,000 may be used for the BRIDGE Program.

**SECTION 3 - H66-LOTTERY EXPENDITURE ACCOUNT**

The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.

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 2014-2015 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 2014-2015 are fully funded.

If the lottery revenue received for Fiscal Year 2014-2015 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, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

The Commission on Higher Education is authorized to use up to \$260,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process.

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.

For Fiscal Year 2014-2015, funds certified from unclaimed prizes are appropriated as follows:

- (1) Department of Alcohol and Other Drug Abuse  
Services--Gambling Addiction Services ..... \$50,000;
- (2) Commission on Higher Education--Higher Education  
Excellence Enhancement Program ..... \$2,950,000;
- (3) Department of Education--K-5 Reading, Math,  
Science & Social Studies Program as provided  
in Section 59-1-525 ..... \$2,300,000;
- (4) Commission on Higher Education and State Board for  
Technical and Comprehensive  
Education--Tuition Assistance ..... \$1,700,000;

and

- (5) Department of Education--New School Buses..... \$1,000,000.



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If the lottery revenue received from certified unclaimed prizes for Fiscal Year 2014-2015 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.

Any unclaimed prize funds available in excess of the Board of Economic Advisors estimate shall be appropriated as follows:

- (1) Commission on Higher Education--Partnership Among South Carolina Academic Libraries (PASCAL) Program ..... \$1,500,000;
- (2) Department of Education--New School Buses... \$1,000,000;
- (3) Department of Education--Instructional Materials.....\$3,000,000;
- (4) State Library--Aid to County Libraries.....\$2,000,000;
- (5) Commission on Higher Education--Technology-Public Four-Year Universities, Two-Year Institutions, and State Technical Schools....\$5,335,897;
- (6) Commission on Higher Education--Higher Education Excellence Enhancement Program..... \$1,000,000;
- (7) State Board for Technical and Comprehensive Education--Allied Health Initiative .....\$4,000,000;

and

- (8) Commission on Higher Education--Critical Needs Nursing Program ..... \$1,000,000.

All additional revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships.

For Fiscal Year 2014-2015, net lottery proceeds and investment earnings realized from Fiscal Year 2013-2014 estimated surplus are appropriated as follows on a pro-rata basis:

- (1) Department of Education--K-12 Technology Initiative .....\$29,288,976;
- (2) Commission on Higher Education--Technology-Public Four-Year Institutions, Two-Year Institutions, and Technical Colleges ..... \$5,558,670;
- (3) Department of Education--Instructional Materials..... \$3,904,095;
- (4) Commission on Higher Education--Summer Semester Eligibility ..... \$1,718,902;

and

SECTION 3 - H66-LOTTERY EXPENDITURE ACCOUNT

- (5) Department of Education--Digital Instructional  
Materials.....\$5,000,000.

Funds appropriated to the Department of Education for the K-12 Technology Initiative shall be distributed to the public school districts of the state, the special schools of the state and the South Carolina Public Charter School District, per pupil, based on the previous year's 135-day average daily membership, according to the below calculations: (1) For a school district with a poverty index of less than 75: \$35 per ADM; (2) For a school district with a poverty index of at least 75 but no more than 85: \$50 per ADM; or (3) For a school district with a poverty index of 85 or greater or a special school with no defined poverty index: \$70 per ADM.

The Department of Education may adjust the per-ADM rates for each of the three classes defined above in order to conform to actual levels of student attendance and available appropriations, provided that the per-ADM rate for each class is adjusted by the same percentage.

Funds distributed to a school district through the K-12 Technology Initiative may only be used for the following purposes: (1) To improve external connections to schools, with a goal of reaching at least 100 kilobits per second, per student in each school by 2017; (2) To improve internal connections within schools, with a goal of reaching at least 1 megabit per second, per student in each school by 2017; or (3) To develop or expand one-to-one computing initiatives.

A school district that has achieved each of the above goals may submit a plan to the K-12 Technology Initiative Committee for permission to expend its allocation on other technology-related uses; such permission shall not be unreasonably withheld and the K-12 Technology Committee must permit districts to appeal any process should a district not receive approval and must provide technical assistance to districts in developing plans should the district request such.

Funds appropriated for the K-12 Technology Initiative may not be used to supplant existing school district expenditures on technology. By June 30, 2015, each school district that receives funding through the K-12 Technology Initiative during Fiscal Year 2014-2015 must provide the K-12 Technology Initiative Committee with an itemized report on the amounts and uses of these funds, using a form developed by the Education Oversight Committee. In this report, a school district must provide information on its efforts to obtain reimbursements through the "E-Rate" Schools and Libraries Program administered by the Universal

**SECTION 3 - H66-LOTTERY EXPENDITURE ACCOUNT**

Service Administrative Company. Within its available resources, the K-12 Technology Initiative Committee shall support school districts' efforts to obtain these reimbursements.

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 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 completed 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.

For Fiscal Year 2014-2015, net lottery proceeds and investment earnings realized in the prior fiscal year above the amount needed to fund the appropriations in this provision (including the net lottery proceeds and investment earnings realized from Fiscal Year 2013-2014 estimated surplus) are appropriated as follows on a pro-rata basis:

- (1) Commission on Higher Education--Public Four-Year Universities, Two-Year Branch Campuses, and State Technical Colleges-Critical Equipment Repair and Replacement..... \$10,351,128;
- (2) Department of Education--New School Buses....\$2,571,519;
- (3) Commission on Higher Education--Technology-Public Four-Year Universities, Two-Year Institutions, and State Technical Colleges .....\$1,400,000;
- (4) Department of Education--K-5 Reading, Math, Science and Social Studies Program as provided in Section 59-1-525 .....\$1,000,000;
- (5) Commission on Higher Education--Higher Education Excellence Enhancement Program ..... \$650,000;

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- \*\* (6) Commission on Higher Education--Nonprofit,  
Four-Year Institution of Higher Learning,  
Founded in 1956, is a Member of ACSI,  
Whose Campus Has Been Continuously Situated  
in the Same Location in this State Since 1961-  
Maintenance and Improvement in  
Classroom, Library, Laboratory, or  
Other Institutional Facilities ..... \$150,000;**
- \*\* (7) Commission on Higher Education--Nonprofit,  
Bachelors Level Institution of Higher  
Learning, Established in 1894, is a Member of  
TRACS, with sixty percent or More Low-Income  
Students - Maintenance and Improvement  
in Classroom, Library, Laboratory, or  
Other Institutional Facilities.... \$150,000; and**
- \*\* (8) Commission on Higher Education--Nonprofit,  
Four-Year Comprehensive Institution of Higher  
Learning, First Established as a College in 1908,  
is SACS Accredited, with forty percent or  
More Minority Enrollment-Support for  
Memorial Professorships for the Purpose of  
Helping the College Recruit and  
Retain Faculty Members Whose  
Research, Teaching and Service  
Uniquely Contribute to the Mission  
of the College..... \$150,000.**

Of the funds appropriated in sub item (1) above for the Commission on Higher Education--Public Four-Year Universities, Two-Year Branch Campuses, and State Technical Colleges--Critical Equipment Repair and Replacement, \$8,351,128 is designated for critical equipment repair and replacement at public four-year universities and two-year branch campuses and must be distributed based on the methodology described below, and \$2,000,000 is to be transferred by the commission to the State Board for Technical and Comprehensive Education for distribution to each of the State's sixteen technical colleges for critical STEM equipment repair and replacement. Distribution of the \$2,000,000 is to be made by a formula to be developed by the State Board for Technical and Comprehensive Education in consultation with the colleges Chief Business Officers for

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\*\* See note at end of Act.

**SECTION 3 - H66-LOTTERY EXPENDITURE ACCOUNT**

approval by the State Board's Presidents Council. Based on the methodology described below, funds designated in this provision to the Commission on Higher Education for critical equipment repair and replacement at public four-year universities and two-year branch campuses may only be used for the repair, maintenance or replacement of life, safety, and/or other critical equipment and systems that are necessary for the safe and efficient operation of an institution's physical plant in its support of the institution's educational purpose. Funds must not be used for new construction and may only be distributed to an institution to the extent the funds are matched by the institution for necessary repair and maintenance projects generally. Matching funds exclude supplemental, capital reserve, lottery, or other nonrecurring state funds appropriated to an institution either in the current fiscal year or from a prior fiscal year for repair and maintenance or deferred maintenance projects. Prior to the distribution of these funds, institutions must certify to the commission, in a manner it prescribes, the extent to which they have met this requirement, including the sources of funds utilized to meet this requirement. The commission shall notify the Joint Bond Review Committee of the certification received pursuant to this provision. Upon certification, the funds shall be distributed to institutions on a pro rata basis based on the distribution methodology described below provided that the distribution does not exceed an institution's pro rata share or the amount matched by the institution if less than that share. The distribution methodology to be used by the commission shall be based on each institution's proportion of general fund appropriation in Part IA of Act 101 of 2013 as compared to the total general fund appropriation in that Act for all public four-year universities and two-year branch campuses. Funds not matched and distributed shall be carried forward by the commission and used for LIFE, HOPE, and Palmetto Fellows Scholarships. Not later than one hundred and twenty days after the close of the fiscal year, the commission 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 specifically, as well as the amount spent in the current fiscal year by each public institution of higher learning, by source of funds, on repair and maintenance projects generally, including restoration and renewal of existing facilities or infrastructure, and the amount of repair and maintenance, including restoration and renewal projects, deferred

**SECTION 3 - H66-LOTTERY EXPENDITURE ACCOUNT**

to a subsequent fiscal year by each institution, if any, and the reasons for the deferral.

**SECTION 5 - H71-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 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 nontwelve month employees. These deferred funds are not to be included or part of any other authorized carry forward amount.

**5.4.** (WLG: Improved Forestry Practices) The Trustees of the Wil Lou Gray Opportunity School may carry out improved forestry practices on the timber holdings of the school property and apply the revenues derived from them and any other revenue source on the property for the further improvement and development of the school forest and other school purposes.

**5.5.** (WLG: Educational Program Initiatives) Wil Lou Gray Opportunity School is authorized to utilize funds received from the Department of Education for vocational equipment on educational program initiatives.

**5.6.** (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.

**SECTION 5 - H71-WIL LOU GRAY OPPORTUNITY SCHOOL**

**5.7.** (WLG: USDA Federal Grants) All revenues generated from U.S.D.A. 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.

**5.8.** (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.

**5.9.** (WLG: Capacity) For Fiscal Year 2014-2015, funds appropriated to Wil Lou Gray Opportunity School must be used to bring the school up to full capacity, to the extent possible, and the school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December first, on how the funds have been utilized and how many additional students have been served.

**SECTION 6 - H75-SCHOOL FOR THE DEAF AND THE BLIND**

**6.1.** (SDB: Student Activity Fee) The School for the Deaf and the Blind is authorized to charge to the parents of students at the school a student activity fee, differentiated according to the income of the family. The required student activity fee shall not exceed \$40.00. Such revenue may be retained and carried forward into the current fiscal year and expended for the purpose of covering expenses for student activities.

**6.2.** (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.

**6.3.** (SDB: Admissions) Deaf, blind, multidisabled and other disabled students identified by the Board of Commissioners as target groups for admission to the South Carolina School for the Deaf and the Blind may be admitted by the School either through direct application by parents or on referral from the local school district. The Board of Commissioners shall define the appropriate admissions criteria including mental capacity, degree of disability, functioning level, age, and other factors deemed necessary by the board. All placement

**SECTION 6 - H75-SCHOOL FOR THE DEAF AND THE BLIND**

hearings for admission to the South Carolina School for the Deaf and the Blind shall be organized by the School. The South Carolina School for the Deaf and the Blind shall obtain information from the local school district concerning the needs of the student and shall prepare an Individualized Education Plan for each student admitted. All parents applying for admission of their children must sign a statement certifying that they feel the South Carolina School for the Deaf and the Blind is the most appropriate placement which constitutes the least restrictive environment for the individual student, based upon needs identified in the placement meeting and the Individualized Education Plan. The decision concerning placement and least restrictive environment shall be reviewed annually at the IEP Conference.

**6.4.** (SDB: Adult Vocational Program Fees) The School for the Deaf and the Blind is authorized to charge appropriate tuition, room and board, and other fees to students accepted into the Adult Vocational Program. Such fees will be determined by the School Board of Commissioners, and such revenue shall be retained and carried forward into the current fiscal year and expended by the School for the purpose of covering expenses in the Adult Vocational Program.

**6.5.** (SDB: Mobility Instructor Service Fee) The School for the Deaf and the Blind is authorized to charge a fee for the services of a mobility instructor to provide service on a contractual basis to various school districts in the state, and such revenue shall be retained and carried forward into the current fiscal year and expended by the School for the purpose of covering expenses in the Blind School.

**6.6.** (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.

**6.7.** (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.

**6.8.** (SDB: USDA Federal Grants) All revenues generated from USDA federal grants may be retained and expended by the SCSDB in accordance with Federal regulations for the purpose of covering actual expenses in the cafeteria/food service operations of the school.

**6.9.** (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



**SECTION 6 - H75-SCHOOL FOR THE DEAF AND THE BLIND**

into the current fiscal year and expended for the purpose of covering expenses of the school's programs and operations.

**6.10.** (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 nontwelve month employees. These deferred funds are not to be included or part of any other authorized carry forward amount.

**6.11.** (SDB: Sale of Property) After receiving approval from the Budget and Control Board 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 Budget and Control Board. 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.

**6.12.** (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.

**6.13.** (SDB: Capacity) For Fiscal Year 2014-2015, funds appropriated to the School for the Deaf and the Blind must be used to bring the school up to full capacity, to the extent possible, and the school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December first, on how the funds have been utilized and how many additional students have been served.

**6.14.** (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.

**6.15.** (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.

**6.16.** (SDB: Buildings) For the current fiscal year; the South Carolina School for the Deaf and Blind will be subject to the same

**SECTION 6 - H75-SCHOOL FOR THE DEAF AND THE BLIND**

requirements as a local education agency for the purposes of building renovation and construction.

**SECTION 7 - L12-JOHN DE LA HOWE SCHOOL**

**7.1.** (JDLHS: Status Offender Carry Forward) Unexpended status offender funds distributed to John de la Howe School from the Department of Education may be carried forward and used for the same purpose.

**7.2.** (JDLHS: Campus Private Residence Leases) John de la Howe School 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.** (JDLHS: Deferred Salaries Carried Forward) John de la Howe School is authorized to carry forward into the current fiscal year the amount of deferred salaries and employer contributions earned in the prior fiscal year for nontwelve month employees. These deferred funds are not to be included or part of any other authorized carry forward amount.

**7.4.** (JDLHS: Capacity) For Fiscal Year 2014-2015, funds appropriated to John de la Howe School must be used to complete deferred maintenance on the residential cottages and to bring the school up to full capacity, to the extent possible. The school must not utilize the funds to hire new employees until the school has completed deferred maintenance on a cottage and requires the new employee due to a projected increase in students. Any increases in staff must be reported to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee thirty days prior to the hire. Further, the school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December first, on how the funds have been utilized and how many additional students have been served.

**7.5.** (JDLHS: Administration) (A) In the current fiscal year, the Superintendent of Education shall appoint a Chief Operating Officer to provide on-site programmatic and administrative technical assistance to the School. The appointment shall be confirmed by the State Board of Education. This officer shall also advise and provide regular updates to the School's board of trustees. In the event that the board of trustees has not, by August fifteenth of the current fiscal year, filled the existing

## SECTION 7 - L12-JOHN DE LA HOWE SCHOOL

vacancy by electing a Superintendent pursuant to Section 59-49-80 of the 1976 Code, the Chief Operating Officer shall also serve as interim Superintendent until a Superintendent is chosen by the Board. The Chief Operating Officer's service may alternately be concluded upon the Superintendent of Education's certification that the report or reports submitted pursuant to subsection (B) demonstrate that the School is making adequate progress in serving its students' educational and therapeutic needs. The Budget and Control Board, and where appropriate, the Executive Budget Office, shall provide technical assistance that is requested by the Chief Operating Officer to satisfy the requirements of this proviso.

(B) To ensure that the John de la Howe School successfully fulfills its mission of providing educational and therapeutic services to children who require that support away from their homes, its board of trustees shall submit a plan to the Governor, the Superintendent of Education, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee no later than October 1, 2014 that:

(1) Specifically addresses each of the findings and issues identified by the Inspector General in his January 2014 report on the School and explains how the School intends to resolve these matters;

(2) Is developed after consulting with the Department of Juvenile Justice, Department of Education, Department of Social Services, the Department of Mental Health and any other state social or behavioral services agency on the current state of best therapeutic practices, which must be reflected in the submitted plan;

(3) Assesses the School's current administrative practices relating to budgeting and finance, technology, real estate and facilities management, procurement, and other related subjects and describes the School's plans to improve these practices, which shall be developed with the support of the Budget and Control Board, and if appropriate, the Executive Budget Office. Included in the assessment must be a comparison of the costs of administrative transactions at the School compared to similar costs per transaction if administered by the Budget and Control Board. Further, the assessment must compare costs for technology and facilities management compared to securing a private company to provide these services; and

(4) Explains how the School's budget request for the 2015-16 fiscal year effectuates the School's strategy to implement the plan.

**SECTION 7 - L12-JOHN DE LA HOWE SCHOOL**

The School shall submit quarterly progress reports thereafter. Nothing in this proviso shall be construed as to change the School's mission or its responsibility for providing high-quality educational and therapeutic services to the students it supports.

**SECTION 8 - H67-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.

**SECTION 11 - H03-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: Out-of-State School of the Arts) The funds appropriated herein for Out-of-State School of the Arts must be expended for an SREB Contract Program, administered by the Commission, which will offset the difference between the out-of-state cost and in-state cost for artistically talented high school students at the North Carolina School of the Arts.

**11.3.** (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

**SECTION 11 - H03-COMMISSION ON HIGHER EDUCATION**

funds allocated according to this proviso, no more than ten percent shall be used for administrative purposes.

**11.4.** (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.

**11.5.** (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.

**11.6.** (CHE: SREB Funds Exempt From Budget Cut) In the calculation of any across the board cut mandated by the Budget and Control Board 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 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.

**11.7.** (CHE: Performance Improvement Pool Allocation) Of the funds appropriated to the Commission on Higher Education under Section XI. 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.

**11.8.** (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.

**11.9.** (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

**SECTION 11 - H03-COMMISSION ON HIGHER EDUCATION**

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.

**11.10.** (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 Division of Veterans Affairs on the grounds of a serious extenuating health condition.

**11.11.** (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.

**11.12.** (CHE: SmartState) The Commission on Higher Education is prohibited from expending any source of funds on the marketing of the SmartState Program.

**11.13.** (CHE: Higher Education Excellence Enhancement Program Additions) Converse College and Columbia College shall be eligible to receive funds under the Higher Education Excellence Enhancement Program.

**11.14.** DELETED

**11.15.** (CHE: SCNG CAP Carry Forward) Funds appropriated for the South Carolina National Guard College Assistance Program may be

**SECTION 11 - H03-COMMISSION ON HIGHER EDUCATION**

carried forward from the prior fiscal year into the current fiscal year and expended for the same purpose. If a mid-year budget reduction is imposed by the General Assembly or the State Budget and Control Board, the appropriations for the program are exempt.

**11.16.** (CHE: College Transition Need-Based Grants) Of the currently appropriated need-based grants funding, no more than \$179,178 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.

**11.17. DELETED**

**11.18.** (CHE: Mission, Ethics and Values Statements) Each public institution of higher learning shall submit a report that denotes their mission, ethics, and values statements to the members of the General Assembly by January 3, 2015.

**11.19. DELETED**

**11.20.** (CHE: Distribution of Materials on College Campuses) Public institutions of higher education shall not impose restrictions on the distribution of the Constitution of the United States or the Constitution of the State of South Carolina by students properly enrolled in the institution or otherwise eligible to enter the institution's property, so long as the distribution does not interrupt a class in session, a schoolwide assembly or other school sponsored function. Distribution of copies of the Constitution of the United States or the Constitution of the State of South Carolina on which unrelated materials or paraphernalia are attached to, or that are inserted or included within copies of either Constitution are not subject to the requirements of this proviso. For purposes of this proviso, an athletic

**SECTION 11 - H03-COMMISSION ON HIGHER EDUCATION**

event is not considered a class, schoolwide assembly or school sponsored function.

**11.21. DELETED**

**11.22.** (CHE: Required Reading Material Reporting) (A) From the revenue appropriated or authorized by this act, the University of Charleston must utilize at least \$52,000 and USC Upstate must utilize at least \$17,000 to comply with the provisions contained in Section 59-29-120, related to instruction in the provisions and principles of the United States Constitution, the Declaration of Independence, and the Federalist Papers, including the study of and devotion to American institutions and ideals. The instruction that must be given pursuant to this provision may be satisfied by providing or assigning reading materials related to the subject matter.

(B) A public institution of higher learning that conducts a nonelective reading program, other than as part of an instructional class, must provide alternative reading materials to a student who finds the required reading material objectionable based on a sincerely held religious, moral, or cultural belief. A student who requests alternative materials must not be subjected to any negative consequences or disparate treatment by any officer, official, faculty member, or other employee of the institution as a result of making the request.

(C) A public institution of higher learning that conducts a mandatory lecture, seminar, or other similar type presentation or program, other than as part of an instructional class, must allow a student who finds the program objectionable based on a sincerely held religious, moral, or cultural belief to decline to attend or otherwise participate in the program. A student who declines to attend or otherwise participate must not be subjected to any negative consequences or disparate treatment by any officer, official, faculty member, or other employee of the institution as a result of making the request.

**11.23. DELETED****SECTION 14 - H12-CLEMSON UNIVERSITY - EDUCATIONAL  
& GENERAL**

**14.1.** (CU: Travel Advances and Subsistence Expenses) Clemson University may advance travel and subsistence expense monies to its employees for the financing of ordinary and necessary travel required in the conducting of the business of the institution. Clemson



**SECTION 14 - H12-CLEMSON UNIVERSITY - EDUCATIONAL  
& GENERAL**

University may develop and publish rules and regulations pertaining to the advancing of travel expenses. All advances for travel and subsistence monies shall be repaid within thirty days after the end of the trip.

**SECTION 19 - H24-SOUTH CAROLINA STATE UNIVERSITY**

**19.1.** (SCSU: BRIDGE Program) The funds appropriated to South Carolina State University for the BRIDGE Program shall be utilized 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.

**19.2.** (SCSU: Blue Ribbon Advisory Committee) (A) The General Assembly finds that:

(1) Historically black colleges and universities serve as important and vital institutions for the education of students. These institutions of higher learning are essential to producing college graduates, professionals, uplifting students, and inspiring others to continue in their traditions;

(2) South Carolina State University was founded in 1896 as the state's sole public college for black youth and has played a key role in the education of African-Americans in the state and nation; and

(3) It is vital for this State that South Carolina State University maintain its legacy of excellence in education, and continue to produce generations of scholars and leaders in business, military service, government, athletics, education, medicine, science, engineering technology, and more.

(B) (1) There is established the South Carolina State Blue Ribbon Advisory Committee. The committee shall be composed of James F. Barker, former President of Clemson University; Harris Pastides, President of the University of South Carolina; Dr. Luther F. Carter, President of Francis Marion University; Judge Alex Sanders, former President of the College of Charleston; and Chief Justice Ernest A. Finney, former President of South Carolina State University, or their successors.

## SECTION 19 - H24-SOUTH CAROLINA STATE UNIVERSITY

(2) The President of South Carolina State University and the university's board of trustees, in consultation with the advisory committee, shall develop a budgetary plan to reduce expenditures and stabilize the university, including, but not limited to, the recruitment and retention of students. The Blue Ribbon Advisory Committee shall appoint a working group and their appointment shall be ratified by the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. The working group shall assist the advisory committee in the development of the budgetary plan. The advisory committee shall select one person with experience from each of the following functional disciplines within higher education to comprise the working group: Finance, Procurement, Human Resources, Athletic Administration, and University Foundation Administration. The advisory committee may also add persons to the working group from other disciplines as it determines necessary, including a person with expertise in the mission and administration of Historically Black Colleges and Universities. Each person chosen to participate in the working group may secure analytical support from the institution they serve in their full time capacity, if applicable. Additionally, the working group shall provide monthly briefings to the members of the Orangeburg County Legislative Delegation, and shall provide periodic progress reports regarding the development of the budgetary plan to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, at their request. Upon approval of the budgetary plan by the board and the advisory committee, the university is authorized to implement the provisions of the budgetary plan as set forth in this subsection. The approved budgetary plan must be provided to each member of the General Assembly. Upon implementation, the budgetary plan must prevent the university from running another other funds operating deficit. In developing the budgetary plan, all operating and other expenditures made across all aspects of the university must be considered, including, but not limited to, administration, academics, auxiliary operations, public service activities, and athletics.

(3) Upon certification by the advisory committee that funds for implementation of the budgetary plan are required, then the university must forward the plan to the Joint Bond Review Committee. Within fifteen days of approval by the Joint Bond Review Committee, the Budget and Control Board, in consultation with the Comptroller General, shall identify accounts from which the State Treasurer must

**SECTION 19 - H24-SOUTH CAROLINA STATE UNIVERSITY**

transfer to the university on the schedule required by the budgetary plan an amount or amounts required by the budgetary plan. Members of the General Assembly must be provided with a complete list of all accounts from which the State Treasurer will transfer funds. If any portion of the budgetary plan approved by the committee includes a recommendation of a loan or a series of loans, the loan must be at an interest rate established by the State Treasurer pursuant to Section 11-9-250. Loan repayment, if required by the budgetary plan, shall be for the duration recommended by the committee except that repayment shall begin no earlier than the calendar year following the conclusion of the current fiscal year.

(4) Members of South Carolina State Blue Ribbon Advisory Committee shall be indemnified in the same manner as members of the Retirement System Investment Commission, *mutatis mutandis*.

**SECTION 20 - H45-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: Child Abuse Medical Response Program) Of the funds appropriated to the University of South Carolina School of Medicine, not less than \$576,160 shall be expended for the Child Abuse and Neglect Medical Response Program. In addition, when instructed by the Budget and Control Board or the General Assembly to reduce funds by a certain percentage, the university may not reduce the funds for the Child Abuse and Neglect Medical Response Program greater than such stipulated percentage.

**20.4.** (USC: Energy-Related Economic Development) During the current fiscal year and using existing resources, the Earth Sciences and Resources Institute at the University of South Carolina shall develop a plan to foster collaborations among the State's institutions of higher education, the private sector, local governments, K-12 schools, the general public, and international partners to capitalize on the unique, unexplored geophysical characteristics of South Carolina and create energy-related economic development opportunities within the State. By January 15, 2015, the report shall be provided to the Director of the

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South Carolina Energy Office, the Secretary of the Department of Commerce, the Governor, and the Chairmen of the Senate Agriculture and Natural Resources Committee and House Agriculture, Natural Resources and Environmental Affairs Committee.

**SECTION 23 - H51-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 Medicine; three members from the South Carolina Dental Education Foundation Board who represent rural areas; and the President 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: Telemedicine) From the funds appropriated to the Medical University of South Carolina for the MUSC Hospital Authority, the Authority is directed to continue the development of its Telemedicine network. The MUSC Hospital Authority shall determine which hospitals are best suited for a Telemedicine partnership.

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SOUTH CAROLINA**

**23.3.** (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 to ensure that these regions maintain access to medical care.

**SECTION 25 - H59-STATE BOARD FOR TECHNICAL AND  
COMPREHENSIVE EDUCATION**

**25.1.** (TEC: Training of New & Expanding Industry) (A) Notwithstanding the amounts appropriated in this section for the "Center for Accelerated Technology Training," 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 the "Center for Accelerated Technology Training" may be appropriately adjusted, if and only if, the Budget and Control Board 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 Budget and Control Board. Upon the Budget Control Board's approval of the adjustment, the Executive Director of the Budget and Control Board must certify, in writing, that the adjustment is directly related to either subsection (B)(1) or (B)(2). The Executive Director must immediately provide a copy of the written certification, including the amount of the adjustment, to the President Pro Tempore 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 Executive Director's written certification approving an adjustment, the State Board for Technical and Comprehensive Education must submit a statement to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways

**SECTION 25 - H59-STATE BOARD FOR TECHNICAL AND  
COMPREHENSIVE EDUCATION**

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 the Center for Accelerated Technology Training 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: MSSC) The funds appropriated to the State Board for Technical and Comprehensive Education for the Manufacturing Skills Standards Council Initiative may not be used for consulting associated with the Initiative.

**25.5.** DELETED

**25.6.** (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,

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Mathematics, and Manufacturing. Funds must be used by the college for STEM programs.

**SECTION 26 - H79-DEPARTMENT OF ARCHIVES AND  
HISTORY**

**26.1.** (AH: Use of Proceeds) The proceeds of facilities rentals, gift shop operations, training sessions, sales of publications, reproductions of documents, repair of documents, research fees, handling charges, and the proceeds of sales of National Register of Historic Places certificates and plaques by the Archives Department shall be deposited in a special account in the State Treasury, and may be used by this department to cover the cost of facility operations and maintenance, gift shop inventory, additional training sessions, publication, reproduction expenses, repair expenses, and National Register of Historic Places certificates and plaques, and selected Historic Preservation Grants.

**26.2.** (AH: Disposal of Materials) For the current fiscal year, the Department of Archives and History, upon prior approval of the commission, may sell from its collections certain record and nonrecord materials, which are not eligible for public auction, in a manner most advantageous to the department.

**SECTION 27 - H87-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 2010, as aid to the County Library. No county shall be allocated less than \$75,000 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.

**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 - H91-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) Of the funds appropriated and/or authorized to the Arts Commission for Distribution to Subdivisions, the following amounts shall be distributed in the same manner as the funds were distributed in the prior fiscal year: \$4,358 for Alloc Mun-Restricted; \$7,672 for Alloc Cnty-Restricted; \$110,470 for Alloc School Dist; \$12,300 for Alloc Other State Agencies; \$551,930 for Alloc-Private Sector; \$2,899 for Alloc Private Sector; \$70,500 for Aid Mun-Restricted; \$46,439 for Aid Cnty-Restricted; \$317,619 for Aid School Districts; \$395,928 for Aid Other State Agencies; \$1,478,322 for Aid To Private Sector; and \$24,500 for Aid To Private Sector-Reportable.

**SECTION 29 - H95-STATE MUSEUM COMMISSION****29.1. DELETED**

**29.2.** (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.

**29.3.** (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 that the expenditures for such expenses are approved by the General Assembly in the annual Appropriation Act.

**29.4.** (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.

**29.5. DELETED**

**29.6.** (MUSM: School Tour Fee Prohibition) The commission may not charge admission fees to groups of children from South Carolina

**SECTION 29 - H95-STATE MUSEUM COMMISSION**

who have made reservations that are touring the museum as part of a school function.

**29.7.** (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.

**29.8.** (MUSM: Remittance to General Services) The State Museum is directed to remit not less than \$1,800,000 to the Budget and Control Board, Division of General Services as compensation for expenses associated with the premises it leases in the Columbia Mills Building. In the event the General Assembly or the Budget and Control Board implements a mid-year across-the-board budget reduction, the rent that the State Museum remits to the Budget and Control Board shall be reduced by the same percentage as the assessed budget reduction.

**SECTION 32 - H73-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 cafeteria.

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REHABILITATION**

**32.5.** (VR: Basic Services Program - Educational Scholarships) For those persons with disabilities who are eligible for and are receiving services under an approved plan of the South Carolina Vocational Rehabilitation Department (consistent with the 1973 Rehabilitation Act, as amended) tuition costs at state supported institutions (four year, technical, or trade schools) will not increase beyond the 1998 tuition rate, will be provided, or will be waived by the respective institution after the utilization of any other federal or state student aid for which the student is eligible. Persons eligible for this tuition reduction or sponsorship must meet all academic requirements of the particular institution and be eligible for State need-based scholarships as defined in Chapter 142, Title 59, Code of Laws of South Carolina, 1976.

**SECTION 33 - J02-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

**SECTION 33 - J02-DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**

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 Budget and Control Board Section 102. 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 Budget and Control Board.

**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.

**SECTION 33 - J02-DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**

**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.** DELETED

**33.10.** (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.

**33.11.** (DHHS: Franchise Fees Suspension) Franchise fees imposed on nursing home beds and enacted by the General Assembly during the 2002 session are suspended.

**33.12.** (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.

**33.13.** (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.

**33.14.** (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

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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.

**33.15.** (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 for these Medically Fragile Children must have over and above normal home-care or school-based nurses.

**33.16.** (DHHS: Medicaid Cost and Quality Effectiveness) The Department of Health and Human Services shall establish a procedure to assess the various forms of health care delivery systems to measure cost effectiveness and quality. These measures must be compiled on an annual basis on identifiable benchmarks. These measures must broadly address agency program areas and initiatives using national and state measures. Cost effectiveness shall be determined in an actuarially sound manner and data must be aggregated in a manner to be determined by a third party. The methodology must use appropriate case-mix and actuarial adjustments. The department shall issue an annual healthcare report of statewide measures deemed appropriate by the department required under state and federal guidelines. The report shall be formatted in a clear, concise manner in order to be easily understood by Medicaid beneficiaries and other stakeholders. The annual results of the cost effectiveness calculations, quality measures and the report cards shall be made public on the department's website by December thirty-first for the prior state fiscal year.

**33.17.** (DHHS: SCHIP Enrollment and Recertification) The Department of Health and Human Services shall enroll and recertify eligible children to the State Children's Health Insurance Program (SCHIP) and must use available state agency program data housed in the Revenue and Fiscal Affairs Office, to include the Department of Social Services' Food Stamp program and the Department of Education's Free and Reduced Meal eligibility data. Use of this data and cooperative efforts between state agencies reduces the cost of outreach and maintenance of eligibility for SCHIP.

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**33.18.** (DHHS: Carry Forward) The Department of Health and Human Services is authorized to carry forward 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 Pro Tempore 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.

**33.19.** (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 funds recovered, and information pertaining to prosecutions of such cases, including pleas agreements entered into.

**33.20.** DELETED

**33.21.** (DHHS: GAPS) The requirements of Article 5, Chapter 6, Title 44 shall be suspended for the current state fiscal year.

**33.22.** (DHHS: Disproportionate Share - DMH) For the current fiscal year, the department is directed to transfer funds to the Department of Mental Health to make up any shortfall in disproportionate share funding due to rule changes from the Center for Medicare and Medicaid Services from the latest federal fiscal year amount. The department must also take any necessary action, including the submission of an amendment to the State Medicaid Plan, to minimize the impact of disproportionate share funding redistribution to the Department of Mental Health in future years.

**33.23.** DELETED

**33.24.** (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



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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.

**33.25. DELETED**

**33.26.** (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) Healthy Outcomes Initiative - The Department of Health and Human Services may tie Disproportionate Share Hospital (DSH) payments to participation in the Healthy Outcomes Initiative and may expand the program as DSH funding is available.

(B) To improve community health, the department may explore various health 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.

(C) Rural Hospital DSH Payment - Medicaid-designated rural hospitals in South Carolina may be eligible to receive up to one hundred percent of costs associated with uncompensated care as part of the DSH program. Funds shall be allocated from the existing DSH program and shall not exceed \$25,000,000 total funds. To be eligible, rural hospitals must participate in reporting and quality guidelines published by the department and outlined in the Healthy Outcomes Initiative. In addition to the requirements placed upon them by the department, rural hospitals must actively participate with the department and any other stakeholder identified by the department, in efforts to design an alternative health care delivery system in these regions.

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(D) Primary Care Safety Net - The department shall implement a methodology to reimburse safety net providers participating in a hospital Healthy Outcomes Initiative program to provide primary care, behavioral health services, and pharmacy services for chronically ill individuals that do not have access to affordable insurance. Qualifying safety net providers are approved, licensed, and duly organized Federally Qualified Health Centers (FQHCs, entities receiving funding under Section 330 of the Public Health Services Act, and FQHC Look-A-Likes), Rural Health Clinics (RHCs), local alcohol and drug abuse authorities established by Act 301 of 1973, Free Clinics, other clinics serving the uninsured, and Welvista. The department shall formulate a methodology and allocate at least \$5,000,000 for innovative care strategies for qualifying safety net providers. The department shall formulate a separate methodology and allocate at least \$8,000,000 of funding to FQHCs at least \$4,000,000 for documented capital needs for FQHCs , at least \$2,000,000 for of funding for Free Clinics, and at least \$2,000,000 of funding for local alcohol and drug abuse authorities created under Act 301 of 1973.

(E) Rural and Underserved Area Provider Capacity - The department shall incentivize the development of primary care access in rural and underserved areas through the following mechanisms:

(1) the department shall leverage Medicaid spending on Graduate Medical Education (GME) by implementing methodologies that support recommendations contained in the January 2014 report of the South Carolina GME Advisory Group;

(2) the department shall develop a program to leverage the use of teaching hospitals to provide rural physician coverage, expand the use of Telemedicine, and ensure targeted placement and support of OB/GYN services in at least four counties with a demonstrated lack of adequate OB/GYN resources by June 30, 2015; and

(3) during the current fiscal year the department shall contract with the MUSC Hospital Authority in the amount of \$14,000,000 to lead the development and operation of an open access South Carolina Telemedicine Network. Working with the department, the MUSC Hospital Authority shall collaborate with Palmetto Care Connections to pursue this goal. No less than \$2,000,000 of these funds shall be allocated toward support of Palmetto Care Connections and other hospitals in South Carolina. MUSC Hospital Authority must provide the department with quarterly reports regarding the funds allocation

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and progress of telemedicine transformation efforts and networks. MUSC Hospital Authority shall publish a summary report to the General Assembly indicating the overall progress of the state's telemedicine transformation by March 1, 2015. In addition, the department shall also contract with the MUSC Hospital Authority in the amount of \$1,000,000 to further develop statewide teaching partnerships.

(F) 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 DSH 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.

(G) The department shall publish quarterly reports on the agency's website regarding the department's progress in meeting the goals established by this provision.

**33.27.** (DHHS: Medicaid Healthcare Initiatives Outcomes) Prior to February 15 of the current fiscal year, the Director of the Department of Health and Human Services shall make a presentation to the House Ways and Means Healthcare Budget Subcommittee on the outcomes of Medicaid healthcare initiatives enacted during the current fiscal year to improve the well being of persons enrolled in the Medicaid program and receiving services from Medicaid providers.

**33.28.** (DHHS: Medicaid Nonemergency Medical Transportation) The Department of Health and Human Services (department) shall procure transportation services upon the expiration of the current Medicaid nonemergency medical transportation contracts using a service model that maximizes efficiencies and cost effectiveness; improves health care outcomes; and improves member experience regarding quality and satisfaction in the Medicaid transportation program while using qualified transportation providers.

The department shall develop the policies, procedures and transportation provider performance standards with input from stakeholders. The department shall provide oversight of the implementation and operation.

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The department shall collect financial and utilization data and any other data necessary to continually monitor and evaluate the cost effectiveness and productivity of the transportation services provided.

**33.29.** (DHHS: Carry Forward Authorization) For the current fiscal year, the Department of Health and Human Services is authorized to carry forward and expend any General Fund balances for the Medicaid program. 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.

**33.30.** (DHHS: Healthy Connections Prime) The Department of Health and Human Services is instructed to request from the Centers for Medicare and Medicaid Services, a delay in the July 1, 2014 implementation of its demonstration for dual eligible (Medicare/Medicaid) beneficiaries known as Healthy Connections Prime. The requested date to begin enrollment will be no earlier than January 1, 2015.

**33.31.** DELETED

**33.32.** DELETED

**33.33.** (DHHS: Hospital Transformation Plans) The Department of Health and Human Services shall develop and manage a program to help qualifying hospitals transition to more sustainable models of service delivery that meet the needs of their community and reduce reliance on inpatient admissions, surgery or high-tech diagnostics. This includes encouraging new long-term partnerships between rural hospitals and community, tertiary and teaching facilities to ensure seamless, timely and high quality clinical care for patients in rural areas of the state. Notwithstanding the provisions in its existing regulations, for the current fiscal year, the Department of Health and Environmental Control, may in its discretion, make exceptions to applicable licensing standards and regulations where it is determined that the exception will assist in the successful implementation and operation of the plans developed by the Department of Health and Human Services pursuant to this provision; the health, safety, and well-being of the community will not be compromised by the exception; and provided that the standard is not specifically required by statute. The program shall provide funding that fully or partially offsets the one-time costs of these transitions. The department shall develop the methodology for funding award amounts and distribution and may prioritize funding to

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target hotspots of poor health and/or limited health care access. Total state funds available statewide for transition funding shall not exceed \$15,000,000 and the department shall leverage federal funds or other funding mechanisms to maximize resources as appropriate and approved by CMS. The department shall provide reports detailing progress on transformation efforts to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 1, 2015 and by June 1, 2015.

**33.34.** (DHHS: Armed Services Home and Community-Based Waiver) In administering home and community-based waiver programs, the department shall, to the extent possible, maintain the waiver status of an eligible family member of a member of the armed services who maintains his South Carolina state residence, regardless of where the service member is stationed. Consequently, a person on a waiver waiting list would return to the same place on the waiting list when the family returns to South Carolina. Furthermore, the eligible family member previously enrolled in a waiver program and who received active services would be reinstated into the waiver program once Medicaid eligibility is established, upon their return to South Carolina. It is not the intent of this provision to authorize services provided outside the South Carolina Medicaid Service Area. These provisions are contingent upon the department receiving federal approval.

**33.35.** (DHHS: Child Support Enforcement System) The department shall transfer up to three million dollars to the Department of Social Services for the development of the Child Support Enforcement System. These funds cannot be used to pay any litigation cost associated with the development of this system.

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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.

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(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, except when instructed by the Budget and Control Board 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

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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 Budget and Control Board 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.

**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

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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 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. In addition, when instructed by the Budget and Control Board or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds 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, \$1,103,956 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



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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 Budget and Control Board; 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 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

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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.

**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 transfer of a Medicaid patient from a nursing home is necessary 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. The receiving facility shall apply to permanently retain the Medicaid patient day permit within sixty days of receipt of the patient.

**34.18.** (DHEC: Mineral Sets Revenue) The department is authorized to charge a reasonable fee for mineral sets. Funds generated from the sale of mineral sets may be retained by the department in a revolving account with a maximum carry forward of \$2,000 and must be expended for mineral set supplies and related mining and reclamation educational products.

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**34.19.** (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.

**34.20.** (DHEC: Per Visit Rate) The SC DHEC 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 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.

**34.21.** (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.

**34.22.** (DHEC: Permitted Site Fund) The South Carolina 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.

**34.23.** (DHEC: Shift Increased Funds) The Director is authorized to shift increased appropriated funds in this act to offset shortfalls in other critical program areas.

**34.24.** (DHEC: Health Licensing Monetary Penalties) In the course of regulating health care facilities/services, the Division of Health Licensing (DHL) assesses civil monetary penalties against nonconforming providers. DHL shall retain up to the first \$50,000 of civil monetary penalties collected each fiscal year and these funds shall

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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.

**34.25.** (DHEC: Health Facility Monetary Penalties) In the course of regulating health care facilities/services, the Bureau of Health Facilities and Services Development (BHF) assesses civil monetary penalties against nonconforming providers. BHF 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 Bureau. These funds shall be separately accounted for in the Department's fiscal records. Regulations for nursing home staffing for Fiscal Year 2014-2015 must (1) provide a minimum of one and sixty-three hundredths (1.63) hours of direct care per resident per day from the nonlicensed nursing staff; and (2) maintain at least one licensed nurse per shift for each staff work area. All other staffing standards and nonstaffing standards established in Standards for Licensing Nursing Homes: R61-17, Code of State Regulations, must be enforced.

**34.26.** (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.

**34.27.** (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.

**34.28.** (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.

**34.29.** (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.

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**34.30.** (DHEC: Beach Renourishment and Monitoring and Coastal Access Improvement) If state funds are made available or carried forward from any general revenue, capital, surplus or bond funding appropriated to the department for beach renourishment and maintenance, the department shall be able to expend not more than \$100,000 of these funds annually to support annual beach profile monitoring. Additional funds made available or carried forward for beach renourishment projects that are certified by the department as excess may be spent for beach renourishment and departmental activities that advance the policy goals contained in the State Beachfront Management Plan, R.30-21.

**34.31.** (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 fee, 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 South Carolina Code of Laws. 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 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.

**34.32.** (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 Pro Tempore of the Senate, and the Governor by

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November first, 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 Budget and Control Board approval, may access appropriated or earmarked funds as necessary to purchase an emergency supply of these medicines for the State of South Carolina.

**34.33.** (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.

**34.34.** (DHEC: Coastal Zone Appellate Panel) The Coastal Zone Appellate Panel as delineated in Section 48-39-40 of the 1976 Code under the Department of Health and Environmental Control shall be suspended for the current fiscal year.

**34.35.** (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

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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.

**34.36.** (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.

**34.37.** (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.

**34.38.** (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 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.

**34.39.** (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

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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.

**34.40.** (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.

**34.41.** (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.

**34.42.** DELETED

**34.43.** DELETED

**34.44.** (DHEC: Obesity) The Department of Health and Environmental Control is charged with addressing the public health of our citizens and shall be the convener and coordinator of the fight against Obesity in South Carolina. Because addressing the obesity epidemic requires behavioral, educational, systemic, medical, and community involvement, the following state agencies should use their best efforts to cooperate with the requests of the department and its partners to facilitate an environment that decreases body mass index (BMI): Department of Education; Department of Health and Human Services; Department of Social Services; Department of Mental Health; Medical University of South Carolina; University of South Carolina Arnold School of Public Health; Department of Parks, Recreation & Tourism; Department of Commerce; Department of Transportation; and Commission for the Blind.

In addition, school districts must provide the Department of Health and Environmental Control with information regarding their progress



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towards meeting certain provisions of the Student Health and Fitness Act of 2005, specifically: Section 59-10-10 regarding the average number of minutes students exercise weekly; Section 59-10-50 regarding the SC Physical Education Assessment; Section 59-10-310 regarding efforts to promote healthy eating patterns; Section 59-10-320 regarding assessment of school district health education programs; Section 59-10-340 regarding snacks in vending machines; and Section 59-10-360 regarding health curriculum. The department is given the authority to collect, compile and assess the progress of the State and the School Districts in meeting the goals of this act.

**34.45.** (DHEC: Residential Treatment Facilities Swing Beds) For Fiscal Year 2014-2015 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 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.

**34.46.** DELETED

**34.47.** (DHEC: Sand-scraping and Sandbagging) Sand-scraping and sandbagging is allowed as protection for golf courses, if permitted by the department, until June 30, 2015. The payment of any fines assessed by the department regarding the use of sandbags, sand scraping or renourishment on golf courses are suspended. Any fines paid during the prior fiscal year regarding the use of sandbags, sand scraping or renourishment on golf courses are to be refunded by the department.

**34.48.** (DHEC: Tuberculosis Outbreak) 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.

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(B) During an investigation of an index tuberculosis patient, the Department of Health and Environmental Control, through the South Carolina Health Alert Network, must notify the patient's community that a tuberculosis contact investigation is being conducted into the possible exposure to tuberculosis. This subsection only applies if the investigation of the patient has met all of the following criteria:

- (1) abnormal chest x-rays;
- (2) positive Acid Fast Bacilli (AFB) sputum results; and
- (3) first round of contact investigation completed with results of individuals testing positive outside of the index patient's family.

(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
- (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.

**34.49.** (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-

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marriage emerging programs. This funding shall be awarded by the department only to nonprofit 501(c)(3) agencies meeting the following requirements through a competitive bid process to demonstrate an emerging program/curricula that meets the A-H Title V, Section 510 definition of Abstinence Education.

(B) Contracts must be awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code.

(C) Applicants will be given priority that have, for at least two years prior to application, effectively implemented in South Carolina the program/curricula for which funding is being applied.

(D) Applicants must provide a current third party audit that indicates the applicant has the infrastructure and experience to efficiently and effectively manage the funding applied for.

(E) Applicants must provide a budget and budget narrative that explains how the funds will be used.

(F) Applications must allocate a minimum of fifteen percent of the budget for a qualified third party evaluator to assess both process outputs and behavioral outcomes of the program.

(G) Prior to application, proposed programs/curricula must be certified as medically accurate by a government or private agency that has the capacity to provide a quality review of materials for medical accuracy.

(H) 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.

(I) Applicants must provide proof of an agreement with a federally certified IRB for review of program and evaluation processes and protocol and must provide proof of the IRB's approval prior to program implementation.

(J) 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. Applications must include at a minimum, the following:

(1) Proposed one year budget with the following detail for the twelve month grant period. The applicant must agree to submit

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quarterly reports to the department detailing the expenditure of funds and the accomplishments of the project including:

(a) Personnel costs and fringe by position for each of the following areas: administration, training, education, and other positions identified;

(b) Operational cost identified in the application;

(c) Onetime costs over \$500 such as supplies;

(d) Administration cost may not exceed ten percent of total project budget. Administration is defined 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 at the end of every three months on the following:

(a) Number of persons who participated;

(b) Total number of hours provided;

(c) Number of train the trainer events;

(d) Other data regarding the activities of the project;

(6) A 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 to be used.

Organizations or individuals awarded grants must provide quarterly reports on expenditures and participation to DSS within fifteen days of the end of each quarter.

(K) Grantees failing to submit reports within thirty days of the end of each quarter will be terminated.

**34.50.** (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 using a proven effective program/curricula that meets the A-H Title V, Section 510 definition of Abstinence Education. Contracts must be awarded utilizing a competitive approach in accordance with

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the South Carolina Procurement Code. Applicants will be given priority that have, for at least two years prior to application, effectively implemented in South Carolina the program/curricula for which funding is being applied. Applicants contracted to provide SC Title V, Section 510 funding will be given priority in order to meet the State's Title V, Section 510 federal match requirement. Proposed programs/curricula must be certified as medically accurate by a government or private agency that has the capacity to provide a quality review of materials for medical accuracy. 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 proof of an agreement with a federally certified IRB for review of program and evaluation processes and protocol and must provide proof of the IRB's approval prior to program implementation. Applicants must provide a budget for the proposed project and a recent third party audit indicating the applicant has sufficient experience and capacity for properly managing the level of funding 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.

**34.51.** (DHEC: Wave Dissipation Device) From funds appropriated to the department for the Coastal Resource Improvement program, the department shall permit a Wave Dissipation Device pilot program to be initiated.

The deployment of a qualified wave dissipation device seaward of the setback line or baseline pursuant to a study conducted by the Citadel or a research university is not construction and meets the permitting exception contained in Section 48-39-130(D)(2). Prior to deploying or expanding a qualified wave dissipation device, a person proposing to deploy or expand the device must pay the department a fee of ten cents per linear foot of the proposed deployment or expansion. The department may order the removal of all or any portion

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of a qualified wave dissipation device that the department determines causes material harm to the flora, fauna, physical or aesthetic resources of the area under Section 48-39-130(D)(2) of the 1976 Code.

A 'qualified wave dissipation device' is a device that:

- (1) is placed mostly parallel to the shoreline;
- (2) is designed to dissipate wave energy;
- (3) is designed to minimize scouring seaward of and adjacent to the device by permitting sand to move landward and seaward through the device;
- (4) can be deployed within seventy-two hours or less and can be removed within seventy-two hours or less;
- (5) does not negatively impact or inhibit sea turtle nesting or other fauna;
- (6) can be adjusted after initial deployment in response to fluctuations in beach elevations; and
- (7) otherwise prevents down-coast erosion, protects property, and limits negative impacts to public safety and welfare, beach access, and the health of the beach dune system.

**34.52. DELETED**

**34.53. DELETED**

**34.54.** (DHEC: Birthing Center Inspections) For this fiscal year, birthing centers, accredited by the Commission on Accreditation of Birth Centers on or before July 1, 2014, 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 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 birthing center or hospital, must be licensed in the State of South Carolina, and shall provide consultation and advice to the birthing center at all times it is serving the public. Furthermore, a birthing 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 privileges at one or more hospitals with appropriate obstetrical and newborn services by a birthing center's consulting

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physician. The department shall require a \$25.00 registration fee upon receipt and review of the agreements containing these provisions. Birthing 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 South Carolina Code and any implementing regulations for this fiscal year.

**34.55.** (DHEC: Seawall Reconstruction/Repair) In the current fiscal year, the Department of Health and Environmental Control may issue a special permit for the reconstruction or repair of an existing erosion control device of at least four thousand contiguous linear feet that is located landward of an area which the department has granted a permit authorizing a renourishment project that does not qualify for public funding and the permit is active as of July 1, 2014. The department may only issue the permit if the seawall will be reconstructed or repaired with like material and the footprint of the replacement is no more than two feet from the footprint of the original. The department may charge a permit fee equal to the actual cost of issuing the permit.

**34.56.** (DHEC: Abortion Clinic Certification) Prior to January 31, 2015, 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, 2014 and December 31, 2014, 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.

**SECTION 35 - J12-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.** DELETED

**35.4.** DELETED

**35.5.** (DMH: Alzheimer's Funding) Of the funds appropriated to the Department of Mental Health for Community Mental Health Centers, \$778,706 must be used for contractual services to provide respite care and diagnostic services to those who qualify as determined by the Alzheimer's Disease and Related Disorders Association. The department must maximize, to the extent feasible, federal matching dollars. On or before September thirtieth of each year, the Alzheimer's Disease and Related Disorders Association must submit to the department, Governor, Senate Finance Committee, and House Ways and Means Committee an annual financial statement and outcomes measures attained for the fiscal year just ended. These funds may not be expended or transferred during the current fiscal year until the required reports have been received by the department, Governor, Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. In addition, when instructed by the Budget and Control Board or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds transferred to the Alzheimer's Disease and Related Disorders Association greater than such stipulated percentage.

**35.6.** (DMH: McCormick Satellite Clinic) The \$750,000 appropriated by Proviso 73.17 of Act 397 of 2006 for the Williams



## SECTION 35 - J12-DEPARTMENT OF MENTAL HEALTH

Building Cooperative Ministries Homeless Shelter Renovation & Operation shall be redirected as follows: \$250,000 shall be used for a satellite community mental health clinic in McCormick County. Unexpended funds may be carried forward into the current fiscal year to be expended for the same purpose. The City of Columbia must provide documentation annually on expenditures related to the \$500,000 transferred to the city by Proviso 10.16 of Act 117 of 2007 to benefit other homeless programs until all funds are expended.

**35.7.** (DMH: Crisis Intervention Training) Of the funds appropriated to the department, \$170,500 shall be utilized for the National Alliance on Mental Illness (NAMI) SC for Crisis Intervention Training (CIT).

**35.8.** (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.

**35.9.** (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.

**35.10.** (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 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.

**35.11.** DELETED

**\*35.12.** *(DMH: School Safety Task Force) (A) Of the funds appropriated to the Department of Mental Health, there is created a school safety task force to:*

*(1) examine the various funding streams for school-based mental health services and determine how these streams may best be utilized in order to provide more accessible and efficient delivery of mental health programs;*

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\* See note at end of Act.

## SECTION 35 - J12-DEPARTMENT OF MENTAL HEALTH

*(2) examine school mental health staffing ratios and provide suggestions that allow for the full delivery of services and effective school-community partnerships, including collaboration between school districts;*

*(3) develop standards for district level policies to promote effective school discipline and mental health intervention services;*

*(4) examine current intra- and interagency collaboration and suggest ways to improve cooperation; and*

*(5) examine how to best support multi-tiered systems of support.*

*(B) The task force is composed of:*

*(1) one member appointed by the South Carolina School Counselor Association;*

*(2) one member appointed by the South Carolina Association of School Psychologists;*

*(3) one member appointed by the South Carolina Association of School Social Workers;*

*(4) one member appointed by the South Carolina Association for Marriage and Family Therapy;*

*(5) one member appointed by the South Carolina Association of School Administrators;*

*(6) one member appointed by the South Carolina School Boards Association;*

*(7) one member appointed by the South Carolina Department of Mental Health;*

*(8) one member appointed by the South Carolina Association of School Resource Officer;*

*(9) one member appointed by the Chief of the State Law Enforcement Division;*

*(10) one member appointed by the Governor;*

*(11) one appointed by the State Superintendent of Education;*

*(12) two members appointed by the Chairman of the House Education and Public Works Committee; and*

*(13) two members appointed by the Chairman of the Senate Education Committee.*

*(C) Vacancies in the membership of the task force must be filled in the manner of original appointment.*

*(D) Members of the task force shall serve without compensation and may not receive mileage, subsistence, or per diem.*

**SECTION 35 - J12-DEPARTMENT OF MENTAL HEALTH**

*(E) The staffing for the task force must be provided by the staff of the House Education and Public Works Committee and Senate Education Committee.*

*(F) Any recommendations made by the task force must be revenue neutral.*

*(G) The task force shall make a report of its recommendations to the General Assembly no later than December 31, 2014, at which time the task force is dissolved.*

**35.13.** (DMH: Veterans Nursing Home Study) The Department of Mental Health, in conjunction with the Governor's Office, Division of Veterans Affairs, shall conduct a feasibility study to determine whether there is a need for additional veterans nursing homes in the state. In the event it is determined that it would be in the best interests of the state's veteran population to have additional veterans nursing homes located around the state, the study shall identify possible locations and provide a general concept on the number of beds recommended along with the funding that would be required to implement the recommendations. The study shall be submitted to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Medical Affairs Committee, and the Chairman of the House Medical, Military, Public and Municipal Affairs Committee by December 15, 2014.

**SECTION 36 - J16-DEPARTMENT OF DISABILITIES  
AND SPECIAL NEEDS**

**36.1.** (DDSN: Work Activity Programs) All revenues derived from production contracts earned by mentally retarded trainees 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 Budget and Control Board and the Joint Bond Review Committee.

**SECTION 36 - J16-DEPARTMENT OF DISABILITIES  
AND SPECIAL NEEDS**

**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 mental retardation and related defects 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 may transfer capital to include property and buildings to local DSN providers with Budget and Control Board approval.

**36.7.** (DDSN: Unlicensed Medication Providers) The provision of selected prescribed medications may be performed by selected unlicensed persons in community-based programs sponsored, licensed or certified by the South Carolina Department of Disabilities and Special Needs, provided such selected unlicensed persons have documented medication training and skill competency evaluation. Licensed nurses may train and supervise selected unlicensed persons to provide medications and, after reviewing competency evaluations, may approve selected unlicensed persons for the provision of medications. The provision of medications by selected unlicensed persons is limited to oral and topical medications and to regularly scheduled insulin and prescribed anaphylactic treatments under established medical protocol and does not include sliding scale insulin or other injectable medications. The selected unlicensed persons 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 a habilitation center for the mentally retarded or persons with related conditions.

**36.8.** (DDSN: Pervasive Developmental Disorder) The Department of Disabilities and Special Needs, as the agency authorized to treat autistic disorder, is designated for a Medicaid project to treat children who have been diagnosed by eight years of age with a

**SECTION 36 - J16-DEPARTMENT OF DISABILITIES  
AND SPECIAL NEEDS**

pervasive developmental disorder. The project must target the youngest ages feasible for treatment effectiveness, treatment for each individual child shall not exceed three years without a special exception as defined in the waiver, and reimbursement for each individual participant may not exceed \$50,000 per year. The Department of Disabilities and Special Needs and the Department of Health and Human Services will determine the areas of the State with the greatest need and availability of providers. Children participating in the project will be selected based upon an application system developed in compliance with the Medicaid waiver. Treatment will be provided as authorized and prescribed by the department according to the degree of the developmental disability. In authorizing and prescribing treatment the department may award grants or negotiate and contract with public or private entities to implement intervention programs, which must comply with Medicaid reimbursement methodologies, for children who have been diagnosed with a pervasive developmental disorder. "Pervasive developmental disorder" means a neurological condition, including autistic disorder and Asperger's syndrome, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association. The department shall report semi-annually to the General Assembly and the Governor on the developmental progress of the children participating in the project and the fiscal status of the project, to include expenditure data and appropriation balances. This provision does not establish or authorize creation of an entitlement program or benefit.

**36.9. DELETED**

**36.10.** (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.

**36.11.** (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

**SECTION 36 - J16-DEPARTMENT OF DISABILITIES  
AND SPECIAL NEEDS**

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.

**36.12.** (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.

**36.13.** (DDSN: Greenwood Genetic Center Autism Research) The department is authorized to transfer up to \$500,000 of unencumbered funds from the PDD autism waiver to the Greenwood Genetic Center for autism research.

**36.14.** DELETED

**SECTION 37 - J20-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.** DELETED

**37.4.** (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.

**37.5.** (DAODAS: Health Information Technology) The Department of Alcohol and Other Drug Abuse Services shall work with Department of Health and Human Services and each county's designated alcohol and drug abuse authorities to pursue funding to aid

**SECTION 37 - J20-DEPARTMENT OF ALCOHOL AND  
OTHER DRUG ABUSE SERVICES**

in purchasing the appropriate Certification Commission for Health Information Technology (CCHIT) behavioral health Electronic Health Records (EHR) system for the authorities. The new system shall streamline the 301 system and shall contain CCHIT certified programming that will have the capability of interoperability with other state agencies such as the Department of Health and Human Services and Federally Qualified Health Centers. The Department of Alcohol and Other Drug Abuse Services and the Department of Health and Human Services shall work together to determine if additional funding may be available to assist in offsetting the costs associated with the new system implementation through the Medicare and Medicaid EHR Incentive Program or any other grant programs.

**SECTION 38 - L04-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. Funds of \$800,000 collected under the Child Support Enforcement Program (Title IV-D) which are state funds shall be remitted to the State Treasurer and credited to the General Fund of the State. All state funds above \$800,000 shall be retained by the department to fund Self-Sufficiency and Family Preservation and Support initiatives.

**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

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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: Foster Children Burial) The expenditure of funds allocated for burials of foster children 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 Budget and Control Board 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.

**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.



**SECTION 38 - L04-DEPARTMENT OF SOCIAL SERVICES**

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
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
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**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

**SECTION 38 - L04-DEPARTMENT OF SOCIAL SERVICES**

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.

**38.10. DELETED**

**38.11. (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 Budget and Control Board 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.

**38.12. (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, 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.

**38.13. (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.

**38.14. (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

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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.

**38.15.** (DSS: Family Foster Care Payments) The Department of Social Services shall furnish as Family Foster Care payments for individual foster children under their sponsorship:

ages	0 - 5	\$383	per month
ages	6 - 12	\$458	per month
ages	13 +	\$518	per month

These specified amounts are for the basic needs of the foster children. 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.

**38.16.** (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

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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.

**38.17.** (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.

**38.18.** (DSS: Child Support Enforcement System) From the funds appropriated in Part IA, Section 38(F), the Department of Social Services shall prepare a detailed report on the status of the Child Support Enforcement System. The report shall include, but not be limited to, actions currently being undertaken to become compliant with federal government requirements; the cost required to meet minimum federal guidelines; total funds spent so far on the system; the amount of fines assessed by the federal government associated with noncompliance; how much has been spent to satisfy actions taken by the state judicial system; and how much has been spent related to actions taken by any other entity which may have altered the amount required for meeting minimum federal guidelines. The report shall be submitted to the General Assembly by August thirty-first of the current fiscal year.

**38.19.** (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.

**38.20.** DELETED

**38.21.** (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.

**38.22.** (DSS: Day Care Facilities Supervision Ratios) For the current fiscal year, staff-child ratios contained in Regulations 114-504(B), 114-504(C), 114-524(B), and 114-524(C) shall remain at the June 24, 2008 levels.

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**38.23.** (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.

**38.24.** (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.

**38.25.** (DSS: SNAP Coupons) The Department of Social Services shall establish a program to provide coupons that will allow Supplemental Nutrition Assistance Program (SNAP) recipients to obtain additional fresh fruits and vegetables when purchasing fresh produce at grocery stores or farmers markets with SNAP benefits through their EBT cards. Each coupon shall allow the beneficiary to double the amount of produce purchased, up to five dollars. The agency shall utilize all funds received in the prior and current fiscal years from the U.S. Department of Agriculture as a bonus for reducing the error rate in processing SNAP applications to fund the program.

**38.26.** (DSS: Federally Certified Child Support Enforcement System Project) Effective July 1, 2014, the CFS Project Executive Committee is abolished. For the current fiscal year, the direction, management, oversight, and decision-making authority previously exercised by the

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CFS Project Executive Committee is placed under the sole authority of the Director of the Department of Social Services who shall make all final decisions regarding the project. The department shall publish on its website quarterly progress reports on the project's timetable to achieve a Federally certified Child Support Enforcement System.

**38.27.** (DSS: New SNAP Debit Card Accountability Features) By December 1, 2014, the Director of the Department of Social Services shall make reports and recommendations to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee for new accountability features to the debit cards used for the Supplemental Nutritional Assistance Program (SNAP).

(1) The feasibility and cost benefit of adding the beneficiaries' identification numbers on the SNAP debit cards. The objective is to reduce the misuse of SNAP debit; and

(2) The costs of various options available to reduce the fraud within these programs.

The department is authorized to use the agency's appropriated funds in Part IA of this act for research in complying with this provision.

**38.28.** (DSS: Contracting Best Practices) By December 1, 2014, the Department of Social Services shall submit a written report to the Chairman of the House Ways and Means Committee and Chairman of the Senate Finance Committee describing the actions taken to ensure that contracting by the department uses best practices to address the following: (1) Unnecessarily labor intensive processes, duplication of effort, and poorly written solicitations and contracts; (2) Formal, repeatable process for consistent solicitation development; (3) Contract managers involved from "cradle to grave"; (4) Compliance with all applicable state laws and requirements; (5) Process to compile "lessons learned" and apply to future contracting; (6) Use of a business planning process to determine sourcing and re-bid strategy, and; (7) Regular best practice training of all staff involved in contracting. The department shall review other states' best practices for contracting in the development of this report.

**SECTION 39 - L24-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

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to the maximum amount available under the Federal Vocational Rehabilitation Program.

**SECTION 42 - L32-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 117.21(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.

**SECTION 43 - P12-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

**SECTION 43 - P12-FORESTRY COMMISSION**

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 accruing compensatory time, at the discretion of the agency director, and providing funds are available.

**SECTION 44 - P16-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 IV 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 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



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approved by the Joint Bond Review Committee and the Budget and Control Board. The department must continue to occupy any property until replacement capital improvements are completed.

**44.6.** (AGRI: Farmers Market Revenue) The revenues associated with the sale of the State Farmers Market shall be deposited into a separate restricted special account under the authority of the Budget and Control Board. These funds and accrued interest may only be expended for relocating and reestablishing the State Farmers Market after approval by the Joint Bond Review Committee and the Budget and Control Board.

**44.7.** (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.

**44.8.** (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.

**44.9.** DELETED

**44.10.** DELETED

**44.11.** DELETED

**44.12.** DELETED

**SECTION 45 - P20-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 employee testifying as an expert witness 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

## SECTION 45 - P20-CLEMSON UNIVERSITY - PSA

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 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.** DELETED

**45.7.** (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.

**45.8.** (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.

**45.9.** (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 Budget and Control Board 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

**SECTION 45 - P20-CLEMSON UNIVERSITY - PSA**

amount not to exceed the percentage associated with the mandated reduction.

**45.10.** (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.

**45.11.** DELETED

**SECTION 47 - P24-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 \$13,674 per district for general assistance to the district's program. Available funding above \$13,674 for each district will be

SECTION 47 - P24-DEPARTMENT OF NATURAL  
RESOURCES

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.

**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.** DELETED

**47.9.** (DNR: Cormorant Control) The Department of Natural Resources shall continue to coordinate a public Cormorant control program with the US Fish and Wildlife Service for Lake Marion and Moultrie. The department shall try to coordinate with the Army Corp of Engineers, Santee Cooper, and the USFWS to include waters above and below each spillway, Wildlife Management Areas, and national refuges. The department shall assess the need to expand the program to other public waters and implement a plan if warranted. If the

**SECTION 47 - P24-DEPARTMENT OF NATURAL  
RESOURCES**

USFWS allows continuation of the control program, the department shall establish an online method of permitting.

**SECTION 48 - P26-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 nonstate 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.

**SECTION 49 - P28-DEPARTMENT OF PARKS, RECREATION  
AND TOURISM**

**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 Grandstrand Tourism Region's funds shall be divided, with \$50,000 distributed to the Myrtle Beach Chamber of Commerce, \$115,000 distributed to the Georgetown Chamber of Commerce, \$30,000 distributed to the City of Georgetown, and \$30,000 distributed to the Williamsburg Chamber of Commerce for tourism related activities. 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; (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

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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 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

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AND TOURISM**

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 forward the funding until such time as the funds are sufficient to distribute as originally intended.

**49.8.** (PRT: Destination Specific, Tourism and Marketing Transfer) From the funds set aside pursuant to the Motion Picture Incentive Wage Rebate, for Fiscal Year 2014-2015 unexpended funds carried forward from the prior fiscal year shall be transferred from the Department of Revenue to the Department of Parks, Recreation and Tourism and may be utilized for the Destination Specific Tourism Program. The Destination Specific program shall not exceed twelve million dollars when combining all source of funds. Any unexpended wage rebate carry forward funds not used for the Destination Specific program must be used by the department for deferred maintenance and capital projects at state parks, and for Marketing/Advertising. From the funds set aside pursuant to the Motion Picture Incentive Supplier Rebate, for Fiscal Year 2014-2015 unexpended funds carried forward from the prior fiscal year shall be transferred from the Department of Revenue to the Department of Parks, Recreation and Tourism and must be used by the department for capital improvements and deferred maintenance to the state's Welcome Centers. Prior to the funds being

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utilized for the state's Welcome Centers the funds shall be placed in a separate and distinct fund prior to July thirtieth of the current fiscal year and the interest accrued by the fund must remain in the fund. Of the funds placed into the separate and distinct fund in the current fiscal year, up to ten percent may be utilized for operating costs directly related to the Welcome Centers. These funds shall be carried forward from the prior fiscal year into the current fiscal year and be expended for the same purpose.

**49.9.** (PRT: Funds Exempt from Budget Cut) In the calculation of any across the board cut mandated by the Budget and Control Board 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 for a period of three years as allowed in Section 51-23-30 of the 1976 Code.

**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: State Park Service) *The Department of Parks, Recreation and Tourism is exempt from remitting Admissions Tax to the Department of Revenue on the admission fees collected at the South Carolina State Parks. The amount equivalent to the tax shall be earmarked in the State Park Service's budget for the purpose of supporting general operations.***

**49.13.** DELETED

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\*\*\* See note at end of Act.



**SECTION 50 - P32-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 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 Pro Tempore of the Senate, the Chairman of the House Ways and Means Committee, and Chairman of the Senate Finance Committee.

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**50.6.** (CMRC: Development-Rental Revenue) Revenue received from the sublease on nonstate 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 Office of Human Resources of the Budget and Control Board.

**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.

**50.13.** (CMRC: Regional Economic Development Organizations) The Department of Commerce shall utilize \$5,000,000 appropriated in Fiscal Year 2014-2015 for Regional Economic Development Organizations to provide funds to the following economic development organizations and must be disbursed as follows:

- (1) Upstate Alliance, ..... \$750,000;
- (2) Central SC Economic Development Alliance, . \$750,000;
- (3) North Eastern Strategic Alliance (NESA), ..... \$675,000;
- (4) Charleston Regional Development Alliance, ... \$675,000;

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- (5) I-77 Alliance, .....\$675,000;
- (6) Economic Development Partnership, .....\$500,000;
- (7) Southern Carolina Alliance, .....\$475,000; and
- (8) TheLINK Economic Alliance, .....\$350,000.

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.

The remaining \$150,000 shall be provided to Beaufort County, provided it meets the requirements established above.

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.

Any unexpended, unallocated, or undistributed funds appropriated in prior fiscal years for Regional Economic Development Organizations shall be transferred to the Rural Infrastructure Fund at the Department of Commerce.

**50.14.** (CMRC: Research Funds) Funds appropriated to the Department of Commerce as a special item or nonrecurring appropriation for Research shall be used to fund, upon approval of the Secretary of Commerce and the Coordinating Council for Economic Development, partnerships between the Department of Commerce, higher education institutions, either collectively or individually, and South Carolina-based industry with significant investment in the state. These partnerships shall be in Distribution and Logistics Sciences, or any other science, technology, research, development, or industry that creates well-paying jobs and enhanced economic opportunities for the State as determined by the Secretary of Commerce. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year and may be used for the same purpose or to fund economic development projects.

**50.15.** (CMRC: SC Mfg Extension Partnership) No funds appropriated to the department that are designated for the SC

**SECTION 50 - P32-DEPARTMENT OF COMMERCE**

Manufacturing Extension Partnership may be utilized to compensate 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.

*\*50.16. (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 nonstate 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 and the Chairman of the House Ways and Means Committee and the Secretary of Commerce.*

**50.17.** (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 nonstate appropriated funds. Up to \$300,000 may be used by the department for administrative costs associated with this program.

**50.18.** DELETED

**SECTION 51 - P34-JOBS-ECONOMIC DEVELOPMENT  
AUTHORITY**

**51.1.** (JEDA: Bonds Interest Rates) Pursuant to Sections 41-43-100 and 41-43-110(A) of the 1976 Code, the interest rate of bonds issued by the authority are not subject to approval by the State Budget and Control Board.

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\* See note at end of Act.

**SECTION 52 - P36-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 - P40-S.C. CONSERVATION BANK**

**53.1.** (CB: Conservation Bank Trust Fund) All revenues designated for the South Carolina Conservation Bank pursuant to Sections 12-24-95 and 12-24-97 of the 1976 Code must be credited to the South Carolina Conservation Bank Trust Fund.

**SECTION 54 - P45 - 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: Grant Award Calendar) For Fiscal Year 2014-2015, the Rural Infrastructure Authority shall establish a schedule that includes, at a minimum, a spring and fall award period for qualified projects.

**54.3.** DELETED

**SECTION 57 - B04-JUDICIAL DEPARTMENT**

**57.1.** (JUD: Prohibit County Salary Supplements) County salary supplements of Judicial Department personnel shall be prohibited.

**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.

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**57.3.** (JUD: Commitments to Treatment Facilities) The appropriation 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 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 State Court Administrator, and the South Carolina Department of Mental Health with the approval of the Attorney General. The Judicial Department shall notify the Senate Finance Committee and the House Ways and Means Committee of any fee adjustment or change in schedule before implementation.

**57.4.** (JUD: Judicial Commitment) Except as otherwise provided in Section 117.5, no money appropriated pursuant to Item VI, Judicial Commitment 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.

**57.5.** (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 five hundred dollars per month as expense allowance.

**57.6.** (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.

**57.7.** (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.

**57.8.** (JUD: Supreme Court Bar Admissions) Any funds collected from the Supreme Court Bar Admissions Office in excess of the amount required to be remitted to the general fund may be deposited

## SECTION 57 - B04-JUDICIAL DEPARTMENT

into an escrow account with the State Treasurer's Office. The department is authorized to receive, expend, retain, and carry forward these funds.

**57.9.** (JUD: Travel Reimbursement) State employees of the Judicial Department traveling on official state business must be reimbursed in accordance with Section 117.21(J) of this act.

**57.10.** (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. Interpretive services for hearing impaired persons shall be obtained through contract with the South Carolina School for the Deaf and the Blind, provided that if the Chief Justice determines, for any reason, that adequate services are not available through the South Carolina School for the Deaf and the Blind, the Judicial Department may secure interpretive services from any qualified vendor.

**57.11.** (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.

**57.12.** (JUD: Surplus Property Disposal) Technology equipment that has been declared surplus may be donated directly to counties for use in court-related activities.

**57.13.** (JUD: Judicial Carry Forward) In addition to the funds appropriated in this section, the funds appropriated for the Judicial 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.

**57.14.** (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.

**57.15.** (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:

**SECTION 57 - B04-JUDICIAL DEPARTMENT**

- (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;
- (8) procedures and other matters relating to issuing orders of protection from domestic violence.

**57.16.** (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.

**57.17.** (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.

**SECTION 58 - C05-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



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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 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 - E20-OFFICE OF THE ATTORNEY GENERAL**

**59.1.** (AG: Prior Year Expenditures) The Office of the 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 the 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.** DELETED

**59.6.** (AG: Securities Fee Revenue) After the provisions of Section 35-1-702(b) of the 1976 Code have been satisfied, and upon notification to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee that such provisions have been satisfied, the next \$20,500,000 of Securities Fee revenues collected during the current fiscal year by the Office of the Attorney General shall be remitted to the General Fund of the State. The Office of the Attorney General may retain the next \$300,000 collected and may utilize these funds for operations to include expert

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witness expenses, investigative costs, trial preparation, and other related expenses associated with the increase in licensed securities agents. These funds may be carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose.

Remaining Securities Fee revenues collected during the current fiscal year shall be remitted to the General Fund of the State.

**59.7.** (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 during the current fiscal year. Following the conclusion of these litigation matters any remaining funds shall be deposited in the General Fund.

**59.8.** (AG: Gang Violence Prevention/Youth Mentor) The Office of the Attorney General may expend other funds to implement and maintain gang prevention and youth mentoring programs in conjunction with Section 63-19-1430 of the 1976 Code, the Youth Mentor Act.

**59.9.** (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.

**SECTION 60 - E21-PROSECUTION COORDINATION  
COMMISSION**

**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 five hundred dollars (\$500.00) 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

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COMMISSION

\$4,692,961 shall be distributed on a per capita basis based upon the current official census. The next \$1,179,041 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: Solicitor Carry Forward) Any unexpended balance on June 30, of the prior fiscal year, may be carried forward into the current fiscal year and expended for the operation of the solicitor's office 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 Prosecution Coordination Commission shall collect and retain information and data regarding Criminal 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.** DELETED

**60.9.** (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

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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 Chairman of the House Ways and Means Committee on October first, for the preceding fiscal year.

**60.10.** (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 Prosecution Coordination Commission 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

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and shall provide the General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year.

**60.11.** (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.

**SECTION 61 - E23-COMMISSION ON INDIGENT DEFENSE**

**61.1.** (INDEF: Defense of Indigents Formula) The amount appropriated in this act for "Defense of Indigents" shall be apportioned among counties in accord with Section 17-3-330, 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, 2005. 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 set aside \$3,000,000 (Death Penalty Trial Fund) annually exclusively for use of the defense in capital cases pursuant to Section 16-3-26 of the 1976 Code, 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 set aside \$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) and the application fee provided in Section 17-3-30(B), 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 the remaining funds 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. 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

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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 Section 117.5, no money appropriated pursuant 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

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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 S.C. Code Sections 20-7-110 et seq., 20-7-1570 et seq., 20-7-1695 (A)(2) et seq., 20-7-7205 et seq., and 20-7-8705 (4)(a) et seq.; for "Probate Court Commitment" cases to reimburse private attorneys who are appointed by the Probate Court to represent 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

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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, 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



**SECTION 61 - E23-COMMISSION ON INDIGENT DEFENSE**

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.

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 qualified to handle civil and criminal court appointments, to be reimbursed in accordance with applicable provisos and statutes.

**61.5. DELETED**

**61.6.** (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.

**61.7.** (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.

**61.8. (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 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 Commission on Indigent Defense.

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(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.

(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

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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.

**61.9.** (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.

**61.10.** (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.

**61.11.** (INDEF: Donation Carry Forward) The Commission on Indigent Defense may accept donations for the publication of "The South Carolina Juvenile Collateral Consequences Checklist." All revenue derived from donations received at the Commission on Indigent Defense shall be retained, carried forward and expended according to agreement reached between the donor, or donors, and the Commission on Indigent Defense.

**SECTION 62 - D10-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

**SECTION 62 - D10-STATE LAW ENFORCEMENT DIVISION**

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, subsection 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.

**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

**SECTION 62 - D10-STATE LAW ENFORCEMENT DIVISION**

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 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

**SECTION 62 - D10-STATE LAW ENFORCEMENT DIVISION**

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.** DELETED

**62.17.** (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 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.

**62.18.** (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.

**62.19.** (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.

**62.20.** (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 the same purpose in the current fiscal year.

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**62.21.** (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.

**62.22. DELETED**

**62.23.** (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.

**62.24.** (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.

**SECTION 63 - K05-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 Protective Services Program to provide security for state agencies and the Capitol Complex.

**63.3.** (DPS: Motor Carrier Advisory Committee) From the funds appropriated and/or authorized to the Department of Public Safety and the Department of Motor Vehicles, the departments are directed to jointly establish a Motor Carrier Advisory Committee to solicit input from the Trucking Industry and other interested parties in developing policies and procedures for the regulation of this industry. The members of the advisory committee shall serve without compensation.

**63.4.** (DPS: Sale of Real Property) At such time as any portion of the Laurens Road property in Greenville is declared to be surplus by the agency or agencies which occupy said portion, and after receiving approval from the Budget and Control Board for the sale of the property, the Department of Public Safety, the Department of Transportation, and the Department of Motor Vehicles are authorized to receive, retain, expend, and carry forward funds derived from the sale of the real property in which each agency holds an interest or title. No portion of the property may be declared as surplus by one agency if another agency is occupying said property. The Department of Public Safety is directed to use these funds to defray the operating expenses of the Highway Patrol and the Department of Transportation and the Department of Motor Vehicles are directed to use their portion of these funds for department operating expenses.

**63.5.** (DPS: CMV Driver Rest Areas) A joint working group is to be established between the Department of Transportation, Department



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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.

**63.6.** (DPS: SC Law Enforcement Officers Hall of Fame Scholarships) 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.

**SECTION 64 - N20-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.

**SECTION 65 - N04-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.

**SECTION 65 - N04-DEPARTMENT OF CORRECTIONS**

**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 "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.

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**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.

**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.** DELETED

**65.13.** (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.

**65.14.** (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.

**65.15.** (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.

**65.16.** (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.

**65.17.** (CORR: Inmate Insurance Policies) The Department of Corrections may collect and record private health insurance

## SECTION 65 - N04-DEPARTMENT OF CORRECTIONS

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.

**65.18.** (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.

**65.19.** (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, but is a percentage thereof, and is to be paid as follows:

(A) At Level II institutions:

(1) four percent for Correctional Officers including Class Code JD-30 (cadets and Officer I and II positions) and Corporals I and II;

(2) two percent for Sergeants and Lieutenants;

(3) one percent for Captains and Majors;

(4) two percent for Nursing staff; and

(5) two percent for Food Service staff.

(B) At Level III institutions:

(1) eight percent for Correctional Officers including Class Code JD-30 (cadets and Officer I and II positions) and Corporals I and II;

(2) three percent for Sergeants and Lieutenants;

(3) one percent for Captains and Majors;

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- (4) three percent for Nursing staff; and
- (5) three percent for Food Service staff.

**65.20.** (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 Friday, 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 the time of transfer of the inmate to the department, the county shall provide the sentencing order, and if available copies of medical screening records, booking reports, and other documents to assist the department in its intake processing. Counties that have not completed medical screenings at the time of transfer shall not be required to do so.

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.

**65.21.** (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

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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.

**65.22.** (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.

**65.23.** (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.

**65.24.** (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.

**65.25.** (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 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.

**65.26.** (CORR: Cell Phone Interdiction) 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

## SECTION 65 - N04-DEPARTMENT OF CORRECTIONS

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. 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.

**65.27.** (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.

**65.28.** (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.

**65.29.** (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 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.

**SECTION 66 - N08-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 Budget and Control Board, Division of Operations, 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: GED Learn and Earn Program) From the funds appropriated in Part IA, the department may enter into agreements with statewide colleges, technical colleges, and school districts for the purpose of providing GED and GED Prep education to offenders. Offenders of the department enrolled in the program must repay the department the cost of the course and materials within six months of obtaining their GED.

**66.4.** (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.

**66.5.** (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.



**SECTION 66 - N08-DEPARTMENT OF PROBATION, PAROLE  
AND PARDON SERVICES**

**66.6.** (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 Employment set-up fee. The fee must be retained by the department and applied to the department's supervision process. The department shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on the number of offenders who were assessed the set-up fee and the amount of funds collected.

**SECTION 67 - N12-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

**SECTION 67 - N12-DEPARTMENT OF JUVENILE JUSTICE**

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 Solicitors may vary based on consistent adherence to established statewide program guidelines to assess program performance.

The \$250,000 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 Budget and Control Board 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 Budget and Control Board.

**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 preemployment 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

**SECTION 67 - N12-DEPARTMENT OF JUVENILE JUSTICE**

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 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,

**SECTION 67 - N12-DEPARTMENT OF JUVENILE JUSTICE**

the department shall have the flexibility to use funds from other programmatic areas to maintain an appropriate level of service.

**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.

**SECTION 70 - L36-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.

**SECTION 70 - L36-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 - L46-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.

**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.

**SECTION 73 - R06-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

**SECTION 73 - R06-OFFICE OF REGULATORY STAFF**

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 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.

**SECTION 74 - R08-WORKERS' COMPENSATION  
COMMISSION**

**74.1.** (WCC: Medical Services Provider Manual Revenue) All revenue earned from the sale of the commission's publication Medical Services Provider Manual shall be retained by the agency to be used for

**SECTION 74 - R08-WORKERS' COMPENSATION  
COMMISSION**

the printing and distribution of subsequent revised editions of the schedule.

**74.2.** (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.

**74.3.** (WCC: Retention of Filing Fees) The Workers' Compensation Commission is authorized to retain and expend all revenues received as a result of a \$25.00 filing fee for each requested hearing, settlement, or motion. If it is determined that the individual is indigent, this filing fee must be waived.

**SECTION 75 - R12-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.

**SECTION 78 - R20-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 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. The Department of Insurance is authorized to pay the annual dues, not to exceed \$10,000 for the South Carolina Senate and the South Carolina House of Representatives for membership in the

**SECTION 78 - R20-DEPARTMENT OF INSURANCE**

National Council of Insurance Legislators from funds collected under this proviso.

**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 - R23-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.

**79.2.** (FI: National Mortgage Settlement Carry Forward) Funds received by the Consumer Finance Division pursuant to the State-Federal National Mortgage Settlement for enforcement and regulation may be retained, expended, and carried forward from the prior fiscal year into the current fiscal year and used for the same purposes.

**SECTION 80 - R28-DEPARTMENT OF CONSUMER AFFAIRS**

**80.1.** (CA: Consumer Protection Code Violations Revenue) Funds, paid to the department in settlement 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: Student Athlete/Agents Registration) Funds received by the department of Consumer Affairs pursuant to registrations under Chapter 102, Title 59 of the 1976 Code may be retained by the department for its enforcement duties relating to athlete agents and student athletes under that chapter.



**SECTION 80 - R28-DEPARTMENT OF CONSUMER AFFAIRS**

**80.3.** (CA: Expert Witness/Assistance Carry Forward) Unexpended encumbered appropriated funds for the Consumer Advocacy expert witness/assistance program (under Section 37-6-603) may be carried forward into the next fiscal year to meet contractual obligations existing at June thirtieth and not paid by July thirty-first.

**80.4.** (CA: Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention) The Department of Consumer Affairs may retain all Consumer Credit Grantor Notification filing fees collected under Section 37-6-203 and all Maximum Rate Schedules filing fees collected under Section 37-2-305 and Section 37-3-305. These fees shall be used to offset the cost of administering and enforcing Chapters 2 and 3, Title 37 of the 1976 Code 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.

**80.5.** (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 - R36-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

**SECTION 81 - R36-DEPARTMENT OF LABOR, LICENSING  
AND REGULATION**

the general fund. The revenue remitted by the Contractor's Licensing Board to the general fund includes the ten percent.

**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, 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 Office of State Budget.

**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 Pro Tempore of the Senate, the

**SECTION 81 - R36-DEPARTMENT OF LABOR, LICENSING  
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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 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 on 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

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AND REGULATION**

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.

**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 nonadministrative 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: Office of State Fire Marshal-Accident Response Fee Survey) From the funds authorized in this act, the Department of Labor, Licensing and Regulation shall survey all subdivisions of the State that provide emergency fire or medical response services to ascertain if they currently levy or plan on levying an accident response service fee or a like fee. Additionally, the survey shall ascertain to whom the current fee or proposed fee is or shall be levied upon. A report of the findings shall be provided to the Chairman of the Senate Banking and Insurance Committee and the Chairman of the House Labor, Commerce and Industry Committee on or before November 1, 2014.

**SECTION 82 - R40-DEPARTMENT OF MOTOR VEHICLES**

**82.1.** (DMV: Miscellaneous Revenue) Revenue received from the sale of legal manuals and other publications, postal reimbursement, third party commercial driver license testing, photo copying, sale of miscellaneous refuse and recyclable materials, insurance claim receipts, and tuition from nonmandated, advanced, or specialized courses shall be retained by the department and expended in budgeted operations and other related services or programs as the Director of the Department of Motor Vehicles may deem necessary. The Department of Motor Vehicles shall report annually to the General Assembly the amount of miscellaneous revenue retained and carried forward.

**82.2.** (DMV: Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Department of Motor Vehicles is authorized to expend federal and earmarked funds in the current fiscal year for expenditures incurred in the prior fiscal year.

**82.3.** (DMV: Publish County DMV Local Telephone Number) From the funds appropriated in Part IA, Section 82 to the Department

## SECTION 82 - R40-DEPARTMENT OF MOTOR VEHICLES

of Motor Vehicles, it is the intent of the General Assembly that the Department of Motor Vehicles in each county should have a local telephone number that is published.

**82.4.** (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 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. Funds derived from these sources shall be retained by the department.

**82.5.** (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. The Comptroller General shall place the funds into a special restricted account to be used by the department.

**82.6.** (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.

**82.7.** (DMV: Facial Recognition Program) The Department of Motor Vehicles is directed to utilize the funds authorized for the agency to continue the Facial Recognition Program.

**82.8.** (DMV: Five Year Eye Exam Suspension) For the current fiscal year, Section 56-1-220(B), relating to the requirement for a vision screening certificate during the fifth year of a ten-year driver's license, is suspended. The department may use the savings recognized

**SECTION 82 - R40-DEPARTMENT OF MOTOR VEHICLES**

from the suspension of this requirement to support necessary technology upgrades.

**82.9.** (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 church, church-related, church-sponsored activities, and parentally approved sports 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.

**SECTION 83 - R60-DEPARTMENT OF EMPLOYMENT  
AND WORKFORCE**

**83.1.** (DEW: SCOICC User Fee Carry Forward) All user fees collected by the South Carolina Occupational Information Coordinating Committee through the Department of Employment and Workforce may be retained by the SCOICC to be used for the exclusive purpose of operating the South Carolina Occupational Information System. All user fees not expended in the prior fiscal year may be carried forward for use in the current fiscal year.

**83.2.** (DEW: Consortium Contracts: Training-Development Sessions and Media Services) All earmarked funds collected for the LMI - Training-Development Sessions; Media Services and 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.

**83.3.** (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.

**83.4.** DELETED

**83.5.** (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

**SECTION 83 - R60-DEPARTMENT OF EMPLOYMENT  
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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 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.

**83.6.** (DEW: SUTA Contingency Assessment Funds) Thirty percent of the funds appropriated through the contingency assessment funds collected on taxable wages paid by employers shall be spent on enforcement of Section 41-35-110(3) and Section 41-35-120(5) of the 1976 Code, via Eligibility Reviews, Random Verification of Job Contacts and Wage Cross Matches during those weeks covered by the South Carolina State Unemployment Tax Authority (SUTA), and to ensure seated meetings with Unemployment Insurance claimants and requiring that one of the four job search contacts required per week be conducted through SC Works Online System (SCWOS), so that it can be electronically verified. The agency must also inform claimants in advance that Eligibility Reviews and Random Verification of Job Contacts will be used by the Department to verify compliance with laws administered by the agency.

**83.7.** (DEW: Negotiation of Interest) By October 1, 2014, the Department of Employment and Workforce must develop and implement a plan to seek a waiver of interest on the state's FUA loan debt in order to mitigate the impact of the interest payments on South Carolina employers.

**SECTION 84 - U12-DEPARTMENT OF TRANSPORTATION**

**84.1.** (DOT: Expenditure Authority Limitation) The Department of Transportation is hereby authorized to expend all cash balances brought forward from the previous year and all income including all federal funds, unexpended general funds and proceeds from bond sales accruing to the Department of Transportation, but in no case shall the expenditures of the Department of Transportation exceed the amount of cash balances brought forward from the preceding year plus the amount of all income including federal funds, general funds and proceeds from bond sales.

**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 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) The Department of Transportation may provide meals to employees of the department 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.

**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.



## SECTION 84 - U12-DEPARTMENT OF TRANSPORTATION

**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.** DELETED

**84.10.** (DOT: Tree Removal) The Department of Transportation is prohibited from using funds authorized by this act for clear cutting, or other similar activities, in the median of Interstate 26 from approximately mile marker 170 to approximately mile marker 199 between Summerville and Interstate 95, except for the following mile marker locations: 170 to 171, 175 to 176, 182 to 183, 187 to 191, and 193 to 199.

**84.11.** (DOT: Hanahan Permit Application) With the funds authorized for the Department of Transportation, the department shall coordinate and facilitate negotiations between the City of Hanahan, the United States Army Corps of Engineers, CSX Railroad, and other applicable entities for the necessary permit required to complete the Railroad Avenue Extension project in the City of Hanahan. The department shall submit any and all necessary applications for the required permit on behalf of the applicable entities no later than September 30, 2014.

**84.12.** DELETED

**84.13.** DELETED

***\*\*84.14. (DOT: Horry-Georgetown Evacuation Route) Of the funds authorized for the Department of Transportation, \$500,000 shall be made available for the routing, planning and construction of the Horry-Georgetown Evacuation Route.***

**84.15.** (DOT: I-74 Funds to Horry-Georgetown Evacuation Route) The department shall transfer all funds in the State Highway Fund allocated by provisos from budget years 2005-2012 for the development of I-74 to the department's Horry-Georgetown Evacuation Route Project. These funds are to be used to complete studies needed for the Horry-Georgetown Evacuation Route. Any remaining funds after completion of the studies shall be used for the permitting process.

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\*\* See note at end of Act.

**SECTION 84 - U12-DEPARTMENT OF TRANSPORTATION**

**84.16.** (DOT: Pedestrian Overpass) The Department of Transportation is directed to perform a feasibility study for a pedestrian overpass at the intersection of the Septima P. Clark Parkway and Coming Street in the City of Charleston. The department shall provide the results of its study to the Governor and the General Assembly by January 1, 2015.

**84.17.** DELETED

**84.18.** (DOT: Bridge Replacement in McCormick County) Planning and construction on a new U.S. 378 bridge crossing Lake J. Strom Thurmond must provide for and allow McCormick County to affix water lines to the new bridge just as the water lines are affixed to the existing bridge. McCormick County shall bear the cost of affixing the water lines to the new bridge.

**SECTION 87 - U30 - 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 four air carrier airports (i.e. Columbia, Charleston, Greenville-Spartanburg, Myrtle Beach Jetport) as these qualify for special funding under the DOT/FAA appropriations based on enplanements in South Carolina. This policy may be waived to provide matching state funds for critical FAA safety or capacity projects at air carrier airports.

**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.

## SECTION 87 - U30 - DIVISION OF AERONAUTICS

**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 or
- (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.

**87.6.** (AERO: State Aviation Fund Study) The Division of Aeronautics and the Department of Revenue are directed to conduct a study to determine the continuing viability of the State Aviation Fund and to determine the accuracy of the amount of the tax levied by the State pursuant to Article 19, Chapter 37 of Title 12 of the 1976 Code. This analysis must be presented to the Chairman of the House Ways

**SECTION 87 - U30 - DIVISION OF AERONAUTICS**

and Means Committee and the Chairman of the Senate Finance Committee no later than October 1, 2014.

**SECTION 88 - Y14-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, 2014, pay to the State Transportation Infrastructure Bank one million dollars before June 30, 2015, to continue the Charleston Cooper River Bridge Project.

**88.2.** (SPA: Georgetown Port Marketing) The State Ports Authority will continue its cargo diversification strategy which enhances the marketing of all terminal capabilities in Charleston and Georgetown highlighting cruise, breakbulk, bulk, and roll on/roll-off.

**88.3.** (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.

**88.4.** (SPA: Shore Electrical Power) The State Ports Authority shall include shore electrical power capability in the design and construction of any new terminal or facility servicing passenger cruise ships in Charleston County.

**88.5.** DELETED

**88.6.** (SPA: Georgetown Port Maintenance Dredging Fund) The State Ports Authority shall maintain the Georgetown Port Maintenance Dredging Fund and any funds appropriated in this act for this purpose shall be deposited into this account. This fund shall be separate and distinct from the General Fund and the Harbor Deepening Reserve 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 the maintenance dredging of the Port of Georgetown. Prior to expending any amount from the fund, the

**SECTION 88 - Y14-STATE PORTS AUTHORITY**

State Ports Authority must present a comprehensive plan for the use of the fund for maintenance dredging 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.

**SECTION 91 - A99-LEGISLATIVE DEPARTMENT**

**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. The House of Representatives shall maintain an internal record denoting permanent, temporary, interim, part-time temporary, and permanent part-time employees.

**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 Pro Tempore 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 approve not more than six hundred and fifty

## SECTION 91 - A99-LEGISLATIVE DEPARTMENT

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 Pro Tempore 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 Pro Tempore 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 Pro Tempore 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

## SECTION 91 - A99-LEGISLATIVE DEPARTMENT

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 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 Pro Tempore 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 of 2013-14.

## SECTION 91 - A99-LEGISLATIVE DEPARTMENT

**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 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 Pro Tempore, 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



## SECTION 91 - A99-LEGISLATIVE DEPARTMENT

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) From the funds appropriated to the House of Representatives in Part IA, \$287,500 shall be dedicated for the administration and operation of the Legislative Aide program pursuant to the policies and procedures as determined by the House Operations and Management Committee.

**91.15.** (LEG: House Postage) The Speaker of the House is authorized to approve no more than \$700 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: *Bonded Indebtedness Oversight Study*) *The Senate Finance Committee shall undertake a study of the state's processes for oversight of bonded indebtedness. Funds provided herein for this purpose shall be used to enable the committee to obtain assistance and expertise as necessary to fully evaluate the processes. The Chairman of the Senate Finance Committee may engage consultants or experts in the field of bond financing or in other fields of expertise as necessary to provide the committee with timely and accurate information.*

**91.19.** (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.

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\* See note at end of Act.

## SECTION 91 - A99-LEGISLATIVE DEPARTMENT

**91.20.** (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.

**91.21.** (LEG: Other Funds Oversight Committee) There is created a joint committee of the Senate and of the House of Representatives entitled the Other Funds Oversight Committee. The committee shall consist of eight members as follows: the Chairman of the Senate Finance Committee, or his designee; one member of the Senate Finance Committee appointed by the Chairman of the Senate Finance Committee; the Chairman of the House of Representatives Ways and Means Committee, or his designee; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means Committee; the Senate Majority Leader, or his designee; the Senate Minority Leader, or his designee; the House Majority Leader, or his designee; and the House Minority Leader, or his designee.

The committee shall review and examine the source of other funds in this State and recommend to the General Assembly the appropriate policy for the receipt, appropriation, expenditure, and reporting of other funds. In making its determination, the committee shall solicit and receive testimony from state agencies, departments, boards or commissions regarding the status of the receipt of other funds, the conditions of receipt, the expenditure of other funds, and any relevant statistic or measurement. The committee shall make recommendations to the General Assembly regarding any necessary action.

The committee shall review the level of other funds authorization in each agency, department, board, or commission to determine whether the levels authorized in this act should be increased or decreased for the next fiscal year. By January 30, 2015 the committee shall submit recommendations on the appropriate level of authorization for each agency, department, board, or commission to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

Each state agency, department, board, or commission shall cooperate with the committee and provide any information the committee determines is necessary.

## SECTION 91 - A99-LEGISLATIVE DEPARTMENT

The Executive Budget Office must notify the committee of any request for an increase in interim budget authorization resulting from other funds collections that is made by any state agency, department, board, or commission. The committee shall review each request and recommend appropriate action.

Members of the committee shall serve without compensation, but are allowed the usual per diem and mileage as provided by law for members of boards, commissions, and committees while on official business.

For purposes of the proviso, 'other funds' means any revenues received by an agency which are not federal funds and are not general funds appropriated by the General Assembly in the appropriations act.

**91.22.** (LEG: Suspend LAC Evaluation) For Fiscal Year 2014-2015, the provisions of Section 43-5-1285 of the 1976 Code are suspended. Any savings generated by the suspension of the evaluation of the South Carolina Family Independence Act of 1995 shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.

**91.23.** (LEG: DMV Audit Review) For Fiscal Year 2014-2015, 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.

**91.24.** (LEG: Electronic Correspondence) For Fiscal Year 2014-2015, 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.

**91.25.** (LEG: Technology Panel) Of the funds appropriated in XII.E.2. for Technology the K-12 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

## SECTION 91 - A99-LEGISLATIVE DEPARTMENT

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 1, 2015.

**91.26.** (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.

**91.27.** DELETED

**\*\*\*91.28.** (LEG: *Alternative Health Care Study Committee*) (A) *From the funds appropriated to the Senate and the House of Representatives, there is established the Alternative Health Care Study Committee. The committee shall be composed of:*

*(1) three members of the Senate appointed by the President Pro Tempore, with one member upon the recommendation of the Senate Majority Leader, and one member upon the recommendation of the Senate Minority Leader;*

*(2) three members of the House of Representatives appointed by the Speaker of the House, with one member upon the recommendation of the House Majority Leader, and one member upon the recommendation of the House Minority Leader;*

*(3) the director of the Department of Health and Human Services; and*

*(4) the director of the Department of Insurance.*

*The committee must be staffed by the staff of the Senate and the House of Representatives. Upon request of the committee, the staffs of the Department of Health and Human Services and the Department of Insurance must be made available to assist the committee. Members of the General Assembly serving on the committee shall receive mileage, subsistence, and per diem at the rate provided by law.*

*The committee may elect a chairperson and other appropriate officers from its membership. The committee shall meet as soon as possible to accomplish the goals set forth in this paragraph.*

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\*\*\* See note at end of Act.

## SECTION 91 - A99-LEGISLATIVE DEPARTMENT

*(B) The committee shall study the potential costs and benefits, including the development of an alternative plan, of providing alternative health care to individuals under sixty-five years of age with incomes at or below one hundred thirty-eight percent of the federal poverty level, based on modified adjusted gross income. The committee's study, on which the alternative plan is based, shall include, but is not limited to:*

- (1) potential use of federal dollars;*
- (2) the purchase of private health insurance for such individuals;*
- (3) utilizing insurance exchanges for such individuals, thus ensuring that limited resources are focused on those most in need;*
- (4) use of authorized co-payments, other quality of care incentives, or changes in benefits levels;*
- (5) other innovative approaches, including those used by other states, to tailor eligibility of the alternative plan;*
- (6) receiving a federal block grant for the alternative program;*
- (7) other related subjects that may serve to inform the General Assembly as determined by the committee;*
- (8) the availability of providers to care for South Carolina's covered population, including those newly eligible under the alternative plan; and*
- (9) the impact the alternative plan could have on cost shifting.*

*(C) The committee may solicit information from any person or entity it deems relevant to its study. The committee must make a report of its findings and recommendations, including proposed legislation, to the General Assembly no later than January 1, 2015.*

*\*91.29. (LEG: In District Office) Effective January 1, 2015, a member of the General Assembly is allowed up to an additional one thousand dollars per month in-district expense allowance to defray expenses related to his in-district legislative duties including, but not limited to, an in-district office, travel, or telephone. The additional one thousand dollars per month in-district expense shall be included as earnable compensation for active members of the General Assembly. If a member of the General Assembly chooses to opt-out of the additional allowance, he or she must notify the clerk of his or her respective body. The clerk of each body shall maintain a list of*

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\* See note at end of Act.

**SECTION 91 - A99-LEGISLATIVE DEPARTMENT**

*members claiming the additional in-district expense and pay the additional expense from the approved accounts of the respective body. The list of members is subject to public inspection and disclosure at no cost to the person requesting a copy.*

**SECTION 92 - D21-OFFICE OF THE GOVERNOR****92.1. DELETED**

**92.2.** (GOV: OEPP - Development Disabilities Case Coordination System) Of the funds appropriated to the Governor's 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 Governor's Office of Executive Policy and Programs' base budget calculation of any across-the-board agency base reductions mandated by the Budget and Control Board or General Assembly.

**92.3.** (GOV: OEPP - CCRS Evaluations & Placements) The amount appropriated in this section under Special Items Children's Case Resolution System for Private Placement of Handicapped School-Age Children must be used for expenses incurred in the evaluation of children referred to the CCRS to facilitate appropriate placement and to pay up to forty percent when placement is made in-state and up to thirty percent when placement must be made out-of-state of the excess cost of private placement over and above one-per-pupil share of state and local funds generated by the Education Finance Act, and the one-per-pupil share of applicable federal funds; provided it has been established that all other possible public placements are exhausted or inappropriate. The balance of funding responsibility necessary to provide the child with services must be determined by the Children's Case Resolution System (CCRS) and apportioned among the appropriate public agencies on the basis of the reasons for the private placement. When the amount appropriated in this section is exhausted, the funding responsibility must be apportioned according to the procedures of the CCRS.

**92.4.** (GOV: OEPP - CCRS Significant Fiscal Impact) In accordance with Section 20-7-5240(e) of the 1976 Code, "significant fiscal impact" in the current fiscal year shall be defined for each designated agency as the greater of (1) funds appropriated by the General Assembly for the current fiscal year on cases referred to, decided or placed through the Children's Case Resolution System or

## SECTION 92 - D21-OFFICE OF THE GOVERNOR

(2) that agency's assigned shares in the current fiscal year of five cases decided by the Children's Case Resolution System.

**92.5.** (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.

**92.6.** (GOV: OEPP - Victim/Witness Program Formula Distribution) If funds in the South Carolina Victims' Compensation Fund exceed the amount required to operate the State Office of Victims Assistance 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 Section 60.9.

**92.7.** (GOV: OEPP - Physical Abuse Examinations) Of the funds appropriated in this section for Victims' Rights, up to \$120,000 may be expended for physical abuse examinations.

**92.8.** (GOV: OEPP - Foster Care-Private Foster Care Reviews) The Division of Foster Care 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.

**92.9.** (GOV: M&G - 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.

**92.10.** (GOV: OEPP - Guardian Ad Litem Program) Both the program and the funds appropriated to the Governor's Office, Division of Children's Services, Guardian ad Litem Program must be administered separately from other programs within the Division of Children's Services and must be expended for the exclusive use of the 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

## SECTION 92 - D21-OFFICE OF THE GOVERNOR

the "South Carolina Guardian ad Litem Trust Fund." Unexpended 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.

**92.11.** (GOV: OEPP - Continuum of Care Carry Forward) The Division of Continuum of Care may carry forward funds appropriated herein to continue services.

**92.12.** (GOV: OEPP - 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 Office of Victims' Assistance must follow procedures established by the SC Consolidated Procurement Code. Any entity contracting with the agency will submit an annual report by August first 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 Governor's Office of Executive Policy and Programs 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 Program III.A.1 to pay for any contracts or services procured.

**92.13.** (GOV: OEPP - M.J. "Dolly" Cooper Veterans Cemetery Carry Forward) The Governor's Office of Executive Policy and Programs, Veterans' Affairs Program 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 Veterans' Affairs Program, 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 Veterans' Affairs Program. Funds carried forward may not be transferred to any other Governor's Office programs.

**92.14.** (GOV: M&G - 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.



## SECTION 92 - D21-OFFICE OF THE GOVERNOR

Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.

**92.15.** (GOV: OEPP - Crime Victims Ombudsman) For the current fiscal year, the State Office of Victims Assistance shall transfer \$71,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.

**92.16.** (GOV: OEPP - Veterans' Affairs Budget Reduction Exemption) Funds appropriated for the Veterans' Affairs Program shall be excluded from the Governor's Office of Executive Policy and Programs base budget in the calculation of any across-the-board agency base reductions mandated by the Budget and Control Board or General Assembly.

**92.17.** (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, Office of Executive Policy and Programs, and Mansion and Grounds. These 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.

**92.18.** (GOV: OEPP-Outside Legal Counsel) In the event circumstances necessitate that the Governor's Office of Executive Policy and Programs acquire the services of outside legal counsel, the Governor's Office must follow procedures established by the SC Consolidated Procurement Code.

**92.19.** (GOV: OEPP-Inspector General Support Services) For the current fiscal year, the Governor's Office of Executive Policy and Programs shall be prohibited from providing support services to the Office of Inspector General.

**92.20.** (GOV: OEPP-Carillon Tower) The Governor's Office of Executive Policy and Programs, Veterans' Affairs Program shall use any carry forward funds authorized for the M.J. "Dolly" Cooper Veterans Cemetery to construct the Carillon Tower to house the sound system used to provide bell tower music for the cemetery.

**SECTION 93 - D25-OFFICE OF INSPECTOR GENERAL**

**93.1.** (SIG: 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.

**SECTION 94 - E04-OFFICE OF THE LIEUTENANT GOVERNOR**

**94.1.** (LTG: 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 94, Distribution to Subdivisions, 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.

**94.2.** (LTG: State Match Funding Formula) Of the state funds appropriated under "Distribution to Subdivisions", the first allocation by the Office on Aging shall be for the provision of required State matching funds according to the Office 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.

**94.3.** (LTG: Registration Fees) The Office on Aging is authorized to receive and expend registration fees for educational, training and certification programs.

**94.4.** DELETED

**94.5.** (LTG: 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 and of the Long Term Care Council established pursuant to Section 43-21-130, both under the Office on Aging in the Office of the Lieutenant Governor, are suspended for the current fiscal year.

**94.6.** (LTG: Home and Community Based Services Carry Forward) Unexpended funds from appropriations to the Lieutenant Governor's Office on Aging for Home and Community Based Services shall be

**SECTION 94 - E04-OFFICE OF THE LIEUTENANT GOVERNOR**

carried forward from the prior fiscal year and used for the same purpose.

**94.7.** (LTG: Geriatric Loan Forgiveness Program) In lieu of quarterly payments to a recipient of the Geriatric Loan Forgiveness Program, the Lieutenant Governor's Office 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 94, Geriatric Physician Loan Program, shall be carried forward and used for the same purpose as originally appropriated.

**94.8.** (LTG: Referring Agency) The Lieutenant Governor's Office on Aging shall serve as a "referring agency" to the 14 Community Action Agencies (CAAs) in South Carolina and to the Governor's Office of Executive Policy and Programs, Office of Economic Opportunity for services for the elderly population. The Governor's Office of Executive Policy and Programs shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by September first on all referrals received from the Lieutenant Governor's Office on Aging in the prior fiscal year and on the status of the referrals.

**94.9.** (LTG: Home and Community Based Services Unit Rates) The Office on Aging shall develop a plan by December 31, 2014, to implement a uniform pricing schedule for Home and Community Based Services unit rates. The plan shall be provided to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee.

**SECTION 95 - E08-OFFICE OF SECRETARY OF STATE**

**95.1.** (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.

**95.2.** DELETED

**\*95.3.** (SS: Notary Public Commission) *Effective September 1, 2014, every application for a notary public commission must be submitted to the Secretary of State. The application shall be made on paper with original signatures, or in another form determined by the*

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\* See note at end of Act.

**SECTION 95 - E08-OFFICE OF SECRETARY OF STATE**

*Secretary of State. A person qualified for a notarial commission: (1) must read and write the English language; (2) must complete a course of instruction on notarial acts as approved by the Secretary of State; and (3) must submit an application to the Secretary of State containing no material misstatement or omission of fact.*

**95.4.** (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.

**95.5** (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 \$10,000.00 or more for those violations.

**SECTION 96 - E12-OFFICE OF COMPTROLLER GENERAL**

**96.1.** (CG: Signature Authorization) The Comptroller General is hereby authorized to designate certain employees to sign, in his stead, warrants drawn against the State Treasurer and the State Treasurer is hereby authorized to accept such signatures when notified by the Comptroller General. This provision shall in no way relieve the Comptroller General of responsibility.

**96.2.** (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

**SECTION 96 - E12-OFFICE OF COMPTROLLER GENERAL**

implement new procedures required to implement fully changes required by GAAP.

**96.3.** (CG: Payroll Deduction Processing Fee) There shall be a fee for processing payroll deductions, not to exceed twenty 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. The revenues generated from these fees and those provided for child support deductions in accordance with Section 20-7-1315(F)(3), 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.

**96.4.** (CG: Unemployment Compensation Fund Administration) The lesser of two percent or \$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, S. C. Code of Laws, 1976, as amended. Any unexpended balance may be carried forward from the prior fiscal year to the current fiscal year and used for the same purposes.

**96.5.** (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.

**96.6.** DELETED

**SECTION 97 - E16-OFFICE OF STATE TREASURER**

**97.1.** (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.

## SECTION 97 - E16-OFFICE OF STATE TREASURER

**97.2.** (TREAS: STARS Approval) Decisions relating to the Statewide Accounting and Reporting System (STARS) and the South Carolina Enterprise Information System (SCEIS) which involve the State Treasurer's Banking Operations and other functions of the State Treasurer's Office shall require the approval of the State Treasurer.

**97.3.** (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.

**97.4.** (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.

**97.5.** (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.

**97.6.** (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.

**97.7.** (TREAS: Withheld Accommodations Tax Revenues) Revenues withheld pursuant to Sections 6-4-35(B)(1)(a) and (b) prior to July 1, 2006 must be returned to the entity from which revenues were withheld, in the same amount and manner that they were withheld. After July 1, 2006, before noncompliant expenditures and penalties withheld pursuant to Sections 6-4-35(B)(1)(a) and (b) are

## SECTION 97 - E16-OFFICE OF STATE TREASURER

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 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 nonoffending 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.

**97.8.** (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 2006-2007, colleges and universities must grant a waiver of the difference to the designated beneficiary and shall not pass along this difference to any student.

**97.9.** (TREAS: Penalties for Nonreporting) 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 117.55 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.

## SECTION 97 - E16-OFFICE OF STATE TREASURER

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.

**97.10.** (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.

**97.11.** (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.

**97.12.** (TREAS: Identity Theft Reimbursement Fund) (A) There is established in the State Treasury the Department of Revenue Identity Theft Reimbursement Fund which must be maintained separately from the general fund of the State and all other funds. The proceeds of the fund must be utilized to reimburse eligible expenses incurred by an eligible person. The obligation to reimburse claims pursuant to this section does not arise until monies are credited to the fund, and only to the extent that monies are credited to the fund. Any monies remaining in the fund at the end of the fiscal year shall be retained, carried forward, and expended for the same purpose.

(B) A person seeking reimbursement from the fund must file with the Treasurer a claim on a form prescribed by him and verified by the claimant. The Treasurer shall consider each claim within ninety days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. If a claim is allowed, the Treasurer shall reimburse the eligible person in an amount equal to his eligible expenses subject to availability of monies in the fund. The decision by the Treasurer regarding a claim is a final agency decision that may be



## SECTION 97 - E16-OFFICE OF STATE TREASURER

appealed to the Administrative Law Court pursuant to the Administrative Procedures Act naming the Treasurer as the defendant. The action must be brought within ninety days after the Treasurer's decision or within one hundred eighty days after the filing of the claim if he has failed to act on it.

(C) The State Treasurer shall set forth policies and make the necessary determinations to implement the provisions of this section, including the disbursement of proceeds of the fund.

(D) For the purposes of this provision:

(1) 'Eligible person' shall mean a person whose personally identifiable information was obtained by a third party from a compromised computer system maintained by a state agency, board, committee, or commission.

(2) 'Eligible expenses' shall mean financial losses incurred by an eligible person directly related to the misappropriation of the eligible person's personally identifiable information that was obtained by a third party from a compromised computer system maintained by a state agency, board, committee, or commission. Expenses for services provided by private entities to assist eligible persons with financial losses are not eligible expenses to the extent such services are offered through the State or a state-supported program free of charge.

(3) 'Financial losses' shall mean actual losses, including, but not limited to, lost wages, costs incurred by an eligible person related to correcting his credit history or credit rating, or costs or judgments related to any criminal, civil, or administrative proceeding brought against the eligible person resulting from the misappropriation of the victim's personally identifiable information not recovered from any other source. Costs associated with the purchase of identity theft protection and identity theft resolution services are not financial losses.

(4) 'Identity theft protection' means identity fraud and protection products and services that attempt to proactively detect, notify, or prevent unauthorized access or misuse of a person's identifying information or financial information to fraudulently obtain resources, credit, government documents or benefits, phone or other utility services, bank or savings accounts, loans, or other benefits in the person's name.

(5) 'Identity theft resolution services' means products and services that attempt to mitigate the effects of identity fraud after personally identifiable information has been fraudulently obtained by a third party, including, but not limited to, identity theft insurance and

## SECTION 97 - E16-OFFICE OF STATE TREASURER

other identity theft resolution services that are designed to resolve actual and potential identity theft and related matters.

(6) 'Person' shall mean an individual, corporation, firm, association, joint venture, partnership, limited liability corporation, or any other business entity.

(7) 'Personally identifiable information' means information that can be used to uniquely identify, contact, or locate a single person or can be used with other sources to uniquely identify a single individual, including, but not limited to, social security numbers, debit card numbers, and credit card numbers.

**97.13. DELETED**

**\*\*97.14. (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 noncompliance, the municipality may not refund an equivalent amount in order to avoid future withholdings.***

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\*\* See note at end of Act.

**SECTION 98 - E19-RETIREMENT SYSTEM  
INVESTMENT COMMISSION**

**98.1.** (RSIC: Retirement Investment Commission Audit) For Fiscal Year 2014-2015, the provisions of Section 9-16-380 requiring the Inspector General to employ a private audit firm to perform the fiduciary audit on the Retirement System Investment Commission as required by Section 9-16-380 of the 1976 Code shall be suspended. Any savings generated by not conducting the audit shall be used to conduct audits required by Section 9-4-40 of the 1976 Code.

**98.2.** (RSIC: Semi-Annual Meetings) The Retirement System Investment Commission shall be required to appear before the House Ways and Means Committee's, Legislative, Executive and Local Government Subcommittee on a semi-annual basis at the request of the subcommittee. The purpose of the meeting shall include, but not be limited to, the review of quarterly investment reports and agency operations.

**SECTION 99 - E24-OFFICE OF ADJUTANT GENERAL**

**99.1.** (ADJ: Unit Maintenance Funds) The funds appropriated as unit maintenance funds shall be distributed to the various National Guard units at the direction of the Adjutant General.

**99.2.** (ADJ: Revenue Collections) All revenues collected by National Guard units from county and city appropriations, vending machines, rental of armories, court martial fines, federal reimbursements to armories for utility expenses, and other collections may be retained and expended in its budgeted operations.

**99.3.** (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.

**99.4.** (ADJ: Parking Lot Revenues) Notwithstanding other provisions of this act, as a security measure for the State Military Department's headquarters building and grounds, the Adjutant General may control and contractually lease the headquarters building parking facilities, during events at the University of South Carolina's Williams-Brice Stadium, to a state chartered and federally recognized 501(c)(4) tax exempt agency employees' association who may then sub-lease individual parking spaces. Such a contract must require the employees association to obtain liability insurance against wrongful

**SECTION 99 - E24-OFFICE OF ADJUTANT GENERAL**

death or injury. The contract must clearly hold the Adjutant General's Office, its officers, and the State of South Carolina harmless from any liability resulting from the use of the parking lot when rented by the employees association. In addition, the contract must specify that the State of South Carolina's Military Department shall receive no less than thirty-three percent of the gross profits from the sub-leasing of the parking spaces. The contract must allow the State to audit the employees association's funds. Funds at the Adjutant General's Office derived wholly from the rental of Adjutant General's headquarters' parking lot may be retained at the Adjutant General's Office, but may not be used for employee perquisites.

**99.5.** (ADJ: Armory Rental Program) The Adjutant General is authorized to develop and implement an armory rental program to recoup costs associated with the use of armories by state agencies or other non-Guard organizations. The rental program must be uniform in its application to the maximum extent possible. Funds generated by this program may be retained and expended for armory maintenance and operations.

**99.6.** (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.

**99.7.** (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.

**99.8.** (ADJ: Retention of Lease Property Revenue) The Adjutant General is authorized to lease all real property under the control of SCMD. All revenue generated by the lease program may be retained for SCMD armory operations and maintenance as authorized by the Adjutant General or Deputy Adjutant General.

**99.9.** (ADJ: Billeting and Dining Facility Operations) All revenues collected by the Billeting and Dining Facility operations at the R.L. McCrady Training Center shall be retained and expended in their budgeted operations or be expended in support of SCMD operations, including use for matching federal funds, and armory maintenance and operations. Expenditures from these funds shall be determined by the

**SECTION 99 - E24-OFFICE OF ADJUTANT GENERAL**

Billeting Committee for Billeting operations and the Deputy Adjutant General for state operations for the Dining Facility operation.

**99.10.** (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.

**99.11.** (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.

**99.12.** DELETED

**99.13.** (ADJ: Parking Lot Revenues-Columbia Armory, Buildings and Grounds) The Adjutant General may control and contractually lease the Columbia Armory, and its buildings and grounds parking facilities during events at the University of South Carolina's Williams-Brice Stadium. Funds derived wholly from the rental of the Columbia Armory, and its buildings and grounds parking facilities may be retained by the Adjutant General's Office and used for the Funeral Caisson and for SCMD operations, including matching federal funds and armory maintenance and operations. These funds may not be used for any other purpose.

**99.14.** (ADJ: Emergency Commodities) The Emergency Management Division shall be allowed to rotate and replace water and Meals Ready to Eat (MREs) 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.

**99.15.** (ADJ: Funeral Caisson) In the event of a mandated general fund budget reduction, the Adjutant General's Office is prohibited from reducing the funds appropriated for the Funeral Caisson. In addition, these funds shall not be transferred to any other program or be used for any other purpose by the Office of Adjutant General.

**SECTION 99 - E24-OFFICE OF ADJUTANT GENERAL**

**99.16.** (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 in Social Work. A national security background check must be performed on the individual prior to a job offer being tendered.

**99.17.** DELETED

**99.18.** DELETED

**99.19.** (ADJ: National Guard State Active Duty) In the event of the activation of the South Carolina National Guard to State Active Duty by the Governor in a Declaration of State Emergency (including Emergency Management Assistance Compact (EMAC)), 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 \$500,000, to cover the actual costs incurred for personnel, travel, and per diem costs, and the Operational Tempo costs for equipment from the U.S. Property and Fiscal Office. EMAC and any Federal monies from a Declared Federal Emergency reimbursed to the state shall be deposited in the state general fund, up to the amount of funds advanced to the South Carolina National Guard for the Declared State of Emergency.

**99.20.** (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

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in their missions to promote the health, safety, education, and welfare of South Carolina National Guard personnel and their families.

**SECTION 100 - E28-ELECTION COMMISSION**

**100.1.** (ELECT: County Registration Board and County Election Commission Compensation) The amounts appropriated in this section for "County Registration Board Members and County Election Commissioners," shall be disbursed annually to the County Treasurer at the rate of \$1,500 for each member, not to exceed \$12,500 per county. The County Treasurer shall use these funds only for the compensation of County Registration Board Members and County Election Commissioners. 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 Budget and Control Board or the General Assembly, the amount of funds appropriated for compensation of County Registration Board Members and County Election Commissioners shall be excluded from the agency's base budget.

**100.2.** (ELECT: Elections Managers & Clerks Per Diem) Managers and clerks of state and county elections shall receive a per diem of \$60.00; but 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 \$60.00 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 registration boards with the absentee/fail safe voting process prior to, on election day, and immediately following statewide elections. Managers assisting the registration board in the absentee/fail safe process may receive a per diem of \$60.00 per day for not more than a total of fifteen days regardless of whether one, two, or three additional managers are used.

**100.3.** (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.

## SECTION 100 - E28-ELECTION COMMISSION

**100.4.** (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 Budget and Control Board, Division of Operations, 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.

**100.5.** (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 Budget and Control Board 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.

**100.6.** (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 fiscal year. In addition, the aforementioned funds may also be utilized to conduct the Presidential Preference Primary elections.

**100.7.** (ELECT: Training & Certification Program) All members and staff of County Boards of Voter Registration and County Election Commissions will receive a common curriculum to include core courses on the duties and responsibilities of county registration boards and county election commissions 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



## SECTION 100 - E28-ELECTION COMMISSION

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 Sections 7-5-10, 7-5-35 and 7-13-70 of the 1976 Code. Additionally, funds will also be withheld if a board or commission member completes the training and certification program, but fails to complete at least one training course per year. The board or commission 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 or commission member cannot complete the program or complete the required continuing education due to extenuating circumstances, the board or commission 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 or commission 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 or commission.

**100.8.** (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 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.

**100.9.** (ELECT: Help America Vote Act) Of funds appropriated to the commission for primary and general elections, the commission shall utilize any excess funds to match the Help America Vote Act program to the greatest extent possible, and also ensure compliance

## SECTION 100 - E28-ELECTION COMMISSION

with the Uniformed and Overseas Citizens Absentee Voting Act of 1986.

**100.10.** (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.

**100.11.** (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.

**100.12.** (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 State Budget Division, 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.

**100.13.** DELETED

**100.14.** (ELECT: Voting Procedures Changes) The State Election Commission shall publish on the commission's website each change to voting procedures enacted by State or local governments. State and local governments shall file notice of all changes in voting procedures, including but not limited to, changes to precincts with the State Election Commission upon adoption. All voting procedure changes must remain on the commission's website at least through the date of the next general election. However, if changes are made within three months prior to the next general election then the changes shall remain on the commission's website through the date of the following general election.

**100.15.** (ELECT: Election and Referendum Dates Standardization) The Election Commission shall work with the appropriate entities to develop a plan to standardize all election and ballot referendum dates across the state. The plan shall include, but not be limited to, a cost benefit analysis and a proposed timeline for implementation. Every effort should be made such that all elections are held on the first Tuesday following the first Monday of November. The plan shall be submitted to the Chairman of the Senate Finance Committee, the

**SECTION 100 - E28-ELECTION COMMISSION**

Chairman of the Senate Judiciary Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Judiciary Committee by January 13, 2015 for approval by the General Assembly.

**SECTION 101 - F03-BUDGET AND CONTROL BOARD**

**101.1.** (BCB: Southern Maritime Collection) The Budget and Control Board, 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 board 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 board for costs associated with other Museum operations. The General Assembly will provide for funds in future fiscal years to cover the costs of the financing of the Southern Maritime Collection.

**101.2.** (BCB: Procurement of Art Objects) Before any governmental body, with the exception of the South Carolina Museum Commission, the Budget and Control Board and the South Carolina Hunley Commission as defined under the South Carolina Consolidated Procurement Code, procures any art objects such as paintings, antiques, sculptures, or similar objects above \$1,000, the head of the Purchasing Agency shall prepare a written determination specifying the need for such objects and benefits to the State. The South Carolina Arts Commission shall review such determination for approval prior to any acquisition.

**101.3.** (BCB: State House Operation & Maintenance Account) Funds appropriated to the Budget and Control Board - for State House Maintenance & Operations & Renovations must be set aside in a separate account for the operation and maintenance of the State House. The Budget and Control Board shall report annually to the State House Committee on the amount expended from this fund.

**101.4.** (BCB: Wireless Communications Tower) The Budget and Control Board is directed to coordinate tower and antenna operations within South Carolina state government. The Board 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

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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. All revenue from tower and antenna leases and contracts after July 1, 2001 must be remitted to a separate fund established by the Board and shall be transferred to the Educational Television Commission which 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. Agencies owning tower and antenna assets will be allowed to recover expenses associated with implementing this proviso from this fund. The Board 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. This report shall also include a summary of each agency's overall revenues, whether retained by the agency or remitted to the separate fund.

**101.5.** (BCB: 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 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 Human Resources Division of the Budget and Control Board. The report must include the amount, source, 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 Human Resources Division of the Budget and Control Board shall formulate policies and procedures to ensure compliance with the reporting provisions of this proviso.

**101.6.** (BCB: 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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**101.7.** (BCB: Vacant Positions) In the event that any permanent position in an agency remains vacant for more than twelve months the position may be deleted by the Budget and Control Board.

**101.8.** (BCB: Carry Forward - Local Government Assistance) The Budget and Control Board 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.

**101.9.** (BCB: 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.

**101.10.** (BCB: Carry Forward Calculation) For purposes of calculating the amount of funds which may be carried forward by the Budget and Control Board, 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.

**101.11.** (BCB: 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.

**101.12.** DELETED

**101.13.** (BCB: 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.

**101.14.** (BCB: Antenna and Tower Placement) All leases for antenna and tower operations within institutions of higher learning campuses must conform to master plans for such property, as determined solely by the institution of higher learning.

**101.15.** (BCB: Lawsuit Funding) The Executive Director shall pay from the Insurance Reserve Fund the defense costs of the State, which

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are incurred in the current fiscal year, in the Abbeville school funding litigation and the prisoner mental health care litigation. The appropriate official from the House of Representatives and the Senate must certify to the Executive Director on a monthly basis the costs incurred in defense of this litigation. Upon receipt of the certification, the Executive Director shall pay the provider of these services the amount certified.

**101.16.** DELETED

**101.17.** DELETED

**101.18.** DELETED

**101.19.** DELETED

**101.20.** (BCB: First Responder Interoperability) The Budget and Control Board, through its Division of State Information Technology, is directed to administer and coordinate First Responder Interoperability operations for the statewide Palmetto 800 MHz 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 MHz radio system (Palmetto 800 participants). The Division of State Information Technology, 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 MHz 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 800 MHz radio systems with grant funds to be used for purchases of equipment that support interoperability with the statewide Palmetto 800 MHz radio system and its users. Grant funds shall be allocated to private county and city 800 MHz 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 800 MHz radio system in

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order to qualify for receipt of funds pursuant to this proviso. Each fiscal year the Budget and Control Board, through the Division of State Information Technology, 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 Division of State Information Technology 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 800 MHz equipment purchases, any remaining funds may be used to enhance and expand the statewide Palmetto 800 MHz radio system. All funds shall be held in a separate account established by the Board 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 Budget and Control Board or General Assembly, the amount appropriated to the Budget and Control Board for First Responder Interoperability must be excluded from the Board's base budget.

The Budget and Control Board shall provide a report on the status of the integration of the statewide Palmetto 800 MHz 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.

**101.21.** (BCB: Employee Compensation) The amounts appropriated to the Budget and Control Board for Employee Pay Increases must be allocated by the Board to the various state agencies to provide for employee pay increases in accordance with the following plan:

(1) With respect to classified and nonjudge 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 two percent.

(2) With respect to unclassified and nonjudge 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 two percent. Any employee subject to the provisions of this paragraph shall

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not be eligible for compensation increases provided in paragraphs 1, 3, 4, 5, or 6.

(3) 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 two percent.

(4) With respect to local health care providers compensation increases shall be two percent effective on the first pay date that occurs on or after July first of the current fiscal year. With respect to Area Agencies on Aging funded by the Lieutenant Governor's Office on Aging, compensation shall be increased by two percent effective on the first pay date that occurs on or after July first of the current fiscal year. With respect to local councils on aging or local providers of services funded by the Lieutenant Governor's Office on Aging through Area Agencies on Aging, no pay increases will be allowed. School Bus Driver salary and fringe funding to school districts shall be increased by two percent.

(5) 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 two percent.

(6) 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 two percent.

The Budget and Control Board 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 Budget and Control Board 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 Budget and Control Board, such action may be considered a permanent transfer into the receiving agency's base budget.

Funds appropriated in Part IA, F30, Section 103, Budget and Control Board, Employee Benefits may be carried forward from the prior fiscal year into the current fiscal year.

**101.22.** (BCB: 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



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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.

**101.23.** (BCB: 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 Budget and Control Board 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 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 Budget and Control Board 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.

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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 Vocational Rehabilitation shall be authorized to retain the net proceeds from the sale of 3.205 acres located at 22861 Highway 76 East in Clinton, South Carolina to be used for capital projects and deferred maintenance.

The Department of Agriculture, the Educational Television Commission, the Department of Corrections, the Department of Natural Resources, the Forestry Commission, and the Department of Vocational Rehabilitation 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.

**101.24.** (BCB: 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 technical college president should come from resources

**SECTION 101 - F03-BUDGET AND CONTROL BOARD**

within the agency. The Budget and Control Board shall contract every four years for a study of agency head and technical college president compensation. The cost of the study must be shared by the participating agencies. The staff of the Budget and Control Board 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.

**101.25.** (BCB: Insurance Coverage for Aging Entity Authorized) The State Budget and Control Board, through the Insurance Reserve Fund, for Fiscal Year 2014-2015, 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.

**101.26.** DELETED

**101.27.** (BCB: IRF Report) The Budget and Control Board shall prepare a report on prior fiscal year utilization of the 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 Pro Tempore 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.

**101.28.** DELETED

**101.29.** DELETED

**101.30.** (BCB: Second Injury Fund Closure Plan) The Budget and Control Board 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.

**101.31.** DELETED

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**101.32.** (BCB: Cyber Security) All state agencies must adopt and implement cyber security policies, guidelines and standards developed by the Division of State Technology. The Division of State Technology may conduct audits on state agencies except public institutions of higher learning, 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 Division of State Technology. In addition, while agencies retain the primary responsibility and accountability for ensuring responses to breach incidents comply with federal and state laws, the Division of State Technology shall be informed of all agency cyber security breaches, and is authorized to oversee incident responses in a manner determined by the Division of State Technology to be the most prudent. Upon request of the Division of State Technology for information or data, all agencies must fully cooperate with and furnish the Division of State Technology with all documents, reports, assessments, and any other data and documentary information needed by the Division 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.

**101.33.** (BCB: Restructuring Act Carry Forward) General funds from the Budget and Control Board's Office of State Budget, Office of Research and Statistics, and Board of Economic Advisors shall be carried forward from the prior fiscal year into the current fiscal year and shall be allocated to the Revenue and Fiscal Affairs Office and the Executive Budget Office in accordance with the implementation of the South Carolina Restructuring Act of 2014.

**101.34.** DELETED

**SECTION 102 - F27-BUDGET AND CONTROL BOARD,  
STATE AUDITOR'S OFFICE**

**102.1.** (BCB/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 OMB Circular A-133, Audits of States, Local Governments and Nonprofit Organizations shall

**SECTION 102 - F27-BUDGET AND CONTROL BOARD,  
STATE AUDITOR'S OFFICE**

remit to the State Auditor an amount representing an equitable portion of the expense of contracting with a nationally recognized CPA firm to conduct a portion of 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 audit shall be re-bid every five years. 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.

**102.2.** (BCB/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.

**102.3.** (BCB/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.

**102.4.** (BCB/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 Proviso 118.4 of this act; 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 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

**SECTION 102 - F27-BUDGET AND CONTROL BOARD,  
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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.

**SECTION 105 - F50-PUBLIC EMPLOYEE BENEFIT  
AUTHORITY**

**105.1.** (PEBA: Lottery & Infrastructure Bank 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.

**105.2.** (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 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

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the adoption of a special needs child qualifying for two times the benefit of a nonspecial needs child.

**105.3.** (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 users and nonusers regarding rates charged to enrollees in its health plans by imposing a surcharge on enrollee rates based upon tobacco use. The surcharge for tobacco use may not exceed \$40 per month per subscriber or \$60 per month per subscriber and dependant(s).

**105.4.** (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 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.

**105.5.** (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.

**105.6.** DELETED

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**105.7.** (PEBA: FY 2015 State Health Plan) Of the funds authorized for the State Health Plan in Plan Year 2015 pursuant to Section 1-11-710(A)(2) of the 1976 Code, an employer premium increase of 3.9 percent and a subscriber premium increase of zero percent for each tier (subscriber, subscriber/spouse, subscriber/children, full family) will result for the standard State Health Plan in Plan Year 2015. Co-payment increases for participants of the State Health Plan in Plan Year 2015 shall not exceed nine percent. 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 2015 to ensure the fiscal stability of the Plan.

**105.8.** (PEBA: Exempt National Guard Pension Fund) In the calculation of any across-the-board cut mandated by the Budget and Control Board or General Assembly, the amount of the appropriation for the National Guard Pension Fund shall be excluded.

**105.9.** (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.

**105.10.** DELETED

**105.11.** (PEBA: Network Pharmacy Publications) All pharmacy publications or lists must include independent retail pharmacies. Abridged pharmacy lists are prohibited.

**105.12.** (PEBA: Pharmacy Benefit Manager Audit) By September 1, 2014, the Public Employee Benefit Authority shall have prepared a detailed report and have prepared an independent audit of its contract with Catamaran for Pharmacy Benefit Manager services to ensure, among other things, that fair and equitable reimbursement practices are being followed. The independent auditor must have experience in conducting Pharmacy Benefit Manager services audits.

**105.13.** (PEBA: Litigation Review) The Public Employee Benefit Authority shall submit to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, no later than December 1, 2014, a report on the settlement between the State of South Carolina and the Bank of New York Mellon that provides review and comment upon the benefits of the settlement



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for the employees and retirees of South Carolina. In conducting the review and preparing the report, the Public Employee Benefit Authority may use appropriated or available funds as necessary to retain independent expert assistance, including legal counsel of its choosing.

**105.14. DELETED**

**105.15.** (PEBA: Self-Insured Group Health Benefits Plan) Effective January 1, 2015, the self-insured group health benefits plan for state employees and retirees established under Section 1-11-710 et seq. (the State Health Plan) and administered by the Public Employee Benefit Authority pursuant to Section 9-4-10 et seq. (PEBA) shall reimburse all pharmacies participating in the State Health Plan's retail pharmacy network on an equal and uniform per-product basis. This requirement applies whether the network is established via direct contract with the State Health Plan or via an authorized pharmacy benefit manager.

**SECTION 106 - R44-DEPARTMENT OF REVENUE**

**106.1.** (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.

**106.2.** (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.

**106.3.** (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.

## SECTION 106 - R44-DEPARTMENT OF REVENUE

**106.4.** (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.

**106.5.** (DOR: Across the Board Cut Exemption) Whenever the Budget and Control Board 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.

**106.6.** (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

**SECTION 106 - R44-DEPARTMENT OF REVENUE**

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.

**106.7.** (DOR: Admissions Tax Exemption) Any amount that an accredited college or university requires a season ticket holder to pay to a nonprofit athletic booster organization that is exempt from federal income taxation in order to receive the right to purchase athletic event tickets is exempt from admissions tax.

**106.8.** (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 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.

**106.9.** (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.

**106.10.** DELETED

**106.11.** DELETED

**106.12.** (DOR: May Events) Of the accommodation tax returned to Horry County or the municipalities therein, up to one third of the total allocation may be set aside and used for direct policing activities during events held in May within Horry County. 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, that will be dedicated to direct policing activities. 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

**SECTION 106 - R44-DEPARTMENT OF REVENUE**

Governor, the Chairman of Senate Finance Committee and the Chairman of House Ways and Means Committee no later than ninety days after the end of any event in which these funds are expended.

**SECTION 108 - S60-PROCUREMENT REVIEW PANEL**

**108.1.** (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 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 109 - V04-DEBT SERVICE**

**109.1.** (DS: Excess Debt Service Funds Carry Forward) Excess Debt Service funds from Fiscal Year 2013-2014 may be carried forward and expended for debt service purposes in Fiscal Year 2014-2015.

**SECTION 110 - X22-AID TO SUBDIVISIONS, STATE  
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**110.1.** (AS-TREAS: Veterans' Affairs-Aid to Counties) In the allocation of the appropriation in Part IA, Section 110, as adjusted for "Aid to County Veteran Offices," each county shall receive an effective annual amount equal to one hundred percent of the amount

**SECTION 110 - X22-AID TO SUBDIVISIONS, STATE  
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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 Treasurer who will handle and distribute these monies for the sole benefit and use of the County Veterans' Affairs Offices.

**110.2.** (AS-TREAS: Quarterly Distributions) For Fiscal Year 2014-2015, 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 2014-2015 Part IA appropriation for the Local Government Fund.

**110.3.** (AS-TREAS: Salary Supplements) The amounts appropriated in Part IA, Section 110, 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 110 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 110, 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 any amounts 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 110 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 Budget and Control Board or General Assembly. However, the governing body of a county may reduce the expenditures in the

SECTION 110 - X22-AID TO SUBDIVISIONS, STATE  
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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.

**110.4.** (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.

**110.5.** (AS-TREAS: LGF) For Fiscal Year 2014-2015, the provisions of Section 6-27-30 and Section 6-27-50 of the 1976 Code are suspended.

**110.6.** (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 the United Nations in 1992 at its Conference on Environment and

**SECTION 110 - X22-AID TO SUBDIVISIONS, STATE  
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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.

**110.7.** (AS-TREAS: Political Subdivision Flexibility) For Fiscal Year 2014-2015, a political subdivision receiving aid from the Local Government Fund may reduce its support to any state mandated program or requirement, by up to a percentage equal to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the amount required to be appropriated pursuant to Section 6-27-30. Excluded from said reductions are Administrative Law Judges and their offices, Court of Appeals and their offices, Circuit and Family Courts and their offices, Magistrates and their offices, Masters-in-Equity and their offices, Probate Courts and their offices, Public Defenders and their offices, Solicitors and their offices, and the Supreme Court and their offices.

**110.8.** DELETED

**110.9.** DELETED

**SECTION 112 - D50-EXECUTIVE BUDGET OFFICE**

**112.1.** (EBO: Budget and Control Board Approval) Any action taken during Fiscal Year 2014-2015 by the Executive Budget Office as the result of a function, duty, authority, or responsibility transferred to or devolved upon the Executive Budget Office by this act, which

**SECTION 112 - D50-EXECUTIVE BUDGET OFFICE**

previously, either by proviso or permanent law, rested with the Budget and Control Board, shall be effective only upon review and approval of the Budget and Control Board. The board's review and approval function pursuant to this provision may be accomplished by a delegation to the appropriate department, division, or office of the board.

**112.2.** (EBO: Other Fund Authorization Increase) For Fiscal Year 2014-2015, the Executive Budget Office is directed to review Executive Branch agencies to determine whether their budgets warrant an other fund authorization increase due to the two percent compensation increase for all full-time employees granted in proviso 101.21. If so warranted, the Executive Budget Office shall work with the Office of the Comptroller General to increase such authorization for the affected agencies.

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**113.1.** (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.

**113.2.** (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



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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 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.

**113.3.** (RFAO: SC Boundary Commission) There is hereby created the South Carolina Boundary Commission to be composed of seven members as follows: one member appointed by the President Pro Tempore of the Senate; one member appointed by the Speaker of the House of Representatives; one member appointed by the Chairman of the Senate Finance Committee; one member appointed by the Chairman of the House Ways and Means Committee; the Executive Director, or his designee, of the Revenue and Fiscal Affairs Office; the Director of the Department of Natural Resources, or his designee; and the technical advisor of the Geodetic and Mapping Survey Program appointed by the Executive Director of the Revenue and Fiscal Affairs Office who shall serve as the coordinator and chairman of the commission. The purpose of the commission is to work with the North

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Carolina Boundary Commission to oversee and approve work re-establishing the boundary between South Carolina and North Carolina.

The Executive Director of the Revenue and Fiscal Affairs Office is directed to submit a report to the Senate Finance Committee and the House Ways and Means Committee regarding the progress of re-establishing the South Carolina-North Carolina boundary within sixty days of the close of each fiscal year until such re-establishment is completed.

**113.4.** (GP: 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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- Office of the Governor:
  - (1) Children's Foster Care Review Board;
  - (2) Continuum of Care;
- Office of the Lieutenant Governor, Division 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

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regulations, policies and 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 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 subsection, 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 any provision of this subsection is hereby declared inapplicable to this subsection.

**SECTION 117 - X90-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

## SECTION 117 - X90-GENERAL PROVISIONS

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 Budget and Control Board. In order to 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 Section 116 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;
- John de la Howe School;
- 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 2014-2015, and for other purposes specifically designated.

## SECTION 117 - X90-GENERAL PROVISIONS

**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, 2014, and ending June 30, 2015, and "prior fiscal year" means the fiscal year beginning July 1, 2013, and ending June 30, 2014.

**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 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

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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;
- (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;
- (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 Section 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

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income were levied, but no part of such income shall be used for permanent improvements without the express written approval of the Budget and Control Board 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 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 Budget and Control Board upon formal approval by a majority of the members of the Budget and Control Board.

**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.



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**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 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.** DELETED

**117.14.** (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

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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 Budget and Control Board of any agency not in satisfactory compliance with meeting its stated goals.

The Budget and Control Board 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 Budget and Control Board, after consultation with the Human Affairs Commission, is satisfied that the agency is making a good faith 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.

**117.15.** (GP: Personal Service Reconciliation, FTEs) 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 Budget and Control Board.

(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. After that date, the office shall delete any nonestablished positions immediately from the official record of authorized full-time equivalent positions. No positions shall be

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established by the office in excess of the total number of authorized full-time equivalent positions. 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 FTE's between programs as needed to accomplish the agency mission.

(b) That by September thirtieth, the office shall prepare a personal service analysis, by agency, which shows the number of established positions for the fiscal year and the amount of funds required, by source of funds, to support the FTE's for the fiscal year at a funding level of one hundred percent. The office shall then reconcile each agency's personal service detail with the agency's personal service appropriation as contained in the Act adjusted for any pay increases and any other factors necessary to reflect the agency's personal service funding level. The office shall provide a copy of each agency's personal service reconciliation to the Senate Finance and House Ways and Means Committees.

(c) That any position which is shown by the reconciliation to be unfunded or significantly underfunded may be deleted at the direction of the Budget and Control Board.

(3) That full-time equivalent (FTE) positions shall be determined under the following guidelines:

(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.

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(c) When the Executive Budget Office, through study or analysis, becomes aware of any unjustifiable excess of positions in any state agency.

(5) That the Executive Budget Office shall annually reconcile personal service funds with full-time employee count. Unfunded positions will be eliminated no later than January fifteenth of the current fiscal year unless specifically exempted elsewhere in this act or by the Executive Budget Office. The Executive Budget Office must report the full-time employee count and unfunded position status to the Senate Finance Committee and the Ways and Means Committee by February first of the current fiscal year.

(6) 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.

(7) 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).

**117.16.** (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 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 John de la Howe School, 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

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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 Budget and Control Board.

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' Game Management Personnel, Fish Hatchery Personnel, and Fort Johnson Superintendent; the Department of Parks, Recreation and Tourism field personnel in the State Parks Division; 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. 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 Division of Budget and Analyses 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

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Budget and Control Board, 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 Division of Budget and Analyses of the Budget and Control Board 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 Division of Budget and Analyses shall, nevertheless, be subject to review by the Budget and Control Board. 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 Budget and Control Board. 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 South Carolina Division of Budget and Analyses.

In the case of lodging furnished by certain higher education institutions to employees, the prevailing local rate does not apply if the 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

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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.

**117.17.** (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.

**117.18.** (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.

**117.19.** (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

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names of the individuals involved. The Budget and Control Board shall promulgate regulations governing these expenses.

**117.20.** (GP: Per Diem) The per diem allowance of all boards, commissions and committees shall be at the rate of \$35 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.

**117.21.** (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 \$25 per day within the State of South Carolina. For travel outside of South Carolina the maximum daily reimbursement for meals shall not exceed \$32. 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 Budget and Control Board. 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 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.



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(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) Nonlegislative 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 \$35 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 \$35 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 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

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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 \$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 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 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

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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 \$35 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 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

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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 Budget and Control Board 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 Budget and Control Board 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.

**117.22.** (GP: Organizations Receiving State Appropriations Report) Each organization receiving a contribution in this act shall render to the state agency making the contribution by November first of the fiscal year in which funds are received, an accounting of how the state funds will be spent, a copy of the adopted budget for the current year, and also a copy of the organization's most recent operating financial statement. The funds appropriated in this act for contributions shall not be expended until the required financial statements are filed with the appropriate state agency. No funds in this act shall be disbursed to organizations or purposes which practice discrimination against persons by virtue of race, creed, color or

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national origin. The State Auditor shall review and audit, if necessary, the financial structure and activities of each organization receiving contributions in this act and make a report to the General Assembly of such review and/or audit, when requested to do so by the Budget and Control Board.

**117.23.** (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 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

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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.

**117.24.** (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.

Agencies which have separate general fund carry forward authority must exclude the amount carried forward by such separate authority from their base for purposes of calculating the ten percent carry forward authorized herein. 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.

**117.25.** (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

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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 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.

**117.26. DELETED**

**117.27.** (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.

**117.28.** (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

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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 development purposes. However, further disclosure of detailed information shall be restricted as provided for by law.

**117.29.** (GP: School Technology Initiative) From the funds appropriated/authorized for the K-12 technology initiative, the Department of Education, in consultation with the Budget and Control Board's Division of State Information Technology, 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 including interactive online music curriculum that provides lesson plans, songs, videos music lessons, on-line virtual world, auto-assessments, and access site license to all elementary schools at a cost not to exceed \$545,000 and that connects the learning of music with other content areas including reading, mathematics, science and history 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.

**117.30.** (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.

**117.31.** (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



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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, universities and technical schools shall report in accordance with Section 59-101-350.

**117.32.** (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.

**117.33.** (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.

**117.34.** DELETED

**117.35.** (GP: Voluntary Separation Incentive Program) State agencies may implement, in consultation with the Human Resources Division of the Budget and Control Board, 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 not be eligible to participate in the Teacher and Employee Retention Incentive (TERI) program. Employees

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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 Budget and Control Board by August fifteenth, of the current fiscal year. The Budget and Control Board, upon request, shall report to the Senate Finance Committee and the House Ways and Means Committee on these results.

**117.36.** (GP: 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 S.C. Code Section 59-65-50 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 nonattending child before petitioning the court.

**117.37.** (GP: Debt Collection Reports) Each state agency shall provide to the Chairmen of the Senate Finance and House of 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.

**117.38.** (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

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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).

**117.39.** (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.

**117.40.** (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.

**117.41.** (GP: Personal Property Tax Relief Fund) For the current fiscal year, Section 12-37-2735 of the 1976 Code is suspended. If the Personal Property Tax Exemption Sales Tax is imposed in a county and a sales 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.

**117.42.** (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.

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**117.43.** (GP: Governor's Office, Veterans Affairs) Of the funds appropriated for the Division of Veterans Affairs, the Director of the Division shall appoint an additional claims representative within the Division of Veterans Affairs, who, in addition to being charged with the duty of assisting all ex-servicemen, regardless of the wars in which their service may have been rendered, in filing, presenting, and prosecuting to final determination all claims which they have for money compensation, hospitalization, training, and insurance benefits under the terms of federal legislation, shall also specialize in the specific needs and diseases associated with veterans of the Vietnam era. The person appointed as a claims representative under this section must be versed in federal legislation relating to these matters and the rules, regulations, and practice of the Veterans Administration as created by Congress and his appointment must be approved by the Governor.

Subject to the direction of the director, and in addition to other duties prescribed in this section, the claims representative appointed pursuant to this section may represent the Division of Veterans Affairs on the South Carolina Agent Orange Advisory Council and on the Hepatitis C Coalition established by the South Carolina Department of Health and Environmental Control, assist the Division of Veterans Affairs in carrying out its duties in connection with the Agent Orange Information and Assistance program, represent the director in connection with functions relating to Vietnam veterans, and perform other duties as may be assigned by the director.

**117.44.** (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 steel unless the item cannot be acquired competitively at a reasonable price.

**117.45.** (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.

**117.46.** (GP: Sole Source Procurements) The Budget and Control Board shall evaluate and determine whether the written determinations, explanations, and basis for sole source procurements, pursuant to S.C.

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Code Section 11-35-1560, and emergency procurements, pursuant to S.C. Code Section 11-35-1570, are legitimate and valid reasons for awarding noncompetitive contracts.

**117.47.** (GP: DMV Data) 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 South Carolina 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.

**117.48.** (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.

**\*117.49.** (GP: Tobacco Funds) *The Tobacco Settlement Revenue Management Authority may determine by resolution that some or all of the amounts on deposit in the Healthcare Tobacco Settlement Trust Fund established pursuant to Section 11-11-170, whether in the form of principal or interest, may be used to refund bonds issued pursuant to Chapter 49, Title 11, to purchase such bonds, directly or indirectly, and/or to secure bonds issued to refund such bonds. Any amounts received by the Authority pursuant to the preceding clause in excess of the amount required to refund or purchase such bonds and all tobacco settlement receipts received by the State pursuant to Section 11-49-130 must be deposited directly with the Department of Health and Human Services for health care expenditures to achieve the maximum Medicaid match.*

**117.50.** (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 John de la Howe School are authorized to charge, collect, expend and carry forward fees charged for facility and equipment rental and registration.

**117.51.** (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.

**117.52.** (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

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\* See note at end of Act.

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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.

**117.53.** (GP: Agencies Affected by Restructuring) Upon restructuring of state agencies by the General Assembly the Budget and Control Board 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 Board 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 provisos in this act to any restructuring changes that are ratified.

**117.54.** (GP: Agency Administrative Support Collaboration) It is the intent of the General Assembly that state agencies continue to 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.

**117.55.** (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

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victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B)(D), 14-1-207(B)(D), 14-1-208(B)(D), and 14-1-211(B) of the 1976 Code, the State Auditor shall notify the State Office of Victim Assistance. The State Office of Victim Assistance 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 Office of Victim Assistance 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 Office of Victim Assistance 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 Office of Victim Assistance to initiate a programmatic review and a financial audit of the entity's or nonprofit organization's expenditures of victim assistance funds. Additionally, the State Office of Victim Assistance 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 Office of Victim Assistance. If the State Office of Victim Assistance 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 unauthorized items as determined by the State Office of Victims Assistance. 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 Office of Victim Assistance 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 Office of Victim Assistance to the entity or nonprofit organization that

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they are in noncompliance with the provisions of this proviso. All penalties received by the State Office of Victim Assistance shall be credited to the General Fund of the State. If the penalty is not received by the State Office of Victim Assistance 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.

**117.56.** (GP: H.L. Hunley Museum Location) The General Assembly approves the City of North Charleston 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 City of North Charleston. The Hunley Commission is directed to expend funds from its account to negotiate and execute contracts on behalf of the State of South Carolina.

**117.57.** (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.

**117.58.** (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 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.

**117.59.** (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



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thousand dollars per year, based on objective guidelines established by the Budget and Control Board. 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. Employees earning \$100,000 or more shall not be eligible to receive bonuses under this provision.

**117.60.** (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. Such funds may not be expended for any purpose other than for the state share for a federally declared disaster.

In the event there is a federally declared disaster and state match funds are unavailable, the Budget and Control Board 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 days. Funds borrowed from accounts shall be replenished by the General Assembly as soon as practicable.

**117.61.** (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.

**117.62.** (GP: Year-End Financial Statements - Penalties) Agencies and other reporting entities required to submit annual audited financial statements for inclusion in the State's Comprehensive Annual Financial Report must comply with the submission dates stipulated in the State Auditor's Office audit contract. If the audit was not contracted by the State Auditor's Office, the final audited financial statements are due not later than October tenth for the prior fiscal year. Each agency that does not comply with the provisions of this proviso shall appear before the Comptroller General, providing an explanation for the delay.

**117.63.** (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.

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**117.64.** (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 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 case loads; 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.

**117.65.** (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.

**117.66.** (GP: LightRail) Pursuant to this provision the three research universities: Clemson University, the Medical University of South Carolina, and the University of South Carolina-Columbia, are authorized and directed to plan, procure, administer, oversee, and manage all functions associated with the South Carolina LightRail and are thereby exempt from the oversight and project management regulations of the Budget and Control Board, Division of State Information Technology. South Carolina LightRail is an academic network for the use of the state’s three research universities for the exchange of information directly related to their mission and must not carry commercial or K-12 traffic originated in South Carolina. For the current fiscal year, public or private organizations and entities may be

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provided access only through formal documented partnerships with one or more of the three research universities. On February first of the current fiscal year, the entity managing the network must submit to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee a report specifically identifying each entity with access to the network and any payment, including without limitation in-kind payment, that each such organization and entity is making for access to the network.

**117.67.** (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.

**117.68.** (GP: Prosecutors and Defenders Public Service Incentive Program) The Office of Attorney General, the Prosecution Coordination Commission, and the Commission on Indigent Defense, in consultation with the South Carolina Student Loan Corporation and the Commission on Higher Education, shall develop and implement a Prosecutors and Defenders Public Service Incentive Program for attorneys employed by the Office of Attorney General, the Prosecution Coordination Commission, the Commission on Indigent Defense, a Circuit Solicitor's Office or a county 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 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 South Carolina Student Loan Corporation, which shall pay for the cost of administration within the funds appropriated.

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The Office of Attorney General, the Prosecution Coordination Commission, 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 Student Loan Corporation shall 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 September first each fiscal year.

Unexpended program funds from the prior fiscal year may be carried forward into the current fiscal year to be used for the same purpose.

**117.69.** (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.

**117.70.** (GP: Healthcare Employee Recruitment and Retention) The Department of Corrections, Department of Disabilities and Special Needs, Department of Health and Environmental Control, Department of Health and Human Services, Department of Juvenile Justice, Department of Mental Health, and Department of Vocational Rehabilitation are allowed to spend state, federal, and other sources of revenue to provide lump sum bonuses to aid in recruiting and retaining healthcare workers in critical needs healthcare jobs based on objective guidelines established by the Budget and Control Board. The employee bonus amount shall be approved by the State Human Resources Director 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 agencies may also provide paid educational leave for any employees in an FTE position to attend class while enrolled in healthcare degree programs that are related to the agency's mission. All such leave is at the agency head's discretion.

These agencies may enter into an agreement with Psychiatrists, Psychologists, and Nurses employed in those positions to repay them for their outstanding student loans associated with completion of a healthcare degree. The employee must be employed in a critical needs area, which would be identified at the agency head's discretion.

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Critical needs areas could include rural areas, areas with high turnover, or where the agency has experienced recruiting difficulties. 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 principle balance of the employee's student loan prior to issuing payments.

Employees of these agencies 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.

These 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.

**117.71.** (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.

**117.72.** (GP: Sexually Violent Predator Program) After the Department of Mental Health obtains all necessary project approvals, the Department of Corrections may utilize inmate labor to perform any portion of the construction of an addition to the Edisto Unit at the Broad River Correctional Institution, which houses the Department of Mental Health's Sexually Violent Predator Treatment Program, such addition to be used for additional treatment space and staff offices. For purposes of this project, the Department of Corrections may exceed the \$350,000 limit on projects for which it may use inmate labor.

**117.73.** (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

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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.

**117.74.** (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.

**117.75.** (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.

**117.76.** (GP: Reduction in Force/Agency Head Furlough) In the event a reduction in force is implemented by a state agency or institution of higher learning, the agency head shall be required to take five days furlough in the current fiscal year. If more than one reduction in force plan is implemented in a fiscal year, the mandatory agency head furlough is only required for the initial plan. The agency head will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be retained by that agency and expended at the discretion of the agency head. During this furlough, the agency head shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their

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salaries. As to those benefits which require employer and employee contributions, the state agency 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 agency head remains solely responsible for making those contributions.

Placement of an agency head on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Procedure Act. In the event the reduction for the state agency or institution of higher learning is due solely to the General Assembly transferring or deleting a program, this provision does not apply. Agencies may allocate the agency head's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. The Budget and Control Board, Human Resources Division shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso. State agencies shall report information regarding furloughs to the Human Resources Division of the Budget and Control Board.

For purposes of this provision, agency head includes the president of a technical college as defined by Section 59-103-5 of the 1976 Code.

The agency head of the State Board for Technical and Comprehensive Education shall not be required to take this mandatory furlough based solely on the implementation of a reduction in force plan by a technical college.

An agency head shall not be required to take this mandatory furlough based solely on reductions in force implemented as a result of federal budget cuts or reorganization to accomplish organizational efficiencies.

**117.77.** (GP: Printed Report Requirements) (A) For Fiscal Year 2014-2015, 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.

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(B) For Fiscal Year 2014-2015, 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 Fiscal Year 2014-2015, 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 Fiscal Year 2014-2015, 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.

**117.78.** (GP: IMD Operations) All funds received by the Department of Education, the Department of Juvenile Justice, the Department of Disabilities and Special Needs, the Department of Mental Health, the Department of Social Services, and the Governor's Office of Executive Policy and Programs-Continuum of Care as State child placing agencies for the Institution for Mental Diseases Transition Plan (IMD) of the discontinued behavioral health services in group homes and child caring institutions, as described in the Children's Behavioral Health Services Manual Section 2, dated 7/01/06, shall be applied only for out of home placement in providers which operate Department of Social Services or Department of Health and Environmental Control licensed institutional, residential, or treatment programs. An annual report by each state child placing agency shall be made on the expenditures of all IMD transition funds and 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. The Department of Health and Human Services shall review the numbers of out of home placements by type and by agency each year and make recommendations to the General Assembly.

**117.79.** (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



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the fines and fees to be charged, collected, or received; (2) the amount received by source; (3) the purpose for which the funds were expended by the agency; (4) the amount of funds transferred to the general fund, if applicable, and the authority by which the transfer took place; and (5) 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.

**117.80.** (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 Budget and Control Board 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.

**117.81.** (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 Budget and Control Board 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

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is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

**117.82.** (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.

**117.83.** (GP: Information Technology for Health Care) From the funds appropriated and awarded to the South Carolina Department of Health and Human Services for the Health Information Technology for Economic and Clinical Health Act of 2009, the department shall advance the use of health information technology and health information exchange to improve quality and efficiency of health care and to decrease the costs of health care. In order to facilitate the qualification of Medicare and/or Medicaid eligible providers and hospitals for incentive payments for meaningful health information technology (HIT) use, a health care organization participating in the South Carolina Health Information Exchange (SCHIE) or a Regional Health Information Organization (RHIO) or a hospital system health information exchange (HIE) that participates in SCHIE may release patient records and medical information, including the results of any laboratory or other tests ordered or requested by an authorized health care provider within the scope of his or her license or practice act, to another health information organization that requests the information via a HIE for treatment purposes with or without express written consent or authorization from the patient. A health information organization that receives or views this information from a patient's electronic health record or incorporates this information into the health information organization's electronic medical record for the patient in providing treatment is considered an authorized person for purposes of

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42 C.F.R. 493.2 and the Clinical Laboratory Improvement Amendments.

**117.84.** (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 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.

**117.85.** (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.

**117.86.** (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 an agency that the likelihood of a deficit for the current fiscal year exists, the agency shall submit to the Executive Budget Office within fourteen days, a plan to minimize or eliminate the projected deficit. After submission of the plan, if it is determined that the deficit cannot be eliminated by the agency on its own, the agency is required to officially notify the Budget and Control Board within thirty days of such determination that the agency is requesting that a deficit be recognized. Once a deficit has been recognized by the Budget and

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Control Board, the agency shall limit travel and conference attendance to the minimum required to perform the core mission of the agency. In addition, the board when recognizing a deficit may direct that any pay increases and purchases of equipment and vehicles shall be approved by the Executive Budget Office.

**117.87.** (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.

**117.88.** (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 Statewide Accounting and Reporting System or the South Carolina Enterprise Information System shall prepare a report for each account disclosing every transaction of the account in the prior fiscal year. The report shall be submitted to the Budget and Control Board 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 Budget and Control Board shall prescribe a

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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 Budget and Control Board 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 Budget and Control Board in a public meeting.

**117.89.** (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 disclosure by federal or state law or regulation must be redacted from any posting required by this section.

**117.90.** (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.

**117.91.** (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, \$300,000 shall be transferred to the Senate for the Joint Citizens and Legislative Committee on Children to provide the report, research, and other operating expenses

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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 92.10.

**117.92.** (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 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.

**117.93.** (GP: Recovery Audits) The Budget and Control Board 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

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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 Budget and Control Board 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 Budget and Control Board 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.

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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 Budget and Control Board 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.

**117.94.** (GP: Funds Transfer to ETV) In the current fiscal year funds appropriated in Part IA to the Budget and Control Board in Section 101 for Legislative & Public Affairs Coverage and Emergency Communications Backbone and to the Law Enforcement Training Council in Section 64 for State & Local Training of Law Enforcement, City and County municipal training services must be transferred to the Educational Television Commission (ETV) during July 2014 for the continuation of services as provided in the prior fiscal year.

**117.95.** (GP: Opt Out of Federal Patient Protection and Affordable Care Act) If federal law permits, the State of South Carolina opts out of the following provisions in the federal Patient Protection and Affordable Care Act (Public Law 111-148):

- (1) Subtitles A through C of Title I (and the amendments made by such subtitles), except for Sections 1253 and 1254;
- (2) Parts I, II, III, and V of subtitle D of Title I (and the amendments made by such parts);
- (3) Part I of subtitle E of Title I (and the amendments made by such part);
- (4) Subtitle F of Title I (and the amendments made by such subtitle);
- (5) Sections 2001 through 2006 (and the amendments made by such sections); and
- (6) Sections 10101 through 10107 (and the amendments made by such sections).



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**117.96.** (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 1, 2014.

**117.97.** (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 administrative overhead cost that does not directly impact the agency's mission; and as a final option (3) reductions to programmatic funding.

**117.98.** (GP: WIA Service Advertising) For Fiscal Year 2014-2015, the Workforce Investment Boards may promote outreach for their services via billboard, bus placard, newspapers, or radio in all workforce investment areas. This outreach may not be limited to e-mail, online, or other internet-based outreach, publicity, or other promotions. Workforce investment boards must adhere to all state procurement policies and procedures when utilizing outreach for the services provided by the Workforce Investment Act.

**117.99.** (GP: WIA Training Marketability Evaluation) (A) For Fiscal Year 2014-2015, 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 November 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,

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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.

**117.100.** (GP: Victims Assistance Transfer) The Department of Corrections shall transfer \$20,500 each month to the Department of Public Safety for distribution through the State Victims Assistance Program.

**117.101.** (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.

**117.102.** (GP: USC Greenville Medical School) It is the intent of the General Assembly that during Fiscal Year 2014-2015, 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.

**\*117.103. (GP: RSIC Performance Incentive Compensation Plan)** *Of the funds appropriated and or authorized, the Retirement Investment Commission shall submit a Performance Incentive Compensation Plan to the Senate Finance Retirement Subcommittee and the House Ways and Means Legislative, Executive, and Local Government Subcommittee by October 1, 2014 that sets forth a plan regarding investment staff's salary bonuses for Fiscal Year 2014-2015. The plan shall include, but not be limited to, a clearly articulated listing of employees affected, how much incentive bonus is to be received, and clearly delineated associated performance goals and outcomes, not only on a quantitative basis which will be aligned to approved bench marks by asset class, but also on a qualitative basis tied to each individual's sustained performance, position specific accountabilities, and any competitive pay requirements.*

*The Senate and House Subcommittees shall approve or disapprove the plan by December 1, 2014, and the plan must not be implemented*

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\* See note at end of Act.

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*without legislative approval. Any bonus plan, if not approved by the legislative subcommittees, may not be carried over from year to year.*

**117.104.** (GP: First Steps - BabyNet) In addition to the statutory duties assigned to South Carolina First Steps to School Readiness Board of Trustees; the board shall ensure the state's compliance with the Individuals with Disabilities Act, Part C and the First Steps' full implementation of recommendations contained in the 2011 audit report of the LAC regarding the BabyNet Program. First Steps shall submit any necessary statutory changes to the Chairman of the House Education and Public Works Committee and the Chairman of the Senate Education Committee and any budget recommendations in the agency's budget request as submitted to the Governor. Until completion, First Steps shall post on its' website a quarterly report on the timelines of its progress in implementing the recommendations of the LAC. The Board of Trustees will be kept informed monthly of all activities related to this requirement and those progress reports must be recorded in the minutes for each meeting of the Board of Trustees. When First Steps has implemented all of the recommendations enumerated above, a final report shall be submitted to the Board of Trustees for its' adoption. Upon approval by the Board of Trustees, the final report shall be published on First Steps' homepage. First Steps to School Readiness, the School for the Deaf and Blind, the Department of Disabilities and Special Needs, the Department of Health and Human Services, the Department of Mental Health and the Department of Social Services shall each provide on a common template developed by the agencies, 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.

**117.105.** (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.

**117.106.** (GP: Prohibits Local Government Fund Public Funded Lobbyists) All local governmental entities including, but not limited

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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.

**117.107.** (GP: School Construction Development Impact Fee Assessment Prohibition) Governmental entities are prohibited from assessing South Carolina Development Impact Fees on the construction of new elementary, middle, or secondary schools. If a governmental entity violates this prohibition it shall have its Aid to Subdivisions Allocation reduced by the amount of the impact fee.

**117.108.** (GP: First Steps Reauthorization) Act 99 of 1999, the South Carolina First Steps to School Readiness Act, is reauthorized for the duration of Fiscal Year 2014-2015.

**117.109.** (GP: Sexually Violent Predator Treatment RFP) The Director of the Department of Mental Health and the Director of the Department of Corrections shall cooperate with the Budget and Control Board, Division of Procurement Services which shall develop and cause to be issued a Request for Proposals (RFP) seeking long-term solutions for securely housing and treating the growing population of individuals adjudicated as Sexually Violent Predators and civilly committed to the Department of Mental Health pursuant to the Sexually Violent Predators Act.

The purpose of the RFP shall be to seek proposals from qualified private providers to provide secure housing and treatment services to all individuals civilly committed pursuant to the Sexually Violent Predators Act.

As part of the process, the Department of Mental Health, the Department of Corrections, and the Budget and Control Board shall provide up-to-date information concerning the current operation of the program and shall provide information about suitable state owned real property. The RFP shall be issued on or before October 31, 2013.

The RFP shall be worded broadly to allow respondents to propose creative and cost-effective long-term solutions for the operation of this program in order to address the issues raised in Proviso 23.15 of the 2012-13 State Appropriations Act and the resulting January 3, 2013, Report on the SVP Program issued by the Department of Mental Health and the Department of Corrections.

In addition to treatment services, respondents shall be allowed, but not required, to propose a single source solution with responsibility for all aspects of the program including but not limited to housing,

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security, food, clothing, health care, transport, and treatment services. The RFP shall allow for, but not require, respondents to include in their responses the use of other private or public partners (subcontractors) and/or the lease or use or purchase of state owned real property.

The selected contractor may be authorized to sponsor the issuance of tax exempt certificates of participation or other finance solutions to fund the project and the state is authorized to enter into a lease/purchase agreement for the necessary replacement facilities.

**117.110.** (GP: Prohibit Use of State Aircraft for Athletic Recruitment) Institutions of higher learning may not use the state aircraft operated by the Division of Aeronautics for the purpose of athletic recruiting.

**117.111.** (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.

**117.112.** DELETED

**117.113.** (GP: Technology and Remediation) The funds appropriated to the Budget and Control Board 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 State Information Technology.

**117.114.** (GP: Fiduciary Audit) Of the funds authorized for the Public Employee Benefit Authority, the authority shall transfer \$700,000 to the Office of Inspector General. The funds transferred shall be utilized by the Inspector General to employ a private audit firm to perform the fiduciary audit on the Public Employee Benefit Authority as required by Section 9-4-40 of the 1976 Code, as amended.

**117.115.** DELETED

**117.116.** (GP: Donation of Alcoholic Liquors) In the current fiscal year, a wholesaler may donate beer, wine, and alcoholic liquors to a nonprofit organization that has a license, including a temporary license, to serve the applicable beverage. This provision only applies if the event hosted by the nonprofit organization creates an economic impact on State revenues.

## SECTION 117 - X90-GENERAL PROVISIONS

**117.117.** (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.

(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 section:

(1) "Agency" means any agency, department, board, commission, committee, or institution of higher learning of the State or a political subdivision of it.

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(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 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.

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(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.

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



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that compile and maintain files on a nationwide basis, as defined in 15 USC Section 1681a(p), of the timing, distribution, and content of the notice.

**117.118.** (GP: State Ports Authority Property) The State Ports Authority shall transfer fifty acres of its real property on Daniel Island to the Department of Parks, Recreation, and Tourism, which shall ensure, in the manner it deems appropriate, that the property is used for public recreation activities. If the State Ports Authority has not completed the sale of its remaining real property on Daniel Island and Thomas (St. Thomas) Island, except for the dredge disposal cells that are needed in connection with the construction of the North Charleston terminal on the Charleston Naval Complex and for harbor deepening and for channel and berth maintenance, by June 30, 2015, the authority must transfer the property to the Budget and Control Board. The authority shall sell the real property under terms and conditions it considers most advantageous to the authority and the State of South Carolina.

**117.119.** DELETED

**117.120.** DELETED

**117.121.** (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.

**117.122.** (GP: Detailed Expenditure/Revenue Reports PCC/CID) The Prosecution Coordination Commission and the Commission on Indigent 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

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and Means Committee and Chairman of the Senate Finance Committee with a combined report by September fifteenth of the current fiscal year.

**117.123. DELETED**

**117.124.** (GP: South Carolina Welcome Centers) The Department of Parks, Recreation and Tourism and the Department of Transportation shall enter into a Memorandum of Understanding (MOU) which transfers control of all South Carolina Welcome Centers to the Department of Parks, Recreation and Tourism on July 1, 2014. The MOU at a minimum shall transfer to the Department of Parks, Recreation and Tourism control which includes, but is not limited to, 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, but not be limited to, paving and sidewalks. The Department of Transportation shall transfer to the Department of Parks, Recreation and Tourism the amount of funds expended in the prior fiscal year for all items the Department of Parks, Recreation and Tourism assumes responsibility for and 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.

**117.125. DELETED**

***\*117.126. (GP: Hunley Commission) For the current fiscal year, the provisions of Section 54-7-100 of the 1976 Code that provide for three members appointed by the Governor and for the Lieutenant Governor, or his designee to serve on the Hunley Commission are suspended.***

**117.127.** (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:

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\* See note at end of Act.

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## (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;

(c) One-time costs over \$500 for such items as supplies;

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;

(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.

**117.128.** DELETED

**117.129.** DELETED

**117.130.** (GP: Charleston & Dorchester County Sound Barriers) From the funds authorized to the Department of Transportation, the department shall take the appropriate measures to allow the counties of Charleston and Dorchester to construct sound barriers in the department's easements along Interstate 26 within the borders of

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Charleston County and along Dorchester Road within Dorchester County, provided, no funds appropriated or authorized in Part IA to the Department of Transportation, any other section of this act, any Federal Funds, unless otherwise agreed to by the local Metropolitan Planning Organization or Council or Governments for use of a portion of their annual federal allocation, or any Other Funds, shall be used in the construction of the sound barriers, and only local dollars shall be used in the construction of sound barriers. The sound barriers must meet the state and federal noise abatement guidelines and must be constructed to meet any and all state and federal regulations. Consistent with the requirements of Section 57-25-190 (E) of the 1976 Code, or regulations adopted pursuant thereto, including construction by a local government in a state right of way, the owner of a legally erected and maintained billboard shall have the option to relocate such billboard sign to another location as close as practicable to the sign being relocated or adjust the height or angle of the billboard sign to a height or angle that restores the visibility of the billboard sign to the same or comparable visibility as before construction of a sound barrier. Costs for relocation or alteration of a billboard due to sound barrier installation by a local government in a state right of way shall be paid by the local government. The provisions of Section 39-14-10 et seq of the 1976 Code will apply regarding any compensation to be paid by local governments for billboard signs which cannot be relocated or altered.

**117.131.** (GP: Information Technology Disaster Recovery Plan) The Budget and Control Board shall perform, or issue a Request for Proposals (RFP) for purposes of selecting a vendor to perform, a study to develop recommendations for a statewide information technology disaster recovery plan. If the Budget and Control Board issues an RFP, the Executive Director shall designate a coordinator to work with the vendor chosen in the RFP process. If the Budget and Control Board performs the study, advice should be sought from private and public sector resources on best practices for disaster recovery management. In making recommendations, cloud backup technology, warm site locations (specifically including the Clemson University Data Center in Anderson, South Carolina), and hybrid data replication and backup solutions should be considered. The Budget and Control Board is authorized to use as funding for the study excess appropriations for the current fiscal year, as determined by the Executive Director of the Budget and Control Board, designated for statewide employer contributions for other statewide purposes. A report of

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recommendations and estimated costs for implementation of a statewide disaster recovery plan shall be submitted to the Governor, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by March 1, 2015.

The Judicial Department, Legislative Department, public institutions of higher learning, technical colleges, political subdivisions and quasi-governmental bodies shall not be included within the scope of the study commissioned by this proviso. The study shall consider the data protection needs of all other state agencies in developing recommendations and note any agency that should be excluded from participation in statewide disaster recovery management services.

**117.132.** (GP: Information Technology and Information Security Plans) (A) By October 1, 2014, all state agencies must submit an information technology plan and an information security plan for Fiscal Year 2014-2015 to the Budget and Control Board's Division of Technology. 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 division and shall include at least: (1) the information technology objectives of the state agency; (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.

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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 Division of Technology 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.

***\*117.133. (GP: Joint Transportation Corridor Study Committee)  
There is created the Joint Transportation Corridor Study Committee which shall be composed of the following: two members appointed by the Governor; one member of the Senate appointed by the President Pro-Tempore of the Senate; one member of the Senate Finance Committee appointed by the Chairman of the Senate Finance Committee; one member of the Senate Transportation Committee appointed by the Chairman of the Senate Transportation Committee; one member of the Senate Labor, Commerce and Industry Committee appointed by the Chairman of the Senate Labor, Commerce and Industry Committee; one member of the Senate appointed by the Senate Majority Leader; one member of the Senate appointed by the Senate Minority Leader; one member of the House***

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\* See note at end of Act.

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*of Representatives appointed by the Speaker of the House; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means Committee; one member of the House Education and Public Works Committee appointed by the Chairman of the House Education and Public Works Committee, one member of the House Labor, Commerce and Industry Committee appointed by the Chairman of the House Labor, Commerce and Industry Committee; one member of the House of Representatives appointed by the House Majority Leader; and one member of the House of Representatives appointed by the House Minority Leader. The Joint Study Committee shall form a Government and Freight Industry Advisory Subcommittee composed of one representative from each of the following: the South Carolina Trucking Association; the South Carolina Manufacturers Alliance; the South Carolina Chamber of Commerce; the Palmetto Agribusiness Council; the State Ports Authority; the Department of Commerce; and the Department of Transportation.*

*The committee shall study transportation corridors which are the state's primary commercial, commuter and tourist arteries, with respect to traffic congestion, safety and efficiency of existing South Carolina interstates and with respect to the state's major metropolitan areas and which connect the vital port terminals at Charleston to upstate industries. The study shall include, but is not limited to, the need for capacity expansion, removal of bottlenecks, traffic flow, safety improvements, interstate-only prioritization list, and adequacy of current and anticipated federal funding. The Department of Transportation shall provide staffing and other resources as required. Expenses of the committee shall be borne by the appointing agencies and entities.*

*The committee shall submit a report containing their findings and any recommended plans of action by December 31, 2014, to the Governor, the Senate, the House of Representatives, the Joint Transportation Review Committee, and the Department of Transportation Commission.*

*The Governor is encouraged to address the findings and any plans of action in the 2015 State of the State Address and/or in the Executive Budget submitted to the General Assembly.*

117.134. (GP: Detail Budget Preparation) The Executive Budget Office is directed to prepare the subsequent detail budget with provisos

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to reflect the appropriations and provisions in this act to conform with the implementation of the South Carolina Restructuring Act of 2014.

**117.135.** DELETED

**117.136.** DELETED

**117.137.** DELETED

**SECTION 118 - X91-STATEWIDE REVENUE**

**118.1.** (SR: Year End Expenditures) 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, 2015. 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 14, 2015. 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 Budget and Control Board 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 Budget and Control Board, 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 Budget and Control Board 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 Board 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 Board 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 Board determines the state would be best served by not receiving



## SECTION 118 - X91-STATEWIDE REVENUE

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 Budget and Control Board. Titling in the name of the state shall not affect the operation or use of real property by an agency.

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.

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 Budget and Control Board 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

## SECTION 118 - X91-STATEWIDE REVENUE

fund. This amount 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: Criminal Justice Academy Funding) (A) In addition to all other assessments and surcharges, during the current fiscal year, a five dollar surcharge to fund training at the South Carolina Criminal Justice Academy is also levied on all fines, forfeitures, escheatments, or other monetary penalties imposed in the general sessions court or in magistrates' or municipal court for misdemeanor traffic offenses or for nontraffic violations. No portion of the surcharge may be waived, reduced, or suspended. The additional surcharge imposed by this section does not apply to parking citations.

(B) The revenue collected pursuant to subsection (A) must be retained by the jurisdiction, which heard or processed the case and paid to the State Treasurer within thirty days after receipt. The State Treasurer shall transfer the revenue quarterly to the South Carolina Criminal Justice Academy.

(C) The State Treasurer may request the State Auditor to examine the financial records of any jurisdiction which he believes is not timely transmitting the funds required to be paid to the State Treasurer pursuant to subsection (B). The State Auditor is further authorized to conduct these examinations and the local jurisdiction is required to participate in and cooperate fully with the examination.

(D) In the event S. 894, which was introduced on December 17, 2013, is enacted into law, and if Section 14-1-240 as contained in that enactment is in effect, the requirements of this provision shall be suspended for as long as Section 14-1-240 is in effect.

***\*118.5. (SR: LGF) For the current fiscal year, Section 6-27-30 of the 1976 Code is suspended.***

**118.6.** (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.

**118.7.** (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 and shall be utilized by

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\* See note at end of Act.

## SECTION 118 - X91-STATEWIDE REVENUE

the Department of Health and Human Services for the Medicaid program. By this provision these funds are deemed to have been received and are available for appropriation. Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

**118.8.** (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.

**118.9.** (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 fiscal year and used by that facility for marketing the events held at the facility.

**118.10.** (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 to the Budget and Control Board 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.

**118.11.** (SR: Tax Relief Reserve Fund) There is created the Tax Relief Reserve Fund, which shall be separate and distinct from the

## SECTION 118 - X91-STATEWIDE REVENUE

General Fund. Interest accrued by the fund must remain in the fund. Notwithstanding any other provision of law, on December 31, 2014, 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.

**118.12.** DELETED

**118.13.** DELETED

**118.14.** (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 or other protect the private of a person' 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 indentifying information, as defined by Section 16-13-510(D), 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 pretheft 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.

## SECTION 118 - X91-STATEWIDE REVENUE

(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.

**118.15.** (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") during Fiscal Year 2014-2015, 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) \$1,500,000 to the Department of Agriculture pursuant to Section 11-49-55 of the 1976 Code; and

(3) The remaining balance shall be transferred to the Department of Health and Human Services for the Medicaid program.

(B) The requirements of Section 11-11-170 of the 1976 Code shall be suspended for Fiscal Year 2014-2015.

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

(1) \$68,370,147 from Fiscal Year 2012-2013 Contingency Reserve Fund;

(2) \$165,016,789 from Fiscal Year 2013-2014 unobligated general fund revenue as certified by the Board of Economic Advisors; and

(3) \$2,288,513 from Fiscal Year 2013-2014 Capital Reserve Fund lapse.

This revenue is deemed to have occurred and is available for use in Fiscal Year 2014-2015 after September 1, 2014, following the

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Comptroller General's close of the state's books on Fiscal Year 2013-2014.

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 2013-2014 and shall be available for use in Fiscal Year 2014-2015.

(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, 2014, for the purposes stated:

- (1) General Reserve Fund Contribution.....\$26,589,048;
- (2) V04 - Debt Service
  - Debt Service Payments.....\$21,767,082;
- (3) E28 - Election Commission
  - (a) Security and Technology Enhancements.....\$100,000;
  - (b) Statewide Election Funds .....\$456,323;
  - (c) Equal Access to the Ballot (S.2).....\$245,000;
- (4) A85 - Education Oversight Committee
  - (a) Partnerships for Innovation-Transform SC ..\$200,000;
  - (b) School Efficiency Review-Proviso 1.95.....\$300,000;
  - (c) EOC Education Pilot Program-  
Proviso 1.94.....\$1,000,000;
- (5) H63 - Department of Education
  - (a) Hold-Harmless Transition Payments with EOC  
Funding Model .....\$5,047,659;
  - (b) Hold-Harmless Transition Payments  
Charter Schools .....\$1,500,000;
  - (c) Digital Instructional Materials.....\$7,000,000;
  - (d) Teacher Training for Technology.....\$4,000,000;
  - (e) Charter School Facility Revolving  
Loan Program .....\$500,000;
  - (f) BabyNet Data System-Required Upgrades ..\$838,100;
  - (g) Governor's School for the Arts and  
Humanities-Humidity Control in  
ResidenceHall.....\$55,000;
  - (h) Governor's School for the Arts and  
Humanities-Classroom Reconfiguration ....\$55,000;

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- (i) Instructional Materials.....\$1,666,161;
- (j) Transportation .....\$1,000,000;
- (k) SDE CDEPP .....\$910,000;
- (l) First Steps CDEPP.....\$490,000;

(5.1) Of the funds appropriated above in subitem (5)(a) to the Department of Education for Hold-Harmless Transition Payments, the department is directed to provide funds to the districts that will not receive an increase in Education Finance Act funds as a result of the Education Finance Act transition. The funds are to be disbursed to districts as a direct reimbursement for lost EFA revenue only during Fiscal Year 2014-2015.

(5.2) Of the funds appropriated above in subitem (5)(b) to the Department of Education for Hold-Harmless Transition Payments to Charter Schools, the department is directed to provide funds to the charter schools sponsored by a local school district and located in districts that do not receive transition funds that will not receive an increase in Education Finance Act funds as a result of the Education Finance Act transition. The funds are to be disbursed to districts as a direct reimbursement for lost EFA revenue only during Fiscal Year 2014-2015. If any excess funds exist, they must be transferred to the Charter School Revolving Loan Program.

(5.3) Of the funds appropriated above in subitem (5)(d) to the Department of Education for Teacher Training for Technology, each school district or special school shall receive a proportional allocation based on the previous year's one hundred thirty-five day average daily membership. The district must use these funds to provide teachers with professional development specifically related to Teacher Training for Technology. These funds may not be used to supplant existing school district expenditures. By June 1, 2015, and on a form specified by the Department of Education, each school district or special school must report to the department on the amounts of state funds and any local funds expended on such training and describe the types of professional development and training provided to teachers and the number of teachers that participated.

(5.4) The funds appropriated above in subitem (5)(k) and (5)(l) for CDEPP must only be used for nonrecurring expenses related to the retrofitting of new CDEPP classrooms.

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- (6) H59 - State Board for Technical and Comprehensive Education
- (a) Critical Needs Workforce Development Initiative .....\$2,000,000;
  - (b) Technical College of the Lowcountry-Transitioning Military Support and Training Program; Building 16 Renovation, Parking and Road Improvements.....\$1,500,000;
  - (c) Aiken Technical College-Renovation of IT Infrastructure .....\$608,500;
  - (d) Tri County Technical College-CNC and Mechatronics Programs .....\$1,000,000;
  - (e) Florence-Darlington Technical College-Automotive Technology Program Equipment.....\$1,750,000;
  - (f) Midlands Technical College-Quick Jobs Program .....\$750,000;
  - (g) Spartanburg Community College-Cherokee Campus-Advanced Manufacturing and Industrial Equipment.....\$500,000;
  - (h) Central Carolina Technical College-Kershaw Campus.....\$844,513;
  - (i) Central Carolina Technical College-Industrial Building Renovation .....\$750,000;
  - (j) Orangeburg-Calhoun Technical College-Health Sciences and Nursing Building Annex.....\$1,000,000;
  - (k) Spartanburg Community College-Academic Student Services Building .....\$750,000;
  - (l) Horry-Georgetown Technical College-Culinary Arts Building .....\$1,750,000;
  - (m) Midlands Technical College-Building Capacity for STEM Education.....\$750,000;
  - (n) Williamsburg Technical College-Facilities Management Building .....\$750,000;

(6.1) Of the funds appropriated above in subitem (6)(a), the State Board for Technical and Comprehensive Education shall fund a pilot program at Tri-County Tech and a pilot program at Central Carolina Tech designed to address workforce shortages in South Carolina's



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manufacturing community. These pilot programs shall at a minimum create a process by which local high school students can dual enroll in class offerings at the technical college so that they can graduate high school with a manufacturing certification.

(6.2) Of the funds appropriated above in subitem (6)(b), \$200,000 shall be allocated to the Transitional Workforce Education Assistance Collaborative (TWEAC) to be used by the collaborative to provide workforce services to armed services personnel transitioning from military to civilian careers. Funds allocated to TWEAC for this purpose shall complement, and be provided in conjunctions with, training programs provided at the Technical College of the Lowcountry.

- (7) P32 - Department of Commerce
- (a) Deal Closing Fund.....\$12,406,874;
  - \* (b) *SC Council on Competitiveness* ..... \$750,000;
  - \* (c) *Community Development Corporation Initiative* ..... \$350,000;
  - \*\* (d) *Columbia Minority Business Development Agency*..... \$60,000;
  - \*\* (e) *Railroad Spur - I-26/95* ..... \$600,000;
  - (f) Lexington County Water and Wastewater....\$500,000;
  - \*\* (g) *Capital IT-oLogy Coursepower Project*..... \$400,000;
  - \*\* (h) *Marion County Workforce Training Facility* ..... \$100,000;
  - \*\* (i) *340 Industrial Park*..... \$750,000;
- (8) H87 - State Library  
Aid to Counties-Per Capita \$1.25.....\$1,341,395;
- (9) P36 - Patriots Point Development Authority  
Medal of Honor Museum .....\$1,000,000;
- (10) J04 - Department of Health and Environmental Control
- (a) Best Chance/Colon Cancer Networks .....\$1,500,000;
  - (b) J.R. Clark Sickle Cell Foundation ..... \$100,000;
  - (c) Bleeding Disorders-Premium Assistance Program ..... \$100,000;
  - (d) Ocean Water Quality Outfall Initiative .....\$500,000;
  - \*\* (e) *Sea Haven*..... \$250,000;
  - (f) Water Quality .....\$3,575,700;

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\* See note at end of Act.

\*\* See note at end of Act.

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- \*\* (g) Public Swimming Pool - ADA**  
**Compliance-Walhalla..... \$100,000;**  
 (h) Donate Life-Organ Donor Registry ..... \$50,000;  
 (i) Outreach Program for Continued Testing  
 of TB Victims ..... \$125,000;  
**\*\* (j) City of Laurens-Asbestos Abatement ..... \$150,000;**  
 (k) City of Cayce-Chemical Fire  
 Rehabilitation ..... \$100,000;

(10.1) Of the funds appropriated above in subitem (10)(a), the Department of Health and Environmental Control shall utilize \$1,000,000 for the Best Chance Network and \$500,000 shall be used as matching funds for the Colon Cancer Prevention Network.

(11) P28 - Department of Parks, Recreation, and Tourism

- \*\* (a) Palmetto Trail..... \$150,000;**  
**\*\* (b) Sports Development Fund..... \$2,000,000;**  
**\*\* (c) Marketing-International ..... \$400,000;**  
**\*\* (d) Greenville Children's Museum ..... \$150,000;**  
 (e) African-American History Museum ..... \$5,000,000;  
**\*\* (f) Football Exhibition Games ..... \$300,000;**  
**\*\* (g) SC Equine Park ..... \$100,000;**  
**\*\* (h) Historic Columbia-Woodrow Wilson  
 Family Home ..... \$250,000;**  
**\*\* (i) Parks and Recreation Development  
 Program ..... \$1,000,000;**  
**\*\* (j) Southeastern Wildlife Expo..... \$200,000;**  
**\*\* (k) State Park Fire Department-Jones Gap..... \$50,000;**  
**\*\* (l) Town of Eastover-Historic Site  
 Preservation ..... \$75,000;**  
**\*\* (m) SC Hall of Fame..... \$100,000;**  
**\*\* (n) Walhalla Civic Auditorium Historic  
 Preservation ..... \$200,000;**  
**\*\* (o) Undiscovered South Carolina ..... \$500,000;**  
**\*\*\* (p) Panthers Training Camp..... \$75,000;**  
 (q) Shaw Air Force Base Welcome Center ..... \$750,000;  
**\* (r) Multi-Purpose Business/Entertainment/Sports  
 Complex-City/County of Spartanburg .... \$200,000;**

\* See note at end of Act.

\*\* See note at end of Act.

\*\*\* See note at end of Act.

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- \*\* (s) *Black Expo*..... \$150,000;
- \* (t) *Francis Marion Commission* ..... \$100,000;

(11.1) Of the funds appropriated above in subitem (11)(b), the Department of Parks Recreation and Tourism shall make grant awards available to youth sport organizations. All grant awards must be matched dollar-for-dollar with a nonstate match. Organizations must be able to demonstrate an annual economic impact that exceeds the award amount.

(11.2) Of the funds appropriated above in subitem (11)(c), the Department of Parks Recreation and Tourism must use \$200,000 as match for the Coastal, South Carolina USA international tourism campaign; and \$100,000 shall be sent to the Myrtle Beach Area Chamber for International Tourism.

(11.3) Of the funds appropriated above in subitem (11)(i), the Department of Parks, Recreation and Tourism must distribute and administer the funds in accordance with Chapter 23 of Title 51 of the South Carolina Code of Laws.

(11.4) Of the funds appropriated above in subitem (11)(s), the Department of Parks, Recreation and Tourism shall distribute the funds to the Black Expo, which shall allocate the funds equally between the Columbia, Charleston, and Upstate Expos. The funds shall be used specifically for marketing and promotion of the Expos.

- (12) X22 - Local Government Fund, State Treasurer
  - Local Government Fund.....\$25,000,000;
- (13) U20 - County Transportation Funds
  - Allocation to Counties.....\$13,500,000;
- (14) H71 - Wil Lou Gray Opportunity School
  - Paving.....\$350,000;
- (15) Y14 - State Ports Authority
  - Jasper Port Development.....\$1,200,000;
- (16) H03 - Commission on Higher Education
  - (a) Need-Based Grants .....\$2,600,000;
  - (b) Child Abuse Medical Response
    - Program .....\$225,000;
  - \*\* (c) *Lowcountry Graduate Center*..... \$300,000;
- (17) H09 - The Citadel
  - (a) Higher Education Efficiency, Effectiveness and
    - Accountability Review .....\$81,290;

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\*\* See note at end of Act.

\* See note at end of Act.

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- (b) Mechanical Engineering Lab and Equipment.....\$1,305,678;
- (18) H12 - Clemson University
  - (a) Higher Education Efficiency, Effectiveness and Accountability Review ..... \$596,066;
  - (b) Main Campus Electrical Infrastructure Maintenance and Improvements ..... \$1,118,674;
- (19) H15 - University of Charleston
  - (a) Higher Education Efficiency, Effectiveness and Accountability Review ..... \$176,755;
  - (b) Simons Center for the Arts Renovation..... \$529,781;
  - (c) Acquisition of Surplus Property ..... \$2,000,000;
- (20) H17 - Coastal Carolina University
  - (a) Higher Education Efficiency, Effectiveness and Accountability Review ..... \$81,842;
  - (b) Parity Funding ..... \$406,395;
  - (c) Science Center Complex ..... \$1,000,000;
- (21) H18 - Francis Marion University
  - (a) Higher Education Efficiency, Effectiveness and Accountability Review ..... \$107,372;
  - (b) Repair and Maintenance-Classroom Buildings Renovations ..... \$139,583;
  - (c) Physician Assistant Degree Program..... \$23,000;
  - (d) Founders Hall Renovation ..... \$1,500,000;
- (22) H21 - Lander University
  - (a) Higher Education Efficiency, Effectiveness and Accountability Review ..... \$55,958;
  - (b) Energy Management..... \$272,745;
- (23) H24 - South Carolina State University
  - Efficiency Process Improvements ..... \$496,235;
- (24) H27 - University of South Carolina-Columbia Campus
  - (a) Higher Education Efficiency, Effectiveness and Accountability Review ..... \$971,902;
  - (b) On Your Time ..... \$1,218,674;
- (25) H29 - University of South Carolina-Aiken Campus
  - (a) Higher Education Efficiency, Effectiveness and Accountability Review ..... \$58,922;
  - (b) Parity Funding ..... \$200,000;

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- (26) H34 - University of South Carolina-Upstate Campus
  - (a) Higher Education Efficiency, Effectiveness and Accountability Review ..... \$82,157;
  - (b) Parity Funding ..... \$250,000;
- (27) H36 - University of South Carolina-Beaufort Campus
  - (a) Higher Education Efficiency, Effectiveness and Accountability Review ..... \$23,779;
  - (b) Parity Funding ..... \$200,000;
- (28) H37 - University of South Carolina-Lancaster Campus
  - (a) Parity Funding ..... \$148,720;
  - (b) Repair and Renewal for Science Labs and Nursing Simulation..... \$495,000;
- (29) H38 - University of South Carolina-Salkehatchie Campus
  - Parity Funding ..... \$118,720;
- (30) H40 - University of South Carolina-Union Campus
  - Parity Funding ..... \$59,360;
- (31) H47 - Winthrop University
  - (a) Higher Education Efficiency, Effectiveness and Accountability Review ..... \$81,917;
  - (b) Visual and Performing Arts Center Accreditation/ADA Access ..... \$750,000;
  - (c) Withers/WTS Building-Maintenance and Repairs ..... \$159,738;
- (32) H51 - Medical University of South Carolina
  - (a) Higher Education Efficiency, Effectiveness and Accountability Review ..... \$352,825;
  - (b) Tele-Medicine ..... \$1,000,000;
  - (c) Institute of Medicine..... \$400,000;
  - (d) Mobile Cancer Screening\$ ..... 1,000,000;

(32.1) Of the funds appropriated above in subitem (32)(d), the Medical University of South Carolina shall collaborate with the Clemson Sullivan Health Center’s mobile unit to provide services.
- (33) H53 - Area Health Education Consortium
  - Office of Healthcare Workforce and Analysis Planning..... \$200,000;
- (34) H79 - Department of Archives and History
  - (a) Digital Access and Storage Initiative Operations..... \$345,952;
  - \*\* (b) *Marine Artifacts*..... **\$220,000;**

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\*\* See note at end of Act.

## SECTION 118 - X91-STATEWIDE REVENUE

(34.1) Of the funds appropriated above in subitem (34)(b), the Department of Archives and History shall transfer these funds to the Institute of Archeology and Anthropology at the University of South Carolina.

- (35) H95 - State Museum Commission
- \*\* (a) *Acquisitions*..... \$200,000;
  - (b) Information Technology.....\$75,000;
- (36) J02 - Department of Health and Human Services
- (a) Medicaid Program (MOE).....\$22,000,000;
  - (b) Medical Contracts.....\$650,000;
  - \*\* (c) *Palmetto Project*..... \$100,000;
- (37) J12 - Department of Mental Health
- Waccamaw Center for Mental Health ..... \$167,000;
- (37.1) Of the funds appropriated above in item (37), the Department of Mental Health shall allocate these funds to the Waccamaw Center for Mental Health for the training of clinicians and for the purchase of materials and assessment tools in diagnosing and treating BPD and Youth in Transition in the coastal areas and throughout the state.
- (38) J16 - Department of Disabilities and Special Needs
- (a) Lander University Therapeutic Equestrian Center-  
Burton Center ..... \$300,000;
  - (b) Autism Services.....\$1,150,000;
  - \*\* (c) *Special Needs Park - Savannah's Playground-  
Myrtle Beach*..... \$200,000;
  - \*\* (d) *Charles Lea Center*..... \$100,000;
- (39) J20 - Department of Alcohol and Other Drug Abuse Services
- (a) Keystone - Alcohol and Drug Abuse Capital  
Improvement-Rock Hill..... \$750,000;
  - (b) Circle Park-Florence County-Alcohol and  
Drug Abuse.....\$200,000;
  - (c) Phoenix Center-Serenity Place ..... \$750,000;
- (40) L04 - Department of Social Services
- (a) Phillis Wheatley Center-Let's Move Summer  
Camp and After School Program..... \$100,000;
  - (b) Pendleton Place for Children.....\$50,000;
  - (c) Pleasant Valley Connection Community  
Center .....\$25,000;
  - (d) C. R. Neal Center.....\$100,000;

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\*\* See note at end of Act.

## SECTION 118 - X91-STATEWIDE REVENUE

- (e) Antioch Senior Center ..... \$150,000;
- (41) P16 - Department of Agriculture
  - Laboratory Equipment..... \$375,000;
- \*\* (42) **P26 - Sea Grants Consortium**
  - Stormwater Research Partnership..... \$100,000;**
- (43) B04 - Judicial Department
  - (a) Calhoun and Supreme Court Building
    - Security..... \$850,000;
  - (b) Digital Court Room Equipment..... \$210,000;
  - (c) Disaster Recovery..... \$3,000,000;
- (44) D10 - State Law Enforcement Division
  - (a) Child Fatality..... \$167,432;
  - (b) Forensics..... \$141,736;
  - (c) Alcohol Enforcement..... \$711,586;
- \*\* (45) **E21 - Prosecution Coordination Commission**
  - SC Center for Fathers and Families..... \$400,000;**
- (46) K05 - Department of Public Safety
  - (a) Law Enforcement Vehicle Replacement ... \$2,000,000;
  - (b) Highway Patrol-Mobile Data Equipment ..... \$722,500;
  - \*\* (c) **Local Law Enforcement Grants..... \$800,000;**
- (47) N04 - Department of Corrections
  - (a) Camera Equipment and Network System-
    - Lee Correctional Institution..... \$2,262,000;
  - (b) Construction of Three Perimeter Towers-
    - Lieber Correctional Institution ..... \$450,000;
  - (c) Weapons Replacement-Phase III..... \$40,000;
- (48) P24 - Department of Natural Resources
  - (a) Coastal and Offshore Mapping and
    - Water Monitoring ..... \$300,000;
  - (b) Law Enforcement Vehicle Replacement ..... \$450,000;
  - \*\* (c) **Drill Rig/Water Truck ..... \$570,000;**
  - \*\* (d) **Waddell Center Infrastructure..... \$1,100,000;**
  - (e) License Term Conversion..... \$2,700,000;
  - \*\* (f) **State Lakes..... \$250,000;**
  - (g) Fort Johnson Boat Slip Dredging ..... \$175,000;
  - (h) Water Study-Outreach ..... \$100,000;
  - \*\* (i) **Lake Paul A. Wallace Authority ..... \$150,000;**

(48.1) Of the funds appropriated above in subitem (48)(e), the Department of Natural Resources must use these funds to transition

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\*\* See note at end of Act.

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freshwater fishing and hunting licenses to 365 Day License expiration for annual licenses. It is the intent of the General Assembly for all or part of these funds to be paid back to the General Fund after the 365 Day License transition has occurred and the revenue has stabilized.

(49) R36 - Department of Labor, Licensing, and Regulation  
Urban Search and Rescue (USAR) ..... \$250,000;

\*\* (50) ***E04 - Lieutenant Governor's Office***  
***Caregivers*** ..... **\$2,000,000;**

(51) E08 - Office of Secretary of State  
Disaster Recovery Image Digitization-Phase II ..... \$97,800;

(52) E24 - Office of Adjutant General  
Major Projects and Repairs-State Armories ..... \$1,000,000;

\*\* (53) ***F03 - Budget and Control Board***  
***Cherry Grove Building Roof Repair*** ..... **\$150,000;**

(54) U12 - Department of Transportation  
\* (a) ***Fripp Island Waterline*** ..... **\$300,000;**  
(b) City of Columbia Drainage System Study ... \$300,000;

(54.1) Of the funds appropriated above in subitem (54)(a), the Department of Transportation shall transfer these funds to the Fripp Island Special Purpose District to replace waterline damaged by bridge replacement. These funds may be carried forward by the special purpose district to be used for the same purpose.

\*\* (55) ***H91 - Arts Commission***  
***SC Artisans Center*** ..... **\$50,000;** and

(56) E28 - Election Commission  
Audit Consultant or Contractor ..... \$50,000.

(56.1) The funds appropriated above in item (56) for an Audit Consultant or Contractor shall be utilized by the Election Commission to hire an external consultant or contractor to perform an audit of election processes and practices at the State Election Commission as well as processes and practices for elections at the statewide, county, municipal, and other local levels. The audit shall include, but not be limited to, transparency; independence; paper records; chain of custody and ballot accounting; risk limiting audits; addressing discrepancies and binding on official results. When selecting the consultant or contractor, the commission must follow the competitive bidding process as set forth in the State's Consolidated Procurement Code. These funds may not be transferred or used for any other purpose.

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\*\* See note at end of Act.

\* See note at end of Act.



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

(C) The funds provided in this act for the Higher Education Efficiency, Effectiveness and Accountability Review shall be utilized by a thirteen member steering committee to procure, execute, and oversee implementation of the South Carolina Higher Education Efficiency, Effectiveness and Accountability Review. The committee shall serve as the primary client for the vendor selected to complete the review. When selecting the vendor, the committee must follow the competitive bidding process as set forth in the State's Consolidated Procurement Code. Appointments to the committee shall include:

- (1) the Speaker of the House of Representatives or his designee;
- (2) the Chairman of the House Ways and Means Committee or his designee;
- (3) the Majority Leader of the House of Representatives or his designee;
- (4) The Minority Leader of the House of Representatives or his designee;
- (5) the President Pro Tempore of the Senate or his designee;
- (6) the Chairman of the Senate Finance Committee or his designee;
- (7) the Majority Leader of the Senate or his designee;
- (8) the Minority Leader of the Senate or his designee;
- (9) the Governor or her designee;
- (10) the Executive Director of the Commission on Higher Education; and
- (11) a college or university president, a college or university trustee and a college or university chief financial officer, each selected by a majority vote of the Commission on Higher Education.

The committee shall notify institutions of the amount of the funds to be transferred to the committee to complete the review, and institutions shall transfer the funds. However, the committee may not request an amount from an institution that exceeds the amount provided to it in this act for this purpose.

To the extent that there are direct costs associated with implementation of the vendors recommendations, funds not utilized by the committee for the review shall be used by institutions to implement the vendor's recommendations. Further, any funds transferred to the

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committee from institutions, but not utilized by the committee for the review, must be transferred back to the institutions and shall only be used by the institutions for implementing vendor recommendations.

The committee shall deliver the vendor's initial findings and recommendations to the Governor and the General Assembly by February 1, 2015. Each institution is strongly encouraged to implement the recommendations identified by the review. It is the intent of the General Assembly that any savings realized from these reviews shall be retained by each institution.

The Commission on Higher Education, on behalf of the committee, must survey each institution that is provided funds in this act for the Higher Education Efficiency, Effectiveness and Accountability Review to determine if the institution has already undergone, is currently undergoing, or has contracted to undergo an internal or external performance improvement audit, operating efficiency study, or similar cost management review. The survey shall ascertain whether or not the review was internal or external, when the review was completed, when it will be completed (if ongoing), or when it anticipates it will begin (if already planned or contracted). The vendor name if an external review team or the composition of the review team, including their credentials, if internal, must be included, as must the scope of the review and its cost. For institutions where a review has been completed, it must report the findings, recommendations, or action items that were identified by the review team, if any, including estimated cost savings associated with the items. Further, a listing of findings, recommendations or action items of the review team that have already been implemented by the institution, including cost savings or efficiencies that have been realized as a result, must be documented. Findings or recommendations made by the review team, but not yet implemented by the institution, if any, must be explained by the institution. Survey results must be provided by the Commission on Higher Education to the committee no later than August 1, 2014. After public discussion of the survey responses, the committee shall select the institutions for the review. The existence of any such review, either completed or ongoing, does not guarantee an exemption for an institution from this review. Exemptions, if any, either for an entire institution or component thereof can only be granted by the committee.

(D) From the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008, the remaining funds shall be used to offset any operating shortfalls resulting from the Barnwell Low Level Waste

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Facility operations in order to preserve the economic viability of the facility. The amount distributed to offset any operating shortfalls shall be determined by calculating the difference between the allowable operating costs plus adjustments as approved by the Public Service Commission, and the access fees paid by the Atlantic Compact generators. Funds remaining in the account to offset operating shortfalls shall also be used to maintain access fees to the facility for Fiscal Year 2014-2015 at the Fiscal Year 2009-2010 level. There shall also be paid from the escrow account the annual dues of the Southern States Energy Board.

**END OF PART IB**

All acts or parts of acts inconsistent with any of the provisions of Parts IA or IB of this act are suspended for Fiscal Year 2014-2015.

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, 2014.

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Ratified the 5<sup>th</sup> day of June 2014.

**PLEASE NOTE**

Text printed in *italic*, boldface indicates sections vetoed by the Governor on June 11, 2014.

\*Indicates those vetoes sustained by the General Assembly on June 17 and 18, 2014.

\*\*Indicates those vetoes overridden by the General Assembly on June 17 and 18, 2014.

\*\*\* Indicates vetoes not considered by the House of Representatives as of June 17, 2014.

Provisions not vetoed by the Governor took effect June 11, 2014, and generally apply for the fiscal year beginning July 1, 2014.

## No. 287

(R295, H3428)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-152-25 SO AS TO DEFINE TERMS CONCERNING THE FIRST STEPS TO SCHOOL READINESS INITIATIVE; BY ADDING SECTION 59-152-32 SO AS TO PROVIDE THE FIRST STEPS BOARD OF TRUSTEES SHALL DEVELOP A COMPREHENSIVE LONG-RANGE INITIATIVE FOR SCHOOL READINESS AND A STRATEGY FOR FULFILLING THIS INITIATIVE; BY ADDING SECTION 59-152-33 SO AS TO PROVIDE A STATEWIDE ASSESSMENT OF STUDENT SCHOOL READINESS; BY ADDING SECTION 63-11-1725 SO AS TO PROVIDE FOR THE COMPOSITION, FUNCTION, AND DUTIES OF THE SOUTH CAROLINA EARLY CHILDHOOD ADVISORY COUNCIL; BY ADDING SECTION 63-11-1735 SO AS TO PROVIDE FIRST STEPS SHALL ENSURE THE COMPLIANCE OF BABYNET WITH FEDERAL MAINTENANCE OF EFFORT REQUIREMENTS, AND TO DEFINE CERTAIN TERMS; TO AMEND SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF FIRST STEPS, SO AS TO REDESIGNATE COUNTY FIRST STEPS PARTNERSHIPS AS LOCAL FIRST STEPS PARTNERSHIPS AND PROVIDE FOR THE CONTINUANCE OF CERTAIN COLLABORATIONS AND PARTNERSHIPS; TO AMEND SECTION 59-152-20, RELATING TO THE PURPOSE OF FIRST STEPS, SO AS TO REDESIGNATE COUNTY PARTNERSHIPS AS LOCAL PARTNERSHIPS; TO AMEND SECTION 59-152-30, RELATING TO THE GOALS OF FIRST STEPS, SO AS TO RESTATE CERTAIN GOALS OF STUDENT READINESS; TO AMEND SECTION 59-152-40, RELATING TO OVERSIGHT OF THE INITIATIVE BY THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO REQUIRE THE BOARD ALSO BE ACCOUNTABLE FOR THE INITIATIVE; TO AMEND SECTION 59-152-50, RELATING TO THE ESTABLISHMENT OF THE OFFICE OF FIRST STEPS TO SCHOOL READINESS, SO AS TO REVISE THE TIME AND MANNER FOR REQUIRED PERFORMANCE AUDITS, REVISE ONGOING DATA COLLECTION PROVISIONS, AND TO CORRECT AN

OBSOLETE REFERENCE; TO AMEND SECTION 59-152-60, RELATING TO FIRST STEPS PARTNERSHIPS, SO AS TO PROVIDE EACH COUNTY MUST BE REPRESENTED AND SERVED BY A LOCAL PARTNERSHIP BOARD, TO PROVIDE THAT MEETINGS AND ELECTIONS OF LOCAL PARTNERSHIP BOARDS ARE SUBJECT TO THE FREEDOM OF INFORMATION ACT AND TO IMPOSE CERTAIN DISCLOSURE REQUIREMENTS, TO SPECIFY AND REVISE REQUIREMENTS FOR THE MEMBERSHIP COMPOSITION OF A LOCAL PARTNERSHIP BOARD, TO PROVIDE THE BOARD OF TRUSTEES SHALL CONDUCT A FORMAL REVIEW OF THE MEMBERSHIP CATEGORIES OF FIRST STEPS PARTNERSHIP BOARD COMPOSITION, MAKE RELATED FINDINGS CONCERNING THE CONTINUED APPLICABILITY AND APPROPRIATENESS OF THESE CATEGORIES, TO REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY, AND TO MAKE CONFORMING CHANGES, TO AMEND SECTION 59-152-70, RELATING TO THE POWERS AND DUTIES OF A LOCAL PARTNERSHIP BOARD, SO AS TO PROVIDE REQUIREMENTS CONCERNING THE COMPREHENSIVE PLAN OF EACH LOCAL PARTNERSHIP BOARD, TO REVISE THE REQUIREMENTS CONCERNING COUNTY NEEDS ASSESSMENTS, RECORD KEEPING AND REPORTING, TO PROVIDE STAFFING PURSUANT TO LOCAL BYLAWS, AND TO PROVIDE MULTIPLE LOCAL PARTNERSHIPS MAY COLLABORATE TO MAXIMIZE EFFICIENT DELIVERY OF SERVICES AND THE EXECUTION OF THEIR DUTIES AND POWERS; TO AMEND SECTION 59-152-90, RELATING TO FIRST STEPS GRANTS, SO AS TO ESTABLISH THE GRANTS AS LOCAL PARTNERSHIP GRANTS, AND TO REVISE THE PROCESS FOR OBTAINING A GRANT AND THE METHOD OF ALLOCATING GRANT FUNDS; TO AMEND SECTION 59-152-100, RELATING TO USE OF FIRST STEPS GRANT FUNDS, SO AS TO PROVIDE THE SECTION APPLIES TO GRANTS EXPENDED BY A FIRST STEPS PARTNERSHIP, AND TO REVISE THE PERMISSIBLE USES OF GRANT FUNDS; TO AMEND SECTION 59-152-120, RELATING TO THE USE OF GRANT FUNDS FOR CAPITAL EXPENDITURES, SO AS TO REVISE THE PURPOSE FOR WHICH FUNDS MAY BE USED AND TO REQUIRE PRIOR APPROVAL OF THE BOARD OF TRUSTEES; TO AMEND

**SECTION 59-152-130, RELATING TO A MANDATORY MATCHING OF FUNDS BY LOCAL PARTNERSHIPS, SO AS TO REVISE THE MANDATORY AMOUNT, TO ENCOURAGE PRIVATE CONTRIBUTIONS TO HELP LOCAL PARTNERSHIPS MEET THEIR MANDATORY MATCHING REQUIREMENT, AND TO DELETE A PROVISION ALLOWING CERTAIN EXPENSES TO BE INCLUDED IN DETERMINING MATCHING FUNDS; TO AMEND SECTION 59-152-140, RELATING TO THE PERMISSIBILITY OF CARRY FORWARD FUNDS BY A LOCAL PARTNERSHIP, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTION 59-152-150, RELATING TO ACCOUNTABILITY SYSTEMS, SO AS TO PROVIDE FOR THE EXCLUSIVE USE OF ALL PRIVATE AND NONSTATE FUNDS SOUGHT BY LOCAL PARTNERSHIPS; TO AMEND SECTION 59-152-160, RELATING TO PROGRESS EVALUATIONS, SO AS TO REVISE RELATED REQUIREMENTS TO INCLUDE AN INDEPENDENT EVALUATION OF EACH PREVALENT PROGRAM INVESTMENT IN A CERTAIN MANNER AND TO IMPOSE RELATED REPORTING REQUIREMENTS; TO AMEND SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO REVISE THE COMPOSITION OF THE BOARD, TO CREATE THE OFFICE OF FIRST STEPS STUDY COMMITTEE AND PROVIDE FOR ITS FUNCTIONS AND COMPOSITION, AND TO REAUTHORIZE THE PROVISIONS OF ACT 99 OF 1999 UNTIL JULY 1, 2016; TO AMEND SECTION 63-11-1730, RELATING TO POWERS OF THE BOARD OF TRUSTEES, SO AS TO MAKE CONFORMING CHANGES, DELETE OBSOLETE LANGUAGE, AND ADD MISCELLANEOUS PROVISIONS; TO AMEND SECTION 1-5-40, RELATING TO DUTIES OF THE SECRETARY OF STATE TO MONITOR STATE BOARD AND COMMISSIONS, SO AS TO INCLUDE THE BOARD OF TRUSTEES; AND TO REPEAL SECTION 59-152-80 RELATING TO FIRST STEPS GRANTS AND SECTION 59-152-110 RELATING TO THE USE OF FIRST STEPS LOCAL PARTNERSHIP GRANT FUNDS.**

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

**Definitions**

SECTION 1. Chapter 152, Title 59 of the 1976 Code is amended by adding:

“Section 59-152-25. For the purposes of this title:

(A) ‘Evidence-based program’ means a program based on a clear and consistent program model that is designated as such by the South Carolina First Steps to School Readiness Board of Trustees because the program:

(1)(a) is grounded in published, peer-reviewed research that is linked to determined outcomes;

(b) employs well-trained and competent staff to whom the program provides continual professional development that is relevant to the specific model being delivered;

(c) demonstrates strong linkages to other community-based services; and

(d) is operated to ensure program fidelity; or

(2) is commonly recognized by experts in the field as such a program.

(B) ‘Board of trustees’ or ‘board’ means the First Steps to School Readiness Board of Trustees pursuant to Article 17, Title 63.

(C) ‘Evidence-informed program’ means a program that does not satisfy the criteria of an evidenced-based program model but that the South Carolina First Steps to School Readiness Board of Trustees determines is supported by research indicating its potential effectiveness.

(D) ‘Partnership’ refers to a local First Steps organization designated as such by the South Carolina First Steps to School Readiness Board of Trustees, organized under Section 501(c)(3) of the Internal Revenue Code as a nonprofit corporation, and formed to further, within the coverage area, the purpose and goals of the First Steps initiative as stated in Sections 59-152-20 and 59-152-30.

(E) ‘Preschool child’ means a child from the prenatal stage to entry into five-year-old kindergarten.

(F) ‘Prevalent program investment’ means a program administered by a partnership and funded with state grant money, which accounts for at least ten percent of total programmatic spending in First Steps.

(G) ‘School readiness’ means the level of child development necessary to ensure early school success as measured in the following domains: physical health and motor skills; emotional and social competence; language and literacy development; and mathematical



thinking and cognitive skills. School readiness is supported by the knowledge and practices of families, caregivers, healthcare providers, educators, and communities.”

### **Comprehensive long-range initiative**

SECTION 2. Chapter 152, Title 59 of the 1976 Code is amended by adding:

“Section 59-152-32. (A) In Section 63-11-1720, the South Carolina First Steps to School Readiness Board of Trustees may carry out its assigned functions by developing a comprehensive long-range initiative for improving early childhood development, increasing school readiness and literacy, establishing results-oriented measures and objectives, and assessing whether services provided by First Steps Partnerships to children and families are meeting the goals and achieving the results established in this chapter. The board shall do the following to fulfill these duties before July 1, 2015:

(1) in consultation with the State Board of Education, and with the advice and consent of that board, adopt a description of school readiness that includes specific:

(a) characteristics and development levels of a ready child that must include, but are not limited to, emerging literacy, numeracy, and physical, social, and emotional competencies;

(b) characteristics of school, educators, and caregivers that the board considers necessary to create an optimal learning environment for the early years of students’ lives; and

(c) characteristics of the optimal environment which would lead to the readiness of students and their continued success;

(2) establish specific benchmarks and objectives for use by the board of trustees, local partnership boards, and any agency that administers a program to benefit preschool children;

(3) determine whether state and local programs and activities are effective and contribute to achieving the goals established in Section 59-152-30; and

(4) publish and distribute a list of approved evidence-based and evidence-informed programs.

(B) The board of trustees shall review the school readiness description, benchmarks, and objectives and adopt any revisions it considers appropriate before December 31, 2014, again before December 31, 2019, and every five years afterward.”

**School readiness assessment**

SECTION 3. Chapter 152, Title 59 of the 1976 Code is amended by adding:

“Section 59-152-33. (A) Before July 1, 2015, the South Carolina Education Oversight Committee shall recommend an assessment to evaluate and measure the school readiness of students prior to their entrance into a prekindergarten or kindergarten program per the goals pursuant to Section 59-152-30 to the State Board of Education. Prior to submitting the recommendation to the State Board, the Education Oversight Committee shall seek input from the South Carolina First Steps to School Readiness Board of Trustees and other early childhood advocates. In making the recommendation, the South Carolina Education Oversight Committee shall consider assessments that are research-based, reliable, and appropriate for measuring readiness. The assessment chosen must evaluate each child’s early language and literacy development, numeracy skills, physical well-being, social and emotional development, and approaches to learning. The assessment of academic readiness must be aligned with first and second grade standards for English language arts and mathematics. The purpose of the assessment is to provide teachers, administrators, and parents or guardians with information to address the readiness needs of each student, especially by identifying language, cognitive, social, emotional, and health needs, and providing appropriate instruction and support for each child. The results of the screenings and the developmental intervention strategies recommended to address the child’s identified needs must be provided, in writing, to the parent or guardian. Reading instructional strategies and developmental activities for children whose oral language and emergent literacy skills are assessed to be below the national standards must be aligned with the district’s reading proficiency plan for addressing the readiness needs of each student. The school readiness assessment adopted by the State Board of Education may not be used to deny a student admission or progress to kindergarten or first grade. Every student entering the public schools for the first time in prekindergarten and kindergarten must be administered a readiness screening by the forty-fifth day of the school year.

(B) The results of individual students in a school readiness assessment may not be publicly reported.

(C) Following adoption of a school readiness assessment, the State Board of Education shall adopt a system for reporting population-level

results that provides baseline data for measuring overall change and improvement in the skills and knowledge of students over time. The Department of Education shall house and monitor the system.

(D) The South Carolina First Steps to School Readiness Board of Trustees shall support the implementation of the school readiness assessment and must provide professional development to support the readiness assessment for teachers and parents of programs supported with First Steps funds. The board shall utilize the annual aggregate literacy and other readiness assessment information in establishing standards and practices to support all early childhood providers served by First Steps.”

### **Advisory council**

SECTION 4. Article 17, Chapter 11, Title 63 of the 1976 Code is amended by adding:

“Section 63-11-1725. (A) For the purposes of this article, ‘advisory council’ means the South Carolina Advisory Council established by Executive Order Number 2010-06 in compliance with the Improving Head Start for School Readiness Act of 2007, 42 U.S.C. Section 9837b, et seq.

(B) The membership of the advisory council is exclusively 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.

(C) The advisory council is an entity distinct from the Board of Trustees and must act accordingly to fulfill its responsibilities under 42 U.S.C. Section 9837b(b)(1)(D)(i) of the Improving Head Start for School Readiness Act of 2007. The advisory council shall keep separate minutes that explicitly distinguish its actions and votes from those made when acting in the capacity of the board of trustees. The advisory council must officially adjourn before acting as the board of trustees, and the board of trustees shall adjourn before acting as the advisory council.

(D) The State Director of First Steps shall coordinate the activities of the advisory council. Pursuant to 42 U.S.C. Section 9837b(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 recommendations regarding the establishment of a unified data collection system for public early childhood education and development programs and services throughout the State;

(5) develop recommendations regarding statewide professional development and career advancement plans for early childhood educators in the State;

(6) 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;

(7) make recommendations for improvements in state early learning standards and undertake efforts to develop high-quality comprehensive early learning standards, as appropriate;

(8) develop and publish, using available demographic data, an indicators-based measure of school readiness at the state and community level;

(9) 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

(10) 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.

(E) The advisory council shall designate a meeting as its annual meeting. All of the chief executive officers of the state agencies represented on the Early Childhood Advisory Council must attend the annual meeting in person.

(F) The advisory council shall prepare an annual report of its activities for presentation to the Governor and General Assembly.”

**BabyNet, definitions, compliance with federal law**

SECTION 5. Article 17, Chapter 11, Title 63 of the 1976 Code is amended by adding:

“Section 63-11-1735. (A) For the purposes of this article:

(1) ‘BabyNet’ is the interagency early intervention system that is the Part C program in South Carolina.

(2) ‘I.D.E.A.’ means the Individuals with Disabilities Education Act, 20 U.S.C. Section 1400, et seq.

(3) ‘Maintenance of effort’ means the requirement of Part C that relevant state and local agencies maintain a specified level of financial support for early intervention services in compliance with 34 C.F.R. 303.124.

(4) ‘Part C program’ means a program of early intervention services to infants and toddlers with disabilities required in each state by I.D.E.A. and for which South Carolina First Steps to School Readiness is designated as the lead agency to administer the Part C program in South Carolina by Executive Order Number 2009-12 in compliance with Subchapter VIII, Chapter 33, Title 20, U.S. Code Annotated relating to Head Start programs, and as provided in Section 44-7-2520(A), which relates to definitions concerning the South Carolina Infants and Toddlers with Disabilities Act.

(B) First Steps shall ensure that BabyNet complies with the maintenance of effort requirement by coordinating with all agencies that provide early intervention services in this State to ensure they each properly document all Part C expenditures annually.”

**Establishment provision, conforming changes**

SECTION 6. Section 59-152-10 of the 1976 Code is amended to read:

“Section 59-152-10. 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.”

**Purposes revised**

SECTION 7. Section 59-152-20 of the 1976 Code is amended to read:

“Section 59-152-20. The purpose of the First Steps initiative is to develop, promote, and assist efforts of agencies, private providers, and public and private organizations and entities, at the state level and the community level, to collaborate and cooperate in order to focus and intensify services, assure the most efficient use of all available resources, and eliminate duplication of efforts to serve the needs of young children and their families. First Steps funds must not be used to supplant or replace any other funds being spent on services but must be used to expand, extend, improve, or increase access to services or to enable a community to begin to offer new or previously unavailable services in their community. The South Carolina First Steps to School Readiness Board of Trustees, Office of First Steps to School Readiness, and the local First Steps Partnerships shall ensure that collaborations, the existence and continued development of partnerships, and the sharing and maximizing of resources occur so that the funding of grants and services, as provided in this chapter, may continue.”

**Goals, conforming changes**

SECTION 8. Section 59-152-30 of the 1976 Code is amended to read:

“Section 59-152-30. The goals for South Carolina First Steps to School Readiness are to:

- (1) provide parents with access to the support they might seek and want to strengthen their families and to promote the optimal development of their preschool children;
- (2) increase comprehensive services so children have reduced risk for major physical, developmental, and learning problems;
- (3) promote high-quality preschool programs that provide a healthy environment that will promote normal growth and development;
- (4) provide services so all children receive the protection, nutrition, and health care needed to thrive in the early years of life so they arrive at school ready to succeed; and
- (5) mobilize communities to focus efforts on providing enhanced services to support families and their young children so as to enable every child to reach school healthy and ready to succeed.”

**Board of trustees' obligations, accountability for initiative added**

SECTION 9. Section 59-152-40 of the 1976 Code is amended to read:

“Section 59-152-40. The South Carolina First Steps to School Readiness Board of Trustees established in Section 63-11-1720 shall oversee and be accountable for the South Carolina First Steps to School Readiness initiative.”

**First Steps office, supervision, program evaluations, risk factors, data collection**

SECTION 10. Section 59-152-50 of the 1976 Code is amended to read:

“Section 59-152-50. Under supervision of the South Carolina First Steps to School Readiness Board of Trustees, there is created an Office of South Carolina First Steps to School Readiness. The office shall:

(1) provide to the board information on best practice, successful strategies, model programs, and financing mechanisms;

(2) review the local partnerships' plans and budgets in order to provide technical assistance and recommendations regarding local grant proposals and improvement in meeting statewide and local goals;

(3) provide technical assistance, consultation, and support to local partnerships to facilitate their success including, but not limited to, model programs, strategic planning, leadership development, best practice, successful strategies, collaboration, financing, and evaluation;

(4) evaluate each program funded by the South Carolina First Steps to School Readiness Board of Trustees on a regular cycle to determine its effectiveness and whether it should continue to receive funding;

(5) recommend to the board the applicants meeting the criteria for First Steps partnerships and the grants to be awarded;

(6) submit an annual report to the board by December first which includes, but is not limited to, the statewide needs and resources available to meet the goals and purposes of the First Steps to School Readiness initiative, a list of risk factors the office considers to affect school readiness, identification of areas where client-level data is not available, an explanation of how First Steps programs reach the most at-risk children, the ongoing progress and results of the First Steps to School Readiness initiative statewide and locally, fiscal information on the expenditure of funds, and recommendations and legislative

proposals to further implement the South Carolina First Steps to School Readiness initiative statewide;

(7) provide for ongoing data collection. Before June 30, 2015, the board shall develop a response to the November 2014 external evaluation of each prevalent program and the overall goals of the initiative, as provided in Section 59-125-160. The office shall contract with an external evaluator to develop a schedule for an in-depth and independent performance audit designed to measure the success of each prevalent program in regard to its success in supporting the goals of the State Board and those set forth in Section 59-152-20 and Section 59-152-30. Results of all external performance audits must be published in the First Steps annual report; and

(8) coordinate the First Steps to School Readiness initiative with all other state, federal, and local public and private efforts to promote good health and school readiness of young children and support for their families.”

#### **Local partnership boards, obligations, bylaws, membership**

SECTION 11. Section 59-152-60 of the 1976 Code is amended to read:

“Section 59-152-60. (A) Each county must be represented by 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, each local partnership board shall maintain a total minimum membership of twelve and a maximum membership of thirty elected, appointed, and designated individuals. Elected and appointed members shall comprise a voting majority of the board.



(1) No more than four from any of the following categories may be elected to sit on a First Steps Partnership Board:

- (a) prekindergarten through primary educator;
- (b) family education, training, and support provider;
- (c) childcare or early childhood development/education provider;
- (d) healthcare provider;
- (e) local government;
- (f) nonprofit organization that provides services to families and children;
- (g) faith community;
- (h) business community;
- (i) philanthropic community; and
- (j) parents of preschool children.

(2) To assure that all areas of the county or multicounty region are adequately represented and reflect the diversity of the coverage area, each county legislative delegation may appoint up to four members to a local partnership board. Of these members, two are appointed by the Senate members and two by the House of Representative members of the delegation from persons with resources, skills, or knowledge that have specific interests in improving the readiness of young children for school.

(3) Each of the following entities located within a particular First Steps Partnership coverage area shall designate one member to serve as a member of the local First Steps Partnership Board:

- (a) county department of social services;
- (b) county department of health and environmental control;
- (c) Head Start or early Head Start;
- (d) county library; and
- (e) each of the school districts in the county.

(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) Members who miss more than three consecutive meetings without excuse or members who resign must be replaced from the same

categories as their predecessor. The terms of the members of a local First Steps Partnership Board are for four years; however, membership on the board may not exceed eight consecutive years.

(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.”

**Local partnership boards, comprehensive plans, staff costs, efficiency collaborations, performance reviews**

SECTION 12. Section 59-152-70 of the 1976 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. 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.

(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 School to Readiness Board of Trustees. Overhead costs of a First Step partnership's operations may not exceed eight 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.

(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 private nonprofit corporation organized under Section 501(c)(3) of the Internal Revenue Code.

(E) 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 program, administrative, or development functions or establish multicounty partnerships. The decision to collaborate in the manner permitted in this subsection rests entirely with the local partnership boards of directors involved.

(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.”

### **Local partnership boards, grant funding**

SECTION 13. Section 59-152-90 of the 1976 Code is amended to read:

“Section 59-152-90. (A) A local partnership’s grant may be funded annually by the First Steps School to Readiness Board of Trustees and must be contingent on the General Assembly’s appropriation of funds to use for offering grants.

(B) To obtain a grant, a First Steps partnership must qualify by meeting the grant requirements established pursuant to subsection (C). A First Steps Partnership shall submit an application to the Office of First Steps in a format specified by the First Steps to School Readiness Board. The application shall include the level of funding requested, a description of needs of children and families; assets and resources

available; and the proposed strategies to address needs as they relate to the goals of South Carolina First Steps to School Readiness.

(C)(1) Pursuant to Section 63-11-1730, the South Carolina First Steps to School Readiness Board of Trustees shall establish the grant qualification requirements. The board shall develop and promulgate grant qualification requirements in regulation pursuant to the Administrative Procedures Act. These requirements must include, but not be limited to, the following:

(a) adoption and adherence to bylaws promulgated by the South Carolina First Steps to School Readiness Board of Trustees, which includes, but is not limited to, compliance with the board composition, attendance, voting, and disclosure requirements;

(b) utilization of the South Carolina First Steps to School Readiness benchmarks and objectives;

(c) implementation of programs and activities, which are effective and contributing to state goals, and otherwise acceptable pursuant to the requirements of Chapter 152, Title 59; and

(d) fulfillment of all the duties in Section 59-152-70.

(2) The South Carolina First Steps to School Readiness Board of Trustees shall establish a formula, which includes the identification of the most relevant and effective factors, by which the allocations for qualifying partnership grants are calculated. The board shall identify the factors, develop the funding formula, and promulgate both in regulation pursuant to the Administrative Procedures Act. The factors utilized in the funding formula, and the weight given to each factor by the formula, must reflect that the intent of the General Assembly is to ensure that the money allocated to each local partnership is in proportion to the following:

(a) population of eligible children;

(b) population of at-risk children; and

(c) population with below average income.

(3) First Steps shall include the grant qualification requirements and funding formula on its website. The website information shall include formula details, announcements regarding proposed changes to the formula, and directions for public input.

(D) In conjunction with the independent external program evaluation established pursuant to Section 59-152-160, the board of trustees shall conduct a formal review of the grant qualification requirements and funding process adopted pursuant to subsection (C) and, upon completion of the review, shall submit to the General Assembly a statement either verifying the continued applicability and appropriateness of the grant qualification requirements and funding

process in use at that time or recommending any appropriate and necessary changes.

(E) Funding must reflect the combined total allocations of the coverage area of a multicounty partnership.”

#### **Local partnership boards, grant funding**

SECTION 14. Section 59-152-100 of the 1976 Code is amended to read:

“Section 59-152-100. (A) Grant funds expended by First Steps partnerships must be used to address the needs of young children and their families as identified in the partnerships’ comprehensive plans. The funds must be used to expand, extend, or improve the quality of provided services if there is evidence as to existing programs’ effectiveness; offer new or previously unavailable services in the area; or increase access to services. Partnership grant funds may not supplant comparable current expenditures by counties or state agencies on behalf of young children and their families, and may not be used where other state or federal funding sources are available. Partnerships are expected to collaborate with other community organizations or entities expending funds on early childhood services designed to impact school readiness in order to maximize impact and minimize duplication of efforts.

(B) At least seventy-five percent of state funds appropriated for programs must be used by the local partnership for evidence-based programs. Not more than twenty-five percent of state funds appropriated for programs to a local partnership may be used for evidence-informed programs.

(C) All activities and services provided by a local partnership must be made available to young children and families on a voluntary basis and must focus solely on ‘school readiness’ as defined in Section 59-152-25 by implementing programs geared specifically toward the achievement of First Steps goals pursuant to Section 59-152-30.

(D) Any part of the initiative within the county strategic plan using local district resources within a school district must be conducted only with approval of the district’s board of trustees.”

#### **Local partnerships, funding use restrictions**

SECTION 15. Section 59-152-120 of the 1976 Code is amended to read:

“Section 59-152-120. Funds received by a local partnership may not be used for capital expenses, new construction, or to renovate, refurbish, or upgrade existing facilities without prior approval by the South Carolina First Steps to School Readiness Board of Trustees.”

### **Matching funds**

SECTION 16. Section 59-152-130 of the 1976 Code is amended to read:

“Section 59-152-130. (A) Local partnerships shall provide an annual match of at least fifteen percent, to include private donations, grant funds, and in-kind donated resources, or any combination of them. The South Carolina First Steps to School Readiness Board of Trustees may decrease this percentage requirement for a partnership based on their capacity to provide that match. The First Step partnership shall encourage private individuals and groups to contribute to a partnership’s efforts to meet its match. The match required of individual partnerships by the First Steps board should take into consideration such factors as:

(1) local wealth, using such indicators as the number and percentage of children eligible for free and reduced lunches in grades 1-3; and

(2) in-kind donated resources.

Only in-kind donations, as defined by the standard fiscal accountability system provided for in Section 59-152-150, which meet the criteria established by the South Carolina First Steps to School Readiness Board of Trustees and that are quantifiable may be applied to the in-kind match requirement.

(B) The Office of South Carolina First Steps to School Readiness shall establish guidelines and reporting formats for partnerships to document expenses to ensure they meet matching fund requirements. The office shall compile a report annually on the private cash and in-kind contributions received by the South Carolina First Steps to School Readiness Board of Trustees and First Steps partnerships.”

### **Carry forward funds, conforming change**

SECTION 17. Section 59-152-140 of the 1976 Code is amended to read:

“Section 59-152-140. To ensure effective use of funds, awards under contract for First Steps Partnerships, with the approval of the Office of First Steps to School Readiness, may be carried forward and used in the following fiscal year. Funds appropriated to South Carolina First Steps to School Readiness may also be carried forward into subsequent years.”

#### **Private and nonstate funds**

SECTION 18. Section 59-152-150 of the 1976 Code is amended to read:

“Section 59-152-150. (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. Additionally, the accountability system shall require competitive bids for the purchase or procurement of goods and services of ten thousand dollars or more. A bid other than the lowest bid may be accepted by a majority vote of the partnership board if other considerations outweigh the cost factor; however, written justification must be filed with the Office of First Steps. 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.

(B) Each local First Steps partnership shall expend funds through the South Carolina First Steps to School Readiness Board of Trustees or its fiscal designees until the capacity of the local partnership to manage its fiscal and administrative responsibilities in compliance with the standard accountability system has been reviewed and certified by the South Carolina First Steps to School Readiness Board of Trustees or its designee.

(C) All private and nonstate funds sought by local partnerships must be used exclusively for meeting the goals and purpose of First Steps as specified in Section 59-152-20 and Section 59-152-30. Private funds



received by a First Steps partnership must be deposited in a separate fund subject to review by the Office of First Steps and the State Board.

(D) Disbursements may be made only on the written authorization of the individual designated by the partnership board and only for the purposes specified. A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined five thousand dollars or imprisoned for six months, or both.

(E) The offenses of misuse, misappropriation, and embezzlement of public funds apply to this chapter.”

### **Progress evaluations, revisions**

SECTION 19. Section 59-125-160 of the 1976 Code is amended to read:

“Section 59-125-160. (A) The South Carolina First Steps to School Readiness Board of Trustees shall establish internal evaluation policies and procedures for local partnerships for an annual review of the functioning of the partnership, implementation of strategies, and progress toward the interim goals and benchmarks. In instances where no progress has been made, the Office of First Steps to School Readiness shall provide targeted assistance and/or the South Carolina First Steps to School Readiness Board of Trustees may terminate the grant. An independent evaluation of each prevalent program investment using valid and reliable measures must be completed and published by the First Steps Board of Trustees no less than every five years. The First Steps board shall adopt a cyclical evaluation calendar including each major program investment no later than June 30, 2015. After publication of a baseline report for each major program investment as defined in Section 59-152-25, subsequent reports will be published no later than five calendar years from the date of each prior publication. In addition to the independent evaluation of each prevalent program, an evaluation of the progress on the initiative’s goals and purpose must be completed by November 1, 2014, and every five years thereafter by an independent, external evaluator under contract with the South Carolina First Steps to School Readiness Board of Trustees. The purpose of this evaluation will be to gauge First Steps’ progress in meeting the goals established in Section 59-152-20 and Section 59-52-30.

(B) Local partnerships must agree to participate in such an evaluation in order to receive a First Steps grant. Subsequent grant approval and grant allocations must be dependent, in part, on the

results of the evaluations. If an evaluation finds no progress has been made in meeting local goals or implementing strategies as agreed to in the First Steps grant, the grant may be terminated.

(C) The purpose of the evaluation is to assess progress toward achieving the First Steps goals and to determine the impact of each strategy in supporting improved school readiness as defined in Section 52-152-15. The impact assessment shall include, but is not limited to, school readiness measures; benefits from child development services; immunization status; low birth-weight rates; parent literacy; parenting skills; parental involvement; transportation; and developmental screening results. During the course of the evaluation, if an evaluator determines that any state agency has failed to comply with the coordination and collaboration provisions as required in this chapter, the final report must reflect that information. Each program evaluation report must be reported to the General Assembly no later than three months after conclusion of the evaluation. Local partnerships shall cooperate fully in collecting and providing data and information for the evaluation of their funded strategies.”

**Board of trustees, composition revisited, study committee, act reauthorization**

SECTION 20. A. Section 63-11-1720 of the 1976 Code is amended to read:

“Section 63-11-1720. (A) There is created the South Carolina First Steps to School Readiness Board of Trustees which must be chaired by the Governor, or his designee, and must include the State Superintendent of Education, or his designee, who shall serve as ex officio voting members of the board.

(B) In making the appointments specified in subsection (C)(1), (2), and (3) of this section, the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall seek to ensure diverse geographical representation on the board by appointing individuals from each congressional district as possible.

(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 Pro Tempore 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; and
  - (f) Children's Trust of South Carolina.
- (D) The terms of the members are for four years and until their successors are appointed and qualify. The appointments of the members from the General Assembly shall be coterminous with their terms of office.
- (E) Vacancies for any reason must be filled in the manner of the original appointment for the unexpired term. A member may not serve more than two terms or eight years, whichever is longer. A member who misses more than three consecutive meetings without excuse or a member who resigns must be replaced in the same manner as his predecessor. Members may be paid per diem, mileage, and subsistence as established by the board not to exceed standards provided by law for boards, committees, and commissions. A complete report of the activities of the First Steps to School Readiness Board of Trustees must be made annually to the General Assembly.

(F)(1) There is created the Office of First Steps Study Committee to review the structure, responsibilities, governance by an organization exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, and administration of the Office of First Steps. The goal of the study committee is to guarantee that children from birth to school-age receive needed services from the Office of First Steps in the most effective way through coordination with other agencies that serve the same population. Also, the study committee shall determine whether the services provided by the Office of First Steps are provided in the most cost-effective and direct manner to entities served by the Office of First Steps, including County First Steps Partnerships Boards. The study committee shall evaluate the structure and costs of the Office of First Steps becoming an independent agency and make a recommendation as to whether the Office of First Steps should become an agency, remain as a program at the Department of Education, be relocated within a state agency other than the Department of Education, or any other alternative structure the study committee deems fit. The study committee shall also address the issues concerning the governance of an organization exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986 relative to the structure recommended by the study committee. When making its recommendation as to the structure, the study committee must include an analysis of the costs associated with a change in structure. Such costs include, but are not limited to, personnel, data security, data management, and fiscal services.

(2) The study committee shall be composed of:

(a) four members of the Senate appointed by the Chairman of the Senate Education Committee. Of these members, one must be appointed upon the recommendation of the Senate Majority Leader, one must be appointed upon the recommendation of the Senate Minority Leader, and one must be a member of the South Carolina First Steps to School Readiness Board of Trustees;

(b) four members of the House of Representatives appointed by the Chairman of the House Education and Public Works Committee. Of these members, one must be appointed upon the recommendation of the House Majority Leader, one must be appointed upon the recommendation of the House Minority Leader, and one must be a member of the South Carolina First Steps to School Readiness Board of Trustees;

(c) one member appointed by the Governor, who shall serve as chairman;

(d) the President of the Institute for Child Success, or his designee;

(e) the Chairman of the Education Oversight Committee, or his designee; and

(f) the Chairman of the Joint Citizens Legislative Committee on Children, or his designee.

Except for the two members of South Carolina First Steps to School Readiness Board of Trustees appointed pursuant to subitems (a) and (b), no member of the study committee may be a member of the South Carolina First Steps to School Readiness Board of Trustees or a member of a County First Steps Partnership Board.

(3) The study committee must be staffed by the staff of the Senate Education Committee and the House Education and Public Works Committee.

(4) The study committee shall complete its review and submit its recommendation to the General Assembly no later than March 15, 2015. Upon submission of its recommendation, the study committee is dissolved.”

B. Act 99 of 1999, South Carolina First Steps to School Readiness Act, is reauthorized until July 1, 2016.

**Board of trustees, promulgation of comprehensive long-term initiative, regulations, and policies**

SECTION 21. Section 63-11-1730 of the 1976 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 and promulgate internal evaluation policies and procedures for local partnerships for annual review pursuant to Chapter 152, Title 59; and

(14) arrange for the conduction of an independent external program evaluation pursuant to Chapter 152, Title 59.”

**Secretary of State monitoring of boards and commissions, First Steps board added**

SECTION 22. Section 1-5-40(A) of the 1976 Code is amended by adding an item at the end to read:

“(107) South Carolina First Steps to School Readiness Board of Trustees.”

**Repeal**

SECTION 23. Sections 59-152-80 and 59-152-110 of the 1976 Code are repealed.

**Time effective**

SECTION 24. This act takes effect upon approval by the Governor.

Ratified the 5<sup>th</sup> day of June, 2014.

Vetoed by the Governor -- 6/11/14.

Veto overridden by House -- 6/17/14.

Veto overridden by Senate -- 6/18/14.

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**No. 288**

(R318, H3853)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-40-111 SO AS TO AUTHORIZE AN ALTERNATIVE EDUCATION CAMPUS (AEC) TO BE ESTABLISHED BY A CHARTER SCHOOL SPONSOR WHICH SHALL CONSTITUTE A CHARTER SCHOOL SERVING A SPECIFIC STUDENT POPULATION, AND TO PROVIDE THE CRITERIA FOR A CHARTER SCHOOL TO BE DESIGNATED AS AN AEC; TO AMEND SECTION 59-40-55, RELATING TO A CHARTER SCHOOL SPONSOR'S POWERS AND DUTIES, SO AS TO FURTHER PROVIDE FOR THESE POWERS AND DUTIES INCLUDING THE ADOPTION OF NATIONAL INDUSTRY STANDARDS**

FOR THE SCHOOL, AND THE CLOSURE OF LOW PERFORMING SCHOOLS; TO AMEND SECTION 59-40-60, AS AMENDED, RELATING TO CHARTER SCHOOL APPLICATIONS AND THE FORMATION OF CHARTER SCHOOLS, SO AS TO PROVIDE THAT THE CHARTER SCHOOL APPLICATION MUST BE BASED ON AN APPLICATION TEMPLATE WITH COMPLIANCE GUIDELINES DEVELOPED BY THE DEPARTMENT OF EDUCATION, AND TO FURTHER PROVIDE FOR THE CONTENTS OF THE APPLICATION AND FOR LETTERS OF INTENT TO BE SUBMITTED BY AN APPLICANT AND A CHARTER COMMITTEE; TO AMEND SECTION 59-40-70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE AND ITS DUTY TO REVIEW CHARTER SCHOOL APPLICATIONS, SO AS TO DELETE THE COMMITTEE, TO REVISE THE PROCEDURES REQUIRED OF A CHARTER SCHOOL APPLICANT IN REGARD TO A CHARTER SCHOOL APPLICATION, TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL PROVIDE GUIDANCE ON COMPLIANCE TO BOTH SPONSORS AND APPLICANTS, AND TO FURTHER PROVIDE FOR THE STANDARDS FOR A SCHOOL BOARD OF TRUSTEES OR AREA COMMISSION TO FOLLOW WHEN CONSIDERING THE DENIAL OF AN APPLICATION; TO AMEND SECTION 59-40-90, AS AMENDED, RELATING TO APPEAL OF FINAL DECISIONS OF A SCHOOL DISTRICT TO THE ADMINISTRATIVE LAW COURT, SO AS TO ALSO INCLUDE FINAL DECISIONS OF A PUBLIC OR INDEPENDENT INSTITUTION OF HIGHER LEARNING SPONSOR; TO AMEND SECTION 59-40-110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER SCHOOL SPONSOR AND THE RENEWAL OR TERMINATION OF A CHARTER BY THE SPONSOR, SO AS TO FURTHER PROVIDE FOR THE CIRCUMSTANCES WHEN A CHARTER SCHOOL SHALL AUTOMATICALLY AND PERMANENTLY CLOSE, TO REVISE THE CRITERIA TO CONSIDER WHEN REVOKING OR NOT RENEWING A CHARTER, TO PROVIDE FOR WHEN A SPONSOR SUMMARILY MAY REVOKE A CHARTER, TO PROVIDE FOR THE MANNER IN WHICH STAYS OF THE REVOCATION OR NONRENEWAL OF THE CHARTER TAKE EFFECT OR MAY BE GRANTED, AND TO REQUIRE A SPONSOR TO DEVELOP A PUBLIC CHARTER



**SCHOOL PROTOCOL TO ENSURE A SMOOTH AND ORDERLY CLOSURE AND TRANSITION; TO AMEND SECTION 59-40-115, AS AMENDED, RELATING TO THE TERMINATION OF A CHARTER SCHOOL'S CONTRACT WITH A SPONSOR, SO AS TO DELETE A REFERENCE TO THE CHARTER SCHOOL ADVISORY COMMITTEE; TO AMEND SECTION 59-40-180, AS AMENDED, RELATING TO REGULATIONS AND GUIDELINES PERTAINING TO CHARTER SCHOOLS, SO AS TO DELETE A REFERENCE TO THE CHARTER SCHOOL ADVISORY COMMITTEE; AND TO AMEND SECTION 59-40-65, AS AMENDED, RELATING TO ONLINE OR COMPUTER INSTRUCTION USED IN A CHARTER SCHOOL, SO AS TO REQUIRE THAT SUCH INSTRUCTION MUST BE APPROVED BY THE CHARTER SCHOOL'S SPONSOR RATHER THAN THE STATE DEPARTMENT OF EDUCATION.**

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

**Charter school, Alternative Education Campus**

SECTION 1. Chapter 40, Title 59 of the 1976 Code is amended by adding:

“Section 59-40-111. (A) For purposes of this chapter, an Alternative Education Campus (AEC) is any charter school with an explicit mission as outlined in its charter to serve an enrolled student population with:

(1) severe limitations that preclude appropriate administration of the assessments administered pursuant to federal and state requirements;

(2) fifty percent or more of students having Individualized Education Programs (IEPs) in accordance with federal regulations; or

(3) eighty-five percent or more of enrolled students meeting the definition of a ‘high-risk’ student including students who:

(a) have been adjudicated as juvenile delinquents or who are awaiting disposition of charges that may result in adjudication;

(b) have dropped out of school or who have not been continuously enrolled and regularly attending any school for at least one semester before enrolling in this school;

(c) have been expelled from school or who have engaged in behavior that would justify expulsion;

(d) have documented histories of personal drug or alcohol use or who have parents or guardians with documented dependencies on drugs or alcohol;

(e) have documented histories of personal street gang involvement or who have immediate family members with documented histories of street gang involvement;

(f) have documented histories of child abuse or neglect;

(g) have parents or guardians in prison or on parole or probation;

(h) have documented histories of domestic violence in the immediate family;

(i) have documented histories of repeated school suspensions;

(j) are under the age of twenty years who are parents or pregnant women;

(k) are homeless, as defined in the McKinney-Vento Homeless Assistance Act; or

(l) have a documented history of a serious psychiatric or behavioral disorder including, but not limited to, an eating disorder or a history of suicidal or self-injurious behaviors.

(B) Such schools must be classified as AECs by their sponsor.

(C) A high-poverty rating alone shall not qualify any charter school for status as an AEC.

(D) Charter school applicants seeking such a designation shall provide sufficient information in their charter application to allow the authorizer to make a determination as to whether that classification applies.

(E) Charter schools already in operation may seek AEC classification by petitioning their sponsor.

(F) Charter schools receiving an AEC designation either before or after opening, shall be held to applicable state and federal accountability standards along with the academic performance standards and expectations established by written agreement between the sponsor and the school that takes into account the school's specialized mission and student population."

### **Duties of charter school sponsors**

SECTION 2. Section 59-40-55 of the 1976 Code, as added by Act 164 of 2012, is amended to read:

"Section 59-40-55. (A) In order to promote the quality of charter school outcomes and oversight, the charter school sponsor shall adopt

national industry standards of quality charter schools and shall authorize and implement practices consistent with those standards.

(B) A charter school sponsor shall:

(1) approve charter applications that meet the requirements specified in Sections 59-40-50 and 59-40-60;

(2) decline to approve charter applications according to Section 59-40-70(C);

(3) negotiate and execute sound charter contracts with each approved charter school;

(4) monitor, in accordance with charter contract terms, the performance and legal/fiscal compliance of charter schools to include collecting and analyzing data to support ongoing evaluation according to the charter contract;

(5) conduct or require oversight activities that enable the sponsor to fulfill its responsibilities outlined in this chapter, including conducting appropriate inquiries and investigations, only if those activities are consistent with the intent of this chapter, adhere to the terms of the charter contract, and do not unduly inhibit the autonomy granted to public charter schools;

(6) collect, in accordance with Section 59-40-140(H), an annual report from each of its sponsored charter schools and submit the reports to the Department of Education;

(7) notify the charter school of perceived problems if its performance or legal compliance appears to be unsatisfactory and provide reasonable opportunity for the school to remedy the problem, unless the problem warrants revocation and revocation timeframes apply;

(8) take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies in charter school performance or legal compliance. These actions or sanctions may include requiring a school to develop and execute a corrective action plan within a specified timeframe;

(9) determine whether each charter contract merits renewal, nonrenewal, or revocation;

(10) provide to parents and the general public information about charter schools authorized by the sponsor as an enrollment option within the district in which the charter school is located to the same extent and through the same means as the district in which the charter school is located provides and publicizes information about all public schools in the district. A charter school shall notify its sponsor of its enrollment procedures and dates of its enrollment period no less than sixty days before the first day of its enrollment period; and

(11) permanently close any charter school at the conclusion of the school year after receiving the lowest performance level rating as defined by the federal accountability system for three consecutive years in accordance with Section 59-40-110(E).

(C) The South Carolina Public Charter School District may retain no more than two percent of the total state appropriations for each charter school it authorizes to cover the costs for overseeing its charter schools. The sponsor's administrative fee does not include costs incurred in delivering services that a charter school may purchase at its discretion from the sponsor. The sponsor's fee is not applicable to federal money or grants received by the charter school. The sponsor shall use its funding provided pursuant to this section exclusively for the purpose of fulfilling sponsor obligations in accordance with this chapter."

#### **Application for charter, additional requirements**

SECTION 3. Section 59-40-60 of the 1976 Code, as last amended by Act 164 of 2012, is further amended to read:

"Section 59-40-60. (A) An approved charter application constitutes an agreement between the charter school and the sponsor.

(B) A contract between the charter school and the sponsor must be executed and must reflect all provisions outlined in the application as well as the roles, powers, responsibilities, and performance expectations for each party to the contract. A contract must include the proposed enrollment procedures and dates of the enrollment period of the charter school. All agreements regarding the release of the charter school from school district policies must be contained in the contract. The Department of Education shall develop a contract template to be used by charter schools and the sponsor. The template must serve as a foundation for the development of a contract between the charter school and the sponsor.

(C) A material revision of the terms of the contract between the charter school and the sponsor may be made only with the approval of both parties.

(D) Except as provided in subsection (F), an applicant who wishes to form a charter school shall:

(1) organize the charter school as a nonprofit corporation pursuant to the laws of this State;

(2) form a charter committee for the charter school which includes one or more teachers; and

(3) submit a letter of intent and a written charter school application to the board of trustees or area commission from which the committee is seeking sponsorship.

(E) A charter committee is responsible for and has the power to:

(1) submit a letter of intent and an application to operate as a charter school, sign a charter school contract, and ensure compliance with all of the requirements for charter schools provided by law;

(2) employ and contract with teachers and nonteaching employees, contract for services, and develop pay scales, performance criteria, and discharge policies for its employees. All teachers whether certified or noncertified must undergo the background checks and other investigations required for certified teachers, as provided by law, before they may teach in the charter school; and

(3) decide all other matters related to the operation of the charter school, including budgeting, curriculum, and operating procedures.

(F) The charter school application, based on an application template with compliance guidelines developed by the State Department of Education, must include:

(1) an executive summary, not to exceed two pages;

(2) the mission statement of the charter school, which must be consistent with the principles of the General Assembly's purposes pursuant to Section 59-40-20;

(3) the goals, objectives, and academic performance standards to be achieved by the charter school, and a description of the charter school's admission policies and procedures;

(4) evidence that an adequate number of parents or legal guardians with students eligible to attend the proposed school pursuant to Section 59-40-50 support the formation of a charter school and justify the projected per pupil allocation in the application budget;

(5) a description of the charter school's educational program, including how it will meet or exceed the academic performance standards and expectations, including academic standards adopted by the State Board of Education and how the instructional design, learning environment, class size and structure, curriculum, and teaching methods enable each pupil to achieve these standards;

(6) a description of the charter school's plan for evaluating pupil achievement and progress toward accomplishment of the school's achievement standards in addition to state assessments, the timeline for meeting these standards, and the procedures for taking corrective action if that pupil achievement falls below the standards;

(7) evidence that the plan for the charter school is economically sound, a proposed budget for the term of the charter, a description of

the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the sponsor, is to be conducted;

(8) a description of the governance and operation of the charter school, including a detailed school start-up plan, resumes and background information on the charter committee members, the capacity and experience of the school leadership and management team, any involvement with the replication of existing successful public charter schools, any proposed management company or educational service provider responsibilities, and the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school;

(9) a description of how the charter school plans to ensure that the enrollment of the school is similar to the racial composition of the local school district in which the charter school is to be located or the targeted student population of the local school district that the charter school proposes to serve and provide assurance that the school does not conflict with any school district desegregation plan or order in effect for the school district in which the charter school is to be located;

(10) a description of how the charter school plans to meet the transportation needs of its pupils;

(11) a description of the building, facilities, and equipment and how they shall be obtained;

(12) an explanation of the relationship that shall exist between the proposed charter school and its employees, including a staffing chart aligned with the budget and student enrollment projections, descriptions of evaluation procedures, and evidence that the terms and conditions of employment have been addressed with affected employees;

(13) a description of a reasonable grievance and termination procedure, as required by this chapter, including notice and a hearing before the governing body of the charter school. The application must state whether or not the provisions of Article 5, Chapter 25, Title 59 apply to the employment and dismissal of teachers at the charter school;

(14) a description of student rights and responsibilities, including behavior and discipline standards, and a reasonable hearing procedure, including notice and a hearing before the board of directors of the charter school before expulsion;

(15) an assumption of liability by the charter school for the activities of the charter school and an agreement that the charter school must indemnify and hold harmless the sponsor, its servants, agents, and

employees, from any and all liability, damage, expense, causes of action, suits, claims, or judgments arising from injury to persons or property or otherwise which arises out of the act, failure to act, or negligence of the charter school, its agents and employees, in connection with or arising out of the activity of the charter school; and

(16) a description of the types and amounts of insurance coverage to be obtained by the charter school.

(G) Nothing in this section shall require a charter school applicant to provide a list of prospective or tentatively enrolled students or prospective employees with the application.”

#### **Committee deleted, application requirements revised, guidance**

SECTION 4. Section 59-40-70 of the 1976 Code, as last amended by Act 164 of 2012, is further amended to read:

“Section 59-40-70. (A)(1) An applicant shall submit a letter of intent at least ninety days before submitting an application to the board of trustees or area commission from which it is seeking sponsorship and a copy to the South Carolina Department of Education.

(2) An applicant shall submit the application to the board of trustees or area commission from which it is seeking sponsorship and one copy to the South Carolina Department of Education. In the case of the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor, the applicant shall provide notice of the application to the local school board of trustees in which the charter school will be located for informational purposes only. The school district or the public or independent institution of higher learning from which the applicant is seeking sponsorship may request clarifying information from the applicant. The State Department of Education shall provide guidance on compliance to both sponsors and applicants.

(3) The applicant shall notify the local delegation of a county in which a proposed charter school is to be located upon submission of a charter school application and also shall provide a copy of the charter school application upon request by a member of the local delegation.

(B) The board of trustees or area commission from which the applicant is seeking sponsorship shall rule on the application for a charter school in a public hearing, upon reasonable public notice, within ninety days after receiving the application. If there is no ruling within ninety days, the application is considered approved. Once the application has been approved by the board of trustees or area

commission, the charter school may open at the beginning of the following year. However, before a charter school may open, the State Department of Education shall verify the accuracy of the financial data for the school within forty-five days after approval.

(C) A board of trustees or area commission shall deny an application only if the application does not meet the requirements specified in Section 59-40-50 or 59-40-60, fails to meet the spirit and intent of this chapter, or adversely affects, as defined in regulation, the other students in the district in which the charter school is to be located, or if, based on the totality of information provided by the applicant, the board of trustees or area commission determines that the applicant has failed to demonstrate a substantial likelihood that it has the capacity to establish a viable school based on national industry standards of quality charter school authorization. It shall provide, within ten days, a written explanation of the reasons for denial, citing specific standards related to provisions of Section 59-40-50 or 59-40-60 that the application violates. This written explanation immediately must be sent to the charter committee and filed with the State Board of Education.

(D) In the event that the racial composition of an applicant's or charter school's enrollment differs from the enrollment of the local school district in which the charter school is to be located or the targeted student population of the local school district by more than twenty percent, despite its best efforts, the board of trustees or area commission from which the applicant is seeking sponsorship shall consider the applicant's or the charter school's recruitment efforts and racial composition of the applicant pool in determining whether the applicant or charter school is operating in a nondiscriminatory manner. A finding by the board of trustees or area commission that the applicant or charter school is operating in a racially discriminatory manner justifies the denial of a charter school application or the revocation of a charter as provided in this section or in Section 59-40-110, as may be applicable. A finding by the board of trustees or area commission that the applicant is not operating in a racially discriminatory manner justifies approval of the charter without regard to the racial percentage requirement if the application is acceptable in all other aspects.

(E) If the board of trustees or area commission from which the applicant is seeking sponsorship denies a charter school application, the charter applicant may appeal the denial to the Administrative Law Court pursuant to Section 59-40-90.

(F) If the board of trustees or area commission approves the application, it becomes the charter school's sponsor and shall sign the



approved application. The sponsor shall submit a copy of the charter contract to the State Board of Education.

(G) If a local school board of trustees has information that an approved application by the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor adversely affects the other students in its district, as defined in regulation, or that the approval of the application fails to meet the spirit and intent of this chapter, the local school board of trustees may appeal the granting of the charter to the Administrative Law Court. The Administrative Law Court, within forty-five days, may affirm or reverse the application for action by the South Carolina Public Charter School District or the public or independent institution of higher learning in accordance with an order of the state board.”

#### **Sponsor reference added**

SECTION 5. Section 59-40-90 of the 1976 Code, as last amended by Act 239 of 2008, is further amended to read:

“Section 59-40-90. A final decision of the school district or a public or independent institution of higher learning sponsor may be appealed by any party to the Administrative Law Court as provided in Sections 1-23-380(B) and 1-23-600(D).”

#### **Closure requirements revised, appeals, transition**

SECTION 6. Section 59-40-110 of the 1976 Code, as last amended by Act 164 of 2012, is further amended to read:

“Section 59-40-110. (A) A charter must be approved or renewed for a period of ten school years; however, the charter only may be revoked or not renewed under the provisions of subsection (C) of this section. The sponsor annually shall evaluate the conditions outlined in subsection (C). The annual evaluation results must be used in making a determination for nonrenewal or revocation.

(B) A charter renewal application must be submitted to the school’s sponsor one hundred twenty calendar days before the end of the school year for the term of the charter contract, and it must contain:

(1) a report on the progress of the charter school in achieving the goals, objectives, pupil achievement standards, and other terms of the initially approved charter application;

(2) a financial statement that discloses the costs of administration, instruction, and other spending categories for the charter school that is understandable to the general public and that allows comparison of these costs to other schools or other comparable organizations, in a format required by the State Board of Education; and

(3) any proposed material changes to the current charter or charter school contract to be implemented in the next ten-year charter term.

(C) A charter must be revoked or not renewed by the sponsor if it determines that the charter school:

(1) committed a material violation of the conditions, standards, performance expectations, or procedures provided for in the charter application or charter school contract, or both;

(2) failed to meet the academic performance standards and expectations as defined in the charter application or charter school contract, or both;

(3) failed to maintain its books and records according to generally accepted accounting principles or failed to create an appropriate system of internal control, or both; or

(4) violated any provision of law from which the charter school was not specifically exempted.

(D) A sponsor summarily may revoke any charter school that is determined by the sponsor to pose an imminent threat of harm to the health or safety of students, or both, based on documented and clear and convincing data.

(E) Any charter school shall automatically and permanently close at the conclusion of the school year in which the school first becomes subject to automatic closure for receiving the lowest performance level rating as defined by the federal accountability system for three consecutive years beginning with student achievement data from the 2013-2014 school year. The determination of closure is considered final. Automatic closure shall not apply to any charter school serving fifty percent or more students with disabilities or any charter school designated as an Alternative Education Campus (AEC) by its sponsor as outlined in Section 59-40-111.

(F) At least sixty days before not renewing or terminating a charter school, the sponsor shall notify in writing the charter school's governing body of the proposed action. The notification shall state the grounds for the proposed action in reasonable detail. Termination must follow the procedure provided for in this section.

(G) The existence of another charter granting authority must not be grounds for the nonrenewal or revocation of a charter. Grounds for nonrenewal or revocation must be only those specified of this section.

(H) The charter school's governing body may request in writing a hearing before the sponsor within fourteen days of receiving notice of nonrenewal or termination of the charter. Failure by the school's governing body to make a written request for a hearing within fourteen days must be treated as acquiescence to the proposed action. Upon receiving a timely written request for a hearing, the sponsor shall give reasonable notice to the school's governing body of the hearing date. The sponsor shall conduct a hearing before taking final action. The sponsor shall take final action to renew or not renew a charter by the last day of classes in the last school year for which the charter school is authorized.

(I) A charter school seeking renewal may submit a renewal application to another charter granting authority if the charter school has not committed a material violation of the provisions specified in this section and the sponsor refuses to renew the charter. In such cases the charter school shall continue to receive local funding pursuant to Section 59-40-140(A). However, the charter school is not eligible to receive one hundred percent of the base student cost from the State. The charter school only is eligible to receive the percentage of the base student cost previously received as a school in its former district.

(J) A decision to revoke or not to renew a charter school may be appealed to the Administrative Law Court pursuant to the provisions of Section 59-40-90. Upon appeal to the Administrative Law Court, there is no automatic stay of the revocation or nonrenewal decision. Pending resolution of the appeal, the charter school also may move before the Administrative Law Court for imposition of a stay of the revocation or nonrenewal on the grounds that an unusual hardship to the charter school will result from the execution of the sponsor's decision.

(K) Prior to any public charter school closure, the sponsor shall develop a public charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property, and net assets in accordance with the requirements of this chapter. The protocol shall specify tasks, timelines, and responsible parties, including delineating the respective duties of the school and the sponsor. In the event of a public charter school closure for any reason, the sponsor shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol.”

**Obsolete reference deleted**

SECTION 7. Section 59-40-115 of the 1976 Code, as last amended by Act 239 of 2008, is further amended to read:

“Section 59-40-115. A charter school may terminate its contract with a sponsor before the ten-year term of contract if all parties under contract with the charter school agree to the dissolution. A charter school that terminates its contract with a sponsor directly may seek application for the length of time remaining on its original contract from another sponsor.”

**Obsolete reference deleted**

SECTION 8. Section 59-40-180 of the 1976 Code, as last amended by Act 239 of 2008, is further amended to read:

“Section 59-40-180. The State Board of Education shall promulgate regulations and develop guidelines necessary to implement the provisions of this chapter, including standards to determine compliance with this chapter and an application process to include a timeline for submission of applications that will allow for final decisions, including Administrative Law Court appeal, by December first of the year preceding the charter school’s opening.”

**Online or computer instruction**

SECTION 9. Section 59-40-65(A)(1) of the 1976 Code, as added by Act 26 of 2007, is amended to read:

“(1) provide each student enrolled in the program with a course or courses of online or computer instruction approved by the charter school’s sponsor that must meet or exceed the South Carolina content and grade-specific standards. Students enrolled in the program of online or computer instruction must receive all instructional materials required for the student’s program;”

**Time effective**

SECTION 10. This act takes effect upon approval by the Governor.

Ratified the 9<sup>th</sup> day of June, 2014.

Approved the 12<sup>th</sup> day of June, 2014.

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No. 289

(R323, S825)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “MILITARY FAMILY QUALITY OF LIFE ENHANCEMENT ACT OF 2014” BY ADDING SECTION 3-1-40 SO AS TO EXEMPT FROM AD VALOREM TAXATION ANY REAL PROPERTY LOCATED WITHIN A MILITARY BASE OR INSTALLATION THAT IS USED OR OWNED BY THE UNITED STATES ARMED FORCES AND IS USED AS MILITARY HOUSING FOR MILITARY-AFFILIATED PERSONNEL AND THEIR FAMILIES EVEN IF THE REAL PROPERTY IS IMPROVED, MAINTAINED, OR LEASED TO A PARTY THAT WOULD OTHERWISE SUBJECT THE REAL PROPERTY TO TAX, SO LONG AS THERE IS A CONTRACTUAL AGREEMENT REQUIRING THE LESSEE TO USE THE PROPERTY FOR MILITARY HOUSING; BY ADDING SECTION 44-6-35 SO AS TO PROVIDE THAT MILITARY FAMILIES MAY ENROLL IN A MEDICAID HOME- AND COMMUNITY-BASED WAIVER PROGRAM IN THIS STATE IF SOUTH CAROLINA IS THEIR STATE OF LEGAL RESIDENCE, AND TO ALLOW THEM TO MAINTAIN ENROLLMENT IF THE FAMILY IS STATIONED OUTSIDE OF SOUTH CAROLINA; BY ADDING ARTICLE 21 TO CHAPTER 11, TITLE 63 SO AS TO CREATE THE “MILITARY-CONNECTED CHILDREN’S WELFARE TASK FORCE” TO IDENTIFY ISSUES RELATED TO MILITARY-CONNECTED CHILDREN AND OPEN COMMUNICATION BETWEEN CHILD WELFARE AGENCIES OF THIS STATE AND LOCAL MILITARY INSTALLATIONS; TO AMEND SECTION 59-18-900, AS AMENDED, RELATING TO THE DEVELOPMENT OF COMPREHENSIVE ANNUAL REPORT CARDS AND ACADEMIC PERFORMANCE RATINGS, SO AS TO DIRECT THE EDUCATION OVERSIGHT COMMITTEE, WORKING**

**WITH THE STATE BOARD OF EDUCATION, TO ESTABLISH A COMPREHENSIVE ANNUAL REPORT CONCERNING THE PERFORMANCE OF MILITARY-CONNECTED CHILDREN WHO ATTEND PRIMARY, ELEMENTARY, MIDDLE, AND HIGH SCHOOLS IN THIS STATE; TO AMEND SECTION 7-15-320, AS AMENDED, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO PROVIDE THAT MEMBERS OF THE ARMED SERVICES, THEIR SPOUSES, AND THEIR DEPENDENTS MUST BE PERMITTED TO VOTE BY ABSENTEE BALLOT IN ALL ELECTIONS, REGARDLESS OF WHETHER THEY ARE ABSENT FROM THEIR COUNTY OF RESIDENCE ON ELECTION DAY; TO AMEND SECTION 25-1-350, RELATING TO THE POWERS AND DUTIES OF THE ADJUTANT GENERAL, SO AS TO PROVIDE THAT 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 CERTAIN MISSIONS; AND BY ADDING SECTION 51-13-880 SO AS TO ALLOW MEMBERS OF THE USS LAFFEY ASSOCIATION WHO ARE TEMPORARILY PRESENT AT PATRIOT'S POINT TO PERFORM VOLUNTARY MAINTENANCE ON THE USS LAFFEY TO REMAIN ONBOARD THE VESSEL OVERNIGHT IF THE EXECUTIVE DIRECTOR OF THE PATRIOT'S POINT DEVELOPMENT AUTHORITY APPROVES AND HAS DEEMED IT SAFE.**

Whereas, the General Assembly finds that the sacrifices of those who serve in the armed services of this great nation deserve our greatest respect, and that we have an obligation to demonstrate our appreciation to these service members and their families in tangible ways; and

Whereas, the General Assembly takes great pride in being home to many military installations, and is greatly appreciative of the tremendously positive impact of these installations and the service members and their families on the economy of the Palmetto State; and

Whereas, the South Carolina General Assembly finds that comprehensive legislation to enhance many quality of life issues for members of the armed forces and their families is very appropriate to demonstrate its appreciation for the sacrifices of members of the armed

forces and their families and to demonstrate its appreciation for the enormously positive impact of military installations on the Palmetto State. Now, therefore,

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

PART I

Military Family Quality of Life Enhancement Act of 2014

**Citation**

SECTION 1. This act may be known and must be cited as the "Military Family Quality of Life Enhancement Act of 2014".

PART II

Property Taxes

**Property on military base used for military housing exempt from property tax**

SECTION 2. A. Article 1, Chapter 1, Title 3 of the 1976 Code is amended by adding:

"Section 3-1-40. There is exempt from ad valorem taxation any real property, and improvements thereon, located within a military base or installation that is used or owned by the United States Armed Forces and is used as military housing for military-affiliated personnel and their families. Military housing includes ancillary facilities that support the military housing. This exemption continues to apply if the real property is improved, maintained, or leased to a party that would otherwise subject the real property to tax, so long as there is a contractual agreement by and between a branch of the United States Armed Forces and the lessee which requires the lessee to use the property for military housing."

B. This section takes effect upon approval by the Governor and applies for property tax years beginning after 2013.

## PART III

## Medicaid Waiver Protections

**Medicaid waiver protections**

SECTION 3. Article 1, Chapter 6, Title 44 of the 1976 Code is amended by adding:

“Section 44-6-35. In administering home- and community-based waiver programs, the department shall, to the extent possible, maintain the waiver status of an eligible family member of a member of the armed services who maintains his South Carolina state residence, regardless of where the service member is stationed. Consequently, a person on a waiver waiting list would return to the same place on the waiting list when the family returns to South Carolina. Furthermore, the eligible family member previously enrolled in a waiver program and who received active services would be reinstated into the waiver program once Medicaid eligibility is established, upon their return to South Carolina. It is not the intent of this section to authorize services provided outside the South Carolina Medicaid Service Area. These provisions are contingent upon the department receiving federal approval.”

## PART IV

## Military-Connected Children’s Welfare Task Force

**Military-Connected Children’s Welfare Task Force**

SECTION 4. Chapter 11, Title 63 of the 1976 Code is amended by adding:

“Article 21

## Military-Connected Children’s Welfare Task Force

Section 63-11-2110. (A) There is created the ‘Military-Connected Children’s Welfare Task Force’ for the purpose of identifying issues related to military-connected children and opening communication between child welfare agencies of this State and local military installations. The task force shall study issues relating to



military-connected children as the task force may undertake or as may be requested by the General Assembly.

(B) The task force is to be comprised of the following members:

- (1) the Director of the Department of Health and Human Services, or his designee;
- (2) the Governor, or his designee;
- (3) the Speaker of the House of Representatives, or his designee;
- (4) the President Pro Tempore of the Senate, or his designee; and
- (5) a representative of the Children's Trust Fund.

(C) The task force shall meet as soon as practicable after the effective date of this act for organizational purposes.

(D) The task force shall submit an annual written report to the General Assembly including recommendations to facilitate and open communication between child welfare agencies of this State and local military installations. The findings and recommendations of the task force shall be posted on the Department of Health and Human Services' website.

(E) The members of the task force shall serve without compensation and may not receive mileage or per diem."

## PART V

### Education

#### **Annual report on educational performance of military-connected children**

SECTION 5. Section 59-18-900 of the 1976 Code, as last amended by Act 282 of 2008, is further amended by adding an appropriately lettered subsection at the end to read:

"( ) The Education Oversight Committee, working with the State Board of Education, is directed to establish a comprehensive annual report concerning the performance of military-connected children who attend primary, elementary, middle, and high schools in this State. The comprehensive annual report must be in a reader-friendly format, using graphics whenever possible, published on the state, district, and school websites, and, upon request, printed by the school districts. The annual comprehensive report must address at least attendance, academic performance in reading, math, and science, and graduation rates of military-connected children."

**Absentee ballot permitted for all members of the armed forces and certain family members**

SECTION 6. Section 7-15-320 of the 1976 Code, as last amended by Act 43 of 2011, is further amended to read:

“Section 7-15-320. (A) Qualified electors in any of the following categories must be permitted to vote by absentee ballot in all elections when they are absent from their county of residence on election day during the hours the polls are open, to an extent that it prevents them from voting in person:

- (1) students, their spouses, and dependents residing with them;
- (2) persons serving with the American Red Cross or with the United Service Organizations (USO) who are attached to and serving with the Armed Forces of the United States, their spouses, and dependents residing with them;
- (3) governmental employees, their spouses, and dependents residing with them;
- (4) persons on vacation (who by virtue of vacation plans will be absent from their county of residence on election day); or
- (5) overseas citizens.

(B) Qualified electors in any of the following categories must be permitted to vote by absentee ballot in all elections, whether or not they are absent from their county of residence on election day:

- (1) physically disabled persons;
- (2) persons whose employment obligations require that they be at their place of employment during the hours that the polls are open and present written certification of that obligation to the county registration board;
- (3) certified poll watchers, poll managers, county voter registration board members and staff, county and state election commission members and staff working on election day;
- (4) persons attending sick or physically disabled persons;
- (5) persons admitted to hospitals as emergency patients on the day of an election or within a four-day period before the election;
- (6) persons with a death or funeral in the family within a three-day period before the election;
- (7) persons who will be serving as jurors in a state or federal court on election day;
- (8) persons sixty-five years of age or older;
- (9) persons confined to a jail or pretrial facility pending disposition of arrest or trial; or

(10) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them.”

## PART VI

### Severability and Effective Date

#### **Severability**

SECTION 7. 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.

#### **Powers and duties of Adjutant General**

SECTION 8. Section 25-1-350 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) in his discretion, 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.”

#### **USS Laffey**

SECTION 9. Article 11, Chapter 13, Title 51 of the 1976 Code is amended by adding:

“Section 51-13-880. Members of the USS Laffey Association who are temporarily present at Patriot’s 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.”

**Time effective**

SECTION 10. Unless specified otherwise, this act takes effect upon approval by the Governor.

Ratified the 20<sup>th</sup> day of June, 2014.

Approved the 23<sup>rd</sup> day of June, 2014.

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**No. 290**

(R324, S940)

**AN ACT TO AMEND SECTION 4-10-470, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX, SO AS TO ALLOW CERTAIN COUNTIES TO IMPOSE THE TAX BASED UPON CERTAIN FACTORS; AND TO AMEND SECTION 4-10-460, RELATING TO THE REIMPOSITION OF THE EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX, SO AS TO PROVIDE THAT THE REFERENDUM FOR REIMPOSITION MUST NOT BE HELD EARLIER THAN WITHIN THE CALENDAR YEAR WHICH IS TWO YEARS BEFORE THE CALENDAR YEAR IN WHICH THE TAX IN EFFECT IS SCHEDULED TO TERMINATE.**

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

**Counties in which education capital improvements sales and use tax may be imposed**

SECTION 1. Section 4-10-470 of the 1976 Code, as added by Act 316 of 2008, is amended to read:

“Section 4-10-470. (A) The Education Capital Improvements Sales and Use Tax authorized by this article may only be imposed in counties which have collected at least seven million dollars in state accommodations taxes as imposed pursuant to Section 12-36-920(A) in the most recent fiscal year for which full collection figures are

available. Once a county meets this threshold it thereafter remains eligible to impose this tax.

(B)(1) The Education Capital Improvements Sales and Use Tax authorized by this article also may be imposed in a county without regard to the requirements of subsection (A) if:

(a) at the time of the referendum, no portion of the county in which the tax is to be imposed is subject to more than two percent total local sales tax; and

(b) the county in which the tax is to be imposed is encompassed completely by one entire school district, and that school district also extends into one adjacent county.

(2) Notwithstanding any other provision of this article, if the Education Capital Improvements Sales and Use Tax is imposed pursuant to this subsection, then:

(a) stated in calendar years, the tax may not be imposed for more than ten years;

(b) at least ten percent of the proceeds must be used to provide a credit against existing debt service millage on general obligation bonds in the same manner as in item (3) with the applicable adjustment to the numerator. The offset only may be applied within the county, and not to the portion of the adjacent county, in a manner similar to item (3); and

(c) the total debt service on bonds issued by the school district resulting from the imposition, net of any premium or accrued interest, shall not exceed ninety percent of the total amount of Education Capital Improvements Sales and Use Tax proceeds estimated to be allocated to the school district during the imposition, minus any amounts dedicated to the credit required pursuant to subitem (b). The Board of Economic Advisors shall provide the estimate of the total amount.

(3)(a) The revenues allotted to the district must be used to provide a nonrefundable credit against the millage imposed for debt service to service bonds issued by the district resulting from the imposition, on property taxable in the county only. The amount of the credit is determined by multiplying the value of the taxable property, before the exemption provided in Section 12-37-250, by a fraction in which the numerator is the total estimated revenue allotted to the district during the applicable fiscal year of the district minus the amounts set forth in item (2), and the denominator is the total of the property tax value of taxable property in the county as defined pursuant to Section 12-37-3135(5), including the value exempted in Section 12-37-250, in the district as of January first of the applicable property

tax year. For motor vehicles subject to the payment of property taxes pursuant to Article 21, Chapter 37, Title 12, the credit provided pursuant to this subsection applies against the tax liability for motor vehicle tax years beginning after December of the year in which the credit is calculated. The credit applies first against the liability arising from millage imposed for debt obligations for schools, and then against any liability arising from school operations.

(b) The credit provided by this article is in addition to any credits allowed pursuant to Article 1 of this chapter, and to the extent that there is unused credit, then the credit provided by this article may be applied proportionately against other property tax liability.

(c) Before the provisions of subitem (b) apply, an amount equal to the credit that would apply against the property tax liability for school operations imposed on an owner-occupied residence but for the exemption allowed pursuant to Section 12-37-220(B)(47) is allowed as a credit to be applied proportionately against all nonschool-related property tax otherwise due on the residence.

(d) If proceeds from the imposition are unused after the termination of the tax, then the unused funds must be used to provide a credit in the same manner as provided in subitem (a) over the next three property tax years.

(4) Notwithstanding any other provision of law, if, within a county there is imposed the Education Capital Improvements Sales and Use Tax pursuant to this subsection, then no other local sales tax may be imposed in that county if the subsequent imposition causes the total sales tax to exceed two percent in any portion of the county. This limitation applies so long as this subsection is utilized to impose the Education Capital Improvements Sales and Use Tax.

(5) Notwithstanding any other provision of law, if the tax imposed pursuant to this subsection and another sales tax are approved at the same referendum, and the approval of both subjects any portion of the county to more than two percent total local sales tax, then only the tax whose approving resolution was adopted first may be imposed, and the other tax is deemed to not have been approved.

(6) For purposes of this subsection, a sales tax is a tax levied pursuant to this chapter, pursuant to Chapter 37, Title 4, or pursuant to any local law enacted by the General Assembly.

(C) Notwithstanding any other provision of this section, the Education Capital Improvements Sales and Use Tax authorized by this article also may be imposed in a county so long as the county or school district imposed a local sales and use tax to fund education capital improvements on January 1, 2014. The Education Capital

Improvements Sales and Use Tax may be imposed pursuant to this subsection at any time after the local sales and use tax terminates.

(D) The Education Capital Improvements Sales and Use Tax authorized by this article also may be imposed in a county which does not meet the collection requirements of subsection (A) so long as:

(1) the county only has one school district which encompasses the entire county area in which the tax is to be imposed; and

(2) the county collected at least one million dollars in state accommodations taxes as imposed pursuant to Section 12-36-920(A) in the most recent fiscal year for which full collection figures are available. Once a county meets this threshold, it thereafter remains eligible to impose this tax pursuant to this subsection.

(E)(1) The Education Capital Improvements Sales and Use Tax authorized by this article also may be imposed in a county which does not meet the collection requirements of subsection (A) so long as the county in which the tax is to be imposed:

(a) is comprised of more than one school district and the county has a county board of education; and

(b) has no other local sales tax imposition at the time of the referendum.

(2) Notwithstanding any other provision of this article, if the Education Capital Improvements Sales and Use Tax is imposed pursuant to this subsection, then:

(a) at least ten percent of the proceeds must be used to provide property tax relief by using the proceeds to offset the existing debt service millage levy on general obligation bonds pursuant to Section 4-10-445; and

(b) the tax revenue distributed to each district must be in the proportion that the district's average daily membership (ADM) attributes to the total ADM of all the school districts in the county, limited to ADM attributable to the county.

(3) The resolution required pursuant to Section 4-10-425 must be agreed to by a majority vote of the board of trustees of each school district located in whole or in part in the county.

(4) For purposes of this subsection, a sales tax is a tax levied pursuant to this chapter, pursuant to Chapter 37, Title 4, or pursuant to any local law enacted by the General Assembly.

(5) Once a county meets the provisions of item (1) and imposes the Education Capital Improvements Sales and Use Tax, it thereafter remains eligible to impose this tax pursuant to this subsection.

(F) The Education Capital Improvements Sales and Use Tax authorized by this article also may be imposed in a county which does not meet the collection requirements of subsection (A) so long as:

(1) immediately prior to the imposition date, if approved, the county is imposing the local option sales tax imposed pursuant to Article 1, and the county has not imposed that tax for twenty years or more, in which any portion of a calendar year counts as a year, and no other local sales and use tax that is administered by the Department of Revenue is imposed in the county; and

(2) the county collected at least one hundred thousand dollars in state accommodations taxes as imposed pursuant to Section 12-36-920(A) in the most recent fiscal year for which full collection figures are available.

Once a county meets the provisions of item (1) and the threshold in item (2), it thereafter remains eligible to impose this tax pursuant to this subsection.”

### **Reimposition of education capital improvements sales and use tax**

SECTION 2. Section 4-10-460 of the 1976 Code, as added by Act 316 of 2008, is amended to read:

“Section 4-10-460. The tax authorized in this article may be renewed and imposed within a county in the same manner as proceedings for the initial imposition of the tax. A referendum on the question of reimposition of a tax must not be held earlier than within the calendar year which is two years before the calendar year in which the tax then in effect is scheduled to terminate, but any reimposition is effective immediately upon the termination of the tax previously imposed.”

### **Time effective**

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

Ratified the 20<sup>th</sup> day of June, 2014.

Approved the 24<sup>th</sup> day of June, 2014.

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## No. 291

(R325, H3124)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-7-315 SO AS TO PROHIBIT AN EMPLOYER FROM DISMISSING, DEMOTING, SUSPENDING, OR DISCIPLINING AN EMPLOYEE WHO REPORTS CHILD ABUSE OR NEGLECT, WHETHER REQUIRED OR PERMITTED TO REPORT, TO CREATE A CAUSE OF ACTION FOR REINSTATEMENT AND BACK PAY, AND TO AUTHORIZE AN AWARD OF ATTORNEY'S FEES TO THE PREVAILING PARTY UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 63-7-940, RELATING TO THE USE OF UNFOUNDED CASE INFORMATION IN CHILD ABUSE AND NEGLECT CASES, SO AS TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF SOCIAL SERVICES MAY DISCLOSE SUCH TO BE REVIEWED IN CLOSED SESSIONS KEPT CONFIDENTIAL WHEN IN RESPONSE TO AN INQUIRY MADE BY CERTAIN COMMITTEES OF THE GENERAL ASSEMBLY INVESTIGATING THE DEPARTMENT; AND TO AMEND SECTION 63-7-1990, RELATING TO THE CONFIDENTIALITY AND RELEASE OF CHILD ABUSE AND NEGLECT INFORMATION AND RECORDS MAINTAINED BY THE DEPARTMENT, SO AS TO ALSO AUTHORIZE THE DIRECTOR TO DISCLOSE TO THE MEDIA LIMITED INFORMATION PLACED IN THE PUBLIC DOMAIN BY THE PARTY IN INTEREST, TO DISCLOSE LIMITED INFORMATION, TO RESPOND TO AN ALLEGATION MADE BY THE ALLEGED PERPETRATOR, THE ATTORNEY FOR THE ALLEGED PERPETRATOR, THE PARTY IN INTEREST, OR OTHER PUBLIC OFFICIALS IN PUBLIC TESTIMONY BEFORE CERTAIN COMMITTEES, OF THE GENERAL ASSEMBLY BE REVIEWED IN CLOSED SESSION AND KEPT CONFIDENTIAL WHEN IN RESPONSE TO AN INQUIRY MADE BY CERTAIN COMMITTEES OF THE GENERAL ASSEMBLY INVESTIGATING THE DEPARTMENT.

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

**Civil action created for wrongful termination based on employee having reported child abuse or neglect**

SECTION 1. Subarticle 1, Article 3, Chapter 7, Title 63 of the 1976 Code is amended by adding:

“Section 63-7-315. (A) An employer must not dismiss, demote, suspend, or otherwise discipline or discriminate against an employee who is required or permitted to report child abuse or neglect pursuant to Section 63-7-310 based on the fact that the employee has made a report of child abuse or neglect.

(B) An employee who is adversely affected by conduct that is in violation of subsection (A) may bring a civil action for reinstatement and back pay. An action brought pursuant to this subsection may be commenced against an employer, including the State, a political subdivision of the State, and an office, department, independent agency, authority, institution, association, or other body in state government. An action brought pursuant to this subsection must be commenced within three years of the date the adverse personnel action occurred.

(C) In an action brought pursuant to subsection (B), the court may award reasonable attorney’s fees to the prevailing party; however, in order for the employer to receive reasonable attorney’s fees pursuant to this subsection, the court must make a finding pursuant to Section 63-7-2000 that:

(1) the employee made a report of suspected child abuse or neglect maliciously or in bad faith; or

(2) the employee is guilty of making a false report of suspected child abuse or neglect pursuant to Section 63-7-440.”

**Use of unfounded abuse and neglect case information**

SECTION 2. Section 63-7-940(A)(7) and (8) of the 1976 Code is amended to read:

“(7) as authorized in Section 63-7-2000;

(8) the Department of Child Fatalities pursuant to Section 63-11-1960; and

(9)(a) the director or his designee who may disclose information to respond to an inquiry by a committee or subcommittee of the Senate or the House of Representatives or a joint committee of the General Assembly, which is engaged in oversight or investigating the activities

of the department, provided that such information is reviewed in closed session and kept confidential. Notwithstanding the provisions of Chapter 4, Title 30, meetings to review information disclosed pursuant to this subitem must be held in closed session and any documents or other materials provided or reviewed during the closed session are not subject to public disclosure;

(b) the department shall state that the case was unfounded when disclosing information pursuant to this item.”

**Circumstances authorizing disclosure of confidential abuse and neglect information**

SECTION 3. Section 63-7-1990(G) of the 1976 Code is amended to read:

“(G)(1) The state director of the department or the director’s designee may disclose to the media information contained in child protective services records if the disclosure is limited to discussion of the department’s activities in handling the case including information placed in the public domain by other public officials, a criminal prosecution, the alleged perpetrator or the attorney for the alleged perpetrator, the party in interest, or other public judicial proceedings. For purposes of this subsection, information is considered ‘placed in the public domain’ when it has been reported in the news media, is contained in public records of a criminal justice agency, is contained in public records of a court of law, or has been the subject of testimony in a public judicial proceeding.

(2) The director or his designee shall disclose information in records required to be kept confidential pursuant to subsection (A) to respond to an allegation made by the alleged perpetrator, the attorney for the alleged perpetrator, the party in interest, or other public officials in public testimony before a committee or subcommittee of the Senate or the House of Representatives or a joint committee of the General Assembly, which is engaged in oversight or investigating the activities of the department. The department’s response is limited to discussion of the department’s activities in handling the case relating to the allegation made in public testimony.

(3) For all other information not subject to disclosure pursuant to subsection (G)(2), the director or his designee shall disclose information in records required to be kept confidential pursuant to subsection (A) to respond to an inquiry from a committee or subcommittee of the Senate or the House of Representatives or a joint

committee of the General Assembly, which is engaged in oversight or investigating the activities of the department. The information must be reviewed in a closed session and kept confidential. Notwithstanding the provisions of Chapter 4, Title 30, meetings to review information disclosed pursuant to this item must be held in closed session and any documents or other materials provided or reviewed during the closed session are not subject to public disclosure.”

**Time effective**

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

Ratified the 20<sup>th</sup> day of June, 2014.

Approved the 23<sup>rd</sup> day of June, 2014.

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**No. 292**

(R326, H3149)

**AN ACT TO AMEND SECTION 40-54-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING DEALERS IN PRECIOUS METALS, SO AS TO MODIFY THE TERM “PURCHASE”; TO AMEND SECTION 40-54-20, RELATING TO PLACES IN WHICH DEALERS MAY NOT OPERATE, SO AS TO INCLUDE RESIDENTIAL DWELLING AND SUBLEASED SPACES WITH A LEASE TERM OF LESS THAN ONE YEAR; TO AMEND SECTION 40-54-40, RELATING TO THE REQUIREMENT THAT SELLERS OF PRECIOUS METALS PROVIDE CERTAIN POSITIVE IDENTIFICATION BEARING HIS PHOTOGRAPH, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 40-54-50, RELATING TO THE RETENTION PERIOD FOR PRECIOUS METALS, SO AS TO EXTEND THE PERIOD, AMONG OTHER THINGS; TO AMEND SECTION 40-54-80, RELATING TO PENALTIES, SO AS TO INCREASE PENALTIES FOR THE PURCHASE OF PRECIOUS METALS BY A DEALER WITH A REVOKED LICENSE; AND TO AMEND SECTION 40-54-100, RELATING TO EXEMPT**

**TRANSACTIONS, SO AS TO MAKE A CONFORMING CHANGE AND REVISE EXISTING EXEMPTIONS.**

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

**Definitions revised**

SECTION 1. Section 40-54-10(7) of the 1976 Code is amended to read:

“(7) ‘Purchase’ means the acquisition, including by means of being pawned to a dealer, of precious metal or precious or semiprecious stones or gems or both precious metal and precious or semiprecious stones or gems for a consideration of cash, goods, or other precious metals or precious or semiprecious stones or gems or both precious metals and precious or semiprecious stones or gems. Trade-ins are covered by the provisions of this chapter unless the item traded was purchased directly from the dealer allowing the trade.”

**Prohibited locations revised**

SECTION 2. Section 40-54-20 of the 1976 Code is amended to read:

“Section 40-54-20. (A) No dealer as defined herein shall operate in the State of South Carolina unless he first obtains a permit to engage in the business of purchasing precious metals from the local law enforcement agency and operates only from a permanent place of business. No dealer shall operate upon public property nor from a vehicle, flea market, hotel room, residential dwelling, similar temporary location, or subleased space with a lease term of less than one year.

(B) The form of the permit to engage in the business of purchasing precious metals shall be prescribed by the State Law Enforcement Division and all applicants for a permit under this chapter, whether a person, firm or corporation, shall file a written sworn application signed by the applicant if an individual, by all the partners if a partnership, and by the president if a corporation, with the local law enforcement agency showing:

(1) The names of the persons managing, supervising or conducting the applicant’s business in any places proposed to carry on business; the addresses of such persons; the driver’s license number of such persons; the capacity in which such persons will act, that is,

whether as proprietor, agent or otherwise; the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, the state of incorporation.

(2) The permanent places of business and other places in the State of South Carolina where it is proposed to carry on the applicant's business and the places where the applicant has carried on the business of purchasing precious metals within one year preceding the date of such application.

(3) Such other reasonable information as to the identity of the persons managing, supervising or conducting the applicant's business as the local law enforcement agency may deem proper to fulfill the purposes of this chapter.

(4) A statement of the nature, character and quality of the precious metals to be purchased in the business.

(C) Upon receipt of such application for a permit, the local law enforcement agency shall cause an investigation of such person's business and personal background to be made. Such investigation shall be limited to information pertinent to the purpose of this chapter. If, as a result of the investigation, the background is found to be unsatisfactory, the permit shall be denied. The permit shall be denied or issued within thirty days from the date of application. Upon the issuance of the permit, the local law enforcement agency shall notify the State Law Enforcement Division of the locations where the permit holder proposes to carry on his business. The permit issued under this chapter shall be valid for a period of one year from the date issued and the annual fee shall be fifty dollars to provide for the administrative costs. If the dealer intends to operate from more than one location within the State, then separate permits shall be issued for each place of business; provided, however, only one annual fee shall be collected.

(D) The permits under this chapter shall be in addition to and not in lieu of other business licenses.

(E) A permit may be denied, suspended or revoked at any time if the local law enforcement agency discovers that the information on the application is inaccurate or the dealer or applicant does not comply with the requirements of this act. The permit holder shall notify, within ten days, the local law enforcement agency if any substantive changes occur in the permanent place of business in the persons managing, supervising or conducting the applicant's business, or in the places the permit holder intends to do business."

**Identification requirements, specific forms acceptable**

SECTION 3. Section 40-54-40 of the 1976 Code is amended to read:

“Section 40-54-40. (A)(1) Every dealer shall keep a book in which must be written at the time of any purchase of precious metal or precious or semiprecious stones or gems made from the general public, whether in bulk or manufactured form, the date of purchase, amount of money or other property exchanged for the metal, stones, or gems, the name, sex, race, age, address, and driver’s license number of the person selling the items, articles, or things bought, and the number and nature and brand name of the items, articles, or things. Descriptions must include size, weight, patterns, or engraving or any unusual identification marks.

(2) If the seller does not have a driver’s license, some other positive identification bearing his photograph and an identifying number may be substituted including:

(a) another form of identification containing a photograph and issued by the Department of Motor Vehicles;

(b) a passport;

(c) military identification containing a photograph and issued by the United States federal government; or

(d) a South Carolina voter registration card containing a photograph pursuant to Section 7-5-675.

(3) If the seller cannot produce a driver’s license or other positive identification, the dealer may not buy any merchandise from him. Every dealer shall, at the time of purchase, obtain the signature of the seller as part of the recording of the transaction.

(B) The record book must be kept for three years and at all reasonable times must be open to the inspection of any judicial or law enforcement officials or their designees.

(C) The local law enforcement agency may not reveal a seller’s identity supplied under this section except to other law enforcement agencies and prosecuting officials or pursuant to the valid order of a court or in the course of any criminal investigation or prosecution.”

**Mandatory holding period increased**

SECTION 4. Section 40-54-50 of the 1976 Code is amended to read:

“Section 40-54-50. (A) No dealer may purchase any precious metal from a minor unless accompanied by his parent or guardian with appropriate identification.

(B) All precious metals, except coins, purchased by a dealer must be held by the dealer at his permanent place of business or within the county of purchase in this State without being resold, melted, or altered in any manner, for a period of twenty-one days from the purchase date. All goods required to be held under this section must at all reasonable times be open to inspection by any law enforcement agency.”

### **Penalties increased**

SECTION 5. Section 40-54-80 of the 1976 Code is amended to read:

“Section 40-54-80. (A) Any dealer wilfully violating the provisions of this chapter is guilty of a misdemeanor and upon conviction for a first offense must be fined not more than five hundred dollars, imprisoned for not more than ninety days, or both. A second offense conviction is punishable by a fine of not more than two thousand dollars, imprisonment for not more than one year, or both. A third or subsequent offense conviction is punishable by a fine of not more than five thousand dollars, imprisonment for not more than three years, or both. A dealer convicted of a second offense is ineligible for a permit to conduct business in precious metals in this State for at least two years and a dealer convicted of a third or subsequent offense is ineligible for a permit for a least five years.

(B)(1) In addition to the provisions of subsection (A), any dealer who wilfully makes a purchase with an invalid, suspended, or revoked license as a dealer of precious metals is guilty of a misdemeanor and upon conviction for a:

(a) first offense must be fined not more than five hundred dollars, imprisoned for not more than ninety days, or both;

(b) second offense must be fined not more than two thousand dollars, imprisoned for not more than one year, or both; and

(c) third offense must be fined not more than five thousand dollars, imprisoned for not more than three years, or both.

(2)(a) A dealer convicted of a second offense is ineligible for a permit to conduct business in precious metals in this State for at least two years; and

(b) a dealer convicted of a third offense is ineligible for a permit to conduct business in precious metals in this State for at least five years.



(3) A penalty under this section is cumulative to penalties in items (1) and (2).”

#### **Exempt transactions, conforming change, revisions**

SECTION 6. Section 40-54-100 of the 1976 Code is amended to read:

“Section 40-54-100. This chapter shall not apply to the following specific transactions:

(1) a transaction between dealers of precious metals where the selling dealer has already complied with the applicable holding period, nor shall they apply to transactions between coin dealers and coin collectors occurring at regularly scheduled numismatic conventions. However, this exemption only applies to transactions between coin dealers and coin collectors occurring at regularly scheduled numismatic conventions for the purchase of coins;

(2) the purchase of manufactured items bought directly from the manufacturer or his authorized representatives;

(3) the purchase of bulk precious metals brought directly from the commodity exchanges, banks, dealers or licensed brokers; and

(4) the use of a coin strictly as legal tender.”

#### **Savings**

SECTION 7. 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 8. This act takes effect upon approval by the Governor.

Ratified the 20<sup>th</sup> day of June, 2014.

Approved the 23<sup>rd</sup> day of June, 2014.

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No. 293

(R327, H4061)

**AN ACT TO AMEND SECTION 59-32-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION SELECT OR DEVELOP INSTRUCTIONAL UNITS IN COMPREHENSIVE HEALTH EDUCATION FOR USE BY SCHOOL DISTRICTS, SO AS TO PROVIDE THAT BEFORE SEPTEMBER 1, 2015, THE BOARD, THROUGH THE STATE DEPARTMENT OF EDUCATION, SHALL SELECT OR DEVELOP INSTRUCTIONAL UNITS IN SEXUAL ABUSE AND ASSAULT AWARENESS AND PREVENTION, WITH SEPARATE UNITS APPROPRIATE FOR EACH AGE LEVEL FROM FOUR-YEAR-OLD KINDERGARTEN THROUGH TWELFTH GRADE; AND TO AMEND SECTION 59-32-30, RELATING TO THE REQUIREMENT THAT LOCAL SCHOOL DISTRICTS IMPLEMENT THE COMPREHENSIVE HEALTH EDUCATION PROGRAM, AMONG OTHER THINGS, SO AS TO PROVIDE THAT BEGINNING WITH THE 2015-2016 SCHOOL YEAR, THE DISTRICTS ANNUALLY SHALL PROVIDE AGE-APPROPRIATE INSTRUCTION IN SEXUAL ABUSE AND ASSAULT AWARENESS AND PREVENTION TO ALL STUDENTS IN FOUR-YEAR-OLD KINDERGARTEN, WHERE OFFERED, THROUGH TWELFTH GRADE, BASED ON THE UNITS DEVELOPED BY THE STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION.**

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

**Selection or adoption of instruction units by state board required**

SECTION 1. Section 59-32-20 of the 1976 Code is amended to read:

“Section 59-32-20. (A) Before August 1, 1988, the board, through the department, shall select or develop an instructional unit with separate components addressing the subjects of reproductive health education, family life education, pregnancy prevention education, and sexually transmitted diseases and make the instructional unit available to local school districts. The board, through the department, also shall make available information about other programs developed by other states upon request of a local school district.

(B) In addition to the provisions of subsection (A), before September 1, 2015, the board, through the department, shall select or develop instructional units in sexual abuse and assault awareness and prevention, with separate units appropriate for each age level from four-year-old kindergarten through twelfth grade.”

#### **Instruction by school districts required**

SECTION 2. Section 59-32-30 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) Beginning with the 2015-2016 school year, districts annually shall provide age-appropriate instruction in sexual abuse and assault awareness and prevention to all students in four-year-old kindergarten, where offered, through twelfth grade. This instruction must be based on the units developed by the board, through the department, pursuant to Section 59-32-20(B).”

#### **Time effective**

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

Ratified the 20<sup>th</sup> day of June, 2014.

Approved the 23<sup>rd</sup> day of June, 2014.

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#### **No. 294**

(R328, H4354)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-115-15 SO AS TO**

**PROVIDE THAT FOR THE PURPOSES OF THE PHYSICIANS' PATIENT RECORDS ACT, THE TERM "MEDICAL RECORDS" INCLUDES MEDICAL BILLS; TO AMEND SECTION 44-7-325, RELATING TO THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, AND SECTIONS 44-115-30 AND 44-115-80, BOTH RELATING TO THE PHYSICIANS' PATIENT RECORDS ACT, ALL SO AS TO PROVIDE CIRCUMSTANCES IN WHICH ELECTRONIC RECORDS MUST BE PROVIDED, TO REVISE RELATED FEES, TO PERMIT FEES EVEN WHEN RECORDS REQUESTED BY A PATIENT ARE NOT FOUND, AND TO REQUIRE ANNUAL ADJUSTMENTS OF THESE FEES IN A CERTAIN MANNER.**

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

**Obligation of health care facilities, fees**

SECTION 1. Section 44-7-325 of the 1976 Code is amended to read:

“Section 44-7-325. (A)(1) A health care facility, as defined in Section 44-7-130, and a health care provider licensed pursuant to Title 40 may charge a fee for the search and duplication of a medical record, whether in paper format or electronic format, but the fee may not exceed:

(a) for records requested to be produced in an electronic format, the total charge to the requestor may not exceed one hundred fifty dollars per request regardless of the number of records produced or number of times the patient has been admitted to the health care facility. The charge, not to exceed one hundred fifty dollars, shall be calculated as follows: sixty-five cents per page for the first thirty pages provided in an electronic format and fifty cents per page for all other pages provided in an electronic format, plus a clerical fee not to exceed twenty-five dollars for searching and handling, which combined with the per page costs may not exceed a total of one hundred fifty dollars per request, and to which may be added actual postage and applicable sales tax;

(b) for paper requests, sixty-five cents per page for the first thirty printed pages and fifty cents per page for all other printed pages, plus a clerical fee not to exceed twenty-five dollars for searching and handling, which combined with the per page print costs may not exceed two hundred dollars per admission to the health care facility, and to

which may be added actual postage and applicable sales tax. The patient may have more than one admission on file when the record request is made. If multiple admissions exist, the print fee applies per admission, but only one clerical fee may be charged. Multiple emergency room records without an admission to the hospital are considered one admission;

(c) notwithstanding whether the records are requested in print or electronic format, the search and handling fees in subitems (a) and (b) are permitted even though no medical record is found as a result of the search, except where the request is made by the patient; and

(d) all of the fees allowed by this section, including the maximum, must be adjusted annually in accordance with the Consumer Price Index for all Urban Consumers, South Region (CPI-U), published by the U.S. Department of Labor. The Department of Health and Environmental Control is responsible for calculating this annual adjustment, which is effective on July first of each year, starting July 1, 2015.

(2) Notwithstanding the provisions of subsection (A), no fee may be charged for records copied at the request of a health care provider or for records sent to a health care provider at the request of the patient for the purpose of continuing medical care.

(3) The facility or provider may charge a patient or the patient's representative no more than the actual cost of reproduction of an X-ray. Actual cost means the cost of materials and supplies used to duplicate the X-ray and the labor and overhead costs associated with the duplication.

(B) Except for those requests for medical records pursuant to Section 42-15-95:

(1) A health care facility shall comply with a request for copies of a medical record:

(a) no later than forty-five days after the patient has been discharged or forty-five days after the request is received, whichever is later; and

(b) in a printed format or in an electronic format if requested to be delivered in electronic format, but only if the record is stored in an electronic format at the time of the request and the health care facility has the ability to produce the medical record in an electronic format without incurring additional cost.

(2) Nothing in this section may compel a health care facility to release a copy of a medical record prior to thirty days after discharge of the patient.”

**Rights of patient or representative, legal representative specified**

SECTION 2. Section 44-115-30 of the 1976 Code is amended to read:

“Section 44-115-30. A patient or his legal representative has a right to receive a copy of his medical record, or have the record transferred to another physician, upon request, when accompanied by a written authorization from the patient or his legal representative to release the record. The patient or his legal representative is entitled to receive a copy of the record either in a printed format or an electronic format but only if the record is stored in an electronic format at the time of the request and the physician or other owner of the record has the ability to produce the medical record in an electronic format without incurring additional cost.”

**Obligations of physicians, health care providers, and other record owners, fees**

SECTION 3. Section 44-115-80 of the 1976 Code is amended to read:

“Section 44-115-80. (A) A physician, or other owner of medical records as provided for in Section 44-115-130, may charge a fee for the search and duplication of a paper or electronic medical record, but the fee may not exceed:

(1) Sixty-five cents per page for the first thirty pages provided in an electronic format and fifty cents per page for all other pages provided in an electronic format, plus a clerical fee not to exceed twenty-five dollars for searching and handling, which combined with the per page costs may not exceed one hundred fifty dollars per request, but to which may be added actual postage and applicable sales tax. The search and handling fee is permitted even though no medical record is found as a result of the search, except where the request is made by the patient.

(2) Sixty-five cents per page for the first thirty printed pages and fifty cents per page for all other printed pages, plus a clerical fee not to exceed twenty-five dollars for searching and handling, which combined with the per page print costs may not exceed two hundred dollars per request, and to which may be added actual postage and applicable sales tax. The search and handling fee is permitted even though no medical record is found as a result of the search, except where the request is made by the patient.

(3) All fees allowed by this section, including the maximum, must be adjusted annually in accordance with the Consumer Price Index for all Urban Consumers, South Region (CPI-U), published by the U.S. Department of Labor. The Department of Health and Environmental Control is responsible for calculating this annual adjustment, which is effective on July first of each year, starting July 1, 2015.

(B) A physician, health care provider, or other owner of medical records must provide a patient's medical records at no charge when the patient is referred by the physician, health care provider, or an employee, agent, or contractor of the owner of the record to another physician or health care provider for continuation of treatment for a specific condition or conditions.

(C) The physician may charge a patient or the patient's legal representative no more than the actual cost of reproduction of an X-ray. Actual cost means the cost of materials and supplies used to duplicate the X-ray and the labor and overhead costs associated with the duplication."

**Scope of term**

SECTION 4. Chapter 115, Title 44 of the 1976 Code is amended by adding:

"Section 44-115-15. For purposes of this chapter, 'medical records' includes the patient's medical bills."

**Time effective**

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 20<sup>th</sup> day of June, 2014.

Approved the 23<sup>rd</sup> day of June, 2014.

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## No. 295

(R329, H4665)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-13-185 SO AS TO REQUIRE A CHILDCARE FACILITY TO OBTAIN PARENTAL PERMISSION TO ADMINISTER MEDICATION TO A MINOR CHILD BEFORE ADMINISTERING THE MEDICATION, TO PROVIDE FOR EXCEPTIONS TO THE REQUIREMENT, AND TO CREATE CRIMINAL PENALTIES; TO AMEND SECTION 63-13-80, RELATING TO DEPARTMENT OF SOCIAL SERVICES' VISITS TO CHILDCARE CENTERS AND GROUP HOMES, SO AS TO APPLY ALSO TO FAMILY CHILDCARE HOMES, TO ALLOW THE DEPARTMENT TO CONDUCT ANNUAL UNANNOUNCED VISITS, AND TO REQUIRE THE DEPARTMENT TO CONDUCT AN INVESTIGATION UPON RECEIPT OF A COMPLAINT; AND TO AMEND SECTION 63-13-840, RELATING TO VISITS TO FAMILY CHILDCARE HOMES UPON RECEIPT OF A CONCERN, SO AS TO PROVIDE REQUIREMENTS FOR THE INVESTIGATION OF A COMPLAINT.

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

**Childcare facility medication administration to children**

SECTION 1. Article 1, Chapter 13, Title 63 of the 1976 Code is amended by adding:

“Section 63-13-185. (A) For purposes of this section, ‘medication’ means a drug that may be obtained with or without a prescription, excluding a topical ointment obtained without a prescription.

(B) It shall be unlawful for a director, owner, operator, caregiver, employee, or volunteer of a childcare facility to administer medication to a child under the care of the facility unless:

(1) the parent or guardian of the child has submitted to the childcare facility prior to the administration of the medication a signed and dated parental consent form that authorizes the facility to administer the medication to the child, and the authorization is for not longer than one year;



(2) the medication is administered as stated on the label directions, or as amended in writing by the child's health care provider; and

(3) the medication is not expired.

(C) Notwithstanding subsection (B), a director, owner, operator, caretaker, employee, or volunteer of a childcare facility may administer medication to a child without a signed authorization if the parent or guardian:

(1) submits to the facility an authorization in an electronic format that is capable of being viewed and saved; or

(2) authorizes the childcare facility by telephone to administer a single dose of a medication.

(D) This section does not apply to a person who administers a medication as prescribed, directed, or intended, to a child, when that person has a good faith belief the child is suffering from a medical emergency and administering medication would prevent the death or serious injury of the child.

(E) A childcare facility shall maintain in each child's record all written documentation and records of verbal communication that confirm parental or guardian permission to administer medication to the minor child as required pursuant to this section.

(F) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, may be imprisoned for up to one year or fined not more than two thousand dollars, or both."

**Department of Social Services' unannounced inspections and investigations of childcare centers, group childcare homes, and family childcare homes**

SECTION 2. Section 63-13-80(A) of the 1976 Code is amended to read:

"(A) In exercising the powers of licensing, approving, renewing, revoking, or making provisional licenses and approvals, the department shall investigate and inspect licensees and approved operators and applicants for a license or an approval. The authorized representative of the department may visit a childcare center, group childcare home, or family childcare home anytime during the hours of operation without prior notice once a year for purposes of investigations and inspections. In conducting investigations and inspections, the department may call on political subdivisions and governmental agencies for appropriate assistance within their authorized fields. The

inspection of the health and fire safety of childcare centers and group childcare homes must be completed upon the request of the department by the appropriate agencies (i.e., Department of Health and Environmental Control, the Office of the State Fire Marshal, or local authorities). Inspection reports completed by state agencies and local authorities must be furnished to the department and become a part of its determination of conformity for licensing and approval. After careful consideration of the reports and consultation where necessary, the department shall assume responsibility for the final determination of licensing, approving, renewing, revoking, or making provisional licenses and approvals. However, upon receipt of a regulatory complaint, the department shall conduct an unannounced inspection of the facility to investigate the complaint. If the complaint is written, the department shall provide a copy to the director upon request.”

**Requirements of Department of Social Services’ inspections of family childcare homes**

SECTION 3. Section 63-13-840 of the 1976 Code is amended to read:

“Section 63-13-840. (A) When the department visits a family childcare home for purposes of an inspection or investigation pursuant to Section 63-13-80(A), it shall conduct the review to ensure the facility complies with the following:

- (1) health and safety of the children;
- (2) no evidence of child abuse; and
- (3) enrollment within the limits set forth in this chapter.

(B) If a complaint received by the department concerning a family childcare home pursuant to Section 63-13-80 indicates that the child has been abused, the department shall carry out its responsibility as authorized under Chapter 7. If the visits and inspections verify conditions detrimental to the health and safety of the children or overenrollment, the department shall carry out its responsibility as authorized pursuant to Section 63-13-160 and Section 63-13-830(C).”

**Time effective**

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

Ratified the 20<sup>th</sup> day of June, 2014.

Approved the 23<sup>rd</sup> day of June, 2014.

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No. 296

(R314, S813)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-11-625 SO AS TO PROVIDE A PERSON WHO, WITHOUT LEGAL CAUSE OR GOOD EXCUSE, ENTERS A PUBLIC LIBRARY AFTER HAVING BEEN WARNED BY THE LIBRARY DIRECTOR, BRANCH MANAGER, OR ACTING BRANCH MANAGER OF THE LIBRARY NOT TO DO SO IS GUILTY OF A MISDEMEANOR TRIABLE IN A MUNICIPAL OR MAGISTRATES COURT, TO PROVIDE PROCEDURES FOR A WRITTEN WARNING AND FOR APPEALING THE WARNING, AND TO PROVIDE THE PROVISIONS OF THIS SECTION MUST BE CONSTRUED AS IN ADDITION TO, AND NOT AS SUPERSEDING, ANOTHER STATUTE RELATING TO TRESPASS OR UNLAWFUL ENTRY ON LANDS OF ANOTHER.**

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

**Public library trespass, warning, appeal, penalties**

SECTION 1. Article 7, Chapter 11, Title 16 of the 1976 Code is amended by adding:

“Section 16-11-625. (A)(1) A person who enters a public library, without legal cause or good excuse, after having been warned not to do so by the library director, the branch manager, or the acting branch manager of the library in consultation with the library director is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or be imprisoned not more than thirty days.

(2) A copy of the warning provided for by subsection (A)(1) must be given to the person in writing, in the presence of a law enforcement officer, and must state:

(a) the alleged criminal law violation or the alleged violation of the library's code of conduct promulgated by the library's board of trustees under the authority provided by Section 4-9-37(b);

(b) the duration of the prohibition to return; and

(c) the procedure by which the person may appeal the warning to the library board of trustees. The person receiving notice of trespass wishing to appeal the notice must submit a request for a hearing to the board within five business days of receiving the notice. The board of trustees of the library must then provide a hearing within ten business days of the request for an appeal.

(B) A violation of the provisions of this section is triable in the appropriate municipal or magistrates court with jurisdiction over the offense. Any law enforcement officer of this State or a subdivision of this State may enforce the provisions of this section within their respective jurisdictions.

(C) The provisions of this section must be construed as in addition to, and not as superseding, another statute relating to trespass or unlawful entry on lands of another."

#### **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.

Ratified the 9<sup>th</sup> day of June, 2014.

Vetoed by the Governor -- 6/13/14.

Veto overridden by Senate -- 6/19/14.

Veto overridden by House -- 8/27/14.

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JAMES H. HARRISON  
Code Commissioner  
P. O. Box 11489  
Columbia, S.C. 29211